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Foreign &  
Commonwealth  
Office

London SW1A 2AH

*from The Foreign Secretary*

*Dear Colleagues,*

The international situation is extremely grave, and I know many of you and your constituents are anxious at the possibility of military action in Iraq.

... In that light, I enclose three documents which I hope you find helpful:

- i) a paper, produced by officials in the FCO but drawn largely from official reports and statements by UN inspectors, which examines the extent of Iraq's non-compliance with the obligations placed upon it by the United Nations Security Council in Resolution 1441;
- ii) the statements made at the Atlantic Summit in Azores yesterday, including "A vision for Iraq and the Iraqi people" which sets out our long-term commitments to the Iraqi people in the event of military action;
- iii) a copy of the letter I have written to the Chairman of the Foreign Affairs Committee setting out the legal basis for the use of force.

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You should also be aware that I have today published a Command  
aper on Iraq which brings together: the 7 March statements to the UN  
Security Council by Dr Blix and Dr El-Baradei and my response;  
UNMOVIC's latest quarterly report; and a paper from UNMOVIC on  
Unresolved Disarmament Issues (the "clusters" document). It is available in  
the Vote Office (Commons) and Printed Paper Office (Lords).

*Yours sincerely,*

*Jack Straw*

JACK STRAW

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## **IRAQI NON-COMPLIANCE WITH UNSCR 1441**

15 March 2003

### **Background**

Iraq has failed to comply fully with 14 previous UN resolutions related to WMD.

UNSCR 1441 is unambiguous:

- "Recognising the threat Iraq's non-compliance with Council resolutions and proliferation of weapons of mass destruction and long-range missiles poses to international peace and security" (PP3)
- "Decides that Iraq has been and remains in material breach of its obligations under relevant resolutions" (OP1).
- "Decides... to afford Iraq, by this resolution, a final opportunity to comply with its disarmament obligations under relevant resolutions of the Council" (OP2).
- "Decides that false statements or omissions in the declarations submitted by Iraq... and failure by Iraq at any time to comply with, and co-operate fully in the implementation of, this resolution shall constitute a further material breach of Iraq's obligations" (OP4)

**The attached material assesses Iraqi progress in complying with relevant provisions of UNSCR 1441 with illustrative examples.**

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***"The Government of Iraq shall provide to UNMOVIC, the IAEA, and the Council, not later than 30 days from the date of this resolution, a currently accurate, full, and complete declaration of all aspects of its programmes to develop chemical, biological, and nuclear weapons, ballistic missiles, and other delivery systems...as well as all other chemical, biological, and nuclear programmes, including any which it claims are for purposes not related to weapon production or material" (OP3)***

**Not met.** Although a 12,000-page document was submitted on 7 December, it did not contain new information to answer any of the outstanding questions relating to Iraqi disarmament. None of the issues identified in the UN's Butler or Amorim reports (1999) have been resolved.

*Dr Blix, 27 January:* "Regrettably, the 12,000 page declaration, most of which is a reprint of earlier documents, does not seem to contain any new evidence that would eliminate the questions or reduce their number".

*Dr Blix, 14 February:* "The declaration submitted by Iraq on 7 December, despite its large volume, missed the opportunity to provide the fresh material and evidence needed to respond to the open questions"

*IAEA written report, 27 January:* "The Declaration contains numerous clarifications. It does not include, however, additional information related to the questions and concerns", outstanding since 1998.

**Outstanding issues that were not resolved in Iraq's 7-8 December Declaration include:**

- Failure to account adequately for SCUD-type missiles and components "suggests that these items may have been retained for a prohibited missile force" (UNMOVIC document, *Unresolved Disarmament Issues*, 6 March)
- Failure to explain why Iraq has built a missile test stand at Al Rafah that can accommodate missiles with over 4 times the thrust of the (prohibited) Al-Samoud 2 missile.
- Amount of mustard gas unaccounted for is at least 80 tonnes (in 550 shells and 450 aerial bombs) – but "based on a document recently received from Iraq, this quantity could be substantially higher" (*Unresolved Disarmament Issues*, 6 March)
- "Given Iraq's history of concealment with respect to its VX programme, it cannot be excluded that it has retained some capability with regard to VX" that could still be viable today. There are significant discrepancies in accounting for all key VX precursors. Iraq said it never weaponised VX – but UNSCOM found evidence to contradict this. (*Unresolved Disarmament*

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*Issues, 6 March*) It was not until 15 March – over three months after the specified date for the Declaration - that Iraq provided a further document which it claimed contained additional information (although this remains unconfirmed).

