

## **Cheater's Dilemma: Iraq, Deception, and the Path to War, 1991–2003<sup>1</sup>**

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The ceasefire resolution ending the 1991 Gulf War (Resolution 687) demanded that Iraq completely and verifiably disarm of its Weapons of Mass Destruction (WMD). Iraq did disarm, but it failed to convince other states of this fact. Even after Iraqi officials instructed their underlings to cooperate with the UN weapons inspectors working to verify 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; in 2003, a U.S.-led coalition went to war against the Iraqi regime.<sup>2</sup> Then, although WMD had been cited as a *casus belli* for this war, the

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<sup>2</sup> The role of WMD concerns as a driver for the 2003 war remains disputed. See A. Debs and N. Monteiro, “Known Unknowns: Power Shifts, Uncertainty, and War,” *International Organization*, 68(1) (2014), 1-31; Robert Jervis, *Why Intelligence Fails: Lessons from the Iranian Revolution and the Iraq War* (Ithaca NY: Cornell University Press, 2011); Joshua Rovner, *Fixing the Facts: National Security and the Politics of Intelligence* (Ithaca, NY: Cornell University Press, 2005); Ahsan I. Butt (2019) “Why Did the United States Invade Iraq in 2003?” *Security Studies*, vol. 28, no. 2, 250-285.

coalition inspections team sent to Iraq in January 2004 to search for WMD, failed to find any. David Kay, the team's initial head, said that those believing Iraq had concealed WMD had been "almost all wrong."<sup>3</sup>

Why did Iraq not do more to show that it no longer had WMD? Scholars have searched for the logic behind Iraq's behavior, attributing it to causes ranging from dysfunction to a strategic policy of deterrence through ambiguity. These explanations share the premise that Iraq's behavior was driven by a consistent policy. Drawing on newly available primary sources, I show that Iraq's policy and behavior changed across three stages.

First, the Iraqi regime's initial reaction, after the cease-fire resolution passed in April 1991, was to deny the full scope of their WMD capabilities and programs. Second, the regime moved from denial to partial compliance in the late spring and summer of 1991, driven by its competing desires to get economic sanctions lifted while also retaining the option of resuming its WMD programs. Third, after the defection of Saddam's son-in-law Hussein Kamil threatened to reveal Iraq's remaining secrets, Iraqi officials tried to come clean in August 1995 (and, ironically, revealed much more than Kamil did). This backfired. Furthermore, the growing discrepancy between the regime's policy and behavior challenges the existing explanations and brings important new questions to light.

This article presents a new puzzle — why did Iraqi officials not obey their instructions to increase cooperation? It provides answers with important implications for how we understand

<sup>3</sup> Transcript: David Kay at Senate hearing, Thursday, January 29, 2004, <http://edition.cnn.com/2004/US/01/28/kay.transcript/>.

and explain the origins of the 2003 war. 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 members of the UN Security Council (UNSC).

I argue that these inconsistencies reflect how Iraqi officials struggled to resolve their “cheater’s dilemma”: after the regime chose to “come clean,” how much should it reveal of past violations when every additional disclosure undermined the prospect that sanctions would be lifted in the future? The Iraqi regime’s calculations in handling this dilemma help to explain why they tried to cover up the evidence of their past misbehavior rather than come clean.<sup>4</sup> This was not, as is widely believed, an effort to create a deterrent effect through calculated ambiguity; instead, the apparent ambiguity reflected the regime’s tradeoffs between the risks and benefits of additional disclosures as they moved from a policy of denial toward a policy of cooperation.

More broadly, several inconsistencies in Iraq’s behavior can be explained as a series of principal-agent problems. These problems intensified after the Iraqi leadership shifted its policy toward full cooperation in mid-1995: as the principals instructed greater cooperation, the interests of the political leadership and the state apparatus diverged, and neither the leadership

<sup>4</sup> The reverse dilemma is explored in Carnegie, Allison, and Austin Carson. “The Disclosure Dilemma: Nuclear Intelligence and International Organizations,” *American Journal of Political Science*, Vol. 63, No.2 (2019): 269-285.

nor officials down the chain of implementation held reliable information about the other's intentions and actions. This led to underreporting of errors, shirking behaviors, and miscalculations by individuals under conditions of uncertainty and stress. The Iraqi leadership tried to fix these problems, but policy and implementation remained inconsistent.

I develop these arguments in three sections. First, I examine existing explanations for Iraqi behavior and outline how principal-agent theory can help us analyze the variation in Iraqi behavior that new sources reveal. 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 other cases.

## **1 Existing Explanations, and a New One**

Scholars and analysts offer conflicting interpretations of Iraqi behavior.<sup>5</sup> Here, I examine four explanations with different interpretations of Iraqi behavior and its causes. (See Table 1.)

<sup>5</sup> See, for example, Sir John Chilcot, *The Report of the Iraq Inquiry: Report of a Committee of Privy Counsellors* (London, UK: House of Commons, 2016); Charles Duelfer, *Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD (The Duelfer Report)* (Washington D.C.: CIA, 2004); Central Intelligence Agency, *Misreading Intentions: Iraq's Reaction to Inspections Created Picture of Deception* (Langley, VA: CIA, January 2006) [https://www.cia.gov/library/readingroom/docs/DOC\\_0005567895.pdf](https://www.cia.gov/library/readingroom/docs/DOC_0005567895.pdf); David A. Lake, "Two Cheers for Bargaining Theory: Assessing Rationalist Explanations for the Iraq War," *International Security* 35, no. 3 (2010): 7–52; Lawrence Freedman, "War in Iraq: Selling the Threat," *Survival* vol. 46, no. 2 (2004): 7-49; Robert Jervis, *Why Intelligence Fails: Lessons From the Iranian Revolution and the Iraq War* (Ithaca: Cornell University Press, 2010); Patrick Porter, *Blunder: Britain's War in Iraq* (Oxford University Press, USA, 2019).

Then, I outline how principal-agent theory helps describe and explain the inconsistent implementation of the regime's policies we see in new sources.

### *The "Deterrence bluff" Explanation*

The conventional wisdom argues that the Iraqi regime sent mixed signals because the regime feared that revealing that it lacked WMD, when Iraq's conventional military capabilities were eroding, would make it more vulnerable to Iran and other regional adversaries. These mixed signals regarding Iraq's disarmament — reflected in the regime's incomplete declarations, deceptive measures, and inconsistent statements about its WMD and its disarmament — were supposed to achieve a deterrent effect by creating uncertainty among external and domestic adversaries.<sup>6</sup> This explanation points to the postwar coalition inspection group's conclusion that Iraq's behavior was unreliable and ambiguous throughout.

Why was the regime unwilling to come clean about its WMD disarmament, given that it risked war if it did not comply? 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, given its weak conventional capabilities and lack of WMD capabilities.<sup>7</sup> This dilemma was never resolved by the Iraqi regime, according to the war coalition's report.<sup>8</sup> Scholars have offered several interpretations for Iraq's ambiguous

<sup>6</sup> Freedman, "War in Iraq," 30.

<sup>7</sup> See, for example, Etel Solingen, *Nuclear Logics: Contrasting Paths in East Asia and the Middle East* (Princeton: Princeton University Press, 2007), 46–47.

<sup>8</sup> Duelfer, "Regime Strategic Intent," 34.

signals: a) 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;<sup>9</sup> b) that the regime wanted a deterrent against domestic adversaries;<sup>10</sup> and c) that Saddam wanted to strengthen his own standing in relation to hardliners inside the regime.<sup>11</sup>

Captured records show that Saddam told Iraqi officials on different occasions between 1991 and 2003 that there were no WMD left in Iraq.<sup>12</sup> This challenges the assumption that Saddam wanted to create deterrence through ambiguity or bluffing. Furthermore, new evidence

<sup>9</sup> Lake, “Two Cheers for Bargaining Theory,” 9; Duelfer, “Regime Strategic Intent,” Key Findings, 1, 28-29; Michael R. Gordon and Bernard E. Trainor, *Cobra II: The Inside Story of the Invasion and Occupation of Iraq* (New York: Pantheon 2006), 65; Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, *Report to the President of the United States* (Washington, DC: GPO, 2005), 174; Jervis, *Why Intelligence Fails*, 128, 146–148; Duelfer, “WMD Elimination in Iraq,” 175.

<sup>10</sup> Kenneth Pollack, “Spies, Lies and Weapons: What Went Wrong,” *The Atlantic Monthly*, vol. 293, No. 1 (February 15, 2004), 83, 85; Michael R. Gordon and Bernard W. Trainor, “Hussein Saw Iraqi Unrest as Top Threat,” *New York Times*, March 12, 2006; Central Intelligence Agency, *Misreading Intentions*, 7; Gordon and Trainor, *Cobra II*, 55, 122; Kevin Woods, James Lacey, and Williamson Murray, “Saddam’s Delusions: The View from the Inside,” *Foreign Affairs* 85/3 (May/June 2006), 5-6.

<sup>11</sup> Lake, “Two Cheers for Bargaining Theory,” 29; Scott Ritter and Seymour Hersh, *Iraq Confidential: The Untold Story of the Intelligence Conspiracy to Undermine the UN and Overthrow Saddam Hussein* (NY: Nation Books, 2005), 5.

<sup>12</sup> Kevin M. Woods, David D. Palkki, and Mark E. Stout, eds., *The Saddam Tapes: The Inner Workings of a Tyrant’s Regime, 1978–2001* (Cambridge: Cambridge University Press, 2011), 256, 293.

shows that when Saddam instructed officials to “come clean,” they did not comply. This suggests that what appears to be mixed signals at key stages did not reflect regime policy.

### ***The “Information Problems” Explanation***

The second model emphasizes the role of information problems and misperception in shaping the Iraqi regime’s decisions and behavior. Scholars highlight two ways in which bias and misperception affected Iraqi decision-making and behavior in the lead-up to the 2003 war. First, the Iraqi regime may have underestimated the risks of war because it based its assessment on outdated beliefs about the United States.<sup>13</sup> Second, scholars have argued that Iraqi officials were uncertain about the status of Iraq’s programs, or that the leadership may have been misled by their advisors.<sup>14</sup> The motives for this are attributed to genuine uncertainty,<sup>15</sup> to lower-level officials’ fear of reporting unwelcome news,<sup>16</sup> and to Saddam’s desire to appear strong in front

<sup>13</sup> See, for example, Lake, “Two Cheers for Bargaining Theory,” 9.

<sup>14</sup> Thomas E. Ricks, *Fiasco: The American Military Adventure in Iraq, 2003 to 2005* (NY: Penguin Books, 2013), 134; Douglas J. Feith, *War and Decision: Inside the Pentagon at the Dawn of the War on Terrorism* (NY: Harper-Collins Publishers, 2008), 346–347; and Freedman, “War in Iraq,” 23.

<sup>15</sup> See, for example, Freedman, “War in Iraq,” 23; and Duelfer, “Regime Strategic Intent,” 65.

