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needs were met at the 1979 conference. In 1978, Southeast Asian states started to expel asylum seekers or refuse asylum to them when the numbers of resettlement places were no longer keeping pace with the number of arrivals. Southeast Asian states claimed to know little of the international refugee instruments and, even when they did, they described these instruments as not being compatible with their unique experience.

Furthermore, despite widespread evidence that Southeast Asian states were not fully cooperating, their manipulation of the situation at the 1979 conference placed the onus on Western states and Vietnam to take primary responsibility for dealing with the problem. Whether or not there is agreement with the way in which Southeast Asian states, the UNHCR or Western states acted during this first four-year period, there can be no doubt that Southeast Asian states had by 1979 become adept at manipulating the situation to suit their particular needs. This set the tone for the remainder of the crisis, since many Southeast Asian states believed that complying with international refugee law would compromise their sovereignty, their security and their development. The primary ambition of the region's states was to shift the responsibility to protect Indochinese refugees from themselves and place it on others. As a result, the 1979 conference and the Western response to the Indochinese refugee crisis only served to further entrench Southeast Asian states' resistance to the international refugee law instruments. The result has been that the majority of Southeast Asian states still are not members of the 1951 Convention and 1967 Protocol.

Iraq's Weapons of Mass Destruction: A Case of Intelligence Following Policy¹

RON HUISKEN*

(Strategic & Defence Studies Centre)

In the second half of 2002, US intelligence was catching up with policy on Iraq, and doing so in circumstances where the Bush administration's stake in this policy had become extraordinarily high. The intelligence community succumbed, and glossed over the fact that it had too few 'dots' to make confident judgments on WMD in Iraq.

Introduction

America's director of central intelligence (DCI), George Tenet, observed in February 2004 that the business of intelligence 'deals with the unclear, the unknown, the deliberately hidden' and that in this business 'you are almost never completely wrong or completely right'.² On the subject of Iraq's weapons of mass destruction (WMD), however, despite that country being a priority intelligence target since 1990 and probably the highest priority target in 2001–2002, the US intelligence community is seen as having come perilously close to getting it completely wrong. David Kay, shortly after resigning as co-head of the Iraq Survey Group in January 2004, put it very succinctly: 'We were almost all wrong.'³

Increasing numbers of people close to the issue had been coming to this conclusion over the weeks and months after April 2003, when it became possible to begin to verify the intelligence picture, but had been countered by the argument that the investigation was incomplete. By the time David Kay summed it up almost no one in Washington had the appetite to contest his conclusion. Kay's successor as head of the Iraq Survey Group, Charles Duelfer, told Congress in March 2004 that he had refocused the work of the group to try to determine what Saddam's 'intentions' had been. This was a quite drastic lowering of the bar from capabilities that posed an imminent threat to the United States and its allies and friends.⁴

This paper looks into the several explanations that have emerged, both specific and generic, for so glaring an intelligence failure. In broad terms, it concludes that the real problem lay not so much in intelligence failing the policymakers as in intelligence joining the policymakers. There is another dimension to this issue that is important but is not the particular focus of this essay. For the general public, the picture of what to expect in the way of WMD in Iraq was painted not by intelligence assessments but by characterizations of those assessments by the political leadership. There can be no dispute that the political leadership in

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1 The author is grateful to two anonymous referees for their comments on an earlier draft of this paper.

2 George J. Tenet, address at Georgetown University, (5 February 2004), reprinted as 'Tenet Defends Assessment of Iraqi Weapons', *New York Times*, (5 February 2004).

3 Quoted in Kirk Semple, 'Ex-inspector Calls for Inquiry on Pre-war Intelligence', *New York Times*, (28 January 2004).

4 Walter Pincus, 'No Breakthrough in Iraq WMD Search', *Washington Post*, (30 March 2004). The Iraq Survey Group's final report delivered on 30 September 2004 can be found at <http://www.cia.gov/cis/reports/iraq_wmd_2004/>.

the US (and in the UK and Australia) presented the intelligence as more crisp, emphatic and unqualified than was in fact the case. Some contend that this was a legitimate means of making their case as forcefully as possible. I disagree. Donald Rumsfeld's dictum that everyone is entitled to their own opinion but not to their own facts applies also to political leaders.

The political leadership certainly has the responsibility of deciding what, if anything, needs to be done about intelligence assessments of any particular issue, but it also has an obligation to characterize as accurately as possible the size of the leap it is making, and why. In the case of Iraq, the intelligence picture was presented in a manner that minimized the policy leap being made and left a stronger impression than was warranted that the picture left little room for manoeuvre. In other words, the intelligence community was implicated in the 'necessity' to seek a definitive outcome on Iraq as soon as possible, and by force if necessary, to an even greater extent than its assessments warranted.⁵

This essay focuses on the United States. Particularly in the case of Australia but to a significant extent also in the UK's, the intelligence picture on Iraq's WMD was based overwhelmingly on US data. Australia's Parliamentary enquiry into this issue estimated that 97 per cent of the intelligence available to agencies in Australia came from partner agencies abroad.⁶

Background

Iraq under Saddam Hussein was in the WMD business through 1991. In the broadest term, Iraq aspired to leadership of the Arab world, an enterprise focused to a significant extent on confronting Israel and containing Iran, the rival aspirant for regional dominance. It was an open secret that Israel had acquired nuclear weapons in the mid 1970s, and the challenge from Iran had been transformed by that country's Islamic revolution in 1979.

Whatever ambitions Iraq might have had for nuclear weapons in the late 1970s and early 1980s were set back in 1981 by Israel's spectacular pre-emptive strike on its major reactor at Osirak. On the other hand, suspicions of Iraq's possession of chemical weapons (CW) were confirmed when it began to use them in 1983 in the war with Iran and, infamously, against its own civilians in the town of Halabja. When coalition forces gathered in 1990 to reverse Iraq's invasion and occupation of Kuwait, Iraq unquestionably had a significant capacity to produce and deliver CW. It was also strongly suspected of having a biological weapons (BW) programme and of having launched (or relaunching) a nuclear weapon programme, although Western intelligence was fairly confident that this programme was some years from fruition.

