

IRAQ'S WEAPONS OF MASS DESTRUCTION PROGRAMS

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

A REPORT ON IRAQ'S WEAPONS OF MASS DESTRUCTION
PROGRAMS



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THE WHITE HOUSE,
Washington, August 24, 1999.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 585(c) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999, as contained in the Omnibus Appropriations Act of 1999 (Public Law 105-277) (the "Act"), I hereby transmit a report concerning Iraq's weapons of mass destruction programs.

The report is comprised of three sections that provide the information required by section 585(c) of the Act, to the extent that such information is available: assessment of Iraq's nuclear and other weapons of mass destruction programs and its efforts to move toward procurement of nuclear weapons and the means to deliver weapons of mass destruction; assessment of the International Atomic Energy Agency's (IAEA) action team reports, and other IAEA efforts to monitor the extent and nature of Iraq's nuclear program; and an opinion on the value of maintaining the ongoing inspection regime rather than replacing it with a passive monitoring system.

Sincerely,

WILLIAM J. CLINTON.

REPORT ON IRAQI DEVELOPMENT OF WEAPONS OF MASS DESTRUCTION
Report Required Under Section 585 (c) of the Foreign
Operations, Export Financing, and Related Programs
Appropriations Act, 1999, as enacted in P.L. 105-277

Section 585 (c) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999, as enacted in P.L. 105-277, requires the President to submit a report to the Congress concerning three issues related to Iraq's development of weapons of mass destruction:

- (1) an assessment of Iraq's nuclear and other weapons of mass destruction programs and its efforts to move toward procurement of nuclear weapons and the means to deliver weapons of mass destruction;
- (2) an assessment of the United States view of the International Atomic Energy Agency's action team reports and other IAEA efforts to monitor the extent and nature of Iraq's nuclear program; and
- (3) the United States Government's opinion on the value of maintaining the ongoing inspection regime rather than replacing it with a passive monitoring system.

The following addresses each of these issues:

1. Iraq's nuclear and other weapons of mass destruction programs and its efforts to move toward procurement of nuclear weapons and the means to deliver weapons of mass destruction.

Weapons of Mass Destruction (WMD) and their Delivery
Systems Policy and Redlines:

Some eight years after the Gulf War and Saddam Hussein's defiance of the international community, we are under no illusions that Iraq, under Saddam Hussein, will comply with UNSC resolutions on disarmament, human rights, accounting for POWs, and the return of stolen property.

Our policy of containment plus regime change is designed to secure the interests of the citizens of Iraq

and its neighbors from an aggressive and hostile regime, while UN sanctions help prevent Saddam Hussein from reconstituting his military or WMD capabilities. We maintain robust forces in the region, which we have made clear we are prepared to use, should Saddam cross our well-established redlines: should he rebuild his WMD, should he strike out at his neighbors, should he challenge allied aircraft in the no-fly-zones, or should he move against the people living in the Kurdish controlled areas of Northern Iraq.

Reconstitution of WMD and missiles -- Iraqi Activities:

U.S. National Technical Means can provide information on Iraqi facilities associated with WMD, but there are limits to what insights can be gained. This underscores the need for an effective UN inspector presence in-country. UN inspectors on the ground identified and destroyed many items that U.S. intelligence assets could not detect or identify. Getting UN inspectors on the ground in Iraq under conditions that permit them to do the job given to them by the Security Council would give greater confidence to us on deterring, detecting and reversing Iraqi reconstitution. Without Iraqi cooperation, however, we will use the means at our disposal to detect and deal with reconstitution.

Reconstitution of WMD and Missiles - United States Government Response:

The United States Government is continuing to refine its knowledge of Iraqi weapons programs. We continue to update the list of dual-use items that Iraq should not be allowed to acquire without monitoring, and we continue to assist the UNSCOM/IAEA joint unit in refining its export/import mechanism. The United States Government continues to provide analytic support to UNSCOM and IAEA to help those agencies monitor the Iraqi target. Upon request we have provided classified briefings to UNSCOM and the IAEA on certain WMD-related sites affected by Desert Fox.