- "It seems highly probable that destruction of bulk agent, including anthrax, stated by Iraq to be at Al Hakam in July/August 1991, did not occur. Based on all the available evidence, the strong presumption is that about 10,000 litres of anthrax was not destroyed and may still exist". (*Unresolved Disarmament Issues, 6 March*)
- Failure to account for all of the aircraft associated with the L-29/AI-Bai'aa remotely piloted vehicle (RPV) programme. Furthermore, there is no explanation of 27 June 2002 RPV flight of 500kms ( the proscribed limit is 150kms).
- Failure to account for material unaccounted for when UNSCOM were forced to withdraw from Iraq in 1998: for example, what happened to up to 3,000 tonnes of precursor chemicals, including 300 tonnes unique (in the Iraqi programme) to the production of VX nerve agent? UNSCOM estimated that quantities of undeclared growth media could have produced: 3-11,000 litres of botulinum toxin; 6-16,000 litres of anthrax, and 5,600 litres of clostridium perfringens. (*Amorim and Butler reports, 1999*)
- According to Dr El-Baradei (*IAEA written report, 27 January*) the Declaration "does not include, however, additional information related to the questions and concerns" outstanding since 1998. These were:
  - the uncertainty about the progress made in weapons design and centrifuge development due to the lack of relevant documentation
  - the extent of external assistance from which Iraq benefited
  - the lack of evidence that Iraq had abandoned definitively its nuclear programme.

Apart from failing to answer unresolved questions, the Declaration also contained some significant falsehoods:

- *Dr Blix, 27 January*: "Iraq did not declare a significant quantity, some 650 kg, of bacterial growth media, which was acknowledged as imported in Iraq's submission to the Amorim panel in February 1999. As part of its 7 December 2002 Declaration, Iraq resubmitted the Amorim panel document, but the table showing this particular import of media was not included. The absence of this table would appear to be deliberate as the pages of the resubmitted document were renumbered."

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- The 7 December Declaration maintains that the Al-Samoud 2 missile has a maximum range of 150kms. UNMOVIC and a panel of international experts have established that the Al-Samoud 2 is a prohibited system, designed to have a range beyond the 150 kms limit imposed by the UN in 1991 - one variant having a range (based on separate Iraqi data) of just under 200kms. In addition, Iraq declared that the missile was still under development – however, as of February 2003 63 missiles had already been deployed with the Iraqi armed forces.
- The Declaration admits that 131 Volga missile engines had been imported, in contravention of sanctions. However, according to UNMOVIC Iraq actually imported at least 380 engines.
- The Declaration claims that its UAVs and cruise missiles adhere to UN restrictions. However, recent inspections have revealed a type of unmanned drone that was not referred to in the Declaration, and its range easily exceeds the UN proscribed limit of 150kms. There has never been full Iraqi disclosure on any of its UAVs.
- The Declaration also fails to account properly for work on aircraft fuel drop tanks that were converted to deliver CBW agent. The UN found modified aircraft fuel tanks at the Khan Bani Sa'ad Airfield in December 2002. These tanks were stated to have been part of an indigenously manufactured agricultural spray system that was said to have been produced by the Iraqi Air Force (*Unresolved Disarmament Issues*, 6 March)
- According to an Iraqi document that UNMOVIC obtained separately from the Declaration, "13,000 chemical bombs were dropped by the Iraqi Air Force between 1983 and 1988, while Iraq has declared that 19,500 bombs were consumed during this period. Thus, there is a discrepancy of 6,500 bombs. The amount of chemical agent in these bombs would be in the order of about 1,000 tonnes. In the absence of evidence to the contrary, we must assume that these quantities are now unaccounted for." (*Dr Blix*, 27 January)

***Iraq shall provide UNMOVIC and the IAEA "immediate, unimpeded, unrestricted, and private access to all officials and other persons whom UNMOVIC or the IAEA wish to interview in the mode or location of UNMOVIC's or the IAEA's choice pursuant to any aspect of their mandates" (OP5)***

**Not met.** At first, none of the Iraqi personnel requested for interview by UNMOVIC agreed to be interviewed in private. At a meeting in Baghdad on 19-20 January, the Iraqi side committed itself to "encourage" private interviews. However, it was not until 6-7 February (i.e. just before Dr Blix and Dr El-Baradei's last visit to Baghdad) that three people agreed to be interviewed in private. But



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these interviews were with personnel volunteered by the Iraqi authorities, not with scientists requested by UNMOVIC.

