

Cheater's Dilemma

Iraq, Weapons of Mass Destruction, and the Path to War

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The cease-fire resolution ending the 1991 Gulf War demanded that Iraq completely and verifiably destroy and not reconstitute its weapons of mass destruction (WMD) and missiles with a range above 150 kilometres. Iraq did disarm, but it failed to convince other states of this fact. Even after the Iraqi leadership instructed subordinates to cooperate with the United Nations (UN) weapons inspectors working to verify Iraq's disarmament, these officials dragged their feet. Unable to convince the rest of the world that it did not still have WMD, Iraq was subjected to crippling UN sanctions and in 2003, a U.S.-led coalition toppled the Iraqi regime.¹ After the war David Kay, the initial head of the coalition inspections team sent to Iraq to search for WMD, reported in January 2004 that those believing Iraq had concealed WMD had been "almost all wrong."²

To explain why Iraq did not do more to show that it no longer had WMD scholars have pointed to causes ranging from dysfunction to a strategic policy of deterrence through ambiguity. Newly available primary sources show that Iraq's policy and behavior changed across three stages and that the Iraqi leadership struggled with implementation at each stage.

First, the Iraqi leadership's initial reaction, after the cease-fire resolution passed in April 1991, was to deny and conceal the full scope of their WMD capabilities and programs. When inspections began and these deception efforts were detected, the Iraqi leadership secretly

destroyed caches of chemical and biological weapons, along with proscribed missiles, rather than admit they had lied. Second, after the unilateral destruction in the summer of 1991 the Iraqi leadership admitted to more and more as the UN inspectors uncovered Iraq's WMD capabilities, but continued to deny certain aspects of these programs as well as its own attempts to cover this up. Third, after the defection of Saddam's son-in-law Hussein Kamil in August 1995, Iraqi officials gave additional disclosures about the past WMD programs to the UN inspectors (and, ironically, revealed much more than Kamil did).

This article identifies the central dilemma the Iraqi leadership faced between 1991 and 2003 and explores the effects on decision-making and implementation. This analysis is based on extensive primary sources, most of which have not previously been accessible, including the personal archives of senior officials in the United Nations (UN) and the International Atomic Energy Agency (IAEA), records captured from Iraq and translated in the former Conflict Records Research Center, published and unpublished memoirs by Iraqi scientists, and interviews with senior officials from the former Iraqi regime, UN inspectors, and ambassadors of the UN Security Council (UNSC).

I argue that the Iraqi leadership struggled to resolve their "cheater's dilemma": how much should they disclose about past WMD capabilities and their own cover-up efforts when every additional disclosure undermined the prospect that sanctions would be lifted in the future?³ The Iraqi leadership did not, as is widely believed, try to create a deterrent effect through calculated ambiguity as to whether Iraq was disarmed of WMD; instead, the apparent ambiguity reflected the regime's difficult trade-offs between the risks and benefits of additional disclosures about past WMD programs and concealment efforts. Such revelations made it less likely that the Security Council would lift sanctions, despite Iraq's efforts to demonstrate increasing

cooperation, while continued denial also prevented the lifting of sanctions. When international pressure mounted, the Iraqi leadership ordered subordinates to provide additional information about past programs and cover-ups, and hand over any concealed documents or items, but many did not comply.

This article explains the implementation problems the Iraqi leadership experienced as a series of principal-agent problems. These problems intensified after the Iraqi leadership decided to disclose remaining secrets about their WMD programs and past cover-up efforts to the UN in mid-1995: neither the leadership nor officials down the chain of implementation had reliable information about the other's intentions and actions. The result was disobedience, shirking behaviors, and mistakes by Iraqi scientists and guards interacting with UN inspectors on the ground.

I develop these arguments in three sections. First, I revisit existing explanations for Iraq's reluctance to cooperate with UN inspectors to verify their WMD disarmament and outline how new sources and principal-agent theory can help us analyze this behaviour at the micro-level. Second, I examine Iraq's cooperation with UN inspectors between 1991 and 2003, focusing on changes in the Iraqi regime's policy regarding its cooperation with the inspectors, and the growing discrepancy between policy and behavior from mid-1995. Third, I explore what we can learn from these findings for understanding disclosure dilemmas in the context of WMD disarmament.

Existing Explanations, and a New One

Scholars and analysts offer conflicting interpretations of why Iraq did not do more to cooperate with the UN inspectors seeking to verify WMD disarmament.⁴ Here, I examine four explanations

with different interpretations of Iraqi behavior and its causes (see table 1.) Then, I outline how principal-agent theory helps describe and explain the inconsistent implementation of the regime's policies as revealed in new sources.

THE "DETERRENCE BLUFF" EXPLANATION.

The conventional wisdom argues that the Iraqi regime sent mixed signals as to whether they were fully disarmed of WMD because Saddam feared that exposing his regime's lack of WMD, when Iraq's conventional military capabilities were eroding, would make it more vulnerable to Iran and other regional adversaries. These mixed signals— reflected in the regime's incomplete declarations, deceptive measures, and inconsistent statements about its WMD and its progress on disarmament — were supposed to achieve a deterrent effect by creating uncertainty among external and domestic audiences.

In seeking to explain why the regime was unwilling to reveal its WMD disarmament, scholars describe a difficult balance between overt noncompliance - which risked war, crippling economic sanctions, or both - and full compliance, which could reveal the regime's vulnerability.⁵ According to the war coalition's final WMD report, submitted by Charles Duelfer in September 2004, the regime never resolved this dilemma.⁶ Scholars offer various interpretations for Iraq's ambiguous signals, including 1) that, despite the risk of war and sanctions, the regime was attempting to maintain deterrence against regional adversaries, notably Iran, to compensate for its military weakness;⁷ 2) that the regime wanted a deterrent against domestic adversaries;⁸ and 3) that Saddam wanted to strengthen his standing in relation to hard-liners inside the regime.⁹

Table 1. Summary of previous explanations for Iraqi cooperation

What are the observable implications at the micro-level?	Leadership would design declarations and statements to be ambiguous on military capabilities, regime debates would cite need to deter as the rationale.	The leadership would try to clarify this to subordinates to coordinate behavior, content of Saddam's statements and private communication and briefings from scientific advisers to Saddam.	The regime would deny inspectors access to sensitive sites (but not other sites), and limit intrusive monitoring (e.g. overflights).	Coordinated efforts to evade inspectors to conceal WMD for storage or export.
Does the explanation account for change in cooperation over time?	Not easily, but efforts might increase as conventional capabilities deteriorated and Iran's nuclear program advanced.	Cooperation might deteriorate further as US and Iraqi officials had less contact, and Saddam withdrew and relied on relatives as key advisers.	Cooperation problems would increase if inspections targeted more sensitive sites.	Not easily, except efforts might intensify prior to 2003 war.

THE "INFORMATION PROBLEMS" EXPLANATION.

An alternative explanation points to information problems and misperception in shaping the Iraqi regime's decisions and behavior. Scholars highlight two ways in which bias and misperception affected Iraqi decisionmaking and behavior in the lead-up to the 2003 war. First, that the Iraqi regime may have underestimated the risks of war because it based its assessment on outdated beliefs about the United States.¹⁰ Second, that Iraqi officials were themselves uncertain about the status of Iraq's WMD programs, or that advisers may have misled the leadership (intentionally or unintentionally).¹¹ The sources of bias or misperception are attributed to persistent beliefs among elites and military commanders that Iraq still possessed WMD,¹² to lower-level officials' fear of reporting unwelcome news,¹³ and to Saddam's desire to appear strong in front of regime elites.¹⁴

THE “REGIME SECURITY” EXPLANATION.

A third explanation argues that Iraq’s reluctance to give UN inspectors access on the ground was due to the regime’s concerns over its own security.¹⁵ According to this argument the Iraqi regime feared that the UN inspections might provide foreign intelligence agencies with information or access (through the inspectors, or through penetration of their communications networks) that they could use to plan covert action or military strikes against the regime. The Iraqi regime primarily obstructed inspections that targeted sensitive facilities such as presidential facilities and those in the intelligence apparatus complex, Gregory Koblenz shows, while allowing access to most other inspections.¹⁶

THE “DECEPTION” EXPLANATION.

A less common explanation is that the Iraqi regime successfully hid WMD or moved them to Syria. The 2004 Duelfer report noted claims that WMD had been moved from Iraq to Syria before the 2003 war, but found the evidence of such claims inconclusive.¹⁷ After the 2003 invasion, the U.S. military found caches of 4,990 chemical munitions (some filled, others unfilled) in Iraq.¹⁸ Only a small fraction were viable weapons (e.g., 27 out of 420 in one cache).¹⁹ Iraq’s chemical weapons had been designed to be produced on demand because they were of low quality and could not be stored for a long time without losing their effectiveness. These weapons may have been forgotten or misplaced, rather than deliberately hidden. No clear evidence has been found that the Iraqi leadership made shipments of WMD to Syria.²⁰

A NEW TAKE: IRAQ'S PRINCIPAL-AGENT PROBLEMS.

