

III

FINDINGS AND RECOMMENDATIONS

The material assembled in Part II is a straightforward summary of the unclassified and declassified factual record. It stands on its own and can be mined for many purposes. Here we offer our view of the findings that emerge from this material, in the form of answers to the questions posed in Part I, followed by bulleted recommendations.

1. Did a WMD threat to U.S. and/or to global security exist in Iraq, and if so, precisely what was it?

Iraq's WMD programs represented a long-term security threat to the United States and to the region. Tables 3-6 summarize the key elements of what has been determined and what remains unknown at the close of 2003. They reveal that the threat as the war began lay not in stockpiles or active production of unconventional weapons, but in Iraq's long-standing determination to acquire such weapons, its scientific and technical resources (including facilities and human resources) to make them, and its demonstrated willingness to use chemical weapons. These constituted a long-term danger that could not be ignored or allowed to fester unaddressed. They did not, however, pose an immediate threat to the United States, the region, or global security.

With respect to nuclear and chemical weapons, the extent of the threat was largely knowable at the time. Although there was good reason to believe that Iraq maintained an interest in restarting a nuclear program, there was no evidence that it had actually done so. Iraq's nuclear program had been dismantled by inspectors after the 1991 war, and these facilities—unlike chemical or biological ones—tend to be large, expensive, dependant on extensive imports, and very difficult to hide “in plain sight” under the cover of commercial (that is, dual-use) facilities. The Bureau of Intelligence and Research of the Department of State concluded in its dissent to the October NIE that the evidence was “inadequate to support . . . a judgment” that the nuclear program had been restarted. Regarding how close Iraq might be to having a nuclear weapon, INR noted that it was impossible to “project a timeline for the completion of activities it does not now see happening.”

Regarding chemical weapons, Rolf Ekeus, Executive Chairman of UNSCOM from 1991 to 1997, has pointed out that UNSCOM found that “the large quantities of nerve agents discovered in storage in Iraq had lost most of their lethal property and were not suitable for warfare” *as early as 1991*. Because the regime found that it could not make chemical weapons with an acceptable shelf life,

Ekeus asserts, its policy was “to halt all production of warfare agents and to focus on design and engineering, with the purpose of activating production and shipping of warfare agents and munitions directly to the battlefield in the event of war.”¹¹⁷ Although the short shelf life of Iraq’s chemical agent was well known to UNSCOM chemists, it remains a question whether U.S. intelligence was aware of this fact.

The uncertainties were much greater with regard to biological weapons and missiles, particularly because biological agents are so easy to hide. The threat included dual-use or otherwise hidden production facilities, unaccounted-for growth media, unfilled munitions suitable for biological agent, and individuals with the requisite know-how to carry forward or restart the programs. Again, however, the real threat lay in what could be achieved in the future rather than in what had been produced in the past or existed in the present. The missile program appears to have been the one program in active development in 2002, including plans to produce prohibited ballistic missiles that could threaten the region, though not the U.S. homeland.

Against whom were these programs directed? Americans have assumed that since the United States and Iraq under Saddam Hussein were bitter enemies, the United States was the likely target. However, based on years of conversations with high-level Iraqi officials, Ekeus states flatly that “all four components of Iraq’s prohibited and secret WMD program were motivated and inspired by its structural enmity and rivalry with Iran” and were intended for use against that country or to suppress internal opposition. The recognition that its chemical weapons would be of no use against an opponent whose troops were equipped with protective gear, together with U.S. warnings of retaliation should they be used, was the reason, according to Iraq’s former foreign minister Tariq Aziz, that the regime did not use the chemical weapons it had abundantly available in the 1991 war.¹¹⁸ That Iran was the principal target does not mean, of course, that Iraq’s WMD might not someday have been used against the United States, its allies, or its interests. However, the question of

the regime’s own intent, as opposed to U.S. fears, remains highly pertinent. Although capabilities are easier for intelligence to assess, it is imperative to put as much rigor as can be brought to bear on judging an adversary’s intent.

2. Was there reason to believe that Saddam Hussein would turn over unconventional weapons or WMD capability to Al Qaeda or other terrorists?

The president presented this possibility as the ultimate danger and the centerpiece of his case for war. The most strongly worded of many such warnings came in the 2003 State of the Union speech: “Imagine those 19 hijackers with other weapons and other plans—this time armed by Saddam Hussein. It would take one vial, one canister, one crate slipped into this country to bring a day of horror like none we have ever known.” In fact, however, there was no positive evidence to support the claim that Iraq would have transferred WMD or agents to terrorist groups and much evidence to counter it.

Bin Laden and Saddam were known to detest and fear each other, the one for his radical religious beliefs and the other for his aggressively secular rule and persecution of Islamists. Bin Laden labeled the Iraqi ruler an infidel and an apostate, had offered to go to battle against him after the invasion of Kuwait in 1990, and had frequently called for his overthrow.¹¹⁹ The fact that they were strategic adversaries does not rule out a tactical alliance based on a common antagonism to the United States. However, although there have been periodic meetings between Iraqi and Al Qaeda agents, and visits by Al Qaeda agents to Baghdad, the most intensive searching over the last two years has produced no solid evidence of a cooperative relationship between Saddam’s government and Al Qaeda.

