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Official Committee Hansard

JOINT COMMITTEE ON ASIO, ASIS AND DSD

Reference: Intelligence on Iraq's weapons of mass destruction

FRIDAY, 22 AUGUST 2003

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JOINT COMMITTEE ON ASIO, ASIS AND DSD

Friday, 22 August 2003

Members: Mr Jull *(Chair)*, Senators Ferguson, Sandy Macdonald and Robert Ray and Mr Beazley, Mr McArthur and Mr Leo McLeay

Senators and members in attendance: Senators Ferguson, Sandy Macdonald and Robert Ray and Mr Jull, Mr McArthur and Mr Leo McLeay

Terms of reference for the inquiry:

To inquire into and report on:

(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.

WITNESSES

Committee met at 8.15 a.m.

PEARCY, Mr William George, (Private capacity)

PRITCHETT, Mr William Beal, (Private capacity)

CHAIR—I declare open this hearing of the Parliamentary Joint Committee on ASIO, ASIS and DSD and welcome witnesses and members of the public. On 18 June 2003, the Senate requested by resolution that the committee inquire into and report on the nature and accuracy of the intelligence received by Australia's intelligence services in relation to the existence of, capacity and willingness to use, and the immediacy of threat posed by, weapons of mass destruction in Iraq prior to military action in March 2003. We will also examine the nature, accuracy and independence of the assessment made by Australia's intelligence agencies and whether the information presented to the Australian public on these matters was complete and accurate. The committee will examine these issues in the public hearing today and in private hearings with the intelligence agencies in mid-September. The committee will report its findings to the parliament on 2 December 2003.

Today, the committee will take evidence from the former Secretary of the Department of Defence, Mr William Pritchett, and Mr Bill Pearcy, previously Director of Air Force Intelligence and coordinator of service intelligence; the former Executive Chairman of the United Nations Special Commission on Iraq's Weapons, Mr Richard Butler; former analyst with the Office of National Assessment, Mr Andrew Wilkie; and the Executive Director of the Australian Defence Association, Mr Neil James.

Although the committee does not require you to give evidence under oath, I should advise you that the hearings are legal proceedings of the parliament and warrant the same respect as proceedings of the House and the Senate. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. Do you wish to make some introductory remarks before we proceed to questions?

Mr Pritchett—No.

Mr Pearcy—No.

CHAIR—I thank you for being here today. Mr Pritchett, on the second page of your submission a question you considered worth asking was in regard to the independence of Australia's security assessments. You say:

> We have long-established cooperation with US (and British) intelligence. They have resources vastly exceeding anything we can aspire to, yielding product far beyond our ability to handle. The great bulk of what we receive will already be processed, analysed, collated and presented: our ability to check it out is very limited.

Can you give us some examples of where that statement held true in the past?

Mr Pritchett—The past in my case is a very long time ago. At that time a good many of the sources of the intelligence I am talking about were very highly classified. I am, I suppose, still

bound by the oaths I took then. I do not quite know what the position is, because some of those sources have now been revealed. I cannot give you a specific example any more.

CHAIR—As you state, France, Germany and Russia were openly opposing immediate involvement in Iraq. Do you believe it is the responsibility of Australia to consult with those people? If so, how do you do it? Should it be done on an agency-to-agency basis? Should it be done through Foreign Affairs? I would like your thoughts on how we might go about getting a broad cross-section, rather than relying on traditional allies.

Mr Pritchett—That would be a decision for the authorities of the day to determine, of course. There are various ways you could do it. The most straightforward way, I suppose, would be for our local diplomat to arrange it. He or a member of his staff could do it. It would be preferable if one of our own agency people was there to see what sort of reaction we got. We are just asking to talk with them; we are not making a demarche about policy—we are not talking about policy. We are just saying: how do you see the situation? You would have to feel your way a bit. It would be a bit tricky, but that is what our diplomats are for.

I would ask that in the first discussion with the authorities they feel out what their position would be on having our own community go along. In some cases there has already be some contact anyway—with Germany, for example. I suppose our own intelligence people have some contact with their intelligence people; I do not know. I am very out-of-date on all these sorts of arrangements nowadays. Does that help you?

CHAIR—Yes. But, if we have to rely more and more on our own intelligence sources, does this mean that any interaction we have in disputes around the place would, more and more, confine us to our own neighbourhood? Perhaps that is the way to go. Or do you think we have an obligation to make a contribution to the world community?

Mr Pritchett—Of course we have an obligation and an interest. Never mind obligation—to begin with, we have an interest in being involved in world matters insofar as we usefully can be. There would be various ways we could do it. One way is to do what we have done on many occasions and did recently. In the case of the two world wars it was not a token contribution; it was a very real and significant contribution. But nowadays I do not think that is the case. The confrontations are of a different calibre and character. Our ability to contribute, unless we introduce conscription and go through all the steps necessary for a major contribution, is limited. So we would be making a token contribution.

I am suggesting that we ought to see if there is a way of influencing a situation by consultations, by developing our own view of matters and by developing our own view of the parties involved—not only the Iraq of the day, but also the US of the day. It could be China one time, with the large power that is involved. We need to know. Then I think we can determine whether we can make a contribution. We need to sort out what the politics of the situation are and see what we can make of that and whether we have a view on it.

Senator FERGUSON—Mr Pearcy, in reading your statement about the handling of original intelligence assessments, it appears that you are saying that, by the time the original assessment of raw intelligence is passed through the various stages, it can quite easily be different advice when it reaches the branch head or goes to the Office of National Assessments for them to draw

their own conclusions before they pass it on as advice to the government or to the ministers of the day. How can you overcome that sort of change in view, if the example you use is correct?

Mr Pearcy—It goes to my recommendation. All that people at a higher level see quite often is the assessment that has come from the next level down. I feel they should be aware of the original assessment made from raw data by the desk officer. That is basically the person who is currently an expert in that particular area. If they had that before them and any comments that are made at the various intervening levels then they can make their own assessment as to what they are going to take from that. If they do not get the original expert assessment then they have no idea whether there has been any change whatsoever. The reason I suggested that the officer sign it is that the officer then bears the responsibility for exactly what he or she has said. It puts an onus on them and it means that you can track back on the performance of people in their assessments.

Senator FERGUSON—Surely one of the reasons for this process is that, if you have thousands of pieces of raw intelligence, eventually the person who has to take advice cannot possibly go through such an enormous amount of paperwork. If at every stage it is going to be signed and included with the final documents that are assessed by ONA it is going to make it an awfully large job, isn't it?

Mr Pearcy—There is a difference between raw data or information, and intelligence. Raw data is the cables and all sorts of stuff that comes in. The first assessment is made by the desk officer taking all that and putting it into a summation. There will be original assessments at various levels. For instance, within the Department of Defence there will be a desk officer. That information might then go to another agency. That would be used in producing another original assessment within that agency—for example, ONA. At each level you do have an original assessment to go back to within that agency. I am not necessarily suggesting that the very first assessment be carried through all the levels, but at least carried through the agency that that assessment comes from. Does that make sense?

Senator FERGUSON—Yes, it does, but if the next person in the chain takes responsibility for the furthering of the assessment onto the next person, you are going to have a complicated system—if every step of the way the initial assessment is signed off all the way through until it gets to the final assessment. People are supposed to be using that to make their next assessment.

Mr Pearcy—That is something which might be put to the present organisation. I am not too sure exactly how that is processed at the moment. In effect, what happens—this is my understanding—is that the original assessment is taken and it is modified, perhaps, at the next level. You get this assessment, whatever size it is, modified and then modified again, and so on. I am suggesting that the original assessment, which might be one page, stays there and any comment made about it—for instance, 'I disagree with this officer; he has not taken into account the policy implications'—go in simply as a note. Two or three notes attached to an assessment would not be a great burden.

Mr LEO McLEAY—It is historical accuracy—the original brief is always there as a first principle to go back to.

Mr Pearcy—Yes.

CHAIR—Is there any sense of competition between the various agencies and perhaps ONA? Do they try to outdo each other, from your experience?

Mr Pearcy—I am talking 20 years ago. I would not say that there is a sense of competition but there would be a sense of importance—where you sit in the hierarchy. In other words, 'I am near the top of the tree so I will take what you give me and consider it but what I say is more important than what you might have to say'—and that might be fair enough.

Mr LEO McLEAY—Mr Pritchett, in your submission you say:

> Without doubting the integrity of our intelligence staff, I suggest that the Committee be sensitive to any unconscious bias in Australian intelligence advice supportive of US and British plans to destroy Hussein. Such bias can arise in close cooperation with larger friends, in times of stress and when policy runs strong, even ahead of the intelligence.

Could there be some disadvantage to Australia in the close intelligence ties we have with the British and the Americans to the extent that there is (a), a larger volume from their side than ours and (b), that there might be a little overawing of our people?

Mr Pritchett—I think there is always a difficulty between a small person and a large person and a small organisation and a large organisation. If you are cooperating with a larger power, if that is the basis of the relationship, you are disposed to begin with to be more inclined to agree than to disagree with the larger power's perceptions. I think this is a very difficult situation. In areas where we have expertise, where we have developed our own intelligence, we would have no difficulty in disagreeing and arguing the case quite vigorously. We do that. I remember at the first meeting of the ANZUS officials—way back in 1967, I think—we had quite lively arguments with the Americans about the situation in South-East Asia, and we secured their agreement to quite a bit of it. They were not very expert in some of the things we were talking about—for example, some of the things to do with Indonesia and Malaysia. Unless you are in a position to query—and to fight for your views, so to speak—there is a disadvantage, yes. I am not saying that you can be led up the garden path, but you can be just carried along with the flood of advice you are getting—which, don't forget, is in the policy context; the power you are cooperating with is also advocating a certain view of things and certain policies.

Assessments are, finally, matters of judgment. People can disagree, and they do disagree. Agencies disagree. They have long discussions. I have had them with the joint intelligence committee chairman or the chairman of ONA. Such disagreements might go up to ministers. Ministers might not agree at all; they might disregard an assessment, because it does not fit in with their policy preconceptions. They might just throw an assessment out if they disagree with it. I can remember that happening in one famous case. So assessments are only part of the process of policy formulation—all sorts of other things go into it, as you well know. While it is a tremendous advantage to have access to the broad intelligence, it can impose on you a burden of checking and inquiry that you might not be able to sustain, and to that extent it can be a disadvantage, I suppose.

Mr LEO McLEAY—Thank you.

Senator SANDY MACDONALD—Mr Pearcy, during your time in service intelligence and in Air Force intelligence, was ONA in existence?

Mr Pearcy—Yes, it was.

Senator SANDY MACDONALD—For the whole period that you served in those positions?

Mr Pearcy—Yes. My recollection is that ONA came into existence when I was coordinator of service intelligence.

Senator SANDY MACDONALD—Can you recall what reasons were put in place for the creation of ONA?

Mr Pearcy—I cannot give the precise terms of reference or anything like that, but my understanding was that it was to bring together the various streams of intelligence so that there would be one source providing that information to government.

Senator SANDY MACDONALD—Because of the nature of intelligence assessment, someone had to coordinate the views?

Mr Pearcy—Yes.

Senator SANDY MACDONALD—By the very nature of intelligence—that it comes from various sources—it has to be assessed?

Mr Pearcy—I think it goes back to the previous point—that without ONA there would be a number of intelligence agencies submitting assessments to governments. There might be as many as half a dozen of them, and sorting that out would impose a burden on them. So my understanding is that ONA was designed to pull those together, to present a consolidated view to government.

Senator SANDY MACDONALD—As an observer both from inside and outside, having been retired for some years, what is your assessment of ONA?

Mr Pearcy—I did not see a great deal of ONA's product, but I think I would agree with the ADA submission, which I have read. That submission puts the view that they were generalists and, at least from the service intelligence point of view, did not have a service intelligence background, which meant that they tended to discount the expertise that was presented to them from the services. Whether that was true of all agencies or not I cannot say and whether they had reason to take other things into account, thereby making that discounting valid, I cannot say.

CHAIR—Is there some argument though for perhaps confining ONA to assessments of matters economic and relying more on DIO for military intelligence?

Mr Pearcy—I do not think I could comment on that today—I am talking 20 years ago.

Mr Pritchett—I think I should possibly be helpful there. ONA originated in the findings of Justice Hope. He did two inquiries into the intelligence community at that time, and it was his recommendation, strongly supported by the Prime Minister of the day, Malcolm Fraser, that ONA be set up. In Defence, we were rather concerned that this would be the end of JIO. We thought, 'To hell with that, we must have that intelligence agency,' precisely because it brought

in the military side; it was a joint intelligence organisation between the Defence Force and the Department of Defence.

ONA was brought together as a coordinating, overseeing organisation but also to make independent assessments. Independence was very important. We wrote into the legislation that the director could not be sacked and that ONA was not to interfere in policy and was not allowed to give policy advice. It was purely an intelligence assessment agency. But it had to fight for its assessments with the other assessing agencies such as Foreign Affairs and JIO. ASIS did not have any assessing role as far as the matters before the government on foreign defence affairs were concerned, and ASIO did not come into foreign intelligence in those days. They supplied data, but they did not assess—and they would have got hell if they had tried to. Is that helpful?

CHAIR—Perhaps this is a little unfair, but do you have any thoughts, in terms of your past experience, about the wisdom or otherwise of having civilians at the head of agencies? It would appear that quite a number of those heads of agencies come out of Foreign Affairs or indeed other government departments, without perhaps a military or intelligence background within their careers.

Mr Pritchett—It was a matter of deliberate policy that civilians were put in charge rather than the military. The military is an interested party. The services have their own views about the situation. The services will not always agree among themselves about that. They are interested parties. They would be wishing to promote a certain view of intelligence—not only the right one but the one that was more agreeable to their interests. That was the view. I am not saying this would be a specific technical point—a question of fact—but most assessments are matters of judgment. That is the background to putting civilians in charge. I think there would be a wider expertise there in matters of foreign affairs than you would find in the Defence Force. They certainly have a specific interest in foreign affairs, but it is very specific.

Mr LEO McLEAY—One of the submissions to the committee says:

Put simply, it appears that ONA has too many analysts who are 'salesmen', good with words, rather than enough all-rounders thoroughly grounded in the mechanics (and pitfalls) of the intelligence profession.

Bearing in mind that ONA is the last filter in this chain before it goes to the Prime Minister and ministers, do you have a comment on that remark? Are there too many salesmen in there now? Has ONA changed over the years? My recollection is that one of the reasons Fraser set up ONA was that he was concerned that there was no body that drew the various strands of intelligence advice together and presented them as one homogenous—and homogeneity might be the problem—paper to the government. Has it gone from being a body that just pulled things together to being a body that now has its own opinions, and that acts to the detriment of the way the system works? Do you both have an opinion on that?

Mr Pearcy—I do not think I could comment on ONA today. My experience goes back 20 years, but I think I would observe that at that time there was very little actual intelligence expertise in ONA—people with long experience in the operation of intelligence.

Mr LEO McLEAY—I suppose my question is: is ONA a place where there should be intelligence expertise or was its original role the role that it probably should have, which is bringing together the intelligence expertise that has come to the government?

Mr Pritchett—I do not think it should be looking for intelligence—technical experts. You can draw upon those. They are analysts and assessors. That is their business—to make a judgment on the data that has been assembled in the various agencies, and reported and processed to some extent. There has been a fair bit of assessment of that data in interested departments, particularly in Foreign Affairs, and also, on economic matters, in Trade and Treasury—and in Defence, of course. Defence has both military and civil staff that can look at this matter. I think it is a misunderstanding of ONA, as I understood it at the time, to see it as repeating the work of the technical agencies. I think they are analysts and assessors, and they will make judgments, and they will quarrel about those judgments and defend them against other agencies such as Foreign Affairs, Defence and the Prime Minister's department—which is a great interferer in these matters but, of course, lacks the expertise of Defence and Foreign Affairs, we would say.

Mr Pearcy—You said that there could be or should be a discussion relating back to the specific analytical advice within the agency from ONA. My experience was that that did not occur. It was really a one-way stream. What went from an organisation to ONA disappeared into a black hole, basically. It may have been intended that there should be some reference back to the originating agencies in the event of any query, but in my experience that did not happen.

CHAIR—Mr Pritchett, would you explain the ways in which the action in Iraq was different from the action in, say, the Solomons or East Timor and how these different actions impact on the role of the UN in terms of international relations?

Mr Pritchett—The most obvious difference is that very much larger powers were involved, particularly the United States and Iraq itself—powers that have long histories and are significant polities in the world. So we were in quite a different world from the world of the Solomons and Timor, where independently we can make a difference— something we could not hope to do by ourselves in Iraq. It seems to me pretty obvious where the differences lie. Do you want me to answer that any further?

CHAIR—I was trying to back that up in relation to one of the earlier questions we had in terms of the commitment in Iraq. Gentlemen, I thank you very much indeed for being with us today and for making that submission. We will be forwarding you a copy of the transcript of *Hansard*. If we need any further information, the secretary will be in contact with you.

Mr Pritchett—I should have apologised for my typing.

CHAIR—Not at all. It is better than mine!

[8.49 a.m.]

BUTLER, Dr Richard, (Private capacity)

CHAIR—Please state the capacity in which you appear before the committee.

Dr Butler—I am appearing before this committee in my capacity as the former Executive Chairman of UNSCOM, the United Nations Special Commission to disarm Iraq. I held that position from 1997 to 1999.

CHAIR—Although the committee does not require you to give evidence under oath, I should advise you that the hearings are legal proceedings of the parliament and warrant the same respect as proceedings of the House and the Senate. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. Do you wish to make some introductory remarks before we proceed to questions?

Dr Butler—Yes, I do. I will try to make these comments as economical as possible. I make clear at the beginning that my purpose in deciding to accept the invitation that was issued to me by the secretariat of this committee on 7 July—a decision which I did not take lightly—was that I believed I would be able to put before you matters of fact which might assist you in your inquiry. Regarding the distinction I have just drawn—between matters of fact and your inquiry—I am not sure how much I can assist you in your inquiry about the performance of Australian intelligence agencies, for the simple reason that for the last few years I have not been privy to any of their product. I was privy to that product previously—including when I was Executive Chairman of UNSCOM. Nevertheless, I thought it might be helpful if I spoke briefly about matters that I know to be fact and then left those with you, hoping they would be of assistance to you.

My remarks will cover three discrete historical periods. One is the period in which I was in that job—from 1997 to 1999. It was in that time that the government of Saddam Hussein shut down UNSCOM and its operations in Iraq—that happened at the end of 1998. As a consequence of that, I furnished a final report to the Security Council on the status of Iraq's weapons at that time. The second period that I will refer to briefly covers the four subsequent years in which there were no inspections, as a consequence of us having been ejected in 1998. The third period is the recent one: from the resumption of inspections towards the end of 2002 to the present.

