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Sanctions, Inspections, and Containment

Viable Policy Options in Iraq

by
*David Cortright,
Alistair Millar, and
George A. Lopez*

Policy Brief F3

A Project of the
Fourth Freedom Forum
and the Joan B. Kroc Institute
for International Peace Studies
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Preface

This study is a product of the Sanctions and Security project jointly sponsored by the Fourth Freedom Forum and the Joan B. Kroc Institute for International Peace Studies at the University of Notre Dame. The second in a series of policy reports on UN policy in Iraq, this study explores options for addressing the Iraqi weapons threat without resort to military force. Our investigation is prompted by the renewed commitment of Security Council members to maintain a regime of targeted, focused sanctions on weapons and other sensitive goods, while relaxing controls on civilian imports.

Recent events make this study timely. The unanimous adoption of Resolution 1409 establishes a new consensus in the Security Council for sustaining targeted sanctions until Iraq cooperates with UN weapons inspections. Our study examines the successes of past weapons monitoring and offers strategies for persuading Iraq to permit resumed inspections. It also outlines options for constructing a more effective system of military containment.

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Acronyms

BND	Bundesnachrichtendienst: German Intelligence Agency
GRL	Goods Review List
IAEA	International Atomic Energy Agency
NATO	North Atlantic Treaty Organization
OMV	Ongoing Monitoring and Verification System
SAMs	Sanctions Assistance Missions
UNMOVIC	United Nations Monitoring, Verification and Inspection Commission
UNSCOM	United Nations Special Commission

Executive Summary

U.S. military commanders are reportedly uneasy about a ground invasion of Iraq. Many U.S. allies and frontline states are also concerned about war in the region. These factors underscore the risks and uncertainties of using military force to topple the government of Saddam Hussein and make it incumbent upon U.S. political leaders to explore viable alternatives for resolving the Iraq crisis. This study outlines practical policy options for reducing and containing the Iraqi weapons threat without resort to armed force. It suggests steps for reformulating UN sanctions in Iraq. It proposes a diplomatic bargaining strategy for gaining Iraqi compliance with renewed UN weapons inspections. And it calls for the development of an “enhanced containment” system of financial controls and externally based border monitoring to limit Iraq’s military potential and prevent the regime from acquiring weapons of mass destruction.

Since weapons inspectors left Iraq more than three years ago, UN officials have been unable to determine the status of Iraq’s weapons programs. It is prudent to assume that Saddam Hussein is redeveloping his capacity to build weapons of mass destruction, but it is also important not to exaggerate Iraq’s capabilities. Previous UN weapons inspections destroyed most of Iraq’s prohibited weapons programs. More than a decade of sanctions have hampered the regime’s ability to rebuild its military capacity. There is time to resolve the Iraq weapons dilemma through diplomatic means or, failing that, to construct an effective military containment system.

In May the Security Council will have the opportunity to restructure sanctions and approve a new Goods Review List (GRL). Under the proposal to be considered in May, weapons imports would continue to be banned, and dual-use technologies on the GRL would be subject to review, but all other civilian imports would be allowed to flow freely into Iraq. Additional reforms the Security Council should consider include improving UN control of oil pricing and marketing, permitting controlled foreign investment, and lifting sanctions on non-oil exports.

The priority for U.S. policy should be working within the UN framework to return weapons inspectors to Iraq. Effective UN inspections offer the best hope for detecting and destroying Iraq’s weapons of mass destruction. The diplomatic key to persuading Iraq to accept renewed weapons inspections is a multilateral effective carrots-and-sticks bargaining strategy. A clear and unequivocal commitment to lift sanctions and revenue controls upon the certified fulfillment of the UN disarmament mandate could provide the necessary incentive to gain Iraqi cooperation.

Because the Baghdad government may not permit resumed UN weapons inspections, it will be necessary to create an externally based, vigorously enforced system of enhanced military containment to restrict the flow of weapons-related goods into Iraq. The goal of the proposed system would be to establish a long-term capability for blocking Iraqi rearmament through strict controls on the import of weapons and dual-use military goods. Building a visible and credible containment system might help to convince the Iraqi regime to accept the option of complying with UN weapons inspections.

An effective, externally based military control regime would depend on a multiple set of financial and technical restrictions and a significant political and diplomatic initiative to gain the cooperation of the states neighboring Iraq. UN financial controls would continue as means of preserving current restrictions on Iraq's ability to purchase military-related goods and weapons of mass destruction.

Border monitoring in Jordan, Syria, Turkey, and other neighboring states could be significantly strengthened through the deployment of an adequately funded, well-equipped, and professionally trained force of international inspectors. This would follow the model of the successful Sanctions Assistance Missions (SAMs) that were developed for the UN sanctions in Yugoslavia during the years 1993 to 1995. The installation of advanced x ray scanning technology would enable border monitors to inspect containers and trucks quickly and nonintrusively. An electronic pass system could be developed for humanitarian agencies and other trusted suppliers of civilian goods to enable quick border passage.

Creating an elaborate border monitoring system will require a major commitment of financial and political capital. Persuading neighboring states to cooperate will involve extensive negotiations, and a willingness to offer political assurances and economic incentives. By building upon political openings with countries in the region, the United States could forge vital political partnerships for a concerted diplomatic effort and cooperative border monitoring system to prevent Iraq from developing weapons of mass destruction.

Taken together the proposed measures offer an array of options for advancing international objectives without the risks of war. Further steps to reformulate sanctions, intensive diplomatic efforts to resume UN weapons inspections, and the creation of an enhanced containment system through revenue controls and strengthened border monitoring—these are the elements of a viable Iraq policy for the United States.