There were more than words for guidance. Terrorism expert Rohan Gunaratna has pointed out that the Iraqi regime had a long history of sponsoring terrorism against Israel, Kuwait, and Iran, providing money and weapons to these groups. Yet over many years Saddam did not transfer chemical, biological,

or radiological materials or weapons to any of them “probably because he knew that they could one day be used against his secular regime.”¹²⁰

In the judgment of U.S. intelligence, a transfer of WMD by Saddam to terrorists was likely only if he were “sufficiently desperate” in the face of an impending invasion. Even then, the NIE concluded, he would likely use his own operatives before terrorists.¹²¹

Even without the particular relationship between Saddam and bin Laden, the notion that any government would turn over its principal security assets to people it could not control is highly dubious. States have multiple interests and land, people, and resources to protect. They have a future. Governments that made such a transfer would put themselves at the mercy of groups that have none of these. Terrorists would not even have to use the weapons but merely allow the transfer to become known to U.S. intelligence to call down the full wrath of the United States on the donor state, thereby opening opportunities for themselves. Moreover, governments with the wherewithal to have acquired such weapons and the ambition to want them used are likely to have their own means of delivering them—through people who take orders. In the 1993 assassination attempt on former president George H. W. Bush, for example, Saddam relied on his own intelligence operatives. All in all, governments would have little to gain and perhaps everything to lose by giving their WMD to terrorists.

RECOMMENDATIONS

- ▶ **The questionable assumption that “evil” or “rogue” states are likely to turn over WMD, their most precious security assets, to terrorists was largely unexamined at the time of the war and remains so. Because of its enormous implications for U.S. policy in the coming decades (see question 4), it urgently needs thorough analysis. The first-order analysis presented here needs to be extended**

and tested theoretically, against the historical record and in specific national settings. The issue should be examined and debated in both classified and open settings.

The October 2002 NIE did examine the question of how likely Iraq was to give WMD to Al Qaeda and like-minded groups and concluded that this was unlikely except under imminent threat of a U.S. attack. Its conclusions were revealed in a letter to Senate Intelligence Committee Chairman Bob Graham. Nonetheless, public officials outside the administration did not muster a public debate on this assumption, which formed the core of the case for war.

- ▶ **Deter any nation contemplating using WMD terrorism against the United States by communicating clearly and continuously the national resolve to use overwhelming force against any state that transfers nuclear, chemical, or biological weapons to a terrorist group.**
- ▶ **Adopt a Security Council resolution making the transfer of chemical, biological, or nuclear weapons by any government to any other entity or territory a violation of international law and a threat to international peace and security, whether or not these states are parties to the relevant nonproliferation treaties.**

In light of the newly recognized danger from terrorists, such a resolution would be the logical next step to UN Security Council President’s Statement of 1992 (S/23500), which declared the proliferation of weapons of mass destruction a threat to international peace and security. This would help implement President Bush’s call for all members of the United Nations to criminalize proliferation and to enact strict export controls consistent with international standards and provide a strong international legal basis for the interdiction of such shipments.

- ▶ **Make the security of poorly protected nuclear weapons, and stockpiles of plutonium and highly enriched uranium a much higher priority of national security policy.**

A threat from a nuclear-armed terrorist group would in fact be the gravest danger the United States could face. Today, the most likely source of that threat would be from theft or purchase through an individual or criminal group seeking profit (rather than state action) of fissile material from poorly guarded stockpiles in Russia and other former Soviet states, including Uzbekistan, Kazakhstan, and Ukraine. It is also possible that a group or an individual could steal a complete nuclear weapon most likely a tactical weapon from the large stockpiles in Russia. While all nuclear stockpiles pose some risk, Pakistan and North Korea pose a greater than average danger that government instability, corruption, or a desperate need for cash could allow terrorist groups to gain access to nuclear weapons or materials.

Whatever the source, the current U.S. effort to reduce the number of nuclear weapons and the size of fissile stockpiles and to greatly improve the security of those that remain is nowhere near as great as the threat they pose to us. As former senator Sam Nunn has pointed out,

The most effective and least expensive way to prevent nuclear terrorism is to secure nuclear weapons and materials at their source. *Acquiring weapons and materials is the hardest step for the terrorists to take, and the easiest for us to stop.* By contrast, every subsequent step in the process is easier for terrorists to take, and much more difficult for us to stop.¹²² (emphasis added)

3. *Were there errors in intelligence regarding the existence and extent of Iraqi WMD? If so, when did they arise and were they based on faulty collection or analysis, undue politicization, or other factors? What steps could be taken to prevent a repetition?*

This question can only be definitively answered after a detailed review of the complete classified record. From the currently available material, it appears that two distinct periods will emerge—before 2002, and from then until the outbreak of the war.

In the earlier period, the intelligence community appears to have had a generally accurate picture of the nuclear and missile programs but to have overestimated the chemical and biological weapons in Iraq. Access to and within Iraq was, of course, limited. Other possible sources of error suggest a failure to track the degradation of what was known to have been in Iraq after the 1991 war, including quantities of weapons and agent and their lethality. These errors may have been due to an incorrect extrapolation that production and capabilities would continue to grow regardless of inspections and sanctions, and/or to the assumption that anything for which there was not absolute proof of destruction remained and remained active. It is also possible that views of Saddam Hussein's character were allowed to drive technical assessments.

In the second period, the shift, described in Part II, between prior intelligence assessments and the October 2002 NIE suggests, but does not prove, that the intelligence community began to be unduly influenced by policymakers' views sometime in 2002. Although such situations are not unusual, in this case, the pressure appears to have been unusually intense. This is indicated by the Vice President's repeated visits to CIA headquarters¹²³ and demands by officials for access to the raw intelligence from which analysts were working.¹²⁴ Also notable is the unusual speed with which the NIE was written and the high number of dissents in what is designed to be a consensus document.¹²⁵ Finally, there is the fact that political appointees in the Department of Defense set up their own intelligence operation reportedly out

of dissatisfaction with the caveated judgments being reached by intelligence professionals.¹²⁶ Although some of those who were involved have claimed that analysts did not feel pressured, it strains credulity to believe that together these five aspects of the process did not create an environment in which individuals and agencies felt pressured to reach more threatening judgments of Saddam Hussein's weapon programs than many analysts felt were warranted.¹²⁷