All of this was confirmed after the ceasefire and the arrival of inspectors from the International Atomic Energy Agency and the UN Special Commission (UNSCOM) whose job was to oversee and verify the elimination of WMD stocks and the means of manufacturing them, as well as of ballistic missiles with a range in excess of 150 km. The story is broadly familiar and will not be repeated in detail here.

Inspectors found a nuclear weapon programme rather more vigorous than intelligence had suggested but which, even in the best of circumstances, was still 1–2 years away from even a single explosive device. The regime adamantly denied ever having been in the BW business but was comprehensively exposed in 1995 with the defection of Saddam's son-in-law, who gave a detailed account of an extensive programme up to 1991 (but who also insisted that it had been dismantled and destroyed by Iraq immediately after the war).

By 1995, this instance of blatant deceit confirmed the general experience of the UN inspectors. The Iraqi regime never saw it as in its interests to be genuinely cooperative and to reassure the UN that it was in full compliance with the terms of the ceasefire. It quickly became, and remained, a confrontational game of cat and mouse, of hide and seek. Records were 'lost', key personnel could not be located, access to facilities was delayed while material was removed, often visibly, and so on.

The continuous presence of inspectors over seven years coupled with a severe sanctions regime did result in a measure of confidence that Iraq was no longer a significant threat to its neighbours. On the other hand, the manner in which this had to be accomplished left little confidence that Iraq no longer aspired to WMD and could be trusted to remain compliant with its international obligations. Despite this, international solidarity on inspections and, particularly, the sanctions regime began to fray, led by France and Russia. Iraq naturally took advantage of these differences to press the UN to move on from the 1991 war and, most particularly, to lift the sanctions regime.

There was a near crisis in late 1997 through to early 1998 with the US, UK and Australia gearing up to resume hostilities to compel Iraq to continue to cooperate with UN inspections. In December 1998, a similar standoff could not be resolved. The UN inspectors were withdrawn ahead of four days of intensive bombing by the US and the UK of facilities believed to pose the greatest risk of a reconstituted WMD programme. The UN Security Council continued to characterize Iraq as in material breach of its obligations and stood up a new inspection organization, the UN Monitoring, Verification and Inspection Commission (UNMOVIC), in December 1999. Iraq, however, resisted the reintroduction of inspectors, and there was no consensus to force it to do so. Sanctions remained in place, and the US and UK continued to enforce no-fly zones over northern and southern Iraq, but UN inspectors did not return until November 2002.

The final report from the UNSCOM inspection process (1991–1998) was both impressive and reassuring in terms of what had been found and destroyed under their supervision and in terms of the unilateral disarmament by Iraqis which they had been able to verify. But it was not a tidy picture. Iraq had been at war almost continuously between 1981 and 1991; its WMD and long-range missile programmes were naturally conducted in great secrecy, including the deception of foreign suppliers and extensive use of black market channels; and it endeavoured systematically to frustrate the work of the UN inspectors. Almost inevitably, the inspectors came across snippets of evidence concerning imports of raw materials (for CW, for example) or production figures (for some BW agents) or stockpiles of WMD munitions that they could not confidently account for. Accordingly, UNSCOM said in 1999 that they could not exclude the possibility that Iraq still had some proscribed items, including Al Hussein missiles (range 600 km), some chemical munitions and bulk CW agent, and growth media for BW (particularly anthrax).⁷ These did not necessarily exist, but, as they could not be fully accounted for since 1991, they might well have existed.

The cumulative frustrations of the UNSCOM years, and indications from the end of 1997 that inspections might prove unsustainable, provoked an open letter to President Clinton from an influential group associated with the Project for the New American Century. This letter, dated 26 January 1998, called on the President to change US policy objectives on Iraq from containment to the removal of Saddam's regime.⁸ Six of the authors of this letter went on to senior positions in the Bush administration, including Rumsfeld, Paul Wolfowitz and Richard Armitage.

5 For a closer look at this issue see Joseph Cirincione, Jessica T. Matthews and George Perkovich, 'WMD in Iraq: Evidence and Implications', *Carnegie Endowment for International Peace*, (January 2004); John Prados, 'Iraq: A Necessary War?', *Bulletin of Atomic Scientists*, (May/June 2003), pp. 26–33.

6 Parliamentary Joint Committee on ASIO, ASIS and DSP, *Intelligence on Iraq's Weapons of Mass Destruction*, Canberra, (December 2003), p. 46.

7 Summarized in Parliamentary Joint Committee on ASIO, ASIS and DSP, *Intelligence on Iraq's Weapons of Mass Destruction*, Appendix D, pp. 109–121.

8 Full text available at <<http://www.newamericancentury.org/iraqclintonletter.htm>>.

Later that year there was an even more telling indicator of the depth of feeling in the US towards Iraq. On 5 October 1998, with strong bipartisan support, the House of Representatives passed the Iraq Liberation Act. The Senate endorsed the Act unanimously on 7 October, and President Clinton signed it into law on 31 October 1998. The Iraq Liberation Act declared,

It should be the policy of the United States to support efforts to remove the regime headed by Saddam Hussein from power in Iraq and to promote the emergence of a democratic government to replace that regime.

During the four years (December 1998 to November 2002) without UN inspectors in Iraq, the CIA's regular unclassified assessments of WMD and long-range missile developments around the world did not indicate any significant resurgence in Iraq's capacities. It was 'assumed' or considered 'likely' that Iraq was endeavouring to reconstitute its WMD infrastructure. None of these reports through the first half of 2002 suggested that Iraq had resumed production of either CW or BW. Much the same was true with respect to nuclear weapons.⁹ It has to be allowed that unclassified reports to Congress would not accurately reflect the full range of views within the intelligence community. A knowledgeable observer has suggested that this is the case. Kenneth Pollack, a former CIA analyst and official in the National Security Council through 2001, recalls that in the late 1990s the presumption that Iraq remained committed to WMD, the absence of inspectors, and a growing body of defector reports about reconstituted programmes resulted in growing anxiety in the intelligence community. Pollack considers that the October 2002 National Intelligence Estimate (NIE) on Iraq tracks rather closely what the Clinton administration was told in verbal briefings. Pollack also confirmed that the focus of concern was always nuclear weapons even though they were the least imminent in terms of overall WMD capability.¹⁰

