

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

The Accuracy of the Assessments

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

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

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

...

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

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

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

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

4 See Chapter 2

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

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

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

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

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

5 DIO submission, p. 4.

6 DIO submission, p. 7.

7 ONA submission, p. 4.

8 ONA submission, p. 4.

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

Matters under Dispute

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

Nuclear weapons – uranium from Africa, aluminium tubes

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

9 Word deleted at the request of Minister.

10 President Bush, 7 September 2002,

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

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

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

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

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

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

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

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

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

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

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

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

19 ONA assessment, 19 December 2002.

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

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

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

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

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

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

Biological weapons - mobile production units.

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

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

25 See Chapter 1.

26 ONA assessment, 6 September 2002.

27 ONA assessment, 12 December 2002.

28 See details in Chapter 1 of this report.

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

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

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

Delivery – UAVs, 45 minutes

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

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

30 DIO assessment, 10 March 2003.

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

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

33 See Chapter 1.

34 DIO assessment, 19 September 2002.

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

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

The British Dossier

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

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

36 ONA assessment 19 December 2002.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The National Intelligence Estimate (NIE), 2 October 2002

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

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

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

51 The Hutton Inquiry, document CAB/3/0079

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

New Intelligence

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

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

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

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

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

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

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

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

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

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

68 *ibid.*

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

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

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

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

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

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

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

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

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

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

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

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

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

78 DIO transcript, 16 October 2003, p. 3

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

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

79 DIO transcript, 16 October 2003, p. 3

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

81 *ibid*

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

Recommendation 2

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

UN Inspections

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

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

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

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

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

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

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

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

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

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

85 *ibid*

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

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

The Iraq Survey Group

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

87 ONA Submission, p. 9.

88 DIO submission, p. 9.

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

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

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

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

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

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

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

Findings

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

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

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

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

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

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

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

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

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

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

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

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

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

101 *Ibid.*, p. 10.

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

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

104 See Chapter 2

Strategic Analysis

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

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

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

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

107 Pritchett submission, p. 3.

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

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

110 Macbeth, Act 111, sc iv.

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

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

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

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

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

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

111 Pritchett submission, p. 3.

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

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

Conclusions

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

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

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

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

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

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

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

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

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

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

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

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