RECOMMENDATIONS

- ▶ **Create a nonpartisan independent commission to establish a clear picture of what the intelligence community knew and believed it knew about Iraq's weapon program throughout 1991–2002, which can be compared to what actually happened in Iraq when that becomes known. The commission should consider the role of foreign intelligence as well as the question of political pressure on analysts and the adequacy of agencies' responses to it. No suggestions for changes in structure or practice are worth acting on until this record is established.**

One such review is currently being carried out for the Director of Central Intelligence.¹²⁸ Congressional investigations, unavoidably hampered by politics during an election year, are also under way. Both are valuable, but insufficient. A more independent study will be needed to fully restore public trust. It would best be carried out by a scrupulously nonpartisan commission with no individual or agency reputations to protect. The study must not limit itself to U.S. holdings but make full use of the immense UNSCOM, IAEA, and UNMOVIC archive of more than 30 million pages. The commission should

therefore include a senior individual with deep, first-hand knowledge of that body of work.

The study should also address the role of non-U.S. intelligence findings. Two British conclusions repeatedly used by the president—that Iraq was shopping for uranium in Africa and that it had chemical and biological weapons “deployable within 45 minutes of an order to use them”—were among the most starkly threatening claims made. Both were wrong.¹²⁹ What were U.S. intelligence's views on them? Did it ignore, dispute, or support these claims?

Although the study needs to be carried out under conditions that protect classified information, enough of its findings and final conclusions need to be made public to assure Congress, the executive branch, the public, and the intelligence community itself that a full and fair job has been done.

- ▶ **To best establish what happened on the ground, the Security Council should be asked to send UNMOVIC and IAEA teams back to Iraq to conduct a complete and objective history and inventory of its weapon programs.**

A core group of weapon experts and support staff remains on duty at UN headquarters, processing information from postwar Iraq and digitizing more than 30 million pages of information on Iraqi programs for rapid electronic searching. A roster of 354 experts remains on call to serve as required. The knowledge, prior experience in Iraq, relationships with Iraqi scientists and officials, and credibility of these UNMOVIC experts represent a vital resource that should be fully exploited, as suggested by UN Resolution 1483 (May 22, 2003). Involvement of the UN experts would add tremendous expertise to the weapons search, reduce U.S. costs, and bring far greater credibility to the final outcome than reports from a U.S. inspection team unavoidably torn between finding the facts and supporting the administration's prewar claims.

- ▶ **No changes in the structure or practices of the intelligence community are worth acting on until the record described above is firmly established. If it reveals that the content and clarity of the intelligence product were significantly affected by the desire to serve political masters, Congress should seriously consider professionalizing the post of Director of Central Intelligence (DCI).**

Politicization of intelligence is an old story. If, as appears likely in the Iraq case, intelligence reporting was degraded by the desire to preserve technical accuracy while writing judgments that were at the same time highly misleading, or if highly uncertain material was routinely slanted in one direction, it will not be the first time.

While it is impossible to completely eradicate the pressure to provide policymakers what they want to hear, there is one step that would give the DCI a strong measure of independence and thereby erect a defensive barrier against political influence. The DCI could be given a fixed term, not co-terminus with the president's—for example, for six years. A “professionalized” DCI, nominated by the president and confirmed by the Senate, could be removed for illegal acts and gross dereliction, but not for failure to advance the president's agenda. A model for such a system is the Chairman of the Federal Reserve Board.

- ▶ **Congress and the public must learn to recognize red flags indicating that sound intelligence practices are not being followed.**

Decision makers have been hearing what they want to hear throughout history. It is also true that any community—particularly one that must operate in a secret, closed environment—is vulnerable to “group think” and that policymakers may feel a perfectly valid need for a fresh look at the data. No rules or regulations are likely to be able to solve both ends of this puzzle. Certain outcomes in government must unavoidably rest on the wisdom and judgment of those in office.

However, some practices sound alarm bells that should, when much is at stake, bring Congress and the public to full alert. Chief among them are signs that policymakers are sidestepping sound analytic procedures by using raw intelligence or by setting up their own intelligence operations. Congress has oversight duties it may be appropriate to exercise at such a juncture. The public should learn to recognize that dubious policy choices may be in the offing.

4. Did administration officials misrepresent what was known and not known based on intelligence? If so, what were the sources and reasons for these misrepresentations? Are there precautions that could be taken against similar circumstances in the future?

Administration officials systematically misrepresented the threat from Iraq's nuclear, chemical, and biological weapon programs and ballistic missile programs, beyond the intelligence failures noted above. The most important distortions fall into four categories.

First, nuclear, chemical, and biological weapons were routinely conflated: that is, treated as a single WMD threat. This made it technically accurate to say that Iraq had, or might still, possess weapons of mass destruction. However, such statements were seriously misleading in that they lumped together the high likelihood that Iraq possessed chemical weapons, which themselves constitute only a minor threat, with the complete lack of evidence that it possessed nuclear weapons, which would be a huge threat. Talk of “mushroom clouds” certainly led Americans to believe that the latter were in the picture.¹³⁰

A second source of misunderstanding was the insistence without evidence, yet treated as a given truth, that Saddam Hussein would give whatever WMD he possessed to terrorists. For the reasons discussed under question 2, this was unlikely or at best highly debatable. Yet two major consequences flow from this presumption. First, only through terrorists did Iraq pose a credible threat to the U.S. homeland. Second, the presumption collapses a deterrable threat (that posed by the state of Iraq) and an appar-

ently nondeterrable threat (that posed by terrorists) into one. If this was a valid assumption, it meant that deterrence and containment could not be used as elements of a U.S. response to Saddam's threat. But if the assumption is not true, these proven pillars of U.S. security policy were then, and would in future be, available as alternatives to war.

