

The Hunting of the Snark?

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What did the American and British governments think they knew about Iraq's weapons programs, and how did they come to think they knew it? Some answers to these and other significant questions may yet be forthcoming as government hearings, statements, articles and press battles develop. Among the more intriguing, if not arcane, issues may be the influence of schools of political theory (specifically, those trained in the political philosophy of Leo Strauss) on international politics. Who would have suspected? More generally, serious questions remain to be answered about the processes by which British and American intelligence on Iraq's weapons programs was developed, processed and then fed into the public debate leading up to the war, the legal basis for the war on Iraq (a compound of assessments of Iraqi compliance with Security Council Resolution 1441 (2002) and the interpretation of that resolution as a mandate for war), the resulting present and future intelligence, legal and moral credibility of the two governments, and the effectiveness of the international inspection effort from 1991 to mid-March 2003.

How much light, as opposed to heat, may be shed on these subjects is yet to be determined. Going by the public debate to date, one should not, perhaps, be very hopeful. A number of aspects of these and related questions seem to be getting overlooked in the rush of both supporters and detractors of the war, acting, it would seem, on the principle of "any stick to beat a dog," either to shift their ground or overlook the inconvenient. What are some of these possibly forgotten but none the less significant matters?

First, it must be remembered that the burden of proof, since 1991, has been on Iraq to prove that it had in fact disclosed its weapons programs fully and that these – the programs, not just the weapons – had been destroyed, dismantled or otherwise neutralized. This Iraq had manifestly failed to do in a period of over a decade. It had, instead, invested great efforts and absorbed great costs in trying to mislead, obstruct and deceive the weapons inspectors. If Iraq was pure as the driven snow just before the March 19 opening of the war, who, on the basis of its track record, would rationally believe it?

Second, whatever one thinks of some of the intelligence claims, on the basis of documentation from UNSCOM, the IAEA and UNMOVIC, significant gaps and discrepancies still remained in some areas of knowledge about the Iraqi weapons programs. While the nuclear area seems to have been more fully accounted for than the others, design and other information was still absent. In the case of ballistic missiles, problems still remained in the area of indigenous production efforts. More significantly, there were gaps in both the chemical and the biological weapons areas.

Third, the language of "the smoking gun" was seriously misleading on the question of Iraq's production capability. A key issue was always not simply what weapons Iraq might have on hand, but rather what production capacity, including in the form of dual-use capabilities, it might retain. It is generally overlooked that, following the dismantling and destruction of Iraq's weapons and dedicated production capability under Res. 687 (1991), the country was to continue, even after the removal of sanctions, under a system of Ongoing Monitoring and Verification until such time as the Security Council saw fit to remove that final surveillance. That OMV system was to track Iraq's exports and imports of various items of plant, material and equipment, and its use of various items even in permitted civilian facilities and employment. Iraq's ability to restore and ramp up weapons production, by the preservation of a residual capability, including one hidden in dual-capable civilian sectors, has always been a matter of concern. Suggestions in recent days that the Iraqi security and intelligence organizations were attempting to do this, on a very low scale at least. In the biologicals area, if borne out, might constitute at least a whiff of gunpowder.

Fourth, it is useful to remember that clear evidence of Iraqi violation at least of the ban on military imports has been uncovered. Aside from the rocket gyroscopes episode of the 1990s, we have more recently the issue of aluminum tubes and about 380 rocket motors. The aluminum tubes, it has been alleged, were to support a centrifuge enrichment program; others suggest, however, that they were for rocket artillery. In either case, their import was prohibited. The rocket motors likewise were prohibited, regardless of the range of the missiles concerned or their warheads.

Fifth, many questions remain to be settled about the efficacy of the international inspections conducted by UNSCOM, UNMOVIC and the IAEA. Were these both technical and political failures, or did they actually enjoy some significant technical success despite being, in some sense, ultimate political failures? A clear answer must await a judgement as to the state of any remaining Iraqi weapons and weapons production capability. The more it appears that the international inspections drove the Iraqis to limit their efforts in order to hide them, the more successful, even if only in a limited sense, must those inspections be seen as being.

Finally, however, is the great political as well as technical question: would the restoration of the inspections in 2002 have been sufficient? For some states, ultimately, it likely would have been, whether to "contain" Iraq or perhaps to "contain" the United States. On the face of it, Iraq may have been discovering that the time for permitted dithering was passing, but it was at least slow to learn and respond. However, it is possible that a continued international effort might have sufficed. Yet, on the basis of the past decade's record, could one have reasonably suspected that Iraqi co-operation might have been forthcoming only so long as the threat of imminent war was present, and would have receded with that threat? On the basis of the historical record, such misgivings would not seem entirely misplaced. If so, the burden of the recent war must be shouldered by numerous actors, including , especially, but not limited to, Iraq, who failed to give the inspection process the needed support in the 1990s. It is, in any event, hard to understand how any actor, short of wishful thinking, might fail to interpret the arguments around the writing of Res. 1441 as indicating anything less than something of an ultimatum: the resolution referred to a "final opportunity," not to "yet another opportunity." It may be that the Americans were quite eager to give only a limited time for Iraq to realize the name of the game and to be responsive; at the same time, it seems fairly clear that the Americans did not intend an indefinitely long period for compliance, nor that they were willing to put up with a replay of the 1990s.