

1 Wednesday, 25 November 2009

2 (10.00 am)

3 THE CHAIRMAN: Good morning. Our objective today is to look

4 at the issue of Iraq's weapons of mass destruction.

5 This will take us from the time of the first Gulf War

6 and the inspections that followed it right up to the

7 final report of the Iraq Survey Group, the organisation

8 with responsibility for providing an account of Saddam's

9 weapons' programmes after the Iraq conflict.

10 Several reports have already been published on

11 issues relating to weapons of mass destruction. We do

12 not propose in this session to go in detail into areas

13 which have already been examined closely before by other

14 investigations, but what we do hope to do is to elicit

15 a clear account of the history of the international

16 communities' concern about Saddam's weapons, the

17 development of the government's policy on this issue,

18 the threat that the government believed that Iraq's

19 weapons posed, and what was found after the conflict.

20 I would like to recall that the Inquiry has access

21 to literally thousands of government papers, including

22 the most highly classified for the period we are

23 considering and we are developing a picture of the

24 policy debates and the decision-making process.

25 These evidence sessions are an important element in

1 forming the Inquiry's thinking and complementing the
2 documentary evidence. It is important that witnesses
3 are open and frank in their evidence, while respecting
4 national security.

5 I need to remind witnesses that they will be later
6 asked to sign a transcript of their evidence to the
7 effect that the evidence they have given is truthful,
8 fair and accurate.

9 What I would like to do at the beginning is to
10 invite each of our witnesses to describe what they were
11 doing over the relevant period and also what their
12 present positions are.

13 Perhaps, Sir William, can I start with you?

14 SIR WILLIAM EHRMAN and MR TIM DOWSE

15 SIR WILLIAM EHRMAN: Thank you, Chairman.

16 Over the period, I was Director International
17 Security in the Foreign Office from 2000
18 to October 2002. In October 2002, I became
19 Director General Defence and Intelligence in the
20 Foreign Office until the end of July 2004, and
21 from September 2004 to July 2005 I was Chairman of the
22 Joint Intelligence Committee. My present position is
23 Ambassador to China.

24 THE CHAIRMAN: Thank you. Mr Dowse?

25 MR TIM DOWSE: I was, from January 2001 until November 2003,

1 the head of what was initially called counter -- sorry,
2 Non-proliferation Department in the Foreign Office and
3 subsequently was named Counter Proliferation Department.
4 In November 2003, I moved to become Chief of the
5 Assessments Staff in the Cabinet Office and, since
6 earlier this year, I have been Director of Intelligence
7 and National Security in the Foreign Office.

8 THE CHAIRMAN: Thank you very much. To start the
9 questioning, Sir Lawrence, can I turn to you?

10 SIR LAWRENCE FREEDMAN: Thank you very much.

11 Just to start us off, perhaps you can give us
12 a brief guide to the concerns that the government had at
13 this time generally of the weapons of mass destruction
14 and the means that they were using to deal with that.

15 MR TIM DOWSE: I will lead on that. I think the -- if I can
16 give you an overview of the policy that we had in that
17 area, and I apologise that this is quite an arcane
18 subject and it is a little difficult to avoid alphabet
19 soup at times, but we had been concerned -- the
20 British Government, over many years, had been concerned
21 at the proliferation of weapons of mass destruction, and
22 perhaps I should just define "weapons of mass
23 destruction".

24 It is a term that in general is taken to refer to
25 nuclear weapons, biological weapons, chemical weapons.

1 Associated with WMD has been efforts to restrain the
2 spread of ballistic missile. Missiles are not weapons
3 of mass destruction in themselves, but they are
4 a particular means of delivery of nuclear, chemical and
5 biological weapons and it is a means that it is
6 particularly difficult to defend against. So it is
7 consequently regarded as really quite destabilising.
8 So ballistic missiles tend to be associated with WMD
9 more generally.

10 In the case of Iraq there was a very specific
11 definition of WMD, which was set out in Security Council
12 Resolution 687, which referred not only to the weapons,
13 but to weapons used for material components,
14 sub-systems, manufacturing facilities of that sort. So
15 there was a rather broader definition of what we were
16 looking at, but in terms of the general approach that we
17 had, as I say, the government had been concerned about
18 the spread of WMD for many years and that was part of
19 a wider international concern.

20 We had a network of international treaty regimes
21 that were established to try to constrain the
22 proliferation of WMD. The oldest was the Nuclear
23 Non-proliferation Treaty dating from 1970. There was
24 also the Biological and Toxic Weapons Convention, which
25 came to force in 1975, and, after the first Gulf War,

1 the Chemical Weapons Convention was negotiated and that
2 came into force in 1997.

3 So there were these treaty regimes which
4 collectively we regarded as expressions of an
5 international consensus against WMD proliferation and
6 they raised the political cost of pursuing WMD.

7 They -- we felt that the treaties were more
8 effective when they were underpinned by verification
9 provisions. In the case of the Non-proliferation
10 Treaty, it has always been accepted that member states
11 of that treaty should conclude comprehensive safeguard
12 agreements with the International Atomic Energy Agency,
13 the IAEA, which required them to declare their holdings
14 of nuclear materials and IAEA inspectors were then
15 permitted to verify those declarations.

16 The problem with the IAEA safeguards was that they
17 enabled the Agency to confirm the correctness of
18 declarations, but they didn't enable it to confirm the
19 completeness. So if a country, such as Iraq, for
20 example, was inclined to cheat, as we found it to have
21 done during the 1980s, the inspectors didn't
22 automatically have the opportunity to discover --

23 SIR LAWRENCE FREEDMAN: I think we will get into some of the
24 details of this later on.

25 MR TIM DOWSE: Sure.

1 THE CHAIRMAN: Just basic background at the moment.

2 MR TIM DOWSE: The other Conventions, the Chemical Weapons

3 Convention also had a verification mechanism with it,

4 the Biological Weapons Convention did not have

5 verification provisions, and, in fact, we were trying to

6 negotiate a verification protocol for the BWC at the

7 time of -- in the years that we are talking about, 2001

8 to 2003.

9 In addition, we had a range of national and

10 international export controls. The export control

11 regimes, the Nuclear Suppliers Group dealing with

12 nuclear matters, the Australia Group which dealt with

13 chemical and biological materials, these are essentially

14 suppliers' clubs, groups of countries able to -- with the

15 technology to provide these sort of items, which

16 collectively agreed that there were things that should

17 be controlled.

18 I think the position we were in by 2001 was that

19 these various international regimes had clearly delayed

20 and obstructed proliferation, but we were extremely

21 concerned that in some specific cases determined

22 proliferators were making progress. We were concerned

23 about Iran, we were concerned about Libya, we were

24 concerned about Iraq. We had the cases of North Korea

25 which had been caught cheating in 1993, and we had also

1 begun to get information of the activities of AQ Khan
2 in Pakistan who were offering nuclear assistance for
3 weapons programmes covertly to a number of countries,
4 notably Libya.

5 So we had a sense that the -- if you like, the
6 international non-proliferation regimes were important
7 but not sufficient, and we were giving quite a lot of
8 attention to how we could reinforce the -- what we
9 called the "tool box against proliferation", and that's
10 the ...

11 SIR LAWRENCE FREEDMAN: Thank you very much. That's very
12 helpful. Can we just take some of the issues that you
13 have raised?

14 You described WMD as consisting of nuclear,
15 biological and chemical. Would you give a rank ordering
16 of importance of those?

17 MR TIM DOWSE: I think this is something you can debate.

18 I think we were intended to be particularly concerned
19 about nuclear. We had concerns about the impact of
20 biological weapons. It is often true -- it is often
21 quite difficult to see how biological weapons would be
22 easily usable in an interstate conflict. They perhaps
23 gave us more concern about the possible use by
24 terrorists. But nevertheless, we were aware that the
25 Soviet Union had had a large biological weapons

1 programme. We were -- we had discovered in the 1990s
2 that Iraq had had quite a significant biological weapons
3 programme. So biological was certainly a concern.

4 Chemical weapons -- in a way, chemical weapons are
5 regarded as WMD for -- almost for historical reasons.
6 The experience of the First World War led to attempts
7 originally in the 1920s to control chemical weapons, but
8 they were less of a military concern. But, again, they
9 were part of the corpus of weapons that I think we, and
10 much of the world, believed should be avoided and their
11 spread should not be encouraged.

12 Obviously, Iraq had used chemical weapons quite
13 extensively in the Iran/Iraq war.

14 SIR LAWRENCE FREEDMAN: But from what you say, in a way,
15 nuclear weapons could be in a category all of their own. There
16 is a problem, is there not, with weapons of mass
17 destruction?

18 MR TIM DOWSE: I think people tend to -- when we look at
19 WMD, and we certainly treated them all as weapons to be
20 constrained and the Conventions were there, but probably
21 nuclear was the one that, when we looked at what was
22 happening in terms of proliferation through the 1990s,
23 the nuclear issue was one that particularly bothered us.
24 Iran and Libya were both -- and North Korea, of course,
25 were all particularly nuclear related and AQ Khan was

1 offering nuclear assistance.

2 SIR LAWRENCE FREEDMAN: If we then, from that --

3 SIR WILLIAM EHRMAN: Could I add just one point?

4 As Tim Dowse as described it, the concern that we
5 had at the beginning of the century was that the
6 programmes that we had been worried about were maturing.
7 They were maturing in Libya, in Iran, North Korea. We
8 could go into details, if you want, of how they were
9 developing. But, also, added to that you had increasing
10 concern about the use that terrorists might make of
11 these weapons.

12 In the 1980s, we hadn't been so worried about that
13 but those concerns grew, and, of course, they were
14 greatly accentuated after 9/11 and the possibility of
15 some of those weapons, chemical, biological, falling
16 into terrorist hands, increased our concerns about it.

17 SIR LAWRENCE FREEDMAN: Thank you. So in terms of your
18 concerns over this period, you mentioned Iran, you
19 mentioned North Korea, you mentioned Libya, you
20 mentioned Pakistan, at least through AQ Khan, and you
21 mentioned Iraq, but in terms of rank ordering again,
22 where would Iraq come on that list, in terms of the most
23 threatening in proliferation terms?

24 MR TIM DOWSE: It wasn't top of the list. I think in terms
25 of -- my concerns on coming into the job in 2001,

1 I would say, we would have put Libya and Iran ahead of
2 Iraq.

3 SIR WILLIAM EHRMAN: I would like to add to that. In terms
4 of nuclear and missiles, I think Iran, North Korea and
5 Libya were probably of greater concern than Iraq. In
6 terms of chemical and biological, particularly through
7 the spring and summer of 2002, we were getting
8 intelligence, much of which was subsequently withdrawn
9 as invalid, but at the time it was seen as valid, that
10 gave us cause for concern, but I think there is one
11 other thing that you need to recall about Iraq, which
12 was different in a sense from some of the other
13 countries.

14 First of all, they were in breach of a great many
15 Security Council Resolutions. Secondly, as Tim Dowse
16 has mentioned, Iraq had used chemical weapons both
17 internally against its own people and externally against
18 Iran.

19 Thirdly, it had started a war against Iran and it
20 had invaded Kuwait and it had also fired missiles to
21 Iran, Kuwait, Israel and Saudi Arabia. So in that sense
22 in terms of use and in terms of -- ignoring a great many
23 Security Council Resolutions, Iraq was unique.

24 MR TIM DOWSE: Just to reinforce that, we wrote a strategy
25 paper in the middle of 2002, it was the result of

1 a number of iterations, which specifically said in
2 relation to Iraq that it was a concern, a priority
3 concern, because it might be the exception to a general
4 rule that most WMD programmes are essentially driven for
5 defensive purposes, which, when we looked at the
6 motivations behind WMD proliferation, we would say most
7 proliferators were looking for a deterrent. They feared
8 for their own security.

9 In the case of Iraq, we thought that might be the
10 exception. Saddam's history of aggression against his
11 neighbours, against his own people, meant that it was
12 extremely difficult, I think, to make a firm calculation
13 that he, when equipped with WMD, would not again attack
14 within the region.

15 SIR LAWRENCE FREEDMAN: Although you could argue that there
16 was a defensive case and, indeed, the Iraqis would
17 argue, taking into account Iran, who you have also
18 pointed out was developing capabilities in Israel, so
19 they would have a defensive argument, but rather than
20 get diverted on to that, let me just go back to many
21 things you have now said.

22 We have talked about the distinctions between the
23 different types of weapons and you have indicated that
24 nuclear is the most important but that's not what you
25 necessarily had concerns about, that with Iraq that

1 wasn't a major concern. Is that fair enough?

2 MR TIM DOWSE: In a general statement, I agree, we were more
3 focused on nuclear issues than we were on others.

4 SIR LAWRENCE FREEDMAN: We talked about programmes a bit and
5 Sir William, I think, mentioned the maturity. The word
6 "programme", like weapons of mass destruction, can
7 include an awful lot from something that is a gleam in
8 a professor's eye to a fully-fledged delivery
9 capability.

10 Can you just indicate the different stages that
11 a programme might involve?

12 MR TIM DOWSE: Could I maybe illustrate that with regard to
13 some of the countries concerned? Take Libya as one
14 example. Between 1998 and 2003, the assessments that
15 were being carried out painted a picture of steady
16 progress on Libya's nuclear and ballistic missile
17 programmes. It had been identified by 2003 as a prime
18 customer of AQ Khan network. We were also concerned
19 about activity in the chemicals weapons field and about
20 work at research sites on dual-use potential to support
21 biological weapons-related work.

22 With Iran, Iran had used ballistic missiles in the
23 Iran/Iraq war in the 1980s. It had acquired Scud B
24 missiles from Syria and from North Korea and after -- it
25 also produced Scud C slightly longer-range missiles.

1 After the war, North Korea sold to Iran production
2 technology for Scud B and Scud C and in the mid-1990s,
3 it bought a few examples of North Korean No-Dong 1
4 missiles. These were longer-range and, from that, it
5 developed its own missile, the Shahab 3, of
6 1300 kilometres. Iran's nuclear fuel activities had
7 developed steadily over more than two decades by 2001 to
8 2003.

9 It had announced, or the IAEA had reported, a large
10 Iranian conversion facility at Isfahan; a large facility
11 for gas centrifuge fuel enrichment; it had indigenous
12 facilities to manufacture centrifuge components; it had
13 obtained P2 centrifuges; it had got technical drawings,
14 whose origin the IAEA had concluded was AQ Khan. So we
15 were considerably worried about the development in Iran.

16 As for North Korea --

17 SIR LAWRENCE FREEDMAN: I think you have made your point
18 that there are a variety of different stages and the
19 example you have given us from Iran is quite interesting
20 perhaps as a comparative with what was thought to be the
21 case with Iraq.

22 Can we move on to Iraq itself? You have mentioned
23 all the things before that Iraq was known to have done,
24 but these were all prior to 1991 in terms of attacking
25 its neighbours and actually using these weapons.

1 So, since 1991, do you believe that it had been
2 effectively contained?

3 MR TIM DOWSE: I would say we regarded the effect of the --
4 certainly with WMD, the weapons inspectors, UNSCOM's
5 activities, the IAEA's activities through the 1990s,
6 until 1998, as effectively disarming Iraq. There were
7 a quite a large number of unanswered questions, things
8 that we were unsure about.

9 In terms of its nuclear activities, we were pretty
10 confident that the IAEA did succeed in dismantling
11 Iran's nuclear capability. It couldn't, of course, do
12 anything about the, if you like, intellectual property,
13 what was in the minds of the scientists, and we were
14 pretty sure that documentation was kept, but I think we
15 did feel that Iran was contained with regards its
16 nuclear programme.