Introduction

Concerns are growing that Iraq may be rebuilding its capacity to develop and use weapons of mass destruction. After more than three years without UN inspections, the uncertainties and risks associated with Iraq's weapons programs have increased. The urgency of these issues has prompted widespread calls for the resumption of UN weapons inspections, and has led U.S. officials to threaten military attack. The U.S. threats are also motivated by a desire to overthrow the government of Iraq. Pundits in the United States have raised a chorus of calls for military action to topple Saddam Hussein.

Many leaders in the region support the goal of disarming Iraq, but as U.S. vice president Dick Cheney learned during his March trip to the Middle East, most of these same leaders oppose U.S. military action against Iraq. States in the region fear the consequences of a U.S.-led war, especially in light of the profound security crisis in the Middle East.¹ These realities suggest the need for viable alternative strategies to resolve the Iraq crisis and protect regional security.

This report presents policy options available to the United States for addressing security concerns in Iraq. It examines the issues associated with the threat of weapons development in the region and offers a series of policy options for reducing and containing that threat without resort to military force. The report does not dwell on the uncertainties and risks of waging war on Iraq without international consent. These have been amply examined in other articles and commentaries.² The paper concentrates instead on robust alternatives to the use of force. The policy options outlined here include:

- ◆ Reforming UN sanctions to tighten controls on oil revenues and military-related goods while further easing restrictions on civilian economic activity;
- ◆ Facilitating the return of UN weapons inspectors to complete the UN disarmament mandate and reestablish an Ongoing Monitoring and Verification (OMV) system; and
- ◆ Creating an "enhanced containment" system of externally based border monitoring and control if Iraq refuses to allow the resumption of weapons inspections.

The report begins with an assessment of Iraq's capacity for developing weapons of mass destruction. It then examines options for controlling Iraq's weapons potential through economic statecraft, United Nations weapons inspections, and diplomatic engagement with neighboring countries.

The Nature of the Threat

There is no doubt that the regime of Saddam Hussein poses a significant threat to regional and international security. The regime has initiated two wars and has developed and used chemical weapons and ballistic missiles against neighboring states and its own citizens. Baghdad's 1988 attacks against Halabja and other Kurdish villages serve as grim reminders of the regime's readiness to use the most horrific instruments of mass murder.³ In the aftermath of the Gulf War, UN officials discovered that Iraq was acquiring the ability to develop nuclear weapons and had vast stockpiles of chemical and biological weapons. Some experts estimated at the time that Iraq was only a year or two away from producing a deployable nuclear weapon.⁴

As a result of the destruction caused by the Gulf War and the extensive weapons monitoring and dismantlement efforts of the United Nations Special Commission (UNSCOM), much of Iraq's capacity for developing and using weapons of mass destruction was eliminated during the 1990s. Since the departure of UNSCOM from Iraq in 1998, however, weapons monitoring and dismantlement efforts have come to a halt. UN officials have been unable to determine the status of Iraq's weapons programs for more than three years, although U.S. and other intelligence services have continued to gather information on suspected weapons activities. Iraqi defectors have also provided assessments of Iraqi weapons programs, although these reports are difficult to verify.⁵ In light of these reports and Iraq's past behavior, it is prudent to assume that the Baghdad government has been attempting to rebuild its weapons capacity.

Nuclear weapons pose the greatest danger, but they also require the greatest effort to develop. Estimates of Iraq's present capabilities in this area vary, but expert testimony suggests that Baghdad is still several years away from achieving nuclear weapons status. A January 2001 report from the U.S. Department of Defense noted that "Iraq would need five or more years and key foreign assistance to rebuild the infrastructure to enrich enough material for a nuclear weapon."⁶ Former U.S. assistant secretary of state for nonproliferation Robert Einhorn estimated in the summer of 2001 that Iraq was five years away from being able to produce a nuclear explosive.⁷ August Hanning, the chief of the German Intelligence Agency (BND) was more pessimistic in a recent interview with *New Yorker* writer Jeffrey Goldberg: "It is our estimate that Iraq will have an atomic bomb in three years."⁸

U.S. and UK officials claim to have evidence that Iraq is developing prohibited ballistic missile technology.⁹ U.S. officials recently showed Security Council members satellite photographs and documents that reportedly provide evidence of an Iraqi project to build prohibited long-range missiles.¹⁰ Some analysts contend that Iraq retains a small force of Scud-derived missiles, and that work is proceeding on the *Al Samoud* liquid-propellant missile.¹¹ Experts report that Iraq has also attempted to extend the range of the short-range missiles it was permitted to retain after the Gulf War, although so far without success. In the area of chemical and biological weapons, it is likely that Iraq retained some stockpiles of chemical weapons after UNSCOM's departure, and that it also possesses considerable biological weapons potential. The latter category is the least amenable to control and elimination, due to the dual-use nature of many biological ingredients and precursor elements.

Hans Blix, the head of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC), which is charged with weapons inspection within Iraq, told a reporter recently that he has seen satellite imagery of new construction at possible weapons sites in Iraq and has received tips about other potential weapons activities. Blix noted that nothing has been proven, however, and he emphasized that evidence of such activity must be brought to the UN Security Council.¹² The legal authority for addressing the Iraqi weapons threat belongs to the Council, not any single government.

Although the potential threat posed by Iraq is considerable, it is important not to exaggerate the regime's military capacity. The combined results of war, more than a decade of stringent sanctions, and the previous weapons dismantlement efforts of UNSCOM have significantly diminished the Iraqi military threat. According to reports by UNSCOM and the International Atomic Energy Agency (IAEA), UN weapons inspections effectively neutralized much of Iraq's ability to develop and use weapons of mass destruction. The independent panel of experts established by the Security Council in 1999 concluded, "In spite of well-known difficult circumstances, UNSCOM and the IAEA have been

effective in uncovering and destroying many elements of Iraq's proscribed weapons programmes . . . The bulk of Iraq's proscribed weapons programmes has been eliminated."¹³ The IAEA stated in 1998 that "there is no indication that Iraq possesses nuclear weapons or any meaningful amounts of weapon-useable nuclear material."¹⁴ Of the 819 *Scud* missiles known to have existed at the start of the Gulf War, UNSCOM accounted for all but two of these missiles. UNSCOM found no evidence of successful indigenous missile development, and no indications of prohibited missile testing. UNSCOM also reported "significant progress" in destroying chemical weapons stockpiles and production facilities. UN inspectors were less successful in eliminating biological weapons capabilities.