Let us take the first period. UNSCOM was at work in Iraq for about seven years, and in that time it was able to identify and remove a substantial portion of Iraq's weapons of mass destruction. It was charged with that activity under resolution 687 of the Security Council, which defined what those weapons were. To sum that definition up very quickly, they were missiles that could go further than 150 kilometres and all nuclear, chemical and biological weapons and the means to make them. To virtually quote 687, UNSCOM was given the mandate to 'destroy, remove or render harmless' those weapons. Iraq was compelled under international law to cooperate with that activity. I should also say—and this is very important—that, under paragraph 22 of that resolution, the Security Council had agreed that, when it was satisfied that Iraq 'had

taken all the actions required of it', sanctions would then be removed. I remind members of this committee that resolutions of the Security Council are binding on all states in international law.

This was the main rubric under which I and my team worked: we worked to destroy, remove or render harmless those weapons, looking forward to the day when we could say to the Security Council that we thought we had achieved that and that in that sense Iraq had taken all the actions required of it—and the council had virtually pledged that it would then remove sanctions from Iraq. That was the set-up.

In the middle of 1998, after I had been on the job for a little over a year, it became clear to me that it was essential that I try to get to a point where I could say to the Security Council that I thought we had obtained all of the weapons of mass destruction that we could possibly identify. I will not go into the reasons for that. They were substantially political reasons. There was great pressure, including global pressure to relieve the Iraqi people of the sanctions, which had started to do a lot of harm. So I called together the leaders of my scientific team and said, 'I want from you your best list of the remaining unaccounted for weapons.' I called those 'our final disarmament priorities'.

I took that to the Security Council and, in a difficult circumstance, obtained the council's approval for my going to Iraq—to Baghdad—with that list. That involved a briefing of the council not dissimilar from the one we saw Secretary of State Powell give the Security Council earlier this year—with pictures and charts and so on. It had never been done before. I took the Security Council for two days into a small room in the basement of the UN and showed them basically all of our secret materials, and they agreed that I could take this list of priorities to Baghdad. I did that in June 1998.

On that list—and I will go very quickly—there were some unaccounted for missile engines; the possibility that some of the missiles on which Iraq was working, known as the al-Samoud missiles—and I will come back to those later—were being modified to breach the 150-kilometre limit; and about 400 tonnes of fuel that would only drive Scud missiles. The Scud was illegal, and there was no need to have this fuel if you did not have Scuds. Iraq said that it did not, so I said, 'Good, give me the fuel and we'll burn it,' and they said, 'No, we want to keep it,' and I asked, 'Why do you want to keep it if you do not have the missiles that it will drive,' and we went round and round, as we often did. That was in the missile area. In the nuclear program, our colleagues at the International Atomic Agency were satisfied that Iraq did not have nuclear explosive capability: it had tried to acquire it, but it did not have it. That program had been stopped.

In the chemical weapons area, I gave a quite specific list to the Iraqis of numbers of shells and bombs that we needed to have accounts of. In that case, Tariq Aziz, the Deputy Prime Minister, argued to me that some of these shells were not useful and that their fill of chemical agent was too old—that it would have polymerised, hardened and so on. But I was able to show him that that was not true, because we found some of the shells and unscrewed them and they had good quality mustard in them—97 per cent pure and as good as the day that it was made. We had specific numbers of shells and bombs that we wanted them to give us accounts of. We wanted to know where they were, whether they had been destroyed and, if so, when and how they had been and so on.

Finally, there was the darkest area—biological weapons—which had always been the most difficult area. I made a change from anything that my predecessors had done, because they had always hit a wall on biology. I said to Tariq Aziz, 'I'm not going to care at the moment about growth media to make biological substances or the factories in which you've done this. We've seen a lot of those, and it's all murky. But I want you to take me to the weapons. This is about weapons, and I want you to take me to the fully fabricated biological weapons. We will count those and then we will see where we go.' I took that list to Baghdad. I implied to the Iraqis as heavily as I could, without breaching my own political limits, that if they were to give me an account of all of these things so that we were able to account for them or destroy them or render them harmless I might be in a position to call the council's attention to paragraph 22, which said that when all the actions had been taken sanctions could be lifted, and then maybe sanctions could be lifted. Aziz agreed to this list and agreed to work with me. In fact, he staged a big press conference in front of the world's media saying, 'Here we are; we're in the last round of this race,' and he said, 'Come back to Baghdad six weeks from now and we'll settle it all then. In the meantime, go into the field and we'll work with you and we'll find this stuff and we'll deal with it.'

I went back to New York, I put together the largest team of inspectors that we had ever put together—at one stage we had about 1,000 people in the field—and we went looking for the things on 'my list', as I called it. Within weeks it was clear to me that we were not going to be successful. Not only did Iraq not take us to any of these weapons—and, using the chemicals as an example, remember that we had the specific numbers of shells that we knew had been produced. They would not take us to them, and they said that they did not know where they were.

Indeed, additionally, they put new barriers in front of some of our inspections. By chance, in the course of an inspection at Iraqi air force headquarters, we discovered a document that had been distributed to the air force, which had numbers of weapons on it that were so shocking that it made us wonder whether some of our base figures were right in the first place. If we had any doubt about the importance of that document it was dispelled when Iraq seized it from my chief biological inspector. There were urgent phone calls—I was not there at the time; I was in New York—between Tariq Aziz and me, and General Rashid and me. That document was sealed on the promise that, when I was next in Baghdad, we would open it together and talk about it. The Security Council demanded subsequently that Iraq give us that document; it never did. So this was an unsatisfactory process, and it was yielding nothing; in fact, it was yielding more barriers and more doubt.

I went to Baghdad, as agreed, and on 3 August 1998 the final meeting took place. Aziz asked me to give my account of this work that we had been doing together, and of course I said, 'I'm deeply disappointed; you've given us nothing.' He then suspended that meeting, came back later that night and gave me the answer of the leadership of the government of the Republic of Iraq, as he called it—namely, Saddam Hussein. That answer was: 'These things don't exist. There is no need for you to do any further disarmament work in this country. Your solemn moral duty is to go back to the Security Council and tell it so.' He threatened me—'If you don't, this will be on your eternal conscience,' and so on—and shut us down. He said, 'There will be no further disarmament work in this country.' I rejected what he asked for, across the table that night. I said, 'I won't do what you've asked me to do, because I cannot: I cannot do it without these

materials and without this evidence,' and he said, 'Well then it's over.' That brings the first period virtually to a close—the first period that I want to discuss with you this morning.

In August 1998 I returned to New York. Over the subsequent weeks I furnished to the Security Council a report on all of this, and the council accepted it. The council accepted that Iraq retained unaccounted for weapons of mass destruction capability and paragraph 22, therefore, could not be acted on. There were other things that took place that were beyond my responsibility—the United States went and bombed Iraq for four days and so on—but essentially that was the end of the first period, and I want to emphasise that this list of outstanding items was accepted by the Security Council, even in circumstances where members of that council were actually very hostile to our work and to any further lack of resolution of what they called 'the Iraq problem'.

The concluding part of this first period was that, because of the divisions within the Security Council, while they accepted my final report, as a consequence of Russian insistence, early in the following year—1999—a special group of independent analysts was put together to go over Iraq's weapons status all over again. I will keep this short. In March 1999 that independent group came to exactly the same conclusion;: namely, that there were these weapons that remained unaccounted for. That ends the first period.

I move, very quickly, to the second period. There were then four years of no inspection or monitoring in Iraq. That included, may I say, that part of the arrangements which Iraq had always found easiest to accept: namely, periodic visits by the International Atomic Energy Agency to check its raw uranium stockpile, which was small and of very low quality—low radioactivity. Iraq's big problem in seeking to make a bomb was the poverty of its own indigenous uranium resources. But in this four-year period on only one occasion would they allow the IAEA inspectors to come and walk around a little hill—a mountain—of yellow cake and say 'It's still there' and go away. But, basically, in four years nothing happened but this: there were consistent and repeated reports that sanctions had broken down and that Saddam was diverting substantial amounts of the money he was raising on black market oil trading to his military and—it was thought—to weapons of mass destruction activities.

But I want to emphasise that in this second period, while I saw evidence of his having called back to work his nuclear design team—and I, like everyone, heard lots of hearsay about what was happening in the second period—I saw no evidence of new weapons development. That does not mean that it did not exist, but I am aware of the requirements of precision and truth in this meeting and I have to say that I saw no evidence of that.

Now I turn to the third and last period, which was the period after UNMOVIC had been created—it was created early in the four-year period without inspection, but it was not allowed do any work—from November of last year until the present time. It has two parts within it: the prewar and the postwar part. When Hans Blix took up UNMOVIC, one of the many things he did was to go back to the basic data, and he had four years in which to do it. By the time they resumed inspections, they were in possession of the world's best databank of knowledge of Iraq in all sorts of ways—fabulous, clear knowledge.

Blix furnished the Security Council, at its request, with a list of outstanding disarmament priorities—same movie again. That list was essentially the same as the one that I had left in 1998

and the one that the independent inquiry group in 1999 had identified. So the point I am making to you is that there were three occasions—in 1998, 1999 and then again in 2002—when a hard look was taken at what remained unaccounted for from Saddam's known WMD program, and on those three separate occasions a virtually identical list was produced.

The second thing is that, as inspections proceeded and as Iraq became more nervous about what its fate might be, it took one step, which I certainly welcomed and so indeed did Hans Blix: namely, it allowed the beginning of the destruction of the al-Samoud missile. You will remember that I referred to that missile earlier. It is a missile that in 1998 we thought Iraq was trying to modify so as to make it fly further than 150 kilometres. One of the last technical conversations I had in Baghdad was with General Amer Rashid, who was in charge of missiles. In that conversation, I demanded that they stop that work, and he said that they would not. They felt that they could get away with that then—and indeed they did. But when Blix was a few months into his work on the job, with the strength and authority he had under the new resolution No. 1441, he resurrected the correspondence that I had had with Iraq on this matter and talked to them about it and, as members will recall, Iraq commenced the destruction of the al-Samoud missiles just before the war. There were about 140 of them. I do not think that they completed that destruction, because the war took place. They still felt that they probably ought to be able to hold these missiles, but Blix said that they could not—that they were of an illegal range and that they must go—and they were being destroyed. So that was one of the things on the 1998 and 1999 list, and here it was again on the 2002 list, and they were being destroyed.

In the third period new claims were made about Iraq's weapons status, claims that went beyond the three checks—the three photographs, the three reports—made in 1998, 1999 and 2002. These were the claims that were made in the British dossier and in the presentation that Secretary of State Powell made to the Security Council and were substantially echoed, I think, in statements made in the Australian parliament. These claims were that there was a quantity of weapons that was additional to those weapons that have remained unaccounted for. I witnessed the presentation at the Security Council, and I was well aware of the British dossier—it was actually not dissimilar from one that they had prepared for us four years earlier, but with a few additional elements in it.

It is that additional quantum—that is, additional to what remained unaccounted for from the past period—that has come under scrutiny in recent times. This is where my knowledge runs out. I have heard those claims and followed them carefully, and in some public forums I have been asked to comment upon them. But, with respect to the terms of reference of this inquiry—which ask about the overall status of Iraq's weapons, including these additional quantities—the only honest answer I can give in this context, in this committee, is that I do not know. I am sorry to disappoint you: because I did not see those intelligence reports, I do not know—but you, presumably, will want to find out.

I will make my last remark. Iraq was invaded and is now thoroughly occupied. One of the reasons for that invasion was to deal with this remaining weapons of mass destruction capability. It was expected that, following the invasion and occupation of Iraq, substantial quantities of remaining weapons would be found. But they have not been, and that, of course, is a problem, at least in logic. Why haven't they been found? I put it to you that you may want to think of it in these terms, and you may want to inquire in these terms: that positing the concept of these things being unaccounted for is not the same thing as positing the existence of these things. Hans Blix

rightly made this point just before he retired—so this is not Richard Butler—and I agree with him. Unaccounted for just means that the things are not accounted for: they are known to have existed and we do not know where they are today. That is not the same thing as saying that we are therefore certain that they continue to exist today. I think Blix made that point very cogently.

What is the explanation? What are the possible logical explanations for a situation where no WMDs have been found in a country that was invaded and occupied following claims that a substantial quantity of WMDs would be found there? I put it to you that there are four possible explanations for this in objective logic. The first explanation is that those weapons have been destroyed—and there is some evidence that some destruction has taken place. The second explanation is that they continue to exist, but up to the present point they have been successfully hidden and may one day be uncovered. We do not know yet. The third explanation is that they have been removed to another country or place; that they are not in Iraq. In the past, I saw some evidence of Iraq warehousing some of its materials across the border in Syria from time to time, but I am making no accusation about that. I could not. That would be baseless. Logically, I think you will agree that that is a third possible explanation for their not being found in Iraq: that they are not in Iraq but somewhere else.

The fourth logical possibility is that they have not been found because they actually do not—and did not—exist; that the posited quantities actually did not exist. I have already hinted that I think there has been some destruction but, if you want to ask me which of those four I think is the best explanation, the only honest answer I can give to you is that I do not know but I think we should try and find out. Thank you.

CHAIR—Thank you very much for that. On that last point: in your books and writings and public statements before this, you have given those options. In something I read you made observations about underground facilities that may have existed in Iraq. Can you expand on anything you might know about that? One of the difficulties I have with the destruction of these weapons is that, with the sophisticated surveillance equipment available now, I would have thought anything above the surface would have a fair chance of being picked up. I have had no indication that anything has been picked up. Is it a real possibility that some underground dismantling or destruction of gases et cetera has taken place?

Dr Butler—I was repeatedly presented with intelligence materials from a variety of sources when I was in the job. Under the Security Council resolution all states were asked to give UNSCOM all possible assistance. That was an obligation. I think the number of states who gave us assistance was close to 40, but of course major contributors were the states that have major arms industries and intelligence services, such as the US and UK. France and Russia are in the same position and they gave us varying quantities of evidence depending on how they felt about us from time to time. I was presented on a number of occasions with intelligence materials—imagery and so on—which pointed to the existence of underground tunnels and caverns in which illegal materials could have been stored.

I remember in particular—just to use one example—that we thought for some time that there was an elaborate subterranean space and interconnecting tunnels under the presidential palace of Mosul in the north. I sent inspectors on one occasion to check that out and what happened then did nothing to dissuade me that the intelligence material might have been right, because they were blocked—they were not allowed to go there—on the ground that this was presidential and

so on. There was another site in Baghdad at one stage where we felt pretty convinced that we had the Iraqis red-handed with a couple of hidden Scuds**,** where they were saying they had no more Scud missiles, and again this was in a subterranean place. When we approached the building under which we thought this was the case we were stopped at gunpoint. I started to think sometimes that the robustness of resistance to us was a good sign of the quality of the intelligence or the value of the objects that were behind the wall. The occupying forces I think have looked quite hard under palaces and other government buildings to find these subterranean storage places and they have not found prohibited materials there, to my knowledge.

Hans Blix was also given the ability to go anywhere and do anything—in a way that I wished I had had a couple of years before—and this included the use of machinery such as ground-penetrating radar to try to find what might have been hidden underground. You may recall that the early television pictures of the American forces going into a presidential palace for the first time—I think at the al-Kharkh site, a big palace in Baghdad—showed them knocking on walls trying to find the hollow spaces behind the walls and so on. I do not know what you do to your knuckles when you knock on that much marble, but that is an aside. They have not been successful in finding things in such storage places. That is my explanation for why I said those things in the past, because I saw materials that suggested that underground was the place to look.

Finally—and you may want to look into this together—I am fascinated by the silence of Tariq Aziz, General Amer Rashid and General Amir al-Sadi, all of whom are in captivity. Tariq Aziz was Deputy Prime Minister in charge of what I used to think of as the anti-UNSCOM industry, which—after the army—was Iraq's biggest industry for a while. General Amir al-Sadi was the man you will have seen on television as the person dealing with Hans Blix. He was Saddam Hussein's personal scientific adviser. I dealt extensively with him, as I did with Tariq. Amer Rashid was the man I referred to earlier, who was minister for oil and minister in charge of missiles, and he was the one I had this exchange with about al-Samoud missiles. These people are all in captivity and there is a hallowed principle—and people who work in the intelligence business will affirm this for you—that there is no substitute for personal, human intelligence: you can take pictures from the air and that is all very helpful but in the end nothing beats having people tell you the truth.

The United States has in its care these three men. I believe they know the answer to some of these questions. I do not know why we have not heard what they have told while in captivity. I think all of us, especially countries that participated in this invasion and the people they represent, need to know what those people know. In addition, and this was an experience we had over and over again, when weapons are destroyed, for example—and I went and looked at places where missiles had been destroyed and so on—it is done by human beings. People have to strap the sticks of dynamite on. Finding those people who carried out the destruction, made the weapons, hid them, or carried out the instructions is the way to get the answer to those four questions. I am a bit puzzled as to why, especially with those top three incarcerated, we have not had more and better human intelligence giving us the authentic account of what happened to those weapons.

CHAIR—Perhaps this is just a bit wide of the mark, but I think we were all fascinated to see on television and read in the press the discovery of almost brand-new fighter aircraft buried in the middle of nowhere in the desert. From your experience, what does that mean, if anything?

Dr Butler—Again, I do not know what happened in the councils of Saddam and his Revolutionary Command Council as the war approached. So in a way, Chair, you are as expert as I am. But one has to use one's brain, and I was really surprised that they did not fly their air force as the invasion proceeded. I do not know why they took that decision. They had a lot of aircraft, which were more important, in my view, than their battle tanks, which were fairly antiquated. I am straying now on to military things, and remember I am the disarmament guy; I do not really go too far into military things. But when I was in Iraq, over and over again I saw these aircraft everywhere. We were obliged to land our Hercules at al-Habbaniyah military base outside Baghdad. That was the requirement they made. I saw over and over again MiGs and Sukhois, mainly ex-Soviet fighters, and other aircraft all over the place. We saw them in the air. They sometimes tracked us. I have no idea why they decided not to fly or not to fight. I do not know.

Senator ROBERT RAY—I want to follow up the Chair's question. As background, obviously we are looking at the question of the accuracy of intelligence last year and early this year as supplied to governments that made decisions based on that intelligence. We are trying to measure that. Seeing you were the recipient of substantial intelligence from the US and the UK about weapons of mass destruction and programs when you were doing the inspections, you may be in a position to tell us how often that was accurate and how often it was inaccurate.