<sup>16</sup> See, for example, Duelfer, “Regime Strategic Intent,” 19, Kevin M. Woods, Michael R. Pease, Mark E. Stout, Williamson Murray, and James G. Lacey, *Iraqi Perspectives Project: A View of Operation Iraqi Freedom From Saddam’s Senior Leadership* (Washington, DC: Joint Center for Operational Analyses, 2006), 8.

of other hardline members of his regime,<sup>17</sup> from whom he might have feared challenges if he showed weakness.<sup>18</sup>

Emerging evidence can tell us more about the impact of bias and shed more light on how perceptions and misperceptions informed Iraqi decision-making and implementation during different policy stages, and how other factors, such as strategic dilemmas about the risks and gains of additional disclosures, influenced the regime's choices.

### ***The “Regime Security” Explanation***

The third model argues that Iraq's behavior reflected the regime's concerns over its own security, concerns that were increased by the intrusive inspections carried out by the United Nations to verify Iraqi compliance.<sup>19</sup> This model contradicts the widely held view, described above, that the Iraqi regime intended to send mixed signals to other audiences through inconsistent compliance. According to this third model, the Iraqi regime feared that the UN inspections might provide foreign intelligence agencies with 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 Iraqis primarily obstructed inspections that targeted sensitive facilities such as presidential facilities and those in the intelligence apparatus complex,

<sup>17</sup> Duelfer, “Regime Strategic Intent,” 11; Pollack, “Spies, Lies and Weapons.”

<sup>18</sup> Pollack, “Spies, Lies and Weapons”; Ritter, *Iraq Confidential*, 5.

<sup>19</sup> Gregory Koblenz, “Saddam versus the Inspectors: The Impact of Regime Security on the Verification of Iraq's WMD Disarmament,” *Journal of Strategic Studies* 41, no. 3 (2018): 372–409. See also Freedman, “War in Iraq,” 23; and Ritter, “Iraq Confidential,” 156.

Gregory Koblentz shows, while allowing access to most other inspections.<sup>20</sup> If the goal had been simply to create ambiguity, this distinction would have been less likely.

The argument that Saddam's regime was more concerned with its own domestic survival than with external enemies during this period is consistent with important new research on governance under Saddam.<sup>21</sup> As we will see, Saddam and senior Iraqi officials were concerned that the inspections could be used as a cover for American intelligence operations. However, the insubordination demonstrated by organizations and individuals after Saddam instructed greater cooperation in 1995 and 2002–03 remains an unsolved empirical puzzle.

### *The "Deception" Explanation*

Could the inspectors' failure to find WMD capabilities and stockpiles in Iraq after the 2003 war be due to the success of Iraqi deception measures? The 2004 Duelfer report noted claims that WMD had been unofficially moved from Iraq to Syria before the 2003 war, but found the evidence of such claims inconclusive.<sup>22</sup> Later, the Assad regime's use of chemical weapons in the Syrian civil war revived suspicion that Iraq could have been the source of those weapons.<sup>23</sup>

<sup>20</sup> Koblentz, "Saddam versus the Inspectors," 381.

<sup>21</sup> Lisa Blaydes, *State of Repression: Iraq under Saddam Hussein*. (Princeton: Princeton University Press, 2018), 303-4.

<sup>22</sup> Addendums to the Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD, March 2005, 1. [https://www.cia.gov/library/reports/general-reports-1/iraq\\_wmd\\_2004/addenda.pdf](https://www.cia.gov/library/reports/general-reports-1/iraq_wmd_2004/addenda.pdf)

<sup>23</sup> Rowan Scarborough, "Assad's fall could solve Iraqi weapons mystery," *The Washington Times*, January 22, 2012.

After the 2003 invasion, the U.S. military found caches of 4,990 chemical munitions (some filled, others unfilled) in Iraq.<sup>24</sup> Only a small fraction were viable weapons (e.g., 27 out of 420 in one cache).<sup>25</sup> Iraq's chemical weapons had been designed to be produced on demand, as 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 evidence has been found that Iraq made shipments of WMD to Syria. As Joshua Rovner points out, the discovery of caches of leftover mustard gas shells does not provide much support for claims that Iraq possessed WMD programs prior to the 2003 war.<sup>26</sup> This discovery deepens the puzzle: how could Iraq have lost or misplaced stockpiles of chemical weapons with no military quality, given the consequences if these were found?

<sup>24</sup> "U.S. Intelligence Documents on Chemical Weapons Found in Iraq," *The New York Times*, October 14, 2014. <https://www.nytimes.com/interactive/2014/10/14/world/middleeast/us-intelligence-documents-on-chemical-weapons-found-in-iraq.html>.

<sup>25</sup> See, for example, Brad S. Dorris, "Letter to Ms. Baranetsky," *Freedom of Information/Privacy Office, United States Army Intelligence and Security Command, Department of the Army*, January 16, 2014 (Washington D.C.), 4. <https://assets.documentcloud.org/documents/1307507/nytfoiarequest.pdf>.

<sup>26</sup> Joshua Rovner, *Fixing the Facts: National Security and the Politics of Intelligence* (Ithaca, NY: Cornell University Press, 2005), 142.

	<b>Deterrence bluff</b>	<b>Information problems</b>	<b>Regime security</b>	<b>Deception</b>
What factors explain Iraq's level of cooperation?	The Iraqi regime could not credibly commit to disarming itself of WMD because of Iraqi security concerns (regional and domestic).	Regime figures were themselves uncertain about the scope of Iraq's WMD disarmament, and/or they did not believe the United States would go to war.	Regime officials feared that cooperation would make the regime more vulnerable to attack.	The Iraqi regime concealed and/or moved WMD before the 2003 war.
What are the key mechanisms?	Deter Iraq's domestic and regional enemies through ambiguity regarding the scope of Iraqi WMD disarmament.	Poor information-processing and/or outdated beliefs inside the regime created uncertainty about its own WMD capabilities.	Desire to protect sensitive sites and information about the regime prevented full cooperation.	Evading inspections, and transporting WMD out of the country prior to the 2003 war.
Does the explanation account for change in cooperation over time?	No.	No.	No.	No.

**Table 1. Summary of previous explanations for Iraqi behavior**

***A New Take: Iraq's Principal-agent Problems***

In this article I offer a new explanation for Iraqi behavior rooted in the implementation problems that authoritarian regimes face as they seek to change their behavior. More specifically, I argue that the key to understanding why Iraq's behavior appeared ambiguous after Saddam ordered increased cooperation in the mid-1990s is founded in the nested difficulties the regime faced in changing its policy from deception to cooperation. These difficulties reflect implementation problems stemming from information asymmetries and monitoring difficulties (often described as principal-agent problems), as well as the imperfect flow of information back from the agents (lower-level officials and employees of Iraqi state organizations) to the regime principals (Saddam and senior officials). They reveal the strategic dilemmas associated with

“coming clean” about past misdeeds and cover-ups, when the rewards are uncertain and there are costs (damage to the regime’s reputation for honesty and their prospects for sanctions relief) associated with coming clean. In this section I outline the key mechanisms for the implementation and feedback problems observed in the Iraqi context. An overview of these mechanisms is found in Table 2 below.

<b>Top-down Mechanisms (principal → agent)</b>
<p><b>1. Nurturing internal ambiguity (principals)</b></p> <ul style="list-style-type: none"> <li>a) Reliance on verbal orders for highly sensitive matters;</li> <li>b) Orders could be withdrawn retroactively if they lacked Saddam’s sanction;</li> <li>c) Insufficient guidelines about policy implementation led to inconsistent implementation;</li> <li>d) Cheating on some parts of the UN resolution (missiles) created ambiguity about compliance;</li> <li>e) Fanciful stories told to UN inspectors, instead of truths, fed internal uncertainty;</li> </ul>
<p><b>2. Policy competition (principals)</b></p> <ul style="list-style-type: none"> <li>a) Competing regime factions promoted different interpretations of policy;</li> <li>b) Senior officials punished some behavior that was consistent with regime policy;</li> <li>c) Competing factions shielded “their” subordinates from punishment after mistakes or disobedience;</li> </ul>
<p><b>3. Disobedience (agents)</b></p> <ul style="list-style-type: none"> <li>a) Complacency in implementing orders;</li> <li>b) Individuals ignored orders by keeping items and documents in their own possession, despite explicit orders to hand these in, for future personal gain;</li> </ul>
<p><b>4. Drift (agents)</b></p> <ul style="list-style-type: none"> <li>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);</li> </ul>
<p><b>5. Honest incompetence (agents)</b></p> <ul style="list-style-type: none"> <li>a) Individuals lacked clear guidelines for behavior and implementation, leading to botched implementation;</li> <li>b) Lower-level officials assumed the available information was not the full picture of the regime’s intentions;</li> <li>c) Lower-level officials relied on past observations rather than new instructions as guides to principals’ intentions;</li> </ul>
<b>Down-up Mechanisms (agent → principal)</b>
<p><b>6. Hedging (agents)</b></p> <ul style="list-style-type: none"> <li>a) Clarification questions were avoided, leading to mistakes in declarations and interactions with UN inspectors;</li> <li>b) Individuals failed to report suspected cheating upwards in the regime, leading to mistakes;</li> <li>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.</li> </ul>

**Table 2: Mechanisms shaping policy implementation and feedback**

The implementation problems that emerged in Iraq to a large extent reflect the types of information problems that 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 backtracking on policies that had backfired (mechanisms listed in category 1 in Table 2). Such calculated ambiguity — which has been termed “robust action” in studies of personalist leaders in pre-modern states — is crucial for the long-term survival of principals in regimes with extreme concentration of power.<sup>27</sup> 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. Leaders and their senior henchmen promote competing policy options (“flexible opportunism”, described in category 2 in Table 2); and delay 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’

<sup>27</sup> John F. Padgett and Christopher K. Ansell, "Robust Action and the Rise of the Medici, 1400-1434," *American Journal of Sociology*, 98.6 (1993): 1259-1319.

actual preferences. These are listed in the down-up mechanisms in category 6. As a result, explicit orders to change behavior might be ignored or only partially implemented, as agents assumed that older policies might still be the main preference of the principals. This makes it especially difficult to implement changes in policy, as agents adjust their behavior to earlier observed preferences and behavior by the principals, rather implementing new orders. These mechanisms lead to drift (listed in category 4), as well as disobedience (listed in category 3), as 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 – while others exploit the regime’s limited insights into their own behavior by acting to promote their individual interests even as these undermine the regime’s goals (e.g. by hiding or stealing sensitive documents).

The principals, in this case Saddam and his senior officials, recognized that they faced problems in seeking to persuade their agents to change behavior. As we will see, Saddam jokes in discussion with his senior officials that convincing their own people of the new policy will be at least as difficult as convincing the UN inspectors. Saddam’s track record underscored the risks of committing to new policies: for example, he had sought to find out who in his regime favored a nationalist policy primarily focused on Iraq and who favored a policy seeking closer links with Syria during 1978-79; many of those who recommended the latter option were later purged from the regime.<sup>28</sup> Changing Iraq’s cooperation with the UN inspectors during the 1990s was made more difficult by the meddling of senior officials who acted contrary to Saddam’s orders, which

<sup>28</sup> Charles Tripp, *A history of Iraq* (Cambridge: Cambridge University Press, 2002), 211-212.

led the agents on the ground to continue to behave in a manner consistent with the old policy of deception.

