

The Presentation of the Pre-War Intelligence

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

The Government's speeches

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

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

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

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

The arguments

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

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

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

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

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

The evidence

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

7 Mr Howard House of Representatives, 18 March 2003.

8 Mr Howard, House of Representatives, 4 February 2003

9 Mr Howard, House of Representatives, 4 February 2003

10 Mr Howard, House of Representatives, 18 March 2003

11 Mr Howard, House of Representatives, 4 February 2003

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

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

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

13 Mr Howard, House of Representatives, 4 February 2003

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

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

16 Mr Howard, House of Representatives, 4 February 2003

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

18 Mr Howard, House of Representatives, 4 February 2003

19 Mr Howard, House of Representatives, 4 February 2003

20 Mr Howard, House of Representatives, 4 February 2003

21 Mr Howard, House of Representatives, 4 February 2003

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

Specific intelligence cited in Government speeches

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

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

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

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

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

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

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

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

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

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

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

And, from the International Institute of Strategic Studies:

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

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

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

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

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

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

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

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

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

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

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

Accuracy and completeness

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

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

32 Mr Howard, House of Representatives, 4 February 2003

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

34 See Chapter 3, paragraph 3.21.

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

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

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

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

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

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

36 See Chapter 4, paragraphs 4.22 – 4.38.

37 See Chapter 4, paragraphs 4.39 – 4.48.

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

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

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

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

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

41 Mr Howard, House of Representatives, 4 February 2003

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

43 Mr Howard, House of Representatives, 4 February 2003

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

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

46 *ibid*

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

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

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

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

48 Mr Howard, House of Representatives, 6 February 2003

49 Mr Howard, House of Representatives, 4 February 2003

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

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

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

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

Conclusion

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

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

53 DIO assessments, 10 October 2002.

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

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

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

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

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

Recommendation 3

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

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

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

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

60 Mr Howard, House of Representatives, 4 February 2003

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

62 Mr Howard, House of Representatives, 4 February 2003

THE HON DAVID JULL, MP

Chairman

