

To:
Submissions
Iraq Inquiry
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**Evidence to the Iraq Inquiry:
Internal inconsistency in the drafting of
the Iraq Dossier (2002)**

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1. Background

NB This evidence is not the familiar argument that the Dossier is not consistent with the intelligence. It is that the Dossier was made inconsistent with itself.

Public officers used the title, '*Iraq's weapons of mass destruction*', to describe the 2002 Iraq Dossier.¹ This was repeated in the Executive Summary - '*Iraq's weapons of mass destruction are in breach of international law*'.² The Foreword states that '*Saddam Hussein is continuing to develop WMD, and with them the ability to inflict real damage upon the region...*',³ it also states that planning allows for '*some of the WMD*' to be ready within 45 minutes.⁴ The paragraph under the Dossier's heading on the website states: '*the dossier details the threat posed by Saddam Hussein's regime.*'

These key phrases imply that Iraq possessed extant WMD, beyond doubt. But the phrases do not appear in the same forms in the Main Text of the dossier, and there is no direct claim in the Main Text that Iraq currently possessed actual Weapons of Mass Destruction.

There are therefore inconsistencies within the Dossier, between the Main Text and other focal points (Title, Main conclusions, Foreword, Summary), which seems to amount to neglect of duty in terms of the requirement that public documents should be consistent within themselves.

A simple analogy demonstrates the problem: if police evidence reported that "Mr Smith's garage contained pots of blue and pots of yellow paint", it would be reasonable to conclude that "Mr Smith has the capability to make green paint", but it would be incorrect to describe that evidence under the heading, "Mr Smith's green paint".

¹ <http://www.pm.gov.uk/output/page271.asp>

² Paragraph 8

³ Paragraph 3

⁴ Paragraph 8

2. The duty

Through altering phraseology - in the title, Foreword, Summary and Main Conclusions – in a way that could mislead a reader about the meaning of the Main Text, and then not correcting resultant misunderstandings, public officers neglected their duty under the Civil Service Code to ensure that they do not deceive or mislead.

The **Civil Service Code** (at that time) stated that civil servants must

set out the facts and relevant issues truthfully, and correct any errors as soon as possible (Paragraph 7),

They must not

deceive or knowingly mislead Ministers, Parliament or others [The 'deceit' does not therefore need to occur 'knowingly']. (Paragraph 8)

They must

provide information...on the basis of evidence, and accurately present the options and facts (Paragraph 9)

They must not

ignore inconvenient facts or relevant considerations when providing advice...(Paragraph 9)

In addition, the **Ministerial Code** stated,

Ministers have a duty to Parliament to account, and be held to account, for the policies, decisions and actions of their departments and agencies. (Principle 4)

And that

it is of paramount importance that Ministers give accurate and truthful information to Parliament, correcting any inadvertent error at the earliest opportunity. Ministers who knowingly mislead Parliament will be expected to offer their resignation to the Prime Minister. (Paragraph 1.5)

2.1 Expected conduct when drafting public documents

The preparation of an official document is likely to entail:

1. first, writing the **Main Text**, i.e. the data and other evidence then,
2. drawing **Conclusions**, for sections or for the whole text⁵
3. writing a **Summary**
4. writing a **Foreword**⁶
5. deciding a **Title**

Stages representing 2-5 must be based on the material in the Main Text (1.). Public officers must not alter the original phraseology in a way that may 'deceive or knowingly mislead' a reader about the meaning of the Main Text, because to do so could amount to neglect of duty under the Civil Service Code (see 3.).⁷ Within the Iraq Dossier, the evidence suggests that at stages 2-5 the phraseology was altered in a way that will mislead a reader about the meaning of the Main Text. Examples of these alterations follow:⁸

⁵ A conclusion can be descriptive or reasoned. If reasoned, the reasoning must be explained, but the conclusion must still not exceed the data and logic of the reasoning.

⁶ A Foreword may include relevant material from another source, but it must be clear that this does not describe the main text (e.g. a quote from another book), and any reflection of the main text must still be accurate.

⁷ For example, if within a Main Text it was stated that 'the President is willing to use special rendition and indefinite imprisonment without trial', it would be improper to rephrase this 'America's war crimes' for a title or summary, without additional evidence. Therefore, 'Saddam is willing to use chemical and biological weapons' (C.3. para 5), should not become 'Iraq's weapons of mass destruction'.

⁸ Method – the Dossier was searched online for 'WMD' and 'destruction'.

3. Examples of inconsistency through altered phraseology

3.1 Example one

<p>The Main Text states:</p> <p><i>'...Saddam attaches great importance to the possession of chemical and biological weapons...'⁹</i></p>	<p>In the Main Conclusions the wording was altered to:</p> <p><i>'Saddam continues to attach great importance to the possession of weapons of mass destruction...'¹⁰</i></p> <p>In the title and summary this becomes: <i>'Iraq's weapons of mass destruction...'</i></p>
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'Chemical and biological weapons' become 'weapons of mass destruction', and Saddam's apparent opinion becomes ongoing and current.

Intelligence analysts would know that 'chemical and biological weapons' (CBW) are *not* always 'weapons of mass destruction' (WMD).¹¹ This is clarified by the CIA and the Iraq Survey Group (see 10).^{12 13}

Chemical Weapons and Biological Weapons need to be of a certain size to count as WMD. Single chemical or biological artillery rounds would *not* be considered to be WMD, due to the limited damage they could produce.

