
The Parliament of the Commonwealth of Australia

Intelligence on Iraq's weapons of mass destruction

Parliamentary Joint Committee on ASIO, ASIS and DSD

December 2003
Canberra

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ISBN [Click **here** and type ISBN Number]



Contents

Foreword.....	vii
The Conduct of the inquiry	vii
Membership of the Committee.....	ix
Terms of reference.....	x
List of abbreviations	xi
List of recommendations.....	xiii

REPORT

1 The Baseline Intelligence	1
Baseline figures - UNSCOM.....	1
UNSCOM Inspections	2
UNMOVIC update to Material Balance Figures	12
Additional Intelligence – Post 1998.....	14
Attempt to source Uranium from Africa	15
Acquisition of Aluminium Tubes for use in Centrifuge Enrichment	16
Mobile Biological Agent Production Laboratories	18
Unmanned Aerial Vehicles (UAVs) for BW and CW agent Dissemination	20
Iraq’s Capacity and Willingness to use WMD.....	22
Iraq’s Willingness to use WMD	24
2 The Assessments of the Australian Intelligence Community.....	27
The Nature of the Assessments	27
Qualified Assessments: February 2000 – September 2002.....	29

A Divergence of Opinion: September 2002 – March 2003	31
3 The Independence of the Assessments	43
The Criticism	43
Independence from external influence.....	45
Capacity	45
Capacity - DIO	47
Judging the reliability of foreign intelligence.....	48
Conclusion	50
Independence from internal political pressure	51
Agency Powers and Purpose.....	51
Conclusion.....	52
4 The Accuracy of the Assessments.....	55
Matters under Dispute	58
Nuclear weapons – uranium from Africa, aluminium tubes	58
Delivery – UAVs, 45 minutes	62
The British Dossier.....	63
The National Intelligence Estimate (NIE), 2 October 2002.....	66
New Intelligence.....	70
UN Inspections.....	74
The Iraq Survey Group.....	76
Findings.....	77
Strategic Analysis.....	79
Conclusions	82
5 The Presentation of the Pre-War Intelligence	87
The Government's speeches	87
The arguments	88
The evidence	89
Specific intelligence cited in Government speeches.....	91
Accuracy and completeness	93
Conclusion.....	97

APPENDICES

Appendix A – List of submissions.....	101
Appendix B – List of Exhibits.....	103
United Nations Reports	103
Government/Parliamentary and other reports.....	104
Speeches	104
Newspapers reports and articles	105
Appendix C – Witnesses appearing at classified and public hearings.....	107
Canberra (Public Hearing) Friday, 22 August 2003	107
Canberra (Classified Hearing) Tuesday, 23 September 2003	107
Canberra (Classified Hearing) Wednesday, 24 September 2003.....	108
Canberra (Classified Hearing) Thursday, 16 October 2003.....	108
Canberra (Classified Hearing) Thursday, 27 November 2003.....	108
Appendix D - The Material Balance of Iraq’s Weapons of Mass Destruction.....	109
Part 4: Material Balance – Nuclear Weapons Program.....	119
Appendix E – The Chronology of Key Intelligence Issues	123
Part 1: The alleged acquisition of Uranium from Africa.....	123
Part 2: Acquisition of Aluminium Tubes.....	127
Part 3: Mobile BW Agent Production Trailers	131
Part 4: Development of Unmanned Aerial Vehicles (UAVs) for BW and CW Agent Delivery	135
Appendix F – A comparison of the Key Judgements of the NIE Document as released in October 2002 and July 2003	139
Key Judgements [as released in July 2003].....	139



Foreword

The Conduct of the inquiry

The United States and the United Kingdom argued that war against Iraq was necessary because Iraq had defied, over a period of 12 years, United Nations Security Council resolutions, which sought the disarmament of Iraq of its weapons of mass destruction. In particular, both governments and the Australian government which joined in the coalition, argued that intelligence had revealed that Iraq continued to possess and indeed was increasing its holdings of weapons of mass destruction. The consequent danger that Iraq posed was considered to be serious enough to warrant a pre-emptive war in order that Iraq be forcibly disarmed. In support of these arguments both the British government and the American government released, in September and October 2002, unclassified documents, which outlined in detail the supporting intelligence for this decision. The arguments about the need to go to war were controversial; however, when a further 'intelligence' document, released by the British government in February 2003, was identified as a student's thesis, the focus of debate centred on the overall quality of the intelligence used. The suicide death of the British weapons inspector, Dr David Kelly, in the midst of the two separate British parliamentary inquiries into the decision to go to war intensified both the arguments and the controversy. The Prime Minister of Great Britain, Hon Tony Blair, established a further inquiry, conducted by Lord Hutton, into the death of Dr Kelly. In the United States, Congressional committees also reviewed the nature and use of intelligence on Iraq.

In Australia, the Senate referred this matter to the Joint Parliamentary Committee on ASIO, ASIS and DSD on 18 June 2003. The Committee was asked to consider the nature, accuracy and independence of the intelligence used by the Australian government and the accuracy and completeness of the presentation of that intelligence by the Australian government to the Parliament and people of Australian. The Committee advertised the inquiry on 5 July 2003 in the *Australian*

and the *Canberra Times* and on the internet. The Committee received twenty-four submissions, five confidential submissions and three classified submissions from the intelligence collection agencies. Five hearings were held, one in public.

The reference, like the matter into which the inquiry was conducted, involved some controversy. There was a view by the Prime Minister that the inquiry was premature. Some Senators were unhappy with what they perceived to be the limited scope of the Committee. The limitations imposed by the statute under which the Committee operates are real: it does not have a broad right to call witnesses, reports written by the Committee must be vetted by the Ministers for Foreign Affairs and Defence and the Attorney-General (*Intelligence Services Act 2001, s 7(3)*) to ensure that no matters affecting national security are revealed in the report's contents. However, the Committee is better placed than most parliamentary committees to seek classified information from the intelligence agencies, as the Intelligence Services Act also requires that staff of the secretariat be cleared. For the current inquiry, the Department of the Parliamentary Reporting Staff also had a number of officers cleared to handle the classified hearings conducted with the agencies. Special arrangements were made for the secure transcription of hearings and the processing of evidence so that it would comply with the requirements of Commonwealth protective security guidelines.

Nevertheless, the Committee notes that, unlike the Intelligence Services Committee of the British Parliament, which conducted a similar inquiry, we received excerpts only of the assessments made prior to the war in Iraq. The Committee's conclusions, therefore, must be qualified. The Committee recommends that a more comprehensive inquiry should be conducted by suitable experts into Australia's intelligence sharing and intelligence liaison arrangements.

I would like to thank my colleagues for their work on this inquiry, as well as Mr Charles Vagi, on secondment from the Department of Defence and the Secretary of the Committee, Ms Margaret Swieringa.

The Hon David Jull, MP
Chair



Membership of the Committee

Chair Hon David Jull MP

Members Hon Kim Beazley MP

Mr Stewart McArthur MP

Hon Leo McLeay MP

Senator Paul Calvert
(discharged on 29.08.02)

Senator Alan Ferguson
(appointed on 29.08.02)

Senator Sandy Macdonald

Senator the Hon Robert Ray

Committee Secretariat

Secretary Ms Margaret Swieringa

Technical Advisor Mr Charles Vagi, CSC and Bar

Executive Assistant Mrs Tiana Di Iulio

Administrative Officer Mr Daniel Miletic



Terms of reference

Pursuant to section 29 of the Intelligence Services Act 2001, the following matter be referred to the Parliamentary Joint Committee on ASIO, ASIS and DSD for inquiry and report by 2 December 2003:

- a) the nature and accuracy of intelligence information received by Australia's intelligence services in relation to:
 - (i) the existence of,
 - (ii) the capacity and willingness to use, and
 - (iii) the immediacy of the threat posed by, weapons of mass destruction (WMD).
- b) the nature, accuracy and independence of the assessments made by Australia's intelligence agencies of subparagraphs (a)(i), (a)(ii), and (a)(iii) above;
- c) whether the Commonwealth Government as a whole presented accurate and complete information to Parliament and the Australian public on subparagraphs (a)(i), (a)(ii) and (a)(iii) above during, or since, the military action in Iraq; and
- d) whether Australia's pre-conflict assessments of Iraq's WMD capability were as accurate and comprehensive as should be expected of information relied on in decisions regarding the participation of the Australian Defence Forces in military conflict.

Motion agreed by the Senate 18 June 2003.



List of abbreviations

AIC	Australian Intelligence Community
BW	Biological Warfare
CIA	Central Intelligence Agency (US)
CW	Chemical Warfare
CBW	Chemical and Biological Warfare
DIO	Defence Intelligence Organisation
GA	A non-persistent organophosphate based nerve agent, commonly referred to as Tabun
GB	A volatile organophosphate based nerve agent, commonly referred to as Sarin
GD	A moderately volatile organophosphate based nerve agent, commonly referred to as Soman
GF	A persistent organophosphate based nerve agent, commonly referred to as Cyclosarin
IAEA	International Atomic Energy Agency
INR	Bureau of Intelligence and Research (US State Department)
ISG	Iraq Survey Group
JIC	Joint Intelligence Committee (UK)
MI6	Secret Intelligence Service (UK), also known as SIS

NIE	National Intelligence Estimate (US)
ONA	Office of National Assessments
OSP	Office of Special Plans (US State Department)
PSM	Protective Security Manual
R&D	Research and Development
SC	United Nations Security Council
SIS	Secret Intelligence Service (UK)
UAV	Unmanned Aerial Vehicle
UN	United Nations
UNMOVIC	United Nations Monitoring, Verification and Inspection Commission
UNSC	United Nations Security Council
UNSCOM	United Nations Special Commission (into Iraq)
VX	A highly persistent organophosphate based nerve agent, commonly referred to as VX
WHIG	White House Iraq Group (US)
WMD	Weapons of Mass Destruction



List of recommendations

Chapter 3 The Independence of the Assessments

Recommendation 1

The Committee recommends that, in the course of any post war review of the intelligence agencies, the Government assess the capacity of ONA in line with the changed security circumstances.

Chapter 4 The Accuracy of the Assessments

Recommendation 2

The Committee recommends that, in any review, the AIC should examine their processes to ensure the maintenance of their independence and objectivity.

Chapter 5 The Presentation of the Pre-War Intelligence

Recommendation 3

The Committee recommends that there should be an independent assessment of the performance of the intelligence agencies, conducted by an experienced former intelligence expert with full access to all the material, which will report to the National Security Committee of Cabinet and which, in the light of the matters raised by the consideration of the pre-war intelligence on Iraq, will recommend any changes that need to take place for the better functioning of the agencies.

The Baseline Intelligence

*Where is the wisdom we have lost in knowledge?
Where is the knowledge we have lost in information?
(Choruses from the Rock, T.S. Eliot)*

- 1.1 This chapter examines the body of information on Iraq's weapons of mass destruction (WMD) which formed the basis of pre-war assessments undertaken by Australia's intelligence agencies and its partner agencies in the US and UK prior to 19 March 2003. With respect to the Terms of Reference for this Inquiry, this chapter is intended to address the issues of:
 - The existence of Iraq's WMD,
 - The capacity and willingness of Iraq to use these weapons
- 1.2 The issue of the immediacy of the threat posed by these WMD is dealt with separately in Chapters 2 and 4 of this report.

Baseline figures - UNSCOM

- 1.3 As a starting point for the assessment of the intelligence information provided to Government by the various intelligence agencies, the Committee considered that it was necessary to establish a set of figures that set out as accurately as possible, the estimated level of WMD holdings by Iraq at the cessation of inspections by the United Nations Special Commission into Iraq, (UNSCOM), in December 1998. Included in these baseline figures are the numbers of the

various chemical and biological weapons and warheads, missile and other delivery systems, quantities of bulk agents and toxins, and bulk quantities of precursor chemicals and growth media. These baseline figures are derived from the Material Balance tables produced by UNSCOM for each of the respective Iraqi WMD programmes. In addition, to assist in providing the most up-to-date set of baseline figures, results from the inspection activities undertaken by the United Nations Monitoring, Verification and Inspection Commission, (UNMOVIC), during the period 27 November 2002 to 18 March 2003, have been included.

UNSCOM Inspections

- 1.4 During the period 1991 to December 1998 UNSCOM, in conjunction with inspectors from the International Atomic Energy Agency, (IAEA), undertook an extensive series of inspection activities in an attempt to validate the level of holdings of WMD which Iraq had declared following the 1991 Gulf War. As part of this declaration, Iraq also included quantities of chemical weapons, warheads, delivery systems, bulk agents and precursors which it (Iraq), claimed it had unilaterally destroyed in July 1991, (prior to the commencement of UNSCOM inspection activities). It should be noted that 'from the first UNSCOM inspections in 1991 until 1995 Iraq denied it had a biological warfare, (BW), programme and had taken steps to conceal it from the Special Commission.'¹ 'These included fraudulent statements, false and forged documents, misrepresentation of the roles of people and facilities and other specific acts of deception.'²
- 1.5 The inspection activities sought to investigate the history of each of Iraq's Chemical and Biological warfare (CBW) programmes in order to verify the 1991 Iraqi declaration of its holdings of CBW related equipment, materials and facilities, and where possible to validate the numbers of weapons and materials which had been unilaterally destroyed by Iraq. In order to work towards achieving these objectives, UNSCOM's inspection activities involved:
- evaluation and analysis of Iraq's declarations;
 - inspections of relevant sites in Iraq;

1 United Nations Special Commission (UNSCOM), Report No S/1999/94 dated 25 January 1999, Appendix III, Executive Summary, p. 101

2 *ibid*, Appendix III, p. 101

-
- ⇒ interviews of Iraqi personnel connected to proscribed weapons programmes;
- seeking access to and study of relevant Iraqi documentation;
 - seeking assistance from Member States, particularly through the provision of relevant information, as required of them by the Security Council.³
- 1.6 The consolidated results for all of UNSCOM's inspection activities during the period 1991 to December 1998 are contained in its final report to the United Nations Security Council – UNSCOM Report No S/1999/94 dated 25 January 1999. The tables and figures relating to each of Iraq's WMD programmes contained in the UNSCOM report are too extensive to be included in this report. However, a series of summary tables based on the UNSCOM Material Balance have been prepared and are included in Appendix D to this report. The following sub-sections set out the salient points from each of the respective material balances.
- 1.7 During the course of this process, as the remaining stocks of proscribed items and materials were identified, they were:
- destroyed by UNSCOM, the IAEA, or under their supervision;
 - removed from Iraq in the case of nuclear programme related equipment, and retained under IAEA safeguard.
 - Rendered harmless by UNSCOM, the IAEA, or under their supervision;
 - secured under IAEA seal in the case of some nuclear related material; or
 - Cleared for release to Iraqi authorities for re-use in conventional roles.

Material Balance – Ballistic Missiles

- 1.8 Iraq's ballistic missile programme was extensive and consisted of imported missiles as well as imported and indigenously produced missile related operational assets. In its inspections UNSCOM focussed on the following key components: `the missiles as well as

3 *ibid*, p. 4

their launchers, warheads, and single use propellants for the proscribed missiles.⁴

- 1.9 A detailed breakdown of UNSCOM's accounting for the missiles, the launchers and warheads are set out in Part 1 of Appendix D to this Report. The discrepancies or the unaccounted for missiles and related systems can be summarised as follows:

Missiles

- 1.10 As part of its overall declaration in 1991, Iraq declared that it had imported 819 SCUD-B missiles, of which over half were subsequently modified by Iraq into the missiles known as the Al Hussein class of missiles. In late 1995, as a result of missile inventory checks, UNSCOM became aware of the existence of a further seven indigenously produced missiles.
- 1.11 Of these SCUD-B and Al Hussein missiles, 593⁵ were used prior to the 1991 Gulf War and their use has been accounted for. Of the remaining 226 imported and seven indigenously produced missiles, UNSCOM accounted for all except two imported and the seven indigenously produced missiles.

Missile Launchers

- 1.12 Iraq declared that it had 80 missile launchers in total, consisting of a mix of imported and indigenously produced mobile combat launchers, converted trailer launchers, fixed operational launchers and stand-by/training launchers. All 80 launchers were accounted for by UNSCOM as being either unilaterally destroyed by Iraq, destroyed under UNSCOM supervision, or released for conversion and use in non-proscribed activities.

Missile Warheads

- 1.13 The numbers of missile warheads declared by Iraq since 1991 have changed several times. The most recent figures provided in 1998 indicate that Iraq had a total of 940 warheads for the SCUD-B/Al Hussein missiles, consisting of 819 imported combat warheads, and 121 indigenously produced combat warheads. Of the 940 declared warheads, 75 were classed by UNSCOM as non-conventional or "Special Warheads" as they were filled or designed to be filled with

4 *ibid*, p. 18

5 *ibid*, p. 19

chemical or biological agents. All of these 75 special warheads were accounted for as follows:

- 30 were destroyed under UNSCOM supervision, and
- Remnants of 43 to 45 warheads were identified at the various unilateral destruction sites.

1.14 Notwithstanding the fact that all special warheads were accounted for, the discovery of 'degradation products of nerve agents, and in particular VX'⁶, on a number of the excavated warheads, conflicts with declarations provided by Iraq that 'the unilaterally destroyed special warheads had never been filled with any chemical warfare agents'.⁷ This issue then raised the question of whether or not all special warheads declared to have been produced by Iraq have been accounted for and their destruction verified.

1.15 To further complicate the overall accounting for missile warheads, of the 303 to 307 conventional warheads declared by Iraq as being unilaterally destroyed, 'some 25 imported warheads and some 25 Iraqi manufactured warheads'⁸ remain unaccounted for.

Material Balance – Chemical Weapons

1.16 Iraq's chemical warfare (CW) programme was by far the most extensive and advanced of all its WMD programmes. It consisted of: procurement and research and development activities; stockpiles of CW munitions and agents; and holdings of their precursors and large scale production facilities. 'Iraq declared overall holdings of more than 200,000 unfilled and filled special munitions (those produced and procured for CW and BW purposes during the entire period of the implementation of its CW programme.'⁹ Of this total of special munitions, Iraq claimed to have used about 100,000 filled special munitions during the period 1982 – 1988.

1.17 As of January 1991, Iraq declared that it had 127,941 filled and unfilled special munitions. A detailed breakdown of UNSCOM's accounting by type for these various CW munitions, the bulk CW agents and their precursors are set out in Part 2 of Appendix D to this

6 *ibid*, p. 29

7 *ibid*, p. 29

8 *ibid*, p. 27

9 *ibid*, p. 73

Report. The discrepancies, or unaccounted for CW munitions, bulk CW agents and chemical precursors can be summarised as follows:

Chemical Munitions

1.18 The Iraqi declaration of 127,941 filled and unfilled special munitions consisted of the following:

- **Destroyed during 1991 Gulf War:** Iraq declared that 41,998 filled and unfilled special munitions were destroyed during the 1991 Gulf War. It should be noted however, that UNSCOM only accepted the destruction of 34,000 munitions based on both physical and documentary evidence and the fact that extensive bomb damage to CW storage facilities precluded the completion of an accurate numerical count.
 - ⇒ As a result, UNSCOM concluded that `the destruction of about 2,000 unfilled munitions remains uncertain, and 550 filled munitions remain unaccounted for.’¹⁰
- **Unilaterally Destroyed by Iraq:** Iraq declared that it unilaterally destroyed 29,668 filled and unfilled munitions in July 1991, either by demolition or melting. As a direct consequence of the destruction methods used, UNSCOM was unable to account numerically for the total numbers of munitions declared as destroyed.
 - ⇒ As a result, UNSCOM accepted the destruction of about 13,660 munitions based physical and documentary evidence; however, most importantly, `about 100 munitions filled, according to Iraq, with BW agents remain unaccounted for.’¹¹
- **Munitions Remaining after 1991 Gulf War:** Iraq declared that 56,281 filled and unfilled munitions remained after the 1991 Gulf War. Of these, 40,048 were destroyed under UNSCOM supervision, and of the remaining 16,263 munitions, 15,616 were released to Iraq for conversion to conventional munitions. In accounting for the munitions which remained after the 1991 Gulf War, it is noted that UNSCOM accepted a discrepancy of several hundred munitions as a consequence of the difficulties and minor variations associated with physically counting large stockpiles of weapons.

10 *ibid*, p. 75

11 *ibid*, p. 75

Bulk Chemical Agents

- 1.19 Iraq declared that its CW programme resulted in the production of a total of 3,859 tonnes of bulk CW agents, with the CW agents Sarin (GB/GF), Tabun (GA) and Mustard being produced in large quantities. Iraq also declared that of this total figure 3,315 tonnes were weaponised and that about 80 per cent of this figure was used during the period 1982 to 1988. In addition, Iraq claimed that it had discarded some 130 tonnes of non-weaponised agent during this period. It should be noted, however, that UNSCOM could not verify the figures for total production and holdings due to the 'absence of information sought by the Commission from the suppliers'¹² and Iraq with respect to its CW programme.
- 1.20 In its declaration of bulk CW agent, Iraq stated that as of January 1991, it held 412.5 tonnes of bulk CW agents. Of this figure, 411 tonnes of bulk agents were subsequently destroyed under UNSCOM supervision and 1.5 tonnes of the nerve agent VX, which Iraq unilaterally declared as having been discarded, remained unaccounted for.

Precursor Chemicals

- 1.21 In undertaking its entire CW programme, Iraq declared that it had either produced or imported some 20,150 tonnes of precursor chemicals, and that of this figure only 14,500 tonnes were used in the production of CW agents and other key precursors. UNSCOM noted, however, that they could not fully verify the figures relating to Iraq's CW production programme 'due to the absence of sufficient evidence provided by Iraq and its foreign suppliers'.¹³
- 1.22 In its precursor chemicals declaration, Iraq stated that as of January 1991, it held 3,915 tonnes of precursor chemicals. These were subsequently accounted for as follows:
- **Destroyed during 1991 Gulf War:** Iraq declared that 823 tonnes were destroyed during the 1991 Gulf War. UNSCOM qualitatively confirmed this figure, but was unable to verify it quantitatively.
 - **Unilaterally Destroyed by Iraq:** Iraq declared that it unilaterally destroyed 242 tonnes of precursors in July 1991, including 'all

12 United Nations Special Commission (UNSCOM), Report No S/1997/774, dated 6 October 1997, p. 11

13 United Nations Special Commission (UNSCOM), Report No S/1999/94 dated 25 January 1999, p. 82

precursors for the production of VX.¹⁴ UNSCOM indicated, however, that the quantity declared as unilaterally destroyed was only partially accounted for.

- **Precursor Chemicals Remaining after 1991 Gulf War:** UNSCOM accounted for the remaining 2,850 tonnes of precursor chemicals. Of this figure, 2,610 tonnes of key precursors were destroyed under UNSCOM supervision.

Material Balance – Biological Weapons

Iraq's offensive BW programme was among the most secretive of its programmes of weapons of mass destruction. Its existence was not acknowledged until July 1995. During the period from 1991 to 1995 Iraq categorically denied it had a biological weapons programme and it took active steps to conceal the programme from the Special Commission. These included fraudulent statements, false and forged documents, misrepresentation of the roles of people and facilities and other specific acts of deception.¹⁵

1.23 By far the greatest impediment to UNSCOM's efforts to assess and establish an accurate picture of the extent of Iraq's BW programme was an almost total lack of supporting documentation. This situation arose as a result of a decision by Iraq in 1991 to destroy all documents relating to its BW programme, and subsequently manifested itself in often conflicting and contradictory evidence being presented to UNSCOM inspectors as they attempted to quantify and verify the nature and extent of Iraq's BW programme. The net result being that after:

- assessing three separate Full, Final and Complete Disclosures by Iraq with respect to its BW programme,
- conducting 35 BW verification inspection missions, and
- correlating this information with other information such as that provided by Iraq's former suppliers,¹⁶

UNSCOM had no confidence that all bulk agents have been destroyed; that no BW munitions or weapons remain in Iraq; and that a BW capability does not still exist in Iraq.¹⁷

14 *ibid*, p. 83

15 *ibid*, p. 108

16 *ibid*, p. 104

- 1.24 A breakdown of UNSCOM's accounting by type for the various BW munitions, the bulk BW agents and growth media are set out in Part 3 of Appendix D to this Report. The discrepancies, or unaccounted for BW munitions, bulk BW agents and growth media can be summarised as follows:

BW Munitions and Weapon Systems

- 1.25 Notwithstanding Iraqi claims that it destroyed all its BW munitions and related weapons systems in 1991, UNSCOM inspection and verification activities identified the following discrepancies between declared and actual (verified), figures:

- R-400 Aerial Bombs: 157 unaccounted for.
- Aerosol Generators (Heli-borne): 12 unaccounted for.
- Mobile transfer tanks (1 m³): In excess of 20 unaccounted for.

In addition, evidence was presented by Iraq which indicated the development of a pilotless MIG 21 aircraft for use as a delivery system. However, it was unclear whether it was to be used to carry chemical or biological agents. There was also no evidence to confirm that the project was dropped in 1991 prior to its completion.

Bulk Biological Agents

- 1.26 The figures presented by Iraq as representing the quantities of bulk BW agents produced were all characterised by uncertainty and a total lack of supporting documentation. In particular, UNSCOM considered that the figures provided for the quantities of Bulk BW agent which were unilaterally destroyed by Iraq in 1991 were all contrived – estimates based on estimates of usage and losses etc. As a consequence, UNSCOM was **unable** to determine a figure for the unaccounted for quantity for any of the bulk BW agents declared by Iraq.
- 1.27 In the summary of its BW inspection activities, UNSCOM stated in relation to quantities of bulk BW agents produced, quantities used in filling BW munitions and quantities declared as being unilaterally destroyed, that it had 'little or no confidence in the accounting for proscribed items for which physical evidence is lacking or

inconclusive, documentation is sparse or non-existent, and coherence and consistency is lacking'.¹⁸

Bacterial Growth Media

- 1.28 The quantities of growth media declared by Iraq, like those for the bulk BW agents, were characterised by considerable uncertainty and a lack of supporting documentation. For example, the figures provided by Iraq for the amounts of growth media used in the production of the various BW agents were based on the production quantities of the agents, which were themselves estimates.
- 1.29 Deficiencies were also noted in the quantities of growth media declared by Iraq as being imported when compared to the actual quantities shipped by international suppliers. Furthermore, there was no evidence to support the acquisition of quantities of growth media which were claimed by Iraq as having been acquired locally.
- 1.30 As a result, UNSCOM considered that the accuracy of the derived figures for growth media acquisition, usage and disposal as declared by Iraq could not be verified. However, as a consequence of being aware of how much growth media was imported by Iraq and how much was destroyed under the Commission's supervision, UNSCOM was able to derive the following minimum figures for the quantities of growth media which were considered to be unaccounted for:
- Casein: 460 kg, (sufficient to produce 1,200 litres of botulinum concentrate).
 - Thioglycollate Broth: 80 kg.
 - Yeast Extract: 520 kg, (sufficient to produce 26,000 litres of anthrax).
 - Peptone: 1,100 kg, (sufficient to produce 5,500 litres of perfringens concentrate).

Material Balance – Nuclear

- 1.31 As noted previously in paragraph 1.3 of this report, the numerous inspection missions and consequent determination of extent and state of Iraq's nuclear weapons programme was conducted by inspectors from the International Atomic Energy Agency (IAEA). Whilst these

inspections were generally conducted separately from the UNSCOM inspections, they were often conducted in conjunction with them.

- 1.32 The IAEA undertook an extensive and intrusive programme of inspections and verification activities during the period 1991 to 16 December 1998, when both UNSCOM and IAEA inspection activities were suspended and representatives of the respective organisations departed Iraq. The IAEA in its Report No S/1999/127 dated 9 February 1999 stated that its:

extensive verification activities in Iraq, since May 1991, have yielded a technically coherent picture of Iraq's clandestine nuclear programme. These verification activities have revealed no indication that Iraq possesses nuclear weapons or any meaningful amounts of weapon-usable nuclear material, or that Iraq has retained any practical capability (facilities or hardware) for the production of such material.¹⁹

- 1.33 The IAEA qualified this indication taking into account the degree of uncertainty that has and still exists with respect to Iraq's compliance with its obligations under the relevant Security Council resolutions. The qualification states that:

the IAEA despite its extensive verification measures, cannot provide absolute assurance of the absence of readily concealable items, such as components of centrifuge machines or copies of weapon-related documents. Similarly it should be recognised that verification measures cannot guarantee detection of readily concealable or disguisable activities, such as computer-based weaponisation studies, explosives experimentation or small scale centrifuge cascade development. A statement by the IAEA that it has found "no indication" of prohibited equipment, materials or activities in Iraq is not the same as a statement of their "non-existence".²⁰

- 1.34 The specific detail relating to the scope and status of Iraq's nuclear weapons programme is set out in Attachment 1 to UN Security Council Report S/1997/779, dated 8 October 1997. A summary of the detail of Attachment 1, also taken from the same report, is included in Part 4 of Appendix D to this report as the material balance for Iraq's nuclear programme.

19 United Nations Security Council Report S/1999/127, dated 8 February 1999, p. 14

20 *ibid*, p. 15

UNMOVIC update to Material Balance Figures

- 1.35 During the latter half of 1998, despite numerous assurances by Iraq that it would cooperate with UNSCOM, the level of restrictions imposed by Iraq on inspection activities continued to increase to the extent where the Executive Chairman, Dr Richard Butler, in his 15 December 1998 report to the United Nations Security Council stated that in 'the absence of full cooperation by Iraq, it must regrettably be recorded that the commission is not able to conduct the substantive disarmament work mandated to it by the Security Council'.²¹ UNSCOM ceased its inspection activities in Iraq on 17 December 1998.
- 1.36 On 17 December 1999, as a result of the adoption of the United Nations Security Council Resolution 1284 (1999), the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) replaced UNSCOM. However, as a result of Iraq's continued refusal to cooperate with the United Nations, inspection missions did not recommence until 27 November 2002.
- 1.37 From the commencement of inspections in Iraq on 27 November 2002 until the day of the withdrawal of all United Nations personnel on 18 March 2003, UNMOVIC conducted 731 inspections, covering 411 sites, 88 of which had not been inspected before.²²As a consequence of these inspections, the following amendments were made to the material balance tables produced by UNSCOM:
- **Ballistic Missiles Material Balance:** The figures for unaccounted for Al Hussein missiles remain unchanged at nine, and the figure for unaccounted for Al Hussein warheads also remains unchanged at 50. UNMOVIC did however conclude that the Iraqi Al Samoud 2 missiles were, under the terms of Security Council resolution 687 (1991), a proscribed item. All Al Samoud 2 missiles, warheads and associated equipments were accounted for by UNMOVIC, however not all components were destroyed prior to 18 March 2003. The missiles and equipment remaining to be destroyed consisted of 25 missiles, 38 warheads and 6 each of the launchers and command vehicles. These changes are not reflected in Part 1 of Appendix D to this report as it was based only on figures derived for the Al Hussein class of missiles, its warheads and associated equipment.