17 With chemical and biological weapons, we were less
18 confident because there were more unanswered questions
19 left at the time that the inspectors departed in 1998
20 and we were getting reporting, although it wasn't
21 extensive, but what we got was worrying, that Iraq was
22 continuing to pursue chemical and biological activities.
23 There was, for example, the issue of the mobile BW
24 production facility.

25 SIR LAWRENCE FREEDMAN: Obviously we will come to that.

1 MR TIM DOWSE: So we had a concern that that was --
2 certainly, their intent was to rebuild a capability and
3 that they might still retain stocks of both weapons and
4 agents that the inspectors hadn't found.

5 In the case of missiles, we were -- again, we had
6 fairly clear reporting, which was subsequently proved to
7 be correct, that they were seeking to develop missiles
8 that had not -- that had breached the limits that were
9 put on them under Resolution 687.

10 In the -- the inspectors again had -- UNSCOM had
11 destroyed most of Iraq's long-range missiles, but there
12 was some discrepancy in accounting. We weren't sure
13 whether all had gone and we thought there were probably
14 a small number still hidden somewhere.

15 SIR LAWRENCE FREEDMAN: What I'm interested in getting at
16 here is the nature of the threat. There seem to be
17 possibly two issues. There is a question of being in
18 compliance with the UN Resolutions and actually being
19 threatening.

20 Is it the second or is it the first?

21 MR TIM DOWSE: I think the assessment was that it was
22 a potential threat, that, while the sanctions were
23 there, the threat remained potential. If the sanctions
24 were to go, if you like, the door to the box was to be
25 opened, then we were -- our assessment was that Saddam

1 would very quickly aim to rebuild his WMD programmes and
2 then would pose a threat to his neighbours and
3 international peace.

4 SIR LAWRENCE FREEDMAN: But that assumed that, when the box
5 was opened, all the other treaties and Conventions and
6 so on that you mentioned right at the start, would not
7 be applied to Iraq, or Iraq would ignore them.

8 MR TIM DOWSE: I think the view was that Iraq would be
9 likely to ignore them. It had got a long history of,
10 even under the very tight controls imposed by
11 Resolution 687 -- certainly it had a long history of
12 cheating, attempting to hide, attempting to evade those
13 controls. So I would say we had very little doubt that
14 Saddam would try to rebuild his programme.

15 SIR WILLIAM EHRMAN: I would say that there were two
16 threats, the one described by Tim Dowse in the region,
17 the potential threat. But there was also the fact that
18 he was supporting terrorist groups, Palestinian
19 terrorist groups, and although we never found any
20 evidence linking him closely to AQ Khan and we did
21 not -- sorry, to Al-Qaeda, and we did not believe that
22 he was behind, in any way, the 9/11 bombings, he had
23 given support to Palestinian terrorist groups and also
24 to a group called the MEK, which was a terrorist group
25 directed against Iran.

1 SIR LAWRENCE FREEDMAN: But there was no evidence that he
2 was giving them, or had promised to give them, chemical
3 weapons?

4 SIR WILLIAM EHRMAN: No, we never found any evidence that
5 chemical or biological material had been passed by the
6 Iraqi regime to terrorists, but, obviously, in the
7 future, we didn't know what might happen, but there was
8 no evidence that that did happen.

9 SIR LAWRENCE FREEDMAN: The main thing he was doing was
10 promising sums of money to the families of suicide
11 bombers. He wasn't going much beyond that?

12 SIR WILLIAM EHRMAN: He was doing that, but he was also
13 providing material support to Islamic Jihad, to Hamas to
14 Hezbollah.

15 SIR LAWRENCE FREEDMAN: But you didn't find any evidence of
16 passing chemical or biological weapons or even promising
17 to Al-Qaeda --

18 MR TIM DOWSE: No, we obviously looked at this very
19 carefully, particularly because of media reports that
20 there were connections and concerns after 9/11, and we
21 did find some evidence of contacts between Iraqi
22 officials and the individuals in Al-Qaeda in the late
23 1990s, Abu Mus'ab Al-Zarqawi, who subsequently became
24 quite well-known in Iraq, and during the insurgency was
25 present in Baghdad, we believed, at the end of the

1 1990s/2000.

2 But the judgment we came to was that these had been
3 quite sporadic contacts. There hadn't been, if you
4 like, anything that looked like a relationship between
5 the Iraqis and Al-Qaeda, and, in fact, after 9/11, we
6 concluded that Iraq actually stepped further back, that
7 they didn't want to be associated with Al-Qaeda. They
8 weren't natural allies.

9 SIR LAWRENCE FREEDMAN: This is quite an important
10 difference with some elements in the American
11 administration.

12 Did you have discussions with your colleagues in the
13 United States about the various allegations that were
14 being made in the opposite direction?

15 MR TIM DOWSE: I didn't, because it was a counter-terrorist
16 issue wasn't it?

17 SIR WILLIAM EHRMAN: Yes, we did. They put more weight on
18 some of the links that Tim Dowse has described at the
19 end of the 1990s than we did, but our view was that
20 there was no evidence to suggest collaboration
21 between -- serious collaboration of any sort between
22 Al-Qaeda and Saddam Hussein's regime.

23 MR TIM DOWSE: Speaking from my subsequent experience as
24 Chief of the Assessments Staff, that was generally --
25 I think that view was shared by our colleagues in the

1 US.

2 SIR LAWRENCE FREEDMAN: But not always in the
3 Administration.

4 MR TIM DOWSE: Our colleagues in the intelligence community.

5 SIR LAWRENCE FREEDMAN: Just in terms of where we are,
6 therefore, there is no reason to take this problem
7 particularly seriously at this time in terms of actual
8 capabilities of terrorist groups benefiting from Iraq.

9 Let's then move on to the nuclear. There is no
10 concern at this time that Iraq is about to become
11 a nuclear power here. That's correct?

12 MR TIM DOWSE: No. As I say, our concern was that if the
13 sanctions eroded, and we were concerned that the
14 sanctions regime was eroding, if the sanctions went
15 away, we were quite confident that Saddam would try to
16 rebuild his nuclear capability, and I think we have an
17 assessment that he would be able to do so within about
18 five years.

19 SIR LAWRENCE FREEDMAN: That would be quite a stretch,
20 wouldn't it? If you look at all that Iran has to do, it
21 still doesn't have a nuclear capability. We have been
22 talking about putting advanced infrastructures since
23 2001/2002 or something, as you say. Seven years on,
24 nobody is suggesting that Iran has a bomb at this
25 moment.

1 It would have been pretty good work, wouldn't it,
2 for Iraq to get a nuclear weapon in five years?

3 MR TIM DOWSE: Well, they weren't starting from scratch. We
4 found in 1991 that, at that time, we also had
5 a five-year assessment of how long it would take them to
6 acquire a weapon and actually --

7 SIR LAWRENCE FREEDMAN: These assessments are always five
8 years, aren't they?

9 MR TIM DOWSE: Not always. But we subsequently found that
10 they had been far further advanced than we had expected.

11 SIR LAWRENCE FREEDMAN: But they had all been destroyed.

12 MR TIM DOWSE: Yes, but as I say, the intellectual capital
13 was still there, and, once you know how to do it, it is
14 simply a matter of getting the kit.

15 SIR WILLIAM EHRMAN: I think the IAEA assessment after 1991
16 was that they might have got there by 1993, so just two
17 years.

18 As Tim says, our assessment around 2000 was that
19 they could not get a nuclear weapon while they remained
20 under sanctions, but if the sanctions disappeared, the
21 estimate was five years.

22 SIR LAWRENCE FREEDMAN: That assumes that when sanctions
23 disappeared, part of the deal would not be that they
24 agreed to normal IAEA safeguards.

25 SIR WILLIAM EHRMAN: Part of the deal would certainly be

1 that they would have to agree to normal IAEA safeguards,
2 but if they were cheating...

3 SIR LAWRENCE FREEDMAN: At the moment, at the time, they
4 were not, however, a threat, and we're having to make
5 some pretty, I would say, heroic assumptions on their
6 part to get them to a nuclear capability by saying that.

7 SIR WILLIAM EHRMAN: We never claimed it at the time.

8 SIR LAWRENCE FREEDMAN: So we're now down to biological and
9 chemical. Let's take the chemical, where, as you have
10 indicated, they had used them before to quite horrific
11 effect against their own people as well as the Iranians.

12 The key thing here is the means of delivery, isn't
13 it? What was assessed about the means of delivery of
14 chemical weapons?

15 MR TIM DOWSE: They had used aircraft, aerial bombs, they had
16 used artillery, they had used rockets, battlefield
17 rockets, as a means of delivery. They had developed
18 warheads for ballistic missiles for delivering chemical
19 and biological weapons.

20 Now, most of that -- in fact, we believed that most
21 of that capability had been destroyed, although, as
22 I said, there were considerable accounting difficulties
23 at the time that the UNSCOM inspectors left in 1998.
24 There was a large number of both munitions and agent
25 unaccounted for. We had debates with the technical

1 experts at the time as to, for example, how long
2 a biological agent might remain lethal, something like
3 anthrax, and there were differences between the experts,
4 but there was certainly a school of thought which said
5 that they could still remain lethal, if hidden, from
6 1991.

7 SIR LAWRENCE FREEDMAN: That's biological, I was just trying
8 to stick to chemical.

9 MR TIM DOWSE: Okay. Chemical agent similarly. But in
10 a way you are right that the agent was not the key
11 feature, because any country with an advanced
12 petrochemical industry, such as Iraq, could produce
13 agent quite quickly. They had experience of developing
14 the munitions. As I say, the aerial bombs, the rockets.
15 So we didn't regard that that would be a particular
16 constraint on them.

17 SIR LAWRENCE FREEDMAN: But you also mentioned earlier that
18 you tended to see chemical weapons in terms of
19 battlefield use rather than interstate use.

20 MR TIM DOWSE: Clearly, there was a concern that -- what
21 I would say, looking from our own perspective, in NATO
22 forces, who have practised for many years, who operate
23 in a chemical environment, I don't think we would have
24 regarded use of chemical weapons as particularly
25 a battlefield problem for us.

1 But clearly, as we saw during the first Gulf War in
2 1991, the threat of ballistic missiles armed with
3 possible chemical warheads to be used against cities
4 caused a very, very wide range of concern and panic in
5 some of Iraq's neighbours. So that -- the idea that use
6 of missiles is, if you like, terror weapons in the
7 context of a conflict was something that we were worried
8 about.

9 SIR LAWRENCE FREEDMAN: That would require maintaining some
10 scouts and, again, there is a question of an accounting
11 discrepancy.

12 MR TIM DOWSE: There was an accounting -- we didn't believe
13 that they had a large number of long-range missiles
14 Al Husseins were the version that we are talking about,
15 which was an extended-range version of the Scud. We
16 referred at various times to -- in the assessments to
17 a handful. Eventually, we -- it took quite a lot of
18 number crunching by the technical experts in the Defence
19 Intelligence Staff that we came to a conclusion up to 20.
20 The American assessment was slightly larger, but not
21 way --

22 SIR WILLIAM EHRMAN: Can I make one comment on battlefield
23 use, which is that Saddam did regard that as valuable
24 and he indeed regarded it as something which had turned
25 back the Iranians during the Iran/Iraq war when they

1 were advancing on the Al Faw peninsula. He valued
2 those.

3 SIR LAWRENCE FREEDMAN: It was in this context that the
4 famous 45 minutes came up, presumably?

5 MR TIM DOWSE: Well, yes. The 45 minutes report -- speaking
6 personally, when I saw the 45 minutes report, I did not
7 give it particular significance because it didn't seem
8 out of line with what we generally assessed to be Iraq's
9 intentions and capabilities with regard to chemical
10 weapons.

11 My own personal assumption on reading it was that it
12 was referring to something like multi-barrelled rocket
13 launchers, the sort of weapon or delivery system that
14 could be kept ready for rapid deployment in the event of
15 a conflict.

16 As I say, it subsequently took on a rather iconic
17 status, but I don't think those of us who saw the
18 initial report really gave it -- it didn't seem -- it
19 wasn't surprising.

20 SIR LAWRENCE FREEDMAN: It wasn't surprising because it was
21 in the context of an assumption that Iraq had some
22 chemical stocks, that they had artillery, that they
23 could fire these, and Saddam saw it as of value for
24 battlefield use. This was the general view amongst the
25 intelligence agencies?

1 MR TIM DOWSE: Yes, and this was based on the JIC
2 assessments. We had a -- there were assessments over
3 a number of years. I think the difficulty that we had
4 was that, after the withdrawal of the UNSCOM inspectors
5 at the end of 1998, we lost quite a lot of our insight
6 into what was happening in Iraq. One of the reasons we
7 wanted the inspectors to return was because we wanted to
8 have some eyes and ears, if you like, on the ground
9 reporting to the UN.

10 SIR LAWRENCE FREEDMAN: This is a slightly different
11 problem. We are assuming for the moment that the
12 intelligence that you are working with is correct, and,
13 obviously, what if it wasn't.

14 MR TIM DOWSE: Yes.

15 SIR LAWRENCE FREEDMAN: What we are trying to work out is
16 what it meant. Now, you have indicated what seemed to
17 you to be a pretty nondescript observation, but it got
18 an iconic status because, in a sense, it got lost in
19 translation. It became not a chemical weapon for use on
20 the battlefield, but a weapon of mass destruction for
21 use in an interstate war; otherwise, why mention the
22 45 minutes?

23 MR TIM DOWSE: I don't think we ever said that it was for
24 use on board a ballistic missile, but --

25 SIR LAWRENCE FREEDMAN: But you did say it wasn't.

1 SIR WILLIAM EHRMAN: I think we referred to it as
2 "munitions", and I think when that was looked at by the
3 Butler Review, they said it should have referred to
4 battlefield weapons.

5 SIR LAWRENCE FREEDMAN: Just to conclude, on going through
6 the systems: biological weapons and again you have given
7 some reasons why these were an uncertain weapon, that
8 Iraq had a programme. So how did you assess that
9 programme in 2001 as a threat rather than as an
10 activity?

11 MR TIM DOWSE: In 2001 the -- and again, we -- certainly, as
12 in context, immediately after the first Gulf War, for
13 a number of years the Iraqis denied having a biological
14 programme at all. Then, with the defection of
15 Hussein Kamel, in 1995, he spoke to the fact that there
16 had been a very substantial biological programme, as we
17 had suspected. In fact, I think we found it was rather
18 greater than we had previously assessed.

19 That action was then taken to dismantle large
20 elements of that programme. There was a particular
21 biological production facility that UNSCOM did dismantle
22 and destroy. We were never confident that UNSCOM had
23 found everything biological. It was particularly
24 difficult to identify. Very much of the equipment used
25 for biological weapons is dual-use. It has legitimate

1 uses in medical applications or agriculture
2 applications. So we -- and there was a discrepancy in
3 the amount of growth media that Iraq had ordered. There
4 was quite a large quantity that was never accounted for
5 by UNSCOM. So we had concerns in 1998 that not
6 everything had been destroyed or uncovered.

7 Again, then we got intelligence reporting, very
8 fragmentary, but nevertheless quite convincing, of Iraqi
9 attempts to continue to pursue development of biological
10 weapons. I mentioned the mobile facilities. We had
11 probably got less, I think, on biological than we did on
12 chemical or missiles.

