

~~SECRET~~
~~SECRET~~ W/ ATTACHMENTS

file UNMOVIC

MEMORANDUM FOR DEPUTY SECRETARY OF DEFENSE
USDP
ASD/ISA

1 Nov 02

(21)

FROM: Bill Luti

SUBJ: NSC Papers on Providing Support to UNMOVIC

Attached are the full set of papers concerning support to UNMOVIC handed out at yesterday's meetings at the NSC staff

Of particular interest are

- Draft letter to Blix (tab A)
- Draft NSPD on providing support to UNMOVIC (tab B)
- Protocol for Interviewing Iraqis outside of Iraq (tab C) — *See note abt out-of-Iraq interviews*
- Papers on status of UAVs (tab D)

Remaining papers at tab E

*OSD/USDP/ISA:
OSD/NSA COMMENTS TO FOLLOW...
JUST WANTED TO GET THE MAIN
DOCUMENTS TO YOU QUICKLY.*

~~SECRET~~

NOV 1 02 1112

DRAFT

~~Secret~~
Version 3

Dear Dr. Blix (Dr. ElBaradei):

At the President's request, I wanted to write you and Dr. ElBaredi (Dr. Blix) to reemphasize the U.S. support for robust, and penetrating, UN weapons inspections that offer Iraq a last opportunity to disarm under the terms of Resolution 687. Our meetings October 29 provided the President and Vice President the opportunity not only to underscore our commitment to work with an effective UN inspections process, but also to discuss the kind of inspection process needed to meet the challenge of disarming Iraq.

As we conveyed to you during the meetings, this must be Iraq's last chance. We are determined that there must be no return to the cat and mouse tactics that plagued UNSCOM and the IAEA throughout the 1990s. The UN resolution will be clear on these points. It will give UNMOVIC and IAEA clear, effective authority. The burden of proof is on Iraq, not on the UN and Iraq's interactions with UNMOVIC and the IAEA should demonstrate clear, transparent Iraqi efforts to cooperate and disarm.

(b)(1)



DRAFT

~~Secret~~

(b)(1)

I want to reaffirm our view that the job of UNMOVIC and the IAEA is to provide objective information to the Security Council. We welcome your intention to report frequently to the Council, and immediately if there are acts of noncooperation.

if disarm.
tends to
to achieve
their objective
for any
reason

We accept your determination to maintain the UN character of the inspection process. Within that framework, the United States is prepared to provide UNMOVIC and the IAEA with assistance in all the areas mentioned above and other requests that you may have, [including the list of UNMOVIC requirements that I received from you last week]. The secondment protocol that has allowed U.S. active duty military to work in the UN Secretariat could serve as a mechanism to provide you more U.S. personnel.

My staff will come back to you shortly with several concrete proposals, and we are prepared to urge others to provide support in areas where there is not a unique US capability.

I would welcome a response from you on the views described in my letter.

~~CONFIDENTIAL~~

Support for UNMOVIC and the IAEA

*Draft NSPD
Comments by
OOB 1 Nov*

BACKGROUND

In 1991, Iraq agreed to a UN-negotiated ceasefire to end the war of aggression it had launched against Kuwait. The ceasefire terms included Iraq's voluntary acceptance of, and cooperation with, comprehensive, unfettered inspections to ensure compliance. For eleven years Iraq deceived UN inspectors and defied the inspections regime before finally denying inspectors access completely in 1998. (U)

The Iraqi regime must now show that it has made a strategic shift in its approach and decided to comply with its obligations. A new UN inspection regime provides a means to test whether the Iraqi regime has made this strategic shift and is willing to give up its weapons of mass destruction. There can be zero tolerance for further deception or noncompliance. To be successful, inspections must place priority on testing Iraq's willingness to cooperate and to be disarmed of weapons of mass destruction. (U)

UNITED STATES SUPPORT FOR INSPECTIONS

Subject to successful completion of work underway in the UN Security Council to pass a new resolution on Iraq, and to receiving necessary assurances regarding the principles under which inspections will operate, and in pursuit of the goals outlined above, the United States will provide full support to the United Nations Monitoring Verification, and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency in the accomplishment of their missions. While we progress on fulfilling these conditions, it is time now to begin to prepare to support the UNMOVIC and IAEA missions in Iraq.

*See, however,
the condition
set out in
letter to B. 12,
p. 2, 18 Nov 98.*

Fulfilling these missions requires that UNMOVIC and the IAEA employ a strategy of robust, flexible, and secure inspections that use, as appropriate, the full range of relevant technical and human capabilities. The United States will respond to UNMOVIC and the IAEA requests for material, operational, personnel, (b)(1) as well as suggest such support to UNMOVIC and the IAEA, sufficient to accomplish the responsibilities mandated for them by the relevant UN Security Council Resolutions.