21 United Nations Security Council Report S/1999/1172, dated 15 December 1998, p. 8

22 United Nations Security Council Report S/2003/580, dated 30 May 2003, p. 6

- **Chemical Weapons Material Balance:** In an overall sense the numbers of additional chemical munitions discovered by UNMOVIC was considered to be small and therefore did not result in any change to the material balance figures produced by UNSCOM. However, the following items were destroyed under UNMOVIC supervision:
 - ⇒ 14 artillery shells, (155 mm), which were filled or had been filled with mustard gas.
 - ⇒ 18 missile warheads (122 mm), of which seven were filled with water and 11 were empty.
 - ⇒ 500 ml of thiodiglycol, which is a precursor for the production of mustard gas.

These additional figures are not reflected in Part 2 of Appendix D to this report as they are relatively small and can be considered as included in the discrepancies accepted in deriving the original figures for chemical weapons.

- **Biological Weapons Material Balance:** Of the 157 R-400 aerial bombs previously declared by Iraq as having been filled with BW agents and unilaterally destroyed in 1991, UNMOVIC inspections were able to confirm the destruction of 128 of these bombs. In addition, 244.6 kg of declared but expired growth media was destroyed under UNMOVIC supervision. These new figures are included in Part 3 of Appendix D to this report.
- **Nuclear Weapons Material Balance:** 'Between 25 November 2002 and 17 March 2003, Agency, (IAEA), inspections teams carried out 237 inspections at some 148 locations, including 27 new locations.'²³ As a result of these inspections the IAEA stated that:
 - ⇒ It had not found any substantiated evidence of the revival of a nuclear weapons programme.
 - ⇒ In the areas of uranium acquisition, concentration and centrifuge enrichment, extensive field investigation and document analysis revealed no evidence that Iraq had resumed such activities.²⁴
 - ⇒ It had 'observed a substantial degradation in facilities, financial resources and programmes throughout Iraq that might support a nuclear infrastructure.'²⁵

23 IAEA Report GOV/2003/50-GC(47)/10, dated 8 August 2003: *Implementation of United Nations Security Council Resolutions Relating to Iraq*, p. 3

24 *ibid*, p. 4

25 *ibid*, p. 4

The IAEA noted, however, that, in order to fully verify the above statements, a longer period of inspections would be required, as well as the implementation of an extensive and sophisticated ongoing monitoring and verification system. The latter would be required to reduce the uncertainties associated with the verification process and to 'act as a deterrent to the resumption by Iraq of its nuclear weapons programme'.²⁶

Additional Intelligence – Post 1998

- 1.38 In order to gain a more complete understanding of the intelligence assessments which were used to inform decisions taken by Government in the lead-up to the commencement of military operations in Iraq in March 2003, it is also necessary to consider the intelligence which was sourced by the Australian and coalition intelligence agencies from other than UNSCOM or UNMOVIC. The intelligence view of Iraq's WMD as derived from UNSCOM and UNMOVIC, while representing a substantial proportion of the intelligence picture on Iraq's WMD programmes prior to March 2003, did not cover the period from the withdrawal of UNSCOM in December 1998 through to the commencement of UNMOVIC inspections in late November 2002, the period when Saddam reportedly recommenced activity on his WMD programmes. In addition, as a direct consequence of the events of 11 September 2001, both the US and UK intelligence agencies, through their declared "War on Terrorism", had applied a substantial intelligence gathering effort on the broader Middle East and more latterly Iraq.
- 1.39 As a result of this increased intelligence effort, a number of strategic issues which were linked to Iraq's WMD programme, and which were to become important supporting evidence to the decision to go to war in Iraq, were brought to light. Of these issues, four in particular, which were considered to be fundamental to the existence of WMD in Iraq and to the capacity of Iraq to use them, would also create a deal of controversy among the intelligence agencies, especially in the US, over the accuracy and reliability of the information presented and the nature of the assessments drawn from that information. The four issues were:

- The attempt by Iraq to acquire uranium from Africa.
- The acquisition by Iraq of high-strength aluminium tubes for alleged use in the centrifuge enrichment process.
- The use of mobile BW production laboratories.
- The development of unmanned aerial vehicles, (UAVs) for the delivery of BW and CW agents.

1.40 It is important to highlight the chronology of the unfolding of these issues as they are relevant to examining how the Australian intelligence agencies viewed, assessed and reported them to government. The examination of the conduct of the intelligence assessments undertaken by the Australian intelligence agencies is dealt with in Chapters Two, Three and Four of this report. In addition, these issues were considered to be important factors in assessing Iraq's capacity and willingness to use its WMD, as well as the immediacy of the threat posed by them.

Attempt to source Uranium from Africa

1.41 A detailed chronology of Iraq's alleged attempts to source uranium from Africa is set out at Part 1 to Appendix E to this report. The following is a summary of the salient events and issues from the chronology:

- The US Central Intelligence Agency (CIA) first became aware that Iraq was attempting to acquire uranium oxide from Africa in late 2001/early 2002. However, within a couple of months of the receipt of this intelligence, other US intelligence agencies had indicated the information was not credible.²⁷
- In June 2002 the UK Secret Intelligence Service (SIS) also acquired intelligence regarding Iraq's attempt to import uranium from Africa.
- Despite some continued dissenting views over this issue, especially within the US, the issue featured prominently in a number of major policy statements within the US and the UK in late 2002 and early 2003.
- The US Secretary of State in his address to the United Nations Security Council on 5 February 2003 did not include reference to

²⁷ It should be noted that this information was not passed on to intelligence agencies in Australia or the UK.

the uranium from Africa issue following advice from within the State Department that they could not confirm the reports.

- The Director General of the IAEA in his update to the United Nations Security Council on 7 March 2003 advised that the IAEA had concluded 'with the concurrence of outside experts, that these documents – which formed the basis for the reports of recent uranium transactions between Iraq and Niger – are in fact not authentic.'²⁸
- The UK, however, based on information from a second independent source, continued to believe that Iraq had sought to negotiate the purchase of uranium from Africa. The veracity of this claim was accepted by the UK's Parliamentary Intelligence and Security Committee in its investigation into the UK intelligence assessments of Iraq's WMD during August – September 2003.

1.42 Thus it can be seen that there was intelligence available to both support as well as counter the claim that Iraq had attempted to source uranium from Africa. As a result, a conclusive judgement one way or the other would be difficult, although, given the IAEA's thorough investigation of this issue and the unwillingness of the UK intelligence services to provide any further evidence for their ongoing view,²⁹ the claim could more readily be considered to be false. A final determination with respect to this issue may be achieved through the current activities of the US led Iraq Survey Group (ISG). However, the reported systematic mass destruction of documents and computer hard drives either during or immediately after the 2003 Gulf War, will make this task extremely difficult.

Acquisition of Aluminium Tubes for use in Centrifuge Enrichment

1.43 A detailed chronology of Iraq's acquisition of high-strength aluminium tubes for supposed use in gas centrifuges is set out at Part 2 to Appendix E to this report. The following is a summary of the salient events and issues from the chronology:

- The CIA first became aware of Iraq's purchase of aluminium tubes in July 2001 when approximately 3000 tubes were intercepted on

28 Director General IAEA, *Status of Nuclear Inspections in Iraq: An Update*, 7 March 2003, p. 3

29 The FAC of the UK Parliament commented that 'it was very odd ... that eight months later the Government was still reviewing the evidence.' See House of Commons, Foreign Affairs Committee, *The Decision to go to War in Iraq*, July 2003. p. 24. The Committee is aware that the UK ISC did review the 'other intelligence' and found it 'reasonable.'

their way into Iraq. In late 2001, the first dissenting view on their intended use was expressed by US centrifuge experts.

- Throughout the period January to early September 2002, the US President and other high-level US government representatives continued to emphasise the threat posed by Iraq's nuclear programme.
- In September – October 2002, the CIA, at the request of the US Senate Select Committee on Intelligence, prepared a National Intelligence Estimate (NIE) on Iraq's WMD programmes. A key judgement of the NIE was that, while 'Saddam does not yet have nuclear weapons or sufficient material to make any, he remains intent on acquiring them.'³⁰ The NIE also expressed the dissenting views on this issue by experts from the US Energy Department and more importantly, from the US State Department's Bureau of Intelligence and Research, albeit in an appendix to the main document.
- In early January 2003 the IAEA as a result of its inspection activities reported that 'analysis to date indicates that the specifications of the aluminium tubes sought by Iraq in 2001 and 2002 appear to be consistent with reverse engineering of rockets. While it would be possible to modify such tubes for the manufacture of centrifuges, they are not directly suitable for it.'³¹ Despite this IAEA report and further counter evidence from US intelligence analysts, the US President, the Secretary of State and other senior government representative made a number of official statements throughout January and early February, which included reference to the aluminium tubes as a component of Iraq's nuclear programme.
- In mid February the Director General of the IAEA confirmed that as a result of their inspection programme the IAEA had found no proscribed nuclear or nuclear related activities in Iraq. However, he added that a number of issues remained the subject of on-going investigations.

1.44 The key factor which is evident in the review of the aluminium tubes issue is that from the outset, opinion among intelligence analysts as well as experts was divided on the intended use of the tubes. It is also

30 CIA National Intelligence Estimate, *Iraq's Weapons of Mass Destruction Programs*, October 2002, p. 1

31 Director General IAEA, *Status of the Agency's Verification Activities in Iraq As of 8 January 2003*, 9 January 2003, p. 2

apparent that the dissenting views, while continuing to increase during the latter part of 2002, were not appropriately considered by the CIA and the executive of the US administration as it did not support or add to the case for taking military action against Iraq over its protracted and intransigent refusal to comply with the requirements of the various United Nations Security Council resolutions on Iraq's WMD. On the other hand however, the UK having also noted the issue, were more circumspect in their assessment of the intended use of the tubes.

- 1.45 The specific conclusions reached by the IAEA in its investigation of the issue are considered to clearly indicate that the aluminium tubes were not intended for use in gas centrifuges, but rather as Iraq had declared, for use in the reverse engineering of rocket motors. It is also considered noteworthy that the interim report of the ISG makes no reference to the issue of aluminium tubes in its subsequent investigation of Iraq's nuclear programme, although it did find 'indications that there was interest, beginning in 2002, in reconstituting a centrifuge enrichment program.'³²

Mobile Biological Agent Production Laboratories

- 1.46 A detailed chronology of Iraq's supposed development and use of mobile BW agent production laboratories is set out at Part 3 to Appendix E to this report. The following is a summary of the salient events and issues from the chronology:
- Details relating to the inception of an Iraqi mobile BW and CW production capability are at best very sketchy. UNSCOM reported that Iraq had considered the use of mobile production facilities as early as 1995. Information from defectors in late 2002 indicated that Iraq had converted a fleet of refrigerator trucks into mobile BW production facilities.
 - Both the UK, in its Dossier on Iraq's WMD (dated 24 September 2002), and the CIA in its National Intelligence Estimate (dated October 2002), indicated that Iraq possessed a BW agent production capacity based on the use of mobile facilities.
 - The US President in his State of the Union Address on 28 January 2003 and in particular, the Secretary of State in his address to the

32 Dr David Kay, *Interim Progress Report on the Activities of the Iraq Survey Group (ISG) before the House Permanent Select Committee on Intelligence, The House Committee on Appropriations, Subcommittee on Defense and the Senate Select Committee on Intelligence*, 2 October 2003, p. 8

United Nations Security Council on 5 February 2003, referred to the existence of Iraqi mobile BW production facilities. However, in March 2003 the Executive Chairman of UNMOVIC in his report to the United Nations Security Council indicated that 'several inspections have taken place at declared and undeclared sites in relation to mobile production facilities. ... No evidence of proscribed activities have so far been found.'³³

- During late April and early May 2003, two mobile laboratory trucks were discovered in the north of Iraq. The CIA and the US Defense Intelligence Agency reported that they could be used to support a BW programme or legitimate research. However, senior Iraqi officials claimed the trailers were for the production of hydrogen for artillery weather balloons. The US State Department's Bureau of Intelligence and Research also disputed the CIA findings, stating 'that it was premature to conclude that trailers were evidence of such weapons'.³⁴
- The controversy over the trailers further increased when the Executive Chairman of UNMOVIC commented that 'neither the information presented nor pictures given to us by the Iraqi side, match the description that has recently been made available to us ... by the United States.'³⁵
- As a result of doubts about the trailers by US intelligence analysts, the UK dispatched a separate team to examine the trailers. They concluded that the trailers were not mobile BW laboratories, but were as the Iraqis had insisted, 'for the production of hydrogen to fill artillery balloons'.³⁶
- The ISG in its October 2003 interim report to various intelligence committees of the US Senate and Congress could not confirm the existence of mobile BW production facilities. However, among a number of possible uses for the trailers, they would not rule out BW agent production.

33 Executive Chairman of UNMOVIC, Oral introduction to the 12th quarterly report of UNMOVIC, 7 March 2003

34 D. Jehl, *After the War: Intelligence; Agency Disputes CIA View On Trailers as Weapons labs*, The New York Times, 26 June 2003, p. 1

35 Executive Chairman of UNMOVIC, Oral introduction to the 13th quarterly report of UNMOVIC, 5 June 2003

36 P. Beaumont and A. Barnett, *Iraqi mobile labs nothing to do with germ warfare, report finds*, The Observer, 15 June 2003

- 1.47 The review of the chronology of the alleged mobile BW production facilities again highlights, especially during the latter stages of the issue, the apparent disregard of dissenting views within the US on the use of the trailers as again, they did not support or add to the case for taking military action against Iraq over its continued refusal to comply with the requirements of the various United Nations Security Council resolutions on Iraq's WMD. In terms of assessing the accuracy of the intelligence and information available, it is considered that the reporting from UNMOVIC should be taken as being the most authoritative, as it is based on inspection activities which directly addressed the issue, and the fact that the independent UK assessment of the trailers arrived at a similar conclusion.

Unmanned Aerial Vehicles (UAVs) for BW and CW agent Dissemination

- 1.48 A detailed chronology of Iraq's programme of development of UAVs to disseminate BW and CW agents is set out at Part 4 to Appendix E to this report. The following is a summary of the salient events and issues from the chronology:
- Iraq declared to UNSCOM in 1995 that prior to the 1991 Gulf War it had conducted some developmental work on an unmanned delivery system for BW agents. Iraq declared that this programme was halted as a result of the 1991 Gulf War; however, UNSCOM were unable to find any clear evidence to indicate the project had been terminated.
 - As a result of Operation Desert Fox in December 1998, UK based intelligence indicated that Iraq had converted a number of L-29 aircraft into UAVs for delivery of BW and CW agents. US intelligence analysts were however, more circumspect in their assessment and considered their use for agent delivery only as a possibility.
 - From 2000 through to mid 2002, US intelligence sources continued to report on Iraq's conversion of L-29 aircraft which 'may be intended for the delivery of chemical and biological agents.'³⁷
 - In early September 2002 the UK based International Institute for Strategic Studies released its Net Assessment of Iraq's WMD. This was followed later that month by the UK Government's Dossier on

37 US Secretary for Defense, *Proliferation: Threat and Response – January 2001*, 10 January 2001, p.42

Iraq's Weapons of Mass Destruction, and on 1 October the CIA provided to the US Administration its classified National Intelligence Estimate (NIE) on Iraq's WMD programmes. All three documents referred to Iraq's development of UAVs for the probable delivery of BW agents in particular, and possibly CW agents. The NIE noted the dissenting opinion of UAV specialists from the US Air Force.

- During the period late October 2002 to February 2003, a number of key public statements were made in the US and all contained reference to Iraqi UAVs and their probable use to disseminate BW and CW agents.
- In February 2003, following an inspection of an Iraqi UAV, UNMOVIC stated that they believed that 'Iraq's unmanned aerial vehicle programs were for reconnaissance'³⁸ purposes rather than for use in their CBW programme as had been suggested by Secretary of State Powell and others.
- In October 2003, the ISG in its Interim report to the various intelligence committees of the US Senate and Congress reported that 'Iraq was continuing to develop a variety of UAV platforms and maintained two UAV programs',³⁹ and that these were the subject of on-going examination by the ISG.

1.49 From the above review of the chronology of intelligence on Iraqi UAV, it is evident that Iraq had developed, and were continuing to develop a number of types of UAV. Opinion on their intended use however, remains divided. Given that Iraq initially declared that it intended to use an aircraft (a MIG 21), as a UAV to deliver BW agents, it is considered highly probable that Iraq had intended to pursue the use of UAVs as part of its BW programme and possibly its CW programme. The further activities of the ISG will therefore be important in establishing the full nature and extent of the Iraqi UAV programmes and whether or not they were linked to Iraq's BW or CW programmes.

38 D. Linzer and J. Lumpkin, *Weapons experts: Iraqi drones posed no threat*, Associated Press, 25 August 2003, p. 2

39 Dr David Kay, *Interim Progress Report on the Activities of the Iraq Survey Group (ISG) before the House Permanent Select Committee on Intelligence, The House Committee on Appropriations, Subcommittee on Defense and the Senate Select Committee on Intelligence*, 2 October 2003, p. 9

Iraq's Capacity and Willingness to use WMD

1.50 Iraq's capacity to use WMD is derived from the combination of a series of key enabling factors. These have been identified as: the possession of the weapons themselves, or at least the ability to produce them at relatively short notice; the availability of appropriate and serviceable delivery systems; and the doctrinal aspects of command, control, training and logistics support within the Iraqi military organisation. Without all of these being present it is considered that it would not be possible, or at least extremely difficult, for Iraq to launch a coordinated and sustained campaign involving the use of CW and BW. The factors that would provide an indication of Iraq's capacity to use WMD can be summarised as follows:

- **Possession of BW and CW munitions:** Despite Iraq's various declarations with respect to its manufacture of BW and CW munitions and bulk agents, its declared use of CW in the 1980 – 88 Iran – Iraq War, its declared unilateral destruction of its BW and CW stocks in mid 1991, and the destruction of further stocks of munitions and bulk agents by UNSCOM, there remained, according to UNSCOM, various quantities of BW and CW munitions and bulk agents which were not accounted for. These figures have been confirmed and updated by subsequent UNMOVIC inspections. The more recent activities of the ISG, despite having received 'multiple reports that Iraq retained CW munitions made prior to 1991, possibly including mustard',⁴⁰ has not located any stockpiles of BW and CW munitions. It is therefore considered that as a minimum, the unaccounted for BW and CW munitions could constitute Iraq's immediate WMD capability prior to the 2003 Gulf War.
- **Capacity to Produce further BW and CW Munitions:** UNMOVIC through the conduct of its inspections during the period 27 November 2002 to 18 March 2003 reported to the United Nations Security Council that it 'did not find evidence of the continuation or resumption of programmes of weapons of mass destruction or significant quantities of proscribed items'⁴¹. It should also be noted that the ISG, as a result of its more recent investigations, 'discovered dozens of WMD-related program activities and

40 *ibid*, p. 7

41 United Nations Security Council Report S/2003/580, dated 30 May 2003, pg 5

significant amounts of equipment that Iraq concealed from the United Nations'.⁴² However, these in the main related to research and development activities or the retention of skills rather than the direct production of bulk quantities of BW and CW agents. The ISG is continuing its investigations of a number of possible dual-use commercial chemical facilities in order to determine whether they were used, or planned to be used as alternative CW production sites. Therefore, it can be argued that prior to the March 2003 Gulf War, it is unlikely that Iraq possessed any capacity to produce further BW or CW munitions and bulk agents.

- **Availability of delivery systems:** The number and variety of WMD capable delivery systems possessed by Iraq was considered to be extensive, ranging from Al Hussein ballistic missiles, 122 mm rockets, numerous types and sizes of aerial bombs, 155 mm artillery guns and possibly includes UAVs and aircraft spray tanks. Notwithstanding the fact that the majority, if not all these systems, also has a conventional warfare role, they are, with the exception of 155 mm artillery guns, all included on the UNSCOM/UNMOVIC list of unaccounted for proscribed items. Therefore, it can be considered that Iraq did possess a capacity to deliver CW and BW munitions prior to the March 2003 Gulf War. It is noted, however, that the more complex of these systems, in particular the Al Hussein missiles, may not have been readily useable due to inadequate levels of maintenance and other serviceability problems. It is considered that use of complex delivery systems, particularly at short notice, would have been problematic.
- **Iraqi military doctrine, command, control, training and logistic support for the deployment and use of BW and CW:** The use by Iraq of chemical weapons during the 1980 – 1988 Iran – Iraq war is clear evidence that the deployment and use of WMD was a key component of Iraq's strategic and military doctrine. It also indicated that the necessary command, control, training and logistics processes were in place and effective all the way down the chain of command to the tactical level. The extent to which this capacity had been degraded through non-use throughout the 1990s is not well reported as the majority of intelligence effort was focussed on the WMD production programmes themselves. In late 2002, UK intelligence assessed that 'Iraq's current military

42 Dr David Kay, *Interim Progress Report on the Activities of the Iraq Survey Group (ISG) before the House Permanent Select Committee on Intelligence, The House Committee on Appropriations, Subcommittee on Defense and the Senate Select Committee on Intelligence*, 2 October 2003, p. 4

planning specifically envisaged the use of chemical and biological weapons'⁴³, and that 'Iraq's military forces are able to use chemical and biological weapons, with command, control and logistical arrangements in place.'⁴⁴ However, reporting by the ISG following the 2003 Gulf War indicates that they 'have not yet found evidence to confirm pre-war reporting that Iraqi military units were prepared to use CW against Coalition forces.'⁴⁵ Thus, while it was generally believed that Iraq was militarily capable of deploying and using its WMD prior to the commencement to the 2003 Gulf War, the fact that it did not do so raises the question that it may not have been capable of doing so.

- 1.51 The UK Institute of International and Strategic Studies in its net assessment of Iraq's WMD capability also noted that Iraq's offensive CW doctrine was not well understood and that 'virtually nothing is known about command and control and delegation of authority'⁴⁶ for the use of chemical weapons beyond Iraq's post 1991 Gulf War 'claims that commanders were authorise to use CBW if they believed ... coalition forces were advancing towards Baghdad.'⁴⁷

Iraq's Willingness to use WMD

- 1.52 The fact that Iraq had in the past used chemical weapons against Iran as well as against its own people, indicates a clear willingness on the part of the Hussein regime to use WMD offensively. However, Iraq's willingness to use of WMD during the 1980s needs to be viewed in the context of Iraq's desire to maintain its strategic dominance within the Middle East region, combined with the fact that the use of such weapons was not likely to precipitate a greater or more lethal response from its regional neighbours. However, following Iraq's invasion of Kuwait on 2 August 1990 the balance of power within the Middle East region was, to say the least, significantly altered.
- 1.53 During the lead-up to the March 2003 Gulf War, Saddam's enduring desire to possess WMD, including nuclear weapons, continued to be

43 The UK Government, *Iraq's Weapons of Mass Destruction, The Assessment of the British Government*, 24 September 2002, p. 17

44 *ibid*, p. 17

45 Dr David Kay, *Interim Progress Report on the Activities of the Iraq Survey Group (ISG) before the House Permanent Select Committee on Intelligence, The House Committee on Appropriations, Subcommittee on Defense and the Senate Select Committee on Intelligence*, 2 October 2003, p. 7

46 The International Institute of Strategic Studies, *Iraq's Weapons of Mass Destruction – A Net Assessment*, London, 9 September 2002, p. 72

47 *ibid*, p. 72

well reported and was used extensively in the UK and the US as evidence to support the argument for taking military action against Iraq. The UK Joint Intelligence Committee assessed that 'Saddam is willing to use of chemical and biological weapons, including against his own Shia population.'⁴⁸ The US Secretary of State in his address to the United Nations Security Council on 5 February stated:

Saddam Hussein has chemical weapons. Saddam Hussein has used such weapons. And Saddam Hussein has no compunction about using them again -- against his neighbors and against his own people. And we have sources who tell us that he recently has authorized his field commanders to use them. He wouldn't be passing out the orders if he didn't have the weapons or the intent to use them.⁴⁹

- 1.54 Intelligence agencies in both the UK and the US also assessed that Iraq could, as a means of last resort, be prepared to use CBW in the event that Saddam's regime was under threat of being toppled.
- 1.55 Notwithstanding the emphasis that was placed on the potential for Iraq to use chemical and biological weapons, and that coalition forces discovered abandoned chemical suits and gas masks in Iraqi defensive positions in southern Iraq, the fact is none were used during the March 2003 Gulf War. The question, therefore, of whether or not Iraq had actually retained any chemical and biological weapons, and if it did, why weren't they prepared to use them, remains difficult to answer. Indeed, it is further compounded by the recent findings of the Iraq Survey Group that they had 'not yet found evidence to confirm pre-war reporting that Iraqi military units were prepared to use CW against Coalition forces'⁵⁰.
- 1.56 According to Mr Terence Taylor, a former UN weapons inspector, one of a number of possible answers to this question is:

Once they use them, the whole world community would turn against them and everyone would say the Americans and

48 The UK Government, *Iraq's Weapons of Mass Destruction, The Assessment of the British Government*, 24 September 2002, p. 19

49 US Secretary of State, *Iraq Failing to Disarm*, Address to the United Nations Security Council, 5 February 2003, p. 12

50 Dr David Kay, *Interim Progress Report on the Activities of the Iraq Survey Group (ISG) before the House Permanent Select Committee on Intelligence, The House Committee on Appropriations, Subcommittee on Defense and the Senate Select Committee on Intelligence*, 2 October 2003, p. 7

British were right. Even the French have said they would join the coalition if chem-bio was used.⁵¹

51 D. Linzer, *Abandoned chemical suits may be clues to Iraqi plans*, Associated Press, 25 March 2003

The Assessments of the Australian Intelligence Community

*It is a strange disposed time:
But men may construe things after their fashion,
Clean from the purpose of the things themselves.
(Julius Caesar, Act 1 Sc iii)*

The Nature of the Assessments

- 2.1 At the outset, it is important to note that any judgements that are made on pre-war intelligence have to be qualified by the limitations inherent in the small proportion of the assessments received by the Committee. The Director of the Office of National Assessments, Mr Kim Jones, assured the Committee that the selection provided was ‘a reasonable reflection of what we said.’¹ However, the Committee notes that both counterpart committees - in the United Kingdom, the Intelligence Services Committee and in the United States, the House Permanent Select Committee on Intelligence - were provided with all the pre-war intelligence assessments for scrutiny as part of the post-war inquiries.
- 2.2 The Committee understands the difficulties faced by agencies where information sourced from partner agencies is not theirs to release without permission. The Committee went to elaborate lengths to comply with all security requirements under the Commonwealth’s

1 ONA Transcript, 23 September 2003, p. 16.

Protective Security Manual so that any documents provided could be handled appropriately and securely. Staff were appropriately cleared. At considerable expense, the Committee made physical arrangements that were in compliance with the PSM for both the conduct of the hearings and the processing and storage of transcripts and submissions. Similarly, procedures for the handling of documents were established. While it is disappointing that a more comprehensive set of assessments was not provided to the Committee, its statutory powers preclude it from receiving operational material.

- 2.3 The intelligence assessment agencies, the Office of National Assessments (ONA) and the Defence Intelligence Organisation (DIO), provided unclassified submissions to the inquiry. The ONA submission included extracts from 26 of their pre-war assessments, beginning on 16 February 2000 and ending on 11 March 2003. The Office of National Assessments made oral reports to ministers in addition to the written reports.² The DIO submission included extracts from 14 out of more than 189³ of their pre-war assessments, beginning on 16 February 2000 and ending on 2 April 2003. The first of the assessments, 16 February 2000, was one of two joint assessments made by ONA and DIO, the second being 19 July 2002.
- 2.4 The detail of specific assessments is outlined below. They are dealt with in two separate periods. In the first period, February 2000 to September 2002, ONA and DIO assessments will be dealt with together, as their views are convergent. In the second period, where their views diverge, they will be dealt with separately. The assessments themselves are reproduced as much as possible so that readers can get a clear sense of what was being said in the agencies' own words and because assessments are very specifically worded and cannot be readily summarised without distortion. Assessments will also be considered under the categories set out in the terms of reference:
- The existence of;
 - The capacity and willingness to use; and
 - The immediacy of the threat posed by Iraq's WMD

2 ONA Transcript, 23 September 2003, pp. 5-6.

3 DIO informed the Committee that they had produced 189 reports between September 2002 and March 2003

Qualified Assessments: February 2000 – September 2002

- 2.5 The early assessments, in 2000 and 2001, suggest the possibility of a revival of the WMD programmes in Iraq. However, there are as many qualifications as there are certainties. Both agencies state that it appears Iraq is rebuilding dual-use facilities and Iraq's expertise and interest in developing WMD remains; however, 'the case for the revival of the WMD programs is substantial, but not conclusive.'⁴ These assessments acknowledge that the intelligence on Iraq is 'slight on the scope and location of Iraq's WMD activities'⁵ and 'scarce, patchy and inconclusive'⁶ on its nuclear programme. They suggest 'small',⁷ 'unknown'⁸ or, in the case of anthrax, 'likely sizeable'⁹ quantities of chemical and biological weapons or agents. Iraq's military capability is 'limited'¹⁰ and the country's infrastructure is 'in decline.'¹¹
- 2.6 In general, DIO assessed that 'Iraq probably retained a WMD capability – in the form of actual munitions – even if that capability had been degraded over time. ... Iraq maintained both an intent and a capability to recommence a wider WMD program should circumstances permit it to do so.'¹²

The Existence of Iraq WMD: Assessments February 2000-September 2002

- 2.7 At the beginning of February 2000, the joint report of ONA and DIO argues that Iraq had 'used the absence of UN inspectors to rebuild parts of its WMD infrastructure. Efforts have focussed on dual-use chemical and biological facilities, nuclear expertise and missiles.' A further report in December 2000 reiterates the possible refurbishment of facilities. The dual-use facilities and what they might imply are a repeated feature of the assessments over the next three years. These facilities represent both a possibility and an unknown quantity.

4 ONA assessment, 12 September 2002

5 ONA assessment, 6 September 2002

6 ONA/DIO joint assessment, 19 July 2002

7 ONA/DIO joint assessment, 19 July 2002

8 ONA assessment, 6 September 2002

9 ONA/DIO joint assessment, 19 July 2002

10 ONA assessment, 1 March 2001

11 ONA assessment, 1 March 2001.

12 DIO submission, p. 7.

Several facilities associated with Iraq's pre-Gulf War CBW programmes have been rebuilt or renovated, though there is no firm evidence of new CBW production.¹³

- 2.8 In March 2001, ONA reports that 'the scale of threat from Iraq WMD is less than it was a decade ago and the country's infrastructure is still in decline' and it talks about retention of only 'some elements of its WMD capability'.
- 2.9 The second joint report of ONA and DIO, dated 19 July 2002, talks about suspected 'small stocks of **chemical and biological agents**', but notes that Iraq 'has the capacity to restart its program at short notice and make more weapons within months'. It notes that 'Saddam already knows how to hurdle the BW barriers.' and '[Iraq] most likely kept a sizeable amount of anthrax and other BW agents concealed from UN inspectors'. There were also suspected holdings of 'some artillery shells and bombs filled with mustard' and 'Iraq might have hidden a few SCUD warheads filled with nerve agent'.
- 2.10 Specific reference to Iraq's attempts to rebuild its **nuclear capacity** is seen in the ONA assessment of 8 Feb 2002. 'The reports pointed to ... attempts to acquire aluminium pipes believed to be for gas centrifuges to make weapons grade uranium.' This view is qualified in the 19 July joint assessment which notes:
- All known weapons-grade fissile material was removed from the country after the Gulf War. ... Iraq's attempts over the past two years to buy dual-use items suggest a covert effort to make weapons grade uranium in gas centrifuges, but the evidence is patchy and inconclusive. ... US agencies differ on whether aluminium pipes, a dual use item sought by Iraq, were meant for gas centrifuges. ... Iraq is likely to have a nuclear programme ... though it is unlikely to be far advanced.
- 2.11 On 6 September 2002, ONA reports that:
- Iraq is highly unlikely to have nuclear weapons, though intelligence on its nuclear programme is scarce. It has the expertise to make nuclear weapons, but almost certainly lacks the necessary plutonium or highly-enriched uranium.
- 2.12 However, it also notes that 'procurement patterns are consistent with an effort to develop an enrichment capability.' ONA believes that

13 ONA assessment, 12 September 2002.

'Iraq may be able to build a basic nuclear weapon in 4 – 6 years. This timeline would be shorter in the unlikely event that Iraq was able to acquire fissile material from elsewhere.'