13 SIR WILLIAM EHRMAN: Our assessment in April 2000 was that
14 there was continuing research and production of BW agent
15 and that Iraq seemed to be exploring the use of mobile
16 facilities.

17 SIR LAWRENCE FREEDMAN: The same defector who told you in
18 1995 that there was a big programme, there was still
19 documentation around about it, also told you that
20 everything had been destroyed in 1991.

21 MR TIM DOWSE: But Iraqis then made a declaration of their
22 programme that they had previously denied and we found
23 that some things had not been destroyed. So the whole
24 experience of the 1990s was of Iraq withholding
25 information, attempting to conceal activities,

1 attempting to conceal equipment, weapons, and having to
2 be dragged, if you like, to the truth step by step.

3 Against that background, personally, I think it was
4 a reasonable conclusion to come to that, once the
5 inspectors had left in 1998, the Iraqis would then
6 pursue their programmes in a more uninhibited way.

7 SIR LAWRENCE FREEDMAN: But we are still talking about
8 evidence of non-compliance, the rudiments of a
9 capability, not necessarily something, to use
10 Sir William's term: full maturity.

11 MR TIM DOWSE: We thought that -- in the case of both
12 chemical and biological weapons, we thought that
13 a capability could be reconstituted very quickly.

14 SIR LAWRENCE FREEDMAN: How many?

15 MR TIM DOWSE: I think in the case of chemical we said it
16 would be a matter of weeks; in the case of biological
17 a matter of months to deliver a useable capability.

18 SIR LAWRENCE FREEDMAN: So if they could develop
19 a capability that quickly, and they were still in the
20 process of developing missile delivery systems, which is
21 where we can agree there was hard evidence about, what
22 inference of all of that might have been that it didn't
23 make any sense to hold stocks that might cause you
24 embarrassment, just wait until you have got the delivery
25 capability ready, and then, at a later date, worry about

1 stocks.

2 MR TIM DOWSE: It might, and we tended to -- in general, we
3 would refer to the unaccounted for items, but I think we
4 were always conscious that there is a danger in
5 assessment of intelligence -- and, of course, this is
6 primarily an issue for the Joint Intelligence Committee
7 rather than the Foreign Office itself, but a danger in
8 mirror imaging.

9 Just because we wouldn't do it that way, doesn't
10 mean that somebody else would not do it that way. The
11 Iraqis did quite a lot of things that seemed to us to be
12 irrational, but, by their lights, presumably it was not.
13 They buried things in the sand, entire aircraft, which
14 was not something that would seem a particularly
15 rational thing to us, but they did it.

16 SIR LAWRENCE FREEDMAN: Just to conclude this line, the
17 position that we are in in 2001/2002, is we have had no
18 inspectors in from 1998. As I recall, an expert report
19 for the United Nations had said that the process of
20 dismantling of Iraqi weapons of mass destruction had
21 been largely successful during the course of the 1990s.
22 They had been found out cheating. Now we are trying to
23 work out what is going on.

24 Are you saying this was a reasonable assumption that
25 naughty things were going on but your evidence was

1 pretty sparse?

2 SIR WILLIAM EHRMAN: There was a combination. There were
3 the unanswered questions when UNSCOM left and then there
4 was a certain amount, not a great deal, of intelligence
5 over the following years, and that intelligence grew in
6 the summer of 2002. But there was not a huge volume of
7 intelligence of new things happening after the
8 inspectors left in 1998, but, of course, we didn't know.

9 SIR LAWRENCE FREEDMAN: Did it ever strike you that the
10 extra intelligence coming through in 2002 might not be
11 wholly coincidental?

12 SIR WILLIAM EHRMAN: No.

13 SIR LAWRENCE FREEDMAN: You just assumed -- because as we
14 looked --

15 MR TIM DOWSE: Again, I think -- I think where we are --
16 where, at the time, we had had the ten years of
17 experience of UNSCOM, even when the inspectors were
18 there, of Iraq's cheating, of concealing, of playing
19 games really with the inspectors. After the first few
20 years of UNSCOM, where considerable progress was made in
21 destroying Iraq's declared missiles, its CW munitions,
22 most of the progress that was made after about
23 1994/1995, came about through intelligence breaks.

24 There was a document that UNSCOM acquired from an
25 Iraqi Ministry that the Iraqis had not intended them to

1 acquire, that showed that there had been a far greater
2 number of chemical weapons, for example, produced in the
3 1980s, than Iraq had declared. There was
4 Hussein Kamel's defection, exposing a BW programme that
5 Iraq denied.

6 So with that experience of the way Iraq had behaved
7 while the inspectors were there, once the inspectors had
8 gone, although our level of information went down, the
9 assumption was made -- and I think it was a reasonable
10 assumption -- that Iraq would feel even more
11 unconstrained and be prepared and have an interest in
12 trying to rebuild its programme, and although the
13 intelligence we received was not great, what we did
14 receive was consistent with that view.

15 Now, I mean, Lord Butler's Inquiry looked at this
16 and one of their conclusions was that we had got
17 ourselves into a particular mindset and we tended to
18 view the information against that set of pre-conceived
19 assumptions and we shouldn't have done that. He was
20 right, and I certainly made a point, when I subsequently
21 became Chief of the Assessments Staff, to ensure that we
22 didn't roll forward assumptions, that we tested, that we
23 challenged ourselves on every occasion and I think that,
24 although our intelligence assessment process is
25 generally robust, a key element of it is that we have to

1 be prepared to ask difficult questions and challenge our
2 own assumptions, and I think in respect of Iraq that
3 broke down. I think it is understandable that it broke
4 down, because of the experience of the 90s, but
5 nevertheless, it was a failure of the system.

6 SIR LAWRENCE FREEDMAN: Thank you for that. Sir John will
7 pick that up in a moment.

8 I still just want a final thought from you. The
9 evidence that you had was sufficient to give you worry
10 to reinforce your views about what Saddam Hussein might
11 do.

12 How immediate a threat did you assess it at the
13 time?

14 SIR WILLIAM EHRMAN: We never assessed it as an immediate
15 threat and that was never stated. What we said there
16 was was a clear and present threat, but we never said
17 there was an immediate threat.

18 SIR LAWRENCE FREEDMAN: What is the difference between
19 "clear and present" and "immediate"?

20 SIR WILLIAM EHRMAN: Well, there was a clear threat, we
21 thought, partially of what he might have, what the
22 intelligence was telling us he had, also the intent for
23 the future, and "present" in the sense of the
24 intelligence that we were getting at the time, but, as
25 has been said, much of that turned out to be invalid.

1 MR TIM DOWSE: Throughout most of 2001 and certainly the
2 first half at least of 2002, I was probably devoting
3 more of my attention, as head of the Non-proliferation
4 Department to Iran and Libya and AQ Khan than I was to
5 Iraq.

6 Our main activity in relation to Iraq was supporting
7 the effort to get smart sanctions and, in particular, to
8 get an agreed goods review list that would tighten the
9 constraints on what the Iraqis could import that was
10 either of direct relevance to WMD or conventional
11 weapons, or of dual-use.

12 SIR LAWRENCE FREEDMAN: You were reasonably content that, if
13 you do that, then this clear and present threat wouldn't
14 turn into an immediate threat?

15 MR TIM DOWSE: That was -- as I said, the assumption was
16 that specifically in relation to nuclear -- more than an
17 assumption, the calculation was that, provided sanctions
18 remained, that Iraq would not be able to develop the
19 nuclear weapon, and in the case of chemical and
20 biological, well, we were concerned about what he was
21 doing, but we believed that the sanctions were having
22 the -- we wanted to strengthen them but we didn't feel
23 that they were having --

24 SIR LAWRENCE FREEDMAN: Thank you.

25 THE CHAIRMAN: Thank you. I was, of course, a member of the

1 Butler Committee, and memories remain, but a question
2 of -- a preliminary question really to either or both of
3 you: was the reliability of the assessments you were
4 able to make at the moment when UNSCOM were thrown out
5 of Iraq actually a better basis than anything we had by
6 2002 or 2003?

7 Part of that, I suppose, was how much were we still
8 reliant on UNSCOM material and then deriving or
9 inferring from that, after UNSCOM was chucked out, what
10 was likely to be the cases?

11 MR TIM DOWSE: There was certainly concern in the -- I had
12 a concern in 2001 that the position that we were basing
13 ourselves on was still very heavily dependent on UNSCOM
14 information and, if I recall, I actually wrote to the
15 then Chief of the Assessments Staff in April, I think,
16 2001, to say "Can we not produce an update of our
17 assessment which -- and put more into the public domain
18 that isn't looking back to 1998?"

19 It was certainly a concern that we didn't have very
20 much more, and our assessment wasn't that different
21 until early 2002 than it had been in 1998.

22 THE CHAIRMAN: Thank you. I have a question on the
23 methodology. We have talked already about accounting
24 discrepancies between stuff declared and stuff found and
25 destroyed. It is a pretty shaky piece of methodology,

1 isn't it? It is the difference between two rather large
2 numbers and the margin of error on either number is
3 bigger than the result. So it isn't something you could
4 rely on or put very much confidence in.

5 Were there any other methodological approaches other
6 than the hunt for fresh and new intelligence from
7 whatever sources?

8 SIR WILLIAM EHRMAN: I recall that, firstly, starting with
9 the old evidence, it was looked at, if I recall, in
10 2002, and we put something up to Ministers. This was
11 following the DIS, Defence Intelligence Staff,
12 assessment, which slightly changed what we thought were
13 the outstanding amounts and issues.

14 But I agree with you, beyond that, we had to look
15 for new intelligence and there was not a great deal.

16 THE CHAIRMAN: Yes. I suppose one other line -- and a theme
17 that is beginning to interest the Committee more
18 generally -- is the assessment of the state, the
19 mentalities in Iraq, both in the leadership and in the
20 population, and one line is interpreting Saddam's own
21 behaviour and the behaviour of the clique around him at
22 the top of the regime.

23 Was any effort devoted to that kind of
24 interpretation from your side? He had a long history of
25 deception, not only in this field, but more generally.

1 He had, clearly, a great wish to exert the place of Iraq
2 within the region as a powerful nation state. There was
3 a nationalist drive going on. He was protecting his own
4 survival and that of his friends and relatives. There
5 was propaganda for all these purposes, and, as Tim Dowse
6 said in another context, by our standards, a kind of
7 irrationality that comes up now and again.

8 So what I'm asking really is, was there anything,
9 any juice in the lemon to be squeezed out of trying to
10 peer behind the curtain into the mind of the regime of
11 Saddam?

12 SIR WILLIAM EHRMAN: I think maybe we are going to come on
13 to intelligence gaps, or gaps in our general knowledge,
14 and how these were explained to Ministers and, indeed,
15 used by Ministers in 2002 to 2003.

16 But one point I think I would make, after the final
17 report of the ISG -- one of its conclusions was that,
18 while Saddam had long-term strategic intent to
19 reconstitute WMD, his priority between 1991 and 2003 was
20 to get out of sanctions.

21 Now, I think we probably got his long-term strategic
22 intent right. What we didn't have information on was
23 his current strategic intent, if you like. The ISG
24 showed that most things were destroyed in 1991.

25 The other thing which also has come out from his

1 own -- from the FBI transcript tapes is that he didn't
2 want to show Iran that he had very little. Those two
3 are, of course, in conflict to some extent, but we did
4 not, at the time, surmise that.

5 THE CHAIRMAN: No, he really had two contradictory
6 objectives, didn't he? One was to project in the region
7 the notion that Iraq was a powerful WMD-armed or
8 potentially WMD-armed state, but at the same time to
9 persuade the international community that they didn't
10 represent a WMD-based threat, so sanctions could go or
11 be wound down.

12 MR TIM DOWSE: I think the point that you are maybe driving
13 towards is that we spent a lot of time looking at, if
14 you like, the nuts and bolts of these proliferation
15 programmes and perhaps less looking at the political
16 context in terms of the nature of the Iraqi regime, and
17 it was, of course, a particularly difficult target for
18 intelligence because, with a regime dominated by one
19 man, really you are trying to say what's in the mind of
20 one man and that's the most difficult thing of all.

21 Again, it is something that, of course,
22 Lord Butler's report touched on, that we should have
23 perhaps spent more time bringing the political context
24 together with the programmatic analysis by the technical
25 experts, and again I don't disagree. It is something

1 that we changed the way we did some of these things
2 after -- in the light of Lord Butler's conclusions.

3 THE CHAIRMAN: That is a parenthetical question and doesn't
4 indeed perhaps deserve an answer, but with long
5 hindsight now, is it possible that Saddam, in pursuing
6 those two contradictory objectives that we have just
7 described, was not actually getting the reality, the
8 truth, from his own immediate supporters and friends?

9 Who would go to Saddam and say, "No, we haven't
10 actually got battlefield chemicals fairly immediately
11 available", if the money had been siphoned off to
12 someone else?

13 SIR WILLIAM EHRMAN: The only piece of evidence I could
14 produce to try to comment on that question is something
15 again from the FBI transcripts, which he said, which
16 was, "If I had had CBW, I would have used them against
17 the coalition".

18 THE CHAIRMAN: Implying that he therefore was not being told
19 he had them when he hadn't?

20 MR TIM DOWSE: I think, on the other hand, some of the other
21 interviews that were conducted by the Iraq Survey Group
22 with senior Iraqi military officers, for example, many
23 of them believed that the WMD existed.

24 THE CHAIRMAN: Yes, in the hands of others in the military
25 and they would be brought to the battlefield when

1 needed.

2 MR TIM DOWSE: Exactly.

3 THE CHAIRMAN: One line I was driving at was this: that not

4 a lot of fresh intelligence was coming out post UNSCOM's

5 departure, but, because of the change in the nature of

6 the assessment of the threat, a mounting appetite from

7 people such as yourselves, not least, as well as

8 Ministers, thought more -- better -- better-founded

9 intelligence, pressure, therefore, on the intelligence

10 collection agents -- and we will be talking to them

11 probably in the private session about that -- but can

12 you make a basic connection between mounting pressure to

13 produce new intelligence in a very difficult

14 environment, which Iraq certainly was, wasn't it, and

15 the fact that a considerable amount of that intelligence

16 produced since 1998 was subsequently withdrawn?

17 Is there a connection between the two or is it

18 likely that any intelligence-gathering exercise in

19 a Saddam-type regime country would be found to be

20 unreliable?

21 SIR WILLIAM EHRMAN: I wouldn't just limit it to Iraq. I do

22 think you have to look at the intelligence being

23 collected on all of these threats. The tolerance, as

24 Peter Ricketts put it to you yesterday, for these

25 programmes, reduced after 9/11.

1 So there was a lot of pressure for intelligence on
2 all the other countries of concern and that intelligence
3 was very largely validated by what happened
4 subsequently.

5 In Iraq that was not the case. The Butler Review,
6 of course, spoke about the validation procedures within
7 SIS. You mentioned that you will be talking more to the
8 agencies on that. But it wasn't just Iraq. What
9 I would say was that Iraq was obviously a top priority
10 for gaining intelligence. It was a priority 1, and
11 indeed, if I recall rightly, from July 2002, an urgent
12 priority. So other resources could be moved from other
13 priorities to it.

14 But I think one thing you have to remember is there
15 is no linear correlation between setting the priority
16 and then producing intelligence, and it takes a very
17 long time to train people and to get the results you
18 want.