There were also challenges associated with the flow of information from the agents back to the principals. Specifically, Iraqi agents refrained from reporting problematic issues to their principals, which led to embarrassing discoveries by the UN weapons inspectors. Furthermore, as principals instructed their agents on the ground to cooperate more with the weapons inspectors, the agents refrained from taking the initiative to, for example, report discrepancies to their own Iraqi principals. Agents were not helpful to the weapons inspectors after the regime shifted to a more cooperative policy, because their institutional incentives rewarded more cautious behaviors. The eroding feedback loop led to poorly coordinated and often poorly informed decisions. Agents such as the experts in the military industrial commission and other state organizations did not volunteer their expertise to inform policy decisions, and refrained from asking their principals for clarification to guide their own behavior (mechanisms listed as 6a and 6c below).

These dynamics, I argue, are crucial for understanding why it was so difficult for Saddam to demonstrate a change in behavior even when his regime's survival was at risk. My arguments are consistent with an emerging body of research examining the fundamental information problems inside personalist regimes.<sup>29</sup> It also adds nuance to some of the key arguments in the

<sup>29</sup> Milan Svoblik, *The Politics of Authoritarian Rule* (Cambridge: Cambridge University Press, 2012); Timur Kuran, *Private truths, public lies: The social consequences of preference falsification* (Cambridge, Massachusetts: Harvard University Press, 1995); Lisa Wedeen, *Ambiguities of Domination: Politics, Rhetoric, and Symbols in Contemporary Syria* (Chicago: University of Chicago Press, 1999).

literature on authoritarian regimes. While 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 Svoblik shows.<sup>30</sup> Drawing on insights from sociology, anthropology, and political science, I argue that it is precisely 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. Such ambiguity has been observed in other personalist regimes, such as Muammar Gaddafi’s Libya.<sup>31</sup> This makes personalist leaders particularly reluctant to commit to new policies unless they perceive the changes to be necessary for their own survival; the expectations of their agents tend to thwart these changes.

My arguments are also consistent with a body of research demonstrating why, in authoritarian and personalist regimes, it is especially difficult for principals and agents to assess each other’s preferences. Specifically, principals have strong incentives to obfuscate their underlying preferences, while agents would face considerable risks and dangers if they were to reveal their true preferences and beliefs. As Timur Kuran argues, preference falsification — misrepresenting one’s true preferences due to social expectations and pressures — is especially acute in authoritarian systems.<sup>32</sup> Innovative work on Iraqi governance under Saddam’s rule by Lisa Blaydes demonstrates the grave difficulties the regime faced in assessing the preferences of

<sup>30</sup> Svoblik, *The Politics of Authoritarian Rule*, 15.

<sup>31</sup> Målfrid Braut-Hegghammer, "Libya's nuclear turnaround: Perspectives from Tripoli," *The Middle East Journal* 62.1 (2008): 55-72.

<sup>32</sup> Kuran, *Private truths, public lies*.

its citizens.<sup>33</sup> These broader dynamics intensify the basic problem facing agents seeking to communicate preferences, described by Elizabeth Saunders and others, while also wanting to signal loyalty to their principals.<sup>34</sup>

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 were non-facts, but pretended to ignore this shared understanding.<sup>35</sup> In Assad's 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.<sup>36</sup> In the case of Iraq, such dynamics unfolded inside the inner circle of senior policy makers and Saddam, as well as in meetings with Iraqi officials and UN weapons inspectors. As we will see, plainly ridiculous stories were presented by Iraqi officials to the UN inspectors, because those present did not have access to information about past events, or because telling the truth could cause problems for their personal reputation and professional prospects. Even after their interlocutors

<sup>33</sup> Blaydes, *State of Repression*, 5.

<sup>34</sup> Elizabeth N. Saunders, "Leaders, Advisers, and the Political Origins of Elite Support for War," *Journal of Conflict Resolution*, 62(10), (2018), 2121.

<sup>35</sup> Jeanne Guillemin, *Anthrax: The Investigation of a Deadly Outbreak* (Berkeley: University of California Press, 1999), 55.

<sup>36</sup> Wedeen, *Ambiguities of Domination*.

protested that what they had been told was not credible or was plainly ridiculous, Iraqi officials stuck with their position.

These arguments about implementation and feedback problems elucidate puzzling behaviors that other existing explanations have missed or cannot explain. These broad sets of problems help to explain the growing discrepancy between policy and behavior in the Iraqi regime. Mechanisms in categories 1 and 2 focus on how the principals nurtured ambiguity and pursued competing policies help explain why agents were confused and why the principals appeared resigned, even amused, and not at all surprised when these problems surfaced. They also shed new light on why some Iraqi officials continued to believe there was something hidden despite Saddam's repeated statements that Iraq had no WMD. The implementation problems described as disobedience (mechanisms in category 3), drift (why agents distorted and shifted the regime's cooperation policy, listed in category 4), and honest incompetence (listed under category 5) further help to explain otherwise puzzling behaviors, such as why some individuals withheld items and documents (including those relating to two sensitive nuclear cases) despite the regime's frequent orders that this was forbidden, why agents seemed to be more concerned with their own personal prospects than with the regime's goal of demonstrating full cooperation with the UN inspectors, and why agents continued to make consequential mistakes that harmed the regime's standing in the international community. Finally, the feedback mechanisms in category 6 shed new light on why the regime made poorly informed decisions at key points, such as the unilateral destruction in July 1991, and give a broader picture of why the regime struggled to coordinate the behaviors of their agents on the ground.

## **2 Analyzing Iraqi Behavior: Policy and Implementation in Three Stages**

We now turn to examine Iraqi policy and behavior across three stages: denial and deception (April–July 1991), a mixed strategy combining cooperation and concealment (July 1991–August 1995), and cooperation (August 1995–December 1998 and November 2002–March 2003). For each stage I describe the regime’s cooperation policy, how this policy was debated and implemented at key turning points, and what we know about the regime’s reflections about its implementation problems.

The Iraqi regime’s first response was to deny most of their WMD stockpiles and programs. Then, as the regime realized denial was not going to work, the Iraqi principals tried to cover up the evidence in the summer of 1991 by secretly destroying caches of chemical and biological weapons as well as their means of delivery. This made it difficult to come clean later on, as the documentation of this cover-up was reportedly also destroyed. The regime adopted an ambiguous policy (combining cooperation and concealment), different regime factions promoted different weighting between cooperation and concealment, and experts did not weigh in on the likely adverse consequences of secret destruction of weapons and denying past programs (mechanisms in categories 1, 2 and 6). In this stage, the highly secretive mode of decision-making and compartmentalized implementation amplified internal information asymmetries inside the state apparatus.

In the second phase, the Iraqi regime tried to increase cooperation while withholding some information and items from the WMD programs. Here, the regime debated how to handle the disclosure dilemmas that emerged as the UN inspectors found more evidence of what Iraq was still denying, as well as how to handle mistakes by individuals inside their state

organizations. At the same time, senior officials sent mixed signals to agents inside the state apparatus (mechanism in category 1 and 2). Despite the regime's efforts to streamline and coordinate Iraqi responses and behavior, these ambiguities led to drift and incompetence, as agents struggled to understand the policies and how to implement them (mechanisms 4 and 5). As we will see, officials at different levels rarely asked clarification questions, and this reluctance led to consequential mistakes (mechanisms listed in category 5). The regime at times made allowances for such mistakes, when senior officials persuaded Saddam that these were the result of stress (category 5) rather than disobedience (category 4). This, I argue, reflects an aspect of policy competition (category 2) as principals protected their proteges and constituencies inside the state apparatus.

In the third phase, the Iraqi regime tried to come clean after the mastermind of the denial and deception campaign defected to Jordan in mid-1995. Following his departure, Baghdad tried to come clean. This was difficult because the regime did not wish to reveal the full details of its past cheating, but also because the agents down the chain of implementation did not change their behavior according to the new cooperation policy. This led to a growing discrepancy between policy and behavior. The principals struggled to change behavior among their agents, but the agents' behavior exhibited drift, disobedience, and honest incompetence (mechanisms in categories 3, 4 and 5). These problems persisted until the inspectors left (in connection with a three-day bombing campaign) in late 1998, and Saddam decided to end cooperation with the inspectors. When the inspections resumed in 2002–03, the Iraqi regime faced similar challenges and behaviors. Here, again, the principals struggled to convince their agents to adopt a more cooperative approach, and were deeply concerned about the problems of implementation.

### *Denial and deception (April–July 1991)*

The ceasefire resolution that ended the 1991 Gulf War, UN Security Council Resolution 687, demanded that Iraq undertake complete and verifiable WMD disarmament, 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.<sup>37</sup> UN inspectors would verify this disarmament and, once they reported Iraq as having complied, the UN Security Council could lift sanctions. These sanctions were extremely comprehensive, effectively banning trade to and from Iraq (including a ban on 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 regime from improving the state of Iraq's economy, which was crucial for the regime's long-term domestic survival, and also eroded Iraq's conventional military capabilities. At the same time, the true scope of Iraq's WMD capabilities were not known in the outside world.

The inspections and sanctions presented Baghdad with a dilemma: how much should it reveal of its WMD capabilities? Its initial response was denial and deception. The head of the Iraqi nuclear weapons program, Jafar D. Jafar, and deputy head of its military industrial complex, Amer al-Saadi, had approached Saddam's son-in-law Hussein Kamil, who was head of the Iraqi military-industrial complex, recommending declaring everything.<sup>38</sup> Kamil disagreed, insisting that Iraq should declare only what the UN and the IAEA already knew about and deny

<sup>37</sup> United Nations Security Council, S/RES/687 (April 3, 1991).

<sup>38</sup> Jafar D. Jafar, Numan Saadaldin Al-Niaimi, and Lars Sigurd Sunnanå, *Oppdraget: innsidehistorien om Saddams atomvåpen* (Oslo: Spartacus, 2005), 118.

everything else. Jafar and Saadi did not protest, although they realized this approach was unrealistic and dangerous.

The implementation of Kamil's directive led to concealment of documents, samples, and equipment from the WMD programs.<sup>39</sup> The Iraqis also had to develop alternative explanations for their past activities and the purposes of WMD-related sites.<sup>40</sup> Some documents damaged during the war raids were burned, some 100,000 documents were removed and placed on trains.<sup>41</sup> Boxes with highly sensitive information about the nuclear weapons program were misplaced; some of these were discovered by the inspectors in September 1991. The 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.<sup>42</sup> The chaotic concealment effort was still ongoing when the United Nations Special Commission (UNSCOM) and the IAEA carried out field inspections in the summer of 1991.