The third broad category of distortion comprises many types of misuse of the intelligence product. These include the wholesale dropping of caveats, probabilities, and expressions of uncertainty present in intelligence assessments from public statements. Part II records numerous statements by the president, vice president, and the secretaries of state and defense to the effect that "we know" this or that when the accurate formulation was "we suspect" or "we cannot exclude." "My colleagues," said Secretary Powell at the United Nations, "every statement I make today is backed up by sources, solid sources. These are not assertions. What we are giving you are facts and conclusions based on solid evidence." The examples noted in the report are but a few from a very long list.

Sometimes the most apparently insignificant word or two can make a world of difference. In his October 7 speech, the president refers to a finding by UN inspectors that Iraq had failed to account for a quantity of bacterial growth media. If that material had been used, the inspectors had reported, it "*could have* produced about three times as much" anthrax as Iraq had admitted to. The president, however, said this: "The inspectors, however, *concluded* that Iraq had *likely produced* two to four times that amount. This is a massive stockpile of biological weapons that has never been accounted for, and is capable of killing millions" (emphases added). In two sentences, possibility first becomes likelihood, likelihood then subtly becomes fact, and a huge stockpile is created. Finally, biological agent is transformed into weapons, and not just any weapons but extremely sophisticated delivery systems—the only way such weapons could kill "millions." Small changes like these can easily transform a threat from minor to dire.

RECOMMENDATIONS

► **Recognize distinctions in the degree of threat posed by the different forms of "weapons of mass destruction." Sound strategy must relate the costs and dangers of countermeasures—war above all—to the scale and probability of the threat being countered. Otherwise, the security risks of action taken may outweigh the risks of the targeted threat.**

- Chemical weapons, while horrible, do not pose strategic threats, and little tactical threat, against properly equipped opponents. (It is commonly said in American military circles that the principal battlefield utility of these weapons is to force opponents to don cumbersome and debilitating protective gear.) Because they are easy to produce and disseminate, they are amenable to terrorist use.
- Biological weapons are also poor battlefield weapons, generally slow to act, and potentially highly dangerous to those who use them. They are difficult to disperse on a strategic scale but can produce widespread lethality and panic among civilian populations. While more difficult than chemical weapons to handle and disperse, they, too, could be effective terrorist weapons.
- Nuclear weapons are incomparably dangerous in scale of destruction and strategic impact, including, perhaps, deterrent value against superior military forces.

The conflation of these distinct threats, very different in the danger they pose, under the rubric "weapons of mass destruction" distorted the cost/benefit analysis of the war. To the extent that the U.S. Congress and the UN Security Council analyzed and debated whether the "WMD" threat required urgent removal by force, debaters did not

consider where along the WMD spectrum the threat lay. Policymakers did not debate whether immediate regime change was necessary if Iraq was highly unlikely to possess nuclear weapons and that the most likely threat was from chemical weapons. Yet it was precisely this situation most suggested by available intelligence. Nor did they consider that chemical, biological, and nuclear weapons are varyingly susceptible to technology denial activities and defenses. That is, the weapon that poses by far the greatest danger—nuclear—is also the most detectable, the most expensive and difficult to make, and the most susceptible to nonproliferation techniques, whereas the weapons whose acquisition is hardest to prevent are less dangerous and more readily defended against.

► **Examine and debate the assertion that the combined threat of evil states and terrorism calls for acting on the basis of worst-case reasoning.**

The president stated the approach on October 7, 2002: “Understanding the threats of our time, knowing the designs and deceptions of the Iraqi regime, *we have every reason to assume the worst*, and we have an urgent duty to prevent the worst from occurring.” (emphasis added) Other members of the administration made the case that because our intelligence was imperfect, we had to assume that whatever signs of WMD we did detect was a small percentage of what was actually there.¹³¹ These reasonable-sounding statements describe an approach that is neither safe nor wise.

Worst-case *planning* is a valid and vital methodology, if used with a constant awareness of its limitations and if care is taken never to confuse the results with the realistic case. *Acting* on worst-case assumptions is an entirely different matter. To do so is to take the assessment out of threat assessment and largely to negate the billions spent on gathering intelligence. To cite one among many reasons, it leaves one open to one of the most common tactics in the history of warfare: bluff by adversaries seeking to gain an advantage by inflating their own capabilities.

Moreover, there are many threats about which the worst can be assumed. In the run-up to the Iraq war, the United States was engaged in a difficult campaign in Afghanistan, was in a struggle against Al Qaeda and its like around the world, and faced unambiguous nuclear proliferation threats from North Korea and Iran. Pakistan, a troubled, terrorist-ridden state with nuclear weapons—and known to be proliferating nuclear technology—was in a military standoff with nuclear-armed India. Clearly, sound strategy demanded priorities, which can only be based on the best available intelligence—not the worst possible nightmare. To act—and above all to go to war—on the basis of worst-case assumptions is to risk missing the most serious threat and raises the possibility of creating graver risks than the *casus belli*.

5. How effective was the more-than-ten-year-long UN inspection, monitoring, and sanctions effort in Iraq? What lessons can be drawn regarding the applicability of international pressure to prevent proliferation elsewhere?

In their first six years, UNSCOM, which was responsible for inspecting, dismantling, and monitoring Iraq’s chemical, biological, and missile materials and capabilities, and the IAEA Iraq Action Team, which did the same for Iraq’s nuclear program, achieved substantial successes. To the best of present knowledge, they were ultimately able to discover and eliminate most of Iraq’s unconventional weapons and production facilities and to destroy or monitor the destruction of most of its chemical and biological weapon agent. Iraq’s secret biological weapon program was discovered before the defection of Saddam Hussein’s son-in-law, Hussein Kamal, brought further details to light. UNSCOM also uncovered covert transactions between Iraq and more than 500 companies from more than forty countries and put in place a mechanism to track and block banned exports and imports.

