

US Congress Committee on Government Reform

Subcommittee on National Security, Emerging Threats, and International Relations

Hearing, May 2, 2006: "UN Sanctions after Oil-for-Food: Still a viable tool?"

Testimony by Carne Ross, Director, Independent Diplomat¹ and former UK diplomat

Introduction

1. This testimony is provided at the request of the Subcommittee. I have been asked to address three questions.
 - a. My role in engineering and maintaining sanctions on Iraq while I was on the UN Security Council;
 - b. Lessons from the oil-for-food scandal;
 - c. Implications of those lessons for future UN-run sanctions regimes.
2. I was an official in the British Foreign Office from 1989 until my resignation in 2004. From late 1997 until June 2002, I was First Secretary (Political) at the UK Mission to the United Nations in New York. I was head of the Middle East section in the political section of the Mission, where I supervised two other diplomats. My primary responsibility was policy on Iraq, where I was responsible for reporting on and participating in discussions and negotiations at the UN Security Council (I was also responsible for other issues including Israel/Palestine, Libya/Lockerbie, the Western Sahara and Afghanistan). Inter alia, I helped prepare and negotiate many resolutions on Iraq concerning sanctions and weapons inspections, including resolution 1284 (1999) which established UNMOVIC, the UN weapons-inspection agency. I was also responsible for liaison with the UN weapons inspectors and UK policy on sanctions, including in particular the oil-for-food (OFF) program. I resigned from the British Foreign Office in 2004 after giving testimony to the official inquiry into the uses of intelligence on Iraq's WMD (the "Butler Review").
 - A. My role in engineering and maintaining sanctions on the UNSC
3. As indicated above, my primary role was the preparation and negotiation of resolutions which maintained sanctions on Iraq and which also organised and legislated for the OFF program (OFF was established by the Security Council and was run according to its instructions). These resolutions in general were renewed every 6 months – the so-called "rollover" resolutions. These negotiations were invariably protracted and complex, involving all aspects of the sanctions regime on Iraq and the management of the OFF program, which the UN Secretariat

¹ Independent Diplomat is a non-profit diplomatic advisory network founded in 2004; it provides advice and assistance to those countries or political groups which may lack experience or resources in diplomacy: www.independentdiplomat.com.

implemented on behalf of, and under the instruction of, the UN Security Council. In most cases, the UK delegation prepared the texts of the draft resolutions under discussion; we usually also chaired the negotiations of Council members which would, eventually, produce the final resolutions. I was the line-manager of the regular UK representative on the 661 Committee of the Security Council, which was tasked with monitoring sanctions on Iraq (following Security Council resolution 661 (1990)). I also frequently attended 661 Committee meetings, which took both formal and informal form, in particular when the most contentious and difficult issues were discussed, such as the so-called “oil surcharge”, breaches of the flight ban on Iraq and other egregious sanctions breaches. I was closely involved in the internal British government review which led to the concept of “smart sanctions” on Iraq, a new design of the sanctions regime which was eventually implemented in 2002². I was therefore intimately involved in the design and maintenance of UN sanctions on Iraq during this period. It should be noted too that during this period the UK and US worked very closely together in all aspects of Iraq policy on the UN Security Council, and elsewhere. I took part in the regular and detailed consultations on Iraq policy between the UK and US governments; my American colleagues and I worked in close cooperation on the Security Council.

B & C: Lessons from the oil-for-food scandal and implications for future UN sanctions regimes

4. The OFF program was a huge (some \$60bn in total) and complex program which lasted for many more years than initially planned (when originally conceived, sanctions were expected to endure for no more than a few years). Its full effects and ramifications have not, in my view, been sufficiently or fully researched. The Volcker inquiry provides some well-researched, careful and balanced analysis of the program, and in particular the UN management of the program, but – despite its length – it is by no means comprehensive.
5. Nevertheless, from the evidence so far available, which is considerable, it is possible to draw some important lessons for the future:
6. First, and most important, the humanitarian impact of sanctions should be carefully considered in the design of any sanctions regime. There is no doubt that the combination of sanctions and Saddam’s manipulations of the OFF program together contributed to considerable suffering and distress among ordinary Iraqis during the sanctions years. During my years working on sanctions, I met innumerable international humanitarian groups and ordinary Iraqis who testified to the deleterious effects of sanctions. The OFF program was designed to

² In general terms, from 1990 onwards all imports and exports were prohibited to and from Iraq except those goods which were explicitly allowed by the 661 Committee. The smart sanctions concept, which was developed – tardily – in response to concern at the humanitarian effects of sanctions, reversed this system to allow Iraq to import all goods except those explicitly prohibited on a list agreed by the Security Council. It took many months, if not years, to agree in the UNSC was only implemented in 2002.

ameliorate this suffering but by the time it was implemented (in 1996) already enormous damage had been done. Thanks to the unreliability of Iraqi statistics in this period, we will never know true effects. But the consensus is clear among NGOs and Iraqis. The weight of evidence clearly points to the fact that sanctions caused massive human suffering among ordinary Iraqis, in particular children, and equally massive damage to Iraq's economy and civilian infrastructure, damage for which Iraq is still paying today. We – the US and UK governments who were the primary engineers and defenders of sanctions – were well-aware of this evidence at the time, but we largely ignored it or blamed all these effects on the Saddam government. While the Iraqi government did deliberately impede the full implementation of the OFF program (initially by failing to agree the program, and later for instance by interfering with distribution of goods or cutting off oil supplies to deny funds to the program), I believe that these manipulations account only for part of the damage done by sanctions. Sanctions effectively killed the Iraqi civilian economy, denying the entire population the means to live, and forcing them into dependence on UN and government-supplied rations. The effect of the import ban was primarily felt by the civilian population and not the government elites, who were insulated from any pain by illegal oil revenues and sanctions-busting imports. In other words, the sanctions affected precisely the wrong people. Not only was this a grave moral failing, but this also undermined the political support necessary to maintain sanctions (see below).