19 THE CHAIRMAN: Certainly in the case of human intelligence.

20 Less so, perhaps, with other techniques.

21 MR TIM DOWSE: I think actually that Sir William does
22 mention an important point when you think about the
23 context in which we were reading the intelligence on
24 Iraq. It was being provided by the same agencies and
25 frequently by the same people, in terms of agency

1 officials, who were also providing us with intelligence
2 on Iran, on AQ Khan, on Libya, which was consistently
3 proving extremely accurate, and when we were dealing
4 with all these issues together, I think that probably
5 increased our confidence or it decreased our inclination
6 to question what they were giving us on Iraq.

7 SIR WILLIAM EHRMAN: Could I add one more question? Because
8 I think behind your question is another one, which is,
9 "Why didn't we review it all?" and I would answer that
10 with three points.

11 One was that, until March 2003, we were not
12 receiving contradictory intelligence to what we got up
13 to then. We did, in the very final days before military
14 action, receive some on CBW use that it was
15 disassembled, that you might not have the munitions to
16 deliver it. But up to then, we were not getting
17 contradictory intelligence.

18 Secondly, some of the intelligence was proving valid
19 with UNMOVIC and they were finding, for example, the
20 rocket motors, the nuclear documents. So that was giving
21 to some extent some assurance.

22 Thirdly, UNMOVIC itself, on 6 March, published its
23 unresolved disarmament issues in which they said that
24 Saddam Hussein would have to take 128 actions to resolve
25 those unresolved issues.

1 So against all of that background, maybe that was
2 one of the reasons that there wasn't a major review
3 done. But, as Tim Dowse says, after the war,
4 a challenge team was put into the Assessments Staff to
5 challenge just the sorts of situations which were in at
6 that time, before the war.

7 THE CHAIRMAN: Right. We have been exercising a certain
8 amount of hindsight to advantage, but let's go back, if
9 we may, to the period leading up to 2003. So we're in
10 2001/2002.

11 Iraq is going up the scale in terms of the assessed
12 threat. The Ministers' appetite for briefing on these
13 matters is clearly mounting in parallel, if I am right,
14 and rightly so.

15 What was the experience of briefing Ministers,
16 specifically on WMD issues? As you said at the
17 beginning of this session, a lot of this is extremely
18 technical and nerdy. There are important complications
19 that need to be understood and hoisted in.

20 I just wonder, how often were Ministers offered
21 briefings? Did it include the entire range of Cabinet
22 Ministers who had a direct departmental interest,
23 I suppose Defence, Foreign Secretary, Attorney and
24 others. Could you say a little bit about that first?

25 SIR WILLIAM EHRMAN: I think there were five areas in which

1 Ministers were briefed. One was through the JIC
2 assessments which went automatically to all the members
3 of the Committee on Security and Intelligence. I can
4 only speak at that period for the Foreign Secretary, but
5 he publicly -- in public evidence to the Foreign Affairs
6 Committee has said that he read every one of those JIC
7 assessments.

8 Secondly, there were notes and policy papers that
9 were put to Ministers. You will recall the
10 interdepartmental policy paper in March 2002, which
11 briefed on the threat as seen then, and it also briefed
12 on the limitations of the intelligence at that time.

13 There were individual intelligence reports, which
14 went to the Foreign Secretary and, again, in public
15 evidence he has said that he asked questions on some of
16 those intelligence reports.

17 Fourthly, he was briefed through meetings with the
18 Agency heads and, again, in public evidence that he has
19 given, he said that he would ask them about the
20 reliability and accuracy of some of the intelligence
21 that he was getting.

22 Lastly, there was, of course, in the run-up to the
23 war, many office meetings where intelligence wasn't the
24 only issue, but where those working on the intelligence
25 side were represented, and he could raise questions on

1 that.

2 MR TIM DOWSE: Perhaps just to add to that a little bit from
3 the viewpoint of my department, we tended to provide
4 specific advice on ad hoc issues. This is in 2001, the
5 beginning of 2002. So to the Foreign Secretary, this is
6 Robin Cook at that time.

7 To give you an example, at the very beginning of
8 2001, as soon as I had come into the job, the
9 Daily Telegraph carried a story that Iraq produced two
10 nuclear weapons and we rapidly produced a brief from the
11 Foreign Secretary that said we didn't believe this was
12 correct.

13 There was some occasion later in that year when,
14 shortly after 9/11, the Foreign Secretary asked what
15 would be Iraq's ability to use WMD to hit back if it was
16 attacked, and we provided a assessment there, drawing on
17 the JIC papers, essentially summarising what the reasons
18 in JIC papers had said.

19 So there were, if you like, ad hoc notes, but we
20 didn't automatically, every time there was an increase
21 in intelligence, brief the Foreign Secretary, partly
22 because he would get the material directly and also
23 because, in general, the individual items of
24 intelligence were not changing the picture radically
25 from the assessments that the JIC was producing.

1 THE CHAIRMAN: I need to pursue that. There was, I think,
2 an observation in the Butler Report about the lack of
3 preparation of Ministers in a general sense to
4 understand and take in the significance of intelligence
5 and how to interpret it.

6 There is also a question about the coordination
7 within Whitehall of the total intelligence picture on
8 Iraq that Ministers could derive, not just the Foreign
9 Secretary but Ministers generally. There was
10 a Permanent Secretary role within the Cabinet Office to
11 do that. Was that, as far as you could sense, being
12 operated effectively and actively at the time?

13 SIR WILLIAM EHRMAN: I can only again comment from the
14 Foreign Office point of view, but there were the JIC
15 assessments and then the Chairman of the JIC, also,
16 himself, was coming to some of the office meetings that
17 the Foreign Secretary held.

18 MR TIM DOWSE: I certainly never felt, either with
19 Robin Cook or with Jack Straw, that they didn't
20 understand the picture that was being given to them by
21 intelligence. They -- questions would be asked from
22 time to time and I think Robin Cook was in some respects
23 perhaps more interested in the conventional weapons
24 issues than the WMD issues, but he certainly didn't --
25 I never got the impression that he didn't understand

1 what he was reading.

2 THE CHAIRMAN: There were two things, weren't there, that

3 Ministers needed to be aware of? I'm asking whether

4 they were, not only the Foreign Secretary but more

5 generally. One is the inherent shakiness of

6 intelligence information coming out of a very hard

7 target country that we know Iraq was, and the second is,

8 not only the intelligence reports that they were getting

9 and seeing, but also the gaps, the things that weren't

10 coming up.

11 SIR WILLIAM EHRMAN: Perhaps I can comment on the gaps. We

12 mentioned already the question of current strategic

13 intelligence, but can I comment on three other areas?

14 First of all -- and one has to remember that

15 Mr Straw, when he was Foreign Secretary, was going

16 through this all in minute detail, because he was often

17 going to New York and speaking on these issues at the

18 Security Council, but, first of all, there were the

19 unanswered questions from UNSCOM, and I have referred to

20 a submission put up to him slightly revising those, but

21 of course, there were huge gaps which were brought out by

22 the document published on 6 -- 7 March and, of course,

23 Mr Straw used that document very extensively in the

24 Security Council debate on 7 March. So that's one area.

25 Secondly, there was the British intelligence and the

1 policy advice up to the war. There was what was said in
2 the JIC assessments and I certainly wouldn't
3 underestimate the degree to which those were read and
4 understood by the Foreign Secretary.

5 Just to give you just a few of the things that were
6 said, April 2000: the picture was limited on chemical
7 weapons. May 2001: the knowledge of WMD and ballistic
8 missile programmes was patchy. March 2002: the
9 intelligence on Iraqi WMD and ballistic missiles is
10 sporadic and patchy. The interdepartmental advice to
11 Ministers in March 2002: Iraq continues to develop WMD
12 although the intelligence is poor. August 2002: there
13 is little intelligence on Iraq's BCW doctrine, and we
14 know little about Iraq's CBW work since late 1998. The
15 assessment of the 9 September 2002: intelligence remains
16 limited.

17 But then, after that time, there were also some
18 other gaps and issues which came to Ministers because
19 the intelligence shifted from September 2002 in the
20 run-up to the war. There was work done on the links
21 between the Iraqi regime and terrorism because we were
22 very interested in that and very worried lest any
23 materials did fall into the hands of terrorists. The
24 gap there, in a sense, was a positive gap, that we
25 didn't see evidence of that, and nor did the

1 British Government ever claim that there was that link.

2 There was the likely nature of Iraq's dealings with
3 the United Nations, and particularly the handling of
4 UNMOVIC and IAEA inspections. I will come back to that
5 in a minute. But then the third big area that was being
6 investigated was Iraqi military preparations and options
7 may be of more interest to the MoD, although we would
8 also have to think of our posts in the region and what
9 we did about them. The assessment then, in December of
10 2002, was that we did not know the extent of Iraq's
11 stocks of chemical and biological weapons.

12 But then the third area was the handling of the
13 inspections and, of course, we were putting a great deal
14 of weight on the work that UNMOVIC was doing at that
15 time. There were two JIC assessments. There were
16 frequent summaries, intelligence updates, daily
17 intelligence highlights.

18 The biggest gap in all of that, and one which
19 Ministers were extremely well aware of and used
20 extensively, was the lack of interviews with scientists.
21 Ministers were constantly pressing, and Mr Straw was
22 pressing, UNMOVIC and the IAEA to take scientists out of
23 Iraq where they could be interviewed privately. So
24 those are three areas of what I would call intelligence
25 gaps, all of which were flagged up to Ministers.

1 THE CHAIRMAN: Right. You draw attention to the fact that
2 the focus of assessment rather shifted in the late
3 months of 2002 against the mounting evidence of
4 a military campaign.

5 Really -- this is not quite the language perhaps --
6 from a balanced assessment to a worst indication
7 assessment. Is that fair?

8 SIR WILLIAM EHRMAN: I wouldn't say to a worst case
9 assessment, because I don't think that there was any
10 fundamental revision over that period of the assessments
11 that had been made up to that period, and the reason for
12 that was that there was not any intelligence coming in
13 to contradict, but there certainly wasn't intelligence
14 coming in which in my view significantly exacerbated the
15 picture, and nor can I recall a JIC piece which
16 heightened the threat, if you like, compared with that
17 seen back at the end of the summer/early autumn 2003.

18 MR TIM DOWSE: Yes. I suppose -- the one thing that did
19 change was the reporting received in September 2002 --
20 well, end of August/beginning of September -- that
21 referred to current production of chemical and
22 biological agents, as I recall.

23 Again, in a way, it didn't come as a great surprise,
24 although it was -- it was clearly a step -- it enabled
25 us to firm up an assessment that previously had been

1 rather carefully caveated.

2 THE CHAIRMAN: In terms of military planning, a fairly
3 crucial difference.

4 MR TIM DOWSE: I'm sure the MoD would agree.

5 THE CHAIRMAN: Whether or not you are going into a chemical
6 warfare environment.

7 MR TIM DOWSE: I mean, the Foreign Office were essentially
8 a consumer, essentially, of the intelligence and of the
9 intelligence assessments, although we contributed to the
10 assessments as well, but, again, it is a little bit like
11 the 45 minutes, it helped to fill out a picture but what
12 it tended to do was confirm an expectation that we
13 already had.

14 SIR WILLIAM EHRMAN: The CBW points were important. I'm not
15 sure that they greatly increased over the autumn and the
16 early spring, but they certainly led to action by the
17 Foreign Office in terms of CB protection for staff and
18 evacuation of dependents from a number of posts which
19 might have been the subject of attack.

20 THE CHAIRMAN: Yes. I would like to -- looking ahead to the
21 break, which we will take in a few minutes -- my
22 colleagues will want to come in with some other
23 questions. Just before we do that, and we will take up
24 the issue of the dossiers after the break, it is just by
25 way of paving, to ask about the history of putting

1 intelligence on Iraq's WMD programmes or, indeed, other
2 comparable intelligence into the public domain before we
3 get to December 2002. Is there a history in doing that?

4 MR TIM DOWSE: At the time of Desert Fox in 1998 -- and
5 I recall this because at that time I was the deputy
6 chief of assessment staff dealing with WMD
7 proliferation -- the -- there was a document produced --
8 I think it was produced for distribution to members of
9 Parliament -- setting out an assessment of the state of
10 Iraq's deception, its behaviour towards the UNSCOM
11 inspectors and that did draw on intelligence material.
12 It wasn't made explicit, but it did. We referred to it,
13 I think, as an "unclassified JIC paper".

14 SIR WILLIAM EHRMAN: There was one thing which I remember,
15 but it is well outside my area, so it would need to be
16 checked, but that was, I believe, that something was put
17 out during the Kosovo campaign at the time, that may
18 also have used intelligence. But as I say --

19 MR TIM DOWSE: Not Iraq.

20 SIR WILLIAM EHRMAN: No, not in Iraq.

21 THE CHAIRMAN: I think we have just come across the first
22 trace of something about bin Laden, but again, it is not
23 Iraq.

24 MR TIM DOWSE: In the aftermath of 9/11, before the invasion
25 of Afghanistan, the government did issue a dossier which

1 set out, including -- I think in that case explicitly
2 drawing on intelligence information, why we believed
3 bin Laden was responsible for the attack on the
4 Twin Towers and that was regarded as a rather successful
5 action.

6 There was a feeling that, if we were going to be in
7 a position where we were taking international military
8 action, that the government needed to explain both to
9 Parliament and to the public why it was doing what it
10 did, and when you are in a world where the threats of
11 terrorism, of proliferation of weapons of mass
12 destruction, develop in secret, so it is not like the
13 Cold War when most people accepted there was a threat
14 from the Soviet Union, even if the debate was how big it
15 was, but when you are dealing with terrorism and
16 proliferation, the threat itself develops in secret and
17 you need intelligence to tell you of its existence as
18 well as of its scale.

19 So you can hardly avoid -- I think the feeling was
20 drawing on intelligence to explain your actions in those
21 circumstances. I think this was again a point that was
22 discussed with Lord Butler. You can question the way it
23 was done, but the need to do it I think remained.

24 THE CHAIRMAN: There are issues we can come to after the
25 break about caveating and language, and the difference

1 between that -- different kinds of judgment, different
2 qualities of judgment, but let's park that for now. Can
3 I ask my colleagues if they would like to follow up on
4 this?

5 BARONESS USHA PRASHAR: I just need some clarification. You
6 said earlier that while other countries were a priority,
7 as far as Iraq was concerned, you were looking at the
8 question of smart sanctions because there was a view
9 that Iraq could be contained if you got -- you know, if
10 the sanctions remained.

11 When did the view change in terms of getting greater
12 intelligence, or were these two policies being pursued
13 in parallel? Because I wasn't quite clear, when did
14 that change, if it did, take place?

15 MR TIM DOWSE: We were always looking for more intelligence.
16 That was a constant. In terms of the pursuit of the
17 smart sanctions, the goods review list, as I say, which
18 was my department's particular involvement in that
19 exercise, that actually continued really right through
20 to the end of 2002.

21 In fact, in May 2002, the UN Security Council agreed
22 a resolution which put the goods review list in place.
23 Essentially approved the smart sanctions. There were
24 still differences of view, I think particularly between
25 the United States and Russia, over what the contents of

1 the list should be, and it was reviewed again
2 in November and December of 2002, but right up to the
3 end of 2002 there were Security Council discussions and
4 resolutions that were pursuing the smart sanctions
5 approach. So that process never stopped. It became --
6 it became, if you like, less important, or attracted
7 less attention as the inspectors returned and that track
8 began to take primacy, but it never stopped.

