



Executive Memorandum

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CHALLENGE THE U.N. TO HOLD FIRM ON IRAQ

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Secretary of State Colin Powell's eloquent February 5 speech to the United Nations Security Council was both a devastating indictment of Iraq for failing to comply with its disarmament obligations under Security Council Resolution 1441 and a clarification call for urgent action to disarm Iraq. Powell revealed new details about Iraq's systematic efforts to thwart U.N. inspectors and its clandestine cooperation with Osama bin Laden's al-Qaeda terrorist network.

Taken together, these revelations decisively refute the case for giving Saddam Hussein's intractable regime yet another "last chance" to disarm itself. Powell's revelations severely undermine the argument, made by France and other wavering Security Council members, that Saddam Hussein can be "contained" by U.N. inspectors. The exposure of Iraq's links to al-Qaeda underscores the urgent need to disarm Saddam's rogue regime as soon as possible. The United States should now press the Security Council to enforce its own resolution to disarm Iraq. If the Security Council fails to do so, the Bush Administration should make good on its pledge to lead a coalition of the willing to disarm Iraq by force, without formal U.N. backing if necessary.

Powell's Persuasive Indictment. Powell did not reveal "smoking gun" evidence of Iraqi possession of prohibited weapons, but he was not required to do so: Security Council Resolution 1441 placed the burden of proof on Iraq to prove that it has disarmed, not on the inspectors or the United States to prove the reverse. All that Powell needed to prove

was that Iraq was not cooperating as required under Resolution 1441, and he did that beyond a shadow of a doubt. By revealing communications intercepts of Iraqi Republican Guard officers discussing plans to hide prohibited weapons and satellite photos of trucks removing material from suspected weapon sites before the arrival of U.N. inspectors, Powell exposed Iraq's elaborate efforts to cover its tracks.

Powell also revealed new information based on "solid intelligence" about Iraq's links to al-Qaeda terrorists, reinforcing the urgent need to disarm Iraq to prevent it from passing chemical and biological weapons—the ultimate terrorist weapons—to some of the world's most dangerous terrorists. Powell charged that Abu Musab al-Zarqawi, a bin Laden lieutenant who oversaw a terrorist training camp in Afghanistan that specialized in the use of poisons, had fled to Iraq after the defeat of Afghanistan's Taliban regime and established another al-Qaeda training camp there.

Al-Zarqawi's terrorist cell, now based in Baghdad, has operated freely in Iraq for more than eight

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months, moving terrorists, money, and supplies throughout the country and beyond. Last year, two al-Qaeda agents associated with al-Zarqawi's Baghdad cell were caught trying to cross Iraq's border with Saudi Arabia. Moreover, Powell charged that al-Zarqawi's associates had been involved in the October 28 assassination of Laurence Foley, an American diplomat in Jordan, as well as terrorist plots against France, Britain, Spain, Italy, Germany, and Russia.

Powell's speech would be strong enough to persuade any impartial jury of Iraq's failure to disarm and the urgent need to enforce U.N. Resolution 1441. As Powell noted, "The facts speak for themselves." But the Security Council is far from an impartial jury. It is a collection of U.N. member states that often pursue their own narrow interests at the expense of collective security. France, Russia, and China to varying degrees have an economic stake in the survival of Saddam Hussein's regime and a political interest in constraining the United States. They will likely continue to lobby for more time for U.N. weapon inspections, despite Iraq's manifest failure to cooperate with the inspections as required under Resolution 1441, because they see the inspectors as a means of constraining the United States.

Giving inspections more time will not solve anything. As Secretary of State Powell noted, the inspectors are not detectives. Their mission is to verify Iraq's disarmament claims, not play an endless game of hide and seek. Inspectors cannot find all prohibited weapons hidden by an obstinately hostile regime in a country bigger than Texas. Moreover, ineffective inspections are worse than no inspections at all because they convey the dangerous illusion that arms control is working in Iraq. The Bush Administration should block any new French and German proposals to send more inspectors into Iraq to prolong the failed inspection effort. The problem is not a lack of inspectors, but the lack of Iraqi compliance.

Rather than allow Baghdad to keep making a mockery of inspections by prolonging its elaborate

shell game, the Bush Administration should press the Security Council to take immediate action to enforce Resolution 1441 when it convenes on February 14 to receive the next report of Hans Blix, the head of the U.N. inspection team. Another resolution is not legally required because existing U.N. resolutions, including Resolution 1441, provide sufficient legal basis for military action. But the Bush Administration may be tempted to seek another resolution for political reasons, to provide diplomatic cover for uneasy allies such as France, Turkey, and Saudi Arabia to fully support the use of force to disarm Iraq.

President Bush indicated on February 6 that he was open to seeking a new Security Council resolution to support military action to disarm Iraq and challenged the council to back its words with action. But the U.S. should avoid being bogged down in another time-consuming Security Council debate. If it opts to seek another resolution, the Administration must not allow the goal of disarming Iraq as soon as possible to be diluted or delayed. It therefore may be preferable to call for a vote for a simple declaration that Iraq is in material breach of Resolution 1441, which would authorize member states to force Iraq to comply.

Conclusion. The United States cannot afford to be diverted from its urgent goal of disarming Iraq by shortsighted efforts to prolong a stillborn inspection process that allows Saddam Hussein to feign disarmament. The Bush Administration should follow up on Secretary Powell's strong speech by seeking a Security Council vote declaring that Iraq is in material breach of Resolution 1441. If the Security Council fails to enforce its own resolution to disarm Iraq, the United States should firmly stay its course and lead a coalition of the willing to disarm Iraq by military means.

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