Dr Butler—I am. It came in two grades: hard intelligence and speculative intelligence based on hard logic. From your previous responsibilities I am sure you will recognise that distinction. There were occasions where the intelligence services of countries like the US or the UK, as a consequence of their intelligence effort, including with people in the field—and I will be careful here because people can be harmed—would come up with something, which I am defining now as hard intelligence, quite specific that said, 'We believe that if you go to that laboratory you will find this substance,' or, 'If you go to that shed you will find one missile,' and so on. When it was as hard as that, more often than not it was accurate.

The additional point I make about such hard intelligence is that it is hard to come by. We did not get it every other day but, when we got it, it was largely accurate. Our ability to act on it depended essentially on whether the Iraqis knew we were coming. Do you remember I mentioned the place in Baghdad where we thought two missiles were hidden underground? They kept us away at gunpoint. I believe they did that because they knew we were coming. I think that probably means they had penetrated our communications or in some way found out what we were doing.

The second category was of much more speculative intelligence. This would be characteristically attached to overhead imagery or intercepted messages rather than hard human intelligence. We were given volumes of that—lots of it. I authorised the flying of a U2 plane every other day—that was part of the deal—painted in UN colours. We went and took pictures and we had helicopters. And other images were given to us. More often than not they were highly suggestive and very helpful but we were still required to deduct from the pictures what we thought they meant. Sometimes that led us in the right direction; sometimes it did not.

I will give you one example and then draw this answer to a close. We were in a long argument with the Iraqis about missile warheads—how many they had destroyed and what they had been filled with. They lied to us about the fill and I was able to prove that. I was able to prove, for

example, that some of the warheads had been filled with a substance called VX—although they had earlier said that they had never made any VX, which we also disproved. In the shell game that we played about these missile warheads, our imagery one day clearly showed us a place where half a dozen burial pits had been dug in the ground. It was the wrong number and in the wrong place in terms of what Iraq had been saying to us about the place and number of missile warheads destroyed. We went there and discovered that our imagery was right and Iraq had been misleading us. That is what I call an example of intelligence that is not hard but which, by thoughtful application, can produce an outcome. We had lots of that. Whereas I said that hard intelligence tended to be 85 per cent to 90 per cent accurate but rare and hard to come by, this much more voluminous kind of intelligence had a much lower degree of accuracy. I do not know what figure I would put on it but it would not have been more than 50 per cent accurate.

Senator ROBERT RAY—I think I am going to ask you a question you cannot answer. What you have said raises a question. If there were at least similar scatterings of hard evidence in 2002-03 it appears that it has not resulted in one find yet. That is a different strike rate from the one UNSCOM had.

Dr Butler—I do not mean to be dismissive of what you have said, but it is not really a question. That is an observation that you may want to make if you think that it is logical. I just go back to the four logical points I made. These things have not been found in the quantities that it was posited existed before the war. Have they been destroyed? Are they yet to be found? Have they been moved somewhere else? Some people think they have been moved to another country. I do not think that is terribly likely. This is your point: was the intelligence wrong? In other words, have they not been found because in that quantity they did not exist? I do not know.

I think it is not over yet. I wish that the people who know would come forward. I am fascinated to know—and I have asked for this in public—what arrangement has been made with Tariq Aziz. He knew everything. And certainly Amir al-Sadi knew everything. Why aren't they putting us out of our misery by telling us the truth on these matters? Have they already told the United States but the United States, for some reason, isn't telling others? I am making no accusation; I am puzzled. Why haven't we been given this authentic story? I do not know that we will ever find all the weapons, but I think we need to have an authentic account of what happened, how many there were, and where they are now—in smoke, under the ground, or where. We need that authentic account.

Mr LEO McLEAY—Dr Butler, prior to Australia's commitment to the war in Iraq, were you asked to provide any input into the Australian assessment of whether Iraq had weapons of mass destruction in the lead-up to the government making that decision to go to war?

Dr Butler—No.

Mr LEO McLEAY—To me that seems strange as you are probably the most expert Australian citizen and a former high Australian official. Do you have any idea why you were not?

Dr Butler—I could speculate about it, but I will not do that under the terms of reference of this committee.

Mr LEO McLEAY—I think it is important to the terms of reference to the committee—

Dr Butler—Could I just finish by saying this: on this issue I certainly held the most senior position in the international system for a few years. I do not think that made me the most expert person. There are scientists and technicians in the field who, on weapons of mass destruction and Iraq's weapons of mass destruction, had more detailed expertise than I did, but certainly it is true that I held the senior position and I was privy then to just about all relevant information.

Senator FERGUSON—But you did say earlier that you had not been in receipt of any intelligence information since 1998, didn't you?

Dr Butler—Since 1999, when I left the UNSCOM job. That is correct. In answer to Mr McLeay's question, I do not know why I was not asked to make an input. I know that there are many other experts around, but I do not know and I am not prepared to offer speculative views to this committee about why that might be the case. I will leave that to you. When I finished my service as Australian Ambassador to the United Nations, consistent with practice, my security clearances were terminated. When I was appointed shortly thereafter to be head of UNSCOM, they were instantly restored. So, throughout the UNSCOM period, I did receive intelligence assessments from Australia and from Australia's allies, at a very high level, but that ended when I left UNSCOM.

Mr LEO McLEAY—Were you asked to contribute by the Americans or the British in the run-up to the recent Iraq war?

Dr Butler—On one brief occasion the British contacted me to ask for an opinion—an opinion is all I could give about certain matters. Much more frequently, I was asked by the Administration and the Congress to give my view. For example, in August of last year I accepted an invitation from the then Chairman of the Senate Foreign Relations Committee, Senator Joe Biden, to travel to Washington to make an appearance—not dissimilar to this—before the Senate Foreign Relations Committee. I gave testimony, and that appears in the Congressional record. From time to time I was also asked informally by members of the Administration for a view or an opinion.

Mr LEO McLEAY—But at no time were you asked by the Australian government or elements of the Australian intelligence community? The reason I ask is that one of the terms of reference is about the accuracy and independence of the advice we got.

Dr Butler—I was never asked to provide advice in that period. As I said, I am fully cognisant of the rules of this hearing, and I want to be completely accurate. I am just searching my memory here. I bumped into the Foreign Minister on two occasions, once at Melbourne Airport and once at a conference at Hayman Island, and had very brief conversations with him of a completely informal kind. Obviously Alexander Downer and I talked about the state of affairs, but just for minutes. If I recall correctly, I think we did not agree. But we talked. But I do not think that constituted seeking opinion or advice from me. My answer remains the same: at no stage was that sought.

Mr LEO McLEAY—Do you think you would have been in a position to offer any useful advice in that process?

Dr Butler—Yes.

Senator FERGUSON—You say you did not receive any intelligence after 1999. Earlier this year, in March, when Colin Powell made his presentation on Iraq's capability to the Security Council, you said:

Secretary Powell did a fabulous job.

You said you had:

... watched Powell's contribution very carefully ... [and] it accorded completely with the intelligence material I have seen ...

You also said you were:

... a bit surprised that Blix would call into question some of Powell's testimony.

How does that statement ring true when you say you did not receive any intelligence after 1999?

Dr Butler—It rang completely true because the presentation Colin Powell made that day to the Security Council was virtually identical—about 90 per cent the same; there were a few new elements, like the attempt to purchase uranium in Africa which has now been discredited, but I did not know at that time the report would be discredited—to briefings I had received several years prior. You will recall that earlier I made the point that I had seen a British dossier three or four years before which was very similar to the one the Blair government released earlier this year, in February. There were differences. Again, to be really precise with you, I was not in a position to assess the veracity of the additional materials because I had not seen supporting intelligence data. But the fundamental case that was put in both dossiers, and I think a study of them would demonstrate this, was exactly what had been in the unaccounted for report by me in 1998, the independent one in 1999 and Blix's report in October/November 2002. The core was the unaccounted for materials of the past. I think you were quoting remarks I made on NBC on the day of the presentation by Powell—

Senator FERGUSON—25 March.

Dr Butler—The word I used was 'compelling' in saying that the Security Council—or the world—had not seen a presentation like this in public since the Cuban missile crisis, when Adlai Stevenson took the U2 pictures into the Security Council chamber to show that there were Russian missiles on the ground in Cuba, when the Russian ambassador had been saying that there was no such thing. There is a sense in which I felt that it was a compelling presentation to members of the Security Council that showed the kinds of unaccounted for materials and facilities that I knew from the past had existed in Iraq and had never been brought properly to account. It is not inconsistent for me to have said that with the fact that after 1999 I did not see intelligence materials. I will state here for the record that it was that portion of the presentation therefore about which I had no basis for certainty—for example, the allegation that Iraq had sought to acquire uranium from Chad.

Senator FERGUSON—Why were you surprised that Hans Blix called into question some of Powell's testimony?

Dr Butler—I was surprised on two grounds. In my opinion, I thought Hans was making a political mistake in doing that. That is my opinion—and I mean him no harm; I have affection and profound respect for Hans. He did a terribly difficult job, I think, very well. But I was struck that day—I thought his reading of his political situation was wrong. Secondly, why would he have called into question seven-eighths of it? He, like me, knew that that portion of it had been established for years. I just thought he made a wrong call there.

To be fair to him and balance that, may I say that subsequently, as things were getting tougher leading up to the war, he called upon the United States, rather urgently, to 'Give us these additional materials you say you have, so that we inspectors can go and find these weapons.' That was a tough call for him to make politically. The Americans got extremely angry with him for doing that—in public. I am not making that up—they got very angry with him. That was a judgment and action by him that I admired. I thought he was doing the right thing. After all, the Security Council resolution said all states should give them all possible assistance. He was simply saying, 'Secretary Powell, if you have this information, these clues, hints and so on, give them to us so we can go and investigate them.' I thought that was a courageous call.

Senator SANDY MACDONALD—Dr Butler. Before I start, you mentioned that you had attended the Senate foreign relations council in July last year. By your own criteria, when you appeared before that committee, you said that there were three reasons for going to war. Would you like to say what they were?

Dr Butler—I cannot recall what I said. Is that in the written testimony?

Senator SANDY MACDONALD—I might remind you. The first was a flagrant violation of human rights, the second was continued refusal to comply with international law expressed by the Security Council, and the third was violation of arms control and treaties. Do you still agree with those?

Dr Butler—Yes, I do. I have said publicly and in my writings that I remain a shocked person. I sat at the Security Council table almost daily for several years in the Iraq role. We knew, while we were sitting there talking about weapons of mass destruction—which was my job, and that is the only thing I really could talk about—that Saddam Hussein was a serial human rights violator on a massive scale. In 1999 or 2000—I cannot remember precisely which—the UN's own human rights rapporteur, the Dutchman, who has since retired because he was not getting anywhere with this, entered a report which said that in his view the human rights violations that had been authored by Saddam were second only to those of Hitler. This was the record that showed that he probably caused the death of a million people.

Senator, I remain disturbed and shocked at the Security Council and its habits—that it could sit there and argue about who gets which oil contract in Iraq and when sanctions will be lifted and whether there are really weapons there or not. The Russians at one stage accused UNSCOM of planting VX in a missile warhead, which was just outrageous. All these games were taking place, and we knew of this human rights nightmare that was being acted out every day in Iraq—and the Security Council did nothing about it. It is in this context that I have written, called for

and urged—as recently as the conference in the United States 10 days ago, with very senior people in attendance—that it is urgent that the Security Council be reformed and that it clean up its act. I thought that on human rights grounds alone action should have been taken against the Iraqi regime.

Secondly, I believe deeply in international law. That is not a characteristic that all people share, but I think it is very important that we have civilised rules of conduct for the safe and peaceful operation of the world. They are centred on the Security Council and article 25 of the charter, which says that the Security Council's decisions are binding on all states. That second concern I had in mind was that as long as a serial violator of the law exists, as long as an outlaw continues to say to the law-maker, 'I don't care what you say, I'm not going to do it,' that harms us all.

Finally, as a person who has spent a lifetime in arms control, I was deeply concerned about Iraq's refusal to carry out its obligations—for example, under the Treaty on the Non-Proliferation of Nuclear Weapons; we see it today with Korea, and perhaps some others. Iraq was a party to the Treaty on the Non-Proliferation of Nuclear Weapons and yet was seeking to make an atomic bomb. That was a prime concern of mine—that if the world is to preserve such standards then the Security Council must take action when they are being violated.

Senator SANDY MACDONALD—Am I to conclude from that that you approve of the military action against Iraq then?

Dr Butler—I have stated my views publicly. I do not know if that is within the terms of reference of this group—it is not really, is it?

Senator SANDY MACDONALD—You raised your appearance before the committee, Dr Butler.

Dr Butler—Before the Senate foreign relations committee?

Senator SANDY MACDONALD—Yes.

Dr Butler—What I said there is on the record, but I will answer your question.

Senator SANDY MACDONALD—I have a range of other questions if you do not wish to answer it.

Dr Butler—No, I will answer the question. Consistent with what I said about human rights, I think that action to remove the government of Saddam Hussein has a justification in human rights terms, for example. I have said publicly and elsewhere that I have had very great difficulty with the way in which that action was brought about. It did not strictly follow international law, and that is widely recognised. It did not.

Senator SANDY MACDONALD—Well, that is debatable.

Dr Butler—Oh, yes? What is debatable about the search for a Security Council blessing—a resolution for which there were inadequate numbers available and so the resolution was pulled from the table?

Senator SANDY MACDONALD—You know that in international law, as in all law, you can find people who will argue the case on both sides. You are entitled to your view on that—

Dr Butler—Sure. Senator, as this would go well outside the terms of reference of this committee, let us not, you and I, have that argument. I was just saying that I have reservations—and this is my opinion—about how this was done. It is a distinction between the desirable outcome and the means by which it was brought about. I certainly remain distressed today, as we witness daily the passage of events in Iraq, which suggest that this problem is not over and urgent, better solutions are needed. The attack upon the United Nations is a deeply grave matter, the implications and consequences of which we do not yet know, but they are not going to be small—I am going beyond the loss of my friend Sergio Vieira de Mello and others. There is something deeply disturbing about that attack, and its consequences are yet to be felt.

Senator SANDY MACDONALD—You talked about the unaccounted list in 1998, the unaccounted list in 1999 and the 2002 unaccounted list. You have talked about hard intelligence, and you have talked about your relationship with the leadership of Iraq—a unique position. Do you think it is possible that what the military told the Saddam Hussein leadership and what actually existed were two entirely different things?

Dr Butler—I am sorry; could you say the last bit again.

Senator SANDY MACDONALD—Do you think that what the Iraqi military told their leadership—what their scientists told their leadership—and what actually existed were two entirely different things?

Senator ROBERT RAY—We need to make the question entirely clear. Sorry to interrupt, Senator MacDonald, but Dr Butler is not entirely grasping it. Do you think the lower echelons were telling Saddam, 'We have got all these weapons and we are on track', when in fact it was not the case? It is a bit like the Chinese communist officials giving growth figures as it goes up the line.

Dr Butler—I do not know the answer to that. I think it is a good question, I really do. I think it is possible, but the opposite is also possible.

Senator SANDY MACDONALD—But at the end of the day, you believed very strongly, in 1998, that Iraq had a large range of weapons of mass destruction.

Dr Butler—I agree with all those words except the word 'large'.

Senator SANDY MACDONALD—Okay. Do you—

Dr Butler—Please do not cut me off like that, I want to explain myself. The list is published—the list that the Security Council accepted on three occasions. If you want to characterise it as 'large' you can choose to do that, but the numbers involved in the chemical

area were not what I would call 'large'. They were wrong—and serious—and much smaller than they had been in the past, when they had countless thousands of these weapons.

Where we were unclear—and this is serious—was on the issue of biological weapons. I once told the Security Council that I considered biological weapons to be 'the black hole'—a place of no light. We really did not know. Yet the implication of Saddam's behaviour, in my view, was that he was deeply attached to the idea of killing people with germs. So we did not know. I do not know how large is 'large', but there were weapons unaccounted for.

Senator SANDY MACDONALD—After you were forced out of Iraq in 1998, did you believe that the Iraqi WMD program was likely to be extended or diminished, if you think back to the time?

Dr Butler—Again, it is a good question. I would completely mislead you if I answered this any other way. I just assumed from their track record and attachment to these weapons and so on that, with us out of the country, they were going to say, 'Right, let's go again.' I just assumed that. As the years went on—as I said much earlier in this hearing—there was not a lot of concrete evidence of what they were doing, but my personal assumption was, as we watched them make all this money from black market oil and so on, that Saddam was not just going to put that into kindergartens and schools.

Senator SANDY MACDONALD—A lot of people will tell you a lie, but very few people will look you in the eye and tell you a lie. Is Tariq Aziz is one of those people?

Dr Butler—I spent some long evenings in Baghdad—because of the circumstances under which we lived and there not being much to do other than work. One of the things I spent a lot of time thinking about, almost on a philosophical level—and I came to find it fascinating—was exactly that phenomenon. I want to say this very clearly: it is not new in human experience—all of us have experienced this—that a person can look you in the eye, even with their hand on their heart, and tell you an untruth. You have had that experience; I have had that experience.

Senator SANDY MACDONALD—Very few.

Dr Butler—You are lucky. What came to fascinate me was the way Tariq Aziz, in particular, could do that under circumstances where he knew that I knew that what he was saying was not true. But he still did it anyway. I will not bore you with my philosophical reflections about that but yes, that happened a lot.

Senator SANDY MACDONALD—Do you think Saddam Hussein had a greater propensity to use and deploy WMD than any other person in the world?

Dr Butler—No. For goodness sake—this opens up a whole other subject, again on which I have spoken and written at length. I have a grave problem with the idea that some people's WMD are okay and others are not. The country with the largest quantity of weapons of mass destruction in the world and most able to use them is the United States of America. What do you mean?

Senator SANDY MACDONALD—You said:

The greatest threat against the non-proliferation regimes in nuclear, chemical and biology that exists in the world today is the regime of Saddam Hussein

You said that in September of 2002. I am not quite sure where you said it, but that is what prompted me to ask the question.

Dr Butler—It is a pity that we do not know where that came from, but the key to that sentence is 'the non-proliferation regimes'. I have written extensively about my concern. I have proposed the creation of a new council, alongside the Security Council, called the 'council on weapons of mass destruction', to deal with the profound concern I have about outlaws under the treaties—states that are, what I call, 'cheating from within'. India has a nuclear weapon, but it never joined the non-proliferation treaty. In that sense there is a modicum of honesty about its position.

