
ANNEX A

LIST OF WITNESSES

Ministers

Rt Hon Tony Blair MP - Prime Minister
Rt Hon Jack Straw MP - Foreign Secretary
Rt Hon Geoff Hoon MP - Defence Secretary
Rt Hon Lord Goldsmith, QC - Attorney General

Officials

(i) **10 Downing Street and the Cabinet Office**

Jonathan Powell
Tim Dowse
Sir David Omand
John Scarlett
Sir Andrew Turnbull

(ii) **Foreign and Commonwealth Office**

William Ehrman
Sir Jeremy Greenstock
Sir David Manning
Sir Peter Ricketts
Stephen Wright

(iii) **Ministry of Defence**

Admiral Lord Michael Boyce
Air Marshal Joe French
Julian Miller
Lieutenant General Andrew Ridgway
Sir Kevin Tebbit
Simon Webb
and four members of the Defence Intelligence Staff

(iv) **Members of the intelligence community**

Sir Richard Dearlove
Eliza Manningham-Buller
Dr David Pepper
and one member of GCHQ, and two members of the Secret Intelligence Service

International Organisations

Dr Hans Blix

Former Chairs of the Joint Intelligence Committee

Sir Roderic Braithwaite
Sir Colin Budd
Rt Hon Sir Percy Cradock
Sir Paul Lever
Dame Pauline Neville Jones
The Hon Sir Michael Pakenham

Other witnesses

Dr John Chipman
Michael Herman
Dr Brian Jones
John Kampfner
Dr David Kay
Rt Hon Lord Owen
Dr Gary Samore
Elizabeth Wilmshurst

and two further witnesses who asked for their identities to be protected.

We also had meetings with Rt Hon Lord Hutton, Rt Hon David Blunkett MP, Rt Hon Michael Howard MP, Rt Hon Robin Cook MP, Rt Hon Clare Short MP, Sir Michael Jay and Sir Nigel Sheinwald.

INTELLIGENCE ASSESSMENT AND PRESENTATION: FROM MARCH TO SEPTEMBER 2002

15 March 2002 JIC(02)059: THE STATUS OF IRAQI WMD PROGRAMMES (15 March 2002) (substantial extracts)	21 August 2002 JIC(02)181: IRAQ: SADDAM'S DIPLOMATIC AND MILITARY OPTIONS (21 August 2002) (relevant extracts)	9 September 2002 JIC(02)202: IRAQI USE OF CHEMICAL AND BIOLOGICAL WEAPONS – POSSIBLE SCENARIOS (9 September 2002) (substantial extracts)	24 September 2002 EXTRACTS FROM THE GOVERNMENT DOSSIER (24 September 2002) Executive Summary	24 September 2002 FOREWORD TO THE GOVERNMENT DOSSIER (signed by the Prime Minister)
<p>Key Judgements</p> <p>i. Iraq retains up to 20 Al Hussein ballistic missiles, produced prior to the Gulf War, with a range of 650km and capable of hitting Israel. The location and condition of these is unknown, but there is sufficient engineering expertise to make them operational.</p> <p>ii. Iraq has begun development of medium range ballistic missiles over 1000km that could target countries throughout the Middle East and Gulf Region, but will not be able to produce such a missile before 2007 provided sanctions remain effective.</p> <p>iii. Iraq is pursuing a nuclear weapons programme. But it will not be able to indigenously produce a nuclear weapon while sanctions remain in place, unless suitable fissile material is purchased from abroad.</p> <p>iv. Iraq may retain some stocks of chemical agents. Following a decision to do so, Iraq could produce:</p> <ul style="list-style-type: none"> • within weeks; • significant quantities of sarin and VX within months, and in the case of VX may have already done so. <p>v. Iraq currently has available, either from pre Gulf War stocks or more recent production, a number of biological agents. Iraq could</p>	<p>Key Judgements</p> <p>v. Early on in any conflict Saddam would order missile attacks on Israel, coalition forces and regional States providing the US with bases.</p> <p>vi. Saddam would order the use of CBW against coalition forces at some point, probably after a coalition attack had begun. Once Saddam was convinced that his fate was sealed, he would order the unrestrained use of CBW against coalition forces, supporting regional states and Israel.</p> <p>... Secondary goals will be to preserve and enhance his WMD capability.</p> <p>... As we have</p>	<p>Key Judgements</p> <p>I. Iraq has a chemical and biological capability and Saddam is prepared to use it.</p> <p>II. Faced with the likelihood of military defeat and being removed from power, Saddam is unlikely to be deterred from using chemical and biological weapons by any diplomatic or military means.</p> <p>III. The use of chemical and biological weapons prior to any military attack would boost support for US-led action and is unlikely.</p> <p>IV. Saddam is prepared to order missile strikes against Israel, with chemical or biological warheads, in order to widen the war once hostilities begin.</p> <p>V. Saddam could order the use of CBW weapons in order to deny space and territory to Coalition forces, or to cause casualties, slow any advance, and sap US morale.</p> <p>VI. If not previously employed, Saddam will order the indiscriminate use of whatever CBW weapons remain available late in a ground campaign</p>	<p>1. Under Saddam Hussein Iraq developed chemical and biological weapons, acquired missiles allowing it to attack neighbouring countries with these weapons and persistently tried to develop a nuclear bomb. Saddam has used chemical weapons, both against Iran and against his own people. Following the Gulf War, Iraq had to admit to all this. And in the ceasefire of 1991 Saddam agreed unconditionally to give up his weapons of mass destruction.</p> <p>2. Much information about Iraq's weapons of mass destruction is already in the public domain from UN reports and from Iraqi defectors. This points clearly to Iraq's continuing possession, after 1991, of chemical and biological agents and weapons produced before the Gulf War. It shows that Iraq has refurbished sites formerly associated with the production of chemical and biological agents. And it indicates that Iraq remains able to manufacture these agents, and to use bombs, shells, artillery rockets and ballistic missiles to deliver them.</p> <p>3. An independent and well-researched overview of this public evidence was provided by the International Institute for Strategic Studies (IISS) on 9 September. The IISS report also suggested that Iraq could assemble nuclear weapons within months of obtaining fissile material from foreign sources.</p> <p>4. As well as the public evidence, however, significant additional information is available to the Government from secret intelligence sources, described in more detail in this paper. This intelligence cannot tell us about everything. However, it provides a fuller picture of Iraqi plans and capabilities. It shows that Saddam Hussein attaches great importance to possessing weapons of mass destruction which he regards as the basis for Iraq's regional power. It shows that he does not regard them only as weapons of last resort. He is ready to use them, including against his own population, and is determined to retain them, in breach of United Nations Security Council Resolutions (UNSCR).</p> <p>5. Intelligence also shows that Iraq is preparing plans to conceal evidence of these weapons, including incriminating documents, from renewed inspections. And it confirms that despite sanctions and the policy of containment, Saddam has continued to make progress with his illicit weapons programmes.</p> <p>6. As a result of the intelligence we judge that Iraq has:</p> <ul style="list-style-type: none"> • Continued to produce chemical and biological agents; 	<p>The document published today is based, in large part, on the work of the Joint Intelligence Committee (JIC). The JIC is at the heart of the British intelligence machinery. It is chaired by the Cabinet Office and made up of the heads of the UK's three Intelligence and Security Agencies, the Chief of Defence Intelligence, and senior officials from key government departments. For over 60 years the JIC has provided regular assessments to successive Prime Ministers and senior colleagues on a wide range of foreign policy and international security issues.</p> <p>Its work, like the material it analyses, is largely secret. It is unprecedented for the Government to publish this kind of document. But in light of the debate about Iraq and Weapons of Mass Destruction (WMD), I wanted to share with the British public the reasons why I believe this issue to be a current and serious threat to the UK national interest.</p> <p>In recent months, I have been increasingly alarmed by the evidence from inside Iraq that despite sanctions, despite the damage done to his capability in the past, despite the UN Security Council Resolutions expressly outlawing it, and despite his denials, Saddam Hussein is continuing to develop WMD, and with them the ability to inflict real damage upon the region, and the stability of the world.</p> <p>Gathering intelligence inside Iraq is</p>

15 March 2002	21 August 2002	9 September 2002	24 September 2002	24 September 2002
<p>produce more of these biological agents within days.</p> <p>vi. A decision to begin CBW production would probably go undetected.</p> <p>vii. Iraq can deliver CBW weapons by a variety of means including ballistic missiles. Iraq's CBW production capability is designed to survive a military attack and UN inspections.</p> <p>Intelligence on Iraq's weapons of mass destruction (WMD) and ballistic missile programmes is sporadic and patchy. Iraq is also well practised in the art of deception, such as concealment and exaggeration. A complete picture of the various programmes is therefore difficult. But it is clear that Iraq continues to pursue a policy of acquiring WMD and their delivery means. Intelligence indicates that planning to reconstitute some of its programmes began in 1995. WMD programmes were then given a further boost in 1998 with the withdrawal of UNSCOM inspectors.</p> <p>Ballistic Missiles Iraq has rebuilt much of the military production infrastructure associated with the missile programme damaged in the Gulf War and the few high profile sites targeted in Operation Desert Fox in 1998. New infrastructure is being built, with a particular focus on improving the support to the solid propellant missile programme.</p> <p>Since the Gulf War, Iraq has been openly developing short-range ballistic missiles (SRBM) up to a range of 150km, which are permitted under UN Security Council Resolution 687. Intelligence indicates that:</p>	<p>previously judged, even if inspectors were allowed to return, Iraq would embark on a renewed policy of frustration, involving denial, deception, obstruction and delay.</p> <p>... Saddam could:</p> <ul style="list-style-type: none"> Threaten the use of WMD against regional states. <p>Missiles and WMD We judge that Saddam would probably order missile attacks on Israel and the coalition early on in a conflict in an attempt to attract Israeli retaliation and thus widen the war, split the coalition and arouse popular opinion in the Arab States. Such missiles could be armed with chemical or biological warfare (CBW) agents. Saddam might be deterred, at least initially, by the threat of Israeli nuclear retaliation. Other factors would be the limited number of long range missiles Iraq would have available (we</p>	<p>or as a final act of vengeance. But such an order would depend on the availability of delivery means and the willingness of commanders to obey.</p> <p>Recent intelligence casts light on Iraq's holdings of weapons of mass destruction and on its doctrine for using them. Intelligence remains limited and Saddam's own unpredictability complicates judgements about Iraqi use of these weapons. Much of this paper is necessarily based on judgement and assessment.</p> <p>Iraq used chemical weapons on a large scale during the Iran/Iraq War. Use on the same scale now would require large quantities of chemical weapons and survivable delivery means in the face of overwhelming US air superiority. Iraq did not use chemical weapons during the Gulf War. Intelligence suggests that Iraq may have used the biological agent, aflatoxin, against the Shia population in 1991. We do not believe that Iraq possesses nuclear weapons and there is no intelligence that Iraq is currently interested in radiological dispersal devices.</p> <p>Chemical and biological capabilities Based on intelligence on the nature of Iraqi CBW weapons, known delivery means, continuing procurement activity, and experience from previous</p>	<ul style="list-style-type: none"> Military plans for the use of chemical and biological weapons, including against its own Shia population. Some of these weapons are deployable within 45 minutes of an order to use them; Command and control arrangements in place to use chemical and biological weapons. Authority ultimately resides with Saddam Hussein. (There is intelligence that he may have delegated this authority to his son Qusai); Developed mobile laboratories for military use, corroborating earlier reports about the mobile production of biological warfare agents; Pursued illegal programmes to procure controlled materials of potential use in the production of chemical and biological weapons programmes; Tried covertly to acquire technology and materials which could be used in the production of nuclear weapons; Sought significant quantities of uranium from Africa, despite having no active civil nuclear power programme that could require it; Recalled specialists to work on its nuclear programme; Illegally retained up to 20 al-Hussein missiles, with a range of 650km, capable of carrying chemical or biological warheads; Started deploying its al-Samoud liquid propellant missile, and has used the absence of weapons inspectors to work on extending its range to at least 200km, which is beyond the limit of 150km imposed by the United Nations; Started producing the solid-propellant Ababil-100, and is making efforts to extend its range to at least 200km, which is beyond the limit of 150km imposed by the United Nations; Constructed a new engine test stand for the development of missiles capable of reaching the UK Sovereign Base Areas in Cyprus and NATO members (Greece and Turkey), as well as all Iraq's Gulf neighbours and Israel; Pursued illegal programmes to procure materials for use in its illegal development of long range missiles; Learnt lessons from previous UN weapons inspections and has already begun to conceal sensitive equipment and documentation in advance of the return of inspectors. 	<p>not easy. Saddam's is one of the most secretive and dictatorial regimes in the world. So I believe people will understand why the Agencies cannot be specific about the sources, which have formed the judgements in this document, and why we cannot publish everything we know. We cannot, of course, publish the detailed raw intelligence. I and other Ministers have been briefed in detail on the intelligence and are satisfied as to its authority. I also want to pay tribute to our Intelligence and Security Services for the often extraordinary work that they do.</p> <p>What I believe the assessed intelligence has established beyond doubt is that Saddam has continued to produce chemical and biological weapons, that he continues in his efforts to develop nuclear weapons, and that he has been able to extend the range of his ballistic missile programme. I also believe that, as stated in the document, Saddam will now do his utmost to try to conceal his weapons from UN inspectors.</p> <p>The picture presented to me by the JIC in recent months has become more not less worrying. It is clear that, despite sanctions, the policy of containment has not worked sufficiently well to prevent Saddam from developing these weapons.</p> <p>I am in no doubt that the threat is serious and current, that he has made progress on WMD, and that he has to be stopped.</p> <p>Saddam has used chemical weapons, not only against an enemy state, but against his own people. Intelligence reports make clear that he sees the building up of his WMD capability, and the belief overseas</p>