9 BARONESS USHA PRASHAR: Okay.

10 SIR MARTIN GILBERT: Mr Dowse, I'm wondering if you could
11 tell us a little more about the paper you mentioned in
12 mid 2002, in which you singled out that the
13 non-defensive aspect of Iraq's WMD and to what extent
14 this was based on intelligence aspects and to what
15 extent it did involve a question of Saddam's past form
16 and psychology and intentions.

17 MR TIM DOWSE: It was really based on past form and this was
18 a -- intended as a comprehensive counter proliferation
19 strategy and it was the result, as I said, of a number
20 of iterations that we began early in 2001 because we had
21 this concern that the problem of WMD proliferation
22 globally was an increasing problem. So we needed to
23 address it in a more comprehensive and more proactive
24 way. So the culmination, if you like, of this was the
25 big 2002 argument.

1 When looking at countries of concern, the countries
2 we thought were the priorities, in the case of Iraq --
3 I'm not quoting exactly, but from memory we said
4 something of the sort, Iraq is a priority because it may
5 be the exception to the broader rule that WMD programmes
6 are generally acquired for defensive purposes. Saddam
7 has a history of aggression and it was thinking in terms
8 of both, if this had happened in Iraq, it could happen
9 in Kuwait -- in Iran, sorry, his attack on Kuwait, both
10 of which by normal standards one would regard as rather
11 irrational acts in view of the consequences they brought
12 to Iraq, but it was the -- it was, I say, the political
13 context with Iraq that made it a priority in that
14 respect.

15 SIR MARTIN GILBERT: And it put Iraq itself on, as it were,
16 a higher level --

17 MR TIM DOWSE: It put it among the top priorities. This was
18 in July/August 2002. Alongside Libya, alongside Iran,
19 alongside North Korea.

20 THE CHAIRMAN: Sir Roderic?

21 SIR RODERIC LYNE: A couple of questions, I think in the
22 first instance to Sir William. You have talked about
23 the way in which we shared our assessments with the
24 United States. Without going into any detail of
25 sensitive issues of intelligence sharing, to what extent

1 was the assessment which you described, that Iraq did
2 not present an immediate threat but was a clear and
3 present danger, shared by our other close allies to whom
4 we talk a great deal and with whom we share a great
5 deal?

6 SIR WILLIAM EHRMAN: Let me go through one or two of those
7 conditions, leaving aside, as you say, the
8 United States.

9 I think the first thing to say is that nobody really
10 challenged the picture that we presented right the way
11 up to March 2003. The Russians said, "Well, show us the
12 proof", but they didn't actually say, "We fundamentally
13 disbelieve you".

14 The Germans made no particular comment. The
15 Prime Minister of Spain said publicly, "We all know
16 Saddam Hussein has weapons of mass destruction."

17 The Chinese didn't express a view publicly but nor
18 did they challenge the picture that we were presenting
19 to them.

20 I think some of the things the French said are quite
21 interesting. The French Foreign Minister in the debate
22 in New York on 5 February 2003, spoke about
23 presumptions about VX, mustard gas, anthrax and
24 botulinum toxin. President Chirac, in February, said to
25 the press, "Are there nuclear arms in Iraq? I don't

1 think so. Are there other WMD? That's probable. We
2 have to find and destroy them."

3 In March, he was asked by the press whether he
4 thought there were still prohibited weapons in Iraq and
5 he said, "There are undoubtedly some. We are in the
6 process of destroying the missiles which have an
7 excessive range and there are probably other weapons."

8 So I think the short answer is we were not being
9 challenged by other countries. The difference, of
10 course, which arose in New York, was: what do you do
11 about it?

12 SIR RODERIC LYNE: Yes, we discussed that yesterday and
13 that's obviously going to come back.

14 What about the countries in the region? I mean,
15 they are hearing all of these statements made, not just
16 by ourselves and the Americans, but by other countries.
17 They are sitting next door to Saddam Hussein. We are
18 all of us, the west, talking intensively to them,
19 discussing the threat from Iraq with them.

20 How seriously threatened did they feel, the
21 neighbours of Iraq, by Iraq in this period of
22 2001/2002/2003?

23 SIR WILLIAM EHRMAN: I think Kuwait obviously had particular
24 concerns, but with the other countries I think what they
25 were looking for and hoping for -- they didn't challenge

1 what we said on the intelligence side, but then, of
2 course, they didn't have maybe some of the resources
3 that we had to produce that sort of picture.

4 But I think what they were hoping for throughout
5 that period was P5 unity to try to deal with the issue.
6 That was their worry. What they, I think, were fearing
7 was if there was lack of P5 unity, everything broke
8 down. If Saddam got out of sanctions and there were
9 differences among the main countries, what would happen
10 in the future.

11 But there was no challenge that I recall to the
12 picture that we were painting of what we saw.

13 MR TIM DOWSE: Of course we distributed the dossier,
14 the September dossier, really quite widely,
15 internationally. Apart from countries in the region,
16 I recall handing copies to my colleagues at a G8
17 non-proliferation experts' meeting in Ottawa in
18 early October 2002, and, as William says, the
19 conclusion -- the reaction I got was, "Oh, this is very
20 interesting". Nobody said, "We think this is wrong".
21 Something of a collective shrug of the shoulders on some
22 of their parts.

23 I also, as part of broader non-proliferation
24 discussions, had talked about Iraq with both Iranian
25 officials and Israeli officials. Not surprisingly, none

1 of them disagreed. The Iranians slightly added to our
2 knowledge.

3 SIR RODERIC LYNE: So while the assessment that we had
4 formed wasn't being challenged, the countries most
5 vulnerable to Saddam Hussein were primarily concerned
6 that P5 should maintain its unity. They weren't in a
7 state of alarm that they felt that he had the capability
8 and the intent to come and attack them again in the near
9 future. That wasn't their prime concern?

10 SIR WILLIAM EHRMAN: No, as I have said previously, we were
11 not saying that there was an imminent threat. We never
12 said that and I don't think that was their immediate
13 concern. Their concern was more for the long-term,
14 because they had seen the threat from Saddam in the
15 past, and this had been made real and exercised, and
16 that was their -- more their concern.

17 SIR RODERIC LYNE: Perhaps I can turn to something that
18 Mr Dowse said about the long-term and about how one
19 dealt with it.

20 You said more than once that if the sanctions regime
21 had gone, there was concern that Saddam would rebuild
22 his WMD capabilities and could develop a nuclear
23 capability within about five years, but that, despite
24 the leakages in sanctions, the fact that the regime
25 wasn't working very well, it was at this time continuing

1 to curtail his capabilities.

2 So does it follow from that that if the sanctions
3 regime had been maintained, either in its existing form
4 or in some improved form, smarter sanctions, that that
5 would have continued to contain the threat of WMD from
6 Iraq?

7 MR TIM DOWSE: The nuclear threat. I think that certainly
8 was our view, that if the sanctions regime had been
9 maintained, that the nuclear threat would have been
10 contained and there would have been constraints on his
11 other activities, although we believed he was making
12 progress with missiles, with chemical and biological
13 weapons, despite the constraints.

14 The problem was, we had with, I think -- we did not
15 have high confidence that the sanctions regime would be
16 maintained. Our general experience of sanctions, going
17 back to Rhodesia, was that they tend to be a diminishing
18 asset. Over time, the countries subject to sanctions
19 find ways around them, and that was certainly the
20 experience we were beginning to see with Iraq, as you
21 were discussing with the witnesses yesterday. The
22 international support for a robust sanctions regime, we
23 felt was diminishing. So the trend line seemed to us to
24 be bad.

25 SIR RODERIC LYNE: If our allies, partners and countries in

1 the region were all agreed that there was a need to
2 prevent him becoming a threat again at some point in the
3 future, would they not have wished to make sure that
4 some means of containing that threat had remained?

5 SIR WILLIAM EHRMAN: There is an alternative to containing
6 it, which is removal.

7 SIR RODERIC LYNE: "Removal", meaning?

8 SIR WILLIAM EHRMAN: Removal of the long-term threat.
9 Saddam always maintained the long-term intent, as the
10 Iraq Survey Group brought out very strongly in its
11 report, that he would have reconstituted his WMD when
12 the opportunity arose.

13 So then you come back to a policy decision, and the
14 policy of Ministers -- and that was again stated in past
15 evidence to various inquiries -- was to remove or reduce
16 threats posed.

17 Now, after 9/11, tolerance, as we have been
18 mentioning several times, diminished for mere
19 containment, if you like and there was more emphasis on
20 trying to remove the threat. If you take 2001 to 2003,
21 we actually faced, in my view, six threats, which -- the
22 threat from Libya was removed, the threat from AQ Khan
23 was removed -- speaking purely from a counter-
24 proliferation point of view, not taking into account any
25 other political issues, but we removed the long-term

1 threat from Iraq by the action that was taken.

2 We disrupted but did not remove the Al-Qaeda threat
3 in Afghanistan, didn't -- we removed it in Afghanistan
4 but not, of course, elsewhere. We reduced the threat in
5 the case of Iran through diplomatic action and their
6 agreeing to suspend their enrichment activities
7 in October 2003, and with North Korea it was again
8 a diplomatic process in place. But there were policy
9 choices as to whether you constrained or chose to remove
10 threats.

11 SIR RODERIC LYNE: As you have just said, there were
12 a number of different ways in which removal could be
13 effected. One means of removal was effected in Libya,
14 another with AQ Khan but less effectively in Afghanistan
15 and, up to this point, in Iran.

16 Now, what removal options existed in the case of
17 Iraq? What were the options that were being discussed
18 by Ministers and senior officials in 2001 to 2003 for
19 removal?

20 SIR WILLIAM EHRMAN: I think one of the things that came out
21 very clearly in the case of Iraq was that, whilst
22 Saddam Hussein remained in power, unless he changed his
23 mind very fundamentally and he was given a last chance
24 to do so through 1441, but if he didn't, it was very
25 hard to see a way of removing the threat without

1 military action.

2 SIR RODERIC LYNE: Thank you.

3 MR TIM DOWSE: Just to add on that and perhaps to also
4 answer your question, through 1991 -- sorry, 2001/2002,
5 the main option that we were looking at was getting the
6 inspectors back in and with a more robust regime for
7 inspection, than had been the case under UNSCOM.

8 So the get-out clauses that Saddam had managed to
9 negotiate in the 1990s, such as giving immunity from
10 inspection for his enormous palaces, for example, would
11 not be available to him --

12 THE CHAIRMAN: I think this is a natural point, because we
13 will come back to this after the break with UNMOVIC and
14 before that I think we need to talk about the dossiers,
15 but so far we have managed to take matters up to late
16 2002/early 2003. I'm glad to have done that much, but
17 we have still quite a lot of ground to cover.

18 I'm proposing that we should break for ten minutes.

19 For those in the room who need to take a break, you will
20 need to hand in your security passes and also get back
21 here before the session recommences in ten minutes' time
22 or so, because, once the door is closed, we can't reopen
23 it until the end of the morning session. Thank you very
24 much.

25 (11.40 am)

1 (Short break)

2 (11.50 am)

3 THE CHAIRMAN: Let us resume now. I would like us to turn
4 to the September 2002 dossier. Just to start with, can
5 I ask each of you what your understanding of the
6 essential purpose of the dossier was and then of its
7 general effect? Sir William, would you like to start?

8 SIR WILLIAM EHRMAN: I think the purpose of the dossier, as
9 I saw it, was to produce information to show why Iraq
10 should be -- action should be taken to bring Iraq into
11 compliance with its obligations under Security Council
12 Resolutions.

13 MR TIM DOWSE: Rather similarly, I was regarding it as
14 material to help support the government's case that the
15 situation with respect to Iraq and WMD could not be
16 simply allowed to drift on, as it was, that action
17 needed to be taken. The action, as far as I was
18 concerned at the time, was to try and get the inspectors
19 back.

20 THE CHAIRMAN: Could you perhaps both of you say something
21 about the effect, both at the time of publication but
22 then subsequently to the publication of the dossier?

23 MR TIM DOWSE: At the time of publication, of course, there
24 was a certain media furore in the UK, although most of
25 the -- I think the technical commentators took the view

1 that the dossier didn't contain anything very new.

2 I think that was somewhat the reaction elsewhere.

3 The Foreign Office posts around the world reported

4 back on the reaction of their host governments and

5 I think we were perhaps a little disappointed that it

6 didn't receive more reaction.

7 The -- as I mentioned, my experience of sharing

8 copies with my G8 colleagues and, as I say, I think

9 the --

10 THE CHAIRMAN: That, of course, was an insider audience.

11 MR TIM DOWSE: That was an insider audience, yes. On the

12 lay audience, they had it filtered through newspaper

13 headlines.

14 THE CHAIRMAN: Sir William?

15 SIR WILLIAM EHRMAN: I don't think I have any different

16 view.

17 THE CHAIRMAN: Okay. Given its immediate reception by the

18 lay audience, at whom of course it was addressed, and

19 then the subsequent furore that has lingered on, with

20 hindsight, was it a good idea?

21 SIR WILLIAM EHRMAN: I think I -- that's addressed

22 extensively in the Butler Review and I had no problems

23 at all with the conclusions Butler reached.

24 THE CHAIRMAN: This, of course, is a lesson to learn to the

25 Inquiry and the Butler Committee did reach a conclusion,

1 but has nothing changed in the interval? The
2 Butler Report came out, for example, before the ISG
3 report.

4 SIR WILLIAM EHRMAN: I can merely say that I don't think it
5 would be wise to say that intelligence should never be
6 used in support of -- informing Parliament and the
7 public about reasons for policies and action which the
8 government wishes to take. But the conclusion that was
9 reached in the Butler Review about separating
10 assessments and advocacy to me still stands.

11 MR TIM DOWSE: For my part -- I think I touched on this
12 earlier -- I think that in a democratic country
13 governments are always going to have an obligation to
14 try to explain to the electorate, and to Parliament, why
15 they feel it necessary to take action, particularly if
16 it is going to involve military action, to remove
17 threats, and if those threats are threats that develop
18 in secret, as terrorism and proliferation often do, then
19 inevitably one is going to have to draw on intelligence
20 material.

21 Now, one can look at the way it is done and
22 Butler Report commented on that and I wouldn't --
23 certainly wouldn't disagree with that. Obviously, you
24 mentioned the result of the Iraq Survey Group. It is
25 good when one puts one's assessment in the public

1 domain, it is always preferable for them to be based on
2 accurate information. We thought we were doing that at
3 that time.

4 THE CHAIRMAN: Thank you. It would help the transcribers if
5 your microphone could go nearer. Thank you.

6 I would like to turn now to the production of the
7 dossier. First of all, we shall be taking evidence from
8 John Scarlett as the draftsman and the authoriser. So,
9 from your own standpoints, it is really to ask how much
10 involvement you had as the production process of the
11 dossier went forward, remembering that there was a long
12 history, a pre-history, of the preparation of this
13 material. Sir William?

14 SIR WILLIAM EHRMAN: I had no involvement in the drafting of
15 the dossier. There were others from the FCO who
16 attended some of the drafting meetings and I was not
17 a member of the JIC at the time.

18 MR TIM DOWSE: As you say, there was a long history and, in
19 fact, right back at the beginning of 2001, the
20 Foreign Office Board expressed an interest in drawing on
21 intelligence and unclassified material to put more in
22 the public domain to explain policy towards Iraq.

23 But I suppose the process really began
24 in March 2002, when there was an exercise to produce
25 a broader paper of four countries, setting out concerns

1 about the problem of proliferation and I was -- that was
2 led by the Cabinet Office. I was involved because my
3 department was involved in commenting on the draft.

