4.F 76/2:S.HRG.106-261

S. HRG. 106–261

FACING SADDAM'S IRAQ: DISARRAY IN THE INTERNATIONAL COMMUNITY

HEARING

BEFORE THE

COMMITTEE ON FOREIGN RELATIONS UNITED STATES SENATE

ONE HUNDRED SIXTH CONGRESS

FIRST SESSION

SEPTEMBER 28, 1999

Printed for the use of the Committee on Foreign Relations

Pennsylvania State University
Libraries

MAR 2 7 2000

Documents Collection
U.S. Depository Copy

Available via the World Wide Web: http://www.access.gpo.gov/congress/senate

U.S. GOVERNMENT PRINTING OFFICE
61–363 CC WASHINGTON : 2000

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402
ISBN 0-16-060095-2

Digitized by Google

Original from
PENN STATE

COMMITTEE ON FOREIGN RELATIONS

JESSE HELMS, North Carolina, *Chairman*

RICHARD G. LUGAR, Indiana
PAUL COVERDELL, Georgia
CHUCK HAGEL, Nebraska
GORDON H. SMITH, Oregon
ROD GRAMS, Minnesota
SAM BROWNBACK, Kansas
CRAIG THOMAS, Wyoming
JOHN ASHCROFT, Missouri
BILL FRIST, Tennessee

JOSEPH R. BIDEN, JR., Delaware
PAUL S. SARBANES, Maryland
CHRISTOPHER J. DODD, Connecticut
JOHN F. KERRY, Massachusetts
RUSSELL D. FEINGOLD, Wisconsin
PAUL D. WELLSTONE, Minnesota
BARBARA BOXER, California
ROBERT G. TORRICELLI, New Jersey

STEPHEN E. BIEGUN, *Staff Director*
EDWIN K. HALL, *Minority Staff Director*

Digitized by Google
Original from PENN STATE

CONTENTS

	Page
Butler, Hon. Richard, former Executive Chairman, United Nations Special Commission (UNSCOM), Diplomat in Residence, Council on Foreign Relations, New York, NY	3
Prepared statement of	8
Helms, Jesse, U.S. Senator from North Carolina, prepared statement	2

Digitized by Google

Original from
PENN STATE

Digitized by Google

Original from
PENN STATE

FACING SADDAM'S IRAQ: DISARRAY IN THE INTERNATIONAL COMMUNITY

TUESDAY, SEPTEMBER 28, 1999

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The Committee met, pursuant to notice, at 10:35 a.m. in room SD–419, Dirksen Senate Office Building, Hon. Jesse Helms (chairman of the committee) presiding.

Present: Senators Helms, Brownback, Kerry, Wellstone.

The CHAIRMAN. The committee will come to order, and as usual at this time of year, every Senator has two other committee meetings to attend. It is difficult to be two places at once. They will be coming in later, Mr. Ambassador, and you being the first witness. And let me inform the young people who are welcome here this morning that the first witness is the Honorable Richard Butler, the former Executive Chairman of the United Nations Official Commission on Iraq, called UNSCOM. He is a diplomat now in residence on the Council on Foreign Relations in New York City.

And, Mr. Ambassador, we, of course, welcome you and very much appreciate your going so far out of your way to participate in this important hearing of the Foreign Relations Committee. As we meet this morning, the U.N. Security Council is trying to plan a new weapons inspection regime for Iraq to replace UNSCOM, the commission that you headed. In order to buy off certain Security Council members, some may be working to ease the existing sanctions on Iraq.

Now, I have a few thoughts on the deliberations going on up in New York City. I have heard some argue that any weapons inspections in Iraq are better than no inspections. I don't subscribe to that myself, for one obvious reason. Meaningful inspections must be intrusive, thorough, and open-ended, in other words, not different from the inspections conducted by your organization, sir, when you headed it.

If anybody concludes, therefore, that I would regard any new inspection regime accepted by Saddam Hussein as a charade, that conclusion is perfectly valid, for that is precisely the way I feel about it. Worse yet, in exchange for whatever inspection regime Saddam and his allies will agree upon in the United Nations, the United Nations will ease sanctions on Iraq, and our friends at the Department of State obviously believe that easing sanctions on Iraq will undercut the argument that it is sanctions that are starving the Iraqi people, which it seems to me is bureaucratic nonsense. It is Saddam Hussein, nobody else, who is starving the peo-

Digitized by Google
Original from PENN STATE

ple of Iraq. Food and medicine are rotting in Iraqi warehouses undistributed while little children suffer and die.

In northern Iraq, where the United Nations distributes food, the child mortality rates are below prewar levels, and in the center and the south where Saddam Hussein is in charge, rates—mortality rates, that is—are twice, are twice what they were before the war. Forbes magazine recently rated Saddam Hussein as one of the richest men in the world, with $6 billion in personal wealth. So lifting sanctions on Iraq will do nothing more than enable Saddam Hussein to import the building blocks for weapons of mass destruction, and I have no doubt about his interest in doing precisely that.

UNSCOM was drummed out of Iraq, and since that happened, Saddam has been up to his old dirty tricks and while a new inspection regime might—I think I want to underscore might somehow—might slow that process a bit here and there, Saddam Hussein is not going to tolerate a serious weapons inspection and monitoring effort for very long. So it is back to the drawing board and what we will do? We will buy him off with nuclear reactors? Not with the willingness of this Senator.

We need to face up to the fact that we are playing Saddam Hussein's game, not ours. He wanted inspectors out and out they went. He wants sanctions lifted and sanctions are being eased. This game can be played for a little while while scarcely anybody is paying attention, but it has to end somewhere. Clearly the majority of the permanent Security Council members don't care about the Council's credibility. But if the United States does not stand up and be counted, Saddam will have tweaked the noses of weak-kneed "diplomats" once more.

Sooner or later, and I imagine sooner rather than later, this administration will have to admit that Saddam Hussein is determined to acquire weapons of mass destruction at any price, so if the United States is serious about ensuring stability in that region by disarming Iraq, Saddam is going to have to be ousted first.

[The prepared statement of Senator Helms follows:]

PREPARED STATEMENT OF SENATOR JESSE HELMS

Ambassador Butler, we welcome you and very much appreciate your going out of your way to participate in this important hearing of the Foreign Relations Committee.

As we meet today, the United Nations Security Council is contemplating a new weapons inspection regime for Iraq to replace UNSCOM, the Commission you headed. In order to buy off certain Security Council members, some may be working to ease the existing sanctions on Iraq.

I have a few thoughts on the deliberations going on up in New York. I have heard it argued that any weapons inspections in Iraq are better than no inspections. I do not subscribe to such a view for one obvious reason: Meaningful inspections must be intrusive, thorough and open-ended—in other words, not different from the inspections conducted by UNSCOM. If anyone concludes, therefore, that I regard any new inspection regime accepted by Saddam Hussein as a charade, the conclusion will be valid—for that is precisely my apprehension.

Worse yet, in exchange for whatever inspection regime Saddam and his allies will agree to, the United Nations will ease sanctions on Iraq. Our friends at the Department of State obviously believe that easing sanctions on Iraq will undercut the argument that it is sanctions that are starving the Iraqi people.

Which, it seems to me, is bureaucratic nonsense. It is Saddam who is starving the people of Iraq. Food and medicine are rotting in Iraqi warehouses while little children suffer and die. In Northern Iraq, where the United Nations distributes food, child mortality rates are below pre-war levels. In the center and south (where Saddam is in charge) mortality rates are twice what they were before the war.

Digitized by Google

Original from PENN STATE

Meanwhile, Forbes Magazine recently rated Saddam Hussein as one of the richest men in the world, with $6 billion in personal wealth. So, lifting sanctions on Iraq will do nothing more than enable Saddam Hussein to import the building blocks for weapons of mass destruction. And I have no doubt about his eagerness to do so.

Since UNSCOM was drummed out of Iraq, Saddam has been up to his old dirty tricks. And while a new inspection regime might—might!—slow that process a bit here and there, Saddam is not going to tolerate a serious weapons inspections and monitoring effort for very long.

Then it's back to the drawing board. And what will we do? Buy him off with nuclear reactors? Not with the willingness of this Senator. We need to face up to the fact that we are playing Saddam Hussein's game. He wanted inspectors out and out they went. He wants sanctions lifted and sanctions are being eased. This game can be played for a little while while scarcely anybody is paying attention, but it has to end somewhere. Clearly, the majority of the Permanent Security Council members don't care about the Council's credibility. But if the United States doesn't stand up and be counted, Saddam will have tweaked the noses of weak-kneed "diplomats" once again.