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<ul style="list-style-type: none"> the 150km range liquid propellant Al Samoud missile has been extensively flight-tested. Intelligence indicates that Iraq has produced at least 50 Al Samouds, including those test fired, and preparations are underway to deploy some of these to military units. Iraq has reportedly succeeded in developing a number of 200km range variants of Al Samoud, although it is unclear if these are for operational use or research and development for longer-range systems. A small number of transporter-erector-launchers (TELS) have been seen, although others may exist; the solid propellant Ababil-100 has also been tested, and has reached ranges up to 150km. We judge that this system is likely to become operational as an SRBM within 2 years. It might enter service earlier as an artillery rocket. Intelligence indicates that Iraq has plans to extend the range of the Ababil-100 to 250km. 	<p>assess he has retained 12-20 650km range Al Hussein missiles) and the need, in attacking coalition forces in Kuwait, to deploy short range missiles (we assessed in March that at least 50 150km range al-Samoud missiles had been produced; more will have been produced since then) into the 'no drive zone'. Although a pre-emptive missile attack on Israel would offer many of the same advantages, we judge this would be less likely because it would show Iraq had been lying about its retention of long range missiles prohibited by the UN, providing a justification for US action.</p> <p>Although we have little intelligence on Iraq's CBW doctrine, and know little about Iraq's CBW work since late 1998, we judge it likely that Saddam would order the use of CBW against</p>	<p>conflicts, we judge that:</p> <ul style="list-style-type: none"> Iraq currently has available, either from pre Gulf War stocks or more recent production, a number of biological warfare (BW) and chemical warfare (CW) agents and weapons; following a decision to do so, Iraq could produce significant quantities of mustard agent within weeks; significant quantities of the nerve agents sarin and VX within months (and in the case of VX Iraq may have already done so). Production of sarin and VX would be heavily dependent on hidden stocks of precursors, the size of which are unknown; Iraq could produce more biological agents within days. At the time of the Gulf War Iraq had developed the lethal BW agents anthrax, botulinum toxin and aflatoxin. Iraq was also researching a number of other agents including some non-lethal (incapacitating) agents; even if stocks of chemical and biological weapons are limited, they would allow for focused strikes against key military targets or for strategic purposes (such as a strike against Israel or Kuwait); Iraq could deliver CW and BW agents by a variety of means including free fall bombs, airborne sprays, artillery shells, mortar 	<p>7. These judgements reflect the views of the Joint Intelligence Committee (JIC). More details on the judgements and on the development of the JIC's assessments since 1998 are set out in Part 1 of this paper.</p> <p>PART 1</p> <p>IRAQ'S CHEMICAL, BIOLOGICAL, NUCLEAR AND BALLISTIC MISSILE PROGRAMMES</p> <p>CHAPTER 1: The Role of Intelligence (extract)</p> <p>1. Since UN inspectors were withdrawn from Iraq in 1998, there has been little overt information on Iraq's chemical, biological, nuclear and ballistic missile programmes. Much of the publicly available information about Iraqi capabilities and intentions is dated. But we also have available a range of secret intelligence about these programmes and Saddam Hussein's intentions. This comes principally from the United Kingdom's intelligence and analysis agencies – the Secret Intelligence Service (SIS), the Government Communications Headquarters (GCHQ), the Security Service, and the Defence Intelligence Staff (DIS). We also have access to intelligence from close allies.</p> <p>2. Intelligence rarely offers a complete account of activities which are designed to remain concealed. The nature of Saddam's regime makes Iraq a difficult target for the intelligence services. Intelligence, however, has provided important insights into Iraqi programmes and Iraqi military thinking. Taken together with what is already known from other sources, this intelligence builds our understanding of Iraq's capabilities and adds significantly to the analysis already in the public domain. But intelligence sources need to be protected, and this limits the detail that can be made available.</p> <p>3. Iraq's capabilities have been regularly reviewed by the Joint Intelligence Committee (JIC), which has provided advice to the Prime Minister and his senior colleagues on the developing assessment, drawing on all available sources. Part 1 of this paper includes some of the most significant views reached by the JIC between 1999 and 2002.</p> <p>CHAPTER 2: Iraq's Programmes, 1971–1998 (extract)</p> <p>[This historical chapter covers past Iraqi research into chemical and biological warfare; what quantities of agent Iraq had produced by the early 1990s; its use of chemical weapons during the Iran/Iraq war,</p>	<p>that he would use these weapons, as vital to his strategic interests, and in particular his goal of regional domination. And the document discloses that his military planning allows for some of the WMD to be ready within 45 minutes of an order to use them.</p> <p>I am quite clear that Saddam will go to extreme lengths, indeed has already done so, to hide these weapons and avoid giving them up.</p> <p>In today's inter-dependent world, a major regional conflict does not stay confined to the region in question. Faced with someone who has shown himself capable of using WMD, I believe the international community has to stand up for itself and ensure its authority is upheld.</p> <p>The threat posed to international peace and security, when WMD are in the hands of a brutal and aggressive regime like Saddam's, is real. Unless we face up to the threat, not only do we risk undermining the authority of the UN, whose resolutions he defies, but more importantly and in the longer term, we place at risk the lives and prosperity of our own people.</p> <p>The case I make is that the UN Resolutions demanding he stops his WMD programme are being flouted; that since the inspectors left four years ago he has continued with this programme; that the inspectors must be allowed back in to do their job properly; and that if he refuses, or if he makes it impossible for them to do their job, as he has done in the past, the international community will have to act.</p> <p>I believe that faced with the</p>
<p>Immediate missile capability</p> <p><i>We judge that Iraq has the following missiles available for immediate use: Some Al Samoud (up to 150km) Up to 20 Al Hussein (650km) There are a limited number of launchers available.</i></p> <p><i>Both missiles could deliver basic chemical and biological warheads.</i></p>	<p>We judge Iraq has also retained some 20 Al Hussein missiles (650km range stretched SCUD), the type fired at Israel and Saudi Arabia during the Gulf War. We do not know the location of these missiles or their state of readiness, but judge that the engineering expertise available would</p>			