Countries like Iraq or North Korea, that joined the non-proliferation treaty but then proceeded to cheat on it from within, suffered no ill consequence. That the treaties are not enforced is a great threat to us all. That is the threat I was referring to. That is why I have made this proposal elsewhere that there should be a new instrument to deal with that. You went further and asked, 'Whose weapons of mass destruction are the most dangerous?' My answer is, 'All of them.'

Senator SANDY MACDONALD—I want to ask about Iraq's possible links with terrorism. Is it a possibility that Iraq would have given weapons of mass destruction to terrorist groups?

Dr Butler—Iraq did some terrorist training at a place called Salman Pak outside Baghdad—with other nationalities, not just Iraqis. I do not know the answer to your question. One cannot really know in the end what a regime such as the Saddamist one would do, but it is not consistent at all with the possession of weapons of mass destruction to give them to others. On the whole, states do not do that. I saw no evidence. But again, it does not mean it did not happen. I cannot fathom their mind. I saw no evidence of Iraq giving over WMD to non-state actors, to terrorist groups. I did see some evidence—and indeed Tariq Aziz once talked to me about this personally—of great animosity between the Baathist regime in Baghdad and the Osama bin Laden movement. I would have been stunned if Saddam had allowed his WMD to be given to al-Qaeda, for example. That just does not seem to me to be how he would have acted, but I do not know.

CHAIR—Yet there was intelligence that there were meetings, allegedly, between the Iraqi security people in Prague and representatives of al-Qaeda.

Senator ROBERT RAY—They discredited the Prague stuff.

Dr Butler—I saw those reports; I do not know how accurate they were or what happened in those meetings. It is a murky world in this area. I know that Slobodan Milosevic's boys went down to Baghdad at some stage to talk to them about matters of mutual interest. What did they talk about? Some said chemical weapons. I do not know. That is why I feel so strongly that we have to get this tiger by the tail—the tiger being WMD generally, because as long as they exist anywhere the possibility of them being traded in the black market or given to terrorist groups and so on does exist.

Senator SANDY MACDONALD—Senator Ferguson mentioned your comments about Secretary Powell's presentation to the Security Council. You said that you were impressed with it. What did you think that further inspections were likely to achieve if that was the case?

Dr Butler—I hoped that those inspections would take that material from the Security Council, go out there in the field and find exactly the things that the Secretary had described—for example, the mobile laboratories. They did find such capable vans but they probably were not used for biological weapons, as the Secretary had thought.

Senator SANDY MACDONALD—On *Sunday Sunrise* you said, 'The real stuff is being concealed so what would more time get? I think virtually nothing.' You were conceding that the game is over.

Dr Butler—I do not think we know the answer to the question—which of the four possible bits of logic is the one that applies here? I think I said earlier that the game is not over and I do not rule out that one day some of this stuff, if it exists, might be found—that it has literally been buried deeply somewhere. I do not rule that out. But in answer to your question, Secretary Powell—I remember it well—made a compelling presentation. It was compelling—meaning it got attention. There was a lot of material there, a lot of which I had seen in the past. My answer to your question is that the desirable circumstance is that everything the US knew should have been given to the Blix team, combined with a mighty force being marshalled in the Gulf and saying to the Iraqis, 'Cooperate with Blix; give him this stuff, or that force gets used.' An enabled inspectorate might have been able to find the stuff at issue, presuming it exists.

Senator SANDY MACDONALD—Dr Butler, I have a general question and would like your comments. As somebody who has dealt with the Saddam Hussein regime, why is it that he did not realise the game was up? In 1986 Gaddafi got tuned up. The realisation must have been that the game was over. Why didn't he?

Dr Butler—I don't know. I applaud your question; it is going to be one of history's fascinating ones. What did he need—neon lights? It was very clear that the game was up but somehow he seemed to think it would not happen—that at the last moment they would authorise the destruction of the al-Samoud missiles and claim they were cooperating with the inspection process. It seemed that they felt somehow that the Security Council, in its divided state, might say to them that somehow it would not happen. On the other hand, I think their response to resolution 1441 from the beginning was inadequate. It took Blix too long to get to the al-Samouds and to start to really make progress.

Saddam seemed, in the first few months of resumed inspections, to think that the same old cat-and-mouse game would work and keep him off the hook. It was extraordinary. Hans Blix appealed to them after three or four weeks. His words were those of a good Swedish diplomat: 'You are missing a serious opportunity here; you really ought to be more proactive and work with me.' They just would not do it. I will go to my grave not knowing exactly what the cast of mind is that could lead them to such a wrong view.

CHAIR—One of the Richard Butler quotes that I quite like is your description of Saddam Hussein, which may help:

An appalling individual, an outlaw who's demonstrated a compulsive addiction to his weapons.

Dr Butler—Yes. Some people wrongly say that I am outspoken, but I formed the view that we were dealing with a form of addiction. That goes back to the sense of the last question; it was irrational behaviour in the face of clear danger and threat—and, above all, vicious behaviour with respect to his own people, preferring to hang onto his weapons of mass destruction rather than release 22 million ordinary people from rather crushing sanctions. I searched for a concept to describe this—an addiction, to my mind, seemed to fit it.

Senator ROBERT RAY—Let me ask you this—it is not really hypothetical. In 1998-99, when you reported to the Security Council, with all the information available to you at that time, could you have made the claim that Saddam Hussein had weapons of mass destruction that were deployable within 45 minutes?

Dr Butler—Yes, I think so; but I want to disaggregate that a bit.

Senator ROBERT RAY—Yes, sure.

Dr Butler—I do not know what the meaning of the claim is. I know the significance that it has come to have in the current, somewhat heated, debate about the British dossier and so on—much exacerbated, obviously, by the shocking death of my very good friend David Kelly. But I do not know what it means. Like the chemical shells that I referred to earlier, if you have a shell that is loaded with mustard, and it is still good, how long does it take you to put that shell in the breach of a cannon and fire it?

Senator SANDY MACDONALD—Ten seconds.

Dr Butler—It relies on these things: the state of the agent, chemical or biological, what condition it is in; how long it takes to fill a container with it—a bomb, a shell, a rocket warhead; how long it takes to fire that thing; and where they are deployed. I think one of the main absorbers of time in this context is that, typically, these things are held, as they should be, in safekeeping in a warehouse—sometimes in binary form, where two chemicals have to be mixed—and it takes time to get them out there and put them where you want them to deploy them. There were times when Iraq, we think, deployed chemical munitions to the battlefield; that they were there waiting. How long would it take to fire them? Not long. Senator, it is a question that sometimes seems to me to be not dissimilar from the question: 'How long is a piece of string?' It depends a bit upon what aspect of deployment time you are talking about—distribution to the battlefield or the time it takes to put a shell into the breach of a cannon.

Senator ROBERT RAY—It has been suggested to this committee that one of the impediments to current inspections of weapons is simply the physical conditions in Iraq, especially at this time of year; that the 1,300 people under David Kay and General Dayton are finding it very difficult physically to search for weapons. Was that a problem for you and your team?

Dr Butler—Yes, it is a very difficult country. Working conditions were extraordinarily difficult. You have to imagine a hot, dry, disbursed place not unlike Central Australia. As I flew over it sometimes, I though, 'I recognise this; it is not unlike parts of our own country.' But now,

with so much of the infrastructure of Iraq destroyed and with the degree of social and institutional dislocation that has taken place, yes, I can physically think of sites that we went to that were hard enough when they were in a modicum of reasonable shape. Today, I think it would be harder than anything we encountered.

Senator ROBERT RAY—Can I go back to this issue of discrepancies and unaccounted for weapons. One of the lines that have been run—and it is not necessarily right—is that the Iraqis may have destroyed some weapons and some documentation, but that, after having leads about that, they have then reconstituted documents that are inaccurate, basically through poor memory—that is the argument. Have you seen any evidence of that?

Dr Butler—Iraq fiddled with documentation a lot. I do not know whether there is evidence that they are doing this today—and, as I said, I am out of that loop now—but in the past Iraq repeatedly presented forged and doctored documents to us. We got Scotland Yard in to help us at one stage, and they were filled with admiration for the quality of some of these forgeries—but they were forgeries.

Senator ROBERT RAY—Let me try this proposition on you—and I know you will be a bit sceptical: a writer in the *Guardian* in July this year put forward the proposition that between 1991 and 1996 Iraq spent all their time trying to hide their weapons and programs of mass destruction from the world and then spent the next five years trying to hide the fact that they did not have any, or virtually any, basically to bluff their neighbours. I would like you to comment on that proposition.

Dr Butler—Next to my nocturnal reflections on lying and on why didn't they use their air force or why did they think that they were going to escape from attack and so on is this one, probably even deeper: I became utterly fascinated by the extent and strenuousness of Iraq's concealment activities. I once tried to talk to Tariq Aziz about that. You see, occasionally he would take me aside completely privately for coffee and—and I do not know what the words is, but I will say—'open his heart'; he let some stuff out and talked about some of the things that were going through his head.

I tried him once on the question of opportunity cost: how much better would it be for you to invest all these resources, the anti-UNSCOM industry resources, in something productive where you could have generated jobs, income or revenue? I do not think that he understood the question. It was a non-question, I suspect because of the notion they had that their own national security and survival were welded to having weapons of mass destruction. I think it was a very deep-seated thing. The *Guardian* comment is not bad because they did kind of do what it suggested. Saddam we know did authorise crash programs to make weapons of mass destruction—he really wanted them. Aziz told me in one of these personal conversations that absolutely categorically missiles and chemical weapons had saved them in the Iran-Iraq war—a war which they started, by the way. There was no question, he said, 'Without those we'd be dead.' Absolute utility.

They believed in these weapons; they wanted them. It was a part of Saddam's notion of greater Iraq, the natural leader of the Arab world against all others. They were really welded to weapons of mass destruction. They were also welded to secrecy and concealment. The notion of deterrence is not very Iraqi—that you have these weapons and you are never going to use them

but they keep you safe by deterring others. Not at all. You only do that if the weapons are on view. But the Iraqis would make these things and then hide them so where was the notion of deterrence?

When Hussein Kamil defected in 1995—the son-in-law whom Saddam subsequently murdered—and revealed to my predecessor, Rolf Ekeus, a cache of documents at his chicken farm at a place called Hidar, the Hidar chicken farm, one million pages of documents, the complete record of Iraq's WMD program and it was stunning—the extent of the program, the attachment to it and the deep concealment of it. I do not know what that concealment meant. Were they never going to use it? Well, they did use it. Were they interested in any way in its deterrent effects? I am straying. I do not know the answer to that question as to why they had that caste of mind, but they certainly did.

Senator ROBERT RAY—After the defection and all of these documents were made available, there was also oral debriefing. I think I have read—I would like to know whether you can help me get the source of that and whether it is public document—where the defector also said they had destroyed a lot of their chemical weapons to hide them from UNSCOM. In fact, if ever you wanted an endorsement for the work of UNSCOM I thought that was it. Khalid said that they went out and destroyed a lot of those things to hide them from UNSCOM. Are there transcripts of that debriefing? Are they still classified? Is there any indication how this committee could at least look at that as a way of measuring the degree of destruction?

Dr Butler—I do not know what the status of those documents is but I am happy to try to help the committee and find out, if you like, and can contact Margaret Swieringa about that. A lot of it has been published in various writings and journal articles and so on. He was debriefed in Jordan before he went back to Iraq. Maybe your next witness might know more about that. I am not sure what the status of that debriefing is. The one million pages were taken to UNSCOM headquarters in New York. They were in aluminium boxes under everyone's desk. We did not have a place to put them so they were literally—around a workspace area with its scientists crowded together in the minimal workspace we had—under people's desks. Everyone had a nice footstool under their desk, an aluminium box with those documents in it. They are still there in the UN hands. It showed a very extensive WMD program. It had a couple of interesting gaps in the nuclear area actually that we could never quite get to the bottom of. In the nuclear area the Iraqis never gave over the fundamental bomb design. They always refused to give that to the inspectorate. He did claim that a lot of stuff was destroyed to hide it from UNSCOM, and we saw some evidence of that.

We also saw evidence of remaining and unaccounted-for weapons. I refer back to the Iraqi air force document that we discovered right at the end, and they went orbital about it because it looked like blowing their whole story about how much CW and BW agent they had made in the first place. I will look into that and let the secretary know. I do not know what the status of the debrief is. I suspect it is probably accessible now.

Senator ROBERT RAY—Thank you.

Mr LEO McLEAY—One thing I have read is that the Americans seem to have uncovered lots of documents in Iraq that they are having difficulty transcribing because they are in Arabic. Were the documents that you had in Arabic or a non-Arabic language?

Dr Butler—A very substantial proportion of them were in Arabic. It was a heavy language load for us to get through them, but we did. There were some in other languages. Some of the technologies that Iraq used were developed in English, German or French, so they had original documents showing them how to make a particular weapon or chemical agent and so on in those other languages. They were largely in Arabic.

Mr LEO McLEAY—From your experience, what is the balance between Iraq's ability to produce these materials versus the Europeans and Russians, who were providing them with what were maybe the original applications or continued applications? How much of this was a stand-alone Iraqi thing? How much did it depend upon the Europeans and the Russians? Now the war is over and the Europeans and the Russians do not have a client, does the answer to some of this exist with them?

Dr Butler—Yes, it does. Iraq's capabilities were quite mixed. Its entry into the business of WMD was through the route of being supplied materials and technology from outside. For any weapon of mass destruction, you need materials, know-how and the individuals with the skills. Those are the three things you need. The individuals with the skills were largely educated in the west. Dr Rihab Taha, who was in charge of the biology program, did her PhD in biology in the United Kingdom. She is married to the missile general, by the way. That was quite pleasant, really.

Mr LEO McLEAY—Family business.

Dr Butler—Yes, family business. Their skills were substantially acquired in the west. The materials that got them started were substantially delivered from overseas, not just the west—if you consider that Russia and China are not parts of the west. The designs and the know-how were substantially imported as well. With the return to Iraq of well-educated people, they were able to develop some of their own processes. Particularly in the chemical area and to some extent in the biology area, Iraq was inventive. It was inventing some of its new things. They were working on cocktails of various hideous substances and there was some home-grown stuff. It is true, as your question implies, that any inspectorate—and UNSCOM was a case in point—could have been given, and sometimes was, a lot of assistance by those original suppliers of materials or technologies who knew the directions in which Iraq was headed.

It was a disappointment to me on more than one occasion that I would approach some of these supplying companies and ask for their help. On a confidential basis, I would say, 'We're not going to reveal your name, but can you help us confidentially with respect to these?' I would show them Iraqi documents saying that they had imported certain materials from country X and say, 'Please help us with that.' I would say, as the police say, 'Would you help us with our inquiries?' Often, they would not. That was wrong in terms of Security Council decisions and unhelpful. The key areas in which Iraq was not so good in indigenous technology and indigenous development were nuclear and, to some extent, missile. They were not doing as well as they wanted to in each of those fields from their own design and R&D efforts.

Senator FERGUSON—Dr Butler, I appreciate the fact that you have played with a pretty straight bat this morning. I was somewhat amused, though, when you accused Hans Blix of being a bit political when he was referring to Secretary of State Powell's statement to the UN, even though you have called for the resignation of the Prime Minister, the Minister for Foreign

Affairs and the Minister for Defence at various times—particularly, I think, when you spoke at a so-called Festival of Ideas in Adelaide recently. Talking about the assessment of intelligence that was available to the government prior to their making a decision to send forces to Iraq, is it not possible that they may in fact have taken into account some of your public statements? You have talked about the register you had at UNSCOM. I think you said that the figures on your record and the statistics you brought forward are likely to have been on the low side rather than the high side. Is there a basis for your thinking that your statistics on what weapons they had might have been on the low side rather than the high side?

Dr Butler—Your question has two parts. The first part began with your rephrasing what I said about Hans Blix. I said on that particular occasion not that I thought he had become a bit political—if you heard that then let me correct it—but that he had made a political judgment there with which I did not agree. On the other stuff with respect to Australian politics and the Festival of Ideas et cetera, I hear what you say. That is fine—you can say what you want—but I submit to you that the things you say have absolutely nothing to do with the terms of reference for this hearing.

The second part of your question does. The discovery of the Iraqi air force document, for example, suggested to me and my expert staff that we may have had some serious errors in our basic calculation of how much chemical or biological agent Iraq had made. That is one example of a concern I had that our knowledge in some areas at least might have been a bit on the low side. There were some other reasons for thinking that. I do not know where the truth lies. To make my point via that document, we saw that document authorising the distribution to the battlefield, to the Iraqi air force, of projectiles containing chemical or biological agent in quantities which suggested to us that the base quantity we thought they had made may have been an underestimate.

The real point is that we were obliged to estimate. Maybe I should have made this point right at the beginning, but I assumed that it was fundamental knowledge that would be well known. Let me make it now, as time has almost run out. If I were asked to identify a central deficiency in the process we went through of disarmament of Iraq that I had personal knowledge of—in addition to the failures of the Security Council that I referred to earlier, starting with the human rights failures and so on—it would be the utterly fundamental fact that from the beginning, from day one, Iraq refused to cooperate. I do not want you to think me naive here; it is a very serious point. They were commanded under international law to declare all of their WMD, lead the inspectorate to them and cooperate with their destruction, removal or rendering harmless.

The first document Iraq gave the inspectorate in 1991 was handwritten in pencil in Arabic about chemical weapons, and it turned out to have been a lie. I want to make that point as clearly as I can: if Iraq, from day one, had decided to obey international law, it could have been disarmed of its WMD in six months, sanctions would have been removed and life, in some measure, could have been returned to normal—I do not believe it would have wholly because of Saddam and his human rights policies. That fundamental refusal by Iraq to give up its weapons—that business we were referring to earlier where they seemed somehow welded to having weapons of mass destruction—had a scatter effect right down the line, in blocked inspections; oil not pumped; billions of dollars spent; the shell game; the chase; now two wars; and people dead, like some of my team, David Kelly and Sergio Vieira de Mello. None of that

would have been necessary if Iraq from the beginning had simply obeyed the law, and it refused to.

Senator FERGUSON—On the issue of concealment, which is a decision, an observation or an assessment people have to make, roughly this time last year you said:

> Remember this—Iraq has said, 'We have no weapons of mass destruction whatsoever.'

You went on to say:

> I want to say to you plainly that is not true.
>
> The issue is will they be able to conceal that or not?

With the passage of time, do you think that is still an accurate assessment of the situation?