Sooner or later—sooner rather than later—this Administration will have to admit that Saddam Hussein is determined to acquire weapons of mass destruction at any price. So if the United States is serious about ensuring stability in that region by disarming Iraq, Saddam will have to be ousted.

Ambassador Butler, I will have some questions after your statement. Again, I commend your courageous work in Iraq. I know we may disagree about some matters, but you have my unreserved admiration and respect for your leadership of UNSCOM.

The CHAIRMAN. So, Mr. Ambassador, I will have some questions after your statement. Again, I commend your courageous work. It may be that we disagree about some matters, but you have my unreserved admiration and respect for your leadership in that job. You may proceed, sir.

STATEMENT OF THE HONORABLE RICHARD BUTLER, FORMER EXECUTIVE CHAIRMAN, UNITED NATIONS SPECIAL COMMISSION (UNSCOM), DIPLOMAT IN RESIDENCE, COUNCIL ON FOREIGN RELATIONS, NEW YORK, NY

Mr. BUTLER. Mr. Chairman, thank you very much for your great kindness in inviting me here today to this honorable body. I am deeply honored to sit here before you and to have the opportunity to make a brief statement and to attempt to answer whatever questions you and your colleagues, whomever of them are able to be here, are able to pose to me, and I am very conscious of the fact that this meeting is a meeting that is on the record, and I will want, therefore, to be as clear and as forthright as I can be.

I propose to make a brief statement, the text of which has been made available, but in which there will be one or two minor corrections, and I would ask that they be made for the record, and then presumably we'll move into a period of discussion.

The CHAIRMAN. The reason I turned abruptly, I understood you to say off the record.

Mr. BUTLER. On the record.

The CHAIRMAN. She corrected me. I don't hear everything here sometimes. It is on the record, and we will proceed.

Mr. BUTLER. I am conscious of the fact that this is on the record. That is the way I prefer it to be and, therefore, I will try to speak with as much clarity and forthrightness as I can muster. My statement will talk a little bit about the history of how we got to where we are now and then, of course, a little bit about where we are now and the choices that lie in front of us.

Digitized by Google

Original from PENN STATE

So I will begin. Eight years ago, following the expulsion of Iraq from Kuwait, the Security Council of the United Nations passed resolutions relating to the disarmament of Iraq's weapons of mass destruction and sanctions. Those resolutions were amongst the most detailed resolutions ever adopted by the Security Council, but their key elements are able to be summarized simply.

First, Iraq was to be disarmed of all nuclear, chemical, and biological weapons and the means of manufacturing them and was prohibited from holding, acquiring, or manufacturing missiles which could fly further than 150 kilometers. Second, only after the Security Council agreed that Iraq had taken all of the disarmament actions required of it would the oil embargo and the related financial strictures be removed.

The Security Council created the special commission, UNSCOM, to carry out this work of disarmament with Iraq. Iraq was required to cooperate fully with the Commission and to give it immediate and complete access to all relevant sites, materials, and persons. Another United Nations organization, the International Atomic Energy Agency, was given a parallel responsibility to that of UNSCOM, but in its case in the area of its competence; namely, nuclear weapons. And IAEA and UNSCOM worked hand in hand.

The basic system for disarmament which was established had three parts. Iraq would declare in full its prohibited materials. The Commission would verify those declarations, and then the illegal weapons and related materials so revealed would be and I quote, "destroyed, removed or rendered harmless" under international supervision.

The key disarmament resolution was Security Council Resolution 687. Another resolution was subsequently adopted under which UNSCOM would monitor all relevant activities in Iraq as a means of seeking to ensure that illegal weapons were not reconstituted following the disarmament phase, and the main resolution dealing with that monitoring was Security Council Resolution 715.

Now, it is essential to mention that the Security Council had in mind that the disarmament of Iraq would take place very quickly. This was reflected in the fact that the declarations, step one, the declarations sought from Iraq were required to be delivered within 15 days. And thus it was broadly anticipated that thereafter, the work of destroying, removing or rendering harmless all relevant materials might be completed in a period of between 9 and 12 months.

Mr. Chairman, I want to emphasize this: 15 days. And 3,000 days later, those declarations are still not in, complete, or honest. So what has been the practical experience with that basic setup? Iraq's actions may be summed up as having four main characteristics.

First, its declarations were never complete. From the beginning, Iraq embarked upon a policy of making false declarations. Second, Iraq divided its illegal weapons holdings into two parts, the portion it would reveal and the portion it concealed. Third, to mask its real weapons of mass destruction capability, Iraq embarked upon a program of unilateral destruction, itself illegal, unilateral destruction of a portion of its weapons. And finally, it refused to comply with the resolutions of the Security Council, in many ways, very many

Digitized by Google

Original from PENN STATE

ways, so that the Commission was never able to exercise the rights spelled out for it in the resolutions of the Security Council.

In this respect, I am talking about rights of access, rights of inspection, rights of aviation, things that I readily admit a year ago must have been driving good folks crazy: Why were we going on about things like inspections? And it was because the law gave us those rights so we could get our job done. And from the beginning, Iraq denied us those rights.

In practical terms, this has meant that the job of disarming Iraq, which should have taken about a year, is still not complete. Now, over—a little over a year ago, during consultations in Baghdad, the Deputy Prime Minister of Iraq, Tariq Aziz, sitting across the table from me and my colleagues, simply demanded of me, there and then, that I declare Iraq disarmed. This was consistent with the position Iraq had stated during preceding months. They commenced writing to the Secretary General, writing to Secretary Council, saying in public, we are disarmed, and he demanded that I leave the room, go back to New York, and say, "I declare Iraq disarmed."

Mr. Chairman, I refused to do that. I told him I would not do that because I could not do it. I was not able to. Because we had given Iraq a list of remaining materials and evidence that we needed to complete the disarmament job, to be able to not make a mere declaration, but to show by evidence that the job was done, and Iraq had refused to give us that evidence, so I refused to agree to his demand. A few days later, Iraq shut down all work by UNSCOM and the International Atomic Energy Agency.

Now, as a result of these actions, there has been no disarmament or monitoring work in Iraq for a year, and throughout that period, the Security Council has been unable to reach any agreement on how its resolutions may be enforced, and on how the work of disarmament and monitoring may be resumed. Earlier this year in the context of the Security Council's consideration of what it might do to solve this problem, I directed that UNSCOM provide to the Council a basic document setting out the then-current state of affairs with respect to the disarmament of Iraq's proscribed weapons and ongoing monitoring and verification in Iraq. That document was in due course published as Security Council document 94 of 1999. It remains the basic statement of position.

The initial response, by the way, of some members of the Security Council was to seek to prevent its publication, was to seek to suppress that document. But that was able to be solved. That did not happen, and the document is now a public document. The Council subsequently undertook its own examination of the position in special panels of inquiry, and in April 1999 the panel on disarmament of the Security Council, disarmament and monitoring, issued a report which came to broadly similar conclusions to those of UNSCOM Document No. 94.

Now, since that time, there has been a continuing negotiation in the Security Council about a draft resolution which would address both the disarmament and monitoring issues and the sanctions issues.

One draft resolution provided by Russia would essentially accept, accept the Iraqi claim that it is in fact disarmed, and remove sanctions altogether, in return for which Iraq would be obliged to accept

Digitized by Google

Original from PENN STATE

an ongoing monitoring system. Another draft resolution—and China now supports that resolution, and I think France has indicated it could do the same.

Now, another draft resolution tabled initially by the United Kingdom and the Netherlands would in fact establish UNSCOM No. 2, a successor organization to UNSCOM with a different name and would charge it with bringing the disarmament task to conclusion. No assumption would be made that there are no more such tasks, unlike the Russian resolution. To bring those tasks to conclusion, and to establish the serious ongoing monitoring system.

This resolution would not simply abolish sanctions, as would the Russian one, but would suspend them for renewable periods, provided Iraq remained in compliance with the terms of the resolution. Now, in recent months, negotiations have tended to focus increasingly on this second British-Dutch draft resolution. There doesn't seem to be much interest in the Russian-Chinese one. United States administration has indicated broadly that it could go along with the British-Dutch draft.

However, recent reports have suggested that it is in fact unlikely that the Security Council will be able to reach consensus on this draft, and moreover, statements from Baghdad have indicated that the Government of Iraq would not be prepared to cooperate with that resolution even in the event that it were adopted by consensus. Now, Mr. Chairman, this state of affairs has many aspects and implications, but I want to mention two that I believe are of grave concern.

One is in the area of arms control, and the other is in the area of the authority of the Security Council. Now, with respect to arms control, Iraq's challenge to the nonproliferation regimes is the most serious and direct challenge ever faced by those regimes, quite specifically by what I call cheating from within.