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<p>allow these missiles to be effectively maintained.</p> <p>Iraq is seeking to develop new, larger liquid and solid propellant missiles, contrary to UN limits. Recent intelligence indicates personnel associated with the Al Samoud programme have now been tasked to concentrate on designing liquid propellant systems with ranges of 2000-3000km. New intelligence indicates the main focus may be on the development of a SCUD derivative, which we judge has an intended range of around 1200km. Work on an engine for this system began in 1998, involving personnel who had been reviewing the details of previous Al Hussein production since 1995, although by the end of the year 2000 they were still experiencing technical problems. Additional personnel were probably assigned to other parts of the programme during 2000. A large static test stand capable of testing liquid propellant engines bigger than the SCUD engine has been under construction since mid-2000, probably in support of this programme. Work on large motor cases for longer-range solid propellant systems has been noted over the last 2-3 years. Providing sanctions remain effective, Iraq is unlikely to be able to produce a longer-range missile before 2007.</p> <p>Despite retaining engineers with expertise in missile design and production, UN sanctions and the work of the inspectors have caused significant problems for Iraq's missile industry in acquiring components and production technology, in particular for improving guidance and control systems and therefore missile accuracy. Iraq is actively seeking to procure materials for its missile programme.</p>	<p>coalition forces at some point, probably after coalition attacks had begun. Iraqi CBW use would become increasingly likely the closer coalition forces came to Baghdad. Military targets might include troop concentrations or important fixed targets in rear areas such as ports and airfields.</p> <p>Alternative scenarios and at the death</p> <p>It is also possible that Saddam might pursue an extreme course of action at an earlier stage than we have envisaged . . . In particular, unorthodox options might include:</p> <ul style="list-style-type: none"> The early or pre-emptive use of CBW. Because of the time lag between infection and incapacitation, there is some incentive to use biological weapons early. Coalition forces would also be most geographically concentrated 	<p>bombs and battlefield rockets;</p> <ul style="list-style-type: none"> Iraq told UNSCOM in the 1990s that it filled 25 warheads with anthrax, botulinum toxin and aflatoxin for its Al Hussein ballistic missile (range 650km). Iraq also admitted it had developed 50 chemical warheads for Al Hussein. We judge Iraq retains up to 20 Al Hussein and a limited number of launchers; Iraq is also developing short-range systems Al Samoud/Ababil 100 ballistic missiles (range 150km plus) – One intelligence report suggests that Iraq has "lost" the capability to develop warheads capable of effectively disseminating chemical and biological agent and that it would take six months to overcome the "technical difficulties". However, both these missile systems are currently being deployed with military units and an emergency operational capability with conventional warheads is probably available; Iraq may have other toxins, chemical and biological agents that we do not know about; the effectiveness of any CBW attack would depend on the method of delivery, concentration of the target, dissemination efficiency, meteorological conditions and the 	<p>including against its own (Kurdish) citizens; the progress of its nuclear programme by 1991; its ballistic missile programmes; its use of such missiles during the first Gulf war; and Iraq's admission to UNSCOM of having had chemical and biological warheads available for its ballistic missiles.]</p> <p>13. Based on the UNSCOM report to the UN Security Council in January 1999 and earlier UNSCOM reports, we assess that when the UN inspectors left Iraq they were unable to account for:</p> <ul style="list-style-type: none"> up to 360 tonnes of bulk chemical warfare agent, including 1.5 tonnes of VX nerve agent; up to 3,000 tonnes of precursor chemicals, including approximately 300 tonnes which, in the Iraqi chemical warfare programme, were unique to the production of VX; growth media procured for biological agent production (enough to produce over three times the 8,500 litres of anthrax spores Iraq admits to having manufactured); over 30,000 special munitions for delivery of chemical and biological agents. <p>14. The departure of UNSCOM meant that the international community was unable to establish the truth behind these large discrepancies and greatly diminished its ability to monitor and assess Iraq's continuing attempts to reconstitute its programmes.</p> <p>CHAPTER 3: The Current Position: 1998-2002 (extract)</p> <p>1. This chapter sets out what we know of Saddam Hussein's chemical, biological, nuclear and ballistic missile programmes, drawing on all the available evidence. While it takes account of the results from UN inspections and other publicly available information, it also draws heavily on the latest intelligence about Iraqi efforts to develop their programmes and capabilities since 1998. The main conclusions are that:</p> <ul style="list-style-type: none"> Iraq has a useable chemical and biological weapons capability, in breach of UNSCR 687, which has included recent production of chemical and biological agents; Saddam continues to attach great importance to the possession of weapons of mass destruction and ballistic missiles which he regards as being the basis for Iraq's regional power. He is determined to retain these capabilities; Iraq can deliver chemical and biological agents using an extensive range of artillery shells, free-fall bombs, sprayers and ballistic missiles; 	<p>information available to me, the UK Government has been right to support the demands that this issue be confronted and dealt with. We must ensure that he does not get to use the weapons he has, or get hold of the weapons he wants.</p> <p>HOUSE OF COMMONS, TUESDAY 24 SEPTEMBER 2002</p> <p>The Prime Minister: Mr Speaker, thank you for recalling Parliament to debate the best way to deal with the issue of the present leadership of Iraq and weapons of mass destruction.</p> <p>Today we published a 50-page dossier, detailing the history of Iraq's weapons of mass destruction programme, its breach of United Nations resolutions, and its attempts to rebuild that illegal programme. I have placed a copy in the Library.</p> <p>At the end of the Gulf war, the full extent of Saddam's chemical, biological and nuclear weapons programmes became clear. As a result, the United Nations passed a series of resolutions, demanding that Iraq disarm itself of such weapons and establishing a regime of weapons inspections and monitoring to do the task. The inspectors were to be given unconditional and unrestricted access to all and any Iraqi sites.</p> <p>All this is accepted fact. In addition, it is fact, documented by UN inspectors, that Iraq almost immediately began to obstruct the inspections. Visits were delayed; on occasions, inspectors threatened; matériel was moved; special sites, shut to the inspectors, were unilaterally designated by Iraq. The work of the inspectors continued, but against a background of increasing obstruction and non-compliance.</p>

15 March 2002 Chemical and Biological Warfare (CBW) We continue to judge that Iraq has an offensive chemical warfare (CW) programme, although there is very little intelligence relating to it. From the evidence available to us, we believe Iraq retains some production of CW agent precursors, and may have hidden small quantities of agents and weapons. Anomalies in Iraqi declarations to UNSCOM suggest stocks could be much larger. Given the size and scope of Iraq's pre Gulf War programme, little or no research and development work would need to be carried out. Intelligence on production facilities is scarce; the reconstructed former precursor production facility near Habbaniyah in itself is insufficient to support large-scale CW agent production. Other industrial chemical facilities could be used in support of a chemical weapons programme, but we have no intelligence to suggest that they are currently being used in that role. Intelligence has indicated an Iraqi interest in transportable production facilities for chemical weapons, but these could produce only small amounts of agent and we judge it more likely that the mobile units are for filling munitions rather than producing agent. We assess that following a decision to do so, Iraq could produce: <ul style="list-style-type: none"> • Significant quantities of mustard within weeks, using hidden stocks of precursors and with support from Iraq's chemical industry; • Significant quantities of nerve agent within months, mainly sarin and VX. This would be heavily dependent on hidden stocks of precursors. There has been one uncorroborated report that Iraq filled some artillery rocket munitions with VX in the period 1996-1998, and 	21 August 2002 directly before or at the onset of a military campaign. He might also consider: <ul style="list-style-type: none"> • CBW terrorism: although Saddam probably lacks the capability to deploy a sophisticated device, he could cause widespread panic. <p>Should he feel his fate is sealed, Saddam's judgement might change to 'bring the temple down' on his enemies no matter what the cost to the country as a whole. We judge that at this stage, Saddam would order the unrestrained use of CBW against coalition forces, supporting regional states and Israel, although he would face practical problems of command and control, the loyalty of his commanders, logistics problems and the availability of chemical or biological agents in sufficient quantities to be</p>	9 September 2002 availability of suitable defensive counter measures. <p>Other recent intelligence indicates that:</p> <ul style="list-style-type: none"> • production of chemical and biological weapons is taking place; • Saddam attaches great importance to having CBW, is committed to using CBW if he can and is aware of the implications of doing so. Saddam wants it to dominate his neighbours and deter his enemies who he considers are unimpressed by his weakened conventional military capability; • Iraq has learned from the Gulf War the importance of mobile systems that are much harder to hit than large static sites. Consequently Iraq has developed for the military, fermentation systems which are capable of being mounted on road-trailers or rail cars. These could produce BW agent; Iraq has probably dispersed its special CBW weapons. <p>Intelligence also indicates that chemical and biological munitions could be with military units and ready for firing within 20-45 minutes.</p> <p>Intentions for use Intelligence indicates that Saddam has already taken the decision that all</p>	24 September 2002 Iraq continues to work on developing nuclear weapons, in breach of its obligations under the Non-Proliferation Treaty and in breach of UNSCR 687. Uranium has been sought from Africa that has no civil nuclear application in Iraq; <ul style="list-style-type: none"> • Iraq possesses extended-range versions of the SCUD ballistic missile in breach of UNSCR 687 which are capable of reaching Cyprus, Eastern Turkey, Tehran and Israel. It is also developing longer-range ballistic missiles; • Iraq's current military planning specifically envisages the use of chemical and biological weapons; • Iraq's military forces are able to use chemical and biological weapons, with command, control and logistical arrangements in place. The Iraqi military are able to deploy these weapons within 45 minutes of a decision to do so; • Iraq has learnt lessons from previous UN weapons inspections and is already taking steps to conceal and disperse sensitive equipment and documentation in advance of the return of inspectors; • Iraq's chemical, biological, nuclear and ballistic missiles programmes are well-funded. <p>CHEMICAL AND BIOLOGICAL WEAPONS</p> <p>4. In the last six months the JIC has confirmed its earlier judgements on Iraqi chemical and biological warfare capabilities and assessed that Iraq has the means to deliver chemical and biological weapons.</p> <p>Recent intelligence</p> <p>5. Subsequently, intelligence has become available from reliable sources which complements and adds to previous intelligence and confirms the JIC assessment that Iraq has chemical and biological weapons. The intelligence also shows that the Iraqi leadership has been discussing a number of issues related to these weapons. This intelligence covers:</p> <ul style="list-style-type: none"> • Confirmation that chemical and biological weapons play an important role in Iraqi military thinking: intelligence shows that Saddam attaches great importance to the possession of chemical and biological weapons which he regards as being the basis for Iraqi regional power. He believes that respect for Iraq rests on its possession of these weapons and the missiles capable of delivering them. Intelligence indicates that Saddam is determined to retain this capability and recognises that Iraqi political weight would be diminished if Iraq's military power rested solely on its conventional military forces. 	24 September 2002 Indeed, Iraq denied that its biological weapons programme existed until forced to acknowledge it after high-ranking defectors disclosed its existence in 1995. <p>Eventually, in 1997, the UN inspectors declared that they were unable to fulfil their task. A year of negotiation and further obstruction occurred until finally, in late 1998, the UN team was forced to withdraw.</p> <p>As the dossier sets out, we estimate on the basis of the UN's work that there were up to 360 tonnes of bulk chemical warfare agents, including 1.5 tonnes of VX nerve agent; up to 3,000 tonnes of precursor chemicals; growth media sufficient to produce 26,000 litres of anthrax spores; and over 30,000 special munitions for delivery of chemical and biological agents. All of this was missing and unaccounted for.</p> <p>Military action by the United States and United Kingdom followed and a certain amount of infrastructure for Iraq's weapons of mass destruction and missile capability was destroyed, setting the Iraqi programme back, but not ending it.</p> <p>From late 1998 onwards, therefore, the sole inhibition on Saddam's WMD programme was the sanctions regime. Iraq was forbidden to use the revenue from its oil except for certain specified non-military purposes. The sanctions regime, however, was also subject to illegal trading and abuse. Because of concerns about its inadequacy—and the impact on the Iraqi people—we made several attempts to refine it, culminating in a new UN resolution in May of this year. But it was only partially effective. Around \$3 billion of money is illegally taken by Saddam every</p>
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15 March 2002	21 August 2002	9 September 2002	24 September 2002	24 September 2002
<p>another that a team of chemists was formed in 1998 to produce 5 tons of VX. The source was told this had been completed by the end of 1998;</p> <ul style="list-style-type: none"> • Incapacitants including the mental incapacitant Agent 15. <p>Iraq's military forces used chemical weapons during the Iran-Iraq War. Intelligence indicates command, control and logistical arrangements are in place.</p> <p><i>Immediate CBW capability</i> <i>The following chemical agents could be produced within weeks, if not already: Mustard, sarin and VX;</i> <i>The following biological agents could be produced within days, if not already: Anthrax spores, botulinum toxin, aflatoxin and possibly plague</i> <i>These could be delivered by a variety of means, including ballistic missiles and special forces.</i></p> <p>Iraq was forced by UNSCOM discoveries and the defection of Hussein Kamil to admit to having had a biological warfare (BW) programme at the time of the Gulf War. BW work continued throughout the period of UNSCOM inspections and intelligence indicates that this programme continues. Key figures from the pre-Gulf War programme are reported to be involved. Research and development is assessed to continue under cover of a number of legitimate institutes and possibly in a number of covert facilities.</p> <p>We judge that Iraq could produce significant quantities of BW agents within days of a decision to do so. There is no intelligence on any BW agent production facilities, but one source indicates that Iraq may have</p>	<p>effective and the means to deliver them.</p>	<p>resources, including CBW, be used to defend the regime from attack. One report states that Saddam would not use CBW during the initial air phase of any military campaign but would use CBW once a ground invasion of Iraq has begun. Faced with the likelihood of military defeat and being removed from power, we judge that it is unlikely there would be any way to deter Saddam from using CBW.</p> <p>We judge that several factors could influence the timing of a decision by Saddam to authorise the use of CBW weapons;</p> <ul style="list-style-type: none"> • the availability of stocks of CW and BW agents; • the survivability of his delivery means. Many are vulnerable. Once a military campaign is underway the pressure will increase to use certain assets before they are destroyed; • the survivability of command and control mechanisms. The method and timing of such decision making is unknown. Intelligence indicates that Saddam's son Qusai may already have been given authority to order the use of CBW. Authorising front line units to use chemical and biological weapons could become more difficult once fighting begins. Saddam may therefore specify in advance of a 	<ul style="list-style-type: none"> • Iraqi attempts to retain its existing banned weapons systems: Iraq is already taking steps to prevent UN weapons inspectors finding evidence of its chemical and biological weapons programme. Intelligence indicates that Saddam has learnt lessons from previous weapons inspections, has identified possible weak points in the inspections process and knows how to exploit them. Sensitive equipment and papers can easily be concealed and in some cases this is already happening. The possession of mobile biological agent production facilities will also aid concealment efforts. Saddam is determined not to lose the capabilities that he has been able to develop further in the four years since inspectors left. • Saddam's willingness to use chemical and biological weapons: intelligence indicates that as part of Iraq's military planning Saddam is willing to use chemical and biological weapons, including against his own Shia population. Intelligence indicates that the Iraqi military are able to deploy chemical or biological weapons within 45 minutes of an order to do so. <p>Chemical and biological agents: surviving stocks</p> <p>6. When confronted with questions about the unaccounted stocks, Iraq has claimed repeatedly that if it had retained any chemical agents from before the Gulf War they would have deteriorated sufficiently to render them harmless. But Iraq has admitted to UNSCOM to having the knowledge and capability to add stabiliser to nerve agent and other chemical warfare agents which would prevent such decomposition. In 1997 UNSCOM also examined some munitions which had been filled with mustard gas prior to 1991 and found that they remained very toxic and showed little sign of deterioration.</p> <p>7. Iraq has claimed that all its biological agents and weapons have been destroyed. No convincing proof of any kind has been produced to support this claim. In particular, Iraq could not explain large discrepancies between the amount of growth media (nutrients required for the specialised growth of agent) it procured before 1991 and the amounts of agent it admits to having manufactured. The discrepancy is enough to produce more than three times the amount of anthrax allegedly manufactured.</p> <p>Chemical agent: production capabilities</p> <p>8. Intelligence shows that Iraq has continued to produce chemical agent.</p> <p>9. Other dual-use facilities, which are capable of being used to support the production of chemical agent and precursors, have been rebuilt and re-equipped. New chemical facilities have been built, some with illegal</p>	<p>year now, double the figure for the year 2000. Self-evidently, there is no proper accounting for this money.</p> <p>Because of concerns that a containment policy based on sanctions alone could not sufficiently inhibit Saddam's weapons programme, negotiations continued, even after 1998, to gain readmission for the UN inspectors. In 1999, a new UN resolution demanding their re-entry was passed and ignored. Further negotiations continued. Finally, after several months of discussion with Saddam's regime, in July this year, Kofi Annan, the UN Secretary-General, concluded that Saddam was not serious about readmitting the inspectors and ended the negotiations.</p> <p>All this is established fact. I set out the history in some detail because occasionally debate on this issue seems to treat it almost as if it had suddenly arisen, coming out of nowhere on a whim in the last few months of 2002. It is actually an 11-year history: a history of UN will flouted, of lies told by Saddam about the existence of his chemical, biological and nuclear weapons programmes, and of obstruction, defiance and denial.</p> <p>There is one common, consistent theme, however: the total determination of Saddam to maintain that programme; to risk war, international ostracism, sanctions and the isolation of the Iraqi economy to keep it. At any time, he could have let the inspectors back in and put the world to proof. At any time, he could have co-operated with the United Nations. Ten days ago, he made the offer unconditionally under threat of war. He could have done it at any</p>