The US Iraq assessment (October 2002) makes the proper distinction - it claims that 'Iraq has continued its weapons of mass destruction *programme*',

⁹ Chapter 3, paragraph 5, point 1.

¹⁰ Chapter 3, paragraph 1, conclusion.2.

¹¹ Interestingly, the author of Chapter 2 assesses the period 1971-1998, when Iraq certainly possessed CBW weapons, without mentioning 'WMD'.

¹² http://www.cia.gov/cia/reports/iraq_wmd_2004/glossary.html

¹³ The Iraq Survey Group uses the CIA definition:

http://www.globalsecurity.org/wmd/library/report/2004/isg-final-report/isg-final-report_vol3_glossary.htm

and separately states that 'Baghdad has chemical and biological weapons as well as missiles...'¹⁴. It does not claim that the CBW amounted to actual WMD.

The phrase 'attaches/attach great importance to the possession of...' does not necessarily imply actual possession.¹⁵ In the Main Text version 'attaches...' could represent a single comment in the distant past, for example one line in one report. In the Main Conclusions 'continues to' implies two or more reference points and a continuing instance between those points over a significant period of time.

The meaning in the **Main Text** was therefore changed through:

- altering '*chemical and biological weapons*' to, '*weapons of mass destruction*'.
- altering '*attaches*' to, '*continues to attach*'
- a **Title** and **Summary** that then unambiguously implies possession of WMD - '*Iraq's weapons of mass destruction...*' (See 1.).

Had those drafting the Main Text intended the meaning implied by the Main Conclusions, Title and Summary, they could have simply written, 'Saddam continues to attach great importance to Iraq's possession of its WMD.'

The Conclusion is not more concise than the Main Text and, irrespective of which version is correct, the principles of good drafting would require that the two versions are not dissimilar. It is particularly neglectful not to ensure consistency as the two terms, WMD & CBW, have significantly different meanings.

¹⁴ CIA 2002 http://www.cia.gov/cia/reports/iraq_wmd/Iraq_Oct_2002.htm (Key judgements, para 1)

¹⁵ For example, to say that, "Mr X attaches great importance to the possession of diamonds" does not necessarily imply that Mr X possesses diamonds. It is likely to mean that he would like to possess diamonds. If he already possessed them, the principles of accurate drafting would require 'possession' to be preceded by 'his' not 'the'.

3.2 Example two

<p>The Main Text states:</p> <p><i>'...the Iraqi military are able to deploy chemical or biological weapons within forty five minutes...'</i>¹⁶</p>	<p>In the Foreword the wording was altered to:</p> <p><i>'...military planning allows for some of the WMD to be ready within 45 minutes...'</i>¹⁷</p> <p>In the title and summary this becomes: <i>'Iraq's weapons of mass destruction...'</i></p>
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Generic 'chemical and biological weapons' become extant 'WMD', and 'able' to deploy becomes 'ready'.

As above, chemical and biological weapons are not always WMD (see 5.1, 11). The government subsequently admitted this claim was misleading because it applied to battlefield weapons. In the Main Text, there is no definite article, CBW are generic, but *'the WMD'* are made specific and extant in the Foreword.¹⁸ *'Able to deploy'* is just an ability to deploy, not necessarily possession; *'..the WMD to be ready within...'* implies a readiness to deploy and therefore actual possession.¹⁹

¹⁶ Chapter 3 paragraph 5. point 3 (And see Chapter 3, paragraph 1, point 7)

¹⁷ Paragraph 7

¹⁸ generic - pertaining to or characterizing a genus, sort, or kind. (Hutchinson)

¹⁹ For example, "He is able to deploy ambulances in 45 minutes" is not the same as, "His ambulances can be ready within 45 minutes." The former does not necessarily imply the current possession of ambulances; the latter does. (The former could be qualified by '..., if he were supplied with ambulances.)

The meaning in the **Main Text** was therefore changed through:

- altering generic '*chemical and biological weapons*' to, '*the WMD*'
- altering '*able to deploy within*' to, '*to be ready within*'
- a Title and Summary that then unambiguously implies possession of WMD - 'Iraq's weapons of mass destruction...' (See 1.)

Had those drafting the Main Text intended the meaning implied in the in the Foreword, Title and Summary, they could have written, 'Iraq is ready to deploy some of its WMD in 45 minutes'.

Again, the Foreword is not more concise than the Main Text and, irrespective of which version is correct, the principles of good drafting would require that the two versions are not dissimilar. They are obviously talking about the same intelligence. It is particularly neglectful not to ensure consistency when the two terms, WMD & CBW, have significantly different meanings.

3.3 Example three

<p>The Main Text states:</p> <p><i>'...intelligence on Iraqi former chemical and biological warfare facilities...These chemical and biological capabilities represented the most immediate threat from Iraqi weapons of mass destruction.'</i>²⁰</p>	<p>In the Main Conclusions the wording was altered to:</p> <p><i>'Iraq has a useable chemical and biological weapons capability...'</i>²¹</p> <p>In the title and summary this becomes: <i>'Iraq's weapons of mass destruction...'</i></p>
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A past threat becomes a present one, the 'capabilities' become 'useable', 'facilities...capabilities' become 'weapons capability', and 'the most immediate threat' in the past becomes an actual current threat.

