

Return to an Address of the Honourable the House of Commons
dated 6 July 2016
for

The Report of the Iraq Inquiry

Report of a Committee of Privy Counsellors

Volume I

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Establishing the Inquiry

Purpose of the Inquiry

1. On 15 June 2009, Mr Gordon Brown, the Prime Minister, told the House of Commons:

“With the last British combat troops about to return home from Iraq, now is the right time to ensure that we have a proper process in place to enable us to learn the lessons of the complex and often controversial events of the last six years. I am today announcing the establishment of an independent Privy Counsellor committee of inquiry which will consider the period from summer 2001, before military operations began in March 2003, and our subsequent involvement in Iraq right up to the end of July this year. The Inquiry is essential because it will ensure that, by learning lessons, we strengthen the health of our democracy, our diplomacy and our military.”¹

2. Addressing the scope of the Inquiry, Mr Brown said:

“No Inquiry has looked at such a long period, and no Inquiry has the powers to look in so much breadth ... the Iraq Inquiry will look at the run-up to conflict, the conflict itself and the reconstruction, so that we can learn lessons in each and every area.”

3. In his statement, Mr Brown announced that the Inquiry Committee would be made up of “non-partisan public figures acknowledged to be experts and leaders in their fields”. It would be chaired by Sir John Chilcot and would include Baroness Usha Prashar, Sir Roderic Lyne, Sir Lawrence Freedman and Sir Martin Gilbert. Their biographies can be found on the Inquiry’s website. It is a matter of deep regret that Sir Martin was taken ill in April 2012 and was unable thereafter to participate in the Inquiry’s work. Sir Martin died on 3 February 2015.

4. Prior to 2009, some specific aspects of the UK’s involvement in Iraq had already been examined:

- The House of Commons Foreign Affairs Committee published *The Decision to go to War in Iraq* on 3 July 2003.
- The Intelligence and Security Committee of Parliament published *Iraqi Weapons of Mass Destruction – Intelligence and Assessments* on 10 September 2003.
- Lord Hutton published his *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly CMG* on 28 January 2004.
- A Committee of Privy Counsellors, chaired by Lord Butler of Brockwell, published its *Review of Intelligence on Weapons of Mass Destruction* on 14 July 2004. Sir John Chilcot was a member of Lord Butler’s Committee.

¹ House of Commons, *Official Report*, 15 June 2009, columns 23-24.

- The Baha Mousa Inquiry, chaired by Sir William Gage, was established in May 2008 and published its conclusions on 8 September 2011.²
5. Before the formal launch of the Iraq Inquiry, Sir John Chilcot met leaders of the main opposition parties and chairs of relevant House of Commons select committees (Defence, Foreign Affairs and Public Administration) as well as the Intelligence and Security Committee. Those discussions helped to shape the Inquiry's thinking on its remit and approach.
 6. At a news conference to launch the Inquiry on 30 July 2009, Sir John Chilcot set out the Terms of Reference to which the Inquiry Committee would work:

“[The Inquiry] will consider the period from the summer of 2001 to the end of July 2009, embracing the run-up to the conflict in Iraq, the military action and its aftermath. We will, therefore, be considering the United Kingdom's involvement in Iraq, including the way decisions were made and actions taken, to establish as accurately and reliably as possible what happened, and to identify the lessons that can be learned.”³
 7. Describing how the Inquiry intended to go about its work, Sir John said:

“... we will adopt an inquisitorial approach to our task, taking evidence direct from witnesses, rather than conducting our business through lawyers. The Inquiry is not a court of law and nobody is on trial, but I want to make one thing absolutely clear. This Committee will not shy away from making criticisms. If we find that mistakes were made, that there were issues which could have been dealt with better, we will say so frankly.”
 8. From the outset, the Inquiry Committee took the view that it was in the public interest for its work to be conducted with the greatest possible openness. This included hearing witnesses in public whenever that was not precluded by security considerations, and publishing as much evidence as possible alongside the Inquiry's Report. Sir John set out the Inquiry's approach in a letter to the Prime Minister dated 21 June 2009.⁴

Support to the Inquiry Committee

9. In October 2009, the Inquiry announced the appointment of Sir Roger Wheeler, Chief of the General Staff from 1997 to 2000, and Dame Rosalyn Higgins, President of the International Court of Justice from 2006 to 2009, as Advisers to the Inquiry Committee on military matters and international law respectively.

² A number of other relevant inquiries or investigations were subsequently launched, including the Al-Sweady Public Inquiry (which took place between November 2009 and December 2014), the Detainee Inquiry (which ran from July 2010 to December 2013) and the MOD's Iraq Historic Allegations Team, which was established in March 2010.

³ Iraq Inquiry website, Transcript of Iraq Inquiry launch news conference, 30 July 2009.

⁴ Letter, Chilcot to Prime Minister, 21 June 2009, [untitled].

10. Sir Roger and Dame Rosalyn provided advice to the Committee in areas where their specialist professional knowledge was required to understand fully the issues involved. They contributed to the development of detailed lines of questioning ahead of public hearings and offered expert advice on the interpretation of evidence in relevant areas of the Inquiry's work as the Inquiry Committee formulated its conclusions.

11. Throughout its work, the Inquiry has been supported by a small Secretariat. Members of staff have been drawn from a range of government departments, including the Cabinet Office, the Department for International Development (DFID), the Foreign and Commonwealth Office (FCO), the Home Office, the Ministry of Defence (MOD), the Ministry of Justice and the Serious Fraud Office. The Inquiry has employed a small number of support staff from outside government and from time to time has also drawn on a small amount of additional resource from within the Civil Service.

12. The Secretariat was headed by Ms Margaret Aldred, who was named as Secretary to the Inquiry in July 2009. The Inquiry had three Deputy Secretaries during the course of its work – Ms Alicia Forsyth (2009 to 2011), Ms Claire Salters (2009 to 2012) and Ms Katharine Hammond (2012 to 2016) – and two Legal Advisers – Ms Sarah Goom (2009 to 2012) and Mr Stephen Myers (2011 to 2016).

13. The Secretariat has provided essential administrative, logistical and research assistance to the Inquiry in arranging and managing hearing sessions; obtaining, processing and declassifying evidence; and preparing material for consideration by the Inquiry Committee.

Avoiding conflicts of interest

14. From the start, the Inquiry has sought to be transparent about potential conflicts of interest and has taken steps to ensure that they have not affected its work. In this, the Committee and Secretariat have been conscious of the Civil Service core values of integrity, honesty, objectivity and impartiality.

15. All members of the Committee have had long careers in which they have at times worked in or with government and in other areas of public affairs. Their experience means that many of the witnesses who gave evidence to the Inquiry were previously known to members of the Committee as colleagues or professional contacts. The Inquiry has been scrupulous to ensure that no-one has received different or preferential treatment as a result.

16. Sir Roderic Lyne served as British Ambassador to the Russian Federation between 2000 and 2004, during which time he acted on UK Government instructions in relation to Iraq and reported in several telegrams on the Russian Government's approach. Those telegrams have been declassified and are published alongside the Report.

17. On 18 January 2010, the Inquiry published a letter on its website from Sir Lawrence Freedman to Sir John Chilcot outlining the advice he provided ahead of Mr Blair's

1999 Chicago speech (see Section 1.1). That advice is also published on the Inquiry's website. Sir Lawrence also participated in expert seminars before the invasion of Iraq. Other than as the official historian of the Falklands Campaign, Sir Lawrence has never held a position of paid employment in government.

18. When Sir Gus O'Donnell, the Cabinet Secretary, nominated Ms Margaret Aldred to be Secretary to the Inquiry he did so in full knowledge of Ms Aldred's role as Deputy Head of the Overseas and Defence Secretariat in the Cabinet Office between 2004 and 2009.⁵ Given the values of the Civil Service, Sir Gus saw no conflict of interest in Ms Aldred's appointment, a point repeated by Sir John Chilcot in his evidence to the Foreign Affairs Select Committee on 4 February 2015.⁶

19. The Inquiry has considered a number of documents produced by the Overseas and Defence Secretariat during Ms Aldred's tenure as Deputy Head. The Committee has had full access to these papers, including minutes written by Ms Aldred and papers she approved. Ms Aldred's name is clearly identifiable where any such evidence is cited in the Report.

The Inquiry's approach

Initial meetings

20. At the start of its work, the Inquiry held meetings in Belfast, Bristol, Edinburgh, London and Manchester with some of the families of members of the Armed Forces who died on, or as a result of, military operations in Iraq. The Inquiry also met serving and former Service Personnel in London, Manchester, Shrivenham and Tidworth and at Headley Court. The Inquiry wanted to hear directly from both groups about their experiences, and in particular about the issues on which they considered the Inquiry should focus.

21. Those discussions were extremely valuable in shaping the Inquiry's work, and the Inquiry is grateful to all those who took part for their contribution. The Inquiry has sought to address in its Report many of the points that were raised in the meetings and which fell within its Terms of Reference. Where the Inquiry's Report makes specific reference to a point that was raised, it has not attributed it to an individual.

22. In November 2009, the Inquiry held two seminars with a range of experts on Iraq to inform the Inquiry's approach to its task ahead of witness hearings. The first considered the evolution of international policy towards Iraq between 1990 and 2003 as well as the state of Iraq and the region on the eve of the invasion, and the second considered the causes and consequences of Iraq's descent into violence after the invasion.

⁵ From June 2007, the Overseas and Defence Secretariat was known as the Foreign and Defence Policy Secretariat.

⁶ Foreign Affairs Committee, 4 February 2015, *Oral Evidence: Progress of the Iraq Inquiry*, HC 1027.

23. The papers produced to inform those seminars are available on the Inquiry's website.

24. The foundation for the Inquiry's conclusions is an account of the decisions and actions that were taken by the UK between 2001 and 2009 in relation to Iraq. As Mr Brown told the House of Commons in 2009, the scope of this account is unprecedented in duration and breadth and constitutes a large part of the Inquiry's Report.

Issues not addressed by the Inquiry

25. There are a number of issues that have not been addressed in the Report because they lie outside the scope of the Inquiry or are subject to continuing investigation elsewhere. They include:

- Responsibility for the events of 11 September 2001.
- The UK's role in Afghanistan, except where decisions on Afghanistan had an impact on options available in Iraq, or where the Government sought to apply lessons from Afghanistan in Iraq.
- The circumstances surrounding the death of Dr David Kelly. The Inquiry has no statutory powers and is not qualified to decide on Coronial matters.
- The circumstances surrounding the deaths of individual Service Personnel.
- The effect of the sanctions regime on the civilian population of Iraq, except where it had an impact on UK policy on Iraq in the period before the invasion.
- The compulsory return of asylum seekers from the UK to Iraq is touched on, but not examined in detail.
- The details of the Government's operational response to the kidnapping of UK citizens.

26. One further aspect of the UK's involvement in Iraq which has generated a great deal of public concern has been the alleged, and in some instances proven, ill treatment of detainees.

27. The Inquiry's Terms of Reference did not require it to examine individual cases of detention; nor, as a non-statutory public inquiry, was it constituted or equipped to do so. The Inquiry took the view, moreover, that its role was to consider the development and implementation of government policy, rather than to examine operational decisions and actions affecting individual cases.

28. The Inquiry did consider whether it might examine systemic issues relating to the detention and treatment of military and civilian prisoners. For the reasons set out below, it was decided not to do so.

29. When the Inquiry was established in July 2009, the Government had already established a Public Inquiry led by Sir William Gage to investigate the death, on

15 September 2003, of Mr Baha Mousa, an Iraqi citizen who had been held in the British Temporary Detention Facility in Basra.⁷

30. Although the purpose of that Inquiry was to examine a specific incident, it was clear that in doing so, and in order to report as required, Sir William would examine the basis and framework for detention in Iraq and would, if appropriate, make recommendations to the Defence Secretary.

31. Mr Mousa's relatives had been party to proceedings which, in due course, resulted in appeals to the Court of Appeal and House of Lords and, on 7 July 2011, in a ruling in the European Court of Human Rights.⁸

32. A Public Inquiry was also sought by a separate group of claimants in proceedings in the High Court during April, May and July 2009. In these proceedings, it was alleged that UK forces murdered Iraqi detainees at Camp Abu Naji in southern Iraq and subjected others to ill treatment both at Camp Abu Naji and at the Divisional Temporary Detention Facility at Shaibah on 14 and 15 May 2004.⁹

33. The Inquiry was also aware in 2009 that a number of other cases of alleged mistreatment of detainees had been brought to the attention of the MOD. Some of these had been the subject of civil claims and had been settled; others were pending.

34. On 1 March 2010, Mr Bill Rammell, Minister of State for the Armed Forces, laid a Written Ministerial Statement announcing the establishment of the Iraq Historic Allegations Team (IHAT). Its purpose was to ensure that these cases were investigated "thoroughly and expeditiously, so that – one way or another – the truth behind them is established".¹⁰

35. In view of these continuing Inquiries and investigations, the Inquiry Committee decided that it should not examine issues relating to the question of detention. It appeared to the Committee that, if it was to do so, there was a danger that it might duplicate the work of these other Inquiries and investigations or otherwise impede their progress, or the reverse.

36. *The Report of the Baha Mousa Inquiry* was published on 8 September 2011.¹¹ It examined the events which resulted in Mr Mousa's death but also wider issues concerning the detention and treatment of individuals, including training and the chain of command. It made 73 recommendations.

⁷ The Baha Mousa Inquiry.

⁸ *Al Skeini and others v United Kingdom* (2012) 53 EHRR 18.

⁹ It was announced on 25 November 2009 that a Public Inquiry would be established, led by Sir John Thayne Forbes, to examine these allegations. Named after the First Claimant in the civil proceedings, it was known as "The Al Sweady Inquiry".

¹⁰ House of Commons, *Official Report*, 1 March 2010, column 93WS.

¹¹ *The Report of the Baha Mousa Inquiry*, 8 September 2011, HC 1452-1-IV.

37. *The Report of the Al Sweady Inquiry* was published on 17 December 2014.¹² It examined in detail (and rejected) the allegations of ill treatment at Camp Abu Naji. It made a limited number of further recommendations, noting that the MOD had accepted 72 of the recommendations made by Sir William Gage and was in the process of implementing them.

38. The work of the IHAT is continuing.

Hearings

39. The Inquiry took evidence from more than 150 witnesses from a range of backgrounds, in more than 130 sessions of oral evidence, in order to assist it in building a balanced and accurate account of events.

40. The principles on which hearings were run are described in the *Protocol for Witnesses giving evidence to the Iraq Inquiry* (hereafter, the Witness Protocol) which is available on the Inquiry's website.

41. Hearings began in November 2009, and were conducted in four tranches, in between which the Committee received and assessed other sources of evidence. The rounds were:

- 13 November 2009 to 8 February 2010;
- 5 March 2010 to 8 March 2010;
- 29 June 2010 to 30 July 2010; and
- 18 January 2011 to 4 February 2011.

42. In his opening statement on 13 November 2009, Sir John Chilcot explained that the first five weeks of hearings would be used to establish, from those who were directly involved, the essential features of the UK's involvement in Iraq and how they developed. Future sessions would probe matters in further detail, or re-examine issues in the light of subsequent evidence seen by the Committee.

43. The majority of witnesses gave evidence in a public session. The Inquiry wanted hearings to be as accessible to the public as possible, so in addition to having ticketed (free) public access, sessions were also available for broadcast on television and over the internet. The recordings can still be viewed on the Inquiry's website. The first public hearing was held on 24 November 2009 and the last on 2 February 2011.

44. Sir John made clear at the start of each hearing that the witness was giving evidence based on his or her recollection of events, which the Inquiry would then compare with the contemporary documentary record. After the hearing, witnesses were asked to review the transcript of their evidence, and certify that the evidence given was truthful, fair and accurate. Those transcripts appear on the Inquiry's website.

¹² *The Report of the Al Sweady Inquiry*, 17 December 2014, HC 818 1-II.

45. The Inquiry heard from 35 witnesses in private. The circumstances in which the Inquiry agreed to hold private hearings are laid out in the Witness Protocol. In some cases, evidence was heard in private because of a risk of damage to national security or other vital national interests. In others, it was due to the personal circumstances of the witnesses, or because of the organisations for which they worked. The names of some witnesses therefore do not appear, and are replaced by ciphers. Transcripts of these sessions, reviewed and certified by the witnesses as truthful, fair and accurate, can also be found on the Inquiry's website. In many cases some material has been redacted by the Government in order to prevent potential harm to national security or international relations.

46. In order to hear the experiences of more junior civilian staff who had served in Iraq between 2003 and 2009, the Inquiry issued invitations to a series of group meetings. A total of 48 people from a range of departments, including the FCO, the MOD and DFID, attended. No contractors responded to the Inquiry's invitation. Discussions at the meetings focused on strategy and delivery, and the support provided to civilian staff working in Iraq.

47. The Inquiry has addressed a number of the points that were raised in these meetings, but has not attributed those points to any individual.

Written evidence

48. In identifying areas to explore with witnesses and in drafting its account of events, the Inquiry has necessarily relied heavily on official documents as the most reliable record of government business, the factors which led to major decisions and the substance of those decisions.

49. The Inquiry recognises that the documentary record cannot by itself provide a comprehensive account of all that happened, but contemporary documents have particular weight when their explicit purpose was to provide a formal record: for instance, minutes of formal meetings or papers and submissions to Ministers which sought approval for a specific decision.

50. Individual documents necessarily reflect the purpose for which they were produced and the knowledge and perspective of their authors. Minutes of meetings are necessarily selective and depend on judgements about what needs to be recorded and what can be omitted. Dissenting views are likely to be under-represented, not least because the focus may be on recording conclusions rather than the discussion. Records of formal meetings would, however, have been circulated to the participants who were able to seek amendments if they wished.

51. Each document has been considered and interpreted in the context of the events and issues being addressed, its relationship to other contemporary documents, and with an understanding of the language and professional background of the author. Different government departments have their own styles and approaches.

52. When he established the Inquiry, Mr Brown stated that it would have access to all government records. The Inquiry has received more than 150,000 such documents during the course of its work. Where it has not been possible for the relevant department to supply a document that the Inquiry believes existed, that is indicated in the text. The Inquiry has no reason to believe that any document has been deliberately withheld.

53. The Inquiry has examined material produced before summer 2001 and after July 2009 where that is necessary for a full understanding of the Government's response to events between those dates.

54. The Inquiry's access to, and ability to publish material from, documents produced by the UK Government has been governed by the *Protocol between the Iraq Inquiry and Her Majesty's Government regarding Documents and Other Written and Electronic Information*. The Protocol can be found on the Inquiry's website and on www.gov.uk. It applies a test to determine when material may be disclosed publicly which is specific to this Inquiry, and which differs from the criteria set by the Freedom of Information Act 2000.

55. Throughout its duration, the Inquiry has sought the Government's permission to publish material under the terms of the Protocol. It has done so by:

- Asking for the declassification of whole documents where they are considered to be particularly significant. Around 1,800 of these documents, including any redactions required by the Government, appear on the Inquiry's website alongside this Report. Redactions appear as blank white space, not as black lines.¹³
- Asking for agreement to disclose a limited amount of material from documents, either in the form of a directly quoted extract, a summary of the document's contents (known as a "gist") or a mixture of the two. The source for a quote or gist is included as a footnote in the Report. The Inquiry has used material from around 7,000 documents in this way.

56. The material agreed by the Government for disclosure by the Inquiry is highly unusual in its scale and sensitivity.

PUBLICATION OF THE MOST SENSITIVE DOCUMENTS

57. Some categories of document to which the Inquiry considered it necessary to refer raise difficult issues of principle for the Government.

58. This Report therefore contains, exceptionally, material of a kind which would normally be regarded as highly sensitive and confidential, including:

- extracts from Cabinet minutes;

¹³ In JIC Assessments, which have been retyped by the Inquiry at the Government's request, redactions appear as "[...]".

- extracts from, or summaries of, exchanges between former Prime Ministers and the former US President; and
- material drawn from or otherwise relating to very sensitive security and intelligence sources, including a large number of Assessments by the Joint Intelligence Committee (JIC).

59. This information is central to understanding the UK Government's strategic decision-making in Iraq, and is therefore essential to the Inquiry's work. Disclosure of such information is undertaken under the terms of the Protocol agreed between the Government and the Inquiry at the outset of the Inquiry. In agreeing to the inclusion of this material, the Government has had regard to:

- the exceptional nature of the Inquiry (a once in a generation Public Inquiry that is entirely independent of government);
- the exceptional public interest in the matters which the Inquiry was established to examine;
- the importance of the Inquiry being able to consider these matters in the round and to give a proper and sufficient account of them in its Report; and
- the consequent justification of the inclusion of such material in the Report to the extent strictly necessary to enable the Inquiry to fulfil its task.

60. In reaching agreement to the publication of material necessary for the purposes of the Inquiry, the Government has made clear that the publication of this material in these exceptional circumstances does not involve the setting of any precedent, that any future decisions about the disclosure of comparable material (including under the Freedom of Information Act 2000) must be taken on their merits, and that the concept of precedent has no place in relation to disclosure decisions.

61. Sir Jeremy Heywood's letters of 21 January 2014 and 22 May 2014, which record his agreement to the publication of material from Cabinet minutes and communications between Mr Blair and President Bush, can be read in full on the Inquiry's website.¹⁴

MINUTES OF CABINET MEETINGS

62. The Inquiry recognises the importance of the principle of protecting the confidentiality of Cabinet discussions in order to support collective Cabinet responsibility and effective government. But, for the reasons set out above, it also considered that it would not be possible to complete its task effectively without the ability to refer to the records of Cabinet meetings (entitled Cabinet Conclusions) or the records of relevant Sub-Committees of Cabinet.

¹⁴ Letter Heywood to Aldred, 21 January 2014, 'Chilcot Inquiry – Cabinet Papers'; Letter Heywood to Aldred, 22 May 2014, 'UK/US Records – Declassification Request'.

63. This report refers to 92 records of the meeting of Cabinet itself. Of those records, the Inquiry considered that five were of such significance that the text recording discussion of Iraq should be published in its entirety. Those extracts appear on the Inquiry's website and relate to Cabinet meetings held on:

- 7 March 2002;
- 23 September 2002;
- 16 January 2003;
- 13 March 2003; and
- 17 March 2003.

64. The Inquiry has also reviewed extracts from the notebooks of the Cabinet Secretary and Cabinet Secretariat relating to Cabinet discussions of Iraq between 2001 and 20 March 2003 to satisfy itself that there were no material omissions from the formal minutes.

65. The committee structure below Cabinet, which usually changes after the arrival of a new Prime Minister, is described in Section 2.

66. This Report includes descriptions of discussions and decisions in 111 meetings of Cabinet Committees, held between 2002 and 2009.

COMMUNICATION BETWEEN THE UK PRIME MINISTER AND US PRESIDENT

67. As already described, in many instances the approach taken by the UK Government can only be understood in the context of its dialogue with Washington and the evolution of US policy.

68. As a consequence, some of the clearest expressions of Mr Blair's thoughts on Iraq are to be found in his oral and written exchanges with President Bush.

69. Discussions between Prime Minister and President – by telephone, by video conference or in person – were in most cases recorded by a No.10 Private Secretary or Adviser in the form of a letter to the department(s) with a policy interest in the content of the conversation, in line with normal Civil Service practice.

70. This report refers to 212 of those records, covering discussions held by both Mr Blair and subsequently Mr Brown with President Bush, and a small number of conversations between Mr Brown and President Obama.

71. Mr Blair also, throughout his time in office, wrote 'Notes' directly to President Bush.

72. This report refers to 30 Notes from Mr Blair to President Bush, all but one of which are published as documents in their own right on the Inquiry's website. Redactions which the Government has considered necessary in order to approve their publication are included as blank white space, not as black lines.

LEGAL PROFESSIONAL PRIVILEGE AND THE LAW OFFICERS' CONVENTION

73. A further category of sensitive document which the Inquiry has considered relates to legal advice provided to the Government.

74. The Government is entitled to obtain legal advice in confidence, and to be certain that the advice it receives will remain confidential unless the right to confidentiality is expressly waived. This is in accordance with a long-established principle known as Legal Professional Privilege (LPP).

75. In addition, there is a long-standing convention, adhered to by successive governments and reflected in the Ministerial Code, that neither the fact that the Law Officers have been consulted in relation to a particular matter, nor the substance of the advice they have given, is disclosed outside government without their authority.

76. On 12 January 2004, in response to a question asked by Lord Alexander, Baroness Amos told the House of Lords that she was:

“... aware of only two cases in which Law Officers’ advice was disclosed. In both cases, disclosure was made for the purposes of judicial proceedings. In 1993, Law Officers’ advice relevant to the subject matter of the Arms to Iraq Inquiry was disclosed to the Scott Inquiry. The advice was published in an annex to the Inquiry report. Law Officers’ advice on the 1988 Merchant Shipping Act was disclosed to the other parties in the course of the Factortame litigation in which Spanish fishermen were seeking damages from the Government for a breach of Community Law.

“I am aware of three other cases in which the views of the Law Officers on a particular matter were disclosed, but not the actual advice. In February 1971, the substance of the Law Officers’ advice relating to the UK’s obligations to supply arms to South Africa under the Simonstown Agreement was published in a command paper (Cmnd 4589). In February 1993, the views of the Law Officers’ advice were disclosed in the debate in the other House on the Maastricht Treaty. In March this year the Attorney General set out in a Written Answer a summary of his view of the legal basis for the use of force against Iraq.”¹⁵

77. In his *Review of Intelligence on Weapons of Mass Destruction* Lord Butler reported that his Committee had read Lord Goldsmith’s advice of 7 March 2003 and referred very briefly to its contents.¹⁶ His report did not, however, disclose details of the advice.¹⁷ In the spring of 2005, Lord Goldsmith’s advice was leaked and, following a number of Freedom of Information Act requests, the Government disclosed the full advice on 28 April 2005.

¹⁵ House of Lords, *Official Report*, 12 January 2004, columns WA63-64.

¹⁶ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, page 94.

¹⁷ Lord Butler identified one other occasion when Law Officers’ advice had been disclosed: during the “Westland Affair”, which resulted in the resignation of two Cabinet Ministers, a letter from the Solicitor General to the Defence Secretary, which had already been leaked in part, was published.

78. In October 2009, Baroness Scotland, the Attorney General, agreed to waive LPP in respect of legal advice given to Government up to the commencement of military action on 20 March 2003. Baroness Scotland also confirmed that she was content for witnesses called by the Inquiry to give evidence, notwithstanding the Law Officers' Convention, on an exceptional basis.

79. In June 2010, following the Inquiry's request for the declassification of Lord Goldsmith's draft advice of 14 January 2003 on the legal basis for military action, Sir Gus O'Donnell wrote to Sir John Chilcot setting out the Government's position. Sir Gus advised that the Government had decided to declassify the draft legal advice, but emphasised the exceptional nature of that decision, and that it reflected the exceptional and unusual circumstances of the Iraq Inquiry. He stated that the legal basis for military action might be considered to hold a unique status and emphasised that the Government's position remained that there is a strong public interest in protecting both the convention that neither the advice of the Law Officers, nor the fact that they have been consulted, is disclosed outside government, and the principle of LPP.

80. Sir Gus asked the Inquiry to publish his letter on its website in order to clarify publicly the grounds on which the decision had been taken, and the Inquiry did so. The Inquiry accepts the Government's position that there is a strong public interest in protecting the principle of LPP and the Law Officers' Convention. The Inquiry also recognises the exceptional nature of the Government's decision to declassify legal advice on the basis for military action. The Inquiry accepts that there is a distinction between legal advice on the decision to take military action, which we agree has a unique status, and legal advice on the numerous issues that arose during the course of the UK's joint Occupation of Iraq, and the continued presence of UK troops in sovereign Iraq.

81. The Government subsequently agreed to the declassification of a number of other documents from the pre-invasion period to which the Law Officers' Convention applied.

82. In a letter to the Inquiry dated 9 June 2014, the Attorney General's Office confirmed that, without prejudice to the importance of the convention governing the disclosure of Law Officers' advice, it would consider requests for permission to publish material drawn from Law Officers' documents relating to the post-invasion period on a case-by-case basis. It would do so on the basis that the Inquiry agreed that the use of direct quotation from the documents should be the minimum necessary to enable the Inquiry to articulate its conclusions.¹⁸

83. On that basis, the Inquiry sought and received permission to make reference to a number of further documents covered by LPP and the Law Officers' Convention.

¹⁸ Letter Wilson to Hammond, 9 June 2014, 'Iraq Inquiry – Law Officers' Convention'.

84. The Inquiry is satisfied that it has been provided with copies of all relevant legal advice and other legal papers to which it has sought access. It is entirely satisfied that it has been allowed to draw on such material to the extent that it considers necessary both to report its findings and explain the basis on which those findings have been made.

Open source material

85. Although the Inquiry relied heavily on official documents as the most reliable record of government business, it also drew on a wide variety of open source material to produce its account.

86. That material particularly includes:

- diaries, memoirs, books and articles published by key participants;
- books and articles published by academics, experts and commentators;
- newspaper articles and reports, and transcripts of speeches and interviews;
- records of Parliamentary proceedings and reports by Parliamentary Committees;
- documents published by UK government departments, including annual reports;
- records of discussions in the UN Security Council and reports to the Security Council;
- documents published by UN agencies, international institutions and international non-governmental organisations;
- reports produced by and for the US Congress, and US Government departments and agencies; and
- evidence offered to previous Inquiries and their analysis and conclusions.

87. Especially when considered alongside official documents, such material provided valuable insights into and context for the events considered by the Inquiry.

88. The Inquiry recognises that open source material reflects the purpose for which it was produced and the knowledge and perspective of its author. In a number of cases, the Inquiry has not been able to take evidence from the author to explore their perspective. The Inquiry has therefore considered carefully the nature of the open source material that it has used, and how it has presented such material in its account. Wherever possible, it has compared open source material to the documentary record, and in many cases (for instance Mr Alastair Campbell's diaries) there is a high degree of consistency.

89. The conclusions reached in the Inquiry's Report remain the Inquiry's own.

Submissions to the Inquiry

90. In October 2009, before the Inquiry held its first evidence hearings, Sir John Chilcot invited anyone with information relevant to its Terms of Reference to get in touch.

Sir John said:

“There may be someone out there with a crucial bit of information which could show an issue in a different light. It would be a great shame if that opportunity was missed.”

91. In response, almost 1,500 contributions were received between 2009 and 2016. The Inquiry has considered every submission carefully and is very grateful to all those who took the time to write.

92. A small number of articles submitted for a series of seminars with experts on Iraq were published in 2009. After considering which other submissions to publish, the Inquiry decided:

- not to publish those submissions that offered suggested questions for, or analysis of, evidence hearings, although they were of value whilst hearings were taking place;
- not to publish submissions offering suggestions on the conduct of the Inquiry;
- not to publish submissions concerning matters outside the Inquiry’s Terms of Reference;
- not to publish details of personal experiences that were shared on a private basis;
- not to re-publish information already in the public domain, for example newspaper articles or published reports, although the Inquiry was grateful for the many articles, books and papers it received; and
- not to publish anything it deemed offensive or incomprehensible.

93. The submissions published on the Inquiry’s website alongside this Report are therefore those which provide evidence to the Inquiry. In many cases they are from individuals or organisations with directly relevant expertise or experience.

94. The fact of publishing a submission does not in any way imply the Inquiry’s acceptance of the views or statements it contains.

INTERNATIONAL LAW SUBMISSIONS

95. Between 12 July and 13 September 2010, the Inquiry extended an open invitation to international lawyers to submit their analyses of the arguments relied upon by the UK Government as the legal basis for military intervention in Iraq. In a small number of cases, the Inquiry also approached expert individuals directly and invited them to submit their views.

96. The Inquiry specifically invited analysis of the arguments set out in the Attorney General's advice of 7 March 2003, his written answer to a question asked in the House of Lords on 17 March and the FCO memorandum 'Iraq: Legal Basis for the Use of Force' of the same date.

97. Respondents were asked not to address their submissions to the legal grounds relied upon by countries other than the UK. Rather, they were asked to address the issues of law relating to the UK's position, including:

- the legal effect of operative paragraphs (OPs) 1, 4, 11 and 12 of UN Security Council resolution 1441 (2002);
- the significance of the word "consider" in OP12;
- whether by virtue of resolutions 678 (1990), 687 (1991) and 1441 the elements were in place for a properly authorised use of force;
- the interpretation and effect of the statements made by the Permanent Members of the Security Council following the unanimous vote on resolution 1441;
- the correct approach to the interpretation of Security Council resolutions; and
- Lord Goldsmith's evidence that the precedent was that a reasonable case was a sufficient lawful basis for taking military action.

98. All 37 of the legal submissions received by the Inquiry which met the criteria set out above are published on the Inquiry's website alongside this Report. The Inquiry used those submissions to inform its consideration of legal issues and is grateful to everyone who took the time to offer their views.

99. The Inquiry has not expressed a view as to whether or not the UK's participation in the conflict was lawful. Although the Inquiry has had the benefit of advice from a distinguished international lawyer, it was not constituted as a Court of Law and none of its members is legally qualified.

100. The opinion of this Inquiry would in any case not resolve the issue of the legality of the conflict, or the UK's participation in it. In the Inquiry's view, that issue can only be resolved by a properly constituted and internationally recognised Court which has considered the issue with the benefit of submissions from Counsel representing all those parties with an interest in or affected by the issue.

The actions of other governments

101. This Inquiry was asked to consider the actions of the UK Government, not those of its allies. The existence of a Coalition of states working in Iraq, however, means that this report inevitably considers the decisions and actions of other countries where they affected choices made by the UK.

102. That is particularly true of the US: in many instances the approach taken by the UK Government can only be understood in the context of its dialogue with Washington and the evolution of US policy.

103. The Inquiry has not been given access to the closed official records of other states, except when those documents were shared with the UK Government and so appear in its files.

104. In May 2010, members of the Iraq Inquiry Committee visited France and the US for meetings with a range of individuals, to gain a wider international perspective on the UK's involvement in Iraq over the period covered by the Inquiry and to provide a context for accounts given to the Inquiry by UK witnesses. Ambassador L Paul Bremer provided a statement to the Inquiry, which is published on our website.

105. Four members of the Iraq Inquiry Committee visited Iraq in September and October 2010, to receive an Iraqi perspective on the UK's involvement in Iraq.

106. The Committee's discussions in France, the US and Iraq were not formal evidence sessions and therefore records of the discussions have not been published. The names of the individuals that the Committee met during those visits, who have confirmed that they are content for their names to be published, are listed on the Inquiry's website.

107. Most senior members of the Bush Administration whom the Inquiry approached declined the request for such a meeting but the Inquiry was nevertheless able to meet a number of officials who had been closely involved with the development and implementation of US policy.

The criticism of individuals and “Maxwellisation”

108. One of the last activities the Inquiry completed before publishing its Report was the so-called “Maxwellisation” process.

109. In the course of its work, the Inquiry formed judgements which are critical of the decisions or actions of individuals who occupied positions of responsibility. Although the main focus of this Inquiry has been on learning lessons, where the Inquiry has reached a critical view it has expressed it frankly. Such views can be found throughout this Report.

110. When the Inquiry has felt it necessary to be critical, it has sought to be fair to the individual in question. Fairness requires individuals to be given the opportunity to respond to potential criticism. That is the purpose of the process often referred to as “Maxwellisation”.

111. The Inquiry has not criticised any individual who has not given evidence to it. All those who gave evidence did so in accordance with the terms of the Witness Protocol, paragraph 10 of which says:

“The prime purpose of the Inquiry is to identify lessons to be learned. The Inquiry is not a court of law and nobody will be on trial, although the Committee will not shy away from making criticisms if warranted. In the event that a particular witness may be the subject of criticism by the Inquiry, the Inquiry Secretariat will, in accordance with normal practice, notify that witness separately, in writing at least seven days in advance of the evidence session, of the nature of the potential criticism and the evidence that supports it.”

112. Paragraph 30 of the Witness Protocol says that:

“If the Inquiry expects to criticise an individual in the final report, that individual will, in accordance with normal practice, be provided with relevant sections of the draft report in order to make any representations on the proposed criticism prior to publication of the final report.”

113. All witnesses who appeared before the Inquiry were told in advance of the areas that would be covered during questioning. A small number were also notified of points of potential criticism before they gave evidence to the Inquiry, in accordance with paragraph 10.

114. Material which now forms part of the Inquiry’s Report continued to be received and assessed after the conclusion of its hearings. In July 2013, the Inquiry told a number of individuals that they would be given an opportunity to make representations on points of potential criticism, in accordance with paragraph 30.

115. Relevant extracts from the Inquiry’s draft report were sent to those individuals on a confidential basis from October 2014, following completion of the process of declassifying material from the minutes of Cabinet meetings and from communications between Mr Blair and President Bush. A small number of individuals received further material in early 2016.

116. In the Inquiry’s view, this procedure was necessary to ensure fairness to those who might be criticised in the Report. The Inquiry appreciates the constructive manner in which all who were engaged in the Maxwellisation process responded.

117. In reaching its final conclusions, the Inquiry has considered all representations received with care.

SECTION 1.1

UK IRAQ STRATEGY 1990 TO 2000

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Introduction

1. This Section addresses the UK's Iraq strategy between 1990 and 2000. Although this period falls outside the Inquiry's Terms of Reference, events during that time nonetheless have a bearing on the subsequent policy decisions the Inquiry is examining.
2. This Section does not address the review of UK policy on Iraq which began in September 2000. That is addressed in Section 1.2.
3. This Section draws on material which is in the public domain, including the Ministry of Defence's *Statements on the Defence Estimates* 1991 (Cm 1559-I) and 1992 (Cm 1981), a paper on No-Fly Zones prepared for the Inquiry by the MOD in November 2009 and published on the Inquiry's website, the *Review of Intelligence on Weapons of Mass Destruction* (HC 898) in 2004, and House of Commons Research Papers 98/28, 99/13 and 02/53. Other sources, including evidence provided to the Inquiry, are identified in a footnote where appropriate.

ACKNOWLEDGEMENTS

4. The Inquiry is grateful to Dr Hans Blix, Director General of the International Atomic Energy Agency (IAEA) from 1981 to 1997 and Executive Chairman of the United Nations Monitoring, Verification and Inspection Commission on Iraq (UNMOVIC) from 2000 to 2003, for giving oral evidence to the Inquiry.
5. The Inquiry also asked Mr Rolf Ekéus, Executive Chairman of the United Nations Special Commission (UNSCOM) on Iraq from 1991 to 1997 (and previously the Ambassador to the Conference on Disarmament in Geneva from 1978 to 1983 and involved in international negotiations on the Chemical Weapons Convention and the Control and Verification of the Biological Weapons Convention), whether he had any insights or reflections on the results of inspections in the 1990s and Iraq's response to them; and for any comment he might wish to make on Dr Blix's evidence on UNSCOM's operations.
6. The Inquiry is grateful to Mr Ekéus for his statement, in which he describes the role, methodology and independence of UNSCOM and its relationship with the IAEA, and for agreeing that it could be published with the Inquiry's Report. Mr Ekéus emphasised the complexity of UNSCOM's operations, which he felt had been "missing" from the oral evidence presented to the Inquiry.

UK Iraq strategy

7. Following the Gulf Conflict in 1990-1991, the UK and the US played a leading role in sustaining a policy of containment and deterrence towards Iraq for the rest of the decade. US and UK policies were intertwined. UK policy evolved through a process of dialogue and negotiation between the UK and US Governments, and, in turn, between each Government and its other partners and allies at the UN, in the region, and in Europe.

8. Although it is not the task of the Inquiry to evaluate US policy, the approach taken by the UK Government can only be understood in the context of its dialogue with Washington and the evolution of US policy.

9. The UK and the US shared common strategic interests in the region, but their analyses and policies were not identical and there were important differences in their tactical and diplomatic approaches. France and Russia also had key interests in Iraq, which pre-dated the 1990-1991 Gulf Conflict, including in relation to outstanding debts for arms they had supplied. As Permanent Members of the Security Council, they too had significant influence on the development of international policy on Iraq.

Iraq's invasion of Kuwait

10. After the 1980-1988 Iran-Iraq War, Iraq continued to develop its military capability. Some Western governments had shown a degree of support for Iraq during that conflict, but tension grew between Iraq and the West as evidence emerged of advanced work on weapons of mass destruction, including nuclear weapons, in contravention of Iraq's international treaty obligations. Some Western firms were implicated in supplying material to Iraq, as Lord Justice Scott set out in the *Report of the Inquiry into the Export of Defence Equipment and Dual-Use Goods to Iraq and Related Prosecutions*, published in 1996. The execution of *Observer* freelance journalist Mr Farzad Bazoft in March 1990 led to the withdrawal of the British Ambassador to Iraq. The subsequent discovery at Heathrow Airport, the same month, of an attempt to smuggle nuclear-weapons-related components further exacerbated the deterioration in the UK's relations with Iraq.

11. In July 1990, Saddam Hussein accused Kuwait and the United Arab Emirates of waging economic warfare against Iraq. The accusation was based on: their reluctance to reduce oil production to force a rise in prices; Kuwait's unwillingness to cancel Iraq's debts for the large loans it had received during the Iran-Iraq War; and accusations that Kuwait was stealing from the Rumaylah oilfield, which straddles the border between Iraq and Kuwait. Iraq began moving the eight divisions of the Republican Guard towards the border on 16 July. Negotiations to settle the dispute, facilitated by King Fahd of Saudi Arabia and President Hosni Mubarak of Egypt, began in Jedda on 31 July.

12. Despite assurances of peaceful intent from Saddam Hussein to King Fahd and President Mubarak, Iraqi military forces invaded Kuwait in the early hours of 1 August. Within a few hours, the UN Security Council met to discuss elements of a draft resolution. On 2 August, the Security Council adopted resolution 660 (1990), determining that a breach of international peace and security existed, and confirming that it was acting under Articles 39 and 40 of the UN Charter (see Box, 'The Charter framework for the use of force'). The resolution condemned the Iraqi invasion of Kuwait; demanded that Iraq withdraw immediately and unconditionally all its forces to the positions in which they were located on 1 August 1990; called upon Iraq and Kuwait immediately to begin intensive negotiations to resolve their differences; and decided to meet again as necessary to consider further steps to ensure compliance with the resolution.

13. On 6 August, the Security Council adopted resolution 661 (1990), reaffirming resolution 660 and expressing deep concern that it had not been implemented, despite Kuwait's expression of readiness to comply. Acting under Chapter VII of the UN Charter (see Box, 'The Charter framework for the use of force'), the Security Council decided to take measures to secure compliance with the demand for immediate Iraqi withdrawal which was included in resolution 660. Resolution 661 imposed comprehensive economic sanctions on Iraq, including prohibiting the import and export of all commodities into and out of Iraq, with the exception of medical supplies and, in humanitarian circumstances, foodstuffs. The resolution also prohibited States from providing any funding or financial or economic resources to Iraq, and required them to freeze any of its assets or resources, with the exception of payments for medical or humanitarian purposes. A Committee of all Council members was established to review and report on implementation of the sanctions.

14. Resolution 662 (1990), adopted on 9 August, recorded that the Security Council had decided Iraq's annexation of Kuwait was "null and void", and called upon all States, international organisations and specialised agencies not to recognise it. Eight further resolutions followed addressing: the safety of third-State nationals within Iraq and Kuwait; the circumstances in which the importation of foodstuffs would be permitted; and further condemning Iraqi attacks on Kuwaiti, third-State and diplomatic persons. By early September, 17 countries had committed forces to a growing, US-led military coalition, which was already involved in enforcing sanctions. The US, UK and France had agreed to deploy air and land forces to Saudi Arabia to deter Iraq from further aggression. In September and October, further forces were deployed as the international community prepared to liberate Kuwait if Saddam Hussein did not comply with the Security Council's demand that he withdraw.

Resolution 678 (1990)

15. On 29 November, the Security Council adopted resolution 678 (1990) which said that, acting under Chapter VII of the UN Charter, it:

"Demands that Iraq comply fully with resolution 660 and all subsequent resolutions, and decides, while maintaining all its decisions, to allow Iraq one final opportunity, as a pause of goodwill, to do so;

"Authorises Member States co-operating with the Government of Kuwait, unless Iraq on or before 15 January 1991 fully implements the above-mentioned resolutions, to use all necessary means to uphold and implement resolution 660 and all subsequent relevant resolutions and to restore international peace and security in the area."¹

16. The resolution was adopted by 12 votes to two (Cuba and Yemen); China abstained.

¹ UN Security Council resolution 678 (1990).

The Charter framework for the use of force

The United Nations was established in 1945 “to save succeeding generations from the scourge of war”. In its Charter, it set out its intention to “ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest”. The purposes of the UN include: “To maintain international peace and security, and to that end to take effective collective measures for the prevention and removal of threats to the peace ...” (Article 1). States are forbidden to use force against the territorial integrity or political independence of other States (Article 2, paragraph 4).

Chapter VI of the United Nations Charter contains prescriptions relating to the peaceful settlement of disputes. Chapter VII contains, but is not limited to, what were intended to be comprehensive prescriptions relating to the use of force in the context of “action with respect to threats to the peace, breaches of the peace, and acts of aggression”.

The UN Charter envisaged that States would not need to use force to protect their national interests. The intention was for any threat to the peace, breach of the peace or act of aggression to be met by collective security, provided by the Security Council. Article 39 provides for the Security Council to determine the existence of a threat to the peace, breach of the peace, or act of aggression, which must precede enforcement measures under Articles 41 (sanctions) and 42 (military enforcement measures).

Article 40 provides for the Security Council to call upon the parties to comply with such provisional measures as it deems necessary or desirable, before making recommendations or taking other measures to maintain or restore international peace and security. That has proved, for political reasons, impossible to achieve in the form envisaged under Chapter VII. Instead, the United Nations has resorted to UN peacekeeping (in which the consent of the “host State” is required). On two occasions, UN Members have been authorised (but not obliged, as the unimplemented Charter provisions envisaged) to engage in assisting a State that had been invaded (South Korea in Security Council resolution 83 (1950) and Kuwait in Security Council resolution 678 (1990) in repelling that attack.

Such authorisations are in every way exceptional. In the case of Korea, it was conducted, formally at least, under a United Nations Command. In the case of the 1990-1991 Gulf Conflict, the authorisation given in resolution 678 to “Member States co-operating with the Government of Kuwait” was not under a unified UN command, but was the final element of an immediately prior series of resolutions. The authorisation in both cases – two examples in nearly 60 years – was within the context of Security Council control. The authorisations for the use of force were clear in their terms, as is consistent with the Charter and the primacy of the responsibility of the Security Council (in contrast to the General Assembly) as articulated in Article 24 of the Charter.

The idea that “authorisation” by the Security Council is far from being a routine basis for a legitimate use of force by a State, or coalitions of States, is further suggested by the fact that the authorisation in both Security Council resolution 83 (1950) and resolution 678 (1990) referred to a use of force in assistance of the attacked country to repel an invasion, the attacking State having failed to withdraw.

Article 48 of the Charter provides that action to carry out the decisions of the Security Council for the maintenance of international peace and security “shall be taken by all the Members of the United Nations or by some of them, as the Security Council shall

determine”.² There is no suggestion in the Charter of a residual right for individual Members to enforce Security Council decisions.

Article 51 provides that nothing in the Charter should impair the inherent right of individual or collective self-defence in the event of an armed attack on a Member State, until the Security Council has taken the measures necessary to maintain international peace and security. Although a State may act in self-defence without prior authorisation, it is required immediately to report such action to the Security Council; and such action would not in any way affect the authority of the Security Council. The intention to exercise overarching Security Council control, is apparent.

The scheme of the Charter, against which all resolutions should be viewed for the proper understanding of their terms, suggests both that authorisations to States to use force to enforce a Security Council decision in the context of a threat to international peace are extremely rare, and that they occur only with the clear agreement of the Security Council. The Security Council, however, has rarely engaged directly in efforts to resolve individual conflicts. Its involvement in containing Iraq after the invasion of Kuwait and its subsequent liberation in 1991 was unusual.

The 1991 Gulf Conflict

17. Iraq did not comply with resolution 678. Discussions in Geneva between Mr James Baker (the US Secretary of State) and Mr Tariq Aziz (the Iraqi Foreign Minister), and in Baghdad between Mr Perez de Cuellar (the UN Secretary-General) and Saddam Hussein, were unsuccessful.

18. On 14 January 1991, Saddam Hussein called on the Iraqi people to fight to the death to hold on to Kuwait. The coalition began the military operation to liberate Kuwait, named Operation Desert Storm, on 17 January. The coalition comprised 42 States. In addition to the US and UK, 13 countries, including France and a number of Arab and Gulf States, took part in offensive operations. The campaign began with air strikes, with the objective of:

- disrupting Iraq’s command, control and communications;
- destroying Iraq’s nuclear, biological and chemical warfare capability;
- severing supply routes to Kuwait; and
- attacking Iraqi forces in Kuwait.

19. From mid-February, Russia sought to broker a deal for the withdrawal of Iraq from Kuwait, but Iraq’s conditions were unacceptable to the Security Council. In a final effort to obtain Iraqi compliance, coalition governments issued a statement on 22 February setting out the conditions which Iraq needed to meet to bring about a cessation of

² In resolution 221 (1966) the Security Council authorised the UK “to prevent, by the use of force, if necessary” the arrival at Beira of vessels believed to be carrying oil destined for Southern Rhodesia, and empowered the UK to arrest and detain the tanker *Joanna V* upon departure from Beira.

hostilities. The statement made clear that if Iraq informed the UN of its acceptance before noon on 23 February, the coalition would not launch a ground offensive. Iraq rejected that final deadline.

20. On 23 and 24 February, a massive coalition land operation began in Kuwait. On the morning of 26 February, Saddam Hussein claimed in a broadcast that he had ordered his forces to withdraw from Kuwait. The broadcast also claimed victory and asserted Iraq's continued claim on Kuwait. Coalition leaders responded by repeating that Iraq must accept unconditionally all UN resolutions, release all prisoners of war and detainees, and end the destruction of Kuwait. The coalition also made clear that unarmed Iraqi soldiers would not be attacked but that, to ensure the safety of allied troops, forces retreating with their weapons would continue to be treated as hostile. Iraqi units moving north with their equipment were attacked from the air during the night of 26/27 February.

21. By the night of 27/28 February, Kuwait had been liberated. After consulting coalition partners, President George HW Bush announced a suspension of hostilities, to take effect from midnight on 27 February. As a result, a number of elite Iraqi fighting units returned to Iraq intact.

22. On 2 March, the Security Council adopted resolution 686 (1991). It affirmed that the 12 preceding resolutions, including the application of sanctions, continued to have effect, and set out a number of demands including: acceptance of the preceding resolutions; military conditions for the cessation of hostile activities; the release of all Kuwaiti and "third-State nationals" detained by Iraq or the release of the remains of any deceased personnel; the release of prisoners of war; and the payment of reparations. It stated that the authority to use force in resolution 678 remained valid during the period required for Iraq to comply with those demands. The meeting between coalition and Iraqi military commanders to agree the military conditions for the cease-fire took place at Safwan, on the Iraq-Kuwait border, the following day.

Resolution 687 (1991)

23. Resolution 687 (1991) was adopted on 3 April, by 12 votes to one (Cuba); Ecuador and Yemen abstained. Its preambular paragraphs:

- recalled and affirmed the 13 previous Security Council resolutions;
- affirmed the commitment of all Member States to the sovereignty, territorial integrity and political independence of Kuwait and Iraq;
- recalled its objective of the establishment of a nuclear weapons-free zone in the region of the Middle East;
- reiterated its objective of restoring international peace and security in the area; and
- set out the need to take the measures specified, acting under Chapter VII of the UN Charter.

- 24.** The resolution's operative paragraphs were divided into a number of separate parts. Sections A, B, D, E and G all addressed various issues relating to Kuwait, including: respect for the inviolability of the international boundary between Iraq and Kuwait, and arrangements for its demarcation; arrangements to deter violations of the boundary through a demilitarised zone; arrangements to facilitate the return of Kuwaiti property; Iraq's liability to Kuwait for financial reparations; and arrangements to facilitate the repatriation of Kuwaiti and third-country nationals.
- 25.** Section C of the resolution addressed Iraq's possession and intentions in relation to weapons of mass destruction (WMD) and other weapons systems and programmes, including the establishment of a Special Commission which became known as the United Nations Special Commission (UNSCOM).
- 26.** Section F of the resolution addressed sanctions, removing the prohibition on the import into Iraq of foodstuffs provided they were notified to the Committee set up under resolution 661 (subsequently known as the 661 Committee). The Committee was given the power to approve the import of other items for essential civilian needs. That provision was subject to review every 60 days in the light of the policies and practices of the Iraqi Government, including the implementation of all relevant resolutions, for the purpose of determining whether to reduce or lift the prohibitions. In certain circumstances, the 661 Committee was also empowered to approve exceptions to the prohibitions on exports from Iraq.
- 27.** The resolution also affirmed the prohibition on the sale or supply of arms and related materiel of all types, including both those prohibited by other provisions of the resolution and conventional weapons and weapons technology; and called upon all States to maintain national controls to ensure compliance with the prohibition.
- 28.** Section H of the resolution required Iraq to inform the Security Council that it would not commit or support any act of international terrorism or allow terrorist organisations to operate within its territory, and to condemn unequivocally and renounce all acts of terrorism.
- 29.** Resolution 687 concluded (Section I) by declaring that, upon official notification by Iraq to the Secretary-General and the Security Council of its acceptance of the provisions, a formal cease-fire would be effective between Iraq and Kuwait and the Member States co-operating with Kuwait in accordance with resolution 678.
- 30.** Iraq indicated its acceptance of the resolution on 6 April, and the cease-fire came into effect on 11 April.

Legacy of the 1990-1991 Gulf Conflict

INTERNAL REPRESSION

31. To maintain control in Iraq, Saddam Hussein used extreme brutality, wilfully violating international human rights norms and covenants. Following Iraq's expulsion from Kuwait, his opponents inside Iraq mounted two separate, but parallel, attempts to overthrow the regime.

32. On 1 March 1991, demonstrations in Basra and Najaf developed into battles between Shia fighters and Saddam Hussein's security forces. Within days, the unrest had spread to all the main Shia cities in southern Iraq. At the same time, Kurdish forces saw an opportunity to seize control of northern Iraq and by 20 March they had captured every city in the North, including Kirkuk. Saddam Hussein's forces responded with brutal, indiscriminate force, using helicopter gunships and artillery to crush the resistance. Thousands of Shia and Kurdish citizens were killed and many more fled their homes, particularly in the North, where they were caught in the mountains on the borders.

33. Initially, coalition states were reluctant to intervene for a number of reasons including: inhibitions about interference in the internal affairs of Iraq and being sucked into a civil war; concerns about the break-up of Iraq; and fears of a possible revolutionary Shia government. But outrage at Saddam Hussein's actions, and claims that coalition rhetoric had encouraged the uprisings,³ led to decisions to take action. US commanders warned that they would shoot down any Iraqi aircraft flying over the country; two Iraq Su-22 aircraft were subsequently shot down, one on 15 and one on 22 March.

34. On 5 April, the Security Council adopted resolution 688 (1991), which condemned "the repression of the Iraqi civilian population in many parts of Iraq" and demanded that "Iraq, as a contribution to removing the threat to international peace and security in the region, immediately end this repression".⁴ It insisted that "Iraq allow immediate access by international humanitarian organisations"; requested the Secretary-General "to pursue his humanitarian efforts in Iraq"; and appealed to all Member States "to contribute to these humanitarian relief efforts".

35. By early April, however, Saddam Hussein had already regained control. Iraq's ruling Revolutionary Command Council announced on 5 April "the complete crushing of acts of sedition, sabotage, and rioting in all towns of Iraq". Refugees were moving towards the borders with Turkey and Iran and, because the border with Turkey was closed, their position caused serious concern. On 6 April, the US-led Operation Provide Comfort

³ Dr Barham Salih, the Kurdistan Front spokesman in London, was reported in the *Los Angeles Times* on 8 April saying that the Kurds felt a bitter sense of betrayal, having taken President Bush's encouragement of an Iraqi revolt literally. "I don't know of any other interpretation ... There was a clear statement that Saddam ought to be removed and the Iraqi people will be supported."

⁴ UN Security Council resolution 688 (1991).

began to provide humanitarian relief to the Kurds and to help them return to northern Iraq. The creation of a No-Fly Zone (NFZ) followed.

36. Iraq did not accept the provisions of resolution 688. A Memorandum of Understanding (MOU) between the Government of Iraq and the UN, signed on 18 April, permitted only a limited UN presence to provide humanitarian assistance and relief for the “return and normalisation” of the lives of “displaced persons” in their place of origin, “without prejudice to the sovereignty, territorial integrity, political independence, security and non-interference in the internal affairs” of Iraq.⁵ The MOU was to apply until December 1991.

DIPLOMATIC ISOLATION

37. Iraq was widely regarded as a disruptive force within the region. In his time in power, Saddam Hussein had attacked Iran, Saudi Arabia, Israel and Kuwait. Despite the sanctions imposed by resolution 687 and the severe damage inflicted on Iraq’s armed forces, the regime continued to be seen as hostile and potentially threatening by Kuwait and some of Iraq’s other neighbours.

38. The boundary with Kuwait was demarcated by a UN Commission, and resolution 833 (1993) affirmed that its decisions were final. On 15 October 1994, following Iraqi military deployments towards Kuwait, resolution 949 (1994) noted past Iraqi threats and instances of actual use of force against its neighbours; warned that any hostile or provocative action against its neighbours constituted a threat to peace and security in the region; and underlined that the Security Council would “consider Iraq fully responsible for the serious consequences of any failure to fulfil the demands” in the resolution, including that Iraq withdraw its forces and not take any other action to enhance its military capacity in southern Iraq.⁶ Iraq accepted the UN demarcation of the border in a letter of 27 November 1994⁷ but Iraq’s claim to the territory of Kuwait was never resolved.⁸

39. The US and UK did not resume diplomatic relations with Iraq. Of the other Permanent Members of the Security Council, Russia and China maintained an Embassy in Baghdad, and France maintained a liaison office. Russia represented the UK’s interests.⁹

⁵ Memorandum of Understanding signed by the Iraq Minister of Foreign Affairs and the Secretary-General’s Executive Delegate, His Excellency Sadruddin Aga Khan, 18 April 1991.

⁶ UN Security Council resolution 833 (1993).

⁷ Paper FCO Research Analysts, November 2009, ‘UN Security Council Resolutions on Iraq, 1990-2001’.

⁸ Minutes, Defence Committee (House of Commons), 19 April 2000, [Evidence Session], Qs 20-39.

⁹ The UK did not maintain a British Interests Section staffed by UK diplomats within the Russian Embassy.

The strategy of containment

40. The coalition had made a deliberate decision in 1991 not to pursue the overthrow of Saddam Hussein. Mr Baker stated in April 1991 that “the removal of Saddam Hussein was neither a political nor a military objective” of the US, and that:

“We are not prepared to go down the slippery slope of being sucked into a civil war ... We cannot police what goes on inside Iraq, and we cannot be the arbiters of who governs Iraq. As President [George HW] Bush has repeatedly made clear, our objective was the liberation of Kuwait. It never extended to the remaking of Iraq. We repeatedly said that could only be done by the Iraqi people.”¹⁰

41. In a later interview, Mr Dick Cheney, the US Defense Secretary in 1991, said that there had been concern about what to do with Iraqi soldiers who were “surrendering in droves”; and that there was a limit to how long you could “continue the bloodshed without having it look as though we were asking our troops to do something we probably shouldn’t ask them to do”.¹¹ He added that, while some had argued that the coalition should have continued to Baghdad, he thought that if they had done that “we would have been bogged down there for a very long time with the real possibility we might not have succeeded”.

42. From the end of the conflict, the objective of encouraging a change of regime in Baghdad was an element of the policy debate in Washington. Mr Richard Haass, who served in the administration of each President Bush, observed that the administrations of President George HW Bush, President Bill Clinton and President George W Bush “each contended with the question of how to balance containment with a desire for regime change”.¹²

43. Saddam Hussein proved more intractable than was predicted. Throughout the 1990s the UN Security Council frequently discussed Iraq and Saddam’s continued refusal to accept all the obligations imposed. A total of 41 resolutions were passed between resolution 687 and December 2000. There were continuous efforts to contain the Iraqi threat and put pressure on Iraq to disarm and to comply with the Security Council’s requirements. Saddam Hussein’s objective was to break out from UN restrictions and, by avoiding full compliance, to retain and rebuild Iraq’s military capabilities.

44. In addition to diplomatic isolation, the strategy of “containment” had several dimensions which developed in response to challenges posed by the Iraqi regime, including:

- NFZs covering the North and South of Iraq, patrolled by US, UK and (until 1996) French aircraft;
- economic sanctions;

¹⁰ Statements by James A Baker III reported in *Los Angeles Times*, 8 April 1991.

¹¹ Transcript *Frontline*, ‘Oral History: Richard Cheney’.

¹² Haass RN. *War of Necessity War of Choice: A Memoir of two Iraqi Wars*. Simon & Schuster, 2009.

- a ban on the sale of arms to Iraq;
- a naval force in the Gulf with powers to intercept ships suspected of breaching sanctions;
- military forces of the US, the UK and other allies stationed in neighbouring countries as a deterrent; and
- efforts to enforce the provisions set out in resolution 687 for the destruction of Iraq's chemical, biological and nuclear weapons programmes, and of its longer-range missiles, under the supervision of UNSCOM inspectors.

Those elements are described in the following Sections.

45. Sir Peter Ricketts, FCO Director General Political 2001 to 2003, told the Inquiry that the purpose of the UK's policy was "containment" of "Saddam Hussein's ambitions to redevelop weapons of mass destruction but also containment of the threat which Iraq had posed to the region".¹³

46. Sir Peter said that containment had three strands. The first was sanctions, where the arms embargo was the most effective element and sanctions on Iraqi oil exports and revenues were handled through the complex machinery of the Oil-for-Food (OFF) programme run by the UN. The second strand he described as an "incentive" strand based on resolution 1284 (1999), which had offered the Iraqis a deal whereby sanctions would be suspended 120 days after the Iraqis accepted the return of weapons inspectors to Iraq. The third strand was deterrence provided by the NFZs.

THE NORTHERN NO-FLY ZONE

47. On 10 April 1991, an NFZ was established north of the 36th parallel, enforced by US, UK and French aircraft based at Incirlik in Turkey. The UK contribution, Operation HAVEN, also involved the deployment of 3 Commando Brigade into northern Iraq until mid-July. In a statement to Parliament on 15 April, Mr Douglas Hurd, the Foreign Secretary, explained that the UK's policy envisaged the creation of "temporary safe havens in Iraq, in which UN officials can provide for the basic needs of refugees and monitor their security until they can return to their homes in safety".¹⁴ The aim was "to create places and conditions in which refugees can feel secure ... We support the territorial integrity of Iraq."

48. On 7 June, relief operations were handed over to the United Nations High Commission for Refugees and by mid-July almost all the 400,000 Kurdish refugees who had fled into the mountains in the Iraq-Turkey border region had returned to their homes or to the camps constructed for them by coalition forces.

49. On 24 July, Op Provide Comfort and Op HAVEN were replaced by Operation Provide Comfort II, of which the UK contribution was Operation WARDEN. Its primary

¹³ Public hearing, 24 November 2009, page 13.

¹⁴ House of Commons, *Official Report*, 15 April 1991, column 21.

aims were to prevent Saddam Hussein from attacking the Kurds from the air by maintaining the NFZ, and to monitor whether he was complying with resolution 688. There was also a limited humanitarian element to the mission, with the protection of humanitarian convoys and continued distribution of supplies to Kurds and other minorities in the region.

50. In October 1995, the UN assumed full responsibility for the humanitarian elements of the operations.

THE SOUTHERN NO-FLY ZONE

51. In 1992, concern mounted about Saddam Hussein's continued persecution of the Shia in the South, including the draining of the Arab marshes and a forced resettlement programme accompanied by a counter-insurgency campaign that included indiscriminate attacks on villages by artillery, helicopter gunships and fixed-wing aircraft.

52. On 11 August, the UN Special Rapporteur on Iraq set out his concerns directly to the Security Council. Citing the need for a response to those concerns, US, UK and French forces launched Operation Southern Watch on 27 August, imposing an "air-exclusion" zone south of the 32nd parallel using aircraft based in Saudi Arabia. The UK contribution was called Operation JURAL.

THE LEGAL BASIS FOR THE NO-FLY ZONES

53. Resolution 688 condemned Iraq's suppression of its own people, particularly the Kurds, and demanded the immediate end to their repression. It also requested the Secretary-General to provide humanitarian relief to the Iraqi people. But, unlike many previous and subsequent resolutions on Iraq, resolution 688 was not made under Chapter VII of the UN Charter, the only Chapter under which the use of force can be authorised (see Box, 'The Charter framework for the use of force', earlier in this Section). It did not explicitly authorise the coalition's actions in patrolling Iraqi airspace to monitor the NFZs. Nor did resolution 688 invite or authorise Member States to monitor its effect.

54. A review by the then Attorney General of the legal basis for the NFZs was conducted in November 1997.

55. The UK Government stated that, in enforcing NFZs, it was acting "in support" of resolution 688. Mr Geoff Hoon, the Defence Secretary, said in April 2000 that UK operations in the NFZs were:

"... essentially based on the overwhelming humanitarian necessity of protecting people on the ground, combined with the need to monitor the effect of [resolution] 688; so it is the two taken in combination that provides the legal justification."¹⁵

¹⁵ Minutes, Defence Committee (House of Commons), 19 April 2000, [Evidence Session], Qs 3 and 11.

56. Sir Michael Wood, FCO Legal Adviser from 1999 to 2006, told the Inquiry that the legal basis on which the UK Government relied in establishing the NFZs:

“... was based upon an exceptional right to take action to avert an overwhelming humanitarian catastrophe ...

“The need to avert an extreme humanitarian catastrophe ... is regarded by the British Government as being derived from customary international law, and the essence of it, I think, is that if something like the Holocaust were happening today, if the Security Council were blocked, you couldn’t get an authorisation from it, then it simply cannot be the law that States cannot take action to intervene in that kind of a situation, an emergency of that scale.”¹⁶

57. Sir Michael also referred to the answer given by Baroness Symons to Parliament in 1998 in relation to Kosovo, which set out the Government’s position on the use of force for humanitarian purposes:

“There is no general doctrine of humanitarian necessity in international law. Cases have nevertheless arisen (as in northern Iraq in 1991) when, in the light of all the circumstances, a limited use of force was justifiable in support of purposes laid down by the Security Council but without the Council’s express authorisation when that was the only means to avert an immediate and overwhelming humanitarian catastrophe. Such cases would in the nature of things be exceptional and would depend on an objective assessment of the factual circumstances at the time and on the terms of relevant decisions of the Security Council bearing on the situation in question.”¹⁷

58. While enforcing the NFZs, coalition aircraft also collected tactical reconnaissance information to help monitor Saddam Hussein’s compliance with resolution 688.

59. Op Provide Comfort II formally ended on 31 December 1996. France withdrew from the enforcement of the northern NFZ, announcing that the humanitarian need had subsided. On 1 January 1997, Operation Northern Watch began, enforced by UK and US aircraft.

60. Following an attack on 19 September 1996 on Iraqi air defence missile sites north of the 32nd parallel which had targeted coalition aircraft, the US and the UK moved the boundary of the southern NFZ north to the 33rd parallel. From that date, French aircraft participated only in patrols up to the 32nd parallel. France withdrew its support for the operation in the wake of Operation Desert Fox, in December 1998, although it continued to station aircraft in Saudi Arabia.

61. The zones, covering around 60 percent of the land area of Iraq, continued to exist until March 2003.

¹⁶ Public hearing, 24 November 2009, page 119.

¹⁷ House of Lords, *Official Report*, 16 November 1998, column WA140.

62. On a number of occasions, UK and US aircraft enforcing the NFZs targeted Iraqi military assets. The legal basis for those attacks derived from the right to self-defence. The MOD paper on NFZs states:

“... it remained the UK’s position that it was engaged in a lawful activity in monitoring the NFZs and if coalition forces were attacked or under imminent threat of attack, they were entitled to defend themselves. So UK forces participating in the No Fly Zones were permitted to attack targets which were or contributed to actual or imminent threat of attack. This was based on the inherent right of self-defence.”

63. Activity in the NFZs increased over time and, in response to the threat from Iraq, eventually extended to attacks on Iraqi air defence sites outside the Zones. Incidents increased significantly after Operation Desert Fox. Concerns about the continued legality of the NFZs in 2000 and 2001 are addressed in Section 1.2.

ARMS EMBARGO

64. Resolution 687 confirmed the prohibition on the sale or supply to Iraq of arms and related materiel of all types, and called on all States to maintain national controls to ensure compliance. In his statement on 15 April 1991, Mr Hurd recorded that the UK’s proposal was for “a strict arms embargo against Iraq to remain in force as long as Saddam Hussein is in power”.¹⁸ The principle of the embargo was relatively uncontroversial, but the control of items which had “dual use” (a civilian as well as a military use) did create difficulties. Various arrangements were made, including resolution 1051 (1996) adopted on 27 March 1996; but there were increasing disagreements.

ECONOMIC SANCTIONS

65. Resolution 687 provided the framework for the economic sanctions imposed on Iraq. It permitted the import of medicines, of food and of other supplies for essential civilian needs.

66. By the summer of 1991, concern about the “nutritional and health situation” of the Iraqi civilian population and the risk of a further deterioration led to the adoption of resolution 706 (1991) on 15 August. Acting under Chapter VII of the UN Charter, it authorised States to permit the import of Iraqi petroleum and petroleum products, for an initial period of six months, up to a defined limit of US\$1.6bn. Payment for the purchases would be held in an escrow account to be established by the UN Secretary-General “exclusively to meet the purposes” of resolution 706. They were: the full cost of the UN carrying out the tasks authorised by section C of resolution 687 (inspections and monitoring) and facilitating the return of all Kurdish property seized by Iraq; half the costs of the Iraq-Kuwait Boundary Demarcation Commission; the purchase of foodstuffs, medicines and materials and supplies for essential civilian needs; and the costs of implementing resolution 706 and other necessary humanitarian activity in Iraq.

¹⁸ House of Commons, *Official Report*, 15 April 1991, column 21.

67. The resolution asked the UN Secretary-General to produce a scheme, which became known as the “Oil-for-Food” programme, to cover those purchases, and to monitor and supervise their equitable distribution to “all regions of Iraq” and “all categories of the Iraqi civilian population”. The Secretary-General’s report was submitted on 4 September, and implementation was authorised by resolution 712 (1991) adopted on 19 September.

68. Iraq rejected both resolutions and refused to co-operate on the grounds that the arrangements were an infringement of Iraq sovereignty. Resolution 778 (1992), adopted on 2 October 1992, deplored Iraq’s position “which puts its civilian population at risk” and decided that any Iraqi funds arising from the proceeds of sale of Iraqi petroleum or petroleum products should be transferred by Member States to the UN escrow account. States were also to arrange to sell or purchase any petroleum or petroleum products owned by Iraq and transfer the proceeds to the escrow account; to contribute funds from other sources as soon as possible. The resolution stated that no further Iraqi assets should be released for the purchase of food stuffs, medicines and other essential supplies except to the escrow account or directly to the UN for humanitarian activities in Iraq.

69. By late 1993, differences had emerged within the Security Council over the conditions for lifting sanctions. The US and UK took the view that sanctions could only be lifted following Iraq’s full compliance with its obligations as set out in UN resolutions. China, France and Russia believed that a timetable for the gradual lifting of sanctions should be put in place as Iraq complied with UN demands.

70. As a result of Iraq’s objections, the UN adopted resolution 986 (1995) on 14 April 1995. It directed the committee established by resolution 661 to monitor the sale of petroleum and petroleum products exported by Iraq, with the assistance of independent inspection agents appointed by the UN Secretary-General; and to verify that the purchase price was “reasonable in the light of prevailing market conditions”.¹⁹ A separate escrow account was established to finance the export to Iraq of material covered by the resolution. In the exceptional circumstances in northern Iraq, and to ensure an equitable distribution, the UN Inter-Agency Humanitarian Programme operating in the Governorates of Dahuk, Erbil and Sulaymaniyah would disburse a share of the fund. The fund was to be audited by “independent and certified public accountants”. The UN Secretary-General was to keep the Government of Iraq “fully informed”.

71. Iraq eventually accepted resolution 986 in May 1996, when a Memorandum of Understanding was agreed. Following the Iraqi offensive against the Kurds in August, implementation was suspended until December. The first shipment of food arrived in March 1997 and the first shipment of medicines in May 1997.

¹⁹ UN Security Council resolution 986 (1995).

72. Resolution 1153 (1998), adopted on 20 February 1998, increased the amount of oil Iraq could sell from US\$2bn every six months to US\$5.2bn. The resolution requested the establishment of a group of experts to determine, with the Government of Iraq, “whether Iraq is able to export petroleum or petroleum products sufficient to produce” the funds identified in the resolution as necessary to meet Iraq’s needs.²⁰ They reported in April that it could not, leading to authorisation of the import of oil industry spare parts and equipment in resolution 1175 (1998) on 19 June.

73. Resolution 1153 also recorded the UN Secretary-General’s observation that the situation in the electricity sector in Iraq was extremely grave. It asked him, in consultation with the Government of Iraq, to submit a report on essential humanitarian needs, “including necessary improvements to infrastructure”.

74. As a result of Iraq’s decision to suspend co-operation with UNSCOM and the IAEA and resolution 1194 condemning Iraq’s decision, the six-monthly UN reviews of sanctions were suspended. As an incentive, Iraq was offered the prospect of a comprehensive review of Iraqi compliance if co-operation was resumed. Iraq declined.

75. The Oil-for-Food programme continued to operate, with resolutions renewing the arrangements every six months, until 2003. It helped to alleviate the humanitarian position in Iraq, but there was concern, within the UN and elsewhere, about the impact of sanctions. As well as the humanitarian impact, there were reports of increased corruption in Iraq, misuse of Oil-for-Food, and increased oil smuggling which was benefiting Saddam Hussein’s regime. These concerns led to questions about the sustainability of the policy, which are addressed in Section 1.2.

ENFORCEMENT AT SEA

76. There had been a Royal Navy (RN) presence in the Gulf region since the early 1980s, when the Armilla patrol was deployed to defend UK vessels caught in the crossfire of the Iran-Iraq War. After the 1991 Gulf Conflict, a RN frigate or destroyer was permanently deployed in the Gulf as part of a US-led naval force to support the UN arms embargo and controls on the export of oil through the Gulf. It had powers to intercept ships suspected of breaching UN resolutions.

DETERRENCE BY FORCES STATIONED IN THE REGION

77. Concerns about the risk of Saddam Hussein attacking neighbouring countries, particularly Kuwait, remained. Mr Simon Webb, MOD Policy Director from July 2001 to October 2004, told the Inquiry that the deterrent effect of aircraft enforcing the NFZ in southern Iraq was a “side benefit of risk reduction”: it was an alternative to stationing significant ground forces in Kuwait because it enabled the US and UK to know what the military situation was in Iraq. If an Iraqi military build-up was detected it would

²⁰ UN Security Council resolution 1153 (1998).

give the US and UK time to attack ground forces before they could attack Kuwait.²¹ The US and other allies had forces stationed in countries in the region, in particular Kuwait, Saudi Arabia, Bahrain and Turkey, which could respond at short notice, should a threat emerge.

78. Following Iraq's deployment of 80,000 troops towards the border with Kuwait in October 1990, the US and UK rapidly deployed forces to Kuwait. The Security Council adopted resolution 949 (1994), and Iraqi forces withdrew north of the 32nd parallel. The US increased its military personnel based in Saudi Arabia from under 1,000 to around 7,000.

Iraq's weapons of mass destruction

Assessments of Iraq's WMD capability before the Gulf Conflict

79. The term "weapons of mass destruction" originated as an umbrella concept covering weapons with the capability to cause indiscriminate loss of life and wide-scale destruction.²² All nuclear, chemical and biological weapons are frequently characterised as weapons of mass destruction, and radiological devices have been included more recently.

80. During the 1970s and 1980s, Iraq had active chemical, biological, nuclear, and missile programmes. It used chemical weapons against Iranian forces during the Iran-Iraq War and against Iraqi Kurds in Halabja in March 1988.

81. After 1990, Iraq continued to develop its military capability, including programmes to develop chemical, biological and nuclear weapons, and the means for their delivery including ballistic missiles.

82. Some Western firms were implicated in supplying material to Iraq, as Lord Justice Scott set out in the *Report of the Inquiry into the Export of Defence Equipment and Dual-Use Goods to Iraq and Related Prosecutions* published in 1996.

83. In March 1990, an attempt to smuggle nuclear-weapons-related components was discovered at Heathrow Airport.

²¹ Public hearing, 24 November 2009, pages 49-50.

²² The first official definition was provided by the UN Commission for Conventional Armaments in 1948 which defined weapons of mass destruction as "atomic explosive devices, radioactive material weapons, lethal chemical and biological weapons, and any weapons developed in the future which have characteristics comparable in destructive effect to those of the atomic bomb or other weapons mentioned above" (S/C.3/32/Rev.1, August 1948). This definition has been used in successive UN resolutions dealing with disarmament.

84. The Butler Report stated:

“In the late 1970s, Iraq obtained large quantities of uranium ore from Niger, Portugal and Brazil. By the mid-1980s, however, Iraq had become self-sufficient in uranium ore, which was a by-product of indigenous phosphate mines ... which extracted and purified the uranium ore for subsequent use in nuclear enrichment processes.”²³

85. After the invasion of Kuwait in August 1990, the Joint Intelligence Committee (JIC) issued a number of Assessments about Iraq’s possession of weapons of mass destruction and its intentions.

86. The role and responsibilities of the JIC for providing Ministers and senior officials with regular intelligence Assessments on a range of issues of immediate and long-term importance to national interests, primarily in the fields of security, defence and foreign affairs are set out in Section 2.

87. The JIC assessed Iraq’s nuclear capabilities in September 1990 and judged that, without “significant external assistance”, it would take Iraq:

- “at least three years to establish a production facility for fissile material;
- one more year before sufficient weapons-grade material would be available for the production of one nuclear device; and
- a further year or more (ie 1995 at the earliest) before there would be enough material for a small stockpile of 3-4 weapons.”²⁴

88. The JIC’s Assessment was based on an assumption that Iraq was “using only a centrifuge route” for enriching fissile material which was “later shown to be incorrect”.

89. The JIC also examined, “on the basis of intelligence”, the possibility that Iraq might have authorised a “crash programme” to produce an untested nuclear device.

90. That would have required Iraq to divert nuclear material stored at civil sites in breach of IAEA safeguards, to have recovered unburnt uranium from reactor fuel and to have advanced work on firing systems and high explosive parts to the stage where they could be incorporated into a nuclear device.

91. The JIC noted that:

- “If and only if all of these conditions were met ... it is conceivable that Iraq could have the capability to make an untested nuclear weapon ... with a yield of approximately 20 kilotonnes by the end of this year.”

²³ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, pages 121-122.

²⁴ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, pages 42-43.

- Saddam Hussein might have authorised a development project on those lines but its conclusion remained that “the technical difficulties would be so great as to be virtually insurmountable in the short time available”.

92. An IAEA inspection of Iraq’s civil nuclear programme on 22 November 1990 showed that no fissile material had been diverted.

93. In December 1990, the JIC dismissed the option of an outside supplier providing the necessary material or a complete weapon on the grounds that only a few countries might have the motivation to supply the necessary material or weapons, and the JIC did not consider such supply likely.

94. A JIC Assessment of 20 September 1990, which cautioned that there were “considerable uncertainties about Iraq’s current ballistic missile capability and deployments”, estimated that Iraq:

- had a stockpile of “about 700” ballistic missiles;
- could have “about 300 SCUD-B” short range (300km) missiles;
- “may have converted some 250 SCUD-B missiles to the longer range [650km] Al Hussein variant”; and
- could have “up to 150” (900km) Al Abbas missiles.²⁵

95. The Butler Report found that a single intelligence report, received in November 1990, had had a significant impact on the JIC’s Assessments of Iraq’s biological and chemical weapons capabilities.²⁶

96. On 9 November 1990, the JIC reported:

“According to the new intelligence, Iraq possesses the BW agents pneumonic plague and anthrax and has weaponised them ... Weapons are available for immediate use ...

“The report that Iraq has weaponised anthrax is consistent with our earlier assessment that it might have done so. But we have no collateral for the claim that it has developed plague to a similar extent. Plague was, however, one of the agents included in the list of those that Iraq had studied or on which it had information ... We believe that Iraq has the facilities to produce plague in sufficient quantities for weaponisation.”²⁷

97. Later that November, the Defence Intelligence Staff (DIS) said that plague seedstock was now probably available to Iraq.

²⁵ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, page 49.

²⁶ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, page 45.

²⁷ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, page 134.

98. The JIC and DIS judgements on plague were “based on several intelligence reports from a single informant described as ‘*a new source of unestablished reliability*’” and who was “felt to be in a position to comment authoritatively”.

99. The Butler Report observed that, in relation to Iraq’s chemical warfare capability, the report:

“... added new detail to the JIC’s existing body of knowledge covering the types of chemical agents held in the Iraqi stockpile; the capabilities of those agents; their weaponisation into free-fall bombs; the availability of suitable ballistic missiles for the delivery of particular agents; and the volumes of each type of agent, and hence of the total chemical agent stockpile.”²⁸

100. On the basis of that report, the JIC “briefly” put “Iraq’s total chemical agent stocks in the range 15,000-22,000 tonnes”.

101. A JIC Assessment before military action against Iraq in 1991, intended “to provide military commanders with an indication of the possible scale of Iraq’s use of chemical weapons, and of how long such use could be sustained”, subsequently reduced the estimate of the size of the stockpile, to between 6,000-10,000 tonnes of agent.²⁹

102. The enduring effect of that Assessment is addressed later in this Section.

103. Iraq fired 86 of its SCUD missiles during the 1991 conflict, 40 against Israel, 44 against Saudi Arabia and two in the direction of Bahrain and Qatar.³⁰ No Al Abbas missiles were fired.³¹

104. Based on its Assessment in September 1990, the JIC concluded on 17 April 1991 that Iraq might have up to 600 ballistic missiles left, “both standard SCUD and extended range variants”, but the figure was “probably less”.³²

105. The Butler Report commented that JIC Assessments of Iraq’s chemical warfare and ballistic missile programmes before military action in 1991 were “done on what was effectively a worst case basis”, but that was not made explicitly clear.³³

106. Reporting in 2005, the Iraq Survey Group (ISG) concluded that in 1991 the coalition’s military actions had:

²⁸ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, page 45.

²⁹ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, page 46.

³⁰ Ministry of Defence, *Statement on the Defence Estimates*, July 1991, page 22.

³¹ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, page 49.

³² *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, page 50.

³³ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, page 49.

- destroyed or damaged most of Iraq's chemical weapons infrastructure;³⁴
- damaged but did not destroy Iraq's biological weapons infrastructure;³⁵
- successfully bombed most of the key facilities involved in the processing of nuclear material or weapons research which had been identified; and
- effectively targeted much of Iraq's delivery systems infrastructure.³⁶

107. In its report, ISG stated that:

- Iraq produced hundreds of tons of a range of chemical agents annually, including mustard, sarin and tabun in the 1980s, and had committed significant resources to a long-term programme.³⁷
- More than 100,000 "chemical munitions" were used against Iranian forces and the Kurdish population during the Iran-Iraq War.³⁸
- Production of chemical agent ceased in 1988 but re-started in 1990.³⁹
- A biological weapons programme had started in the 1970s.⁴⁰
- Between 1979 and 1982 Iraq bought large quantities of uranium in several forms from several countries and, in 1982, began formally to pursue uranium enrichment.⁴¹
- In 1988 work began on a nuclear weapon research, development and production complex at Al Athir.
- In April 1990 orders were given to weaponise agents.⁴²
- By early 1991, Iraq had produced large quantities of agent, including anthrax, botulinum toxin, *Clostridium perfringens*, aflatoxin and small quantities of ricin and it had successfully weaponised some of them into ballistic missiles, aerial bombs, artillery shells and aircraft spray tanks.⁴³

³⁴ US Government Publishing Office, 25 April 2005, *The Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD with Addendums*. Volume III, 'Biological', page 5.

³⁵ US Government Publishing Office, 25 April 2005, *The Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD with Addendums*. Volume III, 'Chemical', page 7.

³⁶ US Government Publishing Office, 25 April 2005, *The Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD with Addendums*. Volume II, 'Delivery Systems', page 1.

³⁷ US Government Publishing Office, 25 April 2005, *The Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD with Addendums*. Volume III, 'Chemical', page 8.

³⁸ US Government Publishing Office, 25 April 2005, *The Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD with Addendums*. Volume III, 'Chemical', page 9.

³⁹ US Government Publishing Office, 25 April 2005, *The Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD with Addendums*. Volume III, 'Chemical', page 9.

⁴⁰ US Government Publishing Office, 25 April 2005, *The Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD with Addendums*. Volume III, 'Biological', page 1.

⁴¹ US Government Publishing Office, 25 April 2005, *The Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD with Addendums*. Volume II, 'Nuclear', page 3.

⁴² US Government Publishing Office, 25 April 2005, *The Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD with Addendums*. Volume III, 'Biological', page 9.

⁴³ US Government Publishing Office, 25 April 2005, *The Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD with Addendums*. Volume III, 'Biological', page 10.

Provisions of resolution 687

108. Resolution 687, adopted on 3 April 1991, addressed Iraq's obligations under international law in relation to the possession and use of chemical, biological and nuclear weapons.

109. The resolution stated that the Security Council was:

“Conscious ... of the statements by Iraq threatening to use weapons in violation of its obligations under the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare signed at Geneva on 17 June 1925, and of its prior use of chemical weapons and affirming that grave consequences that would follow any further use by Iraq of such weapons”.⁴⁴

110. The preambular paragraphs of the resolution also:

- recalled that Iraq had “subscribed to the Final Declaration adopted by all States participating in the Conference of States Parties to the 1925 Geneva Protocol and Other Interested States, held in Paris ... January 1989, establishing the objective of universal elimination of chemical and biological weapons”;
- recalled that Iraq had “signed the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, of 10 April 1972”;
- noted the “importance of Iraq ratifying this Convention”; and of “all States adhering” to the Convention;
- was aware of Iraq's use of “ballistic missiles in unprovoked attacks and therefore of the need to take specific measures in regard to such missiles located in Iraq”;
- said that the Security Council was: “Concerned by the reports in the hands of Member States that Iraq had attempted to acquire materials for a nuclear-weapons programme contrary to its obligations under the Treaty of Non-Proliferation of Nuclear Weapons of 1 July 1968”; and
- said that the Security Council was: “Conscious of the threat that all weapons of mass destruction pose to peace and security in the area and the need to work towards the establishment in the Middle East of a zone free of such weapons.”

111. Acting under Chapter VII of the UN Charter, Section C of the resolution set out Iraq's disarmament obligations.

112. Operative paragraph (OP) 7 of the resolution invited Iraq to reaffirm unconditionally its obligations under the 1925 Geneva Protocol and to ratify the 1972 Convention.⁴⁵

⁴⁴ UN Security Council resolution 687 (1991).

⁴⁵ *Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction*, [signed] London and Moscow and Washington, 10 April 1972.

113. In OP8, the Security Council decided that Iraq should “unconditionally accept the destruction, removal, or rendering harmless, under international supervision”, of all:

- chemical and biological weapons;
- stocks of agents;
- related subsystems and components;
- research, development, support and manufacturing facilities;
- ballistic missiles with a range greater than 150km; and
- related major parts, repair and production facilities.

114. In OP9, the Security Council decided that Iraq should submit a declaration of locations, amounts and types of all the items specified in OP8 and to agree to urgent on-site inspection. OP9 also specified:

- the formation of a Special Commission to carry out on-site inspections of Iraq’s biological, chemical and missile capabilities; and
- a requirement on Iraq to yield possession to the Commission “for destruction, removal or rendering harmless” of all items specified in OP8.

115. In OP10, the Security Council decided that Iraq should “unconditionally undertake not to use, develop, construct or acquire any items specified” in OP8 and OP9, and requested the UN Secretary-General “in consultation with the Special Commission, to develop a plan” for future monitoring and verification for the approval of the Security Council “within one hundred and twenty days”.

116. OP11 invited Iraq to “reaffirm unconditionally” its obligations under the 1968 Treaty on the Non-Proliferation of Nuclear Weapons.

117. In OP12, the Security Council decided that Iraq should:

- “unconditionally agree not to acquire or develop nuclear weapons or nuclear-weapons-usable material or any subsystems or components or any research, development, support or manufacturing facilities related to” nuclear weapons;
- submit a declaration of the locations, amounts and types of specified items to the UN and the Director General of the IAEA;
- yield up any such items to the IAEA; and
- accept inspection and future ongoing monitoring and verification.

118. These requirements were more intrusive than the IAEA’s previous methodology of “safeguards inspections” of declared sites.

119. OP13 requested the Director General of the IAEA, “through the Secretary-General, with the assistance and co-operation of the Special Commission” to:

- carry out immediate on-site inspections;

- develop a plan for submission to the Council within 45 days “calling for the destruction, removal or rendering harmless as appropriate” of all items listed in OP12;
- carry out that plan within 45 days of the Council’s approval; and
- develop a plan for future monitoring and verification for the approval of the Security Council “within one hundred and twenty days”.

120. The Special Commission provided for in OP9 subsequently became known as the United Nations Special Commission (UNSCOM), and was a subsidiary organ of the Security Council, reporting to it through the UN Secretary-General. The Council asked the Director General of UNSCOM to carry out inspections, and to develop plans for the future monitoring and verification of both nuclear and other prohibited weapons systems and programmes. Mr Rolf Ekéus, a Swedish diplomat who had been the Ambassador to the Conference on Disarmament in Geneva from 1978 to 1983 and had been involved in international negotiations on the Chemical Weapons Convention and the Control and Verification of the Biological Weapons Convention, was appointed Executive Chairman of UNSCOM on 15 April 1991 and began work on 24 April.

Iraq’s response to resolution 687

121. Iraq’s initial declarations in response to resolution 687 were incomplete and it failed to co-operate with inspections and concealed activities.

122. In resolution 687, the UN originally expected a three-step inspection process:

- full disclosure by Iraq;
- verification of those disclosures by the Commission; and
- destruction, removal or rendering harmless under international supervision, of all proscribed weapons, materials and facilities.⁴⁶

123. UNSCOM’s approach was to establish a “material balance”, for each of the weapons categories, between items acquired by Iraq through import or production and their disposal by use or destruction.⁴⁷

124. Iraq provided initial declarations of its holdings of prohibited weapons on 18 and 28 April 1991.⁴⁸

125. The Butler Review was told that the JIC pre-conflict estimate that Iraq’s stockpile of chemical agent was between 6,000 and 10,000 tonnes was “derived from past

⁴⁶ UN Security Council, ‘Letter dated 25 January 1999 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council’ (S/1999/94), paragraph 3.

⁴⁷ UN Security Council, 11 April 1996, ‘Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)’ (S/1996/258).

⁴⁸ UN Security Council resolution 707 (1991).

intelligence about production at individual plants, pieced together to provide a figure for the combined capacity for Iraq's production plants of 3,000-5,000 tonnes per annum".⁴⁹ The estimate was based on two years' production at full capacity since the end of the Iran-Iraq War, and the range reflected the inherent uncertainties in the calculation.

126. The Butler Report stated that:

- the consequence of the methodology adopted was "to leave the intelligence community with an estimate for the size of the Iraqi chemical agent stockpile which was over-cautious, and at its upper end worst case"; and
- the estimate was carried forward into subsequent Assessments but, after May 1991, the Assessments did not make clear the basis of the estimate.

127. The Report continued:

"There will inevitably have been a risk that that estimate, shorn of its assumptions, may have become the 'prevailing wisdom', with subsequent Iraqi declarations being tested against it for truthfulness, especially in circumstances where intelligence was sparse. If so, that process would have tended to lead to deductions by analysts and policy-makers that there were shortfalls in Iraqi declarations. Furthermore, suspicions here will have been exacerbated by Iraqi prevarication, concealment and deception in the early- and mid-1990s, reinforcing any suspicions that Iraq had substantial stocks to hide."

128. Iraq "consistently and emphatically denied that it had undertaken any proscribed biological warfare related activity".⁵⁰

129. In May 1991, the JIC stated that, while it could not "be precise", it was "confident" that Iraq had "substantially under-reported the numbers of missiles".⁵¹

130. The UN Security Council adopted resolution 699 (1991) approving the plans for UNSCOM and IAEA inspections on 17 June 1991.⁵²

131. In July, UNSCOM supervised the destruction of 48 operational missiles, 14 conventional warheads, six operational mobile launchers and other equipment and material.⁵³

⁴⁹ *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, page 46.

⁵⁰ UN Security Council, 11 October 1996, 'Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)' (S/1996/848).

⁵¹ *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, page 50.

⁵² UN Security Council resolution 699 (1991).

⁵³ UN Security Council, 11 October 1996, 'Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)' (S/1996/848).

The discovery of Iraq's nuclear programme

132. Following IAEA inspections in May and June 1991, and a meeting in Baghdad, Mr Ahmed Hussein, Iraq's Minister for Foreign Affairs, wrote to the UN Secretary-General on 7 July stating that Iraq had "decided that it would be appropriate to give an account" of its "peaceful nuclear programme".⁵⁴

133. In an "overview" attached to the letter, Iraq stated that the programme had begun in 1956, after the US had announced that it was launching a peaceful nuclear programme, and it had been implemented in three stages:

- Collaboration with some Western countries and then the Soviet Union with the objective of building a "research reactor and laboratories for producing radioactive isotopes for medical and industrial applications".
- Accession to the Non-Proliferation Treaty and related system of safeguards followed by "agreements with France, Italy and other countries" in relation to the nuclear fuel cycle allowed Iraq to achieve:
 - experimental laboratories producing nuclear fuel for nuclear power plants;
 - research laboratories for processing spent nuclear fuel;
 - the nuclear power plant programme;
 - uranium extraction from phosphate ores; and
 - the establishment of the Tammuz 1⁵⁵ reactor and related facilities and equipment, which Israel had destroyed on 7 June 1981.
- As a result of the inability of international guarantees and bilateral agreements to protect facilities and personnel from aggression, it had been "necessary to adopt new formulas ... to acquire the relevant nuclear know-how ... of the nuclear fuel cycle, through self-reliance and the non-disclosure of information."

134. Iraq admitted that in the third stage it had:

- extracted uranium from carbonate ores;
- purified and converted uranium-bearing compounds;
- enriched uranium isotopes using the electromagnetic method;
- enriched uranium isotopes using the centrifugal method; and
- enriched isotopes by chemical methods.

135. Iraq stated that the US had bombed its declared nuclear facilities and reactors whilst they were in operation and that was "equivalent to a nuclear attack" which had endangered the population and the environment.

⁵⁴ Letter Minister for Foreign Affairs of Iraq to Secretary-General of the United Nations, 7 July 1991, [untitled], attaching 'Overview of the Iraqi nuclear programme' and tables.

⁵⁵ This reactor is frequently referred to as Osirak.

136. Iraq also provided detailed tables of its equipment and activities, which stated that it had produced half a kilogram of uranium 235 enriched to 4 percent through the electromagnetic process and the production of an “unappreciable” quantity of uranium enriched through a centrifuge process, and identifying those that had been damaged or destroyed.

137. Mr Hussein stated that “careful examination” of the details provided would enable the UN Secretary-General to conclude that the programme did “not entail any departure from, or violation of” the NPT and the IAEA safeguards agreement, which had been “constantly observed”.

138. Mr Hussein added that Iraq had been “induced to refrain from declaring some of the stages of the programme though this was not in any way inconsistent with either the Treaty or the agreement” because of a fear of “exaggeration, abuse and aggression”. Iraq therefore believed it was “best to abstain from overt reference to nuclear technology so that such reference might not be taken as a threat to the security of States or be used to hinder the propagation of the peaceful uses of such technology”.

139. The decision to provide details of the nuclear programme was the result of two factors. First, the “comprehensive destruction” of the programme, and second, “Iraq’s decision to destroy anything which might possibly be interpreted as incompatible” with resolution 687. The UN had “chosen to consider the destruction carried out by Iraq, without prior notification and without your participation, as inconsistent with the requirements for the implementation” of resolution 687.

140. Mr Hussein stated that he wished to reaffirm Iraq’s “fear of exaggeration and deliberate alarmism in various fields, particularly the nuclear field”. This had caused President George HW Bush:

“... to declare in November 1990 that Iraq would produce a nuclear weapon within two months and that he was accordingly obliged to expedite launching the war and destroying Iraq’s nuclear capabilities before Iraq could take advantage of that opportunity.”

141. Mr Hussein wrote:

“... this alone was sufficient reason for a decision to proceed with destruction.”

142. The second reason for Iraq’s actions was the decision to make Iraq pay the costs of implementing resolution 687. Iraq had “hastened its decision on destruction before receiving interminable lists of equipment to be destroyed”.

143. In an exchange of correspondence with Dr Blix, which followed Iraq's admission, the IAEA disputed Iraq's view that it had not violated its obligations.⁵⁶

144. Iraq continued to contest the IAEA view.⁵⁷ It stated that:

- Research activities had not reached the stage which required notification.
- The amount of enriched uranium produced was far less than the defined threshold for notification of 75 kilogrammes.
- It had experimented on only a "single centrifuge prototype, and not a successive chain".
- The three enrichment methods were in the early stages of development and did not mean the existence of an installation.
- Iraq was not required to report holdings of yellowcake and uranium dioxide which were being used for non-nuclear purposes, including reinforcing anti-tank warheads.
- IAEA inspectors had had access to stores of such material alongside material they were verifying and had pointed out that yellowcake was not subject to inspection.

145. On 11 July, the JIC addressed Iraq's nuclear activities.⁵⁸

146. The JIC reported that, on the basis of post-war intelligence, it now knew that:

"... in the 1980s Iraq investigated four methods of uranium enrichment, including the use of centrifuges. But the route that had made most progress was electromagnetic isotope separation (EMIS)."

147. The JIC noted there was intelligence that "enough fissile material had been produced before the coalition air attacks to produce one nuclear device"; but it concluded that, whilst the intelligence was generally credible, it did not believe that Iraq could have obtained enough fissile material for a bomb through the route described in the intelligence. The JIC added:

"Nonetheless, given our lack of intelligence about the Iraqi nuclear programme, we cannot exclude the possibility that Iraq might have produced more fissile material than we have previously believed."

⁵⁶ International Atomic Energy Agency, 9 July 1991, 'Letter dated 9 July 1991 from the Director General to the Minister for Foreign Affairs of Iraq' (GOV/2530 Annex 2); International Atomic Energy Agency, 11 July 1991, 'Letter dated 11 July 1991 from the Director General to the Minister for Foreign Affairs of Iraq' (GOV/2530 Annex 3).

⁵⁷ International Atomic Energy Agency, 10 July 1991, 'Letter dated 10 July 1991 from the Minister for Foreign Affairs of Iraq to the Director General' (GOV/2530 Annex 4); International Atomic Energy Agency, 12 July 1991, 'Letter dated 12 July 1991 from the Minister for Foreign Affairs of Iraq to the Director General' (GOV/2530 Annex 5).

⁵⁸ *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, page 44.

148. Resolution 707 (1991), adopted on 15 August, condemned Iraq's:

“... serious violation of a number of its obligations under section C of resolution 687 (1991) and of its undertakings to co-operate with the Special Commission and the IAEA, which constitutes a material breach of the relevant provisions of resolution 687 which established a cease-fire and provided the conditions essential to the restoration of peace and security in the region.”⁵⁹

149. The resolution also condemned Iraq's “non-compliance” with its obligations under its safeguards agreement with the IAEA, which constituted a “violation of its commitments” as a party to the NPT.

150. The demands in the resolution included that Iraq should:

- “provide full, final and complete disclosure ... of all aspects” of its prohibited programmes and comply with its other obligations and co-operate with the Special Commission and IAEA “without further delay”;
- allow UNSCOM, the IAEA and their inspection teams “immediate, unconditional and unrestricted access”;
- “cease immediately any attempt to conceal, or any movement or destruction of any material or equipment” without notification to and prior consent from UNSCOM; and
- “halt all nuclear activities of any kind”.

151. In his memoir, Dr Blix wrote that between May and September 1991, IAEA inspections teams had produced “spectacular” results and the documents recovered provided “crucial and convincing evidence” about Iraq's nuclear programme.⁶⁰

152. Dr Blix wrote that “the revelation that Iraq had secretly enriched uranium without being detected shook the world” and resulted in agreement that it was necessary to sharpen the IAEA system of safeguards.

153. In September 1991, an IAEA inspection team led by Dr David Kay discovered significant volumes of documents about Iraq's nuclear weapons.

154. In his statement to the Inquiry, Mr Ekéus said that the identification of the building in central Baghdad containing documentation about Iraq's nuclear programme was as a result of data provided by the US.⁶¹

155. The *Review of Intelligence on Weapons of Mass Destruction* (The Butler Report) records that, in an Assessment in October 1991, the JIC noted that inspection had confirmed the existence of a comprehensive nuclear weapons programme and concluded:

⁵⁹ UN Security Council resolution 707 (1991).

⁶⁰ Blix H. *Disarming Iraq*. Bloomsbury, 2004.

⁶¹ Statement Ekéus, 23 April 2011, page 3.

“On the basis of the evidence so far of the programme’s progress before Desert Storm, Iraq could have made its first nuclear weapon by 1993, had its work not been interrupted by the war.”⁶²

156. That was two years earlier than had been assessed before the 1990-1991 conflict. The unexpected discoveries had a significant impact on subsequent JIC Assessments, which tended to look at Iraq’s potential capability on a “worst case” basis.

157. By the end of 1992, the processes of transporting Iraq’s fissionable material to Russia and of the IAEA supervising the destruction of many large installations that had been used in Iraq’s weapons programme was mostly complete.⁶³

Concealment of WMD activities

158. Iraq’s actions to conceal the scale and details of its activity, including the unilateral destruction of prohibited weapons and material, created major problems for UNSCOM in carrying out its mandate.

159. The regime for “ongoing monitoring and verification” (OMV) was authorised in resolution 715 (1991), adopted by the Security Council on 11 October 1991.⁶⁴

160. Mr Ekéus wrote that “the monitoring system could not be fully operational until early 1995 due to Iraqi’s obstructions”.⁶⁵

161. In January 1992, the JIC significantly revised its assessment of Iraq’s remaining ballistic missile holdings, stating:

- “Although we do not know the true figure, we assess that around 100 SCUD-B remain concealed.”
- There might be “as many as 250 complete Soviet build SCUD-B guidance and engine packages which cannot be accounted for, and would be critical for future production. Provided the raw material was available, Iraq could build its own replacement mid-body sections and assemble new material from this stockpile.”⁶⁶

162. Iraq told UNSCOM, after 1999, that it produced 17 Al Abbas and 387 Al Hussein missiles between 1987 and 1990.⁶⁷

⁶² *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, page 44.

⁶³ Blix H. *Disarming Iraq*. Bloomsbury, 2004.

⁶⁴ UN Security Council resolution 715 (1991).

⁶⁵ Statement Ekéus, 23 April 2011.

⁶⁶ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, pages 50-51.

⁶⁷ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, pages 49-50.

163. In 1991, Iraq had declared 30 chemical warheads for its ballistic missiles which were destroyed by April 1993.⁶⁸

164. Despite the provisions of resolution 687, which stated that prohibited items should be declared and subsequently dealt with under international supervision, Iraq admitted in March 1992 that a decision had been taken in late June 1991 to carry out a unilateral programme to destroy proscribed equipment, including missile launchers, munitions and chemical agents.⁶⁹

165. Iraq disclosed that it had concealed “the greater part of its operational missile force (85 ... missiles, over 130 warheads, both conventional and chemical, 8 operational launchers ...) and a significant amount of other proscribed items and materials”, which it had “unilaterally and secretly destroyed in late July 1991”. Iraq also claimed that the destruction “had not been fully documented or recorded”.

166. In June 1992, the JIC judged that Iraq retained a “potential BW agent production capability and has hidden BW weapons”.⁷⁰

167. UNSCOM subsequently reported that the decision to destroy proscribed weapons and equipment had been taken by a high-level committee, of which Iraq’s Deputy Prime Minister, Mr Tariq Aziz, was a member, to:

- “provide only a portion of their extant weapons stocks, with an emphasis on those which were least modern”;
- “retain production capability and the ‘know-how’ documentation necessary to revive programmes when possible”;
- “conceal the full extent of chemical weapons programmes, including its VX project, and retain production equipment and raw materials”;
- “conceal the number and type of BW and CW warheads for proscribed missiles”;
- “conceal indigenous long-range missile production, and retain production capabilities, specifically with respect to guidance systems and missile engines”;
- and
- “conceal the very existence of its offensive biological weapons programmes and retain all production capabilities”.⁷¹

⁶⁸ UN Security Council, 11 October 1996, ‘Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)’ (S/1996/848).

⁶⁹ UN Security Council, 11 October 1996, ‘Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)’ (S/1996/848).

⁷⁰ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, page 48.

⁷¹ UN Security Council, ‘Letter dated 25 January 1999 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council’ (S/1999/94), Appendix IV.

168. Although there were doubts about whether Iraq had revealed the full extent of its activities, the JIC was more sanguine in September 1994 about the size and value of Iraq's chemical and biological agent stockpiles.

169. After 1992, UNSCOM "continued to have concerns that not all proscribed items had been disclosed".⁷²

170. In January 1993, there were two incidents involving Iraqi incursions into the demilitarised zone between Iraq and Kuwait. On 8 and 11 January, two Presidential Statements were issued, declaring that Iraq's actions constituted unacceptable and material breaches of relevant provisions of resolution 687.⁷³ Again, Iraq was warned that "serious consequences" would flow from such continued defiance. The status and legal significance of Presidential Statements is addressed in Section 5.

171. On 13, 17 and 18 January, the US, UK and France carried out air and missile strikes against Iraqi targets. Mr Ralph Zacklin, Assistant Secretary-General for Legal Affairs at the United Nations from 1998 to 2005, subsequently wrote:

"The legitimacy of this limited resumption of the use of force was borne out by the fact that there was a marked absence of protest on the part of Member States even when the air strikes continued for a third wave. By issuing repeated warnings to Iraq in the form of Presidential Statements which conveyed the sense of the Security Council as a collective organ, the Council had clearly signified its agreement to the course of action which had been taken."⁷⁴

172. In April, an Iraqi plot to assassinate former US President George HW Bush during a visit to Kuwait was foiled. On 26 June, his successor, President Bill Clinton, responded with a cruise missile attack against the headquarters of the Iraqi Intelligence Services in Baghdad.

⁷² UN Security Council, 11 October 1996, 'Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)' (S/1996/848).

⁷³ Statement by the President of the Security Council concerning United Nations flights in Iraqi territory, Document S/25081 of 8 January 1993; Statement by the President of the Security Council concerning various actions by Iraq *vis a vis* UNIKOM [United Nations Iraq-Kuwait Observation Mission] and UNSCOM, Document S/25091 of 11 January 1993.

⁷⁴ Zacklin R. *The United Nations Secretariat and the Use of Force in a Unipolar World: Power v. Principle*. Cambridge University Press, 2010.

173. On 25 August, the JIC stated:

“Iraq has admitted to the UN that it conducted research into BW agents from 1986 to 1990, but claims never to have produced agent in quantity nor to have possessed biological weapons. We have information that this claim is untrue and assess that Iraq produced BW weapons containing anthrax and plague ... Stocks of agents and weapons have probably been hidden, together with key items of equipment.”⁷⁵

174. Commenting on the judgement that Iraq had produced plague, the Butler Report recorded that, after the Gulf Conflict, two further sources had provided “some apparently corroborative intelligence” that Iraq had produced plague. There were some inconsistencies between the knowledge of one of those sources and the source who had provided information in November 1990, which “could have led to questioning of their access”.

175. By November, there was renewed progress when Iraq accepted resolution 715, and permitted the deployment of OMV systems to ensure former weapons sites were not reactivated.

176. By May 1994, UNSCOM had supervised the destruction of “480,000 litres of live chemical agent, 28,000 chemical munitions and approximately 1.8 million litres, and over 1 million kilograms of some 45 different precursor chemicals”.⁷⁶

177. A JIC Assessment of 8 September noted that it did “not believe the full extent of the CW programme” had been revealed:

“Although UNSCOM has destroyed the large declared stocks of CW agents, precursors and weapons, Iraq may have retained a secret stockpile but we have no direct evidence. Hidden stockpiles are probably unnecessary as the Iraqi civil chemical industry can produce all the precursors needed to make mustard agent and most of those for nerve agents.”⁷⁷

178. In OP22 of resolution 687, the Security Council had decided that, upon approval by the Security Council of the programme called for in OP19 (which would establish a fund to pay compensation for damage caused by Iraq’s invasion and occupation of Kuwait) and “Council agreement that Iraq has completed all actions contemplated” in OPs 8-13, the sanctions imposed by resolution 661 should “have no further force or effect”.

179. In response to Iraq’s deployment of forces into southern Iraq, the Security Council adopted resolution 949 (1994) on 15 October 1994, which condemned “deployments

⁷⁵ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, page 134.

⁷⁶ UN Security Council, 11 October 1996, ‘Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)’ (S/1996/848).

⁷⁷ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, pages 46-47.

by Iraq in the direction of the border with Kuwait”.⁷⁸ It included a demand that Iraq “co-operate fully with the United Nations Special Commission”.

180. In autumn 1994, UNSCOM conducted a thorough review of Iraq’s biological weapons programme, including “an attempt to create a material balance of equipment and ... growth media acquired by Iraq”.⁷⁹ The review “reinforced the suspicion that the Al Hakam factory was a biological warfare agent production facility and that other sites were also involved in the biological weapons programme”.

181. Inspections and interviews had:

“... enabled the Commission to arrive at a firm assessment that Iraq’s declarations in the biological area at that time were fundamentally wrong and misleading as it was attempting to hide a full-scale biological warfare programme, including weaponization. The Commission came to the unequivocal conclusion that Iraq had in fact produced biological weapons, that its biological programme was offensive in nature, that Al Hakam had been constructed as a dedicated biological warfare agent research and production facility and had been operational before January 1991, and that additional sites, including al-Muthanna, a known chemical weapons establishment were involved in the programme.”

182. UNSCOM “confronted” Iraq with its assessments in February 1995.

183. Iraq admitted in December that it received proscribed SCUD missile gyroscope components in 1991 and a shipment of proscribed advanced missile gyroscopes was intercepted in 1995.⁸⁰

184. Mr Haass wrote in his memoir that, during the Clinton Administration, there was:

“... a range of efforts that sought to promote regime change, something that got the CIA and the Clinton administration enmeshed in a disastrous attempt to oust Saddam Hussein by covert means. The coup was uncovered and crushed in March 1995. There was as well a parallel overt initiative to strengthen the Iraqi opposition that lived outside Iraq ...”⁸¹

185. In April 1995, the Security Council was advised that the Special Commission assessed that Iraq had “obtained or sought to obtain all the items and materials required to produce biological warfare agents in Iraq”. Given Iraq’s failure to account for those

⁷⁸ UN Security Council resolution 949 (1994).

⁷⁹ UN Security Council, 11 October 1996, ‘Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)’ (S/1996/848).

⁸⁰ UN Security Council, 11 October 1996, ‘Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)’ (S/1996/848).

⁸¹ Haass RN. *War of Necessity War of Choice: A Memoir of two Iraqi Wars*. Simon & Schuster, 2009.

items, the only conclusion was that there was “a high risk that they had been purchased and in part used for proscribed activities”.⁸²

186. Mr Ekéus told the Inquiry that he was able to make that report as a result of the work of UNSCOM scientists, including Dr David Kelly.⁸³

187. On 1 July 1995, as part of a further “full, final, and complete disclosure (FFCD)” of its capabilities, Iraq admitted for the first time to the production of bulk biological agent, but not to its weaponisation.⁸⁴

188. In July 1995, dual-use items were rendered harmless or destroyed, “under strong protest from Iraq”. In November 1995, Iraq acknowledged that the items had been specifically procured for and used in proscribed activities.⁸⁵

189. Mr Ekéus told the Inquiry that, in 1995, Mr Aziz had asked him to approach Mr Tony Lake, US National Security Advisor, to offer, on Mr Aziz’s behalf, “high quality information about activity and planning inside terrorist networks” in exchange for an accommodating attitude on the easing of sanctions against Iraq.⁸⁶ Mr Lake declined.

The defection of Lieutenant General Hussein Kamil

190. On 8 August 1995, Saddam Hussein’s son-in-law, Lieutenant General Hussein Kamil, the former Minister of Industry and Head of Iraq’s Military Industrialisation Corporation defected to Jordan. He had been responsible for the development and manufacture of Iraq’s proscribed weapons programmes.

191. Lt Gen Kamil met Mr Ekéus and two other officials from the IAEA and UNSCOM and an interpreter in Amman.⁸⁷ Lt Gen Kamil said that, after inspections had started, Iraq had destroyed its biological weapons and he himself had ordered the destruction of Iraq’s chemical weapons. In addition, all Iraq’s SCUD missiles and their components had been destroyed, although two launchers had been dismantled and hidden. Lt Gen Kamil also referred to a nuclear project that inspectors were not aware of, at the Sodash site, where equipment had been buried.

192. Mr Tim Dowse, Chief of the Assessments Staff from 2003 to 2009, told the Inquiry that Lt Gen Kamil had claimed that:

⁸² UN Security Council, 10 April 1995, ‘Report of the Secretary-General on the status of the implementation of the Special Commission’s plan for the ongoing monitoring and verification of Iraq’s compliance with relevant parts of section C of Security Council resolution 687 (1991)’ (S/1995/284).

⁸³ Statement Ekéus, 23 April 2011, page 3.

⁸⁴ UN Security Council, ‘Letter dated 25 January 1999 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council’ (S/1999/94), Annex C.

⁸⁵ UN Security Council, 11 October 1996, ‘Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)’ (S/1996/848).

⁸⁶ Statement Ekéus, 23 April 2011, page 6.

⁸⁷ Note Smidovich, [undated], ‘Note for the File’.

“CW had been destroyed immediately after the war. But there was some doubt about whether he was in a position to know that in the same way that he was in a position to know about the biological programme.

“He also exposed an organised Iraqi campaign of deception directed from the top – so I think in many ways what he revealed to us very much coloured our approach thereafter.”⁸⁸

193. In the aftermath of Lt Gen Kamil’s departure, Iraq admitted that its disclosures had been “deliberately misleading” and released a large amount of information which had both “confirmed” many of UNSCOM’s earlier observations and “brought to light earlier unknown documents of significance”.⁸⁹ It included “new information related to Iraq’s attempts to acquire advanced chemical and biological weapons capabilities, as well as long-range missile systems with ranges of up to and over 2,000 kilometres”.

194. Iraq’s disclosures “represented a great step forward in the work of the Commission” and expedited the inspection process.⁹⁰ In December 1995, Mr Ekéus reported to the Security Council that Iraq had recently submitted new declarations, containing “full, final and complete disclosures” in relation to its chemical, biological and missile programmes, which still did not meet UNSCOM’s requirements.

195. During a visit by Mr Ekéus to Baghdad, the Iraq delegation had also supplied a “personal diary” relating to the destruction of chemical and biological bombs, which had been provided by a junior military engineer, but “the Commission was convinced that certain of the most important documentation had not yet been handed over”.

196. UNSCOM concluded that the documents disclosed by Iraq in August 1995 showed that Iraq’s chemical weapons programme was more developed and wider in scope than had previously been admitted.⁹¹ Iraq had “used chemical weapons facilities to support other weapons of mass destruction programmes”, including “production of casings for radiological bombs, activities for the uranium chemical enrichment process and major support for the biological weapons programme”. They had also provided evidence of “much greater foreign involvement in Iraq’s chemical weapons programme”. Production records had been provided for only seven months in 1988, not for all production including “the most important phase after 1988 when Iraq conducted research and development, *inter alia*, on more advanced chemical weapons agents and delivery systems”.

⁸⁸ Public hearing, 25 November 2009, page 45.

⁸⁹ UN Security Council, 11 April 1996, ‘Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)’ (S/1996/258).

⁹⁰ UN Security Council, 17 December 1995, ‘Tenth Report of the Executive Chairman of the Special Commissions established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)’ (S/1995/1038).

⁹¹ UN Security Council, 11 April 1996, ‘Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)’ (S/1996/258).

197. In an Assessment issued on 24 August, the JIC reassessed Iraq’s capabilities in the light of the new information.⁹²

198. In relation to Iraq’s nuclear programme, the JIC noted that Iraq:

- “... admits that it previously concealed the full extent of its nuclear programme. It has revealed that in August 1990 it began a crash programme, later abandoned, to build a nuclear programme within a year”; and
- “... intended to use nuclear material held under IAEA safeguards in Iraq. The Iraqis claim the plan was abandoned because they concluded that the IAEA would detect their activities. In fact, they had insufficient fissile material to make a nuclear device. Hussein Kamil’s reported claim that, at the time of the Gulf Conflict, Iraq was only three months from completing a nuclear weapon probably refers to the ‘crash programme’. It is very unlikely to be true.”

199. In relation to ballistic missiles, the JIC recorded that:

“UNSCOM has verified destruction of the declared SCUDs (and the Iraqi derivatives) and their launchers and believes it has a satisfactory account of what happened to the rest. UNSCOM has also supervised destruction of components and much of the missile-related infrastructure ...”⁹³

200. The JIC noted, however, that Iraq would:

“... retain a technology and production base because UN SCR 687 allows it to develop and manufacture missiles with ranges less than 150 km. But intelligence reports that some current missile R&D [research and development] work is being hidden from UNSCOM inspectors. Iraq has now revealed that it developed ... SCUD-type missile motors. This re-introduces uncertainty into an area where UNSCOM had previously expressed itself to be satisfied.”

201. In relation to chemical weapons, the JIC concluded that it was “unlikely” that Iraq had “a covert stockpile of [chemical] weapons or agent in any significant quantity; Hussein Kamil claims that there are no remaining stockpiles of agent”.⁹⁴

⁹² *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, page 45.

⁹³ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, page 51.

⁹⁴ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, page 47.

202. The JIC added that Iraq:

“... could begin to make chemical weapons within a matter of weeks, and produce significant quantities within months, if UN constraints were removed.”

203. In relation to biological weapons, the JIC noted:

“We have convincing intelligence of a BW programme which started in the 1970s and strong indications that it produced and weaponised anthrax, botulinum toxin, and probably plague. With the exception of plague, Iraq previously admitted doing research on these and other agents but steadfastly denied the work was for an offensive programme. UNSCOM, although suspicious, could find no clear evidence to the contrary ... [I]n August 1995 Iraq admitted to a major BW programme under which it had produced huge quantities of anthrax and botulinum toxin, but implausibly denied it had ever considered weaponisation ... In the last few days Iraq has admitted to UNSCOM that agent was produced at additional sites, field-testing of weapons took place in 1989, and that bombs and missile warheads were filled with anthrax and botulinum toxin in December 1990 ... Many questions remain on the BW programme; Iraq has not, for example admitted any work on plague.”⁹⁵

204. After Lt Gen Kamil’s defection, concerns began to grow that Iraq had a systematic programme of concealment.

205. UNSCOM reported that Iraq’s FFCD on ballistic missiles in November 1995 did not appear to constitute a firm basis for establishing a definite and verifiable material balance for proscribed weapons and activities.⁹⁶

206. From early 1996, UNSCOM undertook a series of inspections specifically targeting sites it “believed to be associated with concealment activities” in response to Iraq’s assertion that “there was no systematic mechanism for concealment”.⁹⁷

207. While Iraq complied with its obligations in respect of most inspections, UNSCOM reported encountering difficulties and delays on five occasions in March 1996 when it requested no-notice inspections of sites related to Iraq’s missile programmes, and that Iraq had also imposed restrictions on aerial surveillance.⁹⁸

⁹⁵ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, page 134.