Senior Iraqi representatives lacked insight into 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

<sup>39</sup> Duelfer, 2004, "Regime Strategy and WMD Timeline Events,"

[https://www.cia.gov/library/reports/general-reports-1/iraq\\_wmd\\_2004/WMD\\_Timeline\\_Events.html](https://www.cia.gov/library/reports/general-reports-1/iraq_wmd_2004/WMD_Timeline_Events.html).

<sup>40</sup> Jafar, *Oppdraget*, 122-127.

<sup>41</sup> *Ibid.*, 125.

<sup>42</sup> *Ibid.*, 123; Jafar, unpublished manuscript, (no title), May 13, 2004, 126.

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.<sup>43</sup>

Alkital also insisted, implausibly, that: "I am sure that Iraq had no nuclear facility or plant that I don't know about."<sup>44</sup> 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."<sup>45</sup> 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

<sup>43</sup> Note for the file, Implementation of Security Council Resolution 687. Meeting with Ambassador Al Kital, Counsellor Al Matoon (Permanent Mission of Iraq), the Director General, Mr. Zifferero. Mr. Villaros. Vienna, Austria (April 15, 1991). Personal archive, Hans Blix.

<sup>44</sup> Ibid.

<sup>45</sup> "Confidential: What made Iraq declare a uranium enrichment programme?" Notes by Director General Hans Blix, International Atomic Energy Agency (handwritten date: 23. July 1991). Personal archive, Blix.

declared some nuclear material and a uranium concentrate production plant, but it still denied having had a uranium enrichment program.<sup>46</sup>

The first inspections were carried out by the IAEA between May 15 and May 21, and from June 22 through July 3, 1991. The inspectors reported that sites had been extensively cleared of items and documentation.<sup>47</sup> They discovered further discrepancies and falsehoods on site, and then received corrected explanations from their counterparts.<sup>48</sup> On Sunday, June 23, the IAEA 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.”<sup>49</sup> On June 28, inspectors barred from entering the Falluja military site saw 60–90 trucks leaving. Iraqi guards fired shots toward the inspectors who were observing the trucks from a water tower. These inspections alerted the inspectors to the existence of an undeclared uranium enrichment program.<sup>50</sup> 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

<sup>46</sup> Notes for briefing of the IAEA Board on Monday, July 8, 1991, by Director General Hans Blix regarding the High-Level Mission to Baghdad June 29–July 3, 1991, 2. Personal archive, Blix.

<sup>47</sup> United Nations Security Council, S/22788 (July 15, 1991), 5.  
[https://www.iaea.org/OurWork/SV/Invo/reports/s\\_22788.pdf](https://www.iaea.org/OurWork/SV/Invo/reports/s_22788.pdf).

<sup>48</sup> United Nations Security Council, S/22837 (July 25, 1991), 4.  
[https://www.iaea.org/img/assets/3869/S\\_22837.pdf](https://www.iaea.org/img/assets/3869/S_22837.pdf).

<sup>49</sup> Notes for briefing of the IAEA Board on Monday, July 8, 1991, by Director General Hans Blix regarding the High-Level Mission to Baghdad June 29–July 3, 1991, 4. Personal archive, Blix.

<sup>50</sup> “Iraq’s Non-Compliance with its Safeguards Obligations,” Note by the Director General on the Agency’s actions concerning Iraq in 1990-91, GOV(XXXV)/INF/299, September 1991, 3. Personal archive, Blix.

Ekeus; the head of the IAEA, Blix; and the Under-Secretary for Disarmament Affairs, Yasushi Akashi. This mission received assurances from the Iraqis that they would fully cooperate with the inspections and ensure their safety. Despite the Iraqis far-reaching assurances to this effect, their cooperation continued to be inconsistent.

### *Unilateral destruction, July 1991*

In late June and early July 1991, the Iraqis decided to destroy — clandestinely — their proscribed missiles, items from the nuclear weapons program (including those seen departing on trucks by UN inspectors), and chemical and biological weapons. Iraq 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 destroyed records documenting what was destroyed and how. It is a major puzzle why the regime conducted this destruction in this manner. New sources give important new insights into the regime's decision-making and implementation.

The unilateral destruction was part of a broader strategy seeking to balance two objectives: to destroy proscribed weapons and capabilities to avoid detection, while preserving information and items that could be used to restart the programs in the future. Iraq destroyed biological weapons (25 missile warheads and approximately 134 aerial bombs), but described these as chemical warheads because Baghdad was still denying that Iraq had an offensive BW program. The regime also destroyed equipment from the nuclear weapons programs, 83–85 missiles (in addition to the 48 missiles destroyed under UN supervision in July 1991), some 130 warheads (both conventional and chemical), 8 missile launchers (which were destroyed, not in

July as the regime first claimed, but in October 1991), and support equipment.<sup>51</sup> Two other missiles were concealed and then destroyed later in 1991.<sup>52</sup> In other words, the unilateral destruction removed what was left of Iraq's military WMD capabilities. Around the same time, the regime sought to remove traces of the biological weapons program and deny 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 program were given only 48 hours to destroy everything, while scientists were instructed to keep vials with live BW strains in their private homes.<sup>53</sup> Between mid-1991 and March 1993, organizations received orders to turn over "know-how" documents to the security apparatus for concealment.<sup>54</sup>

When the inspectors pressed the Iraqis in 1992 to admit that they had destroyed undeclared weapons, the Iraqis did not admit that they had destroyed BW warheads (but instead

<sup>51</sup> Note by the Secretary General, S/1996/848 (United Nations, New York: October 11, 1996), Annex C: Missile Area, point 18, <http://www.un.org/Depts/unscom/sres96-848.htm>; UNSCOM/IAEA Sensitive, "Note for the file, Meeting between Hussein Kamal, Rolf Ekeus, Nikita Smidovich, Maurizio Zifferero," transcript (Amman: August 22, 1995), 7-8. Ekeus archive.

<sup>52</sup> Note by the Secretary General, S/1996/848.

<sup>53</sup> Statement by David Kay on the interim progress report on the activities of the Iraq Survey Group (ISG) before the House Permanent Select Committee on Intelligence, The House Committee on Appropriations, Subcommittee on Defence, and the Senate Select Committee on Intelligence, October 2, 2003 [unpaginated]. <https://www.hsdl.org/?view&did=439784>

<sup>54</sup> Note by the Secretary General, S/1996/848, III Recent developments, A: Relations with Iraq, point 51.

counted these as CW warheads). Rather than come clean, the Iraqis destroyed or hid corroborating evidence to avoid contradicting their earlier declarations.<sup>55</sup>

Iraqi officials offered different explanations. Iraqi officials told UN inspectors that the unilateral destruction was intended to destroy items that would “prolong the process” of verification and “complicate matters.”<sup>56</sup> Iraqi scientists believed the political leadership did not understand the implications of its initial false declarations that it did not have these weapons.<sup>57</sup> In 1996 Aziz told Ambassador Rolf 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 these weapons and using this as a pretext to attack, but that he had not understood the implications of this act for verification at the time.<sup>58</sup> Saddam told his senior officials — perhaps seeking to save face — that he had ordered the unilateral clandestine

<sup>55</sup> Central Intelligence Agency, *Misreading Intentions*, 3.

<sup>56</sup> UNMOVIC Working document, “Unresolved Disarmament Issues: Iraq’s Proscribed Weapons Programmes,” 6 March 2003, 8.  
<https://www.un.org/depts/unmovic/documents/UNMOVIC%20UDI%20Working%20Document%206%20March%2003.pdf>

<sup>57</sup> Central Intelligence Agency, *Misreading Intentions*, 3.

<sup>58</sup> UNSCOM Note for the File, Executive chairman’s meeting with Mr. Tariq Aziz, Deputy Prime Minister of Iraq, Foreign Ministry, 21 June 1996, Baghdad. Draft, 4-5. Ekeus archive.

destruction to spare Iraqis the humiliation of having to destroy these weapons in front of inspectors.<sup>59</sup>

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 of Iraq, other equipment to be destroyed. No explanation was given of the grounds on which some equipment had been deemed to contravene the Resolution.<sup>60</sup>

The Iraqis then secretly destroyed missiles and WMD during the summer and fall of 1991 while concealing documents and items from the past programs. This contravened Resolution 687 and created a cascade of problems for disarmament verification and Iraqi credibility. The unilateral destruction created lingering uncertainty among the Iraqis as well as outsiders about what had been destroyed, and what might still be concealed.

<sup>59</sup> SH-SHTP-A-001-298, Meeting between Saddam Hussein and Iraqi ministers regarding Iraq under sanctions [undated], CRRC Archives, 6.

<sup>60</sup> Notes for briefing of the IAEA Board on Monday, July 8, 1991, 7. Blix archive.

### *Mixed Strategy (July 1991–95)*

Following the intensifying clashes in the initial inspections, the Iraqi regime adopted a different approach: it began to offer limited cooperation with inspections, while continuing to conceal information and items. This policy was flexible opportunism: the Iraqis 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.

There were different views inside the Iraqi regime about how to implement this new mixed strategy. One faction, led by Tariq Aziz, advocated increasing cooperation with the inspectors to improve prospects of having the sanctions lifted. Another group, associated with Kamil, advocated 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 these groups, as well as between them – a feature of the Iraqi military-industrial complex in general. Kamil even instructed officials to disregard Saddam's statements and instructions as they exited meetings with Saddam, admonishing 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.<sup>61</sup> This led to mistakes and to choices by lower-level officials that were contrary to the wishes of other senior regime officials, including Saddam. Technical experts avoided giving unsolicited advice to their superiors, mid-level principals received little guidance for implementation from the senior level, while officials at all levels avoided asking clarification questions.

Saddam created a high-level committee to oversee and manage Iraq's cooperation with the inspections. 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 Organisation; Foreign Minister Ahmed Hussein; and Mohammed Said al-Sahhaf, who would later become Foreign Minister.<sup>62</sup> This committee consulted with technical experts as well as the regime's security apparatus, seeking to create a more structured and informed process.

Aziz established four principles for Iraq's dealings with the UN inspectors.<sup>63</sup> First, Iraq would minimize its disclosures of previous violations of international agreements. Under this principle, Iraq continued to conceal the existence of the past biological weapons program and the scope and scale of its nuclear and chemical weapons programs, well as documentary evidence of other violations of international treaties concerning WMD. Second, Iraq would shield resources

<sup>61</sup> Author interview with Nikita Smidovich, former UN inspector, New York, 6. November 2019.

<sup>62</sup> Jafar, *unpublished manuscript*, 135-6.

<sup>63</sup> Ibid. See also UN Security Council, "Letter dated 25 January 1999 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council" (S/1999/94), Appendix IV.

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 advisor. 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.<sup>64</sup> Materials from the biological weapons program, and documentation from the biological, chemical and nuclear weapons programs, were concealed until mid-1995. Some documents and items were hidden in the private homes of scientists, others in offices and government buildings.