Dr Butler—I think so. I am a bit shaken, as everyone is, by the fact that the country now under occupation has not yielded this treasure-trove of weapons of mass destruction. Hence my four questions—why not? I would remain confident that if we get hold of the people involved—and we have three key ones in prison now—to give the authentic record then that authentic record probably will reveal a few caches of weapons here or there, and that is what we need. Whether it will reveal the substantial quantity that was talked of before the war, I now do not know.

Senator FERGUSON—But at that time you were totally convinced that they were there, were you not, back then?

Dr Butler—And I am sure that once the place is finally swept, yes, there will be some weapons of mass destruction found. I do not think they will have destroyed all of them, or could have. But the question that you now face is a quantitative one: how many? Where was the truth of this matter? I do not know. I do not know which of those four answers is the correct one. But I stand by that basic statement: let no-one doubt they had a WMD program. Not all of it was brought to account. There were three major occasions where disputatious parties in the Security Council agreed. So we still do not know what happened to it all.

Senator FERGUSON—At the same time, following on from Senator Ray's question which raised the issue of their capability of a nuclear device, I think you said at that time that they knew how to make an atomic bomb, and that there was evidence emerging to back the US that they were not many months away from having a device. Has the passage of time changed your belief?

Dr Butler—No; they do know how to make a basic fission device. Some of the information that has come our way says that they got very close to it. One person says they actually did put one together but it was too big—it was the size of a truck. I do not know whether that is true or not. But I do not doubt that they know how to make a basic fission device. By the way, that is not such a big statement in today's world. You can actually find the basic information on the Internet. And were they trying to? You bet they were. The IAEA, in its last assessment, said they could have been as close as six months away when they were stopped. The Americans and some

others were talking about a few months. I think at the congressional hearing I attended I was not prepared to say that. Khidr Hamzah was at that hearing, and he was involved in Iraq's bomb program in the past. He was talking about a matter of just three or four months. I do not know where the truth of that lies. But it was true to say that they knew how to do it, they wanted to do it and they had a program seeking to do it. Where would we be if there had not been inspections, UNSCOM and so on? I think probably sometime in the mid-nineties Iraq would have had nuclear explosive capability.

Senator FERGUSON—Is it still your view and your experience that Iraq would never have been likely to give up its weapons of mass destruction program? I think in the US Senate or somewhere you said that in your experience, Iraq was never likely to give up its WMD program.

Dr Butler—That was what emerged as our experience. I go back to the point that I made to you a moment ago: Saddam Hussein, in January-February 1991 was given the clearest possible choice. It was crystal clear. He was told: 'Here is a list of specified weapons and here are comprehensive sanctions on your people; if you want the latter removed you will give us all of the former.' What we saw unfold, for seven to eight years, was root and branch resistance to doing that—at massive cost and by extraordinarily arcane measures of deception, concealment, obfuscation, blocking and so on. How else would you interpret that than what I called 'the addiction'? These people became addicted to weapons of mass destruction.

CHAIR—I suppose my next question is a bit theoretical. During the time you were heading this investigation, and despite what you might have said about weapons of mass destruction previously, was it in your mind that Saddam Hussein was probably the most likely leader to use weapons of mass destruction?

Dr Butler—I have to be careful about this. Saddam Hussein is distinguished by being, if not the only user, certainly the major user of chemical weapons since—and people argue about this—the Second World War, if you consider that Zyklon B in the gas chambers was a chemical weapon. The biggest use prior to that was in the First World War and then there was Abyssinia. Some argue that chemical weapons were used in Vietnam; I do not want to go there. Saddam Hussein was a major user of chemical weapons. There are some ideas that he used some biological weapons on his own people. Whether he would have been prepared to use a nuclear weapon had he got one must be doubted on the broad assumption that people, on the whole, do not like to commit suicide—because that is what the use of a nuclear weapon would have meant.

Looking around the world at the second half of the 20th century, he pretty well stands out as a leader deeply attached to the utility of weapons of mass destruction—and their use—provided you set aside the other thing that has hung over all of our history, which is the nuclear status of a number of countries, and the thing we have lived through for 45 years now called 'mutual assured destruction'. But I guess that is a question for another day.

Senator ROBERT RAY—Dr Butler, you undertook to see whether that document was available. I now have it. I did not realise my staff were so efficient.

Dr Butler—Is that the debriefing?

Senator ROBERT RAY—This is the note for file—the debriefing—and it is quite extensive so you need not pursue that. Thank you, though, for offering.

Senator SANDY MACDONALD—Being a diplomat for 40 years, you obviously choose your words very carefully but there is a suggestion that what you have said for US consumption—for instance about Powell's comments when he went to the Security Council, or your comments on the justification for war when you went before the House committee—and what you have said for Australian consumption have been two entirely different things. I would like you to respond to that because I think you have been much more generous about the US government's decision to go to war than the Australian government's decision.

Senator ROBERT RAY—Chair, that is not a question for this committee.

Dr Butler—Again, I think you are attempting to go well beyond the terms of reference of this committee, but for the record I will say this: I reject what you have suggested and I refer you to the many publications—books and articles—that I have published in the United States. If you look at those I think you will see that your suggestion is baseless.

CHAIR—Dr Butler, I thank you very much indeed for being with us today and giving so generously of your time. I am sure it is a very busy period for you, but we do appreciate it. We will send you a copy of the *Hansard*, to which you can make any corrections to matters of fact. The secretary will also be in touch if we need any further information. Once again, thank you indeed for giving of your time to this committee today.

Dr Butler—Thank you.

Proceedings suspended from 10.36 a.m. to 10.48 a.m.

WILKIE, Mr Andrew Damien (Private capacity)

CHAIR—Welcome, Mr Wilkie. Do you have any comments to make on the capacity in which you appear before the committee?

Mr Wilkie—I am appearing before the committee as a former employee of the Australian Office of National Assessments, where I worked from 1999 until late 2000 and again from late 2001 until my resignation on 11 March this year.

CHAIR—Although the committee does not require you to give evidence under oath, I should advise you that the hearings are legal proceedings of the parliament and warrant the same respect as proceedings of the House and the Senate. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of the parliament. Do you wish to make some introductory remarks before we go to questions?

Mr Wilkie—If you do not mind, Chair. Thank you for inviting me to appear before the committee—and thank you for inviting me to make an opening statement, a courtesy that was not extended to me when I appeared in the United Kingdom before their foreign affairs committee. Chair, you would be well aware by now that I resigned from the Office of National Assessments before the Iraq war, on 11 March, because I assessed that invading Iraq at that time would not be the most sensible and ethical way to resolve the Iraq issue. I chose resignation specifically because I judged that compromise or seeking to create change from within ONA were not realistic options—and I would welcome the opportunity to talk specifically about that later.

At the time I resigned, I put on the public record three fundamental concerns: firstly, that Iraq did not pose a serious enough security threat to justify a war; secondly, that too many things could go wrong; and, thirdly, that war was totally unnecessary at that time because options short of war were yet to be exhausted. I think my first concern is especially relevant today. It was based on my assessment that Iraq's conventional armed forces were weak; that Iraq's weapons of mass destruction program was disjointed and contained; and that there was no hard evidence whatsoever of any active cooperation between Iraq and al-Qaeda.

The government has claimed repeatedly that I was not close enough to the Iraq issue to know what I was talking about. Such statements have misled the public and been exceptionally hurtful to me. For a start, I was a senior analyst at the Office of National Assessments with a top secret positive vet security clearance, including access to gamma and echo material. I had been awarded a 'superior' rating in my last performance appraisal and, not long before I resigned, I had been informed by the Deputy Director-General of ONA that thought was being given to promoting me. Because of my military background—I was a Regular Army lieutenant colonel of infantry—I was required to be familiar with war related issues; hence I had worked on Kosovo and Afghanistan and I was on stand-by to work on Iraq. In fact, as late as half an hour before my resignation, I was in a National Intelligence Watch Office planning conference on the looming Iraq conflict.

I have also worked specifically on WMD issues. In 1998 I wrote the formal ONA assessment on WMD and terrorism and I represented ONA at the WMD working group held that year at Cheltenham in the UK. In 2001 I helped to prepare the update to my 1998 assessment and I represented ONA at the Australian WMD working group held at the ASIS training facility. From time to time I was also involved in covering global terrorism issues. In fact, on two occasions I provided the relevant brief for the Standing Advisory Committee on Commonwealth-State Cooperation for Protection Against Violence. Finally, Chair, as the senior ONA transnational issues analyst, I was involved routinely in matters relating to Iraq. This provided me with almost unrestricted access to the database on Iraq. In particular, my December 2002 assessment on the potential humanitarian implications of a war in Iraq required me to research in detail the strategic threat posed by Saddam Hussein.

I now turn more directly to the committee's terms of reference. When I said, at the time I resigned, that I judged Iraq's WMD program to be disjointed and contained, I was describing a limited chemical and biological program focused on developing a breakout capability, in part by heavy reliance on dual use facilities and dual use material. I judge that weapons production was possible at that point in time, though only on a small scale. Importantly, my view was broadly consistent with ONA's position at the time, although I acknowledge my position might have been a little more moderate. I still believe that evidence of such a program in Iraq may be found eventually if not already.

In fairness to Australian and allied intelligence agencies, I should say that Iraq was an especially tough target. From time to time there were shortages of good human intelligence on the country and at other times the preponderance of anti-Saddam sources desperate for US intervention ensured a flood of disinformation that the intelligence community had to grapple with. Collecting technical intelligence was equally challenging, as Iraq's security operations were often reasonably effective. I think a problem for Australian intelligence agencies in particular was their reliance on the work of our allies. We had virtually no influence on foreign intelligence collection planning, and 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.

I think against this backdrop a few problems were inevitable for the intelligence agencies. For instance, intelligence gaps were sometimes backfilled with the disinformation that we were receiving. Sometimes worst-case took primacy over most likely—perhaps unsurprising in the wake of September 11, some would argue. I think that sometimes the threat as portrayed by the intelligence agencies was overestimated as a result of the material coming out of the US in particular. 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. Having said all that, I would like to make it very clear that I think the Australian intelligence community did an acceptable job in judging the threat posed by Iraq—in particular on the existence of, the capacity and willingness to use, and the immediacy of the threat posed by Iraq. I emphasise that I think the assessments were generally okay, everything considered—not least because the intelligence agencies' assessments were always very heavily qualified to reflect the substantial ambiguity of the Iraqi intelligence picture.

If I could just move to my last point: how then to explain this big self-evident gap between the government's pre-war claims about Iraq possessing a mammoth arsenal of weapons of mass destruction and cooperating actively with al-Qaeda and the reality that no mammoth arsenal of weapons or evidence of substantive links have yet been found. I think that is explained most often by the way that the government deliberately skewed the truth by taking the ambiguity out of the issue. Key intelligence assessment qualifications like 'probably', 'could' and 'uncorroborated evidence suggests' were frequently dropped. Much more useful words like 'massive' and 'mammoth' were included, even though such words had not been offered to the government by its intelligence agencies. Before we knew it the government had created a mythical Iraq, one where every factory was up to no good and where weaponisation was continuing apace.

Equally misleading was the way in which the government misrepresented the truth; for example, when the Prime Minister spoke of Iraq having 'form' he was citing pre-1991 Gulf War examples like the use of chemical weapons against Iran and against the Kurds. Mind you, the government needed to be creative when building the case for war, because 12 years of sanctions, inspections and air strikes had virtually disarmed modern Iraq.

The government also chose to use the truth selectively; for instance, much was said about the risk of WMD terrorism, but what was not made clear was that the risk of WMD terrorism was still judged to be low—that the leakage of weapons from a state arsenal was still judged to be unlikely and that the weapon most likely to be used was judged to be crude; that is, the chemical, biological or radiological device most likely to be used by a terrorist would not in fact be a weapon of mass destruction.

The government even went so far as to fabricate the truth. The claims about Iraq cooperating actively with al-Qaeda were obviously nonsense, as was the government's reference to Iraq seeking uranium in Africa, despite the fact that ONA, the Department of Defence and the Department of Foreign Affairs and Trade all knew that the Niger story was fraudulent. This was critical information. It beggars belief that ONA knew the information was discredited but did not advise the Prime Minister, that Defence knew but did not tell the defence minister and that foreign affairs knew but did not tell the foreign minister. Please remember that the government was also receiving detailed intelligence assessments on the United States in which it was being made very clear by the Office of National Assessments that the US was intent on invading Iraq for a broad range of reasons—not just WMD and terrorism. Hence the focus on WMD and terrorism is hollow. Much more likely is the proposition that the government was prepared to deliberately exaggerate the Iraqi WMD and terrorism threat so as to stay in step with the United States.

In closing, I wish to make it very clear that I do not apologise for, or withdraw from in any way, my accusation that the Howard government misled the Australian public over Iraq, both through its own public statements as well as through its endorsement of allied statements. The government lied every time it said or implied that I was not senior enough or appropriately placed in ONA to know what I was talking about and the government lied every time it skewed, misrepresented, used selectively and fabricated the Iraq story. But these examples are just the tip of an iceberg; for instance, the government lied when the Prime Minister's office told the media I was mentally unstable, the government lied when it associated Iraq with the Bali bombing and the government lied every time it associated Iraq with the war on terror. I think that the Prime

Minister and the foreign minister have a lot to answer for here. After all, they were the chief cheerleaders for the invasion of a sovereign state without UN endorsement for reasons that have now been discredited. Thank you.

CHAIR—Thank you very much. I have a copy of a transcript of evidence from your appearance before the United Kingdom Foreign Affairs Committee. ONA, in fact, wrote to that committee—by the looks of it. One of the points that came out was that you had only been involved in one exercise on Iraq. I assume that was the December 2002 report that you were working on—or was it another one?

Mr Wilkie—That is quite correct. I wrote only one formal assessment on Iraq, and that was in mid-December. It was on the potential humanitarian consequences of a war. But I hope people would appreciate that such a paper was more than just a talk about refugee flows: it needed to explore how the war might run and all of the things that might go wrong. I made the point up front in that paper that ONA agreed that a reasonably quick and successful initial military campaign was the most likely course. In fact, I recall that within ONA the view was that the war might only go for about a week.

I then teased out in some detail all of the things that could go wrong—for example, the use of weapons of mass destruction, including against the Iraqi people in an attempt to create a humanitarian crisis or overwhelm coalition forces with casualties and so on. I explored it right through to less likely things, although they were things for which there was some intelligence, such as the fact that Saddam might try and blow the dams and reflood the marshes and so on, and deny those routes of entry into Iraq for coalition forces. The point I am emphasising is that it was quite a far-ranging report exploring a number of things, including weapons of mass destruction and the nature of the war.

To say, though, that I only wrote one report and do not know much about the subject is misleading, because for a period of months, as soon as it was starting to become clear that there would be a war, in my military role I was required to start following it. By the time I resigned I was ready to walk into the National Intelligence Watch Office, basically as a military strategic analyst on the subject.

Senator ROBERT RAY—Firstly, you made reference to claims of 'mammoth and massive weapons of mass destruction'. I was not clear to whom you were referring in those claims. While you were speaking, I went back and tried to check every claim by Senator Hill, the Prime Minister and the Foreign Minister, and I have not found one example of them using those terms. Where do the terms 'massive' and 'mammoth' derive from?

Mr Wilkie—I recall that members of the government have used both of those terms. Off the top of my head I cannot recall.

Senator ROBERT RAY—But you cannot today attribute those terms to the three responsible ministers?

Mr Wilkie—I can remember very clearly. In fact, as recently as yesterday I was reading a transcript of an ABC program where Richard Butler was being interviewed, and he was actually taking the Prime Minister to task for the use of the word 'mammoth'. So I have no doubt that the

Prime Minister used the word 'mammoth', and I seem to recall that the Prime Minister even used the word 'massive' at one stage.

Senator ROBERT RAY—They may have used the words 'mammoth' and 'massive', but I cannot find that in relation to their claims about weapons of mass destruction. I have done a pretty thorough search, as you would imagine, to make sure every pearl of wisdom of these three eminent people can be measured off at a later date, and I cannot find 'massive' or 'mammoth' anywhere there.

Mr Wilkie—Off the top of my head I cannot recall the exact press conference or interview or whatever it was, but I do not use those two words lightly. I do recall that both those words were used by senior members of the government. I recall that the Prime Minister used the word 'mammoth' on at least one occasion, and I think he used the word 'massive' also.

Senator ROBERT RAY—I will check that further.

Mr Wilkie—I would like to tease that answer out a little. There is a danger here that we become preoccupied with points of detail like that. The main point here is that the government made it very clear to the Australian public before the war that Iraq had a very substantial arsenal of weapons and that disarming it in accordance with the UN Security Council resolution was a priority—so much of a priority that the weapons inspectors themselves could not be given a little more time to continue their search. In fact, I note that the coalition has now been searching for those weapons for about the time they gave the inspectors.

I am sure those two words were used, but the point is not the exact word; the point is the impression they were certainly communicating to the Australian people. We were sold the war on the basis of Iraq having a very large arsenal of weapons and it only being a matter of time before some of those weapons would be passed to terrorists. The reality is that not only has a large arsenal not been found but in fact no arsenal has been found. It is that gap between there and there which is the key issue.

Senator ROBERT RAY—It is for our committee, that is for sure. You said that the government fabricated the truth in regard to the Niger story. I am not misquoting you here, am I?

Mr Wilkie—No.

Senator ROBERT RAY—You said that ONA knew, that Defence knew, that Foreign Affairs knew, and you believe it is not credible that not one of them told their relevant minister. You obviously have not had a look at the children overboard inquiry, but we will let that go through to the keeper! But there are other instances, aren't there, of people not being told? Can I just quote you one, which you may or may not know about?

Mr Wilkie—Yes.

Senator ROBERT RAY—Ambassador Wilson goes to Niger on behalf of the Americans to check out the claim. Basically—I do not think I am verballing him—he discovers that the claim is nonsense. But now it emerges that they never told the British that. Is that your understanding? Clearly, through a variety of evidence, such as hearings and newspaper articles which have not

been denied, it appears that the Americans never told the British of Ambassador Wilson's visit. In fact, the British assert they did not even know that he went. There is one example of information not being passed on, which may even be relevant in this case—these three agencies may not have passed that information on.

Mr Wilkie—I am pleased we have jumped straight to the Niger story because it is important to remember that in the build-up to the war the Niger claim was basically the last piece of supposedly credible evidence that Iraq was trying to reconstitute its nuclear program—because by that stage the claim that those thousands of aluminium pipes were for a gas centrifuge program had been well and truly discredited. So the Niger story was very important. The fact that Joe Wilson went to Africa and found it to be discredited was a vitally important piece of information. I recollect that ONA were aware that there was a question mark over the story in 2002, but I note that ONA have said in a statement that they became aware of it in 2001. It is interesting to note that a Mr Greg Thielmann, formerly of the CIA's INR organisation, has also said publicly that his recollection is that that information was shared with US allies some time during 2002.