In the Main Text, 'former' affirms that the claim relates to the past, as does the past tense, 'represented', and there is no evidence that the weapons are currently useable. 'Iraq has' moves the claim to the present.

Stating that these capabilities were the 'most immediate threat' does not mean they were or are an immediate threat, nor that the CBW amount to WMD, but simply that there was at that time no greater WMD threat than these 'former' CBW capabilities which may or may not amount to WMD.

In the context of this sentence (i.e. the past), the phrase 'Iraqi weapons of mass destruction' describes generic weapons that may or may not be extant.²² This is not the same as 'Iraq's WMD'. Those drafting the Main

²⁰ Chapter 3, paragraph 3

²¹ Chapter 3. para 1, point 1.

²² 'Iraqi' can mean 'of or belonging to Iraq' (OED). In this context it is more likely to mean 'of'. The distinction is more evident in the negative, for example if it were stated that "Iraqi WMD did not exist", this would be a straightforward claim that this genre of weapons (Iraqi WMD) did not exist. But to say, "Iraq's WMD did not exist" would be an oxymoron – it simultaneously

Conclusions had three options when reusing the phrase ‘Iraqi weapons of mass destruction’: (i) use it unaltered, (ii) change the wording but maintain its generic sense, or (iii) change the wording to present the meaning as possessive. If the latter option is used, other evidence should have been identified that confirmed that the possessive sense was correct.

The Main Text specifies that the ‘chemical and biological capabilities’ relates to ‘warfare **facilities**’²³ which could mean factories and machine tools. This is not the same as ‘**weapons** capability’. The term ‘capabilities’ means an ‘undeveloped faculty or property; a condition capable of being turned to use.’ (OED), and this is confirmed by the UK Intelligence and Security Committee.²⁴ So the use of ‘capabilities’ expressly warns the reader that the condition (‘Iraqi weapons of mass destruction’) is not currently utilisable.²⁵ A ‘useable...capability’ seems an oxymoron and careless drafting. But a capability is still only still only a capability, not actual WMD.

The meaning in the **Main Text** was therefore changed through:

- altering ‘*Iraqi former*’ and ‘*represented*’ to, ‘*Iraq has*’
- altering ‘*capabilities*’ in the form of ‘*warfare facilities*’ to, ‘*weapons capability*’
- altering an abstract ‘*capability*’ to, ‘*useable...weapons capability*’
- a Title and Summary that then unambiguously implies possession of WMD - ‘Iraq’s weapons of mass destruction...’ (See 1.).

implies that they did and did not exist. Substituting Israeli/Israel’s for Iraqi/Iraq’s makes the point even clearer, and this particular example is well known to defence analysts.

²³ facilities – services and space and equipment for a particular purpose, (wordreference.com)

²⁴ **WMD Capability** - means that a country has the technical knowledge, the production facilities and the necessary raw materials to:

- a. produce chemical and/or biological agents and weaponise them: and/or
- b. produce a nuclear device and weaponise it.

Having a WMD capability means that chemical, biological and/or nuclear munitions could be produced if required. It does not mean they have been produced.’ (*Iraqi weapons of mass destruction - intelligence and assessments*, UK Intelligence and Security Committee, 2003, paragraph 24)

²⁵ “Mr Smith’s capability to maintain a car” does not necessarily imply that he can immediately maintain a car, nor that he has one.

Had those drafting the Main Text intended the meaning implied by the Main Conclusions, Title and Summary, they could have written, 'The immediate threat posed by Iraq's WMD is from chemical and biological weapons'. Again, irrespective of which version is correct, the principles of good drafting would require that the two versions are not dissimilar. They are obviously talking about the same intelligence. It is neglectful not to ensure consistency about whether a claim refers to the past or present, and so on.

3.4 Example four

<p>The Main Text uses the phrase:</p> <p><i>'...Iraqi development of mass destruction weaponry...'</i>²⁶</p>	<p>In the Foreword the wording was altered to:</p> <p><i>'...Saddam Hussein is continuing to develop WMD, and with them the ability to inflict real damage upon the region...'</i>²⁷</p> <p>In the title and summary this becomes: <i>'Iraq's weapons of mass destruction...'</i></p>
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Generic 'weaponry' has become actual 'WMD' that can inflict 'real damage', and an abstract generic development becomes extant and 'continuing'.

'Development' of mass destruction 'weaponry'²⁸ is not a claim that Iraq possesses actual WMD. It could apply to prototype delivery systems or components. By altering the phrase to 'WMD, and with them the ability to inflict real damage...', the meaning is that WMD are developed, extant and pose a current threat. As above (5.3), the Main Text 'Iraqi development of...' means generic weapons development, but the Foreword 'Saddam Hussein is continuing to develop WMD' implies current development of specific WMD.

The meaning in the **Main Text** was therefore changed through:

- altering *'Iraqi weaponry'* to *'WMD, and with them...'*
- altering *'Iraqi development of..'* to, *'Saddam Hussein is continuing to develop'*

²⁶ Chapter 3, paragraph 3

²⁷ Paragraph 3

²⁸ **weaponry**: weapons considered collectively [syn: arms, implements of war, weapons system, munition. (Websters Dic.)