Despite Iraq's repeated efforts to deceive and disrupt UN weapons inspectors, UNSCOM succeeded in dismantling a considerable part of Iraq's most threatening weapons programs and capabilities. Although uncertainties remain, especially regarding biological and chemical weapons, the most dangerous threats—nuclear weapons and long-range missiles—have been substantially reduced. The lack of a credible ballistic missile capacity is especially significant in limiting the regime's ability to deliver chemical or biological weapons against neighboring states or the military forces of other nations. The Iraqi air force has less than half the strength it possessed at the time of the Gulf War (when it was no match for U.S.-led forces) and has only minimal capacity to deliver any type of weapon of mass destruction or to threaten neighboring states. Its ill-equipped bomber force is estimated to consist of just six planes.¹⁵ The possibility of Iraq using a single plane or missile to attack Israel cannot be discounted, of course, but it is extremely unlikely that Saddam Hussein would commit such an act, unless he is faced with a large-scale military attack designed to overthrow his regime.

The threat that Iraq or any other state poses is a function of both capability and intention. These are mutually reinforcing factors, but they are also distinct and can be assessed separately. The current wave of excitement in Washington about attacking Iraq has blurred these distinctions. Some analysts mistakenly assume that Iraq's intentions translate into military capability, while others assume that any weapons activity, even that permitted under Security Council resolutions, implies aggressive intention. Pundits and some officials in Washington assume that, based on Saddam Hussein's past actions and intentions, it is only a matter of time before Iraq develops weapons of mass destruction and uses them against either Israel or the United States. But no expert can pretend to know with certainty the personal goals and policy aspirations that govern the actions of Saddam Hussein and his government. Even if these assumptions are correct, the logical emphasis of U.S. policy should be denying the regime the means of realizing these intentions. Currently there is no U.S. plan short of war for achieving this objective. It is the very prospect of war, however, that is most likely to motivate the regime to use whatever weapons capability it may possess.

The continuing UN sanctions against Iraq have hampered the regime's ability to rebuild its weapons capacity. Although sanctions have not been successful in convincing the Baghdad government to comply with UN mandates, they have been effective as means of military containment. Sanctions have prevented the Baghdad government from gaining access to its vast oil revenues. The UN, not the Baghdad government, controls most of the income derived from Iraqi oil sales. Since the beginning of sanctions, it is estimated that the Baghdad government has been denied more than \$150 billion in oil revenues.¹⁶ As a result, Iraq has been unable to purchase sufficient weapons and military-related goods to rebuild and modernize its armed forces. The cumulative arms import deficit for Iraq since 1990 is more than \$50 billion.¹⁷ This is the amount of money Iraq would have spent on weapons imports if it had continued to purchase arms as it did during the 1980s. Although Iraq gains some unrestricted revenue through smuggling and kickbacks (estimated at between \$1.5 and \$3 billion annually),¹⁸ this

income is not sufficient to fund a large-scale military development program. As a result, Iraq's ability to produce weapons of mass destruction and the means to deliver them has been curtailed.

The picture that emerges from this assessment, then, is of a regime committed to the redevelopment of weapons of mass destruction, but constrained by diminished resources and the successes of the previous UNSCOM weapons dismantlement effort. The evidence indicates that Baghdad has not yet fully reconstituted its nuclear weapons and ballistic missile capabilities, and that it may be several years away from doing so. There is still time to thwart Iraq's acquisition of weapons material and technology, to constrain the regime's ability to finance weapons purchases, and to resolve the current crisis through economic and diplomatic means. Failing that, the United States and the United Nations should act to strengthen the military containment of the regime. The policies and mechanisms sketched below constitute a more realistic strategy for achieving these objectives than the pursuit of armed regime change.

Reforming Sanctions

In May 2002 the Security Council adopted Resolution 1409, fundamentally reshaping UN sanctions in Iraq. Under the terms of the resolution, restrictions on shipping civilian goods to Iraq were lifted. The arms embargo remained in place, and a new technology transfer control system was established. The focus of sanctions thus shifted from restricting civilian trade to prohibiting the import of weapons and military-related goods. The resolution approved a Goods Review List (GRL) of specific dual-use items that would be subject to review and approval, as outlined in an annex of procedures attached to the new resolution. The review procedures would apply only to designated dual-use technologies and goods with potential weapons application. All other civilian goods would be permitted to flow freely into Iraq without monitoring or preapproval.

The adoption of Resolution 1409 was the culmination of more than a year of deliberation at the Council. It reflected a desire by Council members to provide humanitarian relief for Iraqi civilians, and to shift the burden of responsibility for any further social hardships from the Security Council to the Baghdad government. The new policy also demonstrated the Council's commitment to maintaining more targeted, focused pressure on Iraq's weapons programs. Resolution 1409 created a more sustainable UN policy of sanctioning weapons and military-related technology.

Resolution 1409 was introduced by the five permanent members of the Council and was approved by a unanimous vote of all fifteen members, including Syria. This unity within the Council reflected the emergence of a new consensus on UN policy in Iraq. Despite Saddam Hussein's attempts to undermine UN sanctions and splinter the coalition arrayed against him, the UN Security Council has become more united on the need to retain controls on military-related imports to Iraq.