This is the worst challenge to the nonproliferation regimes. Cheating from within is where a state signs up, in this case, for example, promises not to make a nuclear weapon and the next day proceeds to do so secretly. Cheating from within.

Iraq has posed that challenge, and I suggest in all of the nonproliferation fields, nuclear, chemical, biological, the most serious challenge that those regimes have ever faced, and I think it is a matter of serious concern. But if Iraq is able to get away with it, successfully to ignore its own obligations under the various weapons of mass destruction nonproliferation regimes, then the fundamental credibility of those regimes as such around the world will be called into question.

Second, all of the resolutions adopted by the Security Council on Iraq and its disarmament have the force of international law pursuant to Chapter 7 and in particular, Article 25 of the charter of the United Nations. Now, it follows from this that if Iraq succeeds in rejecting those resolutions, those pieces of law, it will by that action have most deeply harmed the lawgiver itself and its authority; namely, the Security Council. And, Mr. Chairman, I do not know what the consequences of that would be, but I suspect that they would be very broad, maybe even incalculable.

I wrote an article recently published in the current issue of the journal Foreign Affairs, the September-October 1999 issue of that

Digitized by Google

Original from
PENN STATE

journal, the organ of the Council on Foreign Relations. And I proposed in that article, which deals with repairing the Security Council, I proposed that there should be a consultation amongst permanent members of the Council on the question of the veto power. I have not proposed that it be removed. I think that is impossible. I will not even discuss it. But I have proposed that they discuss the uses to which it may be put, and very specifically, I have proposed that they should reach an agreement that the veto should not be used to protect a clear transgressor of an arms control undertaking, that such a use of the veto or threatened use of the veto should be considered inadmissible.

Now, Iraq is in such a position of noncompliance today, yet certain permanent members of the Security Council, states with the veto, appear to be unprepared to insist upon Iraq's compliance with the resolutions, with the law that they themselves have adopted. I think that is deplorable. But more importantly, I do not believe, Mr. Chairman, that Iraq would be able to continue to defy the Security Council, not for very long, if those five permanent members were in fact to stand together in insisting to Iraq that it must return to compliance with the law. Their unity is essential.

Now, finally, I will say a very brief word about the issue of sanctions, to which you in your statement referred. I want to make clear that in my role as Executive Chairman of UNSCOM, sanctions were in fact never within my responsibility. My job was for disarmament and arms control. The sanctions were designed by and applied by the Security Council in order to back up and to provide an incentive for Iraq to comply with the resolutions of the Council.

The key connection between disarmament and sanctions was the one that I mentioned earlier, namely, in Resolution 687, where it says that when the Security Council is satisfied that Iraq has been disarmed—the words are, "has taken all the actions required of it with respect to disarmament"—then it would abolish the oil embargo, the embargo against the import by other states of oil from Iraq.

Now, the British-Dutch resolution, may I say, states quite specifically, and I quote, "The conditions do not exist that would enable the council to take a decision pursuant to Resolution 687 to lift the prohibitions referred to in that resolution." It specifically says they are not yet disarmed and so the oil embargo cannot yet go.

Now, we will talk about this in a moment, I am sure. It goes on to say many other things, but it does actually say that. Now, in this context of sanctions, I believe it is a point of fundamental significance, it is a point, Mr. Chairman, you made in your statement, that the refusal by Iraq to comply with the disarmament law has been the main source of the continuation of sanctions. The key to sanctions relief has been disarmament. That is been the case for 8 years, the eight long years in which ordinary Iraqis have suffered from sanctions.

The key to it has been disarmament and Saddam Hussein has always had that key in his hand. He has always refused to turn it. That concludes my statement, and I thank you for your attention.

[The prepared statement of Mr. Butler follows:]

Digitized by Google

Original from PENN STATE

PREPARED STATEMENT OF HON. RICHARD BUTLER

Eight years ago, following the expulsion of Iraq from Kuwait, the Security Council of the United Nations passed resolutions relating to the disarmament of Iraq's weapons of mass destruction and sanctions. Those resolutions were amongst the most detailed resolutions ever adopted by the Security Council, but their key elements are able to be summarized simply.

First, Iraq was to be disarmed of all nuclear, chemical, and biological weapons and the means of manufacturing them and was prohibited from holding, acquiring or manufacturing missiles which could fly further than 150 kilometers.

Secondly, only after the Security Council agreed that Iraq had taken all of the disarmament actions required of it would the oil embargo and related financial strictures be removed.

The Security Council created the Special Commission, UNSCOM, to carry out this work of disarmament, with Iraq. Iraq was required to cooperate fully with the Commission and to give it immediate and complete access to all relevant sites, materials and persons.

The basic system for disarmament which was established had three parts—Iraq would declare in full its prohibited materials, the Commission would verify those declarations, and the illegal weapons materials thus revealed would be "destroyed, removed or rendered harmless," under international supervision.

The key disarmament resolution was Security Council resolution 687. Another resolution was subsequently adopted under which UNSCOM would monitor all relevant activities in Iraq as a means of seeking to ensure that illegal weapons were not reconstituted, following the disarmament phase. The main resolution dealing with monitoring was Security Council resolution 715.

It is essential to mention that the Security Council had in mind that the disarmament of Iraq would take place very quickly. This was reflected in the fact that the declarations sought from Iraq were required within fifteen days. It was broadly anticipated that, thereafter, the work of destroying, removing or rendering harmless all relevant materials might be completed in a period of between nine and twelve months.

What has been the practical experience?

Iraq's actions may be summed up as having three main characteristics. In the first instance, its declarations were never complete. From the beginning, Iraq embarked upon a policy of making false declarations. Secondly, Iraq divided its illegal weapons holdings into two parts—the portion it would reveal and the portion it decided to conceal. Thirdly, to mask its real weapons of mass destruction capability, Iraq also embarked on a program of unilateral destruction of a portion of its weapons. Finally, it refused to comply with the resolutions of the Security Council, in very many ways, so that the Commission was never able to exercise the rights spelled out for it in the resolutions of the Security Council.

In practical terms, this has meant that the job of disarming Iraq, which should have taken about a year, is still not complete.

A little over a year ago, during consultations in Baghdad, Tariq Aziz demanded of me that I declare Iraq disarmed. This was consistent with the position Iraq had stated, during preceding months, including in writing to the Secretary-General of the United Nations and to the Security Council. I refused to do so on the ground that I was not able to. We had given Iraq a list of the remaining materials, the evidence, that it needed to provide in order for UNSCOM to complete the disarmament job. Iraq had failed to provide that evidence. Following my refusal to agree to Aziz's demand, Iraq shut down all work by UNSCOM and the International Atomic Energy Agency in Iraq.

As a result of these actions, there has been no disarmament or monitoring work in Iraq for a year, and throughout that period the Security Council has been unable to reach any agreement on how its resolutions may be enforced and/or the work of disarmament and monitoring resumed.

Earlier this year, in the context of the Security Council's consideration of what it might do, I directed that UNSCOM provide to the Council a basic document setting out the then current state of affairs with respect to the disarmament of Iraq's proscribed weapons and on ongoing monitoring and verification in Iraq. That document, published as S1999/94, remains the basic statement of position. The initial response of some members of the Security Council was to seek to suppress this document but, in the event, it was published.

The Council subsequently undertook its own examination of the position in special panels of enquiry, and in April 1998 the panel on disarmament and monitoring issued a report which came to broadly similar conclusions as those set forth in UNSCOM's document.

Digitized by Google

Original from PENN STATE

Since that time there has been a continuing negotiation in the Security Council about a draft resolution which would address both the disarmament and monitoring issues and the sanctions issues.

One draft resolution, provided by Russia, would essentially accept the Iraqi claim that it was disarmed and remove sanctions in return for which Iraq would be obliged to accept an ongoing monitoring system.

Another draft resolution, tabled initially by the United Kingdom and the Netherlands, would establish a successor organization to UNSCOM, charge it with bringing specified disarmament tasks to conclusion, and establish an ongoing monitoring system. It would suspend sanctions for renewable periods of six months, provided Iraq continued to behave in compliance with the terms of the resolution.

In recent months, negotiations have tended to focus increasingly upon the British-Dutch draft, and the United States administration has indicated, broadly, that it could go along with that draft. However, recent reports have suggested that it is unlikely that the Council will be able to reach consensus on this draft and, moreover, statements from Baghdad have indicated that the Government of Iraq would not be prepared to cooperate with such a resolution.

This state of affairs has two main implications—one in the area of arms control and the other in the area of the authority of the Security Council.