The American intelligence community will continue to focus its capabilities on Iraqi activities, and will continue to monitor all information received regarding

possible efforts by Iraq to reconstitute WMD. Saddam Hussein has shown no hesitation in developing WMD in the past, and it is only prudent to assume that he is still intent on such development.

We are concerned by activity at Iraqi sites known to be capable of producing WMD and long-range ballistic missiles, as well as by Iraq's long-established practice of covert procurement activity that could include dual-use items with WMD applications. In the absence of UN inspectors on the ground to carry out the existing Security Council mandate, our concerns about the potential meaning of these activities will persist.

a. Nuclear Weapons:

The United States Government continues to work with the IAEA and United Nations member nations to prevent Iraq from acquiring any items which could support development of its nuclear weapons program.

As of December 1998, Iraq did not have the physical capability to produce fissile material in sufficient quantities to produce nuclear weapons. At the same time, we cannot rule out continued Iraqi nuclear weapons research. Research, as opposed to production of fissile material, would be difficult to detect even under strict monitoring. Unresolved issues include incomplete Iraqi documentation about its enrichment, weapons design, procurement, and foreign assistance; and information on its concealment mechanism, the abandonment of the nuclear program, and an alleged offer of foreign assistance. In addition, Iraq has not, as required, passed penal legislation prohibiting activities contrary to UNSCR 687 (production, possession or procurement of WMD).

b. Chemical Weapons:

As of December 1998, UNSCOM reporting provides an accurate assessment concerning Iraq's chemical programs as we understand them. We agree with the lists of priority CW issues shown in reports to the Security Council by both UNSCOM and the Amorim Disarmament Panel. On discrepancies in the material balance of chemical munitions, Iraq continues its refusal to account for a falsely-reported expenditure of some 6,000 chemical munitions, for the disappearance of 550 artillery shells filled with mustard

agent, and for an inaccurate accounting of R-400 aerial CW bombs. Concerning VX, UNSCOM has stated that the amount of VX Iraq produced has yet to be verified and that Iraq has yet to admit to its weaponization of VX into missiles. Concerning the material balance of chemical weapons production equipment, the Commission stated that the disposition of eighteen shipping containers remains to be verified; it is known that two containers held nearly 200 pieces of glass-lined production equipment.

c. Biological Weapons:

The UNSCOM and Amorim reports note that, in the biological weapons area, priority issues begin with Iraq's failure at a fundamental level to provide an accurate declaration of its BW program; Iraq has submitted several declarations, all found to be incomplete. Iraq has not accounted for materials and items that may have been used or acquired for such a program. The result of these failures is that the scope of priority issues for disarmament covers all aspects of Iraq's BW program. Iraq retains the industrial capability and knowledge base to develop BW agents quickly.

d. Long-Range Missiles:

Priority issues include proscribed missile warheads such as special CBW-capable warheads (including those filled with VX) and conventional warheads. Also outstanding are single-use liquid missile propellant and indigenous missile production, including seven complete missiles and their major components.

A fuller identification of the priority issues for resolving questions concerning the chemical, biological and missile programs in Iraq, in paragraphs 21-41 of the detailed report prepared by UNSCOM in January 1999, may be found attached as the appendix to this report.

2. The IAEA action team reports and other IAEA efforts to monitor the extent and nature of Iraq's nuclear program.

We concur with the IAEA's assessment that Iraq does not possess the capability to produce enough fissile material for a nuclear weapon. We also note that Iraq has not provided the IAEA with documentary evidence of a

political decision to discontinue the nuclear weapons program. Iraq is obligated by UNSCOM's and the IAEA's ongoing monitoring and verification (OMV) plans (approved by UNSCR 715) to enact penal legislation prohibiting activities contrary to UNSCR 687 (e.g., possession of WMD). Although Iraq has acknowledged this obligation, to date Iraq has not yet implemented this requirement in domestic law.