In this article I offer a new explanation for the implementation problems that the Iraqi leadership faced between 1991 and 2003. I argue that the Iraqi leadership experienced a principal-agent problem. Leaders (principals) rely on agents inside the state apparatus to translate their policies into actions that are consistent with the leadership's preferences. The fundamental problem is that principals and agents may have different interests at heart, limited understanding of each other's preferences, and that the leadership lacks oversight to ensure agents act according to its preferences. In the following, I describe how these problems manifested inside the Iraqi state. I identify information asymmetries and monitoring difficulties, as well as the poor processing of information back from the agents (lower-level officials and employees of Iraqi state organizations) to the regime principals (Saddam and senior officials). An overview of these mechanisms is found in table 2 below.

Table 2. Mechanisms Shaping Policy Implementation and Feedback

Top-Down Mechanisms (principal → agent)
<p>1. Nurturing internal ambiguity (principals)</p> <ul style="list-style-type: none"> a) Principals preferred verbal orders for highly sensitive matters making it more difficult for agents to understand their intentions b) Principals withdrew orders retroactively which made agents reluctant to embrace departures from established practice, or purged those who embraced policy proposals intended to identify potential dissent c) Principals devolved policy implementation to senior agents which led to inconsistent interpretations d) Principals compartmentalized information about cheating on some parts of the UN resolution (missiles) such that senior agents had different information about regime policy e) When principals told improvised and obviously fanciful stories to UN inspectors, instead of truths, this fed internal uncertainty
<p>2. Policy competition (principals)</p> <ul style="list-style-type: none"> a) Senior agents promoted different interpretations of leadership WMD disarmament policy to subordinates b) Senior officials punished some behavior that was consistent with regime policy which increased ambiguity c) Competing factions shielded subordinates from punishment after mistakes
<p>3. Disobedience (agents)</p> <ul style="list-style-type: none"> a) Complacency in implementing orders led to embarrassing discoveries by UN inspectors

b) Individuals ignored orders by keeping items and documents in their own possession, despite explicit orders to hand these in, for future personal gain

4. Drift (agents)

a) Individuals perceived that the incentives for their behavior were not aligned with the regime's stated policies and incentives for their own behavior; this led to distortion and displacement of the objectives they pursued (such as prioritizing their career prospects and reputation over the regime's stated goals)

5. Honest incompetence (agents)

- a) Individuals lacked clear guidelines for behavior and implementation, leading to botched implementation
- b) Lower-level officials assumed the available information was not the full picture of the regime's intentions
- c) Lower-level officials relied on past observations rather than new instructions as guides to principals' intentions

Down-up Mechanisms (agent → principal)

6. Hedging (agents)

- a) Clarification questions were avoided, leading to mistakes in declarations and interactions with UN inspectors
- b) Individuals failed to report suspected cheating upwards in the regime, leading to mistakes
- c) Lower-level officials did not offer informed assessments of the consequences of policy decisions made by principals, even when they believed the consequences would be severe

Information problems are prevalent in any authoritarian regime, and perhaps especially in personalist regimes (i.e., authoritarian regimes characterized by an extreme concentration of power into the hands of an individual leader and by weak state institutions). In the Iraqi regime, the principals (Saddam and his most senior officials) infused governance practices with ambiguities by promoting competing policies, issuing vague instructions and contradictory messages, and occasionally backtracked on orders issued by senior officials (such as Hussein Kamil) without Saddam's explicit approval (mechanisms listed in category 1 in table 2). Such practices, termed "robust action" in studies of personalist leaders in pre-modern states, is crucial for the long-term survival of principals in regimes with an extreme concentration of power.²¹ Personalist leaders cannot shift the blame for flawed policies to other elites inside the state, precisely because executive power is so concentrated in the leaders' hands. Instead, leaders nurture ambiguity. This "multivocality" enables different factions to find support in their leader's vague statements and behaviors.²² Leadership elites (the closest circle surrounding the leader included presidential advisers and senior ministers including Hussein Kamil, Tariq Aziz and General Amer Rashid, while less prominent ministers and leaders of the military industrial complex were situated in second and third tiers of influence) promote competing policy options ("flexible opportunism", described in category 2 in table 2); and the leader (Saddam) avoids committing explicitly to one policy over others for as long as possible.

In this environment, the agents (lower-level officials and employees of state organizations) become accustomed to hedging and assume that they lack a full picture of the regime's intentions and capabilities; they therefore act in a manner that they believe is consistent with their principals' past and current preferences, which may or may not match their principals' actual preferences (see table 2, category 6). Agents may ignore or only partially implement

orders to change behavior, assuming that older policies reflect the true preference of the principals. The implementation of changes in policy thus becomes especially difficult. These information problems lead to drift (listed in table 2, category 4), honest mistakes²³ (listed in table 2, category 5) as well as disobedience (table 2, category 3). Some agents act according to what they believe their principals want but fail to update their assessment when new information about these preferences emerge in the form of new orders and instructions. Others make mistakes because they receive vague instructions, or exploit the regime's limited monitoring by pursuing their individual interests even as these undermine the regime's goals (e.g., by hiding or stealing sensitive documents for future personal gain despite orders to hand these to authorities).

Saddam and his senior officials recognized many of these problems and tried to solve them. This was difficult because of the leadership's limited monitoring capacity. The Iraqi leadership had struggled to adequately oversee its WMD programs in the past. For example, during the late 1970s key staff in the chemical weapons program at the Al-Hasan research foundation were found guilty of mismanagement and fraud,²⁴ during the late 1980s Hussein Kamil violated Saddam's explicit orders not to import sensitive equipment for the nuclear weapons program,²⁵ and the regime did not have meaningful oversight of the cottage industry of small project that emerged outside the main biological weapons (BW) program.²⁶ Information about the WMD programs was highly compartmentalized. In the case of the BW program, Hussein Kamil's senior deputy Amer al-Saadi did not receive information about program activities such as animal testing, for example, unless Kamil was away. Staff in the BW program avoided reporting activities to al-Saadi, allegedly to evade his evaluation of program activities (which had led to the closure of the Al-Hasan research foundation during the 1970s).²⁷

My argument is consistent with an emerging body of research examining the fundamental information problems inside personalist regimes.²⁸ It also adds nuance to some of the key arguments in the literature on authoritarian regimes. Although it is true that personalist leaders such as Saddam are less constrained in institutional terms than other autocrats, this extreme concentration of power has its own constraints, as Milan Svobik argues.²⁹ Drawing on insights from sociology, anthropology, and political science, I argue that it is the concentration of power in these regimes that requires personalist leaders intent on long-term survival to engage in “robust action,” such as sending mixed messages and nurturing competing policy tracks, to avoid being associated with blunders or policies that result in failures. Personalist leaders are reluctant to commit to new policies unless they perceive the changes to be necessary for their own survival; the expectations of their agents thwart sudden policy changes.

In authoritarian and personalist regimes it is particularly difficult for principals and agents to assess each other’s preferences. Specifically, principals have strong incentives to obfuscate their underlying preferences, whereas agents would face considerable risks if they were to reveal their true preferences and beliefs. As Timur Kuran argues, “preference falsification” —misrepresenting one’s true preferences in response to social expectations and pressures — is acute in authoritarian systems.³⁰ Lisa Blaydes demonstrates the grave difficulties the Iraqi regime faced in assessing the preferences of its citizens.³¹ These broader dynamics intensify the basic problem facing agents seeking to communicate policy preferences while also wanting to signal loyalty to their principals.³²

The problems examined in this article are not unique to Saddam’s Iraq. Authoritarian systems erode information processing, sometimes to the point of absurdity. In the Soviet Union, bureaucrats regularly told lies that were presented as facts. Both the sender and receiver

understood these to be non-facts, but pretended to ignore this shared understanding.³³ In the Assad regime in Syria — which resembled Saddam’s regime in several respects — citizens and bureaucrats similarly engage in behaviors and statements that are clearly absurd in order to demonstrate their submission to the regime’s domination over social and political life.³⁴

These arguments underscore why authoritarian leaders struggle to expand the circle of advisers, officials and other stakeholders in decision-making concerning nuclear and other WMDs. As Elizabeth Saunders argues, authoritarian leaders who seek to expand their circle of nuclear decision-making face difficult tradeoffs.³⁵ When Saddam increased the decision-making circle regarding WMD disarmament in mid-1991, this intensified problems such as competing preferences, introduced new information problems, and made coordination more challenging.

Disarmament Policy and Implementation in Three Stages, 1991-2003

This section identifies and analyzes three stages of Iraqi WMD disarmament policy and implementation: 1) denial and a cover-up (April-July 1991), 2) a mixed strategy of concessions and concealment (July 1991-August 1995) and 3) increasing cooperation (August 1995-December 1998, when UN inspections were discontinued after Operation Desert Fox, and when inspections resumed during November 2002-March 2003). Drawing on the framework outlined in table 2, I examine the Iraqi leadership’s policy and implementation during each stage.