According to the later recollection of Iraqi officials, Kamil stated in 1993 that the WMD programs could be reconstituted after the UN inspectors left.<sup>65</sup> However, 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.

<sup>64</sup> Mahdi Obeidi and Kurt Pitzer, *The Bomb in My Garden: The Secrets of Saddam's Nuclear Mastermind* (Hoboken, NJ: Wiley, 2004), 151-52.

<sup>65</sup> Duelfer, "Regime Strategic Intent," 44.

### *Regime Perspectives on Implementation Problems*

As a result of Iraq's implementation problems, UN inspectors discovered embarrassing secrets that the regime wanted to keep. Two such episodes in the second half of 1991 show how Saddam and his senior associates interpreted and responded to these problems.

In September 1991, UN inspectors found documents from the nuclear weapons program, including a report from the weaponization project. As a result of the inspectors' discovery, Kamil ordered an investigation into why this trove contained such sensitive documents. A committee was set up, and eleven officials were imprisoned for 18 days during the investigation. The investigation concluded that the reason was simply administrative error. The imprisoned officials were released. Everyone involved was demoted a rank, but did not suffer more severe penalties.<sup>66</sup>

During 1991, Saddam and senior officials discussed the fact that Iraqi officials had handed over to UN inspectors Project Babylon, involving a "super-gun" to launch satellites into space or deliver weapons. Saddam was incensed, pointing out that this project had not been covered by the resolution – a statement 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"; he warned, "Oh, these things will create problems for us."<sup>67</sup>

<sup>66</sup> Jafar, unpublished manuscript, 143; and Imad Khadduri, *Iraq's Nuclear Mirage: Memoirs and Delusions* (Ontario: Hushion House Publishing, 2003) 132-34.

<sup>67</sup> Conflict Records Research Center, "Meeting between Saddam Hussein and Top Political Advisors about a United Nations Air Survey Request," *Record No. SH-SHTP-A-001-251* (Washington D.C.: undated), 5.

When Saddam suggested that the Iraqi technicians were not taking their work seriously, Aziz protested: “[o]h no, by God, 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 technicians “were in a psychological state that made them rush in this matter.”<sup>68</sup>

These episodes illustrate honest incompetence: lower-level officials simply did not understand how to interpret ambiguous and sometimes contradictory policies that were declared by two different committees headed by powerful competing wings of the regime. 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.”<sup>69</sup> Furthermore, lower-level officials faced tremendous pressure, because the UN inspectors were already in the country while the deception campaign was ongoing. This 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.<sup>70</sup> While there is no doubt that Iraqi officials faced real risks — including imprisonment and torture — if they were accused of wrongdoing or disloyalty, there was some room for admission of mistakes. Senior officials did sometimes shield and defend those who committed what were characterized as errors resulting from pressure and stress.

<sup>68</sup> Ibid., 6.

<sup>69</sup> Obeidi, *The Bomb in my Garden*, 152.

<sup>70</sup> See, for example, Duelfer, “Regime Strategic Intent,” 19.

To reduce the risk of similar incidents, the regime increased internal monitoring and took steps to prepare sites and documents prior to inspection.<sup>71</sup> External observers and inspectors noted these activities with suspicion, interpreting them as indications that the Iraqis were not truthful, and that their future intentions could not be trusted. In October 1991, the CIA 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.”<sup>72</sup> This became a firm assumption in the U.S. intelligence community over the next few years.<sup>73</sup> 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 immerse ourselves in this matter?’ ... Iraq should not be at their mercy, asking whether they will approve or disapprove.”<sup>74</sup> Obeidi later noted that, “as the inspectors had effectively denuded

<sup>71</sup> Central Intelligence Agency, *Misreading Intentions*, 12.

<sup>72</sup> Central Intelligence Agency, “Iraq’s Nuclear Weapons Program: Wounded, but not Dead” (Washington D.C.: CIA, 2006). <https://www.cia.gov/library/readingroom/docs/CIA-RDP08R00805R000100420007-1.pdf>.

<sup>73</sup> Central Intelligence Agency, *Misreading Intentions*, 5.

<sup>74</sup> Conflict Records Research Center, “Meeting between Saddam Hussein and Top Political Advisors about a United Nations Air Survey Request,” *Record No. SH-SHTP-A-001-251* (Washington D.C.: Undated, circa September–October 1991), 14.

Iraq's machinery for building nuclear weapons, the deceptions had become less of a measure to preserve the program and more of a reaction against foreign pressure."<sup>75</sup> These observations stand in contrast to the widespread assumption that such behavior was intended to achieve a deterrent effect.

As we have seen, the Iraqi regime's initial responses — first denial, then an attempted cover-up in the form of secret unilateral destruction of WMD along with the destruction of the evidence of the unilateral destruction — contain several of the mechanisms highlighted in the first section of this article. These reactions reflect policy competition among senior figures and factions inside the regime, which translated into differences between the implementation efforts of those who favored cooperation to ensure lifting of sanctions and others who prioritized preserving a WMD capability. Here, the mechanisms in categories 1 and 2 (nurturing internal ambiguity and policy competition) feed into categories 4 and 5 (drift and honest mistakes). These responses reflected the mechanisms associated with policy competition among Saddam's senior ministers and trusted henchmen. The reliance on verbal orders, and the sudden changes of policy, especially as seen in the summer of 1991, contributed to a sense of ambiguity as to what the regime's true preferences were. This created difficulties for those charged with implementing the regime's policies, which the regime recognized.

***“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, Saddam warned that U.S.

<sup>75</sup> Obeidi, *The Bomb in my Garden*, 169.

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.”<sup>76</sup> 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.”<sup>77</sup>

As this statement reveals, Saddam concluded, as early as August 1991, that complying with the demands of the UN would not necessarily be rewarded. At least, this was the conclusion he signaled to his senior advisors. At the same time, the effects of the sanctions were so dire that the regime increased its cooperation to seek the lifting of these sanctions. By “muddling through” — cooperating to the extent that WMD capabilities were dismantled and programs disbanded, while at the same time concealing information and items that would reveal the full scope of Iraq’s past capabilities to the outside world — the regime believed 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 officials in mid-December focused on disarmament verification problems. Iraq’s verification problems, the Iraqi officials told Saddam, were essentially due to past

<sup>76</sup> Conflict Records Research Center, “Saddam and His Inner Circle Discussing Upheaval and the Communist Coup Attempt in the Soviet Union,” *Report No. SH-SHTP-A-001-210* (Washington D.C.: undated, circa August 19–21, 1991), 6.

<sup>77</sup> *Ibid.*, 6-7.

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 erode. There is no connection between what they term as commitment to the resolutions and their own real intentions behind these resolutions.<sup>78</sup>

Saddam instructed his officials to “show intransigence” to signal resolve at home and in the Middle East.<sup>79</sup>

In this meeting, a senior Iraqi official analyzed the Security Council session on December 3, 1991. He described Ambassador Ekéus, the UNSCOM head, as “very neutral.” He said, “we expected him to present a fair report. I do not mean to take our side, but [we expected him] 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.<sup>80</sup> The same official described Ekéus’s report as a prism for how the UN viewed the Iraqi issues “and [we can] see, based on it, the remaining pretexts that they can use against us, so

<sup>78</sup> Conflict Records Research Center, “Meeting between Saddam Hussein and His Officials after the First Gulf War,” *Record No. SH-SHTP-A-001-458* (Washington D.C.: December 16, 1991), 3.

<sup>79</sup> *Ibid.*

<sup>80</sup> *Ibid.*, 4.

that we may work based on this. At least, we can draw up our plan to face up to this situation.”<sup>81</sup> He described the inspectors as essentially fair-minded, but that the Security Council was rigged against Iraq.<sup>82</sup>

A week or so later the senior regime discussed sanctions. Saddam’s trusted advisor Izzat al-Duri (Vice-Chair of the Revolutionary Command Council) asks 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.”<sup>83</sup> Saddam asks what can be done. The regime could be blamed for the sanctions and their effects by the population.<sup>84</sup> 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.”<sup>85</sup> Aziz warns that state institutions are “disintegrating” and that

<sup>81</sup> Ibid.

<sup>82</sup> Ibid.

<sup>83</sup> Conflict Records Research Center, “Ba’ath Revolutionary Command meeting 12/21/1991; Saddam speaks about sanctions on Iraq and the situation of the Ba’ath Party after the invasion by the Coalition Forces,” *Record No. SH-SHTP-A-001-461* (Washington D.C.: December 21, 1991), 6.

<sup>84</sup> Ibid.

<sup>85</sup> Ibid., 10.

“corruption and bribery is out of control.”<sup>86</sup> This included the Military Industrial Commission, where individuals had begun taking kickbacks from clandestine imports.

Over the next three to four years, the Iraqi regime implemented a mixed strategy of concessions and confrontation. The UN inspectors uncovered many aspects of the missile, chemical, and nuclear weapons programs that the regime tried to conceal, as well as evidence of a biological weapons program. The Iraqis reluctantly admitted to capabilities and past activities as the UN inspectors uncovered evidence for these efforts, while they simultaneously sought to recruit 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 its offensive biological weapons program. 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.<sup>87</sup>

### *A Dilemma, an Ultimatum, and a Defection (February–August 1995)*

In early 1995, the UN inspectors were uncovering further evidence of the BW program that Iraq still denied. Saddam met with his senior advisors on February 5, 1995, to discuss how to respond. Saddam highlighted the fundamental problem: if Iraq again admitted to having concealed information, this could lead the inspectors to question Iraqi compliance across all

<sup>86</sup> Ibid., 10-11.

<sup>87</sup> Central Intelligence Agency, *Misreading Intentions*, 12.

areas.<sup>88</sup> This is the cheater's dilemma in a nutshell: admitting to more concealment is likely to decrease the likelihood that the state will be rewarded, while not admitting raises its risk of being caught in the future. This 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. This meant that there was no hope of getting the sanctions lifted.<sup>89</sup> At the same time, Aziz noted, resolving the BW program was the only issue standing in the way of France's support for lifting sanctions.<sup>90</sup>

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

We played by 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,

<sup>88</sup> "Meeting between Saddam and His Security Council Regarding Iraqi Biological and Nuclear Weapons Program," February 5, 1995, Conflict Records Research Center, Washington, D.C." SH-SHTP-A-001-011, 1.

<sup>89</sup> Ibid.

<sup>90</sup> Ibid., 2.

political, and diplomatic work, and with this level of international understanding. There remained [then] only small [issues].<sup>91</sup>

Their conversation is a study in multivocality: vague commitments and recommendations (despite specific language), internal taboos, and an apparently inconclusive Saddam at the helm facing competing recommendations. 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. “I did not want to speak so openly were it not for Your Excellency’s raising and explaining the issue, and the statement from Tariq that we produced biological weapons.”<sup>92</sup> 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. 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.”<sup>93</sup>

<sup>91</sup> Ibid., 4.

<sup>92</sup> Ibid., 5.