- 2.13 In general therefore, in this period, the agencies' view on the existence of Iraq's WMD is that, while there is a capacity to restart programmes, chemical weapons and biological weapons, if they exist at all, would be in small quantities and that the existence of nuclear weapons is doubtful.

Capacity and Willingness to Use: Assessments February 2000-September 2002

- 2.14 In this period, on the matter of Saddam's capacity and willingness to use his weapons, ONA and DIO argue that Hussein's capacity to use his weapons is low and his willingness to use them is assessed to be defensive:

The current doctrine for use and control of WMD is not known, but Iraq is assessed as unlikely to carry out an offensive first strike on coalition forces. However, the probability of Saddam authorising use of WMD is likely to increase in proportion to the threat against his power.¹⁴

Iraq is a long way from having a ballistic missile able to reach the US. But it has in the past built ballistic missiles, including extended range SCUDS, with the range to reach Israel. Most, if not all, of the few that are still hidden away are likely to be in poor condition.¹⁵

Ability to deliver WMD over long ranges reduced by destruction of almost all of his ballistic missiles.¹⁶

A Divergence of Opinion: September 2002 – March 2003

- 2.15 After the middle of September 2002, there appears to be a divergence in emphasis and judgement between the Defence Intelligence Organisation and the Office of National Assessments. From the beginning of September 2002, the number of intelligence reports being received on Iraq's WMD increased exponentially and the amount of reporting from the agencies to government also increased.

14 DIO assessment, 2 August 2002

15 ONA/DIO, joint assessment, 19 July 2002

16 ONA assessment, 6 September 2002

- 2.16 There is one report, produced on 13 September 2002, which stands out. The agencies produced an unclassified intelligence community compilation of views on Iraq, although DIO notes in its submission that ‘the final product was not cleared formally by the contributing agencies.’¹⁷
- 2.17 This report was ‘drawn upon by ministers in some of their parliamentary and public statements.’¹⁸ This unclassified compilation precedes the first major government statement on Iraq delivered in both chambers of Parliament on 17 September 2002. ONA stated in its submission that drafts of the Prime Minister’s five major speeches on Iraq were checked by ONA ‘for accuracy of references to intelligence information and assessments.’¹⁹

ONA Assessments: September 2002-March 2003

Existence of WMD

- 2.18 From this date, the language of the ONA assessments tends to be much more definitive. The changes are ones of emphasis. The ‘no firm evidence²⁰ of new CBW production ‘in the assessment of 12 September and the ‘likely small stocks of chemical and biological weapons’ of 19 July become ‘A range of intelligence and public information suggests that Iraq is highly likely to have chemical and biological weapons’ and ‘Iraq has almost certainly been working to increase its ability to make chemical and biological weapons.’²¹ The ‘patchy and inconclusive’ evidence on nuclear weapons became ‘there is no reason to believe that Saddam Hussein has abandoned his ambition to acquire nuclear weapons.’²² The aluminium tubes mentioned in the assessment of 19 July become, without the caveat of the US dispute, a more accepted part of the evidence on Iraq’s nuclear programmes.

Australian intelligence agencies believe there is evidence of a pattern of acquisition of equipment which could be used in a

17 DIO submission, p. 3

18 ONA submission, p. 8.

19 ONA submission, p. 8.

20 Emphasis added.

21 ONA assessment, 13 September 2002

22 ONA assessment, 13 September 2002

uranium enrichment programme. Iraq's attempted acquisition of aluminium tubes may be part of that pattern.²³

- 2.19 The exception to this change in emphasis is in the 20 September ONA report on the UK Dossier. In this assessment, ONA expresses some of its previous doubts. For example, while ONA comments that the [UK dossier's] 'most striking assessment is that Iraq has chemical and biological agents and weapons available both from pre-Gulf War stocks and more recent production,' it notes that there is no 'killer fact' in the dossier. It also states that ONA has not seen this intelligence, and that it remains cautious about the aluminium tubes and the claim that Iraq has sought uranium from Africa.²⁴
- 2.20 After this report of 20 September, the language in ONA assessments is again more assertive.²⁵ Despite its cautious reaction to the UK September dossier, it appears that after this date ONA is influenced by the more assertive claims being made in Britain and the United States at that time. There are six reports listed in the ONA submission in October, November and December 2002. In these assessments, there are still observations that the intelligence is inconclusive. The preamble in most sentences is still that intelligence 'suggests' or 'indicates'. However, the subsequent statements are in the indicative rather than the subjunctive mood, thereby denoting greater culpability on Iraq's part and certainty on the part of the analyst.
- Iraq has been taking further steps to hide its WMD capability²⁶
 - Iraq was moving chemical and biological weapons away from storage depots²⁷
 - Iraq is adept at hiding its WMD capabilities, including moving equipment frequently and using mobile laboratories²⁸
 - Saddam remains intent on concealing his WMD²⁹
 - Many of his WMD activities are hidden within civilian industry or in mobile or underground facilities³⁰

23 ONA assessment, 13 September 2002

24 This caution on 20 September had not prevented ONA from using the aluminium tubes in the unclassified assessment a week earlier as part of a pattern of acquisition indicating a possible uranium enrichment programme.

25 It may be that the ONA views expressed at this time are increasingly influenced by the UK Dossier where firmer judgements had been made.

26 ONA assessment, 10 October 2002

27 ONA assessment, 10 October 2002

28 ONA assessment, 1 November 2002

29 ONA assessment, 27 November 2002

- 2.21 There is also a greater concentration on Iraq's concealment activities. This concentration assumes the existence of the weapons of mass destruction and, increasingly, the failure of the UNMOVIC inspectors.

There is only a slim prospect UN inspectors will find better evidence of Saddam's WMD activities. ... Intelligence indicates that Saddam is going to great lengths to hide his WMD activities, including the concealment of some scientists and officials, and the bribing, threatening and coaching of others, and substituting intelligence officers for site officials during inspections.³¹ ... [Inspectors] have gained only a few glimpses into Saddam's WMD programmes.³²

- 2.22 The Iraqi Declaration of 7 December 2002 is analysed on 19 December 2002. ONA says, in categorical terms, that [the declaration] fails on a number of grounds:

- It offers little new information on Iraq's chemical and biological weapons programmes, or its nuclear and ballistic missile activities;
- It fails to counter the specific concerns about Iraq's recent WMD activities outlined in the UK and US public dossiers
- [It] fails – perhaps deliberately – to declare the previously acknowledged import of about 100kg of yeast extract, enough to make about 5,000 litres of anthrax. There is no mention of mobile BW labs - even to deny their existence – though there is a passing reference to refrigeration vehicles. There is no new documentation to support Iraq's claim that it destroyed all BW seed stocks acquired before the Gulf War.
- [It] fails to address adequately the fact that 500 mustard filled shells and thousands of empty CW munitions remained unaccounted for. It does not resolve concerns about Iraq's weaponisation of VX. It says that Iraq excavated and repaired chemical equipment 'destroyed' under UNSCOM supervision, and installed the equipment in a chemical plant – an apparent violation of UNSCR687. [It] denies that Iraq's unmanned aerial vehicles programmes are connected with CW or BW.
- [It] ignores Iraq's attempted procurement of aluminium tubes and its apparent effort to procure uranium outside Iraq.

30 ONA assessment, 12 December 2002

31 ONA assessment, 17 January 2003

32 ONA assessment, 24 January 2003

- 2.23 These views of Iraq's culpability and deceit accumulate in the ONA assessments of January and February 2003. By then ONA is reporting more strongly on the existence of Iraq's WMD:

there is a wealth of intelligence on Saddam's WMD activities, but it paints a circumstantial picture that is conclusive overall rather than resting on a single piece of irrefutable evidence.³³ [However] so far no intelligence has accurately pointed to the location of WMD.³⁴

- 2.24 Nevertheless, ONA makes its most emphatic statement about the existence of Iraq's WMD in this report:

[A]n Iraqi artillery unit was ordered to ensure that UN inspectors would not find chemical residues on their equipment. ... Such intelligence leaves little room for doubt that Saddam must have something to hide – he must have WMD – and confirms his deception efforts are so systematic that inspectors could not find all his WMD even if given years to do so.³⁵

- 2.25 Finally, by February 2003, ONA comments that the presentation of the United States Secretary of State, Mr Colin Powell, to the United Nations Security Council 'provides confirmation that Iraq has WMD, since Iraq's concealment and deception are otherwise inexplicable.'³⁶ And further, 'Intelligence points to continuing Iraqi concealment and deception, confirming Saddam has something to hide.'³⁷ 'Baghdad remains defiant and claims it has no WMD to declare: US and UNMOVIC assessments say the opposite.'³⁸

Willingness and Capacity to Use WMD

- 2.26 In this period, there are scant references in the ONA assessments provided to the Committee on Iraq's **capacity or willingness to use WMD**. The view it shared with DIO on 19 July of 'a few extended range SCUDS hidden away, [with] some at least in poor condition' becomes less qualified. On 12 September ONA observes that 'Iraq's ballistic missile program has been active since 1998' and 'Iraq is also seeking new kinds of unmanned aerial vehicles.' As the war draws

33 ONA assessment, 31 January 2003

34 ONA assessment, 31 January 2003

35 ONA assessment, 31 January 2003.

36 ONA assessment, 6 February 2003

37 ONA assessment, 18 February 2003

38 ONA assessment, 11 March 2003

closer in January and March 2003, ONA puts forward views on Hussein's willingness to use WMD:

Saddam may go beyond just threatening the use of WMD – for example, chemical-filled artillery shells to slow the battle or increase US casualties, even at the expense of his own people. ... Saddam is procuring equipment and antidotes to protect his own troops in a CBW environment. ... The risk of WMD use would sharply increase once Saddam's own survival looks doubtful.³⁹

Finally, on 19 March 2003, ONA reports that 'intelligence about the likelihood and scale of chemical weapon use is conflicting.'

DIO Assessments: September 2002 – March 2003

2.27 In its reports, DIO concentrates in greater measure on Iraq's military capability. It is generally supportive of the intelligence in the UK dossier of 24 September, saying that 'it is accurate, but provides no new intelligence. It contains some information that was highly classified until yesterday, and many of the supporting details remain classified.'⁴⁰

2.28 DIO expresses a number of views that are the same as, or similar to, those of ONA. For example:

- What is not known about Iraq's programmes is as worrying as what is known;
- Saddam is well versed in concealment and dispersal; and
- Iraq's declarations on its past programme remain inadequate, especially for VX and CW munitions and precursor material.⁴¹

2.29 However, the detailed reports from DIO after the middle of September 2002 remain more sceptical and circumspect than those of ONA in the same period.

Existence of WMD

2.30 In this period, DIO remains consistent to its previously stated views on the existence of biological weapons and chemical weapons – that quantities are likely to be small, and, while it is possible, there is no evidence of new production. In its assessments, made between

39 ONA assessment, 30 January 2003

40 DIO assessment, 25 September 2003

41 DIO assessment, 10 October 2002

September 2002 and March 2003, DIO argues the following on the existence of **chemical weapons**:

- Iraq probably retains a limited stockpile of chemical weapons, possibly stored in dual-use facilities;⁴²
- Due to the difficulties in storage and the possible degradation of some chemical agents, the capacity for Iraq to effectively employ weaponised CW agents is uncertain;
- Iraq has the capacity to restart CW production, but we have no evidence that this has occurred;
- There is no known CW production.⁴³

2.31 On **biological weapons**, having cited the history of Iraq's deceptions on biological weapons, DIO argues the following:

- We assess that Iraq retains BW agents and technical knowledge, with the ability to reconstitute a military BW capability within weeks to months. It may also have retained some SCUD warheads and bombs loaded with BW agents.
- In UNSCOM 's absence, Iraq is probably at least consolidating any retained BW capabilities, which could include agents and weapons. Iraq has the necessary civil, and possibly hidden military, assets to have resumed limited production, although there is no specific evidence of this.
- Iraq probably has the anthrax, botulinum toxin, plague, c.perfringens toxin or spores, aflatoxin and ricin agents and has possibly weaponised them. It has probably conducted research and development on brucella. It would use aerial bombs, missiles, artillery rockets and shells and probably helicopter, aircraft or UAV-mounted spray rigs as delivery means.⁴⁴

2.32 However, in a report dated 31 December 2002, DIO argues that:

- There has been no known offensive [BW] research and development since 1991, no known BW production since 1991 and no known BW testing or evaluation since 1991.

2.33 In addition, on 10 March 2003, DIO cast further doubt on the biological weapons programme:

- Documents discovered to date relate to procurement of dual use mobile biological laboratories, but have yet to

42 UNSCOM figures are supplied – likely agents are mustard, sarin and VX. DIO assessment, 10 October 2002

43 DIO assessment, 31 December 2002

44 DIO assessment, 10 October 2002

confirm a mobile BW production capability. – Iraq could claim this evidence relates to legitimate medical, biotechnology or agricultural purposes.

- Confirmation of a mobile BW production capability would require the discovery of semi-trailers or rail cars containing BW production equipment and evidence of BW agent use.
– This level of evidence has not yet been found.

2.34 On the existence of **nuclear weapons**, DIO recognises that the ambition and the knowledge and expertise probably remain from past programmes, and that ‘elements such as personnel, dual-use equipment and documentation probably remain’. Nevertheless, DIO remains sceptical. It argues that:

As a worst case – if Iraq had begun fissile material production after UNSCOM inspections ceased in 1998 – it may be able to manufacture a crude nuclear weapon by 2006-2008. In the unlikely event that Iraq was to obtain fissile material from a foreign source, it would take 12 months to develop a nuclear weapon – assuming it already possessed a useable weapon design.⁴⁵

2.35 In addition, the assessment notes that ‘its expertise has been in decline through natural attrition and loss of skills.’⁴⁶ The intelligence on recent attempts to buy dual-use items for the production of weapons grade uranium is ‘patchy and inconclusive.’ Finally, DIO is definitive on the question of the current existence of nuclear weapons:

- We assess Iraq does not have nuclear weapons.⁴⁷

Willingness and Capacity to Use WMD

2.36 More appears to be said in the assessments about Iraq’s capacity to use WMD, than about its willingness to do so.

2.37 On **capacity**, DIO reports in September and November stress the attempts by Iraq to develop missiles in contravention of UN resolutions. For example, in the unclassified compilation of 13 September 2002 and in an assessment of 14 November 2002, DIO notes that:

- Iraq has continued to seek to maintain and develop its ballistic missile capability since the Gulf War, in contravention of UN Security Council resolutions.

45 DIO assessment, 10 October 2002

46 DIO assessment, 10 October 2002

47 DIO assessment, 10 October 2002, 31 December 2002

- Iraq possibly has up to 40 prohibited 650km range Al Hussein ballistic missiles in covert storage, but we assess that probably less than a dozen of these would be ready for immediate use.⁴⁸

2.38 However, DIO makes a number of statements in this period, which mostly point to the limitations and restrictions on Iraq's capacity:

- Press reports of Iraq converting Mig-21s into UAVs, to deliver biological and chemical weapons are incorrect;⁴⁹
- Iraq is a long way from having a ballistic missile able to reach the US. But it has in the past built ballistic missiles, including extended range SCUDS, with the range to reach Israel. Most, if not all, of the few that are still hidden away are likely to be in poor condition.⁵⁰
- DIO assesses that weapon systems stored since the Gulf War would require extensive refurbishment. CBW agents deteriorate over time, and missile systems would require maintenance before they could be launched.
- DIO assesses that Iraq's capability to deliver a CBW agent in any substantial quantity to be restricted – the delivery of an agent by ballistic missile ... would probably only result in limited casualties. This suggests that, in the short term, Iraq's capability will be limited to a weapon of mass effect rather than a weapon of mass destruction.⁵¹
- Although Iraq probably retains the capability to do so, there is no evidence that CW warheads for Al Samoud, or other ballistic missiles, have been developed. We assess any stored systems would require extensive refurbishment, requiring some months, before they could be launched.
- Iraq has previously weaponsied aerielly-delivered dusty sulphur mustard bombs. ... Although Iraq has previously weaponsied dusty mustard in bombs, there is less certainty about Iraq's capacity to deliver dusty agents using rockets or artillery. While DIO assesses that Iraq is unlikely to be able to produce bulk dusty agent munition fills, there is the potential for exposure to specialist personnel in exploitation activities at captured Iraqi facilities. DIO does not, however, have evidence identifying facilities or locations where dusty agents may be located.⁵²

48 DIO assessment, 14 November 2002

49 DIO assessment, 19 September 2002

50 ONA/DIO joint assessment, 19 July 2002

51 DIO assessment, 10 October 2002

52 DIO assessment, 2 April 2003

2.39 There is considerably less discussion in the assessments presented to the Committee on the **willingness of Iraq to use WMD**. The general proposition put forward in the preamble to the assessments, however, is that he has used them in the past and would again. Specifically, DIO says that the intelligence is not available or reliable on the question, but suggests that the use of WMD is likely to be defensive rather than offensive:

- The current doctrine for use and control of WMD is not known, but Iraq is assessed as unlikely to carry out an offensive first strike on coalition forces. However, the probability of Saddam authorising use of WMD is likely to increase in proportion to the threat against his hold on power.⁵³
- There is no reliable intelligence that demonstrates Saddam has delegated authority to use chemical or biological weapons (CBW) in the event of war.⁵⁴

However, DIO speculates on possibilities, based on historical experience:

Despite the lack of firm evidence, precedent suggests that this is a likely scenario. During the 1991 Gulf War, Saddam authorised Iraqi commanders to use CBW if Saddam was killed or coalition forces entered Baghdad.⁵⁵

Immediacy of the Threat

2.40 The agencies provided hardly any explicit assessment on the question of the immediacy of threat posed by Saddam Hussein. In March 2001, ONA was of the view that ‘the scale of threat from Iraq’s weapons of mass destruction is less than it was a decade ago.’ However, there are, in the more recent assessments, highly qualified references to Iraq’s capacity to ‘restart CW and BW programs within weeks and manufacture within months’.⁵⁶ But, agencies repeatedly say in respect of this that ‘there is no evidence that Iraq has done so’⁵⁷ and that ‘some CW stocks will have deteriorated.’⁵⁸ Neither of the Australian

53 DIO assessment, 2 August 2002 and 31 December 2002

54 DIO assessment, 24 February 2003

55 DIO assessment, 24 February 2003

56 ONA/DIO joint assessment, 19 July 2002 and DIO assessment, 10 October 2002

57 DIO assessment, 10 October 2002 and 31 December 2002

58 ONA/DIO joint assessment, 19 July 2002

assessment agencies, in the extracts provided to the Committee, repeats the 45 minute claim made in the UK dossier.

- 2.41 On nuclear weapons, the time frame is even more qualified – 4-6 years,⁵⁹ depending on the availability of fissile material and a useable weapon design. The possibility that Iraq could have a nuclear weapon in 12 months is countenanced, but is dependent on obtaining fissile material from a foreign source, and this is described as ‘unlikely’.⁶⁰ In addition, Iraq would have to possess a useable weapon design, trained scientific staff (in decline through natural attrition and loss of skills)⁶¹ and suitable facilities.⁶²

59 ONA assessment, 6 September 2002, DIO assessment, 10 October 2002

60 DIO assessment, 10 October 2002

61 DIO assessment, 10 October 2002

62 DIO assessment, 31 December 2002

The Independence of the Assessments

A prince nevertheless should always take counsel, but only when he wants it, and not when others thrust it upon him; in fact, he should rather discourage persons from tendering him advice unsolicited by him. But he should be an extensive questioner and a patient listener to the truth respecting the things inquired about, and should even show his anger in case anyone should, for some reason, not tell him the truth. (The Prince, N. Machiavelli)

The Criticism

- 3.1 Were Australian intelligence assessments arrived at independently of our more powerful allies? Although the number of submissions to the inquiry was not large¹, most people who made submissions began from the position that Australian policy was closely, and largely uncritically, aligned with that of our allies. Mr Pritchett, former Secretary to the Department of Defence, argued that there was an inbuilt imbalance in our relationship with our allies and that as a result ‘our understanding and our policy can be, or is, already largely shaped’. Independence was, he believed, an unrealistic expectation. He warned that there was a need to be sensitive to any ‘unconscious bias in Australian intelligence advice supportive of US and British plans.’²

1 The Committee received 24 submissions overall.

2 Pritchett submission, pp. 1-2.

Such bias can arise in close cooperation with larger friends, in times of stress and when policy runs strong, even ahead of intelligence.³

- 3.2 Mr Wilkie, former analyst with the Office of National Assessments, also thought that the imbalance in the relationship with partner agencies created problems. He stated that:

The raw intelligence that we were receiving seldom arrived with adequate notes on the source of that material or its reliability. More problematic, I think, was the way in which Australia's relatively tiny agencies needed to rely heavily on the sometimes weak and sometimes skewed views that were contained in the assessments coming out of Washington in particular.⁴

- 3.3 Independence can also mean freedom from internal political pressure on the judgements being made. Mr Wilkie alleged that:

I will go so far as to say that sometimes government pressure, as well as the politically correct intelligence officers themselves sometimes, resulted in its own bias in the assessment being provided by the intelligence agencies.⁵

- 3.4 The Australian Defence Association asserted that a lack of independent judgement within the agencies was the result of flaws within their staffing and promotions systems.

The large number of intelligence agency staff with policy-making backgrounds or ambitions has too often resulted, however unconsciously, in intelligence assessments being biased towards desired policy outcomes rather than being objective in their own right.⁶

- 3.5 The question of independence of Australia's intelligence agencies is complicated. It encompasses the idea of external independence - that assessments are made of Australia's national interest, independent of the interests of other nations; but also internal independence - that assessments are made independently and objectively, based on reliable intelligence and free from political pressure.

3 Pritchett submission, p. 2.

4 Wilkie transcript, 22 August 2003, p. 34.

5 Wilkie transcript, 22 August 2003, p. 34.

6 ADA submission, p. 6.

Independence from external influence

- 3.6 Australia relies heavily on partner agencies for intelligence on regions other than our own. Given that our interests may recede in relation to the distance of events from our shores, this may not usually be significant in any assessment of our immediate national interest. However, the war in Iraq illustrates the problem we face very clearly. Where the government perceives some vital interest is affected by events distant from us, it is important that some sort of independent judgement can be made on the circumstances under consideration. To do this, Australian agencies need to be able to judge the reliability of the intelligence relayed to them or at least have a capacity to understand the limitations and qualifications on foreign agencies' judgements. For example, in the Iraq case, understanding the changes made to the UK dossier or the arguments occurring in the US intelligence community would have been vital to Australian judgements. To do this, Australian agencies have to have a capacity to understand what is happening inside partner agencies and, particularly in the case of Iraq, a capacity to deal with the masses of intelligence coming forward.

Capacity

- 3.7 Did the capacity of our organisations affect their ability to assess the intelligence on Iraq? Both ONA and DIO stated that they saw virtually all the reporting on Iraq from the US and UK, the 'vast majority of information, and certainly all the important information [on Iraq]'⁷ and, they asserted, they were therefore able to make their own judgements. ONA and DIO receive both raw intelligence and intelligence assessments made by partner agencies. 'We can see the judgements they have made and the evidence upon which they have based those judgements.'⁸ They also receive all intelligence distributed by the Australian collection agencies, DSD, DIGO and ASIS. ONA then coordinates and evaluates the work of the Australian intelligence community.
- 3.8 In this period there was a very large increase in the reports received. If a comparison is made between the eight months from 1 January and 31 August 2002 and the seven and a half months between 1

7 DIO transcript, 24 September 2003, p. 5. ONA made similar assurances, ONA transcript, 23 September 2003, p. 4.

8 DIO transcript, 24 September 2003, p. 4.

September 2002 and 18 March 2003, a ten-fold increase in reporting occurred. Australia relied on its partner agencies for approximately 97 per cent of the intelligence on Iraq; only about three per cent of this intelligence originated in Australia. Moreover the majority of the intelligence was from untested or uncertain sources. In the first eight months of 2002, 11 per cent of reports came from what were described as tested sources. In the seven and a half months immediately prior to the outbreak of war, 22 per cent came from tested sources. However, the numbers of reports underpinning these percentages were small and it was unclear to the Committee what number of sources was involved in that reporting. It was also a matter of concern to the Committee that, even with an increasing number of tested reports coming in during the months immediately preceding the war, the intelligence appears to have been, in the end, faulty.

3.9 On intelligence received from overseas, Australian agencies generally accepted the assessment of reliability provided to them. While each country defined reliability in its own way there was an agreed series of formulations. The Australian agencies defined sources in the following way:

- Tested sources – sources who have a record of reporting which has been assessed by analytical agencies to be reliable;
- Untested sources – sources who have no reporting history or who have not yet established a reporting history;
- Uncertain sources – sources whose motivation to provide intelligence reports is unclear and who by their nature might wish to influence the views of Coalition governments. For example reports resulting from interrogations of Iraqi scientists or officials, or from sources within groups opposing the Saddam regime. Sources would remain within this category until their product had been validated; and
- Other - sources for which there was no description except an indication of the overseas agency from which the report originated.⁹

3.10 ONA has approximately 60 staff, of whom about 36 are analysts. Two sections within ONA examined Iraq prior to the war – the Middle East section and the strategic analysis section. There were two analysts in the first and one in the second. The Director-General

9 ASIS submission.

noted that their focus was not exclusively on Iraq during that time, although as the war approached they were spending 'an increasingly high proportion of their time on Iraq.'¹⁰ Immediately prior to the war, at the beginning of March 2003, ONA established a watch office on Iraq. The watch office was to run 24 hours a day with three teams of people staffing it. Within each team, there was somebody with Middle East expertise, somebody with strategic expertise and somebody with military expertise. In all, 10 people maintained this around the clock watch.¹¹

Capacity - DIO

- 3.11 The Defence Intelligence Organisation informed the Committee that it has 142 analysts. Of these, 35 normally work on the Middle East and South Asia and Terrorism and Transnational Issues. Another 49 analyse weapons systems, missiles, defence systems and weapons of mass destruction. During the crisis affecting Iraq, the total number of analysts in DIO did not change; however people were temporarily reassigned to cover Iraq. The number of analysts dedicated to Iraq and Iraq related issues during the war itself was 67.
- 3.12 DIO established an Iraqi Task Force (ITF) in the lead up to the conduct of the war. This task force operated 16 hours a day from 9 March and 24 hours a day from 18 March to 16 April. In this latter period, the ITF involved 54 analysts.¹²
- 3.13 In addition to direct 'supply' of intelligence and assessments from partner agencies, the agencies have liaison officers in Washington and London; ONA has one officer in each place and DIO has four officers in Washington and two in London.¹³ DIO's relationship is primarily with the US Defence Intelligence Agency; the ONA relationship is with the Central Intelligence Agency (CIA) and the Bureau of Intelligence and Research (INR). Mr Jones explained that the interaction between the agencies is active, interrogative and discursive, not passive. Foreign intelligence assessments are questioned and agencies seek more information if an assessment on a significant issue seems to be dubious or raises queries. Mr Jones told

10 ONA transcript, 23 September 2003, p. 3.

11 ONA transcript, 23 September 2003, p. 17. It was into one of these teams that Andrew Wilkie was being placed at the time of his departure from ONA.

12 DIO supplementary submission pp. 1-2.

13 There are additional officers from DSD and DIGO placed in Washington and with partner agencies in the UK

the Committee that, whether it is raw intelligence or assessed material, ONA tried to reach and present to government its own judgements on issues. DIO explained that they also made assessments of the allies' judgements and their objectives.¹⁴

- 3.14 The Committee received examples of assessments, which commented on allies' judgements, including those noting disagreements within or between agencies over specific pieces of intelligence.

Judging the reliability of foreign intelligence

- 3.15 When agencies are dependent on overseas sources, a major part of the assessment must be in assessing the reliability of the intelligence. Assessments are not predictions; they are judgements made with varying degrees of confidence depending on the reliability of the sources. ONA reported that it seeks to indicate in its assessments the extent of its confidence in the judgements. Mr Jones stressed that conclusions are drawn from 'bits and pieces'¹⁵ He explained the discipline involved in the evaluation of intelligence:

That means working out first of all what it is, how does this information come, who has acquired it, who is talking here, in what circumstances are they talking, to whom are they talking, what are they talking about, do the people talking actually know what they are talking about, even if they do know what they are talking about are their views actually important, and so on. So every analyst, as they look at every piece of intelligence goes through this process of evaluation to reach a conclusion on how much weight to place on the piece of intelligence. It is a really important discipline of intelligence analysis and it is absolutely fundamental.¹⁶

- 3.16 In trying to judge the reliability of foreign source intelligence, ONA appeared to be aware of some disputes in the partner agencies and unaware or unconcerned about others. Of particular note was their view of the role of the Office of Special Plans (OSP)¹⁷ in the United States and the impact it might have had on the reliability of US

14 DIO transcript, 24 September 2003, p.1.

15 ONA transcript, 23 September 2003, p. 32

16 ONA transcript, 23 September 2003, p. 25

17 A small group within the office of the Secretary of Defence feeding intelligence into the mix, largely from Iraqi defectors.

assessments. The response of ONA to questions about the influence of the OSP was that:

It was not clear to me that the Office of Special Plans was affecting CIA or other US agency judgements through the stuff that it was highlighting.¹⁸

3.17 Underlining the difficulty of judging the reliability of foreign sourced intelligence, the Committee was told:

We try to monitor the processes that are going on in other intelligence communities and, indeed, in other political systems. Some of the finer details of other people's systems are somewhat opaque.¹⁹

3.18 However, the ONA Liaison Officer, who was in Washington from 2000 to 2003, told the Committee that the dispute between the INR and the CIA was very obvious at the time. Although he said he 'did not pick up everything,' he said his 'access was very good.'²⁰

[quotation deleted at the request of the Minister]

3.19 In regard to the OSP, the liaison officer did not report specifically on its role, but he said that the embassy reported broadly on the debate about Iraq and, as a result of this, ONA was well aware of the context in which the US intelligence community was operating.