- adding, *'the ability to inflict real damage upon the region'*
- a title and Summary that then unambiguously implies possession of WMD - 'Iraq's weapons of mass destruction' (see 1.).

Had those drafting the Main Text intended the meaning implied by the Foreword, Title and Summary, they could have written 'Iraq's continued development of its WMD that can inflict real damage on the region'.

3.5 Example five

<p>The Main Text states:</p> <p>CHEMICAL AND BIOLOGICAL WEAPONS</p> <p>Iraq is already taking steps to prevent UN weapons inspectors finding evidence of its chemical and biological weapons programme... Sensitive equipment and papers can easily be concealed and in some cases this is already happening...²⁹</p> <p>[And]</p> <p>...a new engine test stand [for ballistic missiles] being constructed...The Iraqis have recently taken measures to conceal activities at this site...</p> <p>³⁰</p>	<p>In the Main Conclusions this becomes:</p> <p>2....continues to attach great importance to the possession of weapons of mass destruction...</p> <p>7. ...are able to use chemical and biological weapons...</p> <p>8. Iraq...is already taking steps to conceal and disperse sensitive equipment and documentation in advance of the return of inspectors</p>	<p>In the Summary this becomes:</p> <p>4. ...Saddam Hussein attaches great importance to possessing weapons of mass destruction...</p> <p>5. ...Iraq is preparing plans to conceal evidence of these weapons...</p>
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Again, a CBW programme becomes actual WMD.

In the Main Text, 'concealment' is discussed under the bold heading '**CHEMICAL AND BIOLOGICAL WEAPONS**'. In the Main Conclusions, WMD are mentioned in point 2, but the point that immediately precedes the statement about concealment (point 8) is about CBW (point 7). But then, in the Summary, 'possessing weapons of mass destruction' (paragraph 4), is

²⁹ Paragraph 5, point 2

³⁰ Paragraph 28, page 29

followed by 'conceal evidence of **these** weapons' (paragraph 5), with no mention of any other type of weapons in between. A 'programme' does not necessarily mean actual weapons exist (See Appendix 2), but actual existence is implied in the Conclusions and Summary. Similarly, the evidence in the Main Text concerning the concealment of CBW, or an engine test stand, is presented as evidence of concealment of actual WMD in the Summary.

The meaning in the **Main Text** was therefore changed through:

- altering the context of the discussion, in the **Main Text**, about concealment from '*chemical and biological weapons*', or a '*test stand*', to '*weapons of mass destruction*', in the **Summary**.
- altering '*programme*', '*equipment*', and '*activities*' in the **Main Text**, to actual '*weapons of mass destruction*' in the **Main Conclusions** and **Summary**.
- a **Title** and **Summary** that then unambiguously implies possession of WMD - '*Iraq's weapons of mass destruction...*'.

Had those drafting the Main Text intended the meaning implied by the Summary, they could have simply written, 'Iraq is preparing plans to conceal its weapons of mass destruction.'

Irrespective of which version is correct, the principles of good drafting would require that the two versions are not dissimilar. It is particularly neglectful not to ensure consistency as the two terms, WMD & CBW, have significantly different meanings.

4. The title

Those who finalised the Dossier chose to use the title, 'Iraq's weapons of mass destruction: the assessment of the British government', to describe its content. The possessive phrase was repeated in the Executive Summary - 'Iraq's weapons of mass destruction are in breach of international law...' (para. 8.). The Foreword states that 'Saddam Hussein is continuing to develop WMD, and with them the ability to inflict real damage upon the region...', (para. 3.) and it also states that planning allows for 'some of the WMD' to be ready within 45 minutes (para. 7.). These phrases imply that Iraq certainly possessed extant WMD. But (see above 5.) this phraseology does not appear in the same forms in the Main Text of the dossier and there is no direct claim that Iraq currently possessed actual WMD.

Although the Dossier title implies certain possession of WMD, the relevant evidence in Part 1 is *not* under a heading, 'Weapons of Mass Destruction', but titled, *Iraq's chemical, biological, nuclear and ballistic missile programmes*. The introduction confirms this meaning: 'This chapter sets out what we know of Saddam Hussein's chemical, biological, nuclear and ballistic missile **programmes**,..and it also draws heavily on the latest intelligence about Iraqi efforts to develop their **programmes** and **capabilities** since 1998.' (Emphasis added.) The reader is therefore warned that there is no intrinsic implication that weapons exist.

A UK government briefing paper, used during the preparation of the Dossier in 2002, was carefully entitled 'Iraqi WMD **Programmes**', and a later report about the Iraq Dossier in 2003 was called generically, 'Iraqi weapons of mass destruction', not the possessive, 'Iraq's' (Example 3).³¹ Similarly, earlier drafts of the Dossier, on 16th and 19th September were entitled 'Iraq's **programme** for weapons of mass destruction: the assessment of the British

³¹ Taylor A (2003) *Iraqi weapons of mass destruction - intelligence and assessments (Intelligence and Security Committee)*. London: HMSO.

government' (Emphasis added).³² Also, in the Main Conclusions, in earlier drafts, 'maintain the **capability**' to use CBW becomes 'are able...' in the final version, and 'may be able' to deploy CBW becomes 'are able'.