Then came September 11. As Donald Rumsfeld was to remark much later, this led the United States to view everything in a new light. As noted, a number of the authors of the January 1998 letter to President Clinton urging a definitive solution to the Iraq question now held senior positions in the Bush administration. Deputy Secretary of Defense Wolfowitz in particular had tried from the outset to manoeuvre the Iraq question to the top of the administration's agenda, but with little success. In the shock and bewilderment of September 11, however, it was another story. Some of the President's inner circle argued immediately that Iraqi involvement in the attacks should be presumed. Bob Woodward and Richard Clarke argue that the President was soon convinced of this, ordering that plans be drawn up for an eventual attack on Iraq in parallel with what became Operation Enduring Freedom against al Qaeda and the Taliban regime in Afghanistan.¹¹ As early as 26 November 2001, President Bush publicly warned Saddam that he had to let UN inspectors back in. When asked what would happen if Saddam said no, Bush checked himself and said only, 'He'll find out.'¹² The administration's determination to make Iraq the next target after Afghanistan in the war on terror became even more clear in January 2002 with President Bush's characterization of Iraq, Iran and North Korea as an 'axis of evil'. But the one

thing that would have made direct action against Iraq an open-and-shut case—evidence of involvement in the attacks on September 11 or of high-level collaboration between the Iraqi regime and al Qaeda—failed to materialize.¹³

By April 2002, both the US and UK governments were alluding to intelligence dossiers on Iraq's WMD programmes that would be delivered to the UN Security Council at the appropriate time. In the event, the US did not do so until Colin Powell gave his dramatic briefing to the UN Security Council on 5 February 2003. It is important to note that on the two or three occasions in the first half of 2002 that consideration was given to releasing the intelligence dossier, the media were carefully backgrounded not to expect any 'smoking gun'. Officials made clear that the force of the dossier lay in the cumulative picture it painted, a picture that had only one plausible explanation: Iraq had never lost its appetite for WMD and now clearly had to be regarded as back in the business of making or attempting to make them.

The UK eventually went first, making its assessment public on 24 September 2002. The assessment soon became the focus of controversy on a number of grounds, not least the prominence it gave to a claim that Iraq could launch a CW or BW attack within 45 minutes of an order from Saddam Hussein. President Bush cited the claim twice in the following days but then dropped it from his presentations.¹⁴

In early September 2002, coinciding with President Bush's decision to go to the UN and to ask Congress for specific authorization to use force against Iraq if necessary, the CIA was directed to prepare, within about three weeks, a full National Intelligence Estimate on Iraq's WMD programme. The NIE, a classified document of some 90 pages, was completed in early October 2002 and remained the foundation stone of the administration's case for urgent and definitive action to disarm Iraq. Several pages of this document were declassified in July 2003 as surprise and concern mounted at the failure to find any trace of what had been portrayed as a significant arsenal.¹⁵

The NIE stressed the 'lack of specific information', and on several key issues various agencies recorded strong dissenting views. But the thrust of the document was clear: Iraq was back in the WMD business. In contrast to the characterization of assessments earlier in 2002 as circumstantial, the key judgments in the NIE suggested rather strongly that there were smoking guns to be found. Iraq was now assessed to have resumed production of CW—but at lower rates than before the 1991 war—and to have stocked up to 500 tons of CW agent, most of it produced in the preceding year. Similarly, Iraq was assessed to have resumed the production and weaponization of BW but in this case most elements of its programme were considered to be larger and more advanced than before the 1991 war. Finally, the NIE stated that 'most agencies' assessed that Iraq began reconstituting its nuclear weapon programme after UN inspectors left at the end of 1998, that it could build a weapon within a year if it obtained fissile material (plutonium or highly enriched uranium) from abroad or by 2007–2009 if it had to manufacture this material itself.

In sum, there seems little doubt that the October 2002 NIE represented a significant leap in the intelligence community's views on the certainty of the threat from Iraq's WMD, and on the scale of that threat.

So what happened? Did the intelligence community look even harder at Iraq after September 11 and find new evidence confirming what had earlier been presumptions or suspicions? If this was the case, the evidence was clearly weak. Six months later, at the end of May 2003, the Commander of 1st Marine Expeditionary Force, Lt Gen. James Conway, said

13 It is significant, however, that the political leadership declined to make this clear and in fact continued to make elliptical references that supported this early presumption. United States opinion polls in 2004 continued to suggest that a majority of Americans believed that Saddam had been involved in the attacks on September 11.
14 Dana Milbank, 'White House Didn't Gain CIA Nod for Claim on Iraqi Strikes', *Washington Post*, (20 July 2003).
15 Text available at <http://www.globalsecurity.org/inell/library/reports/2002/nie_iraq_october2002.htm>.

9 Full text available at <http://news.findlaw.com/hdocs/docs/iraq/libtae>.

10 See Kenneth M. Pollack, 'Spies, Lies, and Weapons: What Went Wrong', *Atlantic Online*, (January/February 2004). Available at <http://www.theatlantic.com/issues/2004/01/pollack.htm> and 'Weapons of Misperception', an interview with Kenneth M. Pollack in *The Atlantic*, (13 January 2004).

11 According to Woodward, Bush was convinced by 17 September that Iraq had been involved in September 11 but decided to defer an attack until the US had evidence of this involvement. See Bob Woodward, *Bush at War*, (New York: Simon & Schuster, 2002), p. 99. Clarke recalls being tasked by the President on 12 September to review the intelligence record for any evidence of Iraqi involvement in the attacks. See Richard A. Clarke, *Against All Enemies*, (New York: Free Press, 2004), pp. 32–3.

12 The full transcript of this informal press conference appeared in the *Washington Post*, (26 November 2001).

from Baghdad. 'It was a surprise to me then, it remains a surprise to me now, that we have not uncovered weapons . . . We've been to virtually every ammunition supply point between the Kuwait border and Baghdad, but they are simply not there.'¹⁶ This suggests, to anticipate the discussion to follow, that beyond whatever new evidence emerged, and how it was used to arrive at the assessment of October 2002, the further question to be explored is why the assessment was portrayed with such alarm.

A Lack of Hard Data?