4 At the time, I expressed a number of concerns about
5 the draft and, in fact, it was subsequently -- though
6 I don't think particularly because of my concerns, but
7 it was dropped, that idea, towards the second half
8 of March. It was decided not to pursue that and to
9 look -- the process then changed to produce a series of
10 separate papers and that then itself changed until
11 eventually the conclusion was to simply produce a paper
12 about Iraq.

13 In the actual process of the rather hurried process
14 in September of drafting the dossier that was in the end
15 published, my department was involved. I attended,
16 I think, two drafting meetings at the Cabinet Office.
17 Actually, they weren't drafting meetings, they were
18 really to review the drafts that had been produced by
19 the Assessments Staff in close collaboration with the
20 Defence Intelligence Staff and the Agencies.

21 My recollection of those meetings -- both of them
22 were chaired by the Chief of the Assessments staff --
23 was there were a number of quite technical discussions
24 on specific aspects as to whether the wording was
25 correct, which was in the first of those meetings.

1 In the second, there was a -- there was a discussion
2 as to what elements of the main body of the text should
3 we put into an executive summary, so essentially
4 a stylistic and structural discussion, and I think
5 actually myself -- I made relatively little
6 contribution.

7 As I recall, the only substantive contribution
8 I think I made was to make the suggestion that we should
9 spell out that the Al Hussein missile could reach as far
10 as the sovereign base areas in Cyprus, and I think a map
11 was included in the dossier showing that, but that was
12 really the extent of the -- of my department's
13 involvement.

14 We did, of course, provide the history of UNSCOM
15 inspections, which was a particular section of the
16 dossier. That was the first draft of that was produced
17 by Dr David Kelly. He produced rather a long draft, as
18 I recall, and we compressed it somewhat.

19 Otherwise, the Foreign Office provided the section
20 of the dossier on Saddam's human rights record, but that
21 was not dealt with by my department. That was produced
22 by William Patey's department.

23 THE CHAIRMAN: Thank you. We have a very detailed account
24 in the Hutton Inquiry Report of the construction of the
25 dossier, almost line by-line, and I don't think there is

1 any need for this Inquiry simply to rehearse that.

2 Similarly, you rightly said the Butler Committee looked
3 at the dossier in the round and reached certain
4 conclusions.

5 What I would like to ask each of you is, were the
6 claims in the dossier, particularly perhaps in the
7 executive summary and in the Prime Minister's foreword,
8 which, even at the time, if one stood back from it, you
9 would wish to see differently written or excluded?

10 SIR WILLIAM EHRMAN: I do not have the foreword sufficiently
11 in my mind to answer that question.

12 THE CHAIRMAN: Perhaps I can give one example, which is in
13 the Prime Minister's foreword. It says:

14 "What I believe that the assessment of intelligence
15 has established beyond doubt is that Saddam has
16 continued to produce chemical and biological weapons..."

17 The Butler Committee, I think, came to a view that
18 it was not a statement it was possible to make on the
19 basis of intelligence. Intelligence does not have that
20 degree of certainty attached to it.

21 Would either of you care to comment?

22 MR TIM DOWSE: I think, with hindsight, the Butler Committee
23 made a fair comment. I have to say I didn't see the
24 foreword before the document was published, but in terms
25 of the content of the dossier, and Butler did make

1 a number of comments about areas in which the assessment
2 could have been mutual -- should have been caveated, and
3 you know, with hindsight, that was probably correct.
4 I mean, we did think at the time that it was soundly
5 based on solid intelligence evidence.

6 THE CHAIRMAN: Would you regard the absence of a reference
7 in the final version of the dossier, not I think in
8 earlier versions, of any reference to the aluminium
9 tubes requiring to be re-engineered as a caveat or as
10 a more substantive omission?

11 MR TIM DOWSE: We were quite careful. I do recall the
12 discussion about the aluminium tubes. At one point we,
13 I think, were not intending to make any reference to
14 them in the dossier. At the very late stage before
15 publication, as I recall, Vice-President Cheney made
16 some public comments on US television related to the
17 aluminium tubes and we felt that it would look odd if we
18 said nothing on the subject. It would open us up to
19 questions.

20 So -- but we were quite careful in what we said,
21 specifically saying that we couldn't confirm that they
22 were intended for a nuclear programme, although the
23 quality of the aluminium was of a type that it was
24 usable for centrifuge production. But there was, as
25 I recall, quite a debate going at the time between the

1 technical experts on the application or otherwise of the
2 tubes to a nuclear programme.

3 THE CHAIRMAN: Right. Sir Lawrence?

4 SIR LAWRENCE FREEDMAN: I know, it is an extremely
5 interesting statement because Vice-President Cheney was
6 very clearly on one side of a particular debate that was
7 going on that, as you correctly said, was incredibly
8 technical, very hotly argued. It was a very
9 controversial statement to include the aluminium tubes,
10 because there was quite strong contrary evidence that
11 these were for rockets that had been used in the 1990s
12 and had nothing to do with a nuclear programme.

13 Were you aware of just how intense that debate was
14 in the United States?

15 MR TIM DOWSE: I wouldn't say -- at the time, no.

16 Subsequently, it has obviously become more public about
17 that. I was aware that our technical experts were
18 discussing with the US opposite numbers the nature of
19 the tubes and, indeed, our experts were debating among
20 themselves the nature of the tubes. It left us in
21 a position -- and I think that was reflected in the
22 dossier -- where we could not say that we had no doubt
23 these were intended for a nuclear application. So we
24 were quite cautious in the way we phrased it in the
25 dossier.

1 SIR LAWRENCE FREEDMAN: But including them turned something
2 that was a matter of conjecture and controversy into
3 something that had a higher status, because the other
4 position which you deal with -- I'm going to take you to
5 Vice-President Cheney's comment -- was just to leave
6 them out because it wasn't reliable information at that
7 time, or a reliable assessment rather than information.

8 MR TIM DOWSE: As I say, we didn't present it as a definite
9 judgment as to what their application was. We said the
10 aluminium did have applications, but we were quite
11 careful not to go further than that, and I think there
12 was some concern, even then, that Vice-President Cheney
13 had spoken very specifically and with a great deal of
14 confidence that these were for a nuclear purpose and
15 that, you know, we were not going to go that far.

16 So there was scope for difference between the UK and
17 US divisions to be identified.

18 SIR LAWRENCE FREEDMAN: But a casual reader would assume
19 that they had only been included because you thought
20 that this was relevant.

21 MR TIM DOWSE: We didn't think -- we hadn't reached
22 a conclusion that it definitely was not relevant.
23 I mean, the debate was continuing. We had not concluded
24 that the tubes were definitely not for a nuclear
25 purpose. The point that Sir John mentioned, the fact

1 they would have to be re-engineered to be applied for
2 a nuclear -- for a centrifuge programme, was a point
3 that Lord Butler said we should have included, and I'm
4 not going to disagree with that, but we didn't rule out
5 the possibility that they were going to be
6 re-engineered.

7 THE CHAIRMAN: I have one other question I would like to ask
8 and then I think Sir Roderic would like to ask one.

9 I want to quote again, in the light of what we were
10 discussing before the break, about briefing Ministers
11 and their comprehension and understanding of the nature
12 of and limitations of intelligence.

13 The Prime Minister's foreword says, of course:

14 "We cannot, of course, publish the detailed raw
15 intelligence. I and other Ministers have been briefed
16 in detail on the intelligence and are satisfied as to
17 its authority."

18 There has been ex post criticism that there and at
19 other points in the foreword there was an implication
20 that, "We know much more than we can put here and it is
21 of great certainty", or at least of high certainty. The
22 word "authority", for example.

23 What I don't know is how far either of you were
24 aware of the wording of the foreword for the actual
25 issue.

1 SIR WILLIAM EHRMAN: I was not aware.

2 MR TIM DOWSE: I didn't see the foreword.

3 THE CHAIRMAN: Thank you very much. Sir Roderic?

4 SIR RODERIC LYNE: Just one thing on the foreword. The

5 Prime Minister said:

6 "The picture presented to me by the JIC in recent
7 months has become more, not less, worrying. It is clear
8 that, despite sanctions, the policy of containment has
9 not worked sufficiently well to prevent Saddam from
10 developing these weapons."

11 Now, coming back to the discussion we were having
12 just before the break, is it your view -- which I think
13 before the break I would have inferred that it was
14 not -- that the policy of containment actually had had
15 the effect of preventing him from developing weapons at
16 that time or that it had not had that effect?

17 MR TIM DOWSE: In the case of nuclear weapons, it had had
18 that effect.

19 SIR RODERIC LYNE: It had that effect?

20 MR TIM DOWSE: I think we were clear on that and I think we
21 said so in the dossier. In the case of chemical,
22 biological and missiles, on the basis of the
23 intelligence we had, our assessment was that he was
24 developing those weapons, and continuing to, and the
25 Iraq Survey Group confirmed that in the case of missiles

1 and did not confirm it in the case of chemical and
2 biological.

3 So I think the foreword, in saying that the policy
4 of sanctions had not prevented him from continuing to
5 develop those weapons in respect of missiles, chemical
6 and biological, on the basis of the information we had
7 at that time, I would have said that was an accurate
8 statement.

9 THE CHAIRMAN: I have just got a couple of more short
10 questions before moving on to UNMOVIC and this concerns
11 the February 2003 dossier. For the record, can I ask:
12 were either of you consulted about the contents or
13 publication of it?

14 SIR WILLIAM EHRMAN: No.

15 MR TIM DOWSE: No.

16 THE CHAIRMAN: No, in either case. In that case, I needn't
17 ask you about any role you had in its production or
18 whether there was any intelligence material in it or
19 where it came from. Thank you.

20 Sir Lawrence?

21 SIR LAWRENCE FREEDMAN: Thanks. I now want to move on to
22 the questions of inspections, and in particular UNMOVIC.

23 First, perhaps we can just establish where we had
24 left off with UNSCOM and the role of inspections. Is it
25 correct that the role of inspections was to validate

1 disclosures from Iraq?

2 MR TIM DOWSE: Yes, and that's quite an important point,
3 that, in fact, it became quite relevant in the months
4 immediately before the invasion, when UNMOVIC had
5 returned, that the inspectors were not supposed to be
6 detectives. They were intended to verify Iraqi
7 compliance with the resolutions. So Iraq was expected
8 to make full declarations of its WMD, ballistic missile
9 holdings and programmes, and the inspectors were then
10 there to verify UNMOVIC. Its title was the
11 UN Monitoring Verification and Inspection Commission and
12 that was intended to underlie that.

13 SIR WILLIAM EHRMAN: That was repeated again in 1441. The
14 purpose of the inspectors was to monitor and verify.

15 Perhaps I can return to something Sir Roderic raised
16 before the break, which I did not have an opportunity to
17 comment on, because he asked, "Well, if you got the
18 inspectors back in, would that not have been the most
19 successful way of handling the issue?"

20 Just before the conflict broke out, the French
21 Government made a proposal that we should increase the
22 number of inspectors to compel Iraq to disarm.

23 We took issue with that proposal because we did not
24 believe that inspectors could ever compel Iraq to
25 disarm. Their purpose was only -- the most they could

1 do would be to monitor and verify.

2 SIR LAWRENCE FREEDMAN: I want obviously to come back to
3 that later on. Can we just start, therefore, with the
4 challenge that has now been posed?

5 You stated that statements from the Iraq Government
6 were hard to believe, because they'd been lying and
7 cheating throughout the 90s. We also now know that in
8 1991 most -- I accept it may not have been destroyed,
9 but most of the chemical and biological weapons had been
10 destroyed and the nuclear infrastructure dismantled.

11 Why was it impossible to validate this fact?

12 MR TIM DOWSE: Well, it would have been easier if the Iraqis
13 had been open and honest in their dealings with the
14 inspectors. I mean, what I would say fundamentally we
15 were dealing with was a basic lack of trust in the
16 credibility of the Iraqi regime. If we had had
17 confidence that what Iraq told us was true, that their
18 claims of having no weapons, having no programmes, were
19 true, we would have had, I think, more confidence that
20 the inspectors could do their job and ensure essentially
21 against reconstitution. The difficulty we faced was
22 that we didn't have very much confidence. In fact, we
23 had almost no confidence that what the Iraqis were
24 telling us was true.

25 So the intention -- when looking at why did we then

1 want the inspectors back at all, there are a number of
2 reasons. First of all, because there was a whole series
3 of UN Security Council Resolutions that said that Iraq
4 should accept inspections and cooperate with them and
5 UN Security Council Resolutions should be observed.

6 Secondly, it was a policy that commanded quite --
7 really widespread international support and that was
8 something that mattered. We wanted to have a very wide
9 international consensus in support of disarming Iraq and
10 return of the inspectors was something that the
11 international community could, if you like, consolidate
12 a common view around.

13 They were not unhelpful themselves. I mean,
14 although we always took the view that, unless they had
15 very good intelligence, the inspectors would face a huge
16 challenge in uncovering hidden programmes or equipment
17 or materials, that at least complicated Iraqi
18 decision-making.

19 For the Iraqis never to be sure if a UN inspector
20 was not going to turn up on the doorstep -- and remember
21 the UNMOVIC inspection regime was going to be rather
22 more robust and a strong inspection regime -- there was
23 going to be the opportunity for challenge inspections,
24 for no-notice inspections and to go to areas that
25 previously had been labelled off limits, such as

1 Saddam's palaces. So it would introduce a great level
2 of uncertainty at least into Iraqi activities and we
3 wanted to complicate their decision-making.

4 Finally, I think, as I say earlier, there would be
5 a source of information for us. We did feel, after
6 UNSCOM inspectors left in 1998, that our -- our insight
7 into what was happening in Iraq dropped considerably.
8 So we hoped that through reports of the Security Council
9 from the numbers of inspectors on the ground, that we
10 would begin to get more of a picture, and something that
11 our own intelligence agencies could then take forward
12 and build on, and one of the things that we were doing
13 was providing intelligence to the inspectors themselves.

14 SIR WILLIAM EHRMAN: Could I add two points to what Mr Dowse
15 said?

16 Firstly, you asked: why didn't we validate all of
17 this? It wasn't just that the British didn't validate
18 it; UNSCOM, of course, left with a very large number of
19 unresolved issues.

20 Secondly, although the IAEA had been in Iraq and had
21 been looking at the nuclear programme, the other means
22 of verification attached to international treaties in
23 the chemical field and Iraq did not accede to the
24 chemicals weapons convention until this year.

25 So the Organisation for the Prevention of Chemical

1 Weapons, which could have carried out the inspections
2 thereafter, was not able to do that with Iraq not having
3 signed and ratified that Convention.

4 SIR LAWRENCE FREEDMAN: And UNSCOM had plenty of chemical
5 weapons experts on its team.

6 SIR WILLIAM EHRMAN: Yes, but if you are saying without
7 UNSCOM --

8 SIR LAWRENCE FREEDMAN: The point I was trying to get at was
9 a rather fundamental problem -- please correct me if
10 I am wrong -- that, when Iraq destroyed its weapons in
11 1991, it did so in rather a hurry and without keeping
12 very good records. Is that correct?

13 SIR WILLIAM EHRMAN: That's correct, but going back to
14 Mr Dowse's point about, if we had had more trust in the
15 Iraqis, the Iraq Survey Group, after the war, which was
16 able to do -- to operate in a far more easy environment,
17 was able to get some documentation, was able to speak to
18 people and did reach then a firm conclusion.

