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ASSISTANT SECRETARY OF DEFENSE
2400 DEFENSE PENTAGON
WASHINGTON, DC 20301-2400
ACTION MEMO

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I-02/009608

**INTERNATIONAL
SECURITY
AFFAIRS
FOR:**

UNDER SECRETARY OF DEFENSE FOR POLICY

FROM: Assistant Secretary of Defense, International Security Affairs
(Peter W. Rodman (b)(6)) *[Signature]*

SUBJECT: NSC/State Cable on UNMOVIC

- According to NSC staffer Ben Miller, Mr. Hadley directed a rewrite of the P-5 cable covering UNMOVIC. NSC is seeking OSD chop on the proposed cable (next under) by 1200 on 27 Jun 2002.
- (b)(1)
- As written, this NSC cable does not include the "disarmament regime" concept we previously submitted (Miller told us Mr. Hadley pushed back on the concept).
- Inputs coordinated with Abe Shulsky.

Recommendation: Approve cable with NESA inputs.

USDP Decision: Approve ___ Disapprove ___ Other ___

Attachments: As stated

Prepared by: (b)(6)

DASD *[Signature]*

PDASD(ISA) *[Signature]*

~~Classified by DASD William J. Lenti
Reason: 1.5 (b)
Declassify on: 27 Jun 2012~~

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JUN 28 02 18:48

NSC/State Cable

OSD Input Line-in/Line-out
26 June 2002

2/11/02
Put in
Dep. Dir.
Lunch
notebook
for me
today.

1. (U) This is an action cable.

(b)(1)



3. ~~3.~~ Begin talking points.

--With the Security Council's adoption of resolution 1409, implementing the Goods review List (GRL) on Iraq, it is now critical to direct P-5 focus, and the momentum created by resolution 1409, to accomplish the objective of complete, verifiable Iraqi disarmament set forth eleven years ago in United Nations Security Council Resolution (UNSCR) 687. The relevant language states: "Iraq shall unconditionally accept the destruction, removal, or rendering harmless, under international supervision, of [all WMD]."

-- The essential issue is disarmament of Iraq, not inspections. Under UNSCR 687, Iraq is obliged to disarm itself of all WMD. ~~The burden of disarmament is on Iraq under UNSC 687.~~ The purpose of a UN inspection regime is to facilitate and confirm Iraqi compliance with its disarmament obligations. Saddam has succeeded in shifting the burden from himself to the UN. Most of the world now believes that the UN has the burden of proving Iraq's non-compliance.

--Eight years of UN Special Commission (UNSCOM) inspections failed to confirm that Iraq had met its UNSCR 687 responsibility to accept unconditionally the destruction of its WMD. Iraq's unswerving commitment to obstructing UN inspection efforts established fairly clearly that Iraq had not met its burden obligation to accept WMD disarmament, and has no intention to do so willingly.

--Iraq has now had almost four years to pursue its WMD effort and refine concealment techniques with no UN disarmament inspections or presence in Iraq.

--We seriously doubt whether UNMOVIC can pursue its disarmament mission in the face of an Iraq that does not want to disarm. UNMOVIC is at present weaker than its predecessor, the UN Special Commission. Some measures have been identified that would strengthen UNMOVIC, but even then UNMOVIC will not be able to confirm WMD disarmament because of concerted Iraqi obstruction and intransigence.

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--This raises the serious risk that even after a modest period of time in which an UNMOVIC inspection regime fails to uncover evidence of Iraqi WMD, even some U.S. friends will declare that the requirements of UNSCR 687 are met and Iraq must be released from sanctions. This cannot happen.

--The goal of the United States is to guarantee the verifiable elimination of Iraq's WMD. This is consistent with the UN mandate, and is the only way to protect the national security of the United States, its friends, and its allies. We propose moving forward with a two-pronged approach, one in the UN and one publicly. In the UN our message will be:

- UN inspections over eight years were unable to confirm that Iraq has halted its WMD activity because of Iraqi intransigence and obstruction.
- Iraq has had almost four years since to pursue its WMD effort and refine its concealment techniques.
- Only a radical change of heart or of regime change will result in verifiable disarmament of Iraq's WMD.
- The burden is on Iraq to show it has complied with UNSCR resolution 687 and accepted WMD disarmament.
- If Iraq sincerely intended to comply it would unconditionally offer access in line with the original language in UNSC 687. Iraq would offer an international inspection team:
 - Access to any place in Iraq, anything in Iraq to include information and data, and any person in Iraq, immediately on demand;
 - Authority to impound and destroy equipment or shut down facilities;
 - Unrestricted overflight rights for fixed and rotary-wing aircraft, including UAVs; and bases in northern, central, and southern Iraq to facilitate short-notice inspection opportunities;
 - The right to question Iraqi personnel in circumstances free of intimidating pressures. (i.e., the ability to take Iraqi personnel out of the country with their family members to question them);
 - Acceptance of American and British inspectors.
- There should be linkage between Iraqi compliance with the above terms and enforcement.

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--In public, we propose that we should immediately stress that we seek Iraqi WMD disarmament consistent with UNSC 687. We should:

- Argue that the Iraqi regime has the burden of showing to the world that it has met its obligation to accept verifiable WMD disarmament under UNSC 687.
- Argue that Iraq's obstruction and ultimate ejection of the UN Special Commission strongly suggests that the current Iraqi regime has no intention of meeting its obligation.
- Raise questions about whether any inspection regime can assure WMD disarmament in the face of the kind of recalcitrance the current Iraqi regime has shown on the issue.
- Suggest the kinds of steps Iraq would have to take in order to overcome the presumption of non-compliance that Iraq has itself created (see above).

--We will soon launch an interagency effort to brief U.S. friends and allies on our concerns. This briefing to capitals will cover:

- Iraq's failure to comply with various UNSC resolutions.
- Iraq's failure to disarm under UNSCOM, 1991-1998.
- U.S. evidence (sanitized) of continued Iraqi WMD possession and activity.
- A description of the kind of access Iraq would provide if it were serious about demonstrating compliance with UNSC resolution 687.
- Leave behind an unclassified white paper on the subject.

--We will also convey U.S. intelligence on Iraqi WMD possession and activity through intelligence channels.

--We support fully the UN's efforts to implement UNSC resolution 687. We do not want to revise or recast UNMOVIC because this misses the basic point: the burden of disarmament is on Iraq. In the face of the consistent obstructionist policies of the current Iraqi regime, we do not think UNMOVIC can fulfill its mission to verifiably disarm Iraq. Therefore, prior to Iraqi acceptance, the U.S. should declare that we should make acceptance of unrestricted access (as defined in paragraph 3 above) is necessary for the UNMOVIC regime to fulfill its mission. ~~a test of Saddam Hussein's intentions. at the time he offers to accept UNMOVIC rather than try to revise the UNMOVIC regime at the present time.~~ Anything less will be unacceptable. U.S. requests the P-5 to concur.

End points.

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