15 March 2002	21 August 2002	9 September 2002	24 September 2002	24 September 2002
<p>developed mobile production facilities. A liaison source reports that:</p> <ul style="list-style-type: none"> the transportable production programme began in 1995; 6 road based facilities, on trailers, and 1 rail based facility, on railway carriages, were constructed and by March 1999; three were operational; the facilities were capable of making 5 different (unspecified/unknown) biological agents. Between November 1998 and March 1999 20-30 tons of BW agent was produced. <p>Though not corroborated, we judge the reporting is technically credible.</p> <p>We do not know which types of agents are produced by these facilities, but judge that Iraq currently has available, either from pre Gulf War stocks or more recent production, anthrax spores, botulinum toxin, aflatoxin and possibly plague. The continued operation of the castor oil extraction plant at the former Habbaniyah chemical weapons site may provide the base for producing ricin, although there is no evidence that Iraq is currently doing so. Iraq's declarations to UNSCOM acknowledged that it worked on a number of other BW agents including agents which would incapacitate, rather than kill, humans and on anti-crop and anti-livestock agents. Iraq almost certainly retains the capability to produce such agents. Iraq is judged to be self-sufficient in the production of biological weapons.</p> <p>Iraq has a variety of delivery means available for both chemical and biological weapons, some of which are</p>	<p>war the specific conditions in which unit commanders should use these weapons e.g. once coalition forces have crossed a particular geographical line;</p> <ul style="list-style-type: none"> the reliability of the units in question. Late in any military campaign commanders may not be prepared to use CBW weapons if they judge that Saddam is about to fall. <p>Possible scenarios: pre-emptive use before a conflict begins</p> <p>The aim of a pre-emptive strike would be to incapacitate or kill Coalition troops in their concentration areas. Intelligence indicates that Saddam has identified Bahrain, Jordan, Qatar, Israel and Kuwait as targets. Turkey could also be at risk.</p> <p>Both chemical and biological weapons could be used; biological agents could be particularly effective against such force concentrations. But the use of CBW weapons carries serious risks and Saddam will weigh up their military utility against the political costs. Use of CBW weapons would expose the lies and deception about Iraq's WMD capabilities, undermining Iraqi diplomatic efforts and helping build support for rapid and effective US action. Saddam might also consider using non-lethal agents in a deniable manner; whilst it would be difficult to quickly establish a clear attribution of responsibility,</p>	<p>foreign assistance, and are probably fully operational or ready for production. These include the Ibn Sina Company at Tarmiyah, which is a chemical research centre. It undertakes research, development and production of chemicals previously imported but not now available and which are needed for Iraq's civil industry. The Director General of the research centre is Hikmat Na'im al-Jalu who prior to the Gulf War worked in Iraq's nuclear weapons programme and after the war was responsible for preserving Iraq's chemical expertise.</p> <p>10. Parts of the al-Qa'qa' chemical complex damaged in the Gulf War have also been repaired and are operational. Of particular concern are elements of the phosgene production plant at al-Qa'qa'. These were severely damaged during the Gulf War, and dismantled under UNSCOM supervision, but have since been rebuilt. While phosgene does have industrial uses it can also be used by itself as a chemical agent or as a precursor for nerve agent.</p> <p>11. Iraq has retained the expertise for chemical warfare research, agent production and weaponisation. Most of the personnel previously involved in the programme remain in country. While UNSCOM found a number of technical manuals (so called 'cook books') for the production of chemical agents and critical precursors, Iraq's claim to have unilaterally destroyed the bulk of the documentation cannot be confirmed and is almost certainly untrue. Recent intelligence indicates that Iraq is still discussing methods of concealing such documentation in order to ensure that it is not discovered by any future UN inspections.</p> <p>The Problem of Dual-Use Facilities</p> <p>Almost all components and supplies used in weapons of mass destruction and ballistic missile programmes are dual-use. For example, any major petrochemical or biotech industry, as well as public health organisations, will have legitimate need for most materials and equipment required to manufacture chemical and biological weapons. Without UN weapons inspectors it is very difficult therefore to be sure about the true nature of many of Iraq's facilities.</p> <p>For example, Iraq has built a large new chemical complex, Project Baiji, in the desert in north west Iraq at al-Sharquat. This site is a former uranium enrichment facility which was damaged during the Gulf War and rendered harmless under supervision of the IAEA. Part of the site has been rebuilt, with work starting in 1992, as a chemical production complex. Despite the site being far away from populated areas it is surrounded by a high wall with watch towers and guarded by armed guards. Intelligence reports indicate that it will produce nitric acid which can be used in explosives, missile fuel and in the purification of uranium.</p>	<p>time in the last 11 years, but he did not. Why?</p> <p>The dossier that we publish gives the answer. The reason is that his chemical, biological and nuclear weapons programme is not an historic left-over from 1998. The inspectors are not needed to clean up the old remains. His weapons of mass destruction programme is active, detailed and growing. The policy of containment is not working. The weapons of mass destruction programme is not shut down; it is up and running now.</p> <p>The dossier is based on the work of the British Joint Intelligence Committee. For over 60 years, beginning just before world war two, the JIC has provided intelligence assessments to British Prime Ministers. Normally, its work is obviously secret. Unusually, because it is important that we explain our concerns about Saddam to the British people, we have decided to disclose its assessments.</p> <p>I am aware, of course, that people will have to take elements of this on the good faith of our intelligence services, but this is what they are telling me, the British Prime Minister, and my senior colleagues. The intelligence picture that they paint is one accumulated over the last four years. It is extensive, detailed and authoritative. It concludes that Iraq has chemical and biological weapons, that Saddam has continued to produce them, that he has existing and active military plans for the use of chemical and biological weapons, which could be activated within 45 minutes, including against his own Shia population, and that he is actively trying to acquire nuclear</p>	