DENIAL AND DECEPTION (APRIL-JULY 1991)

The cease-fire resolution that ended the 1991 Gulf War, UN Security Council Resolution 687, demanded that Iraq undertake complete, verifiable and permanent disarmament of WMD and ballistic missiles with ranges above 150 km, as well as a host of other measures to compensate

for the damage caused by Iraq's invasion of Kuwait in the late summer of 1991.³⁶ UN inspectors would verify this disarmament and, once they reported Iraq as having complied, the UN Security Council could lift sanctions which effectively banned trade to and from Iraq (including oil, until a mechanism for limited oil sales overseen by the United Nations emerged in 1996) with the exception of medicine and humanitarian items. The sanctions prevented the Iraqi regime from improving the state of the economy and also eroded its conventional military capabilities. At this time, the true scope of Iraq's WMD capabilities – their production and deployment of biological weapons, their advances in developing more advanced chemical weapons and ballistic missiles, and the fact that Iraq stood on the verge of a crucial breakthrough in the nuclear weapons program - were largely unknown to the outside world.

The UN inspections and sanctions presented the Iraqi leadership with a dilemma: how much should it reveal of its WMD capabilities? The head of the Iraqi nuclear weapons program, Jafar D. Jafar, and deputy head of its Military Industrial Corporation (MIC), Amer al-Saadi, approached Saddam's son-in-law Hussein Kamil, who was head of MIC, recommending that the regime declared everything and offered to prepare the WMD declarations.³⁷ Kamil disagreed, insisting that Iraq should declare only what the UN and the IAEA already knew about (i.e. possession of chemical weapons and missiles, though the Iraqis initially substantially under-reported how much they possessed in these categories) and deny everything else (i.e. their biological weapons program, the nuclear weapons program and details of the chemical weapons and missile programs).

The implementation of Kamil's directive led to rushed concealment of documents, samples, and equipment from the WMD programs.³⁸ The biological weapons program started destroying BW agents in May, following a phone call from Kamil.³⁹ The residual liquid was

poured into the ground, munitions were crushed and buried, and some unfilled test munitions were thrown into the Tigris.⁴⁰ Those carrying out the destruction were ordered to not document it.⁴¹ The Iraqis also had to develop alternative explanations for their past activities and the purposes of WMD-related sites.⁴² The coordination challenge associated with this effort was momentous. Iraqi security agencies were concerned that creating covers for WMD facilities created risks, by mixing civilian Iraqi workers with those associated with the past WMD activities, and that these facilities would not be able to perform their cover functions at a convincing level over time, which could lead to detection by the UN inspectors.⁴³ Some documents from the nuclear program damaged during the war raids were burned. Some 100,000 nuclear documents were removed and placed on trains.⁴⁴ A box with highly sensitive information about the nuclear weapons program was misplaced; some of these documents were discovered by the inspectors in September 1991. Iraq's security apparatus took charge of equipment from the nuclear program without compiling an inventory – while the leaders of the nuclear weapons program did not know what happened to the equipment.⁴⁵ The chaotic destruction and concealment effort was still ongoing when the United Nations Special Commission (UNSCOM) and the IAEA carried out field inspections in the spring and summer of 1991.

Senior Iraqi officials lacked insight into these activities and the leadership's calculations, which led to bizarre statements and declarations. For example, when the Iraqi ambassador to the IAEA, Rahim Alkital, met with senior IAEA officials on April 15, 1991, in Vienna to discuss the implementation of the resolution, Alkital could not describe Iraq's interpretation of how the resolution would be implemented:

“We still have difficulties in communicating with Baghdad. I requested information on Tuwaitha [the main nuclear research center in Iraq], but received no answers. The people in the Foreign Ministry are certainly much more aware of the Resolution problems than I am here. The only co-operation I can offer is to transmit messages, if any, to and from Baghdad. I am not aware, for the time being, of the interpretation of my Government on the exact terms of the Resolution.”⁴⁶

Alkital also stated, implausibly: “I am sure that Iraq has no nuclear facility or plant that I don’t know about.”⁴⁷ In a letter to the IAEA on April 17, Iraq claimed that it had “no industrial and support facilities related to any form of atomic energy use which have to be declared.”⁴⁸ These claims were clearly false: Iraq had previously declared holdings of highly enriched uranium (HEU) to the IAEA under safeguards. Ten days later, on April 27, Iraq declared safeguarded nuclear material and a uranium concentrate production plant, but denied having had a uranium enrichment program.⁴⁹

The IAEA carried out its first inspections from May 15 to May 21, and from June 22 through July 3, 1991. The inspectors reported that sites had been extensively cleared of items and documentation, in one case even the floor had been replaced.⁵⁰ They discovered further discrepancies on site, and then received corrected explanations from their Iraqi counterparts.⁵¹ On June 23, the inspectors observed “...hectic activity involving trucks, forklifts and heavy equipment. It was hard to avoid the impression that the Iraqi conduct had the aim of concealing objects and activities from the inspection team.”⁵² On June 28, inspectors barred from entering the Falluja military site watched 60–90 trucks leaving. Iraqi guards fired shots into the air as

inspectors observed the trucks from a water tower. The items the inspectors saw on the departing trucks indicated that the Iraqis were hiding equipment from an undeclared uranium enrichment program.⁵³

To resolve this crisis, the Security Council sent a high-level mission to Baghdad (June 29–July 3) that included the head of UNSCOM, Rolf Ekéus; the head of the IAEA, Hans Blix; and the Under-Secretary for Disarmament Affairs, Yasushi Akashi. On 28 June Iraqi Foreign Minister Ahmed Hussein wrote to the UN Secretary General that Saddam Hussein had issued an order to all Iraqi agencies concerned to fully cooperate with the high-level mission “... and to solve all bureaucratic problems that may arise in the course of such cooperation”.⁵⁴

UNILATERAL DESTRUCTION.

The Iraqi leadership’s reaction to this crisis was to destroy undeclared CBWs and missiles. Rather than admitting to having concealed these weapons from the UN, the Iraqis tried to cover this up by destroying them in secret.⁵⁵ In late June and early July 1991, the Iraqis clandestinely destroyed missiles with ranges greater than 150 km (and declared only a small number to the UN for destruction), items from the still undeclared nuclear weapons program, and undeclared caches of chemical and biological weapons (Iraq had declared a substantial amount of chemical weapons to the United Nations, but not all, and denied producing biological weapons). The Iraqi leadership would not admit that chemical weapons had been unilaterally destroyed until March 1992; it subsequently made misleading declarations about what kinds and how many weapons were destroyed, and did not document what was destroyed and how. It is a major puzzle why the regime conducted this destruction in this manner. New sources give important insights into the regime’s decisionmaking and implementation.

The unilateral destruction removed what was left of Iraq's military WMD capabilities. Iraq destroyed biological weapons (25 missile warheads and approximately 134 aerial bombs), 83–85 missiles (in addition to the 48 declared missiles destroyed under UN supervision in July 1991), some 130 warheads (both conventional and chemical), 8 missile launchers (which were destroyed in October 1991), and support equipment.⁵⁶ Two other missiles were concealed and then destroyed later in 1991.⁵⁷ The regime continued its efforts to remove traces of the biological weapons program and denied as much as possible of their past nuclear weapons program (as well as some of their capabilities in the chemical weapons program).

This effort ran over several stages and campaigns. The officials who were ordered to destroy the BW were given only forty-eight hours to destroy everything, while scientists hid vials with live BW strains in their private refrigerators.⁵⁸ The Salman Pak BW site was destroyed by Iraq and covered with soil shortly before the UN inspection in August 1991, while other sites continued under civilian cover.⁵⁹ Between mid-1991 and March 1993, organizations received orders to turn over “know-how” documents to the security apparatus for concealment.⁶⁰

The Iraqis told the high-level UN delegation in early July 1991 that a “decision had been taken that nothing should be retained that was in contravention of Resolution 687. Actually, equipment belonging to the Atomic Energy Commission of Iraq had been transferred to the military, some of it to be used in the reconstruction work in Iraq, other equipment to be destroyed.”⁶¹ They did not explain that this included CBW and missiles, or on what grounds they had determined that items contravened Resolution 687. The Iraqi regime did not admit to the unilateral destruction until after the UN inspectors identified discrepancies in their initial declarations (after compiling material balances based on information from other states including imports and numbers of missiles targeting Iran during the 1980s Iran-Iraq war). When pressed by

inspectors in March 1992 Aziz admitted to destroying missiles and CW clandestinely but not the destruction of BW warheads.