The IAEA believes that Iraq continues to withhold information about centrifuge enrichment, foreign procurement, weapons design, and the role of Iraq's security and intelligence services in obtaining external assistance and coordinating postwar concealment. Iraq continues to deny the existence of additional documentation on the technical achievements of its nuclear program, particularly its weapons design and centrifuge enrichment programs.

We encourage the IAEA action team to pursue the unanswered questions posed by the gaps in Iraq's nuclear declarations. Answers to these questions will help enable the IAEA to verify Iraq's declarations, will add a higher degree of confidence to the IAEA's findings, and will allow greater confidence in the execution of the IAEA's OMV plan.

The IAEA is also working with UNSCOM to tighten import/export monitoring related to Iraq. The United States is actively supporting this effort. For example, in October we supplied a nuclear advisor to UNSCOM who works with the IAEA in this area.

The IAEA is also investing other means to increase the chances of detecting Iraqi efforts to reconstitute its program, including the use of mobile sensors vehicles and increased use of aerial surveillance platforms.

3. The value of maintaining the ongoing inspection regime rather than replacing it with a passive monitoring system.

Iraq has failed to complete its disarmament obligations under relevant Security Council resolutions. The United States Government insists that Iraq must comply with these disarmament obligations, and that existing resolutions are the proper legal basis upon which to verify if and when Iraq complies. As noted above, Iraqi evasions

have made it impossible for UNSCOM to establish an accurate baseline of information, especially in the chemical, biological, and missile areas. In the absence of a credible baseline, it is not feasible to transition from an inspection regime to a monitoring regime. Were Iraq to comply faithfully with its obligations, an active monitoring regime could be conceived.

Neither UNSCOM's nor the IAEA's long-term monitoring programs are "passive." The long-term monitoring plans adopted under UNSC 715 delineate UNSCOM and IAEA rights, as well as Iraq's obligations. Our position has been consistent and clear since 1991: there must be expert UN weapons inspectors on the ground, with full Iraqi cooperation as required under Security Council resolutions for us to have confidence that there is credible arms control in Iraq.

The IAEA's Director General, Mohammed ElBaradei, has made clear that in order to be effective, the IAEA's OMV plan must be comprehensive and intrusive. Under the OMV plans, UNSCOM and IAEA inspectors continue to have the right to immediate, unconditional, and unrestricted access at any time to all sites, including documentation which, in their judgment, is necessary to fulfill their respective mandates. Inspectors will still be able to ask questions of facility personnel, gather environmental samples, take pictures and set up monitoring cameras. Both UNSCOM and the IAEA are authorized to report any violations to the Security Council.

Maintaining an intrusive long-term monitoring regime will be critical to detecting an Iraqi effort to reconstitute its WMD programs. Continued, intensive vigilance of Iraqi efforts to acquire materials useful to WMD development will also be key, as will continued U.S. support to UNSCOM and the IAEA.

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LETTER DATED 27 JANUARY 1999 FROM THE PERMANENT REPRESENTATIVES
OF THE NETHERLANDS AND SLOVENIA TO THE UNITED NATIONS ADDRESSED
TO THE PRESIDENT OF THE SECURITY COUNCIL

For the sake of greater transparency and for the benefit of all Members of the United Nations, we should be grateful if you would have the text of the reports drawn up by the Special Commission on the current state of affairs with respect to the disarmament of Iraq's proscribed weapons and on ongoing monitoring and verification in Iraq, dated 25 January 1999, circulated as a document of the Security Council.

(Signed) Danilo TÜRK
Ambassador
Permanent Representative of
the Republic of Slovenia to
the United Nations

(Signed) Peter van WALSUM
Ambassador
Permanent Representative of
the Kingdom of the Netherlands
to the United Nations

Annex

Letter dated 25 January 1999 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council

With this note, I have the honour to forward to you two reports drawn up by the Special Commission: one on the current state of affairs with respect to the disarmament of Iraq's proscribed weapons; the other on ongoing monitoring and verification in Iraq. It is thought that these materials may be useful to members of the Council.