19 We had not been able to do that in the earlier
20 years.

21 MR TIM DOWSE: Perhaps just to gloss on that, the
22 Iraq Survey Group, even after spending a year in a more
23 benign environment, it reached conclusions. Some of its
24 conclusions were actually still assessments, rather than
25 definite conclusions.

1 SIR LAWRENCE FREEDMAN: There was a basic problem here: how
2 do you know when a liar is telling the truth.

3 MR TIM DOWSE: Precisely, and what you have to do is to have
4 a -- and that was part of the intention of the
5 inspectors, to have a presence in the country
6 sufficiently expert, with sufficient powers to be able
7 to go and check whether the liar is telling the truth
8 and, one would hope, with the support from intelligence
9 and other means, which we encouraged the inspectors to
10 pursue, such as the interviews with Iraqi scientists, to
11 be able to get sufficient evidence to convince us one
12 way or the other.

13 We didn't have a high expectation of this because so
14 much of what the inspectors were going to do to achieve
15 their objective depended on Iraqi cooperation. And
16 really this was the test: would Iraq cooperate? We
17 didn't have a high confidence that they would but the
18 possibility was always there.

19 SIR LAWRENCE FREEDMAN: Again we will come to that in
20 a second.

21 You have already mentioned some of the differences
22 between UNMOVIC and UNSCOM. One of the differences was
23 its head, Hans Blix. Were you comfortable with
24 Hans Blix's appointment as the head of UNMOVIC?

25 MR TIM DOWSE: We were, yes. We had, I would say, quite

1 a good relationship with Dr Blix. He visited the UK on
2 a number of occasions. He met ministers. I think he
3 first met the Foreign Secretary in September 2002. But
4 on other occasions he did.

5 He had, we thought, a distinguished record as
6 Director General of the IAEA and we always found,
7 I think, in our dealings with him that they were really
8 very friendly. I should say, part of my department's
9 responsibilities had been, through the years when
10 UNMOVIC was preparing itself to return against the hope
11 that the Iraqis would allow them to return -- part of my
12 department's responsibilities was to offer training to
13 their inspectors to help them, keep them in a position
14 of readiness to return.

15 So at the time of, what, November 2002, when we were
16 asked, "Well, is UNMOVIC prepared to do the job," our
17 conclusion was that they were reasonably well prepared.

18 We did think that there were weaknesses.

19 SIR LAWRENCE FREEDMAN: What were those weaknesses?

20 MR TIM DOWSE: A number. We were worried that they might
21 not have enough inspectors. I think they were
22 equipped -- they were expecting to have about 300 people
23 in country, with about 80 able to conduct inspections at
24 any one time, and that meant that simultaneous
25 inspections, which we were quite keen on because we

1 thought it would stretch the Iraqi defences, if you
2 like, their deception mechanisms, to have a series of
3 inspections going on simultaneously. They had rather
4 limited ability to do things simultaneously, but they
5 could do a number.

6 We were concerned about the level of expertise of
7 some of their inspectors. One of the criticisms that
8 had been levelled at UNSCOM by Iraq was that it was
9 dominated by Americans and British. There were reasons
10 for that because, as nuclear weapons states, for
11 example, we tended to have people who were expert in
12 those sort of subjects.

13 When UNMOVIC was established, there was a conscious
14 effort made to try and broaden the geographical base of
15 its inspectorate. Now, I think we were successful in
16 doing that but it did mean that quite a lot of their
17 inspectors were not particularly expert in chemical or
18 biological weaponry, and there was a limit to what you
19 could do in helping them raise that standard.

20 We discussed this with Dr Blix and I think the
21 phrase he used; he said, "Well, we need foot soldiers as
22 well as officers," and that was a reasonable point. But
23 that was another area of concern.

24 We thought they were a little slow at acquiring
25 specialist equipment. From the point that

1 Resolution 1441 was passed they needed to start letting
2 contracts, and one example was they had plans for an
3 analytical laboratory to be established in Baghdad to
4 analyse samples that they would take and we thought they
5 were rather slow about getting that process underway,
6 and we offered them the use of Porton Down and as
7 a result, they welcomed that, I think.

8 There were various other things that they found they
9 needed. Ground-penetrating radar was one, to look for
10 buried items of equipment and we assisted them with
11 that. But again it took them a little time to build up
12 their abilities to use it effectively.

13 Because we anticipated feeding them intelligence, we
14 were very concerned about their ability to keep that
15 information secure. UNSCOM had had an operation called
16 "The Gateway" in Bahrain, which was where inspections
17 were planned, intelligence was provided -- not just by
18 us, by other countries as well. UNMOVIC didn't have
19 that sort of arrangement. We tended to brief them in
20 New York, and although we were confident that their
21 communications, their electronic communications, from
22 New York to Baghdad were secure, we are not very
23 confident that their offices in Baghdad were secure from
24 Iraqi bugging or other forms of Iraqi
25 intelligence-gathering. So if they had intelligence in

1 hard copy, we were a little worried about the Iraqis
2 getting hold of that. So that was a concern.

3 So a number of weaknesses, but as I say, our overall
4 assessment -- and it is one that I remember we discussed
5 with the US -- was that they were in reasonably good
6 shape to go about their task.

7 SIR LAWRENCE FREEDMAN: We heard yesterday from witnesses
8 that there were some doubts in the United States about
9 whether it would be of any value to return to
10 inspections. Was this your experience as well?

11 SIR WILLIAM EHRMAN: There were doubts among some,
12 particularly on the US military side, whether the
13 inspectors would be able to find anything.

14 MR TIM DOWSE: Yes, and I think there was probably a higher
15 level of scepticism in the US that the inspectors would
16 find anything, but I think they had a rather different
17 view of the inspections anyway. As I said, we always
18 regarded the inspections as something that would only
19 produce evidence with Iraqi cooperation. They were most
20 likely to produce evidence with Iraqi cooperation. The
21 Americans, I think, really regarded the inspectors more
22 as a detective operation and didn't believe that there
23 would either be sufficient of them or that they would be
24 strong enough to produce the evidence.

25 Having said that, the people that I dealt with,

1 particularly in the State Department, who were also, in
2 parallel to us, gearing up to support the inspectors,
3 I always found completely devoted to the task. They
4 certainly wanted to make the inspections work.

5 SIR LAWRENCE FREEDMAN: On this question of Iraqi
6 cooperation, initially is it fair to say it was assumed
7 that there would be very little Iraqi cooperation?

8 MR TIM DOWSE: I think we were not closed-minded because we
9 were conscious that -- and it was part of the intention
10 that -- the military build-up that was beginning to get
11 underway at the end of 2002 and then into 2003, would
12 be, we hoped, concentrating Iraqi minds and would push
13 them to cooperate.

14 But I have to say, we didn't have very high
15 expectations, and almost from the outset Iraqi behaviour
16 rather confirmed that view. Their initial declaration
17 was supposed to be a full, final and complete
18 declaration of their WMD activities, holdings. They
19 produced 12,000 pages but there were large gaps, and
20 I think Dr Blix himself said that it didn't really add
21 anything to what they had said in the past and what the
22 position had been at UNSCOM.

23 SIR LAWRENCE FREEDMAN: This is all relevant to the build-up
24 to war because it is now in the context of 1441, and
25 there is a question of material breach. In your minds

1 what would have constituted a material breach at this
2 time? Did the British Government ever set down -- you
3 have mentioned one thing that could have been a material
4 breach, the failure to produce a full disclosure
5 on December 7th.

6 MR TIM DOWSE: We were quite clear that from our perspective
7 that would not constitute a material breach. I need to
8 be a little careful because I'm not a lawyer. You
9 perhaps need to ask Michael Wood. But the -- it seems
10 to me there are two aspects to material breach. There
11 is the strict legal aspect and there is also what
12 politically would have been acceptable and understood
13 and accepted by the members of the Security Council as
14 material breach, and a failure to produce a full
15 declaration might, in the strict legal sense, have
16 constituted a material breach, but I think we were clear
17 that, in terms of getting agreement from members of the
18 Security Council, it would not have been sufficient.

19 SIR WILLIAM EHRMAN: Again, I think others can comment on
20 this who were involved in negotiating in New York, but
21 there were essentially two things. Did he produce an
22 accurate declaration, and right the way up to March that
23 was not the case, and British intelligence helped find
24 some of the Volga engines in Iraq. There had been
25 a number put into the declaration, but it was an untrue

1 number. And -- there were also the documents, the
2 nuclear documents, which, again, our intelligence helped
3 UNMOVIC turn up. He also claimed that the Al Samoud
4 missile was legal and within the ranges. It was not.

5 So there was not an accurate declaration at any
6 point and the other key issue was cooperation with
7 UNMOVIC, where, as Mr Dowse says, there was not
8 particularly strong cooperation at the beginning. There
9 was a lot of evidence of the intimidation of scientists
10 in particular. It was improving in some respects
11 towards the end, but it certainly was not the immediate
12 and full cooperation that was demanded in the
13 resolution.

14 So he met neither of the two tests which were set
15 him in 1441 and, of course, 1441 determined that he was
16 in breach and he had to -- he was black, in other words,
17 and he had to prove himself white, and he did not do so.

18 SIR LAWRENCE FREEDMAN: But you have said that the
19 disclosure -- non-disclosure, if you like, by itself was
20 not seen as a material breach sufficient in itself --

21 SIR WILLIAM EHRMAN: There was an "and". There was the
22 declaration and the cooperation. But the declaration,
23 he clearly did not need meet and he didn't meet it, in
24 our view, either on the cooperation.

25 SIR LAWRENCE FREEDMAN: During the course of the first few

1 months of 2003, Hans Blix, having been very harsh on
2 Iraqi cooperation to start with, starts to get less
3 harsh, starts to say there has been more cooperation.
4 Is that correct?

5 MR TIM DOWSE: That's correct and I think at the end
6 of January he reported to the Security Council and he
7 was really quite critical of Iraqi cooperation. His
8 reports in February and I think at the beginning
9 of March were less critical. He identified some signs,
10 but I don't think he ever said that he was getting full
11 cooperation.

12 I think a comment he made -- I can't remember if it
13 was to the Security Council or a comment to us -- was
14 that the Iraqis were engaging in what is described as
15 passive cooperation, whereas what he actually needed was
16 active cooperation, and I think this comes back to their
17 ability to provide scientists to be interviewed without
18 minders present, which is something that they simply
19 refused to do. He -- for a long time, they stalled on
20 overflights by U2 aircraft to provide overhead imagery.
21 They finally agreed to that, I think, right at the very
22 end of February.

23 There were administrative difficulties that they
24 raised, such as numbers of helicopters that UNMOVIC
25 could fly at any one time. Most of these were overcome

1 at some point, but it was a very grudging and only after
2 repeated pressure and it seemed to us that what we were
3 seeing was essentially a repeat of Iraqi tactics through
4 the 1990s, the -- as I think I said earlier, to have
5 every admission and every piece of evidence dragged from
6 them, whereas the requirement upon them under the
7 Security Council Resolutions was for them to volunteer.

8 SIR LAWRENCE FREEDMAN: Just to take one example of that,
9 the question of interviewing Iraqi scientists, there was
10 quite a lot of pressure to take them outside of Iraq to
11 do so. Dr Blix, if I recall, thought this was almost
12 kidnapping, and viewed from the scientists' point of
13 view, given the nature of the regime, this would put
14 their families at risk because of suspicions of what
15 might be going on.

16 So was it ever really realistic to make this demand,
17 of these sorts of interviews?

18 SIR WILLIAM EHRMAN: I think it was realistic, because if
19 Saddam was going to change his mind -- and this was
20 essentially the test set him by 1441: do you want to
21 resolve this issue peacefully -- he could have said to
22 the scientists, and we know that he was threatening them
23 in fact, but he could have said, "No, please go forward
24 and be interviewed and if you wish to leave Iraq, you
25 can". But, of course, it was very difficult because

1 that was not the situation, and in marked contrast,
2 I would like to add, to the case of Libya, where after
3 the announcement that he would give up his programmes by
4 President Gaddafi, there was full cooperation with the
5 IAEA and the OPCW and, as a result, we got a great deal
6 of confidence that those programmes had been removed.

7 MR TIM DOWSE: You are you are right that our interviews of
8 scientists became a particular issue. That's partly
9 because our own experts were advising us that this
10 was -- would be a key benefit. We were finding that,
11 where we did have intelligence, and providing it to
12 UNMOVIC, we were beginning to get results and William
13 mentioned the Al Samoud 2 rocket motors, which -- we had
14 identified their location and pointed UNMOVIC at them.
15 Again, also the nuclear documents.

16 That gave us a degree of confidence that, were we
17 able to get more information to feed through to UNMOVIC,
18 that we would all get further successes of that sort.
19 We volunteered expert advisers to help UNMOVIC interview
20 scientists, but it was absolutely crucial, we felt, that
21 these interviews should be unmonitored, unbugged,
22 without the presence of Iraqi Government minders,
23 because the problem of intimidation.

24 So the idea initially was to say, "Let's do this in
25 secure circumstances in Baghdad", and I think that was

1 always the preference, but that seemed impossible.

2 The conclusion then was that to be really sure to
3 take them outside the country -- and you are right,
4 Dr Blix said, "There are real practical problems with
5 this", and I think we recognised that but we thought
6 that those problems could have been overcome.

7 SIR LAWRENCE FREEDMAN: When the Survey Group was able to
8 interview these scientists, they all said there was
9 nothing there, that it was destroyed in 1991.

10 So if they had been got in these controlled and
11 benign conditions and they had said that then, would
12 they have been believed?

13 MR TIM DOWSE: I think it is a hypothetical, isn't it?

14 SIR LAWRENCE FREEDMAN: But it indicates the problem that
15 there was a level of disbelief --

16 MR TIM DOWSE: There was -- there was -- yes.

17 SIR LAWRENCE FREEDMAN: The other thing that's going on over
18 this period is questions being raised about the quality
19 of the claims being made by the United States and the
20 United Kingdom. This was first the case with the IAEA
21 report, but there were particular claims, notably those
22 made by Secretary of State Colin Powell in early
23 February, that were rather quickly discounted or
24 suggested the evidence wasn't there. Did that concern
25 you?

1 MR TIM DOWSE: It concerned us that it was discounted or
2 denied, because we thought that, in general,
3 Colin Powell's presentation to the Security Council was
4 reliable and sound. The things that he highlighted, the
5 BW trailers, the concealment activity, where he spoke
6 about -- he described the intercepts, were things that
7 we also believed existed.

8 So, you know, we were concerned that it did seem to
9 be dismissed. In addition, as I said, some of the
10 intelligence that we had provided to UNMOVIC had
11 produced results, proved to be accurate. There were
12 a number of other occasions where we provided
13 information to guide an inspection and the inspectors,
14 in our view, had botched the event. There was one
15 occasion where we pointed them to what we believed to be
16 a buried -- I think it was a buried missile, and an
17 Iraqi crowd turned up and chased them away or deterred
18 them from investigating, and that was a frustration to
19 us. I think these frustrations grew a little bit as
20 time went on.

21 In addition, through the period, really, from the
22 end of 2002 right up -- almost up until the invasion, we
23 were getting a fairly steady stream of perhaps quite
24 sort of low level intelligence, operational reports,
25 reports coming from military sources, which -- about

1 Iraqi concealment activities, about items of equipment
2 being removed after dark, things like that, which
3 I think individually, these reports, when we subjected
4 them to the -- the JIC analytical process might have
5 been regarded as not very strong. Collectively, this
6 was a -- every few days getting more of this rather
7 confirmed us in our view that, you know, if the
8 inspections could be pursued with a little more vigour,
9 a little more skill, that the things were there and
10 could be found.