15 March 2002	21 August 2002	9 September 2002	24 September 2002	24 September 2002
<p>very basic. These include, free fall bombs, artillery shells, helicopter and aircraft borne sprayers and ballistic missile warheads, although the exact numbers are unknown. Iraq is also continuing with the L-29 remotely piloted vehicle programme, which could have chemical and biological weapons delivery applications. Covert delivery also remains an option. Because of the shortage of some platforms, such as aircraft and helicopters, we judge that Iraq would not be able to conduct a sustained CBW campaign in the manner of the Iran-Iraq War, even if Iraq could produce enough CBW agents to do so. But a single major attack or a number of small attacks would be feasible.</p> <p>Nuclear Weapons Programme We judge that Iraq does not possess a nuclear weapons capability. We previously assessed that Iraq was within three years of producing a weapon when the Gulf War intervened. Its programme was effectively dismantled by the IAEA and subject to the monitoring process subsequently installed. Although there is very little intelligence we continue to judge that Iraq is pursuing a nuclear weapons programme. We assess the programme to be based on gas centrifuge uranium enrichment, which was the route Iraq was following for producing fissile material prior to the Gulf War. Recent intelligence indicates that nuclear scientists were recalled to work on a nuclear programme in the autumn of 1998, but we do not know if large scale development work has yet recommenced. Procurement of dual-use items over the last few years could be used in a uranium enrichment programme. There have been determined efforts to purchase high strength aluminium alloy, prohibited under the Nuclear Suppliers Group</p>	<p>Saddam could not be sure of the US reaction to an outbreak of a non-lethal disease.</p> <p>The early, widespread use of CBW or non-lethal agents would affect Coalition military planning; disruption of the build-up of personnel and material could delay operations. On balance however we judge that the political cost of using CBW weapons would outweigh the military advantages and that Saddam would probably not use CBW weapons pre-emptively.</p> <p>Possible scenarios: use during the ground phase of a conflict There is no intelligence on specific Iraqi plans for how CBW would be used in a conflict. Large numbers of chemical munitions would need to be used to make a major battlefield impact. BW could also be used although it is less effective as a tactical weapon against Coalition units than CW. But the use of even small quantities of chemical weapons would cause significant degradation in Coalition progress and might contribute to redressing Coalition conventional superiority on the battlefield. Iraq could make effective use of persistent chemical agents to shape the battlefield to Iraq's advantage by denying space and territory to Coalition forces. Booby-traps and improvised explosive devices could be used as</p>	<p>Biological agent: production capabilities</p> <p>12. We know from intelligence that Iraq has continued to produce biological warfare agents. As with some chemical equipment, UNSCOM only destroyed equipment that could be directly linked to biological weapons production. Iraq also has its own engineering capability to design and construct biological agent associated fermenters, centrifuges, sprayer dryers and other equipment and is judged to be self-sufficient in the technology required to produce biological weapons. The experienced personnel who were active in the programme have largely remained in the country. Some dual-use equipment has also been purchased, but without monitoring by UN inspectors Iraq could have diverted it to their biological weapons programme. This newly purchased equipment and other equipment previously subject to monitoring could be used in a resurgent biological warfare programme. Facilities of concern include:</p> <ul style="list-style-type: none"> the Castor Oil Production Plant at Fallujah: this was damaged in UK/US air attacks in 1998 (Operation Desert Fox) but has been rebuilt. The residue from the castor bean pulp can be used in the production of the biological agent ricin; the al-Dawrah Foot and Mouth Disease Vaccine Institute: which was involved in biological agent production and research before the Gulf War; the Amariyah Sera and Vaccine Plant at Abu Ghraib: UNSCOM established that this facility was used to store biological agents, seed stocks and conduct biological warfare associated genetic research prior to the Gulf War. It has now expanded its storage capacity. <p>13. UNSCOM established that Iraq considered the use of mobile biological agent production facilities. In the past two years evidence from defectors has indicated the existence of such facilities. Recent intelligence confirms that the Iraqi military have developed mobile facilities. These would help Iraq conceal and protect biological agent production from military attack or UN inspection.</p> <p>Chemical and biological agents: delivery means</p> <p>14. Iraq has a variety of delivery means available for both chemical and biological agents. These include:</p> <ul style="list-style-type: none"> free-fall bombs: Iraq acknowledged to UNSCOM the deployment to two sites of free-fall bombs filled with biological agent during 1990-91. These bombs were filled with anthrax, botulinum toxin and aflatoxin. Iraq also acknowledged possession of four types of aerial bomb with various chemical agent fills including sulphur mustard, tabun, sarin and cyclosarin; 	<p>weapons capability.</p> <p>On chemical weapons, the dossier shows that Iraq continues to produce chemical agents for chemical weapons; has rebuilt previously destroyed production plants across Iraq; has bought dual-use chemical facilities; has retained the key personnel formerly engaged in the chemical weapons programme; and has a serious ongoing research programme into weapons production, all of it well funded.</p> <p>In respect of biological weapons, again, production of biological agents has continued; facilities formerly used for biological weapons have been rebuilt; equipment has been purchased for such a programme; and again, Saddam has retained the personnel who worked on it prior to 1991. In particular, the UN inspection regime discovered that Iraq was trying to acquire mobile biological weapons facilities, which of course are easier to conceal. Present intelligence confirms that it has now got such facilities. The biological agents that we believe Iraq can produce include anthrax, botulinum toxin, aflatoxin and ricin—all eventually result in excruciatingly painful death.</p> <p>As for nuclear weapons, Saddam's previous nuclear weapons programme was shut down by the inspectors, following disclosure by defectors of the full, but hidden, nature of it. The programme was based on gas centrifuge uranium enrichment. The known remaining stocks of uranium are now held under supervision by the International Atomic Energy Agency.</p> <p>But we now know the following: since</p>	

15 March 2002	21 August 2002	9 September 2002	24 September 2002	24 September 2002
<p>because of its application in uranium enrichment. A shipment stopped in Jordan was inspected by the IAEA, who accepted that, with some modifications, the aluminium would be suitable for use in centrifuges. But we have no definitive intelligence that the aluminium was destined for a nuclear programme. We continue to judge that:</p> <ul style="list-style-type: none"> while sanctions remain effective, Iraq cannot indigenously develop and produce nuclear weapons; if sanctions were removed or became ineffective, it would take at least five years to produce a nuclear weapon. This timescale would shorten if fissile material was acquired from abroad. <p>Iraq is capable of producing an improved nuclear device, but it lacks suitable fissile material.</p> <p>Dispersal of key equipment Following 11 September 2001 Iraq temporarily dispersed key equipment from its missile production facilities, and is likely to do so again if it believes an attack is imminent. Recent intelligence indicates that Qusai Saddam Hussain has directed the Military Industrialisation Commission to ensure that all sensitive weapons and chemical technology was well hidden in case of further UN inspections. Dispersal makes the targeting of production equipment very difficult, but it also prevents any surge in production while dispersed.</p>	<p>chemical and biological weapons to inflict local losses in urban areas. It is also possible that Saddam would seek to use chemical and biological munitions against any internal uprising; intelligence indicates that he is prepared to deliberately target the Shia population. One report indicates that he would be more likely to use CBW against Western forces than on Arab countries.</p> <p>Drawing Israel into the conflict Launching a CBW attack against Israel could allow Saddam to present Iraq as the champion of the Palestinian cause and to undermine Arab support for the Coalition by sowing a wider Middle East conflict. One intelligence report suggests that if Saddam were to use CBW, his first target would be Israel. Another intelligence report suggests that Iraq believes Israel will respond with nuclear weapons if attacked with CBW or conventional warheads. It is not clear if Saddam is deterred by this threat or judges it to be unlikely.</p> <p>Unconventional use of CBW Although there is no intelligence to indicate that Iraq has considered using chemical and biological agents in terrorist attacks, we cannot rule out the possibility. Saddam could also remove his existing constraints on</p>	<ul style="list-style-type: none"> artillery shells and rockets: Iraq made extensive use of artillery munitions filled with chemical agents during the Iran-Iraq War. Mortars can also be used for chemical agent delivery. Iraq is known to have tested the use of shells and rockets filled with biological agents. Over 20,000 artillery munitions remain unaccounted for by UNSCOM; helicopter and aircraft borne sprayers: Iraq carried out studies into aerosol dissemination of biological agent using these platforms prior to 1991. UNSCOM was unable to account for many of these devices. It is probable that Iraq retains a capability for aerosol dispersal of both chemical and biological agent over a large area; al-Hussein ballistic missiles (range 650km): Iraq told UNSCOM that it filled 25 warheads with anthrax, botulinum toxin and aflatoxin. Iraq also developed chemical agent warheads for al-Hussein. Iraq admitted to producing 50 chemical warheads for al-Hussein which were intended for the delivery of a mixture of sarin and cyclosarin. However, technical analysis of warhead remnants has shown traces of VX degradation product which indicate that some additional warheads were made and filled with VX; al-Samoud/Ababil-100 ballistic missiles (range 150km plus): it is unclear if chemical and biological warheads have been developed for these systems, but given the Iraqi experience on other missile systems, we judge that Iraq has the technical expertise for doing so; L-29 remotely piloted vehicle programme (see figure 3): we know from intelligence that Iraq has attempted to modify the L-29 jet trainer to allow it to be used as an Unmanned Aerial Vehicle (UAV) which is potentially capable of delivering chemical and biological agents over a large area. <p>Chemical and biological warfare: command and control</p> <p>15. The authority to use chemical and biological weapons ultimately resides with Saddam but intelligence indicates that he may have also delegated this authority to his son Qusai. Special Security Organisation (SSO) and Special Republican Guard (SRG) units would be involved in the movement of any chemical and biological weapons to military units. The Iraqi military holds artillery and missile systems at Corps level throughout the Armed Forces and conducts regular training with them. The Directorate of Rocket Forces has operational control of strategic missile systems and some Multiple Launcher Rocket Systems.</p> <p>Chemical and biological weapons: summary</p> <p>16. Intelligence shows that Iraq has covert chemical and biological weapons programmes, in breach of UN Security Council Resolution 687</p>	<p>the departure of the inspectors in 1998, Saddam has bought or attempted to buy specialised vacuum pumps of the design needed for the gas centrifuge cascade to enrich uranium; an entire magnet production line of the specification for use in the motors and top bearings of gas centrifuges; dual-use products, such as anhydrous hydrogen fluoride and fluoride gas, which can be used both in petrochemicals but also in gas centrifuge cascades; a filament winding machine, which can be used to manufacture carbon fibre gas centrifuge rotors; and he has attempted, covertly, to acquire 60,000 or more specialised aluminium tubes, which are subject to strict controls owing to their potential use in the construction of gas centrifuges.</p> <p>In addition, we know that Saddam has been trying to buy significant quantities of uranium from Africa, although we do not know whether he has been successful. Again, key personnel who used to work on the nuclear weapons programme are back in harness. Iraq may claim that this is for a civil nuclear power programme, but I would point out that it has no nuclear power plants.</p> <p>So that is the position in respect of the weapons — but of course, the weapons require ballistic missile capability. That, again, is subject to UN resolutions. Iraq is supposed only to have missile capability up to 150 km for conventional weaponry. Pages 27 to 31 of the dossier detail the evidence on that issue. It is clear that a significant number of longer-range missiles were effectively concealed from the previous inspectors and remain, including up to 20 extended-range Scud missiles; that in mid-2001 there was a step change in the</p>	