Political dynamics in the Council have improved considerably in the last two years, as indicated in the most important Iraq-related resolutions. In December 1999, Russia, France, and China abstained on the vote approving Resolution 1284, which created UNMOVIC. At that time the permanent members were deeply split and unable to agree on a formula for resuming weapons inspections. Since then the political climate for constraining Iraq's ambitions has improved. When the Council considered a new UK/U.S. sanctions proposal in June 2001, France and China indicated support for the measure

and rejoined the majority. Only Russia objected. When the Council adopted Resolution 1382 in November 2001 initially approving the GRL, Russia dropped its objections. The consensus deepened in the spring of 2002 when the United States and Russia approved the list of specific dual-use items that would be subject to GRL review.¹⁹ This agreement on issues that directly affect the Russian economy was of considerable significance, given Moscow's long-standing ties to Baghdad's military and oil industries. It would be a setback for U.S. policy in Iraq, and for U.S. relations with Russia, to forego this cooperation in favor of unilateral military action. Despite widespread "sanctions fatigue" and sharp differences among the major powers over policy in Iraq, the Security Council has managed to maintain political unity on reforming sanctions.

As the Security Council considers additional reform measures, its goal should be to retain those elements of sanctions that have been effective—restrictions on military-related goods—while removing those elements, such as limitations on civilian trade, that have caused humanitarian hardships. The Council should also adopt measures to prevent the smuggling of oil. The Security Council should consider the following additional options for sanctions reform:

- ◆ Establish Better Control of Oil Pricing and Marketing

Kickbacks and illegal payments to Iraq have been continuing problems with the sanctions regime. To discourage Baghdad from requiring such payments, and to make it more difficult for oil purchasers to provide them, members of the Iraq sanctions committee began to introduce "retroactive pricing" in the fall of 2001. U.S. and British members of the committee delayed the approval of the official selling price of Iraqi oil.²⁰ The so-called price adjustment period was reduced from thirty to fifteen days. This is the time between contract approval and the actual delivery and purchase of the oil. The purpose of this change was to prevent Iraq from providing substantial discounts to buyers in return for back-door payments. The new system of retroactive pricing succeeded in making such payments more difficult. Buyers were no longer able to receive what a leading UN official called "an abnormally high premium for Iraqi crude oil."²¹

As with so many aspects of the Iraq sanctions regime, however, the change in the oil pricing mechanism had unintended negative consequences. It led to a reduction in oil exports and a consequent decline in the revenues available for the purchase of humanitarian goods. In early 2002 the export rate of Iraqi oil dropped to 1.4 million barrels a day, well below the previous rate of more than 2 million barrels a day.²² Oil purchasers who had profited from discounted oil were no longer "satisfied with more reasonable premia," according to the director of the UN Iraq Programme. The buyers refused to sign new contracts and postponed or cancelled previous ones.²³

The Security Council found itself caught in a dilemma. The introduction of retroactive pricing made it more difficult to cheat on the sanctions, but it also led to a drop in the revenues available for the humanitarian program. Members of the Security Council have considered a number of new proposals for adjusting the pricing mechanism so that traders can be sure that the value of their contract matches the price they must pay on delivery. The Council and the UN Office of the Iraq Programme have also sought ways to monitor and control the companies and trading organizations authorized to purchase and deliver Iraqi oil, as further means of preventing illegal payments. These efforts should continue as the Council seeks to balance the need for adequate revenues for civilian imports and the need for effective controls against kickbacks to Saddam Hussein.

◆ Permit Controlled Foreign Investment

Although the so-called oil for food program authorized under Resolution 986 (1995) has steadily expanded over the years, permitting a wide range of imports covering oil production, telecommunications, transportation, and many other civilian sectors, a further easing of trade restrictions is warranted. Additional measures to facilitate and encourage investment and civilian trade will not only help to ease the humanitarian hardships caused by sanctions, but will create new economic opportunities within Iraq and among trading partners.

Some limited and controlled forms of foreign investment in Iraq should be allowed to facilitate industrial development and speed economic recovery. Investments in the oil sector would enable Iraq to increase its production capacity, thereby generating additional revenues for the purchase of nonmilitary supplies. A special committee of monitors should be established to set criteria for foreign investment and to recommend ways of preventing Iraq from using investment income for military purposes.

Facilitating the Return of Weapons Inspectors

The most effective way to prevent the Baghdad regime from redeveloping weapons of mass destruction is to return UN weapons inspectors to the country. The priority for U.S. policy must be to convince the Iraqi government to permit the resumption and completion of the UN disarmament mandate. As noted, previous UN weapons monitoring efforts achieved significant progress in ridding Iraq of weapons of mass destruction. Its successor agency, UNMOVIC, is trained and ready to carry on the task of completing the disarmament effort. It is vital that the United States take advantage of the renewed consensus in the Security Council to give UNMOVIC the opportunity to perform its duties. Effective UN weapons inspections offer the best hope for detecting and destroying Iraq's weapons of mass destruction.

UN and U.S. officials have correctly insisted on the right of free and unfettered access for UNMOVIC inspectors. The monitors must have access to so-called presidential sites and other suspected weapons locations. Although it is appropriate to insist on unrestricted access once on site, it is also important to be flexible in negotiating the return of inspectors so that they can begin their work. Absolute access to every square inch of Iraqi territory is neither possible nor necessary. Some degree of Iraqi participation in the process of determining access is inevitable, and should be accepted as the price of returning monitors to the country. Once the inspectors are back in Iraq, they may gain access to unanticipated information and evidence. At a minimum, inspectors would be able to reestablish an Ongoing Monitoring and Verification (OMV) system, as was previously installed by UNSCOM. Ideally this would include the right of unannounced inspections at undeclared, sensitive locations. Among other things the OMV system would permit the monitoring of Iraq's airways and waterways, to test for radioactive particles that would indicate the presence of nuclear weapons activity. The benefits of restoring monitoring access far outweigh the risks of accepting some ambiguities in UNMOVIC's terms of reference.