The earlier discussion suggests that, until approximately July/August 2002, there was considerable ambivalence in the intelligence community on Iraq's status with respect to WMD. It seems there was considerable anxiety but comparatively little hard evidence to support it, and that what the intelligence community was prepared to submit in the way of formal written judgments was a good deal more qualified than its verbal briefings.

There was one authoritative claim that the NIE was based on new and better intelligence. In a statement submitted to the *Washington Post* on 8 August 2003, DCI George Tenet stated that intelligence on Iraq had become stronger in recent years, particularly with respect to BW and long-range missiles.¹⁶ This assertion was rather odd, since press reports in July 2003 referred to a just completed internal CIA review of pre-war intelligence which found that the evidence collected by the CIA and other agencies after 1998 was mostly fragmented and often inconclusive.¹⁷ In any event, at a press conference on 5 February 2004, Tenet took the opportunity to qualify his August statement rather significantly:

After the UN inspectors left in 1998, we made an aggressive effort to penetrate Iraq. Our record was mixed. While we had voluminous reporting, the major judgments reached (in the October 2002 NIE) were based on a narrower band of data.

This matches an observation from an intelligence official characterizing the departure of UN inspectors in December 1998 as 'like losing your GPS guidance' (a reference to the satellite navigation system at the heart of the 'smart bomb').¹⁸ It has been widely observed, and officially acknowledged, that the US lacked good human intelligence (or HUMINT) sources close to the Iraqi leadership. The UN inspectors acted as a surrogate for this missing HUMINT because, at least in broad terms, they could confirm or discount some of the leads thrown up by technical intelligence assets like satellite photography and intercepted electronic transmissions.

To fill the gap left by the withdrawal of the inspectors, the US began to rely more heavily on defectors and on the community of Iraqi exiles who had, or claimed to have, current links with members of the regime. In addition, pursuant to a presidential order in February 2002, CIA operatives went into Iraq in July to begin to build up their own network of informants.¹⁹ The veracity of intelligence from such sources is notoriously difficult to assess. One of the higher art forms in the intelligence game is to find ways of discriminating between real information and deliberate disinformation, or information that the source judges you want to hear and therefore sees possible advantage in providing.

16 'Written Statement from CIA Director Tenet', *Washington Post*, (8 August 2003).
17 James Krisen, David E. Sanger and Thom Shanker, 'In Sketchy Data, White House Sought Clues to Gauge Threat', *New York Times*, (20 July 2003).

18 Risen et al., 'In Sketchy Data'.

19 On 16 February 2002, the President authorized the CIA to prepare to assist an eventual military operation to oust Saddam, including the conduct of operations inside Iraq. Pursuant to this authorization, a CIA team entered Iraq in July 2002, with the primary purpose of recruiting a network of informants. See William Hamilton, 'Bush Began to Plan War Three Months after 9/11', *Washington Post*, (17 April 2004).

It is now apparent that there were some serious lapses in procedure in this regard.²⁰ At a general level, the Pentagon established the Office of Special Plans (OSP) in October 2002, a small intelligence assessment unit specifically intended to counter the suspicion that the major agencies had prejudices (for example, that Saddam Hussein and Osama bin Laden were ideologically incompatible) that could lead to critical indicators being overlooked. The OSP remained outside the net assessment process presided over by the CIA, and it had close links to the Iraqi National Congress, the exile group headed by Ahmed Chalabi. One reputable journalist has gone so far as to assess that, by the end of 2002, the OSP rivalled the CIA and Defense Intelligence Agency (DIA) as the President's main source of intelligence on Iraq's WMD and its possible links to al Qaeda.²¹

More specifically, a key source on one of the most specific intelligence 'dots'—mobile BW laboratories—was never even interviewed by US intelligence officials. The information was provided by German intelligence and accepted on faith. Indeed, it seems that no effort was made even to establish the full identity of this person, a step that would have revealed that he was the brother of a senior aide to Ahmed Chalabi. A second source on the same question was known to DIA. This source was considered of doubtful reliability, but his reporting was inadvertently passed on to analysts in other agencies without this caveat, allowing these analysts to conclude that they had reliable, multi-source data.

Although this second lapse may have been no more than a bureaucratic glitch, a comparable problem has been identified in the CIA as a procedural fault that contributed to some of the harder assessments arrived at. The CIA analyses intelligence from the principal collection agencies and coordinates community-wide assessments, but it is also itself a collection agency, principally through informers. To minimize the risk of compromising these sources, it has been long-standing practice (from the Cold War days) to tell the analytical community as little as possible about them. A review of the recent experience on Iraq has revealed several instances where analysts mistakenly believed that weapon data had been confirmed by multiple sources when in fact it had come from a single source. In other instances, analysts assumed that intelligence had come from a reliable source with direct knowledge only to discover later either that the source was of unknown reliability or that the source was relaying information from other parties that the agency knew little about. This practice has now been ended.²²

Inherited Assumptions and Mirror Imaging

A joint investigation by the House and Senate intelligence committees of the US Congress has already concluded that a contributing factor to the embarrassment on Iraq was a failure (presumably in 2001–2002) to challenge inherited assumptions. Iraq had pursued WMD with great determination, had used CW and had doggedly complicated the efforts of UN inspectors to find and destroy these capabilities. When the issue came to a new peak in the charged atmosphere after September 11, it was already being presumed that Iraq had exploited the absence of inspectors to get back into the WMD business. The items that UNSCOM had been unable to account for became the baseline capability. Iraq's history of deception was seen both as confirming the existence of a revived programme and allowing the inference that it was larger than what could be 'seen'. Thus, the October 2002 NIE said, 'We assess that we are seeing only a portion of Iraq's WMD efforts.'

20 Since this article was submitted for publication, these 'professional lapses' have been documented in graphic detail in the 'Report of the US Intelligence-Community's Prewar Intelligence Assessments on Iraq', Select Committee on Intelligence, United States Senate, Washington, (7 July 2004).

21 Seymour M. Hersh, 'Selective Intelligence', *New Yorker*, (12 May 2003).

22 Walter Pincus, 'CIA Alters Policy after Iraq Lapses', *Washington Post*, (12 February 2004).

The possibility that the dearth of hard data might mean that little or nothing was actually going on was not, it would seem, seriously entertained. Shortly after resigning as head of the Iraq Survey Group in January 2004, David Kay observed that the system should, but didn't, have a way for analysts to say that there was insufficient information to make a judgment.²³

A contention that surfaced repeatedly in the lead-up to the war was that Saddam would not be trying to deceive if he did not have something to hide. That was considered illogical. This is sometimes called 'mirror imaging', or assuming that an opponent operates with similar standards and motives to your own, and reasons in much the same way that you do. And it is a phenomenon that bitter experience has taught intelligence and policy communities everywhere to try to be alert to.