All this was accomplished despite unrelenting opposition and obstruction by the Iraqi regime. Iraq

successfully insisted on negotiating every element of access (who should be allowed on inspection teams, delays in visas, when teams might arrive), routinely obstructed inspectors in the field (blocking them from facilities, penning them up in their vehicles, removing material by one door while inspectors were kept waiting at another), and insisted that numerous sites be declared off-limits, including military bases and huge “presidential palaces” consisting of dozens of buildings on thousands of acres. Most important, Iraq played a highly effective game of divide and conquer in the UN Security Council, playing the five permanent member states off against one another until the necessary political unity backing the inspections dissolved, after which the inspection teams were forced out of Iraq in 1998.

In the aftermath of 9/11, greatly increased concern about WMD, Russia’s embrace of the United States, and U.S. determination to take unilateral military action if necessary, reunited members of the Security Council behind UNMOVIC, a much tougher inspection regime. With the temporary exception of U-2 surveillance flights, UNMOVIC imposed conditions, rather than negotiated them. No place in Iraq was off-limits, and inspectors encountered no physical hindrance to their activities. The crucial factors responsible for this dramatically different environment were the presence of U.S. military forces on Iraq’s borders and international political unity.

UNMOVIC and the IAEA team operated in Iraq for just three months and only for a matter of weeks at full strength, that is, with the necessary helicopters, surveillance flights, and shared intelligence from national agencies. During this time they visited over 600 sites, including forty-four that had not been previously inspected. They discovered and destroyed several items that were prohibited under UN resolutions including: 72 Al Samoud missiles that exceeded the allowed 150-kilometer flight-range by some 30 kilometers; missile launchers and engines; casting chambers for missile parts; fuel spray tanks; and 122-millimeter rocket warheads that could have been used to deliver chemical or biological warfare agents.

Although Iraq did not obstruct UNMOVIC, it did not actively cooperate in disarming itself by providing the necessary documents and other evidence to answer lingering questions.¹³² The status of quantities of VX nerve agent and complex biological growth media that Iraq claimed to have destroyed but for which there was no proof remained of particular concern.

When UN inspectors found no evidence of key charges made by Secretary of State Powell before the United Nations in February (unmanned aerial vehicles, Scud missiles, Scud warheads filled with biological and chemical agent, mobile labs, and 100–500 tons of stockpiled chemical agent), the work of the inspection teams was heavily criticized and even mocked by administration officials and others convinced of the necessity of war. (See Part II on the characterization of UN inspections.) Vice President Cheney had already concluded that “a return of inspectors would provide no assurance whatsoever of his compliance with UN resolutions,”¹³³ and Secretary of Defense Rumsfeld had said the return of inspectors to Iraq would be a “sham.”¹³⁴ The absence of evidence that WMD programs had been reconstituted during the four years inspectors had been gone from the country seemed to many to be proof only that Iraq was better at concealment than the teams were at discovery.

Nine months of exhaustive searches by U.S. and coalition forces and experts suggest that the UN inspection teams were actually in the process of finding what was there. It is unlikely that Iraq could have destroyed, hidden, or sent out of the country the hundreds of tons of chemical and biological weapons, dozens of Scud missiles, and facilities engaged in the ongoing production of chemical and biological weapons that officials claimed were present without the U.S. detecting some sign of this activity before, during, or after the major combat period of the war.¹³⁵ Moreover, sending weapons out of the country may not have seemed attractive after Iraq’s experience in the 1991 war, when it had evacuated fighter aircraft to Iran but was never able to get them back. Though

U.S. postwar searches have been on a vastly larger scale than the international inspections—using all the technology the United States can muster and at an anticipated cost of \$900 million over fifteen months¹³⁶ compared to UNSCOM’s \$25–30 million per year cost¹³⁷—little new has been found.

At the close of 2003, it appears that Iraq’s nuclear program was at least suspended, excepting possible ongoing research, and had been for many years. On the chemical front, the interim report of the U.S. search team headed by David Kay concluded that “Iraq’s large-scale capability to develop, produce, and fill new CW munitions was reduced—if not entirely destroyed—during Operations Desert Storm and Desert Fox, 13 years of UN sanctions and UN inspections.” The biological weapon program may have been converted to using dual-use facilities designed to convert quickly to weapon production at the time of war, rather than making and storing these weapons in advance. The extent of this obviously threatening capability and the level of research and development on biological weapons remain unknown. By contrast, Iraq was actively expanding its capability to build missiles of longer range than allowed under UN requirements.

As David Kay noted after the release of his report, “We have been struck in probably 300 interviews with Iraqi scientists, engineers and senior officials how often they refer to the impact of sanctions and the perceived impact of sanctions in terms of regime behavior. So it may well be necessary to reassess what a lot of us thought was the impact—and quite frankly thought was the eroding impact—of sanctions over the years.”¹³⁸

RECOMMENDATIONS

- ▶ **The United States and the United Nations should collaborate to produce a complete history and inventory of Iraq’s WMD and missile programs. As recommended under question 3, UNMOVIC, the IAEA Iraq Action Team, and the enor-**

mous UNSCOM technical archive should all be brought into the present effort by the U.S. Iraq Survey Group. Both the United States and the United Nations should be seriously faulted for the failure to do so to date. The right fifty people working with the U.S. search team in Iraq would make a huge difference.