Some observers are concerned that the United States may prevent the resumption of inspections by demanding unreasonable standards of access for UNMOVIC. It is no secret that some hard-liners in Washington dismiss the reestablishing of inspections as a diplomatic trap, and an impediment to the preferred use of military force.²⁴ U.S. Secretary of Defense Donald Rumsfeld recently expressed open skepticism that UN weapons inspectors would be able to detect Iraqi weapons capabilities.²⁵ This is an unrealistic and shortsighted view that ignores the significant success of previous weapons dismantlement efforts. It was UNSCOM, not U.S. bombing that achieved the greatest progress in reducing the Iraqi weapons threat. It is UNMOVIC, not a new war that can resolve the remaining weapons issues with the greatest degree of international cooperation and support.

In creating UNMOVIC the Security Council set out a timeline of approximately one year for the completion of the UN weapons monitoring and dismantlement mission.²⁶ Meeting this timeline will depend on Iraqi government cooperation. It will also depend on providing concrete assurances to Iraq that cooperation with UNMOVIC will bring benefits in the form of relief from more than a decade of sanctions.

The diplomatic key to persuading Iraq to accept renewed weapons inspections is an effective carrots-and-sticks bargaining strategy. This requires both coercion and persuasion. Iraqi fear of a possible U.S. military attack is a coercive factor that may influence the regime's willingness to cooperate. A more widely supported form of coercive pressure is the UN's continuing control over Iraqi oil revenues. Despite smuggling and kickback schemes, the UN still controls more than 80 percent of Iraq's oil income.²⁷ The Baghdad government urgently wishes to regain control of these revenues, which at a production rate of 2 million barrels a day comes to nearly \$20 billion a year. UN and U.S. officials can turn this Iraqi objective to their advantage by structuring an inducement plan that offers the prize of oil revenues in exchange for full compliance with UN mandates.

The proposed bargaining strategy carries some risks, but these are manageable through effective diplomacy. Inducement policies can create political and moral problems if they reward wrongdoing or give the appearance of appeasement. Making offers to aggressors can be seen as a sign of weakness and may embolden an outlaw regime to further acts of belligerence. Because of these concerns, any inducements offered to Iraq must be strictly conditional, with conciliatory gestures linked to clear and unequivocal concessions from the Baghdad regime. There can be neither concessions to intransigence nor any backing away from satisfactory completion of the UN disarmament mandate. The lifting of sanctions must be strictly conditioned on the certification by UNMOVIC and the IAEA that Iraq's capabilities for developing weapons of mass destruction have been fully eliminated.

The question of inducements for cooperation lies at the core of the Iraq impasse and is crucial to the challenge of finding a diplomatic solution. A clear and unequivocal commitment to lift sanctions and revenue controls upon fulfillment of the UN disarmament mandate could provide the necessary incentive to gain Iraqi cooperation. The United States has refused to consider any easing of coercive pressure, however, and has become fixated on the goal of armed regime change. The U.S. policy of unyielding hostility toward the Baghdad government has become a major obstacle to the resolution of the crisis.²⁸ Part of the strategy available to the U.S. is returning to the terms of the original Gulf War cease-fire Resolution 687 (1991), which specified in paragraph 22 that sanctions against Iraq will be lifted upon completion of the UN disarmament mandate. A clarification of this original Security Council obligation could help to gain Iraqi compliance.

A restatement of the Council's original intent would remove ambiguities left by Resolution 1284 (1999), which called merely for the suspension of sanctions rather than their termination. This weakened the previous unequivocal commitment to lift sanctions once the disarmament process is complete. Resolution 1284 also added a requirement for the affirmative renewal of the sanctions suspension every 120 days. This would allow the United States or another permanent member to use its veto power to halt the suspension and thus reimpose sanctions.

The Russian Federation offered a draft Security Council resolution in June 2001 that sought to clarify these ambiguities and that reaffirmed the obligation to lift sanctions upon completion of the UN disarmament mandate. Under the terms of the Russian proposal, once UNMOVIC and IAEA certified that a reinforced OMV system was fully operational within Iraq, sanctions would be suspended and oil revenues returned to the Iraqi government. The Russian proposal called for the continuation of a comprehensive arms embargo on Iraq. It also specified that the Security Council could terminate the suspension of sanctions upon evidence of Iraq acquiring prohibited military-related goods.²⁹

Former UNSCOM inspector Garry Dillon proposed a similar approach at a June 2001 conference in Washington sponsored by the Institute for Science and International Security.³⁰ Under Dillon's plan, the Security Council would issue a new resolution lifting the oil embargo upon receipt of satisfactory assurances from UNMOVIC and the IAEA of Iraq's disarmament. The proposed resolution would reaffirm Iraq's obligation to permit the continued operation of the OMV system. It would also maintain the arms embargo and the provisions of Resolution 687 that prohibit Iraq from developing weapons of mass destruction.³¹

Paragraph 14 of Resolution 687 (1991) described the mandated disarmament of Iraq as a step toward "establishing in the Middle East a zone free from weapons of mass destruction." The Security Council thereby recognized the connection between Iraq's weapons programs and those of neighboring states in the Gulf Region and the Middle East. It is likely that any government in Iraq, either the present regime or a successor, will be motivated by balance of power considerations to match the capabilities of neighboring states. This suggests that the disarmament of one will only last if it is matched by the disarmament of all. The United States and other major powers must therefore work with the states of the region, including Israel, to seek the mutual elimination of weapons of mass destruction and a reduction of offensive military capabilities.