It is not hard to find other plausible explanations for Saddam's observed behaviour. Moreover, there is little doubt that the intelligence community was aware of them. For example, given Saddam's strenuous efforts (including the acquisition of WMD) to make Iraq into a regional hegemon, it can reasonably be inferred that for reasons of personal pride and national honour he would attach the highest importance to not being seen as bowing meekly to the dictates of the (Western) international community. Further, it would be quite plausible to argue that Saddam would see political and military value in other states continuing to believe that Iraq still possessed some WMD capacities. Further still, Saddam probably viewed perceptions of a residual capability as a useful internal discipline. It was known, for example, that, beyond the ghastly incident at Halabja in 1988, Saddam surrounded a troublesome Shiite town with troops in white protective clothing in 1999, and the unrest ceased.

This is not to suggest that possibilities such as these should have been given equal weight. But one could have expected some indication that they had been considered, particularly since the evidence pointing to renewed production and stockpiling was quite fragile. As far as one can tell from the public record (including the declassified portions of the NIE), this was not the case.

We know from the public record that snippets of suggestive technical intelligence were particularly influential in confirming and consolidating the view that Iraq was rebuilding a significant WMD capability. George Tenet has acknowledged, for example, that analysts remained sceptical about new production of CW until satellite photography showed what appeared to be shipments of materials from ammunition sites.²⁴ In the Security Council on 5 February 2003, Powell exhibited satellite photography that seemed to show CW sites being cleaned prior to a visit by UN inspectors (although UNSCOM head Hans Blix later pointed out, and Powell acknowledged, that a more benign interpretation was also plausible). And in early 2003 both Bush and Rumsfeld referred to electronic intercepts suggesting that Saddam was delegating authority to use CW to selected Republican Guard commanders.

There was a comparable experience in the British intelligence community. Brian Jones was the head of the group of analysts in the Defence Intelligence Staff dealing with WMD in 2002. Since his retirement in 2003, he has commented that the claim that Iraq could deploy CBW in 45 minutes was pivotal because it was the best recent evidence, albeit inferential, that Iraq actually possessed these weapons. The UK source was considered reliable but he was relaying information from a primary source of unknown reliability. Jones's group continued to insist that the body of evidence available to them on old stocks and on new production and storage was not strong and that any assessment that Iraq possessed a CBW capability in some form needed careful caveats. Rather surprisingly, however, he claims he was informed that special intelligence, seen only by a select group of very senior officials

and too sensitive to be shared with analysts, overturned these reservations.²⁵ Jones was not informed about, nor did he speculate on, where this special intelligence was coming from.²⁶

It is now acknowledged that many of these signals could well have been used to fuel the impression of a more significant capability than Iraq actually possessed. David Kay has gone one step further. From interviews with Iraqi scientists and other sources, he said that the Iraq Survey Group had concluded that from 1997 to 1998 the governance of Iraq had become quite dysfunctional, a development, he pointed out, that the US intelligence had also missed.²⁷ They were told that Saddam took personal control of the WMD effort, setting goals that were utterly infeasible given the thoroughness with which facilities and equipment had been destroyed and the impossibility (because of sanctions) of replacing them. According to Kay, the penalties for refusing to try, and for failure to succeed, were such that the scientists simulated activity (possibly triggering some intelligence signals), provided false progress reports, and diverted surplus funds. Thus we have the bizarre possibility that Saddam aimed to exaggerate what he thought he had and was acquiring, but had even less than he thought.

If There Were WMD, Where Did They Go?

The October 2002 NIE had a section dealing with when Iraq might use its WMD. These judgments, all prefaced as being low-confidence assessments, included the following:

[Saddam] probably would use CBW when he perceived he irremediably had lost control of the military and security situation; and

Saddam, if sufficiently desperate, might decide that only an organization such as al-Qaeda . . . would perpetrate the type of terrorist attacks he would hope to conduct.

A third variant of these judgments was aired in the debate before the war (but not taken up in the NIE). This was the possibility that individual senior Iraqis privy to the whereabouts of the WMD might, in the chaos of regime disintegration, make off with some WMD or know-how related to them in order to engage in private proliferation. This concern resurfaced immediately after the major fighting was over. The initial inspection effort run by the Pentagon was quickly revealed as far too small and poorly coordinated.²⁸ Also, it soon became apparent that the widespread looting that coalition forces either elected or were instructed not to prevent was to some extent purposeful, targeting paper and electronic records at military sites, industrial complexes and offices. David Kay said in April 2003,

They've increased the proliferation threat. And they've made it more difficult to ever unravel what really happened.²⁹

These considerations, particularly the last, underscore the importance of determining what happened to the various WMD, agents and production capacities that may have been present in Iraq.

Within a month of the invasion, press reports were citing Western intelligence officials who believed that Iraq had gone to great lengths to destroy or dismantle its WMD and means of manufacture before the UN inspectors returned in November 2002. An early informant, a scientist who claimed to have worked in Iraq's CW programme, said that stockpiles of banned weapons had been gradually destroyed since 1995, although some had been transferred

²⁵ Jones's article of 4 February 2004 is available at <http://argument.independent.co.uk/low>.

²⁶ As far as the author is aware, there has been no indication that Australia also received such 'special intelligence'.

²⁷ Risen, 'Ex-inspector Says CIA Missed Disarray'.

²⁸ Judith Miller, 'A Chronicle of Confusion in the Hunt for Hussein's Weapons', *New York Times*, (20 July 2003).

²⁹ Cited in Bob Drogin, 'Concern Grows over Weapon Hunt', *Los Angeles Times*, (27 April 2003).

²³ James Risen, 'Ex-inspector Says CIA Missed Disarray in Iraq's Arms Program', *New York Times*, (26 January 2004).