Iraqi officials offered different explanations for why the unilateral destruction took place. Iraqi officials told UN inspectors that the unilateral destruction was intended to eliminate items that would “prolong the process” of verification and “complicate matters.”⁶² Iraqi scientists believed that the political leadership did not understand the implications of its initial false declarations about not having these weapons.⁶³ In 1996 Aziz told Ambassador Ekéus, chairman of UNSCOM, that the Committee Aziz chaired had decided to destroy missiles and weapons unilaterally in 1991 to prevent the United States from discovering them and using this as a pretext to attack, but that he had not understood the implications of this act for verification at the time.⁶⁴ Saddam said to his senior officials — perhaps seeking to save face — that he had ordered the unilateral clandestine destruction to spare Iraqis the humiliation of having to destroy these weapons in front of inspectors.⁶⁵

The unilateral destruction contravened Resolution 687 and created a cascade of problems for disarmament verification and Iraqi credibility. This cover-up created new information problems inside the Iraqi regime. Senior officials did not know the details of how various weapons had been destroyed and were not prepared to ask security services questions about their handling of concealed items. There were no records documenting what had been destroyed. This created lingering uncertainty among the Iraqis as well as outsiders about what had been destroyed, and what might still be concealed.

MIXED STRATEGY, JULY 1991-AUGUST 1995.

After the intensifying clashes in the initial inspections, the Iraqi leadership adopted a more coordinated approach to their interaction with UN inspectors, overseen by a senior committee excluding Kamil, and continued to conceal information and items from the WMD programs. This policy was flexible opportunism: the Iraqi leadership sought to maintain WMD options to hedge against an uncertain future, as they did not know how much of their capabilities would be dismantled by the inspectors nor how long the inspections and sanctions regime would last. It was uncertain whether Iraq could preserve any WMD capability or only the option of resuming a WMD program more or less from scratch at some future stage. Iraqi officials and scientists, even at senior levels, lacked reliable information about the regime's intentions regarding future reconstitution, and about how much know-how and capability the regime had preserved through the highly secretive deception campaign.

Views inside the Iraqi regime differed about how to implement this new mixed strategy. One cluster, led by Tariq Aziz, preferred increasing cooperation with the inspectors to improve prospects of having the sanctions lifted (but limiting disclosures to what the inspectors uncovered). Another group, associated with Kamil, pursued a more restrictive approach, of seeking to have the sanctions lifted while also preserving a future option to reconstitute the WMD programs. There were rivalries within as well as between these clusters – a feature of the Iraqi military-industrial complex in general. Kamil even told officials to disregard Saddam's instructions as they exited meetings with Saddam and admonished them to stick with his own policy instead – revealing himself to be as selective about complying with Saddam's orders as he had been before the 1991 Gulf War.⁶⁶ He also objected to efforts by other senior Iraqi officials to

comply with UN instructions to identify machines for production of ballistic missile engines for destruction.⁶⁷

Saddam created a high-level committee to oversee and manage Iraq's cooperation with the inspections after the 28 June incident. This committee was led by Aziz, who was then Deputy Prime Minister, and it included senior leaders from the intelligence services, including Saddam's son Qusay; the supervisors of the Special Republican Guard, the Republican Guard, and the Special Security Organization; Foreign Minister Ahmed Hussein; and Mohammed Said al-Sahhaf, who would later become foreign minister.⁶⁸ This committee consulted with technical experts as well as the regime's security apparatus, seeking to create a more structured and informed process.

Aziz and his committee established four guiding principles for Iraq's dealings with the UN inspectors.⁶⁹ First, Iraq would minimize its disclosures of previous violations of international agreements (i.e. not reveal more than the UN inspectors could prove in terms of its past WMD capabilities and achievements). Second, Iraq would shield resources that could have future civilian applications, by not disclosing these to the inspectors. Third, Iraq would not identify its international suppliers. Fourth, Iraq would not reveal the roles of the Special Republican Guard in WMD concealment efforts (hiding and destroying items and documents handed over by the scientists) and would not reveal to the inspectors any sites related to Saddam's office (part of the network of so-called presidential sites).

At the same time, a separate and highly secretive concealment effort was supervised by a Concealment Operations Committee headed by Saddam's son Qusay, with Kamil as a senior adviser. This effort appears not to have been closely coordinated with the Aziz committee. Even

Qusay apparently did not know the details of Kamil's efforts to preserve know-how from the former programs.⁷⁰ According to the later recollection of Iraqi officials, Kamil stated in 1993 that the WMD programs could be reconstituted after the UN inspectors ended.⁷¹ Kamil lacked the technical expertise to assess how realistic future reconstitution was (and experts did not volunteer their views). As the UN inspectors steadily dismantled Iraq's capabilities, Iraq's technical experts did not know how much documentation and other items remained concealed.

Regime Perspectives on Implementation Problems. The Iraqi leadership preferred verbal orders for sensitive issues, including procurement for WMD programs, and Aziz reported verbally (rather than in writing) from key meetings.⁷² This preference for verbal communication for sensitive information and decisions made the leadership's information and policy preferences opaque for those outside Saddam's closest circle. The different preferences and lack of coordination between senior figures such as Kamil and Aziz, who held pivotal roles in formulating the Iraqi cooperation with UN inspectors, created difficulties for those charged with implementing the regime's policies. The mechanisms in categories 1 and 2 (nurturing internal ambiguity and policy competition) feed into categories 4 and 5 (drift and honest mistakes).

These leadership was aware of these problems. For example, as a result of Iraq's implementation problems, UN inspectors made discoveries that the regime had wanted to keep hidden on several occasions. Two such episodes in the second half of 1991 show how Saddam and his senior associates discussed and responded to these problems.

In September 1991, UN inspectors found documents from the nuclear weapons program, including a report from the weaponization project focusing on nuclear warheads and missiles.⁷³ Kamil ordered an investigation into why this trove contained such sensitive documents. A

committee was set up, and eleven officials were imprisoned for eighteen days during the investigation. General Amer, who led the investigation, concluded that the reason was simply administrative error. The imprisoned officials demoted a rank, but did not suffer more severe penalties.⁷⁴

During 1991, Saddam and senior officials discussed the fact that Iraqi officials had handed over to UN inspectors Project Babylon, following Kamil's instructions, involving a "super-gun" to launch satellites into space or deliver weapons. Saddam was incensed, pointing out that Resolution 687 did not cover this project – revealing his surprisingly detailed understanding of the demands placed on Iraq. He asked, rhetorically, whether Iraqi officials were simply "...a herd that moves aimlessly without guidance" and warned, "Oh, these things will create problems for us."⁷⁵ When Saddam suggested that the Iraqi scientific and technical staff were not taking their work seriously, Aziz protested: "Oh no, by God, just to be fair to them, they work — [interrupted]." Saddam: "Are they any good?" Aziz: "By God, they work hard, Your Excellency. They are very efficient, really." Saddam then concluded that the scientists were "in a psychological state that made them rush in this matter."⁷⁶

These episodes illustrate honest incompetence: lower-level officials did not understand how to interpret ambiguous and sometimes contradictory instructions from two different committees headed by powerful regime elites. Asking clarification questions was risky. According to Mahdi Obeidi, the head of the defunct centrifuge program: "Everything was confidential unless stated otherwise. Opening one's mouth could only lead to trouble."⁷⁷ Furthermore, the concealment operation was under tremendous pressure, because the UN inspectors were already in the country as these efforts were ongoing. This pressure led to mistakes, but the political leadership accepted these as errors. These observations contradict the

established view that no senior official dared give Saddam bad news.⁷⁸ Although Iraqi officials faced severe punishment — including imprisonment and torture — if they were accused of wrongdoing or disloyalty, there was some room for admission of mistakes. As Aziz’s comments show, senior officials did sometimes shield those who committed what were characterized as errors resulting from pressure and stress.

To reduce the risk of similar incidents, the regime increased internal monitoring and took steps to prepare sites and documents prior to inspection.⁷⁹ External observers and UN inspectors noted these activities with suspicion, interpreting them as indications that the Iraqis were not truthful. In October 1991, the Central Intelligence Agency concluded that Iraqi non-compliance “almost certainly is driven more by a desire to preserve future options than it is by a fear of revealing past indiscretions.”⁸⁰ This became a firm assumption in the U.S. intelligence community over the next few years.⁸¹ The available evidence suggests that, in fact, the Iraqi regime sought to achieve both, but that the balance between the two goals shifted over time.

The regime’s recalcitrance was also motivated by a desire to demonstrate resistance in order to mobilize support among both domestic and regional audiences. In a meeting in September or October 1991, Saddam stated: “... we should instigate, instigate problems. We should give others excuses. The others are on the sidelines. I mean, they are saying: ‘Why should we involve ourselves in this matter? ... Iraq should not be at their mercy asking whether they will approve or disapprove.’”⁸² Obeidi later noted that as the Iraqi nuclear program was dismantled, deceptive efforts were primarily a push-back against foreign pressures and less intended to preserve the program.⁸³

“I have given them everything,” August–December 1991. Saddam was pessimistic about the prospects that the United States would agree to lift sanctions in return for Iraqi cooperation. In a meeting in August 1991, he warned that U.S. leaders had not given any indication that they would “decrease their harm” to Iraq; he said that they are becoming “worse” and that this means “... they will bring the regime they want and will give it to the person they want.”⁸⁴ Saddam told Iraqi officials: “I have given them everything. I mean, I have given them everything, the missiles, and the chemical, biological and atomic weapons. They didn't give you anything in exchange, not even a piece of bread.”⁸⁵

As this statement reveals, Saddam concluded, as early as August 1991, that Iraqi compliance with the demands of the UN would not necessarily be rewarded. At least, this was the conclusion he signaled to his senior advisers. At the same time, the effects of the sanctions were so dire that the regime increased its cooperation in the hopes they would be lifted. By “muddling through” — cooperating to the extent that WMD capabilities were dismantled and programs disbanded, while concealing information and items that would reveal the full scope of Iraq’s past capabilities to the outside world — the regime believed that it could achieve sanctions relief in the longer term.