⁹⁶ UN Security Council, 17 December 1995, ‘Tenth report of the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991), and paragraph 3 of resolution 699 (1991) on the activities of the Special Commission’ (S/1995/1038).

⁹⁷ UN Security Council, 11 October 1996, ‘Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)’ (S/1996/848).

⁹⁸ UN Security Council, 11 April 1996, ‘Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)’ (S/1996/258).

208. In a letter to the President of the Security Council on 17 March 1996, Mr Aziz stated that the problems related to the special nature of the sites and that the delays were “no longer than the time necessitated by ... practical factors”.⁹⁹ Mr Aziz cited the agreement in July 1993, in response to Iraq’s concerns in respect of its sovereignty, internal security and the dignity of the people and State of Iraq, that UNSCOM and the IAEA intention was to implement their plans “in the least intrusive manner consistent with effective monitoring and verification in the circumstances prevailing, with all due regard to the legitimate concerns of Iraq ... in accordance with the Charter of the United Nations”. In addition, two of the requests, on 8 and 15 March, had been made on a Friday. Appropriate arrangements had been made for the inspections to proceed, including on two occasions after telephone conversations with Mr Ekéus.

209. Mr Aziz also stated that the allegations that equipment could have been removed and some documents burnt were “not realistic” given the presence of “more than 50 inspectors with 16 vehicles” surrounding the sites, helicopter surveillance and the subsequent inspections.

210. Mr Aziz reaffirmed that Iraq had “no intention of impeding” UNSCOM’s tasks. “On the contrary”, it was “keen” to continue to work with UNSCOM to fulfil its tasks “as soon as possible”. But Iraq expected UNSCOM, in discharging its duties, “to adhere” to its “undertakings towards Iraq by respecting its sovereignty, dignity and national security”.

211. Mr Aziz also wrote that he expected the Security Council “to deal with this issue in an objective manner which would balance Iraq’s obligations towards the Security Council and the Council’s obligations towards Iraq in accordance with the principles of the United Nations Charter and the provisions of the relevant resolutions of the Council”.

212. The incidents in which UNSCOM inspection teams were denied immediate and unconditional access to sites prompted a statement by the President of the Security Council that “Iraq’s delays in permitting the inspection team recently in Iraq access to the sites concerned constitute clear violations by Iraq of the provisions of resolutions 687 (1991), 707 (1991) and 715 (1991)”.

213. On 27 March 1996, as part of developing the OMV system, the Security Council adopted resolution 1051 (1996), which implemented a mechanism for monitoring sales or supplies of items “relevant to the implementation of Section C of resolution 687 (1991) and other relevant resolutions”.¹⁰⁰

214. To replace the previous reporting systems, the resolution also consolidated the progress reports on UNSCOM and the IAEA’s activities into reports every six months from the UN on all aspects of its work.

⁹⁹ UN Security Council, 18 March 1998, ‘Letter dated 17 March 1996 from the Deputy Prime Minister of the Republic of Iraq addressed to the President of the Security Council’ (S/1996/204).

¹⁰⁰ UN Security Council resolution 1051 (1996).

215. The first consolidated report to the Security Council, in April, recorded that both the volume and quality of information being provided by Iraq had diminished since February, and found that:

“In all areas for which the Commission has responsibility, Iraq has yet to provide sufficient evidence that it does not still possess proscribed weapons or materials related to them. The Commission’s concerns stem particularly from the difficulties encountered in substantiating Iraq’s claims that, in 1991, in flagrant violation of its obligations under resolution 687 (1991) it secretly destroyed large quantities of these prohibited weapons and materials instead of declaring and handing them over for the Commission’s verification.”¹⁰¹

216. The report stated that “large quantities” of prohibited items had been “successfully eliminated”, but “relatively minor, but highly significant, quantities” of proscribed items remained “unaccounted for”.

217. On the basis of new documents and draft disclosures provided by Iraq, UNSCOM concluded that there had been “considerable progress” in some areas since December 1995. Iraq had disclosed information of great significance, especially documents which it earlier said had been destroyed. There were, however, “significant deficiencies and gaps”.

218. In relation to Iraq’s ballistic missile programme, Iraq had submitted a revised draft declaration on 27 February 1996 which contained significant new information, including confirmation that equipment UNSCOM had decided should be disposed of in April 1995 had been for a major project (Project 1728) for the development and production of liquid propellant engines for long-range missiles.

219. Iraq had also admitted that it had “carried out an undeclared programme to modify a Volga/SA2 surface-to-air missile system to a surface-to-surface application with a range of over 100 kilometres”, including “flight tests and prototype production of some components”, which should have been declared. As a result, an extensive programme to monitor Iraq’s Volga missiles was required.

220. UNSCOM remained concerned about Iraq’s undeclared procurement of prohibited and dual-use items.

221. In January 1996, UNSCOM had investigated the recent delivery of “a large number of sophisticated guidance and control components” which it assessed were “used in missiles with ranges over thousands of kilometres”. Iraq had denied acquiring the items but following official investigations it had confirmed that “its authorities and missile

¹⁰¹ UN Security Council, 11 April 1996, ‘Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)’ (S/1996/258).

facilities had been involved ... through a specific middleman” and some components had been delivered in July 1995. Other components had been stored in transit in Jordan. A Director General of an Iraqi missile facility stated that he had destroyed the components received in August 1995 and informed the Iraqi authorities of the receipt of proscribed items in August and October. There were still “contradictions and ambiguities” about what had happened, but Iraq was reluctant to broaden the investigation.

222. There were suspicions that items still existed and Iraq was withholding important documents. Although no proscribed items had been found, Iraq’s actions in March meant that UNSCOM’s confidence had been diminished.

223. Iraq had provided a new draft disclosure in relation to chemical weapons in February 1996. This was an improvement in some areas, but there were important gaps. These included:

- the “level of expertise achieved in research and development activities ... large-scale production techniques, weaponisation and delivery systems”;
- the absence of disclosures on precursor production capabilities and dual-use equipment within the civilian chemical industry; and
- Iraq’s activities in relation to “V class” agents.

224. In the new draft disclosure the quantities of precursor chemicals and agents and munitions produced, procured and destroyed had been changed but the source of the new information was not clear. UNSCOM’s “strong presumption” was that it was based on information which Iraq had not disclosed.

225. Specifically, there were changes in the figures for the production and weaponisation of VX:

- “Initially Iraq stated that only laboratory scale synthesis had been undertaken.”
- In March 1995, Iraq had admitted “production of 260 kilograms and weaponisation of the agent in three aerial bombs”.
- In November 1995, Iraq had declared that it had produced “3.3 tonnes”.
- In the February disclosure, the figure for production had “increased by a further 20 per cent”.
- Iraq had not produced evidence to substantiate its statement that the “precursors for the large-scale production of VX” had been destroyed.

226. Iraq had assisted in excavations of buildings at al-Muthanna, Iraq’s largest chemical weapons research and production facility, which were destroyed in February 1991. Records and “some 80 munitions and components” had been recovered, including “122 millimetre artillery chemical warheads and 155 millimetre ‘binary’ artillery shells”.

227. There had been “serious deficiencies” in the draft disclosure on biological weapons submitted in November 1995 but Iraq had produced new documents and disclosures during discussions in January 1996, including:

- Al Hakam had been intended to be a “specialised filling facility for biological warfare munitions”.
- R-400 bombs for biological warfare purposes were assembled there.
- Clarification of several issues including “those related to destruction of some types of biological warfare munitions”.
- A “serious attempt” had been made to “resolve the fundamental issue of the filling and ... destruction of biological warfare warheads for missiles”; but it had not been possible to do so because “Iraq’s statements did not conform to documentation available” to UNSCOM.

228. Discussions in February had been less productive. Changes were introduced “without any documentary support or convincing explanations”. The view of the UNSCOM team involved was that their Iraqi counterparts “tended to change production data to accommodate newly discovered facts”.

229. UNSCOM wanted “a substantiated material balance ... from production to destruction”, but the draft disclosure submitted in March did not match UNSCOM’s findings. Unless Iraq could rectify that “in a convincing manner” in its formal declaration, it would “cause great problems”.

230. Iraq had accepted an UNSCOM request to cease all activity at two sites identified with the production of BW agents and assisted in establishing appropriate deactivation and surveillance measures.

231. Iraq had provided a report on a radiological weapons project by the Military Industrial Corporation and Iraq’s Atomic Energy Commission between August and December 1987, “to combine the effectiveness of conventional aerial munitions with the spreading of radioactive materials”. Four prototypes had been constructed. The report had concluded that Iraq “had the capability to manufacture a bomb containing irradiated materials”, but the Iraqi Air Force suggested that there should be a study to consider reducing the weight of the bomb.

232. Iraq’s declaration stated that:

- The project had been abandoned and no order to produce radiological weapons was given.
- 100 empty casings for a smaller calibre bomb had been produced.
- 75 of the casings had been sent to the Al-Qa-Qa State Establishment, but their fate was not addressed.
- 25 of those casings which remained at al-Muthanna were unilaterally destroyed in the summer of 1991.

233. UNSCOM hoped that the diminution in the quality of information and the quantity of documents provided since mid-February, and the difficulties with inspections in March, “did not indicate a return to the non-co-operative attitude demonstrated by Iraq prior to the summer of 1995”.

234. Iraq’s biological weapons facilities, and growth media it had purchased, were destroyed under UNSCOM supervision in May and June 1996.¹⁰²

235. In May 1996, Iraq admitted that the documents handed over on 20 August 1995 “constituted only a portion” of the documentation which had been concealed; the rest had “been burnt just a few days” earlier, “at another farm west of Baghdad”.¹⁰³

236. In May, UNSCOM sent a team to Iraq to conduct interviews with Iraqi officials believed to be involved in concealment activities.¹⁰⁴ Iraq “abruptly” terminated its co-operation with the inspectors, and claimed that Lt Gen Kamil had been entirely responsible for the concealment programme, a claim which was retracted in August.

237. A JIC Assessment on 12 June 1996 reflected the concerns about Iraq’s concealment activities.¹⁰⁵

238. In relation to ballistic missiles, the JIC stated:

“Information obtained in the wake of the ... defection has, however, led UNSCOM to judge that missile components, launchers and possibly complete SCUD missiles remain hidden. We doubt whether there are any concealed missiles in Iraq but it is likely that components remain.”

239. The JIC also assessed that:

“If all UN controls were to be removed and Iraq could purchase the technology and expertise required ... an accurate 1,000km range missile could probably be produced within three to five years. A 300–500km range SCUD type missile could be indigenously manufactured within two years.”

¹⁰² UN Security Council, 11 October 1996, ‘Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)’ (S/1996/848).

¹⁰³ UN Security Council, 11 October 1996, ‘Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)’ (S/1996/848).

¹⁰⁴ UN Security Council, 11 October 1996, ‘Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)’ (S/1996/848).

¹⁰⁵ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, page 51.

240. In relation to Iraq's biological warfare programme, the JIC noted:

“We do not believe Iraqi statements that the BW programme has been destroyed. Possibly substantial elements, including some production equipment and weaponised agent, continue to be concealed.”¹⁰⁶

241. The JIC also stated:

“Iraq has not yet admitted to work on plague and has played down its success in developing BW aerosol delivery systems.”¹⁰⁷

242. In relation to chemical warfare, the JIC stated that it doubted whether “all agents, munitions, precursor chemicals and equipment have been accounted for”.¹⁰⁸

243. The Butler Report stated that its authors had been informed that the reason for the change in the JIC's view on Iraq's biological warfare programme, “in the apparent absence of underpinning reliable intelligence”, was:

“... the impact of ... Kamil's defection, UNSCOM's inability to reconcile Iraqi claims for production and destruction, unaccounted-for growth media and a total lack of co-operation from the Iraqis.”¹⁰⁹

Events leading to the withdrawal of UNSCOM

244. Following a series of incidents in which the inspectors were denied access, resolution 1060 (1996), adopted on 12 June 1996, deplored Iraq's refusal to allow UNSCOM access to sites designated for inspections and demanded “immediate, unconditional and unrestricted access to any and all areas, facilities, equipment, records and means of transportation” that UNSCOM wished to inspect.¹¹⁰

245. After talks in Baghdad between Mr Ekéus and Mr Aziz, a joint programme of action was agreed on 22 June.¹¹¹ It included Iraq's intention to submit “official declarations containing full final and complete disclosures on its proscribed programmes in the non-nuclear areas” before the end of June.

246. In the joint statement issued after the agreement, Iraq “undertook to secure ... immediate, unconditional and unrestricted access to all sites which the Commission

¹⁰⁶ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, page 48.

¹⁰⁷ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, page 135.

¹⁰⁸ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, page 47.

¹⁰⁹ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, page 48.

¹¹⁰ UN Security Council resolution 1060 (1996).

¹¹¹ UN Security Council, 24 June 1996, ‘Letter dated 24 June 1997 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council’ (S/1996/463).

or the IAEA may wish to inspect". UNSCOM undertook "to operate with full respect for the legitimate security concerns of Iraq". It stated that Iraq and UNSCOM had "agreed to intensify their work with the aim of making it possible for the Commission to report as soon as possible to the Security Council that Iraq has met its obligations under section C of resolution 687 (1991)".

247. Mr Ekéus also reported that he had told Mr Aziz that, without an agreement, "Iraq's isolation would have increased and there would have been the possibility of further actions being taken by the Council to obtain compliance with its resolutions", and that:

"Without the right to inspect any site at which the Commission had reason to believe that proscribed weapons or materials were present, the Commission's utility in achieving the Council's objectives would have been irreparably harmed."

248. The joint programme of action focused on Iraq's FFCDs of its activities and the means and techniques of verifying them.¹¹² As a priority and to accelerate verification, Iraq and UNSCOM agreed to concentrate on the fundamental areas of the:

- material balance of proscribed weapons and their major components;
- unilateral destruction of proscribed items;
- further provision of documentation;
- identification of measures used to retain proscribed items; and
- immediate, unconditional and unrestricted access".¹¹³

249. Mr Ekéus told the Inquiry:

"... in 1996 I developed, together with the Iraqi [deputy] prime minister Tariq Aziz, modalities for functioning access for inspectors, which guaranteed realization of inspections of what Iraq called sensitive sites (Presidential Palaces etc). The modalities implied some delay of access but without compromising control of the facility (entrance/exit and aerial helicopter surveillance). This was welcome[d] by all the Security Council members with the exception of the US/UK."¹¹⁴

250. Dr Blix wrote in 2004:

"The solution was not welcomed by the US and some other members of the Security Council, who felt that it introduced a limitation in the inspection rights that had been laid down by the Council. This was certainly how the Iraqis also saw the instruction."¹¹⁵

¹¹² UN Security Council, 11 October 1996, 'Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)' (S/1996/848).

¹¹³ UN Security Council, 19 March 1996, 'Statement by the President of the Security Council' (S/PRST/1996/11).

¹¹⁴ Statement Ekéus, 23 April 2011, page 4.

¹¹⁵ Blix H. *Disarming Iraq*. Bloomsbury, 2004.

251. Dr Blix added that the problem was that “any concession in the implementation of a Security Council resolution was a step taken on a slippery slope”.

Tension in the Kurdish region

A dispute between the two main Kurdish parties, the Kurdish Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK), became increasingly tense from May 1994.

In August 1996, the KDP, led by Mr Masoud Barzani, sought Saddam Hussein’s support to retake the city of Erbil from the PUK, led by Mr Jalal Talabani. Saddam Hussein sent thousands of troops and more than 300 tanks to attack the PUK in Erbil.

The conflict was eventually ended by the US-mediated “Washington Agreement” between the PUK and the KDP in September 1998. The two parties agreed to share revenues and power and to exclude Iraqi troops from the Kurdish region. The US pledged to protect the Kurds from aggression by Saddam Hussein.

252. The President of the Security Council issued a statement on 23 August 1996 reinforcing the importance of Iraq’s co-operation with UNSCOM and that it should be given immediate, unconditional and unrestricted access to facilities and individuals to allow it fully to discharge its mandate and stating that:

- The Council remained “gravely concerned” by Iraq’s failure to comply fully with its obligations.
- Iraq’s repeated denial of access to sites and attempts made to impose conditions on interviews were a “gross violation of its obligations” as well as a contradiction of its commitments in the joint statement of 22 June.¹¹⁶

253. On 3 September, Mr Ekéus reported that, during discussions in Baghdad on 26 to 28 August, Mr Aziz had stated that Iraq “was abiding and would continue to abide sincerely and effectively” by the June agreements.¹¹⁷

254. Mr Ekéus had stressed that concerns relating to concealment of proscribed items remained a prime objective for UNSCOM. Mr Aziz made a formal statement to the effect that Iraq did not conceal proscribed weapons, components or documents and asked UNSCOM to refrain from conducting further on-site inspections and interviews on that issue. Mr Ekéus said they must continue.

255. Iraq also stated that it would not accept any new extension or enlargement of UNSCOM’s rights and privileges and on several occasions “attempted to dictate how and to what extent” those rights should be exercised.

¹¹⁶ UN Security Council, 23 August 1996, ‘Statement by the President of the Security Council’ (S/PRST/1996/36).

¹¹⁷ UN Security Council, 3 September 1996, ‘Letter dated 3 September 1996 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council’ (S/1996/714).

256. Mr Ekéus concluded that the visit had been useful, clarifying the respective positions of Iraq and UNSCOM and narrowing certain differences. UNSCOM would continue vigorously to pursue verification of Iraq’s disclosures. He hoped that a repeat of Iraq’s actions over the last few months could be avoided, but that it required “full and unreserved co-operation from the Government of Iraq and a genuine policy ... to carry out its obligations”.

257. In the subsequent press briefing, Mr Ekéus stated that he felt there was “a certain commitment” although UNSCOM suspected “an active policy of concealment”. Its task was to find and destroy prohibited items and to ensure that no new ones were produced but it would now have to “wait until the situation had become a bit more settled”.¹¹⁸

258. Following a meeting with UNSCOM in September 1996, Iraq admitted in a letter of 3 October that production tools and components for ballistic missiles had been collected and concealed in July 1991, but they had been destroyed in March 1992.¹¹⁹ Iraq had also declared that three missiles which had been retained in July 1991 were not destroyed until October that year.

259. In his report of 11 October 1996, the UN Secretary-General wrote:

“The results of the Commission’s investigations, starting with UNSCOM 143 in March 1996 and continuing through August, clearly show that there was an organized mechanism of concealment used by Iraq to deny access to proscribed documents and material retained since the adoption of resolution 687 (1991). Throughout this investigation Iraq has sought to deflect or minimize the involvement of its special security services in concealment activities. It has acknowledged that officially sanctioned false statements had been made to mislead the Commission in its investigations. It has resorted to delays and denials of access ... Despite this behaviour the Commission has accumulated information which reinforces its assessment that the concealment mechanism has been established for the purpose of hiding and protecting proscribed material.”¹²⁰

260. UNSCOM had:

“... succeeded in uncovering the existence of Iraq’s biological programme and believes it has destroyed its major facilities. However, it needs to continue to investigate the scope and extent of the programme to arrive at a complete picture of it.”

¹¹⁸ UN Security Council, 4 September 1996, ‘Press Briefing by Executive Chairman of Special Commission’ (19960904).

¹¹⁹ UN Security Council, 11 October 1996, ‘Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)’ (S/1996/848).

¹²⁰ UN Security Council, 11 October 1996, ‘Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)’ (S/1996/848).

261. The report said that Iraq's sixth version of an FFCD on its biological warfare programme, produced on 22 June 1996, was "not credible". "Major sections" were "incomplete, inaccurate or unsubstantiated", and the lack of documentation was "difficult to accept".

262. UNSCOM had "evidence that chemical warfare agents and munitions were produced in 1989" although Iraq had "consistently denied this"; and that it believed that "production of different types of chemical weapons was also carried out in the first half of 1990".

263. Iraq's FFCD on ballistic missiles, submitted on 2 July 1996, had reported the previously undisclosed acquisition of important proscribed missile components, but UNSCOM's view was that Iraq had "still ... not fully accounted for all proscribed weapons".

264. UNSCOM also had:

"... concerns related to undeclared facilities where equipment ... was evacuated before January 1991 and the unilateral destruction conducted secretly by Iraq in the summer of 1991, when, among other items, chemical warheads for Al Hussein missiles and nerve agent VX precursors were allegedly destroyed."

265. The report concluded by stating that the requirement for full, final and complete disclosures had "not been fully met". It had "a good understanding" of Iraq's programme "to create a massive number of tactical chemical weapons" before August 1988. But details of two later phases, to integrate the "programme into Iraq's chemical industry and production of more stable and storable chemical agents" and "the design and production of strategic chemical weapons", had not been disclosed. An understanding of those two phases was "absolutely necessary" before UNSCOM could complete its task and verify that nothing remained.

266. In January 1997, Mr Kofi Annan became the UN Secretary-General.

267. In his memoir, written in 2012, Mr Annan wrote that, in the six years after the end of the Gulf Conflict in 1991, Iraq "became transformed from an example of the international community's acting lawfully in pursuit of the highest aims of the UN's founders to an albatross around the organisation's neck". The UN mandate had been only to "reverse the invasion of Kuwait, nothing more". But that:

"... left Saddam Hussein in power, the predatory leader of a brutal, tyrannical regime that demonstrated little evidence of intending to comply fully with the demands of the international community."¹²¹

¹²¹ Annan K. *Interventions: A Life In War And Peace*. Allen Lane, 2012.

268. Mr Annan added that his predecessor as Secretary-General had offered him only one piece of advice when he left office at the end of 1996:

“Watch out for the question of Iraq ... It will become very important.”

Dr Albright’s Georgetown speech

269. In a speech at Georgetown University on 26 March 1997, Dr Madeleine Albright, the new US Secretary of State, reaffirmed that US policy in Iraq was “part of a broad commitment to protect the security and territory of our friends and allies in the Gulf”.¹²²

270. Quoting President George HW Bush, Dr Albright stated that, as well as driving Iraq out of Kuwait, the US objective in launching Operation Desert Storm in 1991 had been to cause Iraq once again to “live as a peaceful and co-operative member of the family of nations”. Iraq’s leaders had, however, “continued to defy the will of the international community” and “from the outset”, chosen “denial, delay and deceit”. They had:

“... lied ... blocked inspections, concealed documents, falsified evidence and challenged UNSCOM’s clear and legitimate authority.”

271. Dr Albright added that, following the defection of Lt Gen Kamil, it had “appeared for a time, as if it would cause Iraq finally to accept the need for full disclosure”, but that had not been the case and Iraq’s “refusal to co-operate fully continued”. The US would be “unwavering”; it would “not allow Iraq to regain by stonewalling the Security Council what it forfeited by aggression on the battlefield”. An international consensus “that Iraq should not be allowed again to threaten international peace” had been sustained.

272. Dr Albright stated that Iraq’s military threat to its neighbours was “greatly diminished”, and, “As long as the apparatus of sanctions, enforcement, inspections and monitoring” was “in place”, Iraq would “remain trapped within a strategic box”. But she warned that it was “essential” that international resolve did not weaken:

“Containment has worked, but ... the future threat has not been erased. Iraq’s behaviour and intentions must change before our policies can change.”

273. Iraq had:

- “yet to provide convincing evidence that it has destroyed all” its chemical and biological weapons;
- “admitted loading many ... [chemical and biological] agents into missile warheads” before the Gulf Conflict;
- retained “more than 7,500 nuclear scientists and technicians, as well as technical documents related to the production of nuclear weapons”; and
- “been caught trying to smuggle in missile guidance instruments”.

¹²² Speech, 26 March 1997, ‘SecState Albright Policy Speech on Iraq, March 26’.

274. Dr Albright added that “according to Ambassador Ekéus”, UNSCOM had “not been able to account for all the missiles Iraq acquired over the years”. He believed it was “highly likely” that Iraq retained “an operational SCUD missile force, probably with chemical and biological weapons to go with it”.

275. Dr Albright stated that, if Iraq was “released from sanctions and scrutiny”, its “current government ... would pick up where it left off” in 1991. “For those reasons”, US policy would “not change”. The US did:

“... not agree with the nations who argue that if Iraq complies with its obligations concerning weapons of mass destruction, sanctions should be lifted. Our view, which is unshakeable, is that Iraq must prove its peaceful intentions. It can only do that by complying with all of the Security Council resolutions to which it is subject.”

276. Dr Albright added that the evidence was “overwhelming” that Saddam Hussein’s intentions would “never be peaceful”. The US looked forward “to the day when Iraq rejoins the family of nations as a responsible and law abiding member”, and “a change in Iraq’s government could lead to a change in US policy”. But until that day came, the US would “insist, with all the diplomatic tools at our command, that UN sanctions remain in place”, while doing what it “responsibly” could to “minimize the suffering of Iraqi citizens”.

277. Mr Ekéus told the Inquiry that, after Dr Albright’s speech:

“Tariq Aziz made it clear to me that from now on it would be close to impossible to convince the President of the value of co-operating with the UN inspectors. This move by the US was from our perspective destructive.”¹²³

UNSCOM activity

UNSCOM REPORT, APRIL 1997

278. The Security Council was told in April 1997 that there had been tangible results in some areas of UNSCOM’s activities but the capabilities which could not be accounted for could not be ignored.¹²⁴

279. The report of UNSCOM’s activities since 11 October 1996 stated that work over the last two years had “led to the unmasking” of:

- Iraq’s biological weapons programme;
- “highly sophisticated and advanced work on the extremely lethal chemical warfare nerve agent VX”; and

¹²³ Statement Ekéus, 23 April 2011, page 6.

¹²⁴ UN Security Council, 11 April 1997, ‘Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)’ (S/1997/301).

- the development and production of SCUD-type missile engines.

280. UNSCOM's achievements demonstrated that:

"... international weapons inspections under the auspices of the United Nations, if applied with first-rate expertise and modern technology, can achieve effective results."

281. But UNSCOM was continuing its work because it could not state that Iraq had "accounted for all weapons, components and capabilities proscribed" in resolution 687 for a number of reasons, including Iraq's unilateral programme of destruction in contravention of resolution 687 and its policy of concealment "aimed at deceiving the inspectors and at retaining limited but significant proscribed capabilities".

282. Because of the "inadequacies, incompleteness and lack of evidentiary documentation" in Iraq's FFCDs, UNSCOM had been unable credibly to verify Iraq's declarations. In an effort to expedite that process, Mr Ekéus and Mr Aziz had agreed to adopt an innovative process whereby UNSCOM presented its detailed findings and an assessment of the outstanding problems at the "political level" in Baghdad. This process had started by addressing missile issues in December 1996, followed by discussions on chemical weapons in February and April 1997 and biological weapons in April 1997.

283. The process had "led to a much clearer understanding" by Iraq's political leadership of the problems and what Iraq needed to do to resolve them. UNSCOM hoped that this would help to overcome the lack of progress on technical issues.

284. The report stated that:

- The new process constituted "a fruitful approach" if Iraq was "fully co-operative and transparent in its response to the Commission's initiatives and concerns".
- "Tangible results" had "already been achieved" on missiles and chemical weapons.
- Agreement for remnants of missiles unilaterally destroyed by Iraq to be removed and analysed outside Iraq had not been reached until late February, and the work would require "several weeks or months before it was completed".
- More documentation on Iraq's proscribed programmes should exist and had been formally requested.
- Iraq had stated that there was no policy to withhold information and when documents were discovered they were given to UNSCOM.
- There were difficulties on biological weapons. Iraq had been asked to reconsider its position and provide a new declaration; and after some discussion had agreed on 5 April to do so.

285. UNSCOM also reported that the completeness and accuracy of Iraq's declarations and a clear understanding of the scope and history of its proscribed programmes were essential for an effective monitoring programme.

286. Since October 1996, there had been “a pattern of efforts” by Iraq “to restrict the Commission’s monitoring activities” which had caused “serious problems”. UNSCOM hoped that commitments given by Mr Aziz to Mr Ekéus during their meeting in April would be “translated into action”.

287. There was “not much” that was unknown about Iraq’s “proscribed weapons capabilities”, but what was “unaccounted for” could not:

“... be neglected. Even a limited inventory of long-range missiles would be a source of deep concern if those missiles were fitted with warheads filled with the most deadly of chemical nerve agents, VX. If one single missile warhead were filled with the biological agent, Anthrax, many millions of lethal doses could be spread in an attack on any city in the region. With that in mind, the Special Commission has undertaken extraordinary efforts to bring to a satisfactory conclusion the full accounting of Iraq’s weapons of mass destruction and long-range missiles, in order to be able to make sure that all the proscribed items have been disposed of.”

288. UNSCOM concluded:

“A solid framework with tested procedures is in place. It is now time for Iraq to make full use of this and to provide the material and data to give substance to its stated commitment of full co-operation. The remaining problems ... cannot be solved through a technical process ... Their solution requires the major political decision by Iraq’s leadership to give up, once and for all, all capabilities and ambition to retain or acquire the proscribed weapons ...”

289. UNSCOM’s activities between October 1996 and April 1997 and the discrepancies between its findings and Iraq’s declarations were set out in detail in an Appendix to the report.¹²⁵ Its key points included:

- Iraq had still not provided a credible account of quantities and types of “special warheads” which had been produced for proscribed missiles, and UNSCOM had “evidence that Iraq has provided incorrect information”.
- Not all chemical bombs had been declared by Iraq.
- The “final disposition of the programme for the production of ... VX” remained “unresolved”. Iraq claimed that it had only carried out activities “on the laboratory/pilot plant scale”, and that it had destroyed “hundreds of tons of VX precursors in 1991”. UNSCOM had “evidence that Iraq obtained the technology” and retained “equipment for the large-scale production of VX”.
- In December 1996, UNSCOM had presented its concerns that “In an attempt to mislead the Commission, Iraq had tried to falsify evidence” of missile destruction.

¹²⁵ UN Security Council, 11 April 1997, ‘Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)’ (S/1997/301), ‘Appendix I Inspection activities and operational, administrative and other matters’.

- Four complete missile engines which had not been declared were found in early 1997.
- In March 1997, IAEA excavations at declared burial sites had unearthed an undeclared “highly expensive cache of ... valves” for use in uranium enrichment.

A CHANGE OF TACTICS

290. Mr Ekéus told the Inquiry that it had started to become clear in spring 1997 that it was:

“... a matter of months rather than years before UNSCOM/IAEA could report the accomplishment of the WMD disarmament and the monitoring functionality in place.”¹²⁶

291. In May 1997, Mr Blair became Prime Minister of the UK.

292. From the middle of 1997, Saddam Hussein adopted more sharply confrontational tactics, and the humanitarian situation continued to deteriorate, with the result that Iraq climbed back up the international agenda. The five Permanent Members of the UN Security Council (the “P5”), and the international community more widely, were divided in their response.

293. Following four incidents in early June 1997, there was an exchange of letters between UNSCOM and Iraq, including two letters on 5 June from Mr Aziz to Mr Ekéus.

294. In one letter, Mr Aziz stated that UNSCOM’s activities gave “rise to profound disquiet” and raised “serious questions” about UNSCOM’s commitment to “complete its mandate ... expeditiously and in an impartial and businesslike manner”.¹²⁷

295. In a second letter, Mr Aziz stated that UNSCOM was conducting inspections “on the pretext of alleged concealment” and fabricating “crises and tensions” to “provide a pretext for directing ... unfounded accusations against Iraq” and prolonging its duties.¹²⁸

296. In response, Mr Ekéus wrote to the President of the Security Council suggesting that the Council “might wish to remind Iraq of its obligations”.¹²⁹

297. A Presidential Statement issued on 13 June expressed “serious concern” about the incidents in which “Iraqi personnel unacceptably interfered with helicopter flights operating in support of inspection” of designated sites. The Security Council deplored

¹²⁶ Statement Ekéus, 23 April 2011, page 6.

¹²⁷ UN Security Council, 16 June 1997, ‘Letter dated 5 June 1997 from the Deputy Prime Minister of Iraq addressed to the Executive Chairman of the Special Commission Established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991)’ (S/1997/462).

¹²⁸ UN Security Council, 13 June 1997, ‘Letter dated 5 June 1997 from the Deputy Prime Minister of Iraq addressed to the Executive Chairman of the Special Commission Established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991)’ (S/1997/456).

¹²⁹ UN Security Council, 13 June 1997, ‘Letter dated 9 June 1997 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council’ (S/1997/455).

the incidents, reminding Iraq of its obligations and its support for UNSCOM's efforts to implement its mandate.¹³⁰

298. Mr Ekéus wrote to the President of the Security Council again on 12 June to report Iraq's decision to deny UNSCOM access to three sites on 10 and 12 June.¹³¹

299. In a response on 15 June, Mr Aziz set out at length Iraq's "serious and real concerns relating to Special Commission inspection teams' access to sites" which were "important" to Iraq's "sovereignty or national security".¹³²

300. Mr Aziz stated that, following their agreement of 22 June 1996, he had agreed with Mr Ekéus in October that "joint work should concentrate on reviewing" the missile, chemical and biological files in turn, and "working to close them". UNSCOM had, however, "altered" that approach when it "began to carry out large-scale inspections, the likes of which had not been conducted for several years" in March 1997. The inspections were based "on the pretext of verifying alleged claims of the concealment of proscribed items and activities" from the "intelligence sources of some States which provide the Special Commission with such fabricated information". Those sources were "tendentious and inaccurate".

301. In addition, Mr Aziz wrote that Iraq had "serious concern" that the facilities available to UNSCOM were being used as "a cover to detect the arrangements made for the security of Iraq, its leadership and the personnel involved". Mr Aziz was particularly concerned about the activities of Colonel Scott Ritter, a UN inspector and serving member of the US Army.

302. Mr Aziz stressed that:

- Allegations concerning concealment of proscribed items were "false", and UNSCOM had "no concrete evidence to substantiate them".
- Iraq had "pointed out ... that limited operations of no practical value were carried out in 1991 by Hussein Kamil and a very small number of individuals".
- The "facts and information related to those operations" had been made available to UNSCOM, and it had interviewed the personnel involved and visited the sites of concealment "over a period of several months".
- Iraq suspected that the aim was "to keep matters in a state of flux, and justify the endless continuation of the embargo", which served "the well-known purposes of a certain State".

¹³⁰ UN Security Council, '3789th Meeting Friday 13 June 1997' (S/PV.3789).

¹³¹ UN Security Council, 19 June 1997, 'Letter dated 12 June 1997 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council' (S/1997/474).

¹³² UN Security Council, 16 June 1997, 'Letter dated 16 June 1997 from Deputy Prime Minister of Iraq addressed to the President of the Security Council' (S/1997/465).

- The agreement that missiles should be analysed outside Iraq, in response to Mr Ekéus’s “allegations” in 1996 “that Iraq might retain an operational missile force”, had not provided any results.
- Iraq had allowed access to 40 of the 43 sites designated for inspection and its actions “cannot be interpreted as a decision by the Government of Iraq to prevent the Special Commission implementing its mandate”.
- Col Ritter’s aim in gaining access to designated sites was “to achieve other purposes, unrelated to the Special Commission’s mandate”.

RESOLUTION 1115 (1997)

303. On 21 June, the Security Council unanimously adopted resolution 1115 (1997), condemning Iraq’s actions and demanding its full co-operation. Although the resolution was adopted unanimously, there were clear differences between the positions of the US and UK, and China and Russia.

304. Acting under Chapter VII of the UN Charter, in resolution 1115 the Security Council condemned the “repeated refusal of the Iraqi authorities to allow access to sites designated by the Special Commission”, which constituted a “clear and flagrant violation” of the provisions of previous resolutions. The Council reiterated its the demands for Iraq to:

- “co-operate fully”;
- allow “immediate, unconditional and unrestricted access” for the inspectors; and
- “give immediate, unconditional and unrestricted access” to officials whom the Special Commission wished to interview.

305. The resolution requested the Chairman of UNSCOM to include “an annex evaluating Iraq’s compliance” with those requirements in his future reports to the Council.

306. The resolution expressed the Council’s “firm intention ... to impose additional measures” on the officials responsible if Iraq did not comply.

307. In a statement before the vote, Sir John Weston, the UK Permanent Representative to the UN in New York, stated that the Council was meeting “to respond to the latest in a series of incidents” in which the Iraqi authorities had “sought to impose conditions”, which he described as an “Iraqi campaign to prevent the Special Commission carrying out the mandate given to it by this Council” which was “obviously directed from the highest levels in Baghdad”.¹³³

308. Sir John added that it was “simply incredible for Iraq to claim that this campaign of concealment was the work of the late Hussein Kamil and a few associates”. It was “essential” that the “mechanism of deception and concealment” was:

¹³³ UN Security Council, ‘3792nd Meeting Saturday 21 June 1997’ (S/PV.3792).

“... fully exposed and brought to an end. Otherwise we cannot know whether caches of equipment, documents, facilities, or entire programmes still exist of which we are unaware and which will therefore not be subject to monitoring.”

309. Sir John concluded that Iraq had “repeatedly assured” the Council of its “commitment to furnishing full co-operation” but had “failed to translate these assurances into reality”. The draft resolution was a “reasonable, proportionate and focused” way to remind Iraq of its obligations.

310. Mr Nabil Elaraby, Egyptian Permanent Representative to the UN, made it clear that an earlier draft of the resolution had proposed “additional sanctions to be imposed on Iraq at a time when the regional Arab, African and Islamic organizations and those associated with the Non-Aligned Movement wish the Special Commission to end its mission so as to put an end to the suffering of the Iraqi people”.

311. Mr Edward Gnehm, US Deputy Permanent Representative to the UN, stated that, far from complying, Iraq had “expended its best efforts to thwart the will of the Council, particularly in the crucial area of weapons of mass destruction”. Since 1991, it had:

“... made every effort to conceal its true weapons capabilities, to destroy evidence of its programmes and supply routes and to lie about it to this Council. In the last two years, Iraqi efforts to interfere with the Special Commission ... have intensified ... UNSCOM inspectors have observed blatant efforts to remove documents and other evidence from sites while the inspectors themselves have been prevented from entering; and UNSCOM inspectors have been refused permission to interview knowledgeable individuals.”

312. Mr Gnehm added that Iraq had abrogated the modalities in the joint agreement and its “obstructionist actions were taken under orders from the highest authorities in Baghdad”. UNSCOM was facing its most serious threat since it was established and Iraq’s failure was “a serious threat to the region’s peace and security”. Mr Ekéus’s briefing to the Council had confirmed that there had been “no improvement” in Iraq’s “alarming policies” since his April report and Iraq had “responded with contempt” to the Council’s resolutions and statements.

313. Mr Gnehm stated:

“... the time for mere words is over. Iraq has shown us that it will never voluntarily comply with resolutions of the Council unless the Council acts firmly and decisively to enforce its will. That is why we have brought forward this resolution today, which will demonstrate conclusively to Iraq that its actions have serious consequences ...

“... We have chosen these particular steps because they are measured and targeted ...

“Similarly, the Council expresses its intent to impose new measures, targeted precisely at those parties most responsible for the continued concealment of

Iraq's weapons programmes, if Iraq ... fails to comply ... with the substance of the Commission's authority to conduct inspections and interviews without interference of any sort."

314. In a statement after the vote, Mr Qin Huasun, Chinese Permanent Representative to the UN, stated that Iraq had "basically maintained its co-operation" and that UNSCOM had "made great progress in discharging the mandate entrusted to it". He added: "Under these circumstances, we should consider gradually lifting sanctions against Iraq in order to alleviate its humanitarian difficulties."

315. Mr Sergei Lavrov, Russian Permanent Representative to the UN, emphasised the importance of the Security Council's consensus on a "balanced", not "one-sided" response which reflected "both the very core of the problem and the broad range of views of the members of the Security Council", and was "not based on the logic of punishment but forms part of the Council's main thrust: to conclude this disarmament issue as quickly as possible and to achieve a lasting post-conflict settlement in the Persian Gulf on the basis of resolution 687 (1991)".

MR RICHARD BUTLER SUCCEEDS MR ROLF EKÉUS

316. On 1 July, Mr Richard Butler, an Australian diplomat and former Permanent Representative to the UN, succeeded Mr Ekéus as the Executive Chairman of UNSCOM.¹³⁴

317. From mid-September 1997 there were further serious incidents in which UNSCOM access to designated sites was denied or delayed, and material was moved or destroyed, which were reported to the Security Council.

318. On 3 September, the JIC stated that Iraq had:

"... claimed, however, that it had terminated the [BW] programme and destroyed its arsenal before UN inspections began in 1991. These admissions, while assessed to be largely accurate, are incomplete. We assess that Iraq has withheld information on key elements of its programme: reliable intelligence has described work on plague and suspicions persist of work on other pox viruses."¹³⁵

319. Following a briefing to Security Council members from Mr Butler about two incidents the previous weekend, the President of the Security Council told the press on 17 September that the Council viewed Iraq's failure to co-operate and to apply the procedures agreed on 22 June "in the gravest terms", and called on Iraq to co-operate fully with UNSCOM.¹³⁶

¹³⁴ UN Security Council, 6 October 1997, 'Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)' (S/1997/774).

¹³⁵ *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, page 135.

¹³⁶ United Nations Daily Highlights, 17 September 2007.

320. Despite that statement, inspection teams were prevented from inspecting three sites between 27 September and 1 October.¹³⁷ Constraints had also been imposed on two occasions on UNSCOM flights inside Iraq.

321. Mr Butler's report to the Security Council of 6 October acknowledged that progress had been made in "substantive areas" of UNSCOM's mandate, "in particular with respect to accounting for Iraq's proscribed long-range missiles and the destruction of chemical weapons-related equipment and materials".¹³⁸

322. In addition, since April there had been more than 170 site inspections by visiting teams and more than 700 site inspections by resident monitoring teams. The majority had been conducted "without let or hindrance". The "atmosphere in which consultations with the Government of Iraq had been conducted" had "improved" and a number of problems had been resolved through direct contacts between Mr Butler and Mr Aziz.

323. A work programme had been agreed with Mr Aziz in late July.

324. In relation to ballistic missiles, the work programme "put special emphasis on achieving a solid and verifiable material balance". Mr Butler reported that:

- UNSCOM had been able to account for 817 of the 819 missiles imported by Iraq before 1988, including 83 of the 85 missiles which Iraq had claimed it had unilaterally destroyed.
- Inspections in August and September 1997 had accounted for 14 mobile missile launchers, but there were questions arising from Iraq's different accounts of what had happened to the launchers and its concealment of the fact that it had initially retained four launchers, which were not destroyed until October 1991.
- UNSCOM had not yet been able to account for proscribed missile warheads or propellants or the destruction of guidance components.
- In September 1997, Iraq had offered a new account of its concealment and destruction of components for indigenous production of missile engines and the means for their production, but had not provided any documentation to support that declaration.
- UNSCOM questioned Iraq's claims that it was not withholding any relevant documents.
- UNSCOM needed a full understanding of the considerations that had led to Iraq's retention of proscribed assets.

¹³⁷ UN Security Council, 6 October 1997, 'Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)' (S/1997/774).

¹³⁸ UN Security Council, 6 October 1997, 'Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)' (S/1997/774).

- Iraq had increased its declarations on the number of special warheads for the Al Hussein missile, filled with chemical or biological agents, several times. UNSCOM had established that the minimum number produced was 75, and that five additional warheads had been used for trials. It also “had evidence of the probable existence of a number of additional special warheads”.
- UNSCOM had been unable fully to confirm Iraq’s unilateral destruction of 45 of those warheads.
- Accounting for proscribed warheads would “greatly increase” UNSCOM’s ability to report with confidence that Iraq did not possess a proscribed missile force.
- More work was required to account for Iraq’s indigenous production of proscribed missile systems.

325. In relation to Iraq’s chemical weapons programmes, UNSCOM was “still investigating the veracity” of Iraq’s claims that it had unilaterally destroyed weapons and agents.

326. Iraq had not declared the removal and concealment of some production equipment from al-Muthanna until August 1997 and its plans required further clarification.

327. The “most important” outstanding issues were:

- “accounting for special missile warheads”;
- the “material balance of 155mm mustard shells”;
- the “extent of the VX programme”; and
- the rationale for the acquisition of various types of chemical weapons.

328. Iraq had declared in June 1996 that 550 artillery munitions filled with mustard agent had been destroyed during the 1991 Gulf Conflict but had not yet provided evidence of that destruction.

329. UNSCOM had been unable to verify the destruction of Iraq’s stocks of precursor chemicals for the production of VX. In addition, while Iraq had declared, after 1995, that the project had failed and no large-scale production had ever taken place, UNSCOM had “recently obtained further sufficient evidence” that Iraq had “succeeded in acquiring VX production capabilities”.

330. Important progress had been made, but Iraq would need to provide “much more and accurate material and related access ... relevant to the warheads and VX questions” before UNSCOM would be able to “report positively on disarmament”.

331. UNSCOM reported to the Security Council on 6 October that Iraq’s total production and holdings of CW agents could not be verified:

- “Over a period of seven years Iraq had provided three formal FFCD (full and final complete declarations) and about 20 sets of clarifications ...”

- Iraq's acquisition and expenditure of munitions before 1988 could not be verified because of the absence of sufficient evidence from Iraq and its former foreign suppliers of the procurement of precursor chemicals, production and weaponisation of CW agents.
- In trying to determine a material balance of the munitions which had existed in 1991, UNSCOM had been unable to account for some 16,000 unfilled munitions and 550 munitions filled with mustard, primarily because of Iraq's unilateral destruction programme.
- There was also a "material balance" of around 4,000 tons of key precursor chemicals.
- Almost all of Iraq's production equipment had been destroyed in the 1991 conflict or subsequently under UN supervision.

332. Iraq's biological weapons programme was, however, an area which was "unredeemed by progress or any approximation of the known facts of Iraq's programme". There was "incomprehension" about Iraq's persistence in "refusing to make the facts known" and why it was "so insistent on blocking the Commission's own efforts to reach those facts".

333. A panel of experts drawn from 13 Member States of the Security Council had unanimously concluded that Iraq's latest FFCD was "not acceptable". The declaration was "incomplete", had "significant inaccuracies", and the outstanding problems with all aspects of proscribed activity were "numerous and grave". There were no insights into the decisions to commence the biological weapons programme, or to conceal it between 1991 and 1995.

334. In September, Mr Butler and Mr Aziz had agreed that the new FFCD on biological weapons, and all other FFCDs in UNSCOM's possession, should be regarded as final; and that the Commission would not further assist Iraq in the formulation of its account.

335. The report also stated that:

- Much greater resources could be required in the future to monitor and verify dual-capable facilities and the export and import of dual-capable items.
- The monitoring system could not be comprehensive until the Security Council had been "able to conclude that Iraq's prohibited programmes have been destroyed, removed or rendered harmless" and the "full extent" of Iraq's prohibited programmes was known.
- The Iraqi Government's stated willingness to comply fully with the requirements for monitoring had "not always been reflected, in practice, on the ground". While the number of incidents of concealment, deception and interference with the inspections process were "relatively small", they served to "reduce confidence in Iraq's commitment to the system".
- There was still "considerable uncertainty" about Iraq's retention of prohibited material and concealment systems.

- UNSCOM's view was that, "were it to have full access to all relevant sites and persons in Iraq", it was "highly likely that proscribed items would be discovered"; and that "Iraq's actions to impede or block the Commission's concealment investigations" tended to "affirm this view".
- Iraq had "increasingly failed to apply or behave in conformity with the modalities [agreed on 22 June]" and, "in more recent times", had "sought both to exclude them altogether with respect to certain sites and to define new categories of often very large sites from which the Commission inspectors would be forbidden".

336. The report concluded that UNSCOM was "convinced" that:

- The Security Council should "insist that Iraq meet its obligation to disclose fully all of its prohibited weapons and associated programmes". This was a "crucial requirement" for which there was "no substitute".
- It was "essential" for the Council to "reaffirm and demand Iraq's complete co-operation" with UNSCOM's exercise of "its rights to full access to sites and persons".

337. In a letter on 12 October, Mr Aziz set out Iraq's concerns about UNSCOM activities and the influence of the US and UK on UNSCOM's approach, including:

- The US "in particular, together with Britain, were doing their utmost ... to topple the national Government of Iraq and to eliminate its national leadership". That "seriously affected the composition" of UNSCOM, with the US "leading the hostile work against Iraq". An activity which was "supposed to be international and neutral" was "unbalanced".
- The US monopolised the intelligence means. Iraq wanted aerial surveillance using a plane from a neutral state.
- The justification for intrusive inspections was based on allegations of deliberate concealment and inaccurate information which were themselves inaccurate and being deliberately used by UNSCOM to procrastinate and to prolong the inspections process. For example, the delay in analysing missile fragments had been caused by UNSCOM's original insistence that the analysis should be conducted in the US.
- The reports submitted to the Council were "tendentious", using a method that was "intended to confuse the past with what has been newly achieved, in a manner that makes it difficult for the reader to differentiate between the positive and negative aspects"; and that many of the reports were "inaccurate". The Security Council and international community "were being deliberately misled with a view to fostering baseless suspicions about Iraq's capabilities".
- Iraq had not been asked in 1992 to preserve the remnants of the special warheads it had destroyed, and the subject had been "considered as closed" in UNSCOM's report in June 1995. In the absence of any missiles or means for their delivery, the warheads had no operational value. The renewed focus on special warheads was deliberately aimed at delay.

- UNSCOM should consider what had been achieved in relation to missiles and chemical weapons as sufficient to meet Iraq's obligations in section C of resolution 687.
- Iraq was "ready to start serious and extensive work to address the biological file in order to close it within a short time". It had "completely destroyed" all the biological agents in its possession and all "the sites, apparatuses and equipment used in the production of biological agents". All the 87 sites which UNSCOM considered could be capable of dual use for the production of biological agent were "under strict monitoring".
- Iraq was "ready to continue to work with the Special Commission in a serious, scientific, technical and objective manner" to close the files "so that the Council may proceed to implement its obligations towards Iraq" under paragraph 22 of resolution 687 (1991) (removal of the restrictions on trade in resolution 661).
- The people of Iraq could not "continue suffering this injustice". Iraq had "fulfilled the obligations imposed on it" and the Security Council should do the same, "starting at the earliest date". If the "imbalance" continued, the "situation" would become "absolutely unacceptable".¹³⁹

IAEA REPORT, OCTOBER 1997

338. Dr Blix submitted his final consolidated report as Director General of the IAEA on 6 October, which concluded that the IAEA investigation of Iraq's nuclear programme had reached the point of diminishing returns. The extent to which the remaining uncertainty was acceptable was a political judgement.

339. The Butler Report stated that, after 1995, the JIC consistently assessed that, "if all United Nations controls on Iraq's nuclear activities were removed, Iraq could possibly develop a nuclear device in around five years".¹⁴⁰

340. Dr Blix's final consolidated report assessed that the IAEA had a "technically coherent picture" which revealed a programme:

"... aimed at the production of an arsenal of nuclear weapons, based on implosion technology, which had involved:

- Acquisition of non-weapon-usable nuclear material through indigenous production and through overt and covert foreign procurement.
- Research and development programmes into the full range of uranium enrichment technologies culminating in the industrialisation of EMIS [Electro Magnetic Isotope Separation] and the demonstration of a proven prototype gas centrifuge.

¹³⁹ UN Security Council, 13 October 1997, 'Letter dated 12 October 1997 from the Deputy Prime Minister of Iraq addressed to the President of the Security Council' (S/1997/789).

¹⁴⁰ *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, page 45.

- Development of metallurgical technologies necessary for the fabrication of the uranium components of a nuclear weapon.
- Research and development activities related to the production of plutonium ...
- Development of nuclear weapon designs and weaponisation technologies for implosion devices and the establishment of industrial-scale facilities for their further development and production.
- Research and development activities related to the integration of a nuclear weapon system with a missile delivery system.”¹⁴¹

341. Dr Blix added that the IAEA’s ability to understand the details of the programme had been “severely hampered by Iraq’s persistence in a policy of concealment and understatement of the programme’s scope and achievements”.

342. The report included a summary of Iraq’s actions since 1991 and the IAEA’s activities illustrating that point. Since May 1997, the IAEA had “received clarification of many matters”, although it had:

- “not provided a comprehensive statement of the membership, terms of reference and duration of authority of the Governmental Committee charged, *inter alia*, to ‘reduce the effect of NPT violation to the minimum’”;
- “stated that it has no further information regarding external assistance to its clandestine nuclear programme”;
- “declared itself unable to describe the motives behind the actions ascribed to the late Lt Gen Hussein Kamil which resulted in the concealment of the cache of documentation, material and equipment ‘discovered’ at the Haider House farm”;
- “declined to include, in its FFCD a summary of the practical and theoretical achievements of Iraq’s clandestine nuclear programme”; and
- “yet to provide the promised written description of its post-war procurement system”.

343. Despite those issues, the IAEA report stated that:

- There were “no indications to suggest Iraq was successful in its attempts to produce nuclear weapons”, although there was “no documentation or other evidence” which showed “the actual status of the weapon design when the programme was interrupted”.
- Iraq was “at, or close to, the threshold of success in such areas as the production of HEU [Highly Enriched Uranium] through the EMIS process, the production and pilot ... of ... gas centrifuge machines, and the fabrication of the explosive package for a nuclear weapon”.

¹⁴¹ UN Security Council, 8 October 1997, ‘Fourth consolidated report of the Director General of the International Atomic Energy Agency under paragraph 16 of Security Council resolution 1051 (1996)’ (S/1997/779).

- There were “no indications to suggest that Iraq had produced more than a few grams of weapons-usable nuclear material”, and all of that had been removed from Iraq.
- There were “no indications” that Iraq had acquired other weapons-usable nuclear material.
- All the “safeguarded research reactor fuel, including the HEU fuel that Iraq had planned to divert to its ‘crash programme’, was verified and fully accounted for by the IAEA and removed from Iraq”.
- There were “no indications” that “any physical capability for the production of amounts of weapons-usable nuclear material of any practical significance”.

344. Dr Blix stated that there were “no indications of significant discrepancies” in Iraq’s latest declaration.

345. The report stated that a letter of 1 May from Iraq’s Minister of Foreign Affairs reflected “Iraq’s unconditional reaffirmation of its obligations under the NPT” and “its acceptance of its obligations, as interpreted by the IAEA, under Iraq’s Safeguards Agreement with the Agency”.

346. The report observed that:

“... taking into account the possibility, albeit remote, of undetected duplicate facilities or the existence of anomalous activities or facilities outside this technically coherent picture, no absolute assurances can be given with regard to the completeness of Iraq’s FFCDD. Some uncertainty is inevitable in any country-wide technical verification process which aims to prove the absence of readily concealable objects or activities. The extent to which such uncertainty is acceptable is a policy judgement.”

347. The report said that the IAEA’s:

“... activities regarding the investigation of Iraq’s clandestine nuclear programme have reached a point of diminishing returns ... The IAEA is not ‘closing the books’ on its investigation ... and will continue to exercise its right to investigate any aspect of Iraq’s clandestine nuclear programme, in particular, through the follow-up of any new information ...”

348. In his memoir, Dr Blix wrote:

“There was general agreement ... that there were no significant ‘disarmament’ matters to clear up in the nuclear dossier, only some ‘questions’ to clarify.”¹⁴²

349. The Security Council considered the report from Mr Butler and a draft resolution on 23 October.¹⁴³ Dr Blix’s report was not formally tabled for discussion in the Security Council.

¹⁴² Blix H. *Disarming Iraq*. Bloomsbury, 2004.

¹⁴³ UN Security Council, ‘3826th Meeting Thursday 23 October 1997’ (S/PV.3826).

RESOLUTION 1134 (1997)

350. Resolution 1134 (1997), expressing the intention to impose travel restrictions in the event that UNSCOM reported that Iraq was not in compliance with resolution 1115, was adopted on 23 October.¹⁴⁴

351. The draft text which became resolution 1134 was co-sponsored by nine members of the Council and adopted by ten votes. Five members, including three Permanent Members, abstained – China, Egypt, France, Kenya and Russia.

352. Resolution 1134:

- reaffirmed the Security Council’s “determination to ensure” Iraq’s “full compliance ... with all its obligations under all previous resolutions”; and
- reiterated the Council’s “demand that Iraq allow immediate, unconditional and unrestricted access to the Special Commission to any site ... and in particular ... fixed wing and helicopter flights throughout Iraq for all relevant purposes ... without interferences of any kind and upon such terms and conditions as may be determined by the Special Commission”.

353. Acting under Chapter VII of the UN Charter, the measures adopted by the Council included:

- condemning Iraq’s actions detailed in UNSCOM’s report of 6 October;
- deciding that Iraq’s refusal to co-operate constituted a “flagrant violation” of its obligations and demanding its full co-operation;
- demanding that Iraq should “co-operate fully with the Special Commission in accordance with the relevant resolutions”;
- expressing the “firm intention”, if UNSCOM reported Iraq was not in compliance with paragraphs 2 and 3 of resolution 1115, “to adopt measures which would oblige all States to prevent without delay the entry into or transit through their territories of all Iraqi officials and members of the Iraqi armed forces who are responsible for or participate in instances of non-compliance ... [with the exception of] persons carrying out bona fide diplomatic assignments or missions”; and
- reaffirming its “full support for the authority of the Special Commission ... to ensure the implementation of its mandate”.

354. The record of the discussion demonstrates serious divisions in the Council over the approach adopted, with the UK and US speaking in strong terms about the need for action while the members who abstained argued that the terms of the resolution were unbalanced and unlikely to bring about a resolution of the problems faced by UNSCOM.¹⁴⁵

¹⁴⁴ UN Security Council resolution 1134 (1997).

¹⁴⁵ UN Security Council, ‘3826th Meeting Thursday 23 October 1997’ (S/PV.3826).

355. Sir John Weston stated that the “incidents described” in Mr Butler’s report of 6 October, and his inability to advise the Council that Iraq was “in substantial compliance with the demands of resolution 1115”, were “adequate justification to move forward from the decision” taken by the Council in June.

356. Sir John added:

“We shall regret it if a few Council members, for whatever reasons of their own, are unable to subscribe to this view. We have worked hard and in good faith to accommodate all members’ preoccupations on the text. But we were not willing to compromise the underlying purpose of the resolution or the responsibilities of the ... Council in order to appease Iraq ...”

357. Sir John also stated that Saddam Hussein had to take “the political decision to co-operate fully” with UNSCOM, and that:

“The regularity with which this Council has had to address this issue confirms that this decision has still not been taken. All we have heard from the Iraqi regime for the past six and [a] half years are lies and empty promises, while on the ground they have actively obstructed the Special Commission and concealed from it details of its illegal weapons programmes. These facts are borne out in the latest report of the Special Commission, which clearly states that, while progress has been made, serious deficiencies remain in all three weapons areas, in particular on chemical and biological warfare agents.”

358. Sir John concluded that, “until and unless” Iraq co-operated and told “the whole truth”, there could be “no prospect of the Council considering whether the demands of Section C of ... resolution 687 (1991)” had been met. He also referred to Iraq’s failure to meet its obligations in relation to missing Kuwaiti prisoners of war and property.

359. Ambassador Bill Richardson, US Permanent Representative to the UN, stated that the Baghdad regime was the only party “responsible for this very sad state of affairs”, and that it was refusing “to meet its most basic obligations, such as allowing UNSCOM inspectors to carry out their Security Council mandate without obstruction or harassment”. Mr Butler’s report recorded “a litany of Iraqi harassment, obfuscation, obstruction and deception”. Iraq had explained its actions by attacking the credibility of UNSCOM and questioning its judgement, and when that did not work, resorting to “time honoured tactics of bullying, burning and blackmailing”.

360. Ambassador Richardson added:

“Compliance with international obligations is not a voluntary act. Co-operation is not a matter of degree. Either Iraq is in compliance ... or it is in breach of those obligations.”

361. Ambassador Richardson challenged the description of Iraq’s “so-called co-operation over the past six months”, which was “too little, too late”.

362. Addressing comments by other members of the Council about Dr Blix's report, Ambassador Richardson stated:

"... even in this area it is clear that Iraq has not answered all the relevant questions necessary to have a full accounting of its programmes. The books cannot be closed. Furthermore, we now know, thanks to the efforts of Mr Blix and his staff, that Iraq lied and concealed an active weaponization programme for years in direct defiance of its commitments under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and its commitments to the IAEA. Iraq has lied about its programmes for too long and too recently for us to settle for anything less than absolute certainty that Iraq's nuclear ambitions have been completely neutralized.

"When accounting for nuclear weapons, close is not good enough. If you fail to account for just one nuclear device, that could mean the destruction of an entire city."

363. Ambassador Richardson concluded that Baghdad had "a clear and simple choice" while commending the approach of Mr Butler and his team and stating that the Council "must do everything" it could to support him. He regretted the decision of some members of the Council not to support the resolution, which would "carry the full weight of international law".

364. Japan, Poland, Portugal and Sweden spoke in support of the resolution, but in more moderate terms than either the US or UK.

365. Mr Elaraby drew attention to Dr Blix's report and the progress in some areas reported by Mr Butler, and set out conclusions in seven areas that Egypt would have liked to see included in the resolution for the evaluation of the implementation of the Council's resolutions and the Council's future actions. These were:

- The draft resolution should have taken into account the positive aspects reported by UNSCOM and the IAEA.
- The Council "must be the only body responsible" for making decisions, "following consultations and discussions on the basis of reports submitted by the Special Commission".
- The IAEA and Special Commission were responsible for "purely technical matters". While it was "difficult" for them "to assert that nothing remains to be destroyed" it was "important" for the Council to take the decision "defining the ultimate goal of the activities of those two bodies in order that the Council's resolutions can be fully implemented in detail".
- The Council should "take the time ... objectively" to study the differences in view between the Special Commission and Iraq about the interpretation of the modalities for inspections. Further co-operation was needed from Iraq, but the Special Commission also had to "make an effort" to co-operate so that it could discharge its responsibilities.

- The reports contained sporadic instances of non-co-operation; but the question was whether that was “recurring, systematic non-co-operation” and if it indicated “a real pattern of unwillingness to comply” or “isolated instances of differences”.
- Egypt was opposed in principle to additional sanctions.
- The Council should have mandated the UN Sanctions Committee to determine clear criteria for the modalities for the implementation of the resolution so that the Council could “avoid contributing to aggravating the tensions between Iraq and the Special Commission, which could complicate the task of eliminating weapons of mass destruction”.

366. Mr Elaraby concluded by stating that Egypt had asked for more time for “calm and constructive dialogue”, but the sponsors of the resolution:

“... had insisted on it being put to the vote ... without taking into account the majority of the proposals put forward in recent days ... so that the draft resolution would respect logic, legality and the provisions of resolution 1115 ... and ... inspire the Iraqi Government to co-operate more fully with the Special Commission.”

367. Mr Kipkorir Aly Azad Rana, Kenyan Deputy Permanent Representative to the UN, stated that he would abstain because the draft resolution did not “clearly portray the balance and tone of the reports” from the IAEA and UNSCOM.

368. Mr Liu Jieyi, Counsellor, Permanent Mission of China to the UN, stated that the priority should be to enhance the co-operation between Iraq and UNSCOM and that he would abstain because the draft resolution was “not conducive to the settlement of the problems concerned” and amendments proposed by “quite a number of delegations” had not been accepted.

369. Mr Lavrov stated that the IAEA and UNSCOM had recently produced “voluminous comprehensive reports on the significant work done on filling in the blank spaces in the Iraq disarmament dossier”. The UNSCOM report had noted “significant” and “important” progress, particularly in the missile and chemical areas, and the IAEA report “had a positive tone”. Iraq had not accounted for all the items proscribed by section C of resolution 687, and a number of questions remained “to be clarified in the biological sphere”. There were “deficiencies” in Iraq’s compliance and “isolated incidents”, but that could not “justify the immediate adoption of additional sanctions”. The problems should be addressed within the framework of planned consultations between Mr Butler and Baghdad.

370. Mr Lavrov added that there was “an obvious lack of balance” in the draft resolution which “Ignored ... various substantial elements of the fulfilment by Iraq of relevant provisions of resolution 687”.

371. Russia could not understand why there was “no mention of the IAEA report” and the significant progress on the Iraqi nuclear dossier, which could be “viewed as closed”. Mr Lavrov stated:

“The sponsors’ categorical refusal to refer to the IAEA report in the draft resolution raises most serious questions and is unacceptable to us.”

372. Mr Lavrov also pointed out that resolution 1115 had required “substantial compliance” by Iraq with UNSCOM’s requirements for access; and that continued in effect. The new resolution’s requirements would “confuse the criteria” for compliance with the UN’s resolutions.

373. Mr Lavrov concluded that Russia had been “prepared to continue working on the draft in order to make it more balanced and acceptable to all members of the Security Council”, but the sponsors were “unfortunately” not ready to do so. Russia was “forced to abstain”.

374. Mr Alain Dejammet, French Permanent Representative to the UN, stated that France had abstained “on a consideration of the merits of the text of the resolution” and the importance of the principle of “seeking unity within the Council”, both to “underline the authority” of UNSCOM’s actions and because France considered that unity had “contributed to the achievement of the significant progress” noted in UNSCOM’s report. France also thought that Mr Butler “should have received some encouragement, however modest, to continue with his efforts and enhance further the effectiveness of the Special Commission’s co-operation with Iraq”.

CONTINUED IRAQI NON-CO-OPERATION

375. Iraqi concerns about US intentions, and its decision to refuse US participation in UNSCOM activities in Iraq, were set out in a letter to the UN on 29 October.

376. Reflecting the concerns about US intentions and actions, set out in his letters of 15 June and 12 October, and the effect of resolution 1134, which clearly reflected the “arbitrary position imposed by the United States against Iraq, using pressure and blackmail”, Mr Aziz informed the President of the Security Council that Iraq had decided to continue co-operation with UNSCOM:

“... provided no individuals of American nationality shall participate in any activity ... inside Iraq, particularly inspections, interviews, and aerial and ground surveillance.”¹⁴⁶

¹⁴⁶ UN Security Council, 29 October 1997, ‘Letter dated 29 October 1997 from Mr Tariq Aziz, Deputy Prime Minister of Iraq, addressed to the President of the Security Council’ (S/1997/829).

377. Mr Aziz added that the decision would take effect the following day. He also requested UNSCOM to withdraw its cover for U-2 flights, which “had been spying on Iraq and its leadership in order to execute America’s hostile policy against Iraq under cover of the Special Commission’s operations”.

378. Mr Aziz wrote that Iraq was “confident” that it was “free of proscribed weapons” and had “no apprehension of actions to verify that by all practical means”. He emphasised Iraq’s “sincere desire for continuing the co-operation with the Special Commission” to fulfil its obligations, and demanded that the Security Council fulfil its obligations.

379. A Presidential Statement issued after a meeting of the Security Council to consider Iraq’s “unacceptable decision ... to seek to impose conditions on its co-operation with the Special Commission, thereby preventing the Special Commission from discharging its responsibilities”:

- recalled the Security Council demands in resolution 1134 “that Iraq co-operate fully with the Special Commission in accordance with the relevant resolutions”;
- condemned “the decision ... to try to dictate the terms of its compliance with its obligation to co-operate”;
- demanded that “Iraq co-operate fully ... without conditions or restrictions”;
- reminded Iraq “of its responsibility for the safety and security” of UNSCOM personnel; and
- warned “of the serious consequences of Iraq’s failure to comply immediately and fully with its obligations under the relevant resolutions”.¹⁴⁷

380. The statement concluded that the Council was “determined to ensure rapid and full Iraqi compliance with the relevant resolutions” and that it would “remain actively seized of the matter”.

381. On 30 October, Mr Butler advised the President of the Security Council that Iraq had refused entry for two UNSCOM officials, and one IAEA official, of US nationality.¹⁴⁸

382. In a letter of 31 October, Dr Blix informed Mr Annan that the IAEA had suspended its monitoring activities in Iraq on 29 October.¹⁴⁹ Dr Blix reported that Iraq had subsequently informed the IAEA that it wished its work to continue and that “all IAEA staff, inspectors and experts” would be “welcomed as usual”, there was “no reason whatsoever to suspend any IAEA activities in Iraq”.

¹⁴⁷ UN Security Council, 29 October 1997, ‘Statement by the President of the Security Council’ (S/PRST/1997/49).

¹⁴⁸ UN Security Council, 30 October 1997, ‘Letter dated 30 October 1997 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council’ (S/1997/830).

¹⁴⁹ UN Security Council, 31 October 1997, ‘Letter dated 31 October 1997 from the Director General of the International Atomic Energy Agency addressed to the Secretary-General’ (S/1997/833).

383. Dr Blix added that it was his view that, as the IAEA and Special Commission were acting “as organs of the Security Council” to contribute to “a common objective”, it was “essential” that they had a “common approach”. The IAEA would continue “for the time being ... to suspend the practical implementation of its ongoing monitoring and verification plan”.

384. On 2 November, Mr Nizar Hamdoon, Iraqi Permanent Representative to the UN, reiterated Iraq’s decision on U-2 flights in a letter to Mr Butler.¹⁵⁰ He wrote:

“In the light of current developments, Iraq anticipates that the United States will engage in military aggression ... as it has done on previous occasions. Accordingly, the entry of a United States spy plane into Iraqi airspace cannot be accepted. We therefore urge you to cancel the overflights scheduled ... on 5 and 7 November.”

385. On 2 November, Mr Butler informed the President of the Security Council that two UNSCOM personnel of US nationality had the previous day again been refused entry by Iraq.¹⁵¹

386. In further letters on 4 and 5 November, Mr Butler reported that US personnel in UNSCOM inspection teams had been denied access to Iraqi facilities, and that dual-use equipment had been moved without authorisation.¹⁵²

387. In his memoir, Mr Annan wrote that in November 1997 he had “personally stepped into the Iraq quagmire for the first time”.¹⁵³ He had known “full well” that his “interventions would be met with suspicion and manoeuvring on all sides”. He had appointed three senior diplomats to engage the Iraqis:

“Baghdad ... was clearly determined to re-engage the UN at a senior level, namely with me as Secretary-General, and it had made its negotiating position clear: it was not seeking confrontation; it had implemented all Security Council resolutions without receiving adequate respect for its sovereignty, integrity, and security; and that one member state – the United States – was using UNSCOM for its own purposes.”

¹⁵⁰ UN Security Council, 2 November 1997, ‘Letter dated 2 November 1997 from the Permanent Representative of Iraq to the United Nations addressed to the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 689 (1991)’ (S/1997/837).

¹⁵¹ UN Security Council, 3 November 1997, ‘Letter dated 2 November 1997 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council’ (S/1997/836).

¹⁵² UN Security Council, 4 November 1997, ‘Letter dated 4 November 1997 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council’ (S/1997/843); UN Security Council, 5 November 1997, ‘Letter dated 5 November from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council’ (S/1997/851).

¹⁵³ Annan K. *Interventions: A Life In War And Peace*. Allen Lane, 2012.

388. Mr Butler sent a separate letter on 5 November, informing the President of the Security Council that, in response to a request from the UN Secretary-General, he had decided to postpone the U-2 flights on 5 and 7 November while Mr Annan's Personal Envoys were delivering a message to Iraq; but that the flights would resume the following week.¹⁵⁴

389. On 6 November, Iraq informed the President of the Security Council that it had requested US personnel not to enter a site, but UNSCOM had instructed the team to withdraw.¹⁵⁵ The letter added that, as a precaution against the possibility of US attacks, Iraq had moved equipment but the items would be returned for inspection and authentication and it would not be used for proscribed activities.

390. The letter concluded by stating that Iraq was "honouring our obligations under the monitoring plan" in resolution 715.

391. On 7 November, Mr Butler reported further incidents on 6 November and also drew attention to a further Iraqi request for cancellations of U-2 flights and to concerns about the visibility or absence of equipment being monitored by UNSCOM cameras.¹⁵⁶

392. On 10 November, Mr Mohammed Said Al-Sahaf, the Iraqi Minister for Foreign Affairs, wrote to Mr Annan reporting that a "United States U-2 spy plane together with several formations of United States warplanes fitted with all kinds of weapons and espionage equipment" had "violated" Iraq's airspace and sovereignty that morning. As a result it was "no longer to be considered, even nominally or formally, as one of the means used by the United Nations to conduct so-called inspections". Iraq would act against US aircraft to safeguard its sovereignty and security.¹⁵⁷

393. In a briefing for members of the Council on 10 November, Mr Annan stated that, "Had Iraq agreed to return to full compliance", he would have had "no hesitation" in recommending that Iraq should be "granted a hearing".¹⁵⁸

394. Despite diplomatic efforts by a number of Member States and Mr Annan, Iraq refused to rescind its decision of 29 October.

395. Significant differences in position remained within the Council, particularly in relation to any potential use of force.

¹⁵⁴ UN Security Council, 5 November 1997, 'Letter dated 5 November 1997 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council' (S/1997/848).

¹⁵⁵ UN Security Council, 6 November 1997, 'Letter dated 6 November 1997 from the Minister for Foreign Affairs of Iraq addressed to the President of the Security Council' (S/1997/855).

¹⁵⁶ UN Security Council, 7 November 1997, 'Letter dated 7 November 1997 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council' (S/1997/864).

¹⁵⁷ UN Security Council, 10 November 1997, 'Letter dated 10 November 1997 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General' (S/1997/867).

¹⁵⁸ UN Security Council, '3831st Meeting Wednesday 12 November 1997' (S/PV.3831).

RESOLUTION 1137 (1997)

396. On 12 November, the Security Council unanimously adopted resolution 1137 (1997), which:

- recalled the Council’s previous resolutions;
- stated its “grave concern” about recent developments;
- condemned Iraq’s continued violation of its obligations, “including its unacceptable decision ... to seek to impose conditions on co-operation” with UNSCOM;
- demanded Iraq rescind its decision of 29 October; and
- decided to impose a travel ban on designated Iraqi officials, as foreshadowed in resolution 1134.¹⁵⁹

397. The resolution also expressed the Council’s “firm intention to take further measures as may be required for the implementation of this resolution”.

398. In statements to the Council before and after the vote, all members of the Council supported united action and targeted sanctions in response to Iraq’s defiance of the UN, but significant differences in position remained.

399. Mr Elaraby drew attention to the impact of sanctions on the Iraqi people and the lack of hope that they would be lifted.¹⁶⁰ Iraq’s co-operation had “not been ideal”, but it had gone a long way. Iraq’s defiance and failure to respond to attempts to persuade it to change its position were unwise because it meant “squandering the achievements made on Iraq’s long road of co-operation with the Special Commission”. There were lessons from the crisis, including that the Council should “review” UNSCOM’s methods. Iraq should not be pushed “into believing that it has nothing to gain from its continued co-operation with the Commission and nothing to lose from a cessation of that co-operation”.

400. Mr Njuguna Mahugu, Kenyan Permanent Representative to the UN, stated that the current level of tension “must not be allowed to escalate any further”.

401. Mr Dejammet stated that he had believed reason would prevail and regretted Iraq’s refusal to rescind its decision. A “strong and unanimous reaction” was required, but it had to be “balanced and commensurate with the realities of the situation”. The “search for a peaceful solution” would not be hampered by the travel bans, and France continued “to advocate strongly that any action” should be “considered and led strictly within the framework of the Security Council”. The resolution did not “encourage or justify any escalation”. The Council should “persevere” in an “active search for a diplomatic solution”.

¹⁵⁹ UN Security Council resolution 1137 (1997).

¹⁶⁰ UN Security Council, ‘3831st Meeting Wednesday 12 November 1997’ (S/PV.3831).

402. Mr Dejammet added that the “basic goal” was continuing the work of the Commission:

“Nothing would be worse than to call into question the main strength of resolution 687 (1991) and United Nations relations with Iraq. The system of ongoing verification and monitoring cannot be suspended; the security of the region is at stake.”

403. Mr Dejammet said that unanimity of the Council in a crisis was a “very important condition” for France. If Iraq heeded the message from the Council it would “be possible to discuss their concerns regarding the working methods of the Special Commission and the manner in which it discharges its responsibilities”. There could also be discussions to “explore prospects for resolving the crisis and to take into account the significant progress ... on the substance, notably on the nuclear and ballistic areas”. The Iraqi population had paid an “exorbitant price”, which could not “go on rising indefinitely, amidst general indifference”.

404. Ambassador Richardson stated that the “unambiguous message to the leaders of Iraq” was that the Security Council was “united in its determination that Iraq must comply with the resolutions of the Council”; and that there would be “consequences for Iraq if it fails to do so”. Mr Aziz had been in New York lobbying for sanctions to be lifted, but Iraq did not “seem to understand that its objective can only be reached through full compliance”.

405. Ambassador Richardson added that Iraq had, for years, been “trying every trick to deceive” UNSCOM. Its actions were “gross violations” of its obligations. Iraq had:

“... failed in other areas mandated by the Council and it has given no sign that it will cease activities and policies intended to threaten its neighbours. Indeed, it gives every indication that it intends to continue to develop a dangerous arsenal of weapons of mass destruction. Which is what this is all about.”

406. Ambassador Richardson said that the US felt “compassion for the Iraqi people and empathy for their plight”, and looked forward to sanctions being lifted, but Iraq had first to “comply fully and unconditionally with ... relevant ... resolutions”.

407. Referring to a statement by Mr Robin Cook (the Foreign Secretary), Mr Stephen Gomersall (UK Deputy Permanent Representative to the UN in New York) stated that the UN had responded “swiftly, strongly and unanimously” to “provocation”. If Saddam Hussein returned to his senses and let UNSCOM resume its work, and then complied with all relevant resolutions, the process for lifting sanctions could be started. But if he continued to defy the will of the UN, “further measures” would be taken.

408. The Council was facing “the most serious challenge” from Saddam Hussein since the end of the Gulf Conflict. The successful completion of UNSCOM’s work was “essential for maintaining regional and international peace and security”, and its latest

report made clear that there was much to be done, “especially” on chemical and biological weapons.

409. There had been a lot of “special pleading from Iraq on the damage caused by six and a half years of sanctions” but it was:

“... clear that the humanitarian interests of the Iraqi people and their welfare have been subordinated to the misguided policies of the leadership and that it is these policies which are the fundamental problem.”

410. Mr Lavrov stated that Russia had been “working intensively” with others to “de-escalate the situation”, but had failed to achieve the desired results. The Security Council had “no other way out than to adopt concrete measures on the basis of the consensus ... established in June ... in resolution 1115”.

411. But Russia was “convinced” that any “complications” should be:

“... resolved exclusively by political means and strictly within the framework of the relevant resolutions of the Security Council. Any other approaches, particularly actions involving force or the threat of the use of force, could nullify all our achievements so far in reaching a post-crisis settlement in the Persian Gulf and take us all a long way back from the goal, already coming within our reach, of eliminating the threat to peace and security in that region.”

412. Mr Lavrov added that the resolution ruled out “the possibility of using the authority of the Security Council and the United Nations to justify any attempts to use force”.

413. Mr Lavrov concluded that inspections had:

“... confirmed that Iraq has no proscribed activities going on involving nuclear weapons, and the facilities and dual-use equipment are being reliably monitored. In this connection, the nuclear dossier can be deemed to be closed. The balance sheet is virtually completed on proscribed missiles. All capacity and components for the production of chemical weapons have been eliminated.

“Such serious results cannot pass by without adequate evaluation by the Security Council. We intend to revert to this question immediately after the current crisis situation around Iraq has been resolved.”

414. Mr Qin Huasun stated that China had called on Iraq to resume co-operation with the United Nations but had “always been of the view that Iraq’s sovereignty, territorial integrity and legitimate concerns for its own security should be respected”. He observed that the “causes of the current crisis” were “multifaceted and complex”: “three feet of ice could not have accumulated as a result of one day’s cold weather”.

415. Mr Qin Huasun suggested:

“The Security Council should hear the views of UNSCOM and Iraq on the question of inspections in order to make a fair and reasonable judgement on progress achieved in inspections. Problems ... should be appropriately settled through dialogue and co-operation. We are opposed to the use or the threat of force or any actions that might further exacerbate tensions. We hope that the parties concerned will exercise restraint and find a proper solution to the problem through co-operation and dialogue and avoid the escalation of tensions. In particular, the occurrence of armed conflict must be avoided.”

416. In his memoir, Mr Annan wrote:

“In late 1997, it was clear the United States had lost patience with the inspections process and was agitating for military action or full Iraqi compliance. UN inspectors ... destroyed more weapons of mass destruction than the coalition had during the Gulf War ... despite ... the regime’s attitude ... By this time, Iraq had identified a new reason to resist co-operation; namely, the national security and dignity of its Presidential sites ... I knew Saddam had to open these ... [to inspection], but I also felt deeply uneasy that the world could go to war over this issue ...”¹⁶¹

417. In response to Russian diplomatic activity, Iraq agreed to allow UNSCOM to resume its activities in Iraq.

418. During a visit to Moscow on 18 to 19 November, Mr Aziz and Mr Yevgeny Primakov, the Russian Foreign Minister, agreed that Iraq would allow the return of UNSCOM from 20 November.¹⁶²

419. The Joint Communiqué stated that Russia would:

“... actively contribute, on the basis of Iraq’s implementation of the relevant Security Council resolutions, towards a quick lifting of the sanctions imposed on Iraq, especially the implementation of paragraph 22 of resolution 687, to the letter and without additional conditions.”

420. *The Moscow Times* reported that Mr Primakov had been very careful to observe the substance of UN policy on Iraq, and that he had warned Iraq not to expect an end to economic sanctions until it had closed down its chemical and biological weapons programmes.¹⁶³ The composition of UN inspections teams would be slightly adjusted, but would retain many US inspectors.

¹⁶¹ Annan K. *Interventions: A Life In War And Peace*. Allen Lane, 2012.

¹⁶² *BBC News*, 20 November 1997, *Text of Iraqi-Russian communiqué on return of UN inspectors*.

¹⁶³ *The Moscow Times*, 20 November 1997, *Russia can score points in Iraq crisis*.

Inspectors return to Iraq

421. UNSCOM and IAEA inspectors returned to Iraq on 21 November 1997.¹⁶⁴

422. At the request of the Security Council, the members of UNSCOM convened an emergency session on 21 November to discuss and advise on “ways to make the work of the Commission more effective”.¹⁶⁵ The outcome of the discussion was reported to the President of the Security Council the following day.

423. In relation to nuclear weapons, the members of the Commission understood, from a presentation made by the IAEA, that:

“... if the few clarifications required from Iraq in paragraph 75 of the IAEA report [of 8 October] are satisfactorily provided, and if Iraq were to co-operate in the use of fixed-wing aircraft within Iraq for monitoring purposes, IAEA would have a basis for an early favourable report to the Security Council.”

424. In relation to ballistic missiles and chemical weapons, the report identified priorities as:

- clarification of and accounting for Iraq’s indigenous production of proscribed missiles, conventional and special missile warheads, and major missile parts;
- the extent of Iraq’s efforts to produce and weaponise VX;
- the material balance of chemical munitions which Iraq declared had been destroyed during the 1991 Gulf Conflict; and
- the material balance of equipment procured by Iraq for production of chemical weapons.

425. In relation to biological weapons, the Security Council was advised to urge Iraq to overcome the deficiencies in its declarations that had been identified in UNSCOM’s October report.

426. The members of the Commission also:

- took note of Iraq’s systematic concealment activities which had a direct effect on its ability to fulfil its mandate, but no details were provided;
- emphasised that access was fundamental to its ability to accomplish its tasks and that greater clarity was needed in the reconciliation of Iraq’s legitimate concerns in respect of national security, sovereignty and dignity and the full practical application of UNSCOM’s mandate;
- suggested that UNSCOM staff should continue to document all examples of Iraqi efforts to frustrate their work;

¹⁶⁴ UN Security Council, 24 November 1997, ‘Emergency session of the United Nations Special Commission established under paragraph 9 (b) (i) of Security Council resolution 687 (1991)’ (S/1997/922).

¹⁶⁵ UN Security Council, 24 November 1997, ‘Emergency session of the United Nations Special Commission established under paragraph 9 (b) (i) of Security Council resolution 687 (1991)’ (S/1997/922).

- suggested that the Executive Chairman should assess the extent to which the temporary cessation of UNSCOM operations had set back its ability to complete its mandate;
- recommended a review of additional equipment which could facilitate its inspections;
- noted that additional aerial surveillance, including night surveillance if possible, could enhance UNSCOM effectiveness;
- recommended a review of the modalities for air operations; and
- recommended Governments should be encouraged to make experts available.

427. In response, and following consultations between members, the Security Council authorised a Presidential Statement on 3 December, which:

- endorsed the Commission's conclusions and recommendations;
- reiterated the demand that Iraq fulfil all its obligations and co-operate fully with UNSCOM and the IAEA in implementing their mandates;
- stressed that the "effectiveness and speed with which UNSCOM may accomplish its responsibilities" was "above all, determined by the degree to which the Government of Iraq co-operates in disclosing the full extent and disposition of its proscribed programmes and in granting UNSCOM unimpeded access to all sites, document records and individuals";
- acknowledged UNSCOM's conclusion to respect the legitimate concerns of Iraq in the application of its mandate;
- welcomed the progress made;
- encouraged intensified efforts, in line with the conclusions of the emergency session, to implement UNSCOM and IAEA mandates;
- acknowledged that, as Iraq complied with its obligations and the Council agreed, UNSCOM and the IAEA would make the transition from inspections to monitoring; and
- urged Member States to respond positively to UNSCOM requests for additional personnel, equipment and information.¹⁶⁶

428. Mr Butler, accompanied by his Deputy, Mr Charles Duelfer, and Commissioners from France, Russia and the UK, held talks to discuss the implementation of the mandate set out in the Presidential Statement of 3 December with an Iraqi delegation led by Mr Tariq Aziz.¹⁶⁷

429. Mr Butler reported that discussions on access for inspections had addressed five categories of sites identified by Iraq:

¹⁶⁶ UN Security Council, '3838th Meeting Wednesday 3 December 1997' (S/PV.3838).

¹⁶⁷ UN Security Council, 17 December 1997, 'Letter dated 17 December 1997 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Council' (S/1997/987).

- Normal – which could be visited without restriction.
- National Security – where the modalities for inspections of sensitive sites would apply, “except for the most secret rooms ... to which no access would be granted”. Mr Aziz had agreed to an improvement of the arrangements, including that:
 - The size of the inspection team would be proportionate to the size and complexity of the site and agreed on a case-by-case basis.
 - Iraq would take steps significantly to reduce the delay in entry.
 - Immediately a site was declared sensitive, the Chief Inspector and an Iraqi minder could enter to ensure that movement was frozen and that documents would not be burnt or destroyed.
- Presidential and sovereign – in relation to which Iraq’s “absolute” position was that inspections and overflights would not be allowed “under any circumstances”, which Mr Butler doubted would be acceptable to the Security Council.
- Civilian sites/private residences – in which the Government had no authority and UNSCOM would need the owner’s permission for inspections. Mr Butler expressed reservations about Iraq’s position.
- Foreign – where UNSCOM would have to deal directly with the owners.¹⁶⁸

430. Iraq asked again whether the U-2 surveillance flights could be replaced by Iraqi assets or those of another nation.

431. Iraq continued to state that it had “destroyed and/or no longer had any weapons of mass destruction” and had proposed technical “seminars” to address disagreement on issues of substance. Mr Aziz had stated “for the public record” that the Government of Iraq had decided in 1991 to “deny and obliterate traces of its biological weapons programme” on the grounds of “national security and survival”.

432. Iraq had declined UNSCOM’s invitation to develop an additional joint work programme, but agreed to technical evaluation meetings on missile warheads and VX in January, with a meeting on biological weapons to follow “as soon as practicable”.

433. The report confirmed that, where facilities had been visited, dual-use equipment had been returned and the Commission had found no evidence of proscribed activities.

434. In December 1997, the JIC noted that Iraq “may have retained hidden production equipment, agent and delivery systems” and that it “could ... regenerate a significant offensive BW capability within months”.¹⁶⁹

¹⁶⁸ UN Security Council, 17 December 1997, ‘Report on the visit to Baghdad from 12 to 16 December 1997 by the Executive Chairman of the Special Commission established by the Secretary-General under paragraph 9 (b) (i) of Security Council resolution 687 (1991)’ (S/1997/987).

¹⁶⁹ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, page 48.

435. In a Statement by the President of the Security Council, issued after consultations on Mr Butler's report on 22 December, the Council reiterated its demand that Iraq co-operate fully with UNSCOM and allow inspection teams "immediate, unconditional access", and stated that any failure to do so would be "unacceptable and a clear violation of the relevant resolutions". The Council also acknowledged that discussions on the practical arrangements were continuing, reiterated its full support for the Commission and Mr Butler, and called on the Government of Iraq to co-operate fully.¹⁷⁰

436. On 12 January 1998, the Government of Iraq announced that, on the basis of the nationalities present, a team would not be permitted to conduct further inspections in Iraq.¹⁷¹

437. On 14 January, the President of the Security Council issued a further statement deploring the Iraqi statement of 12 January and its "subsequent failure to fulfil its obligations to provide the Special Commission with full, unconditional, and immediate access to all sites". The Council determined that "failure" was "unacceptable and a clear violation of the relevant resolutions".¹⁷²

438. The Council also:

- recalled its statement of 29 October 1997 condemning Iraq's decision to try to dictate the terms of its compliance with its obligations to co-operate with UNSCOM;
- reiterated its demand in resolution 1137 for co-operation;
- expressed its full support for the Special Commission and its Executive Chairman; and
- requested a "full briefing" from Mr Butler after his planned talks with Iraq so that it could "decide as necessary on the appropriate response".

439. On 15 January, the IAEA's report of its visit to Iraq in December was made available to the Security Council.¹⁷³ The purpose of the visit had been to clarify five points identified in paragraph 75 of the earlier report, specifically:

- "... information provided by Iraq in respect of its post-war procurement procedures will contribute to the ability of IAEA to identify actions that might indicate Iraq's clandestine procurement of proscribed or dual-use equipment and materials."
- "The specification of the scope and content for the summary of the technical achievements of Iraq's clandestine nuclear programme that IAEA handed to

¹⁷⁰ UN Security Council, 22 December 1997, 'Statement by the President of the Security Council' (S/PRST/1997/56).

¹⁷¹ UN Security Council, 16 April 1998, 'Report of the Executive Chairman on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)' (S/1998/332).

¹⁷² UN Security Council, 14 January 1998, 'Statement by the President of the Security Council' (S/PRST/1998/1).

¹⁷³ UN Security Council, 15 January 1998, 'Report on the International Atomic Energy Agency technical team visit to Iraq, 19 to 31 December 1997' (S/1998/38).

the Iraqi counterpart should facilitate the production by Iraq of a document that will provide further assurance that the technically coherent picture of Iraq's clandestine nuclear programme is comprehensive."

- It had not been possible to verify Iraq's statement in relation to a specific instance of external assistance offered to its clandestine nuclear programme, or its statements regarding the "government committee" or of the actions attributed to Lt Gen Kamil.
- The IAEA had "no information that contradicts Iraq's statement that it had never identified nuclear weapon design options beyond those preliminary concepts described in its report", but ongoing monitoring would be based on the assumption that Iraq retained "the technical capability to exploit, for nuclear weapons purposes, any relevant material to which it might gain access".
- The IAEA intended to implement an aerial radiation survey in Iraq, based on Iraqi co-operation with the use of fixed-wing aircraft.

440. On 22 January, Mr Butler sent a report of his recent visit to Iraq to the President of the Security Council.¹⁷⁴

441. During his visit, Iraq had proposed a three-month moratorium on any attempt by UNSCOM to visit Presidential and sensitive sites, pending completion of initial technical evaluation meetings.

442. Iraq also rejected a request to allow the Commission's fixed-wing aircraft to exercise their right to use airbases throughout Iraq. Mr Butler wrote:

"I must remind the Security Council that full access is required not only for disarmament purposes but also in the context of ongoing monitoring and verification. Access relinquished now could be needed in important ways in the future."

Liberal interventionism

Sir Christopher Meyer, British Ambassador to the US from 1997 to 2003, drew the Inquiry's attention to a speech made by Mr Blair in January 1998 in which he said:

"We have a clear responsibility in the interests of long term peace in the world to stop Saddam Hussein from defying the judgement of the world's community. He must be either persuaded by diplomacy or made by force to yield up his long cherished ambition to develop nuclear, chemical and biological weapons; weapons which threaten not only his immediate neighbours in the Middle East, but pose a direct and fundamental challenge to world peace.

¹⁷⁴ UN Security Council, 22 January 1998, 'Report of the visit to Baghdad from 19 January to 21 January 1998 by the Executive Chairman of the Special Commission established by the Security Council under paragraph 9 (b) (i) of Security Council resolution 687 (1991)' (S/1998/58).

“All our experience of him teaches us that it is sometimes hard to succeed with him via diplomacy, but one thing is for sure: diplomacy stands no chance of success at all unless he knows that if he fails to listen to reason, we have the force to back it up.”¹⁷⁵

In his press conference on 20 December 1998, Mr Blair said:

“... the patience of the international community cannot be tried indefinitely ... when it is right and when the will of the international community is at stake we will act to enforce it because the first stirrings of a new global reality are upon us. Those who abuse force to wage war must be confronted by those willing to use force to maintain peace, otherwise the simple truth is that war becomes more likely. We cannot do everything, that is true, but what we can do reasonably we should do.”¹⁷⁶

443. Lord Wilson of Dinton, Cabinet Secretary from 1998 to 2002, told the Inquiry that between January 1998 and January 1999 he had attended and noted 21 Ministerial discussions on Iraq; 10 in Cabinet, of which seven had “some substance”; five in the Defence and Overseas Policy Committee (DOP); and six ad hoc meetings, including one JIC briefing.¹⁷⁷

444. Iraq was discussed in one of Lord Wilson’s first Cabinet meetings on 28 January 1998.¹⁷⁸ Lord Wilson recalled that Mr Cook told his colleagues things which were “entirely recognisable four or five years later”, namely:

“... a serious situation is building; we would be ready to use force if necessary, because not being ready to use force would undermine our leverage over Saddam Hussein; and thirdly, the United States were clear that they had legal authority to take action whereas our legal advice was more nuanced.”

445. Lord Wilson commented that those points could be transposed to March 2002.

446. The Cabinet Office has informed the Inquiry that there was no discussion of Iraq in DOP in 1999 or 2000, and that the four discussions in Cabinet in early 1999 (the last on 7 March) were confined to brief updates on the NFZs. There is no record of any Cabinet discussion of Iraq in 2000.¹⁷⁹

447. In a joint press conference with Dr Albright on 31 January 1998, Mr Cook said:

“No option is ruled out but the best prospect of us achieving a solution by diplomatic measures is to leave Saddam Hussein in no doubt about our resolve to win this struggle and no doubt in his mind that all options are open to us.”¹⁸⁰

¹⁷⁵ Public hearing, 26 November 2009, page 43.

¹⁷⁶ Transcript of Press conference by Mr Blair, 20 December 1998.

¹⁷⁷ Public hearing, 25 January 2011, page 11.

¹⁷⁸ Public hearing, 25 January 2011, pages 73-74.

¹⁷⁹ Email Cabinet Office to Aldred, 5 July 2011, ‘FOI request for joint MOD/FCO memo on Iraq Policy 1999’.

¹⁸⁰ House of Commons Library Research Paper 98/28, 16 February 1998, ‘The Iraq Crisis’.

448. Mr Alastair Campbell, Mr Blair's Director of Communications and Strategy, wrote in his diary on 2 February:

"Iraq was the main focus with the French and Russians trying to get a diplomatic solution, but TB was pretty clear where it was heading."¹⁸¹

449. The Butler Report stated that the JIC concluded on 4 February that:

"UNSCOM and the IAEA have succeeded in destroying or controlling the vast majority of Saddam Hussein's 1991 weapons of mass destruction (WMD) programme."¹⁸²

450. On the same date, Mr Campbell recorded: "We turned the factual briefing into a paper for the media showing the extent of Saddam's capability and the damage he could do."¹⁸³

451. During Defence Questions on 9 February, Mr George Robertson, the Defence Secretary, told the House of Commons that he was making available new information on Iraq's chemical weapons capability at the time of the Gulf War, concerning "recently received intelligence that Iraq may have possessed large quantities of a chemical weapons agent known as Agent 15 since the 1980s".¹⁸⁴ Mr Robertson described Agent 15 as "a mental incapacitant".

452. Mr Campbell recorded that Mr Blair chaired the first meeting of the Iraq media management group on 16 February, and was "alarmed at how poor the FCO/MOD propaganda effort was".¹⁸⁵

453. On 19 February, Mr Campbell recorded that Cabinet was "mainly Iraq and Ireland", and that Mr Blair said "it was not an option to do nothing. We either got the inspectors in or we had to take action." Mr Blair was concerned that "Saddam would pitch a response perfectly to Kofi ... to get the French and Russians into a different position to the rest of us." That concern was also discussed in a call with President Bill Clinton on 22 February.

454. On 20 February, the Security Council adopted resolution 1153 (1998) which increased the size of the Oil-for-Food programme, "to avoid any further deterioration of the current humanitarian situation".¹⁸⁶

455. On 23 February, Mr Annan obtained an undertaking from the Iraqi Government to resume co-operation. In an MOU signed by Mr Annan and Mr Aziz, the Government of Iraq reconfirmed "its acceptance of all relevant resolutions of the Security Council"

¹⁸¹ Campbell A & Stott R. *The Blair Years: Extracts from the Alastair Campbell Diaries*. Hutchinson, 2007.

¹⁸² *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, page 45.

¹⁸³ Campbell A & Stott R. *The Blair Years: Extracts from the Alastair Campbell Diaries*. Hutchinson, 2007.

¹⁸⁴ House of Commons, *Official Report*, 9 February 1998, column 11.

¹⁸⁵ Campbell A & Stott R. *The Blair Years: Extracts from the Alastair Campbell Diaries*. Hutchinson, 2007.

¹⁸⁶ UN Security Council resolution 1153 (1998).

and undertook “to accord UNSCOM and the IAEA immediate, unconditional and unrestricted access”.

456. The MOU contained details of special procedures for the inspection of the eight Presidential sites, including having diplomats, not just technical experts, in the inspection teams.¹⁸⁷

457. Mr Annan wrote that Secretary Albright had travelled to New York on 22 February to set out “red lines” before he left for Baghdad. He had “had to remind her” of his role and that, as Secretary-General, he was “answerable to 191 other Member States” and that it was his “duty to seek peaceful resolution of disputes”. His objective had been to give Saddam Hussein a ladder to climb down so that inspections could resume.

458. Mr Annan wrote that he considered it “critical” that Iraq was “given a sense of light at the end of the tunnel” as an incentive to co-operate with an inspections regime that required “a degree of scrutiny without precedent”, and that the talk in Washington of never lifting sanctions was not helpful:

“The United States and its allies were entitled to state this position as a matter of national interest. However, they could not expect to have a United Nations committed to the peaceful disarmament of Iraq to simply play along. Nor could they have been unaware that this gave Saddam the excuse to tell the rest of the world that the game was fixed no matter what he did. We need the inspections to work toward resolving the ongoing crisis in Iraq. Until then, the Gulf War would not truly be over.”

459. In a statement to the House of Commons on 24 February, Mr Blair said the UN inspectors had found and destroyed “horrific amounts of chemical and biological weapons ... despite systematic obstruction, deceit and concealment by Saddam Hussein”. The crisis over access to Presidential palaces had “not been an artificial argument about some theoretical threat, but a reflection of real alarm ... about the use of those sites to conceal both evidence and actual weapons”.¹⁸⁸

460. Mr Blair added:

“We should never forget that if we do not stop Saddam Hussein acting in breach of his agreement on weapons of mass destruction, the losers will not just be those threatened by him, but the authority and standing of the UN itself ...”¹⁸⁹

461. In Mr Blair’s view, “nothing else” apart from “effective diplomacy and firm willingness to use force” would have changed Saddam Hussein’s mind and produced a signed agreement with the UN:

¹⁸⁷ Annan K. *Interventions: A Life In War And Peace*. Allen Lane, 2012.

¹⁸⁸ House of Commons, *Official Report*, 24 February 1998, column 173.

¹⁸⁹ House of Commons, *Official Report*, 24 February 1998, column 174.

“Throughout the dispute, our aim has been a peaceful, diplomatic settlement. There was no desire on either side of the Atlantic to use force, but it was also clear to us throughout that Saddam Hussein only understands and respects force ...

“... As Kofi Annan said in Baghdad: ‘You can achieve much by diplomacy, but you can achieve a lot more when diplomacy is backed by firmness and force.’

“I would put it this way: with Saddam, diplomacy plus force equals success.”¹⁹⁰

462. Mr Blair concluded:

“Saddam Hussein has spent seven years playing for time, but has been thwarted by the resolve of the international community. It is now clearer than ever that his games have to stop once and for all. If they do not, the consequences should be clear to all.”¹⁹¹

463. Mr Campbell recorded that, when Cabinet discussed Iraq on 26 February, Mr Cook said there were “really worrying signs about what UNSCOM can do. We were pursuing a twin track approach – light at the end of the tunnel on sanctions, allied to clear warnings if Saddam breaks the agreement.”¹⁹² Mr Blair said “he was assured by [President] Chirac he agrees the language makes clear military action will follow if Saddam breaks the agreement.”

RESOLUTION 1154 (1998)

464. On 2 March, the Security Council unanimously adopted resolution 1154 (1998).¹⁹³ It:

- endorsed the MOU of 23 February and looked forward to its full implementation;
- stressed the need for Iraq to comply with its obligations to provide access to UNSCOM and the IAEA which was necessary for the implementation of resolution 687;
- stated that “any violation would have severest consequences for Iraq”;
- reaffirmed its intention to act in accordance with the relevant provisions of resolution 687 on the duration of prohibitions (sanctions);
- noted that Iraq’s failure to comply with the relevant obligations had delayed that action; and
- decided, “in accordance with its responsibility under the Charter, to remain actively seized of the matter, in order to ensure the implementation of this resolution, and to secure peace and security in the area”.

465. It is clear from the statements in the Council meeting on 2 March, made before and after the vote, including from seven States who were not members of the Council, that

¹⁹⁰ House of Commons, *Official Report*, 24 February 1998, columns 174-175.

¹⁹¹ House of Commons, *Official Report*, 24 February 1998, column 176.

¹⁹² Campbell A & Stott R. *The Blair Years: Extracts from the Alastair Campbell Diaries*. Hutchinson, 2007.

¹⁹³ UN Security Council resolution 1154 (1998).

there had been significant tensions about the Secretary-General's mission and the text of the draft resolution co-sponsored by the UK and Japan.¹⁹⁴ Tensions centred on the Security Council determining whether the use of force was appropriate and authorising such action, not individual Member States.

466. In his statement to the Council, Mr Annan stated that, in travelling to Baghdad to seek a peaceful solution to the crisis, he had acted to fulfil his:

“... constitutional obligation under the United Nations Charter and ... commitment to the General Assembly ... a sacred, moral obligation and commitment to act, any time, anywhere, without seeking or accepting instructions from any Government, whenever that action may be helpful in reducing a grave threat to international peace and security.”

467. Mr Annan added that Iraq's refusal to honour its commitments had constituted such a threat which had been averted by the agreement of 23 February. But the agreement would be “empty words unless both parties now implement it fully, fairly and without delay”.

468. Iraq's “complete fulfilment” of those obligations was “the one and only aim” of the agreement, and “nothing more and nothing less” would make the completion of the disarmament process possible and “thus speed the lifting of sanctions”.

469. The agreement was also a call for the UN to look to the future and its “inherent obligation to remember that even the bitterest of enmities among nations do not last for ever”.

470. Mr Annan said that the agreement was also a reminder of why the UN had been established:

“... to prevent the outbreak of unnecessary conflict when the will of the international community can be achieved through diplomacy; to seek and find international solutions to international problems; to obtain respect for international law and agreements from a recalcitrant party without destroying for ever that party's dignity and willingness to co-operate; to secure, in this case, through on-site inspections and negotiations, the assured destruction of weapons of mass destruction that aerial bombardment can never achieve.”

471. In conclusion, Mr Annan pledged “to strive, to seek to find and not to yield” in the fulfilment of his duty.

472. Sir John Weston described the crisis which had led to Mr Annan's “last ditch effort to find a diplomatic solution” as “just the latest and the most serious in a series of Iraqi provocations”. His success was “not a success for diplomacy alone but a success for

¹⁹⁴ UN Security Council, ‘3858th Meeting Monday 2 March 1998’ (S/PV.3858).

diplomacy firmly backed by the willingness to use force if diplomacy should fail”, and no one could “seriously imagine” the same result without that.

473. Sir John said that there were two important messages in the resolution:

- Iraq was obliged to provide access at all sites, “not just in the eight so-called Presidential sites which have up to now been the pretext for so much delay and obstruction”.
- The Iraqi regime had a choice. If it fulfilled its commitments, the way would “be open for the lifting of sanctions”; but if it failed to comply, that would “not be tolerated”. The Council was “determined that any violation will result in the severest consequences”.

474. Sir John concluded that, if Iraq doubted the will of the international community, it would:

“... not for the first time, be making a grave mistake.

“There is a great need at such moments to face up with courage and intellectual honesty to unpalatable truths. Regional security, the future of non-proliferation under international auspices, and the authority of the United Nations and its Secretary-General are all involved, and are all at stake, in our collective efforts to get the case of Iraq right.”

475. Welcoming Mr Annan’s success and the text of the draft resolution, Mr Fernando Berrocal Soto, Costa Rican Permanent Representative to the UN, emphasised the “key concept of international legality and the primacy of the provisions of the Charter over any political considerations”. Bringing the MOU agreed on 23 February into the legal framework authorised by Chapter VII left “no political or legal doubt whatsoever about the seriousness and gravity of this warning by the Security Council”. The “prerogatives and legal competences” were “exclusively of the Security Council” and could not be delegated.

476. Mr Celso Amorim, Brazilian Permanent Representative to the UN, referred to the strain the crisis had placed on a multilateral system “still learning to cope with the challenges of the post-cold-war era” and the Security Council’s wisdom in encouraging the Secretary-General to “undertake a personal mission”. Mr Annan had “succeeded in a mission that sceptics had considered doomed from the start”; and his “determination ... to keep this matter under his close personal supervision ... provides the Security Council with a fair chance to put the problem of the relations between Iraq and the United Nations on a more stable foundation”.

477. Mr Amorim also pointed out that, in resolution 687, the Security Council had decided “to take such further steps as may be required for the implementation of the present resolution”, rather than the “ritual formula” of deciding to “remain seized of the matter”. As a result, he concluded that:

“Only the Security Council has the authority to determine if, when and under what conditions the formal cease-fire it declared on 3 April 1991 holds or not.”

478. Mr Amorim added that members of the Council had been “assured by its sponsors” that they did not intend the draft resolution “to imply any automaticity in the authorisation of the use of force in case of a possible violation by Iraq”. Brazil was satisfied that nothing in the resolution delegated the “authority” that belonged to the Security Council.

479. Mr Hans Dahlgren, Swedish Permanent Representative to the UN, stated that it was “very important” that the Council’s responsibility for international peace and security was “not circumvented”, and that the last paragraph of the draft resolution was “an expression of the need to safeguard this responsibility”.

480. Mr Hisashi Owada, Japanese Permanent Representative to the UN, emphasised that paragraph 3 of the resolution reflected the Council’s wish “to register its firm resolve that violation would have the severest consequences for Iraq” but that it was “not meant to address the issue of so-called automaticity”; the draft resolution was “not designed to prejudge the issues of the future”.

481. Mr Qin Huasun stated that China greatly appreciated “the wise decision made by the Secretary-General at the critical juncture between war and peace” and that it supported his diplomatic efforts. He added:

“The situation in the Gulf region is complex and sensitive. If it is dealt with appropriately there will be peace. Any imprudence, however, may trigger a war, which is in no one’s interest ... We are not in favour of resorting to or threatening to use force ... It would only cause heavy civilian casualties and possibly even more severe consequences.”

482. Mr Qin Huasun added that the Chinese delegation had “repeatedly and unambiguously demanded that the draft resolution should contain no automatic authorisation of the use of force against Iraq”. He had “listened very carefully to the explanations offered by the sponsors of the draft resolution”, but they had not eliminated his “misgivings about the possible abuse of the draft resolution”.

483. Mr Qin Huasun stressed that adoption of the resolution would:

“... in no way mean that the Security Council is automatically authorising any State to use force against Iraq. The Council cannot and should not prejudge whether Iraq will violate its resolutions; even less should the Council predetermine the course of future action. The Security Council can make judgements and decisions only on the basis of prevailing circumstances.”

484. Mr Qin Huasun concluded that Iraq was “a sovereign State and its sovereignty, dignity and legitimate security concerns should also be respected”. The Security Council should “make a timely and objective assessment of Iraq’s implementation of its resolutions”. China hoped that UNSCOM would “complete its task of verification and the

destruction of Iraq's weapons of mass destruction at an early date, so that steps can be taken to lift the sanctions against Iraq at the earliest possible date".

485. Mr Dejammet welcomed the draft resolution and the confirmation of the authority of the MOU. The resolution addressed a serious warning to Iraq about complying with its obligations, but it also underscored "the prerogatives of the Security Council in a way that excludes any question of automaticity". It was:

"... the Security Council that must evaluate the behaviour of a country, if necessary to determine any possible violations, and to take the appropriate decisions."

486. Mr Dejammet concluded by paying tribute to Mr Annan's achievements, stating:

"Nothing will be possible without the constant involvement of the Secretary-General in our work and in our deliberations."

487. Speaking after the vote, Ambassador Richardson stated that the US was "deeply grateful" to Mr Annan for his:

"... courageous and diligent efforts. Through his diplomacy, backed by America's willingness to use force, he has achieved what could be, if implemented fully by Iraq, a breakthrough."

488. Ambassador Richardson also expressed scepticism about whether, "after six years of broken promises", Iraq would live up to its words or the Security Council's demands. The resolution provided "for a new beginning for Iraq"; but the "choice" was Iraq's.

489. Mr Lavrov stated that Russia had "unswervingly striven to bring about Iraq's complete fulfilment of its obligations", and that "the first step" would be to lift the oil embargo once all Iraq's "disarmament dossier" issues have been dealt with and moved to the long-term-monitoring stage". As a result of Mr Annan's mission, there was "a real opportunity to speed up the process of achieving a comprehensive settlement".

490. Russia's main goals were:

"... the need for full elimination of Iraq's weapons of mass destruction, maintaining United Nations monitoring in this field and avoiding the extremely dangerous consequences for the entire region in the event of an uncontrolled development of the situation."

491. Mr Lavrov said that the resolution contained "a political warning to Iraq", "whereby new violations by that country will have extremely serious consequences", but:

"At the same time, there has been full observance of the legal prerogatives of the Security Council ... The resolution clearly states that it is precisely the Security Council which will directly ensure its implementation, including the adoption of appropriate decisions. Therefore, any hint of automaticity with regard to the

application of force has been excluded; that would not be acceptable for the majority of the Council's members.”

492. Argentina, Egypt, Kuwait, Malaysia, Mexico, Pakistan and Peru all asked to participate in the discussion. With the exception of Kuwait, the statements focused on the peaceful resolution of disputes as opposed to the use of force and their concerns about the adverse consequences of military action for the people of Iraq, and for peace and security in the region.

493. Kuwait welcomed Mr Annan's achievements but asked the Security Council to attach the same importance to Kuwaiti issues, including the destiny of the detainees and prisoners taken by Iraq in 1990-1991 who constituted one percent of the population of Iraq, as it had attached to saving others in the region from the threat from weapons of mass destruction.

494. On 5 March, UNSCOM inspectors returned to Iraq and successfully carried out a number of site inspections.¹⁹⁵ A baseline survey of the eight Presidential sites by a team including senior diplomats was successfully carried out between 25 March and 4 April.

495. During a visit by Mr Blair to Paris on 24 March, Mr Campbell recorded that, on Iraq, Mr Blair and President Jacques Chirac were “in very different places, TB claiming a success for diplomacy backed by force, Chirac basically saying we were killing children through sanctions”.¹⁹⁶

496. In his report of 3 April, Mr Butler set out UNSCOM's responsibility for reporting whether Iraq had met the requirements set out in paragraphs 8 to 10 of resolution 687, and that those reports were the “sole criteria” for assessing Iraq's actions to provide the basis for a Council decision on lifting the provisions of paragraph 22 prohibiting the imports of commodities and products originating in Iraq.¹⁹⁷

497. Describing them as the “indispensible context” for the Council's consideration of Iraq's compliance, Mr Butler set out:

- “Iraq's claim that it has no more prohibited weapons ‘in the control of the Government of Iraq, in the territory of Iraq’”; and that it had “made available ... all that is necessary to enable the Commission to verify that claim and that nothing further, of substance, will be made available by Iraq.
- Iraq's claim, which it had not been possible for the Commission to verify, did not “satisfy the three step system the Council established in order to enable Iraq to fulfil its obligations”. Those steps, which were “not separable” were:
 - full declaration by Iraq;

¹⁹⁵ UN Security Council, 16 April 1998, ‘Report of the Executive Chairman on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)’ (S/1998/332).

¹⁹⁶ Campbell A & Stott R. *The Blair Years: Extracts from the Alastair Campbell Diaries*. Hutchinson, 2007.

¹⁹⁷ UN Security Council, 16 April 1998, ‘Report of the Executive Chairman on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)’ (S/1998/332).

- verification by the Commission; and
- destruction, removal or rendering harmless under international supervision.
- Iraq’s “consistent refusal” to provide “the information and materials needed to verify its claim, clearly fails to satisfy the second step”; and that made the third step “impossible”.
- This “difficult circumstance” had been made “even more complicated by Iraq’s claim that it has unilaterally destroyed those prohibited weapons which were not destroyed under international supervision”; and the Commission’s inability to verify “all” those claims.
- Mr Aziz’s view was that UNSCOM’s “lack of technical competence and bias against Iraq” was the “main reason” why Iraq’s claim was not accepted.
- The Commission’s view was that Iraq’s “basic declarations of its holdings and capabilities in prohibited weapons areas” had “never been ‘full, final or complete’”, and that Iraq’s failure to “fill in the gaps” in its declarations and “acts of unilateral destruction” had “significantly obfuscated the situation”.

498. Addressing the standard of verification needed for credible reports to the Council under paragraph 22 of resolution 687, Mr Butler stated that:

- where prohibited weapons had existed, UNSCOM “must be able to verify positively that they have been destroyed, removed or rendered harmless”; and
- where items and facilities for the potential production of such weapons existed, UNSCOM “must be able to verify negatively that prohibited weapons are not being created”.

499. The remainder of the report set out UNSCOM’s concerns about lack of substantive progress on the priority issues set out in its previous report, including concerns about the impact of the technical evaluation meetings requested by Iraq, which were attributed to Iraq’s failure to deliver the information and documents requested.

500. In three areas, new concerns had arisen:

- Following Iraq’s insistence that it was not necessary to account for all extant munitions on the grounds that any CW agent would have degraded to an inert state, analysis of four 155mm artillery shells “filled with mustard of the highest quality”, showed that they “could be stored for decades without any loss of quality”.
- In March 1998, the Commission had discovered a document, dated 1994, which “indicated the existence, at a site monitored by ... [a] missile monitoring team, of a programme for the manufacture of nozzles for spray dryers to be delivered to Al Hakam, Iraq’s principal biological weapons production facility”.
- Also in March 1998, the Commission discovered documents, dated 1993, that reflected a systematic attempt to deceive the Commission at that time, contrary to Iraq’s claim that it had ended its concealment activities in 1991 and

dismantled its concealment mechanisms. This underscored “the importance of continued vigilance and activity ... on the issue of concealment”.

501. Mr Butler also expressed concern about the dangers of producing a list for action by Iraq, on the grounds that it was “not unreasonable to consider that Iraq might take action to satisfy that list positively” but not address any issues the Commission did not know about. This would “effectively transfer the onus of establishing the basic facts from Iraq to the Commission”. The Commission’s list “would become the standard of proof, not Iraq’s ... compliance with the resolutions and decisions of the Council”.

502. Mr Butler concluded that:

“Iraq’s heightened policy of disarmament by declaration, no matter how vigorously pursued or stridently voiced, cannot remove the need for verification as the key means through which the credibility of its claim can be established.”

503. On 7 April, Dr Mohamed ElBaradei, Director General of the IAEA, submitted his first report to the Security Council on Iraq. He stated that there were no indications of prohibited activities at any of the sites inspected by the IAEA and that all equipment and materials which had been moved by Iraq had been returned to their former locations. Initial inspections of the designated “Presidential sites” had “revealed no immediate indications” of prohibited materials, equipment or activities.¹⁹⁸

504. Dr ElBaradei reported that the IAEA had “no independently verifiable information” to verify Iraqi claims that:

- Lt Gen Kamil had taken actions on the nuclear programme that were “independent, unauthorized and without the knowledge of the Government of Iraq”.
- It had not followed up any offer of foreign assistance to its nuclear programme other than the declared foreign assistance to its centrifuge programme.
- The “high governmental committee”, which had initially been described as having been established in June 1991 and headed by Mr Aziz, “had not, in fact, been an established entity”.

505. Dr ElBaradei also reported that Iraq had “satisfactorily completed its undertaking to produce a consolidated version of its full, final and complete declaration of its clandestine nuclear programme” and “fulfilled its obligation to produce ... a summary of the technical achievements”. The latter document was regarded as “consistent with” the “picture” of the programme developed by the IAEA.

¹⁹⁸ UN Security Council, 9 April 1998, ‘Letter dated 7 April 1998 from the Director General of the International Atomic Energy Agency addressed to the Secretary-General’ (S/1998/312).

506. Following consultations between the members of the Security Council on the UNSCOM and IAEA reports, the President issued a statement on behalf of the Council on 14 May which:

- welcomed the improved access for UNSCOM and the IAEA;
- expressed the hope that the Government of Iraq's agreement to fulfil its obligations would "reflect a new Iraqi spirit with regard to providing accurate and detailed information in all areas of concern";
- expressed concern that the reports indicated that Iraq had "not provided full disclosure in a number of critical areas, in spite of repeated requests from the Special Commission";
- noted that discharge of UNSCOM and the IAEA's mandates required full co-operation from Iraq, "including fulfilment by Iraq of its obligations to provide full, final and complete declarations of all aspects of its prohibited programmes";
- noted that the IAEA's investigations over several years had "yielded a technically coherent picture of Iraq's clandestine nuclear programme, although Iraq has not supplied full responses to all of the questions and concerns of the IAEA", including enacting penal laws on prohibited activities and whether any Government document existed recording a government-level decision to abandon the nuclear programme; and
- affirmed its intention "upon receipt of a report (in October) from the Director General of the IAEA stating that the necessary technical and substantive clarifications have been made, including provision by Iraq of the necessary responses to all IAEA questions and concerns", to adopt a resolution agreeing that the IAEA should dedicate its resources to ongoing monitoring and verification.¹⁹⁹

507. Mr Ekéus explained to the Inquiry that he had had "little belief" that Saddam Hussein would have been attracted by the idea of keeping WMD sensitive material in his private residence; and that events proved this assumption was correct.²⁰⁰

508. In response to a meeting of the Security Council on 27 April at which sanctions had been discussed, Mr Al-Sahaf forwarded an open letter from Iraq's Revolution Command Council and the leadership of the Iraqi branch of the Arab Socialist Ba'ath Party complaining about the injustice of continued sanctions.²⁰¹ It asserted that the purpose of sanctions was to "hurt the Iraqi people and to force the Security Council to remain the pawn of a single member [the US], assisted by the old imperialist devil, the English policeman". The letter also complained about "unfounded accusations and blatant lies" in Mr Butler's reports to the Council.

¹⁹⁹ UN Security Council, '3880th Meeting Thursday 14 May 1998' (S/PV.3880).

²⁰⁰ Statement Ekéus, 23 April 2011, page 4.

²⁰¹ UN Security Council, 1 May 1998, 'Letter dated 1 May 1998 from the Minister for Foreign Affairs of Iraq addressed to the President of the Security Council' (S/1998/368).