<sup>93</sup> Conflict Records Research Center, “Meeting between Saddam and His Security Council Regarding Iraqi Biological and Nuclear Weapons Program,” *Record No. SH-SHTP-A-001-011* (Washington, D.C.: February 5, 1995), 6.

Ramadan argued that “it is wrong to waste time, even if our position is not convincing. We must stand on our feet when we want to change the current method of dealing so that there will be the possibility for pressure and influence.”<sup>94</sup> 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: “[w]e 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.”<sup>95</sup> 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.

Saddam and senior officials believed that they could build international support for the lifting of sanctions. Aziz argued that the Americans seemed 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.<sup>96</sup> Ramadan urged that Baghdad should “mainly focus on the countries that do understand this logic, meaning the resolution and its technicality, especially

<sup>94</sup> Ibid., 8.

<sup>95</sup> Ibid., 9.

<sup>96</sup> Conflict Records Research Center, “Saddam and Top Political Advisers Discussing the Agricultural Situation in Iraq and UN Inspection Teams,” *Record No. SH-SHTP-A-001-255* (Washington, D.C.: undated (circa January/February 1995)).

those countries that have members in the [Security Council] committee.”<sup>97</sup> The regime should, he argued, develop contacts with China, Indonesia, Oman (then a member of the Security Council), and Qatar. European states, including France, Italy, and Germany, were identified as important targets for such missions.

In April 1995, the UN inspectors reported their initial findings about the Iraqi biological weapons program to the Security Council. At this stage, the Iraqis were insisting that the next (June) report to the Security Council must reflect their cooperation. General Amer Rashid, Saddam’s scientific advisor and missile expert, warned the IAEA Action Team that the regime faction supporting co-operation 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.”<sup>98</sup>

On June 19, 1995, Ekeus reported to the Security Council that the biological file was the key remaining issue. In July, Iraq begrudgingly admitted more details about their previous BW program, following revelations from the inspectors of evidence of its existence, but (implausibly) denied weaponization in an apparent bureaucratic compromise. This, however, undermined the credibility of their admission in the eyes of the inspectors. In mid-July Aziz posed an ultimatum:

<sup>97</sup> Ibid., 10.

<sup>98</sup> International Atomic Energy Agency, “From the Field, from Garry Dillon to Professor Zifferero,” UNSCR 687 Action Team (June 9, 1995), 2. Blix archive.

unless sanctions were lifted soon, Iraq would end cooperation with the inspectors by August 31. Aziz underscored that this was “not a bluff.”<sup>99</sup>

Events suddenly took a different course: on August 7, 1995 Kamil, the head of Iraq’s Military Industrial Commission and the chief architect of Iraq’s concealment activities, defected to Jordan.<sup>100</sup> Saddam and the Iraqis did not know what he would reveal.

### *Cheater’s Dilemma (1995–98)*

Iraq now faced a new dilemma. Coming clean meant revealing Iraq’s denial and concealment activities since April 1991, as well as admitting BW weaponization, which was likely to further postpone the lifting of sanctions. But no one knew the full scope of the deception campaign. Even senior officials were reluctant to probe into the role of Iraq’s security apparatus or Kamil’s activities.

Senior Iraqi officials met on August 12 to discuss what information Kamil could reveal. On August 13 or 14, the head of the Iraqi Monitoring Directorate, Hosam Amin, wrote a report

<sup>99</sup> Note to the File: Security Council Briefing on Iraq by UNSCOM Chairman Ekeus, Friday, August 25, 1995, IAEA Action Team [unpaginated]. Blix personal archive.

<sup>100</sup> “For information of United Nations Secretariat only: Not for Distribution or Dissemination”, Press Briefing by Rolf Ekeus, August 28, 1995, 5. Blix personal archive. Kamil returned to Iraq where he was killed in early 1996.

to Saddam.<sup>101</sup> This report blamed Kamil for creating tension with the UN inspectors on several occasions.<sup>102</sup> The report claimed that Kamil's activities had only been discovered 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."<sup>103</sup> Amin urged that Iraq must curb "opportunists and traitors" inside the military-industrial complex, which had been led by Kamil, and criticized senior regime officials that had worked closely with Kamil.<sup>104</sup>

Criticism of Kamil and his actions came dangerously close to criticism of Saddam, who had appointed Kamil and enabled his actions. This tension is apparent in a conversation among senior regime officials one month after the defection. One official says to Saddam: "talking about Husayn [Kamil] is like walking into a minefield, not knowing when an explosion is going to happen."<sup>105</sup> 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 feared the consequences of probing in order to come clean, which in turn hindered the regime's efforts

<sup>101</sup> Conflict Records Research Center, Report from Husam Mohammad Amin, Director of the National Monitoring Directorate, regarding Hussein Kamil, *Record No SH-INMD-D-000-657* (Washington D.C.: August 13–14, 1995), 1.

<sup>102</sup> *Ibid.*, 5.

<sup>103</sup> *Ibid.*, 6.

<sup>104</sup> *Ibid.*

<sup>105</sup> Conflict Records Research Center, "Saddam Hussein meeting with the Military Office to discuss Sanctions, Jordan, and Iraqi elections," *Record No. SH-SHTP-A-001-463* (Washington, D.C.: September 9, 1995), 2.

to come clean) 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. Persuading Iraqi agents to adapt to new policies was difficult even before the defection. Now, 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 Ekeus!"<sup>106</sup>

After the Kamil defection, there was a clear discrepancy between the regime's intentions to cooperate and the behavior of lower-level officials. For example, officials stuck with outdated denials of the BW program after the regime had made additional disclosures.<sup>107</sup> Despite Aziz's statements that the Iraqi regime would increase its cooperation, lower-level officials gave blatantly illogical explanations, which the UN inspectors could not accept.<sup>108</sup> Despite 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

<sup>106</sup> Conflict Records Research Center, "Saddam Meeting with Ba'ath Party Members to Discuss the Results of the UN Inspectors' Mission to Look for WMD," *Record No. SH-SHTP-A-001-295* (Washington, D.C.: [undated] 1995), 5.

<sup>107</sup> Note for the record: Meeting with the Iraqi Deputy Prime Minister Mr. Tariq Aziz and an Iraqi delegation. Deputy Prime Ministers Office, Baghdad. 30 September 1995, 8:00 p.m., 2. Ekeus personal archive.

<sup>108</sup> *Ibid.*

behavior). This gap between policy and behavior reflected hedging (mechanisms in category 6) as well as drift (mechanism 4).

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.<sup>109</sup> Saddam had insisted in early 1995 that sanctions be lifted within one year; this timeline was clearly no longer feasible.<sup>110</sup> Aziz noted that the fallout from the Kamil defection would be extensive, causing a delay of at least six months in lifting the sanctions.<sup>111</sup> General Amer (Rashid) suggested that documents could be found among the personal papers of senior scientists and these could be given to the inspectors facilitate the verification process.<sup>112</sup>

Ironically, Kamil chose to reveal relatively little when he spoke to the UN inspectors in Amman.<sup>113</sup> In contrast, the Iraqi regime preemptively revealed a lot by presenting the inspectors with large caches of documents in the so-called Chicken Farm as they were en route from

<sup>109</sup> Conflict Records Research Center, "Saddam Meeting with Ba'ath Party Members to Discuss the Results of the UN Inspectors' Mission to Look for WMD," 1-2.

<sup>110</sup> Conflict Records Research Center, "Meeting between Saddam and His Security Council Regarding Iraqi Biological and Nuclear Weapons Program," 4.

<sup>111</sup> Conflict Records Research Center, "Saddam Meeting with Ba'ath Party Members to Discuss the Results of the UN Inspectors' Mission to Look for WMD," 2-3.

<sup>112</sup> Ibid, 8.

<sup>113</sup> UNSCOM/IAEA Sensitive, Note for the file, Meeting between Husayn Kamil, Rolf Ekeus, Maurizio Zifferero and Nikita Smidovich, 22 August, Amman, Jordan. Ekeus archive.

Baghdad to the airport to meet Kamil in Amman. However, Iraq did not account convincingly for its past deception and denial efforts. Nor could the Iraqis explain why documents had been burned on 14-15 August 1995, two days after Amer Rashid had promised the UN cooperation in a letter.<sup>114</sup> For the UN inspectors, an obvious question was how troves of documents that had been handed over at the so-called Chicken Farm in the days following Kamil's defection had surfaced. Iraqi counterparts said that Kamil's girlfriend had suggested that the documents could be found on the farm, an obvious fabrication that the Iraqis soon admitted was not truthful.<sup>115</sup> Telling even a ridiculous story was preferable to telling the truth, which would trigger further investigations and 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.<sup>116</sup> Some missile projects that were within the permitted range, and some other projects, were not declared. Technological 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, "[w]e need to know how to cheat."

<sup>114</sup> UNSCOM Note for the File, Executive chairman's meeting with Mr. Tariq Aziz, Deputy Prime Minister of Iraq, Foreign Ministry, 2 August 1996, Baghdad, 4. Ekeus archive.

<sup>115</sup> Note by the Secretary General, S/1996/848, III: Recent developments, point 52.

<sup>116</sup> Central Intelligence Agency, *Misreading Intentions*, 5.

Aziz continued, “you know we are not going to report everything we have to the Special Committee for this inspection, not everything.... [W]e 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.”<sup>117</sup> Saddam said to Aziz, “as long as it is that way, it is not going to cause something big.”<sup>118</sup> Such cheating 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, which may have been compounded by the hedging behaviors of the agents (listed in category 6 in Table 2).

### ***Implementation Problems***

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).<sup>119</sup> General Amer stated that the regime,

<sup>117</sup> Conflict Records Research Center, “Meeting between Saddam Hussein and the Revolutionary Council regarding the sanctions placed on Iraq and Tariq Aziz's trip to the UN Security Council.” *Record No. SH-SHTP-A-000-789*, (Washington, D.C., November/December, 1995), 7-8.

<sup>118</sup> *Ibid.*, 8.

<sup>119</sup> UNSCOM Note for the file, Executive Chairman’s meeting with Gen. Amir Rashid, Minister of Oil, Military Industrial Corporation, Baghdad, 10:20–12:20 p.m., draft version, 6. Ekeus archive.

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 very sensitive.

At the same time, their effort to increase cooperation and transparency was slow-rolled, even resisted, by those down the chain of implementation. The leadership also realized that the new policy of cooperation was not being implemented consistently. The inconsistency was also noted by the Security Council in October 1996.<sup>120</sup> 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 services were tasked with monitoring these interactions, but their agents struggled to understand technical issues, and Iraqi scientists found the monitoring efforts "suffocating."<sup>121</sup> 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). This behavior undermined Saddam's orders, but not for the purpose of preserving a WMD option.

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.<sup>122</sup> In the late 1990s, the main Iraqi interlocutor in the nuclear field was reprimanded and demoted for being too accommodating to the UN inspectors.<sup>123</sup> Jafar, the former scientific head

<sup>120</sup> Note by the Secretary General, S/1996/848, Conclusions: point 135.

<sup>121</sup> Jafar, unpublished manuscript, 184.