Creating an "Enhanced Containment" Border Monitoring System

If the Baghdad government does not permit resumed UN weapons inspections, it will be necessary to create an externally based, vigorously enforced system of enhanced military containment to restrict the flow of weapons-related goods into Iraq. The goal of the proposed system would be to establish a long-term capability for blocking Iraqi rearmament through strict controls on the import of weapons and dual-use military goods. Planning for the creation of such a system should begin now, in parallel with efforts to reform sanctions and encourage the reentry of weapons inspectors. A visible and credible effort to prepare for a sustainable system of enhanced containment might help to convince the Iraqi regime to accept the option of complying with UN weapons inspections.

An effective, externally based military control regime would depend on a multiple set of financial and technical restrictions and significant political and diplomatic initiatives to gain the cooperation of the states neighboring Iraq. Under the proposed system, current financial controls would remain in place. Iraq would not regain access to its oil revenues until it complied with Resolutions 687 and 1284 and allowed the resumption and completion of UN weapons inspections. The UN escrow account would be retained, and all purchases of unapproved imports would continue to require sanctions committee authorization. The retention of financial controls would preserve current restrictions on Iraq's ability to purchase military-related goods and weapons of mass destruction.

An enhanced military containment system would also require a significant strengthening of border monitoring in Jordan, Syria, Turkey, and other states surrounding Iraq. At present there is no international monitoring of the commercial crossings into Iraq. Shippers of approved humanitarian goods stop at the border to have documents authenticated, so that they can receive payment from the UN escrow account, but their cargoes are not inspected. The neighboring states have customs and border monitoring stations (and they gain revenues from duties on goods entering Iraq), but these controls are not designed to impede the flow of weapons.

The development of an enhanced military containment system would require the deployment of an adequately funded, well-equipped, and professionally trained international inspection force to detect and prevent shipments of nuclear materials or other prohibited items. To date the neighboring states have not supported proposals for border monitoring, in part because they do not want to disturb the growing commercial trade with Iraq that has developed in recent years. The challenge for the Security Council and U.S. policy is to design and create an effective system for inspecting sensitive cargoes, while avoiding disruption to the thriving civilian commerce that is vitally important to local economies.

Advanced monitoring and scanning technology can assist in the creation of such a border monitoring system. With appropriate equipment and resources, trained monitors should be able to detect the shipment of nuclear materials and other prohibited weapons-related goods without major disruption to commercial traffic.

The model for such a system might be the "smart border" program now being established by the United States, Canada, and Mexico. This program utilizes x ray-scanning equipment that can quickly inspect trucks and containers for contraband.³² The equipment can safely and nonintrusively inspect containers at the rate of one per minute.³³ This would enable each equipment station to scan more than 700 trucks or containers in a twelve-hour period. The "smart border" system also features an electronic pass system. Approved traders could be issued a machine readable electronic pass enabling them to cross the border quickly without inspection. Such passes could be issued to humanitarian agencies and other trusted suppliers of civilian goods financed through the UN Iraq account. Vehicles or containers with electronic passes would proceed without stopping; others would be required to pass through the x ray detection equipment.

These technologies could be combined with customs support stations in which UN-approved international monitoring experts work alongside officials from the host nations to maintain and operate the detection equipment. This is the model of the successful Sanctions Assistance Missions (SAMs) that were developed for the UN sanctions in Yugoslavia during the years 1993 through 1995.³⁴ The assistance missions would not only help with the operation of advanced detection equipment, but could

also provide general assistance in upgrading and improving border monitoring capabilities in the host countries.

The task of monitoring shipments into Iraq would be a substantial challenge, but it would be less formidable than inspecting the large volume of traffic that crosses the U.S.-Mexican border every day, or that arrives in a busy port like Vancouver. Tens of millions of dollars of detection equipment and hundreds of trained professionals would be needed to operate the proposed border monitoring system, but these requirements would pale in comparison with those of a large-scale military operation. With appropriate technical capabilities and financial resources, a relatively nonintrusive but effective border control system in the countries surrounding Iraq could be created. Such a system would enable the Security Council to establish an externally based mechanism for enhancing the effectiveness of military sanctions. When combined with continued revenue controls, the proposed border control system could preserve military containment and help to prevent the redevelopment of weapons of mass destruction. No monitoring program can eliminate smuggling completely, but the proposed system could make illegal arms shipments more difficult and costly than they are now and could serve as a deterrent against smuggling.

Creating such a system would require a major commitment of financial and political capital. The economic costs of the proposed system could be charged to the UN escrow account, as part of the budget for UN operations in Iraq. Substantial financial support and technical assistance to frontline states would help to offset the costs of monitoring equipment and additional customs staffing, and would enable these governments to upgrade border control facilities and systems.

The greatest obstacles to creating an effective border monitoring system would be political, not financial or technical. An enhanced containment system depends on persuading frontline states to cooperate with the proposed monitoring mechanisms. This will involve extensive negotiations with Jordan, Syria, and other frontline states. The United States and other major powers must also be ready to offer substantial economic incentives and political assurances to these states. Iraq can be counted on to do everything in its power to undermine the proposed containment system. It will use its economic ties with neighboring states as leverage to threaten a cutoff of trade and oil supplies. Such pressure could have a devastating impact, especially in Jordan and Syria. The United States and other major powers must anticipate and counteract these pressures. They must be prepared to outbid Iraq by providing assurances of economic assistance and political support in the event of a cutoff of oil supplies and trade. This should be possible economically. Even with all of Iraq's oil wealth, the United States and other major powers can easily match the resources of Saddam Hussein. Saudi Arabia and other oil producers can compensate for the loss of Iraq's two million barrels a day.