3.20 DIO appeared to be unaware of the Office of Special Plans or the disputes that embroiled its operation and its relationship to the traditional intelligence agencies in the United States. It was, however, aware of other internal disputes between agencies in the United States. This level of awareness may have been the source of some of their continued scepticism throughout the period.

3.21 Mr Pritchett posed the question whether, given the international controversy over Iraq's possession of WMD and the opposition of France, Germany and Russia to the war, Australian intelligence agencies had 'tested our position ... with countries such as Germany, France, Russia and Japan ... who would certainly have reacted had they seen the threat as we argued it.'²¹ The Committee asked the Office of National Assessments whether they had sought views from these countries. Mr Jones responded that ONA had some access to

18 ONA transcript, 23 September 2003, p. 35

19 ONA transcript, 23 September 2003, p. 35

20 ONA transcript, 27 November 2003, p. 1.

21 Pritchett submission, p. 2.

French and German intelligence; however, the relationship was not as close as 'with our regular allies'²². On the matter of Iraq, they had not received material. He further noted that these countries are not within the usual intelligence sharing arrangements.

Conclusion

3.22 It is impossible for the Committee to judge how independent from undue external influence the agencies were in relation to their assessments. Logic would suggest that given the ratio of material from overseas that they relied on, it would be difficult to maintain much independence. In many respects their judgements were similar to and, particularly with ONA, followed the trend of events overseas. Both agencies asserted that they remained detached from the views of the partner agencies in the US and the UK and a number of the judgements of the Australian agencies differed in some aspects from their larger partner agencies. They were on the whole more moderate, more measured and more sceptical, especially the DIO. DIO put this down to Australians being 'more sceptical by nature'²³, but also to a determination to 'insist on reliable evidence for the judgements we make.'²⁴

The views they [the Australian Government] were exposed to were across the spectrum, and if you analyse carefully the product coming from the various agencies, I suppose you would put us near one end of the spectrum and perhaps some US agencies near the other end, with a variety of US, UK and Australian agencies between us.²⁵

3.23 Given the comments made in this report in Chapter 4 on the accuracy of the pre-war assessments and looking at the staffing ratios, the Committee is concerned that ONA may be under resourced for the task it is trying to perform. Assessing intelligence is labour intensive and ONA staffing is at odds with that of DIO. Either ONA should be resourced at a level commensurate with the demands being placed upon it or there should be a clearer division between areas focussed on by each of the agencies with DIO concentrating on military and strategic issues and ONA looking at economic and political matters.

22 ONA transcript, 23 September 2003, p. 39.

23 DIO transcript, 24 September 2003, p. 10.

24 DIO transcript, 24 September 2003, p. 10.

25 DIO transcript, 24 September 2003, p. 14.

The Committee recognises that this is not a simple division to make or to maintain.

Recommendation 1

- 3.24 **The Committee recommends that, in the course of any post war review of the intelligence agencies, the Government assess the capacity of ONA in line with the changed security circumstances.**

Independence from internal political pressure

- 3.25 On the question of internal independence – that assessments are made independently and objectively, based on reliable intelligence and free from political pressure - there is for ONA a legislative framework within which it works.

Agency Powers and Purpose

- 3.26 The *ONA Act 1977* seeks to ensure the internal independence of the assessments made by ONA. Prime Minister, the Hon Malcolm Fraser, established the Office of National Assessments in 1977 as a statutory organisation to, *inter alia*, 'assemble and coordinate information relating to international matters that are of political, strategic or economic significance to Australia.'²⁶
- 3.27 To preserve its independence, the Act specified that:
- Subject to sub-section (2), the Director-General is not subject to direction in respect of the content of, or any conclusions to be reached in, any report or assessment under this Act.²⁷
- 3.28 Two boards, a National Assessments Board and an Economic Assessments Board, consider assessments made by the Office in relation to their respective areas.
- 3.29 ONA does not deal with domestic matters and it does not provide policy advice. Mr Jones, the Director-General of ONA, saw this as a driving philosophy for the organisation, embedded in its Act and

26 *ONA Act, 1977, S5(1)(a)*

27 *ONA Act, 1977, S5(4. Sub-section (2))* allows a Minister or prescribed Commonwealth officer to request the Director-General to prepare a report or make an assessment on international matters that are of political, strategic or economic significance to Australia.

purpose. He did note that ONA did not operate in 'a complete mental vacuum', that it was 'conscious of policy issues'.²⁸ However, he believed that this consciousness led the organisation to focus on policy issues of concern to the government. 'We see ourselves as servicing ministers' needs for assessed intelligence.'²⁹ He did not believe that ONA strayed into areas of policy advice. Analyses might include the possible implications for Australia of a particular development, but would not canvass the possible policy response.³⁰

- 3.30 Given ONA's statutory requirements for independence, the arrangement that has pertained in both Washington and London up to the end of 2003 - that the ONA liaison officer has been an officer of the Department of Foreign Affairs and Trade - has been less than satisfactory as DFAT officers inevitably bring a background of policy advice and formulation rather than experience in detached intelligence analysis. The change that has been made to a dedicated ONA Liaison Officer in Washington and London is important.
- 3.31 By contrast, the Defence Intelligence Organisation does not have legislative protection of its independence. However, it has an inbuilt imperative to maintain the accuracy of its assessments insofar as its assessments form the basis of tactical and operational information upon which troops going into battle rely. Presumably, the imperative is as strong, or stronger, in respect of intelligence upon which a decision might be made to go to war.

Conclusion

- 3.32 The Committee posed questions about whether, regardless of the legal framework or the natural imperatives, there was overt pressure brought to bear on the intelligence agencies to provide assessments to suit a war policy or whether the pressure of a 'policy running strong'³¹ created a mind set, an unconscious skewing of judgements towards a known end?
- 3.33 Mr Lewincamp, Director, Defence Intelligence Organisation, assured the Committee that:

28 ONA transcript, 23 September 2003, p. 2.

29 ONA transcript, 23 September 2003, p. 4.

30 ONA transcript, 23 September 2003, p. 2.

31 Pritchett submission, p. 2

We [DIO] were under no pressure at any time from government in relation to our assessments on this matter. In fact I take it as a significant part of my responsibility to tell the government what I think it needs to hear.³² ... I think this is a government that enjoys contestability of advice.³³

- 3.34 Mr Kim Jones, the Director-General of ONA, told the Committee that ONA 'did not feel under any pressure to be more firm than we were comfortable with being.'³⁴
- 3.35 The Committee asked whether the agencies pre-empted such pressure by offering the government what it wanted to hear. Mr Lewincamp acknowledged the risk of such bias, but assured the Committee that he was reasonably confident his organisation had not succumbed to it on this occasion. He told the Committee that DIO had access to all of the collectors' reports coming out of the US and the UK and that they made their own judgements on the material.³⁵ They were, he said, almost inundated with material.³⁶
- 3.36 The communication between Ministers and the Intelligence Agencies appears to have been regular and open. In the lead up to the war, ONA also provided oral briefings on request to ministers: to the Prime Minister once or twice and to the Foreign Minister several times.³⁷ Additional briefings were made to the National Security Committee of Cabinet. Ministerial staff, in particular the international adviser to the Prime Minister, had regular contact, 'a steady interaction' with ONA. He sought views and asked questions. However, ONA did not normally go up and brief ministerial staff in the absence of a Minister.³⁸
- 3.37 These briefings were separate from the regular flow of written reports. Ministers, too, according to ONA, were interested in the assessments being made, asked questions about the assessments, asked what more was known. DIO reports also went direct to the Prime Minister, the Minister for Defence and the Minister for Foreign Affairs as well as to other addressees.³⁹

32 DIO transcript, 24 September 2003, p. 2.

33 DIO transcript, 24 September 2003, p. 13.

34 ONA transcript, 23 September 2003, p. 9.

35 DIO transcript, 24 October 2003, p. 1

36 DIO transcript, 24 October 2003, p. 5

37 ONA transcript, 23 September 2003, p. 13

38 ONA transcript, 23 September 2003, p. 14

39 DIO transcript, 16 October 2003, p. 1.

3.38 The Committee notes the assurances of both ONA and DIO on the question of their objectivity and independence. It accepts their declarations that there was no overt pressure from Government to change assessments. The Committee has received no evidence that political pressure was applied to the agencies. However, the Committee is aware that a fine distinction might often be made between 'being relevant to the policy issues of concern to the Government'⁴⁰ and catering to the policy concerns of the Government. Changes did occur in the nature and tone of some assessments.⁴¹ The sudden variation in ONA's assessments between 12 and 13 September 2002 is difficult to explain. A distortion may have occurred because of the selection of excerpts ONA presented to the Committee. However, the change happened in assessments a day apart. ONA's explanation, that the compilation of 13 September was to be unclassified, does not seem to explain the difference.⁴² Another possible explanation was that ONA might have been influenced by the contents of the British dossier – the changes in assessment certainly reflect the British views. However, ONA said it did not see the British dossier until almost a week later. It is so sudden a change in judgement that it appears ONA, at least unconsciously, might have been responding to 'policy running strong'. The compilation was made at the request of the Department of Foreign Affairs and was intended to be the basis of Ministers' speeches. However, DIO comments 'that the final product was not formally cleared by the contributing agencies.'⁴³

40 ONA transcript, 23 September 2003, p. 2.

41 This is evident from the Committee's analysis of the assessments in Chapter 2.

42 ONA transcript, 16 October 2003, p. 6.

43 DIO submission, p. 3.

Intelligence was the most accurate I've seen on the tactical level, probably the best I've seen on the operational level, and perplexingly incomplete on the strategic level with regard to weapons of mass destruction. It is perplexingly to me ... that we have not found weapons of mass destruction when the evidence was so persuasive that it would exist ... I can offer no reasonable explanation (General Abizaid US Deputy Commander, Iraq war, 26 June 2003 to the US Armed Services Committee)¹

The Accuracy of the Assessments

- 4.1 Ultimately, accuracy is a question of which assessments, with the advantage of hindsight, have proved to be correct or most nearly correct. Underpinning this, other questions might be considered. How sound were the agencies' assessments, given the intelligence they received? Did their analyses include all relevant information and factors that they might have been expected to know at the time? Did the assessments represent sound strategic analysis of the pre-war circumstances in Iraq?
- 4.2 The Committee is acutely aware that intelligence is not an exact science, that it is often speculative and should be judged in those terms. Intelligence is not evidence. The parts of the jigsaw are never completely there and the information is often suggestive rather than definitive. For example, in describing the imagery collected on possible BW or CW sites in Iraq, the Committee was told that:

¹ Quoted from a question, ONA transcript 23 September 2003, p. 5.

It was just that: suspicious activity – activity we would not normally expect at that sort of site perhaps or activity that, because of the timing of it, was suspicious in nature. But there was nothing definitive out of that.

...

Technical intelligence in general will provide you with circumstantial evidence. It is unlikely to provide you with definitive proof. [It] is suggestive or inferential. It can tell you what two people are saying to each other, but it does not give you the hard documentary or physical evidence that what they are saying is actually true or not.²

- 4.3 The Committee hopes that its comments will be taken in the spirit of lessons learned and might feed into the agencies' own reviews of their handling of the intelligence on pre-war Iraq.
- 4.4 The Committee is also aware that it has not seen all the pre-war intelligence, nor has it seen all of the assessments of the Australian Intelligence Community (AIC). The following judgements are made on the basis of the samples we have seen. However, some judgements, albeit with the luxury of hindsight, can be made on the basis of what has not been found since the end of the war.
- 4.5 What was the overall balance of the AIC views? Both of the Australian analytical agencies suggested that there was not much difference between them in their views on Iraq.³ This is not borne out by a close examination of the material supplied to the Committee. DIO retained sceptical views throughout the period under examination. ONA assessments changed at 13 September. They became more assertive and less qualified.⁴
- 4.6 In their submissions, both agencies also summarised their views on Iraq. The summaries tended to reflect the differences in their more detailed assessments. DIO noted Iraq's history of deception and denial and the stream of data after 1998, which pointed to the possible re-establishment of WMD facilities and programmes. It explained the way dual-use facilities assisted this process. It also noted that some of this information came from 'interested parties (especially Iraqi opposition groups) who may have sought to mislead or spread

2 DIO transcript, 24 September 2003, p. 26.

3 DIO transcript, 24 September 2003, p. 14.

4 See Chapter 2

disinformation.’ DIO believed that ‘There were significant gaps in our knowledge.’⁵ DIO’s overview was that:

Iraq probably retained a WMD capability – in the form of actual munitions – even if that capability had been degraded over time. Iraq maintained both an intent and capability to recommence a wider WMD program should circumstances permit it to do so.⁶

- 4.7 ONA’s submission gave a detailed history of Iraq’s efforts to acquire and use WMD. It, like DIO, noted that, in the absence of UN inspectors, ‘information on Iraq’s WMD programmes became harder to find, particularly on the extent and locations of Iraq’s WMD.’⁷ ONA’s overview, while not greatly different from that of the DIO, nevertheless did emphasise more strongly the likelihood of Iraq possessing weapons. It appeared to rely more, and perhaps more uncritically, on the ‘accumulation of intelligence’ and this accumulation was largely from untested sources just prior to the war.

But an accumulation of intelligence from a range of sources, combined with publicly available information, suggested a picture of continuing Iraqi WMD-related activity. Intelligence from human and technical sources pointed to attempts by Iraq to procure equipment, materials and technologies that could assist its WMD programmes. Some intelligence showed the reconstruction and renovation of facilities associated with Iraq’s former chemical weapons programme, such as dual use chlorine and phenol plants. Other intelligence suggested that Iraq was interested in at least maintaining its nuclear and biological weapons programmes and expanding its ballistic-missile capability.⁸

- 4.8 Were both of these assessments reasonable, given that intelligence is a matter of judgement based on incomplete facts? Both of the Australian analytical agencies saw the same intelligence. Both knew about the disputes in the overseas partner agencies at the same time and noted them at similar times. Both attested to the large inflow in new intelligence in this period. Both were aware of the untested

5 DIO submission, p. 4.

6 DIO submission, p. 7.

7 ONA submission, p. 4.

8 ONA submission, p. 4.

nature of much of new intelligence. Both had access to the UN [.....]⁹ reports.

Matters under Dispute

4.9 Prior to the war there was considerable dispute about quite specific intelligence. The matters of dispute are fundamental to the question of the existence of the weapons themselves and to the capacity of Iraq to use them. The disputes also highlighted the problems of assessing the accuracy both of the intelligence itself and the interpretation of it. The disputes covered nuclear and biological weapons and delivery systems. The broader strategic question of Iraq's willingness to use WMD and, therefore, the immediacy of the threat rested in large part on these questions.

Nuclear weapons – uranium from Africa, aluminium tubes

4.10 Neither of the Australian assessment agencies claimed that Iraq had nuclear weapons, nor did their partner agencies. The argument was about the possible development of nuclear weapons within a short period of time. The most extreme scenario was for production within six months.¹⁰ A more generally accepted suggestion was that Iraq could produce a nuclear weapon in one to two years.¹¹ For this to occur, Iraq had to be importing enough plutonium or enriched uranium from a foreign source or to be capable of enriching its own supplies of uranium and to have production facilities, a weapon design and scientific knowledge in place. In none of these areas was the intelligence unambiguous. Attempts to procure items such as vacuum pumps, high-strength magnets, filament winding machines were seen as part of the evidence for Iraq's nuclear ambitions. However, these were items that might be used for other purposes and it is unclear from the intelligence whether the attempts to purchase them were successful. The most concrete pieces of intelligence in support of nuclear developments in Iraq were the attempts to procure uranium from Africa and the attempts to procure 60,000 aluminium

9 Word deleted at the request of Minister.

10 President Bush, 7 September 2002,

11 The UK Government, *Iraq's Weapons of Mass Destruction, The Assessment of the British Government*, 24 September 2002, p. 27.

tubes.¹² Both issues featured repeatedly as the main peg upon which the nuclear claims could be hung. The international arguments over these matters are detailed in Chapter 1. The Australian agencies presentation of them is outlined below.

- 4.11 The first reference by an Australian agency to the question of Iraq's attempt to purchase uranium from Africa was made in an assessment on 20 September 2002. In commenting on the UK dossier, ONA noted the claim, saying simply that it had 'not seen the intelligence on African uranium'. The CIA also canvassed the possibility of the purchase of uranium from Africa in the classified National Intelligence Estimate (NIE) released for internal consumption on 1 October 2002, an abridged unclassified version of which was released publicly on the internet at that time. However, this unclassified version did not contain any views on African uranium. On 18 July 2003, further excerpts were released which did canvass the inconclusive views of the CIA and the dissenting views of the Bureau of Intelligence and Research (INR).¹³
- 4.12 It was Andrew Wilkie's view that ONA was aware of the controversy over the uranium purchases 'at some point in 2002'.¹⁴ Greg Thielmann, an analyst with the US State Department (INR) 2000-2002, stated that INR passed the doubts about the Africa claims on to Australia's Office of National Assessments in the early part of 2002.¹⁵
- 4.13 The Australian agencies told the Committee that they did not know of these claims regarding uranium until they received [the whole classified NIE] on 22 January 2003.¹⁶ ONA reported that their liaison officer in Washington had not passed on to ONA the details of the

12 The UK dossier talks about 60,000 aluminium tubes (p.26); the CIA talks about tens of thousands, NIE Key Judgements, p. 5. The Washington Post in an article on 10 August 2003 talked about 3,000 tubes intercepted in July 2001 in Jordan. It appears there were two shipments intercepted in Jordan. The Director of the IAEA also examined tubes in Iraq, which were being fitted into rockets. Dr El Baradei reported to the UNSC on 8 January 2003 that these were the same dimensions as the ones intercepted in Jordan. This view was confirmed by experts from the US national labs, working temporarily with UN inspectors in Iraq. They had observed the production lines for rockets at the Nasser factory north of Baghdad. Reported in the Washington Post, *Depiction of Threat Outgrew Supporting Evidence*, 10 August 2003.

13 For a more complete discussion of the NIE see paragraphs 4.32 – 4.39.

14 Wilkie transcript, 22 August 2003, p. 38.

15 Transcript, Four Corners, *Spinning the Tubes*, 27 October 2003, p. 8.

16 ONA transcript, 23 September 2003, p. 20. In addition, the matter was canvassed at Senate Estimates on 4 November when Mr Jones informed the Committee that Mr Thielmann had told the ONA liaison officer, Washington, that he had no personal knowledge of the information being passed.

debate, but that, unlike the aluminium tubes, 'it was not a big deal in the US intelligence community.'¹⁷

- 4.14 Whenever it was received, neither agency reported on the dispute about African uranium to Ministers. ONA told the Committee that in January it took the CIA view, one similar to that of the UK in the September dossier, as the mainstream view and therefore well founded.¹⁸ By 19 December 2002, ONA appeared to have accepted the British view. It talked about Iraq's failure in its declarations to admit to the 'apparent effort to procure uranium outside Iraq.'¹⁹
- 4.15 DIO did not express a view on the issue in any of its written assessments seen by the Committee. It continued to state that Iraq obtaining fissile material was an 'unlikely event'.²⁰ Nevertheless, at the hearing, DIO noted that British intelligence continued to support its pre-war claims and suggested that they had other reliable sources for the claim, beyond the discredited documents. The UK Foreign Affairs Committee, which had not seen the intelligence, argued that 'it was very odd indeed that the Government asserts that it was not relying on the evidence which has since been shown to be forged, but that eight months later it is still reviewing the other evidence.'²¹ In contrast, the British Intelligence and Security Committee, having viewed the intelligence and on the basis of assurances from the head of the Joint Intelligence Committee, John Scarlett, thought it 'reasonable'.²²
- 4.16 Iraq's attempts to buy aluminium tubes was an issue just as fraught with uncertainty. In February 2002, ONA raised the matter of 'attempts to acquire aluminium tubes' as an indication of Iraq's attempts to rebuild its nuclear capacity.²³ By July 2002, ONA and DIO reported on the dispute within US agencies on the purpose of the tubes. In fact, by the middle of 2002, US expert on centrifuge nuclear

17 ONA transcript, 23 September 2003, p. 21.

18 ONA transcript, 16 October 2003, p. 8.

19 ONA assessment, 19 December 2002.

20 DIO assessments, 10 October 2002, 31 December 2002.

21 House of Commons Foreign Affairs Committee, *The Decision to go to War in Iraq*, July 2003, p. 24.

22 Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, p. 28.

23 No mention is made in any of the assessments of any Australian connection in the aluminium tubes case. It appears that they were seized in Jordan in mid 2001 by the CIA. An IAEA examination shortly after their seizure cast some doubts on their use in centrifuges. See transcript Four Corners, *Spinning the Tubes*, 27 October 2003.

production, Professor Houston Wood, had rejected the idea that the aluminium tubes could be used for centrifuges.²⁴ DIO did not revisit the aluminium tubes in any of its later assessments provided to the Committee. However, at the hearing DIO reported that there was a variety of views on the tubes.

- 4.17 ONA was inconsistent and changeable on the matter. It commented on 13 September that it believed that ‘there was evidence of a pattern of acquisition of equipment that could be used in a nuclear enrichment program. ... The tubes may be part of that pattern.’ While on 20 September 2002, ONA warned that the intelligence on the tubes should be treated with caution, on 19 December, they appeared again to assume that they were part of the development of a nuclear program. In the intelligence seen by the Committee, no comment is made on the views of the IAEA on the matter.²⁵

Biological weapons - mobile production units.

- 4.18 In September 2002, ONA assessed the matter of mobile production facilities in the following terms: ‘There are recent indications of the possible existence of mobile BW production plants.’²⁶ This became a much firmer view in December 2002: ‘Many of his WMD activities are hidden within civilian industry or in mobile or underground facilities.’²⁷ ONA’s views on this matter reflect the strong views expressed by both the CIA and by British intelligence in the 24 September dossier.²⁸ ONA makes no specific comment on the mobile trailers in its report of 11 March 2003. UNMOVIC’s findings²⁹ on the mobile trailers are not mentioned in the extracts presented to the Committee.
- 4.19 In April 2002, DIO questioned the existence and use of mobile biological warfare production facilities - ‘We still have no definitive evidence that mobile BW production facilities exist in Iraq.’ But it qualified this with – ‘However, the circumstantial evidence for their existence is mounting.’ It was next addressed by DIO in an assessment of 10 March 2003, just prior to the war, where the agency expressed considerable doubt about ‘documents discovered to date’

24 Four Corners, *Spinning the Tubes*, 27 October 2003.

25 See Chapter 1.

26 ONA assessment, 6 September 2002.

27 ONA assessment, 12 December 2002.

28 See details in Chapter 1 of this report.

29 Presented to the UN Security Council of 7 March 2003.

on possible BW production. 'Confirmation of a mobile production capability would require the discovery of semi-trailers or rail cars containing BW production equipment and evidence of BW agent use. This level of evidence has not yet been found.'³⁰ This final report by DIO is consistent with the 12th quarterly report from UNMOVIC on this subject.

- 4.20 On 7 March, Dr Hans Blix reported to the UN Security Council that UNMOVIC inspectors had checked on possible mobile facilities in response to the claims made by the US Secretary of State in his address on 5 February. He reported that no evidence of proscribed activities had been found.³¹
- 4.21 There are no assessments on possible mobile BW production from Australian agencies after this date.
- 4.22 Finally, David Kay's Iraq Survey Group 'had not been able to corroborate the existence of a mobile BW production effort.'³²

Delivery – UAVs, 45 minutes

- 4.23 Both the British dossier and the US NIE canvassed the possibility of delivery systems for chemical and biological weapons based on Unmanned Aerial Vehicles (UAVs). In the past, projects for such development had been declared (1995) and vehicles uncovered (1998).³³ On this issue, it was the US Air Force that disagreed with the intelligence agencies assessments and their dissent was noted in the NIE. The DIO accepted this view unequivocally: 'Reports of Iraq converting MiG21s into UAVs are not correct.'³⁴ Further, at the hearing, DIO told the Committee that Iraq had had a significant program associated with UAVs, but that it had not been successful.

We doubted [their] ability to disperse chemical and biological agents using UAVs, and the fact is that their research and development program was not as well advanced as others in the intelligence community here might have believed.³⁵

30 DIO assessment, 10 March 2003.

31 Executive Chairman of UNMOVIC, Oral introduction to the 12th quarterly report of UNMOVIC, 7 March 2003

32 Dr David Kay, *Interim Progress Report on the Activities of the Iraq Survey Group (ISG) before the House Permanent Select Committee on Intelligence, The House Committee on Appropriations, Subcommittee on Defense and the Senate Select Committee on Intelligence*, 2 October 2003, p. 6.

33 See Chapter 1.

34 DIO assessment, 19 September 2002.

35 DIO transcript, 24 September 2003, p. 12.

- 4.24 ONA's only comment on the UAVs was to note the Iraqi denial about them in its declaration on 7 December 2002.³⁶

The British Dossier

- 4.25 The above disputes were largely played out in Australia's partner and source agencies in the United Kingdom and the United States. Understanding disputes within and/or pressure upon these agencies is important, given our intelligence sharing arrangements and the relative size of the agencies involved.³⁷ On the question of political pressure distorting the intelligence, it is worth noting the findings of the two British inquiries,³⁸ and the revelations of the Hutton inquiry in regard to the handling of the pre-war intelligence in Britain. There are warnings in these experiences, which Australian agencies might note.
- 4.26 The British Dossier, published by the British Government on 24 September 2002, led to huge controversy in Britain. Allegations were made that political pressure was brought to bear on the intelligence agencies to make the findings of the dossier stronger. In particular, a BBC journalist Andrew Gilligan, claimed that the intelligence on the possible deployment of Iraq's WMD within 45 minutes was inserted at the insistence of the Prime Minister's office and that intelligence in the dossier had been 'sexed up'.
- 4.27 It is notable that even in its final version, the language of the text of the dossier was less assertive than that of the Executive Summary or the Prime Minister's forward. Wry comments from the lawyers in the Hutton inquiry to Mr Campbell, the Prime Minister's Press secretary, point to the contradiction in this and to the essential difficulties in the interventions that had occurred in the creation of the dossier:

You would agree, it is perfectly obvious, that a summary is designed to summarise the text, the text is not designed to summarise the summary.³⁹

36 ONA assessment 19 December 2002.

37 Questions of independence are canvassed in Chapter 4 of this report.

38 The House of Commons Foreign Affairs Committee and the Prime Minister's Intelligence and Security Committee.

39 The Hutton Inquiry, hearing transcript, 22 September 2003, p. 153

Would it be sexing up the dossier to change the text, to strengthen the text to match the summary, rather than to lower the summary to match the text, Mr Campbell?⁴⁰

4.28 The Foreign Affairs Committee, which reported on 3 July 2003, made 33 conclusions and recommendations. It reserved judgement on the matter of overall accuracy of intelligence. In the absence of specific complaints from intelligence staff, the committee did not accept allegations of politically inspired meddling.⁴¹ It cleared Alistair Campbell of inserting the 45 minute claim into the dossier and of exerting improper influence on its drafting; however, it was critical of the handling of intelligence in a number of respects:

- The 45 minute claim was given too much prominence and the emphasis in a number of the claims was a matter of concern;
- The language in the dossier was more assertive than that used traditionally in intelligence documents;
- Mr Campbell should not have chaired meetings on intelligence matters and there was a lack of procedural accountability in his methods;⁴²
- It was unacceptable for the government to plagiarise material and to present documents to Parliament without Ministerial oversight; and finally
- The committee stressed the need to ensure the continuing independence and impartiality of the Joint Intelligence Committee.

4.29 The Intelligence and Security Committee (ISC), reported in September 2003. Unlike the Foreign Affairs Committee, this committee had access to and reviewed all the JIC assessments produced from Iraq's invasion of Kuwait in 1990 onwards. It accepted the assurance of the Chairman of the Joint Intelligence Committee that 'he did not at any time feel under pressure, nor was he asked to include material that he did not believe ought to be included in the dossier.' The ISC concluded that the 'independence and impartiality [of the JIC] has not been compromised in any way.' [and] 'The dossier was not 'sexed up' by Alistair Campbell or anyone else.' It reviewed the intelligence

40 The Hutton Inquiry, hearing transcript, 22 September 2003, p. 167

41 Formal letters of concern from Defence intelligence officers did not emerge until the Hutton inquiry.

42 What the Committee made particular note of was the lack of minutes for meetings at which serious decisions were made and Mr Campbell's role in the production of the February dossier.

underpinning the claims about attempts to import uranium from Niger and as a result believed the claims to be 'reasonable'.⁴³ It noted that the dossier, as it developed, became more assertive, but believed that this reflected new intelligence incorporated after 4 September 2002.⁴⁴ However, the committee was critical of the presentation of the intelligence in the dossier in a number of areas:

- It did not always highlight in the key judgements the uncertainties and gaps in the UK's knowledge about Iraq's chemical and biological weapons;
- It should have highlighted the inability of Iraq's weapons to threaten the UK itself;
- The limited context of the 45 minute claim should have been highlighted;
- The formal, written dissent within the Defence Intelligence Service should have been acknowledged. The failure to do so was 'unhelpful and potentially misleading'⁴⁵;

4.30 A somewhat different picture seems to be emerging from the Hutton inquiry. This has been the most detailed and wide-ranging of the inquiries. Transcripts and documents from the Hutton inquiry⁴⁶ reveal that in fact considerable pressure was brought to bear on the Joint Intelligence Committee to strengthen the dossier prior to its public release. The Hutton inquiry transcripts reveal frenetic energy applied to the process by the Prime Minister's press office. In a memo of 17 September 2002, as the dossier was being finalised, the Prime Minister's Press Secretary, Mr Alistair Campbell, made sixteen suggestions, most seeking to strengthen what were described as weaker expressions in the dossier. Many, but not all, were agreed to by the Chairman of the Joint Intelligence Committee, Mr John Scarlett. Mr Campbell described them as 'presentational advice',⁴⁷ but they did

43 Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, p. 43.

44 Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, p. 42.

45 Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, p. 44.

46 This inquiry was established to examine the events surrounding the death of Dr David Kelly, a British weapons inspector who committed suicide after being revealed as the source of Gilligan's BBC story. At the time of writing this report, Lord Hutton had yet to report.

47 The Hutton Inquiry, hearing transcript, 22 September 2003, p. 110

change the meaning materially. Mr Campbell told the inquiry that he had not seen any of the intelligence assessments at the time he was making these suggestions.⁴⁸

- 4.31 Mr Campbell clearly did not insert the 45 minute claim (it was in the early drafts of the document), but he did affect its 'presentation' to the extent of changing its substance. For example, on the 45 minute claim – point 10 in the memo – he suggested that the word 'may' in the summary was 'weaker'. Mr Scarlett replied to Mr Campbell that, 'The language you queried on old page 17 has been tightened.' Moreover, in the list of Mr Campbell's suggested changes to the dossier given to the Foreign Affairs Committee, this one was omitted.
- 4.32 The objections of the Defence Intelligence Staff to aspects of the dossier's development only emerged at the Hutton inquiry. Dr Brian Jones, Branch Head in the Scientific and Technical Directorate of the Defence Intelligence Analysis Staff, reported that his expert on chemical weapons was very concerned 'that some of the statements in the dossier did not accurately represent his assessment of the intelligence available to him'; in particular, that he 'could not point to any solid evidence of [CW agents and weapons] production.'⁴⁹ Further objections were raised about the use of a single and second hand source for the 45 minute claim. There were objections to the expression of 'particular concern' about the phosgene plant at al-Qa'qa from a weapons inspector who had visited the plant and defined its purposes as legitimate.⁵⁰ On 19 September 2002, DIS officers finally put their objections in writing in a three-page letter to the Joint Intelligence Office Assessments Staff.⁵¹ The response they received, and this is also the argument of the ISC, was that new intelligence had been received and it was too sensitive to show to these analysts.

