

## SECTION 4

# IRAQ'S WEAPONS OF MASS DESTRUCTION

## Introduction

### 1. Section 4 addresses:

- how the Joint Intelligence Committee's (JIC) Assessments of Iraq's chemical, biological, nuclear and ballistic missile capabilities, and the intent of Saddam Hussein's regime to retain, produce, use or proliferate such weapons, evolved between 2000 and the invasion of Iraq in March 2003;
- the robustness of the evidence base on which those judgements were made;
- other advice given to Ministers on Iraq's capabilities and intent;
- the way in which the intelligence and Assessments were used:
  - within Government to underpin policy decisions; and
  - in public statements and material presented to Parliament to underpin the Government position that urgent action was needed to secure the disarmament of Iraq;
- the search for weapons, materials and evidence of prohibited programmes after the conflict; and
- the background to and findings of the four previous Inquiries into aspects of the issues covered in this Section.

2. In doing so, the Inquiry has drawn on the JIC Assessments addressing these issues produced between 2000 and 2005, which are being published alongside this Report.

3. The roles of the JIC, the Cabinet Office Assessments Staff and the Secret Intelligence Service (SIS), and the priority given to collection of intelligence on Iraq, are set out in Section 2.

4. As well as documents provided by the Government and the oral evidence it was given, the Inquiry has drawn on other authoritative accounts including:

- reports to the United Nations Security Council by the International Atomic Energy Agency (IAEA), the UN Special Commission (UNSCOM) and the UN Monitoring, Verification and Inspection Commission (UNMOVIC); and
- various reports of the Iraq Survey Group (ISG) published in 2003 to 2005.

5. Section 1.1 describes Iraq's chemical, biological, nuclear and ballistic missile programmes after the 1991 Gulf Conflict and the international community's attempts to disarm Iraq – through a series of UN Security Council resolutions, a UN inspection and monitoring regime and a policy of containment supported by limited military action – and

Iraq's responses. That Section also sets out, from information available in open sources, the evolution of the JIC's Assessments of Iraq's capabilities between 1990 and December 1998.

**6.** Section 1.2 addresses the UK's Iraq strategy between September 2000 and September 2001.

**7.** The wider context of the development of UK strategy and options for Iraq after the attacks on the US on 11 September 2001 (9/11) is addressed in Section 3, including the judgement that Iraq was not involved in 9/11, the absence of evidence of links between Iraq and Al Qaida (AQ), and the potential consequences of military action for the threat to the UK and UK interests from international terrorism.

## Previous Inquiries

**8.** Aspects of the UK Government's actions in relation to its assessment of Iraq's weapons of mass destruction (WMD), and the way in which intelligence information was deployed in support of the case for urgent action to disarm Iraq, have already been addressed by four previous Inquiries.

**9.** The terms of reference for each of those Inquiries, which were narrower than those of the Iraq Inquiry, are set out below.

**10.** The report of the House of Commons Foreign Affairs Committee (FAC), *The Decision to go to War in Iraq* (HC 813), was published on 7 July 2003.<sup>1</sup> It sought to "establish whether the Foreign and Commonwealth Office (FCO), within the Government as a whole, presented accurate and complete information to Parliament in the period leading up to military action in Iraq, particularly in respect of weapons of mass destruction".

**11.** The report of the Intelligence and Security Committee (ISC), *Iraqi Weapons of Mass Destruction – Intelligence and Assessments* (Cm 5972), was published in September 2003.<sup>2</sup> The ISC stated that it had "looked at the supporting intelligence in critical areas to ensure that the [JIC] Assessments reflected the intelligence correctly".

**12.** The Report of the Inquiry into the *Circumstances Surrounding the Death of Dr David L Kelly CMG* by Lord Hutton (The Hutton Inquiry, HC 247), was published on 28 January 2004.<sup>3</sup>

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<sup>1</sup> Report from the Foreign Affairs Committee, Session 2002-2003, *The Decision to go to War in Iraq*, HC 813.

<sup>2</sup> Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, Cm 5972.

<sup>3</sup> *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David L Kelly CMG by Lord Hutton* ["The Hutton Inquiry"], 28 January 2004, HC 247.