On 28 February, a further two scientists were interviewed in private. As of 14 March, UNMOVIC had asked 41 people to be interviewed, but only 12 had agreed to UNMOVIC's terms. The remainder of the interviews could not be carried out because of unacceptable restrictions (e.g. insistence on the presence of official Iraqi minders, or that the interviews be tape-recorded).

It was not until 26 February that the IAEA carried out its first private interview; as of 14 March, IAEA had only been able to carry out 3 private interviews.

We have reason to believe that the Iraqi authorities have intimidated interviewees; that rooms have been bugged; and that some potential interviewees have been kept away from the inspectors by the Iraqi authorities.

- *UNMOVIC written report, 28 February:* "the reality is that, so far, no persons not nominated by the Iraqi side have been willing to be interviewed without a tape recorder running or an Iraqi witness present"
- *Dr El-Baradei, 7 March:* "When we first began to request private, unescorted interviews, the Iraqi interviewees insisted on taping the interviews and keeping the recorded tapes"

**"UNMOVIC and the IAEA may at their discretion conduct interviews inside or outside of Iraq, may facilitate the travel of those interviewed and family members outside of Iraq, and that, at the sole discretion of UNMOVIC and the IAEA, such interviews may occur without the presence of observers from the Iraqi Government" (OP5)**

**Not met.** No interviews have taken place outside Iraq.

There is evidence that Iraqi scientists have been intimidated into refusing interviews outside Iraq. They – and their families – have been threatened with execution if they deviate from the official line.

**"UNMOVIC and the IAEA shall have the right to be provided by Iraq the names of all personnel currently and formerly associated with Iraq's chemical, biological, nuclear, and ballistic missile programmes and the associated research, development, and production facilities" (OP7)**

**Not met.** *Dr Blix, 27 January:* "Some 400 names for all biological and chemical weapons programmes as well as their missile programmes were provided by the Iraqi side. This can be compared to over 3,500 names of people associated with

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those past weapons programmes that UNSCOM either interviewed in the 1990s or knew from documents and other sources".

During February, Iraq supplied some additional names. However, the information provided is still inadequate. For example, according to UNMOVIC's document on *Unresolved Disarmament Issues*, 6 March, Iraq provided a list of people who worked in the entire chemical weapons programme – but Iraq's 132 names contrast with UNMOVIC's records, which show that "over 325 people were involved in chemical weapons research" at one establishment alone.

**"UNMOVIC and the IAEA shall have the free and unrestricted use and landing of fixed- and rotary-winged aircraft, including manned and unmanned reconnaissance vehicles" (OP7)**

**Partially met** – belatedly, and under pressure. Iraq initially hindered UNMOVIC helicopter flights. Dr Blix, 27 January: "Iraq had insisted on sending helicopters of their own to accompany ours. This would have raised a safety problem." The matter was resolved when UNMOVIC agreed to take Iraqi escorts in UNMOVIC's own helicopters.

Iraq also obstructed U2 reconnaissance flights over Iraq, placing unacceptable pre-conditions on the flights. Almost three months after inspections began, just before Dr Blix presented a report on Iraqi co-operation to the Security Council, Iraq finally relented. The first U2 flight took place on 17 February.

**"UNMOVIC and the IAEA shall have the right at their sole discretion verifiably to remove, destroy, or render harmless all prohibited weapons, subsystems, components, records, materials, and other related items, and the right to impound or close any facilities or equipment for the production thereof" (OP7)**

**Not yet met**. UNMOVIC has determined that the Al-Samoud 2 missile programme, as well as rocket motor casting chambers at Al-Mamoun, are prohibited under SCR687. This assessment has been confirmed by a panel of independent experts, who concluded that the (light) Al-Samoud 2 was designed to fly just under 200kms. In the case of the casting chambers, this equipment was previously destroyed by UNSCOM as being part of a prohibited weapons programme - but was subsequently rebuilt by Iraq.

UNMOVIC gave Iraq a deadline of 1 March to begin the destruction of these prohibited systems (missiles plus associated components/infrastructure, and casting chamber). At first, Iraq said that the Iraqi authorities intended "to study" the demand. Then the Iraqi authorities said that they agreed "in principle" to the destruction of the missiles, "despite our belief that the decision to destroy was



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unjust... and the timing of this request seems to us to be one with political aims" (letter to Dr Blix from Dr Al-Saadi, 27 January).