~~CONFIDENTIAL~~

Classified by: William Tobey
Reasons: 1.5(e)(d)
Declassify on: 10/21/12

(b)(1)

The Proliferation Strategy PCC will coordinate development of policy guidance regarding inspections in Iraq and U.S. support for them. The Department of State will be responsible for official communications with UNMOVIC and the IAEA, and for coordinating U.S. support and assistance to UNMOVIC and the IAEA within policy this guidance. The Departments of Defense, Energy, Treasury, and the Central Intelligence Agency will provide such support as needed. ~~SECRET~~

October 31, 2002

ISSUE: Does UNMOVIC have Existing Authority to Destroy Iraqi Unmanned Aerial Vehicles (UAVs)?

- The authority of UNMOVIC to destroy items in Iraq derives from that granted to UNSCOM under UNSCR 687.
- The 687 authority to destroy ballistic missiles is not applicable to UAVs, which do not follow a ballistic trajectory and, at least for INF purposes, we do not consider to be missiles.
- 687 further authorizes UNSCOM to destroy, inter alia, "all chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support and manufacturing facilities."
- UAVs modified or designed to disperse chemical or biological weapon agent may reasonably be considered "chemical or biological weapons," and therefore subject to destruction under 687.
- The Biological Weapons Convention (BWC) defines BW as "agents, toxins or delivery vehicles designed to use such agents." The Chemical Weapons Convention (CWC) contains a similar definition of CW. 687 invites Iraq to ratify the BWC (it signed in 1972) and stresses the importance of early conclusion of the CWC, suggesting the Council had in mind a definition of BW/CW that included delivery vehicles specially designed or modified for CBW use.
- UAVs can also be used for non-prohibited purposes, such as pilot training, target drones or surveillance. While such uses may be counter to U.S. interests, they are not prohibited under 687. UNMOVIC authority to destroy such UAVs would need to be determined on a case-by-case basis.
- Whether a UAV not specifically designed or modified for dispersal of CBW is subject to destruction turns on the degree of inspectors' suspicion that the UAV is intended for a prohibited use, i.e., as a chemical or biological weapon, or subsystem or component thereof.
- For example, through UNSCR 1051, the Council took the position that failure to notify an imported dual-use item under the export/import monitoring mechanism created a strong presumption that the item was intended for a prohibited purpose, and therefore subject to destruction.
- Similarly, if Iraq is required under a new UNSC resolution to declare UAVs, failure to do so with respect to an UAV may create sufficient suspicion to warrant its destruction. Moreover, to the extent that any Iraqi UAV, declared or undeclared, is discovered to be designed or modified for CBW use, suspicion may be cast on Iraq's entire UAV program.
- We are not aware of a specific evidentiary threshold that must be crossed before destruction of UAVs by UNMOVIC may occur. However, given the limited number of credible non-CBW uses of UAVs by Iraq, crossing this threshold should not be too onerous a task.

Drafted: Thirsch - L/NP

State

31 October 2002

UNSCR Language Regarding UAVs

Background

UNSCR 687, makes no reference to UAVs and requires only that "All ballistic missiles with a range greater than 150 km and related parts..." shall be destroyed. The resolution also states "All chemical and biological weapons...and all related systems and components..." shall be destroyed, but makes no specific reference to UAVs as "related systems". ~~(UNSCR 1051)~~

UNSCR 1051 provides provisions for monitoring sales of prohibited systems to Iraq, and Annex IV to the resolution provides extensive definitions of UAVs (as well as cruise missiles), stating "The Prohibitions under the Plan apply to ballistic missiles or missile delivery systems capable of a range greater than 150 km including...cruise missiles, target drones, reconnaissance drones and other UAV systems...". However, there is no requirement in 1051 that these systems (UAVs and subsystems), if discovered in Iraq, be destroyed. ~~(UNSCR 1051)~~

Constraints

UAVs are difficult to capture under existing UNSCRs in that they are dual-use and an Iraqi UAV could be intended to carry an underwing spray system without any visible evidence to an inspector. It is probable that Iraq is developing UAVs as aerial targets and for reconnaissance, as well as for WMD delivery missions, and it may not be possible for an inspector to determine the mission of the vehicle. Furthermore, Iraq might be able to quickly "deconfigure" UAVs with internal modifications to hide the true mission of the vehicle. ~~(UNSCR 1051)~~

The range constraint of 150 km for missile systems, without further clarification, is difficult to apply to UAVs since most of Iraq's UAVs can not be remotely controlled to that range and would require an autopilot to fly further. Although Iraq has flight-tested at least one UAV with an autopilot, those autopilots could be removed on short notice allowing Iraq to claim a range of less than 150 km for their UAVs. This despite the fact that Iraq's UAVs—large and small—almost certainly have fuel exhaustion ranges significantly greater than 150 km. ~~(UNSCR 1051)~~