On the website of 10 Downing Street, the Index page concerning the Dossier has the header, 'Iraq's weapons of mass destruction: the assessment of the British government'. But for Parts 1, 2 & 3 the header changes to 'Iraq's programme for weapons of mass destruction: the assessment of the British government'. Someone forgot to update all the website headers, when the last-minute change to the title was made.

The existence of such 'programmes' and 'capabilities' is neither surprising nor alarming, as clarified by the Intelligence and Security Committee (See Appendix 2):

Having a WMD capability means that chemical, biological and/or nuclear munitions could be produced if required. It does not mean they have been produced.

WMD Programme...does not necessarily mean that WMD munitions have been produced, as only when the capability has been developed can weapons be produced.' (Taylor, 2003, paragraph 24).

Most countries will have research or strategic security programmes that relate to WMD, even if only for civil defence.

In the seminal manual on legislative drafting, Thornton makes the simple and relevant point that, 'The language used in the heading must be consistent with the remainder of the [document]'.³³

4.1 . Alternative titles for the Dossier

More accurate alternative titles were available, and utilised elsewhere. Even the simple addition of a question mark would have made the title less

³² No 10 (2002) *Iraq's programme for weapons of mass destruction: the British government assessment*. Retrieved November 21, 2006 from http://www.the-hutton-inquiry.org.uk/content/dos/dos_2_0058to0106.pdf.

³³ Thornton G C (1996). *Legislative drafting*. London: LexisNexis, p140.

misleading, i.e. 'Iraq's weapons of mass destruction?' The phrase from the Foreword, 'Iraq *and* Weapons of Mass Destruction'³⁴ could have been used. This is used by the US National Security Archive of the George Washington University. The contemporaneous dossier in the US was more accurately titled, 'Iraq's weapons of mass destruction *programs*'.³⁵ This implied that 'programmes' existed, but not that actual weapons existed. The existence of such 'programmes' is not surprising and less alarming. Programmes are categorically different, legally and analytically, from a claim that a country has actual WMD, and this is confirmed by the UK Intelligence and Security Committee.³⁶ The possibility to use these obvious and more accurate alternative titles further suggests that there was a motive for the use of 'stronger' altered phraseology in the title and summary.

³⁴ Paragraph 2

³⁵ CIA 2002 http://www.cia.gov/cia/reports/iraq_wmd/Iraq_Oct_2002.htm

³⁶ '**WMD Programme** - means that people and resources are being allocated under a management structure for either the research and development of a WMD capability or the production of munitions. It does not necessarily mean that WMD munitions have been produced, as only when the capability has been developed can weapons be produced.' (*Iraqi weapons of mass destruction - intelligence and assessments*, UK Intelligence and Security Committee, 2003: paragraph 24)

5. The Foreign Affairs Committee Report

In 2003, the House of Commons Foreign Affairs Committee expressed concern about ‘a difference in wording between the body of the dossier and the Executive Summary’, concluding that, ‘In significant respects the Executive Summary is stronger than the main text.’³⁷ The discrepancies highlighted include:

Main Text: <i>‘The JIC concluded that Iraq had sufficient expertise, equipment and material to produce biological warfare agents within weeks ...’</i>	Summary, (paragraph 6): <i>‘As a result of the intelligence we judge that Iraq has ... continued to produce chemical and biological agents’.</i> ³⁸
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The phrase ‘...had sufficient expertise, equipment and material to produce’ becomes ‘has continued to produce’ chemical and biological agents.

Main Text: <i>‘Intelligence indicates that the Iraqi military are able to deploy chemical or biological weapons within 45 minutes of an order to do so.’</i>	Summary (paragraph 6): <i>‘As a result of intelligence we judge that Iraq has ... military plans for the use of chemical and biological weapons ... Some of these weapons are deployable within 45 minutes of an order to use them.’</i>
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³⁷ The Decision to go to War in Iraq Ninth Report of Session 2002–03, para.96.
<http://www.publications.parliament.uk/pa/cm200203/cmselect/cmfaff/813/81302.htm>

The indication, *'able to deploy'*, becomes *'has military plans for the use of,* and *'are deployable within 45 minutes.*

The Report provides further comparisons between the Main Text and Summary, (but not between the Main Text and the Foreword, Main Conclusions and Title) by Tim Youngs, International Affairs and Defence Section, House of Commons Library (Appendix 2). These include:

- **Summary** (paragraph 2.):

'It shows that Iraq has refurbished sites formerly associated with the production of chemical and biological agents.'

Of which Youngs comments: 'It could be argued the executive summary is presenting intelligence assessments as facts established by the UN.'

- **Summary** (paragraph 2.):

'...it indicates that Iraq remains able to manufacture these agents, and to use bombs, shells, artillery rockets and ballistic missiles to deliver them.'

Youngs comments: 'Again, there is a distinction between the executive summary and the body of the report on the sources used to reach this conclusion...The use of the present tense suggests this capability was still in existence as of September 2002, a conclusion that would, in all likelihood, have come from intelligence assessments.'

- **Summary** (paragraph 6.)