How did the regime see the risks and gains of further concessions at this stage? A meeting among senior Iraqi officials in mid-December focused on disarmament verification problems. Iraq’s verification problems, the Iraqi officials told Saddam, were essentially the result of past concealment activities. Saddam expressed doubt that the sanctions and inspections regime would be viable in the long term: “... they will eventually get tired. We have become more conscious and more capable of charting our own path, and we firmly believe that the siege will gradually corrode. There is no connection between what they term as commitment to the

resolutions and their own real intentions behind these resolutions.”⁸⁶ Saddam instructed his officials to not show leniency by surrendering equipment to UN inspectors in order to signal resolve at home and in the Middle East.⁸⁷

In this meeting, a senior Iraqi official offered analysis of the Security Council session on December 3, 1991. Describing Ambassador Ekéus, the UNSCOM head, he said, “... we expected him to present a fair report. I do not mean to take our side, but to be neutral and fair in his report.... It seems they [the Security Council] were expecting this latest committee to plant a new mine [a new obstacle], so that they can make a decision [to prolong the sanctions].”⁸⁸ The same official described Ekéus’s report as a prism for how the UN viewed Iraq and “... see, based on it, the remaining pretexts that they can use against us, so that we may work based on this. At least, we can draw up our plan to face up to this situation.”⁸⁹

A week or so later in December Saddam and his closest circle of advisers and ministers discussed sanctions. Saddam’s trusted adviser Izzat al-Duri (vice-chair of the Revolutionary Command Council) asked what their strategy should be: “My question is what is our plan towards the sanctions? Are we not supposed to be fighting against the sanctions? Where is our plan? We have to stop this disaster immediately, because the sanctions are killing us. We have to boost the morale of our people and stop the negative results of the sanctions.”⁹⁰ Saddam asks what can be done. The regime could be blamed for the sanctions and their effects by the population.⁹¹ Aziz warns that the situation is deteriorating: “Do not think that we are improving for the better by months. What would I know? However, if my comrades know something else, which I do not know about, then please inform us, because in reality, Iraq is collapsing.”⁹² Aziz cautions that state institutions are “disintegrating” and that “corruption and bribery is out of control.”⁹³

Over the next three to four years the UN inspectors uncovered many aspects of the missile, chemical, and nuclear weapons programs that the regime tried to conceal, as well as the existence of a biological weapons program. The Iraqis reluctantly admitted to capabilities and past activities as the UN inspectors uncovered discrepancies and supporting evidence, while they sought international support for lifting or eroding sanctions. By early 1995, Iraq was still withholding information about the crash program to develop nuclear weapons it established after the invasion of Kuwait, its use of chemical weapons, its research focusing on nerve agents, and producing biological weapons. Senior officials intervened to streamline cooperation with the UN inspectors. They instructed security officers to “not cause problems” and to prepare sites before inspections. Intended to ensure cooperation, instead these efforts made inspectors suspicious.⁹⁴

A Dilemma, an Ultimatum, and a Defection, February–August 1995. In early 1995, the UN inspectors were uncovering further evidence of the offensive BW program (including imports of growth media and fermenters suited for BW agent production) that Iraq still denied. Saddam met with his senior advisers on February 5, 1995, to discuss how to respond. Saddam highlighted the fundamental problem: if Iraq again admitted to having concealed information about past programs, the inspectors might question Iraqi compliance across all areas.⁹⁵ This is the essence of the cheater’s dilemma: admitting to more concealment decreased the likelihood that Iraq would be rewarded, whereas non-admission risked being caught making another deceptive move. Admission could unify the Security Council against Iraq, senior advisor General Amer Rashid noted, because the regime had deceived not only inspectors, but also Iraq’s allies France and Russia, concerning its former WMD capabilities and disarmament. As a result, there would be no hope of getting the sanctions lifted.⁹⁶ At the same time, Aziz noted, resolving the remaining

questions about the BW program was the only issue standing in the way of France's support for lifting sanctions.⁹⁷

Aziz told Saddam that, while Iraq had paid a heavy price for cooperating with the inspectors, these costs necessitated continuing cooperation. Aziz elaborated:

We played the rules of the game, and we paid the price, Sir. We paid the price. In 1991, our weapons were destroyed. We destroyed the whole nuclear program and they also destroyed it. We also destroyed the missiles with our hands and their hands. The main factories were destroyed. There is only very little left of the rules of the game. So it is not in our interest to leave the rules now. This departure from the rules of the game should have taken place at the time when we [had not already made] these sacrifices and [had not carried out] such intensive technical, political, and diplomatic work, and with this level of international understanding. There remained [then] only small things [issues].⁹⁸

Their conversation is a study in multivocality: vague recommendations (despite specific language), internal taboos, and a mostly silent Saddam. In this meeting, the senior officials discussed the biological program, thus breaking the unstated taboo against speaking about the most secretive WMD programs. Kamil expressed discomfort, asserting "I did not want to speak so openly were it not for Your Excellency's raising and explaining the issue, and the statement by Tariq that we produced biological weapons."⁹⁹ Kamil stated that Iraq had not only concealed facts about the BW program, but had also given incorrect accounting of imported materials for the past WMD programs, and of Iraq's chemical warfare against Iran during the 1980s. Further

admissions, then, would reveal new information about past capabilities and deception efforts and prolong sanctions, perhaps indefinitely. Addressing Saddam, Kamil says: “Sir, I would like to go back to this subject: Do we have to reveal everything or do we continue with the silence? Sir, if the meeting took this line, I must say that it is in our interest not to reveal anything.”¹⁰⁰

In the same meeting Ramadan argued, “... it is wrong to waste time, even if our position is not convincing. We must stand on our own feet when we want to change the current method of dealing so that there will be the possibility for pressure and influence.”¹⁰¹ In other words, maintaining a less than credible position was preferable to the risks of further admissions in terms of achieving sanctions relief or removal. Izzat Duri, vice chairman of the Revolutionary Command Council, proposed setting a firm deadline: “We cannot endure more and our people have unanimously rejected this policy. If no serious change takes place within the next few months or days in dealing with Iraq positively at the Security Council, we will abandon our commitment to the Security Council.”¹⁰²

Over the next months, the regime pursued a more confrontational policy along these lines, threatening to withdraw cooperation from inspections unless there was tangible progress toward the lifting of sanctions. This approach, headed by Aziz, was under strong pressure from Kamil who did not want to reveal the BW program and preferred a more confrontational approach to the UN. Saddam backed Aziz, but would only do so for so long, indicating a deadline of one year.

The Iraqi leadership stuck with implausible, even ridiculous explanations in response to UN discoveries of equipment and materials clearly indicating BW agent production. For example, Aziz told Ambassador Ekéus on 21 February that no Iraqi BW program had existed,

and that the import of growth media in large quantities in the late 1980s (clearly indicating large-scale production of BW agents) was carried out by a former health minister that Aziz characterized as an “idiot” and a “complete ass”.¹⁰³ The Iraqis told the UN inspectors that the growth media had been distributed to hospitals and that each and every one had been attacked by looters after the 1991 Gulf War who had destroyed the growth media as well as all documentation (except in one case where the Iraqis alleged documents fell off a truck) – none of which was convincing.¹⁰⁴

In March 1995 General Amer and Aziz indicated to Ekéus that they had secured permission from Saddam to admit to the biological weapons program.¹⁰⁵ They insisted that Ekéus “closed” the other files (missiles, CW, and nuclear) before making this admission. General Amer told Ekéus in a meeting on 31 May that such closure was important “politically”, indicating securing Saddam’s support for additional BW revelations, and underscored his message by holding a silence while looking “very meaningfully” at Ekéus.¹⁰⁶

Saddam and senior officials believed that they could build international support for the lifting of sanctions. Aziz argued that the United States was nervous that Ekéus’s forthcoming regular report to the Security Council might not be entirely negative, and that other states wanted to work toward the lifting of sanctions.¹⁰⁷ Ramadan urged that Baghdad should “... mainly focus on the countries that do understand this logic, meaning the resolution and its technicality, especially those countries that have members in the [Security Council] committee.” The regime should, he argued, develop contacts with China, Indonesia, Oman (then a member of the Security Council), and Qatar. European states, including France, Germany, and Italy, were important targets for such missions.¹⁰⁸

After the inspector's report to the Security Council in April 1995, Iraqi officials insisted that the next (June) report to the Council must reflect their cooperation. General Amer warned the IAEA Action Team that the regime faction supporting cooperation was "vulnerable to attack from within the regime and unless the meeting of the Security Council scheduled for 19 June shows substantial progress towards the implementation of paragraph 22 [regarding the lifting of sanctions], his faction will lose the initiative and there will be a drastic revision of the relationship between Iraq and the UN agencies."¹⁰⁹

On June 19, 1995, Ekéus reported to the Security Council that the biological file was the key remaining issue. On 1. July, Iraq begrudgingly admitted more details about its previous BW program. Rihab Taha, a senior scientist in the BW program, and General Amer presented the history of the BW program to Ekéus and his delegation at the Military Industrial Corporation in Baghdad. They now admitted production of BW agents but implausibly denied weaponization, claiming they had not had time to proceed with this, in an apparent bureaucratic compromise.¹¹⁰ This denial of weaponization, however, undermined the credibility of their admission. A likely explanation is that they did not want to account for the BW they had destroyed in the summer of 1991. In mid-July, Aziz posed an ultimatum: unless sanctions were lifted soon, Iraq would end cooperation with the inspectors by August 31. Aziz underscored that this was "not a bluff."¹¹¹

Events suddenly took a different course: on August 8, 1995, Kamil, the head of MIC and the chief architect of Iraq's concealment activities, defected to Jordan.¹¹² The Iraqi leadership did not know what he would reveal.