With respect to arms control, Iraq's challenge to the non-proliferation regimes is the most serious and direct ever faced by those regimes. It is a matter of serious concern that, if Iraq is able to successfully ignore its own obligations under the various weapons of mass destruction non-proliferation regimes, then the fundamental credibility of those regimes could be harmed around the world.

Secondly, all of the resolutions adopted by the Security Council on Iraq and its disarmament have the force of international law. If Iraq succeeds in rejecting those resolutions, it will by that action have deeply harmed the authority of the law-giver—the Security Council. The consequences of that event are incalculable and potentially broad.

In an article I wrote on repairing the Security Council, which is now available in the September/October 1999 edition of the journal, *Foreign Affairs*, I proposed that there should be a consultation amongst permanent members of the Council on their veto power. Specifically, I proposed that the use of the veto to protect a clear transgressor of an arms control undertaking should be considered inadmissible. Iraq is in such a position of noncompliance today, yet certain permanent members of the Security Council appear unprepared to insist upon compliance with the resolutions and law which they themselves adopted. I do not believe that Iraq would be able to continue to defy the Security Council for very long if the five permanent members were, in fact, to stand together in insisting to Iraq that it return to compliance with the law.

Finally, there is the issue of sanctions. As the former Executive Chairman of UNSCOM, sanctions were never within my responsibility. They were, designed and applied by the Security Council to back up and provide an incentive for Iraq to comply with the resolutions of the Council. The key connection between disarmament and sanctions was the one I have mentioned earlier, namely that when the Security Council is satisfied that Iraq has been disarmed it would then abolish the oil embargo.

In this context, it is a point of fundamental significance that the refusal by Iraq to comply with the disarmament law has been the main source of the continuation of sanctions. The key to sanctions relief has always been disarmament. The Saddam Hussein regime has refused to pick up that key and turn it.

The CHAIRMAN. Mr. Ambassador, it is a great statement. And I was thinking as you made it, and I followed you in the printed transcript, at the time you were trying to get compliance by Iraq, we got a dribble of reports here in the news media, and a dribble there, and they were more interested in who was the President's latest girlfriend, and I doubt that 1 percent of the American people understand what has happened. And I do hope that some attention will be paid through the C–SPAN or whoever it is that is covering this.

Now, I have some questions, but underlining the portion of your prepared remarks which you delivered in this case, you say that a little over a year ago during consultations at Baghdad, you said that Tariq Aziz demanded that you declare Iraq disarmed. That

Digitized by Google

Original from PENN STATE

was consistent with the prior position that Iraq had stated during preceding months, including in writing to the Secretary General of the United Nations and to the Security Council, and "I refused," you said, to do so on the grounds that "I was not able to do it," obviously because it was not so, and it would have been detrimental to anything that anybody considers self-protection of innocent nations and all the rest of it.

You said further that, "I refused to do so on the grounds that I was not able to. We had given Iraq a list of the remaining materials, the evidence it needed to provide in order for UNSCOM to complete the disarmament job. Iraq had failed to provide that evidence. Following my refusal," you said, "to agree to Aziz's demand, Iraq shut down all work by UNSCOM." In other words, they shut you up and the International Atomic Energy Agency in Iraq.

Now, at the time, how did you feel about the possibility that the people of any nation, and of course I am particularly interested in the United States, would understand what was really going on there? Did you—are you—were you concerned about the failure to report this to the people of all of the member nations of the United Nations? Were you concerned about that at the time?

Mr. BUTLER. Well, the simple answer is, yes, of course I was, but I would like to go a little bit further than that. I fundamentally refused Aziz's demand because I was not prepared to lie. But I also said to him, and it is on a videotape that Iraqi propaganda machinery then put on television, amusingly, because they thought it showed a good case for them. But I actually said to him, you must understand, I cannot do disarmament by declaration. I cannot wave a magic wand. Either they are facts or they are not.

And I had given him a list, which involved taking a risk—I was not absolutely sanguine, nor were my very competent professional staff absolutely sanguine about that list—of the key remaining disarmament requirements. It was not to make it easier for them, but it was to try to get a sensible picture of a larger landscape, a disarmament landscape that we gave them this list of the key priorities. I covered the truth that, the requirements of the truth by making clear to Aziz that this list represented the necessary conditions for Iraq to be disarmed; whether or not they would be the sufficient conditions would depend on the quality of the evidence they gave us.

So we were walking a tight line here, and I had given him this list in that spirit 2 months earlier. And he had said come back to Baghdad in August. In the meantime, we will work on your list, you come back and see me in August and we will come to conclusion on that.

When I came back in August, he said, well, you start the conversation, how did we do? And I said well, frankly, I do not see that you gave us anything that was on that list. I mean, we are in the same place that we were—we are in the same place we were 2 months ago. He listened more or less in silence and then at the end of the morning session, in a rather pompous way, said, "This evening, come back this evening and I will give you the answer of the leadership of the Government of Iraq," which means Saddam. And it was when we started the evening meeting, a few minutes into it, that he put this demand on me.

Digitized by Google

Original from PENN STATE

Now, am I concerned about understanding—sorry. I have to say one other thing. That list is reflected in that document that we published with the Security Council, Document No. 94. All the background material is there: the foundation stones on the basis of which we came to that list of necessary, maybe not sufficient, but priority conditions for disarmament. This is all thoroughly explained and documented.

Now, in blowing us away on the 3rd of August last year, what Saddam Hussein was doing was saying, I refuse to give you those last remaining materials. I believe it is because that list was right, because they are materials that would really disarm him. He was saying I refuse to give you that. And he was saying I care more about retaining this weapons capability than I do about sanctions on 22 million ordinary Iraqis. That is what he was saying.

He was also saying, third, I calculate that the split in the Security Council will give me comfort here, and I will be able to cut and run and get away with this. And that is what was happening. Now, I wanted ordinary people to understand that.

Senator, Mr. Chairman, I have been approached a lot by the members of the general public in this country, and in other parts of the world, in ways that demonstrate that there is a good measure of understanding of how serious this situation is. But there is not an adequate understanding of what I have tried to lay out here today and what I am describing to you now, about how far we went toward trying to sensibly come to terms with the remaining elements of Iraq's weapons program—I would never use the word accommodate, but sensibly and intelligently come to terms with those remaining elements. And that when we did that, when we really made it as sharp and clear as possible, what we got was dismissal. Now, I do not think that that is adequately understood in public. I do not think that the implications of that that I mentioned here today are adequately understood.

And finally, I think the fact that this story has disappeared somewhat from the headlines because of other stories, most recently Kosovo, now East Timor and so on in the political arena, does not mean that he has gone away. Does not mean that the threat is not there, does not mean that there is still not a job of most serious arms control to be done and preservation of the authority of the Security Council to be achieved. And it does not mean that he will not be back. I suspect he will, and maybe soon.

The CHAIRMAN. One other, in reference to your prepared remarks which you delivered in this instance, you said that since that time, there has been a continuing negotiation in the Security Council about a draft resolution which would address both the disarmament and monitoring issues and the sanctions issues. Now, my question is, who is negotiating with whom? Do you know?

Mr. BUTLER. Yes, well, I do up to a point, but obviously having left my previous job almost 2 months ago now, I have been somewhat excluded from the level of detail that I previously had when I was on the job. But one of those 2 months they took off, the month of August, the Northern Hemisphere holiday month. So nothing happened in that month, except maybe Saddam Hussein got some of his weapons factories up and running again. Now, I do

Digitized by Google

Original from
PENN STATE

not know that for sure, but I think it is foolish to make any other assumption.

So in the period since I was closer to those negotiations, it—I am sorry, in the main period of those negotiations, it went like this. OK?

First, the British put down a draft resolution on the table which the Dutch decided to support. Instant response was a Russian draft resolution on the table which the Chinese decided to support, so you had the lines of battle drawn. The United States stood back and looked for a little while and thought about things. And France, in a way—I hope I will be forgiven for saying this—in a way that is, let us say, not untypical and especially creative, the French are like that—kind of said that it was looking with interest at both sides. Kind of straddled things.

The CHAIRMAN. Two quick questions. Well, go ahead.

Mr. BUTLER. Now since that time, the negotiation I think has shown that the Russian and Chinese draft has basically got no future because of the summary removal of sanctions without first getting any kind of disarmament or monitoring guarantees. Although in that time, France joined up to that resolution, and the United States joined up to the British-Dutch resolution.

But in addition, six or seven other member states of the Security Council joined up to the British-Dutch resolution, so that is the main document now, that, as I said in my statement, that is the one that is the focus of main attention. Last week, however, when very senior people from the permanent five members of the council were gathered in New York for the beginning of the General Assembly, their attempt to come to consensus on that British draft resolution, which theoretically has about 11 votes out of the 15 behind it, that attempt broke down. And Baghdad in addition said we do not care what you do; we are not going to accept it, so I do not think there is much of a future in this.