7. Related to this, the second important lesson is that any sanctions regime should be carefully targeted on those whose behaviour sanctions are trying to affect. Sanctions on Iraq were successful in many significant ways. They prevented Iraq from significantly rearming with either conventional or unconventional weapons. During the period I worked on the subject, it was the private and considered view of both the UK and US governments that Iraq had no substantial WMD stocks or the means to deliver them. We believed that sanctions had prevented any substantial rearmament by Iraq. And in these terms, sanctions were a success in effecting the US/UK strategy of “containment”. But, in terms of their stated goals (as elaborated in the Security Council resolutions, and in particular resolution 687), they were only sporadically effective in forcing the Saddam government to comply with Iraq's obligations to cooperate fully with weapons inspections and fully verify its disarmament of WMD. In other ways, sanctions had perverse effects. The Saddam government used sanctions to portray Iraq as a “victim” of unfair US policies, and to portray Saddam Hussein himself as a heroic rebel against western hegemony. Moreover, the design of the OFF program reinforced the government's control over its population. It did this in two ways: firstly, as sanctions had largely destroyed the non-government civilian economy, ordinary people were denied the means to support themselves, making them dependent on UN and government-distributed rations; secondly, the OFF program was obliged to rely on the government to distribute goods under the program to civilians. This delivered an enormous power to the government, courtesy of the UN Security Council. In the UK and US governments, we were fully aware of this deficiency but did nothing to amend it.

8. Third, to be effective, sanctions regimes must be properly supervised and policed. Modern economies are complex. There are innumerable ways in which governments or officials can evade sanctions. The Volcker Report and the Iraq Survey Group's report both describe in detail the many ways that the Saddam regime illegally imported prohibited goods and illegally exported oil, outside of the UN escrow account. The principal source of illegal revenue for the Saddam regime was not, as is commonly believed, abuse of the OFF program (eg through false pricing or "kickback" bribes from suppliers). Instead, the major source of illegal revenue was oil exports outside of the program, in particular to Turkey, Jordan, Syria and through the Gulf to other recipients. These illegal exports amounted to an estimated³ \$12bn, far exceeding the approximately \$1.75bn the regime gained from abuse of the OFF program. The Saddam government was assisted in this source of illegal revenue by its neighbours, above all Jordan, Turkey and Syria, who allowed and in some cases (particularly Syria) facilitated the exports and sometimes themselves purchased the illegally-exported oil.
9. Again, both the US and UK governments were aware of this activity (though we underestimated significantly its true scale), but effectively turned a blind eye to it, since both Turkey and Jordan were seen as "allies". Officials in both governments on several occasions tried to persuade our governments to take more robust action to stop these illegal exports. But we were not successful. Both the US and UK governments will now argue that they tried to take action on this smuggling and were blocked by French and Russian obstruction in the Security Council. This was true, but it was not the whole truth. In reality, the US turned a very deliberate blind eye to smuggling by Turkey and Jordan in particular, but also the Gulf states. The Iraq Survey Group estimated that most of approx \$12bn in illegal revenues came through the so-called trade protocols with Jordan and Turkey. It would not have required Security Council agreement to persuade the Turks or others of Iraq's neighbours (who at the end of the day were dependent on the US for their security) to stop the smuggling. It would have required a sustained and energetic diplomatic campaign, supported by technical expertise on border monitoring, controlling goods going into and out of Iraq and the tough and complicated work to target Saddam's illegal overseas financial holdings. This was never done. Not only would such a campaign have increased the funds available to the humanitarian program, but it also would have removed the means on which the Saddam regime relied to pay his troops, build his palaces and, to the limited extent that he did, rearm. Without this illegal income, the regime would have been severely weakened and perhaps would have collapsed. This can now never be proved, but such a policy could have provided an alternative to war.
10. Fourth, and following the point above, any sanctions regime, but particularly massive and complex regimes of the kind imposed on Iraq require an enormous amount of official work to monitor, amend and supervise. Although the UK and

³ Estimates taken from the US government Iraq Survey Group, whose figures are roughly consistent with the Volcker report.

US devoted more staff to Iraq sanctions than most countries, I now believe that our resources were inadequate to the enormous and complicated task before us. Volcker took 18 months, spent around \$35m and employed approximately 100 experienced investigators to perform his investigation. In both the US and UK governments, the number of officials working directly on sanctions/OFF issues was no more than a handful. Maintaining any sanctions regime requires a constant and detailed effort, involving many wings of government, as many strands of policy must be brought together, including intelligence, diplomacy, and technical assessment (e.g. of the complicated technology of so-called “dual-use” goods). We should have established a multi-disciplinary unit of this kind. Instead, both governments relied on a scattered group of officials, who worked hard but whose efforts could have been much more effectively coordinated.