As noted above, UNMOVIC inspectors would be of great value to ongoing site visits in Iraq. At this stage, however, analysis will be increasingly more important than physical searches. Iraq’s policies from the beginning of its WMD programs until the present must be traced and exactly what happened in each of them from 1998 to 2003 painstakingly re-created. For this task, the data from the seven years of UNSCOM/IAEA inspections are absolutely essential, and the involvement of the inspectors, analysts, and scientists who compiled the more-than-30-million page record is needed to effectively mine it. The most feasible and effective course would be to deploy a carefully selected group of the key individuals to work with the U.S. team in Baghdad.

The failure to fully integrate the present effort with the enormous past one appears to stem from an ideologically based resistance on the part of the U.S. government to involving the UN teams and perhaps thereby tacitly recognizing their contribution and effectiveness. On the UN side, lingering resentment of U.S. policies on Iraq has built a resistance to cooperation. Neither posture is worthy of the challenge at hand.

- ▶ **In the joint effort described above, particular attention should be paid to discovering which of the several international constraints on Iraq were effective and to what degree.**

ISG chief David Kay has highlighted the apparent effect of the UN sanctions. Others have pointed to the role of ongoing monitoring, procurement investigations, and the export/import control mechanism in addition to the discovery and destruction phases of the inspections.¹³⁹ The role and impact of each of the

several constraints imposed on Iraq need to be isolated and clarified so that useful lessons may be drawn.

- ▶ **The UN Secretary General should charter a related effort to understand the inspections process itself—an after-action report. The relative value of site visits and analysis needs to be clarified. Also, the various strengths and weaknesses of this pioneering international effort need to be fully understood, including its human resources, access to technology, access to nationally held intelligence, vulnerability to penetration, and contributions to national intelligence agencies.**

6. Was Iraq deterrable, or had deterrence been superseded by a terrorist threat only fully appreciated after 9/11?

Before 9/11, National Security Advisor Condoleezza Rice had no doubts that Iraq was fully deterred. If Iraq were to acquire WMD, she wrote in an article laying out then-candidate Bush's foreign policy views, "The first line of defense should be a clear and classical statement of deterrence—if they do acquire WMD, their weapons will be unusable because any attempt to use them will bring national obliteration."¹⁴⁰

The transforming effect of 9/11 was revealingly spotlighted by Defense Secretary Donald Rumsfeld (also casting doubt on the entire WMD debate) when he remarked: "The coalition did not act in Iraq because we had discovered dramatic new evidence of Iraq's pursuit of weapons of mass murder. We acted because we saw the existing evidence in a new light, through the prism of our experience on September 11th."¹⁴¹ The Bush National Security Strategy reflected this transformed world view in a posture toward deterrence poles apart from Rice's earlier treatment: "Given the goals of rogue states and terrorists, the United States can no longer rely on a reactive posture as we have in the past." This is a profoundly incorrect portrayal of the Cold War strategies of deterrence and containment. They were anything but "reactive" policies, because there could have been no

acceptable reaction to a Soviet first strike. Deterrence and containment were active strategies to *prevent* an attack, not *respond* to it.

The 2002 strategy continues: "The inability to deter a potential attacker, the immediacy of today's threats, and the magnitude of potential harm that could be caused by our adversaries' choice of weapons, do not permit that option." In regard to states—as opposed to terrorists—in order to conclude that the United States can no longer "deter a potential attacker," one would have to assume that leaders of "rogue states" are either mad or so crazed by hatred as to have no remaining sense of national—or personal—interest. The "immediacy" of threats today and the "magnitude of potential harm" that any state or terrorist group on the planet can inflict does not even compare to a 3,000-megaton Soviet nuclear attack (the equivalent of 200,000 Hiroshimas) that could have been launched within a few minutes and reached the United States in less than one-half hour.

In sum, the assertion that the threat that became visible on 9/11 erased deterrence against states can rest only on the belief that rogue states will give WMD to terrorists (see question 2) and/or that they are led by madmen. Neither can be considered to be automatically true or very likely. For example, Saddam Hussein had shown beginning with the 1991 war when he did not use his chemical weapons against the United States and for years afterward in his modulated responses to international pressure and international weakness that while unpredictable and sometimes hard to understand even in retrospect, he was not undeterrable. The assertion may, instead, reflect excessive fear due to the shock of an unprecedented attack on the U.S. homeland.

RECOMMENDATION

- ▶ **The National Security Strategy's dismissal of the use of deterrence against "rogue" and other potential enemy states merits a focused national debate that has not taken place.**

7. Were alternate courses of action with an equal or more favorable risk-benefit profile available at the time war was decided upon?

The president portrayed the choice open to the country as between a war to force regime change on the one hand, and “trusting in the sanity and restraint of Saddam Hussein” on the other.¹⁴² This view presumed that the inspections then under way (together with sanctions, the export/import mechanism, and other UN programs) were of no value either in discovering Iraq’s WMD programs or in constraining them. Rather, the president said, the threat “only grows worse with time.”¹⁴³

In fact, as discussed at question 4, it appears that the UNMOVIC/IAEA inspectors were in the process of finding most of what was there and that they had been unexpectedly effective in constraining Iraq’s WMD programs during most of the 1990s. Thus, the choice was never between war and doing nothing.

The question then becomes how the alternatives for dealing with the WMD threat compared in likely cost and benefit. While recognizing that there were other issues at play, we consider here only the WMD threat and what the administration saw as the associated terrorist threat. Other goals, such as removing a brutal dictator, creating a democratic Iraq, and reshaping the politics of the Middle East, are beyond the scope of this discussion and have been addressed extensively elsewhere.¹⁴⁴

Based on what has been discovered in Iraq, it is plain that the dimensions and urgency of the WMD threat were far less than portrayed. Logic and the evidence available to date suggest that the likelihood that Saddam Hussein would give whatever WMD he possessed to terrorists was also far less than the administration believed. And, the belief that deterrence could not be used against Iraq appears unfounded. Thus, the threat that would be removed by war—the benefit in a cost-benefit framework—was far less than it was asserted to be.