The CHAIRMAN. Did you ever discuss this with Kofi Annan, the Secretary General?

Mr. BUTLER. Did I discuss which?

The CHAIRMAN. Did you discuss this entire problem with the Secretary General?

Mr. BUTLER. On many occasions. But this——

The CHAIRMAN. Was he sympathetic or did he take any position or what?

Mr. BUTLER. I have not discussed these draft resolutions with him because they became live at the time when I was moving on to the Council on Foreign Relations and, no, I have not discussed those with him.

The CHAIRMAN. Very well. Let us say 6 minutes. And we welcome you, Senator Kerry.

Senator KERRY. Thank you, Mr. Chairman. I apologize.

The CHAIRMAN. You are Mr. Kerry?

Senator KERRY. Still am, Mr. Chairman. To my pleasure, but the chagrin of some.

Mr. Ambassador, welcome, and thank you very much for being here with us. I appreciate the many conversations you and I have had. I appreciate your confidences during that period, and I also want to express my respect for the great effort that you made

Digitized by Google

Original from PENN STATE

under difficult circumstances to try to see that the words spoken in the U.N. and by politicians had some meaning, and that can sometimes be a difficult task.

There is a huge irony, I think maybe not so big to some, but I am looking around here. We are talking about the same Saddam Hussein who was equated by some to Hitler. We were willing to marshal an entire Army to prevent him from doing certain things in the region, and there was an urgency in the aftermath of that, to contain the proliferation, the strategic threat that this individual represented to the world, an urgency that has led us to fly no-fly missions since that time, put American forces at risk, to continue to be dropping bombs and firing missiles, and yet there is not a lot of interest in this, not a lot of colleagues here today. And in fact, most of the world seems to have backed off from the realities of the threat that this individual and his acquisition of weapons of mass destruction represent.

I personally believe that nothing has changed. I think you share that belief?

Mr. BUTLER. Right.

Senator KERRY. I think we are exactly in the same situation we were when all of this urgency was expressed by so many people. We are in exactly the same situation, except that we have had now 1 year without any inspections. You were concerned during the time that you had inspections that he was capable of continuing to employ subterfuge and guile and all kind of tricks in order to continue to build weapons. And I think the assumption of most people in the intelligence community is that that is exactly what he has been doing, is that correct?

Mr. BUTLER. That is correct.

Senator KERRY. Is there any indication to the contrary?

Mr. BUTLER. Not to my knowledge, no.

Senator KERRY. So in fact the threat that was sufficient to summon all of this international outrage and the very precise and clear goals, as clear as any goals I have ever seen the U.N. state, that threat is in fact greater today than it was then, is it not?

Mr. BUTLER. It is undiminished and possibly greater because of the absence of monitoring.

Mr. KERRY. So what has happened? Have we been bamboozled? Is our policy simply a failure? Are we frightened? Is there something that has changed in the nature of this threat? Because I really do not understand it.

And it seems to me that for the cause of nonproliferation, whether it is with respect to Iraq or any other number of countries about which we have enormous concerns, the message that comes out of this is that maybe the forces aligned to try to hold people accountable are in fact paper tigers, and not serious about it.

Mr. BUTLER. I think I would like to approach your questions in two parts. One part has to do with what is happening on the ground in Iraq. And the other is the much more difficult question of why have we seemed in the last years to have walked away from this, where on your assumption the situation has not changed. If anything, it may be worse.

Now, on what has happened on the ground in Iraq, I think it is very important for me to say that we are not absolutely sure. And

Digitized by Google

Original from PENN STATE

that is because we are not there, and the point I am therefore trying to underline is that it is important to have an arms control and monitoring presence in Iraq. Its absence harms us greatly. It reduces our knowledge in a way that is dangerous.

Now why? Why in Iraq? And the answer is the track record. This man has shown over a decade and a half a profound addiction to weapons of mass destruction. He has used them inside and outside the country, the former meaning including on his own people. As a means of domestic political control, he has used chemical weapons.

Now that is an established track record. And I add to that what are the conventional tests of whether or not a crime has occurred. Did the person have the means, the motive, and the opportunity? And the answer with Saddam Hussein and weapons of mass destruction is, yes, we know he had the means. He was making an atomic bomb. Mercifully, we stopped him. We know that he made chemical and biological weapons and used chemical weapons. We know that he had long-range missiles with which to deliver various kinds of warheads.

The CHAIRMAN. Go ahead.

Mr. BUTLER. And so we know he had the means. We know from a variety of ways that he has the motive, and he has demonstrated that.

Finally, this is what I want to focus on. He now has an opportunity because of our absence which is larger than any opportunity he has had in almost the past decade. So that makes for a very serious situation and my position on it is this. I do not know precisely what is happening in Iraq now because of our absence, but I think it would be utterly foolish to assume that he is not taking the opportunity of that absence to reconstitute these weapons of mass destruction programs. That is what the track record is, and that is what means, motive, and opportunity represents.

Now, on the other part of your question, why is not the world community dealing with it? Well, one cannot know precisely, but one—well, let me have a shot at it. Saddam Hussein has sat out the world community in a sense. By a process of longevity, attrition, digging in, he has just decided that time is not a factor for him. And the world community in some respects has grown tired, tired of the continuation of the same problem, the recurrent Iraq syndrome.

That has been reflected to me on many occasions. I recall it elsewhere, a discussion I had with an ambassador in the Security Council, and if I may, I will just share it with you now. I will not name him out of discretion. But a distinguished ambassador in the Security Council said to me about a year ago, he said, Richard, I know the man is a homicidal dictator. I know he has been lying to you. I know he retains weapons of mass destruction, but cannot we get the Iraq problem off our plate?

Now, I found that obfuscatory nonsense, because it separates the substance of the problem from the need for a solution. This may be terrible, but cannot you please take it away from me? The only way it can be taken away is by addressing the substance. Now, the world community seems to have grown tired of it. And has then

Digitized by Google

Original from PENN STATE

second had other preoccupations, whether Kosovo or now East Timor or wherever.

Next point is Iraq has staged a brilliant propaganda campaign about sanctions and how harmful they are to the people and how this has all gone on too long. Mentioned everything in sight except the one salient fact, which is the personal responsibility that they have for these circumstances.

And I think there have been very influential reasons why this has gone from the headlines. But I made a point earlier, Senator, today, where I said predictions are always dangerous, of course, but I do not believe that is a permanent phenomenon. He is there and he will be back.

The CHAIRMAN. Senator Brownback.

Senator KERRY. Mr. Chairman, I do have some more questions, but maybe we will have another round, if I may ask them then.

The CHAIRMAN. OK.

Senator KERRY. Thanks.

Senator BROWNBACK. Thank you, Mr. Chairman, and thank you, Ambassador Butler, for coming here. And I want to thank the chairman for holding this hearing. I think it is very important that we do this. Just building on your last statement, the situation has evolved to what I had feared the most would happen, which is that we would confront Saddam for a period of time and then we would grow weary of this good deed and then go somewhere else in the world and seek to do another good deed because this one became recalcitrant and it was not solvable in a short enough window of time, and so we just got bored and moved on.

And Saddam is left there, which is precisely what the neighbors in the region were most concerned about as well, the other countries adjacent to him, is that we would stir up the hornet's nest and then not remove it at the end of the day. And so that they are left there faced with him developing weaponry again, them having taken in many cases very difficult stances against Saddam Hussein, and then we leave to go and do a good deed somewhere else before finishing this one up.

Ambassador Butler, one of your points that I want to get to specifically is, I think you said in your written testimony that Saddam Hussein would never accept a legitimate inspections, weapons inspections regime for weapons of mass destruction, is that correct? Do you think he would never accept one that would actually get to the very heart of his program to develop weapons of mass destruction?

Mr. BUTLER. I do not think that is in the written testimony, but I welcome the question. By the way, on the first part of your remarks, may I say I am also one of those people who would like to move on. I mean, I am sick of talking about Saddam Hussein and Iraq. You know, I have got other things to do with my life. The two reasons why I think we have to continue to address this issue are in my statement, and they are not so personalized to him and his regime. I hope and assume the Iraqi people will take care of that sometime soon.

But they have to do with what is now almost a half-century-old attempt by the world community to restrain the spread of weapons of mass destruction, in all of their aspects. His behavior has con-

Digitized by Google

Original from PENN STATE

stituted a major threat to those regimes. I think we have to protect those nonproliferation regimes.