Cheater's Dilemma, 1995–98. Kamil's defection presented the Iraqi leadership with a new dilemma in seeking to contain the fallout from Kamil's defection and his likely revelations of

past concealment to the outside world. The Iraqi leadership did not know the full details of the deception campaign orchestrated by Kamil and, accordingly, could not anticipate precisely what he would reveal. Their own internal fact-finding mission after Kamil's defection was highly sensitive. Even senior officials were reluctant to probe into the role of Iraq's security apparatus or Kamil's activities, given his close relationship with and support from Saddam.

The Iraqi leadership met on August 12 to discuss what information Kamil could reveal. On August 13 or 14, the head of the Iraqi Monitoring Directorate, Husam Amin, wrote a report to Saddam blaming Kamil for creating tension with the UN inspectors on several occasions.¹¹³ The report claimed that Kamil's activities had been discovered only after his defection and that they came as a great shock. This report may have been intended to avoid implicitly criticizing Saddam for having trusted Kamil, and to deflect blame from other senior officials. The report also criticized Kamil for appointing "bad Directors."¹¹⁴ Amin urged that Iraq must curb "opportunists and traitors" inside the military-industrial complex, which had been led by Kamil, and sharply criticized named senior regime officials that had worked closely with Kamil.¹¹⁵

The potential fall-out from the Kamil defection was an incentive to tone down the scale of Kamil's former activities for those who had worked closely with him. This tension is apparent in a conversation among senior regime officials a month after the defection. One official tells Saddam: "One could say that talking about Husayn [Kamil] is like walking into a minefield, not knowing when an explosion is going to happen."¹¹⁶ The blowback risks of probing into Kamil's activities left lingering uncertainties about the scope of the past deception campaign, which paved the way for drift (as agents were better off not volunteering information associating them with Kamil's activities or probing into activities of powerful actors such as the security

apparatus) and disobedience (as agents who wanted to exploit this uncertainty hid sensitive documents despite explicit orders to hand these in).

Kamil's departure intensified uncertainty among Iraqi officials concerning the state of Iraq's WMD disarmament. Now, implementing a turnaround from concealment to cooperation was even more difficult. In June Saddam told his officials: "What's important is convincing your own kin [everyone laughs] and not just Ekéus!"¹¹⁷

After the Kamil defection, the regime's intentions to cooperate and the behavior of lower-level officials diverged. For example, officials stuck with outdated denials of the BW program after the regime had made additional disclosures.¹¹⁸ Despite Aziz's statements that the Iraqi regime would increase its cooperation, Iraqi officials gave implausible and apparently improvised explanations for the concealment of documents and how these had come to light after Kamil's departure.¹¹⁹ Notwithstanding explicit instructions, state employees down the implementation chain appear to have assumed that the regime's intentions remained ambiguous, and acted accordingly (consistent with the mechanisms listed under categories 5 and 6: agents assumed they did not have the full picture and avoided clarification questions, and relied on past observations rather than new instructions to guide their behavior). This gap between policy and behavior reflected hedging (mechanisms in category 6) as well as drift (mechanism 4).

Senior officials debated what the consequences of Kamil's defection would be for their prospect of sanctions being lifted and how to improve their situation. Aziz told Saddam and other senior officials that the revelations following Kamil's defection would create new suspicions that Iraq was still concealing items and documents, suspicions that would make the lifting of sanctions a more distant prospect.¹²⁰ Saddam had insisted in early 1995 that sanctions be lifted

within one year; this timeline was clearly no longer feasible.¹²¹ Aziz noted that the fallout from the Kamil defection would be extensive, causing a delay of at least six months in lifting the sanctions.¹²² General Amer suggested that documents could be found among the personal papers of senior scientists and these could be given to the inspectors to facilitate the verification process.¹²³

Kamil chose to reveal relatively little when he spoke to the UN inspectors in Amman.¹²⁴ Ironically, the Iraqi regime revealed a lot in an effort to preempt disclosures they feared Kamil would make. Ekéus and senior inspectors visited Baghdad before meeting Kamil in Amman. When they arrived, Aziz told them that Kamil had instructed General Amer's own staff to not disclose information to the inspectors or to Amer. Aziz was not a technical expert, he added, and Amer only joined MIC in late 1991, so they had not known the truth.¹²⁵ Dr Taha now revealed what had been so long denied: weaponization of two BW agents (anthrax and botulinum toxin), and that R400 aerial bombs and Al-Hussein missile warheads filled with BW agents had been deployed in three locations in January 1991. These weapons were secretly destroyed in May and June 1991.¹²⁶

As Ekéus and his team travelled to the airport after their Baghdad meetings on 22 August, the Iraqi leadership presented them with large caches of documents from the WMD programs in the so-called Chicken (Haider) Farm owned by Kamil. Iraq did not convincingly explain where these documents had been since 1991, why the BW documents were less comprehensive than the other programs or why MIC files were curiously missing. Nor could the Iraqis explain why some documents from this collection had been burned on August 14-15 1995, two days after Amer Rashid had promised the UN cooperation in a letter, and others apparently removed.¹²⁷ For the UN inspectors, an obvious question was how these documents had surfaced after Kamil's

defection. Iraqi counterparts struggled to answer this question, as a senior official described having sudden visions of important documents being concealed on this site becoming visible in the moonlight, eliciting laughter from senior Iraqi officials present, while others claimed that Kamil's girlfriend had suggested that the documents could be found on the farm.¹²⁸ Telling even a ridiculous story was preferable to telling the truth, which would lead to potentially damaging discoveries, or a more carefully crafted lie, which risked accusations of further deception.

While the policy of deception and denial ended after Kamil's defection, cheating did not disappear.¹²⁹ Missile components were clandestinely imported without notifying the UN. The Iraqis tried to avoid declaring dual-use items (equipment that could be used in permitted as well as prohibited programs), to keep these from being destroyed or placed under monitoring by the UN inspectors. In a meeting in the late fall of 1995, Saddam and Tariq Aziz discussed how to get away with this kind of cheating. Aziz said, "Sir, as far as cheating we are cheating and we continue to cheat." Saddam responded, "We need to know how to cheat." Aziz continued, "... you know we are not going to report everything we have to the Special Committee for this inspection, not everything... we can explain if it gets discovered and find a way out of it; we say do not talk about it, we are working on it."¹³⁰ Saddam said to Aziz, "... as long as it is that way, it is not going to cause something big."¹³¹ Aziz suggests telling Amir Rashid, but Saddam disagrees. Such cheating and compartmentalization may have fed ambiguity within the senior tiers of the regime (consistent with mechanism 1d described in table 2). Lower-level agents observed Iraq cheating but did not know whether this was WMD-related (see category 6 in table 2).

Implementation Problems. Iraqi officials openly disagreed with each other when disclosing new information about the past BW program to Ekéus and the UN inspectors, to the point where

General Amer intervened to say the Iraqis had to coordinate their statements.¹³² The regime maintained some red lines even after Kamil's defection, concerning their past WMD plans, doctrines for use, and past policies, that the Iraqis defined as "very sensitive" and "political" rather than part of the technical and material accounting for their disarmament (while recognizing that this was within the UN's mandate).¹³³ General Amer stated that the regime, presumably at the most senior level, was concerned as to what this information would be used for, and that the provision of such information in itself was a very sensitive issue.¹³⁴

The leadership's effort to increase cooperation and transparency was slow-rolled, even resisted, by those down the chain of implementation. Aziz told UN inspectors that Generals Murthada, al-Saadi and Amer had "...trouble with their subordinates who had thought of Hussein Kamel as Buddha. However, Tariq Aziz had himself spoken to the staff as a whole, and insisted that they must cooperate."¹³⁵ This inconsistency was also noted by the Security Council in October 1996.¹³⁶ The regime tried to monitor the Iraqis who interacted with the inspection teams, to ensure that they acted according to Saddam's instructions. The security service agents charged with monitoring these interactions struggled to understand technical issues, and Iraqi scientists found their monitoring suffocating.¹³⁷ Security agents were perceived as sources of trouble, and individuals shielded themselves and their colleagues by refraining from raising potentially problematic issues in front of them (an example of how individual-level incentives clashed with those of the regime, leading to drift, described as mechanism 4 a in table 2).