Senator ROBERT RAY—I will just stop you there to say—because not everyone will know this—that INR is virtually the ONA of the United States. It is situated in the US State Department and does the same task. Sorry to interrupt.

Mr Wilkie—Yes, thank you. In fact, it is very similar to the ONA in a number of ways, if only because it is small and does the same sort of work. In fairness to INR, I should point out that it took a much more moderate position on Iraq compared with its colleagues in the CIA. Certainly, people in INR—and, in particular, Greg Thielmann, who was in a senior position in the relevant part of INR and whom I have spoken to in recent months—had well and truly discredited the aluminium pipes story, and they knew in 2002 that the Niger story had been discredited.

Senator ROBERT RAY—We are now trying to look for a link back to Australia. You are saying that ONA knew of Ambassador Wilson's visit, are you?

Mr Wilkie—They may not have been aware of Joe Wilson's visit because, as I am sure you would appreciate, even though we do get a lot of raw intelligence, a lot of the material like that would be routinely rolled into an assessment or some sort of broader piece. So ONA might not have been aware that a fellow called Joe Wilson went to Africa, but I believe ONA were aware at some point in 2002 that there was a big question mark over the Niger claim. Of course, ONA have acknowledged that they did know—they say in January; I say in 2002. Again, I think that the important point here may not be the exact date; the important thing is that ONA, Defence and DFAT all knew before the Prime Minister stood in the House of Representatives in early February and referred to that piece of information. I think that is the most important thing.

Senator ROBERT RAY—With due respect, Mr Wilkie, that may be true, but that does not actually support your claim that Mr Howard was guilty of fabrication. What he said on 4 February was:

On the basis of the intelligence available, the British Joint Intelligence Committee judged that:

… … …

Iraq continues to work on developing nuclear weapons—uranium has been sought from Africa that has no civil nuclear application in Iraq ...

That is the quote. The missing link here, if you like—I am not saying one way or the other—is: was he told? Because if he was not told, he did not fabricate it. All he is doing, maybe with some gullibility, is merely quoting from the British dossier. You do not have any evidence, do you, that he was in fact told?

Mr Wilkie—No, I cannot refer to a specific report or pull out a specific report.

Senator ROBERT RAY—And to your credit you did not take any, so that is good.

CHAIR—On that point, if the Prime Minister, the Minister for Foreign Affairs or the Minister for Defence were making a major statement, wouldn't the draft of that statement be checked with ONA?

Mr Wilkie—Sometimes. I am not certain, but I thought the Prime Minister's 4 February address to the parliament might have been run past ONA. I cannot say that for sure, and I did not see it.

Senator ROBERT RAY—But, to follow up on the Chair's question, can you answer this: when the Prime Minister is placed in a position where in good faith he makes a statement, it would be incumbent then on ONA, the Department of Defence or the Department of Foreign Affairs—and any other agencies that had absolutely contrary material—to directly contact the Prime Minister's department at least to point out the error.

Mr Wilkie—That is a very important point you raise. When the Prime Minister made the statement in early February I find it impossible to believe that no-one contacted the Prime Minister's office and sought to correct the record. My gripe is not with ONA. I want to make it quite clear that ONA is an excellent organisation and Kim Jones in particular is a very fine man—I have a huge amount of respect for him. I cannot believe that Kim in particular and others would have not raised it with the Prime Minister's office after he made that statement in the House of Representatives.

Senator ROBERT RAY—We know from other evidence in another committee that they were fairly slow—from 8 November 2001—to raise certain faults of the National Press Club comments made by the Prime Minister, weren't they? It was after the election that they were raised. You can let that go through or respond if you want to.

Mr Wilkie—I will follow the issue a little, if you do not mind, Mr Chair. I have spoken in some detail today and at other times about how I think the intelligence community did a reasonably good job and provided reasonably measured assessments. Of course the question then is—they were saying this and this was what was said—where does the fault lie? Is it the man who says it that is making the error or is it somewhere short of him? Let me explain—and I think most of us would be aware of this—that the way it works is that when ONA produces a report, copies of that report go directly to the Prime Minister's office and the foreign minister's office. They do not go through their departments. So there is no middle man. On an important issue, probably the first person who might see, look at and review one of these reports might be the

Prime Minister's foreign policy adviser or someone of that sort of position. It is a very, very short route and a very direct route. There is little opportunity for the information to get garbled, misconstrued or misunderstood. I am saying that a lot of the material on Iraq was pretty good, considering the circumstances, and I do not think the fault lies in that part of the process.

Senator ROBERT RAY—But wouldn't you say that at least 90 to 98 per cent of the material that ONA was analysing et cetera was product from overseas and that they were merely reinterpreting it or passing it on? It stands to reason simply geographically that we would have had virtually no direct raw intelligence ourselves.

Mr Wilkie—ONA received most of the raw intelligence that the allies were producing on Iraq. I am sure you would appreciate that it was a huge amount of information. Most of it was just sitting in an electronic database. People say, 'You didn't see all the information.' I do not think anyone saw all the information. There was a vast amount of information sitting there. You would do a detailed search through a system—a bit like Google, I suppose—pulling down a specific piece of information that you might want. ONA's resources on the Iraq issue were not large enough for anyone in ONA to see that whole database. Being so small, ONA would have relied heavily on the assessments done by our allies.

Senator ROBERT RAY—I have a number of other questions but I will come back to them later.

Mr Wilkie—Prior to the commencement of the war and to the activation of the National Intelligence Watch Office, when a large number of people piled onto the issue, there would only have been a couple of analysts working on it full time. A lot of the time there was only one analyst working on it full time, who would be drafting material checked by maybe only one branch head and then going virtually straight through to the Director-General. My point here is that it is a very tiny capability and it is perfectly understandable why they need to rely heavily on the work done by our allies and their assessments.

In the case of Iraq, that made ONA, I believe, vulnerable to any sort of imperfection or weakness in the analysis done by our allies. I think that helps to explain why ONA probably did overestimate a little the threat posed by Iraq. At the end of the day, it was either intelligence failure or government failure—or they mysteriously destroyed this arsenal of weapons just before the war. I think most people would be a little wary of the fact that they could have destroyed this large program so quickly. It is either intelligence failure or it is a failure of government. I think the intelligence community will be found to have overestimated the threat a little. I am seeking to help us to understand why they might have. I think the point is that it is a very small agency with not a lot of people. Prior to the war this was a very narrow issue. I think that helps to explain it.

Mr LEO McLEAY—You have just said that in ONA there were only two or three people dealing with the issue of Iraq. Am I correct on that?

Mr Wilkie—No, what I was getting at was that—

Mr LEO McLEAY—You might tell us how many people in ONA were dealing directly with issues about Iraq?

Senator SANDY MACDONALD—There is no way he can answer that.

Mr LEO McLEAY—Are you answering the question or is he?

Senator ROBERT RAY—He is helping you.

Mr LEO McLEAY—I'll put you on oath and you can answer the question.

Mr Wilkie—Prior to the activation of the National Intelligence Watch Office, there were a very small number—one or two—depending on the actual issue which was being looked at on any one day. Sometimes other analysts would come in and help out on specific issues—just as I came in and did the assessment on the potential humanitarian implications.

Mr LEO McLEAY—Around the time of the National Press Club speech by the Prime Minister, how many people would there have been in ONA dealing with Iraq?

Mr Wilkie—There are two parts to the answer, I think. There was the broader group, of which I was a member, who were gearing up to work on it, following it, and working on specific aspects from time to time—just as I worked on something in December. I can think of one analyst in particular; there may be one other—maybe a couple working on it virtually full time.

Mr LEO McLEAY—There were a small number of people. You have also said that it is a pretty short route from ONA to the PM's office; that there is no-one in between.

Mr Wilkie—Correct.

Mr LEO McLEAY—But in your opening statement you said that the Prime Minister fraudulently used the Niger story, that the government massaged the intelligence, and that the government used the issue of al-Qaeda and Iraq when there wasn't one. If ONA had been providing that information to the government in this very short route, where is the failure? Where is your evidence that that is what did happen? If your evidence is that ONA was providing counter information to the government that there was no evidence of al-Qaeda involvement in Iraq and that there was no truth in the Niger story, then the failure is either that Kim Jones did not tell or someone in the Prime Minister's office did not tell—or the Prime Minister told a lie, as you say. To say to a parliamentary committee that the Prime Minister has lied is a pretty strong statement. Can you give us some evidence to back that up?

Mr Wilkie—I imagine that the evidence will be clearer to the committee when you start to look at the reports in closed session. I assume you will look at the reports prepared by the Office of National Assessments. Talking generally for a moment, you will see when you look at those assessments that ONA consistently took a reasonably measured position on the threat posed by Iraq. In fact if you go back over years of ONA assessments to at least 1999, when I first became interested and familiar and started to be associated with these subjects, you will see that as far back as 1999 there was a certain scepticism expressed by ONA on the views being expressed in the US. My point here is that ONA consistently took a reasonably sensible and measured line and never went so far as to present the Iraq threat in the way in which it was presented publicly by the government. I hope that if you see the material you will see that there is a gap between the advice being offered by ONA and the public statements—not just the public statements made by

our government but also our government's endorsement of statements from overseas, particularly Colin Powell's address to the Security Council in February and the British dossier of September last year. There is a gap there. You will see that there are much greater gaps on some issues. ONA was always very sceptical of US claims about links between Iraq and al-Qaeda in particular.

Mr LEO McLEAY—And you are confident that that is reflected in the final product that went from ONA to the Prime Minister's office?

Mr Wilkie—Yes, I am confident that there is a gap between the assessment provided by ONA and the more extreme view being aired publicly by our government and captured in the public statements which were endorsed by our government.

Mr McARTHUR—Are you saying that the information from ONA to the Prime Minister was accurate and clearly identified what ONA were saying? You are not quite answering the question.

Mr Wilkie—Can you clarify that?

Mr LEO McLEAY—I guess my colleague is not quite sure where I am going. The sum of my question to you is this. If this committee were to ask ONA for their end product, could you confidently assure us that we would see ONA advising the government, while the government was saying things to the contrary, that there was no cogent evidence that Iraq was procuring uranium from Niger and no cogent evidence that Iraq was dealing with al-Qaeda and terrorist organisations, that there were other issues on which ONA were putting forward a line quite a different to the line taken publicly by the government and that that information was given directly to the Prime Minister's office?

Mr Wilkie—In essence, yes. I feel confident that if you were to look at the ONA reports produced over a period of time leading up to the war you would see a clear gap between the judgment or the assessment of ONA and the more extreme position taken by the government publicly. When you look at specific things you will see that they are all over the place. When I say 'talking generally' I mean you will see that the essence of ONA's work is short of the essence of the government's position publicly. As I said in my opening statement, most often that gap appeared simply through the government making the situation appear less ambiguous.

It is very important to understand here that, despite years of intense intelligence collection on Iraq, there were still significant intelligence gaps. Two come to mind: the substantial intelligence gap on what happened to the weapons that were unaccounted for, as described by Mr Butler; and another substantial intelligence gap on what Iraq got up to between 1998 and 2002, when the inspectors were out of the country. Those intelligence gaps had to be filled, by necessity, with assumptions built on sometimes very flimsy evidence—often evidence that was not hard enough to come up with a really clear, confident call on something. Hence, when the assessments were describing those periods, they would be full of words like 'could', 'possible', 'maybe' or 'can't be ruled out'. The exaggeration crept in when that ambiguity was removed by the government during its public statements and was removed from the allied documents that were effectively endorsed by our government.

Mr LEO McLEAY—But you are saying you would be confident that that ambiguity would be in the ONA reports to the government?

Mr Wilkie—Yes, absolutely; and in particular in regard to Iraq's nuclear ambitions and links with terrorism. I am sorry if I am heading off on a bit of a tangent here, but you need to be careful when looking at this—don't just look at it as 'the Iraq issue'. You need to break it down, and I suggest that you need to break it down into chemical and biological, nuclear, and terrorism. You cannot even look at weapons of mass destruction as one issue. I do not think there is any doubt—there was no doubt in my mind—that Iraq had an active chemical and biological program; although I believe—and the tone of the ONA work was—that it was disjointed and contained and was not the sort of national WMD program that Iraq had prior to the 1991 Gulf War. But that is probably what we will find evidence of, and we might even find some chemical and biological weapons.

When I described the program as disjointed and contained, I was very much thinking of that chem/bio. But there was still some ambiguity in there. In particular, there was ambiguity in regard to the final stage of that program—that is, weaponisation. The evidence of actual weaponisation was weak. That helps to explain why I said 'contained'. They had dual use facilities, they had research, they had interests and they may have had something in production, but there was not the sort of large weaponisation that was occurring pre-1991. That issue is very much an issue of the way it was exaggerated. When it comes to nuclear and terrorism, there was much more uncertainty about what was going on. Those are the areas where the intelligence gaps had been backfilled with a number of assumptions, which I do not believe are backed up by hard intelligence.

Mr LEO McLEAY—So you are essentially saying that what happened in Australia is the allegation about what happened in Britain: that the government manipulated the raw intelligence information to get a political outcome that suited them?

Mr Wilkie—Yes, I will go that far as to say the government misused the intelligence they were receiving to make the point they wanted to make.

Mr LEO McLEAY—And here in Australia, that was a very short route direct from ONA to the PM's office?

Mr Wilkie—Yes. I see where you are trying to take me and I will go there. I will go so far as to say that the material was going straight from ONA to the Prime Minister's office and the exaggeration was occurring in there—or the dishonesty was occurring somewhere in there. I do not know what has been said behind closed doors—I am not blaming anyone in particular—but I am saying the problem was generally not within the intelligence agencies, it was after the information left the intelligence agencies. I would go as far as to say that.

Senator ROBERT RAY—I will just clear up one thing. You use the words 'massive' and 'mammoth'. I could not find them, but I have found both quotes now. They do not actually refer to the amount of weapons of mass destruction, so neither you or I are wrong. I will put the quotes on the record.

Mr Wilkie—Thank you for that. I cannot recall where—

Senator ROBERT RAY—The Prime Minister was talking about chemical and biological weapons, and he said:

... biological weapons which, even in minute quantities, are capable of causing death and destruction on a mammoth scale.

What the Prime Minister said may have been in regard to a minimal amount of weapons of mass destruction that can cause mammoth damage. That is quote No. 1. Quote No. 2 is from the *Hansard*. The Prime Minister said:

In 1995, the international community was confronted by Iraq's massive program for developing ...

That is 'program' rather than 'acquisition'. I thought we would put that on the record, because I had queried your use of the two words.

Mr Wilkie—Thank you for that, Senator, but I would make the point again that I do not think you are disputing the fact that the way it was pitched by the government in the build-up to the war was in such a way as to give people the impression of a very big and very substantial arsenal of weapons.

Senator ROBERT RAY—No, you are missing the point. I would be horrified to think my research had not turned over those two quotes, as you had actually put them to the committee. I just wanted the accurate versions.

Senator SANDY MACDONALD—Mr Wilkie, in your opening statement, you had some very strong words about the government's credibility and attempts to denigrate you personally. It is certainly not part of the committee's role to rebut those, but I take them as received. However, as a corollary of that, your own professional credibility is on the line here too. So I want to take you back to the role that you had in ONA and follow on from what Senator Ferguson said—that you had written one report which revolved around Iraq and its possible use of WMD. Did your one report conclude that Iraq had a WMD capability?

Mr Wilkie—Good question. Yes, it did, and I have never said otherwise in the 5½ months since I resigned. I said as much in my opening statement—that I still believe they had a disjointed and contained WMD program, and I still believe evidence of that will be found.

Senator SANDY MACDONALD—Didn't your report suggest that Iraq could use chemical and biological weapons on its own people?

Mr Wilkie—Yes.

Senator SANDY MACDONALD—Did your report also suggest that there would be a mass panic of refugees who had fled his biological weapons, and has that turned out to be correct?

Mr Wilkie—You are obviously quoting from the report. Yes, I make the point again that I said, and I still believe, that Iraq had a limited and disjointed WMD program and that one of the things that could go wrong was the use of those weapons against not only coalition forces but also Iraqis as part of some sort of form of retribution or scorched earth policy or to overwhelm

the coalition or aid agencies for any number of reasons. My job when writing that report was to talk about the things that could go wrong so the government could make an informed decision.

Senator SANDY MACDONALD—So regardless of what you think about the arguments for or against the war with Iraq, you believe that Saddam Hussein had weapons of mass destruction and the capability of using them?

Mr Wilkie—I am surprised that you are going down this path, because I have said and acknowledged from the start that he had a disjointed and contained WMD program. I have never disputed that. What I have disputed consistently is that the government exaggerated that threat and supported the exaggeration in Washington and London to give the impression that it was not just a regional threat but a global threat. They were painting a picture of a much more substantial arsenal of weapons.

Senator SANDY MACDONALD—If I appear a little confused, perhaps you have been a little confused, because I will quote to you something you said in the *Sydney Morning Herald* on 31 May:

The fictions about Iraq's weapons program could be a best selling fairytale ...

Yet, in the *Bulletin* article on 18 March you are quoted as having said:

There is no doubt they have chemical and biological weapons ...

Mr Wilkie—I do not see what the problem is here. I described and acknowledged dozens of times a disjointed and contained program but a program nonetheless, and I have acknowledged time and time again that evidence of that program will probably be found. I would need to read that paragraph to get the context, but I am sure the fiction I was referring to was the way in which that disjointed and contained program was being marketed publicly. I do not see any contradictions or inconsistencies in what I have said, from what you have just quoted.

I would just make the point that, frankly, I am staggered that the government is still trying to discredit me by saying, as you implied then, that, having written only one report, I was not close enough to the Iraq issue to know what I am talking about. I have gone through and explained what I did in some detail. I am not the person in the dock here. This court is not to find out whether Wilkie is telling the truth or not. The government is in the dock because, before the war, we were all told that we had to go to war because, if we did not go to war, Saddam Hussein would use his weapons of mass destruction. We were told that he was a threat to global security and he would pass those weapons to al-Qaeda. The government is in the dock here, not me. In fact, if you line up the things I said before the war, most of them are still holding up pretty well.

Senator SANDY MACDONALD—What access to primary intelligence material on Iraq did you have?