(Signed) Richard BUTLER

disclosure and upon the Commission the duty to verify those disclosures. Were a reversal of these obligations to be accepted, the possibility of serious error would be high as it is Iraq which controls access to the most fundamental information. The Commission remains convinced that Iraq has the capacity to provide credible information thus allowing the Commission to have confidence in an accurate declaration, when it is provided.

20. Notwithstanding the fundamental sources of difficulty described above, and building on both its past achievements and the substantial body of knowledge of Iraq's proscribed programmes the Commission assembled, in June of 1998, and indicated, first to the Security Council and then to Iraq, what it believed to be the remaining priority issues in disarmament, in particular as regards proscribed weapons. This reflected the Commission's understanding of the desire of the Council to focus on selected important parts of the requirements of its resolutions. The methodology used in drawing up this list was to focus on unaccounted proscribed weapons and to set aside other aspects such as fully verifying production capacities, research activities, etc. Satisfactory resolution of the specific "priority issues" would make it easier to conclude that other unverified elements were of lesser substantive importance. Conversely, the inability of Iraq to satisfy these issues would point to more ominous explanations for other unverified parts of Iraq's declarations. Whether these other parts will ultimately be addressed is an open question, but one which has a direct bearing upon confidence in future monitoring.

PRIORITY ISSUES

21. In the view of the Commission, a correct understanding of the nature of the list of priority issues is essential. It should rest on the following considerations.
22. First, these remaining issues must be resolved as they are the necessary conditions for an acceptable material balance in each of the three weapons areas for which the Commission is responsible.
23. Secondly, it should be noted that, even if full resolution was able to be made of these priority issues, this would not mean that there had been a full accounting of all of the proscribed materials and activities listed in paragraphs 8 and 9 of section C of resolution 687 (1991), as summarized in paragraph 2 of this report. However,

their full accounting would considerably increase the level of confidence of the Commission's overall verification.

24. Thirdly, if the priority issues are not able to be satisfactorily resolved, then it is likely that the settlement of so-called non-priority outstanding issues will assume a greater importance in achieving confident verification.

25. Finally, the implications of not achieving a credible resolution of the priority disarmament issues needs to be considered, both with respect to the assessment of Iraq's compliance, as well as its implications for the system of ongoing monitoring and verification.

Priority issues in the missile area

Proscribed Missile Warheads

Special Warheads

26. Analysis at the laboratories designated by the Commission has detected the presence of degradation products of nerve agents, in particular VX, on a number of warhead remnants which had been excavated at the sites of the unilateral destruction. The October 1998 meeting of international experts convened by the Commission concluded that "the existence of VX degradation products conflicts with Iraq's declarations that the unilaterally destroyed special warheads had never been filled with any chemical warfare agents. The findings by all three laboratories of chemicals known to be degradation products of decontamination compounds also do not support Iraq's declarations that those warhead containers had only been in contact with alcohols." Clarification by Iraq of these issues as recommended by the meeting would allow the Commission to make a determination whether or not the current assessment of the quantity of special warheads identified amongst the remnants excavated, accounts for all special warheads declared to have been produced by Iraq and provides for the verification of their unilateral destruction.

27. The Commission found that Iraq's explanations on procedures and methods of unilateral destruction of the special warheads were, in general, plausible. In one aspect related to the destruction of BW warheads, the Commission, after consulting a group of international experts, assessed that Iraq's declaration that 15 warheads

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had been destroyed simultaneously conflicted with physical evidence collected at the declared location of their unilateral destruction. This finding indicated that not all BW warheads had been destroyed at the same time as claimed by Iraq and that Iraq had retained some BW warheads after the date of the declared July 1991 unilateral destruction. Obviously, any retained warheads after the declared destruction date would be an indication that not all proscribed missiles for such warheads were destroyed as claimed by Iraq. The discrepancies between Iraq's declarations and the physical evidence collected need to be resolved. In addition, the Commission's investigations showed that, despite repeated attempts, Iraq had not provided the true locations of the hiding, immediately prior to the declared unilateral destruction, of at least half of the special warheads including abovementioned 15 BW warheads. Iraq's continuous inability to disclose hide sites of the special warheads has also prevented the Commission from verification of the declared unilateral destruction of the special warheads.