Senior officials sent mixed signals to lower-level officials regarding how cooperative they should be with the UN inspectors. Aziz, for example, apparently preferred a confrontational attitude.¹³⁸ In the late 1990s, he reprimanded the main Iraqi interlocutor in the nuclear field who was demoted for being too accommodating to the UN inspectors.¹³⁹ Jafar, the former scientific

head of the nuclear weapons program, sensed that his more confrontational attitude was welcomed.¹⁴⁰ As this example shows, senior figures encouraged behavior that differed from the stated policies (consistent with mechanisms 2 a and b described in table 2).

The regime instructed scientists in 1996 to hand over any documents from the WMD programs to Iraqi authorities, warning that they risked execution if they failed to do so. The following year, the regime instructed staff to sign declarations certifying that they had no WMD-related documents or equipment, and threatened execution if they did not comply. Scientists produced documents that were handed over to the National Monitoring Directorate, the UN inspectors' main Iraqi counterpart.¹⁴¹ This Directorate inserted representatives inside organizations to monitor compliance.¹⁴² Despite such control measures, shirking persisted: some scientists withheld sensitive information, and others retained items for personal benefit, such as future business opportunities, in contravention of their orders.¹⁴³ This behavior, consistent with mechanisms 3 and 4, illustrates how disobedience, motivated by personal gain or by uncertainty about the regime's true policy preferences, or both, contributed to these compliance problems.

Even though Saddam had decided to end Iraq's policy of denial and deception, Iraqi behavior appeared ambiguous. Iraq cheated on small matters, calculating that it could get away with it. Officials resisted the measures taken by the regime to ensure greater cooperation. The regime struggled to coordinate behavior, as the principals relied on increased (but flawed) monitoring but failed to modify the incentives of its agents.

Iraqi agents faced dilemmas associated with their own cover-ups vis-à-vis the leadership. One such incident surfaced in November 1995, when gyroscopes (components of missile guidance systems) were found dumped in the Tigris river. Iraq was allowed to produce missiles

with ranges below 150 kilometres by Resolution 687, but all imports had to be registered, and these gyroscopes had not been registered.¹⁴⁴ After the regime had instructed everyone to submit any remaining information and equipment to the UN inspectors, the technical staff apparently panicked and threw the gyroscopes in the river. Amer told Saddam:

I think I said this in more than 10 meetings and Mr. Deputy Prime Minister said the same thing. After the 5th or the 6th time they [...] started to believe the seriousness of the matter, they went and told General Hussam [Amin]. They told Hussam that there is such an issue would you please tell General Amer, but they didn't tell him about the gyroscopes [laughing]. They told him it was just a couple of insignificant equipment that came by mistake, and we were afraid that it would create a problem so we threw it in the river! Hussam told them if the issue is like this there's no need to tell General Amer about it, [according] to his judgment. In the extended meeting number 7 or 8, we told them if you have anything please tell us. Because if you don't tell us, you will be doing a favor to the American intelligence, because they will eventually know. So tell us and us as a Command Council [we] will take care of this issue because it's important.¹⁴⁵

Because the technical staff did not specify the sensitive nature of the equipment to General Amer he (and Amin) instructed them to report this to the UN inspectors. Despite the serious fallout from discovery of the gyroscopes, the officials involved were apparently not punished.

This remarkable episode illustrates the shielding by senior officials of lower-level officials (mechanism 2c), as well as the honest incompetence (mechanism 5 a) that emerged from the lack of clear guidelines and reluctance to ask clarifying questions.

Reflections and Prospects, 1995–98. After visiting the UN in New York in November 1995, Aziz observed that the fallout from the Kamil defection had primarily affected “our friends and the people in between” (i.e., friendly states and states who could be persuaded to support Iraq). Prospects for sanctions relief were distant, “even among our friends and especially the French,” he said; “the files, which were reopened, will take a very long time to be closed again.”¹⁴⁶ Aziz noted that, with the exception of Iraq’s “known enemies” — the United States and the United Kingdom — “... everyone encouraged us to continue with this agenda.”¹⁴⁷

The inspectors were edging closer to reporting that Iraq had fulfilled its requirements for WMD disarmament under Resolution 687. In February 1997, Blix told the UN secretary general that the IAEA was “almost ready” to report Iraq had dismantled its nuclear program, and despite U.S. displeasure, this report could not be artificially delayed. Ekéus could make a similar report by October, by the earliest, assuming full cooperation from Iraq.¹⁴⁸ In June, Blix noted in preparation for discussions in the UN that the IAEA still needed clarifications from Iraq about its concealment strategy, the role of the security apparatus in procurement, and documentation or other clear evidence that the nuclear weapons program was truly “abandoned” and “not merely interrupted.”¹⁴⁹ UNSCOM had shifted its focus toward the so-called concealment mechanism, undertaking a series of intrusive inspections that targeted sensitive Iraqi sites - that is, those linked with the security services and with Saddam’s palaces. Aziz believed that the United States wanted to provoke crises to prolong sanctions, or provoke Iraq into expelling the inspectors, to justify bombing raids.¹⁵⁰

The Iraqis insisted that the UN inspectors report to the Security Council that they had complied with their WMD obligations. When the agencies raised outstanding verification issues in the summer of 1997, Aziz accused UNSCOM of fabricating crises to prolong its duties.¹⁵¹ Humam Ghafour, Iraqi minister of culture and higher education, protested to Blix on August 1, 1997, that “the IAEA was deliberately raising last minute questions with a view to prolonging the process indefinitely.”¹⁵² Iraq secured an agreement with UN Secretary General Kofi Annan limiting inspection modalities for sensitive sites. The IAEA worried that Iraq would recruit more support.¹⁵³

France, Russia, and some Latin American countries were pushing to move forward with the lifting of sanctions.¹⁵⁴ The United States proposed an Oil-for-Food arrangement to allow some money to flow into Iraq to improve the humanitarian situation. Although Iraqi officials initially resisted the arrangement citing concerns about sovereignty, this mechanism, when implemented, would solve two problems: it eased domestic dissatisfaction, while its lucrative contracts could mobilize greater support from other countries to lift or erode sanctions. The Iraqis believed that the Clinton administration would never agree to lift sanctions unless there was regime change, further undercutting Iraq’s incentive for cooperation with the inspections. On March 26, 1997, Secretary of State Madeleine Albright gave a speech at Georgetown University in which she declared that the United States would not lift sanctions while Saddam remained in power.¹⁵⁵

By the fall of 1997, the Security Council was deeply divided. A proposed resolution (1134) stated that Iraq had violated Resolution 687 by not agreeing to intrusive inspections. In October 1997, China, Egypt, France, Kenya and Russia abstained from voting on it. In the fall of 1998, the Security Council requested that the inspectors prove the existence of WMD, rather than

continuing to press Iraq to prove their nonexistence. Shortly after, the inspectors departed Iraq as the United States prepared to launch air strikes (Operation Desert Fox). Saddam did not want the inspectors back unless the sanctions were lifted.¹⁵⁶

Sanctions remained, but the inspectors did not return. Behind the scenes, Saddam passed a secret Revolutionary Command Council resolution with all UN resolutions.¹⁵⁷ However, this secret order did not align with what happened in practice. Iraq did not restart the WMD programs; to the contrary: when a scientist proposed biological research into viruses and germs to pollute water supplies for U.S. forces in the region, the regime denied permission, on the basis that this would violate UN resolutions, and requested that the documentation would be destroyed.¹⁵⁸ Once again, Saddam engaged in multivocality by promoting competing tracks and allowing various domestic audiences to draw their own conclusions about his true preferences.

Inspection Redux, November 2002–March 2003.

After the United States invaded Afghanistan in the fall of 2001, Iraqi officials began to fear that Iraq would be next.¹⁵⁹ Saddam believed that regime change in Iraq would be an overstretch for the United States. In a meeting with Kurdish politician Nijrfan al-Barzani in mid-March 2002, Saddam argued:

In our assessment, the Americans will not strike, or maybe they will only strike military targets. They will not take an action to change the regime at this time and at least for a while because this requires considering their risks as far as the public opinion impact for attacking two Muslim countries. Bush's relation with his people regarding the conspiracy [of regime change] is currently excellent and he is hoping to strengthen his

position in Congress, so his party needs to win the people[’s] support.