509. Following informal discussions in the Security Council on 27 April in which Iraq's compliance with resolution 1137 was raised, Mr Butler reported to the Council on 6 May that, since the MOU of 23 February:

- Iraq had “granted unrestricted and unconditional access” to all sites UNSCOM had wished to inspect and also granted unrestricted access to equipment.
- The issue of access to means of transportation and to officials UNSCOM wished to interview had “not arisen”.
- Mr Butler hoped that Iraq would provide the records UNSCOM had requested.²⁰²

510. Mr Butler stated that, “under the circumstances”, the requirements of resolution 1137 were being “sufficiently implemented” to allow travel restrictions to be lifted.

511. On 1 May, the President of the Security Council provided members with a letter written to him by Mr Al-Sahaf, which said:

“The fact that, after eight years, the sanctions against Iraq have not been lifted demonstrates the Security Council's lack of impartiality in dealing with this matter. The Security Council has failed to discharge its responsibilities under the Charter of the United Nations, whereas Iraq has satisfied all the requirements and conditions set forth in Security Council resolution 687 (1991), section C. The Security Council must now do its part, meeting its obligations towards Iraq by implementing resolution 687 (1991), paragraph 22, without further delay.”²⁰³

512. An UNSCOM “informal paper” providing a “statement of specific tasks and information” which would need to be completed and verified before a report could be made, pursuant to resolution 687 (1991), that Iraq had completed the disarmament actions required, was presented to the Security Council on 4 June.²⁰⁴ In addition, the Commission would need to conclude that Iraq had ceased concealment of proscribed programmes.

513. The tasks included:

- Completion of a “material balance” for:
 - missile warheads;
 - “special munitions”, including 155mm mustard shells and R-400 chemical/biological aerial bombs;

²⁰² UN Security Council, 6 May 1998, ‘Letter dated 6 May 1998 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council’ (S/1888/377).

²⁰³ UN Security Council, 4 May 1998, ‘Letter dated 1 May 1998 from the Permanent Representative of Iraq to the United Nations addressed to the President of the Security Council’ (S/1998/368).

²⁰⁴ UN Security Council, 17 June 1998, ‘Report by the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991), on his mission to Baghdad, 11-15 June 1998’, ‘Appendix I – Informal paper presented to the Security Council on 4 June 1998’ (S/1998/529).

- major components used for the indigenous production of missiles;
- chemical weapons production equipment; and
- acquisition, production and destruction of materials and equipment, agents and munitions for biological weapons.
- Provision of information and documents relating to:
 - production, filling and deployment of special missile warheads;
 - Iraq's declarations on VX;
 - use and status of equipment evacuated from chemical weapons facilities before the adoption of resolution 687; and
 - destruction of missile propellants.

514. On 16 June, following a visit to Baghdad, Mr Butler reported that, although Mr Aziz did not accept all the tasks listed in the UNSCOM paper were disarmament issues, they had agreed a schedule of work to be carried out over two months to “try to resolve the outstanding disarmament issues”.²⁰⁵ Mr Butler described the talks as “cordial and professional”, reflecting “the new spirit of co-operation between both sides” following the signature of the MOU on 23 February. If Iraq met its undertakings to provide full co-operation, it “should be possible for the Commission to resolve remaining issues and begin to formulate reports ... pursuant to paragraph 22 of resolution 687 (1991)”.

515. It is clear from the detailed record of the discussions, however, that there were still significant differences between UNSCOM and Iraq.

516. During the talks, Mr Aziz challenged UNSCOM's pursuit of “many trivial matters not related to disarmament”: “Iraq had destroyed its proscribed weapons, and the details were unimportant.”

517. Mr Aziz also stated that Iraq:

- had not achieved the capability indigenously to produce engines and gyroscopes for proscribed missiles and, therefore, “accounting fully for such components was unnecessary”;
- would not clarify the extent of its attempts to produce VX: the issue was “closed” and Iraq was only ready to discuss the evidence available to UNSCOM of incorrect declarations;
- had already presented all the evidence available on biological weapons and no additional information or documentation would be provided; and
- refused to provide access to one document previously seen by the UNSCOM on the grounds that it was unrelated to its work.

²⁰⁵ UN Security Council, 17 June 1998, ‘Report by the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991), on his mission to Baghdad, 11-15 June 1998’ (S/1998/529).

518. UNSCOM made clear it did not accept those positions, stressing the “particular importance” of trying “to verify the total amount of proscribed weapons produced by Iraq” and a shift in methodology in the biological weapons area to focus on munitions.

519. The report also stated that Iraq had been informed that France was initiating additional aerial surveillance and further capability was being discussed with Russia, but that this activity would complement the U-2 flights not replace them as requested by Iraq.

520. Mr Butler and Mr Aziz agreed that the results of the work programme should be assessed during their next round of talks, to be held in Baghdad during the second week of August. Mr Aziz declined Mr Butler’s invitation to hold a special meeting to discuss concealment activities.

521. UNSCOM later described the method it had used as focusing:

“... on unaccounted proscribed weapons and to set aside other aspects such as fully verifying production capacities, research activities, etc. Satisfactory resolution of the specific ‘priority issues would make it easier to conclude that other unverified elements were of lesser substantive importance. Conversely, the inability of Iraq to satisfy these issues would point to more ominous explanations for other unverified parts of Iraq’s declarations. Whether these other parts will ultimately be addressed is an open question, but one which has a direct bearing upon confidence in future monitoring.”²⁰⁶

522. This approach became the method for establishing whether an “acceptable material balance” could be produced for weapons within UNSCOM’s remit.

523. The Butler Report records that there were two meetings between UK officials and UNSCOM representatives, including Col Ritter, in May and June 1998 at which discussions took place about how to make public the traces of VX which had been discovered on missile warheads.²⁰⁷ A Secret Intelligence Service (SIS) operation, “Operation Mass Appeal” was set up for that purpose, but was abandoned after the UNSCOM report was leaked to the press in Washington.

524. On 17 July, in a speech marking the thirtieth anniversary of the 1968 Iraqi revolution, Saddam Hussein drew attention to the letter to the Security Council of 1 May, which he described as “not just a protest cry”, but evidence of “a will and alternative strategy” if “other means and methods” failed “to return life to its natural track”.²⁰⁸

²⁰⁶ UN Security Council, 29 January 1999, ‘Letter dated 25 January 1999 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council’ (S/1999/94).

²⁰⁷ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, page 121.

²⁰⁸ Transcript, 17 July 1998, ‘Speech of His Excellency President Saddam Hussein on the 30th Anniversary of 17-30 July 1968 Revolution’ (www.al-moharer.net).

525. On 18 July, a document relating to expenditure of four types of “special” munitions, a term which denoted chemical and biological agent delivery, was discovered during an inspection of the headquarters of the Iraqi Air Force.²⁰⁹ UNSCOM was not allowed to copy or remove the document but it was agreed that it would be jointly sealed and stored in the custody of Iraq’s National Monitoring Directorate.

526. In a letter to Mr Butler on 23 July, Mr Aziz wrote that the meetings of biological experts in Baghdad on 17 to 22 July had not succeeded in “closing the gaps between the two sides”. Iraq deemed it “highly important to devote sufficient time to this issue during our next meeting ... to be able to study it intensively from the political and technical angles”. That might require a longer visit than planned and the participation of the largest possible number of experts.²¹⁰

527. Mr Butler responded on 24 July that he had not yet seen the Chief Inspector’s report of the meetings but:

- He had “a problem with the notion of ‘gaps’ between the two sides because it, fundamentally, misrepresents both the nature of the relationship” between UNSCOM and Iraq and the terms of reference for the meetings in Baghdad. The relationship was that “Iraq should declare in full and truthfully all relevant proscribed programmes” and UNSCOM “should seek to verify those declarations”.
- Describing UNSCOM’s inability to carry out its work as “a mere ‘gap’” departed “very far from the fact of the inadequacy of Iraq’s past declarations”.
- The proposal was similar to one Mr Aziz had made in June, when Mr Butler had made clear that the issue was “establishing facts, not of negotiation between two positions”.
- If the team’s report was “unsatisfactory”, they would “need to analyse why”. But it was “premature ... to conclude that political level discussions ... would correct a problem which has been long-standing, repeatedly addressed and has always rested on the failure of Iraq to provide concrete and verifiable technical information”.
- UNSCOM’s “firm position” continued to be that resolution of the biological weapons issues could “be accomplished with the provision of further documents and other verifiable information” which Iraq possessed.²¹¹

²⁰⁹ Federation of American Scientists, 22 July 1998, ‘Text of Amb. Butler letter to UNSC protesting latest Iraqi obstruction’. Letter Butler to Lavrov [President of Council], 22 July 1998.

²¹⁰ UN Security Council, 14 August 1998, ‘Letter dated 23 July 1998 from the Deputy Prime Minister of Iraq addressed to the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991)’ (S/1998/718).

²¹¹ UN Security Council, 14 August 1998, ‘Letter dated 24 July 1998 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the Deputy Prime Minister of Iraq’ (S/1998/718).

528. UNSCOM subsequently reported that its team had concluded that none of the components of the material balance for biological weapons could be verified.²¹²

529. As requested in the Presidential Statement of 14 May, Dr ElBaradei submitted an “interim status report” on 27 July.²¹³ The report contained little new information, although it did state that Iraq had been unable to locate any additional documents about the decision to abandon the nuclear programme.

530. In addition, Dr ElBaradei reported that Mr Aziz had reiterated that Iraq’s programme of declarations and unilateral destruction had been “an undocumented ad hoc progression of activities undertaken in reaction to events”; and he had stated “unequivocally” that “no Government decree existed which formalised Iraq’s abandonment of its nuclear programme”. Mr Aziz had added that, “had such a decree existed, it would clearly have been in the best interests of Iraq to make it available to the IAEA”.

531. Dr ElBaradei observed:

“It is perhaps of little practical significance whether a so-called ‘high government committee’ was formally constituted or was ... an ad hoc group of varying composition brought together to deal with problems as they arose.”

532. In relation to the actions attributed by Iraq to Lt Gen Kamil, Dr ElBaradei added that it was “beyond debate that concealment of components of Iraq’s clandestine nuclear programme continued until at least August 1995”, and it remained “difficult for IAEA to distinguish the actions of such a senior Government official from that of the Government itself”.

533. Dr ElBaradei also reiterated the importance, given the inherent uncertainties arising from a verification process with the aim of proving the absence of readily concealable items, of continuing intrusive inspections as part of the ongoing monitoring and verification of Iraq’s activities. This was necessary to “provide a significant probability of detecting prohibited equipment, materials or activities at other locations” as well as assurance of the absence of those items at routinely inspected locations.

534. After its visit to Iraq in April 1998, the IAEA reported that it had “found no indications that Iraq has retained the physical capability – in terms of hardware and facilities – to produce weapons-usable nuclear material. Nor are there any indications of Iraq having achieved its programme goal of producing nuclear weapons”.²¹⁴ The IAEA could not provide assurances that there were no “readily concealable items such as components of centrifuge machines”. In addition, because of the progress that

²¹² UN Security Council, 6 October 1998, ‘Report of the Executive Chairman of the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)’ (S/1998/920).

²¹³ UN Security Council, 27 July 1998, ‘Interim status report of the Director General of the International Atomic Energy Agency in response to the Presidential statement on Iraq of 14 May 1998’ (S/1998/694).

²¹⁴ Interim Status Report on Nuclear Inspections in Iraq, IAEA Press Release PR 98/12, 28 July 1998.

it had made in weaponisation technologies before 1991 and the existence of a “cadre of experienced personnel who were employed in the clandestine nuclear programmes”, Iraq had the “knowledge and the technical capability to exploit, for nuclear weapons purposes, any relevant materials or technology to which it may gain access in the future”.

535. Sir Jeremy Greenstock, UK Permanent Representative to the UN in New York from July 1998 to 2003, told the Inquiry that in July/August 1998, the Security Council had been:

“... close to agreeing that Iraq was no longer pursuing nuclear weapons capability, but the United States blocked a certification of that status because Saddam Hussein had not fulfilled absolutely all the detailed requirements. The chemical, biological and missile development files were left open.”²¹⁵

536. The *Strategic Defence Review*, published in July 1998, stated that “Saddam Hussein’s Iraq” represented a “continuing threat”; and that:

“The size of the military forces available and the presence and potential spread of ballistic missiles, chemical and biological weapons and even nuclear weapons add to the risks. These dangers seem unlikely to diminish and may grow.”²¹⁶

537. On 30 July, the Iraqi leadership made a statement which set out concerns about the deliberations on the “nuclear file” currently under way in the Security Council, “the arbitrary and aggressive position” of the US, and the “failure of the Security Council to adopt a fair and equitable resolution”.²¹⁷

538. The statement concluded that, “As a result of the way in which the nuclear file has been dealt with ... and of the manoeuvres of the Special Commission”, Iraq faced the prospect of the embargo continuing for “an unknown and unspecified period” and the Special Commission continuing to “destroy and squander” the property of Iraq. Iraq had agreed arrangements for access to Presidential sites with the UN Secretary-General with the objective of awakening “the conscience of the Security Council and the international community regarding the facts”, and that it would lead to the lifting of the embargo. But there had not been “any perceptible result”.

539. The statement declared Iraq’s intention to “call for a comprehensive national debate ... and on the position that should be adopted” in the near future; and that the forthcoming meeting with the Special Commission would be “an essential indication” of its attitude.

²¹⁵ Statement, November 2009, page 1.

²¹⁶ Ministry of Defence, *Strategic Defence Review*, July 1998.

²¹⁷ UN Security Council, 30 July 1998, ‘Letter dated 30 July 1998 from the Permanent Representative of Iraq to the United Nations addressed to the President of the Security Council’ (S/1998/703).

540. During his visit to Baghdad in early August to assess implementation of the work schedule agreed in June, Mr Butler had also proposed to address substantive issues outside the agreed work programme, including VX, concealment and the implications of the document found on 18 July, and to propose a further programme of intensive work “directed at bringing [the] remaining issues in the missile and chemical weapons areas to closure” before UNSCOM’s next report to the Security Council in October.²¹⁸

541. Mr Aziz had rejected both proposals and “insisted” that he should immediately report to the Security Council that “there were no more proscribed weapons and [related] materials in Iraq”.

542. Mr Aziz also stated that Iraq would “never” give UNSCOM the document found on 18 July and, since Mr Butler was not prepared to report immediately that Iraq was in compliance with its obligations, engaging further with the programme would be “useless”. As a result, the discussions were terminated. Mr Butler reported:

“Under the circumstances, I judged that the best course of action was to report immediately to the Council.”

543. Mr Annan wrote that Iraq had “clearly taken a strategic decision to force the issue”, demanding that UNSCOM should report Iraq had fully disarmed or lose the regime’s co-operation.²¹⁹

544. Mr Annan added that Mr Butler was:

“... of course ... not able to do this – but his position had been weakened further by increasing allegations, including from within UNSCOM itself, that the mission had been used by national intelligence agencies for information gathering un-related to its disarmament mission. The Iraqis seized on this and won support from Russia in denouncing UNSCOM, and Butler in particular as untrustworthy.”

545. On 5 August, the Revolutionary Command Council and the Iraqi Regional Command of the Arab Ba’ath Socialist Party issued a statement recording the decision to suspend “co-operation with the Special Commission in its current form” and with the IAEA.²²⁰

546. The decision also:

- called on the Security Council to apply paragraph 22 of resolution 687 “as a first step on the road leading to the complete and total lifting of sanctions”;

²¹⁸ UN Security Council, 5 August 1998, ‘Letter dated 5 August 1998 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council’ (S/1998/719).

²¹⁹ Annan K. *Interventions: A Life In War And Peace*. Allen Lane, 2012.

²²⁰ UN Security Council, 14 August 1998, ‘Statement issued by the Revolution Command Council and the Iraqi Regional Command of the Arab Ba’ath Socialist Party’ (S/1998/718).

- requested the Security Council to re-establish the Special Commission, including:
 - creating a “new executive bureau to lead and direct all the activities and functions” of the Commission: it should comprise “an equal number of members who represent the nations that are Permanent Members of the Security Council”, with the chairmanship of the bureau filled on a rotation basis. “Iraq should participate as an observer in the bureau’s work”;
 - restructuring the Commission’s offices in New York, Bahrain and Baghdad on the same basis; and
 - moving the Commission’s main office from New York to either Geneva or Vienna “to insulate it from the direct influence” of the US;
- stated that “The Security Council and all its members, particularly the Permanent Members, should observe – legally, politically and in practice – the resolutions of the Council which stipulate that the sovereignty of Iraq should be respected”. They should also abide by the Charter of the UN and the 23 February MOU;
- stated that the Security Council should “call to account” members who violated those principles, including banning “flights over the northern and southern parts of Iraq by certain Permanent Members of the Council”; and
- stated that, to express “its good intentions” and its desire that “its decisions should be correctly interpreted and not tendentiously explained as non-compliance”, Iraq would permit monitoring activities to continue provided that the individuals responsible strictly respected provisions of the 23 February MOU in relation to the sovereignty, security and dignity of Iraq.

547. Providing the context for its decision, Iraq stated that it had fulfilled all the obligations imposed on it in the hope that this would lead to the lifting of “unjust sanctions” but the US had:

“... resorted to all ways and means to maintain the unjust sanctions ... and to obstruct and prevent any action by the Security Council that would recognize what Iraq has achieved in fulfilling the requirements of the Security Council ...”

548. Iraq stated that the Special Commission was “foremost” among the instruments used by the US, and that the US controlled its “leadership, activities and mode of operation”. This had turned the Commission into a:

“... disgraced instrument for implementing the criminal American policy against Iraq either by finding pretexts and fabricating crises with a view to maintaining the sanctions or by spying on Iraq and threatening its national security and sovereignty.”

549. Iraq also stated that:

- The Commission continued “to fabricate false pretexts and to perpetuate its work indefinitely”.

- The US had “committed flagrant and gross violations of Iraq’s sovereignty and territorial integrity”, including “imposing an illegal air siege” and openly declaring “criminal schemes against Iraq by allocating funds to finance illegal activities aimed at intervening in Iraq’s internal affairs to commit acts of sabotage and terrorism”.
- Since May 1998, Iraq had been calling on the Security Council, the Secretary-General and the international community to “adopt a fair and firm position”.
- Iraq’s “serious and sincere statements” had remained “unheeded” and the Special Commission had “refused to endorse officially the substantive facts about Iraq’s compliance”.
- The US had “rejected” the recent proposals to the Security Council to “move the nuclear item from the status of disarmament to that of monitoring”.

550. Iraq concluded that the “current circumstances” confirmed that Iraq would “always be under siege regardless of what it does, and regardless of its fulfilment of the Security Council’s requirements”.

551. Mr Aziz forwarded the decision in a letter to the President of the Security Council on 5 August.²²¹

552. Mr Aziz stated that the Special Commission:

“... had refused to inform the Security Council of the substantive facts ... Instead, the Special Commission has continued its old and well-known methods of concentrating on details of no value with respect to the requirements of section C of resolution 687 (1991). It has also continued with its methods of raising marginal issues, to confuse and mislead the Council and world public opinion into thinking that those issues are of some importance with respect to the requirements of disarmament. In addition, it has attempted to conjure up the crises and provocations which characterized the work of the Special Commission throughout the past years. The purpose of this was entirely clear, namely to perpetuate the embargo pursuant to the policy of the United States of America.”

553. Mr Aziz set out in detail Iraq’s position on UNSCOM’s approach to the agreed work programme and his meeting with Mr Butler on 3 August. The points made by Mr Aziz included:

- The Special Commission teams discussing missiles had raised “trivial” or “marginal” additional questions, rather than focusing on the fact of the destruction of special warheads and Iraq’s lack of success in producing engines and gyroscopes for ballistic missiles.
- Iraq had “proved that the material balance for R400 bombs was complete”.

²²¹ UN Security Council, 14 August 1998, ‘Letter dated 5 August 1998 from the Deputy Prime Minister of Iraq addressed to the President of the Security Council’ (S/1998/718).

- The missing 155mm shells were less than 5 percent of the total stock, and had been destroyed in early 1991 when a truck was set on fire. The remnants were still being investigated and they should not be regarded as a serious obstacle to closing the chemical file.
- The Special Commission could have found traces of VX, but there were a number of possible explanations which could be investigated. If Iraq had weaponised VX, there would have been “no reason why it should not declare this”; concealment would have been “a silly act”.
- The Special Commission had, since 1996, “been giving a distorted and falsified picture of the biological programme” which “deliberately ignored the fundamental facts” and “raised lies and fabrications using intelligence methods in co-ordination with American parties”.
- The biological weapons programme had been “newly established”, had not been completed, and “remained without a specialised top management”. Iraq had been unable to import any specialised equipment for the production of biological agents. Iraq had “destroyed this programme completely in 1991”.
- Since 1995, monitoring teams had interviewed 256 personnel and carried out 1,048 inspections at 334 sites without finding any biological weapons or agents and had not found “any proof on the existence of biological activities, current or previous, in sites other than those declared by Iraq which were destroyed”. 95 sites were still under “strict and very intrusive monitoring”.
- Iraq had “accepted the sacrifice” involved in the destruction of the Al Hakam plant, including facilities for civilian purposes, “after the Special Commission promised ... that ... was the most important step for closing the biological file”.
- When Iraq had given examples of the verification procedures adopted by the US individual in charge of the biological file to a delegation led by Mr Lakhdar Brahimi on 5 November 1997, they had produced “surprise and sarcasm”.
- In the technical evaluation meetings in March and July, the Commission had pursued questions which “bore no relation to the fundamental questions of disarmament”.
- In response to the “vicious circle created by the Special Commission”, Mr Aziz had proposed on 23 July that he and Mr Butler should supervise the file, but his proposal had been rejected.

554. In the concluding section of his letter, Mr Aziz wrote that Iraq had raised the working methods of the Special Commission many times, and some measures had recently been taken, including the participation of experts from Permanent Members other than the US and UK, but:

- The “real situation” had “not changed”, as the US and UK were “still leading all its activities and define all the discussions of the Special Commission”.
- It was “well known” that the US and UK had “tendentious political objectives against Iraq”.

- The Special Commission was “not prepared to tell the truth by announcing that the main task entrusted to it ... has been completed”.
- That was “an illegal” and “tendentious political position” which was “not based on any scientific or technical foundation”.
- The US and UK had refused to acknowledge when there was a technical basis for closing a file and had “obstructed practically any step which the Security Council attempted to take in the direction of achieving justice and equity”.
- That had happened in July in relation to the nuclear file.
- Iraq’s warnings on 1 May, 17 July and 30 July had not been heeded.

555. Mr Annan wrote that he had been contacted by Secretary Albright and Mr Samuel (Sandy) Berger, the US National Security Advisor, who insisted that Iraq’s stance was an attack on the UN and on Mr Annan’s own position as it was his MOU that had been violated.²²² His response to the “standoff” was to propose “a comprehensive review of the UN’s relationship with Iraq, including the role of UNSCOM”. The US had opposed such a move on the grounds that it was “bargaining” with Saddam Hussein, but:

“... the broader Council, including the UK, understood the value of engaging the Iraqis in a process whereby they would come back into compliance and we would set out on a path to a conclusion rather than permanent crisis.”

556. On 11 August, Dr ElBaradei confirmed that, as a result of Iraq’s decision, the IAEA was carrying out limited monitoring and verification tasks which fell “far short of full implementation of the OMV plan” and resulted in a “significantly reduced level of assurance” which could be provided for the Council.²²³

557. On 12 August, Mr Butler reported that Iraq’s decision had brought “to a halt” all UNSCOM’s disarmament activities, including discussions at the political and technical level, and monitoring activities were “limited to sites previously declared by Iraq or designated by the Commission”. UNSCOM fully shared the IAEA’s conclusions on the impact on its ability to provide assurance.²²⁴

558. The President of the Security Council responded to both letters on 18 August, stating that the members of the Council noted “with concern that Iraq’s decision to

²²² Annan K. *Interventions: A Life In War And Peace*. Allen Lane, 2012.

²²³ UN Security Council, 18 August 1998, ‘Letter dated 11 August 1998 from the Director General of the International Atomic Energy Agency addressed to the President of the Security Council’ (S/1998/766).

²²⁴ UN Security Council, 18 August 1998, ‘Letter dated 12 August 1988 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council’ (S/1998/767).

suspend co-operation” prevented the IAEA and UNSCOM from carrying out the full range of its mandated activities and the “significantly reduced level of assurance”.²²⁵

559. The initial reaction of the members of the Security Council was that Iraq’s announcement was “totally unacceptable” and that it contravened the MOU signed on 23 February. They also noted “with regret that the announcement was made after a period of improved co-operation and achievement of some tangible results”.

560. Members of the Council expressed their support for the IAEA and UNSCOM, and “for the continuing efforts of the Secretary-General and his Special Envoy”. They emphasised the “need for an early resumption of dialogue” and that they would “be ready to respond favourably to future progress made in the disarmament process”.

561. In a letter to Mr Aziz of 19 August, Mr Butler proposed that Iraq and UNSCOM should resume the full range of activities and that Iraq should confirm it would co-operate.²²⁶ There was no formal response.

562. Following discussions in the Council on 1 September, Mr Butler provided briefing notes on:

- the discovery of VX degradation products and degradation products of VX stabilisers on warhead remnants;
- the material balance of special munitions; and
- “a change in the accounting of the weaponization of biological warfare agents”.

563. On 3 September, Mr Butler briefed members of the Security Council on the current position, including three instances when Iraq blocked UNSCOM’s monitoring.

RESOLUTION 1194 (1998)

564. On 9 September, the Security Council unanimously adopted resolution 1194 (1998), which:

- reiterated the points in the Presidential Statement of 18 August;
- reaffirmed its commitment to comprehensive implementation of its resolutions, in particular resolution 687;
- stressed the unacceptability of any attempts by Iraq to deny access to any site or to refuse to provide the necessary co-operation; and

²²⁵ UN Security Council, 18 August 1998, ‘Letter dated 18 August 1998 from the President of the Security Council addressed to the Director General of the International Atomic Energy Agency’ (S/1998/768); UN Security Council, 18 August 1998, ‘Letter dated 18 August 1998 from the President of the Security Council addressed to the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991)’ (S/1998/769).

²²⁶ UN Security Council, 6 October 1998, ‘Report of the Executive Chairman on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)’ (S/1998/920).

- welcomed the Secretary-General's proposal for a comprehensive review and expressed "its readiness to consider, in a comprehensive review, Iraq's compliance with its obligations ... once Iraq has rescinded its ... decision and demonstrated that it is prepared to fulfil all its obligations".²²⁷

565. Acting under Chapter VII of the Charter, the Council:

- condemned Iraq's decision which was a "totally unacceptable contravention of its obligations";
- demanded that the decision should be rescinded and that Iraq should co-operate fully with its obligations and resume a dialogue with UNSCOM and the IAEA; and
- decided not to conduct the review of sanctions scheduled for October and not to conduct any further such reviews until Iraq had rescinded its decision and UNSCOM and the IAEA reported to the Council that they were "able to exercise the full range of activities provided for in their mandates, including inspections".

566. On 20 September, the JIC concluded that:

"Some biological warfare (BW) production equipment, stocks of agents and even weapons are probably retained by Iraq."²²⁸

567. Mr Annan wrote that Sir Jeremy Greenstock, in his capacity as President of the Security Council, was authorised "by all members of the Council" to engage Mr Aziz on the terms proposed by Mr Annan but because of the "fundamental mistrust between Iraq and UNSCOM", the "standoff continued for another month".²²⁹

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568. Mr Butler's consolidated UNSCOM report of 6 October rehearsed the developments over the preceding six months.²³⁰

569. Mr Butler reported that the outstanding issues in relation to missile warheads were:

- UNSCOM was "able to account for the destruction of between 43 and 45 of the 45 operational special warheads declared by Iraq as having been unilaterally destroyed". That was a "major accomplishment".
- The VX issue needed to be resolved.

²²⁷ UN Security Council resolution 1194 (1998).

²²⁸ *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, page 49.

²²⁹ Annan K. *Interventions: A Life In War And Peace*. Allen Lane, 2012.

²³⁰ UN Security Council, 6 October 1998, 'Report of the Executive Chairman on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)' (S/1198/920).

- UNSCOM had “arrived at an assessment ... that Iraq’s declarations on the unilateral destruction of the special warheads did not match all the physical evidence”. Iraq was asked to discuss the issue on 3 August.
- UNSCOM and Iraq had been “able to identify jointly steps to clarify some of the problems related to Iraq’s actions of 1991 to hide special warheads”, but the effort was terminated by Iraq on 30 July when it refused to provide access to relevant sites or to discuss the issue any further.
- There were outstanding issues relating to the remnants of “some 50 conventional warheads ... that have not been recovered”. Some 30 of those had been indigenously produced.

570. In relation to missiles, the outstanding issues were:

- Iraq’s missile force was in possession of seven indigenously produced missiles in 1991. Iraq maintained that they were training missiles which had been unilaterally destroyed, but no remnants of the missiles or their engines had been found.
- A team of international experts had assessed in July that, by the end of 1990, Iraq had the capability to assemble a limited number of engines for its indigenously produced proscribed missiles and Iraq should account for the key components from that programme. A “rough material balance” had been developed but additional verification work was recommended.
- Iraq had refused to address proscribed liquid missile propellants.
- Iraq continued its development of the Al Samoud missile system which had a declared range of less than 150km, but the issue of its reuse of Volga engines from surface to air missiles was “unresolved”.

571. In relation to chemical weapons, outstanding issues were:

- Iraq had provided “only preliminary information” on its investigation of the 550 missing 155mm shells filled with mustard.
- Accounting for about 500 of the 1,000 bombs unilaterally destroyed was “not possible owing to the state and extent of destruction”. UNSCOM wanted to verify the maximum number of R-400 aerial bombs to facilitate the final accounting for chemical bombs. The quantity and composition of biological bombs was still an issue.
- There were “serious discrepancies” between Iraq’s declarations and the report of its consumption of special munitions in the 1980s.
- UNSCOM’s view was that Iraq was “certainly able to produce VX, and probably produced it in quantity”. There was “significant doubt” about Iraq’s claim that it had not weaponised VX.
- Iraq had provided clarification of the production equipment removed from al-Muthanna in July 1998 but field verification had been “blocked” since 5 August.

572. In relation to biological weapons:

- UNSCOM had been unable to verify the production and destruction warheads for the Al Hussein missile. Iraq had declared that five warheads had been filled with anthrax and 16 with botulinum toxin. A week after the July meeting of experts in Baghdad, a senior Iraqi official had stated that there had been 16 warheads filled with anthrax and five filled with botulinum toxin. The “new explanation contradicted all accounts of the unilateral destruction of special warheads” provided over “the previous three years by Iraqi personnel directly involved in warhead filling and destruction activities”.
- No evidence existed about the number of R-400 bombs filled with biological agent, and Iraq had provided “no consistent explanation” for the allocation of biological agents to weapons.
- Iraq had pursued the development of drop tanks for dissemination of biological agent “with the utmost vigour”, but the team of international experts had assessed that Iraq’s account of the project could not be verified.
- Iraq had modified commercial chemical insecticide equipment to develop aerosol generators to disseminate biological agents. A document submitted by Iraq reported successful testing of such devices in August 1998. Iraq had not accounted for the “final disposition” of the devices produced.
- The level of production of biological agents remained unverifiable, and it was not possible to determine if agents had been dried to enhance storage stability.
- The material balance of biological growth media acquired and consumed was “full of uncertainties”.

573. Mr Butler stated that, after Lt Gen Kamil’s departure from Iraq, UNSCOM had been “confronted with the fact that Iraq had successfully implemented concealment on a large scale”. UNSCOM’s understanding of Iraq’s programmes had been achieved “largely through forensic methods”. The verification of Iraq’s declarations had been made “far more difficult than should have been the case” as a result of Iraq’s:

- “policy and practice of concealment”;
- “unilateral destruction” of weapons and related materials; and
- “repeated denial of the existence of relevant documents on proscribed activities, with the exception of those Iraq unilaterally chooses to provide”.

574. UNSCOM also continued to find dual-use items and materials which should have been declared by Iraq.

575. The report stated that Iraq had rejected a request for a Russian AN-30 aerial surveillance aircraft and its support unit to be based at the Rasheed airbase on security grounds. The Commission had rejected an Iraqi suggestion that the aircraft be based at Habbaniyah, 120km from Baghdad.

576. Mr Butler concluded that:

- Disarmament of Iraq’s proscribed missile and chemical weapons was “possibly near its end”, but a “satisfactory resolution” of the questions on VX would be necessary.
- This was not the case for biological weapons where Iraq’s declarations were “neither credible nor verifiable” and it had “failed to take” the opportunity to disclose its activities.
- Development of monitoring was “vital to the future”, but Iraq was permitting activity “only at a less than satisfactory level”. Monitoring would be particularly important if UNSCOM was unable to provide 100 per cent verification of items unilaterally destroyed by Iraq.
- Full disclosure of materials and information was the “crucial ingredient for both an end to the disarmament process and future monitoring”. Iraq’s demands that UNSCOM should prove that Iraq continued to possess prohibited weapons and associated capabilities would, if accepted, “reverse the onus of disclosure clearly placed on Iraq by the Security Council”.

577. In his report of 7 October, Dr ElBaradei confirmed that there was no evidence or indications of prohibited activity at sites inspected before Iraq’s decision of 5 August to cease co-operation.²³¹ There were still some difficulties, including Iraq’s instructions that personnel should not respond to any questions about Iraq’s clandestine nuclear programme, the quality of Iraq’s declarations. Greater transparency “would contribute considerably to clarifying the few remaining questions and concerns”.

578. These issues “would not of themselves prevent the full implementation” of the Agency’s plan for ongoing monitoring and verification (OMV). That was:

“... predicated on the assumption that Iraq has the knowledge and technical expertise to exploit, for nuclear weapons purposes, any relevant materials or technology to which it may gain access in the future. Nonetheless, it must be recognised that Iraq’s direct acquisition of weapon-usable material would present a serious technical challenge to OMV measures, and great reliance must continue to be placed on international controls.”

579. Following informal consultations in the Security Council on 13 October, Mr Butler submitted an experts’ report of the findings from analysis of special missile warhead fragments excavated in Iraq to the President of the Security Council on 26 October.²³²

²³¹ UN Security Council, 7 October 1998, ‘Sixth consolidated report of the Director General of the International Atomic Energy Agency under paragraph 16 of Security Council resolution 1051 (1996)’ (S/1998/927).

²³² UN Security Council, 26 October 1998, ‘Letter dated 26 October 1998 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to President of the Security Council’ (S/1998/995).

580. Mr Butler stated that he would also be giving the report to Iraq's Permanent Representative to the UN in New York, asking him to transmit it to the authorities in Baghdad. Mr Butler also wrote that the Commission would be willing "to resume work at the earliest possible moment with competent Iraqi authorities in order to address the questions posed by the report".

581. The report recommended that Iraq be invited to explain:

"... the presence of degradation products of nerve agents ... [T]he presence of compound known as VX stabiliser and its degradation product, and to provide more information on the Iraqi efforts during the period from mid-1998 to the end of 1990 to develop and produce VX by improved synthetic routes."²³³

Iraq and VX

Mr Butler's report included a report of a meeting of international experts on VX, held in New York on 22 and 23 October. The report revisited the sequence of events in relation to VX sampling as follows.

In April 1997, following Iraq's declaration of a VX production facility and a dump site where agent had been disposed of, samples of equipment and soil at the site, taken and analysed in the US, were found to contain VX degradation products as well as compounds known as VX stabiliser and its degradation products. This was confirmed in further analysis of samples from the same site in February 1998.

The US laboratory was also asked to analyse samples of 46 fragments from 45 "special warheads" to verify Iraq's declaration that 25 had been filled with biological agent and 20 with a mixture of "alcohols" (isopropanol and cyclohexanol).

In June 1998, the laboratory reported to UNSCOM that it had found chemicals similar to those found at the VX dump site.

In July 1998, UNSCOM asked the US laboratory to analyse samples from different fragments from the 20 warheads Iraq had declared had been filled with alcohols. No chemical warfare compounds were found, but degradation products from a decontamination compound were found in five samples. In addition "signatures of unidentified non-phosphorous compounds were found in many samples".

A French laboratory analysing samples from 40 different fragments from the same 20 warheads reported the presence of a degradation product from a "G- or V-" nerve agent in one sample.

A Swiss laboratory analysing samples from the same 40 fragments did not find any chemical-warfare-related chemicals.

Both the French and Swiss laboratories identified chemicals known to be the degradation products of a decontamination compound and found that a large number of the samples contained the same unidentified non-phosphorous compounds as the US laboratory had identified.

²³³ UN Security Council, 26 October 1998, 'Report of the Group of International Experts on VX' (S/1998/995).

The French experts “noted that the decontaminant could also have been used for ... chemical destruction of biological warfare agents”.

There was “no obvious explanation” for the presence of compounds in the June/July samples which were “completely absent” from the April samples.

The US laboratory reported that it had re-evaluated all activities to confirm that no cross-contamination or other mistakes had occurred.

As a result of further French investigation, ethyl – and methyl – phosphoric compounds could no longer be confirmed in two samples.

582. After intensive consultations, a letter from the President of the Security Council to Mr Annan was agreed on 30 October, “describing the Council’s initial views” on the proposed comprehensive review of Iraqi compliance in two phases: the first dedicated to disarmament and the second other requirements, including those relating to Kuwaiti missing persons and property.²³⁴ The letter reflected a consensus that the assessment should be designed to lead to the definition of an agreed course of action and timetable which, if followed, would allow the Council to act.

583. On the evening of 31 October, the National Monitoring Directorate of Iraq (NMD) informed UNSCOM’s representative in Baghdad that the Revolutionary Command Council and the Ba’ath Party had decided “to suspend, stop or cease all activities of the Special Commission, including monitoring”.²³⁵ Iraq made clear that it was not asking the monitoring teams to leave Iraq and its cameras and other equipment would remain in place. The IAEA would be allowed to continue its monitoring activities, provided they were independent of UNSCOM.

584. In a statement to the press on 31 October, the President of the Security Council reported that the members had “unanimously condemned” Iraq’s decision and demanded that it should be rescinded “immediately and unconditionally”.²³⁶ Once Iraq had rescinded this decision, and its decision of 5 August to limit co-operation, the members of the Council remained ready “to implement a comprehensive review of Iraq’s compliance”.

585. The statement described Iraq’s decision and the continuing restrictions on the work of the IAEA as “deeply disturbing”. The Council would “remain actively seized of this matter, in order to ensure the full implementation of the relevant resolutions and secure peace and security in the region”.

²³⁴ UN Security Council, ‘3939th Meeting Thursday 5 November 1998’ (S/PV.3939).

²³⁵ UN Security Council, 31 October 1998, ‘Letter dated 31 October 1998 from the Deputy Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council’ (S/1998/1023).

²³⁶ UN Security Council Press Statement, 31 October 1998, ‘Text: UNSC Condemns Iraq’s decision on weapons inspectors’.

586. In response to a request from the Security Council, Mr Butler submitted a report on the consequences of Iraq's decision of 31 October, on 2 November.²³⁷

587. Mr Butler stated that Iraq's decisions of 5 August and 31 October made it "impossible for the Commission to implement its disarmament and monitoring rights and responsibilities" and that it was "not in a position to provide the Council with any level of assurance regarding Iraq's compliance with its obligations".

588. Mr Butler's report also confirmed that routine logistic and maintenance work had not been prohibited.

US policy: regime change in Iraq

On 26 January 1998, a Washington think tank, the Project for the New American Century, published an open letter to President Clinton calling for a stronger approach:

"The only acceptable strategy is one that eliminates the possibility that Iraq will be able to use or threaten to use weapons of mass destruction. In the near term, this means a willingness to undertake military action as diplomacy is clearly failing. In the long term, it means removing Saddam Hussein and his regime from power."²³⁸

The 18 signatories included Mr Donald Rumsfeld, Mr Paul Wolfowitz, Mr John Bolton, Mr Richard Armitage and Mr Robert Zoellick, each of whom became prominent members of the administration of President George W Bush.

In February, a wider, bipartisan US group, the "Committee for Peace and Security in the Gulf", published a further open letter to President Clinton, which said:

"For years, the United States has tried to remove Saddam by encouraging coups and internal conspiracies. These attempts have all failed ... Saddam must be overpowered; he will not be brought down by a coup d'état ... Iraq today is ripe for a broad-based insurrection."²³⁹

A bipartisan group of members of Congress drafted a bill, which made it the policy of the US 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. It authorised expenditure of US\$97m to provide military support to the Iraqi opposition. It was approved by the House of Representatives by 360 votes to 38, and unanimously by the Senate. It was signed into law by President Clinton on 31 October 1998 as the Iraq Liberation Act, and regime change in Iraq became the official policy of the US.

²³⁷ UN Security Council, 4 November 1998, 'Letter dated 2 November 1998 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council' (S/1998/1032).

²³⁸ Letter Project for the New American Century to Clinton, 26 January 1998.

²³⁹ Feith DJ. *War and Decision: Inside the Pentagon at the Dawn of the War on Terrorism*. Harper Collins, 2008.

RESOLUTION 1205 (1998)

589. The Security Council unanimously adopted resolution 1205 (1998), condemning Iraq's decision to cease co-operation with UNSCOM, on 5 November.²⁴⁰

590. The resolution:

- noted “with alarm” Iraq’s decision to cease co-operation”;
- stated that the Council was determined to ensure Iraq’s “full compliance ... without conditions or restrictions with its obligations under resolution 687 (1991) ... and other relevant resolutions”; and
- reaffirmed the Council’s “readiness to consider” Iraq’s compliance in a “comprehensive review” once Iraq had “rescinded” its decisions of 5 August and 31 October and “demonstrated that it is prepared to fulfil all its obligations, including” the MOU of 23 February.²⁴¹

591. Acting under Chapter VII of the Charter, the Council:

- condemned Iraq’s decision to cease co-operation with UNSCOM “as a flagrant violation” of resolution 687 and other relevant resolutions;
- demanded that Iraq rescind its decisions of 5 August and 31 October;
- reaffirmed its full support for UNSCOM and the IAEA and their efforts to implement their mandates;
- expressed full support for the efforts of the Secretary-General to seek full implementation of the 23 February MOU;
- reaffirmed its intention to act in accordance with the relevant provisions of resolution 687 “on the duration of the prohibitions” in that resolution and noted that by failing to comply with its obligations, Iraq had “delayed the moment when the Council can do so”; and
- decided “in accordance with its primary responsibility under the Charter for the maintenance of international peace and security, to remain actively seized of the matter”.

592. The record of the Security Council’s discussion demonstrates the surprise and incomprehension which Iraq’s decision caused amongst the members of the Council.

593. Russia and other members of the Council explicitly stated that the resolution did not authorise the use of force.

594. Mr Dejammet stated that the Security Council’s decision demonstrated its unity and sent a firm message to Iraq in response to its “unacceptable and irrational” decision.²⁴² Iraq was “turning its back on the Council’s clearly expressed intention to proceed without

²⁴⁰ UN Security Council, ‘3939th Meeting Thursday 5 November 1998’ (S/PV.3939).

²⁴¹ UN Security Council resolution 1205 (1998).

²⁴² UN Security Council, ‘3939th Meeting Thursday 5 November 1998’ (S/PV.3939).

delay to a comprehensive review of the implementation of its resolutions as soon as the restrictions imposed ... on 5 August were lifted”.

595. Mr Danilo Türk, Slovenian Permanent Representative to the UN, described Iraq’s reaction as “really astonishing”:

“While the Council was patiently moving towards meeting Iraqi concerns, Iraq chose to move in the opposite direction. It is difficult to understand the motives for this reaction. It is also difficult to see how this grave challenge to the Council’s authority can result in anything other than a serious aggravation of the situation.”

596. Mr Lavrov stated that Iraq’s decision had “jeopardised the search of recent months for a solution to the Iraqi problem” and ran “counter to the agreements” reached with Mr Annan that Baghdad “would rescind its decision of 5 August and that the Security Council would conduct a comprehensive review”, which had “opened the way to the lifting of sanctions on Iraq”.

597. Mr Lavrov added:

“The way to overcome this new crisis lies ... exclusively in political and diplomatic efforts alongside the active role of the Secretary-General. Any attempt to resolve the problem by force would have highly unpredictable and dangerous consequences, both for the United Nations ability to continue to monitor proscribed military activity in Iraq and for peace and stability in the region and in the Middle East as a whole.

“We are pleased to note that the draft resolution ... seeks precisely a political solution ... and contains no language that could be arbitrarily interpreted as some kind of permission to use force ...

“Without in any way attempting to justify Iraq’s actions, I wish to stress the exceptional importance of total clarity with regard to the Security Council’s intentions to implement its own resolutions. The draft resolution clearly reaffirms the Council’s intention to take a decision on the current sanctions in accordance with the relevant provisions of resolution 687 (1991).”

598. Mr Antonio Monteiro, Portuguese Permanent Representative to the UN, stated that Iraq’s decision had been greeted with “dismay and incomprehension”.

599. Mr Dahlgren stated that it was Sweden’s “sincere hope” that Baghdad would not miss the “exit sign ... for the route out of sanctions”. He added that the final paragraph of the resolution reflected the “very important principle” that:

“The Security Council’s primary responsibility for the maintenance of international peace and security ... must not be circumvented. We see this paragraph as an expression of the desire of members to safeguard that responsibility.”

600. Mr Amorim stated that Mr Annan’s “possible concept of a comprehensive review” constituted a “thoughtful and balanced approach which could allow for progress” and

that Brazil had learned of Iraq's decision "with a deep sense of dismay". He also drew attention to the "special importance" of the provisions in the resolution which stressed "that the Security Council will continue to be seized of this issue, in accordance with its primary responsibility ... for the maintenance of international peace and security".

601. Mr Mahugu stated that the resolution contained "nothing that could open the door in any eventuality for any kind of action without the clear and precise authority of the Security Council".

602. Mr Qin Huasun stated that the Council "should seriously reflect on the root causes of the present situation". There was "no doubt" that Iraq had to fulfil its obligations in a comprehensive manner, but the Council also had "the responsibility to make a fair and objective assessment" of Iraq's compliance. China's view was that some weapons files were "ripe to move" to the next phase of monitoring and verification. The fact that the Security Council had been "unable to make such a political decision" was "regrettable".

603. Mr Qin Huasun added that Mr Annan's proposals and ideas, which had been "warmly received and supported by an overwhelming majority of the Council members". China believed that conducting a comprehensive review was "still a way out of the present impasse". Dialogue, consultation and confidence building was the only way out. He appealed "to all sides to exercise restraint" and to "refrain from any actions that might sharpen the conflict and exacerbate tensions".

604. Mr Qin Huasun concluded that there were "still elements" in the draft resolution which were "not totally to our liking", but he would vote in favour because it had:

"... incorporated amendments put forward by China and other interested countries by taking out the part which determines that the situation in Iraq poses a threat to international peace and security, and by adding that it is the primary responsibility of the Security Council to maintain international peace and security, reiterating its support for the Secretary-General in his efforts to ensure the implementation of the Memorandum of Understanding ...

"... We hope that this resolution will facilitate the resumption of co-operation between Iraq, on the one hand, and UNSCOM and IAEA, on the other, to allow an early comprehensive review which will in turn free the Iraqi people from sanctions."

605. Speaking after the vote, Sir Jeremy Greenstock stated that Iraq's decisions of 5 August and 31 October had put it "in flagrant violation of its obligations" and it was "right that the Council should react formally and unanimously to this latest attempt to challenge its authority and that of the United Nations as a whole". "Co-operation not confrontation" was "the only way out from sanctions for Iraq".

606. Commenting on the views expressed by other speakers on the meaning of this resolution as regards the possible use of force, Sir Jeremy added that the view of the UK was that it was:

“... well established that the authorisation to use force given by the Security Council in 1990 may be revived if the Council decides that there has been a sufficiently serious breach of the conditions laid down by the Council for the cease-fire.

“In the resolution we have just adopted, the Council has condemned the Iraqi decision to cease all co-operation as a flagrant violation of its obligations.

“This resolution sends a clear message to Iraq: resume co-operation now. If Iraq does so, the Council has spelt out unambiguously that it stands ready to conduct a comprehensive review of Iraq’s compliance with its obligations ... and what steps remain to be taken. We hope that Iraq will respond positively and resume full co-operation soon.”

607. Mr Peter Burleigh, US Deputy Permanent Representative to the UN, stated that the Council had “sent a clear and unmistakable message to Iraq” that “non-compliance will not be rewarded or tolerated”. The restrictions which Iraq had imposed on UNSCOM and the IAEA were “intolerable”. Mr Annan had “expressed his own view” that Iraq’s decision of 31 October was a “serious breach and major violation” of the 23 February MOU. President Clinton and Secretary Albright had “emphasized that all options are on the table”, and the US had “the authority to act”.

608. Mr Burleigh concluded:

“Iraq should recognise the gravity of the situation it has created. Iraq must turn back from the dangerous and self-defeating course it has chosen. The United States sincerely hopes that Iraq will heed the clear message of this resolution and take the necessary steps without delay.”

609. On the evening of 10 November, Mr Butler decided to remove all UNSCOM personnel from Iraq.²⁴³ He stated, in a letter to the President of the Security Council the following day, that the “prime consideration which motivated the decision, and the speed at which it was executed, was the safety of the Commission’s staff”. He had consulted the President of the Security Council, Dr ElBaradei and the Chilean Acting Permanent Representative to the UN in New York. “Discussions were also held” with Mr Annan’s office. Mr Butler regretted that it had not been possible to hold wider consultations.

610. In his memoir, Mr Annan recounts learning of UNSCOM’s withdrawal through a telephone call from Dr ElBaradei at 0330 on the morning of 11 November and his anger at what he considered to be Mr Butler’s “deeply unprofessional behaviour”.²⁴⁴

²⁴³ UN Security Council, 11 November 1998, ‘Letter dated 11 November 1998 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security council resolution 687 (1991) addressed to the President of the Security Council’ (S/1998/1059).

²⁴⁴ Annan K. *Interventions: A Life In War And Peace*. Allen Lane, 2012.

611. On 11 November, Mr Annan issued a press statement containing a personal appeal to Saddam Hussein to take the necessary steps for a diplomatic solution to the crisis.²⁴⁵ It expressed “surprise” at Iraq’s decision when the Security Council had “agreed a way forward on a comprehensive review”.

612. Mr Blair wrote in his memoir that Saddam Hussein had “thrown out the weapons inspectors, who had written a damning report on the outstanding issues relating to weapons of mass destruction and Saddam’s continuing ambitions to develop a programme for them” and “President Clinton was contemplating a military strike”.²⁴⁶ At a meeting with Mr Robertson, Mr Cook and General Sir Charles Guthrie, Chief of the Defence Staff, on 11 November, Mr Blair had been briefed on the military options. Cabinet had been taken through the issue the following day, with Mr Robertson warning that it was “the most serious development” since the Gulf Conflict.

613. Mr Campbell wrote that Mr Robertson had told Cabinet that Saddam Hussein had broken the cease-fire agreement, broken his word to Mr Annan, and was rebuilding chemical and biological weapons programmes.²⁴⁷ He was weaponising nerve agents. These were “ferocious weapons” and “his neighbours believe there is intent”. Mr Campbell wrote: “TB made clear this was the US demanding and us complying, but that our own independent judgement was that he [Saddam Hussein] must be forced to comply. He said there was a real breach, not a technical breach.”

614. On 12 November, the Iraqi Permanent Representative to the UN in New York was given a private warning that, if Iraq did not return to full compliance very quickly it would face a substantial military strike.²⁴⁸

615. Following discussions in the Security Council in which “all the members ... expressed preference for a diplomatic solution”, Mr Annan wrote to Saddam Hussein on 13 November asking for “an early response” to the appeal in his press statement of 11 November, which had been “unanimously endorsed” by the Security Council.²⁴⁹

616. Mr Aziz’s response on 14 November stated that Iraq had put its trust in Mr Annan and his good faith but, because of US objections, the deliberations of the Security Council on the procedures for the comprehensive review had not provided a clear picture.²⁵⁰ On the basis of Mr Annan’s appeal and messages from Russia, China, France, Brazil and other States, Iraq had “decided to resume working with the Special Commission and the IAEA and to allow them to perform their normal duties”. He also

²⁴⁵ UN Security Council, 14 November 1998, ‘Letter dated 13 November 1998 from the Secretary-General addressed to the President of the Republic of Iraq’ (S/1998/1077).

²⁴⁶ Blair T. *A Journey*. Hutchinson, 2010.

²⁴⁷ Campbell A & Stott R. *The Blair Years: Extracts from the Alastair Campbell Diaries*. Hutchinson, 2007.

²⁴⁸ House of Commons, *Official Report*, 16 November 1998, column 609.

²⁴⁹ UN Security Council, 14 November 1998, ‘Letter dated 13 November 1998 from the Secretary-General addressed to the President of the Republic of Iraq’ (S/1998/1077).

²⁵⁰ UN Security Council, 14 November 1998, ‘Annex II’ (S/1998/1077).

provided points which had been passed to Russia, France and China on how the comprehensive review should be conducted.

617. In a press statement on 15 November, the President of the Security Council noted Mr Aziz and the Iraqi Permanent Representative had informed the Council that:

- “Iraq has decided, clearly and unconditionally, to co-operate fully with the Special Commission and the International Atomic Energy Agency (IAEA)”.
- The decision constituted “a rescinding of the decisions of 5 August and 31 October, and that Iraq’s co-operation with the Special Commission and the IAEA will allow the return of inspectors to resume all their activities on an immediate, unconditional and unrestricted basis, in accordance with the relevant resolutions and with the Memorandum of Understanding of 23 February 1998.”²⁵¹

618. The press statement also said that “Taking note of past experience”, Council members had “underlined that their confidence in Iraq’s intentions” needed to be “established by unconditional and sustained co-operation”, and:

“... reaffirmed their readiness to proceed with a comprehensive review, once the Secretary-General has confirmed, on the basis of reports from the Special Commission and the IAEA, that Iraq has returned to full co-operation, on the basis of resolution 1194 (1998) and the Council President’s letter of 30 October to the Secretary-General.”

619. The US and the UK had already authorised air strikes when Mr Aziz’s letter was received.

620. Mr Blair wrote that air strikes had been due to begin at 4.30pm on 14 November, but President Clinton “had decided to pause” when Iraq’s letter was received. Mr Blair described Iraq’s response as “full of holes, typical Saddam rubbish”, but early on 15 November action was suspended.²⁵²

621. Mr Blair wrote that Mr Cook was relieved, but he had been “determined to keep the US alliance intact and functioning at what was a crucial moment”.

622. Mr Campbell wrote that Mr Blair understood why President Clinton had decided to pause, “but our general view was that we should have gone ahead”.²⁵³ He wrote: “TB was worried we would end up diluting the support we had. Clear breach would get us support. If we were signalling we weren’t sure, or it didn’t matter, we would dissipate it.” Mr Blair and President Clinton spoke eight times over an 18-hour period.

²⁵¹ UN Press Release, 15 November 1998, ‘Security Council notes agreement of Iraq to rescind earlier decisions, allow resumption of UNSCOM and IAEA activities’ (SC/6596 IK/258).

²⁵² Blair T. *A Journey*. Hutchinson, 2010.

²⁵³ Campbell A & Stott R. *The Blair Years: Extracts from the Alastair Campbell Diaries*. Hutchinson, 2007.

623. Mr Campbell recorded in his diary a conversation with Mr Blair on the morning of 15 November, in which he said that “the US were still talking about going in today. This was a nightmare, he said.”

624. In a statement to the House of Commons on 16 November, Mr Blair explained why the UK Government had been prepared to take military action, why it had stayed its hand and why it remained “ready to strike” if Iraq failed to comply fully with its obligations.²⁵⁴

625. Mr Blair stated that Iraq had “built up a vast arsenal of weapons of mass destruction” before the Gulf Conflict and that, since then, he had “been trying to hide them, and to acquire more”. After the agreement of the MOU in February 1998, Iraq had “resumed superficial co-operation”, but that changed on 5 August. The issue was not “technical breaches of UN resolutions, but ... a pattern of behaviour” that continued “to pose actual huge risks”.

626. Mr Blair stated that two hours before the attacks were due to start, word had been received that Iraq had told Mr Annan that they would be responding positively to his appeal. The US and UK had decided to put the attack “on hold for 24 hours to give us a chance to study the details of the Iraqi response”.

627. Mr Blair added:

“The first Iraqi letter appeared to agree to resume co-operation with UNSCOM and the IAEA. It was described as unconditional by Iraqi spokesmen, but the full text of the letter, and in particular nine assurances that the Iraqis were seeking about the comprehensive review ... left that unclear. We and the Americans spelled out that that was unacceptable, and that there could be no question of any conditions.

“During the course of Saturday night and Sunday morning, the Iraqis offered a stream of further written and oral clarifications, making it clear that their compliance was unconditional ...

“The clarifications, taken together, mean that Saddam Hussein has completely withdrawn his positions of August and October. No concessions of any kind were offered to him in exchange. There was no negotiation of any kind. Nor could there have been. Nor will there be in future.”

628. Mr Blair cautioned:

“We do not take Iraqi words at face value. Long experience has taught us to do the opposite ... we and the Americans have suspended further military action while we bolt down every detail of what the Iraqis have said, and while we test the words in practice ...

²⁵⁴ House of Commons, *Official Report*, 16 November 1998, columns 607-623.

“As ever, we do not rely on the good faith of Saddam Hussein. He has none. We know, however, that under the threat of force, we can make him move. We will be watching him with extreme care and a high degree of scepticism ... we and the Americans remain ready, willing and able to go back to the use of force at any time. There will be no further warnings. The inspectors will now carry out their work.”

629. Mr Blair emphasised that the position was different from that in February 1998. There was “now a very clear diplomatic basis for action without further need for long discussion in the Security Council or elsewhere”. If there was “a next time ... everyone will know what to expect ... I shall have no hesitation in ordering the use of force.”

630. Mr Blair concluded:

“This is far from over. It is merely in a different phase. Our course is set: complete compliance and nothing less, and we shall not be moved from that course.”

631. Mr William Hague, the Leader of the Opposition, asked whether, given Saddam Hussein’s “continued breaches of faith, and the continuing threat to peace that he presents to the whole of the Middle East and thus to the interests of the United Kingdom”, meant that, although there would be “formidable difficulties”, the “prime objective of western policy should now be the removal of Saddam from power?”

632. Mr Blair responded:

“Of course we want to see the Iraqi people governed by a regime other than that of Saddam Hussein. We are looking with the Americans at ways in which we can bolster the opposition and improve the possibility of removing Saddam Hussein altogether. I entirely share the sentiments that President Clinton expressed on that point.”

633. In a press conference on 14 December looking at the challenges ahead in the coming year, asked whether Iraq deserved a comprehensive review, Mr Annan responded that the Security Council itself “would want to know, after eight years of sanctions, where it stands, what has been achieved, what needs to be done, and within what reasonable time frame it can be done”.²⁵⁵

634. Asked about “any inherent conflict of interest” between multilateral interests in the UN and the US, Mr Annan stated that there were “areas” where Washington’s policies diverged from the UN, including:

“... Iraq, where the Council has made it clear that we should disarm Iraq, and the moment we get the indication from the inspectors ... that Iraq has been disarmed, sanctions will be lifted. American policy goes beyond that, but I am guided only by the United Nations policy.”

²⁵⁵ UN Press Release, 14 December 1998, ‘Transcript of Press Conference by Secretary-General Kofi Annan at Headquarters, 14 December’ (SG/SM/6837).

635. Mr Annan submitted reports from the IAEA and UNSCOM covering the period since 17 November to the President of the Security Council on 15 December.²⁵⁶

636. The report from Dr ElBaradei, of 14 December, was very short, simply listing the IAEA's activities and reporting that Iraq had "provided the necessary level of co-operation" to enable it to complete the tasks "efficiently and effectively". In discussions on "the few remaining questions and concerns related to Iraq's clandestine nuclear programme", Iraq had "expressed its intention to continue to co-operate with the IAEA on the resolution of the issues".²⁵⁷

637. Mr Annan told the Security Council that the report from UNSCOM presented "a mixed picture" and concluded that "UNSCOM did not enjoy full co-operation from Iraq".²⁵⁸

638. In his report of 15 December, Mr Butler briefly rehearsed the impact of Iraq's policies on UNSCOM's ability to carry out its tasks before 17 November, adding that, since its return on 17 November, UNSCOM had focused on four main areas:

- requests for information through access to documents and interviews of Iraqi personnel;
- monitoring inspections;
- inspection of capable sites; and
- disarmament inspections relating to proscribed weapons and activities.²⁵⁹

639. Mr Butler reported that UNSCOM had asked for 12 sets of documents related to chemical weapons and missiles and access to the archives of Iraq's Ministry of Defence and the Military Industrialisation Corporation. In response, Iraq had provided only one set of documents, and a preliminary assessment indicated that they did not contain the information sought.

640. Other points included:

- UNSCOM had repeated its request for the return of the document seized at the Iraqi Air Force headquarters in July 1998, which detailed Iraq's consumption of special warheads in the 1980s. Iraq had refused, stating that it was "ready only to 'consider' ... relevant portions of the document" in the presence of the Secretary-General's Special Representative.

²⁵⁶ UN Security Council, 15 December 1998, 'Letter dated 15 December 1998 from the Secretary-General addressed to the President of the Security Council' (S/1998/1172).

²⁵⁷ UN Security Council, 15 December 1998, 'Letter dated 14 December 1998 from the Director General of the International Atomic Energy Agency addressed to the Secretary-General' (S/1998/1172).

²⁵⁸ UN Security Council, 15 December 1998, 'Letter dated 15 December 1998 from the Secretary-General addressed to the President of the Security Council' (S/1998/1172).

²⁵⁹ UN Security Council, 15 December 1998, 'Letter dated 15 December 1998 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the Secretary-General' (S/1998/1172).

- Iraq had provided a report on its analysis of samples from special warhead fragments.
- Iraq had claimed that VX contamination of missile fragments from special warheads, found by a US laboratory, was the result of a deliberate act of tampering with the samples.
- Iraq had refused to allow missile engine components to be removed for analysis.
- Iraq did not provide specific documents requested by a biological inspections team and had not responded to a request for new, substantial information on its biological weapons programmes.
- There had been some difficulties in interviews with students in a university where declarable research on biological weapons had taken place.

641. In relation to monitoring inspections:

- Iraq was reconsidering its refusal since 5 August to provide data collected by Iraq during tests on indigenously produced missiles and rocket engines.
- Iraq had placed unacceptable conditions on photographs during a chemical inspection on 5 December.
- Undeclared dual-capable items and materials subject to chemical and biological monitoring had been discovered.
- A team had been refused access on 11 December in line with Iraq's policy of facilitating entry "during the working days of the week, except Fridays".

642. In relation to disarmament inspections, Mr Butler reported that, "In the light of clear evidence that Iraq had taken advance actions at certain of the locations planned for inspection", he had "decided not to conduct the full range of inspections the team had planned". The examples given included:

- There had been some difficulties negotiating access at one site designated as sensitive which resulted in Iraq's introduction of new requirements, including a formal letter of request indicating what was being sought at the site.
- At the former headquarters of the Special Security Organisation, the building had been emptied and Iraq would not disclose where the materials were held.
- At the management offices of the Military Industrialisation Corporation, the site "had been prepared to avoid any disclosure of relevant materials and the team assessed Iraq had expected their arrival".

643. Mr Butler reported that Iraq had still not taken action to enact the required legislation to prohibit activity which was prohibited by Security Council resolutions and to enforce such legislation.

644. Mr Butler concluded that it was "evident" from the report that Iraq had not provided the full co-operation promised on 14 November, and:

“... during the period under review, Iraq initiated new forms of restrictions upon the Commission’s work. Amongst the Commission’s many concerns about this retrograde step is what such further restrictions might mean for the effectiveness of long-term monitoring activities.

“In spite of the opportunity presented ... including the prospect of a comprehensive review, Iraq’s conduct ensured that no progress was able to be made in either the fields of disarmament or accounting for its prohibited weapons programmes.

“... in the absence of full co-operation by Iraq, it must regrettably be recorded ... that the Commission is not able to conduct the substantive disarmament work mandated ... by the Security Council and, thus, to give the Council the assurances it requires with respect to Iraq’s prohibited weapons programmes.”

645. Mr Annan also circulated a letter of 14 December from Mr Aziz, reporting in detail on the activities of the IAEA and UNSCOM between 18 November and 13 December and stating that, despite concerns about aspects of UNSCOM’s actions, Iraq had provided full co-operation.²⁶⁰

646. Mr Aziz’s concerns included:

- A large inspection team to address allegations of concealment had arrived without the agreed advance notification and had “carried out its work in an intrusive and provocative manner, showing no respect for the procedures agreed between Iraq and UNSCOM”.
- UNSCOM had not responded to Iraq’s requests to send teams to work with Iraq to investigate two areas of importance in relation to the material balance of chemical weapons: “the fate of the 155mm shells with mustard” and verification of the “tail units of the R-400” which were “at the Iraqi Air Force stores”.

647. Mr Annan suggested that the Council might want to consider three possible options:

- “That the experience over the period since 17 November 1998 does not provide a sufficient basis to move forward with a comprehensive review at this time.”
- “That Iraq has not provided full co-operation but that it should be permitted additional time to demonstrate its commitment to do so.”
- “That the Council may wish to proceed with a comprehensive review on the premise that it is sufficiently important to know precisely what has been achieved in the area of disarmament over the entire period since 1991.”²⁶¹

²⁶⁰ UN Security Council, 15 December 1998, ‘Letter dated 14 December 1998 from the Deputy Prime Minister of Iraq addressed to the Secretary-General’ (S/1998/1173).

²⁶¹ UN Security Council, 15 December 1998, ‘Letter dated 15 December 1998 from the Secretary-General addressed to the President of the Security Council’ (S/1998/1172).

648. Mr Campbell wrote that a meeting of DOP took place on 15 December.²⁶² Mr Cook considered that Mr Butler's report was sufficient reason for action. Mr Blair had given explicit authority for the UK to participate if the US decided to go ahead with strikes.

UNSCOM and IAEA withdraw

649. On 16 December, a spokesman for Mr Annan briefed the press that, overnight, Mr Annan had received a telephone call from Mr Burleigh, who had advised him that US personnel in Iraq were being asked to leave.²⁶³ Mr Butler had also been advised to withdraw UNSCOM personnel, and had instructed them to do so.

650. On the same day, Dr ElBaradei informed the Council that he had decided IAEA personnel should be "temporarily" relocated to Bahrain once UNSCOM, "on whose logistic support IAEA activities in Iraq" depended, had decided to withdraw its personnel.²⁶⁴

651. During Prime Minister's Questions on 16 December, action against Iraq was raised.²⁶⁵

652. Mr Hague assured Mr Blair "of the full support of the Opposition for the use of military action ... provided that action has clear and achievable objectives" and asked whether removing Saddam Hussein "must now be a prime objective of western policy".

653. Mr Blair responded that no-one who read Mr Butler's report could seriously doubt its conclusion that UNSCOM was unable to do its job properly, and that it stated there were "greater restrictions now than previously". The report detailed "not merely the obstruction", but the fact that it related to:

"... documents, sites and personnel that would give a clue to the whereabouts of the weapons of mass destruction and the capability to make them. It is not obstruction simply for the sake of it, but a plan of deceit to prevent those weapons of mass destruction from being located and destroyed."

654. Mr Blair added that, if he was allowed to develop those weapons, Saddam Hussein would pose a threat "not only to his neighbourhood but to the whole world".

655. Subsequently, in response to a question from Mr Tony Benn suggesting that military action would be illegal and that he should take "an independent view" rather than do as he was told by President Clinton, Mr Blair responded that the question was how to stop Saddam Hussein building weapons of mass destruction. He added that the cease-fire in 1991 had depended on the fulfilment of obligations accepted by Iraq. The

²⁶² Campbell A & Stott R. *The Blair Years: Extracts from the Alastair Campbell Diaries*. Hutchinson, 2007.

²⁶³ UN Security Council, 16 December 1998, 'Press Briefing'.

²⁶⁴ UN Security Council, 16 December 1998, 'Letter dated 16 December 1998 from the Director General of the International Atomic Energy Agency addressed to the President of the Security Council' (S/1999/1175).

²⁶⁵ House of Commons, *Official Report*, 16 December 1998, columns 959-960.

requirement for Iraq to fulfil those obligations had been confirmed in successive Security Council resolutions.²⁶⁶

656. Mr Blair added that, when the MOU between Mr Annan and Iraq had been agreed in February:

“... the Security Council said that any breach by Iraq of its obligations ... would result in ‘the severest consequences’. The Council has condemned Iraq’s decision to end co-operation again and again. On 14 November, we gave Iraq a further chance to come back into compliance. Given Iraq’s manifest failure to co-operate in the past month, I am satisfied that, if we should choose to use force, we have the necessary legal authority to do so.”

Operation Desert Fox

657. The US and UK launched air attacks against Iraq, Operation Desert Fox, at 2200 on 16 December.²⁶⁷

658. Military action began while the Security Council was holding informal discussions on the IAEA and UNSCOM reports and the options identified by Mr Annan.²⁶⁸

659. Mr Annan issued a press statement in which he said it was “a sad day for the United Nations, and for the world” as well as a “very sad day” for him personally. Throughout the year, he had “done everything” in his power “to ensure peaceful compliance with Security Council resolutions, and to avert the use of force”. It had “not been an easy or a painless process”, but “the United Nations had to try as long as any hope for peace remained”.²⁶⁹

660. Mr Annan concluded:

“I deeply regret that today these efforts have proved insufficient.

“What has happened to day cannot be reversed. Nor can any of us foresee the future. All we know is that tomorrow, as yesterday, there will still be an acute need, in Iraq and the wider region, for humanitarian relief and healing diplomacy. In both these tasks, the United Nations will be ready, as ever, to play its part.”

661. In a public statement, President Clinton said that, while other countries had weapons of mass destruction and ballistic missiles, the international community had good reason to impose restrictions on Iraq because it had “repeatedly” used them,

²⁶⁶ House of Commons, *Official Report*, 16 December 1998, columns 961-962.

²⁶⁷ *BBC News*, 16 December 1998, *Blair’s statement on Iraq strikes: Full text*.

²⁶⁸ UN Security Council, ‘3955th Meeting Wednesday 16 December 1998’ (S/PV.3995).

²⁶⁹ UN Press Release, 16 December 1998, ‘Secretary-General deeply regrets that United Nations efforts to seek peace in Iraq have proved insufficient’ (SG/SM/6841).

including against civilians. He had “no doubt” that “left unchecked” Saddam Hussein would use them again.²⁷⁰

662. President Clinton described the conclusions in Mr Butler’s report as “stark, sobering and profoundly disturbing”. Iraq had “abused its final chance”. The situation presented a “clear and present danger to the stability of the Persian Gulf and the safety of people everywhere”. Action was necessary because:

- “... without a strong inspection system, Iraq would be free to retain and begin to rebuild its chemical, biological and nuclear weapons programmes in months, not years.”
- If Saddam Hussein “crippled the weapons inspection system and got away with it, he would conclude that the international community – led by the US” had “simply lost its will”. He would “surmise that he has free reign to rebuild his arsenal of mass destruction”.
- “Third, in halting ... air strikes in November” Saddam Hussein had been given “a chance, not a license”. If the US turned its back on his defiance, “the credibility of US power as a check against Saddam” would be “destroyed”. That would “fatally undercut the fear of force” that stopped Saddam “from acting to gain domination in the region”.

663. The air strikes were “designed to degrade Saddam’s capacity to develop and deliver weapons of mass destruction, and to degrade his ability to threaten his neighbours”. The US was pursuing “a long-term strategy to contain Iraq and its weapons of mass destruction and work toward the day when Iraq has a government worthy of its people”, through being prepared to use force when necessary and maintaining and enforcing sanctions for as long as Iraq remained “out of compliance”.

664. But President Clinton added that, as long as Saddam Hussein remained in power, he threatened:

“... the well-being of his people, the peace of the region, the security of the world.

“The best way to end that threat once and for all is with a new Iraqi government ... Bringing change in Baghdad will take time and effort. We will strengthen our engagement with the full range of Iraqi opposition forces and work with them effectively and prudently.”

665. In a statement on 16 December, Mr Blair said:

“This action could have been avoided. Since the Gulf War, the entire international community has worked to stop Saddam Hussein from keeping and developing nuclear, chemical and biological weapons and from continuing to threaten his neighbours.

²⁷⁰ CNN, 16 December 1998, *Transcript: President Clinton explains Iraq strike*.

“For the safety and stability of the region and the wider world, he cannot be allowed to do so. If he will not, through reason and diplomacy, abandon his weapons of mass destruction programme, it must be degraded and diminished by military force.”²⁷¹

666. Mr Blair said that Saddam Hussein had “no intention of abiding by the agreements he has made”. The report from Mr Butler had been “damning”; it was “a catalogue of obstruction” based on a desire to develop weapons of mass destruction. There was a threat “now” to Saddam Hussein’s neighbours, his people, “and to the security of the world”. If he was not stopped, the consequences would be “real and fundamental”, and that could not “responsibly” be allowed to happen.

667. Mr Blair concluded that there was “no realistic alternative to military force”: “We have exhausted all other avenues. We act because we must.”

668. Mr Burleigh informed the President of the Security Council that “Coalition forces” were making “substantial” military attacks against “Iraq’s weapons of mass destruction programmes and its ability to threaten its neighbours”.²⁷²

669. Mr Burleigh stated that:

- The action was a “necessary and proportionate response to the continued refusal of the Iraqi Government to comply with the resolutions of the Security Council”.
- It had been “undertaken only when it became evident that diplomacy had been exhausted”. The coalition had “acted out of necessity” and the Government of Iraq bore “full responsibility” for the consequences of the military action. The US had not acted “precipitately”, but had worked “with its partners in the Security Council over the past months in a sincere and sustained effort to bring about a peaceful resolution of the confrontation created by Iraq”. “For reasons best known to Saddam Hussein, Iraq chose to reject that effort.”
- Iraq had “repeatedly taken actions” which constituted “flagrant material breaches” of the provisions in relevant Security Council resolutions: “On a number of occasions, the Council has affirmed that similar Iraqi actions constituted such breaches, as well as a threat to international peace and security.” The US view was that “the Council need not state these conclusions on each occasion”.
- Iraq had “once again, acted in flagrant and material breach of Security Council resolution 687 (1991)” by “refusing to make available documents and information requested by UNSCOM ... by imposing new restrictions on the weapons

²⁷¹ *BBC News*, 16 December 1998, *Blair’s statement on Iraq strikes: full text*.

²⁷² UN Security Council, 16 December 1998, ‘Letter dated 16 December 1998 from the Charge D’Affaires AI of the United States Mission to the United Nations addressed to the President of the Security Council’ (S/1998/1181).

inspectors and by repeatedly denying access to facilities which UNSCOM wished to inspect”.

- The coalition was exercising “the authority given by the Security Council” in resolution 678 (1990) “for Member States to employ all necessary means to secure Iraqi compliance with the Council’s resolutions and to restore international peace and security in the area”.
- The resort to military force was “necessitated” by Iraq’s “policy of unremitting defiance and non-compliance”.

670. In a parallel letter to the President of the Security Council, Sir Jeremy Greenstock stated that the action was taken “following a long history of non-co-operation by Iraq”.²⁷³ Iraq had promised on 14 November to co-operate fully, but Mr Butler’s letter of 15 December stated “clearly that Iraq did not provide the full co-operation it promised”, and that UNSCOM was “unable as a result to conduct the substantive work mandated to it by the Security Council”.

671. Sir Jeremy added that the UK’s objective was:

“... compliance by the Iraqi Leadership with the obligations laid down by the Council. The operation was undertaken when it became apparent that there was no prospect of this being achieved by peaceful means. It will have the effect of degrading capabilities which have been the subject of Security Council resolutions over the past nine years. Targets have been carefully chosen to avoid civilian casualties.”²⁷⁴

672. In the subsequent meeting of the Council, Mr Hamdoon condemned the “aggression” of the US and UK and the decision to flout international law and the UN Charter.²⁷⁵

673. Mr Hamdoon also criticised Mr Butler’s “partiality, lack of integrity and lack of objectivity” by singling out five incidents from 300 inspections as “categorical evidence of lack of co-operation” when the circumstances did not justify that conclusion, and for withdrawing the inspectors without the knowledge or authority of the Council “to pave the way completely for the military aggression”.

674. Sir Jeremy Greenstock recalled the “long road” to the crisis citing Iraq’s use of chemical weapons against Iran and its own civilians and its behaviour since 1991, including:

- “never” giving UNSCOM the co-operation it needed to complete its tasks;

²⁷³ UN Security Council, ‘Letter dated 16 December 1998 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council’ (S/1998/1182).

²⁷⁴ UN Security Council, ‘Letter dated 16 December 1998 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council’ (S/1998/1182).

²⁷⁵ UN Security Council, ‘3955th Meeting Wednesday 16 December 1998’ (S/PV.3995).

- concealing the “evidence of its past and current programmes”;
- engaging in a “policy of harassment and deceit”;
- blocking inspections “whenever it feared that anything incriminating would be found”; and
- failing to produce documents.

675. Sir Jeremy added that Iraq had “deliberately provoked a series of crises” since October 1997 “in an attempt to wear down the will of the international community”. When military action had been called off on 14 November, Saddam Hussein had been warned that, if he broke his word “once more, there would be no second chances”.

676. Sir Jeremy stated that Mr Butler’s report of 15 December made clear that Iraq had “yet again failed to keep its promises”.

677. Sir Jeremy stated that resolutions adopted by the Security Council provided:

“... a clear legal basis for military action ... Resolution 1154 (1998) made it clear that any violation by Iraq of its obligations to allow the Special Commission and the International Atomic Energy Agency unrestricted access would have the severest consequences ... Resolution 1205 (1998) established that Iraq’s decision of 31 October 1998 to cease co-operation with the Special Commission was a flagrant violation of resolution 687 (1991), which laid down the conditions for the 1991 cease-fire. By that resolution, therefore, the Council implicitly revived the authorisation to use force given in resolution 678 (1990). And Ambassador Butler’s report makes clear that, despite its undertakings ... Iraq has not only failed to resume full co-operation with the Special Commission but has imposed new restrictions on its work.”

678. Mr Burleigh rehearsed the points in his letter to the President of the Security Council. He also praised the “outstanding professional work” of UNSCOM and Mr Butler.

679. Slovenia and Japan supported military action but China and Russia were sharply critical of unilateral action.

680. Mr Lavrov stated that the military action had caused casualties, destroyed “valuable material goods” and created a threat “to peace and security not only in the region but beyond it”.

681. Mr Lavrov added that the action had done “Grave harm” to the work on a post-crisis settlement and to dismantle Iraq’s weapons of mass destruction and their delivery systems. It also “called into question” the system which had been “so carefully set up over a long period of time to monitor” Iraq’s prohibited programmes. Russia objected to the US and UK action. It was “an unprovoked act of force” which “grossly violated the Charter of the United Nations, the principles of international law and the generally recognized norms and rules of responsible behaviour on the part of States in the international arena”.

682. Mr Lavrov stated that “the Security Council alone” had “the right to determine what steps should be taken ... to maintain or restore international peace and security”. Russia rejected “the attempts” of the US and the UK “to justify the use of force on the basis of a mandate that was previously issued by the Security Council”. The actions were a violation of Security Council resolutions. No one was:

“... entitled to act independently on behalf of the United Nations, still less assume the functions of a world policeman.”

683. Although there were problems in respect of Iraq’s co-operation, the crisis had been “created artificially”. Partly that was the result of “irresponsible acts” by Mr Butler in presenting a report on 15 December which “gave a distorted picture of the real state of affairs and concluded that there was a lack of full co-operation on the part of Iraq”, which was “not borne out by the facts”. He had also “grossly abused his authority” by withdrawing UNSCOM without consultation and the media had received a leaked copy of his report before the Security Council itself.

684. Mr Qin Huasun said that the US and UK had “started a military attack ... which violated the ... Charter and norms governing international law”. China was “deeply shocked” and condemned the “unprovoked military action” which was “completely groundless”. The differences between UNSCOM and Iraq could “properly be settled through dialogue and consultation” while the use of force:

“... far from helping to reach a settlement, may create serious consequences for the implementation of Security Council resolutions, for relations between Iraq and the United Nations and for peace and stability in the world and in the region.”

685. Mr Qin Huasun called on the US and UK immediately to stop all military action. He added that Mr Butler had “played a dishonourable role” in the crisis, submitting reports to Mr Annan that “were one-sided and evasive regarding the facts”. The purpose of those reports might have been to provide “the main argument for the use of force”, but there was “in fact no excuse or reason for the use of force”.

686. Costa Rica, Kenya and Sweden voiced more muted but still explicit criticism.

687. Mr Bernd H Niehaus, Costa Rican Permanent Representative to the UN, stated that Costa Rica had learned of the air strikes “with great and profound disquiet” and reaffirmed its “long-standing position rejecting the unilateral use of force and insisting on adherence to international legal instruments”. Nonetheless, it had “witnessed with frustration” Iraq’s policy of “defying and ignoring international obligations” and “forcefully and vigorously” appealed “to Iraq to put an end, once and for all and unconditionally, to its provocative actions.”

688. Mr Dahlgren stated that Iraq had “again and again ... refused to abide by the clear obligations that a unanimous Security Council” had decided upon, and that Sweden would have been ready “to support a decision in the Council on military action

as a last resort” when Iraq “seriously violates its obligations, and when all diplomatic means have been exhausted”. But, “that would be a decision for the Security Council”. Instead “without such a decision”, military action had been taken while the Council were meeting in informal consultations. Sweden regretted the attacks and the consequences they might have for civilians in Iraq, and the “fact that the Security Council has been presented with a *fait accompli*”. It feared that the strikes would “not be of much help in getting the inspections going again” when the “Council’s overriding aim must remain to rid Iraq of its programmes” for developing weapons of mass destruction.

689. Mr Mahugu reiterated Kenya’s position that “any decision to take further action against Iraq remains the sole responsibility of the Security Council”, and that it was “difficult to understand the reasons for today’s attack”. The reports to the Council did not “in any way indicate that UNSCOM suffered a total lack of co-operation”.

690. Mr Mahugu added:

“Any decision taken to force compliance by Iraq with resolutions without the Council’s prior authority ... is contrary to the spirit and purpose of those very resolutions, because it also deprived the Council of an opportunity to analyse the reports ... and to take a collective decision on them.”

691. Brazil, France, Gabon, Gambia and Portugal each adopted a more equivocal position.

692. Mr Amorim deplored the fact that circumstances had led to the use of force, but also stated that, when the use of force was contemplated, it “should take place within a multilateral framework”.

693. Mr Mamour Jagne, Gambian Permanent Representative to the UN, stated that the die was cast, but Gambia “would like to see the unity of the Council restored”. If it was not, the Council’s primary responsibility for maintaining international peace and security would be “seriously impaired”.

694. Mr Dejammet stated that France:

- deplored “the chain of events that led to American military strikes ... and the serious human consequences that they may have”;
- regretted that Iraqi leaders had not been “able to demonstrate the spirit of full co-operation” called for by the February MOU; and
- thanked Mr Annan and supported his “tireless and persistent actions to ensure that the law prevails, despite the obstacles and pitfalls encountered”.

695. Sir Jeremy Greenstock told the Inquiry:

“The US and UK came under intensive criticism from all other members of the Council, and the UN as a whole, for taking matters in their own hands in this way but there was no formal motion of condemnation put forward.”²⁷⁶

696. The military action was supported by the main political parties in the UK.

697. Mr Blair made a statement to the House of Commons on 17 December.²⁷⁷ He said that the objectives of the military operation were:

“... clear and simple: to degrade the ability of Saddam Hussein to build and use weapons of mass destruction, including command and control and delivery systems, and to diminish the threat that Saddam Hussein poses to his neighbours by weakening his military capability.

“... the action is proportionate to the serious dangers Saddam Hussein poses ... The targets, throughout Iraq, have been very carefully selected to reflect these objectives ...”

698. Other points made by Mr Blair included:

- The inspectors had been “constantly harassed, threatened, deceived and lied to. A special and elaborate mechanism to conceal Iraqi capability was out in place involving organisations close to Saddam, in particular his Special Republican Guard.”
- UNSCOM had achieved a huge amount, but “too much” remained “unaccounted for”, and Iraq had “consistently sought to frustrate attempts to look at the records and destroy the remaining capability”.
- A report by the UN Special Rapporteur on Human Rights in October 1998 had “documented massive and extremely grave violations of human rights”.
- Saddam Hussein’s obstruction had begun “in real earnest” after “the full extent of the weapons programme was uncovered in 1996 and early 1997”. It included casting doubt on the independence of the inspectors and seeking to exclude US and UK nationals.
- Saddam Hussein had been given a “last chance” in mid-November, and warned that, if he broke his word and obstructed the work of the inspectors, “there would be no further warnings or diplomatic arguments ... we would strike”.
- Saddam Hussein was “a man to whom a last chance to do right is just a further opportunity to do wrong. He is blind to reason.”
- Saddam Hussein’s attitude was “as much deliberate obstruction as he thought he could get away”, which he had used “deliberately to try to blackmail the international community into lifting sanctions”.

²⁷⁶ Statement, November 2009, page 1.

²⁷⁷ House of Commons, *Official Report*, 17 December 1998, columns 1097-1102.

- There had been “a stark choice” between letting “the process continue further, with UNSCOM more and more emasculated” or, “having tried every possible diplomatic avenue and shown endless patience”, tackling Saddam Hussein’s “remaining capability through direct action”. In Mr Blair’s view, there was “only one responsible choice”.

699. Addressing the issue of whether the objective was to remove Saddam Hussein, Mr Blair stated:

“The answer is: it cannot be. No one would be better pleased if his evil regime disappeared as a direct or indirect result of our action ... Even if there were legal authority to do so, removing Saddam through military action would require the insertion of ground troops on a massive scale – hundreds of thousands ... Even then, there would be no absolute guarantee of success. I cannot make that commitment responsibly.”

700. Mr Blair concluded:

“Whatever the risks we face today, they are as nothing compared to the risks if we do not halt Saddam Hussein’s programme of developing chemical and biological weapons of mass destruction.”

701. Mr Hague supported the action, adding that the Conservative party believed that “the overall objective” of policy towards Iraq should be “to remove Saddam from power rather than temporarily checking his ambitions”.

702. Mr Blair agreed that “a broad objective” was “to remove Saddam Hussein and to do all that we can to achieve that”, but he did not think he could “responsibly” make a commitment to that outcome as an “objective of this military action”. Mr Blair expected that military action would “significantly degrade and diminish Saddam as a threat to his neighbours and his weapon-making capability”.

703. Mr Menzies Campbell stated that the Liberal Democrats supported the action “as a painful necessity and last resort to which we have been driven when all other options have been exhausted”. Without Saddam Hussein’s “repeated defiance and deception, the issue ... could have been resolved several years ago”.

704. The Rev. Martin Smyth stated that “the greater number of people in Northern Ireland support the attacks whole-heartedly”.

705. Mr Blair’s statement was followed by a debate on the military action.²⁷⁸

706. Mr Cook stated that action had been taken because of Saddam Hussein’s failure to keep the commitments he had made, and “with the full authority of repeated Security Council resolutions, supported by all members of the Council”. The background was

²⁷⁸ House of Commons, *Official Report*, 17 December 1998, columns 1112-1193.

“the 10 months since Saddam first threw out the inspectors last February” when “two successive resolutions have given us the authority to carry out this action”.

707. Mr Cook described the threat as, “not an arsenal of completed weapons” but the “capacity to produce weapons of terror ... within months if we turn our backs”. The Government had two objectives. The first was “to defeat Saddam’s ambitions to continue to develop such weapons, with which he could terrorise his neighbours”. The second was “to reduce the threat to Saddam’s neighbours by diminishing his military war machine”.

708. In the debate that followed the statement, the majority of speakers supported military action.

709. There was, however, a significant minority which spoke against the action, questioning the legal basis for the action, whether it would help to disarm Iraq, and its potential impact on radicalising opinion in the region. A procedural device was used to avoid a vote.

710. At a press conference on 20 December, Mr Blair explicitly rejected what he called “an ‘if you can’t remove him [Saddam Hussein], do nothing’ fallacy”. He argued:

“I do not accept that for instance we could only guarantee to bring him [Saddam Hussein] down by a land war in Iraq ... But just because we can’t get in the cage and strike him down it doesn’t mean we should leave the cage untouched and the bars too fragile to hold him. What we have done is put him back securely and firmly in the cage ...

“We have reduced the danger Saddam poses consistent with common sense and a proportionate use of force.”²⁷⁹

711. In Mr Blair’s view, military action had sent:

“... a very clear message indeed to Saddam Hussein that we will not sit by; it also sends a message to others ... that the patience of the international community cannot be tried indefinitely and that when it is right and when the will of the international community is at stake we will act to enforce it because the first stirrings of a new global reality are upon us. Those who abuse force to wage war must be confronted by those willing to use force to maintain peace ... We cannot do everything ... but what we can do reasonably we should do.”

712. In relation to Iraq, Mr Blair called for:

- “... a future strategy that is based on containment and stability for the region. First and foremost, we must maintain a threat of force which Saddam now

²⁷⁹ *Le Monde diplomatique*, 20 December 1998, *Conférence de presse du premier ministre britannique Anthony Blair*.

knows to be credible ... ready to strike ... if he again poses a threat to his neighbours or develops weapons of mass destruction”;

- radical improvement of sanctions-enforcement;
- “... an intensive diplomatic process ... to forge a new strategy for stability in relations between the international community and Iraq”; and
- “... ways in which an effective inspections and monitoring regime ... can be resumed”.

713. The UK would “continue to engage with the Iraqi opposition to help them develop their vision of a better Iraq”.

714. Mr Blair stated that nearly 100 sites were attacked, US and UK forces fired more than 400 cruise missiles and there were more than 200 aircraft strikes between 16 and 19 December.²⁸⁰

715. The sites which were targeted comprised:

- 30 sites which the UK government described as being involved in Iraq’s weapons of mass destruction programmes;
- 20 command, control and communications targets, which Saddam Hussein used to control military and internal security forces;
- 10 Republican Guard targets;
- 27 air defence targets;
- six airfields, including those associated with helicopter forces used for internal repression; and
- an oil refinery near Basra associated with sanctions breaking.²⁸¹

716. The International Institute for Strategic Studies stated that “a limited number of workshops in half a dozen declared missile facilities were bombed and damaged, including the final assembly and production lines of the al-Samoud”.²⁸²

717. In an Assessment in May 2001, the JIC recorded that Operation Desert Fox had targeted:

- “• WMD related industrial facilities, including those connected with ballistic missile production and a castor oil plant that could be used to support the production of BW;

²⁸⁰ *Le Monde diplomatique*, 20 December 1998, *Conférence de presse du premier ministre britannique Anthony Blair*.

²⁸¹ *Le Monde diplomatique*, 20 December 1998, *Conférence de presse du premier ministre britannique Anthony Blair*; House of Commons, *Iraq: ‘Desert Fox’ and Policy Developments*, 10 February 1999, Research Paper 99/13, page 17; In his speech to the National Press Club on 23 December 1998, Mr Samuel (Sandy) Berger, National Security Advisor to the President, stated that the targets included TV and radio transmitters.

²⁸² IISS Strategic Dossier, 9 September 2002, *Iraq’s Weapons of Mass Destruction – A Net Assessment*, page 65.

- Airfield facilities housing the L-29 remotely piloted aircraft;
- Sites used by regime security organisations also involved in WMD.”²⁸³

718. The Assessment added: “Other WMD-related facilities were not targeted.”

719. In February 1999, the MOD assessed that the effect of Operation Desert Fox on Iraq’s military programmes had been:

- to set back the ballistic missile programme by between one and two years; and
- to disrupt for several months WMD related work of the Iraqi Ministry of Industry and Military Industrialisation Headquarters in Baghdad.²⁸⁴

720. The bombing had “badly damaged, possibly destroyed outright” the L-29 unmanned aerial vehicle programme. The rebuilding of the Republican Guard infrastructure was estimated to take up to a year.

721. Following the 1998 *Strategic Defence Review*, which had identified the importance of preparations to overcome the possible threat from biological and chemical weapons particularly in the Gulf, the MOD published a paper in July 1999 setting out the results of a further review.²⁸⁵ In his foreword to the paper, Mr Robertson stated that knowing what the threat was, how to reduce it, and how to protect against it, was “a constantly developing process” which he regarded as one of his “highest priorities”.

722. The paper stated that many countries of concern had biological or chemical weapons capabilities, or both; and several were in areas in which the UK was most likely to face challenges to its interests, including in the Gulf. The potential threat from those weapons was “now greater than that from nuclear weapons”. Iraq had already used chemical weapons. No country of concern had ballistic missiles which could threaten the UK with chemical or biological warheads, but capabilities continued to improve and the ballistic missiles being developed could threaten British forces deployed overseas.

723. The UK’s policy rested “on four inter-related pillars”:

- Arms control. Since the First World War, the UK had been at the forefront of international efforts to control and eliminate biological and chemical weapons through arms control agreements.
- Preventing supply. Export controls at national and international levels were “effective in preventing a significant number of undesirable transfers”.
- Deterring use. Potential aggressors should be assured that: the use of biological and chemical weapons would “not be allowed to secure political or military advantage”; it would “on the contrary, invite a proportionately serious response”

²⁸³ JIC Assessment, 10 May 2001, ‘Iraqi WMD Programmes: Status and Vulnerability’.

²⁸⁴ House of Commons, *Iraq: ‘Desert Fox’ and Policy Developments*, 10 February 1999, Research Paper 99/13.

²⁸⁵ Ministry of Defence, *Defending Against the Threat from Biological and Chemical Weapons*, July 1999.

and those “responsible for any breach of international law relating to the use of such weapons” would be “held personally accountable”.

- Defending against use. Possession of an effective range of defensive capabilities was required to enhance the other three pillars “by helping to make clear to a potential aggressor that the threatened, or actual, use of biological or chemical weapons” would “not limit our political options, or determine the outcome of a conflict”.

724. The paper stated that the UK’s military posture comprised three elements:

- the “ability to remove or reduce the threat by taking direct action”;
- measures to minimise vulnerability to the weapons; and
- capabilities, training and equipment which protected British forces and allowed them to manage battlefield risks.

725. Eliminating or reducing a threat before an aggressor was able to use biological or chemical weapons was “preferable to having to manage the consequences of their use”. Action to reduce the threat would “take a variety of forms”. The UK would, “In broad terms, where legally justified”, take “whatever action” was “required to reduce an opponent’s capability to use biological and chemical weapons against the UK, our interests, or British and coalition forces”. The possibilities included “Attacks on production facilities, storage sites, logistics chain and delivery systems”.

726. The paper also emphasised the importance of “accurate and timely intelligence” on which direct action was “heavily” dependent, “both to alert us to the threat and ... provide vital targeting information”.

727. The paper stated that the threat from the proliferation of nuclear weapons was “well known”, but biological and chemical weapons had a longer history and posed “the greater potential threat” in the current operational environment. The foundation for managing the risks was diplomatic, but a “balanced range of military capabilities” was also needed, including defensive and protective measures “and the ability to take action where necessary to remove or reduce a specific threat”. The UK had an important dialogue with the US on biological and chemical defence issues and the UK would “continue to pursue close consultations with them and with other allies”.

728. In relation to Iraq, the paper stated that it had:

“... made significant efforts to develop a wide range of biological agents and their delivery means, including missile warheads. The programme has included the development and production of anthrax and botulinum toxin, and other agents, including ones that can attack plants and animals.

“We also know that Iraq has a programme to convert L29 trainer aircraft for use as Unmanned Aerial Vehicles (UAVs). We assess that, if equipped with spray tanks

to deliver chemical and biological agents, these would be capable of causing large-scale casualties.

“In 1998 we judged that, unless stopped:

- Iraq would be capable of regenerating a chemical weapons capability within months;
- Iraq had the expertise and equipment to regenerate an offensive biological weapons capability within weeks;
- work on 650km range missiles which could hit important targets in the Middle East might have begun. It could have been completed within a year, and biological weapons produced in the same timeframe;
- if Iraq could procure the necessary machinery and nuclear materials, it could build a crude air delivered nuclear device in about five years.”

729. The paper stated that UNSCOM had “destroyed, or made harmless, a ‘supergun’; 48 SCUD missiles; 38,000 chemical munitions, 690 tonnes of chemical agents; 3,000 tonnes of precursor chemicals; and biological and chemical warfare-related factories and equipment”. The IAEA had “found a nuclear weapons programme far more advanced than suspected, and dismantled it”. Saddam Hussein had “consistently sought to avoid his responsibility to declare his entire biological and chemical capabilities” and had “deliberately and systematically sought to conceal and retain them”:

“UNSCOM has discovered a document, which the Iraqi regime refuses to release, appearing to indicate major discrepancies in Iraq’s declarations over the use of chemical munitions during the Iran-Iraq war. Iraq also claims that it unilaterally destroyed 31,000 chemical munitions and 4,000 tonnes of precursor chemicals, but these still have to be properly accounted for. And Iraq has consistently denied that it weaponised VX, one of the most toxic of the nerve agents. But analysis by an international team of experts of the results of tests on fragments of missile warheads has shown that, contrary to its claims, Iraq did weaponise VX.”

730. The attacks on Iraq’s missile production and research facilities and the destruction of infrastructure associated with the concealment of biological and chemical programmes in December 1998 had caused Saddam Hussein “severe difficulties”. They had:

- “damaged or destroyed” 87 percent of the 100 targets attacked;
- “severely damaged” the base for the L-29 trainer “which could be used to deliver biological and chemical agents”;
- “significantly degraded” some key facilities associated with Iraq’s ballistic missile programme, “setting this back one to two years”;
- “seriously weakened” Iraq’s “ability to deliver biological or chemical weapons by ballistic missile”;

- destroyed some key buildings of the Iraqi Directorate of General Security, which were believed to contain “key equipment and documents”; and
- “set back” Iraq’s ability to regenerate its biological and chemical capability.

731. The UK could not afford to ignore the problem of Iraq. Saddam Hussein continued “to pose a significant threat to his neighbours” and would “reconstitute his biological and chemical weapons capabilities if allowed”. UK forces would stay in the region for as long as it was judged necessary and sanctions would remain in place until Iraq complied with its obligations.

LEGAL AUTHORISATION FOR OPERATION DESERT FOX

732. The USA and the UK did not seek specific authorisation from the UN Security Council for Operation Desert Fox and instead drew their authority from previous resolutions, especially resolution 1205.

733. Their interpretation of the legal authority provided by those resolutions was not supported by other Security Council members. Russia in particular disputed the legal basis for military action. Resolution 1205 had used the formulation “flagrant violation” rather than “material breach”, the recognised phrase derived from the law of treaties for a breach which would entitle another party to argue that a cease-fire had been broken.

734. Sir Jeremy told the Inquiry:

“... my use of resolution 1205 seriously annoyed my Russian counterpart, because he realised that I had succeeded in establishing ... a declaration of material breach²⁸⁶ of Iraq which he hadn’t intended should be allowed by the resolution, which then lay the basis for the use of force in December 1998.”²⁸⁷

735. On 24 September 1998, the JIC had assessed:

“We cannot rule out the possibility that Saddam retains a handful of missiles ... these could be available for use within a matter of weeks or perhaps even days. Provided it still has key components – and that is unclear – Iraq could within a few months build, with little risk of detection, missiles capable of hitting Israel and key targets in Saudi Arabia. If it needs to make or acquire the components, production of such missiles could begin within a year ...”²⁸⁸

736. The Butler Report concluded that JIC readers in December 1998 would have had the impression that Iraq had the ability “to regenerate a small number of ballistic missiles, either through bringing back into use missiles that had been hidden or by re-assembling missiles from hidden components”.

²⁸⁶ Resolution 1205 refers only to “flagrant violation”.

²⁸⁷ Public hearing, 27 November 2009, page 35.

²⁸⁸ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, page 52.

After Operation Desert Fox

737. All No-Fly Zone patrols were suspended during Operation Desert Fox and France withdrew from operations stating that the aim was no longer humanitarian. US and UK patrols resumed in the southern zone on 22 December 1998 and in the northern zone on 28 December.

738. In a speech on Iraq on 23 December, Mr Berger dismissed the proposition that the threat from Saddam Hussein could be downgraded, stating that his “external aggression and internal repression” still posed a “genuine threat to his neighbours and the world”.²⁸⁹ Saddam Hussein had proved he sought WMD “not for some abstract concept of deterrence, but for the very real purpose of using them”. His “history of aggression” left “little doubt that he would resume his drive for regional domination and his quest for weapons of mass destruction if he had the chance”.

739. The US had “met that threat with a consistent policy of containment”. In the face of “periodic challenges”, this strategy had “essentially held Saddam Hussein in check”. But “over the past year in particular”, he had “tried to cripple the UN inspection system” and:

“If Saddam could eviscerate UNSCOM without a firm response, not only would there be no effective UNSCOM; there would be no deterrence against future aggression because the threat of force would no longer be credible. And there would be no prospect for keeping his program of weapons of mass destruction in check.”

740. Mr Berger admitted that Iraq could not be disarmed from the air “as precisely as we can from the ground”, but inspections had been “thwarted” by Saddam: for “much of the last year”, Iraq had only allowed UNSCOM to look where it knew there was nothing to be found.

741. Mr Berger stated that the purpose of Operation Desert Fox had not been to “dislodge Saddam from power”, and ruled out the idea of deploying American ground troops:

“The only sure way for us to effect his [Saddam Hussein’s] departure now would be to commit hundreds of thousands of American troops to fight on the ground inside Iraq. I do not believe that the costs of such a campaign would be sustainable at home or abroad. And the reward of success would be an American military occupation of Iraq that could last years.”

742. Addressing the policy for the future, Mr Berger stated that the strategy the US could and would pursue was, therefore, to:

“... contain Saddam in the short and medium term, by force if necessary, and to work toward a new government over the long term.”

²⁸⁹ Speech to the National Press Club by Samuel (Sandy) Berger, National Security Advisor to the President, 23 December 1998.

743. The best option was for Saddam Hussein to allow the inspectors to return and Mr Butler had “proposed a roadmap to compliance that would take between three and six months to complete” if Saddam Hussein had the will to end confrontation. But intransigence should not be rewarded by “watered down monitoring mechanisms” or “helping Iraq create the illusion of compliance”.

744. Without verification that Iraq had fulfilled its obligations, however, Mr Berger argued that force should be used if it was determined that Saddam Hussein was reconstituting his biological, chemical or nuclear programme or the missiles to deliver his WMD. The US strategy would be simple: “if he rebuilds it, we will come”.

745. Mr Berger recognised that containment would be a “difficult policy to sustain in the long run”. It was “a costly policy in economic and strategic terms”, and “even a contained Iraq” was “harmful to the region” and condemned “the Iraqi people to a future of unending isolation in a murderous police state”. That was why the US was “doing all we can to strengthen the Iraqi opposition so that it can seek change inside Iraq”.

746. Mr Berger stated that the “responsibility to mount an effective movement that appeals to people inside Iraq and inspires them to struggle for change” lay with the opposition leaders, but there was much that the US could and would do. It had “reconciled the two Kurdish factions and worked with them to improve the lives of the three million Iraqis” who lived outside Saddam Hussein’s control in the North; set up Radio Free Iraq; and was “intensifying ... contacts with the entire spectrum of opposition groups ... to help them become a more effective voice for the aspirations of the Iraqi people”.

747. Mr Berger concluded:

“When the time is right and the opposition is ready, we will decide what kind of additional support it will need to overcome Saddam’s apparatus of violence and terror. We will not overreach. But we are willing to use whatever means are appropriate to advance our interests in Iraq, as long as the means are effective.

“We will also stand ready to help a new government in Iraq ...

“We will pursue this strategy with patience and resolve and with confidence that our goals will be met ... We know from experience that when people struggling for freedom gain the moral and material support of the American people, they usually prevail ...

“Change will come to Iraq, at a time and in a manner that we can influence but cannot predict ...”

748. The approach set out by Mr Berger remained the strategy of President Clinton’s Administration towards Iraq during its remaining two years in office.

749. In his memoir, Mr Blair wrote that following the UNSCOM report in mid-December, President Clinton had decided to act.²⁹⁰ The air strikes had been “nerve wracking” and the operation was “a limited success”. He added:

“The general feeling was that Saddam had got away with it again.”

750. In his memoir, Mr Annan wrote that Mr Butler’s management and leadership had been:

“... a gift to Saddam – allowing him, with a growing body of evidence – to claim that he was all for disarming and co-operating with the international community, but that UNSCOM’s approach made this impossible.”²⁹¹

751. Mr Annan wrote that this was “entirely untrue”; but Mr Butler “and his backers in Washington and London” had “failed to understand” how it “undermined his own position” and that of the inspections.

752. Mr Annan also wrote that whenever the military option had been floated during negotiations in the previous year, he had asked what would happen after any bombing of Iraq; but that question had never been answered. Desert Fox had:

“... ushered in a four year period without inspections and without a dialogue with Iraq about its place in the international system, even as sanctions continued to devastate its people and hand Saddam the ultimate propaganda tool – to be able to blame the West, and not his own misrule for the misery of his people.”

753. Sir Jeremy Greenstock wrote in his statement for the Inquiry:

“When those attacks were called to a halt, the Security Council was left divided and the inspectors were unable to return to the country.”²⁹²

The impact of Operation Desert Fox

The MOD assessed that the effect of Operation Desert Fox on Iraq’s military programmes had been to set back the ballistic missile programme by between one and two years, that the WMD-related work of the Iraqi Ministry of Industry and Military Industrialisation Headquarters in Baghdad had been disrupted for several months at least, and that the bombing had “badly damaged, possibly destroyed outright” the L-29 unmanned aerial vehicle programme.²⁹³ Rebuilding the Republican Guard infrastructure was estimated to require up to a year.

²⁹⁰ Blair T. *A Journey*. Hutchinson, 2010.

²⁹¹ Annan K. *Interventions: A Life In War And Peace*. Allen Lane, 2012.

²⁹² Statement, November 2009, page 1.

²⁹³ House of Commons, *Iraq: ‘Desert Fox’ and Policy Developments*, 10 February 1999, Research Paper 99/13.

Mr Webb told the Inquiry the MOD had looked at how effective the action in 1998 had been in “keeping the WMD lid on by bombing ... and we concluded that it was not effective and we were not able to offer any reassurance that you have been able to deal with the WMD problem solely by air power.”²⁹⁴ In response to a further question, he said it was “Not conclusively ineffective, but it hadn’t achieved a result of which one felt assured”. Mr Webb added: “It did have a very useful effect on reducing the capacity of the Iraqi Integrated Air Defence System, which was posing a threat to the aircraft.”

Dr Condoleezza Rice wrote in her memoir that, in July 2003, it became clear that “the air assault on Iraq’s WMD in 1998 had been more successful than we had known, and serious damage had been done to Saddam’s capabilities at the time”.²⁹⁵

The *Review of Intelligence on Weapons of Mass Destruction* concluded in 2004 that JIC assessments in 1998 would have left the impression “of suspicion and concern about Iraq’s break-out capability, coupled with possible possession of chemical [and biological] agent stockpiles, in breach of its [Iraq’s] United Nations obligations” and “concern about the ability of Iraq to regenerate a small number of ballistic missiles” in the minds of readers.²⁹⁶

Professor Marc Weller, Professor of International Law and International Constitutional Studies at the University of Cambridge, suggests that Operation Desert Fox had three important consequences for future policy towards Iraq:

“First, Iraq terminated all co-operation with the UN arms inspection regime, arguing that the action demonstrated that inspections would only be used to prepare for further military action. Second, support for any further action by the Council resulted in a stalemate due to the ‘breakdown in the Security Council’ after the bombing campaign ... Finally, and most damaging for the negotiations leading up to resolution 1441 (2002), several states resolved not to be lured again into the finding of a breach that might be invoked to justify the use of force, as had been the case with resolution 1205.”²⁹⁷

754. Operation Desert Fox had created a deep fissure at the United Nations and within the P5. The Kosovo campaign, bitterly opposed by Russia and not mandated by the Security Council (because of the certainty of a Russian veto), was a further complicating element.

755. After Operation Desert Fox, Iraq embarked on a policy of uncompromising defiance of the UN rather than partial and intermittent co-operation.

756. Iraq repudiated the NFZs, and attacks on aircraft became a common occurrence. Iraq fired surface-to-air missiles and anti-aircraft artillery or targeted aircraft by fire control radar, although no coalition aircraft were ever shot down. In response to this threat, coalition aircraft targeted a variety of different elements of Iraq’s Integrated Air Defence System (IADS), such as radar sites and associated communications and control networks, surface-to-air missile batteries and anti-aircraft artillery positions.

²⁹⁴ Public hearing, 24 November 2009, page 76.

²⁹⁵ Rice C. *No Higher Honour: A Memoir of My Years in Washington*. Simon & Schuster, 2011.

²⁹⁶ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, page 52.

²⁹⁷ Weller M. *Iraq and the Use of Force in International Law*. Oxford University Press, 2010.

RAF Jaguars flying reconnaissance operations in the northern NFZ did not carry or drop air-to-ground ordnance, but RAF Tornado aircraft in the southern NFZ did so on numerous occasions.

757. Although Iraq did not succeed in shooting down an aircraft the risk was taken extremely seriously by both the US and the UK. That raised a number of serious issues about the extent of the actions which could be taken in self-defence and the nature of operations to rescue any downed aircrew. Those are addressed in Section 1.2.

758. The Butler Report stated that a JIC Assessment on 7 January 1999 had reached “somewhat firmer judgements than in 1997” that:

- “Following the 1991 Gulf War Iraq concealed BW [biological warfare] production equipment, stocks of agents and perhaps even BW weapons ...”
- “... Iraq has sufficient expertise, equipment, and materials to produce BW agents within weeks.”²⁹⁸

759. The Butler Review was told that the reason for shortening the timescales for production of biological agent to “within weeks” was “intelligence of Iraqi requests for large quantities of growth media”, which was “judged to be greatly in excess of Iraq’s likely legitimate requirements”.²⁹⁹ But it was “not known” if Iraq had actually obtained the growth media.

UNSCOM’s findings, January 1999

760. Mr Butler produced two reports on 25 January 1999, one on the disarmament of Iraq’s weapons of mass destruction and one on monitoring and verification, which were formally circulated to the Security Council on 29 January.³⁰⁰

761. The report on disarmament described the work of UNSCOM since 1991 and its methodology, and set out “material balances” for the proscribed missile, chemical and biological weapons in three detailed annexes. It also included an annex “on actions by Iraq to obstruct disarmament”.

762. The report drew a distinction between UNSCOM’s activities before and after Lt Gen Kamil’s departure from Iraq in August 1995, commenting that Iraq’s subsequent disclosures:

“... indicated that, during the first four years of its activities, the Commission had been very substantially misled by Iraq both in terms of its understanding of Iraq’s

²⁹⁸ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, page 58.

²⁹⁹ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, page 59.

³⁰⁰ UN Security Council, 29 January 1999, ‘Letter dated 25 January 1999 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council’ (S/1999/94).

proscribed weapons programmes and the continuation of prohibited activities ... Positive conclusions on Iraq's compliance ... had to be revised ... Analysis of the new material shaped the direction of the Commission's work including the emphasis on: obtaining verifiable evidence including physical materials or documents; investigation of the successful concealment activities by Iraq; and, the thorough verification of the unilateral destruction events."

763. The report also stated that the Commission had been "obliged to undertake a degree of forensic work which was never intended to be the case". Iraq's "inadequate disclosures, unilateral destruction and concealment activities" had made that task more difficult and continued "in many cases" after 1995. The "concerted obstructions" raised the question of Iraq's motives.

764. UNSCOM could not verify Iraq's claims that it had fulfilled all its disarmament obligations, ceased concealment activities, and had neither proscribed weapons nor the means to make them. Despite Iraq's denials, the Commission's "strong view" was that documentation still existed in Iraq; and that its provision was "the best hope for revealing the full picture" on Iraq's activities.

765. The "priority issues" for disarmament identified in June 1998 had focused on unaccounted for weapons and "set aside other aspects such as fully verifying production capacities, research activities". This approach was based on the view that "satisfactory resolution" of the specific priority issues "would make it easier to conclude that other unverified elements were of lesser substantive importance".

766. The report added, however, that:

"Conversely, the inability of Iraq to satisfy these issues would point to more ominous explanations for other unverified parts of Iraq's declarations."

767. The report stated that Iraq had "once considered" mobile production facilities.

768. UNSCOM described Iraq's declarations as "fraudulent" and "wholly lacking credibility". Iraq had declared in August 1995 that it had filled 25 Al Hussein missile warheads with BW agents. It also declared that 200 R-400 aerial bombs had been produced for BW purposes but the number filled with agents was a "guess". Iraq had also pursued aerial drop tanks, aerosol generators and helicopter spray tanks and there were questions about programmes for other munitions.

769. UNSCOM was concerned about the uncertainties surrounding the extent of weaponisation, the production of bulk BW agent, imports of raw materials, organisation and planning, research and development, and past and continuing efforts of deception. UNSCOM could report with confidence on the destruction of some facilities, but it had "no confidence that all bulk agents have been destroyed; that no BW munitions or weapons remain in Iraq; and that a BW capability does not still exist in Iraq."

It also raised “serious doubts” about Iraq’s claim that it had “obliterated” the BW programme in 1991.³⁰¹

770. UNSCOM recorded uncertainties about the destruction of Iraq’s “special weapons”, warheads for ballistic missiles filled with chemical and biological agent. It also recorded its inability to verify Iraq’s destruction of seven indigenously produced Al Hussein missiles, and imports of proscribed liquid propellant and major components, particularly missile engines and guidance systems.

771. The Commission stated that actions by Iraq “in three main respects” had “had a significant negative impact upon the Commission’s work”. Those were:

- “Iraq’s disclosure statements have never been complete”.
- “... contrary to the requirement that destruction be conducted under international supervision, Iraq undertook extensive unilateral and secret destruction of large quantities of proscribed weapons and items”.
- “... a practice of concealment of proscribed items ... and a cover up of its activities in contravention of Council resolutions”.

772. The annex on “Actions by Iraq to obstruct disarmament” stated that UNSCOM’s work in Iraq had been “plagued by co-ordinated efforts to thwart full discovery of Iraq’s proscribed programmes” which had begun “immediately following the adoption” of resolution 687 (1991).³⁰²

773. In a “brief summary” of its “current understanding of the evolution of these concealment policies and practices”, the report stated:

- The Iraq Presidency had “collected reports on weapons remaining with Iraq’s Armed Forces” in spring 1991.
- A “decision was taken by a high-level committee”, of which Mr Aziz was a member, to provide UNSCOM with “only a portion of its proscribed weapons, their components and production capabilities and stocks”.
- UNSCOM “deduced” that Iraq’s policy was based on:
 - providing “a portion of their extant weapon stocks, with an emphasis on those which were least modern”;
 - retaining “production capability and the ‘know-how documentation’ necessary to revive programmes when possible”;
 - concealing “the full extent of chemical weapons programmes, including its VX project” and retaining “production equipment and raw materials”;

³⁰¹ UN Security Council, 29 January 1999, ‘Letter dated 25 January 1999 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council’ (S/1999/94).

³⁰² UN Security Council, 29 January 1999, ‘Letter dated 25 January 1999 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council’ (S/1999/94).

- concealing “the number and type of BW and CW warheads for proscribed missiles”;
- concealing “indigenous long-range missile production” and retaining “production capabilities, specifically with respect to guidance systems and missile engines”; and
- concealing “the very existence of its offensive biological weapons programme” and retaining “all production capabilities”.
- After an incident at Abu Ghraib in June 1991, when IAEA inspectors had obtained photographic evidence of retained nuclear weapons production components, Iraq had decided “in late June 1991 to eliminate some of these retained proscribed materials, on its own, and in secret and in such a way that precise knowledge about what and how much had been destroyed would not be achievable”.
- Iraq did not admit its programme of unilateral destruction until March 1992, when UNSCOM had “indicated it had evidence that Iraq retained weapons after its supervised destruction”.
- Iraq stated that “The unilateral destruction was carried out entirely unrecorded. No written and no visual records were kept, as it was not foreseen that Iraq needed to prove the destruction to anybody.”
- In 1992, UNSCOM had not recognised that the programme “was a determined measure taken to conceal evidence which would reveal retained capabilities”.
- It was only after 1995 that UNSCOM had become aware of “concerted deception efforts and was forced to re-examine the 1991-1992 period”.
- Investigations, including “extensive excavation efforts with Iraq”, “extensive interviews with Iraqi participants in the destruction”, and analysis of overhead imagery, had produced “mixed” results. There was “some evidence supporting Iraqi declarations” but other data raised “serious concerns about the true fate of proscribed weapons and items”.
- Questions arose about the reasons for Iraq’s actions including the following:
 - Iraq made an admission in August 1997 that missile launchers had been destroyed in October not July 1991.
 - The precise locations of warhead filling and destruction had been revised several times.
 - Claimed movements of concealed warheads had “been proven to be false”.
 - Explanations of concealment and movement of retained chemical weapons production equipment had been “shown to be false”.
 - Iraq had not declared the concealment of “production equipment and critical components related to Iraq’s indigenous proscribed missile programmes” in a private villa in Abu Ghraib, until March 1992, when it had been retrieved and moved by the Special Republican Guard.

- Iraq “conceded” in July 1998 that it had misled UNSCOM over the previous two years about “unilateral destruction of components for its indigenous missile engine programme”.
- Imagery showed that “several shipping containers had been removed” from the Haider farm “shortly before” Iraq led UNSCOM to the site to hand over documents; and there were “clearly defined gaps” in the records handed over by Iraq in relation to WMD production techniques, the military and the Ministry of Defence.
- Iraq’s deception and concealment activities involved a number of Iraqi organisations:
 - Iraq had admitted the continued involvement of the Military Industrial Corporation.
 - Direct evidence of the involvement of the Iraq General Intelligence Service, the Mukhabarat, in procurement activities was provided when imports of equipment for long-range missiles was discovered in late 1995.
 - Movements of material by the Special Republican Guards.
 - UNSCOM “assessed” that the Special Security Organisation (SSO) “appeared” to provide “overall direction” for concealment activities.
- Iraq claimed all concealment activities had been terminated in 1995.
- UNSCOM had used interviews and inspections in an attempt to elicit “a true picture of concealment actions and confirmation it had or would be ended” in 1996-1998, but “missing files, cleansed rooms, purged computers and other techniques were encountered on a regular basis at sites under inspection”. Convoy movements in response to inspection activity “provided still more evidence that concealment was ongoing”.
- UNSCOM had “recently” received information “from multiple sources” identifying organisations which “direct and implement the concealment effort in Iraq”, which agreed that:
 - Concealment-related decisions were made “by a small committee of high ranking officials”, chaired by “The Presidential Secretary, Abed Hamid Mahmoud”.
 - The committee directed a unit “responsible for moving, hiding, and securing the items which are being concealed from the Commission”.
 - The SSO played “a key role in the operation of this unit and in the tracking and surveillance” of UNSCOM’s activities.

774. There was no mention in the report of plague.

775. An intelligence report issued in 1999 stated that the informant was unaware of any Iraqi work on plague as a BW agent.³⁰³

The Amorim Review

776. In late January 1999, the Security Council established three panels chaired by Mr Amorim, who was the President of the Security Council at that time:

- a panel on disarmament and current and future ongoing monitoring and verification issues which would “assess all the existing and relevant information available ... relating to the state of disarmament in Iraq”, and make recommendations to re-establish an effective regime;
- a panel on humanitarian issues to “assess the current humanitarian situation in Iraq and make recommendations” for improvements; and
- a panel on prisoners of war and Kuwaiti property which would “make an assessment ... of Iraqi compliance” and make recommendations.³⁰⁴

777. The panel on “disarmament and current and future ongoing monitoring and verification” reported on 27 March.³⁰⁵

778. The report stated that the panel’s “main objective” was “to make recommendations ... on how ... to reestablish an effective disarmament/ongoing monitoring and verification [OMV] regime in Iraq”. To meet that remit, it had considered “refocusing ... the approach towards disarmament/ongoing monitoring and verification, without departing from the existing framework of rights and obligations laid down in Security Council resolutions” as a way “to enlarge the scope of policy options” for the Council. While the panel “could not ignore the political and ... legal context”, its recommendations were technical.