15 March 2002	21 August 2002	9 September 2002	24 September 2002	24 September 2002
	<p>dealing with Al Qaida (extremists are conducting low-level work on toxins in an area of northern Iraq outside Saddam's control). Al Qaida could carry out proxy attacks and would require little encouragement to do so. Saddam's intelligence agencies have some experience in the use of poisons and even small-scale attacks could have a significant psychological impact. Intelligence indicates that Saddam has specifically commissioned a team of scientists to devise novel means of deploying CBW.</p> <p>Possible scenarios: at the death</p> <p>In the last resort Saddam is likely to order the indiscriminate use of whatever chemical and biological weapons remain available to him, in a last attempt to cling on to power or to cause as much damage as possible in a final act of vengeance. If he has not already done so by this stage Saddam will launch CBW attacks on Israel. Implementation of such orders would depend on the delivery means still remaining, the survivability of the command chain and the willingness of commanders to obey.</p>	<p>and has continued to produce chemical and biological agents. Iraq has:</p> <ul style="list-style-type: none"> chemical and biological agents and weapons available, both from pre-Gulf War stocks and more recent production; the capability to produce the chemical agents mustard gas, tabun, sarin, cyclosarin, and VX capable of producing mass casualties; a biological agent production capability and can produce at least anthrax, botulinum toxin, aflatoxin and ricin. Iraq has also developed mobile facilities to produce biological agents; a variety of delivery means available; military forces, which maintain the capability to use these weapons with command, control and logistical arrangements in place. <p>NUCLEAR WEAPONS</p> <p>Joint Intelligence Committee (JIC) Assessments: 1999–2001</p> <p>17. Since 1999 the JIC has monitored Iraq's attempts to reconstitute its nuclear weapons programme. In mid-2001 the JIC assessed that Iraq had continued its nuclear research after 1998. The JIC drew attention to intelligence that Iraq had recalled its nuclear scientists to the programme in 1998. Since 1998 Iraq had been trying to procure items that could be for use in the construction of centrifuges for the enrichment of uranium.</p> <p>Iraqi nuclear weapons expertise</p> <p>18. The IAEA dismantled the physical infrastructure of the Iraqi nuclear weapons programme, including the dedicated facilities and equipment for uranium separation and enrichment, and for weapon development and production, and removed the remaining highly enriched uranium. But Iraq retained, and retains, many of its experienced nuclear scientists and technicians who are specialised in the production of fissile material and weapons design. Intelligence indicates that Iraq also retains the accompanying programme documentation and data.</p> <p>19. Intelligence shows that the present Iraqi programme is almost certainly seeking an indigenous ability to enrich uranium to the level needed for a nuclear weapon. It indicates that the approach is based on gas centrifuge uranium enrichment, one of the routes Iraq was following for producing fissile material before the Gulf War. But Iraq needs certain key equipment, including gas centrifuge components and components for the production of fissile material before a nuclear bomb could be developed.</p> <p>20. Following the departure of weapons inspectors in 1998 there has</p>	<p>programme and, by this year, Iraq's development of weapons with a range of more than 1,000 km was well under way; and that hundreds of people are employed in that programme, facilities are being built and equipment procured—usually clandestinely. Sanctions and import controls have hindered the progress. The capability being developed, incidentally, is for multi-purpose use, including with WMD warheads.</p> <p>That is the assessment, given to me, of the Joint Intelligence Committee. In addition, we have well founded intelligence to tell us that Saddam sees his WMD programme as vital to his survival and as a demonstration of his power and influence in the region.</p> <p>There will be some who will dismiss all this. Intelligence is not always right. For some of the material, there might be innocent explanations. There will be others who say rightly that, for example, on present going, it could be several years before Saddam acquires a usable nuclear weapon—though if he were able to purchase fissile matériel illegally, it would be only a year or two. But let me put it at its simplest: on this 11-year history, with this man Saddam, with this accumulated, detailed intelligence available; with what we know and what we can reasonably speculate, would the world be wise to leave the present situation undisturbed—to say that, despite 14 separate UN demands on the issue, all of which Saddam is in breach of, we should do nothing, and to conclude that we should trust, not to the good faith of the UN weapons inspectors, but to the good faith of the current Iraqi regime? I do not believe</p>	

15 March 2002	21 August 2002	9 September 2002	24 September 2002	24 September 2002
			<p>been an accumulation of intelligence indicating that Iraq is making concerted covert efforts to acquire dual-use technology and materials with nuclear applications. Iraq's known holdings of processed uranium are under IAEA supervision. But there is intelligence that Iraq has sought the supply of significant quantities of uranium from Africa. Iraq has no active civil nuclear power programme or nuclear power plants and therefore has no legitimate reason to acquire uranium.</p> <p>21. Intelligence shows that other important procurement activity since 1998 has included attempts to purchase:</p> <ul style="list-style-type: none"> • vacuum pumps which could be used to create and maintain pressures in a gas centrifuge cascade needed to enrich uranium; • an entire magnet production line of the correct specification for use in the motors and top bearings of gas centrifuges. It appears that Iraq is attempting to acquire a capability to produce them on its own rather than rely on foreign procurement; • Anhydrous Hydrogen Fluoride (AHF) and fluorine gas. AHF is commonly used in the petrochemical industry and Iraq frequently imports significant amounts, but it is also used in the process of converting uranium into uranium hexafluoride for use in gas centrifuge cascades; • one large filament winding machine which could be used to manufacture carbon fibre gas centrifuge rotors; • a large balancing machine which could be used in initial centrifuge balancing work. <p>22. Iraq has also made repeated attempts covertly to acquire a very large quantity (60,000 or more) of specialised aluminium tubes. The specialised aluminium in question is subject to international export controls because of its potential application in the construction of gas centrifuges used to enrich uranium, although there is no definitive intelligence that it is destined for a nuclear programme.</p> <p>Nuclear weapons: timelines</p> <p>23. In early 2002, the JIC assessed that UN sanctions on Iraq were hindering the import of crucial goods for the production of fissile material. The JIC judged that while sanctions remain effective Iraq would not be able to produce a nuclear weapon. If they were removed or prove ineffective, it would take Iraq at least five years to produce sufficient fissile material for a weapon indigenously. However, we know that Iraq retains expertise and design data relating to nuclear weapons. We therefore judge that if Iraq obtained fissile material and other essential components from foreign sources the timeline for production of a nuclear</p>	<p>that that would be a responsible course to follow.</p> <p>Our case is simply this: not that we take military action come what may, but that the case for ensuring Iraqi disarmament, as the UN itself has stipulated, is overwhelming. I defy anyone, on the basis of this evidence, to say that that is an unreasonable demand for the international community to make when, after all, it is only the same demand that we have made for 11 years and that Saddam has rejected.</p> <p>People say, "But why Saddam?" I do not in the least dispute that there are other causes of concern on weapons of mass destruction. I said as much in this House on 14 September last year. However, two things about Saddam stand out. He has used these weapons in Iraq itself—thousands dying in those chemical weapons attacks—and in the Iran-Iraq war, started by him, in which 1 million people died; and his is a regime with no moderate elements to appeal to.</p> <p>Read the chapter on Saddam and human rights in this dossier. Read not just about the 1 million dead in the war with Iran, not just about the 100,000 Kurds brutally murdered in northern Iraq, not just about the 200,000 Shia Muslims driven from the marshlands in southern Iraq, and not just about the attempt to subjugate and brutalise the Kuwaitis in 1990 that led to the Gulf war. I say, "Read also about the routine butchering of political opponents, the prison 'cleansing' regimes in which thousands die, the torture chambers and the hideous penalties supervised by him and his family and detailed by Amnesty International." Read it all</p>

15 March 2002	21 August 2002	9 September 2002	24 September 2002	24 September 2002
			<p>weapon would be shortened and Iraq could produce a nuclear weapon in between one and two years.</p> <p>BALLISTIC MISSILES</p> <p>Joint Intelligence Committee (JIC) Assessment: 1999–2002</p> <p>24. In mid-2001 the JIC drew attention to what it described as a "step-change" in progress on the Iraqi missile programme over the previous two years. It was clear from intelligence that the range of Iraqi missiles which was permitted by the UN and supposedly limited to 150kms was being extended and that work was under way on larger engines for longer-range missiles.</p> <p>25. In early 2002 the JIC concluded that Iraq had begun to develop missiles with a range of over 1,000kms. The JIC assessed that if sanctions remained effective the Iraqis would not be able to produce such a missile before 2007. Sanctions and the earlier work of the inspectors had caused significant problems for Iraqi missile development. In the previous six months Iraqi foreign procurement efforts for the missile programme had been bolder. The JIC also assessed that Iraq retained up to 20 al-Hussein missiles from before the Gulf War.</p> <p>The Iraqi ballistic missile programme since 1998</p> <p>26. Since the Gulf War, Iraq has been openly developing two short-range missiles up to a range of 150km, which are permitted under UN Security Council Resolution 687. The al-Samoud liquid propellant missile has been extensively tested and is being deployed to military units. Intelligence indicates that at least 50 have been produced. Intelligence also indicates that Iraq has worked on extending its range to at least 200km in breach of UN Security Resolution 687. Production of the solid propellant Ababil-100 is also underway, probably as an unguided rocket at this stage. There are also plans to extend its range to at least 200km. Compared to liquid propellant missiles, those powered by solid propellant offer greater ease of storage, handling and mobility. They are also quicker to take into and out of action and can stay at a high state of readiness for longer periods.</p> <p>27. According to intelligence, Iraq has retained up to 20 al-Hussein missiles, in breach of UN Security Council Resolution 687. These missiles were either hidden from the UN as complete systems, or re-assembled using illegally retained engines and other components. We judge that the engineering expertise available would allow these missiles to be maintained effectively, although the fact that at least some require re-assembly makes it difficult to judge exactly how many could be available for use. They could be used with conventional, chemical or biological warheads and, with a range of up to 650km, are capable of</p>	<p>and, again, I defy anyone to say that this cruel and sadistic dictator should be allowed any possibility of getting his hands on chemical, biological and nuclear weapons of mass destruction.</p> <p>"Why now?" people ask. I agree that I cannot say that this month or next, even this year or next, Saddam will use his weapons. But I can say that if the international community, having made the call for disarmament, now, at this moment, at the point of decision, shrugs its shoulders and walks away, he will draw the conclusion that dictators faced with a weakening will always draw: that the international community will talk but not act, will use diplomacy but not force. We know, again from our history, that diplomacy not backed by the threat of force has never worked with dictators and never will.</p> <p>If we take this course and if we refuse to implement the will of the international community, Saddam will carry on, his efforts will intensify, his confidence will grow and, at some point in a future not too distant, the threat will turn into reality. The history therefore is not imagined. The history of Saddam and weapons of mass destruction is not American or British propaganda. The history and the present threat are real.</p> <p>If people say, "Why should Britain care?", I answer, "Because there is no way this man, in this region above all regions, could begin a conflict using such weapons and the consequences not engulf the whole world, including this country." That, after all, is the reason the UN passed its resolutions. That is why it is right that the UN Security Council again makes its will and its unity clear and lays down a strong new UN resolution</p>