²⁴ 'Tenet Defends Assessment of Iraqi Weapons', *New York Times*, (5 February 2004).

secretly to Syria.³⁰ This scientist also claimed that in recent times the work in Iraq had been confined to small research and development (R&D) projects and that equipment related to these programmes was being destroyed up to the eve of the war.³¹ These observations are consistent with David Kay's view that the US community failed to recognize that Iraq had all but abandoned its efforts to produce large quantities of CBW after the Gulf War in 1991.³²

If there was a systematic effort to dismantle and destroy weapons and production capacities in the second half of 2002, US intelligence appears to have missed it. The technical intelligence-gathering assets such as satellites and capacities to intercept communications, the dismantling and/or destruction of production facilities may have been difficult to distinguish from activities intended to hide these facilities. On the other hand, we know that by this time the US was receiving considerable HUMINT. It can be inferred from disclosures by the initial military inspectors that a good deal of this HUMINT pointed in some detail at the precise location of prohibited weapons. As far as one can tell from the public record, however, none of this HUMINT reported evidence of a decision by the regime to go in the opposite direction and leave no smoking guns.

On 24 April 2003, President Bush for the first time raised the possibility that Iraq had destroyed rather than hidden its WMD. His National Security Adviser, Condoleezza Rice, went in a somewhat different direction a few days later. Rice speculated that emerging evidence pointed to the absence of assembled weapons and that what remained to be found was production capabilities dispersed or combined with production lines for civilian products and intended as a 'just in time' WMD capability.³³ This rather sophisticated alternative to the picture set out in the NIE, posited after just three weeks of a modest and reportedly disjointed inspection effort, raises the question of whether this had been a serious alternative thesis, another way of interpreting the 'dots' of intelligence in the lead-up to the war. Observers such as Kenneth Pollack reports that it was.³⁴

In June 2003, an Iraqi nuclear scientist led American military personnel to a cache of documents and some components of a centrifuge for uranium enrichment that had been buried in the garden of his house since 1991. This was taken, by the International Atomic Energy Agency (IAEA), as further confirmation of its view that Iraq had not reconstituted its nuclear programme but, by the Bush administration, as evidence of its continuing intent to do so.³⁵

We cannot yet rule out the possibility that some of Iraq's WMD and/or the means or know-how to make them, intentionally or unintentionally, made their way into other hands over the period 1991–2003. It is also possible that remaining weapons or agents ready to be weaponized were destroyed prior to the reintroduction of inspectors in November 2002, or even up to the eve of the war, along with the means to make them.

It is also entirely possible that Iraq had neither WMD nor anything that could be credibly described as capacity to make them in the lead-up to the war. Moreover, it is likely that many in the intelligence community recognized this as a serious possibility. Richard Clarke is emphatically of this view. Although his account in *Against All Enemies* is not a detailed examination of the saga of intelligence on Iraq's WMD, he did conclude that

Both the White House and the CIA must have known there was no 'imminent threat' to the US, but one claimed the opposite, and the other allowed them to do so uncorrected.³⁶

30 One report by an Indian analyst suggests that some of this material was transferred from Syria to Pakistan with the assistance of Dr A. Q. Khan. See B. Raman, 'A. Q. Khan Shifted Iraq's WMD to Pakistan?' South Asia Analysis Group, Paper No. 916 (7 February 2004).

31 Judith Miller, 'Illicit Arms Kept till Eve of War, an Iraqi Scientist Is Said to Assert', *New York Times*, (21 April 2003).

32 Risen, 'Ex-inspector Says CIA Missed Disarm'.

33 Marion Wilkenson, 'Vilified Weapon Inspectors May Have Got It Right', *Sunday Morning Herald*, (1 May 2003).

34 Pollack, 'Spies Lies, and Weapons'.

35 David E. Sangar, 'Iraqi Says Hussein Planned to Revive the Nuclear Program Dismantled in 1991', *New York Times*, (27 April 2003).

36 Clarke, *Against All Enemies*, p. 268.

The Wider Context: Intelligence Followed Policy

The foregoing analysis points to serious lapses in the professionalism of the assessment process, and to significant departures from established practice in providing intelligence to the political leadership. But it does not yet adequately explain why this happened. The explanation is necessarily speculative, but I believe it is to be found in the political climate in which the intelligence community operated after September 11.

September 11 was a watershed for the United States, the most devastating attack on the homeland since Pearl Harbor in 1941. It was an event that traumatized America and transformed the world. And the US intelligence community had missed it. The community had picked up a lot of 'chatter' in the northern summer of 2001 about a major al Qaeda attack but had missed the fact that the targets would be inside the United States, and had lacked the imagination to anticipate the 'weapons' that would be used. By and large, the intelligence community was not blamed for this failure, but it remained an awful legacy during the lead-up to Iraq.

The administration had declared war on international terrorism and postulated as the supreme threat the intersection of terrorism and technology: specifically a future September 11 with WMD. And the administration had made it plain since late 2001, and probably even more forcefully within its ranks than to the outside world, that it regarded regime change in Iraq as the key first step toward eliminating this threat. We know that Iraq was in the frame alongside al Qaeda and the Taliban in the immediate aftermath of September 11. For several key members of Bush's inner circle, the working hypothesis was that Iraq had been involved in the attacks, either directly or as an accessory through an association with al Qaeda. This contention may have been more hope than conviction, but it worked. As was noted earlier, Bush was persuaded of this view, even though his initial instincts were to defer striking Iraq until evidence of its involvement emerged.

Although no such evidence turned up—then or since—the administration's commitment progressively deepened, and seeking to direct the international coalition against terrorism toward regime change in Iraq became a consuming preoccupation. The definition of the 'enemy' in the war on terror that the international coalition had accepted was unilaterally expanded to include rogue states seeking to acquire WMD; the President and others began to allude very clearly to what became the doctrine of pre-emption; and, harking back to the Iraq Liberation Act of 1998, the administration began to state openly that it was US policy to secure regime change in Iraq.

In short, by early in 2002, the administration had unambiguously staked American credibility on regime change in Iraq. There can be little doubt that the intelligence community was fully aware of just how much the administration had riding on its position on Iraq.