11. Connected to this point is the role of the UN. The Volcker Report has comprehensively described the many failings of the Office of the Iraq Program (OIP), the UN body which ran the OFF program. Significantly, Volcker said that the failings of the OIP were typical of broader problems within the UN. The UN itself must bear considerable blame for those failings. There is much to do to remedy and improve management culture and oversight in that body. Reform is underway. The world needs an effective and respected UN: we should all therefore hope and ensure that these reforms are implemented and are successful in producing a transparent, incorrupt and efficient UN. But there are lessons for our own governments too, in this case the US and UK. In retrospect, the member states should have done much more to supervise the OIP and OFF programs. While we were at the time aware of some of the problems in the program, for instance kickback payments by suppliers, we did little about them. One clear lesson from the OFF debacle is that those states which care most about such things (in this case the US and UK) must intrude into and interrogate more aggressively the UN bodies charged with implementing such programs.
12. The Volcker inquiry revealed that some 2200 companies internationally were involved in illegal dealings with Iraq both under and separately from the OFF program. Some of these companies were American, others were British. The responsibility to investigate and supervise the activities of these companies fell and falls to national governments, not the UN. In most cases, our governments approved and authorised these companies to do business under the OFF program. Clearly, in retrospect, our governments should have done more in way of supervision of the companies involved (for instance, by examining their accounts, interviewing company officials etc) to prevent and investigate any illegal activity. It is not clear that even today, after the Volcker inquiry, all wrongdoing by these companies will be investigated and, where necessary, punished.
13. Fifth, to be effective any international sanctions regime must enjoy broad political support. By the time I worked on Iraq in the UN Security Council in the late 1990's, sanctions were widely seen in the international community as unfair and cruel punishment on the Iraqi people. The evidence of humanitarian distress was

mounting. US and UK arguments to sustain sanctions, on the grounds that Iraq had not fully complied with its obligations to disarm, were seen as poorly-founded and were undermined by statements, for instance by then-President Clinton, that sanctions would be maintained as long as Saddam remained in power i.e. by implication that sanctions would remain even if Iraq fully complied. Weapons inspections were seen as increasingly nugatory: after the mid-1990's the inspectors found no substantial stocks of illegal weapons, but were instead engaged in a confrontational and aggressive cat-and-mouse game with the Iraqi government. We maintained (correctly) that Iraq had failed fully to account for its past WMD holdings or provide full access to its WMD sites or personnel. But by many this was seen as insufficient grounds to maintain comprehensive economic sanctions. Therefore, we had more and more difficulty passing resolutions in the Security Council to maintain the pressure on Iraq. Although there was little chance of sanctions being lifted (which would have required a resolution of the UNSC which we could veto), there was dwindling enthusiasm for their maintenance. France, Russia, China and others (many of whom had significant economic interests in Iraq) became more and more vociferous in attacking sanctions and urging that Iraq be "rewarded" for its progress in disarmament so far (for example, in the nuclear "file", where Iraq had by 1999 substantially cooperated with the IAEA). Sanctions-busting, such as allowing flights to Iraq, became more egregious. Any pressure we put on Iraq's neighbours to comply with sanctions (which was in any case sporadic and inconsistent) was often ignored. The Saddam government began to claim that sanctions were crumbling and it was the US and UK, not Iraq, which faced diplomatic isolation. It took the threat of invasion in 2003 for Iraq finally to accept UNMOVIC, the UN weapons inspection agency, and at last cooperate in the Security Council's demands.

14. In relation to this point, sixthly, it can be seen from the above that support for sanctions, and thus their effectiveness, in any particular case, is related to whether they are seen internationally as legitimate. At their outset in 1990, comprehensive sanctions were widely regarded as a proportionate response to Iraq's illegal invasion of Kuwait. But as time went by, and the humanitarian damage wrought by sanctions became clearer (and as Iraq complied to some extent, but never fully, with its disarmament obligations), international support waned. By contrast, in the case of sanctions on Libya (imposed after the indictment of two Libyan agents for the Lockerbie bombing), which I also worked on in the UN Security Council, sanctions were much more narrowly targeted (an arms embargo, and bans on flights and associated aviation activities). Although Libya complained loudly at the "injustice" of sanctions, and attempted to claim that they were causing humanitarian damage, the Security Council maintained the sanctions with fewer breaches and greater political pressure on Libya to comply (though even here it took a major change in the terms of compliance for Libya eventually to comply).
15. There is a broader argument here. The UN Security Council, where UN sanctions regimes must be agreed, is not a court of law. It is a deeply political body where

decisions are made only partly on the basis of what is right, but more on the basis of who has most power and influence. No one issue, whether Iraq, Iran or Sudan, is seen in isolation but as part of a complex power-play of how the world should be arbitrated. In the Council, you have to cajole, persuade and sometimes (if necessary) bully in order to get your way. Perceptions of any country's standing and integrity form part of that power to influence. During my spell on the Council, and to this day, American (and British) standing and influence in the Security Council has been consistently undermined by what many see as US (and British) "double standards" over the Middle East, and in particular Israel/Palestine. Many countries, and not only Arab countries, felt that the US demanded compliance with the resolutions to the letter by Iraq, while punishing its civilian population. Meanwhile, it was felt, the US allowed Israel to ignore Security Council resolutions (242 and 338 in particular) which demanded that it relinquish the Occupied Territories. This perception continues to weaken American and British arguments today, over Iran or Sudan, that the Council must stand up for international law and right. In the Security Council, it is naïve, in the case of Iran, Sudan or elsewhere, to pretend that American or British wishes or arguments will be seen in isolation.

Carne Ross
30 April 2006

Attachments:

1. Washington Post op-ed, 30 March 2006 "Could sanctions stop Iran?" by Carne Ross
2. The Times (UK) op-ed, 27 May 2005 "One clear way to have prevented the war" by Carne Ross
3. Financial Times article 29 January 2005 "War Stories" by Carne Ross

Could Sanctions Stop Iran?

Recent History Suggests That the Prospects Aren't Good

By Carne Ross

Washington Post, Thursday, March 30, 2006

Now that the U.N. Security Council has agreed on a statement demanding that Iran restrict its nuclear program, the United States and its allies are doubtless considering tougher measures, including sanctions, to force Iran's compliance. The experience of sanctions imposed on Iraq (and on other countries), which I helped engineer and maintain as a British diplomat at the Security Council, offers some lessons.