Deputy Secretary of Defense Paul Wolfowitz also argued that the overthrow of Saddam would reduce the terrorist threat by allowing the removal of U.S.

troops from Saudi Arabia, a prime recruiting cry of Osama bin Laden.¹⁴⁵ It is not clear however whether or why replacing the U.S. military presence in Saudi Arabia with one in Iraq would be significantly less provocative.

On the other hand, success in a war against Saddam Hussein posed unavoidable costs to the war on terror. It was almost inevitable that a U.S. victory would add to the sense of cultural, ethnic, and religious humiliation that is known to be a prime motivator of Al Qaeda-type terrorists.¹⁴⁶ It was widely predicted by experts beforehand that the war would boost recruitment to this network¹⁴⁷ and deepen anti-Americanism in a region already deeply antagonistic to the United States and suspicious of its motives. Although this may not be the ultimate outcome, the latter has so far been a clear cost of the war.¹⁴⁸ And while a successful war would definitely eliminate a “rogue” state, it might—and may—also create a new “failed” state: one that cannot control its borders, provide internal security, or deliver basic services to its people. Arguably, such failed states—like Afghanistan, Sudan, and others—pose the greatest risk in the long struggle against terror.

Moreover, although it was widely assumed that a successful war would at least remove any WMD threat, this was not necessarily so. A wily and determined leader would be removed, but at least three significant WMD risks would remain: losing control of WMD materials after the collapse of the central government; “loose” scientists and engineers who, from anger or economic need, might go to work for other masters; and the risk of sending a message to future Iraqi, and other, governments that only nuclear weapons could keep a state safe from foreign invasion. The former appears to have come to pass. Amounts of uranium, cesium, and other radioactive isotopes are known to have been present in nuclear facilities that were thoroughly looted in the postwar chaos.¹⁴⁹ There is some indication that what took place at these facilities was not due to random looting.¹⁵⁰ The amounts that have apparently been lost are enough to pose a threat from radiological weapons (“dirty bombs”). Biological agents may have been lost as well. Whether

any lost material has fallen into malevolent hands and whether it can be recovered before it is used, remain unknown, which could dramatically affect eventual judgments on the success of the war. The war's eventual impact on the impetus for nuclear proliferation will depend on future U.S. policies and on whether a broad international consensus can be reached on strengthening, and to a degree reinventing, the global nonproliferation regime.

On the political front, the one great risk that was fully discussed in advance was the cost of going to war without broad international support and formal legitimization conferred through the United Nations. It is too soon to judge what that cost will ultimately prove to be, beyond the lives and money spent in reconstructing Iraq largely alone. If Iraq's future turns out very well, there may be a benefit of greater willingness to join the U.S. in tougher policies against proliferators. If not, the longer-term costs may be measured in direct opposition, an inability to enlist supporters at crucial moments (as in the Security Council vote on Iraq) or other efforts motivated by a mistrust of U.S. intentions and fear of misdirected U.S. power.

Considering all of these pros and cons, there were at least two alternatives clearly preferable to a war undertaken without international support. One option would have been to allow the UNMOVIC/IAEA inspections, backed by the presence of a smaller U.S. force in the region, to continue either until there was general confidence (from physical searches and analysis) that Iraq's programs had been fully explored and dismantled, or until inspections were obstructed. A second option would have been a tougher program of "coercive inspections" entailing a specially designed international force of roughly 50,000 and the imposition of no-fly and no-drive zones.¹⁵¹ Several countries offered recommendations for more intrusive inspections along these lines in the last weeks before the war.¹⁵²

Both approaches would probably have required a year or perhaps two and, given Iraq's past record, would have required the explicit threat of use of force to succeed. At the time it was argued that U.S. forces could not stay deployed in the desert for that

long, but a much larger number of U.S. troops have already been deployed in Iraq for a year under much worse conditions and will be there for much longer. Moreover, larger numbers of U.S. forces were deployed in war-ready condition in Europe for decades, as U.S. troops are, still, in Korea.

The real question is whether the vital political unity backing inspections could have been sustained through both the discovery and dismantlement stage and a tough monitoring and verification regime that would have had to stay in place at least until the end of Saddam's reign. It is impossible to rewind history, but this question is worth considering in the United States and abroad, especially in Europe. We believe that with sufficient U.S. leadership—steadily focused on WMD and not regime change—the necessary international political will could have been sustained. But, it would have required a determined diplomatic effort, a clear recognition by all key states of the serious, long-term WMD threat posed by Iraq, and a very different post-9/11 posture than the United States has adopted.

Finally, it must be noted that it is doubtful whether some members of the administration, who had apparently convinced themselves that Iraq had active programs and large WMD stockpiles, could ever have been convinced by inspections—no matter how thorough—of the reverse.

RECOMMENDATIONS

- **Pursue initiatives suggested by Presidents Bush and Chirac to strengthen the UN Security Council's resolve and capacity to prevent proliferation and ensure compliance with nonproliferation norms and rules.**

President Bush urged that the Security Council act "to criminalize the proliferation of weapons of mass destruction; to enact strict export controls consistent with international standards; and to secure any and all sensitive materials within their own borders."¹⁵³

In his speech to the General Assembly, President Chirac called on the Security Council “to develop our means of action...to ensure compliance”¹⁵⁴ with nonproliferation regimes. Both presidents’ initiatives to strengthen nonproliferation enforcement should be fleshed out and vigorously pursued with a target date for Security Council consideration.