<sup>122</sup> Ibid., 163-4.

<sup>123</sup> Ibid.

of the nuclear weapons program, sensed that his more confrontational attitude was welcomed.<sup>124</sup> As this example shows, senior figures encouraged behavior that differed from the stated policies, and rewarded such behavior (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, 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.<sup>125</sup> This Directorate inserted representatives inside organizations to monitor compliance.<sup>126</sup> Despite such control measures, shirking persisted. Some scientists withheld sensitive information.<sup>127</sup> Others retained items for personal benefit, such as future business opportunities, in contravention of their orders.<sup>128</sup> 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 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. This reflected the limits

<sup>124</sup> Ibid.

<sup>125</sup> Duelfer report, Vol. 1: Regime strategic intent, 47.

<sup>126</sup> Ibid.

<sup>127</sup> Obeidi, *The Bomb in My Garden*, 173-176.

<sup>128</sup> Duelfer *Regime Strategic Intent*; see also Obeidi, *The Bomb in my Garden*.

on the regime's ability to coordinate behavior, as the leadership relied on increased (but flawed) monitoring, while it failed to modify the incentives of subordinates so as to change their behavior.

Information and coordination problems led the Iraqis to selective reporting and to other errors. One such error was discovered 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.<sup>129</sup> Aziz and other officials told UN inspectors that this material had been imported via Jordan in May without the knowledge of Amer Rashid, and that the technical staff had told Amer that this was not sensitive equipment. 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 [the specialists] [...] started to believe the seriousness of the matter, and 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

<sup>129</sup> Conflict Records Research Center, "Meeting between Saddam Hussein and Top Political Advisors to Discuss a Visit by Prime Minister Tariq Aziz to the United Nations," 3.

[pieces 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 [...] as a Command Council [we] will take care of this issue because it's important.<sup>130</sup>

Because the junior officials did not specify the sensitive nature of the equipment, General Amer (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.

In other words, 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)***

In November 1995, Aziz, after visiting the UN in New York, 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

<sup>130</sup> Ibid., 4.

reopened, will take a very long time to be closed again.”<sup>131</sup> However, Aziz noted that, with the exception of Iraq’s “known enemies” — the United States and the United Kingdom — “they all started listening to us ... everyone encouraged us to continue with this agenda.”<sup>132</sup>

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 this, and noted that, despite U.S. displeasure, this report could not be “artificially delayed.” Ekeus stated that he could make a similar report by October, assuming full cooperation from Iraq.<sup>133</sup> 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.”<sup>134</sup> 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

<sup>131</sup> Conflict Records Research Center, “Meeting between Saddam Hussein and Top Political Advisors to Discuss a Visit by Prime Minister Tariq Aziz to the United Nations,” *Record No. SH-SHTP-A-001-256* (Washington D.C.: circa 1994), 3.

<sup>132</sup> *Ibid.*

<sup>133</sup> Director General’s meetings with senior UN officials, New York, 12-13 February 1997. Blix personal archive.

<sup>134</sup> Iraq Discussion Notes, DG visit, New York and Washington, June 24-27, 1997, 1. Blix personal archive.

wanted to provoke crises to prolong sanctions, or provoke Iraq into expelling the inspectors, to justify bombing raids.<sup>135</sup>

The Iraqis continued pushing the UN inspectors to 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 intentionally prolonging the sanctions regime.<sup>136</sup> 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.”<sup>137</sup> Iraq started to push back more vigorously, and secured an agreement with UN Secretary General Kofi Annan limiting inspection modalities for sensitive sites. The IAEA worried that Iraq would recruit more support.<sup>138</sup>

France, Russia, and some Latin American countries were pushing to move forward with the lifting of sanctions.<sup>139</sup> The United States proposed an Oil-for-Food arrangement to allow

<sup>135</sup> Conflict Records Research Center, “Saddam and Top Political Advisers Discussing the Agricultural Situation in Iraq and UN Inspection Teams,” 7.

<sup>136</sup> Letter from Tariq Aziz, Deputy Prime Minister, Baghdad, to Mr. Rolf Ekeus, Executive Chairman of the Special Commission, New York (June 5, 1997). Blix personal archive.

<sup>137</sup> Talking points for DG’s meeting with Dr. Humam Abdul Ghafour, Iraq’s Minister of Culture and Higher Education, October 1, 1997, 1. Blix personal archive.

<sup>138</sup> Ibid., 2.

<sup>139</sup> Telefax from B. Andemichael to M. Zifferero, leader UNSC 687 Action Team, UNSCOM: Developments on Iraq, March 28, 1995, 2. Blix personal archive.

some money to flow into Iraqi to improve the humanitarian situation. While Iraqi officials initially resisted the arrangement due to concerns about sovereignty, this mechanism, when implemented, would solve two problems: it eased domestic dissatisfaction, while its lucrative contracts could buy 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. On March 26, 1997, Secretary of State Madeleine Albright gave a speech at Georgetown University in which she stated that the United States would not lift sanctions while Saddam remained in power.<sup>140</sup> This further undercut Iraq's incentive for cooperation with the inspections.

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, France, Russia, China, Egypt, and Kenya abstained from voting on it. In the fall of 1998, the Council requested that the inspectors prove the existence of WMD, rather than continuing to press Iraq to prove their non-existence. Shortly after, the inspectors departed Iraq, and the United States launched a series of air strikes (following a domestic political scandal involving President Bill Clinton). Saddam did not want the inspectors back unless the sanctions were lifted.<sup>141</sup> Sanctions remained, but the inspectors did not return. Iraq did not restart the WMD programs; quite the contrary: when scientists suggested research that was relevant for

<sup>140</sup> Address by Madeleine K. Albright, U.S. Secretary of State, March 26, 1997, Georgetown University. <https://awpc.cattcenter.iastate.edu/2017/03/21/policy-speech-on-iraq-march-26-1997/>.

<sup>141</sup> Jafar, *Oppdraget*, 198.

WMD programs, the regime denied permission, on the basis that this would violate UN resolutions.<sup>142</sup>

***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.<sup>143</sup> 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 that:

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

<sup>142</sup> Conflict Records Research Center, "Correspondence within the Iraqi Intelligence Service regarding scientific ideas to produce viruses and germs to pollute the water tanks for the U.S. camps in Kuwait and Saudi Arabia," *Record No. SH\IISX\SH-IISX-D-001-105\_TF.pdf* (Washington D.C.: 22 October 2000), 3.

<sup>143</sup> Jafar, *Oppdraget*, 198.

much more time and there are indications that his popularity is starting to partially diminish.<sup>144</sup>

Saddam continued, “[i]f 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.”<sup>145</sup> Saddam’s assessment was wrong, but it was not irrational. A group of Iraqi officials recommended resuming inspections in June 2002, but Saddam insisted that sanctions should be at least suspended first.<sup>146</sup>

Meanwhile, the United States and the United Kingdom were making the 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.<sup>147</sup> Iraq agreed to resume WMD inspections in November, and the 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.<sup>148</sup>

<sup>144</sup> Conflict Records Research Center, “Meeting between Saddam Hussein and Nijirfan al-Barzani regarding the situation in Iraq and possibility of U.S. attack,” Record No. SH\SPPC\SH-SPPC-D-000-304\_TF.pdf , (Washington D.C., 14 March 2002), 8.

<sup>145</sup> Ibid., 9.

<sup>146</sup> Jafar, *Oppdraget*, 206.

<sup>147</sup> United Nations Security Council Resolution 1441, 3.  
<https://www.un.org/Depts/unmovic/documents/1441.pdf>

<sup>148</sup> Jafar, *Oppdraget*, 209.

Resolution 1441 declared Iraq to be in non-compliance with its obligations under Resolution 687. There were no assurances that Iraqi cooperation would be rewarded: if Iraq 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.<sup>149</sup> As in the earlier inspections, 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.<sup>150</sup> 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.<sup>151</sup> They requested that the scientists either record conversations with the inspectors, or request that an Iraqi official be present.<sup>152</sup> A more difficult issue was the regime's inability to resolve past verification problems. Blix, now

<sup>149</sup> Målfrid Braut-Hegghammer, "Rebel without a Cause? Explaining Iraq's Response to Resolution 1441," *Nonproliferation Review*, Vol. 13, No. 1 (2006), 26.

<sup>150</sup> Jafar, *Oppdraget*, 222.

<sup>151</sup> *Ibid.*, 223.

<sup>152</sup> Obeidi, *The Bomb in my Garden*, 193.

the head of the UN inspectors, suggested the Iraqis might find another “Chicken Farm” stocked with hidden documents.<sup>153</sup>

Overall, Iraq’s response echoed its behavior between 1991 and 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.<sup>154</sup> Efforts by the regime to streamline its cooperation aroused suspicions.<sup>155</sup> The regime oscillated between initiatives to destroy and hide information that could provoke doubt about Iraqi compliance and a “crash effort” to ensure greater cooperation with the UN inspectors.<sup>156</sup> Despite orders to cooperate, lower-level officials still believed Saddam wanted obstruction, and acted accordingly; factory managers blocked UN inspectors, apparently assuming that Saddam did not want them to cooperate.<sup>157</sup> In other words, they assumed Saddam was engaged in multivocality despite his explicit orders to cooperate. In early 2003, Vice President Ramadan spoke for hours to a meeting in the Iraqi military-industrial complex, seeking to persuade staff to cooperate fully and insisting that this order truly reflected Saddam’s preferences.<sup>158</sup>

<sup>153</sup> Jafar, *Oppdraget*, 202.

<sup>154</sup> Braut-Hegghammer, "Rebel without a Cause?", 25.

<sup>155</sup> Ibid.

<sup>156</sup> Michael R. Gordon, “Even as U.S. Invaded, Saddam Saw Iraqi Unrest as Top Threat,” *New York Times*, March 12, 2006.

<sup>157</sup> Hans Blix, *Avvåpna Irak* (Stockholm, Bonnier fakta, Månocket imprint: 2004), 98-99.

<sup>158</sup> Duelfer, “Regime Strategic Intent,” 9.

On January 27, 2003, Blix reported to the Security Council: “Iraq appears not to have come to a genuine acceptance, not even today, of the disarmament which was demanded of it.”<sup>159</sup> The Iraqis intensified their cooperation, 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 the security apparatus. 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 nested problems associated with moving incrementally from a policy of deception to cooperation. These problems, and the dilemmas they entail, are not unique to the Iraqi context. Other states also face difficult choices in deciding how much to reveal to persuade other states that past misbehavior has ended. The dynamics that unfolded in the Iraqi context can shed more light on the dilemmas and constraints faced by states seeking to come clean, if the risks of admitting more wrongdoing are evident, while the promised rewards are elusive.

Let us first revisit why the initial lies and cover-ups proved to be so consequential in the Iraqi setting. Here, as in other social systems, “the chains of consequences extend over time and many areas” and not always in ways imagined by the actors.<sup>160</sup> Iraq faced cascading effects:

<sup>159</sup> Hans Blix, Briefing to the Security Council, January 27, 2003. [www.un.org/Depts/unmovic](http://www.un.org/Depts/unmovic).