779. The report briefly rehearsed the panel’s discussions on what UNSCOM and the IAEA had achieved and the priority issues which remained, noting that “different shades of opinion were expressed”. It concluded that it would be possible to pursue “the resolution of remaining issues” within an OMV framework.

780. The panel acknowledged that “some uncertainty” would be “inevitable”, and the extent to which that would be acceptable would be “a policy judgement”.

781. The panel suggested changes to the practices and procedures of UNSCOM to ensure an effective and credible system, including:

³⁰³ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, page 135.

³⁰⁴ UN Security Council, 30 January 1999, ‘Note by the President of the Security Council’ (S/1999/100).

³⁰⁵ UN Security Council, 30 March 1999, ‘Letter dated 27 March 1999, from the Chairman of the panels established pursuant to the note by the President of the Security Council of 30 January 1999 (S/1999/100) addressed to the President of the Security Council’ (S/1999/356).

- restructuring the Commission as a collegiate body which could provide the Executive Chairman with independent advice, guidance and general oversight as agreed by the Security Council;
- recruiting staff as international civil servants in accordance with the provisions of the UN Charter;
- training programmes, including “Particular emphasis ... on the importance of understanding national sensitivities”;
- ensuring that the Commission’s relationship with intelligence providers should be “one-way only”;
- ensuring that public comment was “limited and restricted to the factual”, leaving “political evaluations or comments that carry obvious political implications” to the Security Council.

782. The panel also noted that “the longer inspection and monitoring activities remain suspended, the more difficult the comprehensive implementation of Security Council resolutions becomes”. This increased “the risk that Iraq might reconstitute its proscribed weapons programmes or retain proscribed items” and, if that risk materialised as a result of the absence of inspections, it “would have extremely negative consequences for the credibility of international non-proliferation efforts in general, and for the credibility of the United Nations and IAEA in particular”.

783. The panel added that it was:

“... essential that inspections teams return to Iraq as soon as possible. The current absence of inspectors in Iraq has exponentially increased the risk of compromising the level of assurance already achieved, since it is widely recognised that the re-establishment of the baseline [of the status of Iraq’s activity] will be a difficult task. The loss of technical confidence in the system could become irretrievable.”

784. The panel concluded that the “effectiveness of the monitoring and verification regime” depended on its being “comprehensive and intrusive” with the “full exercise of the rights of full and free access set forth in relevant Security Council resolutions”. At the same time, the mandate should be “carried out objectively in a technically competent and thorough manner with due regard to Iraqi sovereignty, dignity and sensitivities”.

785. “Given the difficulties experienced in the past” this was likely to require “firm and active support by the Security Council”:

“To be effective, any system has to be deployed on the ground, which is impossible without Iraqi acceptance. How this acceptance will be obtained is the fundamental question before the Security Council.”

786. The final reports of the panels on humanitarian issues and prisoners of war and Kuwaiti property were delivered on 30 March.³⁰⁶

787. Work began in the Security Council to follow up the recommendations of the three Amorim panels, but agreement proved elusive. A number of different approaches and draft resolutions were discussed informally over the following months and it was eventually decided that the subject should be remitted to the P5, although not all the elected members were happy with that approach.³⁰⁷

788. Sir Jeremy Greenstock told the Inquiry:

“Under initiatives proposed by Canada and Brazil, the Council again attempted to complete a comprehensive review of the degree of Iraqi compliance with the relevant resolutions. This laid the ground for a long negotiation, mostly between the Permanent Members of the Security Council, over the creation of a new inspection organisation for Iraq. The US and UK argued for continuation of the regime stemming from SCR 687, but with tougher measures to ensure co-operation with and access for the inspectors, under the continuing threat of sanctions if Iraq did not comply; while Russia, France and China opposed the continuation of sanctions, but were interested in getting the inspectors back into the country.”³⁰⁸

Mr Blair’s Chicago speech

789. In the context of a visit to the US, for a Summit in Washington to mark the 50th anniversary of NATO’s creation and an attempt to persuade the US that ground forces were needed in Kosovo, Mr Blair made a widely publicised speech to the Economic Club of Chicago on 23 April 1999.³⁰⁹

790. In response to a request from Mr Jonathan Powell (Mr Blair’s Chief of Staff), Sir Lawrence Freedman submitted ideas for the speech. These were set out in the attachment to Sir Lawrence’s letter to Sir John Chilcot on 18 January 2010.³¹⁰

791. Mr Blair argued that globalisation was not just economic it was also a political and security phenomenon. This meant that problems could only be addressed by international co-operation. New rules were needed for that, and new ways of organising international institutions. The time was right to work in earnest “in a serious and sustained way” on the principles of the doctrine of “international community” and on the institutions that delivered them.

³⁰⁶ UN Security Council, 30 March 1999, ‘Letter dated 27 March 1999, from the Chairman of the panels established pursuant to the note by the President of the Security Council of 30 January 1999 (S/1999/100) addressed to the President of the Security Council’ (S/1999/356).

³⁰⁷ UN Security Council, ‘4084th Meeting Friday 17 December 1999’ (S/PV.4084).

³⁰⁸ Statement, November 2009, page 2.

³⁰⁹ Speech, Blair, *Doctrine of the International Community*, 23 April 1999.

³¹⁰ Paper Freedman [undated], ‘Chicago Speech: Some Suggestions’.

792. In a reference to international security, Mr Blair identified “two dangerous and ruthless men – Saddam Hussein and Slobodan Milosevic” as the cause of “many of our problems”. Iraq had been “reduced to poverty, with political life stultified through fear”. Mr Blair suggested that international security should be addressed at the NATO Summit by establishing a new framework:

“No longer is our existence as states under threat ... our actions are guided by a more subtle blend of mutual self-interest and moral purpose in defending the values we cherish. In the end values and interests merge. If we can establish and spread the values of liberty, the rule of law, human rights and an open society then that is in our national interest too.

“The most pressing foreign policy problem we face is to identify the circumstances in which we should get actively involved in other people’s conflicts. Non-interference has long been considered an important principle of international order. And it is not one we would want to jettison too readily ... But the principle of non-interference must be qualified ...

“So how do we decide when and whether to intervene.”

793. Mr Blair set out “five major considerations” to guide such a decision:

“First, are we sure of our case? War is an imperfect instrument for righting humanitarian distress; but armed force is sometimes the only means of dealing with dictators. Second, have we exhausted all diplomatic options? We should always give peace every chance, as we have in the case of Kosovo. Third, on the basis of a practical assessment of the situation, are there military operations we can sensibly and prudently undertake? Fourth, are we prepared for the long term? In the past, we talked too much of exit strategies. But having made a commitment we cannot simply walk away once the fight is over; better to stay with moderate numbers of troops than return for repeat performances with large numbers. And finally, do we have national interests involved?”

794. Mr Blair argued that acts of genocide could never be a purely internal matter, and that when oppression produced massive flows of refugees which unsettled neighbouring countries, that could “properly be described as ‘threats to international peace and security’”; a reference to the provisions of the UN Charter (see Box, ‘The Charter framework for the use of force’, earlier in this Section).

795. The five considerations were not to be “absolute tests”; they were the “kind of issues we need to think about in deciding in the future when and whether we will intervene”.

796. Mr Blair also argued that the new rules would only work if there were reformed international institutions to apply them and that “If we want a world ruled by law and by international co-operation then we have to support the UN as its central pillar.”

797. In a message specifically to the US, Mr Blair warned that “those nations which have the power, have the responsibility” and that the US should “never fall again for the doctrine of isolationism”. He added:

“... in Britain you have a friend and an ally that will stand with you, work with you, fashion with you the design of a future built on peace and prosperity for all, which is the only dream that makes humanity worth preserving.”

798. The speech attracted considerable attention and acclaim, including in the US. In his memoir, Mr Blair described it as “an explicit rejection of the narrow view of national interest”.³¹¹ The Inquiry addresses the military intervention in Iraq in relation to the principles set out in the speech and Mr Blair’s message to the US in Section 3.

Cabinet discusses Iraq strategy, May 1999

799. Mr Cook and Mr Robertson circulated a Joint Memorandum on Future Strategy towards Iraq to members of DOP on 17 May 1999.³¹² It set out the short, medium and long-term objectives for UK policy against a background of international concern about the adverse humanitarian impact of sanctions and a shortfall in “Oil-for-Food” revenues (US\$4bn in the previous year) against assessed need (US\$10.6bn per annum recommended by Mr Annan). There had been “extensive deterioration of essential infrastructure and social services, a sharp decline in industrial and agricultural output and worsening social indicators”. The Joint Memorandum identified the Government’s policy objectives towards Iraq since 1991 as:

“... in the short term, to reduce the threat Saddam poses to the region, including by eliminating his Weapons of Mass Destruction (WMD) programmes; and, in the longer term, to reintegrate a territorially intact Iraq as a law-abiding member of the international community.”

800. The Joint Memorandum recorded that the UK had sought to achieve those aims “by a policy of containment, through active support of UNSCOM/IAEA efforts to complete WMD disarmament in Iraq, diplomatic pressure and sanctions, backed by the threat and, as necessary, use of military force”. That had been the US approach “although they flirt with a harder line”.

801. On the success of that policy and its longer-term prospects, the Joint Memorandum stated:

“Containment has kept the lid on Saddam ... But containment has disadvantages: it does not produce rapid or decisive results; it is resource-intensive, requiring constant diplomatic effort and a significant military presence; and it is not always

³¹¹ Blair T. *A Journey*. Hutchinson, 2010.

³¹² Joint Memorandum Secretary of State for Foreign and Commonwealth Affairs and the Secretary of State for Defence, 17 May 1999, ‘Iraq: Future Strategy’.

easy to justify to public opinion, as criticisms of UK/US air strikes and of the humanitarian impact of sanctions has shown.”

802. Addressing future policy, the Joint Memorandum stated:

“However difficult it may become to sustain a policy of containment, it is not clear what the alternative would be. To simply walk away from the problem would be an admission of failure, and leave Saddam free to pose once more a major threat to regional security and British interests. On the other hand, a policy of trying to topple Saddam would command no useful international support ...

“Containment, therefore, remains the only viable option for achieving our policy objectives. *If* Iraq complied with UNSCRs, we should then lift sanctions ...

“If, on the other hand, Iraq does not co-operate with the UN (let alone comply with the UNSCRs), we face the prospect of indefinite containment from outside Iraq, based on sanctions, external monitoring and control, and the threat of military force if Saddam seeks to threaten his neighbours or reconstitute his WMD capabilities ...”

803. The Joint Memorandum recommended that securing international support would require a willingness to agree a package of measures “which ‘middle-ground’ UNSC opinion would regard as reasonable”. It suggested a draft UNSCR, offering a balanced package based on increasing and improving the “Oil-for-Food” programme, the prospect of permitting foreign investment in Iraq’s oil infrastructure to increase output, and the possible suspension of export restrictions in return for co-operation and substantial progress towards compliance and effective arms control with some prospect of sanctions lift. The ideal would be an in-country arms control regime but “not at any price”: the UK should continue to press the US to offer “light at the end of the tunnel”, but not “buy Iraqi co-operation by prematurely suspending or lifting sanctions”.

804. The Joint Memorandum concluded that the policy of containment remained the only viable way to pursue the UK’s policy objectives. Iraq was unlikely to accept the package immediately but “might be persuaded to acquiesce eventually”.

805. Ms Clare Short, the International Development Secretary, commented that containment would not solve the pressing issue of ensuring that the basic needs of the Iraqi people were met; and that, although there had been “an extensive exchange of correspondence”, she hoped it would be “possible to have the opportunity to discuss these very difficult issues with Ministerial colleagues”.³¹³ Mr Phillip Barton, a No.10 Private Secretary, advised Mr Blair that there was no need for a DOP discussion “unless you [Mr Blair] particularly want one”.³¹⁴ Mr Blair endorsed the conclusions of

³¹³ Letter Smith to Pakenham, 24 May 1999, ‘Iraq, the Way Forward’.

³¹⁴ Minute Barton to Prime Minister, 27 May 1999, ‘Iraq: Future Strategy’.

the Joint Memorandum,³¹⁵ and a revised draft UNSCR, including language on sanctions suspension, was agreed.³¹⁶

Resolution 1284 (1999)

806. Throughout 1999, debate and negotiation continued in the UN Security Council about the degree of Iraqi compliance with UN resolutions and the creation of a new inspection organisation to replace UNSCOM against a background of growing unpopularity for sanctions and the desire of a number of States, including P5 members, to remove sanctions and resume normal relations with Iraq.

807. The deadlock on a resolution addressing all the outstanding issues on Iraq led to difficulties in agreeing the bi-annual rollover of the “Oil-for-Food” programme and the adoption, on 19 November, of resolution 1275 (1999) which extended the programme until 4 December. That was followed on 3 December by resolution 1280 (1999), which extended the regime for a further seven days to allow extra time for negotiations among the Permanent Members on a “comprehensive resolution”.

808. Mr Dejammet stated that the draft resolution, which had been submitted by the US, was drafted in such a way that it would be incapable of implementation, and that France had been told that the vote was being used to bring pressure to bear on the members of the Security Council in relation to discussions on a separate resolution (the resolution which became resolution 1284).

809. Mr Tan Sri Hasmy Agam, Malaysian Permanent Representative to the UN, stated that the seven-day extension clearly established a linkage to the discussions on the comprehensive resolution. Malaysia was unhappy about the underlying assumptions of that linkage, including that the difficulties could be resolved within a week when the Permanent Members of the Council had already been discussing a draft for five months and had not reached agreement.

810. Mr Gennadi Gatilov, Russian Deputy Permanent Representative to the UN, referred to an earlier Russian draft resolution proposing an extension of UN humanitarian operations in Iraq, reflecting recommendations from the UN Secretary-General and the recommendations of the humanitarian panel chaired by Mr Amorim. Russia regarded the attempt to set “artificial time limits” on the need to reach agreement on the remaining serious problems in the comprehensive resolution as “totally inappropriate”.

811. Mr Qin Huasun stated that the resolution was “mainly intended to force the Council to adopt, as soon as possible, a new omnibus resolution on Iraq”. China was “extremely dissatisfied and disappointed” by the deadlock, but the unilateral military strike in December 1998 was the “main reason” the UN arms-verification programme

³¹⁵ Letter Barton to Barrow, 2 June 1999, ‘Iraq: Future Strategy’.

³¹⁶ Letter Barton to Barrow, 14 June 1999, ‘Iraq: Future Strategy’.

had been suspended and those countries which had launched those strikes “should now show flexibility”.

812. Resolution 1284, adopted on 17 December, welcomed the reports of the three panels chaired by Mr Amorim, which had been subject to “comprehensive consideration” by the Council, and stressed the “importance of a comprehensive approach to the full implementation of all relevant Security Council resolutions ... and the need for Iraqi compliance with those resolutions”.³¹⁷

813. The resolution also acknowledged the “progress made by Iraq towards compliance with the provisions of resolution 687”, but noted that “as a result of its failure to implement the relevant Council resolutions fully, the conditions do not exist which would enable the Council to take a decision ... to lift the prohibitions referred to in that resolution”.

814. The resolution comprised four sections: disarmament; repatriation of Kuwaiti and third-country nationals and property; the humanitarian situation; and the arrangements for considering the suspension and lifting of sanctions.

815. The provisions on disarmament included that the Security Council:

- decided to replace UNSCOM with the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC), which would operate as the Amorim panel recommended, to provide “a reinforced system of ongoing monitoring and verification, which will implement the plan approved by the Council in resolution 715 (1991) and address unresolved disarmament issues”;
- reaffirmed the role of the IAEA;
- reaffirmed the provisions of relevant resolutions requiring Iraq’s compliance and affirmed that Iraq’s obligations to co-operate with the Special Commission would apply in respect of UNMOVIC;
- decided “in particular” that Iraq should “allow UNMOVIC teams immediate, unconditional and unrestricted access” to all sites or facilities it wished to inspect and to all individuals under the authority of the Iraqi Government it wished to interview;
- requested the Secretary-General to appoint an Executive Chairman and, in consultation with him and Council members, to appoint “suitably qualified experts as a College of Commissioners for UNMOVIC” which would “meet regularly to review the implementation” of the resolution and other relevant resolutions, and “provide advice and guidance to the Executive Chairman, including on significant policy decisions and on written reports to be submitted to the Council through the Secretary-General”;

³¹⁷ UN Security Council resolution 1284 (1999).

- requested the Executive Chairman to put forward proposals for the organisation of UNMOVIC within 45 days of his appointment;
- decided that UNMOVIC and the IAEA would, “not later than 60 days after they have both started work in Iraq”, each draw up a work programme for the discharge of their mandates for approval by the Council; the programmes would “include both the implementation of the reinforced system of ongoing monitoring and verification, and the key remaining disarmament tasks to be completed by Iraq pursuant to its obligations”;
- further decided that what was “required of Iraq for the implementation of each task shall be clearly defined and precise”;
- requested the Executive Chairman of UNMOVIC and the Director General of the IAEA were also to review and update the list of items and technology controlled by resolution 1051 (1996); and
- requested the Executive Chairman of UNMOVIC to “report immediately when the reinforced system of ongoing monitoring and verification [OMV] is fully operational in Iraq”.

816. The resolution reiterated Iraq’s obligations in respect of Kuwait and third-country nationals and property, and called on the Government of Iraq to resume co-operation with the Tripartite Commission and asked the Secretary-General to report to the Council every four months on Iraq’s compliance.

817. The provisions on humanitarian issues included:

- abolishing the ceiling on the export of Iraq’s petroleum and petroleum products by authorising States to permit the import of “any volume”, notwithstanding the provisions of resolution 661 (1990);
- deciding that only items subject to the provisions of resolution 1051 (1996) would need to be submitted for approval to the Committee established by resolution 661 (1990), and requesting that Committee to appoint a group of experts which would be mandated speedily to approve “contracts for the parts and equipments necessary to enable Iraq to increase its exports of petroleum and petroleum products”;
- requesting the Secretary-General to maximise the benefits of the arrangement set out in resolution 986 (1995) and to ensure that all supplies under the humanitarian programme were utilised as authorised;
- calling on the Government of Iraq to:
 - “take all steps to ensure the timely and equitable distribution of humanitarian goods”;
 - “address effectively the needs of vulnerable groups ... without any discrimination”;
 - “prioritise applications for humanitarian goods”;

- “ensure that those involuntarily displaced receive humanitarian assistance”; and
- requesting the Secretary-General to establish a group of experts, to report within 100 days of the adoption of the resolution, “on Iraq’s existing petroleum production and export capacity and to make recommendations ... on alternatives for increasing” that capacity.

818. Finally, the resolution expressed the Council’s intention “upon receipt of reports from the Executive Chairman of UNMOVIC and the Director General of the IAEA” that Iraq had “co-operated in all respects with UNMOVIC and the IAEA and in particular in fulfilling the work programmes for a period of 120 days after” the reinforced system of OMV was reported to be fully operational, to “suspend” sanctions on the import of materials originating in Iraq or the export of items to Iraq (other than those referred to in paragraph 24 of resolution 687 (1991) or controlled by the mechanism established by resolution 1051 (1996)), “for a period of 120 days renewable by the Council”. Action to suspend sanctions would be considered “no later than 12 months” from the adoption of the resolution, “provided the conditions set out” in this paragraph had been “satisfied by Iraq”.

819. The draft resolution had been tabled by the UK, and many members of the Council praised the skill and perseverance of Sir Jeremy Greenstock and his delegation in producing a draft which the majority of the Council could support after almost a year of deadlock on Iraq.³¹⁸ It is clear, however, that there were still significant differences about the interpretation of the resolution and the way ahead. As a result, China, France, Malaysia and Russia abstained in the vote, but there was no veto.

820. Mr Lavrov explicitly blamed the use of force by the US and UK in December 1998 for the deadlock in the Council, stating that the action had been “provoked by the biased and tendentious report” from UNSCOM. Russian proposals in April 1999, for a draft resolution approving the recommendations of the Amorim panels and instructing the Secretary-General “to prepare practical steps for implementing them”, had been “blocked by those who wanted ... to continue using the burden of anti-Iraq sanctions in order to attain their own unilateral goals, going beyond the scope of United Nations decisions”.

821. Mr Lavrov welcomed the provisions to suspend sanctions, the “radical improvements in the humanitarian programme”, and the measures related to speeding up action on missing persons and Kuwaiti property. He also welcomed the corrections to “harmful provisions” in previous drafts of the resolution, including:

- removing the “discredited argument about full co-operation”; Russia had “always stressed that the wording ‘full co-operation’” was “extremely dangerous”, and “Nobody has forgotten that it was under the pretext of an absence of full

³¹⁸ UN Security Council, ‘4084th Meeting Friday 17 December 1999’ (S/PV.4084).

co-operation from Iraq that the former Special Commission provoked large-scale strikes by the United States and Great Britain against Iraq in December last year, circumventing the Security Council”;

- introducing a “clarification ... to the effect that progress on the remaining disarmament tasks – not their virtual completion – would be grounds for assessing the conditions necessary to the suspension of sanctions”; vague wording in an earlier draft would have “provided certain members of the Council” with “an opportunity to ... require virtually full completion of the key disarmament tasks ... and then, on that pretext, to postpone suspension endlessly”;
- removing wording about “control of the financial aspects of the suspension, which essentially predetermined the continuation of the sanctions regime in another guise”; and
- spelling out more clearly the reference to Chapter VII “so as not to provide any legal grounds for unilateral actions of force against Iraq contrary to positions held in the Security Council”.

822. Russia could not support the draft resolution because of “deficiencies of the draft resolution and some hidden dangers that remain” and it would “not forget that certain countries still have their own agendas with respect to Iraq that may be at variance with the collective position of the Security Council”. The Council had “never authorized the establishment of the ‘No-Fly Zones’”, nor had it authorised “subversive acts against the Iraqi Government”. If the Council sought “truly new approaches ... to a long-term settlement in the Gulf, such illegal, unilateral actions must end”.

823. But Russia had decided “not to hinder” adoption of the resolution because “serious changes” had been introduced which offered “an opportunity to break the Iraqi stalemate”.

824. Mr Lavrov warned:

“The fact that we are not blocking the adoption of this imperfect draft resolution should not be taken to indicate that we are obliged to play along with attempts to impose its forcible implementation ...

“... Judging from existing objective assessments, Iraq is already no threat to international and regional peace and security. In any event, no concrete proof has been submitted to the Council in recent years.

“It is now up to the Security Council to act objectively and in an unbiased way ...

“... it is important that ... it has been possible to avoid a split ... and to confirm the key role of the Council in the political settlement of the most important problems of the world today ... Russia will continue to do its utmost to strengthen that role.”

825. Mr Hasmy stated that the issue before the Council was “not just ... asserting its authority and reclaiming its credibility ... but equally importantly ... restoring confidence

and trust between the Council and Iraq”. The draft resolution did not incorporate concerns expressed by Malaysia and others, including:

- the omission of financial modalities;
- the vague language “full of conditionalities” in respect of the triggering of suspensions;
- the absence of a definite benchmark or timeframe for the final lifting of sanctions;
- the indefinite continuation of the sanctions which violated “the very spirit and purposes” of the UN Charter;
- the improvements in arrangements for humanitarian programmes which were “selective” and would “only lead to incremental improvements and address a small fraction of the needs of the Iraqi people”; and
- Malaysia’s proposal that the Council should give a hearing to Iraq’s views, on the basis that “engaging Iraq, rather than isolating and demonizing it”.

826. The draft resolution was:

“... driven largely by political, rather than humanitarian, considerations. It is aimed at keeping Iraq under continued isolation rather than bringing it out into the mainstream of international life ... The language of the draft resolution is ambiguous in some important parts, so that it may lend itself to unilateral interpretation and/or action in its implementation, which must be avoided.”

827. Mr Qin Huasun stated that three core issues would have to be addressed in formulating new policies on Iraq:

- An “objective, impartial, transparent and accountable” inspection commission should replace UNSCOM which “under the leadership of its previous Executive Chairman ... continuously concealed information from the Council, deceived and misled the Council and even went so far as to act presumptuously without authorisation by the Council, thus playing a dishonourable role in triggering the crisis”.
- The remaining disarmament issues should be “defined clearly and precisely and resolved gradually and effectively”.
- There was “an urgent need to relieve the ... tremendous, inhumane suffering” of the people of Iraq.

828. Mr Qin Huasun added that those issues could be resolved only if the resolution could be implemented; and that was “highly questionable” because it did not give Iraq the “light at the end of the tunnel”. The Council was being “rushed ... into action” which would “not help to resolve” the issue. Nor would it “really help to preserve the authority and role of the Council”. There had been “a worrying trend” over the past year. Iraq and Kosovo had “clearly demonstrated that the wilful use of force, especially unilateral

actions taken without the Council's authorisation", severely damaged the status and authority of the Council and complicated the situation.

829. Mr Qin Huasun concluded by calling for an end to the NFZs, which flew "in the face of international law and the authority of the Council".

830. Mr Dejammet stated that France had observed in January 1999 that the top priority was the restoration of security and stability with the "long-term presence on the ground of professional inspectors" to prevent the arming of Iraq and ensuring that sanctions did not punish the Iraqi population. The Council had agreed that the "relationship between Iraq and the United Nations needed to be set on a new footing".

831. Mr Dejammet stated that the draft resolution called upon Iraq "to accept the return of the inspectors without knowing what arrangement will exist in the period after suspension". If the interpretations of the text diverged, the Chairman of the new Commission would not be able to carry out his mandate and it was not clear how the Council would be able to reach a decision on when sanctions should be suspended.

832. Mr Burleigh stated that the resolution did not raise the bar on what was required of Iraq on disarmament, but nor did it lower it. There was no lack of clarity about the sequence of events, Iraq's compliance "must precede all else". Identifying the "key remaining disarmament tasks" needed to be addressed. If Iraq fulfilled those tasks and met the requirements in the resolution:

"... the Council, including the United States, can decide whether to recognize that co-operation and compliance by suspending sanctions.

"Similarly, if Iraq meets the full range of obligations ... the Council can make a decision regarding the lifting of sanctions."

833. Mr Burleigh added that the US was "not seeking an excuse to use force", but Iraq held the key. The US had "no illusion that the Iraqi regime" was "likely to change its spots". Compliance was "highly unlikely" while Saddam Hussein remained in power.

834. Mr Burleigh also stated that, before sanctions could be suspended, there would be a need to decide the exact terms for lifting prohibitions to "prevent any revenues from being diverted for prohibited purposes" and "effective control measures" for civilian imports into Iraq were of the "utmost importance".

835. Mr Jassim Mohammed Buallay, Bahraini Permanent Representative to the UN, drew attention to the fact that Iraq "had already declared its total rejection of the resolution".

836. Mr Peter van Walsum, Dutch Permanent Representative to the UN, said that the statements of the Iraqi authorities gave no indication that they would be prepared to co-operate "other than on the basis of an unconditional lifting of the sanctions, and no member of the Council has shown any readiness to meet that condition". He also

disputed the suggestion that Iraq could not see light at the end of the tunnel. The existing resolutions already clearly illuminated “the exit” and the present resolution added “significantly to that by offering Iraq a possible suspension of sanctions well before full compliance”. But co-operation was not “a question of attitude” but about “performance”; and he thought it was “not realistic to expect an early positive signal from Baghdad”.

837. Sir Jeremy Greenstock stated that holding Iraq to its obligations and containing the threat to the peace and security of the region was “one of the most important responsibilities of the international community, and in particular of the Security Council”. Throughout 1999, the Council had worked to find a “new approach” to business with Iraq which was “firmly set in the framework of a collective responsibility exercised within the United Nations”. The resolution preserved “the original disarmament standards for Iraq” and met humanitarian concerns while belatedly recognising “just how dire Iraq’s response has been to its obligations with regard to missing Kuwaiti citizens and property”. “Most significantly”, it set out “a series of clear, logical steps, using the new concept of suspension to bring Iraq out of sanctions and back into the international community”. But that would happen “only if Iraq at last begins to act according to the rules of international law”; and its track record and recent rhetoric were “hardly encouraging”.

838. Sir Jeremy concluded by calling for full support in the Council in bringing the provisions of the mandatory resolution into effect, for the benefit of “the peoples of Iraq and of the region” and in the “interests of the future authority” of the UN.

839. The UK’s short-term objective had been “an agreed Security Council approach on the way forward ... allowing us to draw a line under the differences which developed over Operation Desert Fox”.³¹⁹

840. A note for No.10 on the background to the inspections process, produced in March 2002 by FCO Research Analysts, stated that the “main feature” of resolution 1284 was that it offered Iraq “a suspension of sanctions in return for co-operation with the weapons inspectors, including progress on key disarmament tasks”, in contrast to resolution 687 (1991) which offered lifting of sanctions “only when the inspectors say disarmament is complete”.³²⁰ Iraq regarded the latter as “an unattainable goal”, claiming that the resolution was “so ambiguous” that the US could “easily deny” that co-operation had been “adequate”.

841. The paper also stated:

“We recognise there are ambiguities ... They are there for a good reason: the P5 was unable to reach agreement. If positions remain as entrenched as they were during ... negotiations, there is little prospect of the situation changing ...”

³¹⁹ Letter Goulty to McKane, 20 October 2000, [untitled].

³²⁰ Letter McDonald to Manning, 15 March 2002, ‘Iraq’ attaching Paper FCO, [undated], ‘Iraq: Weapons Inspectors’.

842. Mr Ekéus commented to the Inquiry that the Security Council had “dissolved ... arguably [the] most successful inspection regime in disarmament history” and suggested it was “the British Government and its Foreign Secretary Robin Cook that enforced the dissolution of UNSCOM ... in spite of American doubts and hesitations”.³²¹

UNMOVIC begins work

843. Dr Hans Blix, the Director General of the IAEA until November 1997, was appointed Executive Chairman of UNMOVIC and took up his appointment in New York on 1 March 2000.

844. Dr Blix wrote:

“The inspectors were gone. The sanctions were condemned by a broad world opinion and ... they had become less painful, and were eroding ... The revenues from the Oil-for-Food Program provided many billions of dollars and huge purchase orders were so placed as to produce maximum political benefit – or punishment.”³²²

845. In an interview published in March 2000, Mr Ekéus stated that UNSCOM had been “highly successful”, but had not destroyed “everything”; and the “contradictions” in Iraq’s declarations meant that there was “reason to be careful”.³²³ There was “new information about procurement efforts by Iraq” and useful information from individuals who had left Iraq.

846. Mr Ekéus added that, in his view, there were “no large quantities of weapons”. Iraq was not “especially eager in the biological and chemical area to produce such weapons for storage” because it viewed them as “tactical assets” and its aim was “to keep the capability to start up production immediately should it need to”.

847. Mr Ekéus stated that it was “striking” that resolution 1284 (1999) said “nothing about investigation and elimination” of Iraq’s prohibited weapons, but focused on monitoring activities. The Security Council was trying to get UNMOVIC “to be more precise” about its tasks. He considered that Iraq would “probably co-operate” if it judged the provisions on suspending sanctions were acceptable. The unity of the Security Council was essential; political problems in the Council were “the single, dominant and only reason” for the failure of UNSCOM.

848. In his statement to the Inquiry, Sir Jeremy Greenstock wrote:

“In 2000, little new work was done on Iraq, with the Security Council largely exhausted with the subject ... Sanctions continued, but the regime remained vulnerable to Iraqi non-co-operation and deceit and the feeling that sanctions

³²¹ Statement, 23 April 2011, pages 4-5.

³²² Blix H. *Disarming Iraq*. Bloomsbury, 2004.

³²³ Arms Control Association, March 2000, ‘Shifting Priorities: UNMOVIC and the Future of Inspections in Iraq: An Interview with Ambassador Rolf Ekéus’.

were gradually unravelling increasingly took hold internationally. The Oil-for-Food programme also attracted greater criticism because of the loopholes and corruption which surrounded the handling of the programme in Iraq. And the Security Council remained divided.”³²⁴

849. Sir Jeremy also wrote that UNMOVIC had stronger investigative powers than UNSCOM and that the abstentions had diminished the political force of the resolution.

850. Mr Tom McKane, Principal Private Secretary to the Defence Secretary from 1997 to 1999 and subsequently the Deputy Head of the Overseas and Defence Secretariat in the Cabinet Office from 1999 to 2002, told the Inquiry that the resolution was:

“... designed to make progress on controlling Iraq’s WMD while at the same time alleviating the impact of sanctions on the Iraqi people by lifting the ceiling on Iraq’s oil exports under the Oil-for-Food programme”.³²⁵

851. Mr McKane subsequently told the Inquiry that, after resolution 1284 until the spring of 2001, there was a sense that Iraq was in “a more manageable state” and “didn’t need urgent day-to-day attention”.³²⁶

852. The UK’s short-term objective in 1999 had been “an agreed Security Council approach on the way forward, allowing us to draw a line under the differences which developed over Operation Desert Fox”.³²⁷

853. Although resolution 1284 was a step forward for the Security Council and a hard-won compromise, it did not bridge the gap between opposing viewpoints.

³²⁴ Statement, November 2009, page 2.

³²⁵ Statement, 8 December 2010, page 2.

³²⁶ Public hearing, 19 January 2011, pages 26-27.

³²⁷ Letter Goulty to McKane, 20 October 2000, ‘Iraq’ attaching Paper FCO, ‘Iraq: Future Strategy’.

SECTION 1.2

DEVELOPMENT OF UK STRATEGY AND OPTIONS, SEPTEMBER 2000 TO SEPTEMBER 2001

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Introduction

1. This Section addresses the discussions within the UK Government between September 2000 and September 2001 on the UK's Iraq strategy, in the light of questions over the sustainability of the existing policy of containing Iraq, the election of a new US Administration and concerns over the legal basis for the No-Fly Zones (NFZs).
2. The Section follows on from Section 1.1, which addresses the UK's Iraq strategy between 1990 and September 2000, and is followed by Section 3.1, which addresses the development of the UK's Iraq strategy from September 2001. Section 3.1 also summarises UK policy and thinking in September 2001.

Before September 2000

3. Iraq's failure to comply fully with UN Security Council resolutions over a period of 10 years, or with international treaties to prevent the proliferation of nuclear, chemical and biological weapons, was seen as a challenge to international order, the authority of the UN and the rule of law.
4. On the basis of its past behaviour, and the evidence found by UN and the International Atomic Energy Agency (IAEA) inspectors between 1991 and 1998, it was widely assumed that, although the inspections had been successful in dismantling and containing Iraq's capabilities, Saddam Hussein's regime had the intent and much of the knowledge to develop ballistic missiles and weapons of mass destruction if it had the opportunity to do so.
5. In addition, the UK Government and some others believed that, given the opportunity, Saddam Hussein aspired to exercise regional power through the threat or use of force, and would not be constrained by international law or decisions of the Security Council.
6. A policy of containing Iraq initially designed to meet short-term needs had been extended for over a decade. Sanctions were hurting the population of Iraq without having a significant effect on Saddam Hussein's regime. The Security Council was divided about the benefit of maintaining sanctions and the way ahead, and there were doubts about how long the existing policy could be sustained. Iraq was confident in continuing to resist the return of inspectors. Internal opposition had been suppressed and exile organisations had limited support. The strains within the international community were clear.
7. The *Review of Intelligence on Weapons of Mass Destruction*, the Butler Report, concluded in July 2004 that there was a "progressive reduction" in the Joint Intelligence Committee's (JIC's) estimates of Iraq's capabilities in the period to 1994/1995 but "growing suspicions and concerns" between 1995 and 1998.¹ Those suspicions and

¹ *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898.

concerns were “exacerbated and reinforced by Iraqi prevarication, concealment and deception”. The Butler Review detected “signs that this context led to the JIC making its estimates of Iraqi capabilities on an over-cautious or worst case basis (not always declared as such)”.

8. The Butler Report concluded that the JIC Assessments would have left the impression in the minds of readers “of suspicion and concern about Iraq’s break-out capability” coupled with “possible possession” of chemical and biological agent stockpiles in breach of Iraq’s obligations and “concern about the ability of Iraq to regenerate a small number of ballistic missiles”.
9. The UK’s assessment of Iraq’s continued possession of weapons of mass destruction (WMD) in defiance of the obligations imposed by the UN is set out in Sections 4.1 to 4.3. Those Sections also address the UK’s wider concerns about proliferation. The Butler Report is addressed in Section 4.4.
10. The framework in which the UK, and other states, viewed Iraq in 2000 was determined by their experience since 1990. That conditioned their positions and behaviour and provided the background to the UK review of policy in autumn 2000, which is the starting point of the Inquiry’s considerations.

The erosion of the sanctions regime

In his statement for the Inquiry, Sir Jeremy Greenstock, the UK Permanent Representative to the UN in New York from July 1998 to July 2003, wrote:

“In 2000, little new work was done on Iraq, with the Security Council largely exhausted with the subject ... Sanctions continued, but the [sanctions] regime remained vulnerable to Iraqi non-co-operation and deceit and the feeling that sanctions were gradually unravelling increasingly took hold internationally.”²

A number of reasons for the erosion of sanctions were offered to the Inquiry, including the lack of consensus within the Security Council, the loss of international public support and a decline in the willingness of many nations to enforce sanctions.

Sir Jeremy told the Inquiry:

“Of all the issues that I dealt with in the Security Council, Iraq produced the greatest divisions among the Permanent Five³...

...

“The United States was at one end of the spectrum in regarding Iraq as a threat and as regarding the United Nations as unable to deal with the threat in a way which was required.

² Statement, 20 November 2009, page 2.

³ The five Permanent Members of the UN Security Council – China, France, Russia, the UK and the US.

“The United Kingdom was sympathetic to that view, but wanted to see the United Nations operating successfully on Iraq because we regarded it as a collective problem. The French, Russians and Chinese had all abstained on [resolution] 1284, and were therefore not particularly on the side of just straight containment of Iraq, because they also wanted to see progress towards the end of sanctions.

“The other members of the Security Council were mainly of that view, that they did not see that the downsides of sanctions, as far as the humanitarian effects on the Iraqi people were concerned, were worth the degree of containment which they [sanctions] provided for an Iraq, the threat from which was not fully proven, in their view, in terms either of military capability or in terms of possession of weapons of mass destruction.

...

“I don’t think there was a single member of the Security Council who believed that Iraq was trying honestly and honourably to meet Security Council conditions. I don’t think there was a single member of [the] Security Council, throughout my period there, who supported Saddam Hussein or Iraq. I don’t think there was a single member of the Security Council who believed that Iraq was innocent, was not plotting to develop military capability, was not defying United Nations, was not cheating on sanctions but ... [there was a] spectrum of views about how intensely that was a problem and about how it should be dealt with.”⁴

Mr Geoff Hoon, FCO Minister of State responsible for the Middle East from May 1999 (and the Defence Secretary from October 1999), told the Inquiry that public leaders in the Middle East:

“... blamed us for ... starving the Iraqi people, for depriving them of medical supplies ... sanctions were failing ... they were not delivering the benefit that we anticipated politically and ... worse than that, we were getting the blame for things that were actually Saddam’s responsibility.”⁵

Sir William Patey, Head of the FCO’s Middle East Department from 1999 to March 2002, told the Inquiry that Saddam Hussein had been “very good” at manipulating the sanctions regime, to create sympathy within the Arab world and to preserve his own regime.⁶

Mr Jack Straw, the Foreign Secretary from 2001 to 2006, told the Inquiry that, without weapons inspectors on the ground in Iraq and “with a collapse in international will to enforce, or even merely to sustain, a sanctions regime, ‘containing’ the Iraqi regime became a challenge”.⁷

⁴ Public hearing, 27 November 2009, pages 4-7.

⁵ Public hearing, 19 January 2010, pages 6-7.

⁶ Public hearing, 24 November 2009, pages 18 and 160.

⁷ Statement, 4 May 2011, pages 1-2.

The Inquiry asked Sir William Patey why it appeared that the countries neighbouring Iraq were becoming less concerned about the threat from Iraq and more willing to allow trade to carry on in contravention of the sanctions regime.⁸ Sir William told the Inquiry that those countries' attitudes to Iraq varied:

"... the concern was greater in Kuwait and Saudi Arabia than it was in Syria and Turkey, and Jordan had a rather special relationship with Iraq, a dependency relationship, it was very worried about its economy and being cut off. So there were a complex set of relationships.

"I think I would describe the region as, if they had had faith in the policy, they would have supported it more, but if it was going to fail, they didn't want to be on the wrong side of Saddam ... I would say they were hedging their bets ... not that ... they were unaware of the threat."

Sir William also told the Inquiry that the complexity of the sanctions regime itself, including the Oil-for-Food (OFF) programme, meant that Iraq was able to evade the controls.⁹

While sanctions on civilian trade were eroding, the UK assessed that the arms embargo on Iraq remained broadly effective.

Mr Simon Webb, MOD Director General Operational Policy from July 1999 to September 2001, told the Inquiry:

"... The general impression we had ... by the start of 2001 was that the arms embargo was, in general, holding up well ... almost all members of the United Nations were abiding by it, which was preventing the Iraqis from acquiring major new weapons systems ... but there was some leakage still of parts and components which allowed them [the Iraqi military] to be a bit more effective."¹⁰

Mr Carne Ross, First Secretary responsible for the Middle East at the UK Permanent Mission to the United Nations in New York (UKMIS New York) from 1997 to 2002, told the Inquiry:

"While there were serious sanctions breaches, it was not the UK judgement that these permitted significant rearmament, which was our major concern."¹¹

⁸ Public hearing, 24 November 2009, pages 42-43.

⁹ Public hearing, 24 November 2009, page 160.

¹⁰ Public hearing, 24 November 2009, page 19.

¹¹ Statement, 12 July 2010, page 2.

Review of the UK's strategy on Iraq, autumn 2000

11. Section 1.1 addresses the UK's review of its strategy on Iraq in May 1999. The review concluded that, despite the difficulties in sustaining the strategy:

“Containment ... remains the only viable option for achieving our policy objectives.”¹²

12. In April 2000, the JIC judged that it was likely that Iraq was continuing to develop offensive biological and chemical warfare capabilities (see Section 4.1).¹³

13. In June 2000, as part of a “continuing series of papers addressing Iraqi issues”, the JIC assessed Iraq's response to the NFZs.¹⁴

14. The JIC stated that Iraq continued to challenge coalition patrols of the NFZs. In the preceding year, Iraq had concentrated on using anti-aircraft artillery and highly mobile surface-to-air missile systems and rockets to fire at US and UK aircraft “on most days they flew”. The capability of Iraq's air and air-defence forces was “limited” but there was a “continuing, albeit small, risk” of losing an aircraft.

15. The JIC judged that if Saddam Hussein decided to co-operate with UN Security Council resolution (UNSCR) 1284 (1999), he would, in return, seek the abolition of the NFZs.

16. On 22 September, a French civilian aircraft flew from Paris to Baghdad without the UN Sanctions Committee's approval.¹⁵ The Box below addresses the background to and implications of that flight.

17. The FCO set out the Government's position in a telegram to the British Embassy Moscow on 3 October:

“The legal position on flights is not clear but our position, based on past practice relating to SCRs 661 and 670, is that approval for all flights to Iraq must be sought from the Sanctions Committee and is granted on humanitarian grounds only ... EC [European Commission] Regulations prohibit flights from the EU [European Union] which do not have Security Council approval. Others challenge this legal interpretation and claim that the resolutions do not prohibit civilian flights. A number of countries led by France and Russia have recently allowed aircraft to fly to Baghdad without Committee approval (and in the case of France, in clear breach of the EC regulation). We are likely to begin discussion in the P5 soon on a revised Security Council position. It would strengthen our hand in the debate if we could stem the flow of non-approved flights to Iraq. Above all, we must resist a resumption of commercial flights which would be a far greater challenge to our position and to the sanctions regime than the present flurry of non-commercial flights.”¹⁶

¹² Joint Memorandum Secretary of State for Foreign and Commonwealth Affairs and the Secretary of State for Defence, 17 May 1999, ‘Iraq: Future Strategy’.

¹³ JIC Assessment, 19 April 2000, ‘Iraq: Chemical and Biological Weapons Programmes’.

¹⁴ JIC Assessment, 28 June 2000, ‘Iraq: No let up in the No-Fly Zones’.

¹⁵ Minute FCO [junior official] to PS [FCO], 22 September 2000, ‘Iraq: French Flight’.

¹⁶ Telegram FCO London to Moscow, 3 October 2000, ‘Iraq: Flights’.

Challenges to the ban on air travel

Throughout the 1990s, the UN Sanctions Committee and UN Member States had interpreted the provisions of resolution 670 (1990) to require the Sanctions Committee's approval for all civilian flights to Iraq.

Baghdad International Airport reopened in August 2000.¹⁷

An FCO official informed the Private Office of Mr Robin Cook, the Foreign Secretary, on 22 September 2000 that a French civilian aircraft had flown from Paris to Baghdad, without the Sanctions Committee's approval.¹⁸ Although the French Mission notified the Committee in advance, in doing so it stated that it was not seeking approval for the flight and it disregarded a request from the chairman of the Committee that the flight should be delayed so that the matter might be considered by Committee members.

The FCO official set out the background:

“The French and Russians have been pressing for some time for a relaxation on civilian flights to Baghdad, claiming it is time to end the cultural and intellectual isolation of the Iraqi people. They challenge our interpretation of the UNSCRs and claim there are no restrictions on flights which do not carry cargo, although they accept that SCR 661 prohibits the financial arrangements necessary for commercial flights to Iraq.”

The media subsequently reported that Russia intended to resume scheduled flights to Baghdad.

The briefing for Mr Cook's meeting with the French Foreign Minister, at Cahors on 9 February 2001, stated that:

“Since Baghdad International Airport reopened in August 2000, there have been over 150 humanitarian flights into Iraq. Although the Iraq regime has tried to portray these as sanctions-breaking, all but a handful (including one French flight) have received advance approval from the UN Sanctions Committee.”¹⁹

In his statement to the Inquiry, Mr Straw stated that as a result of the lack of action by the UN to censure the flight, Saddam Hussein demanded that other key international partners begin flights into Baghdad, leading to the “total collapse” of the travel ban.²⁰

18. With the containment policy under pressure, and in preparation for discussions with a new US Administration, the UK reviewed its policy on Iraq.

19. Mr Tom McKane, Deputy Head of the Overseas and Defence Secretariat (OD Sec) in the Cabinet Office from September 1999 to September 2002, described in his statement to the Inquiry how:

¹⁷ Minute FCO [junior official] to PS [FCO], 8 February 2001, 'Iraq: UK/French Summit: Briefing for Secretary of State'.

¹⁸ Minute FCO [junior official] to PS [FCO], 22 September 2000, 'Iraq: French Flight'.

¹⁹ Minute FCO [junior official] to PS [FCO], 8 February 2001, 'Iraq: UK/French Summit: Briefing for Secretary of State'.

²⁰ Statement, 4 May 2011, page 3.

“In Autumn 2000, ahead of the US Presidential election, the Government initiated a stock-take of Iraq policy in order to be ready to engage with a new US Administration, which was expected to undertake its own review, irrespective of who won the election.”²¹

20. Sir Peter Ricketts, Chairman of the JIC until September 2001 and subsequently FCO Political Director until July 2003, told the Inquiry that the Government’s view at this time was that “containment policy was failing and the rate of failure was accelerating”.²² Sir Peter set out the background to the review:

“We were very aware ... that international support for this structure of sanctions and deterrence was eroding, both in the region and in the Security Council.

“The net effect of that was that Saddam Hussein in Iraq was feeling pretty comfortable. He had substantial illegal revenues from which he could pursue patronage inside Iraq and continue the efforts to procure materials for his weapons of mass destruction programme. He was busy restoring his standing in the Arab world by very visible support for the Palestinian intifada, which was another major issue that was happening at that time.

“There were no inspectors in the country to inspect his weapons programme and the US/UK sanctions policy was ... unpopular. He was able to put the blame for the suffering of the Iraqi people on the West. So our review of the policy ... was really designed to try to regain the initiative ...”²³

21. The Inquiry heard different perspectives on the degree to which the policy of containment was sustainable.

22. Sir John Sawers, Mr Blair’s Private Secretary for Foreign Affairs from January 1999 to September 2001, told the Inquiry:

“... we [the UK Government] didn’t feel that our policy was failing; we felt that the policy of containment we had in place was having a significant effect. That there was still Iraqi activity, especially on chemical and biological elements, that was hard to explain. We couldn’t get our UN inspectors in place ... But the main concern was the costs of our policy in the wider Arab world and international opinion and the vulnerability we faced in terms of the monitoring of the No-Fly Zones.”²⁴

23. Mr Jonathan Powell, Mr Blair’s Chief of Staff from 1997 to 2007, told the Inquiry that “Containment was dying in 2001”, and that:

“The reason, in 2001, that people were looking at smart sanctions was because sanctions weren’t working. They were hurting the wrong people. People were really

²¹ Statement, 8 December 2010, page 2.

²² Public hearing, 24 November 2009, page 13.

²³ Public hearing, 24 November 2009, pages 14-15.

²⁴ Public hearing, 10 December 2009, page 22.

suffering in Iraq as a result. Saddam was cheating and getting what he needed out of it [the sanctions regime]. Support for sanctions was disappearing. There was no way we could continue containment on the same basis as we had before.”²⁵

24. On 29 September, Mr McKane commissioned the FCO to produce a paper which would:

- review progress in implementing the strategy on Iraq agreed by the Defence and Overseas Policy Committee of the Cabinet (DOP) in May 1999;
- weigh up the prospects for sustaining that strategy;
- assess the likely attitudes of the possible new US Administrations; and
- consider the issues that the UK would have to address with the US.²⁶

JIC Assessment, 11 October 2000: ‘Iraq after Saddam’

On 11 October, at No.10’s request, and in the context of (unsubstantiated) reports that Saddam Hussein was seriously ill, the JIC assessed the prospects for Iraq after Saddam’s death.²⁷

The JIC stated that any new regime was unlikely to be radically different. Strategic considerations and political, economic and commercial interests would produce strong pressure for an early and widespread end to Iraq’s isolation. Iraq’s political rehabilitation could be rapid, “overwhelming any voices of caution from London, Washington or elsewhere”.

25. Mr Alan Goulty, FCO Director Middle East and North Africa, sent a draft discussion paper, entitled ‘Iraq: Future Strategy’, to Mr McKane on 20 October.²⁸

26. The draft paper defined the UK’s objectives as “to limit Saddam’s ability to re-arm and develop WMD, and to reduce the threat Iraq poses to its neighbours”. Full implementation of resolution 1284 remained the best means to achieve that, but the resolution’s “shelf life” was limited. Without progress by summer 2001, it was likely to lose credibility. If Iraq was to be persuaded to comply with the resolution, it needed to be convinced that the resolution offered “something new” and that, if it complied, the UN would suspend and eventually lift sanctions.

27. The draft paper stated that the US had been “reluctant to contemplate lifting of sanctions as long as Saddam remains in power” and that there was a “perception that the US is less than wholly committed to implementation of SCR 1284 and the concept of suspension of sanctions, thus undermining the credibility of the approach”.

²⁵ Public hearing, 18 January 2010, page 21.

²⁶ Letter McKane to Goulty, 29 September 2000, ‘Iraq’.

²⁷ JIC Assessment, 11 October 2000, ‘Iraq After Saddam’.

²⁸ Letter Goulty to McKane, 20 October 2000, ‘Iraq’, attaching Paper [draft], [undated], ‘Iraq: Future Strategy’.

28. The draft paper recommended an early approach to a new US Administration. Both US Presidential candidates had limited their freedom of movement by stressing that they wanted to see sanctions tightened. The UK's "pitch" should be that implementation of resolution 1284 best served US and UK interests, and that the status quo was not sustainable:

"Support for the UK/US approach is diminishing. Our position in the Security Council is weakening over time ... UK/US policy remains deeply unpopular at street level. No matter how big the 'Oil-for-Food' programme may become, it is cumbersome and bureaucratic and will never be able to redress the deterioration of Iraq's infrastructure, the impoverishment of the middle classes and the stifling of normal economic activity. For as long as sanctions remain in place, responsibility for the humanitarian situation will be ascribed to the US and the UK."

29. The draft paper concluded:

"Containment, but a looser version, remains the best option for achieving our policy objectives towards Iraq. International support is vital if this is to be sustained. SCR 1284 delivered the balanced package envisaged in the May 1999 DOP paper. Need for some tactical adjustments to make policy sustainable in the medium term. Adjustments to the southern NFZ will be a key element. The US need to be convinced that we are better served with UNMOVIC [UN Monitoring, Verification and Inspection Commission] inside Iraq with sanctions suspended than by the status quo. Other alternatives remain unattractive at this stage."

30. The draft paper considered other strategic options, including "regime overthrow". It stated that this option "would command no useful international support" and commented:

"The US support for overthrow allows Iraq to claim with some justification that there is no point in complying with the SCRs as the US will never lift sanctions while Saddam remains in power."

31. The draft paper also set out the difficulties in sustaining the NFZs:

"Elements both here and in the US Government consider the zones largely ineffective, dangerous and presentationally damaging. Our legal basis is tenuous and we run the risk of a case against us at the ICJ [International Court of Justice]. It is also inconceivable that Iraq will accept UNMOVIC [inspections] without a deal on the NFZs.

"There are grounds unconnected with implementation of [resolution] 1284 to consider with the US withdrawing from the southern NFZ. But we could not avoid the charge that this was a retreat, unless it could be presented as being in response to a positive gesture from Iraq ... Otherwise, we would justify it on the grounds that UNMOVIC would not be able to operate safely and effectively in Iraq if the current level of confrontation was maintained; that we had other means of monitoring the

situation on the ground; and that, in the event of evidence of renewed oppression of the Shia, we would resume patrolling (although, in reality, this is most unlikely). We should maintain enforcement of the northern NFZ as a sign of our continued commitment to the Kurds ...

...

“Abandoning the SNFZ [southern NFZ] would be unpopular with the Kuwaitis who have come to regard it as vital for their defence. We would need to reassure them that we had other equally effective ways to fulfil our commitment to their defence and the containment of Iraq.”

32. Mr Simon Webb, MOD Director General Operational Policy, offered his comments on the draft paper in a letter to Mr McKane on 30 October.²⁹ He suggested that the Government needed to consider whether the conclusions agreed by DOP in 1999 “remained extant”. Mr Webb stated that he was “sceptical about Saddam’s susceptibility to inducements” and suggested that:

“A surer foundation would be to re-assess our strategic objectives for Iraq in a regional context, and then look imaginatively at the options – military but also others – for achieving them.”

33. The Cabinet Office chaired a meeting to discuss the draft paper on 31 October.³⁰ Officials concluded that the UK’s policy objectives had not changed but that a new US Administration was likely to review its position, starting from “a blank piece of paper”. In preparing to engage with the US, the UK should itself take a fresh look at possible approaches.

34. Officials commissioned a revised paper covering the wider context and the different options, including their military dimensions, setting out their advantages, disadvantages, opportunities and risks. The revised paper would inform discussions with the US.

JIC Assessment, 1 November 2000: ‘Iraq: Prospects for Co-operation’

35. On 1 November, with the US Presidential elections imminent, the JIC assessed the prospects for Iraq co-operating with resolution 1284.³¹ The JIC had judged in early 2000 that Saddam Hussein was unlikely to co-operate with resolution 1284 and allow inspectors back into Iraq until after those elections.

36. The JIC stated that the elements of resolution 1284 which were favourable to Iraq, such as abolishing the ceiling on approved oil exports and increasing the humanitarian programme, had been implemented. But Iraq continued publicly to reject the resolution and UNMOVIC. Unless UNMOVIC inspectors were allowed into Iraq, there could be no

²⁹ Letter Webb to McKane, 30 October 2000, ‘Iraq’.

³⁰ Letter McKane to Gouly, 31 October 2000, ‘Iraq: Future Strategy’.

³¹ JIC Assessment, 1 November 2000, ‘Iraq: Prospects for Co-operation with UNSCR 1284’.

progress towards lifting UN sanctions. The JIC stated that it had little direct intelligence on Saddam Hussein's thinking. It assessed that Saddam Hussein was "content to drag out any decision for as long as possible – at least until after the US election – he wants to see if the West will make a better offer".

37. The JIC stated that Saddam had "**good reason to remain intransigent in 2001**".

38. The JIC's Key Judgements included:

- Saddam Hussein felt "**little pressure to negotiate**", because the proceeds of oil smuggling and illegal trade had "increased significantly this year" and more countries were "increasing diplomatic contacts and trade".
- Saddam Hussein still wanted "UN sanctions lifted in due course, especially to reverse the decline in Iraq's military capability".
- A message from Mr Cook on 1 September to his Arab counterparts, which reminded them that if inspectors were allowed into Iraq sanctions could be suspended within six months, had been interpreted by Iraqi and other officials, and the UN Secretary General, "as a potential precursor to the **UK offering fresh ideas** which could be put to the US after the Presidential election. Even if this came to nought, Saddam would hope to see a gap open up between Washington and London."
- Saddam Hussein would "only contemplate co-operation with [resolution] 1284, and the return of inspectors to Iraq, if it could be portrayed as a victory". He would not agree to co-operate unless:
 - there was a "**UN-agreed timetable for the lifting of sanctions**. Saddam suspects that the US would not agree to sanctions lift while he remained in power";
 - he was "**able to negotiate with the UN in advance to weaken the inspection provisions**. His ambitions to rebuild Iraq's weapons of mass destruction programmes makes him hostile to intrusive inspections or any other constraints likely to be effective."
- Before accepting resolution 1284, Saddam Hussein would "try to obtain the **abolition of the No-Fly Zones**. He is also likely to demand that the US should abandon its stated aim to topple the Iraqi Government."

39. Mr Blair told Parliament on 1 November:

"We believe that the sanctions regime has effectively contained Saddam Hussein in the last 10 years. During this time he has not attacked his neighbours, nor used chemical weapons against his own people."³²

40. The US Presidential election was held on 7 November. The result was not declared until 12 December, after a recount in Florida.

³² House of Commons, *Official Report*, 1 November 2000, column 511W.

- 41.** Mr Goulty sent a revised paper, entitled 'Iraq: Options Paper', to Mr McKane on 15 November.³³
- 42.** The paper stated that sanctions were "fraying at the edges". Since the breach of the embargo on civilian flights on 22 September, over 40 civilian flights had landed in Baghdad "signalling to some the end of Saddam's isolation". Saddam Hussein's income from "sanctions busting" was "an all-time high" of around US\$1.5bn a year. Saddam believed that the situation was developing in his favour and was under no immediate pressure to resume co-operation with the UN.
- 43.** The paper considered the advantages and disadvantages of seven policy options:
- regime overthrow by supporting external and internal Iraqi opposition groups;
 - "Hard" containment;
 - continuing with the present policy;
 - "Soft" containment (a range of possibilities such as suspending sanctions and abandoning the southern NFZ);
 - lifting sanctions (except those relating to arms and WMD);
 - lifting sanctions plus regime overthrow by supporting external and internal Iraqi opposition groups; and
 - "Military action/lift sanctions"; the US and UK would conduct a bombing campaign, "declare that this has achieved our disarmament objectives", then lift sanctions.
- 44.** Mr Goulty advised that the paper contained no conclusions, given its primary purpose of providing background for discussions with the US.
- 45.** The Cabinet Office chaired a meeting to discuss the revised paper.³⁴ Summarising the main points of the discussion in a letter to Mr Goulty, Mr McKane stated that, with regard to Iraqi WMD:

"Our current objective is to eliminate Saddam's existing capabilities, and constrain his ability to reconstitute them. Although this appears anomalous in the context of our approach to other proliferators in the region, Iraq merits special treatment both because of its proven willingness to use WMD, and because of the requirement that the UN has placed upon it. This is the answer to the accusation of double standards.

...

"If UNMOVIC ever gets back into Iraq, that will not be the end of the story. If UNMOVIC does its job properly, Iraq will presumably try to obstruct it and sooner or later there will be an UNSCOM-style [UN Special Commission] confrontation. Unless we want to leave Saddam's finger on the trigger, we should not regard UNMOVIC as a long-term solution."

³³ Letter Goulty to McKane, 15 November 2000, 'Iraq' attaching Paper, [undated], 'Iraq: Options Paper'.

³⁴ Letter McKane to Goulty, 20 November 2000, 'Iraq: Future Strategy'.

46. Mr McKane also reported that the term “overthrow” was being interpreted in different ways. The “more muscular variants” appeared impractical. At the other end of the spectrum could be a “more rhetorical approach”, focusing international attention on the behaviour of Saddam Hussein’s regime.

47. Mr McKane set out the actions agreed at the meeting, including:

- the MOD would look at “military alternatives to the NFZs that still meet our fundamental objectives”;
- the FCO would prepare briefing for Ministers and senior officials for initial contacts with the new US team. That should not “prescribe options, but stress that we remain shoulder to shoulder with the US in tackling the problem and are willing to discuss with an open mind how best to achieve our objectives”; and
- no further drafts of the options paper were required.

JIC Assessment, 23 November 2000: ‘Iraq: Regional Rapprochement’

48. The JIC judged that Iraq’s relations with the Arab and Islamic world continued to improve, driven by trade and political factors.

49. On 23 November, at No.10’s request, the JIC assessed developments in Iraq’s regional relations.³⁵

50. The JIC’s Key Judgements included:

- Saddam Hussein was “**exploiting the crisis in Israel and the Occupied Territories to improve Iraq’s relations with the Arab and Islamic world ...** many Arab leaders now see revived relations with Iraq as a justified response to **perceived bias by Washington towards Israel and double standards on UN resolution**”.
- Most Arab countries now believed that “**economic sanctions against Iraq should be lifted**. But the Gulf States in particular are afraid of Saddam’s ambitions and will want military sanctions to continue while he remains in power.”
- Commercial ties between Syria and Iraq had “gathered pace this year. Oil smuggling and illegal trade is likely to increase further.” Syria would “remain cautious about forging closer political and military ties with Saddam”.
- Jordan and Egypt believed that “Iraq’s isolation ... is at an end” and both were “**likely to increase contacts and trade with Iraq**”.
- **Kuwait** would “not revive its relations with Baghdad while Saddam remains in power”. With the exception of Kuwait, all Gulf states were “likely to face **pressure for a further warming of relations with Baghdad**, especially if the crisis in Israel continues ...”
- Relations between Iraq and Iran were “**unlikely to change dramatically**”.

³⁵ JIC Assessment, 23 November 2000, ‘Iraq: Regional Rapprochement’.

51. The JIC stated that “Arab rapprochement with Iraq” was “being driven by trade and political factors over which the UK has little or no control”. The implication of that rapprochement was that there was less pressure on Iraq to comply with UN resolutions.

52. Mr Blair told officials that his preference was to link a shift on sanctions with the return of inspectors to Iraq, and asked Mr Robin Cook, the Foreign Secretary, for his advice on the approach to adopt with the US.

53. On 24 November, Mr Sawers wrote to Mr Blair advising:

“We face problems ahead on Iraq. Among the Arabs, only Kuwait sees Saddam as a real threat. Support for economic sanctions is weakening: many Arab countries see it as ‘punishment’ and think ten years is enough. And Arab perceptions of US and British support for Israel in the Palestinian crisis is accelerating the breakdown of the sanctions regime. We have been looking at the policy options, but there are no easy alternatives.”³⁶

54. Mr Sawers listed examples of “sanctions fatigue” and stated:

“Whether it is Bush or Gore, the incoming US Administration will look again at Iraq policy. Their first instinct will be to toughen, not weaken, the US approach and seek Saddam’s ouster. But short of invading Iraq, that is unlikely ... The US may also choose to view Iraq in the wider proliferation context, thus linking it with Iran, rather than as sui generis.”

55. Mr Sawers identified the issues the UK should consider:

- i. What is our view on continuing economic sanctions?
- ii. Should a shift on sanctions be linked with a return of the inspectors? ... But if UNMOVIC ever gets into Iraq, we will be back to the confrontations we faced with UNSCOM, and Saddam’s finger will remain on the trigger.
- iii. Should we continue with the No-Fly Zones? ... There is a tricky balance here.
- iv. What posture should we adopt on these issues with the incoming American Administration? ... I am inclined to raise these as questions, and include other alternatives such as stepping up our efforts to overthrow Saddam. We should go with ideas and concerns, not with a settled, revised policy. That way we can take the Americans through the pros and cons of all the options.”

56. Mr Sawers continued:

“My own view is that we ought to use the arrival of a new Administration to put Iraq policy on a more sustainable footing. We do not want Saddam to develop WMD or

³⁶ Minute Sawers to Prime Minister, 24 November 2000, ‘Iraq’.

threaten his neighbours. But nor do we want sanctions to just erode away, or allow Saddam to trigger recurring crises over the next five years. That argues for scaling back to targeted sanctions, while suspending broader economic sanctions; keeping control of oil revenues; and finding a way out of patrolling the southern NFZ.”

57. Mr Sawers also sent Mr Blair the JIC Assessment on developments in Iraq’s regional relations. Mr Sawers described it as providing “useful background” on how events were “combining to ease the pressure on Iraq and make it more difficult for us”.

58. Sir John Sawers told the Inquiry:

“It wasn’t absolutely clear whether UNMOVIC’s return to Iraq was desirable because it could have provoked another confrontation ... there wasn’t any great confidence that UNMOVIC would be any more successful than UNSCOM had been.

...

“There was no change in Iraqi attitudes, there was no readiness, really, on the Iraqi side to co-operate with the United Nations and we didn’t think that we could force Saddam through military action to accept an inspections regime.”³⁷

59. Mr Blair commented on Mr Sawers’ minute:

“My firm view is option (ii) [linking a shift on sanctions with the return of inspectors]. It puts sanctions to rest; gets inspectors back in and even if he [Saddam Hussein] plays around, at least it’s obvious. But Iraq policy is going nowhere at present and I am genuinely appalled by the human consequences.”³⁸

60. Mr McKane responded to Mr Sawers’ minute on 27 November, asking if there was “one further policy option”, of “dismissing” any thought of moving UNMOVIC into Iraq and instead working to enforce sanctions.³⁹ On the question of whether a shift on sanctions should be linked with the return of inspectors, Mr McKane commented that an inspection regime would not be a stable, long-term solution but it would help to justify publicly the suspension of sanctions.

61. Mr Sawers recorded Mr Blair’s views in a letter to Mr Cook’s Principal Private Secretary, Mr Sherard Cowper-Coles, on 27 November.⁴⁰ Copies of the letter were sent to the Private Offices of Mr Geoff Hoon, the Defence Secretary, and Sir Richard Wilson, the Cabinet Secretary, and to Mr McKane.

62. Mr Sawers described Mr Blair as feeling “uncomfortably positioned on Iraq policy at present”, and continued:

³⁷ Public hearing, 10 December 2009, page 16.

³⁸ Manuscript comment Blair on Minute Sawers to Prime Minister, 24 November 2000, ‘Iraq’.

³⁹ Minute McKane to Sawers, 27 November 2000, ‘Iraq’.

⁴⁰ Letter Sawers to Cowper-Coles, 27 November 2000, ‘Iraq’.

“The preferred option by far would be to implement SCR 1284, enabling the inspectors to return and sanctions to be suspended. But there does not seem to be much prospect of that happening any time soon. Meanwhile the human consequences of economic sanctions are pretty appalling, which is bad in itself and it gives critics an easy point of attack; and the pressures on Saddam are not that great.”

63. Mr Sawers stated that work was under way to review the policy options, in advance of discussions with the new US Administration. Mr Blair would welcome:

“... the Foreign Secretary’s views on the approach we should adopt, bearing in mind that the first instinct of a new [US] Administration will be to seek ways to unseat Saddam rather than to accommodate him”.

JIC Assessment, 1 December 2000: ‘Iraq’s Military Capabilities’

On 1 December, at the request of the Overseas and Defence Secretariat (OD Sec) and in response to the inter-departmental policy review on Iraq, the JIC assessed Iraq’s military capabilities.⁴¹

The JIC Assessment of Iraq’s ballistic missile and WMD capabilities, including whether they constituted a residual threat, is set out in Section 4.1. The JIC Assessment of the threat that Iraq posed to its neighbours is set out below.

The JIC stated that Iraq had lost nearly half its military strength as a result of the Gulf Conflict and the capability of what remains had “declined since 1991”. UN sanctions had “**successfully prevented the procurement of new weapons systems**” and had constrained equipment maintenance and repair.

The JIC’s Key Judgements included:

- A “**military offensive outside Iraq’s borders would be limited** by shortfalls in equipment and logistics”.
- “While **US/UK forces remain** deployed in the region and prepared to intervene militarily, **an attack on Kuwait is very unlikely**. But **if the southern No-Fly Zone and no-drive zone became defunct**, warning time for an attack would shorten ... Should deterrence fail, US/UK forces currently in the region might be insufficient to defeat an Iraqi attack.”
- “**If US and UK forces were withdrawn from the Gulf, and Saddam perceived that the west was no longer prepared to intervene militarily, he could try to re-take Kuwait**. In such circumstances he would succeed, **even with his current force levels**.”
- “**To rebuild its Armed Forces, Iraq would need military sanctions lifted**. This is unlikely while Saddam remains in power. But if it happened, it would take several years at least before Iraq’s capabilities increased to a level which would alter significantly the military balance in the region.”

⁴¹ JIC Assessment, 1 December 2000, ‘Iraq’s Military Capabilities’.

The JIC stated that, while there would be competing demands for resources if sanctions were lifted, “Saddam and any likely successor are likely to give **high priority**” to “**restoring military capability**”. The JIC continued:

“It would take comparatively less investment to revive some of Iraq’s WMD programmes. Although Saddam is unlikely to use such weapons, their development as a means of coercive diplomacy would give him an additional political tool to use in his attempts to re-establish his regional and international standing.”

64. Sir Christopher Meyer, British Ambassador to the US from 1997 to 2003, told the Inquiry that, on 6 December 2000, he met Dr Condoleezza Rice and, separately, Mr Karl Rove to discuss the priorities of the new US Administration.⁴² Dr Rice would become President Bush’s National Security Advisor and Mr Rove would become one of President Bush’s Senior Advisors.

65. Sir Christopher told the Inquiry that nuclear missile defence was at the top of the US list of priorities, with Iraq and the wider Middle East some way down. Sir Christopher described the US position on Iraq as:

“We need to look at this. Things aren’t going well. The policy of sanctions is in tatters, the smuggling, Saddam is getting away with blue murder. We need to do something ...”

66. Mr Cook agreed with Mr Blair that full implementation of resolution 1284 remained the UK’s best option and suggested that the UK should support efforts to clarify the ambiguities in the resolution concerning the process for lifting sanctions.

67. Mr Cook’s Private Secretary wrote to Mr Sawers on 15 December, setting out Mr Cook’s views.⁴³ Mr Cook agreed that full implementation of resolution 1284 remained “the best means of pursuing the UK’s policy objectives”. It would restore in-country control over Iraq’s WMD programmes, “get us off the hook of responsibility for the humanitarian situation”, and provide Iraq and the UK with an exit route from sanctions.

68. The “shelf life” of the resolution, however, was limited.

69. If Iraq was to be persuaded to comply with resolution 1284, it was “now clear that this will require the elaboration of a package of measures which is sufficiently attractive to lure the Iraqis in”. France had recently proposed that the P5 should begin to clarify the “ambiguities” in resolution 1284, in particular those concerning the process for lifting sanctions. The timing was not ideal (between US Administrations), but a package that had the support of the P5 would be hard for Iraq to ignore. Reaching agreement

⁴² Public hearing, 26 November 2009, pages 4-5.

⁴³ Letter Barrow to Sawers, 15 December 2000, ‘Iraq’.

within the P5 on a package of measures would “require some painful adjustments for ourselves and, even more so, for the Americans”.

70. The new US Administration was expected to carry out a full policy review. Mr Cook advised:

“We need to get in early and be prepared to press them hard. Their first instincts will be to look at tougher measures e.g. tighter sanctions, military action, greater emphasis on regime overthrow. None of these will have any credible support. Our pitch should be to persuade the US of the unattractiveness of these options and then convince them that SCR 1284 best serves our interests.”

71. On Mr Blair’s concerns over the humanitarian situation, Mr Cook advised:

“With the ‘Oil-for-Food’ programme likely to be worth US\$16bn this year, the situation on the ground is starting to improve. This has taken some of the sting out of the anti-sanctions campaign. But no matter how big the ‘Oil-for-Food’ programme may become, it is cumbersome and bureaucratic and relies on Iraqi co-operation. It will never be able to redress the deterioration of Iraq’s infrastructure, the impoverishment of the middle classes, and the stifling of normal economic activity.”

72. Mr Cook concluded:

“Containment through implementation of SCR 1284 remains the best option for now. To make this achievable we will need to convince the US that this best serves our objectives and that we should work to agree an implementation package which will unite the P5. The status quo is unsustainable and other options are unattractive.”

73. Mr Ross told the Inquiry that the “ambiguities” referred to by Mr Cook related to the final operative paragraphs of resolution 1284, which were “very complicated and ... set out a really tortuous route of how the inspectors go back in”.⁴⁴

74. Mr Ross commented that, although the UK was “quite happy with that rather tortured route”, it wanted P5 unity and “if the Russians and French said they wanted ... clarification, then we were prepared to have that discussion”.

Initial discussions with the new US Administration

75. According to published US accounts, Iraq was not seen as one of the highest priorities for the incoming Bush Administration.⁴⁵

76. As Section 1.1 describes, a number of senior US politicians had been calling for tougher action on Iraq since 1998. Some of those politicians became senior members of President Bush’s team.

⁴⁴ Public hearing, 12 July 2010, pages 35-36.

⁴⁵ Woodward B. *Plan of Attack*. Simon & Schuster UK, 2004; Haass RN. *War of Necessity, War of Choice: A Memoir of two Iraqi Wars*. Simon & Schuster, 2009.

77. Sir William Patey, Head of the FCO's Middle East Department from 1999 to March 2002, told the Inquiry that he was aware of "drumbeats" from voices in Washington who were talking about the possibility of regime change and arming Iraqi opposition groups, but that the UK's policy was "to stay away from that end of the spectrum".⁴⁶

78. Mr Webb told the Inquiry that "regime overthrow was ... mentioned [by US interlocutors] but it was quite clear that there was no proposition being put in our direction ... about regime change".⁴⁷

79. Sir Jeremy Greenstock, the UK Permanent Representative to the UN in New York from 1998 to July 2003, wrote in his statement to the Inquiry:

"For all the rumbling in the background, Iraq did not appear to be at the top end of the new Administration's list of priorities in those early Bush months."⁴⁸

80. Mr Jonathan Powell and Mr Sawers visited Washington on 14 January, where they met several members of President Bush's team, including Dr Rice.⁴⁹

81. Sir John Sawers told the Inquiry that Dr Rice had been "critical of the Clinton Administration's policy of talking tough but actually acting rather weakly and she included Iraq in that criticism".⁵⁰ His impression was of a US Administration which would "take a hard edged approach but would nonetheless want to work with the United Kingdom", and whose main concerns would be domestic:

"The issues about tax cuts and prescription drugs and social security reform were very much uppermost in the minds at the top of the [US] Administration rather than any specific foreign policy issue, apart from missile defence."

82. President Bush was inaugurated on 20 January.

83. In late January, the FCO's Middle East Department produced a paper which reassessed the UK's "fundamental interests" in relation to Iraq and recommended a new approach to promoting them.⁵¹ The UK's interests included:

- regional stability, including through the non-proliferation of WMD;
- preserving the credibility and authority of the Security Council;
- maintaining the coherence of UK policy, including on human rights, adherence to resolutions and non-proliferation;
- improving the humanitarian and human rights situation in Iraq;
- avoiding a US/UK split; and
- reducing the UK's isolation in the EU.

⁴⁶ Public hearing, 24 November 2009, pages 26-27.

⁴⁷ Public hearing, 24 November 2009, page 28.

⁴⁸ Statement, 27 November 2009, page 4.

⁴⁹ Meyer C. *DC Confidential: The Controversial Memoirs of Britain's Ambassador to the US at the Time of 9/11 and the Run-up to the Iraq War*. Phoenix, 2006.

⁵⁰ Public hearing, 10 December 2009, pages 5-6.

⁵¹ Paper FCO, January 2001, 'Iraq: A Fresh Look at UK Interests'.

84. The paper identified the UK's aims for Iraq and the Gulf Region and concluded that a number of them were "unachievable" while Saddam Hussein's regime remained in power.

85. The paper recommended that "Plan A" should be to persuade the US that full implementation of resolution 1284 best served US/UK interests.

86. If Iraq rejected that, the medium-term "Plan B" should be to restrict sanctions to arms, persuade Iraq's neighbours to enforce them more rigorously, end the Oil-for-Food (OFF) programme in "Baghdad-controlled Iraq", increase support to the Iraqi opposition, impose a travel ban and assets freeze on Saddam Hussein and his regime, and pursue the indictment of Saddam Hussein for war crimes. That would be presented as targeting policy more directly at his regime.

87. Sir Jeremy Greenstock called on Mr Cook on 29 January.⁵² On Iraq, Mr Cook stated that:

"... we were at stalemate, and the situation was deteriorating ... We had to find a means of sustaining our policy on WMD, but in a way that had a degree of international support and would be adhered to in the region ... A more focused form of sanctions was needed."

88. Mr Cook said that he would discuss Iraq with Mr Colin Powell, the new US Secretary of State, during his forthcoming visit to Washington.

89. Sir Jeremy responded that the UK should try to get the US to focus on stopping oil smuggling from Iraq. Mr Cook agreed.

90. Mr Cook visited Washington from 5 to 7 February.

91. In a briefing telegram for the visit, officials at the British Embassy Washington advised that the new US Administration believed the current position on Iraq was "unsustainable".⁵³ It wanted a "new approach to more effective containment which can be sold in the region as enlightened and at home as tougher".

92. The Embassy also advised that Iraq had been "at the top of [Secretary] Powell's pile"; the State Department, Department of Defense and the White House had been working intensively to put up advice on policy options.⁵⁴ Mr Donald Rumsfeld, the US Defense Secretary, and his Deputy, Mr Paul Wolfowitz, would incline towards more vigorous action to topple Saddam Hussein.

⁵² Letter FCO [junior official] to Pattison, 29 January 2001, 'UN Issues: Sir Jeremy Greenstock's Call on the Secretary of State: 29 January'.

⁵³ Telegram 115 Washington to FCO London, 2 February 2001, 'Your Visit to Washington: Key Issues'.

⁵⁴ Telegram 117 Washington to FCO London, 1 February 2001, 'Your Visit to Washington: Iraq'.

93. The Embassy highlighted the scale of US scepticism about the effectiveness of weapons inspectors and the concept of “narrower and deeper” sanctions.⁵⁵ Any agreement on easing sanctions would need to retain essential controls. The UK should persuade the US to agree to elaborate those controls “now, in a package that will bring the P5 back on board, and thus increase pressure on Saddam”. Simultaneously cracking down on smuggling would “tighten sanctions and squeeze the regime”. That would “require a lot of political will and creative solutions”, but would show that the UK was serious.

94. The FCO’s briefing for Mr Cook stated that the objectives of the visit were:

- “to reach broad UK/US agreement on a new joint approach and agree to early talks at official level before an inter-agency approach has been agreed in Washington”; and
- “to underline the importance of reaching P5 agreement on Iraq and broadening regional support for UK/US policy.”⁵⁶

95. The FCO advised:

“International support for our approach is fading fast. Divisions in the P5 and the collapse of the MEPP [Middle East Peace Process] have made key regional allies more uncomfortable with our current policy. We are increasingly isolated in the EU. We are held responsible for the suffering in Iraq, while memories of Saddam’s brutality fade ...

...

“Until Saddam goes we need to work for sustainable containment, focusing on WMD, through implementation of SCR 1284. This means a mixture of stick and carrot ...”

96. On 5 February, Mr Peter Westmacott, FCO Deputy Under Secretary (Wider World), sent Mr Cook a paper on the UK’s policy objectives and the emerging US position.⁵⁷ Mr Westmacott proposed that the UK’s aim should be to reach agreement on a “new, integrated approach” which offered “additional lures to Iraq to comply with [resolution] 1284”, but also increased “the cost to the regime of not doing so”, while “getting the Security Council back on the moral high ground”.

⁵⁵ Telegram 121 Washington to FCO London, 3 February 2001, ‘Your Visit to Washington: Iraq’; Telegram 117 Washington to FCO London, 1 February 2001, ‘Your Visit to Washington: Iraq’.

⁵⁶ Minute FCO [junior official] to PS [FCO], 2 February 2001, ‘Iraq: Secretary of State’s Visit to Washington: 5-7 February 2001’ attaching Brief FCO, [undated], ‘Iraq: Secretary of State’s Visit to Washington: 5-7 February 2001’.

⁵⁷ Minute Westmacott to Private Secretary [FCO], 5 February 2001, ‘Visit to Washington: Iraq’, attaching Paper, 5 February 2001, ‘Iraq: Talking to the Americans’.

97. Devising such a package should allow P5 unity to be restored, but was likely to mean persuading the US “that some of their ideas for punishing/over-throwing Saddam will have to be kept in reserve for now”.

98. Mr Westmacott offered a number of detailed suggestions for this package, including:

- a new, concerted effort to address oil smuggling;
- elaboration of how controls over oil revenues and imports could be relaxed after the suspension of sanctions;
- narrower and deeper sanctions, for as long as Iraq did not comply with resolution 1284; and
- incorporation of the NFZs into the package “on the basis of regional security needs ... as well as humanitarian protection”. That would be useful “given the problems at the London end over the maintenance of NFZ aerial patrols”.

99. Mr Westmacott stated that such a package would require a new resolution, and commented:

“But the best chance of getting agreement to a new resolution would lie in retaining [resolution] 1284 as the basis of the revised approach. The package itself nonetheless needs to be crafted in the expectation that Saddam will not comply. So it needs to be forthcoming enough to command P5 support but firm enough to remain relevant in the likely event that the carrots it contains fail to deliver Iraqi compliance.”

100. Mr Peter Gooderham, Counsellor in the British Embassy Washington, wrote to Mr Westmacott on 5 February to report on Mr Cook’s “briefing supper” in Washington.⁵⁸ Mr Cook had told officials that:

“... [resolution] 1284 was no longer sustainable. It made sense, not least in UNSC-handling terms, to keep it on the table ... we should accept that Saddam had no intention of complying with it. We should give up, therefore, the effort to get inspectors back into Iraq, and embark instead on a set of policies which did not depend on Iraqi co-operation for their sustainability.”

101. Mr Cook had outlined a new package, comprising:

- targeting sanctions at military and dual-use items: that would mean the US taking a less restrictive approach on contract “holds”;
- keeping financial controls in place, but seeking ways of facilitating the reconstruction of Iraqi infrastructure, in particular the oil industry;
- clamping down on smuggling;

⁵⁸ Letter Gooderham to Westmacott, 5 February 2001, ‘Iraq: Policy Review: Foreign Secretary’s Visit’.

- spelling out red lines in relation to Iraqi moves against Kuwait or the Kurds;
- setting out a “Contract for the Iraqi People (cf the FRY/Milosevic), offering a vision for Iraq post-Saddam”. The activities of the Iraqi opposition should be rolled into that;
- selling the OFF programme more convincingly as a humanitarian programme; and
- dispensing with the southern NFZ patrols.

102. Mr Cook also wanted to confront Secretary Powell on the scale of Iraq’s illegal oil trade.

103. In a manuscript comment on Mr Gooderham’s letter, Sir John Kerr, FCO Permanent Under Secretary, suggested to Mr Westmacott that the policy outlined by Mr Cook was unlikely to “survive in the cold light of a Washington morning”.⁵⁹ It seemed a recipe for infuriating allies in the Gulf (due to the proposal to dispense with the southern NFZ patrols) and would mean abandoning hope of P5 unity (because the ‘Contract with the Iraqi People’ suggested that the target was no longer the suspension of sanctions if Iraq stopped developing WMD, but Saddam Hussein himself). Sir John continued: “I much preferred the policy in your [Mr Westmacott’s] note. I wonder if he [Mr Cook] read it?”

104. Sir William Patey told the Inquiry that the ‘Contract with the Iraqi People’ had been developed in response to the US “drumbeats” for regime change in Iraq, and was:

“... our way in the Foreign Office of trying to signal that we didn’t think Saddam was a good thing and it would be great if he went, but we didn’t have an explicit policy for trying get rid of him.”⁶⁰

105. Mr Cook and Secretary Powell met on 6 February.⁶¹ The British Embassy Washington reported that they had discussed the need to regain the initiative on Iraq through a radical new approach to secure common objectives and to get the public emphasis back on Iraq’s WMD, including by moving from a sanctions debate to an arms control debate and narrowing the definition of dual-use items.

106. Mr Cook suggested working on a ‘Contract with the Iraqi People’ and that: “In return, we must bring smuggling under control, in particular by bringing the Turkish trade within Oil-for-Food.” Mr Cook pointed out that the US would have to “reduce drastically” the number of holds it had placed on Iraqi contracts.

⁵⁹ Manuscript comment Kerr on Letter Gooderham to Westmacott, 5 February 2001, ‘Iraq: Policy Review: Foreign Secretary’s Visit’.

⁶⁰ Public hearing, 24 November 2009, page 27.

⁶¹ Telegram 126 Washington to FCO London, 7 February 2001, ‘Foreign Secretary’s Meeting with Colin Powell: Iraq’.

107. Mr Cook stated that re-establishing inspections “should not be a test of the success of our policy, as this would require Saddam’s agreement”.

108. Mr Cook and Secretary Powell also discussed NFZs and agreed that US and UK “officials should meet very soon”. Secretary Powell planned to visit the region at the end of February.

109. In a subsequent meeting with US Vice President Dick Cheney, Mr Cook said that he had agreed with Secretary Powell that the focus should be put back on Saddam Hussein’s responsibility for the suffering of the Iraqi people, and his interest in acquiring WMD.⁶²

110. Reporting on his visit to Washington to Cabinet on 8 February, Mr Cook stated that the new foreign policy team in the US was “prepared to explore new ideas on Iraq, where they understood the need to regain the moral high ground”.⁶³

111. In the subsequent discussion, it was pointed out that it was a good time to review policy on Iraq because the UK Government was “losing the propaganda battle”.

112. In advance of Mr Blair’s meeting with Mr Jacques Chirac, the French President, at the UK/French Summit on 9 February, the FCO advised Mr Sawers that:

“The French have long argued that the key to enticing Iraq into co-operation and moving forward on sanctions is through ‘clarification’ of SCR 1284. An important element of this would be elaboration of the post-suspension modalities. The French are keen to revive bilateral talks on this topic which started promisingly 18 months ago but which tailed off as the US election approached and Iraq was put on the back burner.”⁶⁴

113. The FCO advised that Mr Blair should take a fairly non-committal line at the Summit.

114. The Inquiry has not seen a record of Mr Blair’s discussions with President Chirac at the Summit.

115. The FCO’s briefing for Mr Cook’s meeting with Mr Hubert Vedrine, the French Foreign Minister, at the Summit stated that Mr Vedrine was openly hostile to sanctions, which he had described as “cruel and ineffective”, and that he regarded the NFZs as “useless”.⁶⁵

116. In their meeting, Mr Cook encouraged Mr Vedrine to work with the US and the UK on Iraq.⁶⁶

⁶² Telegram 135 Washington to FCO London, 7 February 2001, ‘Meeting with Vice President Cheney, 6 February’.

⁶³ Cabinet Conclusions, 8 February 2001.

⁶⁴ Letter Sedwill to Sawers, 8 February 2001, ‘UK/French Summit, Cahors: Iraq’.

⁶⁵ Minute FCO [junior official] to PS [FCO], 8 February 2001, ‘Iraq: UK/French Summit: Briefing for Secretary of State’ attaching Briefing, [undated], ‘Iraq: UK/French Summit: Briefing for Secretary of State: 9 February’.

⁶⁶ Telegram 036 FCO London to Paris, 9 February 2001, ‘Foreign Secretary’s Tete-a-Tete with French Foreign Minister, 9 February’.

117. Mr Cook subsequently told Secretary Powell that he had suggested to Mr Vedrine that: “The aim should be to establish a common front between the Iraqi people and the West against Saddam.”⁶⁷

Review of the No-Fly Zones (NFZs)

118. Section 1.1 addresses the legal basis advanced by the UK for the creation and continued operation of the NFZs in northern and southern Iraq, and for the response to Iraqi attacks on aircraft enforcing the NFZs.

119. Operations in the NFZs and the targets which UK aircraft were permitted to attack were regularly reviewed and approved by Ministers.

Response Options (ROs)

The coalition established NFZs in the north and south of Iraq in 1991 and 1992 respectively (see Section 1.1).

With the agreement of Ministers, operational commanders were allowed discretion to respond in self-defence within the parameters of a number of graduated “Response Options” (ROs) defined as:

- RO1 – immediate self-defence. An aircraft in the air responding immediately to an Iraqi threat to it, or to another coalition asset, although not necessarily against the specific system directly causing the threat.
- RO2 – a coalition response against a pre-planned target to a threat during the course of a subsequent patrol on the same day.
- RO3 – a coalition response against a pre-planned target on the next patrolling day.⁶⁸

ROs 1 to 3 were dependent on there being a “triggering threat” in the form of a weapon fired or a radar illumination.

- RO5 – pre-emptive self-defence on the basis of demonstrated Iraqi hostile intent, such as a pre-emptive operation against mobile surface-to-air missile (SAM) assets. RO5 was introduced to counter Iraqi tactics of threatening coalition aircraft and then moving assets before coalition aircraft could respond.

Any proposal to carry out an attack that did not fall within the parameters defined within ROs 1 to 3 and RO5 was classified RO4 and required Ministerial approval.

The agreed rules placed a limit on the number of targets that could be attacked in any single response (six); and on the number of attacks that could be carried out within any seven-day period (four).

From November 2000, the UK Commander was not authorised to commit to an RO attack where civilian casualties were expected.⁶⁹ By March 2001, UK forces no longer relied on delegated authority in cases where the risk of collateral damage to civilian buildings was considered higher than “low”.⁷⁰

⁶⁷ Telegram 69 FCO London to Washington, 12 February 2001, ‘Foreign Secretary’s Telephone Conversation with Secretary Powell, 11 February’.

⁶⁸ Email SEC(O)1-S to PS/Hd of MoDLA-S, 9 July 2001, ‘ROs’.

⁶⁹ Letter Hemming to Brummell, 19 December 2001, ‘Iraq NFZs: Response Option Triggers’.

⁷⁰ Letter Hemming to Berman, 6 March 2001, ‘Iraq – RO5 Target’.

120. Sir Christopher Meyer told the Inquiry that, throughout 2000, concern grew about how long the NFZs could legally be sustained and about how to respond if an aircraft was shot down.⁷¹ Those concerns were greater in the UK than in the US.

JIC Assessment, 13 December 2000: ‘Impact of the NFZs on Iraqi Persecution’

121. On 13 December 2000, at the request of Lord Williams of Mostyn, Attorney General from 1999 to June 2001, and the FCO, the JIC assessed the persecution of ethnic and religious communities in Iraq and how it was constrained by the NFZs.⁷²

122. The JIC’s Key Judgements were:

- Saddam Hussein’s regime saw Iraq’s Kurds and Shia as a threat and discriminated against them politically and in the allocation of resources. Human rights abuses had extended to the use of military force. **“Since 1991, international monitoring and coalition enforcement of the NFZs had constrained but not prevented this persecution”.**
- In the north, Saddam Hussein wanted to regain full control of the Kurdish Autonomous Zone. Iraq’s military forces were positioned to re-take the territory.
- Abolition of the northern NFZ would weaken the US “red line” and have a major impact on Kurdish confidence. **“Any resistance [to a military assault by Saddam Hussein] would be put down brutally and scores settled, inducing a refugee crisis comparable to 1996”.** If the Kurds united to resist Saddam Hussein, a full-scale attack to re-take the north would lead to a **“major humanitarian crisis comparable to 1991”.**
- In the south, Saddam used his security forces “to destroy villages, assassinate Shia clerics and execute suspects and their families”.
- If the southern NFZ were withdrawn, Iraqi air power would be used “to enhance operations now conducted by ground forces”. Such attacks would give Saddam Hussein more military options and **“add to Shia misery”.** But Saddam did not need to kill or injure more Shia to achieve his current objectives.
- “Wide international support at the creation of the NFZs in 1991-92 has faded, especially since 1998. The NFZs are increasingly seen as an obstacle to progress on Iraq at the UN. Iraqi propaganda is effective in falsifying and exaggerating civilian casualties and collateral damage.”

123. The JIC Assessment did not satisfactorily address all Lord Williams’ questions.

124. On 21 December, Lord Williams’ Private Office wrote to Mr Patey asking for further information and clarification on a number of points relating to the situation in the areas

⁷¹ Public hearing, 26 November 2009, pages 19-20.

⁷² JIC Assessment, 13 December 2000, ‘Impact of the NFZs on Iraqi Persecution’.

covered by the two NFZs.⁷³ This was to be in the form of a joint FCO/MOD response “agreed, as appropriate, with the Assessments Staff”.

125. On 12 January 2001, in response to the November 2000 commission to look at military alternatives to the NFZ (described earlier in this Section), Mr Webb wrote to Mr McKane advising that:

- The elimination of Saddam Hussein’s WMD capabilities could not be achieved without inspections. Air power alone would not be sufficient.
- There might be scope for adjusting the northern NFZ, to limit patrolling to the Kurdish Autonomous Zone only or to rely on patrolling within Turkish air space.
- The picture was “rather different” in the South. The southern NFZ remained justified on humanitarian grounds. More importantly, it was essential to the UK’s objective of preventing Saddam Hussein from endangering regional stability by threatening his southern neighbours.⁷⁴

126. On 17 January, Mr McKane chaired a meeting to discuss Iraq.⁷⁵ Officials agreed that the MOD should look at “possible options” for the southern NFZ with the US, including reduced coalition patrols and responses and reliance on some form of “active deterrence”. Officials also noted that Lord Williams was reviewing the legal justification for the NFZs.

127. Officials agreed that it would be necessary to draw together for Ministers the various threads relating to Iraq, after progress had been made in discussions with the US. A further meeting was envisaged in “a month or so, subject to developments”.

128. On 29 January, Mr Patey responded to the Attorney General’s request of 21 December 2000 for further information relating to the NFZs.⁷⁶ Mr Patey advised that the letter had been agreed with the MOD and the Cabinet Office.

129. Mr Patey advised:

“Both the UK and US have made it clear to Iraq and publicly that we will take military action if Iraq moves to reconstitute its WMD capability or threaten its neighbours. The US has in addition stated that they would take action if Iraq moved to attack the Kurds. While we have not made the same explicit commitment, any Iraqi attack on the Kurdish area ... would be very difficult for the British Government to ignore. Our interests ... are likely to argue strongly in favour of a response. This would however depend to a large extent on the circumstances ...”

⁷³ Letter Berman to Patey, 21 December 2000, ‘Iraq: No Fly Zones’.

⁷⁴ Letter Webb to McKane, 11 January 2001, ‘Iraq: Future Military Options’ attaching Paper MOD, 11 January 2001, ‘Containing Iraq: Future Military Options’.

⁷⁵ Letter McKane to Gouly, 17 January 2001, ‘Iraq’; Brummell to McKane, 22 January 2001, ‘Iraq’.

⁷⁶ Letter Patey to Berman, 29 January 2001, ‘Iraq: No-Fly Zones’.

130. The detailed work on whether there were alternative means of achieving UK objectives in the NFZs, which had been undertaken in early 2000 and endorsed by Ministers (see Section 1.1), had concluded that regular patrols of the NFZs:

“... afforded the most effective means of performing the mission at the lowest risk. Work conducted in the context of the current review exercise has indicated that in relation to the south this remains the case.”

131. There might be scope for adjustment in the north but the “full implications” of the options for that would “require further study”. Human rights monitors might provide a means to monitor the situation on the ground. Successive resolutions had called on Iraq to allow them entry but Iraq had refused. Mr Patey advised:

“In the longer term the best guarantee against attacks on the civilian population is a change of regime and the establishment of a democratic government ... It is difficult, however, to envisage measures which directly lead to the overthrow of the current regime which would also be consistent with international or domestic law.”

132. It was “extremely difficult to verify” Iraqi claims that civilians had been killed or injured as a result of coalition action in either NFZ. The UK could not “make any sensible estimate of the number of people ... who have been killed or injured as a result of coalition action in self-defence since January 1999. What we do know is that the vast majority of Iraqi claims are spurious, and that the actual number of civilians who have been affected by coalition action is likely to be very much smaller than Baghdad would have the world believe.”

133. There was nothing to alter the JIC Assessment of 13 December 2000. Officials were looking separately at whether there might be a justification for the existence of the southern NFZ in terms of the defence of Kuwait.

134. US proposals for a response to Iraqi military activity against aircraft patrolling the southern NFZ highlighted the urgency of resolving the legal basis for the NFZs.

135. On 30 January, an FCO official invited Mr Cook to agree that the RAF should participate in a US-led attack on five targets north of the 33rd parallel, outside the southern NFZ, and a further target within the southern NFZ.⁷⁷ UK aircraft were to attack the target within the NFZ and provide cover for US aircraft involved in the attacks further north. A UK tanker would be used to refuel US aircraft.

136. The official reported the MOD’s assessment: improvements to the Iraqi air-defence system (IADS), to provide secure links between early warning radars outside the southern NFZ and missile and anti-aircraft artillery batteries within the NFZ, could

⁷⁷ Minute FCO [junior official] to PS [FCO], 30 January 2001, ‘Iraq: No Fly Zones; Proposed RO 4’.

“in a worst case scenario” reduce the warning of an approaching Iraqi missile to “as little as five or six seconds”.

137. Mr Webb told the Inquiry why the proposed attack was necessary.⁷⁸ Iraqi surface-to-air missiles and anti-aircraft artillery contesting the NFZs had previously been controlled by radars close to those weapon systems:

“What they [the Iraqi military] perfected was to move the radars back north of 33 degrees north ... up around Baghdad, and then to provide information to the surface-to-air missiles and the anti-aircraft artillery by fibre-optic links ...

...

“What that meant was that there was a risk that the aircraft would find themselves patrolling, and suddenly, instead of being illuminated by a radar close to them that they could identify, something much further back would be controlling a missile which would suddenly come their way.

“This made the operation of considerably more risk ...

“That target set was very, very carefully considered for, not only the basic legality, but there were also questions about proportionality and risk to civilian casualties ...”

138. Lord Williams was briefed on the proposed attack by MOD and FCO officials on 30 January.⁷⁹

139. Later that day, Mr David Brummell, the Legal Secretary to the Law Officers, wrote to Mr Martin Hemmings, the MOD Legal Adviser, recording that Lord Williams was “satisfied that a proportionate attack on the target could ... be justified in the context of allied operations in the southern No-Fly Zone”.⁸⁰ Mr Brummell wrote that Lord Williams noted the:

“... assurance provided by FCO officials at today’s briefing meeting that without the No-Fly Zones, they would be confident that further oppression would result on a scale comparable to that which led to the grave humanitarian crisis and the establishment of the Zones in 1991 and 1992. **In the absence of that categorical assurance, the Attorney General would not have felt able to advise as ... above. If that assurance no longer holds firm, he declines to approve the target.**”

⁷⁸ Public hearing, 24 November 2009, page 141.

⁷⁹ Letter Brummell to Hemming, 30 January 2001, ‘Iraq: Target’.

⁸⁰ Letter Brummell to Hemming, 30 January 2001, ‘Iraq: Target’.

140. Mr Patey responded to Mr Brummell the following day, stating:

“Underlying this assessment there are different shades of view as to the likelihood of a grave humanitarian crisis ... We are urgently consulting Ministers on this question.”⁸¹

141. On 1 February, Mr Goulty advised the Private Offices of Mr Cook and Sir John Kerr:

“The Attorney General has said he approves the target of a proposed US/UK attack north of the southern No-Fly Zone ... but only on the basis of a specific assurance from the FCO, which we cannot honestly give. The JIC assessment of 13 December 2000 reflects our views, but the Attorney General regards this as insufficient. Our failure to join in this attack would risk a major disagreement with the US on the eve of the Foreign Secretary’s visit to Washington, and increase the threat to our pilots in the SNFZ.

“The Attorney General’s position on the target reflects his long-standing concerns about the continued legality of the SNFZ, and his wish to revisit this question as soon as possible.”⁸²

142. Emphasising the urgency of the issue, Mr Goulty recommended:

“... that the Foreign Secretary speak to the Defence Secretary with the aim of a joint approach to the Attorney General to persuade him to approve this target on political and military grounds, without prejudice to his urgent re-examination of the legal basis of the SNFZ. Legal Advisers concur.”

143. Mr Goulty also advised that the Cabinet Office had been asked “to convene urgently the official committee on Iraq to review what assessment might properly be given to the Attorney General”.

144. Sir John Kerr wrote to Mr Cook’s Private Office, endorsing Mr Goulty’s proposal and commenting:

“I think the Dep[artmen]t, and the Legal Advisers, are right, on the wider issue of the legality of the SNFZ, that we cannot allow the Attorney to put in our mouths a ‘categorical assurance’ ... about which we can’t honestly be categorical. But he knows what he’s doing: his motive is his concern to secure a real review of the basis of the SNFZ. So I agree with the proposal for a Hoon/Cook approach, from which he would get an undertaking that such a review would start forthwith, Hoon would in exchange get the removal of an impossible condition on the AG’s authorisation of the target, and the SofS [Secretary of State] would get the removal of the risk that, just as he has his first meeting with [Secretary] Powell, politico-military Washington believes the UK has gone soft on Iraq.”

⁸¹ Letter Patey to Brummell, 31 January 2001, [untitled].

⁸² Minute Goulty to PS/PUS [FCO] and PS [FCO], 1 February 2001, ‘Iraq: Southern No Fly Zone’.

145. Mr Brummell responded to Mr Patey's letter of 31 January on 2 February, stating that Lord Williams had "repeatedly underlined the need" to keep the lawfulness of activities in the NFZs "under review" and had "requested an update of the humanitarian situation in both the north and the south of Iraq".⁸³

146. Mr Brummell pointed out that Lord Williams had "not however received ... a clear and definitive assessment of whether, in the event UK and US operations in the southern No-Fly Zones were to cease, extreme humanitarian distress would result on a scale comparable to that which led to grave humanitarian crisis and to the establishment of the zones in 1991 and 1992".

147. Mr Brummell concluded:

"The Attorney is profoundly concerned that, in the absence of a clear and definitive assessment, he is not in a position to take a view as to the legal arguments regarding the continuing operations by UK forces in the No-Fly Zones. He stresses that in these circumstances it is absolutely imperative that he receives **at the very earliest opportunity** a clear and definitive view, endorsed at the highest level, as to the assessment of the humanitarian consequences that will ensue in the event that such operations cease."

148. Mr Sawers showed Mr Brummell's letter to Mr Blair.⁸⁴ In an accompanying note he wrote:

"Jonathan [Powell] mentioned this to you. Gareth [Lord Williams] is demanding unreasonable assurances, and if he persists will force us to stop enforcing/patrolling the southern NFZ.

"Geoff [Hoon] will see Gareth on Monday and has asked me or Jonathan to go with him. I have told him you would be furious if we end up having to stop working with the Americans, whilst we and they are reviewing policy, and just before your first meeting with Bush."

149. Mr Sawers wrote in manuscript on Mr Brummell's letter: "Utterly unreasonable letter."⁸⁵ Against Mr Brummell's reference to a humanitarian crisis comparable to the scale of 1991 and 1992, Mr Sawers wrote: "Ludicrously high standard."

150. Mr Blair replied: "Unbelievable."⁸⁶

151. Officials from the Cabinet Office, the MOD and the FCO made strenuous efforts in the days immediately following the receipt of Mr Brummell's letter to agree the terms of

⁸³ Letter Brummell to Patey, 2 February 2001, 'Iraq'.

⁸⁴ Note (handwritten) Sawers to Blair, [undated], [untitled].

⁸⁵ Manuscript comment Sawers on Letter Brummell to Patey, 2 February 2001, 'Iraq'.

⁸⁶ Manuscript comment Blair on Note Sawers to Blair, [undated], [untitled].

a joint response. Officials met on 2 and 5 February and draft responses were prepared and circulated.⁸⁷

152. Mr McKane judged that the difficulty in providing the Attorney General with the “clear and definitive assessment” he had requested was sufficiently important to bring to the attention of the Cabinet Secretary.

153. On 2 February, Mr McKane advised Sir Richard Wilson’s Private Office that it was proving extremely difficult to provide the Attorney General with the “clear and definitive assessment” that he had requested of the consequences of ceasing operations in the southern NFZ.⁸⁸

154. Mr McKane stated that the consequences of having to cease operations would be “very serious and far reaching, not only for the defence of Kuwait and Saudi Arabia but also the transatlantic relationship”.

155. Mr Hoon and Mr Brian Wilson, the newly appointed FCO Minister of State for the Middle East, met Lord Williams on 5 February to discuss the issue.

156. Mr Sawers advised Mr Blair on 7 February:

“We (including Geoff Hoon, and FCO and MOD officials) were close to satisfying the Attorney’s concerns with a letter which showed that the northern and southern NFZs were linked – if we stopped in the South, we would have difficulty persuading Turkey to agree to continued patrols in the North; and that there was an unacceptably high risk of humanitarian crisis (i.e. somewhere in Iraq) if we stopped patrolling the southern NFZ. But Robin [Cook] has refused to endorse the argumentation, and if the link between the two NFZs is removed, as he wishes, we are unlikely to persuade Gareth [Lord Williams]. Our planes would then have to stop patrols [of the southern NFZ] forthwith.”⁸⁹

157. A meeting with Mr Cook and Mr Hoon had been arranged for the following day. In the meantime “enforcement action is on hold, and an already once-delayed strike has been put back a second time”.

158. The Inquiry has not seen a record of that meeting.

159. Mr McKane wrote to Mr Brummell on 8 February, in response to his letter to Mr Patey of 2 February.⁹⁰ Mr McKane advised that the response had been “endorsed by the Foreign and Defence Secretaries”, and stated that:

⁸⁷ Letter McKane to Goulty, 2 February 2001, ‘Iraq’; Letter McKane to Webb, 2 February 2001, ‘Iraq’; Letter McKane to Cowper-Coles, 6 February 2001, ‘Iraq’.

⁸⁸ Minute McKane to Abel, 2 February 2001, ‘Iraq’.

⁸⁹ Minute Sawers to Prime Minister, 7 February 2001, ‘Iraq’.

⁹⁰ Letter McKane to Brummell, 8 February 2001, ‘Iraq’.

“Given the demonstrated unpredictability of Saddam Hussein’s regime, it is impossible to make definitive judgements capable of being ascribed [with] absolute certainty when considering what might occur in any given hypothetical situation. The recent JIC paper ... [of 13 December 2000] reflects this uncertainty. But we can, based on past experience and informed assessment of the nature of that regime, arrive at assessments to which we attach a high degree of confidence.”

160. Mr McKane repeated the JIC’s Assessment of the risks of withdrawing both the southern and northern NFZs, and added:

“In the event that UK and US operations in the southern No-Fly Zone were to cease, no one can predict with absolute certainty how Saddam Hussein would act or what the consequences would be for the Shia population. Air power would give Saddam more military options. He used air power, including helicopter gunships, against the Shia population in 1991 and 1992. If the southern No-Fly Zone were lifted, he would do so again. More effective persecution of the Shia would add to their misery, and would risk provoking another cycle of uprising and brutal repression. A grave humanitarian crisis would result ...

“In addition, any judgement on the utility of the southern No-Fly Zone in preventing a humanitarian disaster must take into account the likely impact on our ability to prevent one in the north. We believe that, if UK and US operations in the southern No-Fly Zone were to cease, it would be more difficult to sustain the necessary political support for the northern No-Fly Zone ...

“Our overall judgement remains that there is an unacceptably high risk that, in the event that we cease patrolling the southern No-Fly Zone, extreme humanitarian distress would result on a scale comparable to that which led to grave humanitarian crisis and the establishment of the Zones in 1991 and 1992.

“This assessment will be kept under review. The judgement it contains could change if alternative arrangements for preventing further humanitarian catastrophe in Iraq emerge from the review of policy ... on which we and the US Government are now embarked.”

161. Lord Williams asked to see earlier drafts of the letter before responding.⁹¹

162. The Attorney General concluded that it was still possible on balance to argue that the maintenance of the NFZs was justified, although that argument was now more questionable.

163. Mr Brummell replied to Mr McKane on 12 February, setting out Lord Williams’ views.⁹² Mr Brummell reiterated a number of points made in previous letters. He also wrote:

⁹¹ Letter McKane to Cowper-Coles, 6 February 2001, ‘Iraq’.

⁹² Letter Brummell to McKane, 12 February 2001, ‘Iraq: No Fly Zones (NFZs)’.

“... the Law Officers have previously accepted that a respectable legal argument that force is justified on grounds of overwhelming humanitarian necessity can be made if:

- (a) there is convincing evidence, generally accepted by the international community as a whole, of extreme humanitarian distress on a large scale, requiring immediate and urgent relief;
- (b) it is objectively clear that there is, in all the circumstances, no practicable alternative to the use of force if lives are to be saved; and
- (c) the proposed use of force is both necessary and proportionate to the aim being pursued (i.e. the relief of humanitarian need) and is strictly limited in time and scope to that aim: that is to say, that it is the minimum necessary to achieve that end.”

164. Mr Brummell stated that Lord Williams had:

- noted the assessments in the letters from Mr Patey and Mr McKane;
- noted that the assessment in relation to the southern NFZ appeared “weaker than that provided in ... January 2000”;
- noted the statement in Mr McKane’s letter of 8 February, that “if UK and US operations in the No-Fly Zones were to cease, it would be more difficult to sustain the necessary political support for the northern No-Fly Zone”, but considered it “questionable whether any weight may be attached to this in considering the legal justification for the southern No-Fly Zone”;
- stressed that “every effort must be made to avoid incidental loss of civilian life, injury to civilians and damage to civilian objects”. Given the difficulties in assessing casualties, Lord Williams stressed that it was possible for him to take a view on the legal justification of the NFZs only “on the understanding that Ministers are satisfied that every effort is indeed made to avoid civilian casualties”; and
- noted the “significant diminution of international support for the Zones, and indeed in some cases overt criticism ... in contrast to the wider consensus in favour of the establishment of the Zones in 1991 and 1992”.

165. Mr Brummell continued:

“Having regard to the above points the Attorney considers that it is now more questionable whether a respectable legal argument can be maintained that force is justified on grounds of overwhelming humanitarian necessity. However, on the basis of the assurances set out in your [Mr McKane’s] letter of 8 February the Attorney accepts that it is still **possible** on balance to argue that the maintenance of the No-Fly Zones is justified as a necessary and proportionate use of force to prevent a humanitarian crisis. He stresses that the judgement as to whether such an argument can still be advanced is a very fine one.

“The Attorney reiterates that such a legal basis for the existence of the Zones cannot justify military action for other, ulterior motives such as action to punish Saddam Hussein, or to enforce other UK or US objectives such as the maintenance of the security of neighbouring states.

“The Attorney also emphasises that it is vitally important to keep constantly in view the precarious nature of the legal basis for UK and US action in the No-Fly Zones. It was not yet generally accepted that there is a right in international law to prevent or avert a humanitarian catastrophe ... there is a considerable body of legal opinion which holds that such a right was not at present clearly established in international law.”

166. Mr Brummell stated that Lord Williams “would be grateful for a further update of the situation in the north and south of Iraq, consideration of alternatives to the maintenance of the Zones, and information on any civilian casualties associated with UK and US operations in relation to the Zones”, by the end of May 2001.

167. Mr Sawers showed Mr Brummell’s letter to Mr Blair, and in a handwritten note which accompanied it he wrote:

“The Attorney has finally backed down, at least for now ... But it is going to be difficult to sustain at least the southern NFZ for much longer – it scarcely meets the criteria.”⁹³

168. UK and US attacks on targets north of the southern NFZ took place on 16 February. The effect of the attacks is considered later in this Section.

Mr Blair’s meeting with President Bush, 23 February 2001

169. On 9 February, the JIC assessed that Iraq was covertly working on long-range missile systems, but would be unable to achieve an operational capability while sanctions remained effective (see Section 4.1).⁹⁴

Cabinet Office advice

170. Following Mr Cook’s visit to the US in early February 2001, Mr Sawers wrote to Mr Emyr Jones Parry, FCO Political Director, emphasising the need to have:

“... an agreed HMG [Her Majesty’s Government] approach, approved by the Prime Minister before we go too far down the road of UK/US consultations ... we need to have a clear sense of what we want if we are to shape US thinking.”⁹⁵

171. There appeared to be three important issues “on which to clear our minds”:

- The objective of the policy. Mr Jones Parry’s recent talks in Washington had identified “Saddam and weapons of mass destruction as the main issues ...

⁹³ Note (handwritten) Sawers to Prime Minister, [undated], ‘Iraq: NFZ’.

⁹⁴ JIC Assessment, 9 February 2001, ‘Long Range Ballistic Missile Threat’.

⁹⁵ Letter Sawers to Jones Parry, 8 February 2001, ‘Iraq: UK/US Talks’.

Containing the threat against Iraq's neighbours, seen from here, should be at least as important as the WMD factor. That was the original casus belli ...”

- “What do we mean by ‘narrower and deeper’ sanctions?” Mr Jones Parry’s talks appeared to conceive of a two-phase approach, first focusing on enforcing essential sanctions only and then (after the implementation of resolution 1284), the suspension of sanctions. But what sanctions would there be left to suspend if sanctions were narrowed before resolution 1284 was implemented?
- How UNMOVIC inspections fitted into the policy.

172. Mr Sawers stated that the Cabinet Office was in the lead in ensuring that the issues he had raised, and other issues, were “worked through inter-departmentally”, and suggested that a paper should be put to Ministers before the end of the month.

173. On 12 February, Mr McKane circulated a draft ‘Note by Officials’ highlighting the key issues on Iraq that “needed to be settled in the course of the review of Iraq policy”.⁹⁶

174. The draft note stated that UK policy objectives and containment strategy remained valid. The UK’s main aims were to get the US to accept that:

- “Even if we were to conclude that it is preferable not to deploy UNMOVIC, we need to be seen to be working through the UN rather than unilaterally, and with the support of the P5 and the rest of the UNSC [UN Security Council] if possible ...
- We need to neutralise the sanctions issue and win back the moral high ground ... To achieve this, we need a much more targeted sanctions regime, which does not affect ordinary people. We should move in this direction now, and not wait for Saddam to sign up to UNSCR 1284.”

175. Mr Sawers responded to Mr McKane, commenting that the approach set out in the note was:

“... too status-quo oriented. Our shared concern is that the present policy is crumbling, but the only proposal for adjusting it is to restrict the scope of sanctions. The Americans are in the market for something much more radical ... to sustain a containment strategy, if necessary for the next eight years.”⁹⁷

176. Mr Sawers’ view was that Ministers, including Mr Blair, would want to consider a much more radical transformation of Iraqi policy. He suggested focusing on “our three key objectives”:

- i) The defence of Kuwait and Iraq’s neighbours from Iraqi aggression ...
- ii) Blocking WMD build-up ... either an inspection regime along SCR 1284 lines ... or a monitoring regime based outside Iraq ...
- iii) Humanitarian relief ...”

⁹⁶ Letter McKane to Goult, 12 February 2001, ‘Iraq’ attaching Note [draft], [undated], ‘Iraq (A Note by Officials)’.

⁹⁷ Minute Sawers to McKane, 12 February 2001, ‘Iraq’.

177. Such an approach would allow the US and UK “to agree to end purely economic sanctions and to stop patrolling the southern NFZ without the requirement for a quid pro quo from Saddam Hussein”. It would give the US and UK (rather than Iraq) sustained control over the policy and address the threat of Iraqi aggression and the plight of the Iraqi people. It was likely to entail some additional costs, possible including the deployment of additional troops to the region.

178. Mr Jon Day, Chief of the Assessments Staff, responded to Mr McKane questioning whether the draft note overstated the Iraqi threat to Kuwait: “The JIC has judged that Iraq would not move against Kuwait while the West maintains substantial forces in the region.”⁹⁸

JIC Assessment, 14 February 2001: ‘Iraq: Economic Sanctions Eroding’

On 14 February, at the request of the FCO, the JIC provided an updated assessment on the erosion of economic sanctions against Iraq.⁹⁹

The JIC’s Key Judgements included:

- Saddam Hussein faced “**no economic pressure to accept UNSCR 1284**” because he was “**successfully undermining the economic sanctions regime**”.
- Through “abuse of the Oil-for-Food programme and smuggling of oil and other goods”, Saddam Hussein would “**be able to appropriate in the region of US\$1.5bn to US\$1.8bn in cash and goods in 2001, slightly up on 2000**”. There was scope for earning even more “if new surcharges, and commissions [on contracts] became the accepted norm”.
- “**Iranian interdiction efforts**” had “**significantly reduced smuggling**” in the Gulf but Saddam had “**compensated by exploiting land routes**”.
- The “**apparent success of the ... border trade agreement**” had “**encouraged other front-line states** to respond to Baghdad’s initiatives to improve economic ties”. Those states were “**in the fore-front of efforts to test the enforceability of the sanction regime**”.
- “**Most countries believe that economic sanctions on Iraq are ineffective, counterproductive and should now be lifted**. Without active enforcement, the **economic sanctions regime will continue to erode** as the front-line states increase their trade links with Iraq and as Saddam’s officials devise more ways to capture the revenue from OFF [programme] oil sales.”

The JIC assessed that, encouraged by the success of the Iraq/Turkey border agreement, there had been a “significant increase in the erosion of sanctions over the last six months”.

The JIC estimated that, in 2001, oil smuggling could generate up to US\$650m and abuse of the OFF programme through bribes, surcharges and “commissions” up to US\$600m.

⁹⁸ Minute Day to McKane, 15 February 2001, ‘Iraq’.

⁹⁹ JIC Assessment, 14 February 2001, ‘Iraq: Economic Sanctions Eroding’.

The Jordan/Iraq trade protocol was worth around US\$400m. Smuggling of non-oil goods could produce up to US\$150m.

The JIC stated that, since December 2000, OFF programme exports had halved as Baghdad tried to force oil buyers to pay surcharges of up to US\$0.5 a barrel into unsupervised accounts. Most oil companies had refused to pay. The surcharge had then been halved and oil sales had increased.

The JIC stated that the Iraqi leadership believed that the new US Administration would be “unable to prevent further deterioration” of the UN embargo.

The JIC stated that there was “broad international consensus to **maintain the arms embargo** at least as long as he [Saddam Hussein] remains in power”. While there had been “some leakage” of air-defence equipment, spares for military equipment and armoured vehicles and dual-use goods, there was “no evidence that major equipment, such as complete weapon systems” had been imported. Saddam Hussein wanted “sanctions lifted because the UN arms embargo has severely limited Iraq’s capacity to re-build and re-equip its military”.

179. Mr McKane sent a final version of the note to Mr Sawers on 15 February.¹⁰⁰

180. The note stated that, since the 1991 Gulf Conflict, the UK’s policy objectives towards Iraq had been “in the short term to reduce the threat Saddam poses to the region, including by eliminating his WMD programmes; and, in the longer term, to reintegrate a territorially intact Iraq as a law abiding member of the international community”. Those objectives remained valid, although the UK “should recognise that we are unlikely to rid Iraq completely of WMD and avoid presenting this as our main aim”.