Conventional warheads

28. The full and verifiable accounting for proscribed missile conventional warheads remains outstanding in the verification of the premise that Iraq has not retained any holding of proscribed missiles and that all proscribed missiles and their warheads indeed had been destroyed. Issues related to remnants of warheads that have not been recovered, but which have been declared by Iraq as unilaterally destroyed (some 25 imported warheads and some 25 Iraqi manufactured warheads), remain unresolved in the accounting of proscribed warheads that Iraq claimed to have destroyed unilaterally. Iraq has not provided a definite explanatory statement for the Commission to be able to determine the reasons why no remnants to account for some 50 warheads declared as unilaterally destroyed, were recovered.

Proscribed Single-Use Liquid Missile Propellant

29. The full accounting for imported proscribed missile propellants is outstanding. Any retention of such propellants would be an indication that not all proscribed missiles were destroyed as claimed by Iraq. The propellants at issue are used exclusively for such proscribed missiles only. Documents, including an inventory list on their declared unilateral destruction, requested by the Commission, have not been made available by Iraq to support its declaration on the quantities (over 500 tonnes) of proscribed propellants it claims to have destroyed unilaterally.

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Proscribed Indigenous Missile Production

Complete missiles

30. An inventory of proscribed missiles that Iraq declared as destroyed unilaterally contained a reference to seven indigenously produced missiles which were in possession of the Army in 1991. No remnants which could prove such destruction, have been recovered. The Commission has not been able to verify the nature and destruction of these missiles and repeatedly requested Iraq to confirm, through physical evidence, the declared unilateral destruction of these seven missiles. The verification in this area is considered essential as it might involve operational missiles produced indigenously by Iraq. The November 1997 Emergency Session of the Commission determined that the accounting for these seven missiles was one of the priority requirements.

Major components

31. It should be noted that due to the methods used by Iraq for the declared unilateral destruction and lack of supporting documentation made available by Iraq, the verifiable material balance of major proscribed components for indigenous missile production could not be established, or that this work would take a prolonged period of time. Iraq is required to provide, *inter alia*, unambiguous physical evidence of the unilateral destruction of combustion chamber/nozzle assemblies for indigenously produced missiles and documentary evidence sufficient for complete accounting of all indigenously produced major missile parts and for verification of their unilateral destruction.

Priority issues in the chemical weapons area

Material Balance of Chemical Munitions

Expenditure of chemical munitions in the 1980s

32. In July 1998 during an inspection the Commission found a document which detailed the consumption of special munitions by Iraq in the 1980s. Iraq took the document from the Chief Inspector and did not return it to the Commission despite

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demands by Security Council that it do so. The figures in this document indicate serious discrepancies with Iraq's declarations on the expenditure of CW-munitions in the 1980s. According to this document, Iraq consumed about 6,000 chemical aerial bombs less than it is stated in its declarations. This invalidates the starting point of the Commission's accounting for chemical weapons which remained in 1991. The provision by Iraq of this document together with clarifications of the discrepancies is required to increase the degree of confidence with respect to Iraq's declarations of chemical weapons which remained in Iraq in 1991 and their disposition.

550 Artillery shells filled with Mustard

33. Iraq declared that 550 shells filled with mustard had been "lost" shortly after the Gulf War. To date, no evidence of the missing munitions has been found. Iraq claimed that the chemical warfare agents filled into these weapons would be degraded a long time ago and, therefore, there would be no need for their accounting. However, a dozen mustard-filled shells were recovered at a former CW storage facility in the period 1997-1998. The chemical sampling of these munitions, in April 1998, revealed that the mustard was still of the highest quality. After seven years, the purity of mustard ranged between 94 and 97%. Thus, Iraq has to account for these munitions which would be ready for combat use. The resolution of this specific issue would also increase confidence in accepting Iraq's other declarations on losses of chemical weapons which it has not been possible to verify.