<sup>160</sup> Robert Jervis, *System Effects: Complexity in Political and Social Life* (Princeton NJ: Princeton University Press, 1997), 10.

unintended consequences of past actions that constrain future options in a manner that was not anticipated by the decision-maker. The unilateral destruction in 1991 was intended to hide the scale and scope of Iraq's WMD capabilities, which Iraq had already denied in its initial statements to the United Nations. Iraq's decision to destroy the evidence of this unilateral destruction, rather than admit what had happened, made it much more difficult to later persuade other states to believe Iraq's explanation in the absence of supporting evidence.

This pattern was a recurring feature: rather than admit to cheating on Iraq's commitments under the ceasefire resolution (UNSCR 687), Baghdad destroyed or concealed evidence of its wrongdoing.<sup>161</sup> It is no surprise, then, that Iraq's behavior came across as ambiguous to states that were already suspicious of the regime's intentions. U.S. intelligence agencies began to call this pattern "cheat and retreat," implying that the Iraqi intention driving the behavior was to cheat.<sup>162</sup> The available evidence suggests that these actions were at least in part, and increasingly over time, attempts to save face rather than to retain proscribed items, and that they reflected the regime's efforts to revolve the cheater's dilemma when every additional revelation seemed to weaken its credibility. While the conventional wisdom has argued that the resulting ambiguity was intentional, my evidence suggests that it was in part an unintended consequence of earlier choices made with incomplete information in an environment of intense pressure and chaotic circumstances.

<sup>161</sup> Central Intelligence Agency, *Misreading Intentions*, 3.

<sup>162</sup> *Ibid.*, 6.

These cascading effects can also be observed in terms of the constraints the Iraqi regime faced in seeking to change the behavior of its state agents as it moved from a policy of deception to cooperation. The Iraqi experience raises an important point: admitting past deception can create or reinforce a confirmation bias among both external and internal audiences. In other words, once the leadership has successfully deceived others, these audiences are more likely to suspect deception in the future. In the case of Iraq, a retrospective analysis by the Central Intelligence Agency notes that, even when the available evidence pointed in a different direction, analysts stuck with their assumptions that Iraq continued to deceive, rather than accept what the evidence indicated: that these deception efforts had ended.<sup>163</sup> As the sources examined in this article show, this dynamic also applies to agents inside the Iraqi state apparatus. As these agents observed instances of cheating and repeated revelations of cover-ups, they too came to assume that it was likely that the regime continued to conceal, or that more evidence of past concealment could remain, given Kamil's unique room for maneuver. This assumption was further reinforced when more senior figures signaled preferences for less cooperative behavior than the regime's policy demanded. Since it was the senior regime figures who could have the most direct impact on an individual's career prospects and reputation, behaving in a manner that was not entirely consistent with the regime's policies was sensible. Individuals could escape punishment even if their behavior created problems for the regime, as senior figures protected and shielded their institutions and employees against Saddam's anger on several occasions (though not when there was malfeasance, or laziness, involved).

<sup>163</sup> Ibid.

The dilemmas that the Iraqi regime faced in seeking to handle the problem of confirmation bias shaped the regime's calculations as to how additional revelations would affect its image among other states, but also shaped the beliefs and expectations inside Iraq's own state apparatus. As we have seen, agents inside the Iraqi state apparatus did not change their behavior when receiving new orders, but assumed that the new information was not necessarily a complete picture of the state's policies. Furthermore, having observed past deceptions, individuals are likely to have suspected that some of these practices, or at least remnants of them, could remain. This, too, can be described as a lingering effect of initial deception, which inhibits a change of behavior toward cooperation at a later stage.

The second set of issues emerging from the Iraqi context highlight another intractable problem: whether coming clean about deception and cheating will lead to the promised rewards for compliance, or will instead make it less likely that skeptical states will reward the state for coming clean. This is fundamentally a question about the risks of not giving promised rewards to states after they change their behavior, an issue explored by Thomas C. Schelling decades ago.<sup>164</sup> Isolated states like Iraq, with powerful enemies, such as the United States, have sound reasons for doubting that coming clean will lead to promised rewards such as lifting of economic sanctions. The case of Iraq illustrates the downsides of trying to come clean. After the Kamil defection in August 1995, Iraq's admission of its past successful deception only intensified criticism against Iraq from states who were intent on maintaining the sanctions until Saddam's regime crumbled; the United States was already saying this behind closed doors, and said so

<sup>164</sup> Thomas C. Schelling, *Arms and Influence* (1966) (New Haven: Yale University Press, 2008), 74-75.

openly in the spring of 1997. This underscores the strategic dilemma the Iraqi regime faced as its additional revelations made the prospect of sanctions relief more rather than less remote. This helps to explain why Iraq, and likely also other states whose powerful adversaries are gatekeepers to the rewards that the isolated states want, may be reluctant to come clean fully even after deciding to change their behavior.

This insight also helps to explain some apparently puzzling behaviors. At the decision-making level, concerns about being punished rather than rewarded influenced the Iraqi regime's debates about whether to come fully clean or instead stick with a less credible position in order to avoid the costs of admitting additional past sins. The spring 1995 regime debate described in this article, over whether to offer additional revelations about the biological weapons program, reflected precisely this problem. Muddling through with 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 eased. 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 and any plans to restart them in the near future, as Iraq had done.

Other states facing the decision whether to come clean, to deny, or to "muddle through" with less than credible positions will almost certainly assess whether coming clean about the past will result in reward or punishment. In Iran, for example, the regime made substantive concessions in the 2015 Joint Comprehensive Plan of Action (the so-called Iran deal), but has refused to come clean about past possible military applications in its nuclear program, perhaps because of concerns that hostile actors would use this as a reason to attack or undermine Iran.

Iranian officials reportedly cleaned up the Parchin military complex prior to inspection by the International Atomic Energy Agency, perhaps driven by similar concerns as the Iraqi regime about streamlining internal compliance in the face of competing policy factions.<sup>165</sup> Iran's strategy, like Iraq's, is likely to have changed over time in light of their calculation of these risks and costs. It may also be constrained by past actions, or the senior leadership's red lines about revealing past strategic intentions, like in the Iraqi context.

In contrast, we are less likely to see such reservations in a case such as Libya after its 2003 decision to come clean about its past WMD programs, because the Libyan regime was fairly confident that its revelations, which included incremental admissions as U.S. inspectors visited Libyan facilities, would be rewarded rather than punished. This is, perhaps, ironic, because the Libyan regime withheld certain stockpiles and information about its past WMD programs without being detected or punished.<sup>166</sup>

<sup>165</sup> Josh Rogin and Eli Lake, "Iran Already Sanitizing Nuclear Site, Intel Warns: That leaves lawmakers wondering if Tehran intends to comply with the accord." Bloomberg Opinion, August 5, 2015.

<https://www.bloomberg.com/opinion/articles/2015-08-05/iran-already-sanitizing-parchin-nuclear-site-intel-warns>;

Robert Kelly, "Putting Parchin to Rest," LobeLog, 8. August 2015. <https://lobelog.com/putting-parchin-to-rest/>

<sup>166</sup> Thomas Harding, "Gaddafi regime produced chemical weapons, David Cameron confirms", The Telegraph, November 15, 2011.

<https://www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/8890238/Gaddafi-regime-produced-chemical-weapons-David-Cameron-confirms.html>

## Conclusion

Why did Iraq not do more to demonstrate that it no longer had WMD before the 2003 war? This article offers new answers. First, the Iraqi regime struggled to resolve a cheater's dilemma: the regime changed its policy from deception to cooperation, but the perceived costs of revealing Iraq's past misbehavior led to the regime's reluctance to fully come clean. This was in part because the regime's reluctant admissions, notably the 1995 "Chicken Farm" revelations, had led to recriminations and suspicion of further cheating rather than the hoped-for reward of the lifting of sanctions. The Iraqi regime concluded that a less self-incriminating posture — not admitting to its past cheating behaviors — even if less credible, would better serve its interests and its efforts to ease the economic sanctions. Furthermore, the regime's botched cover-up efforts constrained its later attempts to demonstrate a change in behavior. In other words, the regime's concerns about the risks of further disclosures, combined with the clumsiness of its earlier cover-up effort, resulted in a "muddling-through" approach, where the regime gradually made the changes demanded by the ceasefire resolution, but failed to demonstrate this change convincingly to others.

Second, principal-agent problems obstructed the regime's efforts to transition from denial and deception toward cooperation. As the new evidence examined in this article demonstrates, Iraqi orders to increase cooperation after August 1995 were not effectively implemented. Largely due to principal-agent problems, Iraq's behavior gave the appearance not of the cooperation ordered by Saddam, but of calculated ambiguity. These principal-agent problems resulted from policy competition among senior officials, as well as hedging and drift by agents on the ground. These behaviors resulted from incomplete information and from asymmetric preferences among

principals and agents. 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 cooperation policy was not a reliable guide to the regime’s true preferences.

The realization that the Iraqi regime was profoundly afflicted by principal-agent problems and the lack of feedback mechanisms from agents to principals helps to explain other unsolved puzzles: how old chemical weapons could be misplaced; why agents acted based on outdated orders and failed to change when presented with new orders; and why Saddam 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 findings qualify previous explanations about the regime’s behavior — notably the widely held view that it remained deliberately ambiguous — and how this can be understood and explained. Behaviors that were widely believed to be strategic were accidental; the extreme concentration of power in the personalist regime created profound ambiguities and undercut Saddam’s control; and the senior regime figures appeared to be resigned, to the point of cynical amusement, to the embarrassing mistakes and lame excuses that resulted.

These findings have implications for how existing models can be usefully applied to the Iraqi context. The observation that Iraqi officials did not implement Saddam’s explicit orders to cooperate, even as the threat of war intensified, has substantial implications for how we can apply bargaining theory to this case, and how we can interpret Iraqi behavior as signals to various audiences. This article has described Iraqi governance as shaped by strategic dilemmas that are especially acute in environments characterized by threats of violence and incomplete

information.<sup>167</sup> The prevalence of “robust action” in the Iraqi regime prior to August 1995, where principals pursued ambiguous policies and behaviors, made the cascading problems associated with moving from deception to cooperation much more challenging for the Iraqi principals. The agents, as well as external observers, assumed that Saddam was still engaging in a multivocality game long after this had ended. This ambiguity was not intended to create a deterrent effect, but was instead the unintended outcome of disaggregated calculations of risk by Iraqi officials.

These findings give clues for analyzing how other similarly isolated states might handle the cheater’s dilemma. The Iraqi example highlights the risks of coming clean, and the resulting appeal of “muddling through” by withholding information about past cheating even after the proscribed activities have ended. 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 coming clean about past proliferation activities will be rewarded.

<sup>167</sup> See, for example, Marek M. Kaminski, *Games prisoners play: The tragicomic worlds of Polish prison*. Princeton University Press, 2004