181. The note summarised the key elements of the policy of containment as:

- **WMD disarmament**, through inspections and monitoring. Since Operation Desert Fox and the withdrawal of UNSCOM, this has been on ice ...
- **Sanctions**, which have become increasingly controversial. There is still widespread support for the arms embargo, and for controls on dual use materials with plausible application to WMD programmes ... But there is an increasing sense that economic sanctions are unfair to the Iraqi people, ineffective as a means of pressuring the regime, and indeed counter-productive because Saddam and his cronies benefit disproportionately from the smuggling which undermines the sanctions ...
- **Controls on Iraq’s oil revenues**, through the UN escrow account and the Oil-for-Food (OFF) programme. These are important in preventing Saddam from diverting revenue to conventional or WMD re-armament ...
- **Military containment**, including through the No-Fly Zones (NFZs).”

¹⁰⁰ Minute McKane to Sawers, 15 February 2001, ‘Iraq’, attaching Note Cabinet Office, 15 February 2001, ‘Iraq’.

182. On WMD, the note stated that:

“Neither UNMOVIC nor any other arrangement (including bombing) will provide a guaranteed way of ridding Iraq completely of WMD. A robust UNMOVIC presence in-country would undoubtedly constrain Iraqi WMD activity but not prevent it ...

“... Departments do not agree whether UNMOVIC entry [in]to Iraq would be, on balance, desirable or undesirable.”

183. On the outcome of the review of the military need for the NFZs, the note stated that they had become a “target for criticism” and a “double-edged weapon”, and that:

“The humanitarian role for the NFZs remains valid but this is increasingly disputed. The southern NFZ also plays a key role in current contingency plans for the defence of Kuwait, providing tactical intelligence of Iraqi moves and a chance to counter them from the air, buying time to reinforce Kuwait itself ... Some are tempted to cease patrolling the NFZs and focus more on other means of deterring Iraq and defending its neighbours. Departments disagree on the implications of this. But the UK and US military assessment is that – **if Ministers still wanted to defend Kuwait rather than planning on ejecting an Iraqi force which had succeeded in occupying it – without the southern NFZ, the US and UK collectively would need to station up to three additional armoured brigades in Kuwait, and augment the current land- and sea-based strike capability (i.e. aircraft and cruise missiles).**”

184. On the possibility of regime change, the note stated that:

“Most US officials, to widely varying degrees, believe that their Iraq policy should include the promotion of change in the country’s Government ...

“... aggressive rhetoric on this subject tends to be counter-productive in the region, particularly when it cannot be backed up by practical success.

“But there is a case for including the promotion of change as part of our policy rather than simply assuming an indefinite stalemate. Some movement in this direction is likely to be essential to keep the US on board. We could certainly do more to hold out to the Iraqi people the prospect of a brighter future post-Saddam – a sort of contract with Iraq. This could include a better co-ordinated US/UK information campaign, and more work with the Iraqi opposition in exile (though there is some scepticism over their credibility and usefulness). We could also consider more support for INDICT’s campaign¹⁰¹ to bring Saddam and some of his cronies to justice for war crimes.”

¹⁰¹ INDICT was established in 1996 to campaign for the creation of an ad hoc International Criminal Tribunal – similar to those established for the former Yugoslavia and Rwanda – to try leading members of Saddam Hussein’s regime on charges of war crimes and crimes against humanity, including genocide and torture.

185. The note concluded:

“Whatever we do, we need to move to ‘smarter’ (but better enforced) sanctions and recapture the moral high ground. We cannot achieve complete WMD disarmament, but we should aim to contain Iraqi activity: UNMOVIC may be the best way of doing this, but there are downsides to having UNMOVIC in Iraq and, anyway, Saddam is unlikely to agree to their presence on Iraqi territory.”

186. Sir John Sawers told the Inquiry that, in relation to regime change:

“A lot of these ideas were modelled on the successful policy that we had been pursuing in relation to Serbia and President Milosevic. All these elements, a contract with the Serbian people, information flows, indictments of the leader and support for the opposition had brought down President Milosevic a few months earlier, it was successful regime change policy.”¹⁰²

187. Mr Cook’s Private Office wrote to No.10 on 20 February, advising that Mr Cook agreed with much of the Cabinet Office note of 15 February but that he was “concerned that it reflected military priorities at the expense of broader diplomatic and political issues”.¹⁰³ In his view, the Iraqi risk to Kuwait if patrolling ceased in the southern NFZ was overstated: “Saddam should be in no doubt that should he move against Kuwait, the US/UK response would be massive.” Mr Cook also questioned the suggestion in the note that the alternative to the southern NFZ would be a need to station up to three additional armoured brigades in Kuwait. He believed the UK should strongly discourage the US from more active patrolling and advised that the UK should keep its distance from the US policy of supporting Iraqi opposition groups in exile.

188. Mr Cook concluded: “Ultimately, however robust our military planning, our policy can succeed only if there is a degree of international consensus.”

189. Mr Cook also asked to speak to Mr Blair to discuss the line he would take at Camp David.

190. The Inquiry has not seen a record of a conversation between Mr Blair and Mr Cook on Iraq at this time.

No.10’s advice

191. Mr Sawers advised Mr Blair on 16 February that there was “one piece of hard policy to discuss with President Bush and Colin Powell”: Iraq.¹⁰⁴ The US had started a policy review and wanted to “get a new policy in place in the next month”. No decisions were yet needed, but Mr Sawers suggested Mr Blair would want to familiarise himself with the subject as President Bush would ask for his views.

¹⁰² Public hearing, 10 December 2009, page 11.

¹⁰³ Letter Sedwill to Sawers, 20 February 2001, ‘Iraq: Policy Review’.

¹⁰⁴ Minute Sawers to Prime Minister, 16 February 2001, ‘Iraq: Policy Review’.

192. Mr Sawers set out the main issues and posed a number of questions, including:

- “Do we really want UN inspectors to go back into Iraq while Saddam remains in power?” They might constrain Iraq’s WMD programme but their presence would allow Saddam Hussein to provoke regular crises.
- “Could we stop enforcing the southern NFZ?” Military views differed, and it was not just a military judgement.
- “How can we play up the prospects for Iraq once they get rid of Saddam?” Mr Sawers advised that: “A Contract with Iraq (like the one we offered to Serbia) is possible. But I think we have to resist those Americans who want to fund a 1980s Afghanistan-style insurgency, as that will only trigger a humanitarian catastrophe through Iraqi repression.”

193. Mr Sawers advised that, in his view, the Security Council should maintain a strong grip on Iraqi oil revenues while moving to substantially lighter sanctions, ease up on the pressure to get inspections back into Iraq, while making it “more explicit” that there would be a military response if Iraq attacked a neighbour or reconstituted its WMD.

Attacks by coalition aircraft north of the southern NFZ, 16 February 2001

194. On 16 February, US and UK aircraft attacked elements of the Iraqi air-defence system. Six targets were engaged; five were north of the boundary of the southern NFZ.

195. The attacks were controversial. Mr Tony Benn, in his capacity as President of Labour Action for Peace, wrote to Mr Blair seeking the recall of Parliament.¹⁰⁵

196. There was a strong reaction in the Arab world.

Government statements on the 16 February attacks

On 16 February 2001, US and UK aircraft attacked elements of the Iraqi air-defence system. Six targets were engaged; five were north of the boundary of the southern NFZ.

Mr Blair issued a statement on the attacks the following day.¹⁰⁶ He stated that Saddam Hussein was pursuing a policy of “total control” over the people of Iraq, and was “ready to engage in systematic repression”, in particular of the Kurds in the north of Iraq and the Shia in the south. The NFZs were part of a wider effort to contain the threat posed by Saddam Hussein. Without them, he would be able to move his troops freely and “repress his own people mercilessly, including by using helicopter gunships as he did in 1991 and 1992”. The attack by coalition aircraft had been “a limited operation” with the sole purpose of defending the aircrew patrolling the NFZs.

¹⁰⁵ Letter Benn to Blair, 16 February 2001, [untitled].

¹⁰⁶ Gov.uk, 17 February 2001, *Statement by the Prime Minister, Tony Blair, London, Saturday 17 February 2001*.

An MOD press statement on the same day stated that the attacks were conducted in self-defence in response to repeated Iraqi threats to coalition aircraft.¹⁰⁷ Iraqi air defences had been increasing the frequency of their attacks using sophisticated command and control arrangements, posing an increasing threat to coalition aircraft.

Mr Hoon told the House of Commons on 26 February:

“Since January 1999, Saddam’s air defence units have made sustained and concerted efforts to shoot down United Kingdom and United States aircraft. During that period there have been more than 1,200 attempts to target them, using surface-to-air missiles and anti-aircraft artillery. Coalition aircraft are legally authorised to respond to those attacks in self-defence. They do so entirely in accordance with international law, attacking only those military facilities that contribute, as part of the Iraqi integrated air defence system, to the threat to coalition aircraft ... Over recent weeks, the Iraqis have significantly increased their efforts, amounting to a qualitative and quantitative increase in the threat. In January, there were more surface-to-air missile attacks than in the whole of 2000. The Iraqis have used new tactics, including the use of radars and command centres located outside the southern zone to cue offensive systems within it. That threat to our Service Personnel is real and present. The operation on the evening of 16 February was therefore planned and carried out against that background. It was a proportionate response in self-defence, taken solely to reduce the risk to our aircrew carrying out routine humanitarian patrols of the southern No-Fly Zone.”¹⁰⁸

197. Mr Sawers advised Mr Blair that as a result of the attacks there was now more attention on Iraq, and that having to defend the NFZs so publicly made it more difficult to move back from them.¹⁰⁹

198. Mr Sawers proposed developing benchmarks against which to gauge the present policy. Those were:

- Effectiveness, in containing the threat from Iraq against its neighbours; in preventing Saddam building up his WMD; and in preventing a new humanitarian crisis;
- Sustainability, so that we have a policy which we can keep going for as long as Saddam remains in power, if necessary the next six to eight years. That entails having and retaining the support of both the countries of the region and our own public. A new P5 consensus would also help; and
- Control, so that Saddam cannot dictate each step. We have had better control in the last two years than we had before, and we should be careful not to give it up.”

199. An internal FCO minute on the 16 February attack, which was produced later that month, stated that the Pentagon’s decision to play up the operation was a serious

¹⁰⁷ Gov.uk, 17 February 2001, *Air attacks on Iraq: Statement by the Ministry of Defence*.

¹⁰⁸ House of Commons, *Official Report*, 26 February 2001, column 620.

¹⁰⁹ Minute Sawers to Prime Minister, 20 February 2001, ‘Iraq: After the Bombing’.

misjudgement that had fuelled international criticism, particularly from key allies such as Turkey and Saudi Arabia:

“By trailing a full-scale live briefing once the operation was under way, they [the Pentagon] fuelled media hype and speculation that this was a major change in our military posture and, possibly, a repeat of Operation Desert Fox ... The Foreign Secretary [Mr Cook] is also concerned that while we have emphasised that the operation had been solely to protect our pilots, President Bush took the line that the primary aim of the attack was to send a message to the Iraqi regime. This is unhelpful from both a presentational and legal point of view.”¹¹⁰

200. In her memoir, Dr Rice wrote that, although she had been briefed on the operation in advance, she had not appreciated the scale and nature of the attack.¹¹¹ The operation had coincided with – and disrupted – President Bush’s first meeting with President Vicente Fox of Mexico. Dr Rice wrote that the reaction to the attack in the US media had been positive, including comments that the attacks had “sent a timely signal” to Iraq that the new US Administration would “not shy away from using force to contain any new Iraqi military threat”.

201. Mr Webb told the Inquiry:

“I don’t think we [the UK Government] did a very good job of explaining what was going on, in public. We certainly probably didn’t help ... the new US Administration to do a very good job of explaining it ...

“... what it looked like from the point of view of people ... particularly in the region, was that suddenly, we [the US and UK] pushed the campaign north, we were up around Baghdad and it appeared something had happened and was that presaging something they ... had been reading about, regime change.”¹¹²

202. Sir William Patey accepted that there was a risk of misinterpretation:

“I think when the MOD first proposed this operation, there was really the odd frisson in the Foreign Office, not because of its legality ... We were worried [that] ... the scale of the operation could be misinterpreted. Here we had a new American Administration coming in that at least had a history of a more aggressive stance towards [Iraq] ...

“So I think in the Foreign Office we were worried that this might be misinterpreted as a sort of military assault on Iraq, and that was not the intention.”¹¹³

¹¹⁰ Minute FCO [junior official] to Patey, 27 February 2001, ‘Iraq: NFZs: RO4’.

¹¹¹ Rice C. *No Higher Honour: A Memoir of My Years in Washington*. Simon & Schuster, 2011.

¹¹² Public hearing, 24 November 2009, page 142.

¹¹³ Public hearing, 24 November 2009, pages 143-144.

203. Sir John Sawers told the Inquiry that No.10 had, perhaps, not been as involved as it might have been in discussion of the 16 February attack:

“This was briefed to the Prime Minister but both we and the White House were a bit surprised ... because we weren’t fully involved in the discussions of the timing and it happened at short notice on a Friday night ... a week or so before the Prime Minister went off to Camp David.

“The timing was coincidental ... It did in many ways serve to underline the difficulty of maintaining the policy on No-Fly Zones.”¹¹⁴

204. Sir John Sawers agreed with the Inquiry that there had been uproar in the Middle East about the intensity and location of the attacks. He continued:

“And I think that was very much on Vice President Cheney and President Bush’s minds, that there had been a sharp reaction. And in a sense it gave force to the argument that we needed to move to a better targeted policy.”

205. Lord Williams of Baglan, a Special Adviser to Mr Cook from 2000 to 2001 (and subsequently to Mr Straw until July 2005), told the Inquiry that Mr Cook had been “concerned that the attack had not merited Ministerial authorisation”; and that he feared “it was the harbinger of a more assertive US stance on Iraq”.¹¹⁵

Mr Blair’s meeting with President Bush at Camp David

206. At his first White House press conference in February 2001, President Bush said that he would “review options as to how to make the sanctions work”.¹¹⁶

207. On 23 February, before travelling to Camp David, Mr Blair met Vice President Cheney in Washington.¹¹⁷ Mr Blair argued that the sanctions regime was not perfect, but that it had restrained Saddam Hussein.

208. Mr Blair told the Inquiry that Iraq was not a top priority for his meeting with President Bush at Camp David.¹¹⁸

209. Sir Christopher Meyer told the Inquiry that the two foreign policy issues at the top of the agenda were the anti-ballistic missile treaty and nuclear missile defence.¹¹⁹

210. Sir John Sawers told the Inquiry that Iraq had been the first subject discussed at Camp David:

“... not because it was the most important but because Colin Powell ... was about to depart for the region and ... he [President Bush] wanted to deal with Iraq first so

¹¹⁴ Public hearing, 15 December 2009, page 48.

¹¹⁵ Statement, 9 January 2011, page 3.

¹¹⁶ The White House Archive, 22 February 2001, Press Conference by the President.

¹¹⁷ Letter Sawers to Cowper-Coles, 24 February 2001, ‘Prime Minister’s Meeting with Vice President Cheney, Washington, 23 February 2001’.

¹¹⁸ Public hearing, 29 January 2010, page 8.

¹¹⁹ Public hearing, 26 November 2009, pages 11-12.

that Colin Powell who was in charge of reviewing policy could be there and take part in discussions. President Bush ... was concerned about our policy, that we had sanctions that the regime was evading but which were impacting on Iraqi children. He was concerned about the vulnerability of US pilots monitoring the No-Fly Zones and he wanted to get to a more realistic policy, as he described it. And Colin Powell set out some elements which were very close to our own thinking, that the widespread sanctions should be replaced by controls on weapons, [and] that we should tighten the border monitoring around Iraq with a view to ensuring that those controls we retained were effective. But once we were confident that they were effective ... the wider sanctions could be suspended and in due course lifted.

“There was a debate about the No-Fly Zones that he wanted to pursue, and some of the Condoleezza Rice ideas on regime change, i.e. political elements, not military elements, also featured in the discussion, but the fundamental one was to narrow down sanctions to those that were most important.

“... Prime Minister Blair welcomed these thoughts and this approach, agreed that we should retain control on Iraq’s oil revenues, but that our broad approach should be to narrow the scope of sanctions to those elements which were really most important to us and at the same time ensure that information about what life would be like – if Saddam were to be removed by the Iraqi people – what would that look like, [was available] ...

“So actually that was quite close alignment of thinking between President Bush and Prime Minister Blair. They agreed that the Foreign Ministers should work more closely together ... and that they would stay in touch on the development of policy thinking but there was broad common ground established on Iraq at the meeting. There were very few issues of difference at Camp David and that certainly wasn’t one of them.”¹²⁰

211. Sir John went on to clarify his reference to “controls on weapons”:

“... what the Americans were thinking which was in line with our own thinking ... was that sanctions should be narrowed to an arms embargo and dual-use goods that could be used in a weapons of mass destruction programme. [Secretary] Powell made clear that he was most concerned about Iraq’s activities on chemical and biological weapons and that there was a range of dual use goods here that should be properly controlled and should be subject to sanctions but the wider range of trade sanctions should be removed.”¹²¹

212. The Inquiry asked Sir John whether the policy that developed later, to threaten the use of force to secure entry for UNMOVIC inspection teams, was a “gleam in anybody’s eye” at this time. Sir John told the Inquiry:

¹²⁰ Public hearing, 10 December 2009, pages 13-15.

¹²¹ Public hearing, 10 December 2009, pages 15-16.

“Not really because there wasn’t any great confidence that UNMOVIC would be any more successful than UNSCOM had been ... and we didn’t think that we could force Saddam through military action to accept an inspections regime.”¹²²

213. The record of the Camp David meeting, produced by Mr Sawers, stated that the US and UK agreed on the need for a policy on Iraq which was more widely supported in the Middle East region.¹²³

214. As a result of the policy of the previous 10 years, Iraq was not as large a threat as it could have been (including to Kuwait); but Saddam Hussein was still pursuing WMD (he had done little on the nuclear side).

215. In Mr Blair’s view, the approach should be to:

- refocus sanctions on those items which Saddam Hussein really needed;
- control his money supply but allow him to use it for non-military economic advancement; and
- retain the capacity for military action.

216. Mr Blair stated that we should not say that we were relaxing our policy because sanctions had not worked.

217. Mr Blair concluded that we must improve our public presentation. He suggested that the approach should be presented as a “deal” comprising four elements:

- do the right thing by the Iraqi people, with whom we have no quarrel;
- tighten weapons controls on Saddam Hussein;
- retain financial control on Saddam Hussein; and
- retain our ability to strike.

218. The record also reported a subsequent conversation between Mr Sawers and Dr Rice. Dr Rice had agreed with Mr Sawers’ assessment that “we were still a long way from having a new policy on Iraq”. Mr Sawers commended the work of INDICT and stated that the UK favoured charging Saddam Hussein and a few others with war crimes; but the indictments should not go too wide as others needed an incentive to move against Saddam Hussein. Mr Sawers also set out Mr Cook’s idea of a ‘Contract with the Iraqi People’, in which there was some interest.

219. On the follow-up to the talks, Mr Sawers suggested:

“... we need to start doing more detailed work on the sanctions aspects ... perhaps we should now produce our own detailed paper on what steps to take ... We are

¹²² Public hearing, 10 December 2009, pages 16-17.

¹²³ Letter Sawers to Cowper-Coles, 24 February 2001, ‘Prime Minister’s Talks with President Bush, Camp David, 23 February 2001’.

likely to receive clear American proposals on the military aspects ... We should try to do the work for them on sanctions.”

220. Mr Blair told Cabinet on 1 March that the visit had gone well and that a number of issues, including Iraq, had been discussed.¹²⁴

221. Mr Blair gave no detail of the discussion at Camp David in his memoir but he wrote that:

“In the months that followed the visit ... I probably thought more about Iraq than he [President Bush] did.”¹²⁵

Developing a new policy on Iraq, spring 2001

222. MOD and Cabinet Office officials met on 23 February to probe the assumptions underlying the military assessment of the additional forces required to defend Kuwait in the absence of the southern NFZ.¹²⁶

223. Mr McKane reported the conclusions of the meeting:

“The message for Ministers which comes out of all of this is that, provided US and UK forces remain in theatre, it is unlikely that Saddam would seek to exploit the abolition of the southern No-Fly Zone by attacking Kuwait. However, there remains a slight possibility that Saddam would order an attack and the southern No-Fly Zone plays an important part in our plans for defending Kuwait in such circumstances ...

“In judging whether the risk of an attack by Saddam would be so small that we could afford to abolish the southern No-Fly Zone, Ministers would have to keep in mind that, in the absence of the No-Fly Zone, it might be impracticable to maintain our existing air forces in the region.”

224. Mr Webb told the Inquiry that the MOD was concerned about the greater cost of alternative methods to protect Kuwait:

“... the No-Fly Zones ... had a side benefit of risk reduction. Because we were flying over southern Iraq most of the time, we knew what the military situation was on the ground, and that gave us some time, if there had started to be a build-up of another repeated attack on Kuwait ... it would have given us the opportunity to interdict any ground force movements which were the start of an attack on Kuwait and some time to reinforce, but those two things together actually allowed us to be in the rather comfortable position of having a not very expensive military operation ... It allowed us to manage without big ground force deployments ...”¹²⁷

¹²⁴ Cabinet Conclusions, 1 March 2001.

¹²⁵ Blair T. *A Journey*. Hutchinson, 2010.

¹²⁶ Letter McKane to Webb, 28 February 2001, 'Iraq'.

¹²⁷ Public hearing, 24 November 2009, pages 49-50.

Defining the new UK policy framework

225. According to published US accounts, on 1 March Secretary Powell was “given the task of devising a plan and strategy to refocus the UN economic sanctions on weapons control” at a meeting of National Security Council “Principals”.¹²⁸ President Bush also asked for “a better military plan in the event that a pilot was shot down” over Iraq.

The National Security Council and Principals Committee

The US National Security Council (NSC) was established in accordance with the provisions of the National Security Act of 1947 to “advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security so as to enable the military services and the other departments and agencies of the Government to cooperate more effectively in matters involving the national security.”¹²⁹

In March 2001, President Bush directed that attendees should include the President, the Vice President, the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, and the National Security Advisor.¹³⁰ The Director of Central Intelligence and the Chairman of the Joint Chiefs of Staff were required to attend as statutory advisers.

Others who were directed to attend, as required, included: the Chief of Staff to the President; the Assistant to the President for Economic Policy; Counsel to the President; the Attorney General; the Director of the Office of Management and Budget; and the heads and senior officials of other executive departments and agencies.

The NSC Principals Committee was established in 1989 as a forum for consideration of policy issues affecting national security. President Bush directed that its membership should have as regular attendees the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Chief of Staff to the President, and the National Security Advisor.

The Chief of Staff and National Security Advisor to the Vice President, the National Security Advisor and the Deputy National Security Advisor were required to attend all meetings of the NSC/PC.

Others who were directed to attend, as required, included: the Director of Central Intelligence; the Chairman of the Joint Chiefs of Staff; the Attorney General; the Director of the Office of Management and Budget; Counsel to the President; the Secretary of Commerce; the United States Trade Representative; the Assistant to the President for Economic Policy; the Secretary of Agriculture; and the heads and senior officials of other executive departments and agencies.

226. In parallel, the UK began to define a new policy framework for Iraq.

227. The new framework sought to contain more effectively the military threat from Iraq by introducing a revised set of controls focusing on military

¹²⁸ Woodward B. *Plan of Attack*. Simon & Schuster UK, 2004.

¹²⁹ Section 101, National Security Act of 1947 (PL 235 – 61 Stat. 496; U.S.C. 402), amended by the National Security Act Amendments of 1949 (63 Stat. 579; 50 U.S.C. 401 et seq.).

¹³⁰ National Security Presidential Directive (NSPD-1) 13 February 2001 (approved for release 13 March 2001).

programmes and oil revenues, while lifting sanctions on civilian trade. It also sought to build a wider consensus for “fundamental change inside Iraq, while respecting Iraq’s territorial integrity”.

228. The new framework would require a new UN resolution.

229. Sir Jeremy Greenstock told the Inquiry that:

“The US and the UK ... began to revise their policy approach to concentrate on four elements: narrowing and deepening sanctions so that they applied much more directly to weapons systems; making it clear publicly that WMD were the priority and that inspectors needed to return (but with sufficient powers to avoid Iraqi manipulation of them); tightening controls on Iraqi oil revenues; and otherwise ensuring the best possible containment of Iraq through the No-Fly Zones, control of smuggling and eventually the full implementation of SCR 1284.”¹³¹

230. On 7 March, Mr Sawers sent out a revised version of “the proposed new policy framework on Iraq”, incorporating comments from the FCO, the MOD and the Cabinet Office.¹³² Mr Sawers advised that the paper should be submitted to Mr Cook, Mr Hoon and Mr Blair in advance of discussions between US and UK officials in Washington.

231. Mr Sawers’ covering letter highlighted the fact that the paper included a number of “implicit deals”:

- sanctions on civilian trade would be ended in return for co-operation from Iraq’s neighbours to bring all Iraqi oil revenues under UN control;
- France and Russia would secure more efficient approval procedures, with the Iraqi Government having more freedom to buy civilian goods, in return for agreement on continued UN control of oil revenues;
- civilian flights would be regularised in return for UN inspection of cargoes at the borders;
- assets of “non-regime” Iraqis would be unfrozen and private sector trade permitted in return for targeted sanctions on those around Saddam Hussein;
- a new consensus would be sought on the need for fundamental change inside Iraq, while respecting Iraq’s territorial integrity; “pending such change, military measures (including the No-Fly Zones) would have to be at least tolerated”; and
- resolution 1284 would remain part of the policy and “many of the benefits for Iraq would be brought forward without the need for Iraqi compliance”.

232. The paper set out a number of “headlines”:

“A revised set of controls would be introduced as soon as possible, focused on Iraq’s WMD and military programmes. Purely economic sanctions would cease. In return,

¹³¹ Statement, 27 November 2009, page 2.

¹³² Letter Sawers to Cowper-Coles, 7 March 2001, ‘Iraq: New Policy Framework’ attaching Paper, [undated], ‘Iraq: New Policy Framework’.

Iraq's neighbours would bring an end to illegal oil exports and give practical support to enforce the revised controls. UN control of oil revenues would be retained. SCR 1284 would remain on the table with modest incentives for Iraqi compliance. Meanwhile, UNMOVIC would retain a role outside Iraq.

“The NFZs would continue with patrolling patterns that minimise risk and possibly a smaller area of coverage ... We will work for fundamental change in Iraq, and will issue a ‘Contract with the Iraqi People’. A renewed effort would be made to secure regional acceptance of this framework.”

233. The paper did not repeat the advice in the 15 February version of the paper that departments did not agree on whether UNMOVIC's entry into Iraq would be desirable or undesirable but advised that, if Iraq complied with resolution 1284, UNMOVIC would operate inside Iraq.

234. The paper set out the “New arrangements to be introduced straight away”, including:

- “Replace sanctions with controls ... to focus on military and dual-use goods, as listed in a revised Controlled Goods List”;
- improved border monitoring; and
- Iraqi oil revenues to remain under UN control and illegal trade to be brought within the scheme.

235. Those arrangements would require a new resolution.

236. On “regime change”, the paper stated:

“The US and UK would re-make the case against Saddam Hussein. We would issue a Contract with the Iraqi People, setting out our goal of a peaceful law-abiding Iraq, fully reintegrated into the international community, with its people free to live in a society based on the rule of law, respect for human rights and economic freedom, and without threat of repression, torture and arbitrary arrest. The Contract would make clear that the Iraqi regime's record and behaviour made it impossible for Iraq to meet the criteria for rejoining the international community without fundamental change ...”

237. On “military measures”, the paper stated:

“(i) We would be prepared to reduce the territory covered by the NFZs, e.g. by restricting the Northern NFZ to the Kurdish controlled areas and removing low priority areas from the Southern NFZ;

(ii) Red lines would be set out and if Iraq were in material breach of them, e.g. by reconstituting its military capacity to threaten its neighbours, or developing its WMD/missile capabilities, it would be clear that we would take direct action, at a time of our choosing, once the necessary regional support and legal base were in place.”

JIC Assessment, 8 March 2001: 'Impact of Smarter Sanctions'

238. On 8 March, the JIC reviewed existing sanctions on Iraq and assessed the likely impact of “smarter sanctions”.¹³³

239. The review of existing sanctions covered much the same ground as the February assessment.

240. On smarter sanctions, the JIC’s Key Judgements included:

- It was envisaged that smarter sanctions would:
 - focus on military and dual-use items, and allow all civil trade;
 - retain UN control over oil revenue and bring oil smuggling under those controls; and
 - enhance border controls against prohibited trade.
- “By allowing all civil trade, smarter sanctions would give the US and UK the opportunity to **shift the political debate** away from the humanitarian issue.” Iraq argued for “control of revenues as an issue of sovereignty”. Saddam Hussein would “still seek to blame sanctions [for humanitarian problems] and popular Arab opinion will remain susceptible to his propaganda. But he will find it **harder to persuade Arab governments and the wider international community that smarter sanctions are to blame for the suffering of the Iraqi people.**”
- “The **greatest potential gains** in terms of cutting Saddam’s illicit revenue would come from **curbing oil smuggling.**” Neighbouring states would be likely to demand compensation for bringing trade under UN control. The income lost could be in excess of US\$1bn per year. Unless all routes were closed off, a reduction in oil smuggling via one route was likely to be made up, at least in part, via another.
- Governments in the region were “**likely to agree in principle to inspection of border crossings** and trade in return for free civil trade”. But this would be “hard to sell” and border controls would be difficult to implement effectively.

241. The JIC stated that, if a smarter sanctions policy was adopted, Iraq would still try to smuggle oil, evade the controls on military and dual-use imports, and abuse the OFF programme. The “**key battle would be over political perceptions** and hence the willingness of regional governments to co-operate with other aspects of a revised policy”.

242. The JIC stated that whatever agreements on inspections of border crossings and trade were reached in principle, it was:

“... **unlikely that border controls would be effective in practice.**
A comprehensive international border monitoring presence would be required ... such monitoring **would be heavy on manpower and resources,**

¹³³ JIC Assessment, 8 March 2001, ‘Iraq: Impact of Smarter Sanctions’.

and frontline states would be reluctant to agree an intrusive regime. Moreover as general trade increased, there would be a growing risk that military components and WMD dual-use items would be smuggled to Iraq.”

243. The arms embargo remained “largely intact”. Some dual use goods had “slipped through the net”. The introduction of a more widely accepted sanctions regime would enhance the prospects of the arms embargo holding.

244. If Saddam Hussein judged that he could no longer deflect blame for Iraq’s humanitarian plight or maintain his sources of income, he might be forced to reassess his policy of non-co-operation with resolution 1284. The JIC judged that “the effect of smart sanctions is likely to fall short of this”. There were indications that Russia, France and China would feel obliged to welcome the concept of smarter sanctions, but would take account of Iraqi pressure and other political factors. Rebuilding P5 consensus would be difficult; but a resolution passed with P5 unanimity would significantly increase pressure on Iraq, and help rebuild UK public support for the UK’s policy.

245. Saddam Hussein was “more likely for now to use **renewed discussions at the UN** as a means **to delay both progress on UNSCR 1284 and the introduction of smarter sanctions**. If Saddam were forced to consider re-admitting UN weapons inspectors, he would still seek to weaken the inspections provisions, an agreed timetable for the lifting of sanctions and abolition of the NFZs.”

246. Mr Ricketts wrote to Mr Sawers on 9 March, identifying the “main implications for policy” of the analysis:

- ... the **arms embargo** remains crucial. It has stopped Saddam getting new major weapons systems. We judge that state suppliers will continue to deny Iraq such systems whilst Saddam remains in power ... There is some leaking of dual use items and spare parts. This would probably grow if all civil trade was freed up ...;
- ... **ending sanctions on civil trade** would give us and the US an opportunity to change perceptions in the Arab world and beyond on humanitarian issues ...;
- ... **bringing the revenues from oil smuggling back under UN control** would have the biggest impact on the cash reaching Saddam’s pocket ...;
- ... **on inspection of border crossings**, we judged that neighbouring states would be likely to agree in principle, although getting them to implement them effectively will be much more difficult; and
- ... the neighbours would want guarantees of compensation for income they lost as a result of their co-operation on smuggling/border trade.”¹³⁴

¹³⁴ Minute Ricketts to Sawers, 9 March 2001, ‘Iraq: Impact of Smarter Sanctions’.

247. Mr Blair wrote on the minute from Mr Ricketts: “We must press on.”¹³⁵

248. In response to the policy framework circulated by Mr Sawers on 7 March, FCO officials prepared a draft letter for Mr Cook to send to Mr Blair.¹³⁶ The draft letter stated: “The key to progress is smarter sanctions, which focus on tougher controls on military and dual-use goods, while improving the scope for normal civilian economic activity.” Resolution 1284 would “remain on the table and we can offer some further modest concessions along the lines discussed by officials ... should Iraq comply (most unlikely)”.

249. Implementation of those measures would require a new resolution: “We should pursue a technical resolution which rebalances the controls on Iraq but does not alter the central provisions of existing SCRs.”

250. The draft letter stated that the UK should continue to steer clear of “the various American projects to overthrow Saddam”.

251. The letter was not sent by Mr Cook.

252. Senior US and UK officials met in Washington on 12 March to discuss Iraq.¹³⁷ Mr Westmacott advised Mr Cook’s Private Secretary the following day that the talks had been “pretty discouraging”. Mr Westmacott’s “tentative conclusions” from the talks were:

- on sanctions, there appeared to be “some backtracking” within the State Department from the “near identity” of views articulated by Secretary Powell and Mr Cook at their recent meeting. On both oil smuggling and border controls, the US appeared to favour “bilateral fixes” with the countries neighbouring Iraq rather than action in the UN;
- the US appeared to be “a good deal more relaxed” than the UK about the need to restore P5 unity; and
- despite showing some interest in the idea of a ‘Contract with the Iraqi People’, the State Department appeared to be more relaxed than the UK on the presentational aspects of policy.

253. Mr Sawers briefly discussed Iraq with a senior US official on 14 March.¹³⁸ Mr Sawers advised that US officials appeared to be retreating from the broad policy goals set out by Secretary Powell. Mr Sawers stated that although negotiations on smarter sanctions in the Security Council would be tricky, “it would be difficult to re-establish political consensus on Iraq without it”.

254. Ms Clare Short, the International Development Secretary, and the Department for International Development (DFID), were not included in the policy review and were not sent a copy of Mr Sawers’ letter of 7 March.

¹³⁵ Manuscript comment Blair on Minute Ricketts to Sawers, 9 March 2001, ‘Iraq: Impact of Smarter Sanctions’.

¹³⁶ Letter Cook to Prime Minister, 9 March 2001, ‘Iraq: Future Policy Framework’.

¹³⁷ Minute Westmacott to PS [FCO], 13 March 2001, ‘Iraq’.

¹³⁸ Letter Sawers to Cowper-Coles, 14 March 2001, ‘Iraq’.

255. Ms Short’s Private Office wrote to Mr Sawers on 15 March recording that Ms Short “regrets that DFID was not included”.¹³⁹ She welcomed the thrust of the new policy, but remained “concerned that insufficient weight had been given to ... humanitarian needs”. She also asked that, if the sanctions regime changed, any revised strategy should take into account that: the UK could not “shrug off... responsibility” to relieve the suffering that Saddam Hussein had caused; the UN might continue to have “an important role”; and that provisions should be made for humanitarian assistance for the Kurds.

256. Ms Short wrote to the Prime Minister on 1 April welcoming the review of the “old sanctions policy which is widely discredited and is steadily eroding”, the proposed refocusing on military controls, and that the OFF programme should end “except for Kurds in northern Iraq”.¹⁴⁰ Ms Short stated that:

“To counter [the] real risk that Saddam will neglect his people’s needs we should promote openness and active role for UN agencies, Red Cross and NGOs [non-governmental organisations] in reporting on humanitarian situation. [The] UK should be ready to play a leading role in holding Saddam to account.”

Activity in the No-Fly Zones

257. Following the attacks on 16 February, US and UK aircraft carried out no further attacks in the NFZs until 30 March.

258. Mr Julian Miller, Mr Hoon’s Private Secretary from September 1999 to September 2001, wrote to Mr Sawers on 30 March:

“Although the operation of 16 February helped to reduce the qualitative threat level, coalition aircraft have been threatened by AAA [anti-aircraft artillery] (and less often, SAMs [surface-to-air missiles]) on almost every occasion that they have taken to the air. It was against this background that US aircraft responded to Iraqi AAA this morning. They released two weapons aimed at an air defence site in the southern No-Fly Zone. Both missed their intended targets, landing in open ground without causing collateral damage.

“The Defence Secretary is satisfied that action remains necessary to ensure that the threat to our aircrew remains acceptable. Given that Saddam’s intent to attack our aircraft appears unchanged, we can expect – provided that targets can be identified and that the weather permits their engagement – to see further coalition bombing activity. Any such action will, of course, be conducted within the existing RO framework, with the authority for UK participation – within the carefully defined parameters approved collectively by Ministers – delegated to military commanders.

¹³⁹ Letter DFID [junior official] to Sawers, 15 March 2001, ‘Iraq: New Policy Framework’.

¹⁴⁰ Letter Short to Prime Minister, 1 April 2001, ‘Iraq Policy Review’.

Any proposal for an operation which breached those parameters (which is not currently in the offing) would be subject to the usual Ministerial consideration.”¹⁴¹

259. Mr Webb told the Inquiry that, with regard to planned action to degrade Iraq’s air-defence system:

“... a degree of caution ... set in during the spring of 2001 ... sensing that there had been this reaction in the region, I think the senior commanders didn’t want to propose more of that if they didn’t have to. As a result, some of the patrolling reduced; in other words, a decision was taken that if we didn’t know where we might face this risk over part of the southern No-Fly Zone, we wouldn’t patrol there for a while.

“So the operational commanders reduced the scope of the operation under their discretionary authority and with our support, rather than proposing a repeat of those situations. And that went on for a few months.”¹⁴²

Discussions with the US

260. The Cabinet Office took the lead in co-ordinating inter-departmental efforts to define the nature of future sanctions arrangements.

261. Papers were produced on:

- how a more focused sanctions regime could be established (‘Iraq: Handling the Sanctions Issue’);
- how controls to prevent Iraq re-arming would operate after the suspension of sanctions;¹⁴³
- establishing better border controls;¹⁴⁴ and
- the application of financial sanctions against Iraq.¹⁴⁵

262. On 16 March, Mr Sawers sent Dr Rice a copy of the UK’s draft ‘Contract with the Iraqi People’ and a paper entitled ‘Iraq: Handling the Sanctions Issue’.¹⁴⁶

263. The paper on sanctions highlighted the danger that the forthcoming resolution on rolling over the OFF programme would “present the friends of Iraq in the P5 with an

¹⁴¹ Letter Miller to Sawers, 30 March 2001, ‘Iraq’.

¹⁴² Public hearing, 24 November 2009, page 147.

¹⁴³ Letter Ross to McKane 16 March 2001, ‘Iraq Post Suspension Controls’ attaching Paper UKMIS New York, 16 March 2001, ‘Iraq Sanctions Suspension UK Discussion Paper’; Letter Patey to Macaire, 28 March 2001, ‘Iraq: Sanctions Suspension’, attaching Paper, [undated], ‘Iraq Sanctions Suspension UK Discussion Paper’.

¹⁴⁴ Letter McKane to Macaire, 30 March 2001, ‘Iraq: Better Border Controls’ attaching Paper Cabinet Office, March 2001, ‘Iraq: Better Border Controls’.

¹⁴⁵ Letter Casale to Marriott, 2 April 2001, ‘UK’s Application of Financial Sanctions Against Iraq’ attaching Paper, [undated], ‘Iraqi Financial Sanctions: Options for Change’.

¹⁴⁶ Letter Sawers to Rice, 16 March 2001, ‘Iraq’ attaching Paper, [undated], ‘Contract with the Iraqi People’ and Paper, [undated], ‘Iraq: Handling the Sanctions Issue’.

opportunity to come forward with their own proposals for unilateral easing of sanctions”, set out parameters for a new “Controlled Goods List”, and described in broad terms the arrangements by which it would be enforced.

264. In his covering letter, Mr Sawers stated that:

- There was common ground between the US and UK on the NFZs.
- The UK had suggested that the question of regime change should be addressed through a ‘Contract with the Iraqi People’.
- Efforts to chart a way forward on sanctions at a working level had got “bogged down”. Sticking to the present arrangements while loosening some of the holds that the US and UK had placed on OFF programme contracts, combined with a renewed diplomatic effort, would be an advance but would “fall a good way short of the goals the Prime Minister and President agreed”. Mr Sawers concluded: “So our strong preference is to be more ambitious, and be prepared to agree changes to the sanctions regime in the Security Council, and put real pressure on Iraq’s neighbours to implement the agreed controls vigorously.”

265. Mr McKane reported to Mr Sawers on 6 April that useful progress was being made “to put flesh on the bones” of the policy framework attached to Mr Sawers’ letter of 7 March.¹⁴⁷ The UK and the US appeared “to be in agreement on the broad direction, but there is still some way to go not least in working out the details of a deal under which Iraq’s neighbours would agree to bring all Iraqi oil revenues under UN control”.

266. On sanctions, Mr McKane advised that the UK and US agreed on the case for moving towards a single list of goods subject to UN controls (thereby freeing up the import of other goods). Discussions still had to take place on the composition of that list. Further talks with US State Department officials on 17 April would be followed by talks with the French and “in due course” the Russians. The aim was to obtain UN endorsement of a more targeted sanctions package in the OFF roll-over resolution due in June.

267. On bringing illegal Iraqi oil exports under UN control, Mr McKane advised that it was “not yet clear what concessions might have to be offered to the neighbouring states to persuade them to co-operate”. Increased investment in border controls would “only make sense if Iraq’s neighbours can be persuaded to co-operate – enforcement would be carried out by their customs personnel”. The UK paper on border controls had been passed to the US.

268. Mr McKane advised that the UK paper on the controls that should remain in place after the suspension of sanctions had been passed to the US. An essential feature was maintaining the UN escrow account (see Section 1.1) “so that Iraq’s oil revenue (or other significant sources of foreign exchange revenue) cannot be used to purchase either conventional or unconventional arms or dual use items”.

¹⁴⁷ Minute McKane to Sawers, 6 April 2001, ‘Iraq’.

269. Mr McKane reported that there had been several discussions with the US on the NFZs, and that:

“We are agreed that we need to retain the No-Fly Zones. Not only do they serve a humanitarian purpose, but the southern No-Fly Zone is also necessary for the defence of Kuwait and Saudi Arabia ... We think it may be possible to reduce the size of the No-Fly Zones ... there has not been a positive US reaction. Defence officials continue to discuss the scope for adjusting the pattern of patrolling but the military advice, which the Defence Secretary has endorsed, is that there is only modest scope to do so without placing our air crew at greater risk. We need to keep the legal position under review (the Attorney General has asked for a further report by the end of May) but any deterrent option which did not rely on the Southern No-Fly Zone would entail a greater risk that Kuwait could be overrun before an effective military response could be put in place.”

270. Mr McKane reported that a draft ‘Contract with the Iraqi People’, which reflected Ms Short’s concerns about a continuing key role for international agencies, had been shared with the US.

271. Mr Blair responded that getting a deal under which Iraq’s neighbours agreed to bring all Iraqi oil revenues under UN control was the “essential quid pro quo” for better targeted sanctions.¹⁴⁸

272. In response to a number of diplomatic telegrams which had described the NFZs as necessary for the defence of Kuwait, Mr Iain Macleod, FCO Legal Counsellor, asked colleagues on 6 April to remind diplomatic posts “of the need to ensure that the legal justification for the zones (the prevention of a humanitarian catastrophe) is kept distinct from other policy advantages which they may bring”.¹⁴⁹

273. Reviewing the Treasury/Bank of England paper on the options for amending financial sanctions in early May, Mr McKane concluded that there were options for easing sanctions without legislation, but that should be kept under review “until we have thought through the full implications and seen the effect of other changes under consideration”.¹⁵⁰ The possibility of replacing the comprehensive regime with a targeted asset freeze would require amendment to resolution 661(1990). That was not seen as a “near-term option”.

274. An Assessment issued on 10 May marked a shift in the JIC’s perception of Iraq’s intentions and activities in relation to WMD.

¹⁴⁸ Minute Wechsberg to McKane, 9 April 2001, ‘Iraq’.

¹⁴⁹ Minute Macleod to Patey, 6 April 2001, ‘Iraq: No Fly Zones’.

¹⁵⁰ Letter McKane to Goulty, 11 May 2001, ‘Iraq: Financial Sanctions’.

275. On 10 May, at the request of the MOD, the JIC assessed “what we know of Iraq’s WMD programmes, their future direction, our level of confidence in the intelligence, our confidence in being able to identify the location of Iraq’s WMD facilities accurately and the potential impact of direct military action against them”.¹⁵¹ The Assessment is considered in detail in Section 4.1.

276. The JIC stated that its “**knowledge of developments**” in Iraq’s WMD and ballistic missile programmes since December 1998 was “**patchy**”, but judged that “**intelligence gives grounds for concern** and suggests that Iraq is becoming bolder in conducting activities prohibited by UNSCR 687”.

277. The JIC knew most about Iraq’s ballistic missile programme, where there had been a step change in progress over the previous two years.

278. The JIC continued to “assess that while sanctions remain in place, Iraq cannot indigenously develop and produce nuclear weapons. Were sanctions lifted, it would **take Iraq at least five years to produce a nuclear device and a further two to produce a warhead.**”

279. The JIC assessed the vulnerability of Iraq’s WMD programmes, and judged that:

“Although some WMD facilities could be destroyed by direct military action, this would be **unlikely to have a significant impact on Iraq’s WMD programmes ...**”

280. The JIC stated:

“... **our ability to constrain Iraqi development of its WMD through other means** [other than military action] **is limited**. The development of Iraq’s WMD has been helped in recent years by **the absence of UN inspectors, the increase in illegal border trade and hard currency available to Iraq**. There have been an increasing number of [...] reports on orders for illegal imports of missile related components and materials [...] Because of the need for raw materials and components from abroad, sanctions remain an obstacle to the development of all Iraq’s WMD programmes.”

281. Under the heading “Implications”, the JIC stated:

“This assessment underlines the importance of pursuing vigorously work on the proposed UN controlled goods list, which would help sustain effective controls on Iraqi WMD development.”

282. Mr Cook reported that there had been good progress in agreeing a proposal for a new sanctions regime with the US, but less on securing an agreement with regional states to reduce oil smuggling.

283. Mr Cook repeated his view that the UK should consider ending patrols of the southern NFZ.

¹⁵¹ JIC Assessment, 10 May 2001, ‘Iraqi WMD Programmes: Status and Vulnerability’.

284. On 4 May, Mr Cook wrote to Mr Blair reporting that:

“We have made good progress on the review of sanctions, with UK/US now in agreement on a new approach with the objective of turning the focus away from sanctions and onto controls on WMD. Work is in hand to tie down the detail and build up support in the region and in the P5, but we need to move quickly if we are to meet our deadline of 4 June, the date of the next ‘Oil-for-Food’ resolution.”¹⁵²

285. Mr Cook reported on the debate within the US Administration.

286. Mr Cook detailed the progress that had been made on sanctions:

“... we have now persuaded the US that, while the UN will continue to control Iraq’s oil revenue, procedures should be adjusted so that only contracts containing items on an agreed list of controlled goods require scrutiny by the Sanctions Committee. This relaxation of UN controls will be balanced by new measures to reduce sanctions-breaking and tighten up on dual-use goods. The new approach will reduce the role of the UN, enable the US to vastly reduce the number of contracts on hold, and allow us to deflect responsibility for the humanitarian situation away from us and on to the Iraqi government. At the same time, by reducing the regime’s access to hard cash, it will reduce Iraq’s room for manoeuvre.”

287. Progress on confirming arrangements with “front-line states” to reduce oil smuggling had been “slow”.

288. There had been “less progress” on the US review of operations in the NFZs. Mr Cook advised that:

“I believe we should look again at options for reducing patrols in the southern NFZ, or even ending them. The legal difficulties remain, and I am also concerned that operations in the southern NFZ will undo the advances we achieve through making changes on sanctions and undermine hard won P5 and regional backing for our new approach.”

289. On regime change, Mr Cook reported that: “No one in the [US] Administration believes they can deliver Saddam’s overthrow”. The UK’s ‘Contract with the Iraqi People’ fell short of calling for Saddam Hussein’s departure but set out the steps that the international community would take to restore and rehabilitate Iraq in the event of his departure. As regime change moved up the US agenda, the UK should encourage the US to “sign up to this more credible and defensible approach”. There might soon be an opportunity to garner wider international support for the idea of the contract, capitalising on Iraq’s mishandling of the recent Arab Summit.

¹⁵² Minute Cook to Prime Minister, 4 May 2001, ‘Iraq: US/UK Policy Review’.

290. Mr Hoon responded to Mr Cook's letter on 14 May, stating that the:

“Proposed strategy [of 7 March] offers best prospect of retaining maximum control over Iraqi revenues, impeding Baghdad's ability to threaten its neighbours, and regaining international support. But need to be realistic about chances of speedy implementation. Difficulties of winning Russian and French support, and that of front line states, very real.”¹⁵³

291. Mr Hoon stated that there were only “limited grounds for optimism” that front line states would implement new measures to clamp down on oil smuggling, particularly in the context of regional attitudes to the intifada in the Palestinian Occupied Territories.

292. Mr Hoon recognised Mr Cook's “frustration with the No-Fly Zones”, but disagreed with his position. In Mr Hoon's view, the arguments for the NFZs, both humanitarian and defensive, remained powerful and no less risky means of achieving those objectives had been identified:

“Military commanders are already charged with conducting the mission we have laid upon them with minimum profile and risk. We have made progress over the past two years bearing down on patrolling rates, reducing responses to Iraqi threats, and making increased use of UAVs (Unmanned Aerial Vehicles) for tactical reconnaissance. But I do not think that looking yet again at patrolling, with a view to reducing or even ending it, would be productive. The arguments for maintaining the No-Fly Zones are based on the assessed continued humanitarian requirement, the importance of the southern Zone for the defence of Kuwait, and the desire to avoid handing Saddam a victory which might undermine containment. These remain powerful. While I accept that our view is not universally shared, it remains that the Zones continue to be legally justified. We have asked officials to identify a better (and less risky) means of achieving our objectives. Despite exhaustive scrutiny, they have not found one: their consistent advice is that regular patrols are required both to achieve the task and in order effectively – and safely – to monitor the threat. Decisions about patrolling rates must remain the preserve of the military commander, who must balance risk against exposure to the threat.”

293. Mr Hoon expressed his concern that the US Administration might pick up “mixed messages about our commitment to continued military co-operation in this area”, which he believed would be “very damaging” to the UK's ability to influence US thinking and “unhelpful” if it encouraged other P5 members to “introduce the future of the Zones into the package”.

¹⁵³ Letter Hoon to Prime Minister, 14 May 2001, 'Iraq'.

Early negotiations on a smarter sanctions resolution

294. UK officials continued to work on a draft resolution (known informally as the “Smart Sanctions” resolution) to reflect the new policy framework, based on a new Goods Review List.

295. The UK prepared a draft resolution for the P5 Political Directors meeting in New York on 21 May.¹⁵⁴ The UK intended that the draft resolution would:

- allow the export to Iraq of all goods other than WMD and military items through fast-track procedures;
- introduce more tightly focused controls on “Iraq weapons” through agreement on a “Controlled Goods List” of arms and items of WMD concern: the UK was pressing the US not to insist on an “unreasonably long list”;
- through agreement with Iraq’s neighbours, bring Iraq’s illegal oil exports within the OFF programme; and
- introduce strengthened monitoring of Iraq’s land, sea and air borders.

296. Sir Jeremy Greenstock told the Inquiry that:

“The Council remained deeply divided between those states which remained highly suspicious of Iraqi activity, with intelligence showing evidence of continued Iraqi interest in materials for sophisticated weapons programmes (the US, the UK and one or two other western or western-oriented members of the Security Council), and Russia, France, China and many developing world or middle-ground members of the Council, who opposed the continuation of sanctions short of convincing evidence that Iraq was continuing to breach Security Council resolutions in a way which threatened international peace and security.”¹⁵⁵

297. It proved impossible to reach agreement in the Security Council by the deadline of 4 June.

298. Mr Sawers advised Mr Blair at the end of May that there remained “big arguments ahead” on the detail of any new arrangement, within the US Administration, the P5 and the region.¹⁵⁶ It would be surprising if an agreement could be reached in the Security Council by early June. Mr Sawers asked: “Do you anyway want this to come to a head in late May/early June? Wouldn’t it be better to let it slip a month or two?”¹⁵⁷

299. Mr Sawers also reported that there was a difference of view between Mr Cook and the MOD on the utility of the NFZs, and suggested asking the MOD for a considered view on the alternatives.

¹⁵⁴ Minute Tanfield to Goulty, 18 May 2001, ‘Iraq Policy Review: Draft Rollover Resolution’.

¹⁵⁵ Statement, 27 November 2009, pages 2-3.

¹⁵⁶ Note Sawers to Prime Minister, [undated], [untitled].

¹⁵⁷ As the June 2001 UK General Election would have prevented UK Ministers from taking an active role in lobbying for the change.

300. Mr Blair indicated his agreement on both points.¹⁵⁸

301. Resolution 1352, adopted on 1 June, extended the period for negotiation by a month with the “intention to consider new arrangements for the sale or supply of commodities and products to Iraq ... in civilian sectors” while improving “the controls to prevent the sale or supply of items prohibited or unauthorised by the Council”.¹⁵⁹

302. After the General Election of 7 June 2001, Mr Jack Straw was appointed as the Foreign Secretary. Mr Straw told the Inquiry that Iraq was one of the issues flagged up in his initial briefing, but very much as “work in progress”.¹⁶⁰ He was briefed on the problems with existing sanctions, on the negotiations already under way to introduce “smarter sanctions”, and on the question of what to do about the NFZs.

303. Mr Straw was briefed on progress on Iraq for a Cabinet meeting on 28 June.¹⁶¹

304. There was no discussion in Cabinet on this or any other aspect of Iraq policy during 2001.

305. Negotiations on the “Smart Sanctions” resolution, incorporating a revised Goods Review List (GRL), resumed in New York. The UK tabled a revised draft on 8 June.¹⁶²

306. It proved impossible to achieve agreement within the Security Council on a new resolution. In his statement to the Inquiry, Sir Jeremy Greenstock wrote:

“Russia in particular was virulently opposed to the recasting of the sanctions regime lists, more because they were trying to bring the whole sanctions regime to an end, as they believed it was no longer justified, than because they disagreed with the idea of focusing on ‘dual-use’ items ... when this came to a head in June and July, the Russians remained adamant and nothing new was achieved.

“... the French, who often sided with the Russians on Iraq, were quite constructive in their support for these revisions, with the French Government telling us at a very senior level that they believed that Saddam Hussein was continuing to develop his chemical and biological capabilities (end-June 2001). France and China told the US and the UK at that time that they could agree on the new Goods Review List. This isolated Russia, but Moscow remained defiant. The US, in frustration, began to sound increasingly belligerent about using the No-Fly Zones to deliver sharper attacks on Iraqi military installations. The UK, alongside the US, sought to address the Russian opposition with rational argument about the benefits to the Iraqi people of a narrower list and about the good sense of concentrating on dangerous weaponry. But the Russians, who were in close consultation with the Iraqis

¹⁵⁸ Manuscript comment Blair on Note Sawers to Prime Minister, [undated], [untitled].

¹⁵⁹ UN Security Council Resolution 1352 (2001).

¹⁶⁰ Public hearing, 21 January 2010, pages 4-5.

¹⁶¹ Minute Stephens to Herrigan, 27 June 2001, ‘Iraq: Briefing for Cabinet Meeting, 28 June’.

¹⁶² Minute McKane to Sawers, 12 June 2001, ‘Iraq’.

throughout this period, believed the Iraqi line that the United States in particular was trying to impose a punishment on Iraq by any means possible, that this continued punishment was unjustified in the absence of clear evidence that WMD programmes were being pursued and that the whole sanctions regime could be knocked aside, under the force of international concern about the humanitarian situation, if the Russians persisted with their tactics.”¹⁶³

307. Sir Jeremy told the Inquiry:

“The Russians were just not prepared, I think, in mid-2001 with a new American administration, to be carried along into a recasting of the sanctions regime on Iraq which would extend it without any clear measures, stepping stones, if you like, for how Iraq could get out of the sanctions regime. They regarded it as one-sided in that respect, whereas [resolution] 1284 had been comprehensive.”¹⁶⁴

308. Sir Jeremy continued:

“They [the Russians] held out in July, they held out in November, and we wondered whether we would ever get a sanctions regime.”

309. Sir John Sawers told the Inquiry why he thought the Russians had maintained their opposition to a “Smart Sanctions” regime:

“The real reason ... conveyed ... by senior Russians authoritatively, was that they were concerned about their commercial position in Iraq and the Iraqis actually didn’t want any change to the sanctions regime. The Iraqi regime was comfortable ... we understood that the Iraqis actually threatened to cut off all Russia’s contracts if they agreed to the modification of sanctions, and the Russians were fairly open with us about that.”¹⁶⁵

310. The Inquiry asked Mr Ross if the Russian attitude had affected US policy.¹⁶⁶ He told the Inquiry:

“I think it did ... I think it built US suspicions of the Security Council as a place to do business ... which undermined at a critical period the US intention to use the Council and to use UNMOVIC as an avenue for its policy of containing Iraq.

“I think they [the US] felt that ... even when they were easing sanctions, they hit a Russian blockage in the Security Council and that caused considerable frustration in Washington, but also provided a lot of ammunition to the neo-cons and other people who said, you know, ‘You can’t do anything through the UN, it is just a kind of joke, that place, just forget it’ ...”

¹⁶³ Statement, 27 November 2009, page 3.

¹⁶⁴ Public hearing, 27 November 2009, pages 12-13.

¹⁶⁵ Public hearing, 10 December 2009, page 32.

¹⁶⁶ Public hearing, 12 July 2010, pages 30-31.

311. Mr Blair spoke to President Vladimir Putin on 27 June, but without reaching agreement on the UK proposals.¹⁶⁷

312. Mr Blair spoke separately to Presidents Chirac and Bush on 29 June. The record confirms Sir Jeremy's account of the French position.¹⁶⁸

313. The UN Security Council adopted resolution 1360 on 3 July 2001, extending the OFF programme by five months.

314. An FCO briefing for Mr Straw stated that the UK would use the time to work on the Russians, who were seen as isolated.¹⁶⁹

315. In his statement in the Security Council of the UK position after the vote on resolution 1360, Sir Jeremy Greenstock said that there was:

“... now a wide sense across the United Nations that it is the right time for new arrangements, such as those we have proposed ... There is no good reason for delay.

“... We remain ready to engage in discussion of the implementation of resolution 1284 ... But there is as yet no sign of a willingness by Iraq even to begin to co-operate in meeting its obligations under that resolution or, indeed, under other resolutions. Iraq consistently refuses to contemplate the return of United Nations disarmament inspectors. Why, then, delay the adoption of improvements in the humanitarian programme?”¹⁷⁰

316. The US representative stated that a GRL, which was central to the new approach, had been produced the previous week. It would have been adopted that day “save for the threat of a veto. But a veto would bring our work to a halt and thus would be a victory for Iraq.”

317. Syria stated that there was a need to take “a comprehensive approach ... leading to a resolution of the humanitarian issues facing Iraq and neighbouring countries”.

318. Mr Straw visited Washington from 10 to 11 July.

319. Briefings for the visit from the British Embassy Washington and the FCO reflected concerns that, following the failed attempts to secure a new resolution, the US Administration could shift its policy away from diplomatic containment and towards regime overthrow.¹⁷¹

¹⁶⁷ Letter Sawers to McDonald, 27 June 2001, ‘Telephone Conversation with Russian President: Iraq’.

¹⁶⁸ Letter Sawers to McDonald, 29 June 2001, ‘Prime Minister’s Telephone Calls to President Chirac and President Bush Iraq’.

¹⁶⁹ Briefing FCO, [undated], ‘Secretary of State’s visit to the United States: 10-11 July 2001 Iraq’.

¹⁷⁰ UN Security Council, ‘4344th Meeting Tuesday 3 July 2001’ (S/PV.4344).

¹⁷¹ Telegram 765 Washington to FCO London, 5 July 2001, ‘Your Visit to Washington: Foreign Policy Issues’; Briefing FCO, [undated], ‘Secretary of State’s Visit to the United States: 10-11 July 2001 Iraq’.

320. The FCO briefing advised that gaining the co-operation of some of Iraq's neighbours, and providing a safety net for others, were important steps in making progress on a new sanctions regime.¹⁷²

321. During his visit, Mr Straw discussed progress on securing "Smart Sanctions" and the importance of winning over the front line states.¹⁷³

322. Sir Peter Ricketts told the Inquiry that he had believed in July 2001 that "a growing majority on the Security Council" could "see that the current sanctions regime was not working ... and should be replaced", and that there was momentum behind the policy.¹⁷⁴

323. Sir Jeremy Greenstock gave the Inquiry a more pessimistic view:

"The Oil-for-Food regime was ... rolled over for six months at the beginning of July 2001 with no prospect of this stalemate being ended even in the following six-month period.

"... this was quite a low point in the saga of the Security Council's activities on Iraq, since it seemed that there was no way forward on any of the potential tracks.

"The UK concluded from this experience that it was going to be extremely difficult to end the fundamental stalemate at the Security Council over Iraqi sanctions ... with the failure of the Security Council to reach any form of agreement on Iraq's future, we were looking at the prospect of a continued unravelling of the sanctions regime, of growing confidence in Baghdad that they could outwit the international community and of a real prospect that, over time, Iraq would be able to reconstitute some of the programmes which had been destroyed after 1991. In the summer of 2001, we and the Americans had no clear ideas on how we could successfully get out of this logjam."¹⁷⁵

324. Russia's attitude towards Iraq was discussed on 19 July during President Bush's visit to the UK. Mr Blair highlighted the need to persuade President Putin to engage on Iraq.¹⁷⁶

325. Mr Blair's memoir recorded that President Putin had joked that he was "all in favour" of sanctions "provided we compensated him for the US\$8bn that Iraq owed Russia".¹⁷⁷

¹⁷² Briefing FCO, [undated], 'Secretary of State's Visit to the United States: 10-11 July 2001 Iraq'.

¹⁷³ Telegram 793 Washington to FCO London, 12 July 2001, 'Your Visit to Washington, 10-11 July: Talks with Colin Powell: Iraq'.

¹⁷⁴ Public hearing, 24 November 2009, pages 74-75.

¹⁷⁵ Statement, 27 November 2009, pages 3-4.

¹⁷⁶ Letter Sawers to Cowper-Coles, 20 July 2001, 'Prime Minister's Talks with President Bush, Chequers, 19 July'.

¹⁷⁷ Blair T. *A Journey*. Hutchinson, 2010.

326. The record of Mr Blair’s discussions with President Putin in the margins of the G8 meeting in Genoa on 21 July verifies Mr Blair’s and Mr Sawers’ accounts.¹⁷⁸ The priority was to stop Iraq acquiring nuclear weapons. Mr Blair observed that Iraq had rejected proposals to allow UN observers to return as a first step to lifting sanctions, and that the proposals on the table were to move to interim arrangements before UN inspectors returned and sanctions were lifted. In addition, the issue of whether an “outside enemy” led to people “rallying round and allowed Saddam to justify his strict internal regime” was raised. Mr Blair was concerned about the humanitarian impact of sanctions; and that the situation in Iraq made stabilising the Middle East more difficult. Mr Sawers concluded that Russia was looking for a way out of the impasse.

JIC Assessment, 25 July 2001

327. On 25 May, the JIC assessed Saddam Hussein’s strategy and “the continuing erosion of sanctions”.¹⁷⁹ That Assessment is addressed in the Box below.

JIC Assessment, 25 July 2001: ‘Iraq: Continuing Erosion of Sanctions’

The JIC assumed, for the purposes of its Assessment, that there would be no change to the existing sanctions regime until the end of the year. It did not assess the prospects for achieving P5 unity and the UK’s “new approach” in that timescale.

The JIC’s Key Judgements included:

- **“Most Governments around the world still respect UN sanctions.** Around 80 percent of Iraq’s overall revenues are controlled through [the] Oil-for-Food [programme] ... There is broad international consensus to maintain the **arms embargo** at least as long as Saddam [Hussein] remains in power. This severely limits Iraq’s ability to re-build its military threat.”
- **“Nevertheless, the effectiveness of sanctions continues to erode ...** Iraq’s illicit earnings are likely to exceed US\$3bn this year ...”
- Syria, Jordan and Turkey benefited “from cheap Iraqi oil and associated trade with Iraq. In the absence of compensation or P5 unity, they will remain **reluctant to support revised sanctions or allow closer monitoring of trade.**” Regional support for revising sanctions would be “increasingly difficult to achieve” as Iraq extended “trade benefits to more Arab states” and the Palestinian crisis continued.
- **“... Russia** blocked a revised UN sanctions regime because it believed its trade prospects would be severely curtailed. But Russia may not feel able to stand in the way of a further resolution on sanctions.”
- **“Iraq’s isolation has diminished ...** Wider Arab sympathy for Iraq is bolstered by Saddam’s championing of Palestinian rights, the widespread Arab perception

¹⁷⁸ Letter Sawers to McDonald, 21 July 2001, ‘Prime Minister’s bilateral with President Putin, Genoa, 21 July – Iraq’.

¹⁷⁹ JIC Assessment, 25 July 2001, ‘Iraq: Continuing Erosion of Sanctions’.

that the US is compromised by its support for Israel, and false propaganda about incidents in the No-Fly Zones.”

- “Saddam would only accept the return of UN weapons inspectors if it were accompanied by the **immediate suspension of sanctions**, with a clear timetable for their lift. He would also demand access to oil revenues and try to obtain abolition of the No-Fly Zones.”
- “For now, Saddam will avoid measures that would unite the wider Arab world against him and undermine his efforts to build regional economic ties. This will further reduce the risk of military threats to Kuwait or Saudi Arabia. But he will seek to shoot down coalition aircraft in the No-Fly Zones.”

The JIC stated that while Iraq’s illegal income was increasing, its income under the OFF programme was likely to fall from US\$17bn in 2000 to US\$14bn in 2001, largely as a result of Iraq’s temporary suspension of oil deliveries under the OFF programme.

Syria was now “**the largest purchaser of illicit Iraqi oil**” and was “becoming a more favoured route for the supply of military spare parts, telecommunications equipment and chemicals to Iraq”. There was “scope for the illegal trade ... to grow further ... in the medium term there are plans for a new pipeline and additional road and rail links”.

Most of those who dealt with Iraq had not changed their minds about Saddam Hussein. He had “no friends in Saudi Arabia or Kuwait” and he distrusted “both King Abdullah of Jordan and President Bashar [al-Assad] of Syria”. But his strategy was “**to place Syria and Jordan under greater obligation than the west or Gulf States will be willing to buy out**”.

The “widespread renewal of Iraq’s diplomatic contacts” in 2000 had been extended in 2001 “by a variety of bilateral and multilateral meetings mainly to develop economic relations”. International flights were continuing with Iraq-based civil aircraft flying between Baghdad and Damascus “three or four times a week” with “a similar number of foreign aircraft” flying “into Baghdad mainly from Russia, Turkey and other Arab countries”. “Three ferries a week” operated “between the UAE, Bahrain and Iraq” which were “largely unregulated”.

The JIC stated that:

“The regime feels stronger for having an external enemy and the elite is profiting. All of Saddam’s close associates have become \$ millionaires through sanctions breaking trade ...

“... Saddam judges his position to be the strongest since the Gulf War. Although much of this is based on regional dependence on illicit oil, the regime is secure ...”

328. Iranian support for the British position provided the opportunity for Mr Blair to maintain contacts with President Mohammad Khatami of Iran.¹⁸⁰

329. Mr Blair wrote to President Khatami on 30 July, thanking him for Iran’s public support for the UK proposals which Mr Blair “... firmly believe[d] ... are necessary to

¹⁸⁰ Letter McDonald to Wechsberg, 24 July 2001, ‘Iran: Letter from the Prime Minister to President Khatami on Iraq’.

contain the threat that Iraq poses to its neighbours ... while at the same time addressing the humanitarian needs of the Iraqi people”.¹⁸¹

Continuing concerns about the NFZs

330. On 12 February 2001, Mr Brummell had written to Mr McKane:

- confirming that Lord Williams accepted “that it is still **possible** on balance to argue that the maintenance of the No-Fly Zones is justified as a necessary and proportionate use of force to prevent a humanitarian crisis”;
- emphasising “that it is vitally important to keep constantly in view the precarious nature of the legal basis for UK and US action in the No-Fly Zones”; and
- asking for an “update of the situation in the north and south of Iraq, consideration of alternatives to the maintenance of the Zones, and information on any civilian casualties associated with UK and US operations in relation to the Zones”, by the end of May 2001.

331. That letter is described earlier in this Section.

332. The production of the update was delayed by the UK General Election in June 2001. After the election, Lord Goldsmith of Allerton became the Attorney General.

333. Mr McKane wrote to Mr Brummell on 28 June, to provide the update.¹⁸² He advised that there was no evidence that would entail a revision of the assessment that he had provided on 8 February (and which had been endorsed by Mr Cook and Mr Straw), but offered an update on the points made in that letter:

“Although we cannot predict with absolute certainty how Saddam would react in the event of a cessation of coalition operations in the southern No-Fly Zone, our judgement remains that he would revert to the use of air power against the Shia population ...

“... more effective persecution of the Shia would add to their misery and would risk provoking another cycle of uprising and brutal repression. A grave humanitarian crisis would result ...

“There is no reason to call into question the JIC judgement ... that abolition of the northern No-Fly Zone would be likely to lead to a refugee crisis at least comparable to 1996 (nor that, in the event that Saddam faced widespread opposition to an assault to recover the north, a humanitarian refugee crisis similar to that in 1991 would follow).

¹⁸¹ Letter Prime Minister to Khatami, 30 July 2001, [untitled].

¹⁸² Letter McKane to Brummell, 28 June 2001, ‘Iraq’.

“Our judgement in February was that a decision to move away from patrolling the south would make it more difficult to sustain the necessary political support for the northern No-Fly Zone. That remains our view.

“Overall, our continued collective judgement is that there remains an unacceptably high risk that, in the event that we ceased patrolling the southern No-Fly Zone, extreme humanitarian distress would result on a scale comparable to that which led to a grave humanitarian crisis and the establishment of the Zones in 1991 and 1992.”

334. Addressing Lord Williams’ request that officials “should continue to seek to establish whether alternatives methods [to the NFZs] to achieve our objectives could be identified”, Mr McKane stated:

“... the MOD has conducted a comprehensive review to inform the policy dialogue we have been engaged in with the new US Administration. After our own careful and detailed scrutiny, no other arrangements that would obviate the need to conduct regular patrols over Iraqi territory have been identified.”

335. Mr McKane confirmed that the need “to avoid incidental loss of civilian life, injury to civilians and damage to civilian objects” remained a key concern for coalition commanders in the planning and implementation of attacks.

336. Mr Brummell responded on 25 July.¹⁸³ Noting that there was no change to the assessment of 8 June, he wrote:

“As discussed, the new Attorney General will wish to consider in the near future the issues relating to the legal basis for the conduct of operations in the NFZs, having regard in particular to your update ... I shall revert to you as soon as he has done so.”

337. The following day, Mr Hoon received advice on a possible large-scale attack by US forces on the Iraqi air-defence system, in response to continuing Iraqi attacks on coalition aircraft in the NFZs.¹⁸⁴ The advice stated that the MOD was not yet in a position to consult Law Officers, but “there were strong grounds for believing that they would have difficulty with an attack of this scale”. A manuscript comment to Mr Hoon from his Private Office in the margin of the advice stated that the FCO and No.10 were “both in the picture”.

338. It is not clear whether Mr Brummell was aware that the US was considering those strikes when he wrote to Mr McKane.

¹⁸³ Letter Brummell to McKane, 25 July 2001, ‘Iraq’.

¹⁸⁴ Minute Palmer to APS/Secretary of State [MOD], 26 July 200, ‘Iraq: Possible RO4’.

339. Reports of a “planned large-scale military response to recent events in the southern No-Fly Zone”, “sourced to the Pentagon”, appeared in the media on 27 July.¹⁸⁵

340. Mr McKane wrote to No.10 on 1 August, advising that military planners within the Pentagon and the MOD had discussed options. The Pentagon option was for a raid involving attacks on 30 targets, two-thirds of which were north of the southern No-Fly Zone and within 20 miles of Baghdad. The UK preference was to attack 20 targets, 12 of which lay within 20 miles of Baghdad. Each of the proposed targets was connected with the Iraqi air-defence system though two were in the vicinity of the civilian airports at Baghdad and Basra which had civilian as well as military roles.¹⁸⁶

341. Lord Goldsmith was provided with written briefing on the US proposals and met MOD officials on 1 and 8 August.¹⁸⁷

342. An official in Mr Hoon’s Private Office wrote to No.10 on 2 August setting out the issues:

“Whilst coalition aircraft have continued to come under regular attack by the Iraqi air defences, the military assessment was until very recently that the overall risk remained manageable. Events over recent weeks have, however, brought this into question, with July seeing an alarming increase in the number of occasions on which coalition aircraft have narrowly avoided being shot down (ten separate incidents in the south alone, compared to eleven in the previous four months combined).”¹⁸⁸

343. The increased risk reflected greater Iraqi capability and “coalition restraint over the past three months”.

344. Decisions on the operation were likely to be delayed by US concern about the reaction of “moderate Arab governments” which were “already under pressure as a result of developments in Israel and Palestine”, and by the US appreciation of the likely propaganda benefits to Saddam Hussein from such attacks. The debate within the US Administration on how to respond to the attacks on coalition aircraft had broadened into a wider one about the direction of US policy, “with advocates of hitting Saddam harder using this as an opportunity to move the argument in that direction”.

345. Mr Hoon’s Private Office concluded:

“The Defence Secretary is convinced of the need, in the face of the substantially increased threat, to take action to reduce the risk to the Service Personnel conducting this task [patrolling the Zones]. Whilst he understands the political and presentational arguments for delay, his preference would have been for a

¹⁸⁵ Minute Tanfield to PS/Straw, 27 July 2001, ‘Secretary of State’s Conversation with Colin Powell, 27 July: Iraq NFZs’.

¹⁸⁶ Letter McKane to Tatham, 1 August 2001, ‘Iraq: No-Fly Zones’.

¹⁸⁷ Letter Brummell to Nash, 9 August 2001, ‘Iraq: No-Fly Zones (NFZs) – Target Clearance’.

¹⁸⁸ Letter Moffatt to Tatham, 2 August 2001, ‘Iraq: RO4’.

substantial operation designed to achieve this (indeed, he has asked for the views of the Attorney General on a UK-prepared plan to attack 21 targets). He accepts the military advice that only by conducting such an operation, including against targets north of the 33rd parallel, can we expect to reduce the threat substantially in the medium term. But he accepts that, just as in the US, time will be required to afford collective consideration of such a proposal. He believes that this is an issue to which we will need to return in the future.

“In the meantime, he is clear that the status quo is not an option, and that a robust return to the existing agreed concept of operations is essential ... to enable the coalition to manage the enhanced risk in the immediate term.”

346. Mr Patey reported on 3 August that the US had decided not to carry out the proposed operation, pending consideration of its wider implications.¹⁸⁹ He described it as “welcome news”.

347. The MOD proposed to return to the level of operations within the NFZs before the constraints imposed following the February attack. That would raise the profile of the NFZs, but the FCO believed that the UK should be able to portray that as a legitimate and proportionate response to the increased threat to air crew.

348. Mr Straw’s Private Office wrote to No.10 later that day, acknowledging the increase in the threat and that military commanders should use their delegated authority to take actions within the NFZs to minimise the risk to air crews.¹⁹⁰ Mr Straw was concerned that a major attack should not be initiated:

“... without considering carefully the implications for our wider interests.

“... A more substantial operation ... would bring into stark relief arguments about double standards and inflame Arab public opinion. We might face attacks on UK ... Embassies and other interests in the region. We owe a duty of care to our staff and to British citizens in the region, as well as to our aircrews.

“Politically, a major operation north of the southern NFZ would play straight into Saddam’s hands ... UK domestic and international reaction following the February attacks was hostile ...

“Such an operation could also prove fatal to our current Iraq policy ... a major operation would be interpreted as a get-tough policy by the US in frustration at the failure to get our revised sanctions approach agreed ... The collapse of our current policy, which has been carefully considered and agreed in Whitehall and with the US, would leave us in a policy vacuum in which we would risk getting sucked into adopting a more militaristic posture.

¹⁸⁹ Minute Patey to PS [FCO], 3 August 2001, ‘Iraq: NFZs’.

¹⁹⁰ Letter Sedwill to Tatham, 3 August 2001, ‘Iraq: RO4’.

“... the balance of advantage to maintaining the NFZs would require the most careful consideration.”

349. On 3 August, an official in the British Embassy Washington reported that one senior US official had said that the debate over the proposed attacks had “given greater impetus” to the need to develop the overall US strategy on Iraq; and that substantive outcomes were “unlikely in days, but possible in weeks”.¹⁹¹

350. Mr Brummell wrote to the MOD on 9 August, setting out Lord Goldsmith’s views.¹⁹² Lord Goldsmith had concluded “that proportionate attacks by UK forces on the ... two targets could be justified in the context of Allied operations in the southern No-Fly Zone”.

351. Mr Brummell also set out Lord Goldsmith’s views on proposed attacks by US forces. Referring to earlier correspondence with the FCO, Mr Brummell noted the UK’s “potential international legal responsibility” for attacks carried out by the US in the NFZs, and, with regard to the planned action, “the assurances provided by the US that, in relation to all three proposed targets, no civilian casualties may be expected to result from the attacks and that there may be expected no more than minor damage to civilian buildings and facilities”. On that basis, the Attorney General had advised: “Provided the responsible senior Ministers are satisfied that these US projections are reliable, and that the US Government are satisfied as to the lawfulness of the proposed attacks”, he saw no reason to question that “proportionate attacks by US forces on the ... targets ... could be justified in the context of Allied operations in the southern No-Fly Zone”.

352. A number of attacks were carried out on 10 August, including an attack by the US on a target previously assigned to UK forces. That attack was carried out during daylight hours.

353. Mr Brummell wrote to the MOD on 15 August referring to the concerns the Attorney General had expressed in giving his consent, regarding the importance he had attached to the MOD’s assurance that the attack would be carried out at night to avoid the risk of harm to people working in the vicinity of the buildings.¹⁹³ MOD officials had also made clear that any change in circumstances would be brought to the Attorney General’s attention. Mr Brummell recorded that Lord Goldsmith had asked that the written report on the attacks should address the points he had raised; and that his concerns should be drawn to Mr Hoon’s attention.

354. Mr Hoon’s Private Office replied to Mr Brummell on 3 September.¹⁹⁴ The letter stressed the importance that Mr Hoon attached to the Law Officers’ advice and that he was fully aware of the need to ensure that the actions of coalition partners were “governed by similar principles”. Mr Hoon was “confident that US commanders are very

¹⁹¹ Telegram 886 Washington to FCO London, 3 August 2001, ‘Iraq’.

¹⁹² Letter Brummell to Nash, 9 August 2001 ‘Iraq: No Fly Zones (NFZs) – Target Clearance’.

¹⁹³ Letter Brummell to Nash, 15 August 2001, ‘Iraq Targeting’.

¹⁹⁴ Letter Moffatt to Brummell, 3 September 2001, [untitled].

much aware of their obligation to minimise the risk of civilian casualties and collateral damage". US assessments in respect of targets were based "on more sophisticated modelling and have the benefit of a much greater range of weaponeering solutions than assessments made by the UK targeting staff in respect of RAF targets". The letter concluded that: "In circumstances ... where there is ... no clear reason to challenge US targeting judgements, he [Mr Hoon] takes the view that we should take on trust assurances provided by ... our closest ally."

Lord Goldsmith's review

355. Mr Brummell wrote to Mr McKane on 24 August informing him that Lord Goldsmith intended to carry out his review of the legal justification for the maintenance of the NFZs during September; and that he had asked whether there was any additional information which departments wished to draw to his attention, and whether there were any developments subsequent to Mr McKane's update of 28 June.¹⁹⁵ Copies of the letter were sent to the MOD, the FCO and No.10 officials.

356. Mr Brummell also asked for clarification on a number of specific points:

- Whether departments could "expand on the assessment that a decision to move away from patrolling the south would make it more difficult to sustain the necessary political support for the northern No-Fly Zone".
- Whether it was possible to expand the assessment of the "*likelihood*" of a "grave humanitarian crisis" occurring as a result of persecution of the Shia.
- Whether departments could direct him "to the precise materials and/or passages" in "the MOD's comprehensive review of the Zones" on which the conclusion that "no other arrangements have been identified which would obviate the need to conduct regular patrols over Iraqi territory" had been based.
- Whether the assessment in Mr Patey's letter of 29 January that there might be "scope for adjustment" in relation to the northern NFZ remained valid, and if it did whether it affected "the assessment of whether there are any practical alternatives to patrolling the northern No-Fly Zone if lives are to be saved".

357. Mr McKane forwarded a copy of the letter to Sir David Manning, Mr Blair's Foreign Policy Adviser, with the comment:

"You need to be aware of this correspondence. I've got the matter in hand – I'll probably ask the MOD to produce a draft reply for discussion with them and FCO – but I may need to ask you to weigh in if the Attorney is unconvinced by our arguments."¹⁹⁶

358. Copies of the letter were circulated widely within the MOD, and to Mr Hoon.

¹⁹⁵ Letter Brummell to McKane, 24 August 2001, 'Iraq'.

¹⁹⁶ Manuscript comment McKane to Manning, 3 September 2001, on Letter Brummell to McKane, 24 August 2001, 'Iraq'.

359. Mr McKane responded to Mr Brummell’s letter on 16 October (see Section 3.1).

Discussions on a new contingency plan for the loss of an aircraft in Iraq

360. Mr Webb told the Inquiry that, in the event of a coalition plane being shot down in the NFZs:

“We had a contingency plan ... which was run from the joint headquarters in Saudi Arabia. The objective would have been the safety of the air crew ... to basically go and get them back if wounded on the ground inside Iraq, whether or not the Iraqis tried to stop us doing it ... it is called ‘combat search and rescue’ ... it was on stand by all the time these [NFZ] operations were being flown and it didn’t need Ministerial authorisation to go out and do that, and, as I’m implying, as well as just getting in there and picking up the air crew and looking after them medically, if necessary, we would have kept the Iraqi forces away ... there was a debate to be had ... of what’s necessary to keep the – if I might put it like this – Iraqi forces’ head[s] down while we went and recovered the crew, as opposed to also signalling that we wished they would not do it again.”¹⁹⁷

361. In late summer 2001, reports on US contingency planning for the loss of aircraft caused concern within the UK Government.

362. On 29 August, Mr Webb advised Mr Robert Cooper, Head of the Overseas and Defence Secretariat in the Cabinet Office, that the US Central Command (CENTCOM) had reviewed its contingency plans for the loss of a coalition aircraft in the NFZs.¹⁹⁸ The revised plan, understood to have been endorsed in principle, “provides for a major offensive operation, distinct from measures taken to recover downed aircrew, against a wide range of targets across Iraq within four hours of a shoot-down being confirmed”.

363. Mr Webb described the US proposals as “of a piece with DoD [US Department of Defense] ideas on future responses to Iraqi threats (‘more savage, less often’)”. The main legal concern was the breadth of the list of targets within Baghdad included in the revised plan.

364. In a manuscript note on his copy of Mr Webb’s letter, Mr Stephen Wright, FCO Deputy Under Secretary of State (Defence and Intelligence), asked Mr Patey for advice, adding:

“On the substance, I think we should strongly advise the US against their proposed strategy: it is politically and legally all wrong for both the US and the UK.”¹⁹⁹

¹⁹⁷ Public hearing, 24 November 2009, pages 148-149.

¹⁹⁸ Letter Webb to Cooper, 29 August 2001, ‘Iraq: US Contingency Planning for the Loss of an Aircraft’.

¹⁹⁹ Manuscript comment Wright on Letter Webb to Cooper, 29 August 2001, ‘Iraq: US Contingency Planning for the Loss of an Aircraft’.

365. Mr Wright responded to Mr Webb's letter on 5 September, emphasising the importance of understanding how any operation "might impact not only on our Iraq policy but on the region as a whole".²⁰⁰

366. Discussions between the UK and US on the proposed contingency plans continued for some months, and at the highest levels. The UK's objective was to moderate the US proposals.

367. The matter was not resolved until July 2002.

368. Mr Hoon's Private Secretary reported to Sir David Manning on 22 July 2002 that Lord Goldsmith had agreed to UK participation in attacking the target set, with the exception of three regime targets which would be attacked by the US.²⁰¹ In the event of a legal challenge, the Attorney General had advised that there would be a need for the UK to disassociate itself from that part of the action. That could damage US/UK bilateral relations. Mr Hoon proposed that the UK should agree a joint US/UK plan on that basis.

369. Mr Blair agreed.²⁰²

370. The circumstances in which the plan needed to be implemented did not arise.

Developments in the US

371. In early August, the British Embassy Washington reported that it appeared that a debate was heating up in Washington on the balance between different strands of US policy (sanctions, military containment and regime change).²⁰³

372. In a discussion with Mr Webb in mid-August, a senior Pentagon official stated that regime change was needed to prevent Iraq from acquiring a credible WMD capacity and becoming the dominant regional power.²⁰⁴

373. In early September, a senior State Department official advised the British Embassy Washington that activity on ideas for regime change was "much ado about nothing".²⁰⁵

374. Published American accounts described this debate. On 1 August, a paper entitled 'A Liberation Strategy' was presented to the National Security Council.²⁰⁶ It proposed phased pressure on Saddam Hussein and support for the Iraqi opposition; no policy recommendation was made to the President.

²⁰⁰ Letter Wright to Webb, 5 September 2001, 'Iraq: US Contingency Planning for the Loss of an Aircraft'.

²⁰¹ Letter Williams to Manning, 22 July 2002, 'Iraqi No Fly Zones: Contingency Planning for the Loss of an Aircraft'.

²⁰² Manuscript comment Blair on Note Manning to Prime Minister covering Letter Williams to Manning, 22 July 2002, 'Iraqi No Fly Zones: Contingency Planning for the Loss of an Aircraft'.

²⁰³ Telegram 886 Washington to FCO London, 3 August 2001, 'Iraq'.

²⁰⁴ Telegram 937 Washington to FCO London, 18 August 2001, 'Webb's visit to Washington: Iraq: Military Aspects'.

²⁰⁵ Telegram 1004 Washington to FCO London, 6 September 2001, 'Iraq: Views of US'.

²⁰⁶ Woodward B. *State of Denial*. Simon & Schuster UK, 2006.

375. Mr George Tenet, the Director of Central Intelligence, described in his memoir how a CIA analysis before 9/11 concluded that it would be difficult to remove Saddam Hussein because of the layers of security around him and that: “Even if we had managed to take Saddam out, the beneficiary was likely to have been another Sunni general no better than the man he replaced.”²⁰⁷

376. General Tommy Franks, Commander in Chief CENTCOM, told the 9/11 Commission that in the summer before 9/11 he had been pushing to do more robust planning on military responses in Iraq, but that President Bush had denied his request, arguing that the time was not right.²⁰⁸ Gen Franks also told the Commission that CENTCOM had begun to dust off plans for a full invasion of Iraq.

377. The then Head of Policy Planning in the US State Department, Mr Richard Haass, recorded that he submitted a memo to Secretary Powell arguing that “Saddam Hussein was a nuisance, not a mortal threat”, and that the only sure way of ousting him would be through prolonged military occupation and nation-building.²⁰⁹

378. Sir Jeremy Greenstock advised on 6 September that “our goals are to contain Iraqi military/WMD potential and constrict Baghdad’s financial flexibility, without excessively harming the Iraqi people”.²¹⁰ He argued that the issue needed to be given a higher priority in the US/Russian agenda and noted that Mr Gouly was due to hold talks in Moscow later that month.

379. The talks took place on 11 September 2001. Just after they had finished, the news reached Moscow of the terrorist attacks in the US.

380. The Inquiry asked Sir Peter Ricketts if the failure to secure agreement to a new resolution in July changed US policy. He told the Inquiry:

“Yes, I think it probably did. I don’t think it helped Colin Powell’s position in Washington, frankly, that he had ... not been able to give this containment policy a refresh through the sanctions resolution. I don’t think it led to an immediate shift in American policy because I remember, as 9/11 happened, we and the Americans were still working on further pushes with the Russians to see whether we could get a Goods Review List resolution through in the autumn, but I think it didn’t help the cause of the State Department that the flagship of this strengthened containment policy had not succeeded by July.”²¹¹

381. Sir Christopher Meyer told the Inquiry that the Bush Administration had focused most of its political energy on domestic issues and that, by early September, appeared

²⁰⁷ Tenet G & Harlow B. *At the Centre of the Storm: My Years at the CIA*. Harper Press, 2007.

²⁰⁸ Final Report of the National Commission on Terrorist Attacks Upon the United States. *The 9/11 Commission Report*. Norton. Page 336.

²⁰⁹ Haass RN. *War of Necessity, War of Choice: A Memoir of two Iraq Wars*. Simon & Schuster, 2009.

²¹⁰ Telegram 1330 UKMis New York to FCO London, 6 September 2001, ‘Iraq’.

²¹¹ Public hearing, 24 November 2009, page 36.

to be “running out of steam” on a range of issues including Iraq.²¹² The US inter-agency review of Iraq had not produced any conclusions.

382. Mr Jonathan Powell told the Inquiry: “By the time 9/11 happened, it [containment] really wasn’t going to work any more, the Americans had moved off it.”²¹³ But there was no US/UK agreement on the way ahead.

²¹² Public hearing, 26 November 2009, pages 17-20.

²¹³ Public hearing, 18 January 2010, pages 21-22.

SECTION 2

DECISION-MAKING WITHIN GOVERNMENT

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Introduction

1. This Section addresses:

- the roles and responsibilities of key individuals and bodies; and
- the machinery established in order to make decisions pre-conflict, and post-conflict.

2. This Section does not address:

- the Inquiry's conclusions in relation to the decision to join the US-led invasion of Iraq, which can be read in Section 7.

Roles and responsibilities

Cabinet

3. Under UK constitutional conventions – in which the Prime Minister leads the Government but is not personally vested with the powers of a Head of State – Cabinet is the main mechanism by which senior members of the Government take collective responsibility for decisions that are of critical importance to the public. The decision to deploy UK Armed Forces to Iraq clearly falls into that category.

4. Cabinet is formally a Committee of the Privy Council, chaired by the Prime Minister.

5. In 2003, the *Ministerial Code* said:

“The Cabinet is supported by Ministerial Committees (both standing and ad hoc) which have a two-fold purpose. First, they relieve the pressure on the Cabinet itself by settling as much business as possible at a lower level or, failing that, by clarifying the issues and defining the points of disagreement. Second, they support the principle of collective responsibility by ensuring that, even though an important question may never reach the Cabinet itself, the decision will be fully considered and the final judgement will be sufficiently authoritative to ensure that the Government as a whole can properly be expected to accept responsibility for it.”¹

6. The *Code* also said:

“The business of the Cabinet and Ministerial Committees consists in the main of:

- a. questions which significantly engage the collective responsibility of the Government because they raise major issues or policy or because they are of critical importance to the public;
- b. questions on which there is an unresolved argument between Departments.”

¹ Cabinet Office, *Ministerial Code*, July 2001, page 3.

7. The Prime Minister was and is responsible for the *Code* and for judging whether Ministerial behaviour is consistent with its standards.
8. The *Ministerial Code* encapsulates the role of Cabinet Committees in identifying, testing and developing policy options; analysing and mitigating risks; and debating and honing proposals until they are endorsed across government. Cabinet Committees are relied on every day to keep the process of policy-making moving.
9. Although the practice of using Cabinet Committees has been a constant feature over many decades, the number of Committees, the subjects they consider and the way in which they are used has evolved, and has varied from Prime Minister to Prime Minister.
10. Discussion in full Cabinet meetings differs from that in Cabinet Committees. Cabinet would not normally be expected to explore the detailed aspects of a policy.
11. In his *Statement of Reasons* for the exercise of the executive override under Section 53 of the Freedom of Information Act 2000 (the ‘Ministerial Veto’) to prevent the disclosure of the minutes of meetings of Cabinet on 13 and 17 March 2003, Mr Jack Straw, Lord Chancellor from 2007 to 2010, set out the then Government’s perspective on the functions of Cabinet.
12. Mr Straw wrote:

“Serious and controversial decisions must be taken with free, frank – even blunt – deliberation between colleagues. Dialogue must be fearless. Ministers must have the confidence to challenge each other in private. They must ensure that decisions have been properly thought through, sounding out all the possibilities before committing themselves to a course of action. They must not feel inhibited from advancing opinions that may be unpopular or controversial. They must not be deflected from expressing dissent by the fear that they may be held personally to account for views that are later cast aside.

“Discussions of this nature will not however take place without a private space in which thoughts can be voiced without fear of reprisal, or publicity. Cabinet provides this space. If there cannot be frank discussion of the most important matters of Government policy at Cabinet, it may not occur at all. Cabinet decision taking could increasingly be drawn into more informal channels, with attendant dangers of lack of rigour, lack of proper accountability, and lack of proper recording of decisions.

...

“The [Information] Tribunal thought that the deployment of troops was a hugely important step in the nation’s recent history and that Cabinet should be accountable for it. I also believe that to be the case, but accountability for this decision – as for any other Cabinet decision – is properly with the Government as a whole and not with individual Ministers ...

“Collective responsibility requires that Ministers should be able to express their views frankly in the expectation that they can argue freely in private while maintaining a united front when decisions have been reached ...

“If permitted to demonstrate their degree of attachment to any given policy, Ministers could absolve themselves from responsibility for decisions that they have nevertheless agreed to stand by ... Thus, every Minister in the 2003 Cabinet could legitimately be held to account for the decision to use armed force in Iraq. The resignation of Ministers at the time of this particular decision recognised and reinforced that principle.

“... The Government is committed to ensuring public participation in its decision making: it exposes its thinking to Parliament and public via parliamentary debate, public consultation, and engagement with the media ...”

- 13.** Mr Straw also described a “decision to commit British Service Personnel to an armed conflict” as being an “exceptionally serious” issue.
- 14.** Many of Mr Straw’s points were reiterated by Mr Dominic Grieve, the Attorney General, when maintaining the veto in 2012.
- 15.** Mr Geoff Hoon, Defence Secretary from 1999 to 2005, told the Inquiry that he had:
- “... always seen the position of any Secretary of State as being in a sense the department’s voice in the Cabinet, but equally, the Cabinet’s voice in the department. So it is a two-way process ...”²

Role of the Civil Service

THE CABINET SECRETARY

- 16.** The Cabinet Secretary is the most senior civil servant providing policy advice to the Prime Minister.
- 17.** There is no fixed set of functions attached to the role. Priorities and objectives for each appointee are set by the Prime Minister of the day.
- 18.** Certain responsibilities sit by convention and long practice with the Cabinet Secretary:
- overall responsibility for security and intelligence systems and structures (in 2003, day-to-day responsibility was delegated to Sir David Omand by Sir Andrew Turnbull);

² Public hearing, 19 January 2010, page 178.

- responsibility for the machinery of Government (including the division of departmental responsibilities and the Cabinet Committee structure); and
- the organisation and recording of Cabinet meetings.

19. Particularly in relation to the latter two responsibilities, the Cabinet Secretary has a dual responsibility to the Prime Minister and to Cabinet collectively, and to both former and future governments.

20. In 2009, three former Cabinet Secretaries³ told the House of Lords Select Committee on the Constitution:

“... each of us, as Secretary of the Cabinet, has been constantly conscious of his responsibility to the Cabinet collectively and of the need to have regard to the needs and responsibilities of the other members of the Cabinet (and indeed of other Ministers) as well of those of the Prime Minister. That has coloured our relationships with Number 10 as well as those with other Ministers and their departments.”⁴

21. During Sir Andrew Turnbull’s tenure, the Cabinet Secretary was Head of the Home Civil Service, with leadership of the Civil Service as a whole. This role placed on the Cabinet Secretary a duty of care for the well-being of civil servants and the responsibility to be a fair employer.

22. The Cabinet Secretary has line management responsibility for departmental Permanent Secretaries across Whitehall.

23. The first edition of *The Cabinet Manual*, published in October 2011, ascribes the following specific responsibilities to the Cabinet Secretary:

- “The Cabinet Secretary is head of the Cabinet Secretariat.”⁵
- “The Cabinet Secretary, unless unavoidably absent, attends all meetings of Cabinet and is responsible for the smooth running of Cabinet meetings and for preparing records of its discussions and decisions.”⁶
- “Permanent Secretaries are responsible to the Cabinet Secretary or the Head of the Civil Service for the effective day-to-day management of the relevant department, or the particular issues for which they are responsible ...”⁷

³ Lord Armstrong of Ilminster, Lord Butler of Brockwell and Lord Wilson of Dinton.

⁴ Fourth Report from the House of Lords Select Committee on the Constitution, Session 2009-10, *The Cabinet Office and the Centre of Government*, HL Paper 30.

⁵ Cabinet Office, *The Cabinet Manual*, October 2011, page 36.

⁶ Cabinet Office, *The Cabinet Manual*, October 2011, page 36.

⁷ Cabinet Office, *The Cabinet Manual*, October 2011, page 58.

24. The *Manual* also describes the Cabinet Secretary's advisory role:

“The Prime Minister decides – with the advice of the Cabinet Secretary – the overall structure of the Cabinet committee system, including ... the terms of reference of each Cabinet committee.”⁸

25. The *Manual*, according to Sir Gus O'Donnell's preface, records “the current position rather than driving change”. It is quoted here on that basis.

PERMANENT SECRETARIES

26. The Permanent Secretary (referred to in some departments as the Permanent Under Secretary or PUS) is the most senior civil servant within a government department. He or she is appointed Accounting Officer (AO) for that department.

27. The *Ministerial Code* explained that an AO takes personal responsibility for the propriety and regularity of public finances, for keeping proper accounts, for the avoidance of waste and extravagance and for the efficient and effective use of the resources for which they are responsible.⁹

28. In addition:

“Accounting Officers have a particular responsibility to see that appropriate advice is tendered to Ministers on all matters of financial propriety and regularity and more broadly as to all considerations of prudent and economical administration, efficiency and effectiveness and value for money.”

29. The PUS of the FCO is also designated Head of the Diplomatic Service.

NO.10 CHIEF OF STAFF

30. In 1997, Mr Jonathan Powell was appointed as the first Chief of Staff in No.10. This was a new role for a political appointee.

31. Mr Powell wrote:

“Robin [Butler, the Cabinet Secretary] told us we needed a special Order in Council to allow Alastair [Campbell] and me to tell civil servants what to do. He thought perhaps Tony would want another similar political appointee so he suggested we allow for three positions with special powers.”¹⁰

32. That proposal became the Civil Service (Amendment) Order 1997 which exempted “up to three situations in the Prime Minister's Office which are designated by him” from the principle of selection on merit based on a fair and open competition, allowing political

⁸ Cabinet Office, *The Cabinet Manual*, October 2011, page 32.

⁹ Cabinet Office, *Ministerial Code*, July 2001, page 22.

¹⁰ Powell J. *The New Machiavelli: How to wield power in the modern world*. The Bodley Head, 2010.

appointees to hold central executive roles.¹¹ The Order was revoked by Mr Gordon Brown when he took office in June 2007.¹²

33. Mr Powell described his role to the Inquiry as “to bring together the foreign and domestic, the political and the Civil Service, the press and the policy bits of Number 10.”¹³ He said:

“It was my job to make sure that Number 10 was co-ordinated to make sure that those things [provision of support and advice to the Prime Minister and government] were happening ... I followed the Prime Minister’s priorities, so I would shift from subject to subject ...”¹⁴

34. In relation to Iraq, Mr Powell said that he operated more in a “link role”, ensuring that Mr Blair was kept up to date and that his decisions were communicated rapidly.¹⁵

35. In his book *The New Machiavelli* Mr Powell wrote:

“The most important task of a chief of staff is saying ‘no’. Politicians always like to say ‘yes’, and it is important they continue doing so if they are to remain popular. But it is not possible to see everyone who asks for a meeting, nor to attend every event... so someone needs to refuse and take the flak for doing so. Likewise, not all advice should be accepted and someone has to send it back asking for more work or even rejecting it.”¹⁶

36. Mr Blair said of Mr Powell: “his main contributions to the office were a knowledge of the Civil Service system, an extraordinary work rate... and a politics that was completely and naturally New Labour”.¹⁷

THE SECURITY AND INTELLIGENCE CO-ORDINATOR

37. Commenting on the decision to create the post of Security and Intelligence Co-ordinator, the Butler Review reported that it had been “represented to us that this change had been particularly necessary after the terrorist attacks of 11 September 2001”.

38. The Butler Review commented that the effect of creating the post was:

“... that the Cabinet Secretary is no longer so directly involved in the chain through which intelligence reaches the Prime Minister. It follows that the Cabinet Secretary, who attends the Cabinet and maintains the machinery to support their decision-making is less directly involved personally in advising the Prime Minister on security

¹¹ Civil Service Order in Council 1995, as amended 1997, section 3 (3).

¹² Letter Smethurst to Watt, 19 August 2013, ‘Ref: Freedom of Information Act Request’.

¹³ Public hearing, 18 January 2010, page 2.

¹⁴ Public hearing, 18 January 2010, page 3.

¹⁵ Public hearing, 18 January 2010, page 5.

¹⁶ Powell J. *The New Machiavelli: How to wield power in the modern world*. The Bodley Head, 2010.

¹⁷ Blair T. *A Journey*. Hutchinson, 2010.

and intelligence issues ... the Security and Intelligence Co-ordinator does not attend Cabinet and is not part of the Cabinet Secretariat supporting Cabinet Ministers in discharging their collective responsibilities in defence and overseas policy matters. We understand that the Intelligence and Security Committee will shortly review how this arrangement has worked.”¹⁸

39. Asked about his dual role in relation to the Chairman of the JIC, Sir David Omand told the Inquiry that the Butler Report had commented that “as a result” of his appointment, the “Cabinet Secretary is no longer so directly involved in the chain through which intelligence reaches the Prime Minister” but that: “It wouldn’t be correct to assume that any Cabinet Secretary had been in the loop in the provision of advice on assessed intelligence.”¹⁹ That had always been “a duty that had fallen on the Chairman of the JIC”. Sir David told the Inquiry that a condition of appointment had been that he “would not interpose his judgement on the content of the intelligence”.

40. Sir David told the Inquiry that his role in relation to the intelligence community was to “make sure it was in good health, argue for its resources and negotiate those with the Treasury, ensure that the Agencies were working together, try to generate some efficiencies and be on the look out ... for new ways in which the community could be made more effective”.²⁰

Departmental roles

The Cabinet Office

41. The Cabinet Office contains the Cabinet Secretariats, which support the Cabinet and Cabinet Committees, and draw staff from across government.²¹ In the period from 2001 to 2003, the Overseas and Defence Secretariat (OD Sec)²² was responsible for foreign and defence policy issues, including Iraq.²³

42. In 2001 and 2002, of about a dozen staff in OD Sec, only two covered Iraq.²⁴ In both cases, Iraq was one part of their job.

43. Sir David Manning became Mr Blair’s Foreign Policy Adviser and Head of OD Sec in September 2001. That marked a change from previous arrangements, in which the two roles had been held by two different individuals.

¹⁸ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898. Page 147.

¹⁹ Public hearing, 20 January 2010, pages 3-4.

²⁰ Public hearing, 20 January 2010, page 5.

²¹ Statement McKane, 8 December 2010, page 1.

²² Later renamed the Foreign and Defence Policy Secretariat (F&DP Sec) and now part of the National Security Secretariat.

²³ Public hearing Manning, 30 November 2009, pages 44-45.

²⁴ Public hearing McKane, 19 January 2011, pages 2-3.

44. Lord Wilson of Dinton, Cabinet Secretary from 1998 to 2002, told the Inquiry that the appointment of Advisers and their role as Heads of the relevant Secretariats in the Cabinet Office had reflected Mr Blair’s desire to have his senior people around him: “He had his own team. That is, to be honest, how he liked to work.”²⁵ Lord Wilson said that he had been against the change.

45. The Butler Review commented that the effect of the decision to combine “two key posts at the top of the Cabinet Secretariat” (the Heads of the Overseas and Defence and of the European Secretariats), with the posts of the Prime Minister’s Advisers on Foreign Affairs and on European Affairs, had been to: “weight their responsibility to the Prime Minister more heavily than their responsibility through the Cabinet Secretary to the Cabinet as a whole”.²⁶

46. The Butler Review acknowledged that the “view of the present post-holders is that the arrangement works well, in particular in connecting the work of the Cabinet Secretariat to that of the Prime Minister’s office”. It also recorded that “it was clear from the departmental policy papers it had seen that there was very close co-operation between officials in the Prime Minister’s office and in the FCO in policy making on Iraq”. The Review commented: “It is nonetheless a shift which acts to concentrate detailed knowledge and effective decision-making in fewer minds at the top.”

47. The Butler Review concluded that the changes to the key posts at the head of the Cabinet Secretariat had:

“... lessened the support of the machinery of government for the collective responsibility of the Cabinet in the vital matter of war and peace.”²⁷

48. Asked whether it would have been helpful for him to have a dual role similar to Sir David Manning’s roles as both the Prime Minister’s Foreign Policy Adviser and the Head of OD Sec, Sir David Omand told the Inquiry that he had “concluded on balance, the arrangement had more disadvantages than advantages”.²⁸ He added that:

“I think there is a helpful external perception of objectivity and support for the collective process amongst departments, if you are on the Cabinet Office side of the ... door rather than in No.10.

“I hesitate to say this, but I think it does over a period of time tend to disenfranchise the Cabinet Secretary. It is a very subtle psychodynamic effect... any Prime Minister ... is going to have a trusted group of inner confidants and advisers and if ... the adviser is simultaneously the Deputy to the Cabinet Secretary and Head of

²⁵ Public hearing, 25 January 2011, pages 21-22.

²⁶ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, page 147.

²⁷ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, pages 147-148.

²⁸ Public hearing, 20 January 2010, pages 52-53.

the Secretariat, then over a period of time it is likely that there will be an implicit assumption that the Cabinet Secretary's interests are being represented... so you don't really need to invite the Cabinet Secretary to the meeting."

49. Asked whether that had affected decision-making on Iraq, Sir David Omand responded that:

"I think the Cabinet Secretary was not as present as previous Cabinet Secretaries ... would have been. Of course one of the reasons for that is that the Prime Minister had given the Cabinet Secretary a very different agenda ... the new Cabinet Secretary was chosen explicitly on that basis."

50. Sir David agreed that the Cabinet Secretary could have "made a fuss" about that:

"But it would have been at the direct expense of not being able to devote the time to sorting out reform and delivery across the government's agenda."²⁹

51. Describing the resource constraints in the Cabinet Office, Sir David Omand told the Inquiry that he had "inherited an overspend where there wasn't enough money to pay for all" the units in Downing Street and the Cabinet Office, which were "funded from the same vote".³⁰ The Treasury had kept them, he expected "deliberately", on a "very tight leash in order to restrain the growth of Downing Street". Sir David had found it "quite hard" to staff the Cabinet Office at the level he would have wanted and it had been necessary to prioritise.

52. In relation to Iraq, Sir David said:

"We did find money for OD Secretariat to expand... at the time of Iraq. We did find money to enable the Joint Intelligence Committee's assessment staff to work at full tilt as the crisis – the run up to the campaign – developed.

"But it was a bit of a struggle and not necessarily ideal. It was also the case that the Overseas and Defence Secretariat, who were hard pressed on Iraq, were also valiantly providing me the sole support I had to work on a counter-terrorism strategy. I have nothing but praise for them. They did a fantastic job, but it was a stretch."

53. Sir David added:

"In a sense, one of the lessons ... is that you can't enter into a run-up to a major conflict and continue with business as usual. There was a certain sense that the government was trying to do everything as well as manage this very major military operation – I don't think that's possible.

²⁹ Public hearing, 20 January 2010, pages 53-54.

³⁰ Public hearing, 20 January 2010, pages 6-7.

“... during the Falklands [Conflict in 1982] ... although it was a much shorter affair ... for that period that dominated the work of that group of Ministers. They delegated everything else. That didn’t happen... on Iraq.”

54. Sir David Manning recognised that the teams working on Iraq were small and heavily loaded, and that fatigue was a factor, but told the Inquiry:

“I did not feel that, at official level, we were unable to manage the decision making processes or to relay the wishes of Ministers to the system or to reflect [the] system’s concerns to Ministers themselves.”³¹

The Foreign and Commonwealth Office

55. In December 2003, the Foreign and Commonwealth Office (FCO) presented a “Strategy for the FCO” to Parliament, in which it listed the department’s “key contributions” to government.³² They included:

- “co-ordination and leadership of the UK’s international policies”;
- “expert foreign policy advice for Ministers and the Prime Minister, feeding into the wider policy process”; and
- “rapid gathering, analysis and targeting of information for the Government and others”.

56. In the period from 2001 to 2003, prime responsibility within the FCO for information on other countries fell to the relevant regional department. For Iraq, that was the Middle East Department (MED), under the supervision of the Director, Middle East and North Africa.

57. The FCO Political Director, later known as the Director General (Political), is the senior FCO official responsible for developing and implementing FCO policy on the most significant bilateral and multilateral foreign policy issues facing the UK, and for directing policy advice to Ministers on those issues.

58. The Political Director is a member of the FCO Board and reports to the PUS.

59. The FCO Directorate of Strategy and Innovation (DSI) reports to the PUS and the FCO Board. Its role is to review policy in areas of high priority and supplement or challenge advice from the relevant department within the FCO. DSI was a significant contributor of strategy papers on Iraq in the second half of 2002.

60. The FCO Research Analysts provided expert support and background for the policy recommendations made by MED and the Iraq Policy Unit, drawing on information gained from contacts with Iraqi politicians and exiles, academics and journalists, those

³¹ Public hearing, 30 November 2009, pages 48-49.

³² Foreign and Commonwealth Office, *UK International Priorities: A Strategy for the FCO*, December 2003, Cm 6052.

who had visited Iraq and from intelligence.³³ The Research Analysts also acted as the contact point within government for the US State Department's Future of Iraq project (see Section 6.4).

61. The FCO told the Inquiry that one analyst worked full-time on Iraq during 2001, increasing to two from mid-2002.³⁴

62. On 29 November 2002, the FCO Board discussed priorities for the coming months, including reviewing Iraq policy and planning:

“The Board agreed that the possibility of war in Iraq would remain the prime focus of attention over the next months. It discussed contingency plans being put in place. Work was in hand on staffing and establishing emergency units [see Section 6.5]. Procedures were due to be tested in January ... Board members stressed the need to keep the level of threat under review; and to keep examining and testing out the contingency plans.”³⁵

63. On 2 December, Mr Ricketts (FCO Political Director) sent Sir Michael Jay (FCO PUS) advice on “preparations for handling an all-out Iraq crisis”.³⁶ Mr Ricketts explained that he held daily meetings at 0900 to co-ordinate FCO activity, chaired in his absence by another FCO Board member or Mr Edward Chaplin (FCO Director, Middle East and North Africa). He also described the Iraq-related responsibilities of FCO senior officials:

“William Ehrman [Director General Defence and Intelligence] deals with JIC and MOD, Graham Fry [Director General Wider World] supervises work on consular planning ...; Edward Chaplin and Charles Gray take the lead on policy advice, working with DSI for longer range thinking, with the UN and CFSP [Common Foreign and Security Policy] teams, with the Legal Advisers and others. I have deliberately involved a wide spread of senior managers, because we may well have to sustain an intense crisis for a significant period ...

“You will of course want to be closely involved in all the policy-making. One of the key tasks of the Emergency Unit is to prepare the Foreign Secretary and you for the [anticipated] No.10 meetings, to ensure the FCO is pro-active and thinking ahead. I propose to take responsibility under you as overall co-ordinator ...

“MED and Personnel Command discussed again this week the staff numbers required to produce this structure, and other essential augmentation (for example, for the Press Office and Consular Division) ... But it will be vital that the Board meets early and decides which tasks can fall away ...

³³ Statement FCO Research Analysts, November 2009, pages 1-2.

³⁴ Email FCO to Iraq Inquiry, 3 June 2013, ‘FCO Research Analysts’.

³⁵ Minutes, 29 November 2002, FCO Board meeting.

³⁶ Minute Ricketts to PUS [FCO], 2 December 2002, ‘Iraq: Handling the Crisis’.

“This all looks unwieldy, but I am confident that it will work ... In managing this, the trick will be to have a clear co-ordinating and tasking arrangement, without vast meetings ... We will need to keep [overseas] posts well briefed and targeted, while encouraging them to exercise maximum restraint in reporting ...”

64. The FCO Emergency Unit, responsible for co-ordination of all aspects of FCO Iraq policy during the military campaign, opened on 14 March 2003.³⁷ The FCO Consular Crisis Centre opened on 17 March. Both operated 24 hours a day throughout the military campaign.

65. After the closure of the Emergency Unit on 2 May, Mr Ricketts resumed daily Iraq policy meetings in his office from 6 May.³⁸

The Secret Intelligence Service and C

66. The 1994 Intelligence Services Act placed the Secret Intelligence Service (SIS) on a statutory basis, giving the Foreign Secretary responsibility for the work of SIS, defining the functions of the Service and the responsibilities of its Chief, who is known as C.³⁹

67. The principal role of SIS is the production of secret intelligence on issues concerning Britain’s vital interests in the fields of security, defence, foreign and economic policies in accordance with requirements established by the Joint Intelligence Committee (JIC) and approved by Ministers. SIS uses human and technical sources to meet those requirements, as well as liaison with a wide range of foreign intelligence and security services.⁴⁰

68. Sir Richard Dearlove told the Inquiry:

“... the Service is not the Foreign Office. It’s not a policy department. It’s a department which is essentially an operational department, which contains a lot of people with some really remarkable knowledge and expertise.”⁴¹

69. Under Section 2 of the Intelligence Services Act 1994, the Chief is responsible for the efficiency of the Service and it is:

“... his duty to ensure –

- a. that there are arrangements for securing that no information is obtained by the Intelligence Service except so far as is necessary for the proper discharge of its functions and that no information is disclosed except so far as necessary –
 - (i) for that purpose;

³⁷ Telegram 130 FCO London to Abidjan, 13 March 2003, ‘Opening of FCO Emergency Unit’.

³⁸ Minutes, 1 May 2003, FCO Emergency Unit Iraq meeting.

³⁹ Intelligence Services Act 1994.

⁴⁰ Cabinet Office, *National Intelligence Machinery*, 9 October 2001, page 6.

⁴¹ Private hearing, 16 June 2010, page 12.

- (ii) in the interests of national security;
- (iii) for the purposes of the prevention or detection of a serious crime; or
- (iv) for the purpose of any criminal proceedings ...”

70. The Chief is required to make an annual report on the work of the Service to the Prime Minister and the Foreign Secretary and “may at any time report to either of them on any matter relating to its work”.⁴²

71. As a later version of the Cabinet Office document *National Intelligence Machinery* states, the Agencies are responsible for evaluating and circulating their “mainly single-source reports”.⁴³

PROVISION OF INTELLIGENCE REPORTS TO KEY CUSTOMERS

72. Intelligence collected by the three Intelligence Agencies – SIS, the Security Service and the Government Communications Headquarters (GCHQ) – is passed directly in the form of reports to customer departments in government. Those reports assist decision-making. They also contribute, with other sources of information, to longer-term analysis, including Assessments issued by the JIC.

73. Lord Wilson told the Inquiry that Mr Blair’s travels overseas to secure support for action against Usama Bin Laden had had an impact on the relationship between No.10 and the Intelligence Agencies.⁴⁴ Sir Richard Dearlove, Chief of SIS, travelled with Mr Blair and had, in Lord Wilson’s words: “seized his chance, quite understandably, and got to know the Prime Minister and the Prime Minister got to know him”.

74. Asked about the pressures on SIS as a result of their success in producing material for the dossier, and when Mr Blair was relying on them and had put them on a pedestal, Sir Richard Dearlove told the Inquiry that was:

“... a fragile and dangerous position, as one was well aware at the time. I don’t deny that. But such are the events of government sometimes.”⁴⁵

75. Asked about his joint visits to Washington with Sir Richard Dearlove, Sir David Manning told the Inquiry that they “probably reflected the new weight that the intelligence Agencies had in the system” after 9/11:

“It’s in a sense inevitable because the Americans chose to play it this way. [George] Tenet [Director of the CIA] is an absolutely key figure ... and we have to find our counterparts.”⁴⁶

⁴² Intelligence Services Act 1994.

⁴³ Cabinet Office, *National Intelligence Machinery*, 19 November 2010, page 36.

⁴⁴ Public hearing, 25 January 2011, page 28.

⁴⁵ Private hearing, 16 June 2010, page 64.

⁴⁶ Private hearing, 24 June 2010, pages 9-10.

76. Sir David also commented that:

“... after 9/11 you see a completely new emphasis in Whitehall from Ministers, and indeed in terms of budgetary provision, for the Agencies. The fact that they had become the natural interlocutors of key players in the Bush Administration, and ... given ... much higher priority for resourcing ... reflect[ed] a sort of shift in weight in the system.”⁴⁷

77. Asked whether Sir Richard Dearlove spent more time with Mr Blair than his predecessors, Sir David commented that he did not know; but:

“Richard was certainly part of the group the Prime Minister consulted regularly, and ... had access to the Prime Minister ... pretty much when he wanted it.”

78. Asked for his observations on how the relationships between the intelligence services, in particular Sir Richard Dearlove, and Mr Blair, Mr Straw and himself had changed, Sir David told the Inquiry:

“... because the whole terrorism issue moved so rapidly up the agenda, and because there is a sense that we are vulnerable to asymmetric threats in a way that we haven't been in the past, there is a new recognition of the importance of the Agencies, a new willingness among Ministers to fund and resource the Agencies, and a much greater dependence on advice from the Agencies on threats that are not the conventional threats that we have been used to.

“... in addition ... you have two rather remarkable personalities as the Heads of [their respective] Agencies, Richard [Dearlove] and Eliza [Manningham-Buller] ... and if you find that the American system is using the Agencies really rather extensively, then it does change the pattern and the way we work, partly because the Government puts much more emphasis on the Agencies and much less, in my view – and I think it's a mistake – on the traditional departments, but partly because we don't have a lot of choice because this is the sort of network that's developing.

“... in a way I think you have to accept that the Heads of the Agencies are much more like the traditional Permanent Under Secretaries, that their departments are frequently better funded to deal with these issues than the traditional departments are, have more resource, can act more quickly ...

“So I think there has been a shift in the way that Whitehall operates, and I think it is inevitable that, as a result of that shift, the Heads of the Agencies have greater weight in the system ...”⁴⁸

⁴⁷ Private hearing, 24 June 2010, page 10.

⁴⁸ Private hearing, 24 June 2010, pages 43-45.

79. Sir David added that when, in crises, time was very short, there was a “tendency”, if a message was being passed through an Agency, for that Agency to deliver it.⁴⁹

80. Asked if the Agencies were being drawn into giving policy advice without necessarily having the experience fully to occupy that role, Sir David responded that they did “give more policy advice than in the past”.⁵⁰ Because of the way the process had changed they had “found themselves almost being sucked into giving that advice from time to time”. They had found themselves more in a “policy influencing role, than was traditional”.