The National Intelligence Estimate (NIE), 2 October 2002

- 4.33 The Central Intelligence Agency (CIA) in the United States published an unclassified document outlining its intelligence on Iraq's weapons
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48 The Hutton Inquiry, hearing transcript, 22 September 2003, p. 135, 136

49 The Hutton Inquiry, hearing transcript, 3 September 2003, p. 74

50 The Hutton Inquiry, hearing transcript, 3 September 2003, p. 100

51 The Hutton Inquiry, document CAB/3/0079

of mass destruction on 2 October 2002, not long after the publication of the UK September dossier. Both documents were used as the justification for the decision to go to war against Iraq. Additional excerpts from the NIE were declassified on 18 July 2003. As controversy developed over the President's claims in the State of the Union address that Iraq had imported uranium from Africa, the White House presented this further intelligence to explain the President's statements.

- 4.34 A comparison of the Key Judgements of 18 July 2003 with the Key Judgements published on 2 October 2002 reveals that, while there is some additional detail about biological weapons in the July document, for the most part, the qualifications and doubts had been cut from the document put on the internet in October 2002.⁵²
- 4.35 For example, definitive statements in paragraph one, which said that Iraq continued its WMD programs and had chemical and biological weapons were followed by 'See INR alternative view at the end of these Key Judgements'.⁵³ This last sentence is not in the October 2002 version. Nor is the INR view on Iraq's nuclear program, which in part states:

The activities we have detected do not, however, add up to a compelling case that Iraq is currently pursuing what INR would consider to be an integrated and comprehensive approach to acquire nuclear weapons. Iraq might be doing so, but INR considers the available evidence inadequate to support such a judgement. ... [and]

In INR's view Iraq's efforts to acquire aluminium tubes is central to the argument that Baghdad is reconstituting its nuclear weapons program, but INR is not persuaded the tubes in question are intended for use as centrifuge rotors.⁵⁴

- 4.36 In paragraph two, the last sentence was also removed. It stated that 'we lack specific information on many key aspects of Iraq's WMD programs.'⁵⁵ Other omissions included phrases such as 'In a much

52 Appendix F contains a copy of the NIE Key Judgements, published on 18 July 2003 with the sections omitted from the October 2002 unclassified version underlined.

53 CIA, The National Intelligence Estimate: *Iraq's Continuing Programs for Weapons of Mass Destruction*, published 18 July 2003, p. 1.

54 CIA, The National Intelligence Estimate: *Iraq's Continuing Programs for Weapons of Mass Destruction*, published 18 July 2003, p. 4.

55 CIA, The National Intelligence Estimate, *Iraq's Continuing Programs for Weapons of Mass Destruction*, published 18 July 2003, p. 1

less likely scenario'⁵⁶ with regard to the possible purchase of fissile material, or 'Although we have little specific information on Iraq's CW stockpile'⁵⁷ as a caveat on the amount of chemical weapons Iraq possessed, or the word 'limited' in relation to the possible production of CW agents. Phrases such as 'we judge' or 'we assess'⁵⁸ are removed so that only emphatic statements remain. Notably, the October document leaves out the US Air Force disagreement that the UAVs Iraq was developing were intended to deliver chemical and biological agents.

The Director, Intelligence, Surveillance and Reconnaissance, US Air Force, does not agree that Iraq is developing UAVs *primarily* intended to be delivery platforms for chemical and biological warfare (CBW) agents. The small size of Iraq's new UAV strongly suggests a primary role of reconnaissance, although CBW is an inherent capability.⁵⁹

- 4.37 A whole section dealing with the CIA's 'low confidence' in their ability to assess whether Iraq would use CBW is also omitted. The omitted sections argued that Iraqi use of CBW would probably be defensive only and a matter of last resort in the face of an attack. It talked about the use of weapons on the battle field and suggested that Iraq 'for now appears to be drawing a line short of conducting terrorist attacks with conventional or CBW against the United States, fearing that exposure of Iraqi involvement would provide Washington a stronger cause for making war.'⁶⁰ It is notable that the October document added the statement, 'including potentially against the US homeland'⁶¹ to the paragraph on the possible delivery of chemical and biological weapons. This statement was not in the July version of the document.
- 4.38 A table of the agency's overall confidence levels in its assessments was omitted from the October document. This table suggested
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56 CIA, The National Intelligence Estimate, *Iraq's Continuing Programs for Weapons of Mass Destruction*, published 18 July 2003, p. 2

57 CIA, The National Intelligence Estimate, *Iraq's Continuing Programs for Weapons of Mass Destruction*, published 18 July 2003, p. 2.

58 CIA, The National Intelligence Estimate, *Iraq's Continuing Programs for Weapons of Mass Destruction*, published 18 July 2003, p. 2

59 CIA, The National Intelligence Estimate, *Iraq's Continuing Programs for Weapons of Mass Destruction*, published 18 July 2003, p. 2.

60 CIA, The National Intelligence Estimate, *Iraq's Continuing Programs for Weapons of Mass Destruction*, published 18 July 2003, p. 4.

61 CIA, National Intelligence Estimate: *Iraq's Weapons of Mass Destruction Programs*, October 2002, p. 2.

among other things that the CIA had 'low confidence' in its ability to assess when Saddam might use WMD, whether he would engage in clandestine attacks against the US homeland and whether he would share chemical and biological weapons with Al Qu'ida.⁶²

- 4.39 Finally, the October document did not include the CIA doubts about the British intelligence on Iraq's attempts to purchase uranium in Africa or the even stronger INR views on magnet production lines, aluminium tubes and uranium.

Some of the specialised dual use items being sought are, by all indications, bound for Iraq's missile program. Other cases are ambiguous, such as that of a planned magnet-production line whose suitability for centrifuge operations remains unknown. Some efforts involve non-controlled industrial material and equipment – including a variety of machine tools – and are troubling because they would help establish the infrastructure for a renewed nuclear program. But such efforts (which began well before the inspectors departed) are not clearly linked to a nuclear end-use. Finally, the claims of Iraqi pursuit of natural uranium in Africa are, in INR's assessment, highly dubious.⁶³

- 4.40 The variations in these two versions of the NIE are similar to the changes that were wrought in the UK September dossier. Each change is small, but the overall effect is a material difference to the meaning of the document. It is not obvious why the parts excluded from the October version were excluded. None of the omissions, if included, threatened national security. We do not have an insight, as we have from the evidence to the Hutton inquiry in the United Kingdom, into who made the decisions about what parts of the NIE to publish. Both the US and UK documents, as published in September/October 2002, presented an unequivocal and uncontested view of Iraq's possession of WMD and its willingness to use them. This view did not recognise the gaps in the intelligence, the problematic nature of much of the new intelligence or the uncertainties and disputes within the agencies about what the intelligence meant. Taken together, the omissions and changes

62 CIA, The National Intelligence Estimate, *Iraq's Continuing Programs for Weapons of Mass Destruction*, published 18 July 2003, p. 5.

63 CIA, The National Intelligence Estimate, *Iraq's Continuing Programs for Weapons of Mass Destruction*, published 18 July 2003, p. 6 (From p. 84 in the original document)

constituted an exaggeration of the available intelligence, since established as an exaggeration of the facts.

New Intelligence

- 4.41 Many of ONA's firmer assessments appeared to use new intelligence, despite the doubts expressed at the time about its trustworthiness. The surge of new intelligence on Iraq came in from the beginning of September 2002. There was a ten-fold increase in intelligence reports received by the agencies at that time, most of it untested or uncertain, and 97 per cent of it coming from partner agencies. In this period, immediately before the war, only 22 per cent of the new intelligence coming forward was designated by the agencies as 'tested'. This suggests that most of the new intelligence should of its nature have been treated as problematic.⁶⁴ However, the Committee is not in a position to judge the validity of any particular piece of intelligence. Nevertheless, as Australia relied so heavily on partner agencies on this matter, their deficiencies had the potential to become our deficiencies.
- 4.42 Reports from the United States and the United Kingdom have begun to question the validity of the pre-war intelligence, much of which relied on Iraqi defectors. The US House Permanent Select Committee "found 'significant deficiencies' in the capacity of US intelligence agencies to collect fresh intelligence, and that they used 'circumstantial and fragmentary' information with 'too many uncertainties' to conclude that Iraq had weapons of mass destruction and ties to Al Qaeda."⁶⁵ Reports in the British press quoted US military intelligence as concluding 'that almost all the claims made by Iraqi defectors about Saddam Hussein's secret weapons were either useless or false'.⁶⁶ Seymour Hersh wrote in the New Yorker that:

Adnan Ihsan Saeed al Haideri [a defector] claimed he had visited twenty hidden facilities that he believed were built for the production of biological and chemical weapons. One, he

64 See also paragraph 3.8 for a discussion of the problems associated with tested and untested sources.

65 Dana Priest, *House Probers Conclude Iraq War Data was Weak*, Washington Post, 28 September 2003, reporting on a letter from the House committee to George Tenet, CIA Director.

66 Julian Borger, *Iraqi defectors' weapons claims were 'false'*, The Guardian, 30 September 2003, quoting leaked assessments from the US Defence Intelligence Agency

said, was underneath a hospital in Baghdad. ... UN teams that returned to Iraq last winter were unable to verify any of Al Haideri's claims.⁶⁷

- 4.43 According to these reports, the use of defectors as the source of pre-war intelligence was facilitated by the Iraqi National Congress and supplied through the Office of Special Plans (OSP). '[The defectors] became a parallel civilian channel for intelligence on Iraq, operating independently of the uniformed officers running the DIA.'⁶⁸ Other US intelligence agencies seemed to have had reservations about the process.

When INR analysts did get a look at the reports, they were troubled by what they found. 'They'd pick apart a report and find out that the source had been wrong before, or had no access to the information provided.' Greg Thielmann⁶⁹ told me [Seymour Hersh], 'There was considerable scepticism throughout the intelligence community about the reliability of Chalabi's sources, but the defectors reports were coming all the time. Knock one down and another comes along. Meanwhile the garbage keeps being shoved straight to the President.'⁷⁰

- 4.44 It is clear that the arguments within and between the US agencies were fierce throughout 2002. Differences of assessment existed between the CIA and the INR,⁷¹ between the INR, the CIA and the OSP. The Committee asked the Australian agencies whether they were aware of these differences and of the political pressure on the US agencies, particularly from the OSP.⁷²
- 4.45 The Director-General of ONA stated that ONA was not aware of political pressure on intelligence assessments coming through the

67 Seymour Hersh, *Selective Intelligence*, The New Yorker, May 12 2003. Hersh also states that Al Haideri was responsible for the claims made by Colin Powell in his address to the UN SC on 5 February about mobile factories.

68 *ibid.*

69 Disarmament expert with the State Department Bureau of Intelligence and Research (INR)

70 Seymour Hersh, *The Stovepipe*, The New Yorker, 20 October 2003, p. 6.

71 As evident in the CIA compilation, National Intelligence Estimate of October 2002, in which dissenting views from INR are included in boxes within the document.

72 The Office of Special Plans was described to the Committee as part of the office of the US Secretary of Defense, Donald Rumsfeld, created in September or October 2002 to provide policy and planning support on the build up to the Iraq War and planning for post war reconstruction for the Under Secretary of Defense for Policy, Douglas Feith. DIO transcript, 16 October 2002, p. 1.

OSP.⁷³ They were, however, according to the ONA Liaison Officer, aware of the disputes. 'ONA was well aware of the strength of INR's views, not just through cabled reports of mine, but through analyst to analyst contact, which happened occasionally.'⁷⁴ When asked about whether political pressure coloured analysis, the liaison officer acknowledged that 'it was a hot political environment in which the US intelligence community was operating ... [and] ... ONA was well aware of the context in which [they] were operating.'⁷⁵ He qualified this with the view that he 'never had an instance where [he] had direct personal knowledge of an intelligence assessment that was skewed in some way because of political interference.'⁷⁶ It is clear, however, that ONA was aware of the disputes and they were aware of the outcomes of the disputes insofar as they could see in the speeches of the President, the Vice President and the Secretary of State which of the contending views had prevailed. Given that the disputes were occurring between an intelligence agency or agencies on the one hand and a political office on the other, it, therefore, appears to be disingenuous to disclaim all knowledge of the political pressures on the agencies.

4.46 DIO argued that 'as an agency working for the Under-Secretary of Defense, they [the OSP] were a legitimate customer of the intelligence agencies in the US.'⁷⁷ And as a policy advising agency, DIO would not expect to see the OSP material. However, DIO was

aware of a good deal of tension within the US system. ... There is a lot of dissatisfaction expressed on many occasions by different players in the system about assessments that are slightly different from their perspective, and I have heard a lot of criticism within the Defense organisation about the performance of the CIA and, similarly, a lot in the CIA about the performance of Defense personnel. There was an awareness here at least that, to use Mr Pritchett's term, policy was running strong.⁷⁸

4.47 This awareness appears to have resulted in concern at DIO that assessments provided to government would take account of any

73 ONA transcript, 16 October 2003, p. 8.

74 ONA transcript, 27 November 2003, p. 2.

75 ONA transcript, 27 November 2003, p. 3.

76 ONA transcript, 27 November 2003, p. 3.

77 DIO transcript, 16 October 2003, p. 2.

78 DIO transcript, 16 October 2003, p. 3

institutional bias in foreign sourced material they received.⁷⁹ In addition, however, it is unclear whether the greater resources in Washington of the Australia's Defence intelligence agencies gave them this greater awareness. The continuing scepticism in the DIO assessments, compared to those of ONA, might be a reflection of this appreciation.

- 4.48 How can agencies in small recipient nations like Australia insulate themselves from some of these problems? The Hutton inquiry in Britain examining the death of Dr David Kelly, the British weapons inspector who committed suicide, led to considerable discussion about the nature of intelligence. One commentator, a former British ambassador, Sir Peter Heap, suggested that the processes of human intelligence gathering were themselves seriously flawed, that they were 'too often prone to producing inadequate, unreliable and distorted assessments, often at considerable cost. ...The whole process is wrapped around in an unnecessary aura of secrecy, mystery and danger that prevents those from outside the security services applying normal and rigorous judgements on what they produce.'⁸⁰
- 4.49 Given the paucity of information upon which the Committee is currently making its judgement, Sir Peter's views have some resonance. He described a closed circle, impenetrable because of the cloak of national security. This may often be necessary, but it has some detrimental effects, particularly on our ability to judge the accuracy and reliability of intelligence. Sir Peter argued that foreign agents were paid for their services and often dependent on the considerable money they received. They inevitably had a strong temptation to embellish their reports to make themselves more valuable. In addition, their credibility had to be questionable as they were, *ipso facto*, disloyal to their countries. He also believed that the MI6 officers had 'an incentive to play up the reliability of their sources' and that on this they were unable to be questioned, certainly not by people in the Embassy who might be in a position judge that reliability.⁸¹
- 4.50 The Committee is not suggesting that Australian intelligence officers behaved in this way, but it is clearly a problem intrinsic to the system and one that appears to have tainted intelligence on this issue to some extent.

79 DIO transcript, 16 October 2003, p. 3

80 Sir Peter Heap, *The truth behind the MI6 façade*, The Guardian, 2 October 2003.

81 *ibid*

- 4.51 Australian agencies relied heavily on the intelligence from both the UK and the US and, in hindsight, at a public level at least, the major documents from both appear to have been flawed. Our capacity to understand not only the intelligence, but also how it was derived and what dissenting views there were is highly significant. Australian agencies said they were not aware of the flaws in the NIE and the September dossier at the time they were published (September/October 2002). This suggests that there might be shortcomings in the intelligence sharing arrangements and/or with our intelligence liaison arrangements. If these arrangements have been deficient, or are inevitably going to be deficient, then we should examine what decisions should or should not rest on such knowledge. Decisions to go to war, with the potential to cost many lives, must only be taken on the basis of the soundest information, information that Australian agencies can reasonably rely on. Public confidence in the value of intelligence and its credibility is at stake.

Recommendation 2

- 4.52 **The Committee recommends that, in any review, the AIC should examine their processes to ensure the maintenance of their independence and objectivity.**

UN Inspections

- 4.53 In its increasingly firm views in February and March 2003, ONA also chose to discount many of the UNMOVIC and IAEA findings. By February 2003, UNMOVIC had investigated, unannounced, 300 sites, many of them dual-use facilities. 'Access to sites had been without problems.' They 're-baselined' those sites. Dr Hans Blix reported that he believed that the inspectors had 'good knowledge of the industrial and scientific landscape of Iraq, as well as its missile capability.' He reported that the 'results to date have been consistent with Iraq's declarations.' And that 'So far UNMOVIC has not found any such [WMD] weapons, only a small number of empty chemical

munitions.⁸² In particular, Dr Blix noted on the mobile production units that:

Several inspections have taken place at declared and undeclared sites in relation to mobile production facilities. Food testing mobile laboratories and mobile workshops have been seen, as well as large containers with seed processing equipment. No evidence of proscribed activities has so far been found.⁸³

4.54 There was still concern about the unaccounted for material;⁸⁴ however, Dr Blix also warned, 'One must not jump to the conclusion that they exist.'⁸⁵

4.55 Dr El Baradei, Director-General of the International Atomic Energy Association and head of the UN nuclear-related inspections in Iraq, reported to the UN Security Council on 7 March 2003:

- There is no indication of resumed nuclear activities in those buildings that were identified by the use of satellite imagery as being reconstructed or newly erected since 1998, nor any indication of nuclear-related prohibited activities at any inspected sites.
- There is no indication that Iraq has attempted to import uranium since 1990.
- There is no indication that Iraq has attempted to import aluminium tubes for use in centrifuge enrichment. Moreover, even had Iraq pursued such a plan, it would have encountered practical difficulties in manufacturing centrifuges out of the aluminium tubes in question.
- Although we are still reviewing issues related to magnets and magnet production, there is no indication to date that Iraq imported magnets for use in a centrifuge enrichment programme.

After months of intrusive inspections, we have to date found no evidence or plausible indication of the revival of a nuclear weapons programme in Iraq.⁸⁶

82 Executive Chairman of UNMOVIC, Oral introduction to the 11th quarterly report of UNMOVIC, 14 February 2003

83 Executive Chairman of UNMOVIC, Oral introduction to the 12th quarterly report of UNMOVIC, 7 March 2003

84 Executive Chairman of UNMOVIC, Oral introduction to the 11th quarterly report of UNMOVIC, 14 February 2003.

85 *ibid*

86 Director-General of IAEA, *The Status of Nuclear Inspections in Iraq*, 7 March 2003.

- 4.56 Such findings by UNMOVIC and the IAEA do not appear to be reflected in the ONA assessment of 11 March 2003 that ‘Baghdad remains defiant and claims that it has no WMD to declare: US and UNMOVIC assessments say the opposite.’⁸⁷
- 4.57 DIO also, in the assessments provided, made only one reference to UNMOVIC and then made no reference to these more definitive statements reflecting what had been found, or at least not found, in the course of their inspections. It concentrated on speculation on what Iraq might have been doing during the absence of inspectors.⁸⁸

The Iraq Survey Group

- 4.58 The Iraq Survey Group has been propounded as the final arbiter of the accuracy of the pre-war intelligence; unimpeded inspections would uncover Iraq’s WMD. In comparison to UNMOVIC’s size and resources it had/has impressive capacity.
- 4.59 At the height of its operation in February 2003 UNMOVIC had a staff in Iraq of 250 people from 60 countries.⁸⁹ This comprised 100 UNMOVIC inspectors, 15 IAEA inspectors, 50 air crew and 65 support staff.⁹⁰ They began work in Iraq approximately two weeks after the adoption of UNSC resolution 1441.⁹¹ In the four months of inspections, UNMOVIC made, without notice, 731 inspections of 411 sites.⁹² UNMOVIC was paid for by funds raised from the sale of Iraqi oil; this appears to have represented 2.5 per cent of the total monies raised through the ‘oil for food programme’.⁹³ Iraq’s scientific adviser, Amer al-Saadi, reported the cost as \$US80 million per annum over the years of UNMOVIC’s operations.⁹⁴

87 ONA Submission, p. 9.

88 DIO submission, p. 9.

89 The mandate of UNMOVIC continued after its withdrawal and a core staff of 57 remained at headquarters. In his 14th Quarterly report on 4 September 2003, the Acting Chairman, Dr Demetrius Perricos, informed the Security Council that 350 experts from 55 countries remained on a register and were available to serve.

90 Executive Chairman of UNMOVIC, Oral introduction to the 11th quarterly report of UNMOVIC, 14 February 2003.

91 UNSC Resolution was passed on 8 November 2002. The first inspectors arrived in Iraq on 18 November. By Christmas there were 100 inspectors on the ground. Dr Hans Blix, Briefing to the UNSC, 25 November 2002.

92 Julian Borger, *UN Inspectors vindicated – at \$300million cost*, The Guardian, 3 October 2003

93 Baroness Symons of Vernham Dean, Lords Hansard, 7 January 2003

94 Sydney Morning Herald, *Mixed Missile Action from Iraq*, 3 March 2003

- 4.60 The Iraq Survey Group (ISG) was established in April 2003 and commenced operations in mid-June 2003 with the bulk of personnel deployed by early July. It has comprised between 1200 and 1600 personnel from the US, the UK and Australia, including 100 WMD experts, 50 human intelligence case officers, 33 interrogators, 130 personnel for mobile site exploitation and over 200 Arab linguists. David Kay assumed control of the ISG in early June and he made an interim report to the US administration in late September and reported to Congress on 2 October 2003. An unclassified version of his testimony was released on 1 October. It is unclear from the unclassified report of the ISG how many sites have actually been inspected. The report mentions that only 10 of the 130 ammunition storage points have been examined.⁹⁵ A large amount of the work of the ISG appears to have involved the interrogation of Iraqi scientists and others connected to weapons industries in Iraq and the examination of voluminous documents.
- 4.61 No official cost has been released for the ISG, but the Guardian newspaper reported that, to the beginning of October 2003, it had cost \$US300 million.⁹⁶ The New York Times quoted administration officials as saying that an additional \$US600 million was being sought for ongoing work.⁹⁷

Findings

- 4.62 Dr Kay's report found: significant amounts of equipment that might have been used for research on CBW and equipment that could be useful for research on uranium enrichment by centrifuge and electromagnetic isotope separation; a clandestine network of laboratories as well as a prison laboratory complex, possibly used in human testing of BW agents; new as well as continuing research on BW agents; and plans and design work for long range missiles and propellant fuels for SCUD variant missiles.
- 4.63 Dr Kay informed the Congress that it was clear that evidence had been destroyed either deliberately or through looting and the sanitising of computer files. Saddam Hussein had concealed this

95 Dr David Kay, *Interim Progress Report on the Activities of the Iraq Survey Group (ISG) before the House Permanent Select Committee on Intelligence, The House Committee on Appropriations, Subcommittee on Defense and the Senate Select Committee on Intelligence*, 2 October 2003, p 6

96 Julian Borger, *UN Inspectors vindicated – at \$300million cost*, The Guardian, 3 October 2003

97 David E Sanger, *A Reckoning: Iraq Arms Report Poses Political Test for Bush*, The New York Times, 3 October 2003.

equipment from weapons inspectors and had not declared it as required under UNSC resolutions. Dr Kay believed that these findings represented a latent capability, which, if activated, could produce chemical and biological weapons within a short period of time.⁹⁸

- 4.64 However, Dr Kay also reported that he had found no physical evidence of actual weapons of mass destruction or of recent WMD related production.

Multiple sources with varied access and reliability have told the ISG that Iraq did not have a large, ongoing centrally-controlled CW program after 1991. Information to date suggests that Iraq's large-scale capability to develop, produce and fill new CW munitions was reduced – if not entirely destroyed – during Operation Desert Storm and Desert Fox, 13 years of UN sanctions and UN inspections.⁹⁹

- 4.65 The Defence Intelligence Organisation, in briefing the Committee on the ISG report, summed up the findings on actual weapons: 'So they have found no stockpiles of biological weapons or agents. No definitive evidence has emerged on the purposes of the mobile trailers and no evidence of production of chemical weapons since 1991 and no evidence that Iraq had undertaken significant post-1998 reconstitution of its nuclear program.'¹⁰⁰

- 4.66 Despite the fact that the ISG discovered a range of UAV and 'delivery system improvement' programs, there was little success in actually developing these systems prior to the war. Iraq had not been able to purchase longer-range missiles from North Korea or elsewhere, although they were trying.¹⁰¹ The ISG found no evidence of the use of UAVs in their CBW programs.¹⁰² There was also no evidence found 'to confirm pre-war reporting that Iraqi military units were prepared to use CW against Coalition forces.'¹⁰³

- 4.67 Dr Kay's findings are largely consistent with the analysis of the Defence Intelligence Organisation prior to the war.¹⁰⁴

98 Dr David Kay, *op.cit.*, pp. 4-5. DIO transcript, 16 October 2003, pp. 6-7, 10.

99 Dr David Kay, *op.cit.*, p.7.

100 DIO transcript, 16 October 2003, pp. 6 - 8.

101 *Ibid.*, p. 10.

102 DIO transcript, 16 October p. 8. Dr Kay, *op.cit.*, p.7- 9.

103 Dr Kay, *op.cit.*, p. 7.

104 See Chapter 2

Strategic Analysis

In the first half of the 90s, Saddam tried to bluff to cover his continued possession of the weapons, and it may be that, in the second half, he bluffed to cover his loss of them. ... If our intelligence services were not good enough to penetrate such a second bluff, that is as legitimate a subject for inquiry as the question of whether Bush and Blair pumped up the intelligence advice they were getting.¹⁰⁵

- 4.68 In the end it is the strategic analysis,¹⁰⁶ which agencies and policy advisers make, that determines what interpretation is put on the intelligence; what was described to the Committee as the ‘balance of assurance and doubt’.¹⁰⁷
- 4.69 Agencies stressed in their assessments that history informed their judgements. They cited Iraq’s history prior to the first Gulf War of developing a large arsenal of chemical and biological weapons and ballistic missiles and a covert nuclear programme. They noted that Iraq had not fully declared its programs as required under UN Security Council resolutions and did not fully and readily cooperate with UNSCOM inspectors. They noted that Iraq had used chemical weapons against both Iran and the Kurds. Their strategic analysis, as presented to the Committee, was that Saddam Hussein had used his weapons before and therefore would again; Hussein was obstructing the UN inspectors – he must have weapons of mass destruction.
- 4.70 At one level this is a persuasive argument, but it is only one of a number of possibilities. In order to explain discrepancies in theirs and ONA’s assessments, DIO argued that ‘It is a question of whether you infer the worst and assume the worst or whether you make a more reasoned judgement on these things. ... We were trying to maintain a line of not going beyond the available evidence, of not jumping to a conclusion, of not overstretching the evidence and taking [it] beyond where it actually went.’¹⁰⁸

105 Martin Woollacott, *Why we were sold only one reason to go to war in Iraq*, The Guardian, 11 July 2003

106 For the purpose of this report we are defining strategic analysis as that which assesses the whole picture in pre-war Iraq, the intentions, motivation and capacities of the regime, its regional and international interests.

107 Pritchett submission, p. 3.

108 DIO transcript, 24 September 2003, p. 16.

- 4.71 Given the gap between the above strategic analysis and the post war findings, it may be that agencies should examine whether they included all known factors in their analysis. DIO did suggest to the Committee that 'We could have done better in terms of some of the strategic level analysis of Saddam Hussein, his motivations, his response to pressure and the number of interests he was trying to balance.'¹⁰⁹
- 4.72 Agencies provided the Committee with few strategic assessments, which interpreted Iraqi behaviour in ways that countenanced the possibility that there were no great caches of weapons left. The following analysis would also have been a perfectly logical and plausible argument, all the elements of which were available to our analysts prior to the war: that the 1991 Gulf War, the subsequent bombing of Iraq, the sanctions and the inspection process and the further bombing in 1998 had been successful.
- 4.73 In 1995, Kamal Hussein claimed the inspections had been successful and that there were no weapons left. Both Australian agencies were familiar with the debriefing of Kamal Hussein. UNSCOM itself had documented the destruction of large quantities of Iraq's weapons. Even accepting that all the material unaccounted for by UNSCOM existed, it would have been a remnant only of what Hussein had had in 1991 and, on that basis, UNSCOM might have been declared to have been successful. It could have been argued that the massive expenditure on new palaces was a substitute for weapons of mass destruction and the only aggrandisement left to Hussein in his 'cabined, cribbed, and confined'¹¹⁰ circumstances. Given Iraq's history after the defeat in the first Gulf War, a lack of weapons seems to be a more likely possibility than that there was a huge arsenal.
- 4.74 To explain the cat and mouse game the regime played with the inspectors, there were numerous possibilities other than 'he must have WMD'. These included: that Hussein was concerned to preserve his status in the country and in the region even at the expense of his people's welfare; that Iraq might have been inefficient or inaccurate in its documentation and incapable of providing the UN inspectors with the records they required of weapons' destruction; that simple feelings of national pride prevented the Iraqis at a number of levels from cooperating with determined and intrusive inspectors; and that no one was entirely honest in what was a fiercely totalitarian regime.
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109 DIO transcript 24 September 2003, p. 10.

110 Macbeth, Act 111, sc iv.

4.75 Iraq's vulnerability in the region, if it had been effectively disarmed by the UN, was such that maintaining the pretence of continued possession might have been seen as vital. Mr Pritchett put the following scenario to the Committee:

Hussein's thoughts of regional pre-eminence would have reacted with anxieties for Iraq's own security. Hostile and aggressively Shi'ite Iran was developing nuclear capacity. There were Kurdish tensions with Turkey, and Ba'athist animosities conditioned relations with Syria. Israel, financed and armed by the US and certainly believed by Hussein to have WMD, was deeply hostile, and had attacked Iraq in 1981. Hussein's tough rule, support for the Palestinians and attacks on US support for Israel and 'feudal' governments won him some popularity among regional masses, but their governments were not comfortable with him.

4.76 Mr Pritchett asked whether, in determining the imminence of threat from Iraq, questions had been asked not just about his possession of WMD, but also about motive, intent and willingness to use. These matters, he contended, were not clearly articulated or convincingly argued [by the Government].¹¹¹ Certainly, the argument that 'he had used them before and therefore would again', did not account for the fact that when he was most heavily armed with WMD, in 1991, he chose not to antagonise the United States, even in the face of invasion, by launching a WMD attack.

4.77 Equally, it was argued that Australia's national interest needed to be assessed against that of the United States. Did we test the US motives and intentions and make an analysis against our own interests? None of the assessments presented to the Committee contained any assessments of US motives. Some discussion occurred at the hearings. DIO said that such assessments were made. Beyond the following comment, however, the Committee saw no such assessments.