First, no sanctions regime is effective unless its objective is widely shared, especially by the neighbors of the targeted state. On Iraq, even though the United States and Britain managed, through strenuous diplomatic effort, to gain Security Council approval of sanctions, there was considerable evasion of the sanctions by Iraq's neighbors and others, for whom their economic welfare was more important than the goal of disarming Iraq. Even if China and Russia do not block any sanctions resolution on Iran, no resolution will be effective unless they and other states choose to enforce the sanctions.

Second, oil sanctions are a double-edged sword. In the latter years of the 12-year sanctions regime on Iraq, Saddam Hussein often threatened to stop Iraq's oil exports in order to deter the United States and Britain from imposing measures in the Security Council to thwart his sanctions-busting techniques. Then as now, the gap between global oil demand and supply was so small that even the threat of stopping Iraq's exports caused damaging spikes in global oil prices. Any attempt to block or limit Iran's oil exports would surely have similar effects.

Third, even the most aggressive sanctions regimes, such as comprehensive economic sanctions, tend not to achieve their desired effects. While they were in effect, sanctions on Iraq prevented it from rearming -- despite the claims of the U.S. and British governments before the 2003 invasion. But the sanctions did not force Iraq to comply fully with the United Nations' weapons inspectors. It finally took the threat of invasion for Iraq to cooperate with the inspectors in the months before the war.

Instead, comprehensive sanctions caused considerable human suffering in Iraq and, thanks to the control over food rationing that the oil-for-food program placed in the regime's hands, they arguably helped reinforce Hussein's rule. This mistake must not be repeated.

Fourth, any sanctions regime requires a long-term, patient and detailed effort to succeed. Sanctions on Slobodan Milosevic's Yugoslavia were effective partly because the United States and the European Union devoted considerable resources to targeting Milosevic's illegal financial holdings. Although there was lots of rhetoric, and American ships patrolled the Persian Gulf, sanctions enforcement on Iraq was sporadic, as the United States and its allies allowed Iraq's neighbors, particularly Jordan and Turkey, to import

oil illegally. It's hard to believe that support for sanctions against Iran, even if they were imposed, would endure for very long.

Sanctions on Libya, imposed in 1992 after the bombing of Pan Am Flight 103 over Lockerbie, Scotland, were more effective in part because they were more limited. The U.N. ban on arms sales and air travel to Libya was seen as measured and commensurate pressure on Moammar Gaddafi to comply with the Security Council's demand that two Libyan agents accused of planning the bombing be handed over for trial. Even then, it took many years before Libya complied. Here there is a lesson that sanctions, when supported politically and patiently applied, can eventually work. Perhaps here there is scope for something that could work with Iran: a package of travel bans and financial measures targeting Iranian leaders. Targeted sanctions are, after the Iraq experience, now the fashion.

But there is one big reason why any U.S. effort to obtain sanctions against Iran is unlikely to be effective. All U.N. sanctions in the past have been imposed on governments that have done something seriously wrong -- such as invading other countries (Iraq) or brazenly hosting terrorist organizations (the Taliban). The claim that Iran might be developing a nuclear bomb hardly meets this standard, particularly because Pakistan and India got away with it (and with U.S. sympathy) and because U.S. intelligence assertions on weapons of mass destruction are, thanks to the Iraq experience, thoroughly disbelieved. Unless Iran is silly enough to do something such as testing a bomb (which is not very likely), there will probably not be sufficient international support for punitive measures.

All of these reasons suggest that sanctions, as a policy option, are far from straightforward. Without troublemaking from Iran (which perhaps the United States is hoping for), they are unlikely to be agreed to under the current circumstances, and even if they are, they will succeed only if they are very carefully designed, targeted and supported by long-term and diligent diplomacy to shore up support.

The writer is a former diplomat who served in Britain's delegation to the United Nations from 1998 to 2002. He is now director of Independent Diplomat, a nonprofit diplomatic advisory group.

The Times, May 27, 2005

One clear way to have prevented the war

CARNE ROSS

Britain and America made the fatal mistake of doing little to stop Saddam's blatant smuggling of oil

THE SPECTACLE of George Galloway being rude to senators in Washington may be entertaining, but one week on, it has shed no light on the complex story of what went on under sanctions against Iraq. The many congressional committees investigating the Oil-for-Food scandal seem more intent on finding scapegoats (even if they may be guilty) than understanding what really went on, let alone seeking lessons for the future.

Having worked for many years (1998-2002) on Iraq at the UK Mission to the UN, I realise that simple accusations — blame Galloway, blame the Americans or blame the UN — conceal more complex truths.

To start with, there seems to be continuing confusion over who was responsible for what — between the Oil-for-Food programme (the UN-administered programme whereby Iraq was permitted to sell oil then purchase humanitarian supplies with the proceeds) and sanctions, which prohibited Iraq from importing or exporting anything other than goods approved by the UN Sanctions Committee. The committee itself was composed of members of the UN Security Council, which was ultimately responsible for supervising the Oil-for-Food programme and policing sanctions.

The thorough and non-partisan UN-commissioned inquiry led by Paul Volcker so far has uncovered troubling evidence of mismanagement (and some wrongdoing) in the Oil-for-Food programme. And it's right that this should be laid at the door of the UN Secretariat: it ran the programme. The programme was not a disaster; it helped a great many, but clearly it should have been more tightly run. There are echoes of this management culture elsewhere in the UN. There is much to repair.