It is likely, however, that those in the administration who had pressed for action against Iraq before September 11 linked decisive action to remove Saddam to an even larger agenda. A preoccupation with grand strategy was the hallmark of the Bush administration from the outset. It brought a quite distinctive perspective to bear on the significance of the end of the Cold War and the demise of the Soviet Union. It was a perspective that declared that the US should not be reticent about the fact that it was by far the most powerful state the world had ever experienced. It was a perspective that declared that the US had the interests, the capacity and, indeed, the duty to take charge, to embrace the fact that it could no longer view itself merely as the first among equals. And it was a perspective that declared not only that US pre-eminence was unchallenged, but that it should be a priority for the US to ensure that it remained unchallenged.

This outlook on the world shaped the approach to Iraq rather profoundly. Beyond the more immediate problems associated with Iraq, the demonstratively inconclusive nature

of the 1991 Gulf War was seen as a strategic liability, a major blemish on the image that the United States needed to project of a power that no one should dare to cross. Regime change in Iraq had a double appeal. It would be returning to correct an old mistake—in the President's case, his father's mistake—and at the same time an opportunity to make a graphic statement for the future on US power and purpose. To the grand strategists, this was the defining issue for the Bush Doctrine, a doctrine intended to set the stage for an indefinite period of US pre-eminence. Although President Bush himself seemed more comfortable positioning Iraq in the context of terrorism, he had endorsed a sweeping vision of America's new geostrategic role. He had this to say in a speech on 1 June 2002:

We have our best chance since the rise of the nation state in the 17th century to build a world where the great powers compete in peace instead of prepare for war. Competition between great nations is inevitable, but armed conflict in our world is not. America has, and intends to keep, military strengths beyond challenge thereby making the destabilizing arms races of other eras pointless, and limiting rivalries to trade and other pursuits of peace.³⁷

Key figures in the administration, notably Vice-President Cheney and Deputy Secretary of Defense Wolfowitz, saw the removal of Saddam, and the manner in which this was done, as a critical signal to the other major powers that the United States could and would make this vision of global governance a reality. Backing off or in any way acknowledging that US power and purpose had its limits was seen as ruinous.³⁸

Thus, it should be clear that over the course of the 12 months or so after September 11, the intelligence community would have become acutely conscious of the political and strategic load that its assessments on Iraq carried.

There was a final development that would have sharpened this sense of responsibility even further. By July/August 2002, the evaporation of international support for the apparent US determination to move directly against Iraq began to be reflected in polls in the United States. This development, in turn, encouraged Congress to re-assess its prerogatives on foreign and security policy. Put bluntly, the administration had failed up to this point to conflate Iraq with the wider war against terrorism.

The outcome, of course, was Bush's announcement on 4 September 2002 that the US would take its case to the Security Council. He also conceded that Congressional authorization from September 2001 to use force to defeat international terrorism did not extend to Iraq and committed the administration to securing new authority for this purpose.

For the US Congress, the central question was a quite narrow one: whether Iraq posed a clear and urgent threat to the security of the United States. This question placed a premium on Iraq's nuclear weapon programme. And the October 2002 NIE, despite containing significant caveats and dissenting opinions, was used to support what must surely be the most evocative characterization of the threat from Iraq used by the President and some of his senior officials

37 Remarks by the President at the 2002 Graduation Exercise of the United States Military Academy, West Point, New York, 1 June 2002, text available at <http://www.gov/news/releases/2002/06/print/20020601-3.html>. For a more formal presentation of the same thesis see President George W. Bush, 'The National Security Strategy of the United States of America, September 2002', available at <www.whitehouse.gov>.

38 The origins of and outlook for the Bush Administration's strategic vision on global governance has been the subject of intense debate. As a starting point, see Joseph S. Nye, *The Paradox of American Power: Why the World's Only Superpower Can't Go It Alone*, (New York: Oxford University Press, 2002); John Lewis Gaddis, 'A Grand Strategy of Transformation', *Foreign Policy*, (November/December 2002), pp. 50–57; Edward Rhodes, 'The Imperial Logic of Bush's Liberal Agenda', *Survival*, (Spring 2003), pp. 131–154; Robert Kagan, *Of Paradise and Power: America and Europe in the New World Order*, (New York: Vintage Books, 2004).

in the lead-up to the votes in Congress authorizing the use of force: 'We don't want the smoking gun to be a mushroom cloud.'³⁹

In the UN, the central question was the state of Iraq's compliance with Security Council resolutions on WMD and long-range missiles. Deputy Secretary of Defense Wolfowitz rather famously observed after the war that WMD had particular prominence largely because it was the one strand of the case for action against Iraq that all elements of the US bureaucracy could agree on.⁴⁰ It should be added that it was also the strand—the others being support for terrorism and gross abuse of human rights—that could most readily support a case for *urgent* action.

Recalling this insider's view of the substantive importance of WMD does not affect the point being made here. The failure to get Iraq swept up as part of the broad response to September 11 and the consequent need to take the case for regime change directly to Congress and the UN meant, in practice, greater reliance on the intelligence estimate of Iraq's current WMD capabilities. This relative shift in the burden of proof of regime change in Iraq would not have been lost on the intelligence community.

President Bush claimed on a number of occasions that the US (and its allies and the UN) had looked at the intelligence on Iraq and seen a threat. This discussion suggests that it is more accurate to say that Saddam's removal was deemed highly desirable for reasons other than that he constituted an imminent threat to the United States, but that in the end the administration was compelled to go to extraordinary lengths to portray the threat of Iraq's WMD as a defensible trigger for regime change by force. It suggests that, in the second half of 2002, intelligence was catching up with policy, and doing so in circumstances where the administration had an immense stake in proceeding with regime change.

Conclusions

As foreshadowed at the outset, a number of factors contributed to the 'intelligence failure' on Iraq's WMD. A major part of the blame rests with the Iraqi regime. It had developed and produced chemical and biological weapons, and made a serious effort to acquire a nuclear weapon. It had also established that it regarded these weapons not as a deterrent that would be used as a last resort, but as capabilities that it would use or threaten to use to achieve its political goals. Finally, Iraq deliberately opted to encourage some doubt as to its status with respect to WMD. Regarding Iraq suspiciously with respect to WMD was wholly sensible, and every major intelligence community in the world was so inclined. It should be recalled that Security Council Resolution 1441, passed unanimously on 8 November 2002, declared Iraq *at that time* to be in material breach of its obligations to the UN. In all these ways, the Iraqi regime sealed its own fate.