11 SIR LAWRENCE FREEDMAN: Going back to Colin Powell's,
12 speech, was this speech shown to the United Kingdom
13 before it was delivered to the United Nations?

14 MR TIM DOWSE: Very shortly before. There was
15 a Cabinet Office meeting of experts -- I attended it --
16 which went through the main points of the text, to see
17 was there anything that we thought was unreliable or was
18 unwise to say.

19 SIR LAWRENCE FREEDMAN: Did you pass any feedback?

20 MR TIM DOWSE: I have to say I cannot remember whether there
21 was -- I think we may have made one or two comments,
22 but, fundamentally, we did not regard the statement as
23 inaccurate. I think you would probably need to check
24 that with other witnesses.

25 SIR LAWRENCE FREEDMAN: So what we have here is a situation

1 where you have told us that the UNMOVIC took a while to
2 get going, was slow to get going. Iraqi cooperation was
3 poor to start with, but was getting better but not yet
4 satisfactory. Certain things were -- probably the
5 intelligence was always of higher confidence, had been
6 shown to be valid. But other things were not being
7 found.

8 I think the Butler Report questioned why there
9 hadn't been another assessment at this time, especially
10 perhaps in late February, just to see, "Are we sure
11 we're right?" Very momentous things are going to happen
12 on the basis of an assumption that not only is -- have
13 they been doing things up to this point, but the
14 inspections regime which we have been agitating for and
15 has now gone in is not going to work.

16 So why was there not another stocktaking at this
17 point?

18 SIR WILLIAM EHRMAN: I commented a bit earlier on why
19 I thought -- some of the reasons that there wasn't
20 a stocktake at that point. Firstly, we were not getting
21 contrary intelligence to what we had had previously. We
22 did, at the very end, I think, on 10¹ March, get a report
23 that chemical weapons might have remained disassembled
24 and Saddam hadn't yet ordered their assembly, and there
25 was also a suggestion that Iraq might lack warheads

¹ HMG later confirmed that the report was issued on 17 March 2003.

1 capable of the effective dispersal of agents. But until
2 then, until 10 March -- and this was assessed in a JIC
3 assessment on 19 March -- we hadn't had contrary
4 intelligence.

5 Secondly, UNMOVIC were turning up some things on the
6 basis of British intelligence and, thirdly, they still
7 had this huge number of unanswered questions where they
8 published a document highlighting those on 7 March.

9 So those were three reasons why I think at the time
10 it wasn't felt that there was anything coming forward
11 that was so radically different from our view that
12 a reassessment was needed.

13 MR TIM DOWSE: I would just add to that also that, frankly,
14 we were extremely busy. Speaking from the perspective
15 of my department, the Foreign Office, with both trying
16 to ensure that the inspectors got support, items of
17 equipment that they needed, we were also increasingly
18 concerned, as the possibility of military action came
19 closer, that, for the inspectors' safety -- and there
20 were a number of British inspectors among them -- and
21 right from, really, the previous autumn, again, given
22 the experience in 1991 of Saddam taking hostages, human
23 shields, we were seriously concerned that, faced with
24 the possibility of military action, that the Iraqis
25 would essentially seize the inspectors as hostages. So

1 there were a number of contingency plans being prepared
2 for that sort of thing.

3 SIR WILLIAM EHRMAN: Could I add one more political issue
4 which is quite separate from the intelligence? The
5 basis on which the government, if it had to, was going
6 to authorise military force was whether or not Iraq had
7 complied with those two tests in 1441.

8 On that, we were relying on very much -- on UNMOVIC,
9 a document was published on 15 March, made public,
10 stating why we believed that Iraq had not met any of the
11 tests in the resolution giving a good deal of detail
12 which was drawn very largely from UNMOVIC.

13 So the role of intelligence in the decision to go to
14 war, as the Butler Review said, was limited.

15 SIR LAWRENCE FREEDMAN: Can I just have two follow-ups from
16 the interesting things you have just said?

17 The first, going back to this new intelligence of
18 10 March, I think you said, was this intelligence shared
19 with the Americans?

20 SIR WILLIAM EHRMAN: I would have to check. I don't know.

21 SIR LAWRENCE FREEDMAN: What sort of pause did it give you?

22 Did it make you wonder whether, at this late stage, more
23 care and attention might be given and maybe it wasn't
24 too late to stop the --

25 SIR WILLIAM EHRMAN: It was essentially battlefield

1 intelligence because the JIC had been assessing whether
2 Saddam would use chemical and biological weapons against
3 forces coming into Iraq. So it was important in that
4 context. But I don't think it was -- since there was
5 contradictory intelligence, I don't think it invalidated
6 the point about what the programmes were that he had, it
7 was more about use.

8 SIR LAWRENCE FREEDMAN: So it gave you pause that -- not to
9 seriously question the broad assumptions upon which
10 policy had been working for some time?

11 SIR WILLIAM EHRMAN: As I say, it was more about use than
12 about what he possessed.

13 SIR LAWRENCE FREEDMAN: But given, going back to our
14 discussion earlier this morning, that the most likely
15 thing that they had to show that this was more than
16 a projection that war might happen should sanctions
17 fail, should sanctions be abandoned, was a battlefield
18 chemical capability, it wasn't a trivial bit of
19 information.

20 SIR WILLIAM EHRMAN: No, but in a sense the two bits of
21 intelligence we had got almost confirmed that he did
22 have this. It said that CW remained disassembled.
23 Well, there must be some there to remain disassembled,
24 and that, also, he might not have the munitions for the
25 effective dispersal of agents. It wasn't questioning

1 whether agents existed.

2 SIR LAWRENCE FREEDMAN: The other thing that was going on,
3 of course, was the discussion under UNMOVIC of the
4 missiles, the arsenal of missiles.

5 Again, going back to our earlier discussions, this
6 was not a trivial thing to be happening. If means of
7 delivery were critical to turning stocks of weapons into
8 a threat, removing the means of delivery was actually
9 quite a major setback.

10 SIR WILLIAM EHRMAN: In military terms, yes. From a pure
11 counter proliferation point of view it just proved that
12 he had been lying, that he had prohibited items.

13 MR TIM DOWSE: I would add that the destruction of the
14 missiles took quite a long time for the Iraqis to agree
15 and not many had been destroyed by the time we were into
16 what proved to be, if you like, the diplomatic end-game
17 by mid-March.

18 SIR LAWRENCE FREEDMAN: This is my final point: you
19 mentioned that you quoted the 128 points, or whatever it
20 was, from UNMOVIC as an example of why you weren't
21 getting cooperation. However, was Dr Blix saying that
22 his position was becoming hopeless, that he was not able
23 to pursue the tasks set for him, that UNMOVIC might as
24 well give up, or was he saying "Give me some more time,
25 and we might be able to get to the bottom of these

1 questions"?

2 SIR WILLIAM EHRMAN: He certainly wasn't saying the first.

3 I don't know that he was saying the second. He was
4 reporting, as it was his duty to do, that he was
5 receiving some more cooperation on process at the very
6 end.

7 MR TIM DOWSE: I think we recognised that Dr Blix and we
8 shouldn't forget Dr El-Baradei as well, because the IAEA
9 were also part of this -- that they were in a very
10 difficult situation.

11 They were, I think, acutely conscious of the fact
12 that what they reported to the Security Council might
13 make the difference between military action or no
14 military action, and, in fact, it was an awkward
15 position to be in.

16 So one recognised that, but, as William says, they
17 didn't specifically come to us and say, "Give us another
18 month or another six months and it will be done". We
19 were tending to hear that sort of message from some
20 other countries on the Security Council, notably the
21 French.

22 SIR WILLIAM EHRMAN: What we did discuss towards the very
23 end with Dr Blix -- I think Sir Jeremy Greenstock
24 discussed it with him too -- were six tests that we
25 might set for the Iraqis in the second resolution, but,

1 of course, that was -- eventually, didn't prove

2 a possible resolution, was withdrawn.

3 SIR LAWRENCE FREEDMAN: But that would have actually

4 established the material breach which still is the

5 question that is hanging over --

6 SIR WILLIAM EHRMAN: I'm not sure I would agree with that --

7

8 SIR LAWRENCE FREEDMAN: Whether there was a material breach?

9 SIR WILLIAM EHRMAN: He was in material breach unless he met

10 the two tests in 1441. So he was already judged by 1441

11 to be in material breach. Did he meet the two tests in

12 1441? We say he didn't.

13 MR TIM DOWSE: I think the tests or the benchmarks, as we

14 talked about them. The idea of those emerged

15 in February and, in a way, that was actually a way of

16 providing some more time and there was quite

17 a discussion with the -- as I recall, with the US as to

18 whether this was something worth doing or not, and,

19 again, the -- I was involved in designing the tests,

20 trying to find benchmarks that would be certainly

21 challenging for Iraq to meet, but not impossible, to be

22 credible tests of were they going to cooperate.

23 Now, if, actually, Saddam Hussein had met those

24 benchmarks, I think, you know, for the

25 British Government things might have been different.

1 THE CHAIRMAN: We are very close to 1 o'clock. I think some
2 of my colleagues may want to pick up questions after the
3 lunch break. There is just enough time, I think,
4 Sir Roderic, for your questions.

5 SIR RODERIC LYNE: I just think it is important that we are
6 very clear about this question of time, because it is an
7 important one in the public mind.

8 Do you believe that the inspectors were actually
9 given enough time to do thoroughly the job that they had
10 been asked to do?

11 SIR WILLIAM EHRMAN: My own response to that would be there
12 could never be enough time absent cooperation.

13 SIR RODERIC LYNE: Was it reasonable to expect them to come
14 to a conclusion within a matter of relatively few weeks
15 on this, given the scale of the task? If you had asked
16 them --

17 SIR WILLIAM EHRMAN: If you had had cooperation, full
18 cooperation, from the beginning, from the
19 Iraqi Government, we might have been in a very different
20 situation. But we were not having cooperation, and, in
21 the absence of cooperation, just as we saw in the 1990s,
22 you couldn't probably get anywhere however long you are
23 in.

24 SIR RODERIC LYNE: So by the middle of March, so far as you
25 are concerned, the picture was clear enough and more

1 time would not have affected the issue?

2 SIR WILLIAM EHRMAN: The French made an alternative proposal

3 in March, which was for more inspectors to go in, and,

4 as I mentioned earlier, for Iraq to be compelled to

5 disarm.

6 We didn't think sending in more inspectors in the

7 lack of cooperation would make a material difference and

8 we did not think that inspectors could compel Iraq to

9 disarm in any way. That was contrary to their job in

10 1441.

11 MR TIM DOWSE: I would agree with that. Actually, it was

12 a little bit more than a few weeks. The first two

13 inspections under 1441, took place on 27 November 2002.

14 So there was a near four-month period until

15 19 March 2003 that the inspectors had.

16 Diplomatically, politically, it would perhaps have

17 been of benefit to have -- for them to have had more

18 time, but in substance I share Sir William's view that

19 it wouldn't have made a difference without Iraqi

20 cooperation and we didn't see that we were getting Iraqi

21 cooperation.

22 Just on the point of, could the inspectors compel

23 Iraq to cooperate, there was a suggestion -- I think it

24 was put forward in the autumn of 2002 by the Carnegie

25 Endowment for armed inspections, essentially, which

1 would -- inspectors who would be escorted by troops who
2 would be prepared to shoot their way into sites if the
3 Iraqis stopped them.

4 We gave that very brief consideration, but we very
5 rapidly dismissed it. It didn't seem to us something
6 that could conceivably be a policy that would be either
7 effective or -- and would probably lead very rapidly to
8 the death of a UN inspector.

9 THE CHAIRMAN: There is a -- Usha?

10 BARONESS USHA PRASHAR: Just on the question of full
11 cooperation, what does that actually mean in practice?

12 Because you were beginning to get a report from
13 Hans Blix that there was some cooperation, and obviously
14 it is something you have got to build up in terms of
15 cooperation. So can you just unpack that for me?

16 When you say you were not getting full cooperation,
17 when the reports were coming in that there was some
18 cooperation beginning to emerge, that to me seems that
19 more time could have gained full cooperation.

20 SIR WILLIAM EHRMAN: That's a matter of judgment, but
21 Dr Blix had not reported full cooperation and there were
22 still areas which we tried to devise in the six tests
23 which might have tested him further.

24 Saddam was saying -- ordering everybody to provide
25 all the information that they could, letting the

1 scientists go out of the country, that sort of thing,
2 which was why we tried to devise those tests, but there
3 had been no report of full cooperation even though there
4 had been slightly better cooperation in the final
5 period.

6 SIR MARTIN GILBERT: It is a crucial question that some
7 cooperation is not full cooperation. Some cooperation
8 is nevertheless an invitation that some of the things we
9 were hoping for might take place. Why was there
10 a cut-off point at this moment?

11 SIR WILLIAM EHRMAN: Because I think the cut-off point was
12 when President Chirac said that he would veto the second
13 resolution under any circumstances.

14 SIR MARTIN GILBERT: That didn't affect the inspectors --

15 SIR WILLIAM EHRMAN: It affected the whole political
16 process. It brought matters in New York to a stop.

17 MR TIM DOWSE: I think there was also an underlying
18 concern -- and I'm not the best person to talk about
19 this, because really my focus was on trying to get the
20 inspectors to work, but there was an underlying concern,
21 again against the background of what we have seen in the
22 1990s, that Saddam was always playing for time. He was
23 always trying to kick the ball a little further down the
24 road and there is a feeling that the point had to come
25 at which we said, "So far and no further", and whether

1 you drew that line in late March 2003 or April or June,
2 the line had to be drawn at some point.

3 In a way, the benchmarks, even if he had met the
4 requirements of the benchmarks, it still would not have
5 been have been full cooperation but it would have been
6 evidence of a change of heart. I think that was, if you
7 like, the underlying concern.

8 SIR RODERIC LYNE: There --

9 THE CHAIRMAN: We are about to break for lunch, I think. We
10 need perhaps to pursue these supplementary questions
11 after lunch, but since Sir Roderic had got in, a very
12 quick one.

13 SIR RODERIC LYNE: Just very briefly, there was presumably
14 another cut-off point. Saddam Hussein would not have
15 permitted the inspectors without the threat of military
16 action. Troops, as you mentioned earlier had been
17 deployed since the end of the previous year. The
18 build-up had happened. You can't keep forces in theatre
19 indefinitely. At a certain point, you have to make
20 a decision whether you are going to fish or cut bait.
21 We must have been very close to that. Was that not the
22 real cut-off point?

23 SIR WILLIAM EHRMAN: I think there were different military
24 views on that and you would have to ask the military
25 about that, but that was certainly a consideration as

1 well.

2 SIR RODERIC LYNE: Thank you.

3 THE CHAIRMAN: It is 1 o'clock. The morning has taken us up
4 to the invasion, where, of course, no WMD emerged on the
5 battlefield or outside it.

6 We will resume at 2 o'clock and this afternoon we
7 shall need to look at the issue of WMDs after the
8 invasion, and then I think that will probably conclude
9 the business for today. So could I ask for a prompt
10 return by those in the room before 2 o'clock and we will
11 pick the thing up at that point. Thank you.

12 (1.03 pm)

13 (The short adjournment)

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