81. Asked for the perspective from No.10 on whether SIS had oversold what it could deliver, Sir David Manning told the Inquiry: “I can only say, looking back ... that the fact was the intelligence does feel as though it delivered more than it actually did. I think quite quickly after the invasion it became clear that some of them felt that too.”⁵¹

82. In relation to Sir Richard Dearlove’s role, Sir David Omand said that:

“SIS were very much in the inner council. They had proved their worth to the Prime Minister in a number of really very, very valuable pieces of work, not just delivering intelligence, but ... conducting back channel diplomacy, and that, I’m sure weighed heavily on the Prime Minister’s calculation that, ‘These are people I should be listening to.’

...

“... it is quite tempting to comment if you are the confidant of the Prime Minister – and you can go back to Churchill and his intelligence advisers ... to find this in the role of the then Chief of the SIS in Churchill’s inner council. It is quite tempting to go over that line and start expressing an opinion on the policy itself. I wasn’t there to know if that happened ... I’m making a more general point.”⁵²

83. Sir David added:

“I think there were certainly people in the intelligence community, and there are still some, who believe that something will turn up in Syria, and I am certainly not going to break my own rules and say categorically that won’t happen. We could all still be surprised. But there was a sense in which, because of past successes – very, very considerable successes supporting this government, that SIS overpromised and underdelivered, and when that became clear that the intelligence was very hard to find ... they really were having to bust a gut to generate the intelligence.

“I think the Butler Committee really uncovered that the tradecraft at that point wasn’t as good as it should have been for validation... that’s one of the background

⁴⁹ Private hearing, 24 June 2010, page 46.

⁵⁰ Private hearing, 24 June 2010, pages 46-47.

⁵¹ Private hearing, 24 June 2010, pages 120-121.

⁵² Public hearing, 20 January 2010, pages 61-62.

reasons why people were very unwilling to actually conclude: no ... we may have miscalculated, or misassessed this.”⁵³

84. Asked about his views on Sir David Omand’s comment from the standpoint of the JIC, Sir John Scarlett (Chairman of the JIC from 2001 to 2004) replied:

“I think what David was referring to there was the situation in January and February 2003, when UNMOVIC [the United Nations Monitoring, Verification and Inspection Commission] were not finding things, and so the reaction might have been: well, why is that? But the reaction was: well it’s there. This just goes to show that UNMOVIC aren’t much use and we will find it.”⁵⁴

85. In a letter to Mr Hoon on 17 September 2002, Sir Kevin Tebbit wrote:

“I also counselled against excessive briefings of the Prime Minister by the intelligence agencies, when it was evident that their input could be transmitted in written form and his time could be better spent with those Ministers (ie you and the Foreign Secretary) in the small groups needed to decide executive action or give policy direction.”⁵⁵

The Ministry of Defence

86. The Ministry of Defence (MOD) is both a Department of State and a Military Strategic Headquarters.

87. The Defence Secretary is responsible for the formulation and conduct of defence policy and chairs the Defence Council, which provides the formal legal basis for the conduct of Defence in the UK.

88. The Defence Council has a range of powers vested in it by Parliament (through statute) and, under Letters Patent issued by Her Majesty The Queen, exercises on Her behalf the function of the Royal Prerogative, including committing the Armed Forces to military operations.⁵⁶

89. The Defence Secretary has two principal advisers: the PUS and the Chief of the Defence Staff (CDS).⁵⁷ They are separately responsible for ensuring that sound and timely advice reaches Ministers.⁵⁸

90. The PUS is the Secretary of the Defence Council.

⁵³ Public hearing, 20 January 2010, pages 63-64.

⁵⁴ Private hearing, 5 May 2010, page 36.

⁵⁵ Minute Tebbit to Secretary of State [MOD], 17 September 2002, ‘Iraq: Machinery of Government’.

⁵⁶ Ministry of Defence, *The New Defence Operating Model*, Version 3.0: December 2012, page 18.

⁵⁷ Ministry of Defence, *Annual Report and Accounts 2002-03*, page 145.

⁵⁸ Ministry of Defence, *Defence Framework – How Defence Works*, September 2008, pages 11-12.

91. The Defence Secretary is responsible for the direction and conduct of all operations by UK Armed Forces.⁵⁹ He provides strategic direction, endorses the allocation of resources and sets the constraints on the use of force and is accountable to Parliament for all the decisions and actions of Defence.⁶⁰

92. Force levels and Rules of Engagement are subject to policy decisions made by Ministers, taking into account legal advice. Those decisions are recorded in a CDS Directive.

93. As a Department of State, MOD Head Office ensures the conduct of operations reflects the Defence Secretary's direction and is consistent with wider government policy.⁶¹ Its focus is at the strategic level: to define the ways in which military force will contribute to the achievement of the Government's current and future security objectives and to determine the military means required to deliver them.

94. As the most senior civil servant in the Department of State, the PUS has primary responsibility for policy, finance and administration in the MOD.⁶²

95. The PUS provides policy advice to Ministers on current and potential operations.⁶³

96. The PUS's core responsibilities and accountabilities comprise:

- Leading [the Ministry of] Defence, with CDS (to Defence Secretary).
- Defence and nuclear policy advice ...
- Accounting Officer duties ...
- Developing an affordable programme (to Defence Secretary).
- Formulating Defence strategy (with CDS) (to Defence Secretary).
- Acting as head of profession for MOD civil servants (to Defence Secretary).
- Co-ordinating delivery of top level decision making ...”

97. The PUS is also responsible for: “Leading the [MOD's] relationship with other Government Departments.”⁶⁴

98. The PUS is the MOD's Principal Accounting Office and is personally accountable to Parliament for the expenditure of all public money voted for Defence purposes.⁶⁵

99. As professional head of the Armed Forces, the CDS is responsible for the delivery of military capability, including the direction of military operations.⁶⁶

⁵⁹ Ministry of Defence, *The New Operating Model: How Defence Works*, April 2013.

⁶⁰ Ministry of Defence, *Defence Framework – How Defence Works*, September 2008, page 5.

⁶¹ Ministry of Defence, *Transforming Defence*, Version 3.0: December 2012, page 24.

⁶² Ministry of Defence, *Annual Report and Accounts 2002-03*.

⁶³ Ministry of Defence, *The New Operating Model: How Defence Works*, April 2013.

⁶⁴ Ministry of Defence intranet, 'Responsibilities of PUS'.

⁶⁵ Ministry of Defence, *Annual Report and Accounts 2002-03*.

⁶⁶ Ministry of Defence, *How Defence Works – Defence Framework*, September 2008, page 3.

100. Lord Boyce, CDS from February 2001 to May 2003, told the Inquiry that his responsibility was to advise on military capability and capacity.⁶⁷

101. As the principal military adviser to the Defence Secretary and the Government/ Prime Minister, the CDS will attend Cabinet or its sub-committees as required and will draw on the operationally focused advice provided by the Service Chiefs of Staff and senior civil servants through the Chiefs of Staff Committee.⁶⁸

102. The CDS, advised by the Vice Chief of the Defence Staff (VCDS) and the Service Chiefs, is responsible for the formulation of the military strategy and its coherence with government policy. Following the Defence Secretary's direction, the CDS is responsible for the planning, direction and conduct of all military operations.

103. Through a CDS Directive, he:

- Appoints the operational commander.
- Provides strategic direction.
- Identifies the military conditions for success.
- Designates the theatre and joint operations area.
- Specifies force levels and resources.
- Promulgates the constraints on the use of force.
- Sets the strategic intelligence requirements.⁶⁹

104. The Chiefs of Staff Committee (COS) is the main forum through which the CDS seeks and obtains the collective military advice of the single Service Chiefs of Staff, and through which he discharges his responsibility for the preparation and conduct of military operations.⁷⁰

105. The Committee is chaired by the CDS. The three Service Chiefs of Staff and the VCDS are the only other full members. Responsibility for the decisions and advice that emerge rests solely with the CDS. More information on COS is set out below.

106. Mr Hoon told the Inquiry that it was important that he, the CDS and the PUS “worked together, otherwise we had problems”:

“... it was important for me to enjoy the confidence of the military, but at the same time ensure that those responsible for developing policy on the Civil Service side were comfortable with where we were going.”⁷¹

107. Mr Hoon added that “one of the great successes” of the MOD was the extent to which it was “genuinely joined up” and the “real integration between the civil servants

⁶⁷ Public hearing, 3 December 2009, page 76.

⁶⁸ Ministry of Defence, *How Defence Works – Defence Framework*, December 2010, page 14.

⁶⁹ Ministry of Defence, *The New Operating Model: How Defence Works*, April 2013, page 24.

⁷⁰ Ministry of Defence, *How Defence Works – Defence Framework*, December 2010, page 29.

⁷¹ Public hearing, 19 January 2010, page 2.

and the military”. He had “excellent relationship[s]” with each of the Chiefs of Defence Staff with whom he worked, and “very regular ... informal and formal meetings”. In the course of “campaigns like Iraq”, such meetings were “on a daily or more than daily basis”.⁷²

ROLES WITHIN THE MOD

108. The principal task of the Defence Intelligence Staff (DIS)⁷³ was the provision of intelligence to inform MOD policy formulation and procurement decisions, and to support military operations.⁷⁴

109. DIS worked closely with other UK intelligence organisations and with overseas allies.⁷⁵ Its sources included human, signals and imagery intelligence, as well as open sources. The DIS produced a number of reports on the state of Iraq.

110. The Defence Crisis Management Organisation (DCMO) is tasked to provide “politically aware military advice to inform the strategic commitment of UK forces to overseas joint and combined operations”.⁷⁶

111. The DCMO comprises the Permanent Joint Headquarters (PJHQ) and elements of the MOD Central Staff, single service frontline commands and other relevant departments.⁷⁷

112. As head of PJHQ, the Chief of Joint Operations (CJO) is responsible for the planning and execution of joint (tri-Service) operations.⁷⁸

113. CJO reports directly to the CDS for contingency planning and advice on the conduct and resourcing of current operations.⁷⁹ At the operational level, CJO is responsible for the deployment, direction, sustainment and recovery of deployed forces in order to deliver the military strategy set out in the CDS’s Directive.

114. The CJO is the Commander Joint Operations for current operations for which he is responsible.

115. The MOD Central Staff advises both the PUS and CDS. Between 2001 and 2009 it was led jointly by the VCDS and the Second Permanent Secretary (2nd PUS), supported by a joint staff.

⁷² Public hearing, 19 January 2010, page 3.

⁷³ Now known as Defence Intelligence (DI).

⁷⁴ Letter MOD to Iraq Inquiry, 29 April 2010, ‘MOD Evidence – Submission on Defence Intelligence Staff (DIS)’.

⁷⁵ www.gov.uk, ‘Defence Intelligence’.

⁷⁶ Ministry of Defence, *How Defence Works – Defence Framework*, December 2010, page 14.

⁷⁷ House of Commons, *Official Report*, 16 November 2004, column 1290W.

⁷⁸ Ministry of Defence, *Annual Report and Accounts 2002-03*.

⁷⁹ Ministry of Defence, *The New Operating Model: How Defence Works*, April 2013.

116. The two most senior members of the Central Staff with responsibilities for decisions on military operations were the Deputy Chief of the Defence Staff (Commitments) (DCDS(C)) and the Policy Director. They were supported by the Assistant Chief of Defence Staff Operations (ACDS(Ops)) and the Director General Operational Policy (DG Op Pol).⁸⁰

117. In the period from 2002 to 2003, DCDS(C) was supported by the Strategic Planning Group (SPG).

118. Lieutenant General Sir Robert Fry, DCDS(C) from July 2003 to January 2006, stated that he was “responsible for the military strategic advice to the Chiefs of Staff”.⁸¹

119. Sir Kevin Tebbit told the Inquiry that the Policy Director was responsible for leading the effort to balance political and military considerations in producing advice.⁸²

THE CHIEFS OF STAFF COMMITTEE

120. The Chiefs of Staff Committee is supported by the Chiefs of Staff Secretariat (COSSEC), which ensures that minutes and decisions are promulgated swiftly, a record of outstanding actions is prepared and maintained, and papers are prepared and circulated to support discussions.

121. The papers prepared for COS meetings and the minutes of its discussions (although they are not a verbatim record) provide a major source of information for the Inquiry.

122. From time to time, the Chiefs of Staff also hold discussions which are unminuted. Those include early discussions on Iraq in the first half of 2002 and Chiefs of Staff (Informal) (COS(I)) meetings.

123. By early 2002, the COS Committee was already meeting at least once a week, often designated as COS (Operations), to discuss operational issues in addition to the regular cycle of meetings on non-operational issues.

124. In 2002, there were 71 meetings of the COS Committee. Issues related to Afghanistan constituted the main business until 19 September, when COS discussed a paper addressing potential UK support to US operations against Iraq.⁸³

125. From 19 September, the COS Committee met weekly, usually on a Wednesday morning, to discuss Iraq, and other operational issues.

⁸⁰ The MOD confers the title Director General on personnel at two-star, or civilian Director level; usage elsewhere in Whitehall differs.

⁸¹ Public hearing, 16 December 2009, page 72.

⁸² Public hearing, 3 December 2009, page 10.

⁸³ Minutes, 19 September 2002, Chiefs of Staff meeting.

126. The agenda for the weekly COS (Operations) meetings usually comprised a briefing from the Chief of Defence Intelligence, followed by:

- “political/military overview”;
- operational planning;
- media; and
- next steps.

127. By the autumn of 2002, COS (Operations) meetings were attended by a range of military and civilian officials or their representatives.

128. In late 2002/early 2003, that included the MOD PUS, the Chief of Defence Logistics, the DCDS(C), the Chief of Defence Intelligence, the Deputy Chief of Defence Staff (Equipment Capability), the Deputy Chief of Defence Staff (Personnel), the Policy Director, the Director General of Corporate Communications and, frequently, senior officials from some or all of the Cabinet Office, the FCO, SIS and GCHQ.

129. The first recorded attendance by a DFID representative was on 19 February 2003.

130. Meetings with Defence Ministers often followed COS (Operations) meetings. The papers examined by the Inquiry for the period between 2001 and 2009 suggest that they were essentially briefing meetings and no records of the discussions were produced.

131. The MOD has conducted an extensive search of its archives and no records of minutes for these meetings have been located.

132. Lord Boyce told the Inquiry that attendance at COS meetings provided “transparency of what the military were doing” for other departments, and that they would provide inputs setting out their thinking.⁸⁴

133. Sir Kevin Tebbit added that it was “a very important way of making sure people understood the tempo of planning”.

134. General Sir John Reith, Chief of Joint Operations from August 2001 to July 2004, told the Inquiry that PJHQ had a “very, very close relationship” with the MOD and in particular with the Commitments Staff:

“... every single paper that we produced at PJHQ was staffed through the ... MOD before it went under my signature into the Chiefs of Staff Committee, and we had a VTC [video conference] every morning ... I was on regular VTCs for the op[erations] Chiefs of Staff meetings and for the Ministerials.”⁸⁵

⁸⁴ Public hearing, 3 December 2009, page 80.

⁸⁵ Private hearing, 15 January 2010, pages 3-4.

The Department for International Development

135. In 2003, the Department for International Development (DFID) was responsible for leading the Government's contribution to eliminating poverty. The International Development Act, which came into effect in June 2002, had established poverty reduction as the overarching purpose of British development assistance.

136. Within DFID, the Iraq Team in the Middle East and North Africa Department included advisers with expertise on conflict, humanitarian assistance, governance, infrastructure, economics and social development who provided analysis to inform decisions.⁸⁶ The DFID Iraq Team worked closely with the FCO and drew on the FCO's Iraq-related research and analysis.

137. Advisers were drawn from the relevant DFID professional cadres with consultants brought in to provide advice on specific issues and projects where required.

138. In addition, DFID's Conflict and Humanitarian Affairs Department (CHAD) provided specific policy and operational advice on Iraq.

Decision-making machinery pre-conflict

139. Lord Wilson told the Inquiry that between January 1998 and January 1999 he had attended and noted 21 Ministerial discussions on Iraq; 10 in Cabinet, of which seven had "some substance"; five in the Defence and Overseas Policy Committee (DOP); and six ad hoc meetings, including one JIC briefing.⁸⁷

140. The Cabinet Office informed the Inquiry that there was no discussion of Iraq in DOP in 1999 or 2000, and that the four discussions in Cabinet in early 1999 (the last on 7 March) were confined to brief updates on the No-Fly Zones.⁸⁸ There is no record of any Cabinet discussion of Iraq in 2000.

141. In contrast, Lord Wilson told the Inquiry that between 9/11 and January 2002 he attended 46 Ministerial meetings on international terrorism and/or Afghanistan.⁸⁹ Those were: 13 Cabinet meetings (four of which were very short); 12 meetings of a new Cabinet Committee, DOP(IT) (Defence and Overseas Policy (International Terrorism)), which was set up as a sort of "War Cabinet"; and 21 ad hoc meetings, although many of those had taken place "round the Cabinet table".

The Defence and Overseas Policy Committee

142. DOP, formally a Sub Committee of the Cabinet, was created in 1963, with Terms of Reference: "To keep under review the Government's defence and overseas policy."

⁸⁶ Email DFID to Iraq Inquiry [junior official], 19 June 2013, 'Iraq Inquiry new queries'.

⁸⁷ Public hearing, 25 January 2011, page 11.

⁸⁸ Email Cabinet Office to Aldred, 5 July 2011, 'FOI request for joint MOD/FCO memo on Iraq Policy 1999'.

⁸⁹ Public hearing, 25 January 2011, page 11.

143. DOP was chaired by the Prime Minister, and its membership included the Chancellor of the Exchequer, the Foreign Secretary, the Defence Secretary and the International Development Secretary. The CDS attended as required.

The conventions used in Cabinet minutes

The *Guide to Minute Taking* produced by the Cabinet Office in June 2001 said that the first purpose of a minute was to set out the conclusions reached so that those who have to take action know precisely what to do; the second purpose was to “give the reasons why the conclusions were reached”.

The *Guide* said:

“A good minute of a meeting will be:

- i. brief but intelligible;
- ii. self-contained;
- iii. in the main, impersonal; and
- iv. to the full extent that the discussion allows, decisive.”⁹⁰

The *Guide* made clear that a minute was “not a substitute for a verbatim record” and should not reproduce points made by every speaker. Instead they should be grouped into paragraphs which develop the argument.

Points should be attributed to an individual when “a specifically departmental view has been put forward, or a suggestion has been made to safeguard a departmental interest”, or when a speaker reserves their position or registers dissent. Dissent to the conclusions of a Cabinet meeting should only be recorded if the dissenting Minister indicates an intention to resign.

The *Guide* advised that when the Chair had summed up a discussion “it is usually convenient to record this as a formal summing up” to record “the sense of the meeting” and avoid lengthy conclusions. A minute should end with conclusions which are “clear and precise”.

The *Guide* explained that conventions govern the formulae used to indicate different kinds of action, which reflected “the constitutional position of Ministers as individually responsible for matters covered by their department while sharing in the collective responsibility of members of the Government”. The formulae also distinguished the positions of the Chair of a Committee and its Secretariat. They were:

“The Committee—

1. Approved [a memorandum].
2. Agreed [on a course of action].
3. Agreed to resume their discussion ...
4. Instructed the Secretaries ...
5. Invited the Chancellor of the Exchequer [or the Treasury in the case of an Official Committee] to ... (do not say ‘authorised’).

⁹⁰ Cabinet Office, *Guide to Minute Taking*, June 2001.

6. Took note that the Chancellor of the Exchequer [or Treasury] would...
7. Took note.
8. Took note, with approval, of the Prime Minister's [Chair's] summing up of their discussions [and invited the Ministers concerned to proceed accordingly]."

The Ad Hoc Meeting (the War Cabinet)

144. In June 2002, officials began to discuss changes to the Government's machinery for Iraq policy and planning.

145. Recommendations to improve Whitehall co-ordination at official and Ministerial level were put to Mr Blair in mid-September.

146. Mr Tom McKane, Deputy Head of OD Sec, sent Sir David Manning a note on possible machinery "for managing Iraq" on 2 September.⁹¹ He recalled that he and Sir David had already agreed that, "following the pattern of Afghanistan", there should be two groups of officials: an "inner group" chaired by Sir David (or Mr Desmond Bowen who would shortly be taking over from Mr McKane) and a more junior "wider group", chaired by Mr Bowen or Mr Drummond.

147. Mr McKane proposed that the inner group "should begin work once you [Sir David Manning] decide that the time is right". It would comprise the Chair of the JIC or Chief of the Assessments Staff, the FCO Middle East Director, the DCDS(C) and/or Mr Ian Lee (MOD Director General Operational Policy), and representatives of all three Intelligence Agencies and the Home Office. Mr McKane asked whether it should also include the Defence Intelligence Staff (DIS) and a No.10 information specialist. He proposed that the wider group "should meet periodically from now on and, inter alia, address the issues set out in Jim Drummond's minute of 30 August".

148. Mr McKane wrote that "we also need to consider the composition of a Ministerial Group". He recommended the creation of a separate Ad Hoc Sub-Committee of DOP, chaired by the Prime Minister, with the participation of the Foreign and Defence Secretaries and the Intelligence Chiefs. DOP "could meet less frequently and be the means of formalising decisions". Mr McKane also suggested that Lord Goldsmith, the Attorney General, be invited "to be in attendance at both these groups, as required" and Mr Robin Cook, the Leader of the House, "be invited to attend DOP".

149. Sir David Manning put the proposals to Mr Blair on 12 September.⁹² At official level, Sir David recommended that he or Mr Bowen should chair an inner group, to include the JIC, the FCO, the MOD, SIS, the Security Service, GCHQ, the Home Office and Sir David Omand, the Cabinet Office Permanent Secretary.

⁹¹ Minute McKane to Manning, 2 September 2002, 'Iraq'.

⁹² Minute Manning to Prime Minister, 12 September 2002, 'Iraq'.

150. A wider group, chaired by OD Sec, would be “tasked as necessary by the inner group”. The additional members would include DFID, the Metropolitan Police Service, the Treasury, the Department of Trade and Industry (DTI) and media specialists from No.10 and the FCO.

151. In his advice to Mr Blair, Sir David Manning adjusted slightly Mr McKane’s proposal for a Ministerial Group. He suggested:

“If we follow the Afghan precedent, we would set up an Ad Hoc Group (perhaps technically a Sub-Committee of DOP under your chairmanship) to include Jack [Straw], Geoff [Hoon], CDS [Admiral Sir Michael Boyce], C [Sir Richard Dearlove] and No.10. The idea would be to keep it tight with meetings in the Den. If we move to military action, we would, of course, need to widen this to include John Prescott [the Deputy Prime Minister], David Blunkett [the Home Secretary] and perhaps others.

“This leaves the question of what to do about the Attorney. I assume that you would not want him to attend your Ad Hoc Group except by invitation on specific occasions.”

152. Ms Clare Short, the International Development Secretary, was not on Sir David’s list of recommended participants.

153. Mr Blair wrote on Sir David Manning’s advice: “Yes but we can wait before setting up a key Cabinet Group.”⁹³

154. Mr Jonathan Powell, Mr Blair’s Chief of Staff, instructed Sir David Manning: “to progress official groups and leave Minist[eria]l groups for now”.⁹⁴

155. Asked by the Inquiry whether having more stress testing by very senior ministers not directly involved with Iraq issues might have helped to highlight some of the weaknesses in areas such as post-conflict planning, Mr Blair replied:

“... in one sense I would like to say ‘yes’, because it would be in a way an easy enough concession to make. My frank belief is it would not have made a great deal of difference, no. The committee meetings that we had, small ‘a’, small ‘h’, ad hoc meetings, I think there were 28 of them, 14 of which were minuted. I had the right people there ... no-one was saying to me ‘Do it a different way’. I mean, if someone had I would have listened to it, but I have to say to you in addition when I looked, for example, at Mrs Thatcher’s War Cabinet, it didn’t have the Chancellor of the Exchequer on it... you have there the people that you need there.”⁹⁵

⁹³ Manuscript note Blair on Minute Manning to Prime Minister, 12 September 2002, ‘Iraq’.

⁹⁴ Manuscript note Powell on Minute Manning to Prime Minister, 12 September 2002, ‘Iraq’.

⁹⁵ Public hearing, 21 January 2011, pages 26-27.

156. A member of OD Sec wrote to Sir David Manning on 30 January with a draft minute from Sir Andrew Turnbull to Mr Blair setting out “on a contingency basis” a proposal for “meeting and briefing arrangements for handling any conflict with Iraq”.⁹⁶ The official suggested that Sir David might like to discuss the issue with Mr Blair before the draft was submitted to Sir Andrew.

157. The draft minute proposed that, “given the sensitivity of the issues to be discussed”, the “War Cabinet” should be a “very small, informal group” “limited to the Foreign Secretary, the Defence Secretary, CDS, C, John Scarlett plus a small Secretariat”. There was also “a case for including a non-departmental Cabinet Minister who is not quite so close to the action”. The membership could also be “extended **as necessary on a case by case basis**, if there was a need to involve any other Minister (such as the Attorney General or Development Secretary) in the discussions”.

158. The draft stated:

“The core group could be formally constituted as a Cabinet Committee. But I recommend that it be established as an Ad Hoc Ministerial Committee. This would help foster an air of informality and obviate the need to publish any composition and terms of reference.”

159. The covering minute to Sir David stated that:

“In terms of managing the business this is fine. But in the absence of a formally constituted ‘War Cabinet’ as we had with Afghanistan, which was the public face of decision taking, could lead to unhelpful speculation about how the conflict was being managed. Other Ministers might also feel excluded. One way round the problem would be for DOP to be convened occasionally (thereby bringing in Clare Short and Gordon Brown) when there is a need for a wider discussion – perhaps before Cabinet each week. This would be in addition to more regular meetings of the inner group.”

160. The draft minute stated that COBR should be “activated in the immediate run up to any military action, and manned on a 24 hour basis”; and that: “As during the Afghanistan conflict, David Manning would chair official-level meetings (both in restricted and wider formats) to co-ordinate and galvanise Departmental activity and to ensure that you are properly briefed on developments.” A daily intelligence update, an ‘Overnight Sitrep’ prepared early each morning “covering the main international and military developments”, and “a more detailed thematic ‘Evening Round-Up’ following the Afghanistan model” were also proposed.

⁹⁶ Minute Gibbons to Manning, 30 January 2003, ‘Iraq: Crisis Management’.

161. The official also informed Sir David that the MOD was planning on the basis of a daily press briefing at 1000, and the importance of striking a balance between the various briefings in theatre, London and Iraq.⁹⁷

162. Sir David Manning sent the minute to Mr Jonathan Powell, writing: “Grateful if we could discuss.”⁹⁸

163. An ‘Ad Hoc Meeting’ of Ministers took place daily from 19 March to 12 April, with the exception of Sundays 30 March and 6 April. The Committee then met five times before the end of April.

164. Sir Kevin Tebbit wrote to Sir Andrew Turnbull on 5 March stating:

“I am sure you have this in hand already, but in case it might help, I should like to offer you my thoughts on the procedure for handling the legal basis for any offensive operations ... in Iraq – a subject touching on my responsibilities since it is the CDS who will need to be assured that he will be acting on the basis of a lawful instruction from the Prime Minister and the Defence Secretary.

“It is not possible to be certain about the precise circumstances in which this would arise because we cannot be sure about the UN scenario involved ... Clearly full UN cover is devoutly to be desired – and not just for the military operation itself ...

“My purpose in writing, however, is not to argue the legal merits of the case ... but to flag up ... that the call to action from President Bush could come at quite short notice and that we need to be prepared to handle the legalities so we can deliver ...

“In these circumstances, I suggest that the Prime Minister should be prepared to convene a special meeting of the inner ‘war’ Cabinet (Defence and Foreign Secretaries certainly, Chancellor, DPM [Deputy Prime Minister], Home Secretary possibly, Attorney General, crucially) at which CDS effectively receives his legal and constitutional authorisation. We have already given the Attorney General information and MOD briefings on objectives and rationale, and I understand that John Scarlett is conducting further briefing on the basis of the intelligence material.

“While it is not possible to predict the timing of the event precisely ... could conceivably be as early as 10 March ... in the event, albeit unlikely, that the Americans lost hope in the UN and move fast. Michael Jay may have a better fix on this, but I guess the more likely timing would be for Security Council action around the weekend of 15/16 March, and therefore for a meeting after that.”⁹⁹

165. In a minute of 14 March, Mr Powell recorded that “we have agreed” that Mr Blair would start to hold daily meetings of a ‘War Cabinet’ from 0830 on 19 March. Mr Powell

⁹⁷ Minute Gibbons to Manning, 30 January 2003, ‘Iraq: Crisis Management’.

⁹⁸ Manuscript note Manning to Powell, 2 February 2003, on Minute Gibbons to Manning, 30 January 2003, ‘Iraq: Crisis Management’.

⁹⁹ Letter Tebbit to Turnbull, 5 March 2003, [untitled].

advised Mr Blair that he would need Mr Hoon, Mr Straw and Adm Boyce and asked which Ministers and officials Mr Blair wanted to attend, including whether Mr Blair wanted Ms Short, Sir Andrew Turnbull or Sir David Omand, and the Heads of the Intelligence Agencies.¹⁰⁰

166. The minute was copied to Baroness Sally Morgan (Director of Political and Government Relations), Mr Alastair Campbell (Mr Blair's Director of Communications and Strategy), Mr Jeremy Heywood (Mr Blair's Principal Private Secretary), Sir David Manning and Mr Rycroft. It was not copied to Sir Andrew Turnbull.

167. Sir Andrew Turnbull set out the arrangements for a small 'War Cabinet', chaired by Mr Blair "to oversee the UK's involvement in military action in Iraq", in a minute to Mr Heywood on 18 March 2003.¹⁰¹ The minute said:

- OD Sec would produce a short note recording the main decisions after each meeting, which would be "sent only to those who attend".
- "There might also be a case for having weekly meetings of DOP (including the Chancellor and Home Secretary in addition), perhaps convening just before Cabinet. This would provide an opportunity for wider Ministerial involvement, including on day after issues. I suggest this is something that David Manning keeps under review."
- COBR was being activated on a 24 hour basis on 18 March: "As during the Afghanistan conflict" Sir David Manning would "chair official level meetings (both in restricted and wider formats) to co-ordinate and galvanise Departmental activity and to ensure that the Prime Minister is properly briefed on developments".
- COBR would produce "early-morning sitreps and a more detailed thematic Evening Round-Up, following the Afghanistan model".
- Mr Scarlett would "brief the Group on the intelligence picture".
- The Assessments Staff were producing daily written intelligence updates, which would "normally issue at 08:00".

168. The Committee's remit was to "cover ... military and other updates and the day's events"; and "to focus on longer term policy decisions", although the time for that would be limited and would need to be "rationed carefully".¹⁰²

169. The members of the Committee were: Mr John Prescott (the Deputy Prime Minister), Mr Gordon Brown (the Chancellor of the Exchequer), Mr Jack Straw (the Foreign Secretary), Mr David Blunkett (the Home Secretary), Ms Clare Short (the

¹⁰⁰ Minute Powell to Prime Minister, 14 March 2003, 'War Cabinet'.

¹⁰¹ Minute Turnbull to Heywood, 18 March 2003, 'Iraq'.

¹⁰² Minute Drummond to Rycroft, 19 March 2003, 'Iraq Ministerial Meeting'.

International Development Secretary), Dr John Reid (Minister without Portfolio),¹⁰³ and Mr Geoff Hoon (the Defence Secretary).

170. From 20 March, Lord Goldsmith, the Attorney General, attended almost every meeting and Mrs Margaret Beckett, the Secretary of State for Environment, Food and Rural Affairs, was a regular attendee from 25 March.

171. Adm Boyce, C and Mr Scarlett attended the meeting to advise on the progress of the military campaign and the intelligence picture.

172. The Cabinet Office circulated a record of the discussion.

173. Mr Rycroft advised Mr Blair on 19 March that there would be a standard agenda each day for the meeting, issued by the Cabinet Office, along with an update of key events which they would prepare each evening.¹⁰⁴ No.10 would provide Mr Blair with “a short note of specific points to cover each day”. Mr Rycroft also advised that: “As this is a large group, we shall have to see in a couple of days whether it is practicable or whether we shall need a small group as well.”

174. In a minute to Mr Powell dated 30 March, Mr Blair requested a change to his daily rhythm, stating:

“I need a longer private meeting with CDS, Geoff Hoon etc.

“So I suggest we make that: 8.30am. The War Cabinet at 9.00am. The political meeting at 9.30am. This should ... include media handling.”¹⁰⁵

175. Mr Blair also set out his ideas for a communications strategy and asked for “more overt work on the guarantees to the Iraqi people”.

Official-level inter-departmental machinery

THE JOINT INTELLIGENCE COMMITTEE

176. The Joint Intelligence Committee (JIC) is a cross-Government Committee created in 1936, which has been part of the Cabinet Office since 1957.

177. The JIC was (and remains) responsible for:

“... providing Ministers and senior officials with co-ordinated intelligence assessments on a range of issues of immediate and long-range importance to national interests, primarily in the fields of security, defence and foreign affairs.”¹⁰⁶

¹⁰³ From 5 April 2003, Dr Reid’s role changed to President of the Council and Leader of the House of Commons.

¹⁰⁴ Minute Rycroft to Prime Minister, 19 March 2003, ‘Iraq: 0830 Ministerial Meeting’.

¹⁰⁵ Minute Blair to Powell, 30 March 2003, ‘Note’.

¹⁰⁶ Cabinet Office, *National Intelligence Machinery*, November 2010, pages 23-24.

178. The Chairman of the JIC is “responsible for the broad supervision of the work of the JIC” and “specifically charged with ensuring that the Committee’s warning and monitoring role” was “discharged effectively”. He also has direct access to the Prime Minister.

179. Sir John Scarlett told the Inquiry that the JIC was designed to be at the interface between intelligence and policy.¹⁰⁷ The Chairman of the JIC played a key role:

“... to represent the views, which are very thoroughly considered, of the JIC itself. He doesn’t have a separate status, separate from the Committee itself. He carries his authority, because he is carrying the authority of the Committee and he is representing those views.”

180. Sir John Scarlett told the Inquiry that he was “answerable” to Sir David Omand “for the efficient functioning of the Committee and the Secretariat”, but he was “responsible for the presentation of intelligence assessment to Government”.¹⁰⁸

181. The JIC is supported by the Joint Intelligence Organisation (JIO), including the Assessments Staff, comprising analysts seconded to the Cabinet Office from other departments. The JIO is “responsible for drafting assessments of situations and issues of current concern”, taking “into account all sources of information, including intelligence reports produced by the Agencies, diplomatic reporting and media reports”.

182. The Assessments Staff’s draft Assessments are subject to formal inter-departmental scrutiny and challenge in Current Intelligence Groups (CIGs), which bring together working-level experts from a range of government departments and the intelligence agencies. In the case of Iraq between 2001 and 2003, the CIG brought together the desk-level experts from the FCO (including MED and RA), MOD (including DIS), the Cabinet Office and the intelligence agencies, and any other department with an interest in the issue being considered.

183. The JIC’s terms of reference from 2001 to 2005 included responsibilities to:

- “monitor and give early warning of the development of direct or indirect foreign threats to British interest, whether political, military or economic”;
- “on the basis of available information, to assess events and situations relating to external affairs, defence, terrorism, major international criminal activity, scientific, technical and international economic matters”;
- “keep under review threats to security at home and overseas and to deal with such security problems as may be referred to it”;
- “bring to the attention of Ministers and departments, as appropriate, assessments that appear to require operational, planning or policy action”:

¹⁰⁷ Public hearing, 8 December 2009, page 12.

¹⁰⁸ Public hearing, 8 December 2009, page 4.

the Chairman was “specifically charged with ensuring that the Committee’s monitoring and warning role is discharged effectively”; and

- “report to the Secretary of the Cabinet”, except where “special assessments” were required by the Chiefs of Staff, which would be “submitted to them directly in the first instance”.

184. The JIC agrees most Assessments before they are sent to Ministers and senior officials, although some papers, including urgent updates on developing issues, are issued under the authority of the Chief of the Assessments Staff.

185. The current JIC terms of reference make clear that it is expected to draw on “secret intelligence, diplomatic reporting and open source material.”¹⁰⁹

186. JIC Assessments are most frequently produced in response to a request from a policy department which determines the precise issues to be addressed. The JIC also commissions Assessments and can direct that the ground covered in any Assessment should be amended if it considers that is required.

187. Some CIG Assessments are issued under the authority of the Chief of the Assessments Staff and are noted but not discussed by the JIC, including where the content is regarded as routine or as an update of previous Assessments.

188. Iraq was regularly considered by the JIC in 2000 and 2001, with the focus on weapons of mass destruction (WMD), sanctions and the implications of the No-Fly Zones.¹¹⁰

189. Sir John Scarlett considered that Iraq had been one of the top priorities for the JIC for most of his time as Chairman.¹¹¹

190. As Chairman of the JIC, Mr Scarlett attended many of the meetings on Iraq held by Mr Blair and provided advice and briefing, including in response to requests from No.10.

191. In late July 2002, Mr Scarlett was asked to provide updated intelligence on Iraq on a weekly basis for Mr Blair’s weekend box.¹¹²

192. Mr Scarlett provided the first ‘Weekly Intelligence Summary’ on Iraq on 26 July.¹¹³

193. From 15 November, the Summary was replaced by an ‘Intelligence Update’ produced by the Assessments Staff. Until the end of January 2003, the Updates were produced weekly. In February the frequency increased, rising to three a week by the end of the month.

¹⁰⁹ Cabinet Office, *National Intelligence Machinery*, November 2010, page 26.

¹¹⁰ Public hearing Webb, Ricketts and Patey, 24 November 2009, pages 51-54.

¹¹¹ Public hearing, 8 December 2009, page 10.

¹¹² Letter Rycroft to McDonald, 23 July 2002, ‘Iraq Prime Minister’s Meeting, 23 July: Follow Up’.

¹¹³ Minute Scarlett to Manning, 26 July 2002, ‘Iraq: Weekly Intelligence Summary’.

194. From March until mid-May 2003, Intelligence Updates on Iraq were produced on a daily basis.¹¹⁴

195. The Updates were used “to sweep up and summarise recent intelligence” and included “explanatory comments”; but they were “not a vehicle for assessment”.¹¹⁵

THE AD HOC GROUP ON IRAQ

196. On 26 June 2002, Mr Webb informed Mr Hoon’s Private Office that MOD officials were encouraging the Cabinet Office to supplement the Pigott Group (an MOD-led, inter-departmental group of senior officials – see Section 6.4) with a broader body involving a wider range of departments with a policy interest in Iraq and the region.¹¹⁶

197. Those ideas began to take shape on 8 August, when Mr Jim Drummond, Assistant Head of OD Sec, informed Mr McKane that he had spoken to Sir David Manning about possible changes to Whitehall structures.¹¹⁷ Mr Drummond explained that one consequence of existing Whitehall mechanisms for discussing Iraq, including in particular the Pigott Group’s focus on military matters, was that “we are focusing a lot on military aspects and less on the alliance building, morning after, unintended consequences etc. Come September there may be a case for a tighter grip from the Centre.”

198. Mr Drummond raised the issue with Sir David Manning again on 30 August. He recalled that Sir David had commented earlier in the summer that it was too soon to think about management of the unintended consequences of conflict, but that the issue would probably need to be discussed in the autumn.¹¹⁸

199. Mr Drummond enclosed a “skeleton” paper on the subject prepared by a Cabinet Office junior official and suggested meeting to discuss the paper and Whitehall machinery for Iraq at the same time.

200. The Cabinet Office paper on unintended consequences focused on the possible impact of war on UK interests and on countries in the region, rather than on post-conflict Iraq.

201. The FCO produced a more substantial paper on the unintended consequences of conflict for the region and beyond on 20 September (see Section 6.4).

¹¹⁴ Public hearing, 8 December 2009, page 7.

¹¹⁵ Minute Miller to Manning, 21 February 2003, ‘Iraq: Intelligence Updates’.

¹¹⁶ Minute Webb to PS/Secretary of State [MOD], 26 June 2002, ‘Iraq’.

¹¹⁷ Minute Drummond to McKane, 8 August 2002, ‘Iraq’.

¹¹⁸ Minute Drummond to Manning, 30 August 2002, ‘Iraq: Unintended Consequences’ attaching Note Cabinet Office, 30 August 2002, ‘Outline of a Paper: Iraq: Managing the Unintended Consequences’ and Paper Cabinet Office, 28 August 2002, ‘Unintended Consequences of War on Iraq: Skeleton of Paper’.

202. Also attached to Mr Drummond’s minute was a “list of headings for future work” on unintended consequences, which included: “avoiding fragmentation of a failed state in Iraq”.

203. Sir David Manning replied to Mr Drummond: “Let us discuss p[lea]se with Tom McKane before he goes. We need to do this work: there is a question about timing.”¹¹⁹

204. Mr McKane sent Sir David Manning a note on possible machinery “for managing Iraq” on 2 September, which is addressed earlier in this Section.¹²⁰

205. Mr Jonathan Powell, Mr Blair’s Chief of Staff, instructed Sir David Manning “to progress official groups and leave Minist[eria]l groups for now”.¹²¹

206. Sir Kevin Tebbit set out his views about the new Whitehall arrangements to Mr Hoon on 17 September:

“Mindful of the difficulties (and frustrations) we have experienced in the past in establishing the right machinery and processes to run crucial politico/military campaigns, I saw David Manning yesterday to discuss the arrangements which might be presented to the Prime Minister, designed to help successful delivery of an Iraq campaign.

“I reminded David of the importance of a small ‘core’ Ministerial team, meeting very regularly to execute daily business (as distinct from less frequent policy meetings and Cabinet itself). I outlined the linkage needed with the wider COBR and DOP machinery that would pull in government departments and agencies as a whole ...

“David said that he had little influence over such matters as distinct from Jonathan [Powell]. However, he took the point, especially about the importance of acting through key Ministers in small groups. The position at present was that the Prime Minister had decided over the weekend on the following:

- a. no Ministerial meetings at this stage;
- b. a preference, when they became necessary, for the ‘late Afghan’ model to apply – ie PM; Defence Secretary; Foreign Secretary; CDS; C; Scarlett; Attorney General and Alastair Campbell as appropriate;
- c. meanwhile for Restricted COBR meetings to begin on a twice weekly basis under Manning’s chairmanship;
- d. for a wider DOP Committee of officials to begin work, under Bowen’s chairmanship, which would be the vehicle for bringing in OGDs – DFID, Customs etc.”¹²²

¹¹⁹ Manuscript comment Sir David Manning on Minute Drummond to Manning, 30 August 2002, ‘Iraq: Unintended Consequences’.

¹²⁰ Minute McKane to Manning, 2 September 2002, ‘Iraq’.

¹²¹ Manuscript note Powell on Minute Manning to Prime Minister, 12 September 2002, ‘Iraq’.

¹²² Minute Tebbit to Secretary of State [MOD], 17 September 2002, ‘Iraq: Machinery of Government’.

207. Sir Kevin commented:

“This seems satisfactory for the time being, although we shall need to watch to ensure that (b) does not begin without you being present and that (c) provides the framework we need to link effectively with the contingency planning in the MOD (and perhaps to begin to consider tricky issues of wider relevance, eg the effect on energy prices and oil aftermath management). I should have preferred Bowen to run a restricted officials forum, given the other pressures on Manning’s time, the need to begin setting a regular rhythm, and some of the wider issues to be confronted. But I do not think we can do better for the present.”

208. At official level, the cross-Whitehall Ad Hoc Group on Iraq (AHGI) met for the first time on 20 September 2002. It became the principal forum for co-ordination of planning and preparation for a post-Saddam Hussein or post-conflict Iraq (see Section 6.5).

209. Mr Bowen told the Inquiry that when the AHGI started its work in September 2002, the context was “a serious policy commitment to deal with weapons of mass destruction in Iraq”.¹²³ Conflict was just one of “any number of outcomes”.

COBR(R)

210. In his 12 September minute to Mr Blair, Sir David Manning recommended that he should chair an “Inner Group”, to include the JIC, the FCO, the MOD, SIS, the Security Service, GCHQ, the Home Office and Sir David Omand.¹²⁴

211. A “Wider Group”, tasked by the Inner Group and chaired by OD Sec, would include, additionally, DFID, the Metropolitan Police, the Treasury, the Department of Trade and Industry and media specialists from No.10 and the FCO.

212. The Inner Group, which discussed a range of issues including counter-terrorism and Afghanistan and was not minuted (although actions were recorded in some instances), was known as the Restricted COBR or COBR(R); the wider group was the AHGI.

213. Sir David Manning told Mr Blair that:

“This Wider Group would be tasked as necessary by the Inner Group.”

214. When he reported the new arrangements to Mr Hoon on 17 September, Sir Kevin Tebbit explained that the Prime Minister had decided there should be no Ministerial meetings at this stage, but that twice weekly Restricted COBR meetings chaired by Sir David Manning and a wider officials’ group under Mr Desmond Bowen (Mr McKane’s successor), should begin their work.¹²⁵ Sir Kevin commented:

¹²³ Public hearing, 7 December 2009, page 10.

¹²⁴ Minute Manning to Prime Minister, 12 September 2002, ‘Iraq’.

¹²⁵ Minute Tebbit to Secretary of State, 17 September 2002, ‘Iraq: Machinery of Government’.

“... we shall need to watch to ensure ... that (c) [Restricted COBR] provides the framework we need to link effectively with the contingency planning in the MOD ... Ideally, I should have preferred Bowen to run a Restricted officials forum, given the other pressures on Manning’s time, the need to begin setting a regular rhythm, and some of the wider issues to be confronted.”

215. Asked to explain the Whitehall arrangements, Sir David Manning told the Inquiry that the Restricted group chaired by himself or his deputy included “all those who had access to the most sensitive intelligence”.¹²⁶ It was not focused solely on Iraq, and often had other pressing issues to deal with but:

“... it was an opportunity to bring – to report on the progress that different departments had made, on the latest assessment that may have come out of the agencies, the political issues that were being confronted by the Foreign Office, the difficulties that the Ministry of Defence might be encountering and so on and so forth.”

216. The wider group drew in those with less or very little access to sensitive intelligence.

217. Between 20 September 2002 and 27 August 2003 there were 67 meetings of COBR(R).¹²⁷

218. Agendas for the discussions usually recorded Iraq as item one, under which a bullet point list of topics followed. The first of those was usually an intelligence update.

219. None of the meetings were fully minuted. After 22 meetings out of 67 a list of actions was recorded.¹²⁸ For the others, no official record of the discussion was made.

220. Actions were allocated to specific departments or agencies. The only reference to the AHGI is found in the list of actions arising from a meeting of COBR(R) on 5 February 2003, which said:

“The FCO to ensure that key elements of the ongoing work on ‘aftermath’ planning are fed to COBR(R) via the Ad Hoc Group (Action: FCO/OD Sec).”¹²⁹

221. There is no evidence of issues being formally escalated by the AHGI to COBR(R).

¹²⁶ Public hearing, 30 November 2009, pages 44-45.

¹²⁷ Agenda or Notes of Actions Cabinet Office, for COBR(R) meetings dated 20, 25, 27 September 2002; 2, 7, 9, 14, 16, 21, 25, 28 October; 1, 4, 6, 8, 13, 18, 27, 29 November 2002; 4, 6, 9, 11, 13, 16, 18, 20 December 2002; 3, 6, 8, 10, 13, 15, 17, 20, 22, 24, 29, 31 January 2003; 3, 5, 7, 10, 11, 12, 13, 14, 17, 19, 21, 24, 26, 28 February 2003; 3, 5, 7, 10, 13, 17, 29 March 2003; 7 April 2003; 4, 25 June 2003; 30 July 2003; 6, 13, 27 August 2003.

¹²⁸ Notes of Actions Cabinet Office, for COBR(R) meetings dated 20, 27 September 2002; 2, 9, 14, 16 October 2002; 9, 11, 13, 20 December 2002; 3, 10 January 2003; 5, 7, 24, 26 February 2003; 29 March 2003; 4, 25 June 2003; 30 July 2003; 6, 27 August 2003.

¹²⁹ Note of Actions Cabinet Office, 5 February 2003, ‘COBR(R)’.

222. Lord Turnbull told the Inquiry that the role of COBR(R) was “to take the fallout from that War Cabinet meeting and try and take things forward”.¹³⁰

Creation of the Iraq Planning Unit

223. The inter-departmental (FCO/MOD/DFID) Iraq Planning Unit (IPU), based in the FCO, was established on 10 February to improve Whitehall co-ordination on post-conflict issues.

224. Although the IPU was an inter-departmental unit, its head was a senior member of the Diplomatic Service and it was integrated into the FCO management structure.

225. The draft terms of reference stated that:

- The IPU would report to Mr Chaplin in the FCO, but without defining the relationship between the Unit and senior officials in DFID and the MOD.
- The IPU would work “within broad policy guidelines set by the Cabinet Office”.
- Its main purpose would be to provide “policy guidance on practical questions” that UK civilian officials and military commanders would face in Iraq.
- The IPU was intended “to bring influence to bear on US plans”.

226. Tasks assigned to the IPU by the AHGI included consideration of:

- the shape of the Iraqi political process needed to underpin the transition to Iraqi rule;
- management of Iraq’s oil; and
- whether and where the UK should run its own sector before the restoration of Iraqi sovereignty.

227. After the creation of the IPU, the AHGI remained responsible for co-ordination of all post-conflict planning and preparation across government, including consular planning and civil contingencies.

228. On 3 February, Mr Ehrman reported to Mr Ricketts that the Pigott Group had decided that there was a need for a senior FCO official to co-ordinate full-time with MOD, DFID and others the rapidly increasing volume of work on aftermath planning.¹³¹

229. Mr Ehrman suggested that “in addition to work on overall legality ... we will need sub-groups on WMD, OFF [the Oil-for-Food programme], SSR [Security Sector Reform], humanitarian, reconstruction, judicial, possibly terrorism. All this to feed into and influence the various aftermath groups in Washington.”

¹³⁰ Public hearing, 13 January 2010, pages 43-44.

¹³¹ Minute Ehrman to Ricketts, 3 February 2003, ‘Pigott Group, 3 February’.

230. Mr Ricketts informed Mr Chaplin on 4 February that he had agreed with Sir Michael Jay and Mr Ehrman that:

“... the FCO should consolidate the lead we have already taken in this area [post-conflict issues] with the work that Dominick Chilcott has been doing under your supervision.

“I am sure that this work will now grow fast, particularly with the prospect of the UK inheriting responsibility for a good slice of southern Iraq following a military conflict.”¹³²

231. Mr Bowen chaired a meeting in the Cabinet Office on 4 February, attended by the FCO, MOD and DFID, at which it was decided to set up an inter-departmental (FCO, MOD and DFID) unit, headed by an FCO official, Mr Chilcott, to “prepare for the aftermath in practical operational terms”.¹³³ Wider strategy would continue to be co-ordinated through the AHGI.

232. In a letter to Mr Ehrman recording the outcome of the meeting, Mr Bowen explained that there was “a good deal of uncertainty about American intentions in administering Iraq in the event of (and after) hostilities to remove Saddam Hussein’s regime”. Meetings in Washington that week were likely to bring greater clarity but were unlikely to produce decisions.

233. Mr Bowen reported that the meeting had recognised that:

“... even if some of the big strategic issues remained unresolved, a lot of detailed management issues were likely to arise. Much was likely to emanate from CENTCOM, which had the prospectively imminent task of administering a country whose leadership had been removed. With this in mind we agreed that we should set up an Iraq Operational Policy Unit with contributions from the FCO, DFID and MOD ... My view was that we needed an integrated unit with high calibre representation to work through the sort of issues that would confront the Coalition on the ‘day after’. **Their initial remit would be to develop policy guidance to enable the administration of Iraq pending the appointment of a transitional civil administration, consistent as far as possible with the longer term vision for the future of Iraq.** They would need to work their way, with the US, through issues as diverse as humanitarian relief, policing, administration of justice, local government and provision of utilities, environmental recovery and priorities for the return to normality. The view we all reached was that this unit ought to be up and running from Monday 10 February ... It will need staff who think strategically and operationally and have some background in state reconstruction from other cases (in order to feed in the lessons of eg Kosovo and Afghanistan).”

¹³² Minute Ricketts to Chaplin, 4 February 2003, ‘Iraq: Day After Planning’.

¹³³ Letter Bowen to Ehrman, 5 February 2003, ‘Iraq: Operational Policy Unit’.

234. Mr Bowen explained that the unit would work alongside the FCO consular and emergency units, and with the Defence Crisis Management Centre (DCMC) in the MOD and the Conflict and Humanitarian Affairs Department (CHAD) in DFID.

235. The Iraq Planning Unit (IPU), headed by Mr Dominick Chilcott, was established on 10 February.¹³⁴

236. On 17 February, Sir Michael Jay sent draft terms of reference for the IPU to Sir Andrew Turnbull, the Cabinet Secretary, copied to Permanent Secretaries. The draft, which had already been discussed with DFID, the MOD and the Cabinet Office, stated:

“The unit will operate within broad policy guidelines set by the Cabinet Office. In the FCO, it will report to the Director Middle East and North Africa Command [Mr Chaplin]. Its main customers will be British military planners in PJHQ, MOD and, mainly through them, British officers and officials seconded to the Pentagon and CENTCOM.

“The main purpose of the unit will be to provide policy guidance on the practical questions that British civilian officials and military commanders will face, in the event of a conflict in Iraq. The advice will be designed to help them to minimise the suffering of the Iraqi people and to deal with the civil administration of any sector of Iraq under the control of British forces, particularly during the period before a transitional civilian administration is established. It will aim to ensure that British operational military planning for the post-conflict phase in Iraq is consistent with and promotes the UK’s policy objectives on the future of Iraq. In doing so it will take particular account of the key role of the UN.

“The unit will aim to bring influence to bear on US plans by providing similar guidance, through PJHQ and MOD, to seconded British personnel working within the US military planning machinery and through the Embassy to the NSC and other parts of the US Administration.

“The unit will also provide a focus in Whitehall for developing policy advice and recommendations, as required, on strategic questions concerning a post Saddam Iraq.

“The role of the unit will be reviewed in three months.”¹³⁵

237. The record of the 17 February meeting of the AHGI stated that the IPU had been formed initially “to meet a UK military planning need for detailed policy guidance on occupation issues”.¹³⁶ In the event of UK participation in the occupation of Iraq it was likely to expand considerably.

¹³⁴ Minute Chilcott to Private Secretary [FCO], 20 February 2003, ‘Iraq: Day-After (Phase IV)’.

¹³⁵ Letter Jay to Turnbull, 17 February 2003, ‘Iraq Planning’ attaching ‘Proposed Terms of reference for the tract [sic] Planning Unit’.

¹³⁶ Minute Dodd to Manning, 17 February 2003, ‘Ad Hoc Group on Iraq’.

238. The record of the next meeting, on 21 February, described the co-ordinating role of the AHGI:

“... the Ad Hoc Group draws together work related to Iraq as follows:

- Work on post-Saddam issues led by the Iraq Planning Unit. This includes the HMT [HM Treasury]-led sub-group on economic and financial issues;
- Consular planning; and
- HMT/CCS [Civil Contingencies Secretariat]-led domestic contingency planning (the Stephens Group).

“AHGI receives updates on military and intelligence issues, but these issues are handled elsewhere. AHGI provides a forum for deciding how to cover any new Iraq-related issues. There is some read across from pre-existing DTI and HMT Whitehall groups looking at oil.”¹³⁷

239. After expressions of concern by Permanent Secretaries about the possible impact on the UK of war in Iraq, Sir Andrew Turnbull had agreed in January 2003 that the AHGI should conduct further work on domestic contingencies.¹³⁸

240. Mr Chilcott told the Inquiry that, although numbers were small (“maybe only six, eight, ten, for the first couple of weeks”), the IPU drew on expertise elsewhere in Whitehall that allowed it to pull together a strategic view.¹³⁹ While military planners and PJHQ were planning what was needed as troops occupied territory and became “responsible ... for the administration of where they were”, the IPU was “thinking about the political process and the big issues about the development fund for Iraq or oil policy or what to do about war criminals or the importance of legitimacy and legal questions”.

241. Asked how influential the IPU had been, Mr Chilcott stated:

“... I don’t think our main issue was having to convince other parts of the government machinery that they should be doing things that they didn’t want to do.

“I think we were really synthesising the views and expertise across government.

“Where we needed to have clout ... was in influencing the United States, and I think, there, we ... had no more clout than a sort of body of middle to senior ranking British officials would have had with their American counterparts.”¹⁴⁰

242. Mr Chilcott warned against being “dazzled” by the IPU’s late creation: “a lot of the work that the IPU was able to bring together in a more intense atmosphere had

¹³⁷ Minute Dodd to Manning, 25 February 2003, ‘Ad Hoc Group on Iraq’.

¹³⁸ Minute Dodd to Manning, 13 January 2003, ‘Ad Hoc Group on Iraq’.

¹³⁹ Public hearing, 8 December 2009, pages 7-8.

¹⁴⁰ Public hearing, 8 December 2009, pages 8-9.

been going on for some time”.¹⁴¹ But he did accept that the IPU could have been set up sooner:

“... one of the lessons is obviously you can’t begin this sort of thinking too early, and although we did begin serious thinking about the day after in the preceding October ... we could have created the IPU earlier. We could have had a greater sense of the reality of what we were doing. I think also, because it was contingency planning, because right up until the last moment we didn’t know for sure that we were going to be involved in the military action, that maybe psychologically had an effect on us ...”¹⁴²

243. On the relationship with the Office of Reconstruction and Humanitarian Assistance (ORHA), Mr Chilcott said that: “ORHA in some ways weren’t really our counterparts because they were the sort of operational implementers ... as well as the drawers up of the plan, whereas we ... were writing policy papers and briefing and lines to take.”¹⁴³

244. Mr Bowen told the Inquiry one reason for establishing the IPU was to set up a counterpart to ORHA: “as soon as we ... understood where the centre of gravity was in America ... we set up ... a centre of gravity that could interact with it”. At this early stage in the relationship, before misgivings about ORHA had begun to emerge in Whitehall, that seemed still to be the intention.

Decision-making machinery post-invasion

The Ad Hoc Ministerial Group on Iraq Rehabilitation

245. On 27 March, Mr Bowen sent Sir Andrew Turnbull a draft minute addressed to Mr Blair, recommending the creation of an “Ad Hoc Ministerial Group on Iraq Reconstruction” chaired by Mr Straw.¹⁴⁴ Mr Bowen advised that he had opted for an ad hoc group because it was “inherently more flexible and less ponderous than a formal sub-group of DOP”.

246. Sir Andrew Turnbull wrote to Sir Kevin Tebbit on 31 March, seeking his and, among others, Sir David Manning’s agreement to a slightly revised version of the draft minute produced by Mr Bowen on 27 March.¹⁴⁵ Sir Andrew advised that the revised draft had already been agreed with Sir Michael Jay and Mr Chakrabarti.

¹⁴¹ Public hearing, 8 December 2009, pages 17-18.

¹⁴² Public hearing, 8 December 2009, pages 47-48.

¹⁴³ Public hearing, 8 December 2009, page 20.

¹⁴⁴ Minute Bowen to Turnbull, 27 March 2003, ‘Iraq: Reconstruction’ attaching draft minute Turnbull to Prime Minister, [undated], ‘Iraq Reconstruction’.

¹⁴⁵ Letter Turnbull to Tebbit, 31 March 2003, ‘Iraq: Rehabilitation’ attaching draft minute Turnbull to Prime Minister, [undated], ‘Iraq: Rehabilitation’.

247. The draft minute proposed:

“... a new Ad Hoc Ministerial Group on Iraq Rehabilitation reporting to you [Mr Blair]. The Foreign Secretary [Mr Straw] should chair ... Its terms of reference would be: ‘to formulate policy for the rehabilitation, reform and development of Iraq’.”

248. The new Ministerial Group would be supported by an officials group, led by the Cabinet Office and including the Head of the IPU.

249. The Inquiry has not seen a final version of Sir Andrew Turnbull’s minute.

250. Mr Chakrabarti wrote to Sir Andrew Turnbull on 1 April, confirming that the new groups proposed in Sir Andrew’s draft minute to Mr Blair:

“... seem the best way to take forward the detailed implications of any SCR’s content, and what can be done before its passing ... The key will be to agree very quickly on the work programme and to task those with the knowledge and experience in the subject areas to take the lead while consulting others with an interest in ensuring all the workstreams fit together into a coherent – and affordable – strategy. We must draw on the lessons learnt from other post-conflict situations such as Afghanistan, Kosovo, East Timor, Sierra Leone and Bosnia.”

251. Sir Andrew Turnbull informed Mr Straw on 7 April that Mr Blair had agreed a new committee should be established “to formulate policy for the rehabilitation, reform and development of Iraq”.¹⁴⁶ Mr Straw would chair; other members would be the Chancellor of the Exchequer, the Defence Secretary, the International Development Secretary and the Trade and Industry Secretary. The committee would be supported by a group of officials, chaired by Mr Bowen.

252. Mr Straw chaired the first meeting of the Ad Hoc Ministerial Group on Iraq Rehabilitation (AHMGIR) on 10 April.¹⁴⁷

The Ad Hoc Ministerial Group on Iraq

253. In July 2004, the Butler Committee found:

“... we are concerned that the informality and circumscribed character of the Government’s procedures which we saw in the context of policy-making towards Iraq risks reducing the scope for informed collective political judgement.”¹⁴⁸

254. The Government accepted the Committee’s conclusions, and said: “where a small group is brought together to work on operational military planning and developing the

¹⁴⁶ Letter Turnbull to Straw, 7 April 2003, ‘Iraq: Rehabilitation’.

¹⁴⁷ Minutes, 10 April 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

¹⁴⁸ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, page 160.

diplomatic strategy, in future such a group will operate formally as an ad hoc Cabinet Committee”.¹⁴⁹

255. The Ad Hoc Ministerial Group on Iraq (AHGI) met for the first time on 16 September 2004, chaired by Mr Blair.¹⁵⁰ It was established “to ensure the UK government approach to Iraq was fully co-ordinated in the period up to Iraqi elections in January 2005”. Mr Blair intended that the Group should meet regularly.

256. Mr Blair wrote a note to his Private Secretary on 25 February 2005 instructing that Mr Straw be “put in charge” of the AHGI and asked to minute him each week with actions on “eg reconstruction in the South; Sunni outreach; progress on security plan”.¹⁵¹

257. On 10 March, in his first meeting as Chair, Mr Straw explained that Mr Blair “had asked a core group of Ministers to meet on a weekly basis to focus more closely on the delivery of policy in Iraq”.¹⁵²

258. On 18 March, Mr Blair reminded Mr Quarrey: “I need J[ack] S[traw] to do me a note each week on progress (to keep him at it).”¹⁵³

259. Mr Straw’s first report to Mr Blair, dated 24 March, covered the first three meetings¹⁵⁴ of the AHGI.¹⁵⁵

The Defence and Overseas Policy Committee (Iraq)

260. Sir Nigel Sheinwald told the Inquiry that the AHGI was set up “briefly” in order to “give extra urgency to Whitehall work ahead of the Iraqi elections”.¹⁵⁶ That was “very complicated” and so, after the UK General Election in May 2005, arrangements were “simplified” and a new Committee was established.

261. The Iraq Sub-Committee of the Ministerial Committee on Defence and Overseas Policy (DOP(I)) met for the first time on 26 May 2005, chaired by Mr Blair.¹⁵⁷ It continued to meet until Mr Blair stood down as Prime Minister in June 2007.

262. DOP(I) replaced the AHGI, which ceased to meet.

¹⁴⁹ Cabinet Office, *Review on Intelligence on Weapons of Mass Destruction: Implementation of its Conclusions*, March 2005, Cm 6492, page 11.

¹⁵⁰ Minutes, 16 September 2004, Ad Hoc Ministerial Group on Iraq meeting.

¹⁵¹ Manuscript comment Blair on Minute Quarrey to Prime Minister, 25 February 2005, ‘Iraq Update’.

¹⁵² Minutes, 10 March 2005, Ad Hoc Ministerial Group on Iraq meeting.

¹⁵³ Manuscript comment Blair on minute Quarrey to Prime Minister, 18 March 2005, ‘Iraq Update’.

¹⁵⁴ Held on 10 March 2005; 17 March 2005; 24 March 2005.

¹⁵⁵ Minute Straw to Prime Minister, 24 March 2005, ‘Iraq: Ad Hoc Ministerial Meetings’.

¹⁵⁶ Public hearing, 16 December 2009, page 12.

¹⁵⁷ Minutes, 26 May 2005, DOP(I) meeting.

NSID(OD)

263. After taking office as Prime Minister in June 2007, Mr Gordon Brown reorganised the structure of Cabinet Committees. Iraq fell within the remit of the Committee on National Security, International Relations and Development (NSID), and specifically its Overseas and Defence Sub-Committee (NSID(OD)).

264. The first scheduled meeting, on 19 July, was cancelled and NSID(OD) therefore met for the first time on 8 October.¹⁵⁸

Official-level inter-departmental machinery

THE IRAQ STRATEGY GROUP

265. The Iraq Strategy Group (ISG) met from autumn 2003, chaired by Sir Nigel Sheinwald, Mr Blair's Foreign Policy Adviser and Head of OD Sec.

266. Sir Nigel described its function as "a strategy group that was trying to look at the big political, security and economic issues".¹⁵⁹

THE IRAQ SENIOR OFFICIALS GROUP

267. The Iraq Senior Officials Group (ISOG) met on a monthly basis from autumn 2003, usually chaired by the Deputy Head of OD Sec. A record of the meeting was reported to Sir Nigel Sheinwald, who described its purpose as "senior officials looking at the more operational issues".¹⁶⁰

268. Sir Nigel described both the ISG and the ISOG as "trying to feed into the Ministerial discussions which were taking place".

¹⁵⁸ Minute Cabinet Office [junior official] to Prime Minister, 5 October 2007, 'NSID(OD) Iraq Meeting – Steering Brief: Monday 8 October 09:30'.

¹⁵⁹ Public hearing, 16 December 2009, page 56.

¹⁶⁰ Public hearing, 16 December 2009, page 56.

SECTION 3.1

DEVELOPMENT OF UK STRATEGY AND OPTIONS, 9/11 TO EARLY JANUARY 2002

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Introduction and key findings

1. This Section addresses the immediate impact of the attacks on the US on 11 September 2001 (9/11), and the way in which that shaped the context in which decisions on the policy towards Iraq were made.
2. UK policy on Iraq before September 2001 is addressed in Section 1.
3. The UK's concerns about the proliferation of weapons of mass destruction (WMD) and the risk of terrorists acquiring and using such weapons, which pre-dated the attacks on the US, and the Joint intelligence Committee (JIC) Assessments of that risk are addressed in Section 4. That Section also addresses the UK's assessments of Iraq's residual chemical, biological, nuclear and ballistic missile capabilities, its intent to preserve and enhance those capabilities, and the likelihood of proliferation from Iraq.
4. The roles and responsibilities of key individuals and bodies in the UK Government, including the JIC, are set out in Section 2.

Key findings

- After the attacks on the US on 9/11, Mr Blair declared that the UK would stand “shoulder to shoulder” with the US to defeat and eradicate international terrorism.
- Mr Blair took an active and leading role throughout the autumn of 2001 in building a coalition to act against that threat, including taking military action against the Taliban regime in Afghanistan.
- Mr Blair also emphasised the potential risk of terrorists acquiring and using a nuclear, biological or chemical weapon, and the dangers of inaction.
- In relation to Iraq, Mr Blair sought to influence US policy and prevent precipitate military action by the US, which he considered would undermine the success of the coalition which had been established for action against international terrorism. He recommended identifying an alternative policy which would command widespread international support.
- In December 2001, Mr Blair suggested a strategy for regime change in Iraq that would build over time, including “if necessary” taking military action without losing international support.
- The tactics chosen by Mr Blair were to emphasise the threat which Iraq might pose, rather than a more balanced consideration of both Iraq's capabilities and intent; and to offer the UK's support for President Bush in an effort to influence his decisions on how to proceed.
- That remained Mr Blair's approach in the months that followed.

UK policy on Iraq in early September 2001

5. Since the end of the Gulf Conflict in 1991, the international community had pursued a policy of “containment” towards Iraq. That was based on the provisions in a series of United Nations (UN) Security Council resolutions intended to prevent Iraq from developing WMD or threatening its neighbours and international peace and security.

6. The policy had a number of dimensions. Its key components were:

- a prohibition on the possession of WMD or long-range ballistic missiles, or programmes to develop such capabilities;
- an arms embargo;
- economic sanctions; and
- a strong deterrence component provided by US and UK forces stationed in the region enforcing the northern and southern No-Fly Zones (NFZs) and supporting the arms embargo and economic sanctions regime.

The UN Security Council

The UN Security Council is composed of five Permanent Members – China, France, the Russian Federation, the United Kingdom and the United States; and ten non-permanent Member States, elected by the UN General Assembly for two-year terms and not eligible for immediate re-election.

The Presidency of the Security Council is held by the Member States of the Security Council in turn in the English alphabetical order of their names. Each President holds office for one calendar month.

Each Member State has one vote. Decisions on substantive matters, and the adoption of a Security Council resolution, require nine positive votes, without any of the five Permanent Members voting against the decision. That is usually described as the “veto” power held by the Permanent Members. Decisions on procedural matters are made by an affirmative vote of at least nine of the 15 Member States.

7. Throughout the 1990s, there were concerns about the willingness of President Saddam Hussein’s regime to disarm in accordance with the obligations imposed by the UN.

8. After the election of May 1997, the Government had to deal with a series of confrontations between Iraq and the international community about the ability of inspectors from the UN Special Commission (UNSCOM) to fulfil its remit, including difficulties over access to sites which Iraq had designated as Presidential palaces. Those events and the action in the UN Security Council, and by Mr Kofi Annan, UN Secretary-General from January 1997 to December 2006, to persuade Iraq to co-operate, are set out in Section 1.

9. It was widely assumed that Saddam Hussein had retained some of his chemical and biological capability and a small number of ballistic missiles which might be armed with chemical or biological warheads, and that he had aspirations to preserve and enhance his capabilities for the future.

10. The UK Government considered that a willingness to use force was an essential element of UK policy in persuading Saddam Hussein to co-operate.

11. For instance, in a statement to the House of Commons on 24 February 1998, Mr Blair stated that “nothing else” apart from “effective diplomacy and firm willingness to use force” would have changed Saddam Hussein’s mind and produced a signed agreement with the UN:

“Throughout the dispute, our aim has been a peaceful, diplomatic settlement. There was no desire on either side of the Atlantic to use force, but it was also clear to us throughout that Saddam Hussein only understands and respects force ...

“... As Kofi Annan said in Baghdad: ‘You can achieve much by diplomacy, but you can achieve a lot more when diplomacy is backed by firmness and force.’

“I would put it this way: with Saddam, diplomacy plus force equals success.”¹

12. Mr Blair concluded:

“Saddam Hussein has spent seven years playing for time, but has been thwarted by the resolve of the international community. It is now clearer than ever that his games have to stop once and for all. If they do not, the consequences should be clear to all.”²

13. Regime change became the officially-stated objective of US policy after the passage of the Iraq Liberation Act in October 1998.

14. Following further disputes about access for weapons inspectors and the withdrawal of the inspectors, the US and UK attacked a series of targets in Iraq in December 1998, in Operation Desert Fox. Its objective was described by Mr Blair as:

“... to degrade the ability of Saddam Hussein to build and use weapons of mass destruction, including command and control and delivery systems, and to diminish the threat that Saddam Hussein poses to his neighbours by weakening his military capability.”³

15. The impact of Operation Desert Fox is addressed in Section 4.1

16. In a press conference on 20 December 1998, Mr Blair explicitly ruled out a “land war in Iraq with literally hundreds of thousands of allied troops engaged” and called for a future strategy based on containment and stability for the region including a credible threat of force if Saddam posed a threat to the neighbourhood or developed WMD.⁴

17. By that stage, the Security Council was deeply divided on policy towards Iraq and the other three Permanent Members of the Security Council did not support the US and UK use of force.

¹ House of Commons, *Official Report*, 24 February 1998, columns 174-175.

² House of Commons, *Official Report*, 24 February 1998, column 176.

³ House of Commons *Official Report*, 17 December 1998, volume 322, columns 1097-1102.

⁴ Press conference, 20 December 1998 (as reported in *Le Monde diplomatique*).

18. A report on disarmament describing the work of UNSCOM since 1991 was sent to the Security Council on 25 January 1999.⁵ That set out in three detailed annexes “material balances”, for proscribed missiles, chemical and biological weapons, for which UNSCOM had been unable to account. Those were subsequently used by the UK as the basis for its estimates of the material Iraq might still retain.

Mr Blair’s speech in Chicago, April 1999

In his speech to the Economic Club in Chicago of 22 April 1999 Mr Blair identified Saddam Hussein and Mr Slobodan Milošević, the President of the Federal Republic of Yugoslavia, as the cause of “many of our problems”.⁶

That speech set out Mr Blair’s thinking on a doctrine of the international community, including five principles for international intervention:

“First, are we sure of our case? War is an imperfect instrument for righting humanitarian distress; but armed force is sometimes the only means of dealing with dictators.

“Second, have we exhausted all diplomatic options? We should always give peace every chance, as we have in the case of Kosovo.

“Third, on the basis of a practical assessment of the situation, are there military operations we can sensibly and prudently undertake?

“Fourth, are we prepared for the long term? In the past, we talked too much of exit strategies. But having made a commitment we cannot simply walk away once the fight is over; better to stay with moderate numbers of troops than return for repeat performances with large numbers.

“And finally, do we have national interests involved?”

Mr Blair told the Inquiry that the speech had been intended to set out the consequences of an interdependent world where countries would not be able to divorce their national interests from the impacts of security problems in other parts of the world.⁷

Ideas for the speech, which Sir Lawrence Freedman submitted in response to a request from Mr Jonathan Powell, Mr Blair’s Chief of Staff, were set out in the attachment to Sir Lawrence’s letter to Sir John Chilcot on 18 January 2010. The letter was published on the Inquiry’s website.

⁵ UN Security Council, 29 January 1999, ‘Letter dated 25 January 1999 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council’ (S/1999/94).

⁶ Speech, 23 April 1999, *Doctrine of the International Community*.

⁷ Public hearing, 29 January 2010, pages 26-27.

19. UK policy towards Iraq was formally reviewed and agreed by the Defence and Overseas Policy Committee (DOP) in May 1999. The UK's policy objectives towards Iraq were defined as:

“... in the short term, to reduce the threat Saddam [Hussein] poses to the region including by eliminating his weapons of mass destruction (WMD) programmes; and, in the longer term, to reintegrate a territorially intact Iraq as a law-abiding member of the international community.”⁸

20. The policy of containment was seen as the “only viable way” to pursue those objectives. A “policy of trying to topple Saddam would command no useful international support”. Iraq was unlikely to accept the package immediately but “might be persuaded to acquiesce eventually”.

21. After prolonged discussion about the way ahead, the UN Security Council adopted resolution 1284 in December 1999, although France, Russia and China abstained.⁹

22. The resolution established:

- a new inspectorate, the United Nations Monitoring and Verification Commission (UNMOVIC), which Dr Hans Blix was subsequently appointed to lead;
- a timetable to identify and agree a work programme; and
- the principle that if the inspectors reported co-operation in key areas, that would lead to the suspension of economic sanctions.¹⁰

23. Iraq refused to accept the provisions of resolution 1284, including the re-admission of weapons inspectors. Concerns about Iraq's activities in the absence of inspectors increased.

24. The US Presidential election in November 2000 prompted a further UK review of the operation of the containment policy. There were concerns about how long the policy could be sustained and what it could achieve. That is addressed in detail in Section 1.2.

25. A JIC Assessment in October 2000, which assessed the prospects for Iraq after the death of Saddam Hussein, judged:

- There was “a significant risk of a period of **violent factional and internecine strife** amongst the Sunni elite followed by the emergence of a new military leader”.
- “If the regime appeared weakened, the **Kurds** would be likely to try to re-establish control of the northern towns of Mosul and Kirkuk. But they would

⁸ Joint Memorandum by the Secretary of State for Foreign and Commonwealth Affairs and the Secretary of State for Defence, 17 May 1999, ‘Iraq: Future Strategy’.

⁹ UN Security Council Press Release, 17 December 1999, *Security Council Establishes New Monitoring Commission For Iraq Adopting Resolution 1284 (1999) By Vote of 11-0-4 (SC/6775)*.

¹⁰ UN Security Council, ‘4084th Meeting Friday 17 December 1999’ (S/PV.4084).

settle for consolidation of their autonomy rather than secession. The **Shia** would attack regime targets in the South, but they do not seek independence ... Iraq's territorial integrity would be maintained."

- "**Any new regime**" was likely to be "**autocratic** and drawn from the **Sunni elite**". "Its policies and methods" were "unlikely to be different from Saddam's. Given Iraq's strategic interests in the Gulf, this will include a long-term desire for weapons of mass destruction."
- "Pressure would build internationally to end Iraq's pariah status and isolation. The level of pressure would reflect the extent to which the regime appeared to moderate its behaviour. But **Iraq's political rehabilitation could be rapid**, overwhelming any voices of caution from London, Washington or elsewhere."¹¹

26. There were concerns over both the continued legal basis for operations in NFZs and the conduct of individual operations.¹²

27. A further Assessment on 1 November judged that Saddam Hussein felt "**little pressure to negotiate** over ... resolution 1284 because the proceeds of oil smuggling and illicit trade have increased significantly this year, and more countries are increasing diplomatic contacts and trade with Iraq".¹³

28. The JIC also judged:

"Saddam would only contemplate co-operation with [resolution] 1284, and the return of inspectors ... if it could be portrayed as a victory. He will not agree to co-operate unless:

- there is **UN-agreed timetable for the lifting of sanctions**. Saddam suspects that the US would not agree to sanctions lift while he remained in power;
- he is able **to negotiate with the UN in advance to weaken the inspection provisions**. His ambitions to rebuild Iraq's weapons of mass destruction programmes makes him hostile to intrusive inspections or any other constraints likely to be effective.

"Before accepting 1284, Saddam will try to obtain the abolition of the No-Fly Zones. He is also likely to demand that the US should abandon its stated aim to topple the Iraqi regime."

29. In November 2000, Mr Blair's "preferred option" was described as the implementation of 1284, enabling inspectors to return and sanctions to be suspended.¹⁴

¹¹ JIC Assessment, 11 October 2000, 'Iraq After Saddam'.

¹² Letter Gouly to McKane, 20 October 2000, 'Iraq'.

¹³ JIC Assessment, 1 November 2000, 'Iraq: Prospects for Co-operation with UNSCR 1284'.

¹⁴ Letter Sawers to Cowper-Coles, 27 November 2000, 'Iraq'.

30. In December 2000, the British Embassy in Washington reported growing pressure to change course from containment to military action to oust Saddam Hussein, but no decision to change policy or to begin military planning had been taken by President Clinton.¹⁵

31. The Key Judgements of a JIC Assessment in February 2001 included:

- There was “broad international consensus to maintain the arms embargo at least as long as Saddam remains in power. Saddam faces no economic pressure to accept ... [resolution] 1284 because he is successfully undermining the economic sanctions regime.”
- “Through abuse of the UN Oil-for-Food [OFF] programme and smuggling of oil and other goods” it was estimated that Saddam would “**be able to appropriate in the region of \$1.5bn to \$1.8bn in cash and goods in 2001**”, and there was “scope for earning even more”.
- “**Iranian** interdiction efforts” had “**significantly reduced smuggling down the Gulf**”, but Saddam had “compensated by **exploiting land routes** to Turkey and Syria”.
- “Most countries” believed that economic sanctions were “ineffective, counterproductive and should now be lifted. Without active enforcement, the economic sanctions regime” would “continue to erode”.¹⁶

32. The Assessment also stated:

- Saddam needed funds “to maintain his military and security apparatus and secure its loyalty”.
- Despite the availability of funds, Iraq had been slow to comply with UN recommendations on food allocation. Saddam needed “**the Iraqi people to suffer to underpin his campaign against sanctions**”.
- Encouraged by the success of Iraq’s border trade agreement with Turkey, “**front-line states**” were “**not enforcing sanctions**”.
- There had been a “significant increase in the erosion of sanctions over the past six months”.

33. There were differences of view within the UK Government about the benefits of in-country inspections, based on a concern that they could hand the initiative to Saddam Hussein without offering any substantive gains.¹⁷

34. The stated position of the UK Government in February 2001 was that containment had been broadly successful.¹⁸

¹⁵ Letter Barrow to Sawers, 15 December 2000, ‘Iraq’.

¹⁶ JIC Assessment, 14 February 2001, ‘Iraq: Economic Sanctions Eroding’.

¹⁷ Minute McKane to Sawers, 15 February 2001 attaching Note, ‘Iraq’.

¹⁸ House of Commons, *Official Report*, 26 February 2001, column 620.

35. When Mr Blair met President Bush at Camp David in late February 2001, the US and UK agreed on the need for a policy which was more widely supported in the Middle East region.¹⁹ Mr Blair had concluded that public presentation needed to be improved. He suggested that the approach should be presented as a “deal” comprising four elements:

- do the right thing by the Iraqi people, with whom we have no quarrel;
- tighten weapons controls on Saddam;
- retain financial control on Saddam; and
- retain our ability to strike.

36. The UK’s thinking was set out in a paper proposing a new policy framework, circulated by Mr John Sawers, Mr Blair’s Private Secretary for Foreign Affairs, on 7 March 2001.²⁰ That comprised:

- The pursuit of a new sanctions regime to improve international support and incentivise Iraq’s co-operation, narrowing and deepening the sanctions regime to focus only on prohibited items and at the same time improving financial controls to reduce the flow of illicit funds to Saddam Hussein, (so called “smarter sanctions”).
- A renewed focus on human rights abuse by the Iraq regime; and a “contract with the Iraqi people”, “setting out our goal of a peaceful law-abiding Iraq, fully reintegrated into the international community, with its people free to live in a society based on the rule of law, respect for human rights and economic freedom, and without threat of repression, torture and arbitrary arrest”.
- The continued operation of the No-Fly Zones, but with patrolling set at levels which would minimise the risk to UK air crew.
- Iraqi compliance with resolution 1284 (1999). That would “remain one of our stated objectives (and retaining some incentives for Iraq to comply would be necessary to restore P5 [the five Permanent Members of the Security Council – China, France, Russia, the UK and the US] unity)”.

37. The paper also stated that “the Iraqi regime’s record and behaviour made it impossible for Iraq to meet the criteria for rejoining the international community without fundamental change”.

38. Mr Blair told the Inquiry that one of the key elements of the policy was to seal Iraq’s borders to make the sanctions regime more effective.²¹

¹⁹ Letter Sawers to Cowper-Coles, 24 February 2001, ‘Prime Minister’s Talks with President Bush, Camp David, 23 February 2001’.

²⁰ Letter Sawers to Cowper-Coles, 7 March 2001, ‘Iraq: New Policy Framework’.

²¹ Public hearing, 29 January 2010, page 15.

39. During the summer of 2001 the UK had been exploring the way forward with the US, Russia and France on a draft Security Council resolution to put in place a “smart sanctions” regime:

- The US had agreed that a straight rollover of the Oil-for-Food (OFF) provisions would be seen as a defeat and supported reviving the UK’s draft resolution. But it had not agreed the final form such a resolution should take.
- France had come to the broad conclusion that a rollover would strengthen the hawks in the US Administration. The UK draft resolution would be a starting point but French support was “tepid”.
- Russia had set out its arguments about the defects of the UK draft but the FCO formed “the impression that the problems ... were not insuperable”.²²

40. In the context of questions about the attitude towards Iraq in September 2001, Mr Blair emphasised that the nature of the Iraqi regime had made a difference to the nature of the WMD threat and that Saddam Hussein’s “profoundly wicked” mindset “definitely impacted on our thinking”.²³

41. Mr Blair told the Inquiry that, until 11 September 2001, the UK had a policy of containment, but sanctions were eroding.²⁴ The policy was “partially successful”, but it did not mean that Saddam Hussein was “not still developing his [prohibited] programmes”.

The impact of 9/11

The immediate response to 9/11

42. On 11 September 2001 three aircraft were hijacked and flown into the twin towers of the World Trade Centre in New York and the Pentagon in Washington. A fourth hijacked aircraft crashed in Pennsylvania. The attacks were unprecedented and resulted in the largest ever loss of life from an enemy attack on the territory of the United States. Nearly 3,000 people died, including 67 British citizens.²⁵

43. **The UK’s response to the attacks was to offer support to the US, including constructing an agenda for action against international terrorism and co-opting international support.**

44. **On 12 September Mr Blair wrote to President Bush advocating action before further catastrophes, including a suggestion that the Taliban regime in Afghanistan should be presented with a demand to yield Usama Bin Laden and close the Al Qaida camps.**

²² Minute McKane to Manning, 18 September 2001, ‘Iraq Stocktake’.

²³ Public hearing, 29 January 2010, page 66.

²⁴ Public hearing, 21 January 2011, page 8.

²⁵ *The Guardian*, 18 August 2002, *9/11 in numbers*.

45. In his statement following the attacks, Mr Blair stated that the democracies of the world must come together to defeat and eradicate mass terrorism.²⁶ It was:

“... not a battle between the United States of America and terrorism, but between the free and democratic world and terrorism. We, therefore, here in Britain stand shoulder to shoulder with our American friends in this hour of tragedy, and we, like them, will not rest until this evil is driven from our world.”

46. Describing the events of 11 September 2001, Mr Alastair Campbell, Mr Blair’s Director of Communications and Strategy, recorded that after the discussion in the Cabinet Office Briefing Rooms (COBR), Mr Blair held a smaller meeting in No.10 with Mr Jack Straw, the Foreign Secretary, and Mr Geoff Hoon, the Defence Secretary.²⁷ During the meeting Mr Blair asked them to work up “an international agenda which went beyond the US just hitting Afghanistan”; and stated that he intended to advise President Bush to issue an ultimatum to the Taliban to hand over Usama Bin Laden (UBL).

47. Mr Blair sent a Note to President Bush on 12 September setting out three goals to:

- bring to justice those responsible;
- construct an agenda for action against international terrorism; and
- co-opt the world’s leading countries in support of action.²⁸

48. Mr Blair wrote that action on the second and third goals should take place as soon as possible.

49. Action on the first goal might include presenting the Taliban with a demand to yield Usama Bin Laden and his associates and close their camps or “face guilt by complicity”. That would have to be “decided on evidential and military grounds”.

50. In considering the need for a political agenda, Mr Blair wrote:

“[A]fter reflection, there will be many who ask: what is the next stage of this evil? What of their capacity to get hold of biological, chemical and other WMD? We know that there are countries and individuals trading in WMD and/or trying to acquire them. We need a range of sanctions and pressures to stop this.

“Some of this will require action that some will balk at. But we are better to act now and explain and justify our actions than let the day be put off until some further, perhaps even worse catastrophe occurs. And I believe this is a real possibility.”

51. Mr Blair added: “It would also help in the Islamic world if we could find a way to revive the Middle East Peace Process.”

²⁶ The National Archives, 11 September 2001, *September 11 attacks: Prime Minister’s statement*.

²⁷ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

²⁸ Note Blair [to Bush], 12 September 2001, ‘Note for the President’.

52. Mr Blair stated that Russia and China would be crucial and that it was “time to put aside other geo-political differences and unite against a common enemy”.

53. A copy of the Note was sent to Mr Hoon’s Private Office, which was circulated to senior officials within the MOD.

54. In the context of evidence about Mr Blair’s Note to President Bush of 28 July 2002 (see Section 3.3), Mr Powell told the Inquiry that Mr Blair:

“... had a habit of writing notes, both internally and to President Clinton and to President Bush, on all sorts of subjects, because he found it better to put something in writing rather than simply talk about it orally and get it much more concretely and ... in focused terms.”²⁹

55. The UN Security Council adopted resolution 1368 on 12 September which stated that the Security Council had:

“Determined to combat by all means threats to international peace and security caused by terrorist acts,

“Recognising the inherent right of individual or collective self-defence in accordance with the Charter”.³⁰

56. Condemning the attacks “as a threat to international peace and security” the Security Council called on:

- “all States to work together urgently to bring to justice the perpetrators, organisers and sponsors of these terrorist attacks” and stressed “that those responsible for aiding, supporting or harbouring the perpetrators, organisers and sponsors of these acts” would be “held accountable”;
- “the international community to redouble their efforts to prevent and suppress terrorist acts ...”;

and expressed:

- “its readiness to take all necessary steps to respond to the terrorist attacks of 11 September 2001, and to combat all forms of terrorism, in accordance with its responsibilities under the Charter of the United Nations”.

²⁹ Public hearing, 18 January 2010, page 38.

³⁰ UN Security Council resolution 1368 (2001).

57. In his statement to the House of Commons on 14 September, Mr Blair said that the events of 11 September had been a warning and that “we should act on the warning”.³¹ Terrorists would:

“... if they could, go further and use chemical, biological and or even nuclear weapons of mass destruction. We know, also, that there are groups of people, occasionally states, who will trade the technology and capability of such weapons.”

58. Mr Blair concluded:

“We believe in reason, democracy and tolerance. These beliefs are the foundation of our civilised world. They are enduring, they have served us well, and as history has shown, we have been prepared to fight, when necessary, to defend them. The fanatics should know that we hold our beliefs every bit as strongly as they hold theirs, and now is the time to show it.”

59. In response to an intervention from Mr Paul Marsden (Labour), who asked for caution in the light of reports from American sources that NATO bombing might occur in Sudan, Iraq, Iran, Syria and Afghanistan, Mr Blair replied that Mr Marsden and others:

“... should not pay too much attention to some of the wilder pieces of speculation that inevitably are made at a time like this. It is important to recognise that the way in which the United States of America has proceeded so far is exactly right: in a calm and considered way, and in close consultation with allies such as ourselves.”³²

60. Mr Blair added that it was:

“... important that ... we base our identification of those responsible on proper evidence, but then that we are relentless in our pursuit of those responsible and bringing them to justice.”

61. In the subsequent debate on international terrorism, Iraq was mentioned briefly by a number of speakers, including Mr Tam Dalyell (Labour), who argued that a generation in Iraq and elsewhere in the Middle East was “growing up absolutely to loathe the United States and Britain” and urged the Government to look again at “10 years of bombing of Iraq and sanctions”.³³

62. Asked when he had taken the decision that “we should be prepared to join the Americans in using force and that we should be prepared to use force ourselves” against Iraq, Mr Blair told the Inquiry:

“I think I said in my statement of 14 September 2001 that I think this issue of WMD is going to take on a different meaning now. Of course the Americans had already a policy of regime change. That was a policy in fact articulated by President Clinton,

³¹ House of Commons, *Official Report*, 14 September 2001, columns 606-607.

³² House of Commons, *Official Report*, 14 September 2001, column 616.

³³ House of Commons, *Official Report*, 14 September 2001, column 632.

passed in 1998 following the military action we took in Iraq, US and UK in 1998. So it was obviously going to be on the agenda. I was always going to make it clear and did make it clear we would be shoulder to shoulder with America in dealing with these threats after September 11th. So how we were to deal with that would be an open question. That we were going to deal with it I think was pretty clear from that moment on.”³⁴

63. Following the attacks, President Bush determined that the Taliban regime in Afghanistan, which was harbouring Al Qaida, should be the priority for the US Administration in what it called a war on terrorism.

64. In the context of a possible Phase 2 of that war, President Bush also ordered the US Defense Department to be ready to deal with Iraq if it acted against US interests.

65. On 15 September the British Embassy Washington reported to London that the US now looked at the world through a new prism: US policy towards Iraq would harden, especially if any evidence emerged which linked Saddam Hussein to the terrorists.³⁵ The “regime-change hawks” in Washington were arguing that a coalition put together for one purpose [against international terrorism] could be used to clear up other problems in the region.

66. President Bush convened a meeting of his national security team at Camp David on 15 September.³⁶ The team included Vice President Dick Cheney, Mr Colin Powell (US Secretary of State), Mr Donald Rumsfeld (US Secretary of Defense), Mr George Tenet (Director of Central Intelligence), Dr Condoleezza Rice (US National Security Advisor) and Mr Paul Wolfowitz (Deputy Secretary of Defense).

67. The National Commission on Terrorist Attacks Upon the United States, the 9/11 Commission, reported that:

- President Bush had wondered immediately after the attack whether Saddam Hussein’s regime might have had a hand in it; and that he had also thought about Iran.
- On the afternoon of 11 September, Secretary Rumsfeld had instructed General Myers, the Vice-Chairman of the Joint Chiefs of Staff, that the US response should consider a wide range of options and possibilities; and said that his instinct was to hit Saddam Hussein at the same time – not only Usama Bin Laden.³⁷

³⁴ Public hearing, 21 January 2011, page 7.

³⁵ Telegram 1056 Washington to FCO London, 15 September 2001, ‘US Terrorist Attacks: Wider Foreign Policy Implications’.

³⁶ Bush GW. *Decision Points*. Virgin Books, 2010.

³⁷ Final Report of the National Commission on Terrorist Attacks Upon the United States. *The 9/11 Commission Report*. Norton.

68. Dr Rice told the Commission that the US Administration had been concerned that Iraq would take advantage of the 9/11 attacks. She recalled that, in the first Camp David session chaired by the President, Mr Rumsfeld had asked what the Administration should do about Iraq; and that Deputy Secretary Wolfowitz had made the case for striking Iraq during “this round” of the war on terrorism.

69. Dr Rice also told the Commission that a Department of Defense (DoD) briefing paper for the meeting, on the strategic concept for the war on terrorism, had specified three priority targets for initial action: Al Qaida, the Taliban, and Iraq. The paper had argued that Al Qaida and Iraq both posed a strategic threat to the United States, citing Iraq’s long-standing involvement in terrorism and its interest in weapons of mass of destruction.

70. Secretary Powell told the Commission that: “Paul [Wolfowitz] was always of the view that Iraq was a problem that had to be dealt with ... And he saw this as one way of using this event as a way to deal with the Iraq problem.” President Bush saw Afghanistan as the priority.

71. In his memoir, *Decision Points*, President Bush recorded:

- Secretary Rumsfeld had said: “Dealing with Iraq would show a major commitment to antiterrorism.”
- Secretary Powell had cautioned against it and Mr Tenet had agreed.
- Vice President Cheney had “understood the threat of Saddam Hussein and believed we had to address it. But now is not a good time to do it ... We would lose our momentum.”³⁸

72. Mr Tenet wrote:

“When an informal vote was taken on whether to include Iraq in our immediate response plans, the principals voted four to zero against it, with Don Rumsfeld abstaining.”³⁹

73. According to his memoir, President Bush took the decision on 16 September that:

“Unless I received definitive evidence tying Saddam Hussein to the 9/11 plot, I would work to resolve the Iraq problem diplomatically. I hoped unified pressure by the world might compel Saddam to meet his international obligations. The best way to show him we were serious was to succeed in Afghanistan.”⁴⁰

³⁸ Bush GW. *Decision Points*. Virgin Books, 2010.

³⁹ Tenet G & Harlow B. *At the Center of the Storm: My Years at the CIA*. HarperPress, 2007.

⁴⁰ Bush GW. *Decision Points*. Virgin Books, 2010.

74. Dr Rice told the 9/11 Commission that President Bush had called her that day to say the focus would be on Afghanistan, although he still wanted plans for Iraq should the country take some action or the US Administration eventually determine that it had been involved in the 9/11 attacks.⁴¹

75. The 9/11 Commission reported that there was some further discussion of Phase 2 of the war on terrorism, at a meeting in Washington of the National Security Council on 17 September. President Bush had ordered the Defense Department to be ready to deal with Iraq if Baghdad acted against US interests, with plans to include possibly occupying Iraqi oilfields. Within the Pentagon, Mr Wolfowitz had continued to press the case for dealing with Iraq.

76. Secretary Rumsfeld provided guidance on 19 September to US commanders working on their contingency plans.

77. The Commission reported that General Tommy Franks, Commander in Chief CENTCOM (US Central Command), told them that he:

“... recalled receiving Rumsfeld’s guidance that each regional commander should assess what these plans meant for his area of responsibility. He [Franks] knew he would soon be striking the Taliban and Al Qaida in Afghanistan. But, he told us, he now wondered how that action was connected to what might be needed to be done in Somalia, Yemen or Iraq. The CENTCOM commander told us he renewed his appeal for further military planning to respond to Iraqi moves shortly after 9/11 ... Franks said that President Bush again turned down the request.”

78. **The JIC assessed on 18 September that the attacks on 11 September had set a new benchmark for terrorist atrocity and terrorists seeking comparable impact might use chemical, biological, radiological or nuclear (CBRN) devices. But only Islamic extremists such as those who shared Usama Bin Laden’s agenda had the motivation to pursue attacks with the deliberate aim of causing maximum casualties.**

79. **The potential threat to UK interests would be higher the more closely the UK was identified with the US.**

80. Following a request from Mr Blair, for a reassessment of the nature and scale of the threat posed to the UK by terrorism and the contingency plans for dealing with it, the JIC considered whether the scale and nature of the terrorist threat to the UK had changed.⁴²

⁴¹ Final Report of the National Commission on Terrorist Attacks Upon the United States. *The 9/11 Commission Report*. Norton. Page 335.

⁴² Minutes, 14 September 2001, JIC meeting.

81. The Assessment, issued on 18 September, considered whether the attacks of 11 September changed the nature and scale of the terrorist threat to the UK, and its potential vulnerability to major terrorist attack, and “the current and immediately foreseeable threat in terms of the intention and capability of known terrorist groups”.⁴³ The Assessment assumed that there would be “a continuation of the current political circumstances in which the UK is closely identified with the US”.

82. The JIC’s Key Judgements included:

- The attacks had “set a new benchmark for terrorist atrocity. The level of destruction and the public impact are unprecedented.”
- “Terrorists seeking comparable impact may try to use chemical, biological, radiological or nuclear devices ...”
- The “potential scope for terrorist attacks” was “very wide”: “But in order to assess the threat to the UK, we need to consider both the capabilities and the intentions of the terrorist groups.”
- “Only Islamic extremists such as those who shared Usama Bin Laden’s agenda currently have the motivation to pursue” attacks “with the deliberate aim of causing maximum casualties”. The more closely the UK was identified with the US, “the higher the potential threat” to UK interests “both here and overseas”.
- Major attacks like those of 11 September required considerable planning and were “therefore likely to remain relatively infrequent”.

83. The development of the JIC position on the risk of terrorists acquiring and using CBRN is addressed in Section 4.

84. On 20 September, Mr Blair advised President Bush to “take our time to see whether we could build up the case against Iraq or other countries” before acting.

85. Mr Blair attended a memorial service for British victims of the 9/11 attacks on the World Trade Centre in New York on 20 September, and subsequently travelled to Washington to meet President Bush.⁴⁴

86. In relation to suggestions then circulating in the US that Iraq was behind the 9/11 attacks, the record states that Mr Blair told President Bush there was no doubt that Saddam Hussein was evil:

“But before any action was taken against him, we would need to be very sure indeed that there was compelling evidence. It would be best to deal with Afghanistan initially

⁴³ JIC Assessment, 18 September 2001, ‘UK Vulnerability to Major Terrorist Attack’. As a Director in the Treasury Public Services Directorate responsible for the Defence, Diplomacy and Intelligence Team, Ms Margaret Aldred, the Secretary to the Inquiry, was present at the discussion.

⁴⁴ *BBC News*, 21 September 2001, *Blair pledges solidarity with the US*.

and then take our time to see whether we could build up the case against Iraq or other countries.”⁴⁵

87. Mr Blair added that there was very wide international support for a careful and considered US approach. It was sometimes frustrating to work with a coalition, but its support was a crucial investment.

88. Citing the US National Security Council’s record of the meeting between President Bush and Mr Blair, the 9/11 Commission wrote:

“When Blair asked about Iraq, the President replied that Iraq was not the immediate problem. Some members of his administration, he commented, had expressed a different view, but he was the one responsible for making the decisions.”⁴⁶

89. Mr Campbell wrote in his diaries that President Bush had said the focus was on Usama Bin Laden and the Taliban: “But he also talked about how they could go after Saddam’s oilfields.”⁴⁷

90. Mr Jonathan Powell, Mr Blair’s Chief of Staff, told the Inquiry that President Bush had agreed: “the focus would be on Afghanistan and Al Qaida”.⁴⁸

91. Sir Christopher Meyer, British Ambassador to the United States from 2001 to February 2003, told the Inquiry that Mr Blair had sent a message to President Bush:

“... setting out his views on what needed to be done and he argued very strongly for a laser-like focus on Al Qaida and Afghanistan. By the time he got to Washington ... the door was already open. He didn’t have to argue the case.”⁴⁹

92. In a speech to Congress, President Bush set out the US determination to fight a war against terrorism by every means at its disposal.

93. That included an ultimatum to the Taliban regime in Afghanistan to give up the leaders of Al Qaida and close its training camps.

94. Addressing the US Congress on 20 September, President Bush stated that the US had “no truer friend than Great Britain” and thanked Mr Blair for crossing the “ocean to show his unity of purpose”.⁵⁰

⁴⁵ Letter Manning to McDonald, 20 September 2001, ‘Prime Minister’s Visit to Washington on 20 September: Dinner with President Bush’.

⁴⁶ Final Report of the National Commission on Terrorist Attacks Upon the United States. *The 9/11 Commission Report*. Norton. Page 336.

⁴⁷ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

⁴⁸ Public hearing, 18 January 2010, page 16.

⁴⁹ Public hearing, 26 November 2009, page 22.

⁵⁰ The White House, 20 September 2001, *Address to a Joint Session of Congress and the American People*.

95. President Bush stated that the evidence for responsibility for the attacks on 11 September pointed to “a collection of loosely affiliated terrorist organizations” known as Al Qaida, which was also linked to “many other organizations in different countries”. Al Qaida had “great influence” in Afghanistan, and supported the Taliban regime.

96. President Bush condemned the Taliban regime for “aiding and abetting murder”, and demanded that it should:

“Deliver to United States authorities all the leaders of Al Qaida who hide in your land ... Release all foreign nationals ... Protect foreign journalists, diplomats and aid workers ... Close immediately and permanently every terrorist training camp in Afghanistan, and hand over every terrorist, and every person in their support structure, to appropriate authorities ... Give the United States full access to terrorist training camps, so we can make sure they are no longer operating.

“These demands are not open to negotiation ... The Taliban must act, and act immediately. They will hand over the terrorists, or they will share in their fate.”

97. President Bush stated:

“Our war on terror begins with Al Qaida, but it does not end there. It will not end until every terrorist group of global reach has been found, stopped, and defeated.

...

“... How will we fight and win this war? We will direct every resource at our command – every means of diplomacy, every tool of intelligence, every instrument of law enforcement, every financial influence, and every necessary instrument of war – to the disruption and to the defeat of the global terror network.

“This war will not be like the war against Iraq a decade ago ... It will not look like the air war above Kosovo ...

“Our response involves far more than instant retaliation and isolated strikes. Americans should not expect one battle, but a lengthy campaign, unlike any other we have ever seen ... And we will pursue nations that provide aid or safe haven to terrorism. Every nation ... now has a decision to make. Either you are with us, or you are with the terrorists ... From this day forward, any nation that continues to harbour or support terrorism will be regarded by the United States as a hostile regime.”

98. The attacks on 11 September 2001 fundamentally changed the context within which the US Administration and the UK Government viewed policy towards Iraq.

99. Secretary Rumsfeld recorded that President Bush had first asked him to “look at the shape of our military plans on Iraq” on 26 September; and had said that the options should be “creative”.⁵¹

⁵¹ Rumsfeld D. *Known and Unknown: A Memoir*. Sentinel, 2011.

100. Secretary Rumsfeld ordered a review of existing US war plans for Iraq on 29 September.⁵²

101. Subsequent accounts by key members of the US Administration set out how they considered the context for US policy on Iraq had changed following the attacks.

102. In remarks to the press at the White House during Mr Blair's visit on 31 January 2003, President Bush said:

“After September the 11th, the doctrine of containment just doesn't hold any water ... My vision shifted dramatically after September the 11th, because I now realize the stakes. I realize the world has changed.”⁵³

103. In his memoir President Bush wrote that the “lack of a serious response” to previous Al Qaida attacks had been interpreted:

“... as a sign of weakness and an invitation to attempt more brazen attacks ... After 9/11, I was determined to change that impression.”⁵⁴

104. Describing the impact of the attacks on his view on Iraq, President Bush wrote:

“Then 9/11 hit, and we had to take a fresh look at every threat in the world. There were state sponsors of terror. There were sworn enemies of America. There were hostile governments that threatened their neighbors. There were nations that violated international demands. There were dictators who repressed their people. And there were regimes that pursued WMD. Iraq combined all those threats ...

...

“Before 9/11, Saddam was a problem America might have been able to manage. Through the lens of the post-9/11 world, my view changed ... I could only imagine the destruction possible if an enemy dictator passed his WMD to terrorists. With threats flowing into the Oval Office daily – many of them about chemical, biological or nuclear weapons – that seemed like a frighteningly real possibility ... The lesson of 9/11 was that if we waited for a danger to fully materialize, we would have waited too long. I reached a decision: We would confront the threat from Iraq, one way or another.”

⁵² Feith DJ. *War and Decision: Inside the Pentagon at the Dawn of the War on Terrorism*. HarperCollins, 2008; Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience*. U.S. Government Printing Office, 2009.

⁵³ The White House, 31 January 2003, *Remarks by the President and British Prime Minister Tony Blair*.

⁵⁴ Bush GW. *Decision Points*. Virgin Books, 2010.

105. Dr Rice wrote that after 9/11:

“No security issue ever looked quite the same again, and every day our overwhelming preoccupation was to avoid another attack ... Our entire concept of what constituted security had been shaken.”⁵⁵

106. Mr Tenet wrote:

“After 9/11, everything changed. Many foreign policy issues were now viewed through the prism of smoke rising from the World Trade Center and the Pentagon. For many in the Bush administration, Iraq was unfinished business. They seized on the emotional impact of 9/11 and created a psychological connection between the failure to act decisively against Al Qaida and the danger posed by Iraq’s WMD programs. The message was: We can never afford to be surprised again ... we might wake up one day to find that Saddam possessed a nuclear weapon, and then our ability to deal with him would take on an entirely different cast.

“... it seemed a given that the United States had not done enough to stop Al Qaida ... and had paid an enormous price. Therefore ... we could not allow ourselves to be in a similar situation in Iraq.”⁵⁶

107. Sir Peter Ricketts, Chairman of the JIC until September 2001 and subsequently FCO Political Director until July 2003, told the Inquiry that “through to 9/11, the dominant player [on Iraq policy in Washington] was the State Department”; but after 9/11 the dominant force changed.⁵⁷

108. Sir David Manning, Mr Blair’s Foreign Policy Adviser and Head of the Cabinet Office Overseas and Defence Secretariat (OD Sec), told the Inquiry that “Indefinite containment ... looked increasingly implausible”. After 9/11 the mood in Washington had “changed dramatically” and “tolerance for containment had changed”.⁵⁸

109. Mr Powell told the Inquiry that the US saw 9/11 as a “Pearl Harbour of the 21st Century”; they were being attacked at home and that made them “much more willing to be pre-emptive”.⁵⁹

110. Mr Straw told the Inquiry that 9/11 changed everything and that in his view “people in Europe still don’t quite comprehend the degree”.⁶⁰ Mr Straw added that the attacks led to a consensus across the world that a policy of tolerating failing or failed states was unacceptable. The perception of risk changed.

⁵⁵ Rice C. *No Higher Honour*. Simon & Schuster, 2011.

⁵⁶ Tenet G & Harlow B. *At the Center of the Storm: My Years at the CIA*. HarperPress, 2007.

⁵⁷ Public hearing, 24 November 2009, page 24.

⁵⁸ Public hearing, 30 November 2009, pages 28-29.

⁵⁹ Public hearing, 18 January 2010, page 15.

⁶⁰ Public hearing, 21 January 2010, pages 6-7.

111. Mr Blair told the Inquiry:

“... I think I would fairly describe our policy ... as doing our best, hoping for the best, but with a different calculus of risk assessment ... up to September 11, we thought there was a risk but we thought it was worth trying to contain it. The crucial thing after September 11 is that the calculus of risk changed.”⁶¹

112. Mr Blair added: “after September 11, our view, the American view, changed dramatically”.⁶²

113. Mr Blair stated that his:

“... primary consideration ... was to send an absolutely powerful, clear and unremitting message that ... if you were a regime engaged in WMD, you had to stop.”⁶³

114. In the UK, pursuit of agreement in the Security Council for improvements in the sanctions regime for Iraq was seen as key to both sustaining the policy of containment and to removing an impediment to securing a coalition for action against international terrorism.

115. The FCO proposed amending the UK draft resolution to address the perception that it imposed additional obligations on Iraq’s neighbours to enforce sanctions.

116. The background to the UK’s pursuit of an improved economic sanctions regime for Iraq is set out in Section 1.2.

117. Following a meeting to “discuss the options available for dealing with the UK’s draft UNSCR [UN Security Council resolution] and the best way forward in the light of terrorist attack in the US”, Mr Tom McKane, the Deputy Head of OD Sec, advised Sir David Manning:

“The Cabinet Office Assessments Staff reported that Saddam Hussein was comfortable and in control. He had no desire for a confrontation but could change his stance if the security situation changed in the North or if a new resolution was passed which brought with it tighter controls on imports and exports. Currently his position is not being challenged ...

“... there was no intelligence of an Iraqi link to the terrorist attacks in the US last week. But the Iraqis were nervous of being blamed for the attack. There were indications of the dispersal of Iraqi military assets. Saddam Hussein had urged the US to exercise restraint.”⁶⁴

⁶¹ Public hearing, 29 January 2010, page 7.

⁶² Public hearing, 29 January 2010, page 9.

⁶³ Public hearing, 29 January 2010, page 24.

⁶⁴ Minute McKane to Manning, 18 September 2001, ‘Iraq Stocktake’.

118. Mr McKane added that there had been diplomatic activity over the summer to explore options. In relation to the end of November deadline for the renewal of the sanctions regime authorised by resolution 1360 in July 2001, the US had supported reviving the UK draft “smart sanctions” resolution. But Mr McKane advised that “it was doubtful in current circumstances whether they [the US] would be willing to throw much weight behind it, particularly with the Russians”.

119. Mr McKane reported that officials had agreed that a revised draft resolution, which “dropped the proposals to tighten existing controls and the references to neighbouring states”, was the option “most likely to succeed in building a consensus”. He added:

“In practice, there was no realistic prospect of tightening the existing controls at the present time, though we should return to this at a later date.”

120. Mr William Patey, Head FCO Middle East Department, advised Mr Straw:

“In the context of building the broadest possible coalition for a sustained attack on terrorism we need to address some of the wider concerns about our Iraq policy ...

“The main objection to the current proposals is the perception that they impose additional obligations on neighbouring states by putting the onus on them for enforcing sanctions on Iraq. The reality is that our draft resolution does not impose any new obligations on neighbouring states ... These tightening provisions were mainly window dressing. We would not lose a great deal in reality by removing the provision relating to neighbouring states although it would increase the presentational difficulties for the US.

“... we would undermine the Russian and other objections, and increase the prospects for consensus in the Security Council. The unanimous backing ... for a Goods Review List is worth having. It would not remove the existing obligations on neighbouring states or the international community as a whole ... This would not be easy to sell ... but the alternative is a weakening of containment through growing sanctions busting and the withering away of existing controls on Iraq. This would leave us with little to fall back on, other than excessive reliance on military force, which in turn would undermine our ability to maintain a coalition against terrorism.”⁶⁵

121. Mr Alan Goulty, FCO Director Middle East and North Africa, commented:

“If this approach is to be tried we should tackle the Americans soon. The key argument is that progress on Iraq will help coalition-building. But that will be hard to sell to the Washington hawks, especially in the Pentagon.”⁶⁶

⁶⁵ Minute Patey to Goulty and PS [FCO], 20 September 2001, ‘Iraq: Way Forward’.

⁶⁶ Manuscript comment Goulty, 20 September 2001, on Minute Patey to Goulty and PS [FCO], 20 September 2001, ‘Iraq: Way Forward’.

122. Mr Straw's Private Office responded that he agreed with the proposed way forward set out in Mr Patey's advice, subject to any views which Sir David Manning might have and the need for it to be worked through with senior members of the US Administration.⁶⁷

123. Sir David and Mr McKane were sent copies of the exchange.

124. Mr Blair's speech to the Labour Party Conference on 2 October 2001 provides a clear indication of Mr Blair's thinking and approach, including: the need for the international community to come together to act to address terrorism; the dangers of inaction; and the failure of the Taliban to respond to the ultimatum to surrender Usama Bin Laden and his followers.

125. Mr Blair did not mention Iraq in his speech, but many of the points he made about Afghanistan appeared in later speeches about Iraq.

126. In a speech addressing the Assembly on Terrorism on 1 October, Mr Annan stated that, after the attacks of 11 September, "no one can dispute the nature of the terrorist threat, nor the need to meet it with a global response". He added that that would require:

"... Member States to live up to their responsibilities under international law. They must deal firmly with the reality of armed groups and other non-State actors who refuse to respect common principles of human dignity.

"It is hard to imagine how the tragedy of 11 September could have been worse. Yet, the truth is that a single attack involving a nuclear or biological weapon could have killed millions ... The greatest danger arises from a non-State group – or even an individual – acquiring and using a nuclear, biological, or chemical weapon. Such a weapon could be delivered without the need for any missile or any other sophisticated delivery system."⁶⁸

127. Mr Blair set out his vision for the world after the events of 9/11 in his speech to the Labour Party Conference on 2 October 2001:

"It [9/11] was a tragedy. An act of evil. From this nation, goes our deepest sympathy and prayers for the victims and our profound solidarity with the American people.

"We were with you at the first, we will stay with you to the last."⁶⁹

128. Of the relatives of those who died, Mr Blair said:

"They don't want revenge. They want something better in memory of their loved ones.

⁶⁷ Minute Davies to Patey, 24 September 2001, 'Iraq: Way Forward'.

⁶⁸ UN Press Release, 1 October 2001, *Secretary-General, Addressing Assembly on Terrorism, Calls for 'Immediate Far-Reaching Changes' in UN Response to Terror*.

⁶⁹ *The Guardian*, 2 October 2001, *Full text: Tony Blair's speech (Parts one and two)*.

“I believe their memorial can and should be greater than simply the punishment of the guilty. It is that out of the shadow of this evil, should emerge lasting good: destruction of the machinery of terrorism ... hope amongst all nations of a new beginning ... so that people everywhere can see the chance of a better future through the hard work and creative power of the free citizen, not the violence and savagery of the fanatic.”

129. Setting out his thoughts on the way ahead, Mr Blair stated:

“I know that here in Britain people are anxious ... People know we must act but they worry about what might follow ...

“Whatever the dangers of the action we take, the dangers of inaction are far, far greater ...

“So what do we do? ... Look for a diplomatic solution. There is no diplomacy with Bin Laden or the Taliban regime.

“State an ultimatum and get their response. We stated an ultimatum; they haven’t responded ...

“There is no compromise possible with such people ... Just a choice: defeat it or be defeated by it. And defeat it we must ...

“I say to the Taliban: surrender the terrorists; or surrender power. It’s your choice ...”

130. Mr Blair added:

“I have long believed ... interdependence defines the new world we live in. People say: we are only acting because it’s the USA that was attacked. Double standards, they say. But when Milošević embarked on the ethnic cleansing of Muslims in Kosovo, we acted.

“... if Rwanda happened again today ... we would have a moral duty to act there also. We were there in Sierra Leone ...

“We can’t do it all. Neither can the Americans.

“But the power of the international community could, together, if it chose to.

“... our self-interest and our mutual interests are today inextricably woven together. This is the politics of globalisation ...

“This is a moment to seize. The kaleidoscope has been shaken. The pieces are in flux. Soon they will settle again. Before they do, let us re-order this world around us ...

“By the strength of our common endeavour we achieve more together than we can alone.

“For those people who lost their lives on September 11 and those that mourn them; now is the time for the strength to build that community. Let that be their memorial.”

131. Commenting on the impact of Mr Blair’s speech on 2 October, and in particular the reference to being with the US at the first and staying with them to the last, Sir Christopher Meyer told the Inquiry that, in the weeks after 9/11, Mr Blair’s:

“... reputation ... was sealed ... The man above all other Europeans ... who expressed his sympathy for, support for the United States of America in its hour of need with unparalleled eloquence.

“That speech, and that particular phrase ... resonated enormously around the United States.”⁷⁰

132. Military action in Afghanistan began on 7 October.

133. A UK Government document on the responsibility for the attacks on the US on 11 September was issued by No.10 on 4 October.⁷¹

The October 2001 “dossier”

On 4 October 2001, No.10 issued a document setting out its conclusions on responsibility for the attacks in the US on 11 September.⁷²

The document made clear that it was, in part, based on intelligence and stated:

“The details of some aspects cannot be given, but the facts are clear from the intelligence.

“The document does not contain the totality of the material known to HMG, given the continuing and absolute need to protect intelligence sources.”

On the basis of the information and intelligence available, the Government was “confident of its conclusions” that:

“Usama Bin Laden and Al Qaida, the terrorist network which he heads, planned and carried out the atrocities on 11 September 2001;

“Usama Bin Laden and Al Qaida retain the will and resources to carry out further atrocities;

“the United Kingdom, and United Kingdom nationals are potential targets; and

⁷⁰ Public hearing, 26 November 2009, pages 22-23.

⁷¹ Paper No.10, 4 October 2001, ‘Responsibility for the Terrorist Atrocities in the United States, 11 September 2001’.

⁷² Paper No.10, 4 October 2001, ‘Responsibility for the Terrorist Atrocities in the United States, 11 September 2001’.

“Usama Bin Laden and Al Qaida were able to commit these atrocities because of their close alliance with the Taliban regime [in Afghanistan], which allowed them to operate with impunity in pursuing their terrorist activity.”

The document also stated that:

- “[F]rom the early 1990s”, Al Qaida had “sought to acquire nuclear and chemical materials for use as terrorist weapons”.
- In June 2001, the US had warned the Taliban that “it had the right to defend itself and that it would hold the regime responsible for attacks against US citizens by terrorists sheltered in Afghanistan”.
- The “Taliban regime had responded by saying no evidence existed against Usama Bin Laden, and that neither he nor his network would be expelled”.
- When asked in 1998 about obtaining chemical or nuclear weapons, Usama Bin Laden had said “acquiring such weapons for the defence of Muslims [was] a religious duty”.

134. Mr Tim Dowse, Head of the FCO Non-Proliferation Department from January 2001 to November 2003, told the Inquiry that the issue of the dossier was “regarded as a rather successful action”.⁷³

135. The air campaign against the Taliban in Afghanistan began on 7 October.⁷⁴

136. Concern that continuing speculation about further American military action against other states was undermining support for the campaign against Al Qaida led Mr Blair to try to influence President Bush to “deal with” Iraq at a later date, including suggesting that President Bush should avoid debate in public on the next steps until they knew what that might mean.

137. Following discussions with leaders in the Middle East, Mr Blair wrote to President Bush on 11 October about the military operation in Afghanistan and the pressures generated by the “War against Terrorism”.⁷⁵ Mr Blair described “extending the war zone” and the Middle East Peace Process (MEPP) as the “top flashpoints”.

138. Mr Blair wrote that it was time to move to the “next stage of the military operation [in Afghanistan]”, and that it was “hard to see how we do this without removing the Taliban”.

139. In a section headed “Extending War Aims”, Mr Blair wrote that there was “a real willingness in the Middle East to get Saddam out but a total opposition to mixing this up with the current operation” in Afghanistan. The uncertainty caused by references to a “Phase 2” in the war on terrorism “seeming to extend to Iraq, Syria etc” was “really hurting ... because it seems to confirm the UBL propaganda that this is West vs Arab”.

