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INTERNATIONAL
SECURITY
AFFAIRS

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WASHINGTON, DC 20301-2400

AUG 14 2002

file Iraq WMD

14 AUG 2002

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MEMORANDUM FOR ASSISTANT TO THE PRESIDENT AND DEPUTY
NATIONAL SECURITY ADVISOR

SUBJECT: Iraq WMD Declaratory Policy (U)

➡ Steve, the paper and talking points are very good. They clearly state disarmament as the key issue and put the burden for compliance back on the Saddam regime.

➡ We attach a few minor edits. The main point -- not really a substantive one -- is that the USG is not really in a position to state what "most of the world" believes. Better to say that Saddam has "attempted" to shift the burden.

(U) We also recommend adding the following closing statement:

➡ "Any Iraqi proposal that falls short of these requirements is part of a continued campaign of deception and delay."

(U) Thank you for the good work on this issue.

Peter

Peter W. Rodman

Classified by William J. Lutz DASD/NESA
Reason: 1.5 b, c, and d.
Declassify on: 14 August 2012

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NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

August 13, 2002

MEMORANDUM FOR

MS. MAURA HARTY
Executive Secretary
Department of State

MR. LEWIS LIBBY
National Security Advisor to
the Vice President

MR. JEFFREY KUPFER
Executive Secretary
Department of the Treasury

MR. JOHN G. EDWARDS
Executive Secretary
Central Intelligence Agency

COL JAMES A. WHITMORE
Executive Secretary
Department of Defense

MR. ALBERTO R. GONZALES
Counsel to the President

MR. ANDREW H. CARD
Chief of Staff to the
President

COL EDWARD W. SNEAD, USA
Secretary, Joint Staff

SUBJECT: Iraq WMD Declaratory Policy (U)

Attached at Tab A are two papers, drawn from a draft paper and cable on our approach to potential UN Weapons of Mass Destruction (WMD) inspections in Iraq (previously approved by Principals), for your consideration as a statement and a set of talking points. Please provide your comments in writing to the NSC by noon on August 16. Once the final versions are approved, these papers will serve as the basis for our public statements about our policy for Iraq and its WMD. Please pass the attached papers to Principals EYES ONLY. (U)

SE
Stephen E. Biegun
Executive Secretary

Attachment
Tab A Iraq WMD Declaratory Policy Papers

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Classified by: Stephen E. Biegun
Reason: 1.5(d)
Declassify on: 8/13/12

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Declaratory Policy on UN WMD Inspections in Iraq

The goal of the United States is the verifiable elimination of Iraq's Weapons of Mass Destruction (WMD). This is the U.N. Security Council's mandate, and is the only way to protect the national security of the United States, and its friends and allies in the region, including the Iraqi people -- who have been the victims of chemical weapons attacks by Saddam Hussein's regime.

[Can't really claim to know what most of the world believes]

The essential issue is disarmament by Iraq, ^{to convince} not inspections by the U.N. Under UNSCR 687, Iraq is obliged to disarm itself of all WMD. The Iraqi regime ~~has succeeded in~~ ^{attempted to} shift ~~the~~ burden from itself to the U.N., ~~rest of~~ the world now believes that the U.N. has the burden of proving Iraq's noncompliance with its obligation to disarm. In fact, Iraq has the burden of proving its compliance with its U.N. obligations. ~~The purpose of a~~ U.N. inspection ~~regime~~ is a means, not an end. Its purpose is to facilitate and confirm Iraqi disarmament.

Eight years of U.N. Special Commission (UNSCOM) inspections were unable -- because of Iraq's systematic campaign of deception and denial -- to confirm that Iraq had met its UNSCR 687 responsibility to destroy its WMD. UNMOVIC is at present weaker than its predecessor, the U.N. Special Commission. Iraq's refusal to re-admit weapons inspectors for almost 4 years has given Iraq ample opportunity to hide remaining WMD capability and to acquire new WMD.

We support the U.N.'s efforts to ensure compliance with UNSC resolution 687. The U.N. should be considering ways of enabling UNMOVIC to verify effectively the requirements of UNSCR 687, requirements which were supposed to have been completed 11 years ago.

An Iraq that was willing to comply fully with UNSCR 687 would accept unconditionally whatever was requested to demonstrate that it has disarmed. 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 to conduct destruction or confirm Iraqi destruction of its WMD capability and infrastructure;
- Authority to impound and destroy equipment or shut down facilities;

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The United States and the U.N.

- Allow ~~U.S.~~ ~~U.N.~~ access to and presence inside Iraq for the duration of the inspection process to conduct armed inspection missions. The United States and U.N. would be able to operate fixed- or rotary-wing aircraft, including UAVs, anywhere in Iraq, and bases in northern, central, and southern Iraq to facilitate short-notice inspection opportunities;
- Unrestricted access to Iraqi scientific personnel from inside Iraq that are knowledgeable about Iraq's WMD program and allow them to be interviewed together with their families outside of Iraq;
- Acceptance of any UNMOVIC inspectors, including American and UK inspectors.