**13.** The Inquiry was established by Lord Falconer of Thororton, the Secretary of State for Constitutional Affairs, on 18 July 2003:

“urgently to conduct an investigation into the circumstances surrounding the death of Dr Kelly.”<sup>4</sup>

**14.** Lord Hutton's interpretation of his terms of reference is set out in his report.<sup>5</sup>

**15.** Lord Hutton concluded that the “allegations attacking the integrity of the Government”, broadcast on the *BBC Today* programme on 29 May 2003, that:

- “the Government probably knew, before it decided to put it in its dossier ... that the statement was wrong that the Iraqi military were able to deploy weapons of mass destruction within 45 minutes of a decision to do so”; and
- that No.10 had “ordered the dossier to be sexed up”

had to be considered under his terms of reference, because it was those allegations that had drawn Dr Kelly into the controversy about the broadcasts.

**16.** Lord Hutton explicitly determined that two other areas fell outside his terms of reference.

**17.** First, Lord Hutton stated that the question of “whether, if approved by the Joint Intelligence Committee and believed by the Government to be reliable, the intelligence contained in the dossier was nevertheless unreliable” was a “separate issue”.

**18.** Secondly, Lord Hutton wrote that he had carefully considered “the view expressed by a number of public figures and commentators” that his “terms of reference required or, at least, entitled” him to consider:

“... whether the intelligence in relation to weapons of mass destruction set out in the dossier published by the Government on 24 September 2002 was of sufficient strength and reliability to justify the Government in deciding that Iraq under Saddam Hussein posed such a threat to the safety and interests of the United Kingdom that military action should be taken against that country.”

**19.** Lord Hutton “concluded that a question of such wide import, which would involve the consideration of a wide range of evidence” did not fall within his terms of reference.

**20.** The *Review of Intelligence on Weapons of Mass Destruction* by a Committee of Privy Counsellors chaired by Lord Butler of Brockwell (The Butler Report, HC 898), was published on 14 July 2004.<sup>6</sup>

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<sup>4</sup> *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David L Kelly CMG by Lord Hutton* [“The Hutton Inquiry”], 28 January 2004, HC 247, page 1.

<sup>5</sup> *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David L Kelly CMG by Lord Hutton* [“The Hutton Inquiry”], 28 January 2004, HC 247, pages 2-3.

<sup>6</sup> *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898.

**21.** The Butler Review was established by Mr Blair in February 2004 to:

“investigate the intelligence coverage available in respect of WMD programmes in countries of concern and on the global trade in WMD, taking into account what is now known about these programmes;

“as part of this work, to investigate the accuracy of intelligence on Iraqi WMD up to March 2003, and to examine any discrepancies between the intelligence gathered, evaluated and used by the Government before the conflict, and between that intelligence and what has been discovered by the Iraq Survey Group since the end of the conflict; and to make recommendations to the Prime Minister for the future on the gathering, evaluation and use of intelligence on WMD, in the light of the difficulties of operating in countries of concern.”<sup>7</sup>

**22.** The Butler Report stated that, in assessing the intelligence on Iraq’s nuclear, biological, chemical and ballistic missile capabilities to establish whether there were “any detectable systemic issues” which might have affected the JIC Assessments in the period before March 2003 and whether Assessments made at the time of the 1990 to 1991 Gulf Conflict “had a lasting impact which was reflected in JIC Assessments made in 2002 and 2003”, it had addressed “three broad questions”:

- What was the quality of the intelligence and other evidence, and the assessments made of it, about the **strategic intent** of the Iraqi regime to pursue ... programmes in contravention of its obligations under ... resolution 687?
- What was the quality of the intelligence or other evidence, and the assessments made of it, about Iraq seeking to sustain and develop its indigenous knowledge, skills and materiel base which would provide it with a **‘break-out’ capability** ...?
- What was the quality of the intelligence or other evidence, and the assessments made of it, about Iraqi **production** or **possession** of prohibited ... agents and weapons ...?”<sup>8</sup>

**23.** Sir John Chilcot was a member of the Butler Review.

**24.** The Iraq Inquiry has drawn in its work on both the evidence offered to those Inquiries, where available, and their analyses and conclusions, but the judgements in this Report are the Inquiry’s own.