⁷³ Public hearing, 25 November 2009 [morning], page 52.

⁷⁴ The White House, 7 October 2001, *Presidential Address to the Nation*.

⁷⁵ Letter Blair to Bush, 11 October 2001, [untitled].

140. Mr Blair added that he had:

“... no doubt we need to deal with Saddam. But if we hit Iraq now, we would lose the Arab world, Russia, probably half the EU ... I am sure we can devise a strategy for Saddam deliverable at a later date.”

141. Mr Blair suggested that:

“... in order to give ourselves space that we say:

“Phase 1 is the military action focused on Afghanistan because it’s there that the perpetrators of 11 September hide.

“Phase 2 is the medium and longer term campaign against terrorism in all its forms. Of course we will discuss that ... This kicks it away for the moment but leaves all options open. We just don’t need it debated too freely in public until we know what exactly we want to do; and how we can do it.”

142. Mr Blair concluded that a “dedicated tightly knit propaganda unit” was required, and suggested that he and President Bush should “talk soon”.

143. In a telephone conversation on 17 October, mainly about Afghanistan, Mr Blair and President Bush discussed the recent anthrax attacks on the US and whether the source of the material might be Iraq.⁷⁶

144. In his memoir, President Bush wrote that “One of the best intelligence services in Europe” had told the US it suspected Iraq.⁷⁷

145. On 19 October, US Special Forces landed in Afghanistan to link up with the CIA and Northern Alliance.⁷⁸

146. Lord Wilson of Dinton, Cabinet Secretary from 1998 to September 2002, told the Inquiry that he thought Mr Blair had:

“... played ... an important part in dissuading them [the US] from any thoughts that 9/11 was connected with Iraq and dissuading them from taking any action against Iraq”.⁷⁹

147. Lord Wilson stated that international terrorism and the military action in Afghanistan was the major focus of the UK government at that time.⁸⁰

148. By mid-October, discussions on a revised economic sanctions regime for Iraq had made little progress. Russia was seen as the main obstacle to agreement.

⁷⁶ Letter Wechsberg to McDonald, 17 October 2001, ‘Prime Minister’s Telephone Conversation with President Bush: 17 October’.

⁷⁷ Bush GW. *Decision Points*. Virgin Books, 2010.

⁷⁸ Bush GW. *Decision Points*. Virgin Books, 2010.

⁷⁹ Public hearing, 25 January 2011, page 13.

⁸⁰ Public hearing, 25 January 2011, page 28.

149. Following a visit by Mr Blair to Moscow, where there was no movement in the Russian position, Mr Simon McDonald, Mr Straw's Principal Private Secretary, wrote to Sir David Manning on 11 October stating:

"The present position is not sustainable. Sanctions are eroding. Iraqi WMD programmes are continuing. The Security Council is divided."⁸¹

150. Mr McDonald recorded that another, simple Oil-for-Food rollover resolution would be seen as a victory for Saddam Hussein at the US and the UK's expense.

"We need to convince them [the US] that uniting the Security Council on Iraq is a core component of building a coalition against terrorism, not a peripheral issue. We also need to head them off the temptation to take military action against Iraq which would fracture the coalition."

151. Sir David Manning discussed the UK's draft resolution, and the need for US help to persuade Russia to support it, with Dr Rice on 12 October. He reported that it was unlikely to be a priority for President Bush in his discussions with President Vladimir Putin, the President of Russia.⁸²

152. Sir David and Dr Rice also discussed differences between the UK and the US about the scale of any response if a UK or US pilot was shot down in the No-Fly Zones.⁸³

Operations in the No-Fly Zones

The UK had continuing concerns about the potential US response if a UK or US pilot enforcing the No-Fly Zones (NFZs) was shot down by Iraq.

UK operations in the No-Fly Zones had been reviewed twice in the previous two years, largely at the request of Mr Robin Cook, the previous Foreign Secretary, and Lord Williams of Mostyn, the Attorney General, and his successor Lord Goldsmith. Those reviews and the outcomes are considered in Section 1.2.

Mr McKane responded to a letter of 24 August from Mr David Brummell, the Legal Secretary to the Law Officers, on 16 October.⁸⁴ Mr McKane stated that, if the UK pulled out of the southern No-Fly Zone it would have to be explained; and that "could only be politically sustainable if couched on the basis that the Zone was no longer required, presumably because we judged that Saddam's behaviour and intent had shifted in a satisfactory direction".

Mr McKane added that it would be "very difficult" to maintain the northern Zone without the southern Zone; Turkey would be "unlikely, in a minority of one, to continue to facilitate" coalition patrols. Regular patrols of the northern Zone were "necessary" if lives were to be saved.

⁸¹ Letter McDonald to Manning, 11 October 2001, 'Iraq: Next Steps'.

⁸² Letter Manning to McDonald, 12 October 2001, 'Iraq: Next Steps'.

⁸³ Letter Manning to McDonald, 12 October 2001, 'Iraq: Desert Badger'.

⁸⁴ Letter McKane to Brummell, 16 October 2001, 'Iraq: No Fly Zones'.

Mr McKane also wrote that nothing had happened to change the Ministerial conclusion earlier in the year that, if patrolling of the southern Zone ceased, “an unacceptably high risk” of “extreme humanitarian distress” would remain.

Mr McKane informed Sir David Manning that the MOD had been asked what would have to be done to ensure that Kuwait could be defended effectively if patrolling over the southern NFZ stopped. He suggested that “once the immediate crisis is over” the issue should be considered again; stopping patrolling in the Zones could “remove a major source of discomfort from our relations with the Arab world”.⁸⁵

At the Cabinet Office meeting on 30 October, the MOD reported that the US had “returned to normal operations over Iraq” but there were “fewer coalition patrols over a more restricted area (largely south and west of the Euphrates)”.⁸⁶ Contingency plans in the event that a coalition aircraft was shot down were being discussed with the US.

In January 2002, Mr McKane reported that there had been no Iraqi violation of the southern No-Fly Zone since 11 September 2001, and that the last Allied bombing of an Iraq air defence target had taken place on 27 November 2001.⁸⁷ The MOD was “concerned about the risks to RAF aircrew” and considering whether “It might be necessary to attack air defence targets north of the 33rd parallel ... in order to make it safe for such patrols to be resumed.”

153. In late October, Sir Jeremy Greenstock advised that a damaging “vacuum” in collective policy towards Iraq was looming; a “clear long-term strategy” agreed with the US would be needed. The key elements included determining whether UNMOVIC had any genuine value and convincing the US that the UK would not support heavy military action against Iraq. The UK could not do nothing and allow “war against Iraq to become the only option by default”.

154. Officials concluded that a revised draft resolution was the preferred option but, if that was not achievable, a rollover resolution would just sustain containment.

155. A paper written within the FCO on 24 October stated that the US was deliberately keeping open the option of coercive military action and US military Commanders in Chief had been “instructed ... to work up contingency plans for dealing with terrorist targets within their area of responsibility”.⁸⁸ The MOD was “trying to discover some of the detail”.

156. In relation to Iraq, the FCO paper stated that it was:

“The prime candidate for military action among US hawks and the only realistic target for coercive/punitive/regime-change military action (as opposed to targeted

⁸⁵ Minute McKane to Manning, 17 October 2001, ‘Iraq: No Fly Zones’.

⁸⁶ Minute McKane to Manning, 31 October 2001, ‘Iraq’.

⁸⁷ Minute McKane to Manning, 15 January 2002, ‘Iraq’.

⁸⁸ Minute Bloomfield to Wright, 24 October 2001, ‘Terrorist and State Sponsors: Possible US Strategies’ attaching Paper, ‘Terrorist and State Sponsors: Possible US Strategies’.

strikes). But such action would carry significant downsides in terms of alienating world opinion.”

157. The FCO concluded:

“The US is in no mood to co-operate with Iraq. A likely option is to make specific demands backed up by threats of tougher action in the event of non-compliance. Whether this includes military action will depend on US judgements about the balance of advantage between the domestic pressures and the international ramifications of such actions.”

158. Sir Jeremy Greenstock, UK Permanent Representative to the UN in New York, wrote to Sir David Manning on 29 October warning that the UK’s draft resolution adapting the sanctions regime “looks unachievable this autumn, largely because of Russian obduracy and US unwillingness to exert sufficient pressure to move them”.⁸⁹

159. Sir Jeremy added:

“... there remains an urgent need for us to sort out a coherent strategy with the Americans, and at a level which binds in the whole Administration and not just the State Department. Our conversations with them recently ... have not managed this. The WMD danger is too great to ignore. A vacuum not just in the Security Council, but also in our collective policy is looming. Most dangerously, the volume of talk ... about the military option looks from here to risk real damage to our wider interests in the Middle East and our campaign against terrorism.

“In New York, there is widespread scepticism of the US/UK approach ... The policy is seen not only as a failure, but also the foremost example of the double standards ... in the Middle East. This corrodes support directly for sanctions ... but also insidiously for our broader objectives on Afghanistan and terrorism. In the longer run, the failure of the Council to secure Iraqi compliance with the resolutions undermines its credibility more generally.

“We therefore need to think hard about a clear long-term strategy ... to fill this vacuum (and to prevent the militarists doing so).”

160. Sir Jeremy set out the main elements for such a strategy, including:

- Drawing in the Russians on controlling Iraq’s WMD and Saddam Hussein more generally.
- Exploring the possibility of restoring P5 unity, which would require thinking about the clarification of resolution 1284 (1999).
- Working out whether UNMOVIC had any genuine political value. The Americans did “not want a repeat of the UNSCOM problem, with Saddam calling the shots”.

⁸⁹ Letter Greenstock to Manning, 29 October 2001, ‘Iraq: Cabinet Office Meeting, 30 October’.

Sir Jeremy thought an “intensive capability” on the ground would be “an enormous asset” and that the US should be persuaded it was “worth paying a price for”.

- “... perhaps most crucially, convincing the US that we will not support heavy military action against Iraq in the current circumstances. If the Americans do not buy into the strategy outlined above, then together we will have to think of another one. We cannot do nothing and allow war against Iraq to become the only option by default.”⁹⁰

161. The objectives should be:

- a “unified P5 approach to tackle Iraqi WMD, perhaps involving a negotiation to clarify but not renegotiate 1284”;
- clear limits “to avoid the Russians demanding endless concessions to secure Iraqi cooperation”; and
- “reinvigorated action to tackle illegal Iraqi revenue”.

162. Sir Jeremy wrote that he “remained surprised at the lack of US and UK activity to take on the Syrians over their pipeline”.

163. Sir Jeremy concluded:

“Much of this deals with the US angle ... The most immediate need is to have a dedicated discussion with them at a senior level in sufficient detail to thrash out the answers on the complex questions involved.”

164. Sir Jeremy Greenstock told the Inquiry that:

“As the US-led Coalition in Afghanistan began to deal effectively with the problems there, and as the US machine gathered itself to create firmer defences against any possible further terrorist attacks, we began to see that there was not much energy being expended in Washington on outreach, consultation and good relationships. Even before I heard of any serious action being taken to prepare for a possible attack on Iraq, I was coming to the conclusion that the United States was missing an opportunity ...”⁹¹

165. FCO junior officials prepared a draft paper, ‘Iraq: Fallback option’ for a meeting on Iraq to be chaired by the Cabinet Office on 30 October, setting out the background to the differing positions of Iraq and of the P5 members of the Security Council.⁹²

Those included:

- Iraq’s claims that resolution 1284 (1999) was so ambiguous that the US could easily deny that co-operation had been adequate to trigger suspension of sanctions;

⁹⁰ Letter Greenstock to Manning, 29 October 2001, ‘Iraq: Cabinet Office Meeting, 30 October’.

⁹¹ Statement, November 2009, page 5.

⁹² Email Tanfield to Saunders, 30 October 2001, ‘Iraq: Fallback Option’.

- a Russian proposal to suspend sanctions in return for Iraq allowing weapons inspectors to return:
- a French preference to clarify the provisions of resolution 1284 – including:
 - definition of the key remaining disarmament tasks rather than leaving that right to UNMOVIC (the United Nations Monitoring, Verification, and Inspection Commission);
 - shortening the timetable for suspension of sanctions;
 - clarifying the trigger for suspension; and
 - defining the key differences pre- and post-suspension particularly in financial controls; and
- a prevalent view in the US Administration that resolution 1284 was best left unimplemented and UN weapons inspections were of limited value.

166. Against that background, the FCO recommended “a simple rollover resolution with a P5 statement of commitment to engage in serious discussion on how to tackle Iraqi WMD, within existing SCRs [Security Council resolutions] but including the clarification of ambiguities in SCR 1284”.

167. The Cabinet Office meeting on 30 October discussed the wider approach to Iraq.⁹³

168. Mr McKane reported to Sir David Manning that there was little change to Saddam Hussein’s position:

- “Sanctions erosion continued with a near regular air service and up to 500,000 b/d [barrels per day] exported outside the oil for food regime. Saddam’s efforts to acquire aluminium tubes and graphite for his nuclear/missile programmes showed his intention to continue to build up his WMD capability. His division of the country into semi-autonomous zones and his recent dispersal of military equipment, including from suspect CBW related sites, were indicative of contingency plans in case of coalition strikes. But there were no indications that he felt threatened.”
- “Externally, Saddam maintained leverage over his neighbours through his oil exports.”

169. Mr McKane stated that the US had agreed that the UK’s draft resolution “remained the least bad option available” but there would be difficulties persuading Russia to support it. If that proved to be the case, the UK wanted to avoid a second veto. It would seek a P5 statement “of commitment to engage in serious discussion on Iraqi WMD, including clarification of UNSCR 1284”. If that was not possible, a simple rollover resolution would be a setback: “But it would sustain containment, just.”

⁹³ Minute McKane to Manning, 31 October 2001, ‘Iraq’.

170. Sir David Manning continued to pursue the UK proposals for “smarter sanctions” in his contacts with Russia.⁹⁴

171. Sir Jeremy Greenstock told the Inquiry that although the focus on Afghanistan and terrorism “overshadowed discussions on Iraq ... there were intensive efforts ... to re-establish P5, and especially Russian support, for a revised Goods Review List resolution”.⁹⁵ That included three meetings between the Mr Straw and Mr Igor Ivanov, the Russian Foreign Minister, and discussion on the telephone between Mr Blair and President Putin.

172. Mr Patey told the Inquiry that there had been British efforts “to sweeten the deal for the Russians”.⁹⁶

173. Mr Blair met President Bush on 7 November, primarily to discuss Afghanistan.

174. Sir Christopher Meyer sent Mr Straw a letter, ‘America after 11 September’, on 5 November.⁹⁷ That drew attention to President Bush’s anxiety about the anthrax attacks.

175. Commenting on the balance between multilateralism and unilateralism, Sir Christopher wrote that the US had a historic preference for “informal alliances and coalitions of the willing, over the sovereignty-limiting provisions of international conventions”. The UN was “usually an exercise in damage limitation, save where the organisation can advance US interests, as in providing Article 51 cover to fight terrorism”. The best Europe could hope for was “the continued predominance of mainstream pragmatists in the conduct of US foreign policy”, but “even that” was “not guaranteed”.

176. Sir Christopher added that Mr Blair, Mr Straw and Mr Hoon had leveraged UK popularity “brilliantly to influence the conduct of the war on terrorism”. The “real test” of that influence would be “whether we can generate a recalibrated and more energetic US policy towards the Middle East, and stop the Americans doing something self-defeating in Iraq or elsewhere”.

177. Sir Christopher concluded:

“The Americans are very good at compartmentalising their sentimental and sincere affection for Britain from the single minded pursuit of national interest. It is a gap we have to close ...”

178. Mr Blair visited Washington on 7 November for talks with President Bush, primarily about Afghanistan.⁹⁸

⁹⁴ Minute McKane to Manning, 2 November 2001, ‘Iraq’.

⁹⁵ Statement, November 2009, page 5.

⁹⁶ Public hearing, 24 November 2009, page 46.

⁹⁷ Letter Meyer to Straw, 5 November 2001, ‘America after 11 September’.

⁹⁸ Letter Manning to Rice, 8 November 2001, [untitled].

179. Mr Blair gave President Bush a Note during their private meeting, which, under a section on ‘International Initiatives’, referred to the need for a new UN resolution on Iraq and a wider ‘WMD Agreement’.⁹⁹

180. The record of the meetings contains no information about discussions of Iraq.¹⁰⁰

181. The Government has confirmed that a telephone conversation between Mr Blair and President Bush on 12 November did take place but it has been unable to find a record of the conversation.¹⁰¹ Other papers indicate that the conversation focused primarily on Afghanistan.

182. In mid-November Mr Powell suggested that, after Afghanistan, the UK should use its leverage to engage President Bush on an alternative strategy to deal with the threat posed by terrorism, including the need to persuade the US to take the Middle East Peace Process seriously.

183. Mr Powell argued that only the removal of Saddam Hussein and a new regime would deal with the risks from Iraq.

184. Mr Powell envisaged that would be achieved by “proper backing” for the internal opposition in Iraq, not the insertion of arms inspectors or bombing Baghdad.

185. On 15 November Mr Powell wrote to Mr Blair stating that:

“If we are successful in Afghanistan over the next few days and weeks there is a real danger that we will part company with the Americans on what comes next. The right wing of the Republican Party will want to carry on by bombing Iraq and Somalia. [President] Bush’s natural tendency would be to support them unless presented with an alternative. David [Manning] has commissioned some work by the FCO on this, but I think it needs some lateral political thinking about what would provide an attractive – and effective – alternative strategy.

“I think the first thing is to persuade the Americans that rather than repeating what we have done in Afghanistan elsewhere we need to use the leverage that our success in Afghanistan provides to achieve our aims elsewhere.”¹⁰²

186. On Iraq specifically, Mr Powell wrote:

“... I think we need a new policy for Iraq. I do not believe that a warmed over UN Security Council resolution re-inserting arms inspectors and changing sanctions is likely to cut any ice with the Americans let alone the Russians and French ... I think we need a completely fresh look at our policy starting from our objectives.”

⁹⁹ Note [Blair], [7 November 2001], ‘Note’, attached to Letter Manning to Rice, 8 November 2001, [untitled].

¹⁰⁰ Letter Manning to McDonald, 8 November 2001, ‘Prime Minister’s visit to Washington – 7 November’.

¹⁰¹ Email Cabinet Office [junior official] to Iraq Inquiry, 30 June 2014, [untitled].

¹⁰² Minute Powell to Prime Minister, 15 November 2001, ‘The War: What Comes Next?’

187. Mr Powell added:

“It seems to me that our over-riding objective is the removal of Saddam not the insertion of arms inspectors. It is only with a new regime that we can be sure of an end to CBRN proliferation and an end to hostile intent towards his neighbours plus his support for terrorism. We need to make a far greater effort to bring him down [...] with proper backing for internal opposition [...]

“There will be a military role, but bombing Baghdad is not the most obvious route to changing regime.”

188. Mr Powell made a number of proposals for dealing with terrorists, including the need:

- for “much stronger domestic defence against future terrorist attacks”;
- to stop the “martyrdom of UBL setting him up as ... an inspiration to another wave of suicide bombers”; and
- to address political causes.

189. Mr Powell wrote: “Most importantly that means persuading the Americans to take the MEPP seriously.”

190. Mr Powell concluded that Mr Blair should engage President Bush:

“... on all this next week, and perhaps send him another note setting out the way forward before the Pentagon tries to take him off on another tangent”.

191. Mr Blair replied: “I agree with this entirely and I should prepare a note for GWB [President Bush] next week.”¹⁰³

Resolution 1382

192. By late-November it was clear that agreement could not be reached on the UK draft resolution.

193. Resolution 1382, adopted on 29 November, was significantly less than the UK had originally sought.

194. Mr McKane wrote to Sir David Manning on 23 November, advising:

“The UK draft does not now appear to have any realistic chance of being accepted by the Security Council.”¹⁰⁴

¹⁰³ Manuscript comment Blair on Minute Powell to Prime Minister, 15 November 2001, ‘The War: What Comes Next?’

¹⁰⁴ Minute McKane to Manning, 23 November 2001, ‘Iraq’.

195. Mr McKane identified two options:

- a further, simple rollover of the OFF resolution which “would do nothing to address the humanitarian position in Iraq or to stop erosion of the sanctions regime and would indicate that the approach to Iraq set out in SCR 1284 had hit the buffers”; and
- a compromise of a further rollover for six months with a commitment to revisit the items controlled under the Goods Review List (GRL).

196. The FCO preferred the second option, but with a two month, rather than six month rollover.

197. On 29 November, the Security Council unanimously adopted resolution 1382 extending the existing regime for 180 days and proposing a Goods Review List. The procedures for operating the List would be adopted “subject to any refinements ... agreed by the Council”, for implementation on 30 May 2002.¹⁰⁵

198. The resolution also reaffirmed the Security Council’s “commitment to a comprehensive settlement on the basis of the relevant resolutions ... including any clarification necessary for the implementation of resolution 1284 (1999)”.

President Bush’s comments, 26 November 2001

199. On 26 November, President Bush called publicly for the readmission of weapons inspectors by Iraq.

200. In a press conference on 26 November, President Bush was asked what message he would like to send to Iraq. He responded that his message was:

“... if you harbour a terrorist, you’re a terrorist ... If you develop weapons of mass destruction that you want to terrorize the world, you’ll be held accountable ... And I also have said ... we’re going to make sure that we accomplish each mission that we tackle. First things first.”¹⁰⁶

201. Asked whether agreement to allow weapons inspectors back into Iraq was an “unconditional demand”, President Bush stated that Saddam Hussein needed to let weapons inspectors return to prove to the world that he was not developing weapons of mass destruction.

202. Asked what would be the consequences if Saddam did not, Mr Bush said: “That’s up for – he’ll find out.”

203. Asked to confirm previous remarks that Afghanistan was “just the beginning”, President Bush replied that he could not make it clearer that, if nations developed

¹⁰⁵ UN Security Council, ‘4431st Meeting 29 November 2001’, (S/RES/1382(2001)).

¹⁰⁶ The White House, 26 November 2001, *The President Welcomes Aid Workers Rescued from Afghanistan*.

weapons of mass destruction “that will be used to terrorize nations, they will be held accountable”.

204. Asked if the definition of terrorism was being expanded to countries like North Korea which did not just harbour terrorists but developed such weapons, President Bush stated:

“... we want North Korea to allow inspectors in ...

“So part of the war on terror is to deny ... weapons to be used for means of terror getting into the hands of nations that will use them.

...

“... I’ve always had that definition, as far as I’m concerned.”

205. Asked when and where President Bush had included any country that produced weapons of mass destruction in his definition of terrorist aiding states, Mr Ari Fleischer, President Bush’s Press Secretary, suggested that referred to “the obvious and well-known fact that Iraq and North Korea” were already listed by the US State Department as state sponsors of terrorism.¹⁰⁷

206. Mr Fleischer subsequently referred to concerns that Al Qaida or another terrorist organisation would seek to acquire nuclear weapons from Iraq or North Korea. That was “another way they would use nuclear weapons if they were to give them to another nation or an entity, a terrorist group like Al Qaida”.

207. Following President Bush’s remarks, speculation about the possibility of military action against Iraq immediately increased.

208. The British Embassy Washington commented that although the White House spokesman had described President Bush’s remarks as a re-iteration of existing policy, they would fuel media speculation about a shift towards military moves towards Iraq.¹⁰⁸ In its public posture the US was keeping all options open.

209. In the Embassy’s view, a debate behind closed doors indicated unresolved differences between different elements of the US Administration about the way ahead, including whether to support any of the opposition groups inside or outside Iraq as part of planning for regime change.

210. Asked about the meaning of President Bush’s comments, Secretary Powell stated that the President had not said what he meant and he was “not going to prejudge what it might mean”.¹⁰⁹ The only way to make sure Iraq was complying with the agreements

¹⁰⁷ The White House, 26 November 2001, *Press Briefing by Ari Fleischer*.

¹⁰⁸ Telegram 1589 Washington to FCO London, 26 November 2001, ‘Iraq: US Policy on Regime Change’.

¹⁰⁹ CNN, 26 November 2001, *CNN Larry King Live – Interview with Colin Powell*.

“to give up all weapons of mass destruction activity” was to let the inspectors back in and allow them to do their work.

211. Asked if the term “he’ll find out” was threatening, Secretary Powell stated that it should be seen “as a very sober, chilling message”. There were “many options available to the international community and to the President”.

212. Secretary Powell stated that the US had been pushing “smart sanctions”. It had support from 14 of the 15 members of the Security Council, and he had been “working with the Russians to see if we can find a compromise that would satisfy the need”.

213. Secretary Powell added that sanctions had kept the Iraqi regime “fairly well bottled up”. Iraq was a “danger” and continued “to try to develop” weapons of mass destruction. The US would:

“... keep the pressure on them to make sure these weapons do not become a serious threat to the region or to the world.”

214. In the context of President Bush’s remarks on 26 November, the British Embassy Washington reported that US officials in Washington and New York were discussing the draft resolution with Russian officials.¹¹⁰

215. Mr Ben Bradshaw, the Parliamentary Under Secretary of State for Foreign and Commonwealth Affairs, told the House of Commons on 27 November that he did not think it was “helpful to speculate about the expansion of the current military campaign [in Afghanistan]”:

“People should not speculate about expanding the ... campaign beyond Bin Laden and al-Qaeda ... There is no evidence of any other state involvement ... We have always made it clear that the military campaign is limited and specific.”¹¹¹

216. Asked specifically about Iraq and President Bush’s remarks, Mr Bradshaw replied that Iraq “could very easily solve the problem by adhering to the demands” made by the UN. He reiterated that the military campaign was directed specifically at those responsible for “the mass murder of 11 September”.¹¹²

217. In an interview in October, Mr Tariq Aziz, Iraq’s Deputy Prime Minister, stated that Iraq would not allow weapons inspectors to return asking: “Why should they return?”¹¹³

218. Responding to a question on whether in the light of Iraq’s rejection of the call to admit weapons inspectors there was a need to increase the pressure on Iraq and the next steps, Mr Fleischer stated on 27 November that the focus remained on the first

¹¹⁰ Telegram 1589 Washington to FCO London, 26 November 2001, ‘Iraq: US Policy on Regime Change’.

¹¹¹ House of Commons, *Official Report*, 27 November 2001, column 820.

¹¹² House of Commons, *Official Report*, 27 November 2001, columns 820-821.

¹¹³ *The Telegraph*, 28 October 2001, *Attack on Iraq ‘will be grave mistake’, warns Aziz*.

phase of the war on terrorism.¹¹⁴ He emphasised the US support for the discussion in the Security Council on more effective and narrowly defined sanctions.

219. Following discussions with senior US Senators, primarily about developments in Afghanistan, the British Embassy Washington reported on 29 November that Mr John Prescott, the Deputy Prime Minister, had been told there was “an overwhelming majority (80 votes) in the Senate in favour of taking out Saddam Hussein, as a piece of unfinished business”.¹¹⁵

220. One Senator suggested that the military had a “very detailed plan”, which he described as constituting precision bombing and Special Forces’ support for internal uprisings. He “believed they had the capacity to decapitate Saddam Hussein. Preparations were well beyond the discussions stage.”

221. The Senator also suggested that the decision to attack the Taliban in Afghanistan was “a feint: he [President Bush] had been offered the choice between Afghanistan and Iraq and had chosen to do the former first”.

222. Another Senator had set out a strategy of “increased heat”: with strengthened sanctions, the re-introduction of inspectors, and compiling evidence followed by military action. That Senator had said that if the UK could not agree with this it should be weighing in now with the Administration. It would be much more difficult for the US to go it alone than with the European allies in support. Other countries linked to international terrorism were not threats of the same order as Iraq.

223. The Embassy commented that the discussions offered “an interesting insight into the mood on the Hill”. There was “no reason to believe” that either Senator spoke for the Administration or had privileged access to Pentagon plans; the military details did “not square with what we understand of military thinking”.

224. On 1 December, the British Embassy Washington reported that public speculation about action against Iraq was moving faster than Administration thinking; and that the momentum in the debate had shifted in the direction of the hawks.¹¹⁶ A *Washington Post* poll of 27 November had found that 78 percent of Americans favoured “having US forces take military action against Iraq to force Saddam Hussein from power”.

225. The Embassy reported that, in addition, two new elements had emerged in comments from the Administration: an increased stress on the need for arms inspectors; and a clearer identification of WMD with the terrorist threat. The increased emphasis on weapons inspectors had been seen by some as a step towards military action – “a Taliban-like deadline”; others might see it as an alternative to unilateral action.

¹¹⁴ The White House, 27 November 2001, *Press Briefing*.

¹¹⁵ Telegram 1616 Washington to FCO London, 29 November 2001, ‘Deputy Prime Minister’s visit to Washington: Afghanistan and Iraq’.

¹¹⁶ Telegram 1631 Washington to FCO London, 1 December 2001, ‘The Wider War against Terrorism: Iraq’.

226. In comments during an interview on *CBS* on 2 December, Secretary Powell stated explicitly that President Bush had not taken any decisions on what the next phase of the campaign against terrorism would be.¹¹⁷ Moreover, none of the President’s advisers, either individually or collectively, had yet made “recommendations ... as to what we should do in the next phase” of the war on terror.

227. Secretary Powell stated that the US was “watching Iraq” because it had “always developed weapons of mass destruction that are a concern to us”. Saddam Hussein had not been “as successful as he would have liked to have been” because sanctions and containment had been “effective”.

228. Asked why the US did not just take Saddam Hussein out, Secretary Powell replied that President Bush would “make a judgement in due course” about how to “deal with the threat that continues to reside in Iraq”. The way to keep the international community focused on the problem was to let the inspectors in. The US had not set a new deadline for compliance and President Bush retained all his options. If Saddam Hussein admitted inspectors he would be “complying with what he agreed to as his obligation under UN resolutions”.

229. Secretary Powell added:

“The United States still continues to believe as a separate matter that it would be better to have a different regime in Iraq and as you know, we have supported the efforts of opposition groups to begin organizing themselves for a change of regime in due course ...

“Regime change would be in the best interest of the Iraqi people. It is a goal of the United States. But the United Nations’ goal is the inspectors and getting rid of those weapons of mass destruction.”

230. In a separate interview on *CNN*, Secretary Powell stated that there was “no reason to believe” that Iraq had not continued its pursuit of weapons of mass destruction or that it had “abandoned their intent and desire to obtain such systems”.¹¹⁸ He observed that there were different kinds of weapons of mass destruction. The one which was of “the greatest concern” to him was “what might be happening with respect to biological weapons because it is much harder to detect that kind of activity”.

231. Secretary Powell emphasised that President Bush had “not given away any of his authority to act in a way he believes is appropriate”. The US had a policy, separate from UN policy, that “regime change would be good for the Iraqi people, good for the region”. The US was “trying to find ways to make the Iraqi opposition more effective in this regard”.

¹¹⁷ US State Department, 2 December 2001, *Interview on CBS’ Face the Nation – Secretary Colin L. Powell*.

¹¹⁸ US State Department, 2 December 2001, *Interview on CNN’s Late Edition – Secretary Colin L. Powell*.

232. Asked if, as Senator Joe Lieberman had suggested, the Iraqi opposition could play the same role that the Northern Alliance had played in Afghanistan, Secretary Powell replied that was “not clear yet”. He added that Iraq and Afghanistan were different countries with different situations and different kinds of military forces. The Northern Alliance “was a competent military force but needed the support of American air power”. The Iraqi opposition did “not yet rise to that level”.

233. It has subsequently been made public that President Bush asked for further advice on the military plans for Iraq in late November.

234. General Franks recorded that he was asked on 27 November to give Secretary Rumsfeld a “Commander’s Concept”.¹¹⁹

235. General Franks confirmed with Secretary Rumsfeld on 4 December that the assumed objective, dependent on the President’s ultimate decision, would be to “remove the regime of Saddam Hussein”.

236. President Bush wrote in his memoir that he had asked Secretary Rumsfeld to review the existing battle plans for Iraq in November 2001, adding: “We needed to develop the coercive half of coercive diplomacy.”¹²⁰

237. Secretary Rumsfeld wrote that when asked about involving the CIA in the planning, President Bush had said that:

“... he didn’t want me to communicate with people outside DoD for the time being, and that he would personally talk to Tenet and others at the right moment.”¹²¹

238. Asked at what point the most senior levels of the US Administration had settled on the forcible removal of Saddam Hussein’s regime as their primary objective, Sir Christopher Meyer told the Inquiry:

- Although he hadn’t realised at the time, the anthrax scare had “really steamed up the Administration, because they thought the last person who had ever used anthrax aggressively was Saddam Hussein”.
- Those who had been arguing that “there was a need to settle accounts with Saddam and do it fast, suddenly got much more traction with the President” before the end of 2001.
- The President himself had been “reinvigorated and found a real purpose for his Presidency ... which had not been evident before 9/11 ... Everything changed after 9/11.”¹²²

¹¹⁹ Franks T & McConnell M. *American Soldier*. HarperCollins, 2004.

¹²⁰ Bush GW. *Decision Points*. Virgin Books, 2010.

¹²¹ Rumsfeld D. *Known and Unknown: A Memoir*. Sentinel, 2011.

¹²² Public hearing, 26 November 2009, pages 34-35.

239. Sir David Manning told the Inquiry that he knew from his conversations with Dr Rice that the “top players” in the US seemed to have been touched personally by the attacks and that they were “puzzled and deeply disturbed by the appearance of the anthrax that seemed to have been targeted against key members of the Administration”.¹²³

240. Mr Jonathan Powell told the Inquiry that after 9/11:

“... American policy shifted relatively gradually ... By the time you get to December [2001], you have speeches being made in the Senate calling for action on Iraq. We started sensing that something was happening.”¹²⁴

JIC Assessment, 28 November 2001: ‘Iraq after September 11 – The Terrorist Threat’

241. The JIC assessed on 28 November that Iraq had no responsibility for, or foreknowledge of, the attacks against the US on 11 September 2001.

242. Saddam Hussein had ruled out terrorist attacks for the time being; in the medium term there was a credible threat against Western interests and regional states.

243. Practical co-operation between Iraq and Al Qaida was “unlikely”; and there was no “credible evidence of covert transfers of WMD-related technology and expertise to terrorist groups”.

244. Iraq was “capable of constructing devices to disperse chemical or biological agent, or radiological material”, but there was “no reliable intelligence of any Iraqi intent”. If the regime was under serious and imminent threat of collapse, WMD terrorism was possible but, in other circumstances, the threat would be “slight”.

245. At the request of the FCO the JIC assessed Iraq’s support for terrorism on 28 November.¹²⁵

246. The minutes of the JIC record that the Assessment was “significant” and “it would be important to get its judgements and nuances right, given the importance of the policy debate that was going on with and within the US about what might or might not be done next in the campaign against terrorism”.¹²⁶

¹²³ Public hearing, 30 November 2009, pages 7-8.

¹²⁴ Public hearing, 18 January 2010, page 17.

¹²⁵ JIC Assessment, 28 November 2001, ‘Iraq after September 11 – The Terrorist Threat’.

¹²⁶ Minutes, 28 November 2001, JIC meeting.

247. The JIC Key Judgements stated:

- “On the basis of the information available ... **Iraq had no responsibility for, or foreknowledge of, the attacks in the US on 11 September** ... Nor is there any evidence, or intelligence, of an Iraqi role in the subsequent anthrax attacks.”
- “Saddam has refused to permit any Al Qaida presence in Iraq ...”
- “Iraq has long seen terrorism as a potential weapon in its conflict with the US and regional enemies [...] Since September 11, however, **Saddam is likely to have ruled out such attacks for the time being**, for fear of a heavy US response.”
- “But in the medium term the threat against Western interests and regional states remains credible. **Saddam has not given up terrorism as a policy tool.**”
- Saddam Hussein “would consider”:
 - “the assassination of key oppositionists if he felt threatened, most likely in the Middle East where there would be a greater chance of success and deniability ...”
 - terrorist attacks on coalition forces and regional allies in the event of a major US attack which threatened his hold on power; and
 - “WMD terrorism, if his regime was under serious and imminent threat of collapse. In other circumstances **the threat of WMD terrorism is slight**, because of the risk of US retaliation.”¹²⁷

248. Iraq had “provided finance, logistics and training to a range of secular terrorists and groups” in the 1970s and 1980s, and had “encouraged and sponsored terrorist groups to mount attacks on coalition targets” during the Gulf Conflict in 1990 to 1991, which had been “largely ineffective”. Since then, Iraq had been “cautious in pursuing terrorist attacks abroad, lest it jeopardise the lifting of sanctions”.

249. In “recent years”, Saddam Hussein had:

“... expanded his contact with terrorist groups to include Islamic extremists such as Hamas. In his rhetoric, he has referred more to Islam as he ... sought to exploit the Palestinian issue in his conflict with the US, Kuwait and Saudi. **But ideologically he is poles apart from the Sunni extremist networks linked to UBL**; [...] he is wary of allowing any presence in Iraq for fear of the radicalising effect on the population.”

250. The evidence of contact between Iraq and UBL was “fragmentary and uncorroborated”, including that Iraq had been in contact with Al Qaida for exploratory discussions on toxic materials in late 1988:

“With common enemies ... there was clearly scope for collaboration.

¹²⁷ JIC Assessment, 28 November 2001, ‘Iraq after September 11 – The Terrorist Threat’.

“But there is no evidence that these contacts led to practical co-operation; we judge it unlikely because of mutual mistrust ... There is no evidence UBL’s organisation has ever had a presence in Iraq.”

251. Since 11 September, Saddam Hussein had “felt under pressure” and “adopted a low profile”:

“The current US focus on the war against terrorism would make a heavy response inevitable if Iraq mounted or sponsored a terrorist attack on Western or regional interests. Iraq would also pay a wider political price, losing the international support it derives from sanctions-related propaganda. We assess that **Saddam is likely to have ruled out any terrorist attacks against the US or its allies for the time being.**”

252. The Assessment stated:

“Although the risks to Iraq have increased, we judge the regime is likely still to see terrorism as a tool of policy. Saddam may be currently constrained, but he hates the US and UK, and Kuwait and Saudi Arabia for their continued support to the West. In the medium term, therefore, the threat to Western and Gulf interests remains credible. Saddam is an opportunist. We judge he would be willing to use terrorism if he thought he could gain advantage or exact revenge ... without attracting disproportionate retaliation. Saddam has miscalculated in the past and he could again misread the response his actions would attract.”

253. Addressing what would happen if the US attacked Iraq, the Assessment stated:

- Iraq was “likely to consider terrorism as one of its few realistic options in response to a major US attack”. It saw “no need to raise the stakes” in response to limited coalition action in the NFZs, and the Desert Fox campaign [in December 1998] was not “sufficiently damaging to justify the risk. But a longer campaign aimed at regime change could alter Saddam’s calculations.”
- Iraq would claim attacks against US targets were “acts of self-defence”.
- It was “also possible that terrorist groups not previously aligned with Iraq would consider conducting terrorist attacks against the Western ‘aggressors’ ...”
- “Overall ... unless the Iraqi regime’s hold on power was threatened, it would be unlikely to undertake or sponsor such terrorist attacks, for fear of provoking a more severe US response.”

254. The Assessment concluded that “Iraqi capability and willingness to conduct **WMD terrorism**” was “not known with any certainty”. The JIC judged Iraq was “capable of constructing devices to disperse chemical or biological agent, or radiological material”, but it had “no reliable intelligence of any Iraqi intent. Nor did it have:

“... any credible evidence of covert transfers of WMD-related technology and expertise to terrorist groups, or of any Iraqi role in the anthrax attacks in the US.

Iraq would have to consider the risk of US retaliation ... On balance, we judge the **threat of Iraqi WMD terrorism is slight**, unless the regime was under serious and imminent threat of collapse.”

Development of UK strategy on Iraq

Mr Powell’s advice to Mr Blair, late November 2001

255. Mr Jonathan Powell drew the report of 26 November from the British Embassy Washington to Mr Blair’s attention, commenting: “This is what I was talking about. We ought to have a brainstorming session.”¹²⁸

256. Mr Blair responded: “Get our own strategy ready.”¹²⁹

257. Sir Richard Dearlove, the Chief of the Secret Intelligence Service (SIS), wrote to Sir David Manning on 27 November, alerting him to a likely discussion about “Phase 2” of the “War against Terrorism” between US Principals¹³⁰ the following week. He suggested:

“The end of this week would therefore be a very good moment for us to feed our thinking into the Washington machine at a variety of levels ...”¹³¹

258. Copies of the letter were sent to the Private Offices of Mr Straw and Mr Hoon and to Sir Richard Wilson, Admiral Michael Boyce (Chief of the Defence Staff) and Sir John Kerr (FCO Permanent Under Secretary).

259. On 27 November, Sir David Manning wrote to Mr McKane: “You will now reconvene the group to look at Iraq again as a “Phase 2” issue.”¹³²

260. In the context of a discussion about Afghanistan on 28 November, Sir David Manning asked Dr Rice about progress in US thinking. His comment, that the UK was “giving a great deal of thought to Phase 2 issues and would want to share our ideas”, was welcomed.¹³³

261. Mr Powell produced a second note for Mr Blair advocating a strategy for regime change based on a demand for the return of inspectors and the use of military force to support an internal uprising, with public lines explaining why Iraq was a threat.

¹²⁸ Manuscript comment Powell to PM on Telegram 1589 Washington to FCO London, 26 November 2001, ‘Iraq: US Policy on Regime Change’.

¹²⁹ Manuscript comment Blair on Telegram 1589 Washington to FCO London, 26 November 2001, ‘Iraq: US Policy on Regime Change’.

¹³⁰ A Committee of the US National Security Council – see Box in Section 1.2.

¹³¹ Letter C to Manning, 27 November 2001, ‘Phase II of the War against terrorism’.

¹³² Manuscript comment Manning to McKane, 27 November 2001 on Minute Manning to McKane, 23 November 2001, ‘Iraq’.

¹³³ Letter Manning to McDonald, 28 November 2001, ‘Conversation with Condi Rice’.

262. At the end of November, Mr Powell produced a second note for Mr Blair, ‘Iraq: Change of Heart or Change of Regime’, which elaborated the points in his earlier note.¹³⁴

263. Mr Powell identified the “Objectives” as:

“Removal of Saddam and replacement by a new, more moderate regime. Ending of WMD programmes and destruction of stocks. Ending of support for terrorism. Peace with neighbours.”

264. Mr Powell envisaged a “Plan” comprising diplomatic pressure “followed by [a] military campaign (without large scale coalition ground forces)”; the insertion of inspectors which would not, “by itself, be sufficient to stop the campaign” which would end “only ... with the replacement of Saddam”.

265. Mr Powell set out three steps:

- Using the power of the example of US success in Afghanistan to increase pressure on Saddam”. There were already signs that he was worried and might be “prepared to accept return of inspectors if he thinks [the] prospect[s] of attack are serious”. The US should: “After the fall of Kandahar and the capture of UBL”, make clear that “Iraq is next (in parallel with action in other countries, e.g. [...]).”
- The “US, UK and others” to “set up” a UN “demand” for the return of inspectors. If that did not happen, action would be taken. It would be “important not to be specific” about what the action would comprise nor “to set a deadline”, and to keep Saddam Hussein guessing. If asked, the reply would be that “regime change would be desirable, but not our formal objective for the moment”.
- Put in place, a military plan, and if Saddam failed to meet the demands, “there would be grounds to go ahead with the military plan ... [reference to a possible coup]. Supported by air power and a small numbers of Special Forces in support roles. Need to be clear with everyone that this time we are going all the way ...” If Saddam Hussein did allow the inspectors in, there would be a “need to find a new demand to justify military action”.

266. Mr Powell identified a number of “Conditions”, including:

- “[N]one of this will work unless we can isolate Saddam further in the international community”.
- The need to secure support from Russia, France, the Middle East and Europe.
- Making progress “in parallel” on the MEPP. That would be: “Absolutely essential ... or we will be accused – correctly – of double standards.”

¹³⁴ Note Powell, [undated], ‘Iraq: Change of Heart or Change of Regime’.

267. Mr Powell proposed “Public Lines” comprising:

“Iraq a threat because of WMD capabilities and support of terrorist groups (do not try to link it to Al Qaida – war is on all international terrorism not just AQ and there is no convincing proof of AQ involvement with Iraq).

“Demand return of inspectors so can verify dismantling of WMD facilities. Seek UN resolution.

“If no return of inspectors will consider what further action ...

“Our duty to support rising ... Cannot allow him to use terrorism against his own people once again. Just like Bosnia or Kosovo international community cannot stand by and watch genocide.”

268. Asked about the ideas being considered in late 2001, Mr Powell told the Inquiry:

“... we didn’t really have a serious discussion of proposals at that stage, or we weren’t clear, and I jotted down some ideas on a piece of paper which I would rather forget at the moment, about encouraging people in Iraq to resist, Shi’ites, Sunnis and military leaders.”¹³⁵

269. Asked whether that was an Afghanistan sort of model, Mr Powell replied:

“Yes, it was ... but it wasn’t a very serious piece of work and it didn’t go anywhere. The Prime Minister did me the good grace of not commenting on it.”

FCO advice, 3 December 2001

270. Throughout the autumn, as Sir David Manning told Dr Rice on 28 November, the UK had been thinking about the next steps in countering international terrorism.

271. A FCO minute written in mid-November explained that a counter-terrorism strategy had been developed following extensive inter-departmental discussion, which identified the objectives needed “to defeat UBL and his networks”.¹³⁶ It had “evolved from an initial MOD desire to fit the current military action in Afghanistan into a wider strategy”. The intention was to draw up “country strategies” to guide efforts in the months ahead.

272. Iraq was identified as one of more than a dozen countries “which would seem to merit particular attention”.

273. Following President Bush’s remarks to the press on 26 November 2001, the FCO considered the legality of military action against Iraq in November 2001.

¹³⁵ Public hearing, 18 January 2010, page 30.

¹³⁶ Minute Bloomfield to PS [FCO], 13 November 2001, ‘Counter-Terrorism Strategy: Phase Two’.

274. Mr John Grainger, an FCO Legal Counsellor in the Middle East Department, wrote a minute on 27 November, which briefly set out the history of the use of force against Iraq and the legal basis for it.¹³⁷ He emphasised that there had not been any significant decision by the Security Council since 1998 and that caution should be exercised about relying upon that decision after the expiry of such a long time. Mr Grainger advised that the UK should take a cautious line in relation to the latest US statements.

275. Sir Michael Wood, the FCO Legal Adviser from 1999 to 2006, told the Inquiry that the legality of the use of military force against Iraq had been raised as early as November 2001 “when President Bush made some kind of statement, which made it look as though force might be used. So we set out the position immediately.”¹³⁸

276. In response to a request from Mr Blair for advice on the options for dealing with Iraq, the FCO proposed “ratcheting up” the policy of containment, including pressing Iraq to comply with its disarmament obligations and making the “red-lines for military action more specific”.

277. The FCO warned that the UK could be confronted with an unwelcome dilemma of supporting unlawful and widely unpopular action or distancing itself from a key US policy.

278. A visit to Washington by Sir David Manning would be an opportunity to find out what the US was thinking and “test the viability of any plans”.

279. In relation to Iraq’s possession of WMD, the FCO letter did not fully reflect the caveats which the JIC had attached to its Assessments.

280. Mr McDonald wrote to No.10 on 3 December:

“In advance of David Manning’s trip to Washington on Wednesday the Prime Minister has asked for a note on the options for dealing with Iraq.”¹³⁹

281. The letter began:

“US hawks, especially in the Pentagon, are talking up the possibility of military action against Iraq and of trying to topple Saddam Hussein (regime-change). That would confront us with an unwelcome dilemma: support unlawful and widely unpopular action or distance ourselves from a key US policy. Decisions have not yet been taken in Washington: we need to influence the debate.”

282. Mr McDonald added that there were:

“... no anti-terrorist grounds for Stage 2 military action against Iraq ...”

¹³⁷ Minute Grainger to Tanfield, 27 November 2001, ‘Iraq: Comments by President Bush on WMD’.

¹³⁸ Public hearing, 26 January 2010, pages 14-15.

¹³⁹ Letter McDonald to Tatham, 3 December 2001, ‘Iraq: Options’.

283. Addressing Iraq's WMD capability, Mr McDonald wrote:

"There is real reason for concern about Iraq's WMD programmes, principally CBW and long range missiles. There is evidence of continuing Iraqi attempts to procure nuclear-related materiel. Saddam's history of aggression and use of CW sets Iraq apart from other WMD-armed states. It might be possible to construct a (threadbare) legal case for military action to deal with the threat. But a new SCR would almost certainly be needed. And though bombing can degrade missile and even nuclear capability, it is ineffective against CBW ..."

284. An Annex to the letter set out the FCO perspective on Iraq's WMD capabilities and intentions and Iraq's response to its obligations. That stated Iraq was:

- "**concealing information about large quantities of chemical and biological munitions, agents and precursors.** UNSCOM inspectors were unable to account for [material related to chemical weapons] and very large quantities of growth media acquired, on Iraq's own admission, for the production of biological weapons";
- "concealing up to 20 long-range Al Hussein missiles";
- "**actively pursuing chemical and biological weapons and ballistic missiles.** The missile-related facilities damaged by Operation Desert Fox in 1998 have been repaired, research continues and new facilities are being constructed. Other former chemical and biological weapons facilities have been restored: some CW and BW-relevant activity is under way";
- "**seeking to rebuild a nuclear weapons programme.** Recent intercepted Iraqi procurement efforts have involved material relevant to production of fissile material"; and
- "most importantly, **barring entry to UNMOVIC and IAEA Action Team Inspectors.** Iraqi officials have made clear as recently as last week that they do not intend to cease this obstruction until sanctions are lifted: in defiance of UNSCRs which repeatedly call for Iraqi compliance to be *unconditional*."

285. The JIC's assessment of Iraq's WMD at that time is addressed in Section 4.1.

286. On the way ahead, Mr McDonald wrote:

"A strategy to deal with a WMD threat will require ratcheting up our present policy of containment. We should press Iraq to comply with its disarmament obligations under the SCRs, accept an intrusive and continuing UN inspection regime and accept Kuwaiti sovereignty unequivocally."

287. The strategy "could involve" four elements:

"... making previously declared red-lines for military action more specific; by defining what we meant by reconstitution of WMD and threats to neighbours.

“We could also make more explicit guarantees for Kurdish autonomy now and in any future Iraq.

“We should encourage and support the Iraqi opposition.

“We could mount a higher profile campaign on the issue of war crimes and consider the options for an international tribunal to try Saddam and his principal lieutenants.”

288. Mr McDonald added:

“We could set out a vision of post-Saddam Iraq by deploying a ‘Contract with the Iraqi People’ on the lines of the attached draft ...”

289. The background to the proposal for a “Contract with the Iraqi People” is set out in Section 1.2; the details of the “Contract”, and the subsequent development of a vision for Iraq, are addressed in Sections 6.4 and 6.5.

290. The letter reviewed discussions with Iraq’s neighbours about curbing illegal oil imports.

291. Mr McDonald concluded:

“Regime change may look an attractive alternative. Removal of Saddam, if achieved swiftly, would be applauded by his neighbours, the GCC and the wider Arab/Islamic world. But previous uprisings in 1991 failed for want of outside support and military intervention for this purpose would be illegal. The US are nevertheless considering their options again. David Manning’s visit to Washington this week offers the opportunity to find out what they have in mind, and to test the viability of any plans.”

SIS advice

292. In parallel, No.10 had also commissioned urgent advice from SIS.

293. SIS4 produced three papers, addressing how the UK might divert the US from a policy of regime change, a “route map” for pursuing regime change, and an analysis of the potential risks and costs were the US to take military action against Iraq.

294. On 3 December, Sir Richard Dearlove wrote formally to Sir David Manning enclosing three “papers”:

- A paper discussed with SIS4 on 30 November which began: “What can be done about Iraq? If the US heads for direct action, have we ideas which could divert them to an alternative course?”
- A second paper, ‘Iraq: Further Thoughts’, reflecting discussion at “our meeting on 30 November” of a possible way ahead which combined “an objective of regime change in Baghdad with the need to protect important regional interests which would be at grave risk, if a bombing campaign against Iraq was launched in the short term”.

- A third paper which offered “some thoughts on the risks and costs of US attacks on Iraq”.¹⁴⁰

295. In the first paper, SIS4 set out the issues that would bear on planning for regime change in Iraq, including:

- The “read across from Afghanistan (cf Richard Perle’s ideas)” was “deceptive”. The defences of the Iraqi regime were “formidable” and the Tikritis were “not a bunch of Taliban”.
- Neighbouring Arab states preferred “the Sunnis” to the Shia “alternative”, and feared “Kurdish expansionism”.
- Iraqi external opposition groups were “divided, badly penetrated” by Iraqi intelligence and had “little credibility inside Iraq”.
- Action against Iraq would undermine the unity of purpose of the war against terror.
- There was “no convincing intelligence (or common sense) case that Iraq supports Sunni extremism”.
- There were “significant fragilities” in the countries neighbouring Iraq.
- The implications of a “US installed regime in Iraq” for the UK’s regional alliances were “not at all positive”: “Fundamentalism’ would be boosted.”
- It was “not clear” that destruction of identified WMD facilities “would do more than temporarily arrest Iraq’s WMD capabilities”.
- There was no identified nuclear target.

296. Setting out a “Strategic View”, SIS4 wrote:

- Action against Iraq “climbs a steep gradient of complex regional opposition”.
- EU co-ordination would be “problematic”.
- Co-ordination by the Security Council had been “difficult” because of Iraqi influence on Russia and, to a lesser extent, China.
- Iraq policy was “inextricably tied up with the problem of Israel”.
- Egypt, which was “vital to UK interests in the Middle East” was “vulnerable to Iraqi influence due to the failure of MEPP”.
- Maintaining international cohesion against terrorism was “a prior imperative”.
- Iraq was “succeeding in eroding sanctions” but isolation was “costing Baghdad heavily”. Maintaining regional balances, “especially with Iran”, was “a problem for Saddam”.

297. SIS4 told the Inquiry he had been asked to produce the paper that afternoon and deliver it to No.10.¹⁴¹

¹⁴⁰ Letter PS/C to Manning, 3 December 2001, ‘Iraq’ attaching Paper ‘Iraq’; Paper ‘Iraq: Further Thoughts’ and Paper ‘US Attacks on Iraq: The Risks and Costs’.

¹⁴¹ Private hearing, Part 1, page 7.

298. SIS4 stated that Sir David Manning had asked for:

“A quick paper ... of key issues that we need to bear in mind to keep our balance and our perspective in considering Iraq as a rapidly expanding threat ... A sort of sedative paper ...”¹⁴²

299. SIS4 stated that the first paper was trying to bring out the hazards about the experience to date with Iraq if direct action were taken.¹⁴³

300. SIS4 stated that he had been concerned about:

“... the lack of our response to the re-emergence of Iraq as a serious regional power ...

“I was very alarmed at the way that Iraq was eroding the sanctions regime and evading it. It had been successful in seeing us off with propaganda since the end of the first Gulf War ...

“... that power and vitality of Iraq were, in my view, a real threat to the stability of the region.”¹⁴⁴

301. Citing the impact of Iraqi chemical attacks on Iranian troops in the Iran-Iraq War, SIS4 added that “Iraq’s potential, its capability in the WMD field, was very dramatic”:

“So the idea of putting an end to this problem was not something I would advocate, but I would see the force of the desire to do it to be decisive.”¹⁴⁵

302. Sir Richard Dearlove could not “recall the exact details” that led to the request for SIS advice, but he recalled “the circumstances”, which he described as “a sort of dearth of expertise in the Foreign Office at that sort of level of sophistication, and I’m pretty sure that this initiative comes out of me, David [Manning] and [SIS4] talking amongst each other”.¹⁴⁶

303. Sir Richard described the papers as “catalysts” to stimulate thinking; and emphasised that they had “no status as official papers at all”.

304. Sir David Manning was unable to recall the circumstances in which he had requested advice from SIS4 on 30 November, although he postulated that it was a reflection of SIS4’s expertise.¹⁴⁷

305. Sir David pointed out that the discussion of regime change at that stage was about fomenting regime change within Iraq, not about an invasion.

¹⁴² Private hearing, Part 1, page 6.

¹⁴³ Private hearing, Part 1, page 6.

¹⁴⁴ Private hearing, Part 1, page 12.

¹⁴⁵ Private hearing, Part 1, page 13.

¹⁴⁶ Private hearing, 16 June 2010, pages 9-11.

¹⁴⁷ Private hearing, 24 June 2010, pages 9-16.

306. Although the covering letter from Sir Richard Dearlove's Private Office described the second paper as "an expansion" of the first, the paper drew on SIS4's discussion with Sir David Manning about a "possible way ahead".¹⁴⁸

307. Addressing the question "Why Move?", SIS4 wrote:

"The removal of Saddam remains a prize because it could give new security to oil supplies; engage a powerful and secular state in the fight against Sunni extremist terror, open political horizons in the GCC [Gulf Co-operation Council] states, remove a threat to Jordan/Israel, undermine the regional logic on WMD. The major challenge would be managing the regional reintegration of Iraq, without damaging important local relationships. Working for regime change could be a dynamic process of alliance building which could effect climatic change in the Arab-Israeli conflict."

308. SIS4 proposed a "new route map" where the key idea was that it would be "possible to speak openly about support for regime change in Iraq without compromising the actual project to support a coup". He suggested a "policy statement: **we want regime change in Baghdad and we are ready to provide air support to coup makers**". The latter would "need to be Sunnis ready to abide by UN resolutions".

309. SIS4 made a number of other observations, including:

- "To meet US impatience a 12-18 month timeframe should be imposed."
- There had been "a serious problem" with the legality of supporting coup makers.
- The message to key partners should include "assurances" that the approach was "going to be balanced, studied, planned and proportionate – better than bombing now".
- Examination of the interests affected and "means to compensate" them – "especially Turkey, Iran and Syria".
- Consideration of "international participation" in the military "task force".
- Legal examination of Iraqi liabilities and draft arrangements to manage them.
- "Promotion of serious **debate** within the region on **WMD**: costs and responsibilities."

310. Setting out "Our Aims for the Region", SIS4 wrote that there were:

"... two further aims: climatic change in the psychology of regimes in the region, a pre-condition for progress in the Arab-Israel dispute ... The problem of WMD is an element in driving for action in Iraq. In turn, this should open prospects for Arab-Israeli talks, and, beyond, regional work to reduce the WMD inventories which threaten Europe as well."

¹⁴⁸ Letter PS/C to Manning, 3 December 2001, 'Iraq' attaching Paper, 'Iraq: Further Thoughts'.

311. SIS4 confirmed that the second paper he had produced was:

“... about managing the paradox of working hard for regime change, communicating in secret, and being able to communicate to the world and to the Iraqi population in the hope maybe of precipitating local Iraqi help, without compromising that core and secret effort.”¹⁴⁹

312. Asked about his view that it would be important not to parachute a regime in from the external opposition, and that: “The new government would need to be broadly based but predominantly Sunni”, SIS4 replied:

“... the people being toppled were Ba’athists, who were culturally Sunni ... but being a Ba’athist wasn’t co-extensive with being Sunni. There were a lot of Sunnis in Iraq who would have liked Iraq to be run differently.

“I don’t think at this time it occurred to me that it was plausible to transfer an adversarial, party political, representational political system to Iraq.

“... The idea that Iraqi Shias could be fitted out with Republican, Democrat, Lib Dem identities, organisations and run the difficult place which is Iraq, a place which has never had stable political geography, wouldn’t have occurred to me in 2001.”¹⁵⁰

313. Asked about the second paper, a “new route map”, which stated that the Government Law Officers were going to have to provide assurances of legality, and that there had been a serious problem there, SIS4 replied:

“... I can’t honestly tell you what particular thought was in my mind there. I’m not aware of any discussions of the legality ...”¹⁵¹

314. The third paper was a companion piece to the second, providing an expanded analysis of the risks and costs of US attacks on Iraq in four categories:

- **“Strategic”** – including increased distrust of the US and damage to confidence in HMG; serious strain on the coalition against terrorism; and reinforcing the motives and grievances of terrorists.
- **“United Nations”** – including erosion of UN sanctions and renewed splits in the Security Council.
- **“Regional”** – including resentment in the Arab street and popular pressure on regional regimes; an increase in radical Islamist extremism; a boost to the Intifada and damage to the MEPP; threats to the stability of key allies; and reduction of support for operation of the No-Fly Zones.
- **“Iraq Internal”** – including the division of Iraq and the possibility that Saddam Hussein might respond to a perceived existential threat by attacking Israel with

¹⁴⁹ Private hearing, Part 1, page 14.

¹⁵⁰ Private hearing, Part 1, pages 23-24.

¹⁵¹ Private hearing, Part 1, pages 26-27.

any remaining SCUD-type missiles with chemical or biological warheads, “The Samson Scenario”; or mount conventional attacks on Israel or unconventional attacks on Israel or UK/US military assets.¹⁵²

315. SIS4 also stated that the outcomes of a bombing campaign would be “both uncertain and hard to control”.

316. Mr Blair told the Inquiry that the first paper he had received was the FCO advice on options.¹⁵³ While it “concluded there were no anti-terrorist grounds” for military action against Iraq, that was because “we saw no link between Iraq and Al Qaida”. It did not “deal with the point, however, that post September 11th WMD” had taken on “a different significance”. Mr Blair also referred to the details of Iraq’s capabilities and its concealment activities as “not exactly ... reassuring”.

317. Addressing the papers provided by SIS4, Mr Blair stated that one had pointed out that getting regime change would be “very, very difficult ... so watch out”, and another had argued: “On the other hand, leaving him [Saddam] there is also very, very difficult.”¹⁵⁴ Those two views remained.

318. Mr Blair added that he thought that one of the papers said “by implication you cannot stop the WMD programme unless you actually remove Saddam”.

319. The papers produced by SIS4 did not address whether regime change was a prerequisite for stopping Iraq’s WMD programmes. That was the conclusion of the JIC Assessment of 27 February 2002 and the CO Options Paper of 8 March (see Section 3.2).

320. On 5 December, Mr McDonald wrote to Sir Richard Dearlove’s Private Office recording that Mr Straw had seen two SIS papers and thought they were “very perceptive” and he hoped that the Prime Minister would read them.¹⁵⁵

321. Asked whether Mr Straw’s comments constituted support for his proposals, SIS4 replied:

“No ...

“I don’t want to leave the impression in your minds that at this point there was an autonomous UK based drive towards regime change, because I have no memory of that. I have a vivid memory of people being very concerned that all this stuff may be about to happen, and what do we think about it. What do we think of the arguments? ... What are the dangers? ... But clearly we would need to be in a position to discuss

¹⁵² Paper, ‘US Attacks on Iraq: The Risks and Costs’ attached to Letter PS/C to Manning, 3 December 2001, ‘Iraq’.

¹⁵³ Public hearing, 21 January 2011, pages 32-33.

¹⁵⁴ Public hearing, 21 January 2011, pages 33-34.

¹⁵⁵ Letter McDonald to [PS/C], 5 December 2001, ‘Iraq’.

it with the Americans. They were likely to bring it to us. I think there's a distinction there."¹⁵⁶

322. Mr Straw confirmed that he had seen the second and third papers sent to No.10.¹⁵⁷ Mr Straw wrote that his comments were based on the two papers taken together and that from his perspective SIS4's reference to the need for assurances of legality were:

“... spelling out quite plainly that ‘assurances of legality’ were an essential pre-condition to any HMG policy in support of UK military action with the objective of regime change.”

323. Mr Straw emphasised that one of the central arguments against regime change was, as the FCO advice of 3 December and SIS4's paper had made clear, “the fact that it was illegal”.

Mr Blair's paper for President Bush, 4 December 2001

324. Mr Blair and President Bush discussed future options for Iraq on 3 December 2001.

325. Mr Blair told President Bush that he was not opposed to the removal of Saddam Hussein, but an extremely clever plan would be needed.

326. Mr Blair suggested the visit to Washington by Sir David Manning and Sir Richard Dearlove later that week would be an opportunity to share thinking on the next phase.

327. Mr Blair spoke to President Bush by telephone on 3 December.¹⁵⁸

328. The conversation was primarily about the position in Afghanistan, including the prospects for the Bonn Conference to generate a request for an international security force, possibly under UN auspices, and whether the UK might lead such a force.

329. In a discussion on future options in relation to Iraq, Mr Blair told President Bush that Sir David Manning and Sir Richard Dearlove would be in Washington later that week. That would be an opportunity to share thinking on “how the next phase might proceed”.

330. In response to a discussion about the potential effects in the Middle East if Saddam Hussein were overthrown, Mr Blair said that:

“... contrary to press reporting, he was not in a different place on this ... it would be excellent to get rid of Saddam. But there needed to be a clever strategy for doing this.”

¹⁵⁶ Private hearing, Part 1, page 15.

¹⁵⁷ Statement, 16 March 2011, page 1.

¹⁵⁸ Letter Tatham to McDonald, 3 December 2001, ‘Telephone Conversation with President Bush’.

Following further discussion of the possible options, including that a conventional land invasion was out of the question, Mr Blair repeated that he was:

“... not opposed to action against Saddam. But an extremely clever plan would be required.”

331. Mr Blair and President Bush also discussed Israeli actions.

332. The record of the conversation was sent to Mr Straw’s Private Office. It was also sent to Mr Hoon’s Private Secretary, Adm Boyce, Sir Richard Dearlove, Sir Stephen Lander (Director General of the Security Service), Sir Francis Richards (Director of the Government Communications Headquarters (GCHQ)), Sir Christopher Meyer, Mr John Scarlett (Chairman of the JIC), Mr McKane, and to Sir Richard Wilson’s Private Secretary.

333. The following day Mr Blair sent President Bush a paper setting out proposals for Phase 2 of the war against terrorism.

334. In relation to Iraq, Mr Blair stated that it was a threat because: it had a WMD capability; was acquiring more; had shown its willingness to use it; could export that capability; and was in breach of UN Security Council resolutions.

335. Mr Blair suggested a strategy for regime change in Iraq that would build over time which would permit military action to be taken “if necessary, without losing international support”.

336. Mr Blair sent President Bush a paper ‘The War against Terrorism: The Second Phase’ on 4 December.¹⁵⁹

337. The paper comprised an overview of the possible approaches to potential terrorist threats in seven countries¹⁶⁰ and a ‘Strategy for Confronting Islamic Extremism’ in moderate Muslim states.

338. In relation to Iraq, the key points were:

- Iraq was a threat because: “it has WMD capability; is acquiring more; has shown its willingness to use it; and can export that capability”. Iraq was in breach of UN Security Council resolutions 687 (1991), 715 (1991) and 1284 (1999) and Saddam Hussein supported certain Palestinian terrorist groups and used terror tactics against Iraqi dissidents.
- Any link to 11 September and AQ was “at best very tenuous”.
- Although “people want to be rid of Saddam”, international opinion “outside the US/UK” would “at present” be “reluctant” to support immediate military action.

¹⁵⁹ Paper Blair [to Bush], 4 December 2001, ‘The War Against Terrorism: The Second Phase’.

¹⁶⁰ Indonesia, Iran, Iraq, Philippines, Somalia, Syria and Yemen.

339. Mr Blair suggested that a “strategy for regime change that builds over time” was needed: “until we get to the point where military action could be taken if necessary” without losing international support and “facing a choice between massive intervention and nothing”. That might comprise six elements.

340. The first was “Softening up” opinion by:

- drawing attention to Saddam’s breach of UN resolutions;
- saying that regime change was “desirable”, but “not yet setting it as a military objective”;
- signalling willingness to support opposition groups;
- building a regional coalition against Iraq; and
- demanding the return of weapons inspectors “without specifying military action if the demand is not met, we let it be clearly seen that nothing is ruled out. But our time frame is deliberately vague.”

341. Mr Blair commented that that would be “presentationally difficult”:

“We need to be very precise to avoid getting drawn into threats we are not yet ready to implement. But we would be unsettling Saddam; possibly forcing concessions out of him ... and giving ourselves room for manoeuvre.”

In the meantime, the US and UK would “continue to enforce the No-Fly Zones on a more intensive basis”.

342. The other elements suggested by Mr Blair were:

- Applying “real pressure on Syria to stop the flow of Iraqi oil by closing the oil pipeline”, clamping down on “Saddam’s illegal financial transactions”, and helping Jordan. Turkey would also need to stop illegal oil imports.
- Bringing “Russia on board, by ensuring their financial interests don’t suffer adversely”. Withdrawal of Russian support would have a very negative impact on Saddam Hussein.
- Supporting “opposition groups” and setting out an agenda for post-Saddam Iraq (the FCO’s ‘Contract with the Iraqi People’).
- Mounting “covert operations” in support of those “with the ability to topple Saddam”.
- “When the rebellion finally occurs we back it militarily.” That included air support and support for uprisings. Mr Blair wrote: “What everyone in Iraq and around fears is that we will start this action but not finish it. They need to know, and we need to be clear, that if an uprising occurs, we are willing to act militarily in support.”

343. Summarising his position, Mr Blair wrote:

“So: my strategy is to build this over time until we get to the point where military action could be taken if necessary; but meanwhile bring people towards us, undermine Saddam, without so alarming people about the immediacy of action that we frighten the horses, lose Russia and/or half the EU and nervous Arab states and find ourselves facing a choice between massive intervention and nothing.”

344. Addressing Syria and Iran, Mr Blair wrote:

“If toppling Saddam is a prime objective, it is far easier to do it with Syria and Iran in favour or acquiescing rather than hitting all three at once. I favour giving these two a chance at a different relationship ... in return for closing down support for Hizbollah and Hamas and helping us over Iraq. I don’t underestimate the problems ... but I think it is possible ...”

345. Mr Blair also identified the dangers in any action of “unintended consequences” for international support. He added that the outcome of Afghanistan would be important to Phase 2. If Afghanistan was left as a:

“... better country, having supplied humanitarian aid and having given new hope to the people, we will not just have won militarily but morally; and the coalition will back us to do more elsewhere. In particular, we shall have given regime change a good name, which will help us in the argument over Iraq. So in my view, the political and diplomatic must always be reinforcing the military.”

346. Mr Blair drew attention to the need to put the Middle East Peace Process “back on track” or it would “complicate everything”.

347. Finally, Mr Blair suggested that the US and UK should be working with Pakistan, Saudi Arabia and other Muslim countries “on a strategy for confronting Islamic fundamentalism and extremism”.

348. Sir David Manning delivered the paper to the US.

349. Following discussions in Washington, Sir David reported that the US Administration was “open to Mr Blair’s ideas”, and that the discussions “had been worth the journey”.

350. Sir David also advised that there was a need to “make more of the WMD menace presented by Saddam”.

351. Following talks in Washington, at which Sir Richard Dearlove had also been present, Sir David Manning reported that he had taken Dr Rice through Mr Blair’s paper, including the “vital need” for progress on the MEPP.¹⁶¹ The US response had been “encouraging”, except on the MEPP.

¹⁶¹ Minute Manning to Prime Minister, 6 December 2001, ‘Meeting with Condi Rice: Iraq and Phase 2’.

352. On Iraq, Sir David reported that the US was conducting a full review of the options. The US had been reviewing the possibilities before 9/11, but the attacks had given the process new urgency. He had stated that:

“... Saddam would only be overthrown if there was a strategy which co-ordinated work on all aspects of the problem. We should be patient. We must prepare very carefully, even if Saddam felt the net tightening. We should do it right rather than do it quickly.”

353. In the context of a discussion about what had changed since 1991, including the availability of precision weapons and Saddam’s “new WMD capabilities”, Sir David wrote:

“We should make more of the WMD menace presented by Saddam: people were far more sensitive to the dangers after what we had discovered in Afghanistan. And we should take the time and trouble to maintain the support of the coalition that we had worked so hard to build. The moderate Arabs were impressed by our swift and successful conduct of the Afghan campaign ... They were also united in loathing Saddam. If we contrived his initial overthrow, with outside support, they might stick with us.”

354. Sir David concluded that the discussions “had been worth the journey” and that it seemed the thinking “at the top level of the Administration” was “very close” to Mr Blair’s. The Administration was “open to Mr Blair’s ideas”.

355. Sir David suggested that Mr Blair should talk to President Bush and propose a US/UK group to “take the Iraq issue forward together”. At the request of the US, the discussions would need to be “extremely tightly held, involving only No.10/SIS/ Cabinet Office”.

356. Mr Blair wrote on the minute: “I agree with all this as discussed.”¹⁶²

357. After his return to London, Sir David Manning sent a copy of the paper he had taken to Washington to the Private Secretaries to Mr Straw and Mr Hoon, Sir Richard Wilson, Mr Scarlett, Sir Richard Dearlove, Mr Powell and Sir Christopher Meyer.¹⁶³

358. There was no mention in that letter of Sir David’s visit to Washington or the substance of the discussions.

359. Sir David’s report of the discussions for Mr Blair was not sent to anyone outside No.10.

¹⁶² Manuscript comment Blair on Minute Manning to Prime Minister, 6 December 2001, ‘Meeting with Condi Rice: Iraq and Phase 2’.

¹⁶³ Letter Manning to McDonald, 7 December 2001, ‘The War Against Terrorism: The Second Phase’.

360. Mr Jonathan Powell told the Inquiry that when Sir David Manning returned from Washington, he had reported that Dr Rice had assured him that the Administration had “no immediate plans for action in Iraq”.¹⁶⁴

361. In a minute on 10 December, the FCO Counter-Terrorism Policy Department (CTPD) stated:

“We have dropped plans to produce a paper on ... Iraq, as our objectives there are better pursued in different ways.”¹⁶⁵

362. In a meeting with Secretary Powell in London on 11 December, Mr Blair repeated his view that “we needed a clever strategy to deal with Saddam”; and identified the important consequences of success in Afghanistan.¹⁶⁶

363. Mr Blair and President Bush spoke on 11 December but there is no mention of Iraq or Phase 2 of the war on terrorism in the record of the discussion.¹⁶⁷

364. Asked what he had said to President Bush, Mr Blair replied:

“... when you get to my conversation with President Bush ... I am saying to him ‘Look, we are going to have to deal with this issue. We accept that. After September 11, the calculus of risk has changed and changed fundamentally. We cannot allow Saddam Hussein to be in breach of UN resolutions.’

“So I am signalling that I am up for the policy of handling and dealing with this issue and we are going to be with America in doing that.

“We then I think from memory had a discussion about all sorts of different aspects of that and how it might be done ... I was in no doubt it would be beneficial for the world to get rid of Saddam Hussein and to get rid of his regime.”¹⁶⁸

365. Mr Blair added:

“On the other hand, I was saying ‘This is going to be difficult precisely because of the things listed in the paper from the SIS officer’. Those were:

- The lack of response to the re-emergence of Iraq as a serious regional power.
- Alarm at the way that Iraq was eroding the sanctions regime and evading it.
- Iraq’s success in seeing us [the US and UK] off with propaganda since the end of the first Gulf Conflict.

¹⁶⁴ Public hearing, 18 January 2010, page 17.

¹⁶⁵ Minute Bloomfield to Prentice, 10 December 2001, ‘Counter-Terrorism: Phase Two: Country CT Strategies’.

¹⁶⁶ Letter Manning to McDonald, 11 December 2001, ‘Call by Colin Powell on the Prime Minister: War on Terrorism’.

¹⁶⁷ Email Cabinet Office [junior official] to Hammond, 23 June 2014, ‘BB8 issues’.

¹⁶⁸ Public hearing, 21 January 2011, pages 34-35.

- Iraq's potential to produce WMD at very short notice. Nuclear would be slightly different ... but Iraq's potential, its capability was very dramatic."¹⁶⁹

366. Asked whether Iraq should have been encompassed in Phase 2, Mr Blair replied:

"Absolutely ... I thought we had to deal with all the problems ...

"My view was that this was all part of one issue in the end, and that you had to deal with each and every individual part ... that you couldn't ... say: '... we will deal with it sequentially ...' That was not my view."¹⁷⁰

367. Asked whether he had agreed with the advice in the FCO letter of 3 December, to ratchet up containment and steering away from the idea of supporting uprisings, let alone military intervention for the purposes of regime change, Mr Blair replied:

"... they were not quite saying that. What they were saying was, '... there is a policy of containment.'... They go on to say: 'However, it's not actually stopped him doing what he is doing'."¹⁷¹

368. Asked if, in the context of the paper he had sent to President Bush, he was actively looking at a strategy that would build up in stages to military action against Iraq to deal with Saddam Hussein, Mr Blair replied:

"... I could see where this was heading the same as everybody else ...

"... It was very obvious you had to deal with the issue. There were two ways of dealing with it: change of heart or change of regime. That was more or less as it remained throughout."¹⁷²

369. Asked if the initiative had been followed up, Mr Blair referred to "a sort of build-up", including an Assessment from the JIC, leading to his meeting with President Bush in Crawford in April.¹⁷³ That had evolved at "quite a fast pace ... down a track towards regime change".

370. Mr Blair added that it was "absolutely clear from the outset" after 9/11 that President Bush was going to change the regime if Saddam Hussein did not let the inspectors back into Iraq. The question was whether the US strategy could be "put into a somewhat different track", initially an ultimatum and then through the UN.

371. The development of thinking in preparation for Mr Blair's meeting with President Bush at Crawford in early April 2002 is addressed in Section 3.2.

¹⁶⁹ Public hearing, 21 January 2011, pages 35-36.

¹⁷⁰ Public hearing, 21 January 2011, pages 37-38.

¹⁷¹ Public hearing, 21 January 2011, pages 38-39.

¹⁷² Public hearing, 21 January 2011, pages 40-41.

¹⁷³ Public hearing, 21 January 2011, pages 41-42.

372. Reporting a discussion with Mr Peter Mandelson on 4 December, who wanted background information on Iraq for use in speaking engagements on Middle East issues, Mr McKane recorded that Mr Mandelson had been “particularly interested in the prospects for effective action to unseat Saddam Hussein”.¹⁷⁴ Mr McKane reported that he had “pointed out the legal position, and also the difficulties in finding an effective strategy, whether military or otherwise, to deal effectively with Iraq”.

373. In response to a question about other targets for coalition action in Phase 2, Mr McKane reported that he had “sketched out in general terms” the links between Usama Bin Laden and Islamic extremists in other countries.

374. On 5 December, Mr Straw emphasised the need for Iraq to meet the obligations imposed by the UN, including the re-admission of weapons inspectors.

375. On 5 December, in a debate in Parliament on the Middle East, following terrorist attacks in Israel, Mr Dalyell asked whether the Government was “doing everything possible to deter certain Americans from the folly of attacking Iraq”.¹⁷⁵ Mr Straw responded:

“... The key to Iraq coming back into the civilised world is for Iraq to implement the undertakings imposed on it by the ... Security Council resolutions, including the re-admission of weapons inspectors. I say strongly ... that Iraq continues to pose a very serious threat to Arab states, as well as to the state of Israel, by its continued unlawful development of weapons of mass destruction.”

376. Asked if the UK took the same view as President Bush that UN inspectors must return to Iraq, Mr Straw told the Foreign Affairs Committee on 5 December:

“Yes. Saddam Hussein is the architect of the misfortunes of the Iraqi people ... Iraq poses a very severe threat in terms of its development and possible use of weapons of mass destruction, of that there can be no doubt. Therefore restraining the development of those weapons ... is essential, and to do that we require proper inspection.”¹⁷⁶

377. Mr Straw added that the UK had “been in the lead in the United Nations on seeking ... a more effective replacement, of ... resolution 1284”. The new sanctions regime might “With luck” be in place in six months. That would allow the export of goods to Iraq for civilian use for humanitarian and other purposes, and “more effectively interdict material which is either for military use for weapons of mass destruction, certain conventional weapons, or of dual use”.

¹⁷⁴ Minute McKane to Manning, 4 December 2001, ‘Iraq: Peter Mandelson’.

¹⁷⁵ House of Commons, *Official Report*, 5 December 2001, columns 338-339.

¹⁷⁶ Select Committee on Foreign Affairs, 5 December 2001, *Minutes of Evidence*, Qs 47-52.

378. Asked whether Iraq could be persuaded to permit the return of inspectors “without an intensification of military action”, Mr Straw replied:

“... I would not use the verb persuade. I see some prospect of Iraq coming to accept that this has to happen for the future of the regime as well as the future of the people in that country. I would not put it higher than that but I think there is some evidence to that effect.”

...

“There certainly has to be an intensification of diplomatic pressure ... it requires more active engagement, for example by Russia ... and a recognition ... that what has been an ambiguous approach to Iraq ... is not helpful in terms of the stability of the region and the stability of the international community.”

379. Asked if he thought the rights under the UN Charter extended “to taking pre-emptive action against a state which the US” believed might attack it, Mr Straw replied that all states had a right to self-defence and he was not going to be “drawn into hypothetical answers to hypothetical questions of the ‘what if’ variety”. If a country received “very good information” that it was about to be attacked it could take action in self defence consistent with Article 51 of the UN Charter, but the exact circumstances would vary.

380. In response to a final question about Iraq’s programme of developing a larger ballistic missile capability and that it was “possibly developing chemical, biological, maybe even nuclear weapons” and what might happen next after Afghanistan, Mr Straw replied:

“... You are right to say that Iraq’s building of weapons of mass destruction is a very serious potential threat to the peace and stability of the region and, therefore, to the whole of the international community ... [and] to imply that the international community has to take action. There is then a question of what action is best taken in respect of that where care and consideration is required. This is a separate matter to culpability for the atrocities of 11 September ... but we are ... very concerned, about Iraq’s development of these weapons. We believe that international action has to take place and I have talked already about the dramatic steps which have to be taken.”

MOD's initial response to international terrorism

In a speech at King's College on 5 December, Mr Hoon set out "preliminary thoughts" on the work commissioned by the MOD following the attacks on 11 September.¹⁷⁷

Mr Hoon set out five approaches the Armed Forces might take in countering the threat outside the UK:

- preventing the conditions that allowed international terrorist organisations to operate, including peace support operations to prevent instability or to assist in stabilisation of states which did not have the means to exercise control over their own territory;
- deterring attacks including:
 - considering "setting out more clearly and repeatedly our views on holding to account regimes which directly support international terrorist groups, or condone their presence within their borders"; and
 - looking "at how we deter the use of chemical, biological and radiological weapons as well as nuclear weapons and, importantly, dissuade those who facilitate the proliferation of such weapons";
- coercion of regimes and states which harboured or supported international terrorism "with the threat and, ultimately, the use of, military force in the event that diplomatic and other means fail";
- active disruption of activities supporting international terrorist groups; and
- destroying terrorist cells "and, perhaps in the last instance, to act against regimes such as the Taliban" which supported and protected terrorists.

The perspective in the US, December 2001

381. On 6 December, *The Washington Post* reported the text of a letter sent to President Bush by Senators McCain, Lieberman, Holmes and Lott, amongst others, arguing that "as we work to clean up Afghanistan and destroy Al Qaida, it is imperative that we plan to eliminate the threat from Iraq", suggesting that the US "must directly confront Saddam, sooner rather than later".¹⁷⁸

382. The letter stated:

"We cannot be drawn into the ethnic politics of any particular nation, but should find a way to work with all the opposition in a unified framework. The Iraqi National Congress is the only umbrella organisation comprising all elements of the Iraqi opposition. No one group is excluded, no one group is favoured ... All indications are that in the interest of our own national security, Saddam Hussein must be removed from power."

¹⁷⁷ Speech, 5 December 2001.

¹⁷⁸ Email Hall to various, 6 December 2001, 'Letter to the President on Iraq'.

383. Mr Kevin Tebbit, the MOD Permanent Under Secretary, visited Washington from 5 to 7 December 2001 where his meetings with a range of contacts included discussions on Afghanistan and the next stage of the war against terrorism.¹⁷⁹

384. Reporting to Mr Hoon on the visit, Mr Tebbit stated that Washington saw itself as being on a “war footing” and “the focus on international terrorism remains intense”.¹⁸⁰ That focus influenced “the US attitude and approach to the rest of the agenda”. In his view that meant:

“UK views are listened to, like nobody else’s; all doors are open (but it doesn’t mean that we can easily get our way or secure our interests);

“... if we want our advice to be heeded on general pol/mil [political/military] issues, we need to place it in the context of counter-terrorism post 11 September ... everything needs to relate back to the war in some way if we are to catch their ear; and

“... there is a widespread and bipartisan sense, extending well beyond Administration ‘hawks’ that Iraq will need to be dealt with sooner rather than later. This rationale is not quite as simplistic as we like to think. They do not suspect Saddam of complicity in 11 September. But they regard it as all too likely that he will make WMD available to terrorist groups without much warning. Our success in dissuading the Administration from military action without proper political and diplomatic preparation (though there was no sense that a military move was imminent) will depend on our ability to engage constructively on the strategy and tactics.”

385. The report was also sent to the FCO, Sir Christopher Meyer, and to Sir David Manning.

386. While Mr Tebbit was in Washington, an attempt was made by a senior Republican close to the Pentagon to persuade him that the Iraqi National Congress could be a force to be reckoned with sufficient to cause an Iraqi response and enable the US to take supportive military action. Mr Tebbit commissioned an analysis of that thesis which he expected would “show it to be flawed”.¹⁸¹

387. Sir Kevin Tebbit told the Inquiry that the desire in the US State Department was to move down the UN track, but the mood in Secretary Rumsfeld’s Office was “much tougher”.¹⁸² Mr Richard Perle, Chairman of the Defence Advisory Board, whom Sir Kevin regarded as one of the “most influential figures” on Secretary Rumsfeld’s thinking, was “very clearly talking of trying to encourage a sort of Northern Alliance of Iraq”.¹⁸³

¹⁷⁹ Telegram 1684 Washington to FCO London, 8 December 2001, ‘Tebbit’s Visit to Washington: Wider War Against Terrorism’.

¹⁸⁰ Minute Tebbit to Secretary of State [MOD], 10 December 2001, ‘Visit to Washington 5-7 December’.

¹⁸¹ Minute Wilson to PS/CDI, 13 December 2001, ‘Iraq: Is there a “Northern Alliance”?’

¹⁸² Private hearing, 6 May 2010, page 4.

¹⁸³ Private hearing, 6 May 2010, page 4.

388. Sir Kevin confirmed he considered Mr Perle's thinking to be "flawed" and that the UK had not been challenging it sufficiently strongly.¹⁸⁴

389. The MOD subsequently concluded that there was "no Northern Alliance equivalent ... who could take advantage of precision bombing" in Iraq.¹⁸⁵

390. On 7 December, Kandahar fell to anti-Taliban forces led by Mr Hamid Karzai, supported by US Marines.¹⁸⁶

391. Sir Richard Dearlove advised No.10 at the end of December that it would be very much in the Government's interest to work with the US and that the outcome of US thinking would be of "enormous significance" to the national interest.

392. Following the discussion in Washington on 5 December, Sir Richard Dearlove asked SIS4 and SIS7 to hold follow up talks on Iraq.¹⁸⁷ He reported the outcome of the talks to Sir David Manning on 27 December, with details of the discussions between SIS and the Central Intelligence Agency (CIA).

393. SIS4 had suggested a "middle ground" option should be examined. That would be to create conditions within Iraq which, with air support, could act as a catalyst for a coup which would bring Saddam Hussein down within the next one to two years.

394. Sir Richard advised that the outcome of US thinking was likely to be "an intelligent and co-ordinated push for regime change, but a more aggressive military campaign cannot be ruled out". If it were the former, the US would look for UK support. There had been no discussion about what the US would expect from the UK in the event of a military campaign.

395. Sir Richard suggested that if a US policy decision went "the right way" he believed that it would be:

"... very much in HMG's interest to work with the Americans. We have a contribution to make and the outcome is of enormous significance for our national interest."

396. As Section 3.2 shows, Mr Straw does not seem to have been informed of SIS discussions with the US until 19 February 2002.

397. While Sir David Manning had confirmed in early December that the US was conducting a full review of all its options, there are no indications that the UK was aware that President Bush had specifically commissioned General Franks to look at military options for removing Saddam Hussein; and that that would include options for a conventional land invasion.

¹⁸⁴ Private hearing, 6 May 2010, page 5.

¹⁸⁵ Minute Cholerton to APS/Secretary of State [MOD], 24 January 2002, 'Iraq: No Fly Zones'.

¹⁸⁶ Bush GW. *Decision Points*. Virgin Books, 2010.

¹⁸⁷ Letter Dearlove to Manning, 27 December 2001, 'Iraq Policy'.

398. General Franks visited Crawford on 28 December 2001 to brief President Bush on Iraq.¹⁸⁸ Other members of the national security team were linked by video to the briefing. General Franks informed President Bush that the plan on the shelf required a six month build up and 400,000 troops; he was looking at whether as a result of lessons from Afghanistan fewer conventional ground forces would be needed. He had “envisioned a fast invasion from Kuwait in the south, Saudi Arabia and Jordan in the west, and Turkey in the north”.

399. Secretary Rumsfeld recorded that General Franks’ plan called for “an invasion force of 145,000 ... which would be increased to 275,000 if and as needed”.¹⁸⁹

400. The report from the US Special Inspector General for Iraq Reconstruction, *Hard Lessons*, stated that the concept of operations briefed to President Bush had been devised in four video conferences between Thanksgiving (22 November 2001) and late December 2001. It focused chiefly on the combat phase and “anticipated a rapid post war handoff to a provisional Iraqi government and a minimal continuing military footprint”.¹⁹⁰

401. President Bush wrote that after the 28 December briefing he had “asked the team to keep working on the plan”, while observing that:

“... we should remain optimistic that diplomacy and international pressure will succeed in disarming the regime ... But we cannot allow weapons of mass destruction to fall into the hands of terrorists. I will not allow that to happen.”¹⁹¹

402. General Franks wrote that he gave a further briefing on the developing plan to President Bush and US Principals on 7 February 2002, in which he identified the “optimum operational timing” as “December-mid-March” [2003].¹⁹²

Developments in January 2002

403. Following an inter-departmental meeting chaired by the Cabinet Office on 14 January 2002, Mr McKane reported to Sir David Manning that the UK continued to push for the introduction of the Goods Review List by 30 May 2002 as authorised by resolution 1382 (2001).¹⁹³ The prospects for agreement on implementation of resolution 1284 (i.e. the return of weapons inspectors) were “slim”. There was a continued discussion about whether the introduction of the GRL should take place before, or in parallel with, clarification of what Iraq had to do to get sanctions suspended and the regime which would be put in place thereafter.

¹⁸⁸ Bush GW. *Decision Points*. Virgin Books, 2010.

¹⁸⁹ Rumsfeld D. *Known and Unknown: A Memoir*. Sentinel, 2011.

¹⁹⁰ Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience*. U.S. Government Printing Office, 2009.

¹⁹¹ Bush GW. *Decision Points*. Virgin Books, 2010.

¹⁹² Franks T & McConnell M. *American Soldier*. HarperCollins, 2004.

¹⁹³ Minute McKane to Manning, 15 January 2002, ‘Iraq’.

404. Sir David Manning and Sir Richard Dearlove visited Washington again on 21 January 2002.¹⁹⁴

405. In relation to discussions on Iraq, Sir David reported that there was an expectation that Saddam Hussein would “make a display of renewed co-operation” in the coming weeks. That would “probably include some kind of offer on inspections”. The US would “resist sham inspections” which took the pressure off Saddam Hussein and “did nothing to further our interests”. One senior US individual had suggested that it would be easier if Saddam Hussein “remained completely obdurate so that we were not faced with predictable arguments about giving him another chance”. That was “just what he wanted”.

406. Sir David added that the US Administration’s “view remained that we should be pushing ahead for regime change”. He had said that Mr Blair:

“... favoured regime change but wanted a carefully constructed strategy. We must not rush in and fail. It seemed to me very unlikely that we would be in a position to take serious action before Saddam made a move on inspectors. We would have to factor this in.”

407. Sir David reported that the timing of a strategy for dealing with Saddam Hussein was vague and there was “no sign that Washington has a clear plan that would allow early action”. Any UK contribution would need Mr Blair’s endorsement and “might have to be processed through the Attorney”. The US and UK would look at options. There were some doubts about whether a strategy for regime change would be viable.

408. Sir David Manning told the Inquiry that the visit took place:

“... in the knowledge that Iraq had been the subject of considerable debate in Washington ... and I recall saying to Dr Rice that if there was a review ... it would certainly ... have to include the whole question of how to incorporate inspections ...”¹⁹⁵

409. Mr Powell told the Inquiry that Sir David had told Dr Rice that the UK would need the advice of the Attorney General before any action at any stage would be possible.¹⁹⁶

410. Following a visit to Baghdad by Mr Amre Moussa, the Secretary General of the Arab League, on 18 and 19 January, Mr John Sawers, British Ambassador to Egypt, reported that Mr Moussa had told him Saddam Hussein had:

- shown “the seeds of flexibility” during the visit and professed a desire to re-open a dialogue with Mr Annan, without pre-conditions and with an open agenda,

¹⁹⁴ Minute Manning to Powell, 22 January 2002, ‘Talks with Condi Rice, 21 January: Iraq’.

¹⁹⁵ Public hearing, 30 November 2009, page 10.

¹⁹⁶ Public hearing, 18 January 2010, page 100.

although Iraq would not make the first move and the initiative would have to come from the UN; and

- accepted that the time had come for Iraq to start talking about the return of inspectors and asked Mr Moussa to contact Dr Blix on his behalf.¹⁹⁷

411. Mr Powell drew the telegram to Mr Blair's attention, commenting:

"This ties in with other indications that Saddam is wriggling, trying to get off the hook. The US will want to ignore these talks and keep open the possibility of regime change instead of inspectors."¹⁹⁸

412. Mr Blair responded: "We shd keep up the pressure."¹⁹⁹

Conclusions

413. After the attacks on the US on 9/11, which was widely accepted as having changed the nature of the threat and the way in which Governments should address calculations about the risks being faced, Mr Blair declared that the UK would stand "shoulder to shoulder" with the US to defeat and eradicate international terrorism.

414. Throughout the autumn of 2001, Mr Blair took an active and leading role in building a coalition to act against that threat, including military action against Al Qaida and the Taliban regime in Afghanistan. He also emphasised the potential risk of terrorists acquiring and using a nuclear, biological or chemical weapon, and the dangers of inaction.

415. In November 2001, the JIC assessed that Iraq had played no role in the 9/11 attacks on the US and that practical co-operation between Iraq and Al Qaida was unlikely. There was no credible evidence of covert transfers of WMD-related technology and expertise to terrorist groups. It was possible that Iraq might use WMD in terrorist attacks, but only if the regime was under serious and imminent threat of collapse.

416. In relation to Iraq, Mr Blair sought to influence US policy and prevent precipitate military action by the US which would undermine the success of the coalition which had been established for action against international terrorism. He recommended identifying an alternative policy which would command widespread international support.

¹⁹⁷ Telegram 21 Cairo to FCO London, 24 January 2002, 'Iraq/Arab League: Moussa's Visit to Baghdad'.

¹⁹⁸ Manuscript comment Powell to Prime Minister, [undated], on Telegram 21 Cairo to FCO London, 24 January 2002, 'Iraq/Arab League: Moussa's Visit to Baghdad'.

¹⁹⁹ Manuscript comment Prime Minister to Powell, [undated], on Telegram 21 Cairo to FCO London, 24 January 2002, 'Iraq/Arab League: Moussa's Visit to Baghdad'.

417. While recognising the difficulties, the UK continued actively to pursue the policy framework agreed earlier in 2001 of strengthening the policy of containing Iraq, through a revised and more targeted sanctions regime and seeking Iraq's agreement to the return of inspectors as required by resolution 1284 (1999).

418. The adoption of resolution 1382 (2001) went some way towards that objective. But support for economic sanctions was eroding and whether Iraq would ever agree to re-admit weapons inspectors and allow them to operate without obstruction was in doubt.

419. Following President Bush's remarks on 26 November, there were renewed UK concerns that US attention was turning towards military action on Iraq.

420. Mr Blair's discussion with President Bush on 3 December and the paper he sent to President Bush the following day represented a significant development of the UK's approach. Mr Blair suggested a "clever strategy" for regime change in Iraq that built over time, until the point was reached where "military action could be taken if necessary", without losing international support.

421. Mr Blair also emphasised the threat which Iraq might pose in the future, which remained a key part his position in the months that followed.

422. Mr Blair was offering President Bush the UK's support in an effort to influence his decisions on Iraq while seeking to devise a strategy which would command international support.

423. The proposals represented a significant departure from the UK's previous approach. In essence the strategy entailed renewed demands for Iraq to comply with the obligations imposed by the Security Council and the re-admission of weapons inspectors, and a readiness to respond firmly if Saddam Hussein failed to comply.

424. The strategy had multiple diplomatic strands and Mr Blair did not, at that stage, have a ground invasion of Iraq or immediate military action of any sort in mind. But he did state that when a rebellion occurred, the US and UK should "back it militarily". That was the first step towards a policy of possible intervention in Iraq.

425. There is no evidence of any formal consideration of the detailed terms of the strategy for Iraq Mr Blair proposed to President Bush, which went beyond the strategy proposed by the FCO, or its potential implications.

426. The paper Mr Blair sent to President Bush on 4 December was not seen in advance by Mr Straw or Mr Hoon although it was sent to them subsequently.

427. A number of issues, including the legal basis for any military action, would need to be resolved as part of developing the "clever strategy".

428. The evidence indicates that Mr Straw and Mr Hoon were unaware that, with No.10's knowledge, a dialogue had subsequently been initiated between SIS and the CIA.

SECTION 3.2

DEVELOPMENT OF UK STRATEGY AND OPTIONS, JANUARY TO APRIL 2002 – “AXIS OF EVIL” TO CRAWFORD

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Introduction and key findings

1. Following the attacks on the US on 11 September 2001, Mr Blair became increasingly concerned about the risk that international terrorists might acquire and use weapons of mass destruction (WMD) and the threat that posed to the UK and its wider interests. He was convinced that:

- those risks had to be dealt with;
- Iraq was only one element of that wider problem, but the risk changed the way the threat posed by Iraq should be viewed; and
- Iraq had to be dealt with as a priority.

2. This Section of the report sets out the evidence relating to events leading up to Mr Blair’s meeting with President Bush at Crawford, the meeting itself, and the subsequent statements in public and to Cabinet.

3. The UK’s assessments of Iraq’s chemical, biological, nuclear and ballistic missile capabilities, its intent to preserve and enhance those capabilities, and the likelihood of proliferation from Iraq, are addressed in Section 4.1. That Section also addresses the initial preparation of a document for publication on WMD programmes of concern.

Key findings

- The UK continued to pursue implementation of the “smarter” economic sanctions regime in the first months of 2002, but continuing divisions between Permanent Members of the Security Council meant there was no agreement on the way forward.
- In public statements at the end of February and in the first week of March 2002, Mr Blair and Mr Straw set out the view that Iraq was a threat which had to be dealt with.
- At Cabinet on 7 March, Mr Blair and Mr Straw emphasised that no decisions had been taken and Cabinet was not being asked to take decisions. Cabinet endorsed the conclusion that Iraq’s weapons of mass destruction (WMD) programmes posed a threat to peace and endorsed a strategy of engaging closely with the US Government in order to shape policy and its presentation.
- At Crawford, Mr Blair offered President Bush a partnership in dealing urgently with the threat posed by Saddam Hussein. He proposed that the UK and the US should pursue a strategy based on an ultimatum calling on Iraq to permit the return of weapons inspectors or face the consequences.
- Following his meeting with President Bush, Mr Blair stated that Saddam Hussein had to be confronted and brought back into compliance with the UN.
- The acceptance of the possibility that the UK might participate in a military invasion of Iraq was a profound change in UK thinking. Although no decisions had been taken, that became the basis for contingency planning in the months ahead.

President Bush's "axis of evil" speech and the UK response

4. Addressing the potential threat from terrorists with weapons of mass destruction, President Bush described Iraq in his State of the Union speech on 29 January as part of an "axis of evil".

5. The speech prompted a major public debate on both sides of the Atlantic about policy towards Iraq.

6. In his annual State of the Union speech on 29 January 2002 President Bush described the regimes in North Korea and Iran as "sponsors of terrorism".¹ He added that Iraq had continued to:

"... flaunt its hostility towards America and to support terror ... The Iraqi regime has plotted to develop anthrax, and nerve gas, and nuclear weapons for over a decade. This is a regime that has already used poison gas to murder thousands of its own citizens ... This is a regime that agreed to international inspections – then kicked out the inspectors. This is a regime that has something to hide from the civilised world."

7. President Bush stated:

"States like these [North Korea, Iran and Iraq], and their terrorist allies, constitute an axis of evil, arming to threaten the peace of the world. By seeking weapons of mass destruction these regimes pose a grave and growing danger.

"America will do what is necessary to ensure our nation's security ... We'll be deliberate, yet time is not on our side. I will not wait on events while dangers gather. I will not stand idly by, as perils draw closer and closer. The United States of America will not permit the world's most dangerous regimes to threaten us with the world's most destructive weapons.

"Our war on terror is well begun, but it is only begun. This campaign may not be finished on our watch – yet it must be and it will be waged on our watch."

8. In his memoir President Bush wrote that the media had taken:

"... the line to mean that the three countries had formed an alliance. That missed the point. The axis ... was the link between Governments that pursued WMD and the terrorists who could use those weapons. There was a larger point in the speech that no one could miss. I was serious about dealing with Iraq."²

¹ The White House, 29 January 2002, *The President's State of the Union Address*.

² Bush GW. *Decision Points*. Virgin Books, 2010.

9. Dr. Condoleezza Rice, President Bush’s National Security Advisor, wrote in 2011 that President Bush’s phrase, an “axis of evil”, was “overdramatized”. She and the President were “stunned” when the media focused almost exclusively on it:

“Since many people believed that we’d already decided to go to war against Iraq, sinister interpretations suggested that we were preparing to use military force against all three states. We had, for all intents and purposes, some believed, declared war on North Korea, Iraq and Iran.”³

10. Dr Rice added that, in a speech the following day, and in media interviews, she had sought to clarify what the President had meant:

“The President wouldn’t take any options off the table, but he’d said we’d work with our friends to deal with the problem; diplomacy was the first line of defense. But, admittedly, the harsh language suggested that negotiation was impossible. How could you negotiate with members of an ‘axis of evil’?”

11. From early 2002, there were increasing indications that key figures in the US Administration were considering military action to achieve regime change in Iraq and there was an emphasis on the potential nexus for the fusion of WMD proliferation and terrorism.

12. Mr Blair stated that regime change would be desirable. If Saddam Hussein wanted to avoid war, he would need to agree to the return of inspectors.

13. Mr Blair told President Bush on 6 February that he agreed on the importance of sending a strong signal to the countries identified as an “axis of evil” that their behaviour needed to change.

14. At a meeting of the Overseas Sub-Committee of the Official Committee on Domestic and International Terrorism (TIDO(O)) on 1 February 2002, chaired by Mr Stephen Wright, FCO Deputy Under-Secretary Defence and Intelligence, the FCO reported that US thinking about Phase 2 of the “War on Terrorism”, as reflected in President Bush’s State of the Union address, was already under way and crystallising around two concepts: the proliferation of WMD and counter-terrorism.⁴

15. Mr Wright stated that the US appeared to be most concerned about the proliferation of WMD to terrorist groups, and that lay at the heart of concerns about a number of states including Iraq. The US saw Iraq increasingly as a WMD rather than a counter-terrorism problem. UK officials thought that the interagency process would probably result in a balanced approach. Military action was seen as a last resort. Action against Iraq was not seen as imminent.

³ Rice C. *No Higher Honour*. Simon & Schuster, 2011.

⁴ Minutes, 1 February 2002, Overseas Sub-Committee of the Official Committee on Domestic and International Terrorism meeting.

16. Sir David Manning, Mr Blair’s Foreign Policy Adviser and the Head of the Overseas and Defence Secretariat (OD Sec), advised Mr Blair that a number of senior Americans, both Republican and Democrat, were convinced that President Bush was determined on war with Iraq; the doves in the US system were totally marginalised; it was impossible to stand out against the jingoistic mood – people wanted war; taking on the Iraqs of the international system was the best way of making sure that America would not be surprised again.⁵ To avoid that, some Americans had urged that Europeans should pursue a policy of tightening sanctions against Iraq, and getting an UNMOVIC (UN Monitoring, Verification and Inspection Commission) and with teeth back on the ground in Iraq. A former US military officer had suggested that the US would invade Iraq within four or five months. Another American expressed doubt about whether Turkey would support military action because of the risk of refugees flooding across its borders.

17. Sir David Manning wrote that the “rhetoric has so far been running ahead of the reality” in the US:

“The US military have probably been told to make contingency plans ... But unless we have been pretty comprehensively deceived ... no decisions have yet been taken on how or when to bring it [regime change] about.”

18. Mr Blair responded:

“... Yes it’s desirable but how? If we can sort out “how”, do it and this is the reason Iraq is making overtures to Iran. To avoid war, Iraq [wd] need to let the inspectors back in.”⁶

19. Lord Williams of Baglan, Special Adviser to Mr Jack Straw, the Foreign Secretary, from 2001 to 2005, told the Inquiry that he recalled that:

“By the opening months of 2002 it was becoming clearer that the Bush Administration appeared intent on a more muscular approach on Iraq that did not rule out military action. At the Davos meeting in January 2002 a US Senator had told the NATO Secretary General George Robertson that President Bush was determined on a war with Iraq and that it was ‘a cast iron certainty within the year’. In reported remarks at the Munich security conference, in February the former NATO commander General Wesley Clarke told interlocutors that he believed war was inevitable.”⁷

20. During a telephone call with President Bush on a range of issues on 6 February 2002, Mr Blair said that “whatever President Bush may have read in the media, he

⁵ Minute Manning to Prime Minister, 5 February 2002, ‘US Policy Towards Iraq’.

⁶ Manuscript comment Blair on Minute Manning to Prime Minister, 5 February 2002, ‘US Policy Towards Iraq’.

⁷ Statement, 9 January 2011, page 4.

agreed on the importance of sending a strong signal” to the countries identified as part of an “axis of evil” that their behaviour needed to change.⁸

21. FCO officials advised Mr Straw that, while the immediate US focus was on getting a revised Goods Review List agreed by the deadline of 30 May, the signs were that the US would pursue regime change. Pressing for implementation of a tougher inspections regime could offer a potential alternative to military action. If Saddam Hussein failed to co-operate there would be a stronger justification for military action.

22. Reporting on talks the previous week with the US, including progress in US talks with Russia, Mr William Patey, Head of the FCO Middle East Department, advised Mr Straw that:

“In the absence of any decisions on wider Iraq policy and the post-11 September situation, the immediate US focus is on getting the Goods Review List (GRL) agreed by 30 May deadline.”⁹

23. Mr Patey also described clarification of resolution 1284 (1999) as “anathema to the US”. It feared that would represent “a slippery slope towards a weaker inspections regime”. Mr Patey added:

“As for the wider policy all the signs point to the US going for a regime change option. But there does not appear to be a viable plan as yet and the time frame remains uncertain. Cheney [Vice President Dick Cheney] is due to tour the Middle East in mid-March and we would be surprised if any decisions were taken before then. We have asked Washington for a further read-out of US thinking beyond State Department.”

24. Reporting on talks with a senior French official, Mr Patey wrote that his reading of US intentions was “the same as ours”. That appeared “to have produced a change in French attitudes towards [resolution] 1284 and the prospects of clarification”. Security Council “agreement on a tough inspections regime with unconditional access” was seen “as the only realistic alternative to US military action”. The talks with French officials are addressed in more detail later in this Section.

25. Mr Patey concluded:

“If we can get agreement on a tough regime, this would represent a no-lose situation. If the Iraqis continue to resist a tough inspections regime or let the inspectors in then renege, the justification for any military action would be much stronger. If, against all expectations, UNMOVIC were allowed to do their job this would offer the best prospect of dealing with Saddam’s WMD.”

⁸ Letter [Private Secretary No.10] to McDonald, 6 February 2002, ‘Telephone conversation with US President’.

⁹ Minute Patey to Goulty and PS [FCS], 12 February 2002, ‘Iraq: Next Steps’.

26. Mr Alan Goulty, FCO Director Middle East and North Africa, commented to Mr Straw's Private Secretary:

“So far so good. But much will depend on how the US decide to pursue the regime change option. It would be helpful if I and Mr Patey could be kept up to speed on discussions with the US: hard to write contingency planning papers in ignorance of the contingencies we are planning for.”¹⁰

27. In a letter to Mr Peter Westmacott, British Ambassador to Turkey, the following day, Mr Goulty wrote:

“The reality is that there is deep scepticism in the US that any UN process can deal seriously with Iraq's WMD ... The Iraqis have shown little interest in 1284/ suspension, believing it to be a way of extending sanctions indefinitely. But if we are to offer an alternative to military action, both we and the French are convinced that this will need to involve a tough inspections regime based on strict implementation of existing resolutions. Events since 11 September have increased the chances of reuniting the Security Council around such a proposition. Faced with a regime threatening alternative, and Security Council unity, there is a slight chance Iraq would allow unconditional inspections. This would make it difficult for the hawks in Washington to go ahead with military action. If the Iraqis persist in their refusal then the moral and legal basis for action would be improved. Either way we are in a better position.”¹¹

28. Mr Goulty concluded:

“We certainly need a clearer assessment of what the Americans are up to. But it is obvious that there are some in Washington who would not accept yes for an answer. Disillusionment with containment is widespread and the status quo is no longer an option.”

29. Sir Christopher Meyer, British Ambassador to the US, saw President Bush's speech as a warning to regimes he saw as “especially dangerous”, which had increased expectations of military action against Iraq. The hawks in Washington felt that they had won the argument about the need for military action. The US might want to issue an ultimatum on inspections but set the bar so high that Iraq would never comply.

30. The US might seek UK endorsement for its vision by early March.

31. Sir David Manning was assured by Dr Rice that no decisions would be taken before the planned meeting between Mr Blair and President Bush at Crawford in early April.

¹⁰ Manuscript comment Goulty to PS [FCS], 12 February 2002, on Minute Patey to Goulty and PS [FCS], 12 February 2002, 'Iraq: Next Steps'.

¹¹ Letter Goulty to Westmacott, 15 February 2002, 'Iraq'.

32. On 11 February, Sir Christopher Meyer advised that President Bush’s reference to an “axis of evil” was:

“... a warning to regimes which Bush sees as especially dangerous. It is not simplistic; it increases expectations of military action against Iraq; and it has added to transatlantic strains.”¹²

33. Sir Christopher reported that it was “the latest version of the Bush doctrine” which rotated “on an axis which links terrorist networks, states which harbour them, and rogue states with WMD”. President Bush had set out the first version of the doctrine, which comprised the elements in his speech to Congress on 20 September 2001. Rogue states had been added because “intelligence and the anthrax scare have generated the view that WMD in the hands of rogue states is the clear and present danger”.

34. President Bush had been “criticised for enunciating the doctrine without thinking through the policy implications”. In Sir Christopher’s view, that missed the point. The purpose in naming three countries was “to intimidate them, to put them on notice that they were marked regimes; to ‘change the terms of the debate’”. There was a “serious analysis” behind the phrase:

“It cannot be emphasised too strongly that 11 September was a shattering blow, creating a sense of threat and vulnerability never before experienced by Americans.”

35. The consequences were:

- “an outpouring of American gratitude to Britain, which more than others appeared instantly to grasp the enormity of what had happened”;
- “incomprehension and anger at those who seemed more concerned for the rights of the Guantanamo detainees than for the need to extract information which could forestall a further atrocity”; and
- “a single-minded determination to do what it takes to defeat the nexus of terrorism and rogue WMD, if necessary by pre-emptive action, with or without allies”, which President Bush saw “as his life’s mission”.

36. Sir Christopher did not believe that the speech presaged military action against Iran or North Korea, but the phrase had “raised expectations about action against Iraq”. That did “not involve any new policy considerations”. The UK had “known for a long time” that President Bush was “looking for a way to get rid of Saddam”.

37. Sir Christopher concluded:

“It has been tough sometimes working with the Americans since 11 September. It will be tougher still in 2002 ...

¹² Telegram 196 Washington to FCO London, 11 February 2002, ‘US Foreign Policy: The Axis of Evil’.

“The backdrop is growing US/European mutual disenchantment. This puts the UK in an awkward spot ... The Europeans are seen as burying their heads in the sand, refusing to face up to an international threat which only the US, and maybe the UK, have the guts and capability to tackle ...

“Looking at this solely as an issue of unilateralism v. multilateralism does not capture the complexity of American attitudes ... For all their brave talk, the Americans know perfectly well that they are better off with capable allies than not ...

“War-fighting considerations are an insufficient guide to handling the next phase in combating terrorism ... The task for the next few months is to demonstrate to the Americans that it is possible and desirable to reconcile the pursuit of the mission with the concerns of the main coalition partners. This may call for some very plain speaking in private. But we are just about the only foreigners to whom the Administration consistently listens.

“So the visit to London next month of the Vice President and that of the Prime Minister to the US in April assume even greater importance than usual.”

38. Assessing the climate in Washington on 13 February, Sir Christopher Meyer reported that President Bush’s speech had “quickened the drumbeat on Iraq” and commentators were “drawing the conclusion that military action is now inevitable”.¹³

39. Drawing together the views the Embassy and senior visitors had heard over the last couple of weeks, Sir Christopher wrote:

“The line that no decision has been taken ... may still formally be correct. But there are few parts of the Administration that see any alternative to US action – the real questions now are what, when, and (from our point of view) how much international legitimacy the US will seek to build ...

“As ever, the hawks’ agenda is easiest to discern. They feel they have won the argument over whether US action is needed ...

“The military, meanwhile, continue to look at their plans in expectation that they will be asked to take on a major operation in Iraq this year (this is ... what lies behind CENTCOM’s [US Central Command] reluctance to provide back-up to an expanded ISAF [International Security Assistance Force] in Afghanistan) ... But they remain very worried about the ideas being pushed by DoD [Department of Defense] civilian hawks, above all the perception that this would be easy to do quickly ...

“The perception that key regional states are now essentially on board ... now appears to have spread across the Administration ... officials and pundits alike speculate that Cheney’s visit will be aimed at nailing the necessary support.

¹³ Telegram 197 Washington to FCO London, 13 February 2002, ‘US/IRAQ: The Momentum Builds’.

“What remains unclear is how the US will handle the UN track, above all the inspection regime. The Administration’s repeated high-profile demands for inspections suggest that the US will want to issue some sort of ultimatum, but set the bar so high that Iraq will never comply in practice (Armitage [Richard Armitage, US Deputy Secretary of State] as much as stated this to PUS [the FCO Permanent Under Secretary] in January). Our objective remains to persuade the US ... that they must show that they are serious about implementing the resolutions – even if only to prepare the ground properly in the international community for action if Saddam fails to comply.

“There is a clear tension between the argument for preparing international opinion (which leaves open the possibility of coercing Iraq into some real disarmament measures under the threat of US military action), and the arguments for striking swiftly and with maximum surprise ... So although the goal of US policy may be ever firmer, the way to get there is not.”

40. Sir Christopher concluded that Vice President Cheney’s visit in early March “may or may not be the main vehicle for consulting the UK. But it would be wise to assume that by then, the US will have a reasonably clear vision, for which they will want our endorsement.”

41. Summarising the issues, the telegram predicted:

“The Administration appears to be gearing up for a decision on removing Saddam, but are not quite there yet. The ‘how’ is still difficult. The debate looks likely to come to a head this month. The likeliest outcome is some combination of an ultimatum on weapons inspectors, backing of opposition forces, and US military intervention. Cheney’s visit to the region in mid-March is likely to be on the critical path of US diplomacy leading to action. We need to encourage the US to build international legitimacy for action, but there may be a tension between this and operational considerations.”

42. Mr William Ehrman, FCO Director International Security, reported that a meeting with Sir David Manning “and some others”, had discussed Sir Christopher Meyer’s telegram “and the question of legal considerations related to military action against WMD proliferation”.¹⁴

43. Mr Ehrman said he had outlined the legal difficulty in trying to argue that WMD development posed an “imminent’ threat”. Sir David Manning had asked whether another justification for action could be the “flouting of UN SCRs [Security Council resolutions]”. Mr Ehrman had advised that his understanding was that “a further SCR would be required to authorise military action”; and that: “It seemed highly unlikely that the US would be willing to seek such a resolution or, even if they did, that they would get it.”

¹⁴ Minute Ehrman to Goulty, 13 February 2002, ‘US/Iraq’.

44. Sir David Manning had asked Mr John Scarlett, Chairman of the Joint Intelligence Committee (JIC), for “an analysis of the state of opinion in Iraq” and whether there were “really segments of the population who might be willing to rise against Saddam ... David was sceptical. He also mentioned work ... on the ... INC [Iraqi National Congress].”¹⁵

45. Mr Wright informed the meeting of the JIC on 13 February that US policy towards Iraq was “going to be the dominant one for relationships with US and Europe over the next few weeks”.¹⁶ The Embassy in Washington had produced a “paper drawing together all available information” which was circulated to JIC members.

46. In the discussion the following points were made:

- Policy discussions between US Principals were expected in the next 10-14 days but there was no evidence that anything sudden or unexpected would happen.
- US air supremacy “could be quick to secure, but the assembly of a large enough force to bind measures together would take much longer”.
- “In the meantime Saddam had a number of options open to him to queer the US pitch.”

47. JIC members were invited to “share quickly” any useful analysis or information they received.

48. The date and context of the JIC discussion suggests that Mr Wright was referring to Sir Christopher Meyer’s telegram of 13 February, received in London that morning.¹⁷

49. Sir David Manning told the Inquiry that:

“... Dr Rice had confirmed ... that the Administration was indeed looking at options, but said that there was absolutely no plan at this stage. It was an effort to redefine policy.”¹⁸

50. Mr Jonathan Powell, Mr Blair’s Chief of Staff, told the Inquiry that “it was February and March that they [the US] started to get into more concrete plans ... for considering how they would actually deal with Iraq”.¹⁹ Sir David Manning had spoken to Dr Rice on 14 February to make sure:

“... the Americans would not plunge into any plans before the Prime Minister met the President at Crawford and received an assurance that they wouldn’t.”

51. The record of the discussion confirms that Sir David Manning told Dr Rice that US policy on Iraq “continued to be a source of intense speculation in the British media, as

¹⁵ Minute Ehrman to Goulty, 13 February 2002, ‘US/Iraq’.

¹⁶ Minutes, 13 February 2002, JIC meeting.

¹⁷ Telegram 197 Washington to FCO London, 13 February 2002, ‘US/IRAQ: The Momentum Builds’.

¹⁸ Public hearing, 30 November 2009, pages 10-11.

¹⁹ Public hearing, 18 January 2010, pages 17-18.

it had been since the President’s State of the Union Address”.²⁰ Iraq was something that the US and UK “needed to think through very carefully together”.

52. Sir David reported that there was no expectation that anything would be decided before Mr Blair’s planned visit to the US in early April, which “would therefore provide an excellent opportunity to review the issue”.

No.10’s response, mid-February 2002

53. In a meeting to discuss Phase 2 of the war against terrorism on 19 February, Mr Blair agreed work on possible SIS operations to support Iraqi opposition groups should be taken forward.

54. No.10 also commissioned a number of papers to inform preparations for Mr Blair’s meeting with President Bush.

55. Discussions between Sir Richard Dearlove, Chief of the Secret Intelligence Service (SIS), No.10 and the US about possible action in Iraq in late 2001 and January 2002 are addressed in Section 3.1.

56. In response to a request from Sir David Manning for an update before Mr Blair’s meeting with Vice President Cheney on 11 March, Sir Richard Dearlove wrote on 12 February setting out a possible SIS contribution to policy on Iraq.²¹

57. Sir Richard wrote that the option of support to opposition groups was still being considered, but there were doubts about the chances of success. He advised that Mr Blair should express support for the principle of a plan to support opposition groups, including air support, “rather than a solely military solution”.