But Volcker, whose full report is due soon, has yet to find any evidence of widespread misuse of funds under the programme or evidence that UN officials connived to allow Saddam to get illegal revenue. It is grotesque to argue, as some have in Washington, that the UN helped to keep Saddam in power, or that they denied help to the Iraqi people.

What kept Saddam in power (and denied funds to his people) was his widespread smuggling of oil through Turkey, Syria and the Gulf (and the semi-authorised oil protocol with Jordan). The revenues accrued in this way were many times greater than any corruption within the Oil-for-Food programme. Here the culpability is more widely shared: it was primarily the responsibility of the neighbours

themselves to respect international law and the sanctions, but it was also the responsibility of the Security Council, as the body which imposed sanctions, to ensure their effectiveness.

In the Security Council and sanctions committee, the US and UK made many attempts to tackle this smuggling. We were repeatedly thwarted, principally by Russia and France, who discounted our evidence and argued that further restrictions would increase the human suffering in Iraq (a false argument if the controls were properly designed).

But while we banged the table in stuffy New York negotiating chambers, Washington and London did precious little to back up our efforts. There were occasional *démarches* by our embassies in the region, but very little in the way of heavyweight or sustained diplomatic pressure.

High-level visits to these neighbours would come and go; only rarely was sanctions-busting raised (and usually at the bottom of the agenda). No wonder that the neighbours got the message that we didn't really care.

On several occasions some of my colleagues, American and British alike, and I tried to persuade our governments to set up monitoring mechanisms, to engage in a comprehensive lobbying effort with all the neighbours or to attempt to freeze Saddam's extensive overseas financial assets — his bank accounts secreted in many different countries — requiring a forensic effort to track them down. We didn't need Security Council agreement to do this. But action on this front was, at best, sporadic.

The reasons for this failure were complicated. The US and UK never resolved the conundrum whereby the neighbours — especially Jordan — needed this trade to maintain their economies, but that the revenues equally sustained Saddam. A policy to tackle the illegal trade would have needed to be fair to all the neighbours, to encourage their compliance. And it would have required a detailed, long-term and continuing effort to be successful. Foreign policy decision-making, especially in our hectic world, does not do this kind of policy well.

There were always more immediate priorities. As a result, it was never executed. So Saddam's regime lived on, resisting its international obligations, and his people suffered for 12 long years.

Had there been a sustained campaign against smuggling, not only would the illegal revenues have instead gone into the humanitarian programme for the Iraqi people but there would have been a real chance to undermine the Saddam regime by denying him the funds that sustained it. Saddam had no other source of revenue. The horse has long bolted but this policy, if properly pursued, would have offered a real alternative to military action. It is a pity that not one tiny part of the effort later devoted to war was given to this alternate course. The cost in blood and treasure would have been a

great deal less.

But now it is all over, there are lessons for us all. While the UN is having its nose rubbed in its misdoings, the member states of the Security Council must shoulder the blame too: all should have done more to police sanctions, deny Saddam illegal funds and allow sanctions to do their job: pressure the regime to disarm.

In the end though, there is one lesson that should give the most pause. Comprehensive sanctions undoubtedly caused immense suffering in Iraq. The Oil-for-Food programme did something to help but it was too little, too late. Saddam's obstruction of the programme of course hindered this help, but the effects of the sanctions were cruel and hit the wrong people: the civilian population of Iraq, instead of the leadership they were intended to sway. We, the UK and

US, who were the ultimate enforcers of sanctions, were too indifferent to this reality and did too little to address it. This undermines our claim, then and since, that the Iraqi people were our first concern: they were not.

In all the finger-pointing in Washington, this most crucial aspect is invariably missing. Perhaps we should take Iraqi suffering as our reference in future reflections on this history. Only then might we learn the most important lessons.

The author resigned from the Foreign and Commonwealth Office in September 2004



War stories

By Carne Ross

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Nearly two years after the United States and Britain invaded Iraq, the world remains polarised over the war. Supporters thought the war necessary, while many opponents believe a false case was deliberately manufactured for it.

This allegation has been reinforced by the discovery of a putative intellectual justification for such deceit, the idea of the “noble lie” propagated by the late University of Chicago philosopher Leo Strauss, one of the strongest intellectual influences on the neo-conservatives. According to Strauss, elites in liberal societies must sometimes create “myths” to hold those societies together, for fear that they would otherwise collapse through selfishness and individualism.

One such myth is the enemy, the threat, the identification and combating of which forces the society to cohere and unite. Once that enemy was the Soviet Union and communism; today it is al-Qaeda and Saddam Hussein’s weapons of mass destruction.

This is a big allegation and it is a toxic dispute, poisonous to both domestic and international reputations, cause of both angry accusation and equally bitter rebuttal. But perhaps another part of the Iraq story - that of sanctions - can help throw light on the argument.

It was a story in which I was intimately involved: I was, from 1998 to 2002, the British “expert” on Iraq for the UK delegation to the UN Security Council, responsible for policy on both weapons inspections and sanctions against Iraq. My experience in those years and what happened subsequently is in part why I recently resigned from the Foreign Office.

Opponents of sanctions argued that they were unjustified and caused immense human suffering in Iraq. Iraq had demonstrably disarmed; the weapons inspectors’ endless probings and questions were nugatory. The counter-arguments were plausible: Iraq had failed on many occasions to co-operate fully with the weapons inspectors, leaving important questions unanswered; Hussein obstructed the operation of the UN’s oil-for-food programme, which was designed to lessen the humanitarian suffering. In northern Iraq, where the UN, and not Hussein, fully controlled the programme, all indicators showed the positive benefits of the programme in health, sanitation, education and the like.