At the same time, an intelligence capability exists to probe behind deception. It exists to provide early warning of guilt when innocence is being proclaimed, but also to suggest bluff when guilt is being signalled. The use of force invariably results in new problems and governments need to be confident that the problem they think they face outweighs even the worst possible outcomes of war. The heightened inclination, post-September 11, to strike pre-emptively upped the stakes in this regard quite dramatically.

39 The contention that Iraq was reconstituting its nuclear weapons programme rested heavily on aluminium tubes similar to those used to enrich uranium and on alleged negotiations to import processed natural uranium from Niger. The credibility of this evidence was never high, and it was steadily eroded by tests and investigations over the course of 2002 and the early weeks of 2003. Nevertheless, both contentions were kept alive up to the time of the invasion. The best account of the saga surrounding the aluminium tubes can be found in David Barstow, William J. Broad and Jeff Gerth, 'How the White House Embraced Disputed Arms Intelligence', *New York Times*, (3 October 2004).

40 Paul Wolfowitz, interview with Sam Tamehans, *Vanity Fair*, (9 May 2003), <www.defenselink.mil/cgi-bin/diprint.cgi>

In an outstanding investigation of how the war on Iraq was 'sold', Lawrence Freedman concluded that the Bush administration hoodwinked Congress, the US public and at least some foreign governments, but that it first hoodwinked itself into the belief that the most direct path to restoring the security of the United States passed through Baghdad.⁴¹ The discussion in this paper supports such a conclusion but also suggests that it may not go far enough. Specifically, the case outlined above suggests that a key part of the explanation for the surprising decision to invade Iraq and the messianic determination to implement this decision lies in the fact that the war on terror was harnessed to a pre-existing determination to signal a fundamental shift in the modalities of international governance. Regime change in Iraq—and being seen to do it with ease—was primarily about consolidating America's newly declared role as manager of the world. In broad terms it was intended as a definitive statement of America's ability and determination to project into the indefinite future its unique status as the most powerful state the world had ever seen, that the 'Bush doctrine' was not a lofty ambition but an objective fact. Hitching this objective to the war on terror meant that a potentially difficult and prolonged domestic debate on the merits of this posture—Bush had given no hint as a candidate that this was part of his agenda—could be averted.

It was this fusion of objectives that made Iraq so hugely important. Moreover, the fact that the administration was pursuing multiple objectives, and that not everyone at the top of the administration seemed to be clearly aware of this, contributed directly to the maelstrom that unfolded after the regime was removed. The imperatives of the objective to signal a new world order called for a spectacular military victory with an almost contemptuously lean force. The imperatives of managing post-war Iraq from the standpoint of advancing US interests in the struggle between moderates and radicals in the Islamic world were quite different. The latter lost out to the former. Moreover, the failure to clearly separate these strategic objectives has neither been acknowledged nor corrected, with the result that both have suffered badly.

This assessment suggests that not all the key players in the Bush administration hoodwinked themselves on Iraq and then set about imposing a misplaced but genuine conviction on the other actors, both domestic and foreign. It suggests that some were not totally disoriented by the stunning attacks on September 11 but recognized the political environment in the aftermath of these attacks as a wide-open door.

Getting to the invasion of Iraq was still a struggle and in the end it was a matter more of falling over the line as the weaknesses in the stated case for the invasion were becoming more apparent. The political decision to regard Iraq as an urgent threat that had to be addressed by force if necessary was made long before the intelligence community was tasked to pull together its definitive assessment of the scale and imminence of this threat.

The Bush administration could not bring the Iraq issue to an obvious decision point on the basis of September 11, possible links to al Qaeda, and inconclusive compliance with Security Council resolutions on WMD. By the time the intelligence community was tasked to prepare its NIE on Iraq the policy arena had shifted to the Congress and the UN, and whether or not Iraq actually had or was about to get WMD, especially nuclear weapons, loomed as the pivotal consideration.

Insulating intelligence from policy or, more accurately, striking an effective balance between access to and distance from the policy world has always been and will always be inherently imperfect. In the case of Iraq in 2002–2003, however, the insulation failed rather completely, with consequences that have changed the course of the 21st century. The US intelligence community responded to the political requirement. It glossed over the

fact that it had insufficient information to come to confident judgments about WMD in Iraq and provided sufficient backing for the political leadership to proclaim a threat that did not exist.

A former CIA executive has observed that 'it was knowable but not known that we did not have enough dots on Iraq'.⁴² This analysis points to the probability that key members of the administration did know that Iraq posed no 'imminent' threat and that there were not enough 'dots', but determined that the ends justified the means. This in turn points to a rather deeper breakdown in the system of checks and balances that have for so long made the power of the United States a source of reassurance.⁴³

A unipolar world order with the United States as by far the most comprehensively powerful state, will be with us for a long time yet. It is also the case that the United States has a remarkable capacity to change course, to refresh itself and to recover lost ground. And there can be little doubt that many influential international actors want to see the US return to providing effective leadership. America's shoes are far too big for anyone else to want to step into them. At the present moment, however, one senses that, because of the attitudes and instincts that culminated in the lonely invasion of Iraq, the United States will not for some years to come be the force that it could have been. Moreover, much of the ground lost in terms of shaping developments in key areas will not be recoverable.

41 Lawrence Freedman, 'War in Iraq: Selling the Threat', *Survival*, (Summer 2004), pp. 7–49.

42 John MacGaffin, former deputy director for operations at the CIA, cited in Gordon Corea, 'Radical Reform Required in US Intelligence Community', *Jane's Intelligence Review*, (April 2004), p. 44.

43 Australia enjoys a genuinely close intelligence relationship with the US, symbolized in the joint management and operation of the facility at Pine Gap, one of the 'crown jewels' of technical intelligence gathering. What this means is that the Australian government is likely to have had a strong sense of the turmoil in the US intelligence community in the lead-up to Iraq, and of its complex interactions with the policy and political communities in Washington. If this was not the case, if Australia too was hoodwinked, one suspects the government would have been more concerned to find out why. How this special insight shaped the government's management of Australia's position on Iraq could be a very interesting story, if and when it becomes possible to tell it.