Recommended Added Language

Clarify the range requirement as follows:

Range shall be defined as the distance an unmanned aerodynamic vehicle can fly over the ground and shall not be constrained to mean straight-line distance flown from the launch point. This aerodynamic range shall be calculated using the definition of range agreed to for the Missile Technology Control Regime (MTCR), attached below, and assumes a best-case flight profile and standard day conditions. This distance shall be called "aerodynamic range" and is the fuel exhaustion range of the vehicle assuming a one-way

~~SECRETED BY IN~~

~~SECRET~~

SUBJECT: UNSCR Language Regarding UAVs

trip with no return. The distance shall be determined using the best-case (i.e. longest range) flight profile of the vehicle in standard day conditions with no wind. This distance shall not refer to the remote control range of the vehicle. ~~(S/DA/131)~~

"MTCR Range Definition"

The maximum distance that the specified rocket system or unmanned aerial vehicle system (UAV) is capable of traveling in the mode of stable flight as measured by the projection of its trajectory over the surface of the Earth.

MTCR Technical Notes:

1. The maximum capability based on the design characteristics of the system, when fully loaded with fuel or propellant, will be taken into consideration in determining range.
2. The range for both rocket systems and UAV systems will be determined independently of any external factors such as operational restrictions, limitations imposed by telemetry, data links or other external constraints.
3. For rocket systems, the range will be determined using the trajectory that maximizes range, assuming ICAO standard atmosphere with zero wind
4. For UAV systems, the range will be determined for a one-way distance using the most fuel-efficient flight profile (e.g., cruise speed and altitude), assuming ICAO standard atmosphere with zero wind.

Include amended wording to allow destruction of ALL UAVs in Iraq that can fly a ground distance of greater than 150 km:

Any UAV or cruise missile with an aerodynamic range of greater than 150 km shall be prohibited and must be immediately destroyed, regardless of intended mission or payload. This aerodynamic range shall be calculated using the definition of range agreed to for the Missile Technology Control Regime (MTCR), and assumes a best-case flight profile and standard day conditions. In addition, the aerodynamic range shall assume that all empty space in the fuselage is available to be filled with fuel, as long as weight and balance limits for that vehicle are not exceeded. Furthermore, subsystems (defined in Annex IV to UNSCR 1051) that allow UAV operations to ranges greater than 150 km shall also be prohibited. These subsystems include remote control equipment with a range capability greater than 150 km, as well as all autonomous guidance and control equipment that could provide an air vehicle with the ability to autonomously fly and navigate to any distance. ~~(S/DA/131)~~

~~SECRET~~

~~SECRET - NOFORN~~

Personnel Required:

1. **Inspectors:** Chemical, Biological, Nuclear, and Missile. Need about 25 per discipline. Expect the chemical, biological and missile inspectors will have to go through the UNMOVIC 4-week training course before they can become inspectors. The next class will be Jan 27, 2003 in Vienna.] 100/class

2. **Support personnel:** We need an appropriate number of people in the following categories:

- a. Computer forensics experts
- b. Translators
- c. Document exploitation
- d. Security experts
- e. Interviewers (FBI Trained?)
- f. Communications
- g. Supply
- h. EOD/CW
- i. Photo technicians
- j. Chem/bio lab technicians
- k. Medical
- l. Building engineers
- m. Associated personnel with equipment we provide
- n. Ground and Air Transportation
- o. Geo-technical engineers
- p. Contracts, finance and auditor experts

3. **Export/Import Inspectors:** Approximately 200 inspectors are needed with the U.S. providing some portion of that number. Inspectors would have to be trained, e.g., Goods Review List (GRL), before assuming the duties. training?

Facilities: UNMOVIC should have adequate, safe and secure and properly equipped facilities. These include:

- 1. Living accommodations
- 2. Office facilities (Baghdad and Larnaca) - elsewhere?
- 3. Analytical lab facilities
- 4. Secure communications (telephones/computers/links)
- 5. Physical Security
 - a. Buildings sweeps
 - b. Access
 - c. Other (document storage)

~~SECRET - NOFORN~~

~~SECRET-NOFORN~~

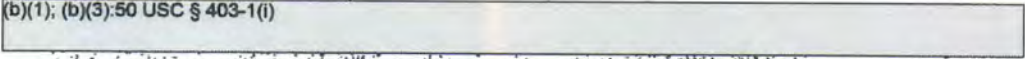
(b)(1)



Logistics:

1. Ground transportation sufficient- 75
2. Helicopters sufficient - 9 helos

(b)(1); (b)(3); 50 USC § 403-1(i)



Suspense: COB 1 Nov 02

~~SECRET-NOFORN~~