We made a judgement here in Australia, too, that the United States was committed to military action against Iraq. We had the view that that was, in a sense, independent of the intelligence assessment.¹¹²

4.78 There is a fine line between strategic assessment and policy advice. Presumably, many of these questions were addressed by the policy

111 Pritchett submission, p. 3.

112 DIO transcript, 16 October 2003, p. 3.

departments of Foreign Affairs and Prime Minister and Cabinet. The AIC assessments feed into these departments as part of the formulation of their policy advice. The Committee did not seek evidence from these departments as the terms of reference precluded consideration of the decision to go to war except insofar as it rested on intelligence assessments.

Conclusions

4.79 The Committee does not have a complete set of the AIC assessments. The Australian agencies told the Committee they were in possession of the whole picture insofar as they received all there was to receive from partner agencies. Our judgements are based on an analysis of what we were given. The AIC assessments are more moderate and cautious than those of their partner agencies, particularly those in the United States. However, even within their caution, it is arguable that they overstated the degree to which WMD existed.

4.80 Nevertheless, the pre-war assessments that now appear to be most accurate are those that were most sceptical. These were, after September 2002, largely the assessments provided by DIO. In summary, DIO said: 'We thought it likely that they [Iraq] still retained some of the weapons of mass destruction that had been produced prior to the Gulf War. But we did cast some doubts about the likely state, fragility and reliability of those weapons of mass destruction from that period. Iraq had the capability to produce chemical and biological weapons ... at relatively short notice, ... but we could not say that they had done so.'¹¹³ In particular:

- The scale of threat from Iraq's WMD is less than it was a decade ago (ONA 1 March 2001)
- Under current sanctions, Iraq's military capability remains limited and the country's infrastructure is still in decline. (ONA 8 February 2002)
- Suspected holdings – small stocks of chemical agents and precursors, some artillery shells and bombs filled with mustard, [Iraq] might have hidden a few SCUD warheads. (DIO/ONA 19 July 2002)

113 DIO transcript, 24 September 2003, p. 10.

- Nuclear program unlikely to be far advanced. Iraq obtaining fissile material unlikely. (DIO/ONA 19 July 2002)
- No ballistic missiles that can reach the US. Most if not all of the few SCUDS that are hidden away are likely to be in a poor condition. (DIO/ONA 19 July 2002)
- Intelligence slight since the departure of the UN inspectors (ONA 6 September 2002)
- Limited stockpile of CW agents, possibly stored in dual-use or industrial facilities. Difficulties of storage and degradation of agent make the capacity to employ it uncertain. Although there is no evidence that it has done so, Iraq has the capacity to restart its CW program in weeks and manufacture in months. (DIO 10 October 2002)
- There is no known CW production (DIO 31 December 2002)
- No specific evidence of resumed BW production (DIO 10 October 2002)
- No known BW testing or evaluation since 1991. No known offensive Iraq research since 1991. (DIO 31 December 2002)
- Iraq does not have nuclear weapons (DIO 31 December 2002)
- No evidence that CW warheads for Al Samoud or other ballistic missiles have been developed. (DIO 31 December 2002);
- So far, no intelligence has accurately pointed to the location of WMD (ONA 31 January 2003); and finally
- There is no reliable intelligence that Saddam has delegated authority to use CW or BW in the event of war – although precedence would suggest it a likely scenario. (DIO 24 February 2002)

4.81 Clearly this selection of extracts from the AIC assessments does not constitute their whole view. It must be balanced with views, also contained in the assessments, that WMD possession was possible, that the rebuilding of WMD capacity was likely. A large number of the assessments commented on patterns of behaviour within the ambiguous area of dual-use. The assessments that were less accurate, from the vantage point of hindsight, were those that assumed the worst, that extrapolated too much from efforts at concealment and that dropped the caveats of uncertainty. This appeared to happen more often and more strongly as the war came closer, and mostly

within ONA assessments, certainly after September 2002. For example:

- The pattern of development over the last year suggests a continuing effort to rebuild dual-use infrastructure. (ONA 16 February 2000)
- Many of his WMD activities are hidden within civilian industry or in mobile or underground facilities. (ONA 12 December 2002)
- An accumulation of intelligence information since 1998 from a range of human and technical sources points to Saddam Hussein's having continued or increased his WMD programmes. Iraq is highly likely to have chemical and biological weapons. (ONA 13 September 2002)
- Saddam, for his part, remains intent on concealing his WMD (ONA 27 November 2002)
- Intelligence released by Secretary Powell in his 5 February presentation to the UN Security Council provides confirmation that Iraq has WMD, since Iraq's concealment and deception are otherwise inexplicable. (ONA 6 February 2003)

4.82 As time passes since the end of hostilities, and despite the work and findings of the Iraq Survey Group, the gap between expectations and outcomes is becoming more solid. There was an expectation created prior to the war that actual weapons of mass destruction would be found and found in sufficient quantities to pose a clear and present danger requiring immediate pre-emptive action. Such action is only sanctioned under international law where the danger is immediate, so the immediacy of the threat was crucial to the argument. The existence of programs alone does not meet that threshold.

4.83 Assessments that suggested there was continuing interest in preserving latent WMD programmes have proved to be valid. Iraq's interest in WMD was always undeniable and uncontentious. But the Committee notes that there is a considerable difference between having an interest in preserving a programme or a desire for particular weapons and actually having deployable weapons.

4.84 It now seems unlikely that Iraq was successful in importing uranium or that it had imported aluminium tubes in order to build gas centrifuges for the enrichment of uranium. It is doubtful that the mobile laboratories were used for the production of BW agents. The dual-use facilities and materials, which could have been used for

either offensive or for benign use, do not appear to have been producing quantities of offensive weapons. To date, no large stocks of weapons of mass destruction have been found, certainly none readily deployable.

The Presentation of the Pre-War Intelligence

Rightly, to be great is not to stir without great argument. (Hamlet, Act IV, Sc iv)

The Government's speeches

- 5.1 Prior to the war in Iraq, which began on 19 March 2003, the Prime Minister of Australia, the Hon John Howard, made five major speeches¹ outlining the government's reasons for going to war. The first and most comprehensive of these speeches was made on 4 February 2003 to the House of Representatives. On the same day, the Leader of Government Business in the Senate and Minister for Defence, Senator the Hon Robert Hill, delivered the same ministerial statement to the Senate. Other significant speeches were made by government ministers, of particular relevance is the Ministerial Statement made by the Minister for Foreign Affairs, the Hon Alexander Downer, on 17 September 2002².

1 Ministerial Statement on Iraq, House of Representatives, 4 February 2003; Address to the National Press Club, Parliament House, 14 March 2003; Speech to the House of Representatives, 18 March 2003; Address to the Nation (on television), 20 March 2003; Ministerial Statement, House of Representatives, 14 May 2003

2 This was a Ministerial Statement repeated in the Senate on the same day by the Defence Minister and Leader of Government Business in the Senate, Senator the Hon Robert Hill.

- 5.2 The Ministerial Statement in September laid out much of the information on Iraq that remained the foundation of the government's view.³
- 5.3 These speeches will form the basis for the consideration of the issues raised by the terms for reference for this inquiry. In assessing the speeches, attention will be paid in particular to the existence of weapons of mass destruction in Iraq, Saddam Hussein's capacity and willingness to use them and the immediacy of the threat posed by such weapons.

The arguments

- 5.4 The government's arguments in support of the proposed military action against Iraq were consistent throughout this period. They rested upon the threat Iraq posed to the security and stability of the world and Australia. As the Prime Minister stated in February, 'Our goal is disarmament.'⁴ 'I couldn't justify on its own a military invasion of Iraq to change the regime. I've never advocated that.'⁵ Central to the threat, he said, was Iraq's 'possession of chemical and biological weapons and its pursuit of nuclear capability'.⁶ There was, he argued, the further danger that Iraq would pass its weapons of mass destruction to terrorist groups. The Foreign Minister presented a similar argument on 18 March 2003:

Locating, securing and disposing of Iraq's weapons of mass destruction capabilities must and will be a major objective for the coalition. We must achieve the disarmament of Iraq. The focus will be on weapons and delivery systems, biological and chemical agents, weapons and dual-use infrastructure, and Iraq's technical and scientific expertise.

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- 3 It is also worth noting that this speech was made just a week after the publication of a major study of Iraq's weapons of mass destruction capability by the British International Institute of Strategic Studies, *Iraq's Weapons of Mass Destruction: a Net Assessment*, 9 September 2002, and just prior to the publication of the UK September dossier, *Iraq's Weapons of Mass Destruction: The Assessment of the British Government*, 24 September 2002. These reports appear to have informed the Government's views. In October 2002 the CIA produced a major US intelligence document, *The National Intelligence Estimate*. These documents contained strong views on Iraq's possession of WMD.
- 4 Mr Howard, House of Representatives, 4 February 2003.
- 5 Mr Howard, Speech to the National Press Club 13 March 2003
- 6 Mr Howard, House of Representatives, 4 February 2003

Saddam Hussein does have proven links to terrorism. The combination of his weapons of mass destruction and the determination of terrorists to acquire them is for this government an unacceptable threat.⁷

- 5.5 The Prime Minister described the disarmament efforts of the United Nations as having had limited effect. Attempts by the United Nations to deal with this threat through peaceful means had been met with continued defiance on the part of Iraq and this risked ‘crippling its authority’⁸. It was suggested that, despite the efforts of the United Nations inspectors, Iraq had held on to its weapons of mass destruction.

The evidence

- 5.6 The evidence evinced in support of these arguments within the government’s speeches was not merely a matter of quoting intelligence. The arguments were based on a mixture of historical experience, first principle hypotheses, deductive logic, assumption and assertion, as well as specific intelligence.
- 5.7 History informed the expectations of Saddam Hussein’s behaviour: he had used the weapons before, so he would use them again. Iraq had a ‘record of aggression and a willingness to use weapons of mass destruction ... He has used them against his neighbours. He has used them against his own people.’⁹ ‘Militarism and aggression are the foundations of his empire.’¹⁰ ‘Iraq also has a long history of training and supporting regional terrorist groups. It supports Palestinian suicide bombers who have caused such death and destruction within Israel.’¹¹
- 5.8 From first principles, the Prime Minister argued ‘terrorists groups want weapons of mass destruction.’¹² And ‘the more the world leaves unchecked either the possession of such weapons by rogue states or the spread of those weapons, the more likely it becomes that terrorists

7 Mr Howard House of Representatives, 18 March 2003.

8 Mr Howard, House of Representatives, 4 February 2003

9 Mr Howard, House of Representatives, 4 February 2003

10 Mr Howard, House of Representatives, 18 March 2003

11 Mr Howard, House of Representatives, 4 February 2003

12 Mr Howard, Address to the National Press Club, 14 March 2003.

will acquire them and use them.’¹³ Therefore, logically, he believed, ‘If terrorists ever get their hands on weapons of mass destruction that will ... constitute a direct, undeniable and lethal threat to Australia and its people.’¹⁴ These theoretical propositions were juxtaposed to rather than causally related to specific Iraqi behaviour, but the implications were clear.

- 5.9 Logic also suggested that Iraq’s non-cooperation with the inspectors indicated that Saddam Hussein had something to hide. ‘Iraq’s persistent defiance displays a clear pattern of lies, concealment and harassment that it would be dangerous to ignore.’¹⁵
- 5.10 That the weapons existed is the underlying assumption in all the speeches and it is asserted without doubt. ‘Iraq must not be allowed to possess weapons of mass destruction ... it must be disarmed.’¹⁶ ‘That action (war in 1991) was suspended on condition that Iraq gave up its weapons of mass destruction. Clearly we all know this has not happened.’¹⁷ Without international action ‘Iraq will not only keep her current weapons, but add to them.’ ‘If Iraq emerges from the current confrontation with world opinion with its arsenal of chemical weapons intact ... the potential for Saddam Hussein’s aggression against his neighbours ... will be enhanced’ ‘The Australian government knows that Iraq has chemical and biological weapons and that Iraq wants to develop nuclear weapons.’
- 5.11 The extent of the Iraq’s weapons is sometimes implied rather than stated in the speeches. Iraq’s weapons are an ‘arsenal’ and a ‘stockpile’.¹⁸ In 1995, Iraq had a ‘massive program’. The quantities unaccounted for are ‘large’.¹⁹
- 5.12 Other arguments about the scale and immediacy of the threat rested on assertion. ‘[T]he illegal importation of proscribed goods into Iraq ha[s] increased dramatically in the past few years.’²⁰ Weapons of mass destruction and the threat of international terrorism are ‘two grave issues the world must now confront.’²¹ ‘We are determined to

13 Mr Howard, House of Representatives, 4 February 2003

14 Mr Howard, Address to the National Press Club, 14 March 2003.

15 Mr Downer, House of Representatives, 17 September 2002.

16 Mr Howard, House of Representatives, 4 February 2003

17 Mr Howard, Address to the Nation, 20 March 2003.

18 Mr Howard, House of Representatives, 4 February 2003

19 Mr Howard, House of Representatives, 4 February 2003

20 Mr Howard, House of Representatives, 4 February 2003

21 Mr Howard, House of Representatives, 4 February 2003

deprive Iraq of its weapons of mass destruction, its chemical and biological weapons, which even in minute quantities are capable of causing death and destruction on a mammoth scale.²² ‘The strategy of containment simply has not worked and now poses an unacceptable risk in a post September 11 world.’²³ ‘While our concern about Saddam Hussein is not new, it is now more immediate.’²⁴ Now ... the cost of [doing] nothing is potentially much greater than the cost of doing something.²⁵ ‘We believe that so far from our action in Iraq increasing the terrorist threat, it will, by stopping the spread of chemical and biological weapons, make it less likely that a devastating terrorist attack will be carried out against Australia.’²⁶

Specific intelligence cited in Government speeches

5.13 The specific intelligence cited to support these assertions is from three major sources: the intelligence from the Australian Intelligence Community, the intelligence from partner agencies, especially in the US and the UK, and the information from United Nations inspections processes.²⁷ On occasions the Prime Minister or the Foreign Minister specifically quoted Australian intelligence. However, the speeches also directly quoted from overseas sources. The Prime Minister argued on 4 February 2003 that there was ‘compelling evidence ... within the published detailed dossiers of British and American intelligence. This evidence is the most specific and emphatic within the speeches, claiming that Iraq’s WMD exist:

- Iraq has a useable chemical and biological weapons capability which has included recent production of chemical and biological agents;
- Iraq continues to work on developing nuclear weapons – uranium has been sought from Africa that has no civil nuclear application in Iraq;

22 Mr Howard, Address to the Nation, 20 March 2003

23 Mr Downer, House of Representatives, 18 March 2003.

24 Mr Downer, House of Representatives, 17 September 2002.

25 Mr Howard, Address to the National Press Club, 14 March 2003.

26 Mr Howard, Address to the Nation, 20 March 2003.

27 Many of these sources are interconnected. UNSCOM reports provided the basis of much of the intelligence on Iraq. US and UK agencies provided most of the material upon which the AIC made its own judgements. See previous chapters.

- Iraq possesses extended range versions of the SCUD ballistic missile in breach of security Council resolutions, which are capable of reaching Cyprus, Turkey, Teheran and Israel;
- Iraq's current military planning specifically envisages the use of chemical and biological weapons. ... Saddam Hussein is determined to retain these capabilities;²⁸ and (from the US National Intelligence Estimate)
- Iraq is reconstituting its nuclear weapons program;
- It has begun renewed production of chemical warfare agents, probably including mustard, sarin, cyclosarin and VX;
- All key aspects – R&D, production and weaponisation – of Iraq's offensive biological weapons program are active and most elements are larger and more advanced than they were before the Gulf War in 1991.²⁹

5.14 In addition, Mr Downer quoted Australian intelligence agencies in his speech of 17 September 2002, although this information was coming from the United Kingdom and United States agencies at the time.

Australian intelligence agencies believe there is evidence of a pattern of acquisition of equipment that could be used in a uranium enrichment program. Iraq's attempted acquisition of very specific types of aluminium tubes may be part of that pattern.

And, from the International Institute of Strategic Studies:

Saddam Hussein could build a nuclear bomb within months if he were able to obtain fissile material.

And defectors involved in Iraq's weapons of mass destruction program reported:

the continuing development of its biological and chemical capability, including in mobile biological weapons production plants and in hospitals.³⁰

5.15 The second source of specific information used in the speeches came from the reports of United Nations weapons inspectors, specifically

28 This information is taken from the Joint Intelligence Committee Dossier published by the British Government on 24 September 2002.

29 This information is an analysis provided by the Director of the US Central Intelligence Agency

30 Mr Downer, House of Representatives, 17 September 2002.

the final UNSCOM report of 1999. From it, Mr Howard³¹ cited the following amounts of weapons as unaccounted for:

- 6,500 chemical bombs, including 550 shells filled with mustard gas;
- 360 tonnes of bulk chemical warfare agent, including 1.5 tonnes of the deadly nerve agent VX;
- 3,000 tonnes of pre-cursor chemicals, 300 tonnes of which could only be used for the production of VX; and
- over 30,000 special munitions for the delivery of chemical and biological agents.³²

5.16 Therefore, the case made by the government was that Iraq possessed WMD in large quantities and posed a grave and unacceptable threat to the region and the world, particularly as there was a danger that Iraq's WMD might be passed to terrorist organisations.

5.17 This is not the picture that emerges from an examination of all the assessments provided to the Committee by Australia's two analytical agencies.

Accuracy and completeness

5.18 The terms of reference asked the Committee to consider whether the Commonwealth Government presented accurate and complete information to Parliament and the Australian people. Mr Kim Jones, Director-General of ONA, told the Committee that ONA checked each of the Prime Minister's five main speeches for the accuracy of the references to intelligence information; they sought to indicate any errors in the factual information. Their definition of accuracy specifically excluded any views on the broader policy issues.³³ This is consistent with their role of not providing policy advice.³⁴ However, accuracy must also encompass whether the picture being presented is complete. Ignoring significant elements of fact or opinion when citing intelligence assessments can have a distorting effect. A true and

31 In his speech of 17 September 2002, Mr Downer also quoted a large number of statistics relating to quantities of WMD taken from the 1999 UNSCOM report to the UNSC.

32 Mr Howard, House of Representatives, 4 February 2003

33 ONA transcript, 23 September 2003, pp. 14-15.

34 See Chapter 3, paragraph 3.21.

accurate interpretation must consider the total balance of the point of view being adduced in support of a policy.

- 5.19 The Director of DIO was also invited to comment on some speeches. Specifically, he told the Committee:

I was invited on several occasions by the staff of the Minister for Defence to comment on speeches that he was making. We made one or two observations on those speeches and they were adopted. I did not comment at all on any of the Prime Ministerial speeches. There were occasions when Kim Jones would contact me to clear a form of words which was contributing to something that the Prime Minister might say ahead of the event. We would agree on a form of words, but that was very rare, only on several occasions.³⁵

- 5.20 The statements by the Prime Minister and Ministers are more strongly worded than most of the AIC judgements. This is in part because they quote directly from the findings of the British and American intelligence agencies. In particular, in the 4 February 2003 speech to the House of Representatives, the Prime Minister quoted the findings of Joint Intelligence Committee of the UK and the key judgements of the National Intelligence Estimate of the CIA. In both of these documents the uncertainties had been removed³⁶ and they relied heavily on the surge of new and largely untested intelligence, coming, in the US at least, from Iraqi defectors.³⁷ These dossiers comprised stronger, more emphatic statements than Australian agencies had been prepared to make. See paragraph 5.13 above for details of the statements.³⁸

- 5.21 ONA agreed that these judgements, quoted in the speeches, were not necessarily ones that they might have made, but that, as they were made on the basis of material ONA had not seen, the quotations in the speeches were not questioned. They were considered accurate quotations, in the sense of transcriptions, from the British and US documents.³⁹ In response to a question about the threat of Iraq's

35 DIO transcript, 24 September 2003, p. 31.

36 See Chapter 4, paragraphs 4.22 – 4.38.

37 See Chapter 4, paragraphs 4.39 – 4.48.

38 This difference applies despite the firmer views of ONA after 13 September 2002. This issue is discussed in detail in Chapter 2 and 4.

39 ONA transcript, 23 September 2003, p. 15.

WMD being 'real and unacceptable', Mr Lewincamp thought it was not a judgement that DIO would have made.⁴⁰

- 5.22 Government presentations were in some areas incomplete, notably in respect of some of the available United Nations information on Iraq. For example, in 1995, the United Nations debriefed Saddam Hussein's son-in-law, Kamal Hussein. From this debriefing, Mr Howard quoted admissions by Hussein that indicated Iraq had 'a massive program for developing offensive biological weapons – one of the largest and most advanced in the world.'⁴¹ This description of Hussein's admission was true, but the program he described related to a much earlier period, and the bulk of the Kamal Hussein's debriefing made repeated statements about the failures of nuclear programs, the destruction of weapons and agents associated with the chemical and biological programs and the overall success of the UNSCOM weapons inspections.⁴²
- 5.23 Similarly, one aspect only of the UNMOVIC/IAEA conclusions was used in government speeches, namely that Dr Blix believed that Iraq was 'cooperative on process, but not on substance'.⁴³ This too was an accurate statement, made in the report on the first 60 days. This view also reflected the thrust of the ONA assessments in the period.⁴⁴ However, in its reports prior to the war, UNMOVIC also noted increasing cooperation and 'numerous initiatives'⁴⁵ from the Iraqi side, even though cooperation was not immediate. They reported that the results of inspections were consistent with Iraqi declarations and that no weapons of mass destruction had been found.⁴⁶ Their findings were most emphatic in relation to nuclear weapons.⁴⁷ The overall view, the balance of the view, from UNMOVIC appeared to be

40 DIO transcript, 16 October 2003, p.4.

41 Mr Howard, House of Representatives, 4 February 2003

42 UNSCOM/IAEA debriefing of General Hussein Kamal in Amman, 22 August 1995, notes taken by N Smidovich.

43 Mr Howard, House of Representatives, 4 February 2003

44 In the extracts seen by the Committee, most of the ONA assessments after the 7 December declaration by Iraq concentrate on Iraq deception of the UNMOVIC inspectors and extrapolate from Iraqi concealment the existence of WMD.

45 Executive Chairman of UNMOVIC, Oral introduction to the 11th quarterly report of UNMOVIC, 14 February 2003.

46 *ibid*

47 Director-General IAEA, *Status of Nuclear Inspections in Iraq: An Update*, 7 March 2003. See details of reports in Chapters 1 and 4.

one of progress rather than a ‘damning indictment’⁴⁸ or that ‘the weapons inspectors were wasting their time’.⁴⁹

- 5.24 It is clear from the figures quoted in Chapter 1 that the statistics in the allied governments’ speeches came from UNSCOM reports. However, these figures were conservative estimates surrounded by enormous uncertainty. United Nations inspectors’ reports placed the threshold of proof at what was possible, rather than what was probable. This is a threshold that it is impossible to meet since anything is always possible. Even the probabilities were mostly hypothetical. While UNSCOM and UNMOVIC always described the possible weapons as ‘unaccounted for’, their inability to provide ‘absolute assurance’ through verification allowed speculation to flourish about what might be possible.⁵⁰ The inspectors and the international community found themselves in a paradigm of looking for ever more proof even as there was ever diminishing evidence of WMD in Iraq. Paradigms are very hard to shift.
- 5.25 The UNMOVIC/IAEA reports of February and March also made other significant statements on the inspectors’ findings, or lack of them. UNMOVIC/IAEA experts, like a number of US intelligence experts in 2002, cast doubt on the suggested use of the mobile trailers and aluminium tubes and the importation of uranium.
- 5.26 Doubts about the purchase of uranium in Africa were brought forward in the CIA’s National Intelligence Estimate in October 2002, received by Australian agencies in January 2003, but not passed on to Ministers. In addition, the IAEA Director himself assessed the documentation on the matter to be fraudulent in his report to the UN Security Council on 7 March 2003.⁵¹
- 5.27 The International Institute of Strategic Studies (IISS) published a major strategic assessment on 9 September 2002. This report was quoted by the Foreign Minister on 17 September 2002 in his presentation to Parliament.

The International Institute of Strategic Studies – an independent research organisation – concluded that Saddam

48 Mr Howard, House of Representatives, 6 February 2003

49 Mr Howard, House of Representatives, 4 February 2003

50 UNMOVIC found very little and mostly degraded materials and infrastructure despite an impressive record of inspections and verification of sites in a short period. David Kay has found even less.

51 The Joint Intelligence Committee of the United Kingdom continues to claim that they have other sources on this matter.

Hussein could build a nuclear bomb within months if he were able to obtain fissile material.

- 5.28 However, the conclusions of the IISS were more complicated than is suggested here. The scenario quoted above is described in the same paragraph as a 'nuclear wild card'. The net assessment of the IISS concluded that Iraqi acquisition of fissile material on the black market was 'not a high probability', that of the three WMD types nuclear seemed 'furthest from Iraq's grasp'.⁵² The obtaining of fissile material is described by DIO and ONA in July 2002 and again by ONA on 6 September 2002 as an 'unlikely event'.
- 5.29 Other significant intelligence not covered in the government presentations included an assessment in October 2002 that Iraq was only likely to use its WMD if the regimes survival was at stake⁵³ and the view of the Joint Intelligence Committee of the UK, available at the beginning of February 2003, that war would increase the risk of terrorism and the passing of Iraq's WMD to terrorists.⁵⁴

Conclusion

- 5.30 It is the Committee's view that the presentation by the Australian government was more moderate and more measured than that of either of its alliance partners. The government did not make the claim that Iraq's WMD were deployable in 45 minutes. Mr Kim Jones, Director-General of ONA, explained that the agency had the intelligence, but did not use it. He did not question its general reliability, but suggested that there might be doubts about the 'artificial precision involved in it' and that it was not entirely clear what was covered by the 45 minutes.⁵⁵
- 5.31 The Australian Prime Minister and other ministers did not use highly emotive expressions such as those used in the United States: 'We don't want the smoking gun to become a mushroom cloud.'⁵⁶ 'The

52 International Institute of Strategic Studies, *Iraq's Weapons of Mass Destruction: Towards a Net Assessment*, 9 September 2002, p. 70.

53 DIO assessments, 10 October 2002.

54 Reported as a 10 February 2003 JIC assessment, Intelligence and Security Committee, *Iraq's Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, p. 34.

55 ONA transcript, 23 September 2003, p. 23.

56 Condoleezza Rice, President Bush's National Security Adviser, Television interview, 8 September 2002.

Iraqi dictator must not be permitted to threaten America and the world with horrible poisons and diseases and gases and atomic weapons.’⁵⁷ ‘Chemical agents, lethal viruses and shadowy terrorist networks are not easily contained. ... It would take one vial, one canister, one crate slipped into this country to bring a day of horror like none we have ever known.’⁵⁸

- 5.32 The government’s emphatic claim about the existence of Iraqi WMD⁵⁹ reflected the views of the Office of National Assessments after 13 September 2002. ONA said it was ‘highly likely’ that Iraq had WMD. However, the Australian agencies did not think the amounts of WMD to be large – they were described as ‘small stocks’ – and the Defence Intelligence Organisation always expressed doubts about any production of biological or chemical weapons beyond 1991. The presentations by the government seemed to suggest large arsenals and stockpiles, endorsing the idea that Iraq was producing more weapons and that the programs were larger and more active than before the Gulf War in 1991.⁶⁰ In addition, there appears to be a gap on the matter of immediacy of threat. Assessments by Australian agencies about possible degradation of agents and restricted delivery capability cast doubt on the suggestion that the Iraqi ‘arsenal’ represented a ‘grave and immediate’⁶¹ and a ‘real and unacceptable’ threat.⁶²

Recommendation 3

- 5.33 **The Committee recommends that there should be an independent assessment of the performance of the intelligence agencies, conducted by an experienced former intelligence expert with full access to all the material, which will report to the National Security Committee of Cabinet and which, in the light of the matters raised by the consideration of the pre-war intelligence on Iraq, will recommend any changes that need to take place for the better functioning of the agencies.**

57 President Bush, address at the Cincinnati Museum Centre, 7 October 2002

58 President Bush, State of the Union address, 28 January 2003.

59 ‘The Australian Government knows that Iraq still has chemical and biological weapons.’ Mr Howard, House of Representatives, 4 February 2003

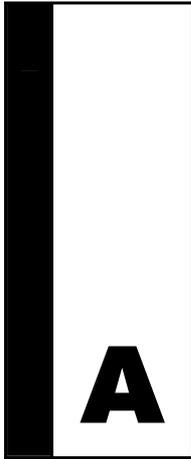
60 Mr Howard, House of Representatives, 4 February 2003

61 Mr Downer, House of Representatives, 17 September 2002.

62 Mr Howard, House of Representatives, 4 February 2003

THE HON DAVID JULL, MP

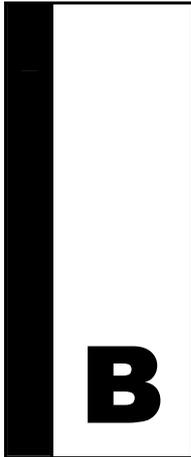
Chairman



Appendix A – List of submissions

1. D.J. Coates
2. Dr Carlo Kopp
3. Jill Kitson
4. Terry J.Embling
5. Dr Andrew Butfoy
6. Gordon A. Jockel CBE
7. Citizens Electoral Council of Australia
Craig Isherwood
8. William Percy Gp Capt (Ret)
9. Michael Dunne
10. Christian Enemark
11. Australia Defence Association
Neil James, Executive Director
12. W.B. Pritchett
13. Janis Embury
14. Mr Ange Kenos
15. Jane Errey (confidential)
16. Stanley Schaetzel
17. Hugh Crone

18. Department of Defence (confidential with classified annex)
19. Office of National Assessments (confidential)
20. ASIS (classified)
21. ONA supplementary submission (confidential)
22. DIO supplementary submission (confidential)
23. ONA supplementary submission (confidential)
24. DIO supplementary submission (classified)



Appendix B – List of Exhibits

United Nations Reports¹

UNSCOM/IAEA debriefing of General Hussein Kamal in Amman, 22 August 1995, notes taken by N Smidovich

United Nations Special Commission (UNSCOM), Report No S/1997/774, 6 October 1997

United Nations Special Commission (UNSCOM), Report No S/1999/94, 25 January 1999

United Nations Security Council Report S/1999/1172, 15 December 1998

United Nations Security Council Report S/1999/127, 8 February 1999

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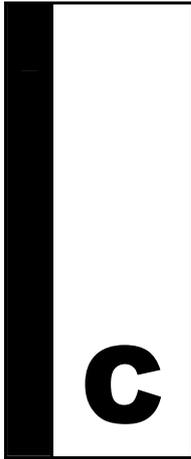
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Appendix C – Witnesses appearing at classified and public hearings

Canberra (Public Hearing) Friday, 22 August 2003

Dr Richard Butler, (Private capacity)

Mr Neil Frederick James, Executive Director, Australia Defence Association

Mr William George Percy, (Private capacity)

Mr William Beal Pritchett, (Private capacity)

Mr Andrew Damien Wilkie, (Private capacity)

Canberra (Classified Hearing) Tuesday, 23 September 2003

Assistant Director-General, Australian Secret Intelligence Service

Mr Roger Hodgkins, Senior WMD Analyst, Office of National Assessments

Mr David Irvine, Director-General, Australian Secret Intelligence Service

Mr Kim Jones, Director-General, Office of National Assessments

Dr Doug Cromar Kean, Assistant Director-General, Strategic Analysis, Office
of National Assessments

**Canberra (Classified Hearing)
Wednesday, 24 September 2003**

Mr Guy Hanson, Assistant Secretary, Imagery and Geospatial Intelligence,
Defence Imagery and Geospatial Organisation

Mr Walter Frank Lewincamp, Director, Defence Intelligence Organisation,
and Acting Deputy Secretary, Intelligence and Security, Department of
Defence

Mr Ian Robert McKenzie, Director, Defence Imagery and Geospatial
Organisation

Mr Stephen John Merchant, Director, Defence Signals Directorate

**Canberra (Classified Hearing)
Thursday, 16 October 2003**

Mr Roger Hodgkins, Senior WMD Analyst, Office of National Assessments

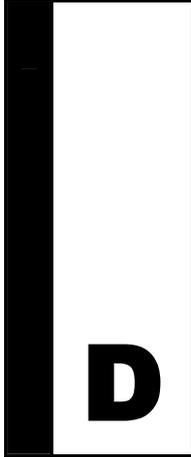
Mr Kim Jones, Director-General, Office of National Assessments

Dr Doug Cromar Kean, Assistant Director-General, Strategic Analysis, Office
of National Assessments

Mr Walter Frank Lewincamp, Director, Defence Intelligence Organisation,
and Acting Deputy Secretary, Intelligence and Security, Department of
Defence

**Canberra (Classified Hearing)
Thursday, 27 November 2003**

Mr Richard Maude, ONA Liaison Officer, Washington, 2000 - 2003



Appendix D - The Material Balance of Iraq's Weapons of Mass Destruction

The consolidated results – the Material Balance, for all of UNSCOM's inspection activities during the period 1991 to December 1998 are contained in its final report to the United Nations Security Council – UNSCOM Report No S/1999/94 dated 25 January 1999. The tables and figures relating to Iraq's Biological and Chemical Warfare and Ballistic Missile programmes contained in the UNSCOM report were considered to be too extensive to be included in this report. However, a series of summary tables based on the UNSCOM Material Balance for Iraq's BW, CW and Ballistic Missile programmes have been prepared and are included as Parts 1 to 3 of this appendix.