15 March 2002	21 August 2002	9 September 2002	24 September 2002	24 September 2002
			<p>reaching a number of countries in the region including Cyprus, Turkey, Saudi Arabia, Iran and Israel.</p> <p>28. Intelligence has confirmed that Iraq wants to extend the range of its missile systems to over 1000km, enabling it to threaten other regional neighbours. This work began in 1998, although efforts to regenerate the long-range ballistic missile programme probably began in 1995. Iraq's missile programmes employ hundreds of people. Satellite imagery has shown a new engine test stand being constructed, which is larger than the current one used for al-Samoud, and that formerly used for testing SCUD engines which was dismantled under UNSCOM supervision. This new stand will be capable of testing engines for medium range ballistic missiles (MRBMs) with ranges over 1000km, which are not permitted under UN Security Council Resolution 687. Such a facility would not be needed for systems that fall within the UN permitted range of 150km. The Iraqis have recently taken measures to conceal activities at this site. Iraq is also working to obtain improved guidance technology to increase missile accuracy.</p> <p>29. The success of UN restrictions means the development of new longer-range missiles is likely to be a slow process. These restrictions impact particularly on the:</p> <ul style="list-style-type: none"> • availability of foreign expertise; • conduct of test flights to ranges above 150km; • acquisition of guidance and control technology. <p>30. Saddam remains committed to developing longer-range missiles. Even if sanctions remain effective, Iraq might achieve a missile capability of over 1000km within 5 years.</p> <p>31. Iraq has managed to rebuild much of the missile production infrastructure destroyed in the Gulf War and in Operation Desert Fox in 1998. New missile-related infrastructure is also under construction. Some aspects of this, including rocket propellant mixing and casting facilities at the al-Mamoun Plant, appear to replicate those linked to the prohibited Badr-2000 programme (with a planned range of 700–1000km) which were destroyed in the Gulf War or dismantled by UNSCOM. A new plant at al-Mamoun for indigenously producing ammonium perchlorate, which is a key ingredient in the production of solid propellant rocket motors, has also been constructed. This has been provided illicitly by NEC Engineers Private Limited, an Indian chemical engineering firm with extensive links in Iraq, including to other suspect facilities such as the Fallujah 2 chlorine plant. After an extensive investigation, the Indian authorities have recently suspended its export licence, although other individuals and companies are still illicitly procuring for Iraq.</p>	<p>and mandate. Then Saddam will have the choice: comply willingly or be forced to comply. That is why, alongside the diplomacy, there must be genuine preparedness and planning to take action if diplomacy fails.</p> <p>Let me be plain about our purpose. Of course there is no doubt that Iraq, the region and the whole world would be better off without Saddam. Iraq deserves to be led by someone who can abide by international law, not a murderous dictator; by someone who can bring Iraq back into the international community where it belongs, not leave it languishing as a pariah; by someone who can make the country rich and successful, not impoverished by Saddam's personal greed; and by someone who can lead a Government more representative of the country as a whole while maintaining absolutely Iraq's territorial integrity.</p> <p>We have no quarrel with the Iraqi people. Indeed, liberated from Saddam, they could make Iraq prosperous and a force for good in the middle east. So the ending of this regime would be the cause of regret for no one other than Saddam. But our purpose is disarmament. No one wants military conflict. The whole purpose of putting this before the UN is to demonstrate the united determination of the international community to resolve this in the way it should have been resolved years ago: through a proper process of disarmament under the UN. Destruction of all weapons of mass destruction is the demand. One way or another, it must be acceded to.</p>

ANNEX B

15 March 2002				24 September 2002
<p>32. Despite a UN embargo, Iraq has also made concerted efforts to acquire additional production technology, including machine tools and raw materials, in breach of UN Security Council Resolution 1051. The embargo has succeeded in blocking many of these attempts, such as requests to buy magnesium powder and ammonium chloride. But we know from intelligence that some items have found their way to the Iraqi ballistic missile programme. More will inevitably continue to do so. Intelligence makes it clear that Iraqi procurement agents and front companies in third countries are seeking illicitly to acquire propellant chemicals for Iraq's ballistic missiles. This includes production level quantities of near complete sets of solid propellant rocket motor ingredients such as aluminium powder, ammonium perchlorate and hydroxyl terminated polybutadiene. There have also been attempts to acquire large quantities of liquid propellant chemicals such as Unsymmetrical Dimethylhydrazine (UDMH) and diethylenetriamine. We judge these are intended to support production and deployment of the al-Samoud and development of longer-range systems.</p>				

ANNEX C

IRAQ: MILITARY CAMPAIGN OBJECTIVES

1. Our policy objectives were set out in Parliament on 7 January 2003. The prime objective remains to rid Iraq of its weapons of mass destruction and their associated programmes and means of delivery, including prohibited ballistic missiles, as set out in relevant United Nations Security Council Resolutions (UNSCRs).
2. In UNSCR 1441, the Security Council decided that Iraq was in material breach of its obligations under UNSCR 687 and other relevant resolutions. The Council gave Iraq a final opportunity to comply by co-operating with the enhanced inspection regime established by UNSCR 1441, but warned of the serious consequences of failing to do so. The evidence shows that Iraq has failed to comply with the terms of UNSCR 1441 and is now in further material breach of its obligations. In these circumstances, UNSCR 678 authorises the use of force to enforce Iraq's compliance with its disarmament obligations.
3. The obstacle to Iraq's compliance with its disarmament obligations under relevant UNSCRs is the current Iraqi regime, supported by the security forces under its control. The British Government has therefore concluded that military action is necessary to enforce Iraqi compliance and that it is therefore necessary that the current Iraqi regime be removed from power. All military action must be limited to what is necessary to achieve that end. The UK is contributing maritime, land and air forces as part of a US-led coalition.
4. **The UK's overall objective for the military campaign is to create the conditions in which Iraq disarms in accordance with its obligations under UNSCRs and remains so disarmed in the long term.** Tasks which flow from this objective are set out below.
5. In aiming to achieve this objective as swiftly as possible, every effort will be made to minimise civilian casualties and damage to essential economic infrastructure, and to minimise and address adverse humanitarian consequences. The main tasks of the coalition are to:
 - a. overcome the resistance of Iraqi security forces;
 - b. deny the Iraqi regime the use of weapons of mass destruction now and in the future;
 - c. remove the Iraqi regime, given its clear and unyielding refusal to comply with the UN Security Council's demands;
 - d. identify and secure the sites where weapons of mass destruction and their means of delivery are located;
 - e. secure essential economic infrastructure, including for utilities and transport, from sabotage and wilful destruction by Iraq; and
 - f. deter wider conflict both inside Iraq and in the region.

Military action will be conducted in conformity with international law, including the UN Charter and international humanitarian law.

6. Our wider political objectives in support of the military campaign are to:
 - a. demonstrate to the Iraqi people that our quarrel is not with them and that their security and well-being is our concern;
 - b. work with the United Nations to lift sanctions affecting the supply of humanitarian and reconstruction goods, and to enable Iraq's own resources, including oil, to be available to meet the needs of the Iraqi people;
 - c. sustain the widest possible international and regional coalition in support of military action;
 - d. preserve wider regional security, including by maintaining the territorial integrity of Iraq and mitigating the humanitarian and other consequences of conflict for Iraq's neighbours;
 - e. help create conditions for a future, stable and law-abiding government of Iraq; and
 - f. further our policy of eliminating terrorism as a force in international affairs.

7. In the wake of hostilities, the immediate military priorities for the coalition are to:
 - a. provide for the security of friendly forces;
 - b. contribute to the creation of a secure environment so that normal life can be restored;
 - c. work in support of humanitarian organisations to mitigate the consequences of hostilities and, in the absence of such civilian humanitarian capacity, provide relief where it is needed;
 - d. work with UNMOVIC/IAEA to rid Iraq of its weapons of mass destruction and their means of delivery;
 - e. facilitate remedial action where environmental damage has occurred;
 - f. enable the reconstruction and recommissioning of essential infrastructure for the political and economic development of Iraq, and the immediate benefit of the Iraqi people; and
 - g. lay plans for the reform of Iraq's security forces.

Wherever possible, these tasks will be carried out in cooperation with the United Nations.

8. British military forces will withdraw as soon as practicable. We hope to see the early establishment of a transitional civilian administration. We will work with the international community to build the widest possible international and regional support for the reconstruction of Iraq and the move to representative government.

9. It remains our wish to see Iraq become a stable, united and law abiding state, within its present borders, cooperating with the international community, no longer posing a threat to its neighbours or to international security, abiding by all its international obligations and providing effective representative government for its own people.

March 2003

ANNEX D

17 March 2003



Foreign &
Commonwealth
Office

London SW1A 2AH

from The Foreign Secretary

Dear Donald

Iraq: Legal Position Concerning the Use of Force

As you may be aware, the Attorney General, Lord Goldsmith, has this morning answered a Question in the Lords setting out his views of the legal basis for the use of force against Iraq.

I now enclose a copy of his Answer, together with a paper which gives the legal background in more detail, for the information of your Committee.

You will also wish to be aware that I am this morning publishing a Command Paper (CM5785) "Iraq - UN Documents of early March 2003". This supplements the Command Paper I published last month.

I am placing a copy of this letter and enclosures in the Library.

*Yours ever
Jack*

JACK STRAW

The Rt Hon Donald Anderson MP

Question: To ask HMG what is the Attorney General's view of the legal basis for the use of force against Iraq

Answer: The Attorney General (Lord Goldsmith):

Authority to use force against Iraq exists from the combined effect of resolutions 678, 687 and 1441. All of these resolutions were adopted under Chapter VII of the UN Charter which allows the use of force for the express purpose of restoring international peace and security:

1. In resolution 678 the Security Council authorised force against Iraq, to eject it from Kuwait and to restore peace and security in the area.
2. In resolution 687, which set out the ceasefire conditions after Operation Desert Storm, the Security Council imposed continuing obligations on Iraq to eliminate its weapons of mass destruction in order to restore international peace and security in the area. Resolution 687 suspended but did not terminate the authority to use force under resolution 678.
3. A material breach of resolution 687 revives the authority to use force under resolution 678.
4. In resolution 1441 the Security Council determined that Iraq has been and remains in material breach of resolution 687, because it has not fully complied with its obligations to disarm under that resolution.
5. The Security Council in resolution 1441 gave Iraq "a final opportunity to comply with its disarmament obligations" and warned Iraq of the "serious consequences" if it did not.
6. The Security Council also decided in resolution 1441 that, if Iraq failed at any time to comply with and cooperate fully in the implementation of resolution 1441, that would constitute a further material breach.
7. It is plain that Iraq has failed so to comply and therefore Iraq was at the time of resolution 1441 and continues to be in material breach.
8. Thus, the authority to use force under resolution 678 has revived and so continues today.
9. Resolution 1441 would in terms have provided that a further decision of the Security Council to sanction force was required if that had been intended. Thus, all that resolution 1441 requires is reporting to and discussion by the Security Council of Iraq's failures, but not an express further decision to authorise force.

I have lodged a copy of this answer, together with resolutions 678, 687 and 1441 in the Library of both Houses.

IRAQ: LEGAL BASIS FOR THE USE OF FORCE

Summary

1. The legal basis for any military action against Iraq would be the authorisation which the Security Council, by its resolution 678 (1990), gave to Member States to use all necessary means to restore international peace and security in the area. That authorisation was suspended but not terminated by Security Council resolution (SCR) 687 (1991), and revived by SCR 1441 (2002). In SCR 1441, the Security Council has determined -
 - (1) that Iraq's possession of weapons of mass destruction (WMD) constitutes a threat to international peace and security;
 - (2) that Iraq has failed - in clear violation of its legal obligations - to disarm; and
 - (3) that, in consequence, Iraq is in material breach of the conditions for the ceasefire laid down by the Council in SCR 687 at the end of the hostilities in 1991, thus reviving the authorisation in SCR 678.