## Definition of weapons of mass destruction

**25.** The term “weapons of mass destruction” originated as an umbrella concept covering weapons with the capability to cause indiscriminate loss of life and wide-scale destruction.

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<sup>7</sup> House of Commons, *Official Report*, 3 February 2004, column 625.

<sup>8</sup> *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraphs 152-153.

**26.** The first official definition was provided by the UN Commission for Conventional Armaments in 1948 which defined weapons of mass destruction as “atomic explosive devices, radioactive material weapons, lethal chemical and biological weapons, and any weapons developed in the future which have characteristics comparable in destructive effect to those of the atomic bomb or other weapons mentioned above”.<sup>9</sup> This definition has been used in successive UN resolutions dealing with disarmament.

**27.** The Butler Report pointed out that there was “a considerable and long-standing academic debate about the proper interpretation of the phrase ‘weapons of mass destruction’” which had been “used so variously as to confuse rather than enlighten readers”.<sup>10</sup> The Butler Report avoided the use of the term WMD wherever possible. Where it was used, for example when quoting documents or evidence, the Butler Report interpreted it in the light of the obligations imposed by the UN Security Council after the 1990 to 1991 Gulf Conflict to address the threat posed by Iraq and to control Iraq’s military capabilities, including weapons of mass destruction and ballistic missiles in resolution 687 (1991) (see Section 1.1).

**28.** The Inquiry shares the view expressed in the Butler Report but recognises that the term has gained common currency and may, therefore, appear in the analysis that follows as a shorthand description of weapons that would not fall within the original definition.

**29.** All nuclear, chemical and biological weapons are frequently characterised as weapons of mass destruction, and radiological devices have been included more recently.

**30.** The Butler Report defined radiological weapons as those employing “conventional, typically high-explosive means to distribute radioactive material”.<sup>11</sup>

**31.** Systems that fall within the definition of WMD may cause limited casualties within a finite area; for example attacks such as the use of the chemical agent sarin in the Tokyo underground. On the other hand, as the attacks on the US on 11 September 2001 demonstrated, mass casualties that have a strategic impact can be produced in other ways.

**32.** Mr Tim Dowse, Head of the Foreign and Commonwealth Office (FCO) Non-Proliferation Department from January 2001 to November 2003, told the Inquiry that “efforts to restrain the spread of ballistic missiles” tended to be “associated with” weapons of mass destruction because they provided a means of delivery against which it was difficult to defend and which was regarded as “quite destabilising”.<sup>12</sup>

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<sup>9</sup> UN Document S/C.3/32/Rev.1, August 1948.

<sup>10</sup> *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 14.

<sup>11</sup> *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 17.

<sup>12</sup> Public hearing, 25 November 2009, page 4.

**33.** Nuclear, chemical and biological weapons are all subject to arms control regimes:

- the 1968 Treaty on the Non-Proliferation of Nuclear Weapons, which entered into force in 1970, requires non-nuclear weapons states to agree not to seek to acquire nuclear weapons; and
- the 1975 Biological and Toxin Weapons Convention (BTWC)<sup>13</sup> and the 1997 Chemical Weapons Convention (CWC) prohibit the development, production and stockpiling of the respective sets of weapons.

**34.** Iraq signed the BTWC in 1972, but did not ratify it. It did not sign the CWC until 2009. One important difference between the two conventions is that the BTWC has no effective enforcement mechanisms while the CWC does.

**35.** Iraq has never been a member of the Missile Technology Control Regime (MTCR).<sup>14</sup>

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<sup>13</sup> The BTWC reaffirms the 1925 Geneva Protocol, which prohibits use of biological and toxin weapons.

<sup>14</sup> The MTCR was established in 1987 to prevent the proliferation of unmanned systems capable of delivering weapons of mass destruction. It is an informal and voluntary association that seeks members' adherence to common export policy guidelines (the MTCR Guidelines) applied to a common list of controlled goods.