A summary of the Material Balance for Iraq's nuclear programme has been prepared from the data contained in the International Atomic Energy Agency Report No S/1997/779 dated 8 October 1997, and is included as Part 4 of this appendix.

Where appropriate, revised figures that have been derived as a result of the more recent UMOVIC inspections have also been included.

Part 1: Material Balance - Ballistic Missiles Programme

Al Hussein (SCUD) Missiles

		Missiles			Launchers
Initial Holdings:	Missiles	819	Initial Holdings:	Imported Cbt Launchers	10
				Indigenous Cbt Launchers	4
				Indigenous Trailer Launchers	10
	<i>Indigenous unaccounted for missiles</i>	<u>7</u>		Fixed Operational Launchers	28
				Fixed Stand-by Launchers*	28
	Total	826		Total	80

Used by Iraq			Destroyed by Iraq		
	Training etc	8		Imported Cbt Launchers	5
	Iran/Iraq War	516		Indigenous Cbt Launchers	2
	Iraqi R&D	69		Indigenous Trailer Launchers	4
	1991 Gulf War	93			

Trailers released
Trailers released

Destroyed by UNSCOM		48	Destroyed by UNSCOM		5
				Imported Cbt Launchers	5
	Declared destroyed by Iraq*	85		Indigenous Cbt Launchers	2
	Accepted by UNSCOM	83		Fixed Launchers	56
				Imported Training Launchers	1
	Total	817		Total	80

Trailers released

Unaccounted For	9
------------------------	----------

		Warheads
Initial Holdings:		
	Imported warheads	819
	Indigenous warheads	121
	Total	940

Used by Iraq		
	Used pre 1980	8
	Iran/Iraq War	515
	Iraq R&D	64
	1991 Gulf War	93

52imported/12indigenous
87imported/6indigenous

Destroyed by UNSCOM		50
Destroyed by Iraq*		160
	Total	890

37imported/13indigenous

120imported/90indigenous

Unaccounted For	50
------------------------	-----------

Note: Figures qualified by an * indicate possible discrepancy between the number of warheads declared by Iraq, and which it (Iraq) destroyed, and the number of warheads accepted as being accounted for by UNSCOM.

The principal difference relates to 25 imported and 25 Iraqi manufactured warheads which according to UNSCOM, remain unaccounted for.

Part 2: Material Balance - Chemical Weapons Programme

Iraqi CW weapons Holdings as at January 1991

Declared by Iraq (Filled and unfilled Munitions)	127941
Declared as destroyed by Iraq*	
Filled and unfilled	13660
Unfilled	15900
<u>100</u>	
Sub-total	29660
Destroyed in Gulf War	
Filled and unfilled	34000
<u>550</u>	
2000	
Sub-total	36550
After Gulf War	
Destroyed by UNSCOM	
Filled	21825
Unfilled	18223
Sub-total	40048
Converted to conventional	15616
Accidental loss (fire)	438
Sub-total	56102
Total	122312
Overall Shortfall	5629

BW unaccounted for

*CW unaccounted for
Uncertain*

*Includes CW and BW
unaccounted for*

Summary by Munition Type remaining after the 1991 Gulf War	Nos - UNSCOM	Comments	Shortfall (δ)
250 Gauge Aerial Bombs - Mustard filled	1233	1243 declared by Iraq	10
250 Gauge Aerial Bombs - unfilled*	7627	8122 declared by Iraq	495
500 Gauge Aerial Bombs - Mustard filled	1418	1426 declared by Iraq	8
500 Gauge Aerial Bombs - unfilled*	331	422 declared by Iraq	109
R-400 Aerial Bombs - Sarin (Binary)	337	337 declared by Iraq	
R-400 Aerial Bombs - unfilled	58	58 declared by Iraq	
DB-2 Aerial Bombs - unfilled	1203	1203 declared by Iraq	
122mm Rockets - Sarin	6454	6610 declared by Iraq	156
122mm Rockets - unfilled	7305	6880 declared by Iraq	
155mm Artillery Shells - Mustard	12792	13000 declared by Iraq	208
155mm Artillery Shells - unfilled	17316	16950 declared by Iraq	
Missile Warheads - Sarin/Binary	30	30 declared by Iraq	
Sub-total	56104	Sub-total (Short-fall)	986

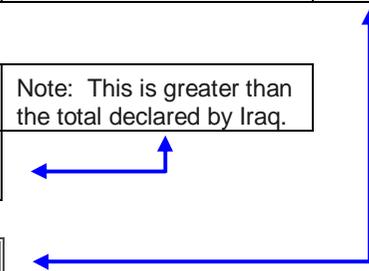


Chemical Weapons Programme -
continued

Summary by Munition Type declared as destroyed during 1991 Gulf War	Nos - UNSCOM	Comments	Shortfall (δ)
500 Gauge Aerial Bombs - CS	116		
R-400 Aerial Bombs - Sarin (Binary)	160		
DB-2 Aerial Bombs - Sarin	50	12 declared by Iraq	48
122mm Rockets - Sarin	4000	4660 declared by Iraq	660
122mm Rockets - Unfilled	36500		
155mm Artillery Shells - Mustard		550 declared by Iraq	550
Sub-total	40826	Sub-total	1258
Summary by Munition Type declared by Iraq as unilaterally destroyed	Nos	Comments	Shortfall (δ)
250 Gauge Aerial Bombs - CS	125		
251 Gauge Aerial Bombs - Unfilled	2000		
R-400 Aerial Bombs - Sarin (Binary)	527		
R-400 Aerial Bombs - Unfilled		308 declared by Iraq	308
122mm Rockets - Unfilled	26500	26500 declared by Iraq	
Missile Warheads - Sarin/Binary	45		
Sub-total	29197	Sub-total	308
Total	126127	Total	2552

Grand Total Accounted & Unaccounted	128679	Note: This is greater than the total declared by Iraq.
Declared by Iraq (Filled and unfilled Munitions)	127941	

Shortfall	2552
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Chemical Weapons Programme -
continued

Summary of Bulk CW Agents (tonnes) declared by Iraq	Tonnes	Comments	
Total Production of CW Agents	3859		
Weaponised CW Agents	3315	<i>Estimate at 80% of weaponised agents</i> During 1980s	
CW Agent used during Iran/Iraq War	2652		
Bulk CW Agents discarded	130		
Bulk CW Agents remaining end of 1991 Gulf War	412.5		
Sub-total	3857.5		
Detailed Summary of Bulk CW Agents remaining after 1991 Gulf War	Tonnes - UNSCOM	Comments	Shortfall (δ)
Mustard	295	Destroyed UNSCOM	
Tabun	76	Destroyed UNSCOM	
Sarin	40	Destroyed UNSCOM	
VX	1.5	Unaccounted for	1.5
Sub-total	412.5	Sub-total	1.5
Shortfall (Tonnes)		1.5	

Chemical Weapons Programme -
continued

Summary of Bulk CW Precursor Agents	Tonnes	Comments	δ Tonnes
Overall quantity of Precursor Chemicals produced and/or imported by Iraq	20150		
Precursor Chemicals used for the production of CW agents	14500	To be accounted for	5650
Declared Precursor Chemical holdings Jan 1991	3915		
D4 - Tabun	166	Destroyed - UNSCOM	
POCl ₃ - Tabun	477	576 tonnes destroyed - UNSCOM	
Dimethylaminohydrochloride - Tabun	295	272 tonnes destroyed - UNSCOM, and 30 tonnes during 1991 Gulf War	
Sodium Cyanide - Tabun	371	180 tonnes destroyed - UNSCOM	191
Thiodiglycol - Mustard	377	188 tonnes destroyed - UNSCOM, and 120 tonnes during 1991 Gulf War	69
Thionylchloride - Mustard, GB, GF and VX		282 tonnes destroyed - UNSCOM, and 100 tonnes during 1991 Gulf War	
PCl ₃ - Mustard, GB, GF and VX	2422	650 tonnes destroyed - UNSCOM	1772
MFP - GB and GF	67	20 tonnes destroyed - UNSCOM, 9 tonnes during 1991 Gulf War and 30 tonnes by Iraq	8

Chemical Weapons Programme -
continued

Hydrogen Fluoride - GB and GF	181	11 tonnes destroyed - UNSCOM, 200 tonnes released for civilian use	
Isopropanol - GB	465	445 tonnes destroyed - UNSCOM	20
Cyclohexanol - GF	120	105 tonnes destroyed during 1991 Gulf War, and 20 tonnes released for civilian use	
P2S5 - VX	242	153 tonnes destroyed by Iraq - verified by UNSCOM, 85 tonnes destroyed during 1991 Gulf War	4
Chloroethanol - VX	202	2 tonnes destroyed - UNSCOM, 200 tonnes destroyed during 1991 Gulf War	
Choline - VX	55 litres	55 litres destroyed by Iraq	
Sub-total	5385	Sub-total	2064

Summary of CW Accounting and Shortfalls (UNSCOM)

	High Degree of Confidence	Moderate Degree of Confidence	Lesser Degree of Confidence	Totals	Declared	Shortfall
Special Munitions	56104	34000	13660	103764	127941	24177
Bulk CW Agents (Tonnes)	411	0	0	411	412.5	1.5
Key Precursors (Tonnes)	2810	823	200	3833	3915	82

Part 3: Material Balance - Biological Weapons Programme

BW Systems

AL Hussein Missiles			
Produced	25	Total Destroyed (Iraq)	25
Filled - Botulinum*	16		
Filled - Anthrax*	5		
Filled - Aflatoxin	4		
Sub-total	25		
R-400 Aerial Bombs			
Produced	200	Destroyed UNSCOM	37
Filled - Botulinum*	100	Destroyed Iraq**	128
Filled - Anthrax*	50	<u>Declared destroyed Iraq***</u>	29
Filled - Aflatoxin*	7	Defective - not filled	6
Unfilled	43	Total	200
Sub-total	200	** Verified by UNMOVIC 2003	
		*** Unaccounted for	
F-1 Drop Tanks			
Produced	4	Destroyed - 1991 Gulf War	1
Sub-total	4	Inspected UNSCOM	3
		Total	4
Pilotless MiG 21	1	Unclear whether for BW or CW carriage	
		Not completed - unconfirmed	
Aerosol Generators (Heli-born)	12	<u>Unaccounted for by UNSCOM</u>	
Mobile Transfer Tanks (1m3)	47	24 accounted for by UNSCOM, 20+ NOT accounted for	

Bulk BW Agents (Litres)

Botulinum Toxin (total)	19180		
Munition filling	10820		
Field Trials	569		
Wastage/Loss	118		
Botulinum remaining	7673	Destroyed Iraq (1991)	7665 - 7735
Bacillus Anthrax (total)	8445		
Munition filling	4975		
Field Trials	0		
Wastage/Loss	52.5		
Anthrax remaining	3417.5	Destroyed Iraq (1991)	3412
Aflatoxin (total)	2200		
Munition filling	1120		
Field Trials	231		
Wastage/Loss	30.5		
Aflatoxin remaining	818.5	Destroyed Iraq (1991)	900 - 970
Clostridium perfringens	340		
Munition filling	0		
Field Trials	0		
Wastage/Loss	0		
Perfringens remaining	340	Destroyed Iraq (1991)	338
Ricin (total)	10		
Field Trials	10		
Ricin remaining	0	Destroyed Iraq (1991)	0
Wheat Cover Smut (total)	Not quantifiable	Destroyed Iraq (1991)	0

Biological Weapons Programme -
continued

Bacterial Growth Media (kg)			
Casein acquired	17554		
Used - Botulinum	7074		
Wastage/Lost	145		
Remaining 1991	10335	Destroyed UNSCOM (1996)	10335
Thioglycollate Broth acquired	6036		
Used - Botulinum	4130		
Wastage/Lost	58		
Remaining 1991	1848	Destroyed UNSCOM (1996)	1848
Yeast Extract acquired	7070		
Used - Botulinum	1768		
Used - Anthrax	185		
Used - Perfringens	11		
Wastage/Lost	15		
Remaining 1991	5091	Destroyed UNSCOM (1996)	4942
		Discrepancy	149
Peptone acquired	1500		
Used - Perfringens	45		
Wastage/Lost	705		
Remaining 1991	750	Destroyed UNSCOM (1996)	625
		Discrepancy	125

UNSCOM Estimate of UNACCOUNTED for Media (kg)		Comment
Casine	460	Sufficient for 1200 ltrs Botulinum (concentrate)
Thioglycollate Broth	80	
Yeast Extract	520	Sufficient for 26000 ltrs Anthrax
Peptone	1100	Sufficient for 5500 ltrs Perfringens (concentrate)
Total	2160	
Destroyed 2003	244.6	Under UNMOVIC supervision
Remaining Shortfall	1915.4	

Summary of BW Accounting and Shortfalls (UNSCOM)

	High Degree of Confidence	Moderate Degree of Confidence	Lesser Degree of Confidence	Little or No Degree of Confidence	Totals	Declared	Shortfall
BW Munitions/Systems	0	0	4	253	257	288	31
Bulk BW Agents (Litres)	0	0	0	30175	30175	30175	0
Growth Media (Kg)	244.6	30000	0	0	30244.6	32160	1915.4

Note: While the above Summary Table attempts to quantify the state of Iraq's BW program, the range of uncertainties involved, as evidenced by only one entry against elements with high or moderate confidence, makes these figures all but meaningless. However, greater value can be obtained from the following qualitative extract from the UNSCOM Report dated 25 January 1999:

In its accounting for various BW weapons-program-related elements, the Commission has achieved various levels of confidence, depending on the quality of information; documentary, physical, and personal testimony provided by Iraq; and the correlation of this information with other information derived from Iraq, information provided by its former suppliers, or otherwise obtained by the Commission.

The Commission has a degree of confidence in the accounting for some proscribed items which were presented by Iraq for verification and disposal. This includes, for example: the destruction of buildings, and equipment at Al-Hakam, the destruction of large quantities of growth media acquired for the program; and evidence that R-400 aerial bombs and Al-Hussein warheads contained BW agents and consequently that Bacillus anthracis spores and botulinum toxin were indeed weaponised.

The Commission has less confidence in the accounting for proscribed items declared by Iraq as having been unilaterally destroyed. These include, for example: the number and fill of R-400 aerial bombs destroyed at Al-Azziziyah; the number and fill of BW Al-Hussein warheads destroyed; and the fate of the agent to be used with drop tanks.

The Commission has little or no confidence in the accounting for proscribed items for which physical evidence is lacking or inconclusive, documentation is sparse or nonexistent, and coherence and consistency is lacking. These include, for example: quantities and types of munitions available for BW filling; quantities and types of munitions filled with BW agents; quantities and type of bulk agents produced; quantities of bulk agents used in filling; quantities of bulk agents destroyed; quantities of growth media acquired for the program; quantities of growth media used/consumed; and when or whether the program ended. In addition the Commission has no confidence that all bulk agents have been destroyed; that no BW munitions or weapons remain in Iraq; and that a BW capability does not exist in Iraq.

United Nations Security Council Report S/1999/94, 25 January 1999, p. 148

Part 4: Material Balance – Nuclear Weapons Program

The results of the International Atomic Energy Agency's (IAEA's) inspection regime of Iraq's nuclear capabilities produced a detailed picture of a well-funded programme aimed at the indigenous development and production of weapons-grade nuclear materials and the subsequent production of nuclear weapons themselves. The intended target date for the first nuclear weapon was 1991.

The following extract from the IAEA report to the United Nations Security Council, dated 8 October 1997, is a summary of the Iraqi nuclear programme. It sets out the major components of the programme and details the action(s) taken by the IAEA with respect to materials, equipment and processes which are defined as being proscribed under the term of Security Council resolution 687 (1991):

- Indigenous production and over and covert procurement of natural uranium compounds. In this regard:
 - ⇒ All known indigenous facilities capable of production of amounts of uranium useful to a reconstituted nuclear programme have been destroyed along with their principal equipments;
 - ⇒ All known procured uranium compounds are in the custody of the IAEA;
 - ⇒ All known practically recoverable amounts of indigenously produced uranium compounds are in the custody of the IAEA.
- Industrial-scale facilities for the production of pure uranium compounds suitable for fuel fabrication or isotopic enrichment. In this regard:
 - ⇒ All known facilities for the industrial-scale production of pure uranium compounds suitable for fuel fabrication or isotopic enrichment have been destroyed, along with their principal equipment.
- Research and development of the full range of enrichment technologies culminating in the industrial-scale exploitation of EMIS and substantial progress towards similar exploitation of gas centrifuge enrichment technology. In this regard:
 - ⇒ All known single-use equipment used in the research and development of enrichment technologies has been destroyed, removed or rendered harmless;
 - ⇒ All known dual-use equipment used in the research and development of enrichment technologies is subjected to ongoing monitoring and verification;

- ⇒ All known facilities and equipment for the enrichment of uranium through EMIS technologies have been destroyed along with their principal equipment.
- Design and feasibility studies for an indigenous plutonium production reactor. In this regard:
 - ⇒ IAEA inspections have revealed no indications that Iraq's plans for an indigenous plutonium production reactor proceeded beyond a feasibility study.
- Research and development of irradiated fuel reprocessing technology. In this regard:
 - ⇒ The facility used for research and development of irradiated fuel reprocessing technology was destroyed in the bombardment of Tuwaitha and the process-dedicated equipment has been destroyed or rendered harmless.
- Research and development of weaponisation capabilities for implosion-based nuclear weapons. In this regard:
 - ⇒ The principal buildings of the Al Atheer nuclear weapons development and production plant have been destroyed and all known purpose-specific equipment has been destroyed, removed or rendered harmless.
- A "crash programme" aimed at diverting safeguarded research reactor fuel and recovering the HEU for use in a nuclear weapon. In this regard:
 - ⇒ The entire inventory of research reactor fuel was verified and accounted for by the IAEA and maintained under IAEA custody until it was removed from Iraq.¹

Following the resumption of inspection activities in late November 2002, the Director General of the IAEA concluded in his report on 7 March 2003 to the United Nations Security Council that:

in the area of nuclear weapons - the most lethal weapons of mass destruction - inspections in Iraq are moving forward. Since the resumption of inspections a little over three months ago - and particularly during the three weeks since my last oral report to the Council - the IAEA has made important progress in identifying what nuclear-related capabilities remain in Iraq, and in its assessment of whether Iraq has made any efforts to revive

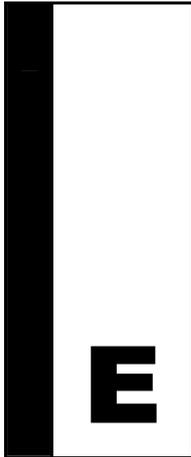
1 Director-General IAEA, International Atomic Energy Agency (IAEA) Report S/1997/779, 8 October 1997, p. 18

its past nuclear programme during the intervening four years since inspections were brought to a halt. At this stage, the following can be stated:

- There is no indication of resumed nuclear activities in those buildings that were identified through the use of satellite imagery as being reconstructed or newly erected since 1998, nor any indication of nuclear-related prohibited activities at any inspected sites.
- There is no indication that Iraq has attempted to import uranium since 1990.
- There is no indication that Iraq has attempted to import aluminium tubes for use in centrifuge enrichment. Moreover, even had Iraq pursued such a plan, it would have encountered practical difficulties in manufacturing centrifuges out of the aluminium tubes in question.
- Although we are still reviewing issues related to magnets and magnet production, there is no indication to date that Iraq imported magnets for use in a centrifuge enrichment programme.²

In his closing remarks, the Director-General emphasised that the IAEA would continue to further scrutinize and investigate these and other related issues.

2 Director-General IAEA, *The Status of Inspections in Iraq: An Update*, 7 March 2003, p. 3



Appendix E – The Chronology of Key Intelligence Issues

Part 1: The alleged acquisition of Uranium from Africa

Date	Event
Late 2001 – early 2002	The CIA receives first indications of Iraq's attempt to source uranium from Africa.
February 2002	<p>Former Ambassador, Joseph Wilson, sent by CIA to Niger to investigate report of Iraq's attempted uranium purchase. Wilson reported back saying it was doubtful that any transaction had occurred because of the close controls exercised over Niger's uranium industry and monitoring by the IAEA.</p> <p>It should be noted that information relating to this visit and its outcomes were not passed on to intelligence agencies in Australia or the UK.</p>
1 March 2002	The US State Department's Bureau of Intelligence and Research advises Secretary of State Powell that claims of Iraqi attempts to source uranium from Niger are not credible.
June 2002	UK Secret Intelligence Service (SIS), acquired intelligence regarding Iraq's intention to obtain uranium from Africa.
26 August 2002	US Vice President, Dick Cheney portrayed Hussein's nuclear ambitions as a "mortal threat" to the US.

Date	Event
September 2002	The CIA expresses "reservations" to British intelligence about information regarding Iraqi efforts to acquire African uranium ¹ , after the UK informs the agency about its intention to include the allegation in a forthcoming report.
24 September 2002	The UK Dossier, <i>Iraq's Weapons of Mass Destruction, The Assessment of the British Government</i> , dated 24 September 2002, refers the fact that 'there is intelligence that Iraq has sought the supply of significant quantities of uranium from Africa.' ²
24 September 2002	Director of Central Intelligence, George Tenet, briefed the Senate Foreign Relations Committee on Iraq's weapons capability. Including CIA intelligence that Iraq had between 1999 and 2001 attempted to buy 500 tonnes of uranium oxide from Niger.
26 September 2002	US Secretary of State, Colin Powell, appearing before the Senate Foreign Relations Committee also 'cited Iraq's attempt to obtain from Niger as evidence of its persistent nuclear ambitions.' ³
September / October 2002	US Intelligence officials advise Senate Committees of their differing view to the UK report of Iraq's attempt to source uranium from Niger.
October 2002	US State Department receives documents relating to uranium acquisition by Iraq. Documents are distributed to appropriate agencies.
October 2002	Release of the CIA's National Intelligence Estimate (NIE) on Iraq's WMD programmes. It includes reference to foreign intelligence reporting on Iraq's acquisition of uranium from Niger. The reference is qualified and indicates that the CIA 'cannot confirm whether Iraq succeeded in acquiring uranium ore and/or yellowcake from these sources'. ⁴

1 P. Kerr, *Chronology of Bush Claim that Iraq Attempted to Obtain Uranium from Niger*, Arms Control Today, Arms Control Association, September 2003

2 The UK Government, *Iraq's Weapons of Mass Destruction, The Assessment of the British Government*, dated 24 September 2002, p. 25

3 S. Hersh, *Who Lied to Whom*, The New Yorker, 25 September 2003

4 CIA, National Intelligence Estimate *Iraq's Weapons of Mass Destruction Programs*, October 2002, p. 84

Date	Event
5 – 7 October 2002	The CIA, noting US intelligence community differences with the UK over Iraqi uranium acquisition, requests the White House remove a statement referring to the uranium acquisition, from the draft of a speech to be given by President Bush on 7 October. (The delivered speech contained no reference to uranium acquisition by Iraq).
19 December 2003	The US State Department through the release of a “fact sheet” for the first time publicly identified Niger as the alleged source of the uranium being sought by Iraq. The IAEA requested information from the US on the alleged acquisition immediately after the release of the fact sheet.
20 January 2003	President Bush reported to Congress that Iraq in its 7 December 2002 declaration to the United Nations failed to declare its attempts to acquire uranium from Africa.
23 January 2003	US National Security Adviser Condoleezza Rice, in the New York Times regarding Iraq’s 7 December 2002 declaration, ‘fails to account for or explain Iraq’s efforts to get uranium from abroad.’ ⁵
26 January 2003	The US Secretary of State, Colin Powell, in a speech in Switzerland questioned, ‘why is Iraq still trying to procure uranium and the special equipment needed to transform it into material for nuclear weapons?’
27 January 2003	The Director General of the IAEA, Dr El Baradei, reports to the United Nations Security Council, ‘no evidence of ongoing prohibited nuclear or nuclear related activities at those locations has been detected during these inspections.’ ⁶
28 January 2003	President Bush’s State of the Union address includes reference to Iraq’s attempt to source uranium from Africa, crediting UK as the source of the information. This reference is also used in three other administration statements in January 2003.
29 January 2003	The US Secretary of Defense, Donald Rumsfeld, stated in a media briefing that Iraq was recently discovered attempting to source uranium form Africa.

5 Dr C. Rice, *Why We Know Iraq is Lying*, New York Times, 23 January 2003

6 Director General IAEA, *IAEA Update Report for the Security Council Pursuant to Resolution 1441 (2002)*, 27 January 2003, p. 7

Date	Event
4 February 2003	The US State Department passes to the IAEA the information it requested regarding Iraq's attempts to source uranium from Africa. The information is qualified with the descriptors; "cannot confirm these reports" and "has questions regarding some specific claims".
5 February 2003	The US Secretary of State, Colin Powell, address to UN Security Council. But does not mention Iraq's attempt to obtain uranium from Africa.
14 February 2003	The Director General of the IAEA confirmed that the IAEA and UNMOVIC through its inspection programme had found no proscribed nuclear or nuclear related activities in Iraq. Although, he added that a number of issues were subject to continuing investigations.
7 March 2003	The Director General of the IAEA, Dr El Baradei, in his update to the United Nations Security Council reported that the IAEA had concluded, 'with the concurrence of outside experts, that these documents – which formed the basis for the reports of recent uranium transactions between Iraq and Niger – are in fact not authentic.' ⁷
14 March 2003	The US Secretary of State, Colin Powell, acknowledges that the documents relating to Iraq's attempts to source uranium from Niger may be false.
9 September 2003	The UK Parliament's Intelligence and Security Committee report into the UK intelligence assessments of Iraq's WMD confirmed that the (UK) SIS continued 'to believe that the Iraqis were attempting to negotiate the purchase of uranium from Niger' ⁸ , based on information from a second independent source.

Notes:

- The International Institute of Strategic Studies (UK), does not refer to the issue of the alleged attempts by Iraq to import uranium from Africa in its publication; *Iraq's Weapons of Mass Destruction – A net Assessment*, dated 9 September 2002

7 Director General IAEA, *Status of Nuclear Inspections in Iraq: An Update*, 7 March 2003, p. 3

8 UK Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, 9 September 2003, p. 28

Part 2: Acquisition of Aluminium Tubes

Date	Event
July 2001	<p>Approximately 3000 aluminium tubes intercepted in Jordan on their way into Iraq. (Iraq sought to purchase the tubes from China in 2000 through an Australian intermediary).</p> <p>Claimed by CIA to be a big step forward in understanding what Iraq was attempting to achieve. CIA supported early claim that this demonstrated Iraq's nuclear ambitions.</p>
Late 2001	<p>A noted US centrifuge expert advises that it would be extremely difficult to make these tubes into centrifuges.</p> <p>The CIA in response said the agency does have support for its view from centrifuge experts, but did not elaborate.</p>
7 August 2002	<p>Vice President Cheney in San Francisco: Speaking of Hussein, that `left to his own devices, it's the judgement of many of us that in the not-too-distant future, he will acquire nuclear weapons'.⁹</p>
26 August 2002	<p>Vice President Cheney describes Hussein as a sworn enemy of the US.</p>
August 2002	<p>The US White House Iraq Group (WHIG) is established with the purpose of educating the public about the threat from Saddam. The Group was to set the strategy for each stage of the confrontation with Baghdad. Planned speeches and white papers on many themes, but the Iraqi nuclear issue was prominent.</p>
6 September 2002	<p>White House Chief of Staff Chard, while not publicly mentioning the WHIG, hinted at its mission.</p>
7 September 2002	<p>US President Bush and UK Prime Minister Blair met at Camp David. They described alarming new evidence citing an IAEA report which showed what had been going on at former Iraqi nuclear sites. President Bush claimed the IAEA had reported Iraq was six months away from developing a weapon.</p> <p>While there was no new IAEA report, a White House spokesman acknowledged that the President was `imprecise' in his reference to the source of the advice, however, maintained that the thrust of the President's claim was valid. The spokesman also acknowledged that the source of the advice was the CIA.</p>

⁹ US Vice President, Mr Dick Cheney, Address to Commonwealth Club, San Francisco, 7 August 2002.