The question is not resources but political will. Is the United States willing to open political relations with countries in the region previously considered inimical? Washington is now faced with taking bold diplomatic steps to achieve the containment of Saddam Hussein. Large-scale incentives and assurances enabled the United States to gain the support of Pakistan and several central Asian republics for its military campaign to overthrow the Taliban regime and disrupt al Qaida operations in Afghanistan. Similar steps are needed with Syria and Iran. Taking Syria off the list of states supporting terrorism would be a powerful inducement for gaining Syrian cooperation, which would be critical for controlling oil exports and limiting illegal payments. Iran and the United States cooperated in the initial stages of the campaign in Afghanistan, and each would benefit from continued cooperation to achieve the military containment of Iraq, among other mutual interests.³⁵ Even before 11 September, the

United States was beginning to establish a more cooperative relationship with Sudan and Yemen, and was attempting to reassess its relations with Syria, although so far with little success. By building upon political openings with these and other countries in the region, the United States could forge vital political partnerships for a concerted diplomatic effort and cooperative border monitoring system to prevent Iraq from developing weapons of mass destruction.

Political cooperation with Russia would also be crucial to the proposed system. Moscow's support is essential if military containment is to be successful. Russia is the largest potential source of materials and technologies that could be used for Iraq's weapons of mass destruction. It has been implicated in past weapons smuggling incidents.³⁶ But Russia has supported a continuing arms embargo against Iraq in its proposals to the Security Council, and it has more to gain from cooperation with the West than from its ties to Saddam Hussein. Moscow and Washington have resolved many of their differences over sanctions reform and are cooperating across a broad range of international security issues. NATO is about to build a historic partnership with Russia for joint policies on counterterrorism, nonproliferation, and arms control. With imaginative diplomacy it should be possible to build upon this emerging pattern of synchrony to forge a joint approach to the containment of Iraq.

Conclusion

The proposals outlined in this report present viable strategies for the continued denial of Iraq's weapons ambitions, while offering the prospect of greater regional cooperation and stability. They offer realistic alternatives to the military scenarios being discussed in Washington. In light of the dangers and uncertainties associated with what could be a large-scale and destructive war in the region, the nonmilitary options outlined here deserve immediate and thorough consideration. None of the proposed measures would be sufficient alone to achieve UN and U.S. objectives in Iraq, but taken together they offer an array of options for advancing international objectives without the risks of war. New UN action to reformulate sanctions, intensive diplomatic efforts to resume weapons inspections, and the creation of an enhanced containment system through revenue controls and strengthened border monitoring—these are the elements of the viable diplomatic alternative to war. They offer the best hope for meeting U.S. foreign policy objectives and enhancing security in the region.

Notes

1. UN Secretary-General Kofi Annan has spoken for many world leaders in raising critical concerns about U.S. military action in Iraq. See "UN Chief Warns against Iraq Attack," *BBC News Online*, 10 December 2001, available at <http://news.bbc.co.uk/1/hi/english/world/middle_east/newsid_1701000/1701002.stm> (11 April 2002); Barbara Crossette, "Annan Plans Talks with Iraq on Inspections Plan," *New York Times*, 26 February 2002, A6; and "UN Chief: The US will not act Wisely if it Attacks Iraq," *ArabicNews.Com*, 26 February, 2002, available at <<http://www.arabicnews.com/ansub/Daily/Day/020226/2002022613.html>> (11 April 2002).

2. Among the recent reports and articles raising questions and concerns about war in Iraq are the following: Philip H. Gordon and Michael E. O'Hanlon, *Should the War on Terrorism Target Iraq?* Policy Brief 93 (Washington, D.C.: The Brookings Institution, January 2002); Michael W. Isherwood, "U.S. Strategic Options for Iraq: Easier

Said than Done,” *Washington Quarterly* 25, no. 2 (Spring 2002): 145–59; Mark Strauss, “Think Again: Attacking Iraq,” *Foreign Policy* (March/April 2002); Ivo H. Daalder and James M. Lindsay, “Next Stop: Iraq,” *San Jose Mercury News*, 2 December 2001; Vincent M. Cannistraro, “Keep the Focus on Al Qaeda,” *New York Times*, 3 December 2001, A23; Stephen Fidler and Roula Khalaf, “Back to Iraq,” *Financial Times*, 1 December 2001, 8; Jessica Mathews, “The Wrong Target,” *Washington Post*, 4 March 2002.

3. See the gripping account of the 1988 chemical weapons attacks against Kurdish villages in Jeffrey Goldberg, “The Great Terror,” *The New Yorker*, 25 March 2002, 52–75.

4. “The World’s Nuclear Arsenal,” *BBC News Online*, 2 May 2000, 14:49 GMT, at <http://news.bbc.co.uk/hi/english/world/newsid_733000/733162.stm> (2 May 2000).

5. For a recent example, see David Rose, “Iraq’s Arsenal of Terror,” *Vanity Fair* (May 2002): 120–31.

6. Department of Defense, Office of the Secretary of Defense, *Proliferation: Threat and Response* (Washington, D.C.: U.S. Government Printing Office, January 2001), 40.

7. Robert Einhorn, “The Emerging Bush Administration Approach to Addressing Iraq’s WMD and Missile Programs,” keynote address at the conference, “Understanding the Lessons of Nuclear Inspections and Monitoring in Iraq: A Ten-year Review,” June 2001; sponsored by the Institute for Science and International Security, Washington, D.C.; available at *Institute for International Security* <<http://www.isis-online.org/publications/Iraq/Einhorn.html>> (15 April 2002).

8. Goldberg, “The Great Terror,” 75.

9. Colum Lynch, “Mideast Crisis Delays Campaign at U.N. to Expose Alleged Threats to Obtain Prohibited Weapons,” *Washington Post*, 7 April 2002, A22.

10. William Ofre, “U.S. says Iraq is Developing Banned Arms Weapons,” *Los Angeles Times*, 4 May 2002, available at <<http://www.latimes.com/news/printededition/asection/la-000031593May04.story?co>> (4 May 2002).