Also, his behavior has deeply challenged the authority of the Security Council in a way that I think is potentially very dangerous and could have widespread effects in other parts of the world. Now, so I—just quickly, the second part of your question?

Senator BROWNBACK. Will he ever accept a legitimate arms inspection regime that goes to the heart of developing weapons of mass destruction?

Mr. BUTLER. Ah, sorry. The track record says no.

Senator BROWNBACK. Do you have anything to believe——

Mr. BUTLER. Well, notwithstanding that, UNSCOM actually produced a terrific outcome, at the cost of years. It should have been done in a year. It took 6 or 7 years to get our main outcomes, which was a fairly complete account of their missile program, and of their chemical, but not of their biological. And that task took far longer and was made far harder than it should have been because at no stage did Iraq show that it was prepared to genuinely cooperate with an effective arms control regime. So I think the answer is basically, no. They have always resisted that.

Now, what is proposed in the British-Dutch resolution, on paper, is actually a genuine regime. Now, it is for that reason that I think one of two things will happen. Either Iraq will not accept this resolution if it is ever adopted, because it is a genuine regime, or it will accept it, but then seek to water it down from within, in the way that they tried to with UNSCOM procedures.

Senator BROWNBACK. The reason I raise that point is because of Saddam's track record and my own belief that what we need to do, Mr. Chairman, is move forward and press the administration to move forward on implementation of the Iraq Liberation Act. That the problem continues to be Saddam. It has been Saddam. It has been and continues to be his willingness to use these weapons of mass destruction wherever, even against his own people, and we need to press the administration to implement fully this act to remove Saddam Hussein.

Even if the British and Dutch proposal is accepted, I think we have got clear operating history on his part. He is just going to continue to thumb his nose at it, regardless. And now he has got a weakened international resolve, or at least a much more distracted international community, if nothing else, to the point that he has got to be feeling pretty good, that he is just going to ride this one out unless we really press them to implement this act, and I think we need to do so now. Thank you for holding the hearing, Mr. Chairman.

The CHAIRMAN. Thank you. Senator Wellstone.

Senator WELLSTONE. Ambassador Butler, I would like to thank you for appearing before the committee, and I appreciate how tireless you have been in your efforts to disarm Iraq and your extraordinary service to the international community. I have a couple of questions, trying to stay within my time limit.

You have focused, of course, on the whole question of what is going on with Iraq's efforts to build long-range missiles and weapons of mass destruction, and I think about the worldwide effort to limit the proliferation of these weapons. What importance do you

Digitized by Google

Original from PENN STATE

attach to various nonproliferation treaties and what realistic prospects do you see that these regimes would be useful?

Mr. BUTLER. Well, I said a moment ago I would like to get on with some other non-Iraqi things in my life and that would see me returning to something——

Senator WELLSTONE. I thought I would build on that point that you made.

Mr. BUTLER. Thank you. That would see me, Mr. Chairman, going back where I started a quarter of a century ago, as a young man of the Australian Atomic Energy Commission looking into the problem of the spread of nuclear weapons. And as we come to the end of the 20th century, I think we can truly say that in a very difficult period of world history, a period that I would start with the depredations of Hitler, who was wanting to make an atomic bomb, by the way, and it comes down to where we are now 100 days away from the end of the 20th century. There have been a lot of bad things happened, and in various parts of the world. The Middle East is not alone. Think of Pol Pot in Cambodia, for example.

But there have been some good things happen. I think one of the things that humanity can be truly proud of in this last 50 years is the building that started, started with a proposal by the United States of America, weeks after the detonation of the atomic bomb, called the Baruch plan, 1946, we started a process of saying, you know, we can live a civilized life. We can build a world in which weapons of mass destruction do not just willy nilly proliferate. We can have regimes that keep this sensible. And it started with nuclear. It went on to biological, on to chemical, and now missile technology control regime.

And, Senator, on the whole, I think those regimes are sound. The least sound one is the biology one because it is the hardest to verify, but on the whole, I think they have served humanity well, and they have rested on the three key things that those treaties need. One is the moral judgment that some weapons should be inadmissible, followed by the political commitment to build treaties to give effect to that judgment, that moral judgment, and third, the practical, hardheaded business of inspections, verification, the means to seek and to provide confidence to others that these treaties are being obeyed.

Now, they have all got faults. They are all hard, but my answer, Senator, is that on the whole, this tapestry of treaties we have built is good, and has helped keep this world far safer than it looked like when President Kennedy, I think in about 1962 foresaw a world that—or was it 1963?—around that time, he had a speech where he foresaw a world where it might have 30 or 40 nuclear weapons states in it. So these regimes have served us well. Saddam has, root and branch, sought to destroy those regimes. And that is the main problem he poses.

Senator WELLSTONE. Let me ask you a certain question. We have disagreements in the committee on the Comprehensive Test Ban Treaty. I think it is one of the reasons we need to support it. But saving that for another time, I want to—I want to try and raise a different question with you, and maybe you have covered this already.

Digitized by Google

Original from
PENN STATE

UNICEF estimates that, and I am reading this, more than 500,000 kids under age 5 have died from lack of access—I think this is since 1991—to food, medicine, and safe drinking water. Now, they point out to me, they are clear that while Saddam Hussein's regime is responsible for some of these problems facing Iraq civilians, that the sanctions are also responsible for some of these problems, and the administration's recent response to the UNICEF report and to the State Department's statements explaining the report, what they do is they—the administration has said, look, the sanctions, we do not believe sanctions are responsible for any part of this humanitarian crisis.

I want to ask you this question. How do you see the balance between the regime's responsibility, I mean, I think we all know that Saddam Hussein is a very cruel man, but also the role of sanctions? And I know that this has not been your primary—or maybe I can ask you this as a diplomat in residence at the Council of Foreign Affairs, your analysis or evaluation of the sanctions.

Mr. BUTLER. Yes. I will answer it in that role. I could not while I was head of UNSCOM.

Senator WELLSTONE. I know that.

Mr. BUTLER. Now, I draw a distinction between the structure of sanctions and their specific details. By the structure, I mean their very existence. It begins with a legal decision by the Council to impose sanctions. And their nature, their nature in this particular case is spelled out in a couple of Council resolutions: that it will apply to certain things, but not to food and not to medicines and so on.

That they are there or not, and what they are, that is what I mean by structure. In that context, I say to you plainly that the person who is responsible for them being there and has refused to allow them to be removed in an early date is the President of the Republic of Iraq. End of story.

Now, the second thing, their practical nature and impact. These sanctions have been harmful to too many ordinary Iraqis. The community has progressively tried to address that. The Iraqi Government has greatly contributed to the harm by maldistribution and hoarding and dishonesty with respect to the materials. But nevertheless, these sanctions have been harmful and for the future, I think the answer to that problem lies in a much more sophisticated design of sanctions as such: targeted sanctions.

The Chairman mentioned in his remarks that Saddam Hussein is one of the richest men in the world, and the people around him are doing very well. They are the people who should be targeted, the Swiss bank accounts and so on, not the ordinary people, and I think sanctions would then be more effective.

The CHAIRMAN. Very good. All right.

Senator WELLSTONE. Thank you very much. It was very powerful.

The CHAIRMAN. Sir, let me, I have two or three questions that I really want to ask you. You did an article for Talk magazine which I found very interesting. You referred to Russia as the strongest, I believe advocate—no, most aggressive advocate of Saddam. Who else is an aggressive advocate of Saddam, China?

Digitized by Google

Original from PENN STATE

Mr. BUTLER. Well, yes, Mr. Chairman. Going back to that earlier question about the U.S. and U.K. on one side and Russia, France and China on the other side, that second side varies in intensity of advocacy of the Iraqi position, but certainly I recorded in that article, and I stand by it, that Russia has—became a most active, proactive advocate of Saddam and the Iraq position. I said in that article that I found it extraordinary that on many occasions, the Russian Ambassador would come to my office with Saddam's shopping list, and I would think, well, this man is supposed to be representing Russia, but here is he in my office saying this is what the Iraqis need. Not an absolutely invalid thing to do in diplomacy. But it was, as a matter of degree, I thought a bit extreme.

And the Chinese, too, for their reasons, have been quite supportive of Iraq, and France for yet its other reasons have not been in that first camp that—the main members of which have been the U.S. and the U.K. I hope that answers your question.

The CHAIRMAN. Would it be fair to say that if this were a poker game, Mr. Saddam Hussein would be holding a royal flush himself? Russia, China, a do-nothing United Nations and Kofi Annan sitting it out. Is that approximately correct?

Mr. BUTLER. This is an admission that maybe I should not make on camera, but I inadequately understand the betting system in poker to be able to deal with the question in that form. But let me—I think I know what you mean, the winning hand.