It was my job to cull and collate the innumerable statistics, reports and testimonies in support of this latter version of the story and to deploy them in speeches and debates in the Security Council. On the other side of the table, the diplomats opposing sanctions - led by Russia and France - could cite myriad reports detailing the suffering under the

sanctions regime and the inequities of the oil-for-food programme. They could provide convincing arguments that the north received an unfair share of oil-for-food funds. Like me, they could deploy an arsenal of facts and details to validate their version of “the truth”. But, oddly, they often cited the very same reports that I did, for the UN reports provided ammunition for both sets of arguments.

It was, of course, a complex story that we managed to divide into two distinct and opposing narratives. The atmosphere between the delegations on the Security Council was aggressive and adversarial, as it remained until - and after - the invasion. Political divisions were allowed to degenerate into personal animosities. The Council, its chambers and corridors became a diplomatic battlezone where the more we fought, the more we entrenched our positions into competing blacks and whites. Thus were we able to obscure the more complex, deeper and more important truth, perhaps even the truth.

This was only slowly revealed to me by the many humanitarian workers, UN officials and ordinary Iraqis, including opposition members, who actually lived and worked in Iraq rather than those who wrote or read reports about it. Their human testimony was in the end infinitely more eloquent and convincing, in the main because all of them, without exception, said the same thing. And this was that there was undoubted human suffering in Iraq, of a quite appalling scale, and that not enough was being done - by anyone - to address it. Put this question to a British minister today and he or she will tell you that we tried to ease the impact of sanctions, but it is clear now, and frankly it was clear then, that it was much, much too little, too late. We - the US and UK - could have done a great deal more. Meanwhile, the Russians, French and others in the Security Council could have done a lot more to help control illegal smuggling by Iraq (the main sustenance of the Hussein regime and itself something that reduced the funds for humanitarian supplies) and to support the weapons inspectors.

This example illustrates how governments and their officials can compose convincing versions of the truth, filled with more or less verifiable facts, and yet be entirely wrong. I did not make up lies about Hussein’s smuggling or obstruction of the UN’s humanitarian programme. The speeches I drafted for the Security Council and my telegrams back to London were composed of facts filtered from the stacks of reports and intelligence that daily hit my desk. As I read these reports, facts and judgments that contradicted “our” version of events would almost literally fade into nothingness. Facts that reinforced our narrative would stand out to me almost as if highlighted, to be later deployed by me, my ambassador and my ministers like hand grenades in the diplomatic trench warfare. Details in otherwise complex reports would be extracted to be telegraphed back to London, where they would be inserted into ministerial briefings or press articles. A complicated picture was reduced to a selection of facts that became factoids, such as the suggestion that Hussein imported huge quantities of whisky or built a dozen palaces, validated by constant repetition: true, but not the whole truth.

It is clear from the evidence available that something similar went on with the question of Iraq’s weapons. This neither confirms nor fully refutes the “noble lie” thesis of deliberate

deceit. But, rather, it suggests a more complex and subtle, and if anything more disturbing, story.

Here the basis of evidence was not UN, NGO or other reports on sanctions or sanctions-busting, many of which suffered their own peculiar biases and flaws, but a resource that is unavoidably unreliable, namely secret intelligence. Particularly after inspectors were withdrawn in late 1998, the available intelligence on Iraq was severely limited. Whatever Hussein had or did, he concealed under roofs or underground, and there is no aircraft or satellite camera yet invented that can penetrate there.

Both the US and UK were thus forced in large part to rely on that most unreliable reporter of facts - human beings (or "humint" as it is known). In addition, there was the expert knowledge of the many inspectors who had visited Iraq's WMD sites and had spoken with Iraqi officials and scientists. Despite these difficulties, the picture that emerged in the late 1990s and into 2002 was reasonably consistent.

This was that Iraq was not rearming to any great extent, that there were still questions about its disposal of past stocks of weapons but, in summary, that the policy of containment was working. Inevitably, there were unanswered questions - unconfirmed reports of attempted imports of dual-use materials that might be used to produce WMD and possibilities that the unaccounted-for dozen or so Scud missiles might still exist and be reassembled (not one has been found postwar). But there was nothing that would suggest significant rearmament or intent to attack Iraq's neighbours, let alone the UK. The Butler report gives a similar account.

Yet, by September 2002, both the US and UK governments were claiming that Iraq was a significant threat, citing clear and authoritative intelligence evidence of rearmament and attempts to acquire nuclear, biological and chemical weapons. The US government went further, suggesting that Hussein, al-Qaeda and 9/11 were somehow connected. Bush began to juxtapose al-Qaeda and Hussein in adjacent sentences, never quite claiming a proven connection, but deliberately implying some kind of link. The implication, still repeated to this day by members of the Bush administration, was refuted by the 9/11 Commission. Even at the time of the war, Britain's Secret Intelligence Service (SIS) let it be known publicly that there was no foundation to this suggestion.

In *The Structure of Scientific Revolutions*, Thomas Kuhn cites a number of studies where scientists with different paradigmatic views observe different patterns in the same data - what he calls a switch in the visual gestalt. For example, looking at a contour map, a student sees lines on a paper, a cartographer a picture of terrain. Only once trained will the student see the same as the cartographer, even though the data he is observing have not changed.

Both the British Prime Minister, to the Butler review, and Defense Secretary Donald Rumsfeld have admitted publicly (long after the war) that what changed before the war was not the evidence of Iraqi weapons but, in the new post-9/11 light, the appraisal of that evidence. The Prime Minister told the Butler review: "after September 11th it took

on a completely different aspect... what changed for me with September 11th was that I thought then you have to change your mindset... you have to go out and get after the different aspects of this threat... you have to deal with this because otherwise the threat will grow... “

This rings true and is understandable. An event of the horror and magnitude of 9/11 should have changed our appreciation of the dangers of WMD and non-compliance with international law. It represented, for good or ill, a paradigm shift in the way our leaders saw the world. But it appears that not only did the appraisal change but, crucially, so did the presentation of that appraisal, and the evidence justifying it, to the public.