11. Charles A. Duelfer, “Viewpoint,” *Aviation Week and Space Technology*, 11 March 2002, 73.

12. Lynch, “Mideast Crisis.”

13. United Nations Security Council, *Letter Dated 27 March 1999, from the Chairman of the Panels Established Pursuant to the Note by the President of the Security Council of 30 January 1999 (S/1999/100) Addressed to the President of the Security Council*, S/1999/356, New York, 30 March 1999, par. 25.

14. Quoted in United Nations Security Council, *Letter Dated 27 March 1999*, S/1999/356, par. 14.

15. Air Force figures based on Anthony Cordesman, *The Military Balance in the Middle East: The Northern Gulf: Iraq* (Washington, D.C.: Center for Strategic and International Studies, 28 December 1998), 32 and 64, available at <<http://www.csis.org/mideast/reports/mbmeXiraq122898.pdf>> (12 April 2002).

16. See Meghan O’Sullivan, *Iraq, Time for a Modified Approach*, Policy Brief 71 (Washington, D.C.: The Brookings Institution, February 2001), 4.

17. Based on estimates by Anthony Cordesman, *Military Expenditures and Arms Transfers in the Middle East* (Washington, D.C.: Center for Strategic and International Studies, July 2001), 79, available at <<http://www.csis.org/burke/mb/milexpenditurearmstransfer.pdf>> (17 August 2001).
18. Estimates based on Raad Alkadari, "The Iraqi Klondike," *Middle East Report* (Fall 2001); Carola Hoyos, "Oil Smugglers Keep Cash Flowing," *Financial Times*, 17 January 2002; and Alex M. Freedman and Steve Stecklow, "How Saddam Diverts Millions Meant for Food Aid to Reap Illegal Oil Profit," *Wall Street Journal*, 2 May 2002.
19. Peter Baker, "U.S. and Russia Agree to Overhaul Sanctions in Iraq," *Washington Post*, 29 March 2002, A20.
20. Freedman and Stecklow, "How Saddam Diverts Millions."
21. United Nations, Office of the Iraq Programme, "Statement by Benon V. Sevan, Executive Director of the Iraq Programme at the Informal Consultations of the Security Council," New York, 26 February 2002, 4.
22. "Statement by Benon V. Sevan," 3.
23. "Statement by Benon V. Sevan," 4.
24. Former UNSCOM inspector Charles Duelfer wrote in January 2002 that negotiations over the return of UN inspectors pose "big problems" for the United States. "Any system Iraq would accept is not likely to be intrusive enough," complained Duelfer. See Charles Duelfer, "Inspectors in Iraq? Be Careful What You Ask For," *Washington Post*, 9 January 2002, A19.
25. Robert Burns, "Rumsfeld, in break with State Department, says Iraq would deceive and deny UN weapons inspectors," *AP*, 16 April 2002.
26. "UN Inspector Tells Council Work in Iraq Could be Fast," *New York Times*, 22 March 2002, A7.
27. Total Iraqi oil sales in 2000 were nearly \$18 billion. See basic figures provided by the United Nations Office of the Iraq Programme, available at *United Nations* <<http://www.un.org/depts/oip/latest/basicfigures.html>> (5 September 2001). Alkadiri estimated Baghdad's earnings from oil smuggling at no more than \$1.5 billion annually, or approximately 8.3 percent of total revenues. If one accepts the larger estimates of smuggling revenue provided by diplomats, \$3 billion annually, the rate rises to approximately 17 percent. *Wall Street Journal* reporters Freedman and Stecklow quoted U.S. State Department claims of \$2.5 billion a year in illicit Iraqi oil revenue. Based on the estimates of Alkadiri, "The Iraqi Klondike"; Hoyos, "Oil Smugglers"; and Freedman and Stecklow, "How Saddam Diverts Millions."
28. See our previous discussion of these issues in David Cortright and George A. Lopez, "The Limits of Coercion," *The Bulletin of the Atomic Scientists* 56, no. 6 (November/December 2002): 18–20.
29. Permanent Mission of the Russian Federation to the United Nations, "Draft Resolution on Iraq," 26 June 2001.
30. Garry Dillon, "The Iraq Dilemma," paper presented at the 2001 Carnegie Nonproliferation Conference, June 2001, available at *Carnegie Endowment for International Peace* <<http://www.ceip.org/files/projects/npp/resources/Conference%202001/panels/dillon.htm>> (15 July 2001).

31. David Albright and Kevin O'Neill, "The Iraqi Maze: Searching for a Way Out," in *The Nonproliferation Review* (Fall/Winter 2001): 10.
32. See Elisabeth Bumiller, "White House Announces Security Pact with Mexico," *New York Times*, 22 March 2002, A18.
33. "New Non-intrusive Gamma Ray Technology to Scan Containers Through Port of Vancouver," press release, Vancouver Port Authority, 25 January 2002, available at *Yahoo Financial News* <http://biz.yahoo.com/prnews/020125/va247_1.html> (26 January 2002).
34. For a report on the Sanctions Assistance Missions, see United Nations Security Council, *Letter Dated 24 September 1996 from the Chairman of the Security Council Committee Established Pursuant to Resolution 724 (1991) Concerning Yugoslavia, Addressed to the President of the Security Council, Report of the Copenhagen Roundtable on United Nations Sanctions in the Case of the Former Yugoslavia, Held at Copenhagen on 24 and 25 June 1996*, S/1996/776, New York, 24 September 1996.
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36. In 1995 Russian missile guidance components destined for Iraq were intercepted at the Amman airport, while other shipments of missile components were fished out of the Tigris River near Baghdad. See "Russia's Dangerous Exports," Carnegie Endowment for International Peace, Washington, D.C., Non-Proliferation Fact Sheet, 19 August 1998, at *Carnegie Endowment for International Peace* <<http://www.ceip.org/programs/npp/factsheet2.htm>> (18 April 2002).

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