- ▶ **Based on the findings in Iraq and the results of the studies recommended in this report (see question 5), the UN Security Council should consider creating a permanent, international, nonproliferation inspection capability.**

Such a capability could only be effective if it has access to the best human resources, technology, and intelligence and if it can be backed by a credible threat of force. Some Americans will scoff at the notion that other countries would share seriously the burdens of stopping proliferation in this way. However, political will is not fixed—it can be built. The United States—together with its allies—can and should attempt to build it, not because the United States would not bear the leadership role alone, but because alone neither the United States nor even the nuclear weapon states together can succeed. That will take a global effort. The only place such an effort can be mobilized—if it can be—would be the United Nations.

8. Does the war in Iraq shed any light on the wisdom of the Bush National Security Strategy of preemptive/preventive war?

The National Security Strategy issued in September 2002 proffered a new doctrine of preemptive military action. “The legitimacy of preemption,” it acknowledged, is traditionally conditioned “on the existence of an imminent threat.” But in an age of terrorism, we can not expect to see the usual measures of imminence, “a visible mobilization of armies, navies, and air forces preparing to attack.” That is true. However, the strategy did not go on to offer an alternative standard. It argued simply that “We must adapt the

concept of imminent threat to the capabilities and objectives of today’s adversaries. . . We cannot let our enemies strike first.”¹⁵⁵

What this amounts to is not preemption, but a loose standard for preventive war under the cloak of legitimate preemption. Hence, we use here the awkward, but accurately confusing formulation, “preemptive/preventive war”—*preemption* for what it has been called, *prevention* for what it actually is.

Neither in the strategy itself nor in other settings does the administration use the term *preventive war*. Presumably, this is for two reasons. First, it would undermine the search for international support because preventive wars have no legitimacy under international law as does preemption. Second, as historian Arthur Schlesinger Jr. has recently pointed out, the concept of preventive war enjoys a poor standing in American thought and practice. It has been rejected by recent presidents including Eisenhower, Truman, and Kennedy.¹⁵⁶ President Lincoln, writing on the same point during the 1848 war with Mexico, was eerily prescient:

Allow the President to invade a neighboring nation whenever he shall deem it necessary to repel an invasion . . . and you allow him to make war at pleasure . . . If today he should choose to say he thinks it necessary to invade Canada to prevent the British from invading us, how could you stop him? You may say to him, “I see no probability of the British invading us”; but he will say to you, “Be silent: I see it, if you don’t.”¹⁵⁷

Recognizing that, even having discarded the usual standard of imminence, it would be very difficult to credibly argue that Iraq presented an “imminent threat” to the United States, the administration also did not use this term in the run-up to the war. Alternatives, such as “grave and gathering danger” and “peril draws closer and closer” conveyed the same sense of urgency.

The Strategy recognizes that going to war absent an imminent threat opens twin risks: that the underlying intelligence must be very certain of the nonimminent threat that is being attacked and that international support and legitimacy may be hard to come by. Accordingly, it promised to “build better,

more integrated intelligence capabilities to provide timely, accurate information on threats,...[and to] coordinate closely with allies to form a common assessment of the most dangerous threats.” In the Iraqi case, arguably the three best intelligence services in the world—those of the United States, Great Britain, and Israel—proved tragically unequal to the task.¹⁵⁸ Nor was any common threat assessment reached. Indeed, it was dramatically different views of the degree of threat (together with the belief that inspections were being ended before they had been given a chance to work) that underlay Washington’s inability to bring the world with it in this venture.

Two other pending crises—Iran and North Korea—underline that Iraq was by no means a uniquely difficult intelligence target. Publicly available intelligence indicates that the United States does not know the total number and locations of all dangerous facilities and materials in either Iran or North Korea.

Just when the aftermath of the Iraq war has highlighted the costs of acting without a robust international coalition, the ability of the United States to build such a coalition has been weakened by the revelations of mistaken intelligence and dubious public assessments of it in this case. At the same time, however, recent revelations about Iran’s nuclear activities have affirmed and even surpassed U.S. assessments of the danger they pose. The evidence uncovered by Iranian opposition figures and the IAEA should chasten those who would extrapolate from Iraq that the United States always exaggerates the dangers.

The Iraq experience, paired with different and important developments in North Korea and Iran, demonstrates dramatically the imperative of closer and more determined international cooperation to enforce norms and rules to prevent proliferation and compel states that do not comply to do so.

Issued in September 2002, the National Security Strategy received a week or two of intense attention that was then quickly subsumed in the debate over Iraq. Many believed that the strategy was not so much a strategy as a one-case rationale for the Iraq

war and therefore did not merit a larger debate. However, the strategy still stands as national policy, and the implications of its contents loom even larger in the aftermath of the Iraq war.

RECOMMENDATIONS

- ▶ **Revise the National Security Strategy to eliminate a U.S. doctrine of unilateral preemptive war in the absence of imminent threat (that is, preventative war).**

A true preemptive attack remains, as it has always been, a legitimate tactic to be used when necessary. However, for the reasons cited here, as well as others, a doctrine of unilaterally asserted and executed preventive war does not serve U.S. national security interests.¹⁵⁹

- ▶ **Convene international negotiations to define agreed principles to guide preemptive and/or preventive action to remove acute proliferation threats.**

“America’s special responsibility, as the most powerful nation in the world,” argued Henry Kissinger in August 2002, “is to work toward an international system that rests on more than military power—indeed, that strives to translate power into cooperation. Any other attitude will gradually isolate and exhaust us.”¹⁶⁰ He specifically rejects the notion that “one nation can alone define the nature of the threat and the content of preemption.” Instead, Kissinger argues, an international dialogue should be established to develop criteria that would render such action legitimate and advisable.¹⁶¹ Such criteria could include standards of imminence of threat, scale of threat, and means of preemption. Long-term international security, including for the United States, will be strengthened more by agreed standards rather than by unilaterally asserted ones.