'As a result of the intelligence we judge that Iraq has:

- *recalled specialists to work on its nuclear programme;'*

Youngs comments: 'This assertion is **not** reiterated in these terms in the body of the report.' It only states that:

'we know that Iraq retains expertise and design data relating to nuclear weapons' (Para 23, page 27)

'Most of the personnel previously involved in the programme remain in country' (Para 11, page 20)

The claim that Iraq 'has recalled specialists' is not made in the Main Text.

6. Contemporaneous facts and the US assessment

While making these alterations to the phraseology of the Main Text, public officers drafting the dossier knew that the existence of WMD was not evidenced beyond doubt. Had they known beyond doubt, that evidence would have been included in the Main Text of the Dossier and the weapons would have been found. At the time of writing, *they knew that they did not know*.

The contemporaneous assessment in the US does not use the phrase 'Iraq's weapons of mass destruction' unqualified, and does not make a direct claim that actual WMD exist.³⁹ It talks of WMD - 'programs', 'efforts', 'production', 'related facilities', 'infra-structure', 'arsenal',⁴⁰ agents equipment and expertise', and similar qualifiers.⁴¹ British analysts would have been aware that there was no direct claim in the US assessment that actual WMD currently existed.

- In addition to knowing that the alterations were not clearly substantiated by the Main Text, officers would have known that the alterations were also were not substantiated by knowledge of the current facts, particularly the US assessment.

³⁹ CIA 2002 http://www.cia.gov/cia/reports/iraq_wmd/Iraq_Oct_2002.htm

⁴⁰ An arsenal is 'a public establishment for the manufacturing and storage, or for the storage alone, of arms and ammunition' (OED), i.e. it is an 'establishment' which does not necessarily contain weapons.

⁴¹ Method: search on 'WMD' and 'destruction'.

7. Caution and precision within the Main Text

Contrary to media claims, the Main Text is precise and cautious in style; not least, the unqualified phrase 'Iraq's weapons of mass destruction' is not used. Like the US assessment (6 above), the Main Text carefully uses phrases such as 'Iraq's programmes', 'research', or 'capabilities' (see Appendix 1 for further examples). The distinctions are well known to defence analysts.

Anyone reading or writing the Main Text properly would be aware that it did *not* amount to a direct evidenced claim that Iraq currently had actual WMD. The reader is specifically alerted to this. For example the Main Text points out that:

'Almost all components and supplies used in weapons of mass destruction...are dual use'.⁴²

This warns the reader that disparate evidence of 'components and supplies' cannot be taken as certain evidence of the possession of actual WMD.⁴³

The UK Security and Intelligence Committee explicitly affirms that "capability" and "programme" do not mean that WMD have been produced.⁴⁴ The Main Text of chapter 3 of the dossier uses the term "capability/ies" 17 times (and 2 in Conclusions), and "programme/s" 43 (and 3 in Conclusions), which continually warns the reader that the evidence is of actual weapons possession. There is no mention of "WMD". Those who made the alterations presented in the five examples above, obscured the caution and precision of those who drafted the Main Text. Significant alterations were

⁴² Chapter 3. paragraph 11

⁴³ For example, if police were searching a farmhouse for an unlicensed gun, and they found a gun box, bullets, and gun oil, it would be improper to use the term 'Farmer Jones's gun'. But it would not be improper to talk generically of, 'Farmers' guns'.

⁴⁴ "Having a WMD capability means that chemical, biological and/or nuclear munitions could be produced if required. It does not mean they have been produced."

"WMD Programme...does not necessarily mean that WMD munitions have been produced, as only when the capability has been developed can weapons be produced." (UK Intelligence and Security Committee - Taylor, 2003: paragraph 24).

also made between the drafts and final version of the Dossier, for example in the Main Conclusions: “maintain the capability” to use CBW becomes “are able...”, and “may be able” to deploy CBW becomes “are able”.

- The officers making the alterations listed above obscured and ignored the caution and precision of the Main Text.

8. Public deception and failure to correct

There is considerable evidence that, after the publication of the dossier, the press, public and politicians were misled to understand that Iraq certainly possessed actual WMD, i.e. individual weapons that could do damage on the scale of the bombings at Hiroshima and Nagasaki, reflecting the CIA definition of WMD:

Weapons that are capable of a high order of destruction and/or being used in such a manner as to kill large numbers of people.⁴⁵

The day after the dossier appeared, *The Sun*, used the headline "Brits 45 Mins from Doom". Even Lord Hutton repeated the misleading essence of the Dossier's title/summary when he talked of, 'the threat posed by Saddam Hussein's WMD.'⁴⁶ Irrespective of arguments about the exact meaning of the wording in the Dossier, the public understanding was clearly not the same as that intended by those who originally drafted the Main Text. But the public misunderstanding, particularly about the 45 minute claim which was known to have been interpreted wrongly, was not corrected by public officers.

- No effort was made to correct the resultant public misunderstanding, which seems also to demonstrate a motive. Arguably, this failure to correct itself amounts to misconduct re. the Civil Service Code.