There were no doubt other factors at play. There is a tendency in government to see intelligence material as being at the pinnacle of the hierarchy of information. Awash with information, government reifies the skill of abstracting the core from the mass (indeed it is a skill tested in the entrance exams when you join, for instance, the Foreign Office). Unlike the voluminous flow of diplomatic telegrams, memos and open-source information that hits computers on desks across government every day, intelligence arrives in slim folders, adorned with colourful stickers announcing not only the secrecy of the information therein but the restricted circulation it enjoys. The impression thus given, a product of these aesthetics, is of access to the real thing, the secret core denied to all but the elite few.

History gives an interesting example of this phenomenon, namely the case of the Zinoviev letter. In 1924, Britain's Foreign Office was sent a copy of a letter, purporting to come from Grigori Zinoviev, the president of the Soviet Comintern, addressed to the central committee of the Communist Party of Great Britain. The letter urged the party to stir up the British proletariat in preparation for class war. The letter then appeared in the press, causing immense political and diplomatic repercussions. It was a major embarrassment for the Prime Minister, Ramsay MacDonald, and the governing Labour Party. The opposition Conservatives won the general election four days later. Relations between Britain and the Soviet Union soured, and Anglo-Soviet treaties were abandoned.

Only in 1999, when the then Foreign Secretary Robin Cook ordered an investigation of Britain's official archives, was it confirmed that the Zinoviev letter was a fake. The fake was believed as genuine by the Foreign Office, the archives revealed, because it came from the Secret Intelligence Service (this an observation from the Foreign Office's own archival investigation).

An additional factor in Iraq was also that many of the human sources of intelligence had an understandable interest in exaggerating what they were reporting, not least because they wanted to encourage the overthrow of a regime they hated. The role of the Iraqi National Congress, the key Iraqi opposition group before the war, in providing “humint” is now well-known. But, interestingly, the Butler inquiry discounts this factor, instead pointing to the SIS's failure to properly validate its sources, the long reporting chains and the sources' lack of expertise on what they were reporting.

Back in the capitals, there is meanwhile an invisible undertow at work on the civil servants who collate and analyse this information. If ministers want a particular story to emerge, it has a way of emerging: the facts are made to fit the policy. It takes a brave if not foolhardy civil servant to resist this tide. This is not to claim that there was some secret cubicle in Whitehall (or Washington) where evidence of Iraq's weapons was deliberately fabricated, but something more subtle. Evidence is selected from the available mass, contradictions are excised, and the selected data are repeated, rephrased, polished (spun, if you prefer), until it seems neat, coherent and convincing, to the extent that those presenting it may believe it fully themselves.

All of these reasons will have contributed to a considerable bias in the information that the government received and the analyses then produced on Iraq's WMD. All of these reasons should have inspired caution; any assessment based on such information should have been heavily caveated. But, as the Butler report relates, instead of transmitting these caveats in its public presentations, such as the infamous Number 10 dossier, the government left them out. What was broadcast to the public was in effect not the summit of a hierarchy of information but a selection from a spectrum of information, a spectrum that ranged from the well-established to the highly speculative, and the selection came from the wrong end. Just as I once produced one-sided arguments to justify sanctions by ignoring all contrary evidence, the government produced a highly one-sided account of inherently unreliable information.

Of course governments in all democracies present one-sided accounts of policy. Economic statistics are always presented with the positive numbers in the forefront, the negative sidelined to footnotes or ignored. Civil servants are highly skilled in slanting information in this way. But there should be limits. When seeking to justify military action, the government has a duty to tell the whole truth, not just a partial account of it.

Something else was going on too. As the drums of war beat louder in Washington, both the US and UK governments became more strident in dismissing containment or other alternatives to all-out invasion. Bush declared sanctions as full of holes as Swiss cheese; the Prime Minister even once, bizarrely, argued that military action was preferable to the distress caused by sanctions. Sanctions were crumbling, the public was told (and still is today). These governments gave the impression that all alternatives had been exhausted; war was the only option.

This was not in fact the case. There was a viable alternative. Effective action to seize Hussein's illegal financial assets and block oil smuggling would have denied him the resources which sustained his power. Sanctions on the regime, and not its long-suffering people. This alternative was, unfortunately, for many years before the war never pursued with the necessary energy or commitment. The reasons for this are not immediately obvious.

Such a policy would have required consistent pressure across the region, applied to all of Iraq's neighbours. And, for different reasons in each case, it wasn't pursued with sufficient vigour. Senior envoys and ministers only rarely or half-heartedly mentioned

smuggling in bilateral contacts, thereby implying toleration. Gradually it came to be understood that certain of Iraq's neighbours were "allowed" to import illegal oil, undermining attempts to deal with even the most egregious sanctions-busters.

Meanwhile, back in the Security Council, any attempt we made to propose collective action against smuggling was invariably blocked by France or Russia, on the alleged grounds that there was insufficient proof of the smuggling, or that such action might further harm Iraq's people. I lost count of the number of times we inserted provisions for sanctions-monitoring units, or other exhortations for action, into draft Council resolutions, only to have diplomats from these countries strike them out in negotiation (as veto-wielding permanent members, their acquiescence was essential to every dot and comma). The US and UK governments now like to claim that this was the reason sanctions failed (when in doubt, blame the French); some even claim that the UN itself connived at corruption to benefit Hussein (an allegation for which so far there is scant evidence). But, in truth, we too exerted precious little energy to enforce controls. While in New York we argued ourselves hoarse in negotiation, Washington and London rarely lifted the diplomatic equivalent of a finger to pressure Iraq's neighbours to stem the illegal flows.