Though, what he is saying [about changing the Iraqi regime] requires much more time and there are indications that his popularity is starting to partially diminish.¹⁶⁰

Saddam continued, “if the inspectors will be returning as guides for the American attack, then we will never accept that. Rather, we will accept them to reach a clear decision that Iraq didn't manufacture weapons of mass destructions because we do not turn our backs away from discussions and we are confident that we can clarify these facts.”¹⁶¹ Saddam’s assessment was overly optimistic. A group of Iraqi officials recommended resuming inspections in June 2002, but Saddam insisted that sanctions should be suspended first.¹⁶²

Meanwhile, the United States and the United Kingdom were making their public case for war. The Security Council passed Resolution 1441 on November 8, 2002, giving Iraq “a final opportunity” to comply with its WMD disarmament obligations.¹⁶³ Iraq agreed to resume WMD inspections in November, and UN inspectors returned to Iraq at the end of the month. In Baghdad, senior officials were increasingly concerned that the United States would go to war.¹⁶⁴

Resolution 1441 declared Iraq to be in noncompliance with its obligations under Resolution 687. This put the Iraqi leadership in a difficult position: if it reported it had no WMD, skeptical states would conclude it was lying; if, on the other hand, Iraq had WMD and reported this, these admissions would pave the way to war. Iraq had no active WMD programs, but Iraqi officials could not prove a negative. Iraq submitted a declaration to the Security Council on December 7, 2002, that avoided potentially incriminating issues but did not misrepresent the facts on the ground.¹⁶⁵ The regime’s decision to not declare issues that might raise suspicion or

that might cast earlier declarations into doubt left gaps that made the international community suspicious.

In November 2002, the Iraqi leadership set up a committee of senior officials to coordinate interactions with the UN inspectors.¹⁶⁶ Problems of control and oversight persisted. Among other issues, this committee considered whether Iraqi scientists could be interviewed without Iraqi officials present. The concern, voiced by Qusay, was that scientists would lie to secure American visas for themselves and their families.¹⁶⁷ The leadership decided to prepare the scientists for the UN interviews and requested that the scientists either record conversations with the inspectors, or request that an Iraqi official be present.¹⁶⁸ A more difficult issue was the regime's inability to resolve past verification problems, in the absence of documentation, from the 1991 unilateral destruction.¹⁶⁹

Overall, Iraq's response echoed its behavior from 1991 to 1998. Saddam's orders evolved, from an initial reluctance to acquiesce to the terms requested by the UN, to instructing officials to fully cooperate in December 2002.¹⁷⁰ Efforts by the regime to streamline its cooperation aroused suspicions.¹⁷¹ The regime oscillated between initiatives to destroy and hide information that could provoke doubt about Iraqi compliance and "crash efforts" to ensure greater cooperation with the UN inspectors.¹⁷² Notwithstanding the high stakes, implementation problems persisted. Despite instructions to cooperate, factory managers initially blocked UN inspectors, apparently assuming that Saddam did not want them to cooperate, but provided access to a so-called presidential site.¹⁷³ The leadership worried that past projects individual scientists had started without the leadership's permission, or that documents concealed by individual scientists that could violate UN resolutions, and had not been handed to the regime, would be detected by the inspectors.¹⁷⁴ In early 2003, Vice President Ramadan spoke at length to

a meeting in the Iraqi military-industrial complex, insisting that staff cooperate fully and that this order truly reflected Saddam's preferences.¹⁷⁵

The Iraqis intensified their cooperation in early 2003, agreeing to destroy missiles that could violate the restrictions imposed by Resolution 687 and providing names of individuals involved with the 1991 unilateral destruction. They even offered to allow inspectors to interview officers from the security apparatus, which they had refused in the past. These measures did not make a difference. On March 19, 2003, the U.S.-led coalition invaded Iraq.

3 *The Cascading Effects of Past Lies*

What happened in Iraq between 1991 and 2003 illustrates the dilemmas faced by a state pressed to reveal information about past WMD programs and its efforts to deceive others, when the risks of admitting more wrongdoing are evident, while the promised rewards are elusive.

Whether or not admitting to past violations and deception will lead to the promised rewards for compliance informs how states handle this dilemma, especially in repeated interactions as those that took in place in Iraq over several years. This is fundamentally a question about the risks of not giving promised rewards to states after they change their behavior, as described by Thomas C. Schelling decades ago.¹⁷⁶ Isolated states, like Iraq, with powerful enemies, such as the United States, have sound reasons for doubting that admitting to past violations and cover-ups will lead to promised rewards. The case of Iraq illustrates the downsides of additional disclosures, as those offered by the Iraqi leadership after the Kamil defection in August 1995, which only intensified criticism against Iraq from states who were intent on maintaining the sanctions until Saddam's regime collapsed. Iraq, and likely also other states whose powerful allies or adversaries are gatekeepers to the rewards that they want, are

understandably reluctant to provide complete disclosures of past transgressions even after the leadership decides to change its behavior.

Disclosing past deception can create or reinforce a confirmation bias among both external and internal audiences, as Iraqi officials rightly worried about. A retrospective analysis by the Central Intelligence Agency notes that analysts stuck with their assumptions that Iraq continued to deceive, rather than accept what the new information indicated: that these deception efforts had ended.¹⁷⁷ Individuals inside the Iraqi state apparatus may have reached similar conclusions following revelations of cover-ups and observed cheating. When senior figures preferred less cooperative behavior than the regime's policy indicated, this may have reinforced this impression.

Principal-agent problems shaped Iraqi cooperation with the UN inspectors and obstructed policy change from denial to greater transparency. In the context of the Iraqi regime, these problems were amplified by governance practices reflecting multivocality – where Saddam made ambiguous statements or avoided taking sides in policy debates he encouraged among his senior advisors - such that Iraqi elites interpreted Saddam's position differently. The Iraqi leadership's transition from a highly secretive concealment operation orchestrated by Hussein Kamil in the spring and summer of 1991 toward a policy coordinated by committee amplified these principal-agent problems for two reasons. First, increasing the number of actors coordinating policy implementation introduced more varied policy preferences which created uncertainty among the agents as to what the leadership's true preferences were. Second, this expansion produced grave information asymmetries between principals and agents. Even Saddam's most senior associates and advisers, such as Aziz and General Amer, lacked

information about the concealment operation (notably, the role of the security agencies in hiding documents and items between 1991 and 1995).

The cheater's dilemma also helps to explain why the Iraqis stuck with less credible positions (such as the bureaucratic compromise to not admitting BW weaponization), and why they told ridiculous stories (about moonlit visions and documents falling off trucks) rather than the truth. Offering an obviously ridiculous explanation was preferable to crafting a new lie, which might be uncovered by the UN inspectors, or admitting the truth, which would result in new blows to the regime's hopes of having the economic sanctions lifted. Other states facing similar dilemmas may also conclude they are better off sticking with explanations that are blatantly not credible, even after having abandoned the proscribed activities, as Iraq had done.

Conclusion

Iraq did not convincingly demonstrate that it no longer had WMD before the 2003 war for two reasons. First, the Iraqi regime struggled to resolve a cheater's dilemma: the costs of additional revelations weighed against the likely benefits of such disclosures. The regime's concerns about the risks of further disclosures, combined with the clumsiness of its 1991 cover-up effort, resulted in a "muddling-through" approach, where the leadership gradually made admissions about past WMD programs and their own attempted cover-up efforts, but failed to demonstrate this change convincingly to others. The regime's reluctant admissions led to suspicion of further cheating rather than progress toward lifting of sanctions. When Madeleine Albright declared sanctions would not be lifted short of regime change, Iraq's incentives to cooperate with UN inspections evaporated.

Second, principal-agent problems obstructed the Iraqi leadership's efforts to increase cooperation. These problems, which resulted from incomplete information and asymmetric preferences among Iraqi principals and agents, were reflected in policy competition among senior officials, as well as hedging and drift by agents on the ground. For Iraq, such problems were especially acute because the regime typically engaged in robust action tactics, such as nurturing competing policy tracks and displaying calculated ambiguity, which led the agents to assume that the regime's stated policy was not a reliable guide to the regime's true preferences.

Previous explanations identify important factors shaping Iraqi cooperation: information asymmetries, diverging preferences, and difficult tradeoffs between regime security and long-term survival. Principal-agent problems explain several longstanding puzzles: how old chemical weapons could be misplaced; why agents acted based on outdated orders and failed to change when presented with new instructions; and why Saddam and some of his senior advisers could have blundered by failing to anticipate the consequences of key decisions, such as unilateral undocumented WMD destruction, for verification and for Iraq's credibility. The Iraqi principal and his closest circle of advisers appeared to be resigned, to the point of cynical amusement, to the embarrassing mistakes and lame excuses that resulted.

These findings give clues for analyzing how other similarly isolated states might handle the cheater's dilemma. The recent behavior of the United States has set dangerous precedents: after states such as Iraq, Libya, and Iran dismantled or scaled back nuclear weapons programs, the United States failed to meet their expectations and denied them the promised rewards. It will be more difficult in the future to persuade isolated states that revealing past WMD proliferation activities will be rewarded.

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122. “Saddam Meeting with Ba‘ath Party Members to Discuss the Results of the UN Inspectors’ Mission to Look for WMD,” pp. 2–3.

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