R-400 Aerial Bombs

34. Among 1,550 R-400 bombs produced by Iraq, more than 1,000 bombs were declared as destroyed unilaterally by Iraq, including 157 bombs stated as having been filled with biological warfare agents. The accounting for about 500 bombs unilaterally destroyed has not been possible due to the state and extent of their destruction. In order to bridge the gap, the Commission asked Iraq to provide documentation on the disposition of the parachute tail sections of R-400 bombs. The accounting for these components would enable the Commission to verify the maximum number of R-400 bombs, which Iraq could have produced. Though this would not solve the specific issue of the quantity and composition of BW bombs, including allocation of BW agents, it may facilitate the final accounting for the chemical R-400 bombs. Iraq presented the information sought on the disposition of

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tail sections but field inspection activities are still required to verify the full accounting for these weapons.

Accounting for the Production of the Chemical Warfare Agent VX

35. The degree of verification achieved is not satisfactory. Iraq declared that it had produced a total of 3.9 tonnes of VX. Iraq provided documents on production in 1988, but failed to provide verifiable evidence for its activities in 1990. Iraq also denies that it weaponized VX. Sampling by the Commission of special warheads has thrown significant doubt upon this claim. Iraq needs to provide verifiable evidence and clarifications to support its declarations on the production and weaponization of VX. Technical meetings with the Iraqi specialists and field verification are required.

Material Balance of CW-Production Equipment

36. One hundred and ninety-seven pieces of glass CW production equipment were removed by Iraq from its prime CW facility prior to the Commission's arrival in 1991 and were repeatedly moved in shipping containers between several facilities throughout Baghdad until 1996. This production equipment from two of 20 shipping containers was destroyed under the Commission's supervision in 1997. To ensure that all CW production equipment removed from the CW facility has been accounted for, the Commission requested Iraq to provide its clarifications on their movement. Iraq presented such clarifications in July 1998. Field verification is still required to increase the degree of confidence that all equipment has been accounted for.

Priority issues in the biological weapons area

37. Since the adoption of Security Council resolution 687 (1991) in April 1991 and until July 1995, Iraq denied that it had had any proscribed biological warfare (BW) activities. Based on the results of its inspection and verification activities, the Commission assessed and reported to the Council in its report of April 1995, that Iraq had not provided an account of its proscribed biological programme nor accounted for materials and items that may have been used or acquired for such a programme. The Commission stated that with Iraq's failure to account for the use of these items and materials for legitimate purposes, the only conclusion that can be

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drawn is that there is a high risk that they had been purchased and used for a proscribed purpose - acquisition of biological warfare agent. Iraq was provided with evidence collected by the Commission. On 1 July 1995, Iraq, for the first time, acknowledged that it had had an offensive BW programme but still denied any weaponization. Subsequently, in August 1995, after the departure from Iraq of Lt. Gen. Hussein Kamel Hassan, Iraq admitted that it had weaponized BW agents and deployed biological weapons for combat use.

38. Since August 1995, Iraq has submitted a number of "Full, Final and Complete Disclosures" (FFCD) of its declared BW programme. These declarations have been assessed by the Commission and by international experts as incomplete, inadequate and containing substantial deficiencies. They were not accepted as a full account of the scale and the scope of Iraq's BW programme. This refers in particular to weaponization of produced BW agents, bulk BW agent production and acquisitions for the BW programme.

39. In the Commission's view, Iraq has not complied with requirements of the relevant Security Council resolutions on the disclosure of its biological warfare programme. A full, complete and verifiable disclosure of all its biological weapons activities needs to be presented by Iraq.

40. Because Iraq has failed to disclose fully, the scope and nature of its BW programme, the priority issue in this weapons area involves the whole scope of the BW programme. This means that Iraq must furnish a complete and verifiable disclosure as a matter of absolute first priority. The Commission would then need to assess and verify that disclosure.

41. Finally, it needs to be recognised that Iraq possesses an industrial capability and knowledge base, through which biological warfare agents could be produced quickly and in volume, if the Government of Iraq decided to do so.