Mr Wilkie—That is a fair question. I will not go into the details of how the compartmentalisation works but, in particular because Iraq featured in humanitarian people flows and so on and I was required to be across the issue, the word 'Iraq' was in my string of search words. That gave me unrestricted access to the normal database, which included Iraq. I

acknowledge, as I have acknowledged before—I acknowledged this in London, I think—that there was a very small amount of information I did not see because I was not one of the one or two analysts working on it full time. I acknowledge that.

Senator SANDY MACDONALD—How many analysts were there in the Iraq Task Force?

Mr Wilkie—Once the war started or in the build-up to the war?

Senator SANDY MACDONALD—Prior to your resignation. It was about the same time, wasn't it? The war started about 11 March and you resigned on 11 March.

Mr Wilkie—I resigned on 11 March. The National Intelligence Watch Office must have started about then. I had been in a meeting at 4.30 that day putting the finishing touches to how it would run. I think it was just a handful—

Senator SANDY MACDONALD—You made mention of the fact that there was a sway of evidence that no-one could possibly get across. I guess my question is about the amount of quality intelligence that you did not have access to. Did you have access to the UK dossier in draft form before it was released publicly?

Mr Wilkie—No, I do not recall seeing it. Do you mean the September dossier?

Senator SANDY MACDONALD—Yes.

Mr Wilkie—No, I did not, but what is the relevance of that question?

Senator SANDY MACDONALD—I was just interested to know. It flows from my previous question. What is your view of the amount of quality intelligence that you did not have access to?

Mr Wilkie—I would describe it confidently as tiny compared to overall volume of information available. Given what has been discovered in Iraq since the war and given that it has been identified as a problem—so much so that this committee is now addressing it—I am not sure that the tiny amount of information I did not see would have been particularly useful.

Senator SANDY MACDONALD—You said that you did not have access to that UK dossier before it was released. You did not make a single public statement on the dossier until doubts were expressed in the media many weeks after you left ONA. If you had such doubts about the dossier, why did you not express them at the time of your resignation? You made a considerable number of public comments at that time.

Mr Wilkie—I do not think there is anything mysterious in that. There were lots of things to talk about. Also, the media only grabs and uses the bits that they think are most interesting when they put their bulletins together. I have spoken about and offered opinions on a vast amount of things that have never been reported. I cannot recall if I spoke specifically about that dossier. You are obviously seeking to discredit me by saying that I did not talk about the dossier—

Senator SANDY MACDONALD—Do not get paranoid, Mr Wilkie. From what I have seen, the government has never chosen to denigrate you personally. You raised a number of personal problems; that is not my interest at all. So do not suggest that that is my line of questioning, because it is not.

Mr Wilkie—I am curious to know what you think the breakthrough is here about me saying that I probably or maybe did not talk about the—

Senator SANDY MACDONALD—I think that you are entitled to answer it as you like, and you did. You said that there was a mass of information that people wanted your opinion on—and list everything. There is a whole range of ways that you might answer that.

Mr Wilkie—Frankly, I cannot recall whether I made any comment about it or not. There were lots of things to talk about, so I do not know that that is a particularly—

Senator SANDY MACDONALD—In your time in ONA were you personally involved in clearing texts of government speeches?

Mr Wilkie—No; I do not recall ever doing that.

Senator SANDY MACDONALD—As a general comment, are you saying that all your peers, including the UK and US intelligence agencies, were wrong in their assessments?

Mr Wilkie—No, I am not saying that at all. In fact, in some ways I am saying something quite different here. I have all along said that the Australian intelligence community—more so than the US and the UK intelligence communities—did a pretty good job on the Iraq issue. They were dealing with, sometimes, some awful raw intelligence, and, sometimes, some weak and skewed foreign assessments. I think it is to the credit of the Australian intelligence community that the line they took on Iraq was more measured than that of our allies, and it often was pretty good. Having said that, I think that they will probably be found to have overestimated the threat to a degree. In fact, it may even be that I overestimated the threat when I judged 'disjointed and contained' for the WMD. So I have never criticised them for doing a bad job; I have consistently criticised the government for exaggerating the threat.

CHAIR—I just want to get myself clear on this. Within your criticism of the government, do I assume that you were saying that we should never have gone to war, or are you saying that perhaps we jumped in too quickly?

Mr Wilkie—The latter. I am not a peacenik; I see a role for force. But I believe strongly that it must always be the option of last resort. I think you will recall that I had three fundamental concerns. The third one was that I thought that we were prepared to go to war before all options had been exhausted; specifically, that Blix had hoped to have more time, and the coalition was not prepared to give him more time.

Senator SANDY MACDONALD—When did you decide that you were feeling uncomfortable with the assessment that ONA was making?

Mr Wilkie—I do not know when I first started to get restless; I suspect it was subconscious initially. One of the first times that I can now recall that I was made quite restless by the subject was probably doing that report in December because that was very much the first time that I really got into the subject and really started to look at it and form some opinion.

Senator SANDY MACDONALD—You have said that you admired the leadership of ONA and that you admired the professionalism of ONA. Did you discuss those concerns with superiors and other people in ONA?

Mr Wilkie—No. That is a fair question. No, I did not. Some people have criticised me for not raising it with them. My explanation is that, as soon as I started to feel restless about this subject, at about the same time I started to understand that the cause of my restlessness was so at odds with the view in ONA and so at odds with the nature of the organisation of the agency that I—

Senator SANDY MACDONALD—At odds with this organisation that you hold in the highest personal regard? So you are testing your professional views against the organisation that you have said, on a number of occasions this morning, you believe is first rate.

Mr Wilkie—It is a first-rate organisation. With someone holding the clearance I did and handling the sort of material I did, they would have been very uncomfortable with me raising such concerns.

Senator SANDY MACDONALD—You have mentioned the clearance that you had—a positive vet—which we are aware of. You resigned on 11 March. When did you speak to the media?

Mr Wilkie—That is a fair question. I approached Laurie Oakes on 7 March, which was contrary to my code of conduct; I acknowledge that.

Senator SANDY MACDONALD—So for four days you were in the planning processes of the Iraq Task Force, having spoken to the media about your opposition to the war and the inability of ONA to give what you thought was a balanced and appropriate view of Iraq's weapons of mass destruction?

Mr Wilkie—You are putting words in my mouth.

Senator SANDY MACDONALD—I am asking you. You explain it.

Mr Wilkie—I make the point again that ONA did a pretty good job and continued to provide a reasonably measured stream of reporting on this subject. My concern was not with ONA. I am not a disgruntled employee. I would go back and work at ONA tomorrow if I had the opportunity. I walked away from a job I loved. It was one of the things that was very difficult for me. My concern was with the way I judged the government to be exaggerating the threat.

Senator SANDY MACDONALD—You are playing with a straight bat now and I think we are playing with a straight bat. The only thing is that the chain of events that you explain just does not make sense. You are the odd man out. You say it is a first-rate organisation that had a whole phalanx of advice coming to it. It made an assessment. You were the odd person out. You

disagreed with it and you did not go to your superiors and ask for an explanation and ask to discuss it. It is not a commonsense approach to handling the situation.

Mr Wilkie—I disagree that it was not a commonsense approach. I could not have continued to work at ONA once I realised that my personal views were so at odds with ONA's views. ONA is an intensely professional organisation—they pride themselves on that. They are a good organisation. I acknowledge that what I did was completely contrary to my code of conduct. I acknowledge that. I do not apologise for it; I just acknowledge it. But when this issue came along I felt that the issue and my concerns about the government's dishonesty were more important and much greater than my belief that I would be acting contrary to my code of conduct. There was no doubt in my mind that I would be sacked or that I had to resign.

Senator SANDY MACDONALD—I am not sure if this is something you said before the British committee, but you said on 20 June 2003:

The British claim of getting weapons of mass destruction away in 45 minutes is absurd ...

Having listened to Dr Butler this morning, do you believe that assessment is still correct?

Mr Wilkie—Yes, I still believe the 45-minute claim was absurd. I think it has been reported in the media fairly recently that that was based on one uncorroborated report—one uncorroborated piece of human intelligence, I think. I am going from what I think I read in the newspaper. I think it was absurd because that claim was asking us to believe that the Iraqi WMD program was mature and that it had everything from know-how to facilities, research, manufacture, weaponisation, distribution and war-fighting doctrine—that it was a mature WMD program.

I do not believe that that overarching claim is backed up by the hard intelligence. In fact, when I was talking about the intelligence gaps before, one of the big things that was missing, particularly from that later gap, was evidence of weaponisation. I think that that process from start to finish was incomplete. The inference that it was complete and that they had all these weapons out there in stockpiles ready to go did not ring true to me. It seemed absurd. People can agree or disagree with me, but if it had been a mature program like that on the sort of scale that we were led to believe then something would have been found by now, and it has not.

I come back to the key point here, which is that we were all sold a war on the basis of Iraq having a massive, mammoth, substantial, big, threatening arsenal of weapons and cooperating actively with al-Qaeda in particular. We are now here and that has not been found. So how do we explain that? We cannot get away from that huge gap. I am saying that the government exaggerated the threat. If I am wrong and if the government did not exaggerate the threat then what are the alternatives?

Senator ROBERT RAY—The alternative is: insufficient intelligence from the people we pay to give it to us.

Mr Wilkie—I say that, when you review ONA's assessments in particular, you will see that ONA took a clearly more measured line than what was being said publicly by the government. In particular, the most common problem was—it is the least glamorous, exciting and dramatic way of doing it, but in some ways it is one of the most effective—that the government exaggerated

the threat by taking the ambiguity out of it. For the want of changing a few words around—the way that the US leadership talked about a mushroom cloud; painting a picture like that—for the want of some subtle little changes, the threat was rebuilt.

CHAIR—In other words it was 'sexed up'?

Mr Wilkie—Yes, it was sexed up.

CHAIR—To follow that up: in your dealings with prime ministers' or ministers' departments before, have you ever had any experience where that information or that speech was in fact sexed up?

Mr Wilkie—Not personally.

CHAIR—Would you know of other instances where what might have gone over was embellished?

Mr Wilkie—In regard to other issues?

CHAIR—Yes.

Mr Wilkie—I do not recall any off the top of my head. I do not know whether that is particularly relevant.

CHAIR—I was wondering whether this was a pattern and whether you have an Alastair Campbell sitting somewhere.

Mr Wilkie—I am not claiming to know about other issues; I am claiming to know about Iraq. I am saying strongly, time and time again, that the government exaggerated the threat. Sometimes the exaggeration—in particular with respect to chemical and biological weapons—was exaggerating something that probably does exist. But when we started to talk about nuclear weapons and terrorism, the exaggeration was so great it was clear dishonesty.

Senator ROBERT RAY—What you have said is that you still expect some chemical and possibly biological stocks or weapons to be found, but they are of such a scale—that is the crucial question when it comes back to the claims made.

Mr Wilkie—I think that is the crucial question. It is the issue of scale.

Senator ROBERT RAY—Scale equals threat.

Mr Wilkie—I think so. I still believe that they had a limited and disjointed chemical and biological program. I still believe evidence of that program will be found. I will be very surprised if it is not.

Senator ROBERT RAY—You mentioned before that the Bureau of Intelligence and Research of the US Department of State took a more measured view than the CIA. A lot of

people would then argue that the CIA took a much more measured view than the Office of Special Plans.

Mr LEO McLEAY—And they all took a more measured view than Donald Rumsfeld.

Senator ROBERT RAY—And people may extend that further. I think this is a factual question that you can answer: ONA would have had a liaison officer at the Bureau of Intelligence and Research, wouldn't they?

Mr Wilkie—No. I think there are some changes under way with the overseas arrangements, but when I was there were only two full-time, or virtually full-time, ONA LOs: one in Washington and one in London. The Washington LO liaised with all agencies. The main focus was obviously CIA and INR.

Senator ROBERT RAY—My point is that the ONA officer does liaise—maybe not full time—with the Bureau of Intelligence and Research?

Mr Wilkie—Yes, it does.

Senator ROBERT RAY—Similarly, there would be liaison relationships with the NSA, CIA, FBI and DIA. I raise that because there is emerging evidence that in some of these agencies, on some issues, there was doubt. There was certainly doubt about the Niger claim—there is no question that the CIA sent two emails and made one telephone call around 6 or 7 October last year on that. Given that fact, wouldn't our liaison officers have picked up those doubts and sent them back to Australia?

Mr Wilkie—The normal intelligence sharing arrangements work pretty well. It is set up electronically and stuff just flows, and normally fairly effectively. On top of that there is the personal touch of the ONA LO, which is a good safeguard because he or she spends his or her days visiting all these people, picks up a lot of information, and normally would send it back in a classified email or a cable.

Senator ROBERT RAY—When you say 'picks up a lot of information', I put it to you that—because of the nature of the competitiveness of intelligence agencies—in liaising with the Bureau of Intelligence and Research they pick up the fact that that body is not necessarily happy with everything that the CIA is putting out. That is the nature of these things, especially the way they operate in America. What I am really trying to get to is: does that information come back to Australia or is it filtered before it comes back?

Mr Wilkie—Yes, he or she does pick up those subtle little things. Yes, it comes straight back, as I say, in a secure phone call, classified email or classified cable. It is that personal touch that is very important—it picks up the subtleties. It was clear in ONA that there were differences of opinion between the CIA and INR, for example.

Senator ROBERT RAY—You mentioned how small an agency ONA is, but DIO is much larger and would be able to provide pretty much quality advice on some of these issues, I would have thought.

Mr Wilkie—Yes, you probably answered your own question.

Senator ROBERT RAY—We have a habit of doing that. Forgive us. My next question is a broad philosophical one: should governments, in justifying particular actions, quote intelligence agencies—not necessarily quoting the specifics of an intelligence report but saying, 'We have received intelligence on A, B and C'—knowing that they can never, not even at this committee, be held fully accountable by anyone? I cannot think of anyone within the institutions of Australia who can hold the Prime Minister, the foreign minister and the defence minister accountable for quoting intelligence sources—other than the National Security Committee of cabinet, which is a bit incestuous. Is this a problem?

Mr Wilkie—It is a problem that there is now an expectation amongst the public that intelligence can and should be quoted and used to build a case. That is a problem because the reasons that intelligence has not been used like that in the past have been quite legitimate concerns about compromising capabilities and sources and so on. There is also the problem that, because of the ambiguous nature of some types of intelligence, it can be misunderstood if not used properly in the public media. It can be misused in the public media. An example was the imagery and the signals intelligence that were used by Colin Powell in the Security Council on 5 February; I think some of that was not used totally honestly. I was just reading yesterday some of the excerpts from signals intelligence about cleaning up the waste dumps and so on. That can mean all sorts of things. That has been a bit of a problem with this Iraq issue—the way governments can pick and choose those pieces of intelligence which help them to make their case.

Senator ROBERT RAY—Isn't it the problem at the moment that we have never made clear this fundamental point that intelligence does not equal evidence?

Mr Wilkie—That is a very good point. At the end of the day, particularly on a tough target like Iraq, it is invariably so ambiguous that it does not build an ironclad case.

CHAIR—Thank you very much for your attendance today, Mr Wilkie. We will be in touch with you if we need any further information.

[12.08 p.m.]

JAMES, Mr Neil Frederick, Executive Director, Australia Defence Association

CHAIR—Welcome. Although the committee does not require you to give evidence under oath, I should advise you that the hearings are legal proceedings of the parliament and warrant the same respect as proceedings of the House and the Senate. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. Do you wish to make some introductory remarks before we proceed to questions?

Mr James—Yes please. Some of my answers to questions may entail my providing evidence based on my extensive personal experience as a career intelligence officer. Where necessary I shall indicate to the committee where my views may not necessarily reflect the position of the Australia Defence Association, chiefly because the ADA does not necessarily have a formal view on every issue that might arise in questioning this afternoon. I also note at this juncture that my answers to some of your questions may be somewhat circumscribed by security considerations. If this occurs I may need to suggest that some of my evidence be provided in camera.

The ADA thanks the committee for the invitation to make written and oral submissions to this important inquiry. As noted in the association's formal submission, the ADA was founded in Perth in 1975 by a retired RAAF chief, a leading trade unionist and the director of a business peak body. The association is proud of its established reputation as Australia's only truly independent and bipartisan community watchdog and think tank on national security issues.

The association would like to preface this oral submission by making six quick points. First, the ADA formal submission was prepared by personnel with extensive experience of working in, or with, all six intelligence and security agencies. Second, the ADA notes that the staff of Australia's intelligence and security agencies, due to the very nature of intelligence work, often have difficulty in airing professional issues in a public domain. Since the committee authorised the posting of its submission on the parliamentary website, the ADA has received numerous telephone calls, emails and other contacts from staff within three of the six agencies. It has also had numerous contacts from retired staff from four of the agencies and from several senior customers of intelligence over the last 30 years. All these contacts have expressed strong support for the ADA's submission.

Third, as our formal submission notes at length, the cultural, structural, work practice and leadership problems afflicting the Australian intelligence community are not confined to Australia's handling of the issue of Iraq's weapons of mass destruction. Many of these problems are longstanding and require urgent attention. We continue to face a long struggle with transnational terrorism by extremist Islamic groups. Reforming the culture, structure and practices of our intelligence and security agencies is an essential part of winning this struggle.

Fourth, the association strongly supports the recent public comments of the Director-General of ASIO, Mr Dennis Richardson, pointing out that additional funding alone will not increase the capacity of his agency, as we cannot conjure up experienced intelligence officers overnight. DGASIO's comments go to the heart of our submission about the operational importance of

respecting and nurturing career professionalism among intelligence and security agency staff. Furthermore, part of this respect and nurturing is offering them viable career paths that include senior management at all levels of such agencies.

Fifth, the ADA deplores the sensationalist and amateurish media coverage of its submission in some of the newspaper and radio coverage. The association notes that, when contacted by the media following posting of submissions on the parliamentary website, it has taken consistent and firm action to try to draw the debate back to the important real issues involved.

Sixth, when representatives of the intelligence and security agencies provide their oral submissions, we fully expect that some agencies will seek to deny the thrust of our submissions or to quibble with some details in the content. We also have a concern that the leadership of at least one of the agencies we have objectively criticised in our submission may not always respond in the same vein. The ADA are happy to appear before this committee again to clarify our submissions in the light of such attempted refutations, should the committee so desire.

Finally, Mr Chairman, thank you again for inviting the ADA to provide submissions to your inquiry. We hope the content of our formal submission, and especially the broad recommendations at its conclusion, are of assistance to the committee's inquiry and subsequent deliberations.

CHAIR—I assume that reference that you made to the trivialisation of your submission by some sections of the press had to do with the statement about too many journalists being employed.

