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Moving Beyond Treaty Regimes to Control Weapons of Mass Destruction

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No one knows better than those who have worked to control biological weapons that it is time to move beyond treaty regimes. The arms treaties we have must be preserved, of course—they embody central norms and provide critical tools—but we urgently need to supplement the treaties with additional measures that are in tune with the current international situation.

One such possibility has just been put to the test: the international weapons inspections and sanctions imposed by the Security Council to prevent the development and production of weapons of mass destruction (WMD) by Iraq.

Since the second Gulf War, four US teams have searched Iraq for the weapons that were confidently predicted to be there: first, Force 20, a pre-invasion covert team; then, the Site Survey Teams that accompanied the invading forces, and the 75th Exploitation Task Force, a large, rear-echelon operation; and, finally, the Iraq Survey Group (ISG), with 1400 specialists and high-tech backup. The ISG issued a three-month progress report on October 2. In Congressional testimony the next day, Chief Inspector David Kay stated that “we have not yet found stocks of weapons” of mass destruction of any kind. Although biological weapons (BW) were a major initial focus of the ISG, they found only some weak evidence of biological research that *might* have been intended for maintaining expertise that could be used in the future to revive a BW program. Doubt has already been cast by government experts on even that evidence, because the agents involved are not good BW candidates, and some are endemic problems in Iraq that need to be studied for public health reasons. Senior Iraqi officials have told investigators that the BW program was dropped. As for chemical weapons (CW), the Iraq Survey Group reported obtaining multiple evidence that Iraq’s CW capacity was, in the words of David Kay, “reduced—if not entirely destroyed—during [the earlier military] Operations Desert Storm and Desert Fox and 13 years of UN sanctions and UN inspections.” They also found no evidence for any significant steps to produce nuclear weapons or fissile materials after 1991.

The Iraq Survey Group report echoes the UNMOVIC and IAEA findings. The two UN teams were unable to find any convincing evidence for weapons of mass destruction in the approximately 1000 inspections they conducted before they were prematurely pulled out of Iraq. It appears that, indeed, the Security Council’s sanctions and inspections were

remarkably effective. What a top US official called “the most intrusive system of arms control in history” turned out to be an unexpected success.

Furthermore, we now know that the UN inspections have been the one reliable source of intelligence about Iraqi weapons of mass destruction. The inspections not only produced valuable information directly; they also induced Iraqi movements to evade the inspectors, which could be monitored by national technical means. According to the New York Times, intelligence and other officials they recently interviewed described the CIA and the White House as essentially blinded after the UNSCOM inspectors were withdrawn in 1998. “Once the inspectors were gone it was like losing your GPS guidance” said one official. “We had to go back to what we knew in ’98” and extrapolate from evidence that was five years old or more.

So, the use of sanctions and inspections by the Security Council has been shown to have worked in the case of Iraq. What about the other places where similar concerns are troubling the international community? The Security Council *needs* a *permanent* body of experts on weapons of mass destruction and missiles that it can call upon for professional advice and rapid action when the need arises—an international body with proven credibility and effectiveness. Kofi Annan said on September 23 that there is an urgent need for the Security Council to regain the confidence of world opinion by demonstrating its ability to deal effectively with the most difficult issues. Inspections and sanctions have proved to be effective tools. They must be retained.

A permanent body of experts, with a structure based on past experience with UNSCOM and UNMOVIC, should be established without delay and should retain the demonstrated expertise of UNMOVIC. Waiting for the next crisis before acting will only result in a wasteful expenditure of time, money and political effort. It is important for the new body to be controlled by the Security Council; only a multilateral body that acts with the imprimatur of the big powers can make inspections an effective tool.

Although the Secretary General has the authority to launch investigations, they are limited to investigation of the alleged *use* of biological or chemical weapons. It is quite certain the Secretary General would not take such action without the approval of the Security Council. Furthermore, in the absence of a standing inspectorate, he would have to rely on hastily-assembled ad hoc inspectors contributed by member states, with miscellaneous levels of training and no teamwork experience. Delays and suspicions of bias would be difficult to avoid.

For obvious reasons, a permanent body of experts should include, at the minimum, biological and missile expertise. On nuclear weapons, IAEA already has experience in working under the Security Council. On chemical weapons, there is no point in duplicating the inspectorate of the Organization for the Prohibition of Chemical Weapons (OPCW), but before OPCW could be called upon by the Security Council, advance agreement would be essential on a number of important issues such as: how to shift authority from the CWC States Parties to the Security Council; who shall bear the costs of inspections and have access to the information produced; how should inspection rules

be altered, when the inspectorate is not acting as an arm of the CWC. Thus, the permanent body should include a few experts who could address issues of this kind.

Activities suggested for the permanent body of experts include the following:

1. Maintaining a core staff of in-house experts, ready to leave within 24 hours if called upon;
2. Maintaining a roster of trained experts (UNMOVIC now has 354 from 55 countries) available on short notice to serve on contract as UN employees;
3. Maintaining an extensive database on inspection experience, including techniques used, problems encountered and outcomes;
4. Keeping abreast of new inspection and monitoring technology;
5. Developing guidelines for inspection and monitoring procedures and data analysis at different levels of intrusiveness that may be needed in different situations;
6. Developing databases on sites of potential concern, using open sources and satellite imagery monitoring.
7. Conducting periodic re-training and new training sessions and updates on new information acquired.

The Security Council could use the expert body to conduct voluntary inspections as well as mandatory ones, with the threat of international sanctions as a motivator. In some situations, the experts could be charged to work cooperatively with outside, ad hoc initiatives. They might be able to help protect potential victims or direct emergency responses in certain crises. Consideration should also be given to whether or how expert inspectors might play a role in dealing with non-state threats. The very existence of a permanent, standing body with an unlimited mandate, in the hands of the Security Council, is likely to exert a deterrent effect on the proliferation of weapons of mass destruction.