Date	Event
8 September 2002	A headline appears in the Sunday edition of the New York Times. The aluminium tubes were intended components of centrifuges. The issue has become public.
8 September 2002	In separate statements US Vice President Cheney, US Secretary of State Powell, Defense Secretary Rumsfeld and National Security Adviser Rice, refer to the issue of the aluminium tubes and their as part of the Iraqi nuclear programme.
9 September 2002	<p>The US Senate Select Committee on Intelligence questioned why there had been no authoritative estimate of the danger posed by Iraq. The Committee expressed concern that the views of the US intelligence community are not receiving adequate attention by policymakers in both Congress and the executive branch.</p> <p>The Chair of the Committee requested the preparation of a National Intelligence Estimate (NIE).</p>
11 September 2002	<p>Director of the CIA Tenet, agreed to the preparation of an NIE.</p> <p>Comment: The NIE was subsequently produced in two weeks when normally such documents take months to prepare.</p> <p>‘The US intelligence community was now in a position to give its first coordinated answer to a question that every top official had already answered.’¹⁰</p> <p>The White House preferred to avoid an NIE as it was aware there were disagreements over details in almost every aspect of the administration’s case against Iraq. It did not want a document with lots of footnotes and disclaimers.</p>
12 September 2002	US President Bush address to United Nations General Assembly covers numerous themes, with reference to Iraq’s nuclear program being given prominence.

10 B. Gellman and W. Pincus, *Depiction of Threat Outgrew Supporting Evidence*, Washington Post, 10 August 2003, p. A01

Date	Event
Late September 2002	<p>A draft White Paper was being prepared by the WHIG. They wanted to use telling images, not the qualified language of intelligence assessments. The draft paper also made reference to Iraq's attempt to source uranium from Africa.</p> <p>The draft was never published as according to Condoleezza Rice and senior director for counterproliferation, Robert Joseph, the paper "was not strong enough".</p> <p>The US Energy Department and Bureau of Intelligence and Research, do not accept that aluminium tubes were intended for a centrifuge.</p>
24 September 2002	<p>The UK Dossier, <i>The Assessment of the British Government on Iraq's Weapons of Mass Destruction</i>, refers specifically to Iraq's repeated attempts 'to acquire a very large quantity (60,000 or more) of specialised aluminium tubes'.¹¹ The Dossier also states however, that there is no definitive intelligence which indicates that the tubes are intended for use in Iraq's nuclear programme.</p>
October 2002	<p>Release of the NIE on Iraq's WMD programmes. One of its key judgements was: 'Although we assess that Saddam does not yet have nuclear weapons or sufficient material to make any, he remains intent on acquiring them.'¹²</p>
7 October 2002	<p>President Bush reference to a "Mushroom Cloud" increases the rhetoric on the threat of Iraq's nuclear programme.</p>
12 October 2002	<p>Similarly, General Tommy Franks, (COMCENCOM), also claims that inaction on Iraq may result in a "mushroom cloud".</p>
December 2002	<p>Gas centrifuge experts previously consulted by US government said new evidence further undermined assertion regarding the use of the tubes.</p> <p>Administration response portrayed the scientists as a minority and continued to promote the centrifuge theory as possible.</p>

11 UK Government, *Iraq's Weapons of Mass Destruction, The Assessment of the British Government*, 24 September 2002, p. 26

12 CIA National Intelligence Estimate: *Iraq's Weapons of Mass Destruction Programs*, October 2002, p. 1

Date	Event
9 January 2003	UNMOVIC/IAEA inspections. `IAEA's analysis to date indicates that the specifications of the aluminium tubes sought by Iraq in 2001 and 2002 appear to be consistent with reverse engineering of rockets. While it would be possible to modify such tubes for the manufacture of centrifuges, they are not directly suitable for it.' ¹³
28 January 2003	President Bush's State of the Union address includes reference to aluminium tubes as well as Iraq's attempt to source uranium from Africa, despite advice from US intelligence analysts. This reference is also used in three other administration statements in January 2003.
5 February 2003	The US Secretary of State, Colin Powell, in his address to the UN Security Council included the US Government's most extensive account of the use of the aluminium tubes. He also however, acknowledged disagreement among US intelligence analysts on the issue.
February 2003	Experts from US national (missile) laboratories working with UNMOVIC, advise the aluminium tubes "fit perfectly in launcher", and confirmed that Iraq had run out of rocket body casings.
14 February 2003	The Director General of the IAEA confirmed that the IAEA and UNMOVIC through its inspection programme had found no proscribed nuclear or nuclear related activities in Iraq. Although, he added that a number of issues were subject to continuing investigations.
7 March 2003	The US Secretary of State, Colin Powell, in his remarks to UN Security Council, accepted the UNMOVIC/IAEA findings relating to the aluminium tubes, however, he also advised that the US were aware of further technical information regarding the tubes, and was pleased to hear that the IAEA would continue to monitor the issue.

Notes:

- The International Institute of Strategic Studies (UK), does not refer to the issue of the aluminium tubes in its publication; *Iraq's Weapons of Mass Destruction – A net Assessment*, dated 9 September 2002.

¹³ Director General IAEA, *Status of the Agency's Verification Activities in Iraq As of 8 January 2003*, 9 January 2003, p. 2

Part 3: Mobile BW Agent Production Trailers

Date	Event
25 January 1999	UNSCOM's report on Disarmament to the United Nations Security Council highlights that Iraq's fifth Full, Final and Complete Disclosure (September 1997) of its BW programme `omits any reference to mobile production facilities once considered, according to Lt. Gen. Amer Al Saadi. ¹⁴
9 September 2002	The UK International Institute of Strategic Studies (IISS), in its document, Iraq's Weapons of Mass Destruction – A Net Assessment, cites advice from former Iraqi officials that Iraq had `a fleet of disguised refrigerator Renault trucks, which have been converted to mobile biological production laboratories. ¹⁵ The IISS does however qualify this claim by stating that it could not be confirmed.
24 September 2002	The UK Dossier, Iraq's Weapons of Mass Destruction, The Assessment of the British Government, cites that: <ul style="list-style-type: none"> • UNSCOM had established that Iraq had considered the use of mobile BW production facilities; • Evidence from defectors during 2000 – 2001 pointed to their existence, and • Recent intelligence confirms that the Iraqi military have developed mobile facilities.¹⁶
October 2002	The CIA in its National Intelligence Estimate cited `that Iraq has now established large-scale, redundant and concealed BW agent production capabilities based on mobile BW facilities. ¹⁷ <p>CIA Intelligence indicated that in 1995 Iraq planned to secretly construct seven sets of mobile biological warfare (BW) production plants; six on semi trailers and one on a railroad car.</p>
28 January 2003	President Bush's State of the Union address includes reference to fact that according to Iraqi defectors, Iraq in the late 1990's, had several mobile biological weapons laboratories.

14 UNSCOM, Report on Disarmament to the United Nations Security Council, S/1999/94, dated 29 January 1999, p. 168

15 International Institute of Strategic Studies (UK), *Iraq's Weapons of Mass Destruction – A Net Assessment*, 9 September 2002, p. 39

16 The UK Government, *Iraq's Weapons of Mass Destruction, The Assessment of the British Government*, 24 September 2002, p. 22

17 CIA, National Intelligence Estimate: *Iraq's Weapons of Mass Destruction Programs*, October 2002, p. 17

Date	Event
5 February 2003	The US Secretary of State Powell, in his address to UN Security Council on Iraq's failure to disarm, provided extensive supporting evidence on the `existence of mobile production facilities used to make biological agents. ¹⁸
7 March 2003	The Executive Chairman of UNMOVIC, Dr Hans Blix in his report to the United Nation Security Council stated, in response to the intelligence on mobile BW production facilities as presented by US Secretary of State on 5 February 2003, that Iraq had said the mobile facilities do not exist. He added that `several inspections have taken place at declared and undeclared sites in relation to mobile production facilities. Food testing mobile laboratories and mobile workshops have been seen, as well as large containers with seed processing equipment. No evidence of proscribed activities have so far been found. ¹⁹
Late April 2003	Kurdish forces take possession of a specialised tractor-trailer near Mosul. It is subsequently handed over to the US military. US forces discover a mobile laboratory truck in Baghdad. It is a toxicology laboratory from the 1980s that could be used to support BW or legitimate research. ²⁰
Early May 2003	US Military forces discover another mobile BW production facility at the Al Kindi Research, Testing, Development and Engineering facility in Mosul. It is similar to the one found by the Kurdish forces. Senior Iraqi officials at Al Kindi claimed the `trailers were used to chemically produce hydrogen for artillery weather balloons. ²¹
2 June 2003	According to the New York Times, the US State Department's Bureau of Intelligence and Research (INR) disputed the CIA findings on the Iraqi mobile BW trailers. INR claimed `that it was premature to conclude that trailers were evidence of such weapons' ²² .

18 US Secretary of State, *Iraq Failing to Disarm*, Address to the United Nations Security Council, 5 February 2003, p. 8

19 Executive Chairman of UNMOVIC, Oral introduction to the 12th quarterly report of UNMOVIC, 7 March 2003

20 CIA and DIA, *Iraqi Mobile Biological Warfare Agent Production Plants*, 28 May 2003, p. 1

21 *ibid*, p. 5

22 D. Jehl, *After the War: Intelligence; Agency Disputes CIA View On Trailers as Weapons labs*, The New York Times, 26 June 2003, p. 1

Date	Event
5 June 2003	<p>The Executive Chairman of UNMOVIC, Dr Hans Blix in his report to the United Nation Security Council commenting on the media attention being given to the issue of Iraq's mobile BW production facilities stated, 'Even before UNMOVIC began its inspections in November 2002, the Commission had received information about such facilities and our inspectors were looking for sites where such mobile units could be hooked up for support services. Upon our request, the Iraqi side presented some information about mobile systems they possessed. As you can see from our report, neither the information presented nor pictures given to us by the Iraqi side, match the description that has recently been made available to us, as well as to the media, by the United States.'²³</p>
8 June 2003	<p>The UK Government requested that its intelligence agency MI6, and technical experts from Porton Down, (the UK microbiological research establishment), review the Iraqi mobile BW trailers after US analysis cast serious doubts on whether they actually were BW laboratories. It was considered 'likely that the units were designed to be used for hydrogen production to fill artillery balloons, part of a system originally sold to Saddam by Britain in 1987.'²⁴</p> <p>The official UK investigation confirmed that the trailers were not mobile BW laboratories, but rather they were as the Iraqis had insisted, 'for the production of hydrogen to fill artillery balloons.'²⁵</p>
26 June 2003	<p>US Senator Carl Levin, a member of the US Senate Committee on Armed Services, formally wrote to the Director of Central Intelligence (George Tenet), regarding the 2 June 2003 New York Times article and raised a number of questions including the following:</p> <ul style="list-style-type: none"> • 'If the New York Times article is accurate and the State Department's Bureau of Intelligence and Research issued a report disagreeing with the CIA's conclusion ... why isn't this dissenting view noted on the CIA's website? • Is the statement in the New York Times article that the CIA and DIA did not consult with other intelligence agencies before issuing the 28 May report accurate?'²⁶

23 Executive Chairman of UNMOVIC, Oral introduction to the 13th quarterly report of UNMOVIC, 5 June 2003

24 P. Beaumont and A. Barnett, *Blow to Blair over 'mobile labs'*, The Observer, 8 June 2003

25 P. Beaumont and A. Barnett, *Iraqi mobile labs nothing to do with germ warfare, report finds*, The Observer, 15 June 2003

Date	Event
2 October 2003	Dr David Kay in his interim report on activities of the Iraq Survey Group (ISG) stated that the ISG had not yet been able to corroborate the existence of a mobile BW production effort. Investigation into the origin of and intended use for the two trailers found in northern Iraq in April has yielded a number of explanations, including hydrogen, missile propellant, and BW production, but technical limitations would prevent any of these processes from being ideally suited to these trailers. ²⁷

26 US Senator C. Levin, Letter to Director Central Intelligence, 26 June 2003

27 Dr David Kay, *Interim Progress Report on the Activities of the Iraq Survey Group (ISG) before the House Permanent Select Committee on Intelligence, The House Committee on Appropriations, Subcommittee on Defense and the Senate Select Committee on Intelligence*, 2 October 2003, p. 6

Part 4: Development of Unmanned Aerial Vehicles (UAVs) for BW and CW Agent Delivery

Date	Event
September 1995	<p>Iraq declared to UNSCOM `the existence of two projects concerning the use of aircraft drop tanks to disseminate BW agents. One employed a Mirage F-1 aircraft and the other a MIG 21.²⁸ Iraq indicated that the MIG 21 was intended to be an unmanned delivery system for BW agents.</p> <p>Iraq declared that work on this project halted as a result of the 1991 Gulf War. However, in subsequent declarations Iraq provided conflicting advice regarding the MIG 21 project, and according to UNSCOM `there has been no clear evidence of the termination of the development of pilotless aircraft for BW dispersal.²⁹</p>
17 December 1998	<p>During Operation Desert Fox, an attack on a military installation in southern Iraq revealed up to 12 unmanned L-29 aircraft fitted with wing tanks and spray nozzles. UK intelligence concluded they could be used for the delivery of chemical and biological agents.</p> <p>US intelligence analysts were more sceptical of the possible use for these aircraft, they do however, acknowledge the delivery of CW and BW agents as a possibility.</p>
2000	<p>The CIA reported what appeared to be new aerial testing of the L29 drones.</p>
January 2001	<p>The US Defense Department reported that `Iraq has continued work on the conversion of a L-29 jet trainer aircraft', which `may be intended for the delivery of chemical and biological agents.³⁰</p>
9 September 2002	<p>International Institute for Strategic Studies (UK), in its document, Iraq's Weapons of Mass Destruction – A Net Assessment, includes reference to the possible use of modified L-29 aircraft as unmanned aerial vehicles for the delivery of biological and chemical agents.</p>

28 United Nations Special Commission (UNSCOM), Report No S/1999/94 dated 25 January 1999, p. 121

29 bid, p. 123

30 US Secretary for Defense, *Proliferation: Threat and Response – January 2001*, 10 January 2001, p.42

Date	Event
24 September 2002	The UK Dossier, Iraq's Weapons of Mass Destruction, The Assessment of the British Government, dated 24 September 2002, refers the fact that the UK were aware from intelligence that Iraq has attempted to modify the L-29 jet trainer to allow it to be used as an unmanned aerial vehicle (UAV) which is potentially capable of delivering chemical and biological agents over a large area. ³¹
October 2002	The CIA concludes in its National Intelligence Estimate as a key judgement that Iraq is working with unmanned aerial vehicles (UAVs), which allow for a more lethal means to deliver biological and, less likely chemical warfare agents. ³² UAV specialists from the US Air Force and analysts at the Pentagon based US Missile Defense Agency do not agree with the NIE conclusions on the UAVs. Their dissenting opinion is noted in the NIE.
7 October 2002	US President Bush in an address to the nation specifically refers to Iraq's growing fleet of unmanned aerial vehicles that could be used to disperse chemical and biological weapons across broad areas.
8 December 2002	In response to questions on the content of Iraq's declaration to the United Nations Security Council, (UNMOVIC), Iraq denies any connection between unmanned aerial vehicle programs and the dispersal of chemical and biological agents. (Despite its 1995 confirmatory declaration).
28 January 2003	President Bush's State of the Union address includes reference to Iraq's chemical and biological weapons, but does not specifically refer to UAVs.
5 February 2003	US Secretary of State, Colin Powell, in his address to UN Security Council referred to UAVs fitted with spray tanks that would constitute an ideal method for launching a terrorist attack using biological weapons. ³³ He referred specifically to the MIG 21 and L-29 aircraft, but also to smaller UAVs as being developed for disseminating biological and chemical agents.

31 The UK Government, *Iraq's Weapons of Mass Destruction, The Assessment of the British Government*, 24 September 2002, p. 23

32 CIA, National Intelligence Estimate: *Iraq's Weapons of Mass Destruction Programs*, October 2002, p. 1

33 US Secretary of State, Address to the United Nations Security Council, 5 February 2003, p. 10

Date	Event
February 2003	UNMOVIC inspectors, including US scientists and weapons experts, following the inspection of an Iraqi UAV, manufactured from an aircraft fuel tank, believed that Iraq's unmanned aerial vehicle programs were for reconnaissance ³⁴ , and not associated with the Iraqi CBW programme as had been suggested by Secretary of State Powell and others.
19 March 2003	Iraq forwarded to UNMOVIC a letter providing further detail on its remotely piloted and UAV programmes, including reference to the MIG 21 and L-29 aircraft and smaller UAVs. UNMOVIC reported that inspections confirmed the existence of these UAVs, however, as a result of the withdrawal of inspectors on 18 March 2003, it was not possible to determine whether Iraq had pursued the development of unmanned aerial vehicles for possible use in chemical and biological weapons dissemination, ³⁵ or for legitimate purposes.
9 September 2003	The UK Parliament's Intelligence and Security Committee report into the UK intelligence assessments of Iraq's WMD noted that the (UK) Joint Intelligence Committee (JIC) immediately prior to the commencement of coalition action, judged that Iraq had a usable CBW capability, deliverable by artillery, missiles and possibly unmanned aerial vehicles. ³⁶ In making this judgement, the JIC also assessed the difficulties that Iraq would face if it chose to employ these systems.
2 October 2003	The Iraq Survey Group (ISG) in its interim report to the US Senate and Congressional Committees on Intelligence reported that Iraq was continuing to develop a variety of UAV platforms and maintained two UAV programs'. ³⁷ One of these was never fully declared to the UN and is the subject of on-going work by the ISG ³⁸ to determine whether or not its intended use was for dispensing chemical or biological agents.

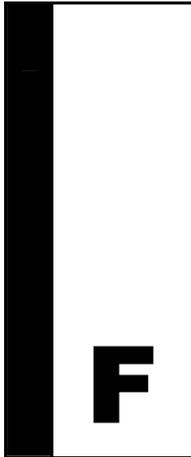
34 D. Linzer and J. Lumpkin, *Weapons experts: Iraqi drones posed no threat*, Associated Press, 25 August 2003, p. 2

35 UNMOVIC, Thirteenth quarterly report to the United Nations Security Council, S/2003/580, dated 30 May 2003, p. 23

36 UK Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, 9 September 2003, p. 34

37 Dr David Kay, *Interim Progress Report on the Activities of the Iraq Survey Group (ISG) before the House Permanent Select Committee on Intelligence, The House Committee on Appropriations, Subcommittee on Defense and the Senate Select Committee on Intelligence*, 2 October 2003, p. 9

38 *ibid*, p. 9



Appendix F – A comparison of the Key Judgements of the NIE Document as released in October 2002 and July 2003

The US Central Intelligence Agency (CIA) published a classified document, the National Intelligence Estimate (NIE) on Iraq's Weapons of Mass Destruction Programs in October 2002. At the same time an unclassified version was also released. Subsequently in July of 2003 excerpts of the classified NIE were released by the White House.

The following is a copy of these excerpts and the text which has been highlighted/underlined represents the words/phrases and sentences etc., which were not included in the original unclassified version released in October 2002.

Key Judgements [as released in July 2003]

We judge that Iraq has continued its weapons of mass destruction (WMD) programs in defiance of UN resolutions and restrictions. Baghdad has chemical and biological weapons as well as missiles with ranges in excess of UN restrictions; if left unchecked, it probably will have a nuclear weapon during this decade. **(See INR alternative view at the end of these Key Judgments.)**

We judge that we are seeing only a portion of Iraq's WMD efforts, owing to Baghdad's vigorous denial and deception efforts. Revelations after the Gulf war starkly demonstrate the extensive efforts undertaken by Iraq to deny

information. **We lack specific information on many key aspects of Iraq's WMD programs.**

Since inspections ended in 1998, Iraq has maintained its chemical weapons effort, energized its missile program, and invested more heavily in biological weapons; in the view of most agencies, Baghdad is reconstituting its nuclear weapons program.

- Iraq's growing ability to sell oil illicitly increases Baghdad's capabilities to finance WMD programs; annual earnings in cash and goods have more than quadrupled, **from \$580 million in 1998 to about \$3 billion this year.**
- Iraq has largely rebuilt missile and biological weapons facilities damaged during Operation Desert Fox and has expanded its chemical and biological infrastructure under the cover of civilian production.
- Baghdad has exceeded UN range limits of 150 km with its ballistic missiles and is working with unmanned aerial vehicles (UAVs), which allow for a more lethal means to deliver biological and, less likely, chemical warfare agents.
- Although we assess that Saddam does not yet have nuclear weapons or sufficient material to make any, he remains intent on acquiring them. **Most agencies assess that Baghdad started reconstituting its nuclear program about the time that UNSCOM inspectors departed—December 1998.**

How quickly Iraq will obtain its first nuclear weapon depends on when it acquires sufficient weapons-grade fissile material.

- If Baghdad acquires sufficient fissile material from abroad it could make a nuclear weapon within several months to a year.
- Without such material from abroad, Iraq probably would not be able to make a weapon until 2007 to 2009, **owing to inexperience in building and operating centrifuge facilities to produce highly enriched uranium and challenges in procuring the necessary equipment and expertise.**
 - ⇒ Most agencies believe that Saddam's personal interest in and Iraq's aggressive attempts to obtain high-strength aluminum tubes for centrifuge rotors—as well as Iraq's attempts to acquire magnets, high-speed balancing machines, and machine tools—provide compelling evidence that Saddam is reconstituting a

uranium enrichment effort for Baghdad's nuclear weapons program. **(DOE [Department of Energy] agrees that reconstitution of the nuclear program is underway but assesses that the tubes probably are not part of the program.)**

- ⇒ Iraq's efforts to re-establish and enhance its cadre of weapons personnel as well as activities at several suspect nuclear sites further indicate that reconstitution is underway.
- ⇒ All agencies agree that about 25,000 centrifuges based on tubes of the size Iraq is trying to acquire would be capable of producing approximately two weapons' worth of highly enriched uranium per year.
- **In a much less likely scenario, Baghdad could make enough fissile material for a nuclear weapon by 2005 to 2007 if it obtains suitable centrifuge tubes this year and has all the other materials and technological expertise necessary to build production-scale uranium enrichment facilities.**

We assess that Baghdad has begun renewed production of mustard, sarin, GF (cyclosarin), and VX; its capability probably is more limited now than it was at the time of the Gulf war, although VX production and agent storage life probably have been improved.

- **An array of clandestine reporting reveals that Baghdad has procured covertly the types and quantities of chemicals and equipment sufficient to allow limited CW agent production hidden within Iraq's legitimate chemical industry.**
- **Although we have little specific information on Iraq's CW stockpile,** Saddam probably has stocked at least 100 metric tons (MT) and possibly as much as 500 MT of CW agents—much of it added in the last year.
- The Iraqis have experience in manufacturing CW bombs, artillery rockets, and projectiles. We assess that they possess CW bulk fills for SRBM warheads, including for a limited number of covertly stored Scuds, possibly a few with extended ranges.

We judge that all key aspects—R&D, production, and weaponization—of Iraq's offensive BW program are active and that most elements are larger and more advanced than they were before the Gulf war.

- **We judge** Iraq has some lethal and incapacitating BW agents and is capable of quickly producing and weaponizing a variety of such

agents, including anthrax, for delivery by bombs, missiles, aerial sprayers, and covert operatives.

- ⇒ **Chances are even that smallpox is part of Iraq's offensive BW program.**
- ⇒ **Baghdad probably has developed genetically engineered BW agents.**
- **Baghdad has established a large-scale, redundant, and concealed BW agent production capability.**
 - ⇒ **Baghdad has mobile facilities for producing bacterial and toxin BW agents; these facilities can evade detection and are highly survivable. Within three to six months (Corrected per Errata sheet issued in October 20023) these units probably could produce an amount of agent equal to the total that Iraq produced in the years prior to the Gulf war.**

Iraq maintains a small missile force and several development programs, including for a UAV probably intended to deliver biological warfare agent.

- Gaps in Iraqi accounting to UNSCOM suggest that Saddam retains a covert force of up to a few dozen Scud-variant SRBMs with ranges of 650 to 900 km.
- Iraq is deploying its new al-Samoud and Ababil-100 SRBMs, which are capable of flying beyond the UN-authorized 150-km range limit; **Iraq has tested an al-Samoud variant beyond 150 km—perhaps as far as 300 km.**
- Baghdad's UAVs could threaten Iraq's neighbors, US forces in the Persian Gulf, and if brought close to, or into, the United States, the US Homeland.
 - ⇒ **An Iraqi UAV procurement network attempted to procure commercially available route planning software and an associated topographic database that would be able to support targeting of the United States, according to analysis of special intelligence.**
 - ⇒ **The Director, Intelligence, Surveillance, and Reconnaissance, US Air Force, does not agree that Iraq is developing UAVs primarily intended to be delivery platforms for chemical and biological warfare (CBW) agents. The small size of Iraq's new UAV strongly suggests a primary role of reconnaissance, although CBW delivery is an inherent capability.**

- Iraq is developing medium-range ballistic missile capabilities, largely through foreign assistance in building specialized facilities, including a test stand for engines more powerful than those in its current missile force.

We have low confidence in our ability to assess when Saddam would use WMD.

- **Saddam could decide to use chemical and biological warfare (CBW) preemptively against US forces, friends, and allies in the region in an attempt to disrupt US war preparations and undermine the political will of the Coalition.**
- **Saddam might use CBW after an initial advance into Iraqi territory, but early use of WMD could foreclose diplomatic options for stalling the US advance.**
- **He probably would use CBW when he perceived he irretrievably had lost control of the military and security situation, but we are unlikely to know when Saddam reaches that point.**
- **We judge that Saddam would be more likely to use chemical weapons than biological weapons on the battlefield.**
- **Saddam historically has maintained tight control over the use of WMD; however, he probably has provided contingency instructions to his commanders to use CBW in specific circumstances.**

Baghdad for now appears to be drawing a line short of conducting terrorist attacks with conventional or CBW against the United States, fearing that exposure of Iraqi involvement would provide Washington a stronger cause for making war.

Iraq probably would attempt clandestine attacks against the US Homeland if Baghdad feared an attack that threatened the survival of the regime were imminent or unavoidable, or possibly for revenge. Such attacks—more likely with biological than chemical agents—probably would be carried out by special forces or intelligence operatives.

- **The Iraqi Intelligence Service (IIS) probably has been, directed to conduct clandestine attacks against US and Allied interests in the Middle East in the event the United States takes action against Iraq. The IIS probably would be the primary means by which Iraq would attempt to conduct any CBW attacks on the US**

Homeland, although we have no specific intelligence information that Saddam's regime has directed attacks against US territory.

Saddam, if sufficiently desperate, might decide that only an organization such as al-Qa'ida—with worldwide reach and extensive terrorist infrastructure, and already engaged in a life-or-death struggle against the United States—could perpetrate the type of terrorist attack that he would hope to conduct.

- In such circumstances, he might decide that the extreme step of assisting the Islamist terrorists in conducting a CBW attack against the United States would be his last chance to exact vengeance by taking a large number of victims with him.

State/INR Alternative View of Iraq's Nuclear Program

The Assistant Secretary of State for Intelligence and Research (INR) believes that Saddam continues to want nuclear weapons and that available evidence indicates that Baghdad is pursuing at least a limited effort to maintain and acquire nuclear weapon-related capabilities. The activities we have detected do not, however, add up to a compelling case that Iraq is currently pursuing what INR would consider to be an integrated and comprehensive approach to acquire nuclear weapons. Iraq may be doing so, but INR considers the available evidence inadequate to support such a judgment. Lacking persuasive evidence that Baghdad has launched a coherent effort to reconstitute its nuclear weapons program, INR is unwilling to speculate that such an effort began soon after the departure of UN inspectors or to project a timeline for the completion of activities it does not now see happening. As a result, INR is unable to predict when Iraq could acquire a nuclear device or weapon.

In INR's view Iraq's efforts to acquire aluminum tubes is central to the argument that Baghdad is reconstituting its nuclear weapons program, but INR is not persuaded that the tubes in question are intended for use as centrifuge rotors. INR accepts the judgment of technical experts at the U.S. Department of Energy (DOE) who have concluded that the tubes Iraq seeks to acquire are poorly suited for use in gas centrifuges to be used for uranium enrichment and finds unpersuasive the arguments advanced by others to make the case that they are intended for that purpose. INR considers it far more likely that the tubes are intended for another purpose, most likely the production of artillery rockets. The very large quantities being sought, the way the tubes were tested by the Iraqis, and the atypical lack of attention to operational security in the procurement efforts are

among the factors, in addition to the DOE assessment, that lead INR to conclude that the tubes are not intended for use in Iraq's nuclear weapon program.

Confidence Levels for Selected Key Judgments in This Estimate

High Confidence:

- Iraq is continuing, and in some areas expanding its chemical, biological, nuclear and missile programs contrary to UN resolutions.
- We are not detecting portions of these weapons programs.
- Iraq possesses proscribed chemical and biological weapons and missiles.
- Iraq could make a nuclear weapon in months to a year once it acquires sufficient weapons-grade fissile material.

Moderate Confidence:

- Iraq does not yet have a nuclear weapon or sufficient material to make one but is likely to have a weapon by 2007 to 2009. (See INR alternative view, page 84).

Low Confidence:

- When Saddam would use weapons of mass destruction.
- Whether Saddam would engage in clandestine attacks against the US Homeland.
- Whether in desperation Saddam would share chemical or biological weapons with al-Qa'ida

{From the bottom of NIE page-24}:

Uranium Acquisition. Iraq retains approximately two-and-a-half tons of 2.5 percent enriched uranium oxide, which the IAEA permits. This low-enriched material could be used as feed material to produce enough HEU for about two nuclear weapons. The use of enriched feed material also would reduce the initial number of centrifuges that Baghdad would need by about half. Iraq could divert this material—the IAEA inspects it only once a year—and enrich it to weapons grade before a subsequent inspection

discovered it was missing. The IAEA last inspected this material in late January 2002.

Iraq has about 550 metric tons of yellowcake¹ and low-enriched uranium at Tuwaitha, which is inspected annually by the IAEA. Iraq also began vigorously trying to procure uranium ore and yellowcake; acquiring either would shorten the time Baghdad needs to produce nuclear weapons.

- A foreign government service {Britain?} reported that as of early 2001, Niger planned to send several tons of “pure uranium” (probably yellowcake) to Iraq. As of early 2001, Niger and Iraq reportedly were still working out arrangements for this deal, which could be for up to 500 tons of yellowcake. We do not know the status of this arrangement.
- Reports indicate Iraq also has sought uranium ore from Somalia and possibly the Democratic Republic of the Congo.

We cannot confirm whether Iraq succeeded in acquiring uranium ore and/or yellowcake from these sources. Reports suggest Iraq is shifting from domestic mining and milling of uranium to foreign acquisition. Iraq possesses significant phosphate deposits, from which uranium had been chemically extracted before Operation Desert Storm. Intelligence information on whether nuclear-related phosphate mining and/or processing has been reestablished is inconclusive, however.

{From NIE page-84}:

Annex A [From the NIE October 2002]

Iraq's Attempts to Acquire Aluminum Tubes

(This excerpt from a longer view includes INR's position on the African uranium issue)

INR's Alternative View: Iraq's Attempts to Acquire Aluminum Tubes

Some of the specialized but dual-use items being sought are, by all indications, bound for Iraq's missile program. Other cases are ambiguous, such as that of a planned magnet-production line whose suitability for centrifuge operations remains unknown. Some efforts involve non-controlled industrial material and equipment—including a variety of machine tools—and are troubling because they would help establish the infrastructure for a renewed nuclear program. But such efforts (which

1 A refined form of natural uranium

began well before the inspectors departed) are not clearly linked to a nuclear end-use. Finally, the claims of Iraqi pursuit of natural uranium in Africa are, in INR's assessment, highly dubious.