Mr James—No. That was part of it, but we were rather disappointed by tabloid newspaper headlines about 'ADA calls spies amateurs'. We suggested that in each case they go back and actually read the submission before they write their stories.

Mr LEO McLEAY—Which agency were you talking about?

Mr James—In what regard, Mr McLeay?

Mr LEO McLEAY—In the last part of your statement, you said something about the head of one agency.

Mr James—From feedback I have received, I believe the Director of the Defence Intelligence Organisation will attempt to have a go at the ADA.

Mr LEO McLEAY—Why would that be?

Mr James—I believe that he has taken some of the criticism personally. It was not intended to be personal; it was intended to outline the longstanding cultural and structural problems in the organisation he leads.

CHAIR—But you have not missed him, have you? Your submission has been very interesting, because you refer to confused responsibilities between the agencies, the professionalism of some of the staffing, and the use of civilians in some of the top administrative

positions. Of course, there is also that reference to leadership. Would you still say, though, that we have a pretty comprehensive and effective intelligence community?

Mr James—It is effective and comprehensive. I think the key answer to the question is that we could certainly make it a lot more effective and a lot more comprehensive. We have muddled through on a number of occasions. In our submission, we have cited a couple of examples where things did not quite go according to plan not just within the agencies but also in that interface where the agencies hand over the product to policy and decision makers. As we have noted in some of the public comment recently, ironically, the way that the intelligence agencies handled the Iraqi matters was probably better than the way they have handled other matters over the last 10 to 15 years. There is a certain amount of irony to this inquiry.

CHAIR—Can you give us some indication of some of the areas—not disaster areas but areas that may not have come up to scratch?

Mr James—The best example, which we have mentioned in the submission, is probably the Timor example in 1999. There is absolutely no doubt in my mind—and, indeed, in the minds of a very large number of people we consulted in our submission—that ADF, AFP and DFAT lives were needlessly endangered because of the refusal of policy makers to accept some of the intelligence they were given before the Timor intervention in 1999. Certainly the people we contributed to the initial peacekeeping force, who went in unarmed and into very dangerous situations, should not in many cases have been placed in that situation. The intelligence had widely predicted comprehensively what the Indonesian government would do by subsidising hoodlum militias, but key policy makers in the Department of Defence and the Department of Foreign Affairs just refused to believe the intelligence.

CHAIR—You make the point in your submission that there is some difficulty in determining what the role should be for ONA. I think your line is, isn't it, that DIO should be strictly a defence agency and that ONA should perhaps be more of a civilian agency in terms of what they do and what they look after?

Mr James—Not necessarily. What came out of our analysis and our wide-ranging discussions was that we should probably go back to the original concept, which was that ONA would act as a clearing house but concentrate on political and economic matters and not attempt to duplicate what DIO would do. I think it was a good point that Senator Ray raised with Mr Wilkie: if you have a very large defence intelligence organisation why try to duplicate, to any level, a similar capability in the Office of National Assessments, particularly as ONA by necessity must be kept a reasonably small organisation in order to be efficient? One of the lovely comparisons, in looking at the number of levels of hierarchy in ONA compared to what the situation is in DIO, is between the fellow who writes the reports and the man who authorises their release.

Mr LEO McLEAY—Do you think that the ONA has tried to turn itself into the Australian version of a national security council in the US?

Mr James—I think there are probably elements within the federal bureaucracy, and perhaps even within our political system at governmental level, who are trying to use ONA for part of the national security council role. The Australia Defence Association has made no secret for some time in a number of public submissions and articles in *Defender*—our national journal—that this

country does need a national security council. One of our reasons for proposing that is that we think ONA cannot play such a role. It is only providing half of what is required. A national security council does not just consider the intelligence; it also exercises some executive authority.

Mr LEO McLEAY—What is your answer? Are they trying to or aren't they?

Mr James—I personally do not think they are trying to. I think elements within the bureaucracy are perhaps misunderstanding ONA's role in trying to treat them de facto as some form of national security agency or council.

Mr LEO McLEAY—One point of view that is sometimes put regarding the relationship we have with our major intelligence interlocutors, such as the Americans or the British, is that too much product comes this way and overwhelms the smaller Australian intelligence community. Is that a valid criticism? Is that true?

Mr James—It is certainly true of some issues. These days the databases and a lot of electronic links are so integrated that the Americans can no longer do everything they once wished they could, and they share a lot of the responsibilities among allied countries. So to some extent the problem is probably not as bad now as it was, say, 20 years ago. In regard to the Iraqi weapons of mass destruction, as we pointed out in the submission, Australia was uniquely placed among most countries in the world, apart from the United States and Britain, because we had quite a disproportionate number of senior people and technical specialists in UNSCOM. Therefore, our independent capacity to verify some of this material was probably better than most other countries.

Mr LEO McLEAY—But Dr Butler told us this morning that he was the head of it and no-one bothered to ask him.

Mr James—I think the problem there is simply that Dr Butler was the head of a UN agency and he had to detach himself from his Australian loyalties. In fact, as we allude to in the submission, one of the problems that occurred for the Australians seconded to UNSCOM was that in legal principle, and in theory, you were not allowed to communicate UNSCOM material back to Australia. For reasons based on the force protection of the contingent that we sent to UNSCOM and UNMOVIC, it was necessary for some of this material to come back. Also, because UNSCOM was required to liaise with a range of security and intelligence agencies around the world, there was always a bit of a quid pro quo process involved.

Senator ROBERT RAY—I have one minor matter first, to give us a bit of a history of the ADA. What is the current membership level?

Mr James—We would prefer not to answer that question. The actual number of members we keep confidential. The readership of *Defender* is about 2,800.

Senator ROBERT RAY—Everyone today—at least Senator Macdonald—seemed to be checking out people's credibility before they gave evidence. I just wondered how big your organisation was, and you are not going to tell us.

Mr James—I would prefer not to tell you, unless you insist.

Senator ROBERT RAY—If you give me a good reason why you prefer not to, I will not persist.

Mr James—It is not a huge number. Members and supporters number roughly 1,200. The readership of the magazine is much larger.

Senator ROBERT RAY—Okay. One of the basic thrusts in this is familiar to me. You are saying that we really should have more professional intelligence analysts in the higher echelons and directing intelligence agencies. I am not verballing you there, am I?

Mr James—No. There are a number of interconnected problems. There is a reasonable turnover of analysis staff in a range of the agencies, particularly in DIO and to a lesser extent DSD. One of the reasons is that we do not offer them a viable career path, particularly in the three agencies run through the Department of Defence. They bring management level people in directly from the department with no intelligence background. This not only causes operational problems in the analysis and reporting area but it produces quite severe career development problems in trying to nurture the type of intelligence analysts that you require. There are a number of interconnected problems there. It is not simply a civilian-military split. For instance, as we said in our submission, a number of the directors of the Defence Intelligence Organisation, both military and civilian, have not had any intelligence experience. By any objective measurement, and certainly by the measurement of the career intelligence officers, some of them have been not very good.

Senator ROBERT RAY—I am going to come back to that in a moment. We have dealt with, if you like, DSD, DIO and DIGO. What about the other three: ONA, ASIS and ASIO? Does your organisation have a view on those? I notice that you did consult with a range of people before the submission came in.

Mr James—As we noted in the submission, because many of the analysts—in fact, virtually all of them in ASIS and ASIO—are also collectors, they do not quite have the same problem you have in ONA and DIO, who really do not do any collection; they are just analytical organisations. The rough analogy I could use would be that the archer who makes his own arrows tends to be a better archer. In ASIS and ASIO, because the analysts generally have some collection experience they tend to be better analysts. It is a bit like a journalist. If a journalist is an experienced journalist who chases up stories, he is generally going to write better articles than a journalist who just sits there and gets fed material from a wire service and writes them up.

Senator ROBERT RAY—To me, that has horrible connotations of professional military judgment being the final and last refuge of an argument when all other arguments have been lost. Given that this is your view of your organisation, can you point to an example, other than the KGB, where your preference exists in an agency overseas so that we can look to that as a better model—a model more on the lines that you would like to see in Australia? Can you think of one overseas that more closely fits your model than the current models that exist in Australia?

Mr James—The comparison I would suggest would be the Defense Intelligence Agency to DIO. DIO is the only defence intelligence agency in the Western world headed by a civilian

official and, what is more, one with no intelligence background. No other country does that. The Brits do not do it; the Americans do not do it.

Mr LEO McLEAY—But frequently in the past uniformed people have headed DIO.

Senator ROBERT RAY—General Baker being one.

Mr James—I am sorry, Mr McLeay, that is not true. General Baker was a director of DIO, and so were generals Connolly, Crews and Hartley.

Senator ROBERT RAY—You are starting to win your argument now.

Mr James—But each of them was only there for a short time. Most directors of DIO have been civilian officials. None of those civilian directors of DIO that I am aware of had any prior substantial intelligence experience before being translated into the positions, and some of them were there for very long periods. However, all of the military officials—General Hartley was the only one with an intelligence background—were not there for very long.

Senator ROBERT RAY—Yes, but that is not so much a choice between uniformed and civilian; it is just the obsession of the armed forces with rotating a person every few months, isn't it?

Mr James—You might term it as an obsession.

Senator ROBERT RAY—I do and I did as a minister. Everyone has to have a place in the sun; everyone has to move.

Mr James—Defence forces that do not rotate their people end up atrophying professionally.

Senator ROBERT RAY—I agree with that, but it goes to how often you have to rotate.

Mr James—I agree. But I suggest that the counter to the reasonably quick rotation of military people is the exact opposite. There are some civilian officials who stay in positions long after they have gone stale and they are there in some cases for a decade.

Senator ROBERT RAY—I thank you for your example of DIA, and that is an example well made. Just moving slightly away from the military, is there a civilian agency overseas that replicates what you would like? I know that you draw a slight distinction between defence organisations and others, but is there a civilian organisation, be it NSA, CIA, MI5 or MI6?

Mr James—You could do a comparison between NSA and DSD, for example. The head of NSA is always a military officer; DSD has never been headed by a military officer.

Senator ROBERT RAY—I am sorry; let us get slightly away from civilian and military and go to what you would say is a professional intelligence officer as opposed to—I think you used the words—'a talented amateur'. Are there other examples overseas of organisations that more closely fit your aspiration?

Mr James—If we drew a comparison, say, between the United Kingdom Security Service and ASIO, it is a very long time, for example, since a career ASIO officer was the Director-General of ASIO. I think Mr Peter Barbour was the last one, and that is well over 20 years ago. To my knowledge, no head of MI5 has not been an officer with at least substantial MI5 experience.

Australia has this habit of believing that, if you are a generalist manager in some area of the bureaucracy, you can go anywhere. As we argue in our submission, this is not always a valid proposition for intelligence agencies. As we have suggested in the submission, perhaps at least every second head of an intelligence agency or a security agency should be someone with experience, not necessarily in that agency but with another one. For instance most people with a knowledge going back many years would say that one of the more effective director-generals of DIO was Jim Furner. He was also Director-General of ASIS and he carried that organisation through a very difficult period. But it is hard to think of another example recently where we have actually shifted senior people from one agency to another.

Senator ROBERT RAY—I have a couple more questions. You probably heard me ask Mr Wilkie this question. Do you personally—or does your organisation—have some difficulty with governments quoting intelligence to justify an action they are going to take? Should they just take their lumps and not get into the business of quoting intelligence sources—I do not mean directly, but implying: 'This is all based on good intelligence'?

Mr James—This is an argument really that goes back to the Zimmerman telegram in 1917 and indeed to the British government quoting some MI5 and Sigint material in the mid-1920s on Soviet espionage in Britain. It is really a call for the government. There will always be, I believe, situations where the government may have to publish intelligence information that the intelligence agency would prefer not be published. The government has the final call on whether the necessity of doing so is greater than the necessity of protecting the information or the information-gathering capabilities involved.

Senator ROBERT RAY—Yes, but the key question is whether the necessity of publishing it is one of political survival or one of actually achieving something.

Mr James—Australia has a slightly different culture in this to our allies. The convention that they use, particularly in the UK and the United States, where they often do not confirm or deny things, is not as widely used here. The view of the ADA is that perhaps that is a bit of a pity. We should perhaps be a bit more circumspect in some of the intelligence that we share broadly.

Senator ROBERT RAY—This is a very broad question. Does your organisation have some misgivings, if you like—given all the claims made prior to intervention in Iraq—that at the moment probably not one major piece of evidence of the existence of weapons of mass destruction has been found? I am not talking about programs now; I am talking about the fact that there has not been a cache found somewhere, after 3½ months and 1,300 people looking, given how pumped up were a lot of the claims that were made before intervention in Iraq about the existence of weapons of mass destruction.

Mr James—The position of the ADA on the Iraq intervention issue has been well publicised for some time. The association believes the intervention was justified. In our submission we have noticed a range of reasons why we believe it was justified, in addition to the weapons of

mass destruction issue. As you would expect, particularly among the national board of the ADA, there has been some considerable debate on this issue, but the consensus by far is that we really did not have a choice. I am talking here of the international system and particularly Australia. We did not really have a choice in this matter.

Senator ROBERT RAY—Sorry, I do not want to interrupt you, but I did not actually ask you whether we were justified or not justified in intervening in Iraq. We would probably have been screaming in agreement, for different reasons, about that. I am just asking—and it is one of the tasks of this committee to ask—whether, if intelligence says there are weapons of mass destruction—not programs, but weapons—and they could be a danger overall, there are any misgivings in the organisation when three or four months later 1,300 people have searched 300 sites, all based on intelligence, and basically have found nothing? That does not go to whether you should or should not have gone to Iraq; it does not commit you one way or the other. It just means that at some stage we have to go back and measure that intelligence and say, 'If it wasn't accurate enough, we want to know why it wasn't accurate, not for the past and revenge, but for the next time we have to rely on intelligence to commit troops to do a particular task.'

Mr James—As we noted in the submission, we were relatively happy with the general standard of the public comments quoting the intelligence used to support the argument to intervene. Obviously, like everyone—and I think Dr Butler brought this out very well this morning—we are a bit puzzled why the stuff has not been found yet. I served in Iraq with UNSCOM and I am going through very much the same mental contortions on the issue as Dr Butler is. My own personal belief is that it is probably a bit early to tell yet. It may take some time for some of this to come out; it is a very large country. I think to an extent what the public expects to be found is different to what is actually there and will be found. The public is expecting to find Scud missiles on launchers, and we are actually looking for precursor chemical stocks, growth medium and stuff like that, which is not quite as glamorous.

Senator ROBERT RAY—Which would probably raise the question—and I do not challenge anything you have said—if they have not had enough time and 1,300 people cannot find it in four months—this is only a comment—maybe we should have given Mr Blix a little longer; we did not give him much time.

Mr James—That may be true, Senator. There were military considerations driving the timing of the intervention and whilst we could have given Mr Blix some more time, Saddam Hussein had had 12 years to prove he did not have the stuff and he had failed. Iraq was not invaded because they had weapons of mass destruction; Iraq was invaded because they were unable to prove to the international community that they had given up their weapons of mass destruction.

Senator ROBERT RAY—I have a lot of quotes here made by Australian government ministers that are contrary to that, but we won't get into that.

Mr LEO McLEAY—I have one final question for the record. What agencies have you worked for? What is your professional background?

Mr James—Worked in or with?

Mr LEO McLEAY—Is there a difference?

Mr James—Yes. Interestingly enough, in the Australian system the Australian Army probably provides the most broadly qualified intelligence officers because through their careers they work in a range of agencies. That is not true of, for instance, the Navy and the Air Force and it is certainly not true of most civilians, who tend to work only for one or maybe two agencies at the most. During the career path of the average Army intelligence officer, for instance, they will work with DIO, DSD and DIGO. They may actually work with ASIS and ASIO, too, on secondment. They would certainly work with all five agencies extensively.

Mr LEO McLEAY—I asked: what did you do?

Mr James—To put it succinctly, I have taught at both the Australian and Canadian defence intelligence schools; I have worked with British intelligence elements in Western Europe; I have served with the United Nations; and I was the senior defence intelligence officer in northern Australia at Headquarters Northern Command from 1994 to 1997. I have taught on courses conducted, for example, by both ASIS and ASIO. I have done courses at DSD and I have worked extensively with DIO on a range of postings over many years but not actually in DIO.

Mr LEO McLEAY—Essentially you have been a uniformed military officer?

Mr James—Yes. However, I am probably the only person in the Defence Force who has been both a J2 and a J5 in a joint force headquarters. So I have been not only a producer of intelligence but also, as the head of an operational plans branch, I have been the chief consumer of it. I do not think anyone else in the ADF has that perspective.

Mr LEO McLEAY—I am not questioning your perspective; I am just trying to find out where you have come from; that is all.

Mr James—I appreciate that. Including my time in Iraq, I would be one of the more broadly qualified people in the different types of intelligence gathering and analysis and the different responses of each of the agencies. There would probably be only a dozen or so people in the whole country with a broader view.

Mr LEO McLEAY—What were you when you retired—a colonel or a civilian in the Defence Force?

Mr James—That is a very interesting question. I retired as a lieutenant colonel. There are a number of reasons why I retired as a lieutenant colonel.

Senator ROBERT RAY—You do not have to give us any of them.

Mr James—Some of them have to do with views on intelligence gathering and reporting over the years.

Mr LEO McLEAY—You are starting to sound like Mr Wilkie. He was an unhappy lieutenant colonel, too.

Mr James—Without going into personalities, Mr McLeay, that is a rather unfair comparison.

Mr LEO McLEAY—You have both put the same view to us today.

Mr James—Mr Wilkie was an infantryman. I would not tell Mr Wilkie how to run an infantry battalion, although I do not believe he ever commanded one, and I would not expect him to be an expert on how to run intelligence gathering and analysis.

Mr LEO McLEAY—What did you do after you finished being a lieutenant colonel?

Mr James—I went to work for the Australia Defence Association. I went straight to that position.

Mr LEO McLEAY—You went straight from being a uniformed military officer to working for the Australia Defence Association?

Mr James—Yes, I did.

Mr LEO McLEAY—Thank you.

CHAIR—Mr James, thank you for your attendance today. Thank you for answering our questions. The secretary will be in contact with you if we need any more information. We will also forward you a copy of the *Hansard* transcript of today's hearings, to which you can make any corrections to mistakes or matters of fact.

Resolved (on motion by **Mr McArthur**):

That this committee authorises publication, including publication on the parliamentary database, of the proof transcript of the evidence given before it at public hearing this day.

Committee adjourned at 12.40 p.m.