I am concerned about this. That Saddam Hussein, absent arms control monitoring and inspection, is rebuilding his weapons capability. I answered that question earlier by referring to means, maybe even opportunity. Our absence gives an enhanced opportunity. And I think that is very serious.

On the economic side of it, sanctions and all that, it is well-known that he and his cronies have developed an enormous black market industry, exporting oil and so on, which the British-Dutch resolution would try to rein in by bringing it above the ground from below the ground, and I think that is probably another reason why the Iraqis would not like this resolution, because this healthy little industry they are running on the black market now could get shut down. So—you know, they are doing quite nicely out of all of that. So is that two cards, Mr. Chairman? I do not know how close you are——

The CHAIRMAN. So far.

Mr. BUTLER. Two cards. Let us try this. I did refer earlier to the divisions in the Security Council. I think it is almost an axiom that the beneficiary of any division amongst the five in the Security Council is the rogue state. So that is his third card, I guess.

Now, against that, I cannot believe that he is feeling all that comfortable about having dropped out of the headlines. You know, I really do think—I think that Iraq has done very well in propaganda terms by being in the headlines, and now that they are not, almost as if the problem is being ignored, I am not sure that they will be feeling very comfortable about that. And finally, if there is any truth in what they repeatedly say about wanting to be free of sanctions and back as a normal part of the international community, they are not going anywhere on that run, so that is two cards down, is it not? So I think it is a mixed bag.

Digitized by Google

Original from
PENN STATE

The CHAIRMAN. But he has got a winning hand so far because he is pushing everybody else around.

Mr. BUTLER. I do not——

The CHAIRMAN. Including your own self?

Mr. BUTLER. Sorry to say this, but it saddens me greatly and I think it is wrong, but I do not think in this current period of a year of our absence from Iraq, I do not think you could call him the loser.

The CHAIRMAN. Very well. One final note. You do not have to comment on this, but I talk to a lot of young people who come to the office, college students, and they do not even know who I am talking about when I talk about the Kurds, let alone what Saddam Hussein did to them. He murdered thousands of his own people. And he left many others maimed horribly, and yet, that is not known by the people being educated in our schools today, colleges today.

I see my time is up. I am going to yield to the distinguished Senator from Massachusetts.

Senator KERRY. Thank you, Mr. Chairman. Do I understand your position to be, Mr. Ambassador, that if the real inspection protocol put forward now were to be implemented, if they did surprise you and accept it, that you would be satisfied with that inspection regime sufficiently—if lifting the sanctions is what it takes to get that real regime, you would take that deal?

Mr. BUTLER. This British-Dutch resolution, I want to be very plain about this. I think it is a central question. We have not got time, Mr. Chairman, to analyze it, but you have got excellent staffs and you are brilliant people yourselves. You can read it for yourself and see what it means, what it provides.

My view of it is that it would, it would on paper reinstitute an acceptable arms control and disarmament system. Now, the price that it offers—or rather, it is the other way around, the incentive that it offers for Iraq to accept this, and have monitoring and arms control back in their country, is this 4-month rolling suspension of sanctions. I have mixed feelings about that.

But this goes, Mr. Chairman—Senator, the Chairman made a point in his opening remarks where he raised this issue that some people have raised that any inspection is better than none, and raised that as a question. My answer, Mr. Chairman, I will give it now, you did not actually ask me directly, but it is that I agree with you. I do not think any inspection is better than none. I do not think we should be in the business of taking counterfeit bills, someone handing you a piece of Monopoly money and saying, well, it is not legal tender, but it looks like it. Phony inspections would give a false sense of security. We need real inspections.

So, Senator Kerry, this document, I think, properly implemented, would give real inspections. The question of whether or not this incentive of 4 months' release from sanctions being rolled over, depending upon Iraqi compliance, whether or not that is a good idea, whether or not the great powers will come to accept it, is something that I have some misgivings about. And you know, I guess it is really for others and larger people than me to decide. If they can get——

Digitized by Google

Original from PENN STATE

Senator KERRY. The argument can be made that if you can get that real inspection, and you have agreed it is a real inspection, so if that is the inspection that we are agreed to over a 4-month period, you can raise the profile of the issue again and begin a process——

Mr. BUTLER. Right.

Senator KERRY [continuing]. Of focusing on the inspections, which is nonexistent today. I would assume that you would agree that if it is really going to be a rolling 4-month, that you are better off testing a real one. Now I agree with the chairman. I do not think any inspection is worth anything, if it is just any. It has to be satisfactory to those who make the tough judgments of whether or not they are getting the answers.

Mr. BUTLER. I agree with that. I think this is a good meeting of the minds, Mr. Chairman. And you know, at the back of this resolution is something that is terribly, terribly important. This provision here, that the new head of UNCIM, as it would be called, the successor to UNSCOM, and the Director-General of the International Atomic Energy Agency, they have to certify that this is being done properly, and then you get the 120-day rollover. But at anywhere they say it is not, that Iraq is cheating again, all bets are off. Now, I think that is very important.

Senator KERRY. We are back to where we were.

Mr. BUTLER. Yes.

Senator KERRY. The question is whether or not if we go back to where we were, having reasserted the principle and recommitted ourselves to that outcome, whether or not we might have the staying power and the courage to proceed forward. I mean, I would rather have it refocused on and re-energized, than continue down the road we are on today, which I think is far more dangerous.

Mr. BUTLER. Right. I agree with that. I agree with that. And in that context, can I just say that test of Iraqi compliance, I actually think would come quite early.

Senator KERRY. I am convinced. As many of us predicted, I think yourself included, that, although quietly and privately, that it would almost certainly come in the last round. And the question was always what are we prepared, we the international community, prepared to do about it.

Let me ask you another question. It is a little bit sensitive because this is the place where we are having some disagreements on it. But I have heard from many people when I talked to people in the international community as we try to leverage a coalition on this, that people say, well, you know, your hands are not very clean, you the United States, because, of course, we have not joined the community of nations in the comprehensive test ban.

Do you have an opinion as to whether or not this is something you feel leverages against us and has a negative impact on our moral suasion or other capacities to, if not real capacities, to argue for a stronger proliferation regime internationally—anti-proliferation regime?

Mr. BUTLER. I think the linkage is false. I think both things are important. It goes without saying that I personally hold, intellectually and personally, great importance to the CTBT. Among other reasons, because I was the one who brought it to the floor of the

Digitized by Google

Original from PENN STATE

General Assembly in 1996, having spent 25 years working for it. I think it is outstanding that the United States signed it. I think it should ratify it. And I think that would send a very important signal to the rest of the world with respect to nuclear weapons as such and the United States' position on sensible arms control.

But to link that in some negative way to the transgressions of Saddam Hussein is a false linkage. And this has dogged the process. It is polemical and has dogged the process of dealing with something that is absolutely simple. The Council made clear-cut international law on the disarmament of a rogue recalcitrant state. It created a system to get that job done, and the government concerned has sought to defeat that system from day one. That is a problem that is serious and must be treated intrinsically. I do not see that there is anything beneficial or even logical in seeking to link that to another part of the arms control field which has its own intrinsic importance.

Senator KERRY. Mr. Chairman could I have your indulgence just to continue?

The CHAIRMAN. Go on ahead.

Senator KERRY. Thank you, sir. When we came to one of the early confrontations a year and a half, 2 years ago, I don't remember exactly when in time now, many of our former allies in the coalition that President Bush put together expressed a willingness to go the distance, but only if the United States, and Great Britain, obviously, were really prepared to do so. And it was their lack of a sense that we would be there when it finished that held them back, and then we began to hear that it was hard to put the coalition together again. And I wonder if it is your perception which came first, sort of the reluctance to participate in the coalition, or the perception that the United States or Great Britain were not prepared to go the distance and, therefore, they too sort of looked to the longer term and a different approach?

Mr. BUTLER. I do not know. I am sorry. I do not know.

Senator KERRY. But you are familiar. You know the equation?

Mr. BUTLER. Up to a point. One of the things I think that——

Senator KERRY. Well, do you think the coalition could have been put back together, let me just ask you that bluntly, to uphold the full measures of what the United Nations resolution called for?

Mr. BUTLER. For example, at the time of Desert Fox. With difficulty. If it had been——

Senator KERRY. Or was it impossible?

Mr. BUTLER. It would have been better if it had been, but more important was for the five permanent members to stand together. I said in my opening statement here today it has no substitute. I do not believe that Iraq and Saddam Hussein could hold out for long if the five really stood together and said to him, you are not going to stay outside this law. We mean it. And we mean it together. There have been repeated instances in contemporary history that demonstrate that. The five must stand together.