The extent of the authority to use force contained in SCR 678

2. Chapter VII of the United Nations Charter gives the Security Council the power to authorise States to take such military action as may be necessary to maintain or restore international peace and security.
3. In the case of Iraq, the Security Council took such a step following the Iraqi invasion of Kuwait. Paragraph 2 of SCR 678 authorised "Member States co-operating with the Government of Kuwait ... to use all necessary means to uphold and implement resolution 660 (1990) and all subsequent relevant resolutions and to restore international peace and security in the area." The phrase "all necessary means" was understood then (as it is now) as including the use of force.
4. Following the liberation of Kuwait, the Security Council adopted SCR 687. This resolution set out the steps which the Council required Iraq to take in order

to restore international peace and security in the area. Iraq's acceptance of those requirements was the condition for the declaration of a formal ceasefire. Those steps included the destruction of all WMD under international supervision and the requirement that Iraq should not attempt to acquire such weapons or the means of their manufacture. As a means to achieving the disarmament required by the Security Council, SCR 687 also required Iraq to submit to extensive weapons inspection by UNSCOM (now UNMOVIC) and the IAEA. The Security Council was quite clear that these steps were essential to the restoration of international peace and security in the area.

5. SCR 687 did not repeal the authorisation to use force in paragraph 2 of SCR 678. On the contrary, it confirmed that SCR 678 remained in force. The authorisation was suspended for so long as Iraq complied with the conditions of the ceasefire. But the authorisation could be revived if the Council determined that Iraq was acting in material breach of the requirements of SCR 687. Although almost twelve years have elapsed since SCR 687 was adopted, Iraq has never taken the steps required of it by the Council. Throughout that period the Council has repeatedly condemned Iraq for violations of SCR 687 and has adopted numerous resolutions on the subject. In 1993 and again in 1998 the coalition took military action under the revived authority of SCR 678 to deal with the threat to international peace and security posed by those violations.
6. In relation to the action in 1993, the Minister of State at the Foreign and Commonwealth Office wrote: "The Security Council determined in its statements of 8 and 11 January that Iraq was in material breach of resolutions 687 and its related resolutions, and warned Iraq that serious consequences would ensue from continued failure to comply with its obligations. Resolution 687 lays down the terms for the formal ceasefire between the coalition states and Iraq at the end of the hostilities mandated by the Security Council in resolution 678. These terms are binding in themselves but have also been specifically accepted by Iraq as a condition for the formal ceasefire to come into effect. In the light of Iraq's continued breaches of Security Council resolution 687 and thus of the ceasefire terms, and the repeated warnings given by the Security Council and members of the coalition, their forces were entitled to take

necessary and proportionate action in order to ensure that Iraq complies with those terms."

7. On 14 January 1993, in relation to the UK/US military action the previous day, the then UN Secretary-General said: "The raid yesterday, and the forces which carried out the raid, have received a mandate from the Security Council, according to resolution 678, and the cause of the raid was the violation by Iraq of resolution 687 concerning the ceasefire. So, as Secretary-General of the United Nations, I can say that this action was taken and conforms to the resolutions of the Security Council and conforms to the Charter of the United Nations."
8. In relation to the military action undertaken in 1998, the then Parliamentary Under-Secretary of State (now Minister of State) at the Foreign and Commonwealth Office, Baroness Symons of Vernham Dean stated: "In our previous discussions in this House some of your Lordships asked about the legality of our action. Any action involving UK forces would be based on international law. The Charter of the United Nations allows for the use of force under the authority of the Security Council. The Security Council resolution adopted before the Gulf conflict authorised the use of force in order to restore international peace and security in the region. Iraq is in clear breach of Security Council resolution 687 which laid down the conditions for the ceasefire at the end of the conflict. Those conditions included a requirement on Iraq to eliminate its weapons of mass destruction under international supervision. Those conditions have been broken."

Security Council Resolution 1441 (2002)

9. It is against that legal background that United Kingdom and the United States brought to the Council the draft resolution which was eventually adopted unanimously as SCR 1441 on 8 November 2002. The preamble to that resolution again expressly referred to SCR 678, confirming once more that that resolution was still in force. It also recognised the threat that Iraq's non-compliance with Council resolutions posed to international peace and security; and it recalled that SCR 687 imposed obligations on Iraq as a necessary step for the achievement of its objective of restoring international peace and security. In paragraph 1 the Council went on to decide that Iraq "has been and remains in material breach" of its obligations under SCR 687 and other relevant resolutions. The use of the term "material breach" is of the utmost importance because the practice of the Security

Council during the 1990's shows that it was just such a finding of material breach by Iraq which served to revive the authorisation of force in SCR 678.

10. On this occasion, however, the Council decided (in paragraph 2 of SCR 1441) to offer Iraq "a final opportunity to comply with its disarmament obligations." Iraq was required to produce an accurate, full and complete declaration of all aspects of its prohibited programmes (paragraph 3), and to provide immediate and unrestricted access to UNMOVIC and IAEA (paragraph 5). Failure by Iraq to comply with the requirements of SCR 1441 was declared to be a further material breach of Iraq's obligations (paragraph 4), in addition to the continuing breach already identified in paragraph 1. In the event of a further breach (paragraph 4), or interference by Iraq with the inspectors or failure to comply with any of the disarmament obligations under any of the relevant resolutions (paragraph 11), the matter was to be reported to the Security Council. The Security Council was then to convene "to consider the situation and the need for full compliance with all of the relevant Council resolutions in order to secure international peace and security" (paragraph 12). The Council warned Iraq (paragraph 13) that "it will face serious consequences as a result of its continued violations of its obligations".
11. It is important to stress that SCR 1441 did not revive the 678 authorisation immediately on its adoption. There was no "automaticity". The resolution afforded Iraq a final opportunity to comply and it provided for any failure by Iraq to be "considered" by the Security Council (under paragraph 12 of the resolution). That paragraph does not, however, mean that no further action can be taken without a new resolution of the Council. Had that been the intention, it would have provided that the Council would decide what needed to be done to restore international peace and security, not that it would consider the matter. The choice of words was deliberate; a proposal that there should be a requirement for a decision by the Council, a position maintained by several Council members, was not adopted. Instead the members of the Council opted for the formula that the Council must consider the matter before any action is taken.
12. That consideration has taken place regularly since the adoption of SCR 1441. It is plain, including from UNMOVIC's statements to the Security Council, its Twelfth Quarterly Report and the so-called "Clusters Document", that Iraq has not complied as required with its disarmament obligations. Whatever other

differences there may have been in the Security Council, no member of the Council has questioned this conclusion. It therefore follows that Iraq has not taken the final opportunity offered to it and remains in material breach of the disarmament obligations which, for twelve years, the Council has insisted are essential for the restoration of peace and security. In these circumstances, the authorisation to use force contained in SCR 678 revives.

Foreign and Commonwealth Office

17 March 2003

IRAQI NON-COMPLIANCE WITH UNSCR 1441

15 March 2003

Background

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

UNSCR 1441 is unambiguous:

- "Recognising the threat Iraq's non-compliance with Council resolutions and proliferation of weapons of mass destruction and long-range missiles poses to international peace and security" (PP3)
- "Decides that Iraq has been and remains in material breach of its obligations under relevant resolutions" (OP1).

"Decides... to afford Iraq, by this resolution, a final opportunity to comply with its disarmament obligations under relevant resolutions of the Council" (OP2).

- "Decides that false statements or omissions in the declarations submitted by Iraq... and failure by Iraq at any time to comply with, and co-operate fully in the implementation of, this resolution shall constitute a further material breach of Iraq's obligations" (OP4)

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

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

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

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

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

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

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

- Failure to account adequately for SCUD-type missiles and components "suggests that these items may have been retained for a prohibited missile force" (UNMOVIC document, *Unresolved Disarmament Issues, 6 March*)
- Failure to explain why Iraq has built a missile test stand at Al Rafah that can accommodate missiles with over 4 times the thrust of the (prohibited) Al-Samoud 2 missile.
- Amount of mustard gas unaccounted for is at least 80 tonnes (in 550 shells and 450 aerial bombs) - but "based on a document recently received from Iraq, this quantity could be substantially higher" (*Unresolved Disarmament issues, 6 March*)
- "Given Iraq's history of concealment with respect to its VX programme, it cannot be excluded that it has retained some capability with regard to VX" that could still be viable today. There are significant discrepancies in accounting for all key VX precursors. Iraq said it never weaponised VX - but UNSCOM found evidence to contradict this. (*Unresolved Disarmament Issues, 6 March*) It was not until 15 March - over three months after the specified date for the Declaration - that Iraq

provided a further document which it claimed contained additional information (although this remains unconfirmed).

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

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

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

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

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

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

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

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

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

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

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

Not met. No interviews have taken place outside Iraq.

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

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

Not met. *Dr Blix, 27 January.* "Some 400 names for all biological and chemical weapons programmes as well as their missile programmes were provided by the Iraqi side. This can be compared to over 3,500 names of people associated with those past weapons programmes that UNSCOM either interviewed in the 1990s or knew from documents and other sources".

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

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

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

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

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

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

UNMOVIC gave Iraq a deadline of 1 March to begin the destruction of these prohibited systems (missiles plus associated components/infrastructure, and casting chamber). At first, Iraq said that the Iraqi authorities intended "to study" the demand. Then the Iraqi authorities said that they agreed "in principle" to the destruction of the missiles, "despite our belief that the decision to destroy was unjust... and the timing of this request seems to us to be one with political aims" (letter to Dr Blix from Dr Al-Saadi, 27 January).

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

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

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

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

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

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

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

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

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

- 128 actions Iraq should now take to help resolve the outstanding issues

Dr Blix, 14 January. "Although I can understand that it may not be easy for Iraq in all cases to provide the evidence needed, it is not the task of the inspectors to find it. Iraq itself must squarely tackle this task and avoid belittling the questions."

- *Dr Blix 27 January* "It is not enough to open doors. Inspection is not a game of 'catch as catch can'"
- *UNMOVIC written report, 28 February.* "During the period of time covered by the present report, Iraq could have made greater efforts to find any remaining proscribed items or provide credible evidence showing the absence of such items. The results in terms of disarmament have been very limited so far"
- *Dr Blix, 7 March.* "With such detailed information regarding those who took part in the unilateral destruction, surely there must also remain records regarding the quantities and other data concerning the various items destroyed"
- *Dr El-Baradei, 27 January.* "Iraq's co-operation with the IAEA should be full and active, as required by the relevant Security Council resolutions."

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

Of papers handed over by the Iraqis in early February:

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

Of legislation on Weapons of Mass Destruction (WMD)

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

- *UNMOVIC written report 28 February.* "The presidential decree, which was issued on 14 February and which prohibits private Iraqi citizens and mixed companies from engaging in work relating to weapons of mass destruction, standing alone, is not adequate to meet the United Nations requirements. UNMOVIC has enquired whether a comprehensive regulation is being prepared in line with several years of discussions between Iraq and UNSCOM/UNMOVIC"

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

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

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