An effective anti-smuggling policy would have required an over-arching and long-term strategy, addressing problems - ranging from illegal bank accounts to cross-border oil smuggling - in a variety of different areas. Such a strategy was never implemented. Instead there were piecemeal and ineffective efforts.

I suspect that the reason for this perhaps lies in the universal human truth that what can be left until later usually is, until it is too late. The policy was difficult, complex and unfashionable, demanding extensive study to master and discuss, a luxury busy ministers and senior officials do not enjoy. It was never the first or most glamorous priority, so it was allowed to slide.

In the end, when contrasted with the complexity and uncertainty of the alternatives, war may have seemed simpler. In the strange way that governments are swept along by events without properly stopping to think, war came to be seen as the only viable course, a current strengthened in Britain no doubt by the clear determination in Washington, now amply chronicled in Bob Woodward's *Plan of Attack*, to pursue conflict.

It would undoubtedly have taken considerable political and diplomatic effort to corral Iraq's neighbours and other states into this alternate course. It would not have had the binary clarity of winning or losing a war (though this war seems neither won yet, nor lost). But this effort would have certainly been less than that of going to war, and it had the real potential to remove the regime by cutting away the funds that sustained it. Above all, this approach would not have incurred the sacrifice of Iraqi and British and American, and other, lives.

If Iraq was not a threat and not collaborating with terrorists, why did the Bush and Blair governments go to war? Several plausible explanations have been offered by others: the

US administration's need, after 9/11, to demonstrate its power - anywhere, anyhow; a "mission civilatrice" to democratise the world by force, an impulse given strength by the vigorous and forceful lobby of the Iraqi opposition. But less credible, given the record on sanctions, is the claim that the welfare of the Iraqi people was the primary concern.

Another possible explanation lies in the more sinister motives of oil and its control. The prospect of Iraq's huge reserves (the second largest in the world) hung in the air throughout policy deliberations in the years before the war. It was well-known that Hussein had allocated all the massively lucrative post-sanctions exploration contracts to French, Chinese, Russian and other non-US and non-British companies (and it bothered the companies a lot, as they would tell us). It is hard to believe that the immense potential for money-making and energy security did not exert some pull in the decision to invade, but the evidence for a Chomskyan sort of conspiracy led by Big Oil is hard to come by. But again, we do not know, because we have not been told. Instead we were given not the "noble lie", but the somewhat less-than-noble half-truth. The full answer will perhaps be revealed by the chief protagonists in years to come. For now, all we can know for sure is that the empirical reasons these governments have given so far simply do not add up.

Perhaps, therefore, a non-empirical reason is at the heart of this. They did it because they thought it was right. Hussein was a bad man, a potential danger in the future (if not today). And this, if true, is a legitimate reason, or at least arguable. Unfortunately, it is neither the primary reason both governments gave the UN or their peoples for going to war (though Bush alludes to it with ever greater frequency, and Tony Blair has begun to do the same), nor is it justifiable in any canon of international law (although perhaps it should be).

And here we return to Leo Strauss: not to the "noble lie", but to his belief in "natural law", a fundamental, sometimes religious (though Strauss, I read, was an atheist) sense of right and wrong, a right and wrong superior to all other laws- including, it seems in this case, international law. Both leaders have said in the past that they believe in such rules, as I suspect do most of us in some way. And it is perhaps the readiness of electors, especially in the US, to accept this reasoning that lies behind the curious phenomenon that, although the evidence that these governments misled their populaces is now clear, neither Bush nor Blair appears likely to pay any long-term political price for it.

In the recent presidential elections the allegation of lying, noble or otherwise, and the decidedly ambiguous course of the resulting war, did not turn the people against their chosen president. His "natural law" argument - that it was right to remove Hussein - sufficed, even when the empirical evidence didn't. Tony Blair is no doubt hoping the same will be true when Britain goes to the polls.

Political theorists of the 21st century have much to feed on in this analysis: it is a story rich in paradox and contradiction, from which it is hard to divine rational inferences or laws. The governments did not manufacture lies, but neither did they tell the truth, even when they thought they did. These half-truths, moreover, bore no relation whatsoever to the real truth of what was actually going on in Iraq (no terrorists, no WMD). And in the

end, the electors, in the name of whose security and safety the whole exercise was undertaken, do not seem to care much either way. In this picture, it seems that neither Strauss nor Plato (who in fact originated the “noble lie”) nor anyone else is much guide. Things seem altogether less ordered and coherent than any logical analysis would have it. The key actors claim to have agency, to make rational decisions, but in fact are swept along by forces they cannot grasp. Laws of democracy and morality give way: the law of chaos instead must hold sway.

Here may be the biggest misperception of all, though not a lie, since it is hardly conscious. This is a misperception - a fiction, if you like - in which governments and governed collaborate alike, for to believe otherwise is too uncomfortable. And this is that governments, politicians and civil servants are able to observe the world without bias and disinterestedly interpret its myriad signs into facts and judgments (indeed, in the Foreign Office, telegrams are divided into these two very categories: “Detail” and “Comment”) with an objective, almost scientific rigour. The story of what these two governments observed, believed and then told their populations about Iraq suggests an altogether more imperfect reality.

Carne Ross recently resigned from the senior management structure of the British Diplomatic Service. He is now director of a new diplomatic consultancy, Independent Diplomat.