⁴⁵ http://www.cia.gov/cia/reports/iraq_wmd_2004/glossary.html

⁴⁶ para 467, 1, v

http://news.bbc.co.uk/2/hi/in_depth/uk/2003/david_kelly_inquiry/report_summary/default.stm

9. Definition of WMD

The dossier does not define 'Weapons of Mass Destruction', yet the term is made central, and defence analysts would have known know that it can be misunderstood.⁴⁷ The Dossier carefully provides other definitions, for example of 'Elements of a nuclear weapons programme' and 'weaponisation'.⁴⁸ The usual defining element is that WMD 'are capable of a high order of destruction', and the CIA⁴⁹ and Iraq Survey Group⁵⁰ are clear that not all chemical and biological weapons are WMD. Some experts even argue that CBW should never be considered as WMD, and that the term should be reserved for nuclear weapons.⁵¹

- It is rare that an official document makes a definitional omission of this significance, and this arguably represents a further aspect of a failure of duty to ensure that the Dossier did not deceive and mislead.

10. Public Interest

Specific public interest: There is considerable public concern about the Iraq Dossier, and little doubt that as a consequence there has been a loss of public trust in the government and British justice. The Hutton report seemed concerned that 'the wording of the dossier [was] somewhat stronger than it

⁴⁷ Tear gas and defoliants are 'chemical weapons', and a small amount of an infectious agent in a letter could be a 'biological weapon'. But it is generally accepted that a 'WMD' must be 'capable of causing mass casualties'

(see Maerli, 2000 - <http://cns.miis.edu/pubs/npr/vol07/72/72maerli.pdf>).

⁴⁸ Chapter 3, paragraph 18

⁴⁹ CIA glossary: 'Weapons of Mass Destruction. Weapons that are capable of a high order of destruction and/or being used in such a manner as to kill large numbers of people. Can be nuclear, chemical, biological, or radiological weapons but excludes the means of transporting or propelling the weapons where such means are a separable and divisible part of the weapon. Chemical Weapons and Biological Weapons need to be of a certain size to count as WMD. Single chemical or biological artillery rounds would *not* be considered to be WMD, due to the limited damage they could produce.'

http://www.cia.gov/cia/reports/iraq_wmd_2004/glossary.html

⁵⁰ The Iraq Survey Group uses the CIA definition:

http://www.globalsecurity.org/wmd/library/report/2004/isg-final-report/isg-final-report_vol3_glossary.htm

⁵¹ <http://cns.miis.edu/pubs/npr/vol07/72/72maerli.pdf>

would have been if it had been contained in a normal JIC assessment.’⁵² But the Report did not analyse why that was the case: that was not Hutton’s remit. Significant and categorical alterations in the wording of the focal points of such an important document are, at best, neglectful drafting. However the errors occurred, this represents a serious departure from the accepted standards of drafting, and the consequences have been significant.

General public interest: A title, summaries, foreword and conclusions of any official document have significant influence on what the public, press, public officers and parliament understand to be true. There is greater potential to deceive or mislead through these focal points, and so they should demand the greatest care from public officers who certainly should never alter the phraseology in a way that may mislead a reader about the meaning of the main text and cross categorical boundaries. These focal points should summarise and describe, but never elaborate, exaggerate or make categorical changes to meaning. It is important to establish the principle that

the title, summaries, foreword, conclusions and similar focal points, of an official document must be the most accurate possible description of

(i) the content of the main text, and

(ii) the current knowledge of significant facts,

and as far as is possible, will not be open to misinterpretation.

Should misunderstandings result from any document, they should be corrected quickly and effectively.

This standard is required in similar contexts - for example in relation to advertising, media, and libel⁵³ - and arguably should be even stricter in terms of important government information.⁵⁴ In Britain, there is no legislation that directly precludes deceit of the public by public officials, only by commercial entities. In contrast, in France, officials are being investigated for ‘aggravated deception’ for misleading the public about the Chernobyl nuclear industry

⁵² Para 467. 1, vii.

http://news.bbc.co.uk/2/hi/in_depth/uk/2003/david_kelly_inquiry/report_summary/default.stm

⁵³ For example, to write, “The Muslim’s crimes”, could be defamation if the person were identifiable and did not have any convictions, but not if the writer spoke generically of “Muslim crimes”.

⁵⁴ Defamation against a specific group of people should be redressed, as it would for an individual. It should be equally improper to state falsely, “The Muslims’ crimes” as it is to state falsely “The Muslim’s crimes”.

disaster.⁵⁵ The establishment of a principle about deceit by public officials would harmonise with this European codification.

Professional interest: Perhaps most importantly, it is necessary to restore the professional integrity of the officers who provided the original information and drafted the Main Text. Those who made the alterations should be identified and distinguished from the majority of security analysts who traditionally draft documents to meticulous standards in very difficult circumstances. The public needs to regain its trust in the words of its public officers.

11. The implications of the alternations

- The altered phraseology is always (in Lord Hutton's words) 'somewhat stronger' than the original wording in the Main Text; or as the Foreign Affairs Committee concludes 'the Executive Summary is stronger than the main text'. No alternations weaken the meaning of the Main Text.
- The changes sometimes crossed the boundaries of significant categorical distinctions (principally, C&B weapons became WMD) and added new unsubstantiated information.
- The changes were not necessary in order to summarise concisely the meaning of the Main Text, and they did not simplify the Main Text for the general public.
- As demonstrated above, had those who drafted the Main Text intended the meanings implied in the title and other focal points, they could very easily have drafted the Main Text accordingly.
- Irrespective of which versions are correct, it is neglectful not to ensure consistency in such an important document.