**Declaratory Policy on UN WMD Inspections in Iraq
Talking Points**

- The goal of the United States is the verifiable elimination of Iraq's Weapons of Mass Destruction (WMD) as called for by the U.N. mandate.
- This is the only way to remove the WMD threat to the United States, its friends and allies in the region, and the Iraqi people.
- The essential issue is disarmament by Iraq, not inspections by the U.N.
- Iraq has the burden of proving its compliance with its U.N. obligations.
- Eight years of U.N. inspections were unable to confirm that Iraq had met its U.N. obligations.
- Unconstrained activity over the last 4 years means Iraq has had ample opportunity to hide remaining WMD capability and to acquire new WMD.
- We support fully the U.N.'s efforts to implement UNSC Resolution 687.

(Conform to language of statement)

An ^{that was willing} Iraq ~~sincerely~~ intended to comply ^{fully with UNSC R 687} it would unconditionally offer access in line with the original language in UNSC R 687. Iraq would offer an international inspection team:

accept whatever is requested & demonstrate that it has disarmed

- Access to any place in Iraq, anything in Iraq to include information and data, and any person in Iraq, immediately on demand to conduct destruction or confirm Iraqi destruction of its WMD capability and infrastructure;
- Authority to impound and destroy equipment or shut down facilities;
- ^{and} U.S. ~~U.N.~~ access to and presence inside Iraq for the duration of the inspection process to conduct armed inspection missions. The United States and U.N. would be able to operate fixed- or rotary-wing aircraft, including UAVs, anywhere in Iraq; and bases in northern, central, and southern Iraq to facilitate short-notice inspection opportunities;

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- Unrestricted access to Iraqi scientific personnel from inside Iraq that are knowledgeable about Iraq's WMD program and allow them to be interviewed together with their families outside of Iraq;
- Acceptance of any UNMOVIC inspectors, including American and UK inspectors.

~~SECRET~~ DRAFT WORKING PAPERS

DC mtg, 9 SEP

INSPECTION MODALITIES

- All teams must be permitted anywhere, anytime and without interference. Iraq would have to accept immediate, unconditional and unrestricted access to any site, facility, equipment, records, information, Iraqi personnel or other items that the inspectors may wish to inspect.
- In addition, the inspections will be conducted based on:
 - Removal of inspection modalities (Iraq used "sensitive site modalities" (1996) and "presidential site modalities" (1998) to obstruct access to sites suspected of concealing WMD).
 - Unrestricted access to Iraqi nationals, without the presence of Iraqi government monitors, with freedom to interview any Iraqi nationals under condition free of intimidation including interviews of Iraqi nationals, accompanied by their families, outside of Iraq.
 - Regional bases and operating bases for inspection teams throughout Iraq, including especially inspection team offices in regions outside of Baghdad to allow quick, effective inspections.
 - Inspection teams will have unrestricted overflight for fixed and rotary-wing aircraft, including UAVs.
 - Inspection teams will determine their own personnel, including U.S. personnel, and will accept and use information and intelligence that any member state is willing to provide.
- Any denial of entry, interference with, harassment of, or non-cooperation with the inspection teams will be considered a material breach of Iraq's obligations to the United Nations. Should any inspection team find any item or activity prohibited by the UNSC resolutions, this will also be considered a material breach. In UNSCR 678 the Security Council authorized member states to use "all necessary means" to uphold and implement the UNSCRs relevant to Iraq.

IRAQI DECLARATIONS

- Make a full, final, complete, and accurate disclosure of all chemical, biological, and nuclear weapons and ballistic missiles with a range of over 150 kilometers, all components thereof and related materials and equipment, and all related research, development, support and manufacturing facilities.
- Identify [and release] all Kuwaiti or third-state nationals still unaccounted for from the Gulf War held in captivity, and identify those who are deceased whose remains are held by Iraq [and return those remains] or otherwise account for them; inventory [and return] all Kuwaiti or other property stolen during the Gulf War and not returned.
- Identify [and surrender] all persons in Iraq who are or have engaged in acts of international terrorism; identify and describe [and terminate] all forms of support to groups or persons involved in such terrorism, including support for recruitment of members of terrorist groups and supply of weapons, money, or other support to terrorists (including payments to families of suicide bombers); condemn and renounce all acts, methods, and practices of terrorism.
- Document all acts of repression of the Iraqi civilian population, including especially repressive acts aimed at minority groups, the consequences of which threaten international peace and security in the region, [and allow immediate and free access by international humanitarian organizations to all those in need of assistance in all parts of Iraq.]
- Account for all funds or items received by Iraq in international trade conducted outside the oil-for-food program.