Destruction began on 1 March, but Iraq has threatened that it may stop the destruction process at any time. As of 14 March, Iraq had destroyed:

- 65 missiles (Iraq has declared production of 76 missiles, but UNMOVIC estimate there are around 120 missiles)
- 42 warheads (out of 118)
- 5 engines (out of an estimated 380)
- 2 missile launchers (out of 9)

**"Decides further that Iraq shall not take or threaten hostile acts directed against any representative or personnel of the United Nations" (OP8)**

**Partially met.** Inspections have largely been incident-free. However, UNMOVIC has noted some "friction" during inspections, and occasional harassment. On several occasions inspectors have been met with demonstrations. *Dr Blix, 27 January*: "Demonstrations and outbursts of this kind are unlikely to occur in Iraq without initiative or encouragement from the authorities."

On several occasions Iraqi authorities have claimed that inspectors were spying.

**"Demands further that Iraq cooperate immediately, unconditionally, and actively with UNMOVIC and the IAEA" (OP9).**

**Not met.** The questions outstanding since UNSCOM was forced to withdraw in 1998 have still not been answered. Nor have those issues raised by the Amorim panel, a group of international experts convened under UN auspices to identify outstanding Iraqi disarmament issues. Although Iraq has provided some documents, it is not answering any substantive questions.

On 6 March, UNMOVIC released a paper on *Unresolved Disarmament Issues – Iraq's Proscribed Weapons Programmes*. The paper is a 173 page-long catalogue of Iraqi intransigence since 1991, detailing

- Some 29 occasions when Iraq failed, despite repeated requests, to provide credible evidence to substantiate claims
- Some 17 separate instances when UNSCOM/UNMOVIC uncovered information that directly contradicted the official Iraqi account

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- 128 actions Iraq should now take to help resolve the outstanding issues.
- *Dr Blix, 14 January*: "Although I can understand that it may not be easy for Iraq in all cases to provide the evidence needed, it is not the task of the inspectors to find it. Iraq itself must squarely tackle this task and avoid belittling the questions."
- *Dr Blix 27 January* "It is not enough to open doors. Inspection is not a game of 'catch as catch can'"
- *UNMOVIC written report, 28 February*: "During the period of time covered by the present report, Iraq could have made greater efforts to find any remaining proscribed items or provide credible evidence showing the absence of such items. The results in terms of disarmament have been very limited so far"
- *Dr Blix, 7 March*. "With such detailed information regarding those who took part in the unilateral destruction, surely there must also remain records regarding the quantities and other data concerning the various items destroyed"
- *Dr El-Baradei, 27 January*: "Iraq's co-operation with the IAEA should be full and active, as required by the relevant Security Council resolutions."

## **There are a number of examples of Iraqi gestures which have been a pretence of co-operation.**

### **Of papers handed over by the Iraqis in early February:**

- *Dr Blix*: "No new evidence was provided in the papers and no open issues were closed"
- *Dr El-Baradei*: "Iraq has provided documents on the concerns outstanding since 1998, but no new information was contained"

### **Of legislation on Weapons of Mass Destruction (WMD)**

UNSCOM – and now UNMOVIC - requested that the Government of Iraq pass legislation prohibiting the manufacturing or importing of WMD and associated material. Draft legislation was provided. On 14 February – the day of Dr Blix's last update to the Security Council – Iraq announced that it had passed a Presidential Decree to this effect. In fact, the decree is totally inadequate: its scope is very limited, and it does not even suggest any penalties for offenders.

- *UNMOVIC written report 28 February*: "The presidential decree, which was issued on 14 February and which prohibits private Iraqi citizens and mixed companies from engaging in work relating to weapons of mass destruction,

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standing alone, is not adequate to meet the United Nations requirements. UNMOVIC has enquired whether a comprehensive regulation is being prepared in line with several years of discussions between Iraq and UNSCOM/UNMOVIC"

## Of Iraqi excavation of some R-400 bombs and bomb fragments

In February, Iraq notified UNMOVIC that it had uncovered some R-400 bombs (indigenously produced, filled with chemical or biological agent). However, Iraq's declarations on R-400 bombs have been inconsistent and contradictory, "leaving UNMOVIC with little confidence in the numbers produced or types of agents filled". Photographic evidence contradicts Iraqi claims that all R-400A bombs (marked as filled with botulinum toxin and anthrax) were destroyed in July or August 2001. It is unlikely that the results of the ongoing Iraqi excavation will resolve this issue.

- "UNMOVIC cannot discount the possibility that some CW and BW filled R-400 bombs remain in Iraq" (*Unresolved Disarmament Issues*, 6 March)