⁵⁵ <http://www.upi.com/NewsTrack/view.php?StoryID=20060602-032405-8428r>

This problem was not missed by Brian Jones, the former head of the nuclear, chemical and biological branch of the Ministry of Defence's defence intelligence staff, who concluded that he was 'surprised' that the inconsistencies in the dossier had not been noticed by MPs.⁵⁶ He continued,

I don't think it needed someone of my expertise to look at the dossier and see the difference between the prime minister's foreword and what was in the main body of the dossier.

No Inquiry has investigated the inconsistencies *within* the Dossier.

⁵⁶ Morris N (2009) Whistle-blower urges Iraq war public inquiry, *The Independent*, 20 March, 6.

Appendix 1

The carefully qualified claims in the Main Text of the Iraq Dossier

(Examples - emphases added)

Part 1

Title – ‘Iraq’s chemical, biological, nuclear and ballistic *programmes*’ (repeated in para 1) (**Not** ‘Iraq’s WMD’)

Chapter 2

Title – ‘Iraq’s *programmes*’

‘chemical and biological warfare *research*’ (para 1.)

‘Iraq’s nuclear *programme*...expansion of the *research programme*’ (para 4)

‘Iraq’s declared *aim* was to produce a missile warhead’ (para 6)

‘a well developed ballistic missile *industry*’ (para 7)

‘a variety of *delivery means* for chemical and biological agents’ (para 10)

Chapter 3 The current position

‘Sadam’s...missile *programmes*’ (para 1)

‘chemical and biological weapons *capability*’ (para 1, point 1)

‘work on *developing* nuclear weapons’ (para 1, point 4)

‘Iraq’s current military planning specifically *envisages* the use of chemical and biological weapons’ (para 1, point 6)

‘Iraq’s military forces *are able to use* chemical and biological weapons’ (para 1, point 7)

‘...*programmes* are well funded’ (para 1, point 8)

2. Heading: ‘Chemical and biological weapons’ [i.e. **Not** ‘WMD’]

‘chemical and biological warfare *capabilities*’ (para 2)

‘chemical warfare *programme*’ (para 2)

‘Iraq was *starting to produce* biological warfare agents’ (para 2)

‘chemical and biological *capabilities*...’ (para 3)

'...*capabilities* and assessed that Iraq has *the means to deliver* chemical and biological weapons...' (para 5)

'chemical and biological weapons play an important role in Iraqi *military thinking* (para 5)

'He believes that respect for Iraq *rests on* its possession of these weapons...'

'Saddam *is willing to use* chemical and biological weapons' (para 5)

'Iraq has continued to produce chemical *agent*. (para 8; 12)

'Iraq *considered the use of* mobile agent production facilities' (para 13)

'The *authority to use* chemical and biological weapons ultimately resides with Saddam (para 15)

'military forces, which maintain the *capability to use* these weapons...' (para 17)

'Iraqi nuclear weapon *expertise*' (title para 18)

'important procurement *activity*' (para 21)

'Iraq *has begun to develop* missiles...' (para 25)

'Iraq *wants to* extend the range of its missile systems' (para 28)

'Saddam *remains committed to developing* longer range missiles'

'*Funding for the WMD programme*' (title para 33)

Appendix 2. Standard definitions

1. **Weapons of Mass Destruction.** *'Weapons that are capable of a high order of destruction and/or being used in such a manner as to kill large numbers of people. Can be nuclear, chemical, biological, or radiological weapons but excludes the means of transporting or propelling the weapons where such means are a separable and divisible part of the weapon. Chemical Weapons and Biological Weapons need to be of a certain size to count as WMD. Single chemical or biological artillery rounds would not be considered to be WMD, due to the limited damage they could produce.'* CIA
http://www.cia.gov/cia/reports/iraq_wmd_2004/glossary.html

The Iraq Survey Group uses the CIA definition:

http://www.globalsecurity.org/wmd/library/report/2004/isg-final-report/isg-final-report_vol3_glossary.htm

2. **'WMD Capability** - *means that a country has the technical knowledge, the production facilities and the necessary raw materials to:*

a. produce chemical and/or biological agents and weaponise them: and/or

b. produce a nuclear device and weaponise it.

Having a WMD capability means that chemical, biological and/or nuclear munitions could be produced if required. It does not mean they have been produced.' (UK Intelligence and Security Committee - Taylor, 2003:

paragraph 24)

paragraph 24)

3. **Facilities.** *Services and space and equipment for a particular purpose,* (wordreference.com)

4. **Weaponry.** *Weapons considered collectively [syn: arms, implements of war, weapons system, munition.]* (Websters Dic.)

5. **'WMD Programme** - *means that people and resources are being allocated under a management structure for either the research and development of a WMD capability or the production of munitions. It does not necessarily mean that WMD munitions have been produced, as only when the capability has been developed can weapons be produced.'* (UK Intelligence and Security Committee - Taylor, 2003: paragraph 24)

6. **Generic** - *pertaining to or characterizing a genus, sort, or kind.* (Hutchinson)

7. **Arsenal:** *a public establishment for the manufacturing and storage, or for the storage alone, of arms and ammunition* (OED), i.e. it is an 'establishment' which does not necessarily contain weapons.