And, second, what signal does it send when states who themselves made the law then proceed to walk away from its enforcement? The law we are dealing with here was made by Russia, China, France, as well as the U.S. and the U.K., so it starts with those five.

Digitized by Google

Original from PENN STATE

Now, one factor I would mention in your theoretical question of putting the coalition back together was something we did hear through 1998 as Iraq repeatedly pushed us into crisis, then in November there was an almost bombing that was called back, and then there was a bombing in December. In the months leading up to that, going right back to the time when the Secretary General went to Baghdad in February, March, April, that period, one of the things we heard, for example, from potential members of the coalition, senior representatives of Gulf states, was quietly and pleasantly uttered, but seriously meant remarks about how in the intervening years between Desert Storm and Desert Fox, you had not paid us that much attention. But now that it seems you might need us again, you are coming back.

And I am not in a position to, and I do not make this as a direct criticism, but I observe that what they were saying was that we would like to be attended to on a long-term basis, not, and continually, continual diplomacy, not just on occasions where a sudden need starts to emerge. And I think there may have been a message there.

Senator KERRY. Well, I thank the chair and I thank you again. I just, as a parting comment, I mean, the strategic exigencies that brought us to understand that it was unacceptable to have the invasion of Kuwait, which was cloaked in a certain amount of rhetoric, was far more oriented toward longer-term implications of the potential of his moving further south, oilfields, economy, as Jim Baker said back then, it is about jobs, and then they found other rhetoric to couch it in, but that was a code word for those oilfields, and I think the longer-term strategic implications of the Middle East.

Now, that was sufficient to bring all of us to believe, though timing was questioned, that we had to be prepared to use force. And we ultimately did. It seems to me that a Saddam Hussein who has the ability to develop potentially more threatening weapons of mass destruction, notwithstanding—I mean, it was the show of force and the determination of the United States that really took away from him that option previously. If that determination is not there, then the use that he put it to previously in other circumstances could become far more attractive again in the future, which I think is the bottom line of what you were saying.

So I think we are—and I thank the chair for having this hearing—I mean, I think we are talking about a very significant and large strategic interest to the United States that for various reasons has been second tiered to more emotional and certainly of-the-moment perceptions of other issues that do not rise to the same strategic, longer-term interests of our country.

So I think it is important for us to be thinking about where we go because I have said, and I think you and others have said, as long as he is there, and it may well be that the Iraqi people will settle that, but as long as he is there, I think most people understand that that threat remains and it is real, so—and there is a time of confrontation. So I think we are better to do it sooner rather than later and to be real about our resolve. Thank you, Mr. Chairman.

The CHAIRMAN. I thank you, Senator.

Digitized by Google

Original from PENN STATE

Mr. Butler, we have in the audience several Iraqi opposition leaders, including the leaders of one main Kurdish party, and a representative of the Shiites in Iraq. I do not know whether they want to stand up or not, but the chair wants to welcome you and compliment you on coming here. Thank you very much.

And finally, on a personal note, Mr. Ambassador, regarding the Comprehensive Test Ban Treaty, I think it ought to be made a matter of record in this hearing that this treaty would give Saddam Hussein the very protections that he pursued but was denied in his efforts to undermine UNSCOM. I will give you several examples.

Saddam demanded the right to veto the participation of particular nations, specifically, specifically the United States and the United Kingdom, on inspection teams. CTBT denies the United States the right to have inspectors on any inspection conducted at the U.S. request.

Saddam repeatedly sought to dictate which UNSCOM inspectors could and could not participate in inspections. Several UNSCOM officials such as David Kane, Scott Ritter, were the subjects of Iraqi attacks. The Comprehensive Test Ban Treaty grants countries the right to reject individual inspectors.

Saddam sought veto rights over specific equipment brought to the inspections. In negotiations currently underway in Vienna to develop the inspection regime, countries are being given a veto over equipment to be included on the approved list for inspections.

Saddam sought to declare certain sites as off-limits to inspections. The so-called Presidential palaces with which you are familiar were a little more than a safe haven for sensitive documents that were being concealed from UNSCOM. The CTBT gives the inspected party the right to "take measures to protect sensitive installations" and to declare 50 square kilometers as restricted access sites. Inspectors under that treaty are not permitted to collect technical signatures of a nuclear test in those areas.

In sum, Mr. Ambassador, for 8 years the United States—correctly, I think—led the international community in rejecting Saddam Hussein's effort to hamstring UNSCOM by such tactics, only for the present administration in Washington to turn around and codify such measures in a global arms control treaty. So I just wanted to make that as a record, about my feeling. If you have any comment that you want to make, I welcome that, too, sir.

Mr. BUTLER. You are very kind, Mr. Chairman, but I have listened with great interest to what you have said, but I have no comment to make at this time.

The CHAIRMAN. Very good. Well, let me say to you, sir, that you have honored us by your presence here this morning. I cannot recall another witness who was as succinct as you have been and as responsive to questions. Thank you for coming. And if there be no further business to come before the committee, we stand in recess.

[Whereupon, at 12:05 p.m., the hearing was adjourned.]

○

Digitized by Google

Original from PENN STATE

Digitized by Google

Original from
PENN STATE

Digitized by Google

Original from
PENN STATE

Digitized by Google

Original from
PENN STATE

ISBN 0-16-060095-2

Digitized by Google

Original from PENN STATE

A0000430790001

4.F 76/2:S.HRG.106-261

S. HRG. 106–261

FACING SADDAM'S IRAQ: DISARRAY IN THE INTERNATIONAL COMMUNITY

HEARING

BEFORE THE

COMMITTEE ON FOREIGN RELATIONS UNITED STATES SENATE

ONE HUNDRED SIXTH CONGRESS

FIRST SESSION

SEPTEMBER 28, 1999

Printed for the use of the Committee on Foreign Relations

Pennsylvania State University
Libraries

MAR 2 7 2000

Documents Collection
U.S. Depository Copy

Available via the World Wide Web: http://www.access.gpo.gov/congress/senate

U.S. GOVERNMENT PRINTING OFFICE
61–363 CC WASHINGTON : 2000

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402
ISBN 0-16-060095-2

Digitized by Google

Original from
PENN STATE

4.F 76/2:S.HRG.106-261

S. HRG. 106–261

FACING SADDAM'S IRAQ: DISARRAY IN THE INTERNATIONAL COMMUNITY

HEARING

BEFORE THE

COMMITTEE ON FOREIGN RELATIONS UNITED STATES SENATE

ONE HUNDRED SIXTH CONGRESS

FIRST SESSION

SEPTEMBER 28, 1999

Printed for the use of the Committee on Foreign Relations

Pennsylvania State University
Libraries

MAR 2 7 2000

Documents Collection
U.S. Depository Copy

Available via the World Wide Web: http://www.access.gpo.gov/congress/senate

U.S. GOVERNMENT PRINTING OFFICE
61–363 CC WASHINGTON : 2000

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402
ISBN 0-16-060095-2

Digitized by Google

Original from
PENN STATE

4.F 76/2:S.HRG.106-261

S. HRG. 106–261

FACING SADDAM'S IRAQ: DISARRAY IN THE INTERNATIONAL COMMUNITY

HEARING

BEFORE THE

COMMITTEE ON FOREIGN RELATIONS UNITED STATES SENATE

ONE HUNDRED SIXTH CONGRESS

FIRST SESSION

SEPTEMBER 28, 1999

Printed for the use of the Committee on Foreign Relations

Pennsylvania State University
Libraries

MAR 2 7 2000

Documents Collection
U.S. Depository Copy

Available via the World Wide Web: http://www.access.gpo.gov/congress/senate

U.S. GOVERNMENT PRINTING OFFICE
61–363 CC WASHINGTON : 2000

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402
ISBN 0-16-060095-2

Digitized by Google

Original from
PENN STATE

4.F 76/2:S.HRG.106-261

S. HRG. 106–261

FACING SADDAM'S IRAQ: DISARRAY IN THE INTERNATIONAL COMMUNITY

HEARING

BEFORE THE

COMMITTEE ON FOREIGN RELATIONS UNITED STATES SENATE

ONE HUNDRED SIXTH CONGRESS

FIRST SESSION

SEPTEMBER 28, 1999

Printed for the use of the Committee on Foreign Relations

Pennsylvania State University
Libraries

MAR 2 7 2000

Documents Collection
U.S. Depository Copy

Available via the World Wide Web: http://www.access.gpo.gov/congress/senate

U.S. GOVERNMENT PRINTING OFFICE
61–363 CC WASHINGTON : 2000

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402
ISBN 0-16-060095-2

Digitized by Google

Original from
PENN STATE