58. Sir Richard Wilson, the Cabinet Secretary, was informed on 19 February that Sir Richard Dearlove had briefed Mr Blair on possible SIS operations in Iraq that day, and Mr Blair agreed that work should be taken forward.²²

59. Mr Straw and Sir Michael Jay, FCO Permanent Under Secretary (PUS), were also shown a copy of the letter.

60. The papers seen by the Inquiry suggest that was the first time Mr Straw was informed of SIS discussions with the US.

61. The funding arrangements for SIS operations in Iraq were set out in a letter from Sir Richard Wilson to Mr Andrew Smith, the Chief Secretary to the Treasury, on 26 February.²³

²⁰ Letter Manning to McDonald, 14 February 2002, ‘Conversation with Condi Rice: Iraq’.

²¹ Letter C to Manning, 12 February 2002, ‘Iraq Policy’ attaching Paper ‘Iraq Policy – SIS Contribution’.

²² Letter Private Secretary to C to Allberry, 19 February 2002, ‘SIS Funding of Operations [...] in Iraq’.

²³ Letter Wilson to Smith, 26 February 2002, ‘Iraq: Requirement for funding for [...] Operations by SIS’.

62. Mr Alastair Campbell, Mr Blair's Director of Communications and Strategy, described a meeting in No.10 on 19 February as a "Phase 2' war meeting" for Mr Blair with Sir David Manning, Sir Richard Dearlove, Mr Peter Ricketts, FCO Political Director, Mr Tom McKane, Deputy Head of OD Sec, Mr Powell and himself.²⁴

63. Mr Campbell wrote that Mr Blair was:

"... not sure if the Americans had taken all the decisions. He wanted to be in a position to influence their strategy, which we would project as being about fighting poverty and taking aid, but which they [the US] would see as fighting for their values. He also wanted to commission papers on Iraq, Libya, North Korea, and the European trade in WMD. He wanted work done on how to rejuvenate the MEPP [Middle East Peace Process]. He assumed that by the time of our visit to the States in April, there was chance the Americans would be casting around wider, and he wanted all the facts at his fingertips. He felt that the political situation would be different and internationally a lot harder for the Americans than things were post September 11, if they were thinking of going for any of the other countries."

64. There is no No.10 record of the meeting.

65. Mr McKane told the Inquiry that, following the meeting on 19 February, "a large number of papers" had been commissioned for the meeting between President Bush and Mr Blair, at Crawford, Texas, in early April 2002.²⁵

66. The papers included:

- "**Iraq** A paper analysing the options, the state of play on the UN resolutions, the legal base and the internal dimension – the state of the opposition groups etc."
- "**WMD** A paper for public consumption setting out the facts on WMD ..."²⁶

67. An article appeared in *The Observer* on 24 February reporting that the Government was planning to publish detailed evidence of Iraq's nuclear capabilities.²⁷ A "senior No.10 official" was reported to have said that the meeting between Mr Blair and President Bush in April would "finalise Phase 2 of the war against terrorism" and: "Action against Iraq" would be "at the top of the agenda". As with Usama Bin Laden and the war in Afghanistan, it would be necessary to maintain public and international support for military action against Saddam Hussein. That was a "public persuasion" issue which would be tackled "in the same way" as the unprecedented "indictment" against Usama Bin Laden published in October 2001.²⁸

²⁴ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

²⁵ Public hearing, 19 January 2011, page 34.

²⁶ Minute McKane to Manning, 19 February 2002, 'Papers for the Prime Minister'.

²⁷ *The Observer*, 24 February 2002, *Blair and Bush to plot war on Iraq*.

²⁸ Paper No.10, 4 October 2001, 'Responsibility for the Terrorist Atrocities in the United States, 11 September 2001'.

68. *The Observer* article also suggested that Iraq’s nuclear capabilities included investigating a way to launch “dirty” nuclear bombs – unsophisticated devices which would nevertheless wreak havoc if used.

69. The Cabinet Office ‘Iraq: Options Paper’, produced on 8 March, is addressed later in this Section.

70. A first draft of the paper for public consumption on WMD, which addressed Iraq, Iran, North Korea and Libya, was sent to No.10 on 6 March. The content of the paper and its eventual focus only on Iraq is addressed in Section 4.1.

France’s position, mid-February 2002

71. Sir John Holmes, British Ambassador to France, reported French concerns about possible US actions and a desire to work with the UK on a policy of engagement to keep the US within the international system.

72. France was not necessarily opposed to military action to remove Saddam, but it had identified a number of conditions which had yet to be met.

73. France was also concerned that action against states such as Afghanistan and Iraq would not solve the underlying problems of WMD proliferation and terrorism, and might result in recruiting more terrorists.

74. On 11 February, the British Embassy Paris reported talks between Mr Gouly, Mr Patey and Mr Felix Paganon, UN Director in the Quai d’Orsay.²⁹

75. Mr Paganon was reported to have said France was convinced the US would take military action against Iraq before the end of the year. The US considered that it did not need additional authority for action, and:

“When it came to decision time, the US would proceed according to their own criteria, not on the basis of consultation with allies.”

76. France wanted to do whatever was achievable to prevent military action, “not out of concern for Saddam’s survival but through fear of the consequences of military action”, which could include:

- chaos in Iraq, where the vacuum might be filled by another Ba’ath general;
- division of Iraq; and
- increased instability in the region.

77. France believed the unconditional return of weapons inspectors was the only way to prevent military action. France was no longer pressing for an early discussion of the Goods Review List but there was scepticism about the prospects for toughening

²⁹ Telegram 100 Paris to FCO London, 11 February 2002, ‘Iraq: UK/French Talks’.

enforcement of existing resolutions, “particularly the Syrian pipeline”. Tightening the sanctions regime would be “difficult to achieve and did little to prevent confrontation”, which was now the “basic aim”.

78. Mr Paganon and Mr Goulty agreed on the need “to maintain P5 [the five Permanent Members of the Security Council] unity”.

79. Mr Patey said that if the:

“... consensus were broken, military action would be more likely. The US would be prepared to act on their own if necessary, but would be inhibited if there were a viable UN track in train.”

80. Mr Paganon agreed that it was vital the P5 and Arab states sent the same tough message to Saddam Hussein.

81. Mr Goulty stated:

“... in the meantime we should all send the same message to the Americans, that we should continue to go down the UN route, and that if this did not work, we would then have a better pretext for dealing with WMD through military action.”

82. Sir John Holmes advised on 19 February that France was “particularly concerned” about what President Bush’s “axis of evil” implied for US policy.³⁰ It was ready to recognise that “differences with the Americans” were “more about means than ends”; but they would want to work with the UK “to keep American action within the international system”.

83. France had “worried since the end of the Cold War that American power was becoming disproportionate”. The main French concerns following President Bush’s “axis of evil” speech were that the US:

- would be “increasingly tempted towards unilateral action without consulting allies or the UN”;
- saw “military action as more or less the sole response to terrorism and proliferation”; and
- was confusing the two problems of terrorism and proliferation.

84. The French view was that:

“... as well as clamping down hard (but in accordance with international law) on unacceptable actions, we also need to address their political economic, cultural and military causes ... [A]scribing them simply to a national or individual propensity for wrongdoing is inadequate. There are reasons beyond mere wickedness why bad regimes come to power and survive: simply keeping the lid on the ambitions of

³⁰ Telegram 123 Paris to FCO London, 19 February 2002, ‘US Foreign Policy: France and the Axis of Evil’.

dangerous regimes by military repression, or removing them by military force, may in the long run even make things worse.

“So on most cases the French favour a policy of engagement ...”

85. Sir John identified Iraq as “the real problem”. France had “long been at odds” with the US and UK over “the basic analysis: arguing that a policy of punitive sanctions and containment of Saddam is in the long term likely to create even greater incentives for the regime to proliferate and more antagonism in the population, and so store up new dangers, particularly in the absence of real MEPP progress”.

86. Before 11 September, France had felt US policy was moving in its direction:

“Now, although work continues on the Goods Review List (a French idea), they suspect the gap will widen again ... They are not necessarily totally opposed to an American operation to remove Saddam, which they increasingly see as inevitable, provided that it is supported in the UN and in the region; is carefully thought through in military terms; and forms part of a realistic project for creating a better and more stable future for the country and the region. So far they do not think these conditions have been met. The lack of American willingness so far to follow through on nation building in Afghanistan has not encouraged them. Nor does the present parlous state of the MEPP ...”³¹

87. In addition, France was “not convinced that the approach of naming key states of concern, and dealing with them by military means or diplomatic isolation” would “solve the underlying problems of WMD proliferation or terrorism”. Those threats were developing through “shadowy non-state networks” which would “not go away” even if examples were made of Afghanistan and Iraq; “and may well gain more recruits over time”.

88. Sir John concluded the French “instinct remains to back the Americans in upholding international stability when push comes to shove”. What France wanted “above all” was “to be consulted and involved, and to have some input into analysis and policy before they are faced with the choice of following US decisions or not”. The UK was “likely to be in the front line of any split” and had “a particular incentive to act, and to do so quickly. If we wait until the Americans have a fully worked out plan, attitudes may well have hardened too far on both sides.”

89. Sir John suggested the UK needed to persuade:

- The US “using the influence we have earned” to explain their thinking and “to share intelligence as much as they can to illustrate the real, present WMD dangers of the Iraqi regime; to explain why they believe they can remove the regime without setting the region on fire; and, once they have a plan, to explain

³¹ Telegram 123 Paris to FCO London, 19 February 2002, ‘US Foreign Policy: France and the Axis of Evil’.

why they think it can work". The US instinct would be to share only with the UK but that would put "us in a particularly difficult position, increasing the appearance of poodlism if we follow without being able to explain adequately ourselves. We saw in the early stages of the Afghan crisis how bad the Americans could be at appearing to have a coherent plan, and at keeping allies in the loop. Doubts were stilled by good PR work by us, and above all by quick success. But we and they should learn the lessons."

- France and others to "eschew megaphone diplomacy" and to engage the US.

90. Sir John added:

"... our chances of success with the Americans would be much greater if we could persuade other Europeans to ... be serious about defence capabilities. Our chances with the Europeans would be much greater if we could persuade the Americans to put their full weight behind breaking the current disastrous MEPP cycle, and look as if they were doing so."

The UK diplomatic perspective

91. FCO officials identified the need to pursue "the UN route" demanding access for weapons inspectors as a possible way to avoid military action while establishing stronger arguments for such action if necessary.

92. The way in which the minute was written indicates that the FCO officials did not, at that stage, envisage military action would comprise a full-scale, US-led invasion.

93. The minute prompted a wider debate in the Diplomatic Service which identified a number of key issues.

94. Although those contributions did not lead to the establishment of an agreed FCO position, on the implications for the UK of military action in Iraq and the advantages and disadvantages of different courses of action.

95. On 20 February, Mr Goulty produced "a note on contingency planning in the event of military action against Iraq", which advised:

"Planning for any military action against Iraq will need to take into account the need to prepare the ground for, and minimise, the adverse humanitarian, diplomatic and PR consequences of, what will be a widely unpopular move. Much will depend on the duration of the action ... and whether or not it succeeds in removing Saddam. The worst possible scenario ... would be a prolonged campaign which left Saddam in power and allowed him to make maximum propaganda gains ... In the current

Middle East climate, we would probably be faced with the collapse of sanctions and the effective end of our containment policy.”³²

96. Addressing the “Legal position/UN route”, Mr Goulty wrote:

“Whether we participated or not, we would wish to see a convincing legal justification for military action ...”

97. Addressing the chances of obtaining fresh UN authority, Mr Goulty advised that it seemed:

“... highly unlikely that, in the absence of a new attack on Kuwait or the Kurds or of clear and publicly usable evidence that Iraq has reconstituted its WMD, the Security Council would agree a further resolution that could justify military action. This would include a new ... resolution specifically demanding access for the weapons inspectors, although we should still push for one ... We should continue to put pressure on Iraq to readmit inspectors – this makes sense whether or not military action is contemplated. If the Iraqi regime continues to refuse (and signs are ... it has no intention of doing otherwise) we would at least be in a stronger position to defend military action. In the unlikely event that the inspectors are admitted, history would suggest that it would not be long before they were blocked, which again would strengthen the arguments for military action. We should also continue pushing for tougher action ... against those states ... breaking sanctions (especially Syria). Again this makes sense whether or not military action is contemplated: it would put real pressure on Saddam either to submit to meaningful inspections or to lash out.”

98. Mr Goulty suggested:

“Our message to those who oppose military action should be to get serious about the UN route: encouraging Iraq to believe that it can escape sanctions without complying with SCRs, seeking to water down those ... obligations, and blocking initiatives in the UN to crack down on smuggling serves only to make military action more likely.”

99. Mr Goulty’s view was that: “In the current climate, and in the absence of progress on the MEPP – highly unlikely in this timescale – Arab States would have the greatest difficulties in supporting an operation which is bound to be seen as serving Israeli interests.” Nevertheless there were signs that some countries would support the US. The UK would have “a better picture of regional attitudes after Vice President Cheney’s March tour”.

100. Addressing the attitudes of others, Mr Goulty wrote:

“We would expect the Iranians, hitherto (privately) in favour of action to remove Saddam Hussein, to be much less helpful in the light of President Bush’s ‘axis

³² Minute Goulty to Fry, 20 February 2002, ‘Military action against Iraq: Issues’.

of evil' speech. France and Germany ... could probably be kept on side. The French position is not greatly different from our own. Their policy remains to keep up pressure on Baghdad over inspectors and maintain P5 unity. But they accept that US military action to remove Saddam is now very much on the cards. In this event, they would want the US to fully think through the consequences and take adequate steps to build legitimacy in the UN. Recent German statements reveal a preoccupation with maintaining the rule of law, concern over the unilateralist trend in US policy, but a reluctance to criticise the US overtly ... We would expect other EU members to be more overtly critical in the absence of Security Council endorsement of military action."

101. Addressing public and media reaction, Mr Goulty wrote:

"The public and media reaction to any military action would be mixed ...

"The Arab and Muslim media and 'street' would be deeply hostile ...

"In the build up to any action, we would need to mount an aggressive PR [public relations] campaign emphasising Iraq's record of non-compliance with UNSCRs and evidence of WMD reconstitution and other crimes (making maximum use of intelligence). Our basic message, around which further, more detailed messages could be built, might be: 'Iraq poses a unique threat to the security and stability of the region as well as the rest of the world.'

"Ideally targets selected would be purely military and steps taken to avoid non-combatant civilian casualties ..."

"Ultimately the success of any campaign would depend on the success and swiftness of the military action (and removal of Saddam Hussein)."

102. Mr Goulty concluded that planning would:

"... need to take into account the need to prepare the ground for, and minimise the adverse humanitarian, diplomatic and PR consequences of, what will be a widely unpopular move ... The worst possible scenario from our point of view would be a prolonged campaign which left Saddam in power and allowed him to make maximum propaganda gains from Iraqi casualties, whether or not caused by the coalition."

103. Mr Goulty's minute was circulated widely within the FCO, to Ambassadors in the region and to staff in Washington, Paris, Moscow and to the UK Mission in New York.

104. Mr John Sawers, British Ambassador to Egypt, who had been closely associated with the development of the UK's policy on Iraq as Mr Blair's Private Secretary for Foreign Affairs (see Section 1.2), responded to Mr Goulty's minute with a teletype

to Sir Michael Jay and senior colleagues offering his views on the direction of policy on Iraq.³³

105. Mr Sawers began:

“I have hesitated to offer my own [views], in the knowledge that contacts between London and Washington will already be intensive and rightly held close. But I sense a danger of us becoming too predictable. I do not advocate a US march on Baghdad. But I do think we need to box more cleverly, not least to retain leverage in Washington.”

106. Mr Sawers stated containment had worked for 10 years but the price had been high. Iraq’s WMD activities were “still without doubt going ahead” and Saddam Hussein’s regime would “remain an obstacle to every single Western objective in the Middle East”. In his view the UK needed to say:

“... clearly and consistently that our goal is Regime Change – for the sake of stability in the Middle East, for the Iraqi people, and for the goal of controlling the spread of WMD.”

107. Setting out a list of other countries where regime change had been and remained a goal of UK policy, Mr Sawers wrote:

“Whether or not we actually express it is purely a matter of tactics. So the lawyers and peaceniks should not prevent us from saying what we really want in Iraq. And by associating ourselves with Bush’s heartfelt objective of seeing Saddam removed, we will be given more houseroom in Washington to ask the awkward questions about how.

“And there are many such questions. What is the plan? How long would it take for a direct confrontation to succeed? How do we retain the support of our regional friends ... If we were to build up the Kurds and Shia as proxies, what assurances would we have to give them that we would not let them down yet again? How would we keep the Iranians from meddling? How do we preserve Iraq’s territorial integrity ... How would we provide for stability after Saddam and his cronies were killed?

“All these are much more important questions than legality, the Arab street and other hardy Foreign Office perennials. On a tactical point, I recall Colin Powell [the US Secretary of State, who had been Chairman of the Joint Chiefs of Staff from 1988 to 1993] ... in 1993 saying that one of the blessings of retirement was that he would never have to listen to another British legal opinion. Presenting Washington with one now will both irritate and weaken him. We can look for the legal basis once we have decided what to do, as we did in Kosovo.”

³³ Teleletter Sawers to Jay, 21 February 2002, ‘Iraq: Policy’.

108. Addressing “what should we be doing while Washington plans and we try to influence them”, Mr Sawers wrote:

“Conventional advice will be to plough on in New York, get the Goods Review List agreed, and work to implement the SCRs by sending back the inspectors.

“We should think long and hard on the last point. There is not a shred of evidence that Saddam is willing to open up his WMD plants to the UN. We would be sending people ... on a fool’s errand and offering them as hostages. We could be precipitating the very crisis we would rather avoid, on terms favourable to Saddam ... and we would offer an opportunity on a plate to the hawks in Washington. And if it is the UK in the lead, as we usually are, we will suffer a heavier backlash ... We need to have an agreed strategy with Washington before we head down a road which might look sensible, legal, UN-friendly etc, but only leads us into the jam we are trying to avoid.”

109. Mr Sawers concluded:

“Visiting Americans say privately that there is still a debate to be had in Washington. Powell is not as lonely a voice as he might seem. We know that Bush, at the end of the day, will be both intelligent and responsible. If we can help the Americans come up with a persuasive plan to oust the world’s worst tyrant, then we should do so. And if the best military and intelligence brains in London and Washington fail to produce a convincing plan, then we stick to containment.”³⁴

110. Mr Sawers’ letter and its distribution caused some consternation in No.10.

111. Sir David Manning told Mr Powell that he had:

“... asked the FCO to turn him off. Not helpful to have this winging its way around the world ... If John/other HOMs [Heads of Mission] want to offer views, they should be in personal letters to Michael Jay.”³⁵

112. Mr Powell agreed:

“I was gob smacked by this. John deserves a slapping down.”³⁶

113. As a result, the FCO sent a personal response to Mr Sawers and other Heads of Mission who had been sent copies of his teleletter stating:

“Your teleletter of 21 February ... raises a number of highly sensitive issues. I can assure you that thought is being given to them, necessarily on a highly restricted basis. You will understand that correspondence, widely copied, on these issues

³⁴ Teleletter Sawers to Jay, 21 February 2002, ‘Iraq: Policy’.

³⁵ Manuscript comment Manning to Powell, 22 February 2002, on Teleletter Sawers to Jay, 21 February 2002, ‘Iraq: Policy’.

³⁶ Manuscript comment Powell to Manning on Teleletter Sawers to Jay, 21 February 2002, ‘Iraq: Policy’.

is to be avoided. If any addressees were intending to comment, grateful if this could be in the form of personal letters to the PUS only.

“We will of course give guidance for Posts on Iraq issues as and when we can.”³⁷

MR BLAIR’S MEETING WITH MR ANNAN, 25 FEBRUARY 2002

114. In preparation for a meeting with Mr Kofi Annan, UN Secretary-General, in London on 25 February, the FCO advised Mr Blair that Mr Amre Moussa, Secretary General of the Arab League, had conveyed an “offer” from President Saddam Hussein to Mr Annan “to re-open dialogue, without pre-conditions, on co-operation with the UN”.³⁸ The FCO added that it was “not clear whether Saddam would under any circumstances allow the return of the inspectors” or whether it was “simply a propaganda exercise”. History “would suggest the latter”.

115. Mr Annan had responded that:

- He was always willing to talk to any [UN] Member State about complying with UN resolutions.
- Any renewed dialogue should be more focused and substantive than before, and set in the context of implementing the relevant resolutions, including getting the inspectors back in.

116. Mr Blair was advised to make a number of points to Mr Annan, including:

- Congratulating Mr Annan on his response to Saddam Hussein’s offer.
- The Iraqi regime’s support for terrorism and development of WMD was “of the utmost concern” to the international community. Saddam’s “WMD ambitions” would not be allowed to “go unchecked”.
- The UK believed getting inspectors back into Iraq was the “best way to eliminate WMD”.
- Getting them in on Saddam Hussein’s terms was “not an option”: the UK was looking for “an effective inspections regime as specified in ... resolutions 687 and 1284, not false assurances”.
- The Iraqi regime had to be “brought to realise that if it continues to reject its UN obligations to disarm then military action to deal with the threat it poses becomes more likely. We collectively share responsibility for ensuring this message gets across.”

117. In their meeting, Mr Blair told Mr Annan that WMD were “the key” for the next phase of the response to terrorism, “particularly acquisition by states that were not

³⁷ Telegram 32 FCO London to Cairo, 22 February 2002, ‘Iraq’.

³⁸ Letter McDonald to Tatham, 21 February 2002, ‘Kofi Annan’s Call on the Prime Minister, Monday 25 February’.

democratic, stable or progressive”, and “no final decisions had been taken on Iraq”: “He had been hoping there would be a new UN resolution and inspectors back in.”³⁹

118. In response to comments about the evidence of Iraqi activity, Mr Blair said the UK was “giving thought to how to produce the necessary evidence”. Nothing would “happen precipitately” and there might be “other ways to deal with Iraq, for instance if Saddam allowed inspectors back in”.

119. In his memoir, Mr Annan wrote that in late February he had been told by a senior British diplomat that the US “was determined to have the resolutions obeyed, or ‘to have the regime out’”.⁴⁰ When Mr Annan had “responded that Saddam Hussein had a habit of miscalculating”, he had been told “either they [the US] will get rid of the capability or they will get rid of him [Saddam Hussein]”.

120. Mr Annan added:

“But what was also clear, even to the most ardent of opponents of military action was that the current strategy wasn’t working: the sanctions could never be made ‘smart’ enough to spare the Iraqi people from continued suffering; nor were they robust enough to ensure with certainty that Baghdad wasn’t finding ways to rearm in contravention of its obligations ...”

121. A report of discussions between Mr Blair and other European leaders at the Progressive Governance Summit in Stockholm stated that “there was a general sense ... that it would be counter-productive to confront the US. The wiser course was to get the US to widen their agenda and encourage them to approach the issue from a coalition perspective.”⁴¹ Mr Blair’s overall sense from those discussions was that it “would be a challenging task, but possible” to bring France and Germany “onside”.

122. The FCO advised No.10 on 26 February that the immediate US focus was on getting the Goods Review List agreed. After that, the UK wanted Security Council discussions on the arrangements for inspections, but US support was uncertain. If “against all expectations” UNMOVIC was allowed to do its job that would “offer the best prospect of dealing with Iraq’s WMD”.

123. The FCO advice did not address the wider issues arising from the uncertainty about US policy and the possibility of military action, or what the UK’s response should be to that.

³⁹ Letter Rycroft to McDonald, 25 February 2002, ‘Prime Minister’s Meeting with UN Secretary General, 25 February’.

⁴⁰ Annan K. *Interventions: A Life In War And Peace*. Allen Lane, 2012.

⁴¹ Letter Tatham to McDonald, 24 February 2002, ‘Stockholm Progressive Governance Summit: Iraq’.

124. Mr Straw’s Private Office advised Sir David Manning on 26 February that:

“In the absence of any decisions on wider Iraq policy and the post-11 September situation, the immediate US focus is on getting the Goods Review List (GRL) agreed by the 30 May deadline.”⁴²

125. Once the GRL was implemented, there was:

“... an expectation, if UN credibility is to be maintained, that the Security Council would begin discussions on clarification of SCR 1284 ... The US are reluctant to go down this route, fearing that it represents a slippery slope towards a weaker inspection regime. But it remains our view that, properly handled, clarification would work to our advantage ... If the Iraqis continued to resist a tough inspection regime or let the inspectors in then reneged, the justification for any military action would be much stronger. If, against all expectations UNMOVIC were allowed to do their job, this would offer the best prospect of dealing with Iraq’s WMD.”

126. The FCO wrote that the US was talking to the Russians. If the French could be persuaded to help, that could offer the prospect of P5 agreement on clarification.

127. Sir Derek Plumbly warned on 27 February about the danger of turning regime change into an objective, rather than an aspiration.

128. Sir Derek also identified progress on Palestine as a necessary, but not sufficient, condition for moving forward on regime change in Iraq.

129. Sir Derek Plumbly, British Ambassador to Saudi Arabia wrote to Sir Michael Jay on 27 February, warning:

“... we have always said we want to see regime change. There is no harm in saying it now more insistently perhaps, given that the Bush Administration have raised the issue to the top of the international agenda. But to date we have presented regime change as an aspiration, not an objective which we believe we (or the US can deliver). If we cross that bridge definitively, it will be difficult to pull back later.”⁴³

130. Sir Derek argued that the UK did need to take account of the Arab Street:

“Post 11 September I really do not see how we can disregard the depth of anger in our Middle Eastern back yard ... regimes may not fall in this part of the world, but instability can manifest itself in different ways.”

⁴² Letter Sedwill to Manning, 26 February 2002, ‘Iraq’.

⁴³ Letter Plumbly to Jay, 27 February 2002, ‘Iraq’.

131. Sir Derek took “issue too with John [Sawers]’s caricature of ‘conventional advice’ in FCO”. He recognised:

“... the need to frame our arguments within the US universe of facts. But we should not kid ourselves. UNSCOM [UN Special Commission] ground to a halt because the Security Council was terminally divided ... Having UNMOVIC inspectors on the ground would be less risky than a US/UK regime change campaign ... Saddam knows his limitations these days.

“... I do not think we should sign up to a proactive regime change policy until we have satisfactory answers to questions such as those John is posing. We should not give the Americans a blank cheque ... [T]he Americans need us on Iraq, and when they look more closely into the abyss they may pause. In any event ... from talking to American colleagues ... the need for a UN process is recognised In Washington. We should allow that to play through ... And we should promote the thought that a more balanced and determined US approach on Palestine would be a necessary (but not sufficient) condition for moving forward on regime change. Containment has worked for 11 years. We should not abandon it lightly.”

132. Sir Derek’s letter was copied only to Mr Ricketts and Mr Graham Fry, Deputy Under Secretary Wider World, within the FCO.

133. The letter was sent to Sir David Manning by Sir Michael Jay’s Private Office and was also seen by Mr Powell.⁴⁴

Development of the rationale for dealing with the threat from Iraq

134. Sir Richard Dearlove advised on 26 February that the US was drawing up plans for a military campaign and considering an ultimatum for the return of inspectors with which Saddam Hussein would be unable to comply.

135. On 26 February, Sir Richard Dearlove wrote again to Sir David Manning about developments in US thinking and timescales.⁴⁵

136. Sir Richard advised that the US had concluded that containment would not work and that disarming Iraq would be more difficult with each passing year. The US military were drawing up plans for a military campaign later in the year and the Administration was considering the possibility of presenting Saddam Hussein with an ultimatum for the return of inspectors. But, Sir Richard wrote, the bar would be set “so high that Saddam would not be able to comply”.

137. Sir Richard reported that his team had told the US that the UK legal position would need to be clarified before the UK could become engaged.

⁴⁴ Manuscript comments on Letter Plumbly to Jay, 27 February 2002, ‘Iraq’.

⁴⁵ Letter C to Manning, 26 February 2002, ‘US Policy on Iraq’.

138. Sir David Manning sent the letter to Mr Blair, commenting:

“Interesting account of the latest US thinking. Much as expected: [...]”⁴⁶

139. Mr Blair replied:

“I still don’t see how the military option will work, but I guess there will be an answer.”⁴⁷

140. Sir Richard Dearlove’s letter was also shown to Mr Straw and Sir Richard Wilson.

141. Sir Richard Dearlove briefed Mr Gordon Brown, Chancellor of the Exchequer, on 4 March. The discussion included the possibility of the US taking “serious military action” in the autumn.⁴⁸

142. In his memoir, published in 2007, Mr George Tenet, the Director of Central Intelligence, described how the Central Intelligence Agency (CIA) had concluded that American “boots on the ground” would be needed to remove Saddam Hussein.⁴⁹

143. Mr Tenet recorded that a new Head of the Iraq Operations Group inside the CIA Directorate of Operations had been appointed in August 2001 who had:

“... conducted a review of the lessons learned from our long and not-too-happy history of running operations against Iraq since ... 1991. The principal message ... from the review was that Saddam was not going to be removed via covert action alone. As much as some would wish for ... some quick, easy, and cheap solution to regime change in Iraq – it was not going to happen.”

144. Mr Tenet added that the CIA’s “analysis concluded that Saddam was too deeply entrenched and had too many layers of security around him for there to be an easy way to remove him”; and the Iraqi reaction was “always” that: “If you are serious about this, we want to see American boots on the ground.”

145. Mr Tenet wrote that his own “aversion to a CIA go-it-alone strategy was based on our estimate of the chance of success (slim to none)” and his belief that the CIA “plate was already overflowing with missions in the war on terrorism”.

146. Mr Tenet observed that even if such action “managed to take Saddam out, the beneficiary was likely to have been another Sunni general no better than the man he replaced”. That “would not have been consistent with the Administration’s intent that a new Iraq might serve as a beacon of democracy in the Middle East”.

⁴⁶ Manuscript comment Manning to Prime Minister, 27 February 2002, on Letter C to Manning, 26 February 2002, ‘US Policy on Iraq’.

⁴⁷ Manuscript comment Blair to Manning on Letter C to Manning, 26 February 2002, ‘US Policy on Iraq’.

⁴⁸ SIS record, 6 March 2003.

⁴⁹ Tenet G & Harlow B. *At the Center of the Storm: My Years at the CIA*. HarperPress, 2007.

JIC Assessment, 27 February 2002: 'Iraq: Saddam Under the Spotlight'

147. The JIC Assessment of 27 February concluded that Saddam Hussein saw the Goods Review List as making sanctions sustainable indefinitely.

148. Saddam Hussein would permit the return of weapons inspectors if large scale military action was believed to be imminent, but he would seek to frustrate their efforts.

149. Iraq continued to pursue its WMD programmes; design work for missiles with ranges greater than the UN limit of 150km was under way and it could produce chemical warfare agents “within weeks”. The JIC also introduced a new judgement that, “If it has not already done so, Iraq could produce significant quantities of biological warfare agents within days”.

150. Without direct intervention on the ground, the opposition would be unable to overthrow Saddam Hussein’s regime.

151. If he was unable to deter a US attack, Saddam Hussein would “go down fighting and could adopt high risk options”.

152. At the request of the JIC, an Assessment, ‘Iraq: Saddam Under the Spotlight’, was produced on 27 February.⁵⁰ It addressed “Saddam’s threat perceptions and internal position: whether he is secure, what opposition he faces, and what he is doing to try and avoid the internal and international threats he faces”.

153. In its discussion of the draft, the JIC concluded that the Assessment should “put ... to one side” the issue of Iraq’s interpretation of US policy as the latter was “itself developing, and would probably become much clearer to everyone ... within the next few weeks”.⁵¹

154. The JIC also decided that the final Assessment:

“... needed to say a bit more about Iraq’s aspirations and potential in terms of Weapons of Mass Destruction, not least because this was, and would remain, an important area for policy discussions with the US. The Pentagon’s views on how soon Iraq might develop a nuclear capability did not quite match the UK’s, and it would be useful for Ministers to know the JIC’s mind.”⁵²

⁵⁰ JIC Assessment, 27 February 2002, ‘Iraq: Saddam Under the Spotlight’.

⁵¹ Minutes, 27 February 2002, JIC meeting.

⁵² Minutes, 27 February 2002, JIC meeting.

155. In the first of its Key Judgements, the JIC stated:

“Saddam fears a US military attack which would threaten his regime by bringing about the disintegration of his military and security apparatus. A force on the scale of Desert Storm (1991) would constitute such a threat.”⁵³

156. The JIC also judged that Saddam did not believe such an attack was inevitable.

157. In addition, the JIC’s Key Judgements were:

- Saddam Hussein continued to “resist the enforcement” of Security Council resolutions “on disarmament while encouraging sanctions erosion”. His strategy was “threatened by US/UK efforts to introduce the Goods Review List (GRL) and make Iraq accept weapons inspectors”. Iraq saw the GRL as “making sanctions indefinitely sustainable”. But “the greatest risk seen by Saddam” was “that non-compliance with the UN may be used to justify a full-scale US attack”.
- Saddam had: “In response ... begun a nominal re-engagement with the UN and a diplomatic charm offensive.” So far he had offered “nothing new”. The JIC judged that if the threat of large-scale military action was believed to be imminent, Saddam would permit the return of weapons inspectors. If they did return Saddam would “frustrate their efforts” and he would “continue to play for time”.
- Iraq continued “to pursue its WMD programmes. Design work for missiles with ranges greater than the UN limit of 150km is under way. If it has not already done so, Iraq could produce significant quantities of biological warfare agent within days and chemical warfare agents within weeks of a decision to do so.”
- The Special Republican Guard (SRG) remained “closely tied to Saddam’s regime” and was “likely to resist any attempt to overthrow him”. The Republican Guard was also “favoured” and was “relatively well equipped and trained; it would be relatively resilient under attack, but its loyalty in dire straits is more open to question than the SRG”. “Other elements of the Iraqi military” were “more liable to crack if subjected to strong attack”.
- Kurdish and Shia groups formed “the most significant opposition to Baghdad”. The “opposition” was “militarily weak and riven by factional differences”. They would “not act without visible and sustained US military support on the ground”. A “coup or military revolt” was “only a remote possibility”.

158. The JIC stated that the US reaction, to the attacks on 11 September, had “been a jolt” to Saddam Hussein’s position. President Bush’s speech labelling Iraq as part of an “axis of evil” would have “reinforced” Saddam Hussein’s concern.

⁵³ JIC Assessment, 27 February 2002, ‘Iraq: Saddam Under the Spotlight’.

159. In respect of developments at the UN, the Assessment stated:

“In conjunction with pressure from the US, developments at the UN since November 2001 threaten to de-rail Saddam’s long-term strategy of refusing to comply with UNSCRs on weapons inspectors while working to circumvent sanctions and encourage their erosion. UK and US proposals to introduce the Goods Review List (GRL) in June 2002 ... undermine Iraq’s propaganda over sanctions by offering Iraq unrestricted access to most goods. Iraq therefore sees the GRL as making sanctions politically sustainable indefinitely. Russia’s acceptance of UNSCR 1382 while accepting only ill-defined assurances on steps to clarify UNSCR 1284 ... was also a defeat for Iraq.”

160. In response, there were signs that Iraq had “embarked on a **nominal policy of re-engagement with the UN and a diplomatic charm offensive**”. Mr Tariq Aziz, Iraq’s Deputy Prime Minister, had visited Moscow and Beijing in early 2002 “to solicit support against sanctions and the US threat [...]”.

161. The Assessment added:

“But **this tactical diplomacy has failed to improve Iraq’s position**. [...] The UN Secretary-General has been wary of accepting Saddam’s suggestion of a renewed dialogue and accurately perceives Iraq’s wish to prevaricate ...”

162. In relation to Iraq’s WMD programme, the Assessment stated:

“... Iraq continues to pursue the development of weapons of mass destruction. Though we lack precise data, Iraq has probably reconstituted many of the elements struck during Operation Desert Fox in December 1998. Iraq’s ballistic missile programme has extensively tested missiles under the 150km UN limit and intelligence indicates that design work for systems with ranges over 1,000km is underway. Iraq is assessed to have hidden 10-20 Al Hussein missiles (range 650km) capable of hitting Israel. Iraq also continues with its chemical and biological warfare (CBW) programmes and, if it has not already done so, could produce significant quantities of BW agent within days and CW agents within weeks of a decision to do so ... These can be delivered by a variety of means. Methods of ensuring survivability of CBW production facilities from attack are a high priority.

“Procurement activity suggests that Iraq is continuing with a nuclear weapons programme, although its current status is unclear. Before the Gulf War intervened, Iraqi plans were well advanced and we judge they were only three years away from possessing a nuclear weapon. Were sanctions lifted now, we judge it would take Iraq at least five years to produce a nuclear weapon and a further two to produce a warhead. The acquisition of fissile material or significant technical assistance from abroad could significantly shorten this timescale. Iraq still has some low grade radioactive material which it could utilise in a radiological dispersal device, but there is no recent intelligence indicating that Iraq is pursuing such a course.”

163. The Assessment stated that Saddam Hussein recognised the “greatest risk” was:

“... that the Iraqi WMD programme and non-compliance with UNSCRs may be used to justify a US attack to overthrow him. He would probably see a force on the scale of Desert Storm (1991) as overwhelming. We judge that [if the threat of large-scale military action was believed to be imminent, Saddam would permit the return of weapons inspectors] ...”

164. The JIC judged that, as “an interim fall-back position”:

“... Iraq could try to resurrect Russian proposals to link the entry of inspectors to a pre-determined timetable of sanctions-lift. But this would be no more than a tactical move to buy time, not an admission of defeat ... **even if inspectors were allowed to return, Iraq would embark on a renewed policy of frustration**, involving denial, deception, obstruction and delay. Iraq would be able to conceal from inspectors much of its CBW work and research on longer range missiles, though probably not its missile production facilities.”

165. The Assessment reviewed Iraqi opposition groups and elaborated the final Key Judgement:

“Overall we judge that, **unaided, the Iraqi opposition is incapable of overthrowing the Iraqi regime; in the present circumstances a coup or military revolt remains only a remote possibility**. With outside help short of direct intervention on the ground, the opposition would still be unable to succeed. Spontaneous mass uprisings might be more important if the regime’s control wavered, but this is not in prospect; however, it might hasten the regime’s downfall in conjunction with a massive US attack.”

166. The Assessment added:

“The resilience of the Iraq military is uncertain; much would depend on the particular nature and scale of the attack it faced and how it perceived that threat. Though the Iraqi military is relatively large, well-trained and well-equipped by regional standards ... it also has serious weaknesses ... [I]ts training and equipment is inadequate to face Western forces on equal terms and it is especially vulnerable to air power.

“The Republican Guard (RG) and Special Republican Guard (SRG) are the elite ... they are better equipped and trained than the regular army. For these reasons, we would expect them to be relatively resilient under attack ... It [the SRG] would defend any attempt to topple Saddam. In dire straits, the RG’s loyalty would be more open to question. The regular army would be most liable to waver in its support of the regime, or disintegrate, if subject to a strong US attack.”

167. Looking to the future, the JIC judged that Saddam Hussein was “not yet convinced” that a US:

“... move to overthrow him is inevitable. While the Coalition campaign continues in Afghanistan, he probably believes the US is militarily preoccupied; in any event, US rhetoric has not so far been backed up by overt preparations to attack. He still hopes that his efforts to counter progress at the UN will undermine support for sanctions and for US military action ...”

168. The Kurds and Shia “would not show their hand until US resolve to overthrow Saddam” was “absolutely clear”. There was “no obvious leader” among those groups who was “capable of unifying the opposition” and had “credibility and popular appeal inside Iraq”. No likely replacement for Saddam from within the regime had been identified, but the JIC stated that, in the event of internal change, it was “likely that any successor would be autocratic and drawn from the Sunni military elite”.

169. The JIC concluded:

“In the event of a US attack, Saddam would probably shift to a well-tested defensive strategy in the hope that Iraqi resistance to a US ground campaign would strain US resolve ... Alternatively, if Saddam believed he was unable to deter a US attack to oust his regime, we judge he would go down fighting and could adopt high risk options, such as seizing northern Iraq, to disrupt US planning. Faced with defeat, Saddam could resort to even riskier options such as conducting terrorist attacks or using weapons of mass destruction against US forces or Israel.

“Iraq could fracture under attack. But all Iraq’s neighbours agree that ... is deeply undesirable. Each will try to influence events as they develop; it is likely that Iran ... would try to maintain and build its influence ... But we judge it would try to avoid becoming directly involved in fighting on either side.”

MOD advice to Mr Hoon, 27 February 2002

170. The MOD advised Mr Hoon that the UK should not rule out military action against Iraq; but there was a need to think through the options in more depth. That would also improve the “prospects of influencing the US towards a successful outcome”.

171. Mr Simon Webb, the MOD Policy Director, sent Mr Geoff Hoon, the Defence Secretary, advice on 27 February on how the UK might approach the three countries referred to by President Bush as an “axis of evil”.⁵⁴

⁵⁴ Minute Webb to PS/Secretary of State [MOD], 27 February 2002, ‘Axis of Evil’.

172. Mr Webb recommended that the UK should acknowledge that the countries posed “increasing” risks to international stability; and that the US should be persuaded to explain why. The UK should:

“Encourage a broad-based approach ranging from diplomacy to challenge inspections and levers on suppliers.

“Not rule out UK participation in military action against Iraq [...] if that is the only way to stem the tide of WMD proliferation and a worthwhile and legal option exists at the time.”

173. Mr Webb also stated that it was important to distinguish between two strands; the “direct risks from proliferation” and the “potential association with international terrorism”.

174. Mr Webb’s detailed advice on the risks posed by Iraq is addressed in Section 4.1.

175. In the context of the response from European partners, Mr Webb advised:

“... it would be wiser for the UK to take a more complex position supporting the underlying concerns but advocating a greater mix of possible approaches. No.10 have started to take this line over the last week but we need to think through the options in more depth. In this way we have better prospects of influencing the US towards a successful outcome. Above all we should encourage the US to explain the issues more effectively ...”

176. Mr Webb asked Mr Hoon for approval for the overall approach he had set out on which he would “be working with the Cabinet Office” before Mr Blair’s meeting with President Bush in early April.

177. Mr Ehrman, who had been shown a draft of Mr Webb’s advice, raised a number of questions and asked for a briefing for himself and Mr Patey on what the MOD considered to be the “valid options for military operations in some specific scenarios against Iraq”.⁵⁵

178. Mr Ehrman underlined the potential legal difficulties, including differences between the UK and the US on the question of whether a determination that Iraq was flouting UNSCRs could be made without collective Security Council authorisation.

179. Mr Blair agreed to a discussion of Iraq in Cabinet, which took place on 7 March.

180. Mr Blair told Cabinet on 28 February that he would be talking to President Bush about the next phase in the war against terrorism. The main decisions, including on Iraq, needed to be properly thought through and were some way off. The Cabinet should discuss the next phase when the Foreign Secretary returned.⁵⁶

⁵⁵ Letter Ehrman to Webb, 27 February 2002, ‘Axis of Evil’.

⁵⁶ Cabinet Conclusions, 28 February 2002.

181. Mr Campbell wrote that Mr David Blunkett, the Home Secretary, had referred to “the unsettling speculation and said a lot of people had difficulty with Rumsfeld” [Mr Donald Rumsfeld, US Secretary of Defense].⁵⁷ Mr Blair had said President “Bush was in charge, not Rumsfeld”.

182. Lord Wilson of Dinton told the Inquiry that Mr Blunkett and Mr Robin Cook, the Leader of the House of Commons and President of the Council, had pressed for the discussion.⁵⁸ He could not recall what had prompted them but observed: “I would guess it was because the newspapers were full of stories.”

Government statements on the need to deal with the threat from Iraq

183. From late February 2002, Mr Blair and Mr Straw began publicly to argue that Iraq was a threat which had to be dealt with.

184. Mr Blair discussed Iraq and other issues with President Bush on 28 February.⁵⁹

185. Mr Blair reported the tenor of his discussions at the Progressive Governance Summit in Stockholm and that some individuals had been less hostile in private than in public. The record stated that Mr Blair understood that no plans had reached the President’s desk.

186. Iraq would be discussed at their meeting in April in Crawford.

187. Before the Commonwealth Heads of Government Meeting in Australia, Mr Blair gave an interview to the *Australian Broadcasting Corporation (ABC)* on 28 February in which he stated that he agreed with President Bush “very strongly that weapons of mass destruction represent a real threat to world stability”; and that: “Those who are engaged in spreading weapons of mass destruction are engaged in an evil trade and it is important that we make sure that we have taken action in respect of it.”

188. Mr Blair also stated that: “The accumulation of weapons of mass destruction by Iraq poses a threat, not just to the region but to the wider world.” President Bush was “absolutely right to raise it”.⁶⁰

189. Asked if Britain was prepared to use force against Iraq, Mr Blair said:

“When we’re ready to take action, then we’ll announce it. It is a real issue. It is a real threat. How we deal with it is an open matter.”

⁵⁷ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

⁵⁸ Public hearing, 25 January 2011, page 40.

⁵⁹ Letter Rycroft to McDonald, 28 February 2002, ‘Prime Minister’s Phone Call with President Bush, 28 February: Afghanistan, Iraq and Middle East’.

⁶⁰ *BBC News*, 28 February 2002, *Blair hints at Iraq action*.

190. Mr Campbell wrote that Mr Blair had given an interview for *ABC* which was “very forward on Iraq and pro GWB [President Bush]. He had decided that was the best position to adopt to gain influence.”⁶¹

191. *The Telegraph* the following day reported that Mr Blair had “stepped up his rhetoric against Saddam Hussein”, and that his remarks were the “strongest support yet” for President Bush’s “tough line”. It was “seen as an attempt to prepare the British public for a second phase in the war against terrorism”.⁶²

192. On 3 March, Mr Blair was reported to have told *Channel Nine* in Australia:

“We know they [Iraq] are trying to accumulate ... weapons of mass destruction, we know he’s prepared to use them. So this is a real issue but how we deal with it, that’s a matter we must discuss.”⁶³

193. Mr Blair was also reported to have argued that the lessons of 11 September meant that such threats must be tackled; and that “if we don’t act we will find out too late the potential for destruction”.

194. Introducing a debate in the House of Commons on 4 March, on the Government’s policy towards countries supporting international terrorism, in particular Syria, Iran and Iraq, Mr Jim Murphy (Labour) stated that Iraq had a history of support for terrorist organisations and had:

“More recently ... again assumed a high profile, taking centre stage in world politics. It is now absolutely clear in the wider sense of global and regional security that Iraq must act. Saddam Hussein, newly armed with an improved weapons of mass destruction capability, is a threat not only to his own people and his neighbours, but to international security. The United Kingdom, along with its allies, is rightly considering action, but I firmly believe that we must also publish whatever evidence we can, notwithstanding the lack of observers on the ground.

“There is evidence of the increased viability and range of Iraq’s weapons of mass destruction, and we need to persuade not only the House but the British public and world opinion – especially Arab opinion that, because of the threat posed by Saddam to his neighbours and to world security, we may, unfortunately, be left with no alternative as an international community but to act, in more than a diplomatic sense ...”⁶⁴

195. Responding to Mr Murphy, Mr Ben Bradshaw, the Parliamentary Under Secretary of State for Foreign and Commonwealth Affairs, encouraged Mr Murphy “and other

⁶¹ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

⁶² *The Telegraph*, 1 March 2002, *Blair backs Bush on ‘evil’ of Iraq*.

⁶³ *BBC News*, 3 March 2002, *Blair gives Iraq new warning*.

⁶⁴ House of Commons, *Official Report*, 4 March 2002, column 125.

Members who support the Government on this issue” to make their views known in a debate on Iraq which would take place on 6 March.⁶⁵

196. Mr Bradshaw stated that the UK’s “European allies very much share our concern that Iraq should comply fully with its obligations under the United Nations resolutions to allow weapons inspectors back into that country without any conditions attached”. If Iraq failed to do that, the international community would:

“... face some very difficult decisions. Those who oppose in principle any talk of a military response against countries such as Iraq in such circumstances need to say how they would deal with rogue states determined to acquire weapons of mass destruction and use them on their neighbours and elsewhere.”⁶⁶

197. In an article published on 5 March, Mr Straw stated that if Saddam Hussein refused to co-operate with weapons inspection, he would have to live with the consequences.

198. Mr Straw wrote an article, published in *The Times* on 5 March, stating:

“The stalemate between the United Nations and Iraq cannot go on for ever. For more than a decade, Britain and the United States have led the UN’s efforts to protect Iraq’s neighbours from aggression and protect the world from Iraq’s weapons of mass destruction.

“Iraq persistently flouts the authority of the UN Security Council and international law ...

“The threat from Iraq is not receding. Unique among the world tyrants, Saddam has both the ruthlessness and capability to employ weapons of mass destruction.”⁶⁷

199. “The international community’s most pressing demand” was that Iraq should allow UN officials to inspect its weapons programmes.

200. The article concluded:

“We cannot allow Saddam to hold a gun to the heads of his own people, his neighbours and the world for ever. Intense diplomatic efforts will continue, and I hope they will achieve our aim of removing the threat which Iraq’s weapons of mass destruction pose to humanity. But if he refuses to open his weapons programmes to proper international inspection, he will have to live with the consequences.

“No decisions have been taken, but let no one – especially Saddam – doubt our resolve.”

⁶⁵ House of Commons, *Official Report*, 4 March 2002, column 128.

⁶⁶ House of Commons, *Official Report*, 4 March 2002, column 129.

⁶⁷ *The Times*, 5 March 2002, *Saddam must allow weapons inspectors into Iraq or suffer the consequences*.

201. The details provided by Mr Straw about Iraq’s programmes are addressed in Section 4.1.

202. A briefing paper prepared at Mr Straw’s request was sent to members of the Parliamentary Labour Party and to the members of Cabinet. That described Iraq as a threat to the international community and its WMD programmes as “massive”.

203. A briefing paper on Iraq was prepared at Mr Straw’s request by his Special Adviser, Dr Michael Williams.⁶⁸

204. The paper provided more detail on the arguments for addressing the Iraqi regime as “a demonstrable threat to the stability of the region”, which Mr Straw had set out in his article in *The Times*, including the key elements of the strategy of containment, Iraq’s failure to comply with most of the 27 obligations imposed in UN resolutions, and criticism of Iraq’s “notorious” human rights record.⁶⁹

205. In response to the question: “Are you preparing for military action against Iraq?”, the paper stated:

“We cannot ignore the threat Iraq poses to the international community through its massive programme of development of weapons of mass destruction.”

206. The statements in Dr Williams’ paper on Iraq’s WMD, in particular the accuracy of the statement that Iraq had the potential to develop a crude nuclear device in about five years if its programmes remained “unchecked”, are addressed in Section 4.1.

207. Mr Straw’s Private Office signed a letter to members of Cabinet on 6 March, suggesting that they might find the briefing paper on Iraq, which had been prepared for the Parliamentary Labour Party (PLP), “useful background”.⁷⁰

208. On 6 March, Mr Blair published an article setting out why Iraq was still a threat to the UK.

209. An article by Mr Blair, ‘Why Saddam is still a threat to Britain’, was published in the *Daily Express* on 6 March, in which Mr Blair wrote that “we now have to face the fact that there are irresponsible states which either have, or are actively seeking, biological, chemical and nuclear weapons”.⁷¹ That was a threat which President Bush had “rightly highlighted” in his State of the Union speech on 29 January.

210. In relation to the threat posed by Iraq, Mr Blair wrote:

- We “know ... from his own history that Saddam Hussein ... has mass destruction weapons and will use them ...”

⁶⁸ Statement, 9 January 2011, page 5.

⁶⁹ Paper Williams, 5 March 2002, ‘Iraq Briefing’.

⁷⁰ Letter Sedwill to Rycroft, 6 March 2002, ‘Iraq: Cabinet Discussion’.

⁷¹ *Daily Express*, 6 March 2002, *Why Saddam is still a threat to Britain*.

- The UN had “demanded” in 1991 “that its representatives should be allowed into Iraq to dismantle his weapons of mass destruction and ensure he did not replace them” because Saddam had “used chemical weapons repeatedly against Iranian soldiers”, and had used them “against his own citizens when he attacked Kurds in northern Iraq”.
- The UN weapons inspectors had “discovered and destroyed thousands of chemical and biological weapons, including thousands of litres of anthrax and 48 missiles” before they had been “kicked out”.
- The inspectors were “convinced” that Saddam Hussein had “hidden other deadly arsenals and the plants to manufacture more” but could not track them down because of “almost daily obstruction”.
- It was important to “remain vigilant” about the threat posed by Saddam Hussein. If he was not restrained, “a volatile situation in the region could easily become a world crisis”.
- The fact that Saddam Hussein had been contained “for so long” did not mean the threat had gone away, he was “continuing his chemical and biological weapons programmes and ... the long-range missiles to deliver them”.

211. Mr Blair concluded:

“How we act is a matter for discussion ... [I]t is in the interest of all to face up to these threats with determination and resolve.

“... President Bush will consult widely with his allies. Saddam Hussein would be wise not to mistake this for weakness. He should not underestimate the determination of the international community to prevent him developing and using weapons of mass destruction.”

212. The issue of possible UK support for US military action in Iraq was raised in the House of Commons on 6 March.

213. In the debate in Westminster Hall on 6 March Mr Tam Dalyell (Labour) and a number of other MPs, including Mr Menzies Campbell (Liberal Democrat), expressed concerns about the possibility of the UK Government supporting US military action in Iraq.⁷²

214. The issues raised included:

- There was a need for Mr Blair to explain the policy to Parliament.
- Force should not be used until everything possible had been done to avoid war.
- Others beside Iraq were continuing to defy UN resolutions and acquire weapons of mass destruction without military action being taken.
- There was little domestic or international support for military action and a danger of a backlash in Muslim states.

⁷² House of Commons, *Official Report*, 6 March 2002, columns 69-88WH.

- Nothing should be done without the full authority and approval of the UN.
- Military action should never be taken without clear and realistic political objectives that were capable of achievement.
- The most immediate cause of instability in the Middle East was the escalating violence between Israel and the Palestinians.
- The need to win the peace as well as war which meant considering a post-Saddam Hussein Iraq before acting.

215. Other speakers were more supportive of military action, particularly if diplomatic routes had been exhausted.

216. Mr George Howarth (Labour) asked if it “was possible to deal with rogue states under the auspices of Security Council resolutions”, and whether Iraq was “a serious enough threat to warrant the type of action that seems to be under consideration”.⁷³ If the United Nations was “to deserve and continue to enjoy a good level of support”, it was “vitaly important that Security Council resolutions are taken seriously and amount to more than mere words on paper”. In his view there could be “no doubt” that Saddam Hussein was “developing weapons of mass destruction of various kinds” and that “our security is threatened by what might happen if no action is taken”. He had “no difficulty” supporting the positions taken by Mr Blair and Mr Straw, including “if it became obvious that an appropriate form of intervention was necessary”. In that event he advocated a debate in which the case would be argued properly. There was “a case for action, but it must be cautious, considered and carefully weighed”, and the House should be consulted before action was taken.

217. Mr Alan Duncan, the Opposition spokesman on Defence, stated:

- Iraq under Saddam Hussein had “refused to acknowledge international norms or its own international agreements”, oppressed its own people, and appeared “intent on developing weapons of mass destruction” that the UK would be “naive” to see as “merely defensive”.
- The policy of containment had been followed “with some success” but it was not enough on its own “to defeat the evil of the Iraqi regime and its weapons programme”. He questioned whether it was “any longer realistic to pursue” containment, and whether the policy was “sufficient to guarantee the safety and security of Iraq’s immediate neighbours and the wider world”.
- In facing the “latent threat” from Iraq, “we should not rule out any course of action”.
- “Conservative Members support the Prime Minister in his determination to tackle the issue and not shy away from it, as some would wish. His full support for President Bush shows an appreciation of the gravity of the issue and we await

⁷³ House of Commons, *Official Report*, 6 March 2002, column 74WH.

the outcome of their talks ... There is a clear and present danger and we must face it.”

- Saddam Hussein should tell the UN that he was prepared to admit inspection teams and prove that was a realistic option.
- Action in Iraq would be “on an altogether different scale” from Afghanistan. And there would not be a rebel force “similar to the Northern Alliance” to take that military action.
- If Saddam Hussein was to be toppled, there was a need to “be certain to win the peace as well as any war”. That meant “considering a post-Saddam Iraq” before acting, and considering “reconstruction, humanitarian aid and the massive difficulty of filling the political vacuum left by the regime of a dictator”.
- Nor could there be any “support for any form of separation or any breakaway state”.
- If, as he believed, the Government had “considered Iraq’s long-term requirements” and should be supported, “Those who continue to argue that containment is sufficient must answer the charge of naivety.”⁷⁴

218. Responding to the points raised in the debate, Mr Bradshaw stated that there were “no proposals, only speculation”.⁷⁵ He agreed that everything possible should be done to avoid military action. Mr Annan would be holding talks with Iraq in New York the following day, but Mr Bradshaw said it remained to be seen if Iraq was serious. Saddam Hussein had embarked on charm offensives before and they had come to nothing. Iraq was “a state sponsor of terrorism” but the main concern was “its determination to build weapons of mass destruction and the threat it poses, not just to its neighbours, but to the rest of the world”. The UK was actively pursuing diplomacy. In the “hypothetical circumstances” of military action, the legal view was that Iraq was in “flagrant breach” of both UN resolutions and the cease-fire agreement, “which made the cease-fire no longer valid”. Iraq was “unique” in that it had used chemical weapons against its neighbours and its own people.

219. Mr Bradshaw added that all the Labour members who had spoken in the debate opposing the Government’s policy had opposed the policy in Afghanistan and Kosovo: “They were wrong then, and they are wrong now.”

220. During Prime Minister’s Questions (PMQs) later that day, Ms Diane Abbott (Labour) asked if Mr Blair was:

“... aware of the growing concern in the country that we may be moving by degrees towards war with Iraq? Does he accept that in the event that British troops are sent into action, there should be a debate and a vote on the Floor of the House?”⁷⁶

⁷⁴ House of Commons, *Official Report*, 6 March 2002, columns 84-85WH.

⁷⁵ House of Commons, *Official Report*, 6 March 2002, column 87WH.

⁷⁶ House of Commons, *Official Report*, 6 March 2002, column 287.

221. Mr Blair replied:

“Of course, were we ever to take action in respect of Iraq, there would be an opportunity for the House to express its views ... However ... no decisions have yet been taken about any possible action in respect of Iraq ...”

222. Referring to Mr Blair’s remarks to the Australian media and the debate in Westminster Hall that morning, Mr Dalyell asked a similar question during Mr Blair’s statement on the Commonwealth Heads of Government meeting. Mr Blair’s reply referred to his answer to Ms Abbott, but he added:

“... it is important ... before anyone takes a position condemning it or supporting it [action on Iraq], we see what the Government propose we should do ...”⁷⁷

DRAFT PAPER ON WMD PROGRAMMES OF CONCERN

223. On 6 March, Mr Scarlett sent Sir David Manning a draft of the paper which had been commissioned on 19 February, setting out the facts “for public use” on WMD programmes of concern in Iraq, Iran, North Korea and Libya.⁷⁸

224. The draft paper was also sent to Sir Richard Wilson, the heads of the intelligence Agencies, and to senior officials in the FCO, the MOD and the Cabinet Office.

225. The substance of the draft paper and its development, including the decision that the document should focus on Iraq and that publication should be postponed, are addressed in Section 4.1.

Cabinet, 7 March 2002

226. The minutes record that Cabinet on 7 March agreed:

- It was important that the US did not appear to be acting unilaterally.
- It was critically important to reinvigorate the Middle East Peace Process.
- Any military action taken against President Saddam Hussein’s regime had to be effective.
- On the other hand, Iraq was in clear breach of the obligations imposed by the UN Security Council.
- Iraq’s WMD programmes posed a threat to peace; and Iraq’s neighbours regarded Saddam Hussein as a danger.
- The right strategy was to engage closely with the US Government in order to be in a position to shape policy and its presentation.

⁷⁷ House of Commons, *Official Report*, 6 March 2002, column 297.

⁷⁸ Minute Scarlett to Manning, 6 March 2002, ‘WMD Programmes of Concern – Unclassified’, attaching Paper ‘WMD Programmes of Concern’.

- **The international community should proceed in a measured and determined way to decide how to respond to the real threat represented by the Iraqi regime.**
- **No decision to launch further military action had been taken and any action taken would be in accordance with international law.**

227. As agreed the previous week, Cabinet discussed Iraq on 7 March.⁷⁹

228. Mr Straw told Cabinet that “in view of the current media speculation about military action in Iraq, it was important to remind his colleagues of the background to the current situation”. President Saddam Hussein had launched “an unprovoked invasion of Kuwait in 1990”. Following his defeat in 1991, 27 separate obligations had been imposed on Iraq by the UN Security Council; Saddam Hussein’s regime had met only three. The:

“... regime continued to pose a threat to peace through its development of weapons of mass destruction (WMD) and the means to deliver them. United Nations weapons inspectors had been forced to leave Iraq in 1998 because they were close to exposing the full extent of ... Saddam Hussein’s programmes. Iraq’s neighbours were concerned about the threat to peace posed by ... Saddam ... but feared that military action which did not result in his removal would strengthen his position.”

229. Mr Straw continued:

“... sanctions imposed by the United Nations were not preventing food and other humanitarian goods from reaching Iraq. Contracts to the value of \$30 billion had been approved under the Oil-for-Food programme ... The United Kingdom alone had given £100 million in humanitarian aid to Iraq. Negotiations were ... in train to change the sanctions regime so that, with the exception of those military and dual-use goods included on a Goods Review List, all goods could be imported ... without the prior approval of the United Nations. President Saddam Hussein’s regime had to comply fully with all relevant ... Security Council resolutions, including the elimination of all WMD ... to normalise its relations ...”

230. Mr Straw concluded:

“No decision had been taken on launching further military action against the Iraqi regime, but it was important to ensure that the British public and international opinion understood the true nature of the threat posed by the regime and the need to respond effectively.”

⁷⁹ Cabinet Conclusions, 7 March 2002.

231. Cabinet Ministers raised a number of points in the subsequent discussion, including:

- “it was important to distinguish between the campaign against international terrorism and efforts to address the threat to international peace posed by the Iraqi regime’s continuing development of WMD”.
- It would be “more difficult to convince the public of the need for military action” in Iraq than it had been for Afghanistan. “It would be necessary to have a clear legal basis for military action and to convince people that the situation had deteriorated sufficiently to justify military action”.
- “any military action would create new tensions” in the UK, “particularly within the Moslem community. The domestic impact of action would have to be weighed carefully before any decisions were taken”.
- “it would be important to secure maximum international support ... before any military action took place. Western policy would have to be carefully calibrated to convince President Saddam Hussein that military action would ensue if he failed to comply with the United Nations Security Council resolutions, without making such action inevitable”.
- The “military action in December 1998 [Operation Desert Fox], while meeting the objectives set out by the Coalition at the time, had boosted ... Saddam Hussein’s reputation on the Arab Street. The Iraqi regime was a more formidable opponent than the Taliban regime in Afghanistan”.
- “to isolate ... Saddam Hussein” it would be “necessary to make progress towards resolving the Israel/Palestine problem” to avoid accusations that the West was “not being even handed”. “Many people believed” that the US Government was an “uncritical” supporter of the Government of Israel. Mr Blair “could play a key role” in persuading the US to make clear that was not the case.

232. Mr Blair concluded:

“... the concerns expressed in discussion were justified. It was important that the United States did not appear to be acting unilaterally. It was critically important to reinvigorate the Middle East Peace Process. Any military action taken against President Saddam Hussein’s regime had to be effective. On the other hand, the Iraqi regime was in clear breach of its obligations under several United Nations Security Council resolutions. Its WMD programmes posed a threat to peace. Iraq’s neighbours regarded President Saddam Hussein as a danger. The right strategy was to engage closely with the Government of the United States in order to be in a position to shape policy and its presentation. The international community should proceed in a measured but determined way to decide how to respond to the real threat represented by the Iraqi regime. No decisions to launch military action had been taken and any action taken would be in accordance with international law.”

233. The Cabinet, “Took note, with approval.”

234. In his diaries, Mr Campbell provided more detail of the discussion. The points recorded by Mr Campbell included:

- Mr Blunkett had said “he didn’t feel there was much support [for where policy on Iraq was going]”.
- Several Cabinet members thought the “real concern” was the Middle East Peace Process.
- Mr Charles Clarke, Minister without Portfolio and Chairman of the Labour Party, said the Labour Party “would support provided the case was real and properly made”. In his view, judgement of the UK would rest on success or failure. People “understood” Mr Blair’s “position of support in exchange for influence”.
- Mr Blunkett also “raised the international and legal basis for action”. Support for [military intervention in] Kosovo and Afghanistan had been “pretty overwhelming”, but “a military assault on Iraq would carry less weight. It would depend on the role of the UN.”
- Mr Cook described Saddam Hussein as “a psychopath” and stated that there was “a fine balance” to strike on military action. Saddam would not listen to Mr Annan unless he believed “there might be military action”. Mr Cook wasn’t convinced that the [military] action [in December 1998] “had been productive”. He “doubted whether it would be worth taking action” if Saddam was “still standing at the end”, and Saddam would be “much cleverer than the Taliban”. The best way of isolating Saddam would be progress on the MEPP. Mr Cook also warned against allowing the UK to become isolated in Europe.
- Mr Blair had said “people’s concern’s were justified. ‘I do want to assure you that the management has not gone crazy.’ What are the dangers? US unilateralism. Bush doing it for the wrong reasons. Lack of progress on the Middle East. Taking action which proves to be ineffective.” The UK had to “try to influence and shape US strategy. But we have to try to put ourselves in the right position. Get the weapons inspectors back in ... the only thing Saddam responds to was real fear. If we had regime change it would make a huge difference to the whole region.”

235. Lord Wilson told the Inquiry that it was the most important Cabinet discussion of Iraq he had attended in 2002.⁸⁰ It had lasted an hour and he had taken “seven and a bit pages of notes ... and Iraq occupied six and a bit pages”. Lord Wilson commented that that was not bad “as a full discussion without papers”. He had gone “away feeling pretty pleased. I thought ‘In my time as Cabinet Secretary I have seen the Cabinet begin to play its role as I think the Cabinet should play its role.’”

236. Cabinet had:

“... raised all sorts of issues, not political issues particularly, issues about the legal position, about ... what would be involved in military action, whether you could

⁸⁰ Public hearing, 25 January 2011, pages 72-73.

succeed ... about the importance of the United Nations, about the prior importance of the Middle East Peace Process.”

237. Lord Wilson also stated Mr Blair had finished the meeting by saying: “The concerns expressed are justified. The management hasn’t gone crazy.”⁸¹ He added:

“... those are not the words of a man who has had the authority to proceed on a course which is likely to lead to military action. It is about a Cabinet which has expressed concern ... They know that force is an essential ingredient in policy on Iraq.

...

“... and I think Robin Cook said that again, but the message was ... they were worried about the direction the US Administration was going and they wanted the Prime Minister to use his power and influence to focus it on the United Nations, on getting the inspectors back in and on giving Saddam Hussein a real fright to get him to co-operate. They weren’t talking about military action ... [T]he whole flavour ... was, ‘Any decisions on this are a long way away’ ...”⁸²

238. Lord Wilson also explained that Mr Cook had made a number of points in January 1998, about the need to be “ready to use force if necessary, because not being ready ... would undermine leverage over Saddam Hussein; and ... the United States were clear they had legal authority to take action whereas our legal advice was more nuanced ... [T]hose are things you could transpose” to March 2002.⁸³

239. Mr Straw told the Inquiry that there was “great anxiety about the intentions of the Bush Administration”.⁸⁴

240. Mr Straw added that he “would have been fairly circumspect” about his own views in the discussion.⁸⁵ He would not “have spilled out all the things that I was saying to the Prime Minister in private”, not least because he was “concerned about the matter leaking”.

241. Mr Campbell wrote that Cabinet was not exactly divided but there was “a lot of concern” about where policy on Iraq was going. It was not a “row” but it had immediately been briefed to the press as one.⁸⁶ The next day the papers were “full of division, threats of resignation over Iraq”, which were “untrue”.

⁸¹ Public hearing, 25 January 2011, page 73.

⁸² Public hearing, 25 January 2011, pages 73-74.

⁸³ Public hearing, 25 January 2011, pages 73-74.

⁸⁴ Public hearing, 8 February 2011, page 36.

⁸⁵ Public hearing, 8 February 2011, page 38.

⁸⁶ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

242. In questions to Mr Cook later that day, Mr Dalyell asked for confirmation that the House of Commons would be consulted before a commitment to military action, not after.⁸⁷ Mr Cook responded that Mr Blair had said no decision had been taken, and no one anticipated one being taken in the near or medium future. Mr Cook added:

“Indeed, there is no timetable or process by which such a decision could be taken. It would therefore be ludicrously premature ... to commit myself to what the House may do in the event of a hypothetical outcome that is not expected for many months.”

243. Mr Douglas Hogg (Conservative) asked for an early debate on Iraq, the publication of a document setting out “the chief areas of concern in the context of Iraq”, and that, in the event of military action outside action in the No-Fly Zones, the House should be given an opportunity to vote on a substantive motion.⁸⁸

244. Mr Cook replied that a decision might never be taken. He added that the areas of concern:

“... were well known and unarguable. The fact is that the Iraqi regime has several thousand of unaccounted litres of toxic chemicals that would be appropriate to use in a chemical weapon; it has made a considerable investment in developing biological germ agents that could be used in biological weapons; and has proceeded intensively – and appears to be continuing to do so – with medium-range missiles that could deliver such warheads. In addition ... Saddam Hussein used chemical weapons ...

“Given that history and the present record, it is entirely proper that the world should take action through every available channel, starting with the United Nations to ensure Saddam Hussein accepts what the rest of the world accepts: no regime should have access to weapons of mass destruction unless it fully participates in international regimes to control proliferation.”

245. The following day, an article in *The Guardian* newspaper reported that, questioned by reporters at his weekly meeting, Mr Cook had:

“... admitted that ‘many people sometimes have contradictory instincts on this. Nobody likes military action.’

“... also praised the Labour rebels as MPs who include some with ‘long and honourable records in opposing proliferation and demanding strong action’ against transgressors. That may have been a hint to colleagues that they should not be

⁸⁷ House of Commons, *Official Report*, 7 March 2002, column 423.

⁸⁸ House of Commons, *Official Report*, 7 March 2002, column 424.

undermining efforts to keep Saddam nervous about the West’s intentions while efforts are made to re-open weapon inspections.”⁸⁹

246. The article also reported “Signs of real unease” had begun to emerge “last night” about “the perceived hardening of Tony Blair’s opposition towards Iraq”. Officials had described the discussion in Cabinet as a thoughtful and sombre discussion of the options. Downing Street had denied that a Minister had spoken out against the military option.

247. Lord Wilson told the Inquiry that, the day after the 7 March Cabinet, reports of the meeting “appeared in virtually every newspaper”.⁹⁰ The reports were not very accurate, but they had “caused huge ructions”.

248. Given Mr Blair’s subsequent actions, the question of what Cabinet Members understood they had endorsed is a matter of some importance.

249. Cabinet minutes do not provide a verbatim record of the discussion in Cabinet. Their purpose is to provide a record of the key points made and the decisions taken.

250. The discussion undoubtedly took place against a background of considerable Parliamentary, public and media debate about possible US military action to depose and replace Saddam Hussein and whether the UK would support and participate in such action.

251. In the previous week, both Mr Blair and Mr Straw had made public statements that Iraq was a threat which had to be dealt with, and Mr Straw reiterated to Cabinet the need for the British public and international opinion to understand “the true nature of the threat posed by the [Iraqi] regime and the need to respond effectively”.

252. The discussion in Cabinet was couched in terms of Iraq’s need to comply with its obligations and future choices by the international community on how to respond to the threat which Iraq represented.

253. Mr Blair and Mr Straw went to some lengths to assure their colleagues that no decisions had been taken and Cabinet was not being asked to take decisions.

254. Cabinet did endorse the conclusion that Iraq’s WMD programmes posed a threat to peace and a strategy of engaging closely with the US Government in order to shape policy and its presentation. But it did not discuss how that might be achieved.

⁸⁹ *The Guardian*, 8 March 2002, *Cabinet concern grows over Blair’s tough talk on Iraq*.

⁹⁰ Public hearing, 25 January 2011, page 88.

255. Mr Blair had committed the UK to support the US in the fight against international terrorism, but given the absence of evidence of any Iraqi support for Islamic extremists, it is hard to see how that would have applied to US policy on Iraq.

256. There was no discussion of the nature of the strategy for dealing with Iraq. At that stage, Mr Blair, Mr Straw and Mr Hoon were yet to receive advice.

UN talks with Iraq, 7 March 2002

The UN and Iraq held their first talks for more than a year on the possible return of weapons inspectors, when Mr Annan met Mr Naji Sabri, the Iraqi Foreign Minister on 7 March 2002, before a meeting with experts.⁹¹

The talks were described as exploratory and neither side predicted an immediate breakthrough. They ended with agreement to a further round of talks in April.

Mr Annan told journalists that the talks were an effort to prevent a new Middle East war and that he “didn’t want to see a widening conflict in the region”.

The Iraqis made no specific commitments to co-operate with UN resolutions and posed 19 questions about US/UK policies. The majority were about clarification of resolution 1284.⁹²

The Cabinet Office ‘Iraq: Options Paper’

257. The Cabinet Office co-ordinated background paper on Iraq, commissioned on 19 February, was sent to Mr Blair on 8 March.

258. The existing policy of containment was described as “the least worst option”, which had been “partially successful”.

259. The paper analysed two broad options, toughening the existing containment policy and regime change by military means, but it did not make any recommendations.

260. The Cabinet Office ‘Iraq: Options Paper’, commissioned by Sir David Manning and co-ordinated by the Overseas and Defence Secretariat, was sent to Mr Blair by Sir David Manning on 8 March, as part of the collection of “background briefs that you asked for”, for the meeting with President Bush in April.⁹³

⁹¹ *The Guardian*, 8 March 2002, *Cabinet concern grows over Blair’s tough talk on Iraq*.

⁹² Minute Dodd to Manning, 5 April 2002, ‘Iraq’.

⁹³ Minute Manning to Prime Minister, 8 March 2002, ‘Briefing for the US’.

261. The Cabinet Office paper described the UK’s policy objectives on Iraq as:

“Within our objectives of preserving peace and stability in the Gulf and ensuring energy security, our current objectives towards Iraq are:

- the reintegration of a law-abiding Iraq, which does not possess WMD or threaten its neighbours, into the international community. Implicitly, this cannot occur with Saddam in power; and
- hence as the least worst option, we have supported containment of Iraq, by constraining Saddam’s ability to re-arm or build up WMD and to threaten his neighbours.

Subsidiary objectives are:

- preserving the territorial integrity of Iraq;
- improving the humanitarian situation of the Iraqi people;
- protecting the Kurds in northern Iraq;
- sustaining UK/US co-operation, including, if necessary, by moderating US policy; and
- maintaining the credibility and authority of the Security Council.”⁹⁴

262. The Cabinet Office paper provided an analysis, drawing on recent JIC Assessments, of the existing policy of containment, which it described as having been “partially successful”. The policy had:

- effectively frozen Iraq’s nuclear programme;
- prevented Iraq from rebuilding its conventional arsenal to pre-Gulf war levels;
- severely restricted Iraq’s ballistic missile programmes;
- hindered Iraq’s biological and chemical weapons programmes;
- given some protection to the Kurds and the Shia through the operation of the No-Fly Zones; and
- Saddam was not seriously threatening his neighbours.⁹⁵

263. Despite containment, there was considerable oil and other smuggling; Saddam Hussein led a brutal regime and provided a rallying point for anti-western sentiment, which was a cause of instability.

264. Incontrovertible proof of large-scale activity would be needed to convince the Permanent Five and the majority of the Security Council that Iraq was in breach of its obligations on WMD and ballistic missiles.

⁹⁴ Paper Cabinet Office, 8 March 2002, ‘Iraq: Options Paper’.

⁹⁵ Paper Cabinet Office, 8 March 2002, ‘Iraq: Options Paper’.

265. Reflecting the JIC Assessment of 27 February, that Iraq continued to pursue the development of weapons of mass destruction, the Cabinet Office paper stated that Iraq continued “to develop WMD, although our intelligence is poor”. There was no greater threat now that Saddam would use WMD than there had been in recent years. Current intelligence was “insufficiently robust” to convince the P5 and the majority of the Security Council that Iraq was in breach of its obligations; the proof would need to be “incontrovertible and of large-scale activity to meet that criterion”.

266. The JIC Assessments of Iraq’s ability and intent to pursue weapons of mass destruction programmes, and the robustness of their judgements, is addressed in Section 4.1.

267. An improved containment policy would make a sanctions regime more attractive and reduce Iraq’s illicit revenues. The return of the inspectors would also allow greater scrutiny of Iraq’s WMD programme and security forces.

268. The US had, however, lost confidence in the policy.

269. The Cabinet Office paper stated that a policy to toughen containment would comprise:

- full implementation of all relevant Security Council resolutions;
- introduction of the revised sanctions regime and a Goods Review List in May as envisaged in resolution 1382 (2001);
- clarification of the modalities of resolution 1284 (1999) with a specific demand that Iraq re-admit UN inspectors with the aim of telling Saddam Hussein to admit inspectors or face the risk of military action;
- pushing for tougher action, especially by the US, against states breaking sanctions;
- maintaining the present military posture, including in the No-Fly Zones, and being prepared robustly to respond to any Iraqi adventurism; and
- continuing to make clear “without overtly espousing regime change” the view that Iraq would be better off without Saddam Hussein.

270. Toughening containment would put pressure on Saddam Hussein. The Goods Review List would make the sanctions regime more attractive. Better implementation of sanctions would reduce Iraq’s illicit revenues. The return of inspectors would allow greater scrutiny of Iraq’s WMD programme and security forces.

271. Some of the difficulties with the existing policy would, however, still apply. They included:

- Tougher containment would not reintegrate Iraq into the international community as it offered little prospect of removing Saddam Hussein.

- Iraq had progressively increased its international engagement and while the GRL might make sanctions more sustainable, the sanctions regime could collapse in the long term.
- Those states in breach of sanctions would want compensation.
- Saddam Hussein was only likely to permit the return of inspectors if he believed the threat of large scale US military action was imminent; and that such concessions would prevent the US from acting.
- Saddam Hussein was likely then to play for time, embarking on a renewed policy of non-co-operation.
- A “contract with the Iraqi people” would need “some detailed work” to be “at all credible”.

272. The US had lost confidence in containment. Some in the US Administration wanted Saddam Hussein removed. The success of Operation Enduring Freedom (the US military operation in Afghanistan), distrust of UN sanctions and inspection regimes, and unfinished business from 1991 were all identified as factors.

273. The Cabinet Office paper identified two possible types of future regime in Iraq:

- a government led by a Sunni military strongman; or
- a Sunni-led representative and broadly democratic government.

274. The second option would require the commitment of the US and others to nation-building for many years.

275. The paper stated that the UK should consider what sort of Iraq it wanted. It identified two possibilities:

- A “Sunni military strong man” who would be likely to maintain Iraqi territorial integrity. That might allow military forces to “withdraw quickly”. While outside assistance might be “traded” with assurances on WMD programmes and respect for human rights, there would be a strong risk of the Iraqi system reverting to type with a series of military coups until a Sunni dictator emerged who protected Sunni interests and with time could acquire WMD.
- A “representative, broadly democratic government”, which would be Sunni-led but within a federal structure which gave the Kurds guaranteed autonomy and the Shia fair access to government. Such a government was judged to be less likely to develop WMD and threaten its neighbours. But it would require the US and others to commit to nation-building for many years and entail a substantial international security force and help with reconstruction. The paper did not address how a broadly representative government would not be Shia-led.

276. The paper noted that even a representative government could seek to acquire WMD and build up its conventional forces, as long as Iran and Israel retained their WMD and conventional armouries.

277. The Cabinet Office paper stated that the only certain means to remove Saddam Hussein and his elite was to invade and impose a new government. That would be a new departure which would require the construction of a coalition and a legal justification.

278. Examining the internal position in Iraq, the paper stated:

- “In the current circumstances, a military revolt or coup is a remote possibility.”
- “Unaided, the Iraqi opposition is incapable of overthrowing the regime. The **external opposition** is weak, divided and lacks domestic credibility. The predominant group is the Iraqi National Congress (INC) ... The other major group, the Iraqi National Accord (INA) espouses moderate Arab socialism and is led by another Shia, Ayad Allawi. Neither group has a military capability, and both are badly penetrated by Iraqi intelligence ...”
- “The **internal opposition** is small and fractured on ethnic and sectarian grounds. There is no effective **Sunni-Arab** opposition. There are 3-4m **Kurds** in northern Iraq ... divided between two main parties, the Patriotic Union of Kurdistan (PUK) and the Kurdistan Democratic Party (KDP). These groups have an interest in preserving the status quo, and are more interested in seeking advantage over the other than allying against Saddam ...”
- “The Kurds do not co-operate with the **Shia-Arabs** who form 60 percent of the population ... Most Shia would like to have a greater say in Iraqi government, but not necessarily control: they do not want secession, Islamic autonomy or Iranian influence.”

279. Three options for achieving regime change by military means were identified, which were described as “a new departure which would require the construction of a coalition and a legal justification”. Those were:

- Covert support to opposition groups, internal revolt by the Kurds and Shia, and the defection, or at least acquiescence, of large sections of the Army.
- An air campaign providing overt support to opposition groups, leading to a coup or uprising. Pressure on the regime could be increased by massing ground and naval forces and threatening a land invasion.
- A full-scale ground offensive to destroy Saddam Hussein’s military machine and remove him from power. An invasion would need to be preceded by a major air offensive to soften up Iraq’s defences and be sufficient to pose a credible threat to Baghdad to persuade members of the Sunni military elite that their survival was better served by deserting to the coalition than staying loyal to Saddam. That would require fewer forces than Operation Desert Storm because

Iraqi forces were considerably weaker than they had been in 1991. The paper added: “The greater investment of western forces, the greater our control of Iraq’s future, but the greater the cost and the longer we would need to stay. The only certain means to remove Saddam and his elite is to invade and impose a new government, but this could involve nation building over many years.” For logistical reasons, a ground campaign would not be feasible until autumn 2002.

280. The three options were not “mutually exclusive”. The first had a very low prospect of success and the second had no guarantee of success, but either or both would be “natural precursors” to the third.

281. While bases in only a few countries would be essential for a successful invasion, a wider and durable international coalition would be advantageous for both military and political reasons. Securing moderate Arab support would be greatly assisted by the promise of a quick and decisive campaign, and credible action by the US to address the MEPP.

282. Any coalition would need much tending over the difficult months of preparation:

“Iran, fearing further US encirclement and that it will be invaded next, will be prickly but is likely to remain neutral. With his regime in danger, Saddam could use WMD, either before or during an invasion. Saddam could also target Israel as he did during the Gulf war. Restraining Israel will be difficult. It could try to pre-empt a WMD attack and has certainly made clear that it would retaliate. Direct Israeli military involvement in Iraq would greatly complicate coalition management and risk sparking conflict more widely.”

283. The paper stated:

“At this stage we need to wait and see which options or combination of options may be favoured by the US Government.”

284. No legal justification for an invasion currently existed.

285. The Cabinet Office paper stated:

“A legal justification for invasion would be needed. Subject to Law Officers advice, none currently exists. This makes moving quickly to invade very difficult. We should therefore consider a staged approach, establishing international support, building up the pressure on Saddam, and developing military plans. There is a lead time of about 6 months to a ground offensive.”

286. A separate paper prepared by FCO Legal Advisers, ‘Iraq: Legal Background’, circulated as an annex to the Cabinet Office paper, set out the general legal background,

Iraq's obligations in the relevant Security Council resolutions, and the potential difficulties in relying in 2002 on existing resolutions to support the further use of force.⁹⁶

287. As well as examining the legal base for the No-Fly Zones, the Security Council resolutions relevant to the sanctions regime and resolution 1284 which had established UNMOVIC, the FCO addressed three possible bases under international law whereby the use of force could be authorised in relation to the circumstances of Iraq. It stated that two of the bases – self-defence and humanitarian intervention – were not applicable at that time.

288. The third potential legal base was the possibility that the authorisation to use force in resolution 678 (1990) could be revived. That had happened in the past, most recently when Iraq refused to co-operate with the UNSCOM in 1997 and 1998. A series of Security Council resolutions had condemned Iraq.

289. Resolution 1205 (1998) had condemned Iraq's decision to end all co-operation with UNSCOM as a "flagrant violation" of Iraq's obligations under resolution 687 (1991), and restated that effective operation of UNSCOM was essential for the implementation of that resolution. In the UK's view, that had had the effect of reviving the authorisation to use force in resolution 678.

290. In a letter to the President of the Security Council in 1998, the UK had "stated that the objective of Operation Desert Fox was to seek compliance by Iraq with the obligations laid down by the Council, that the operation was undertaken only when it became apparent that there was no other way of achieving compliance by Iraq, and that the action was limited to what was necessary to secure this objective".⁹⁷

291. The revival argument and the UK's position during the 1990s are set out in Section 5.

292. The FCO drew attention to potential difficulties in relying on existing Security Council resolutions to support further use of force in 2002:

"The more difficult issue is whether we are still able to rely on the same legal base for the use of force more than three years after the adoption of resolution 1205. Military action in 1998 (and on previous occasions) followed on from specific decisions of the Council; there has now not been any significant decision by the Council since 1998. Our interpretation of resolution 1205 was controversial anyway; many of our partners did not think the legal basis was sufficient as the authority

⁹⁶ Paper FCO, [undated], 'Iraq: Legal Background', attached to Cabinet Office Paper, 8 March 2002, 'Iraq: Options Paper'.

⁹⁷ UN Security Council, 'Letter dated 16 December 1998 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council' (S/1998/1182).

to use force was not explicit. Reliance on it now would be unlikely to receive any support.”⁹⁸

293. The FCO also identified a difference in the view of the UK and US about the role of the Security Council in determining any breach of the cease-fire enshrined in resolution 687 (1991). It stated:

“As the cease-fire was proclaimed by the Council ... it is for the Council to assess whether any breach of those obligations has occurred. The US have a rather different view: they maintain that the assessment of a breach is for individual Member States. We are not aware of any other State which supports this view.”

294. In relation to the possible legal grounds for the use of force set out in the FCO note, Sir Michael Wood, the FCO Legal Adviser from 1999 to 2006, told the Inquiry:

“I think the legal position was pretty straightforward and pretty uncontroversial. The first possible basis would be self-defence and it was clear to all the lawyers concerned that ... a factual basis for self-defence was not present unless circumstances changed ...

“The second possibility would have been the exceptional right to use force in the case of an overwhelming humanitarian catastrophe. This was the Kosovo argument, the argument we used in 1999, and also used for the No-Fly Zones. Apart from the No-Fly Zones, it was clear that there was no basis, using that rather controversial argument, for the use of force in 2001/2002.

“So that left the third possible basis, which was with authorisation by the Security Council. There we had had a series of resolutions culminating in 1205 of 1998, which was seen as the basis for Operation Desert Fox ... so there was a slight question whether that finding of a serious breach still had some force.

“But I think all the lawyers who looked at it ... were very clearly of the view that it was not, and that if we sought to rely on that resolution of some years before, we wouldn't have a leg to stand on.”⁹⁹

295. The Cabinet Office paper stated that for the P5 and the majority of the Security Council to take the view that Iraq was in breach of the cease-fire provisions of resolution 687 (1991):

- “• they would need to be convinced that Iraq was in breach of its obligations regarding WMD, and ballistic missiles. Such proof would need to be incontrovertible and of large-scale activity. Current intelligence is insufficiently robust to meet this criterion ...; or

⁹⁸ Paper FCO, [undated], ‘Iraq: Legal Background’, attached to Paper Cabinet Office, 8 March 2002, ‘Iraq: Options Paper’.

⁹⁹ Public hearing, 26 January 2010, pages 12-14.

- ... Iraq refused to admit UN inspectors after a clear ultimatum by the Security Council; or
- the UN inspectors were re-admitted to Iraq and found sufficient evidence of WMD activity or were again expelled trying to do so.”¹⁰⁰

296. If the options for tougher containment or regime change were developed further a “full opinion should be sought from the Law Officers”.

297. The Cabinet Office paper concluded that the use of overriding force in a ground campaign was the only option to offer confidence that Saddam Hussein would be removed and bring Iraq back into the international community.

298. That would require a staged approach and the US should be encouraged to consult widely on its plans.

299. In its “Conclusions”, the Cabinet Office paper stated:

“... despite the considerable difficulties, the use of overriding force in a ground campaign is the only option that we can be confident will remove Saddam and bring Iraq back into the international community.”

300. The elements of a staged approach comprised:

- winding up the pressure: increasing the pressure on Saddam through tougher containment. Stricter implementation of sanctions and a military build-up will frighten his regime. A refusal to admit UN inspectors, or their admission and subsequent likely frustration, which resulted in an appropriate finding by the Security Council, could provide the justification for military action. Saddam would try to prevent this, although he has miscalculated before;
- careful planning: ...
- coalition building: ... Special attention will need to be paid to moderate Arab states and to Iran;
- incentives: ... guarantees will need to be made with regard to Iraqi territorial integrity. Plans should be worked up in advance of the great benefits the international community could provide for a post-Saddam Iraq and its people. These should be published;
- tackling other regional issues: an effort to engage the US in a serious effort to re-energise the MEPP ...
- sensitising the public: a media campaign to warn of the dangers that Saddam poses and to prepare public opinion both in the UK and abroad.”

301. The Cabinet Office paper ended with a statement that the US should be encouraged to consult widely on its plans.

¹⁰⁰ Paper Cabinet Office, 8 March 2002, ‘Iraq: Options Paper’.

302. The Cabinet Office also provided a paper, produced by the FCO, on the attitudes of selected third countries, which is addressed in the Box below.¹⁰¹

Attitudes of selected third countries, March 2002

The March 2002 FCO paper on the attitudes of selected third countries to military action in Iraq stated that countries were more likely to be supportive, “or at least neutral or less hostile” if:

- some attempt is made to build UN legitimacy, ie a real effort to get the inspectors in; public presentation of the WMD evidence;
- the US are seen to be making a major effort to revive the MEPP;
- (with allies) there is genuine consultation;
- the US show that this time they are serious about getting rid of Saddam and have a plan that will work;
- the economic concerns of neighbouring states will be taken into account;
- they are convinced that the day-after questions are being addressed;
- the campaign has good prospects of being short as well as successful.”¹⁰²

The FCO assessed that, of the Permanent Members of the Security Council:

- France would be “difficult but not impossible to bring on board”.
- Russia would be looking for “an economic quid pro quo (on debt and future business in Iraq)”.
- China’s interest in improving relations with the US “may overcome its traditional opposition to interference in other countries’ affairs”.

The FCO also advised that:

- In the absence of progress on the MEPP, Arab states would have “the greatest difficulties” in supporting an operation perceived to be serving Israeli interests.
- Turkey would want to know that the US was “focused on maintaining a centralised, secular Iraqi government” and would not want to be the only Islamic country supporting the US.
- Jordan could find itself under the greatest pressure if military action went ahead given its economic dependence on Iraq.
- “Public criticism but private neutrality” was probably the best that could be hoped for from Iran.
- Overt Israeli support would be counterproductive.
- In the EU, France and Germany could probably be brought onside “with careful attention from Washington and depending on the degree of UN cover”. Overt criticism was more likely from Italy. Spain did not want an open breach with the US.

¹⁰¹ Paper FCO, March 2002, ‘Military Action Against Iraq: Attitudes of Selected Third Countries’.

¹⁰² Paper FCO, March 2002, ‘Military Action Against Iraq: Attitudes of Selected Third Countries’.

303. SIS10 sent Sir David Manning an Annex to the Cabinet Office paper, outlining options for SIS activity, on 8 March.¹⁰³

304. Addressing the options examined in the Cabinet Office paper, Mr Blair told the Inquiry:

“So that was the two sides of the argument ... which side you came down on really depended on whether you thought post-September 11th we had to be change makers or whether we could still be managers. Up to September 11th we had been managing this issue. After September 11th we decided we had to confront and change ...”¹⁰⁴

THE PROCESS FOR PRODUCING THE CABINET OFFICE ‘OPTIONS PAPER’

305. The Cabinet Office ‘Options Paper’ was prepared as a background paper. It contained no recommendation, and did not represent agreed inter-departmental advice for Ministers.

306. The paper was seen by Mr Straw and Mr Hoon and, later, by Mr Brown; but it was not approved by them or discussed collectively.

307. No further cross-departmental analysis and advice on the policy options was commissioned before Mr Blair’s meeting with President Bush.

308. Following discussions with the FCO and MOD, Mr Jim Drummond, Assistant Head (Foreign Affairs) OD Sec, had asked Sir David Manning on 15 February for a “quick meeting” to discuss what next on Iraq.¹⁰⁵

309. Mr Drummond had identified two options:

- Continuing containment by tightening the No-Fly Zones and destroying Iraq’s new air defence system; pursuing the revised sanctions regime; and moving towards clarification of resolution 1284, including being prepared to respond militarily if there were major finds or the inspectors’ work was frustrated.
- Going “for the military option now”. That could involve either “bomb plus stimulate an uprising in the South and/or Kurdish areas”, which the FCO did not think would get rid of Saddam, or “bomb and invade”.

310. Mr Drummond stated that the revised sanctions regime would have “limited impact” on Saddam Hussein’s WMD efforts; and the military option would present legal difficulties.

¹⁰³ Letter [SIS10] to Manning, 8 March 2002, [‘title redacted’].

¹⁰⁴ Public hearing, 21 January 2011, pages 39-40.

¹⁰⁵ Minute Drummond to Manning, 15 February 2002, ‘Iraq’.

311. Mr Drummond added:

“The US position is critical. There is plenty of press speculation and third hand reporting from embassies about US intentions. Probably they do not yet have a plan, and could be reluctant to share with us because they believe we are firmly set on containment. The Cheney visit ... next month may be important in gauging opinion. Iraq will no doubt be on the agenda for the visit to Crawford. We are planning a Whitehall meeting in early March. Before then, how should we be trying to get a better handle on US intentions?”

312. In his letter to Mr Webb on 27 February, Mr Ehrman concluded that the issues would “...need interdepartmental consultation soon. We should consider prompting the Cabinet Office to initiate the process.”¹⁰⁶

313. In his minute to Mr Hoon of 27 February, Mr Webb asked for permission to participate in the process.¹⁰⁷

314. A minute to Mr McKane forwarding a draft of the paper on 6 March stated: “The paper has been produced in close consultation with FCO, MOD, SIS and the Assessments Staff.”¹⁰⁸

315. Mr McKane sent a folder of papers “commissioned by the Prime Minister” to Sir David Manning on 6 March, including a draft of the ‘Iraq: Options Paper’.¹⁰⁹ Mr McKane stated that the papers would be discussed in a meeting in Sir David’s office the following day; and that Sir David would “want to consider and discuss [the paper] with colleagues before deciding how to take it to the next stage”.

316. Copies of Mr McKane’s minute and the draft paper were sent to Sir Richard Dearlove, Mr Ricketts, Mr Geoff Mulgan, Head of Policy in the Prime Minister’s Office, Mr Scarlett, Mr Julian Miller, Chief of the Assessments Staff, Mr Drummond and to Sir Richard Wilson’s Private Office.

317. The Government has been unable to find any record of Sir David Manning’s meeting on 7 March, at which the draft ‘Options Paper’ was discussed.¹¹⁰

318. A minute to Mr Hoon described the ‘Options Paper’ as “intended to be background reading ... (rather than fully worked up policy positions)”; and informed him that the “current text” had not been agreed by the MOD.¹¹¹

¹⁰⁶ Letter Ehrman to Webb, 27 February 2002, ‘Axis of Evil’.

¹⁰⁷ Minute Webb to PS/Hoon, 27 February 2002, ‘Axis of Evil’.

¹⁰⁸ Minute Dodd to McKane, 6 March 2002, ‘Iraq’.

¹⁰⁹ Minute McKane to Manning, 6 March 2002, ‘Papers for the Prime Minister’.

¹¹⁰ Letter Cabinet Office [junior official] to Iraq Inquiry, 22 July 2015, [untitled].

¹¹¹ Minute Cholerton to APS/SofS [MOD], 8 March 2002, ‘Iraq: OD Secretariat Options Paper’.

319. A minute from Mr Simon McDonald, Mr Straw's Principal Private Secretary, recorded that:

- The 'Options Paper', and the (Assessments Staff) paper on WMD Programmes of Concern, had been submitted by Mr Ricketts to Mr Straw on 8 March.
- Mr Straw had asked for a meeting with officials to discuss "all this" and for details of what happened in 1998, "particularly the sequence of events ... what was, in Washington's view, the legal base for a strike on Iraq ... [and] more detail about the Iraqi National Congress".¹¹²

320. Mr Straw's comments on the draft WMD paper and his role in its development are addressed in Section 4.1.

321. In late March, as agreed between Mr Blair and Mr Brown, Mr Rycroft sent Mr Brown's Private Office a copy of the "latest version" of the Cabinet Office 'Options Paper' and the draft paper for publication on WMD "strictly for the Chancellor personally".¹¹³

322. The letter also drew Mr Brown's attention to:

- the JIC Assessment of 27 February, 'Iraq: Saddam Under the Spotlight';¹¹⁴ and
- the CIG Assessment of 15 March, 'The Status of Iraqi WMD Programmes'.¹¹⁵

323. Sir David Manning told the Inquiry that the papers were "designed to prepare the Prime Minister for discussions with the President".¹¹⁶

324. Mr McKane told the Inquiry that he had not been directly involved in the production of the 'Options Paper'; his focus had been on the implications of 9/11, and "there wasn't really a great deal of capacity certainly inside the Secretariat to think seriously about Iraq".¹¹⁷

325. Mr McKane stated that, by that time it had been "clear that the US Government is shifting its sights towards Iraq and that the policy we had adopted in the spring of the previous year is not really producing the results that had been hoped for it".¹¹⁸ The 'Options Paper' did not "express an opinion on whether we should stick with containment or a tougher form of containment or should start to shift more towards looking at regime change and military intervention".

¹¹² Minute McDonald to Ricketts, 11 March 2002, 'Iraq'.

¹¹³ Letter Rycroft to Bowman, 26 March 2002, 'Papers on Iraq'.

¹¹⁴ JIC Assessment, 27 February 2002, 'Iraq: Saddam Under the Spotlight'.

¹¹⁵ CIG Assessment, 15 March 2002, 'The Status of Iraqi WMD Programmes'.

¹¹⁶ Private hearing, 24 June 2010, page 23.

¹¹⁷ Public hearing, 19 January 2011, page 33.

¹¹⁸ Public hearing, 19 January 2011, page 34.

326. Mr McKane told the Inquiry that the Cabinet Office ‘Options Paper’:

“... was prepared in the same kind of way as the previous one; that is a framework for the paper was produced and different elements were commissioned from different Whitehall departments ... It went through a number of drafts and was finalised in early March.”¹¹⁹

327. Lord Wilson told the Inquiry that the initiative for the Cabinet Office paper had arisen from a discussion he had had with Mr McKane; and that it was “just a contingency”.¹²⁰

328. Lord Wilson could not remember the precise origins of the paper:

“All I can tell you now is that the idea of this paper was raised ... and ... I thought it was timely ... We had not been looking at Iraq for a while. We used to do regular reviews of policy on Iraq and I thought it was about time we did another ... I am not sure if No.10 knew or not ...”¹²¹

329. Later in the hearing, Lord Wilson added:

“Ever the optimist, I had rather hoped we would show the options paper to the Prime Minister or to No.10 ... and get a meeting of DOP on it. Forlorn hope. I asked after a while ... and I had been told that it had been wrapped up in the briefing for Crawford.”¹²²

330. The Inquiry sought additional evidence from the two members of Mr McKane’s staff who had written the Cabinet Office paper. They were asked about the process for producing the paper, the basis for the judgements made, and what changes were made as a result of Sir David Manning’s meeting and who was responsible for the advice that led to those changes.

331. In a statement for the Inquiry, Mr Drummond wrote: “From 9/11 until February 2002, Afghanistan and other post 9/11 counter terrorism issues took a higher priority than Iraq in the Secretariat’s work.”¹²³ Mr McKane had handed over responsibility for co-ordination of policy on Iraq to him around the end of 2001.

332. Describing the production of the paper, Mr Drummond wrote that, by mid-February, Mr Blair had been expected to have “a preliminary discussion” on Iraq during his meeting with President Bush in early April. Mr Drummond’s recollection was that “the Secretariat had offered to produce an options paper as background”. The paper had to be prepared quickly in time for Mr Blair’s return from the Commonwealth Heads of Government Meeting which ended on 5 March.

¹¹⁹ Public hearing, 19 January 2011, page 35.

¹²⁰ Public hearing, 25 January 2011, page 15.

¹²¹ Public hearing, 25 January 2011, page 41.

¹²² Public hearing, 25 January 2011, pages 83-84.

¹²³ Statement, 28 March 2013, pages 1-2.

333. Drafts were commissioned at a meeting on 21 February from the:

- FCO on policy objectives towards Iraq and the wider region, a tightened policy of containment, and legal advice on regime change;
- MOD on the military options for regime change; and
- SIS on possible successor regimes.

334. A draft paper had been circulated on 28 February for a discussion on 1 March and a further draft on 5 March for discussion the same day.

335. Mr Drummond had chaired the two discussions but he was unable to recall them in any detail and the files did not contain records of the contributions or what was discussed:

“The paper clearly drew on the JIC and Assessments Staff judgements about the likelihood of Saddam having WMD and that his regime was unlikely to be removed by internal opposition ... There was debate about continuing containment and that is recorded in the paper as an option, before considering regime change and the options for how that could be achieved.”

336. Mr Drummond added:

“As a background paper, no recommendations were made and ... it was submitted as being in close consultation with FCO, MOD, SIS and the Assessment Staff rather than agreed word for word with them.”

337. After Sir David Manning’s meeting on 7 March, Mr Drummond had “made some changes ... after further consultation” with the FCO, MOD and SIS, which “covered the difficulty of identifying successor regimes, that it was unlikely Iraq would disintegrate”, and changes clarifying the legal advice.

338. Mr Drummond concluded:

“At the time of drafting, we expected this paper to be the first of several that would help Ministers to reach conclusions on policy towards Iraq and hoped that there would be discussion with them.”

339. In his statement, Mr Tom Dodd, who was a desk officer in OD Sec, wrote that he was the principal drafter of the paper.¹²⁴ He made similar points to Mr Drummond about the process, with more detail of the individuals and Departments with whom Mr Dodd had held bilateral discussions.

340. The judgements in the paper “drew on the collective wisdom of the time, informed by JIC judgements of the state of the threat posed by Saddam Hussein”. The policy judgements had been “formulated in the first instance” by himself and Mr Drummond,

¹²⁴ Statement, 3 April 2013, pages 1-2.

then “endorsed or mutated in group discussion”. Sir David Manning had suggested some changes to the draft paper, but “they were not major”.

341. Mr Dodd remembered:

“... spending some time debating as a group the final wording of the statement ‘the use of overriding force in a ground campaign is the only option that we can be confident will remove Saddam and bring Iraq back into the international community’.”

Lord Goldsmith’s request to be kept informed

342. Lord Goldsmith, the Attorney General, asked in early March to be involved in Ministerial thinking about Iraq as policy was being formulated not just to be asked for his advice at the last minute.

343. On 8 March, Mr Paul Berman, a member of the Attorney General’s Office, contacted the Cabinet Office to say that Lord Goldsmith had seen the previous week’s Cabinet Conclusions and would hope to be involved in Ministerial thinking about Iraq as policy was being formulated rather than be consulted formally only at the last minute.¹²⁵

344. Mr McKane, explained to Mr Berman that Mr Blair had made clear to Cabinet that decisions on military action were not imminent; and that it was “well understood” that the Attorney General would need to be “properly engaged at the right time” but that was “most unlikely to be before the Prime Minister’s meeting with President Bush”.¹²⁶

345. Mr McKane advised Sir David Manning that he thought there was:

“... a good case for engaging the Attorney General in a discussion, so that he understands the options and the policy background, before he is asked formally for advice. Intriguingly Paul Berman said that the Attorney General did not rule out justification for military action based on Article 51 (self defence) but would certainly want to be assured that the alternatives (UN Security Council resolutions) had been thoroughly explored in the first instance.”

346. Sir David Manning replied to Mr McKane: “I think we should engage the Attorney after the Texan [Crawford] summit.”¹²⁷

347. In a minute to Lord Goldsmith, Mr Berman recorded that he had told Mr McKane that Lord Goldsmith:

“... wanted to be in a position to engage constructively with this issue. This meant keeping you in the loop from a very early stage, as policy was being formulated,

¹²⁵ Minute McKane to Manning, 8 March 2002, ‘Iraq’.

¹²⁶ Minute McKane to Manning, 8 March 2002, ‘Iraq’.

¹²⁷ Manuscript comment Manning to McKane, 8 March 2002, on Minute McKane to Manning, 8 March 2002, ‘Iraq’.

so that your advice could be factored into the development of different options. It would not be helpful for you, or Ministerial colleagues, if you were presented at the last moment with a request for a 'yes or no' answer. You [were] always available to discuss these matters with Ministerial colleagues."¹²⁸

348. Mr Berman also wrote that he had "recalled (and Mr McKane agreed) that the legal basis for the use of force in 1998 had been very difficult and contentious. Any proposed recourse to the inherent right of self-defence would also be far from straightforward."

349. Mr Berman had contacted Mr Michael Wood, the FCO Legal Adviser, who told him that a policy paper had already been submitted to No.10 but he (Mr Wood) could not send Mr Berman a copy. Mr Wood had provided a copy of the FCO paper ('Iraq: Legal background'). Mr Berman had "underlined to Mr Wood the importance of ensuring that LSLO [Legal Secretariat to the Law Officers] was fully kept in ... the loop – in relation to the development of policy as well as any comments on the legal issues".

Discussions with the US Administration, March 2002

MR BLAIR'S MEETING WITH VICE PRESIDENT CHENEY, 11 MARCH 2002

350. The FCO briefing for Mr Blair's meeting with Vice President Cheney suggested that:

- **Mr Blair should state that the UK supported the US objective of regime change in Iraq.**
- **It would be important to alert a sceptical world to the threat posed by Iraq.**

351. The FCO briefing for Mr Blair's meeting with Vice President Cheney covered a range of issues but Iraq was identified as:

"... the main issue, including for the media given speculation that the US are moving towards early decisions on military action ... This will ... be an important opportunity ... to get a feel for where the debate in Washington stands and what options are emerging."¹²⁹

352. The FCO suggested that the key messages for Mr Cheney on Iraq were:

- "In complete agreement on objective. World a better place without Saddam in power. Need to ratchet up the pressure on Iraq."
- "Containment policy has had some success ... Climate post 11 September could provide opportunities for enhanced containment, but cannot bring about regime change."

¹²⁸ Minute Berman to Attorney General, 11 March 2002, 'Iraq'.

¹²⁹ Letter McDonald to Rycroft, 8 March 2002, 'US Vice President's Call on the Prime Minister, 11 March'.

- “Military action requires key allies, particularly in the region, to be on board. That is why we see continuing with the UN route – i.e. ratcheting up pressure on Iraq to comply with UN resolutions and allow weapons inspectors back in as a necessary precursor. We doubt Saddam will co-operate but we must be seen to have tried.”
- “Also essential to alert sceptical world to the WMD threat ... We are working on evidence paper.”
- “Meanwhile ... should continue our efforts to get GRL implemented – will remind international community that our quarrel is not with the Iraqi people.”
- “... Introduction of revised sanctions regime will send an important signal of Security Council unanimity. Thereafter focus will be on clarification of UNSCR 1284. We should use this to put pressure on Saddam to readmit inspections.”
- “Consistent message we are getting from region and beyond is that if it is decided to launch military action, that action must succeed in removing Saddam, otherwise we will be worse off than we are now.”
- “Issues arising from regime change on which I would welcome your thoughts:
 - Assessment of Iraqi Opposition ...
 - Require serious movement on MEPP to give us space in which to act;
 - Day after issues loom large. Territorial integrity of Iraq important. Likely replacement for Saddam – another Sunni strongman. Establishing representative Government would require long term commitment;
 - Genuine consultation and construction of convincing legal basis will be important ...”¹³⁰

353. Mr Blair told Vice President Cheney on 11 March that it was “highly desirable to get rid of Saddam”, and that the “UK would help” the US “as long as there was a clever strategy”.

354. That meant building up the case against Saddam carefully and intelligently; putting him in the wrong place over inspections and compliance with UN Security Council resolutions; and thereby helping to convince “international opinion to rally to the idea of regime change” and avoiding unintended consequences.

355. Mr Blair’s approach reflected a deliberate choice that the right way to get close to the US in order to influence it was to offer the UK’s support for its objectives.

356. In his public statement after the meeting, Mr Blair emphasised that no decisions had been taken.

¹³⁰ Note FCO, ‘Visit of US Vice President Dick Cheney 11 March: Iraq’, attached to Letter McDonald to Rycroft, 8 March 2002, ‘US Vice President’s Call on the Prime Minister, 11 March’.

357. The record of the meeting between Mr Blair and Vice President Cheney confirms that most of the discussion addressed US concerns, in the context of Al Qaida's pursuit of WMD, about the need for action to deal with the threat posed by Iraq and the potential link between terrorism and WMD.¹³¹

358. Mr Blair confirmed that "it was highly desirable to get rid of Saddam"; and that:

"Arguing that this was in the interests of regional stability was probably a better line even than the threat from WMD ... The UK would help ... as long as there was a clever strategy, and one that worked. This meant building up the case against Saddam carefully and intelligently.

"... If action was taken suddenly against Saddam now, the international community would ask what had changed. It was important to take enough time to put Saddam in the wrong place over inspections and compliance with UNSCRs. This would play an important part in convincing international opinion to rally to the idea of regime change.

"... we also needed a proper strategy for dealing with the Iraqi opposition.

"... We should also concentrate much more on the appalling nature of Saddam's regime.

"... As far as military strategy was concerned, we must ensure that our forces were equipped to finish the job quickly and successfully ... the Arab world ... did not want a campaign launched against him [Saddam] unless we were determined to see it through to a successful conclusion.

"... it was particularly important to guard against the law of unintended consequences ... We must ensure that a campaign to bring about regime change in Iraq did not inadvertently destabilise other countries in the Middle East. The Arab street was very angry ... We needed to generate a sense that we were determined to promote a peace process that would give justice to the Palestinians ... If this problem were not tackled successfully, it would dominate the way that the Arabs thought about the Iraq problem."

359. Following confirmation that the US were considering deploying ground troops and a discussion of whether the US was looking for a wide international discussion, Mr Blair understood that the US would welcome whatever contribution the UK could make, but it was not looking for other help. Mr Blair also said that:

"... the diplomacy surrounding action against Saddam would be important. We must avoid giving any appearance of having taken a decision and then making everything else fit round it."

¹³¹ Letter Manning to McDonald, 11 March 2002, 'Conversation between the Prime Minister and Vice President Cheney, 11 March 2002'.

360. Mr Blair concluded that “one argument worth stressing” was that we “had paid a terrible price” by failing to act on warnings about Al Qaida and the Taliban:

“We should not make the same mistakes again ignoring warnings about the international trade in WMD and the threat that this posed to us. We must educate the public.”

361. After the meeting, Mr Blair asked for further advice about the nature and role of the opposition to Saddam Hussein inside and outside Iraq; and for advice on the timetable for trying to get weapons inspectors back into Iraq and their remit.

362. In the press conference after the meeting, Vice President Cheney stated that London was “the first stop on an important trip to the Middle East” and President Bush had wanted him to “check in first” with Mr Blair.¹³² Vice President Cheney referred to the “clarity and conviction” of Mr Blair’s assurance to President Bush on 2 October 2001 that the UK would stay with the US “until the last”, and said that he was “[soliciting] the views of important friends and allies” about the “threat of weapons of mass destruction and the important choices that await us in the days ahead”.

363. Asked about the second phase of the war on terrorism and what evidence there was that Saddam Hussein had, or shortly would have, the capability to threaten countries in Western Europe or the United States, Mr Blair replied:

“Let us be under no doubt whatever. Saddam Hussein has acquired weapons of mass destruction over a long period of time. He is the only leader in the world that has actually used chemical weapons against his own people. He is in breach of at least nine UN Security Council resolutions ... He has not allowed the [UN] weapons inspectors to do the job the UN wanted them to do in order to make sure that he can’t develop them ... no decisions have been taken on how we deal with this threat, but that there is a threat ... is not in doubt at all.”

364. Addressing the conflict between Israel and Palestine, Mr Blair said that the UK would “do everything we possibly can to assist the US in the efforts to bring about some relaunching” of the Middle East Peace Process.

365. Vice President Cheney stated that effective policies were needed to deal both with that conflict and Iraq: “We have an obligation to deal with both simultaneously.”

366. Asked whether, if Saddam Hussein allowed inspectors back into Iraq, that would negate the need for military action, Vice President Cheney replied:

“... we feel very strongly ... that it needs to be the kind of inspection regime that has no limitations on it ... so ... the outside world can have confidence that he is not hiding material that he has promised to give up.”

¹³² The National Archives, 11 March 2002, *Press Conference – PM and Vice President Dick Cheney*.

367. Mr Powell told the Inquiry that the meeting with Vice President Cheney constituted the first “face to face” discussions with the US.¹³³ Mr Cheney wanted to discuss Iraq with Mr Blair before he consulted Middle East leaders about what should be done in Iraq and “their tolerance ... for action”.

368. Mr Powell explained Mr Blair’s warning about “the law of unintended consequences” as: “If you are going to deal with something like Iraq, you have to think ahead about what might happen ... including things you do not expect.” Mr Cheney had said “that a coalition was nice, but not essential”.

369. Sir David Manning told the Inquiry that he didn’t think that Mr Cheney’s message had been a “particular surprise”, and:

“... when the Prime Minister says you have got to have a clever plan ... I think he is probably saying that you have got to go back through the UN system ... he’s clear in his own mind that it’s very important to try to keep the international community together ...”¹³⁴

370. Sir David added that there was a difference between Mr Blair saying Iraq would be better off without Saddam Hussein and:

“... saying that he’s sympathetic to the idea that regime change is the purpose of the activity. He always made it clear there had to be disarmament. That was what we were looking for ...

“So I think it would be a mistake to assume that this conversation means the Prime Minister has signed up [to an invasion] ...”¹³⁵

SIR DAVID MANNING’S DISCUSSIONS IN WASHINGTON, 12 TO 13 MARCH 2002

371. During a visit to Washington on 12/13 March, Sir David Manning reiterated the position Mr Blair had taken in his discussion with Vice President Cheney that the UK “would continue to give strong support to the idea of regime change” in Iraq, but a convincing plan would be needed.

372. Sir David Manning and Dr Rice’s discussions were focused on how to achieve legitimacy and international support if the US decided to take military action to secure the removal of Saddam Hussein. Sir David and Dr Rice did not discuss the objectives of US and UK policy.

373. Sir David set out a list of concerns that would need to be addressed if the US wanted allies to participate in military action.

¹³³ Public hearing, 18 January 2010, pages 18. The transcript incorrectly records the date of the meeting as 1 March.

¹³⁴ Private hearing, 24 June 2010, pages 26.

¹³⁵ Private hearing, 24 June 2010, pages 27-28.

374. Sir David reported that President Bush wanted to hear Mr Blair’s views before taking decisions, and that Mr Blair would have real influence.

375. Sir David also warned that there was a risk that the US Administration was underestimating the difficulties.

376. In his discussions with Dr Rice on Iraq in mid-March, Sir David Manning recorded that he had “made it clear that we would continue to give strong support to the idea of regime change, but we were looking to the US to devise a convincing plan of action. This would also need to answer the question of who would follow Saddam.”¹³⁶

377. Sir David told Dr Rice that a series of issues would need to be addressed if the US decided on military action against Iraq.

378. One was whether the US “wanted company”. If it wanted the support of a coalition, it would have to address a number of concerns that would be critical in determining the attitude of potential partners. Those were the need to:

- “mount a public information campaign explaining the nature of Saddam’s regime and the nature of the threat he posed”;
- “describe the role that the US envisaged for the UN, and particularly for the weapons inspectors”;
- “provide a convincing plan setting out how a combination of outside military pressure, and external and internal opposition could topple Saddam”; and
- “provide an equally convincing blueprint for a post Saddam Iraq ... acceptable to its neighbours as well as to its own population”.

Preparing public opinion and deciding who and what might replace Saddam Hussein were tough propositions.

379. Sir David Manning told Dr Rice that the UK “hoped shortly to publish an unclassified paper giving as much detail as possible about Saddam’s WMD programme”. The UK would “share as much as possible” as a way of convincing governments and public opinion of the dangers of Saddam Hussein’s Iraq.

380. Sir David also pointed out the importance of taking:

“... time and trouble over the UN observers. Demonstrating to international opinion that Saddam was in breach of the UNSCRs and continued to thwart the activities of Blix [Dr Hans Blix, the Executive Chair of UNMOVIC] and his team was a crucial part of coalition building ... It should not be impossible to persuade moderate public opinion that it was Saddam who was at fault if he flouted the conditions and blocked the inspectors ... we should find ways of getting him to speak out publicly about what his inspection team would need if they were to function effectively.”

¹³⁶ Letter Manning to McDonald, 14 March 2002, ‘Discussions with Condi Rice on 12-13 March’.

381. Sir David Manning told Dr Rice that the Israel/Palestine crisis, “where we were accused of double standards”, would be “critical to Washington’s prospects of constructing a coalition against Iraq”. If the crisis “went on spiralling down, it could lead to a sharp divergence of view between Washington and the Europeans”. That would “make the prospect of joint action against Iraq much more problematic”. Sir David stated that the “urgent need for a process, and progress, towards peace” was “not an optional extra”, it was “integral” to the strategy on Iraq. That would be the subject that Mr Blair would “concentrate on when he sees the President after Easter”.

382. Sir David sent the account of his discussions with Dr Rice and other members of the US National Security Council (NSC) to Mr Straw and Mr Hoon’s Private Secretaries and to key officials.

383. Sir David Manning sent a separate note to Mr Blair.¹³⁷

384. Sir David reported that President Bush was grateful for Mr Blair’s support and had registered that Mr Blair was “getting flak”. Sir David had told President Bush that Mr Blair:

“... would not budge in your support for regime change but you had to manage a press and Parliament and a public opinion that was very different from anything in the States. And you would not budge either in your insistence that, if he pursued regime change, it must be carefully done and produce the right result. Failure was not an option.”

385. Sir David wrote that Dr Rice was still enthusiastic about regime change, but there were “some signs ... of greater awareness of the practical difficulties and political risks”. But President Bush had:

“... yet to find answers to the big questions:

- how to persuade international opinion that military action against Iraq is necessary and justified;
- what value to put on the exiled Iraq opposition;
- how to co-ordinate a US/allied military campaign with internal opposition ...
- what happens on the morning after?”

¹³⁷ Minute Manning to Prime Minister, 14 March 2002, ‘Your Trip to the US’.

386. Sir David advised Mr Blair that President Bush would want “to pick your brains”. He would “also want to hear whether we can expect coalition support”. Sir David wrote that he had told Dr Rice that if the US:

“... wanted company, it would have to take account of the concerns of potential partners. In particular:

- the UN dimension. The issue of the weapons inspectors must be handled in a way that would persuade European and wider opinion that the US was conscious of the international framework, and the insistence of many countries on the need for a legal base. Renewed refusal by Saddam to accept unfettered inspections would be a powerful argument;
- the paramount importance of tackling Israel/Palestine. Unless we did, we could find ourselves bombing Iraq and losing the Gulf.”

387. Sir David concluded:

“No doubt we need to keep a sense of perspective. But my talks with Condi convinced me that Bush wants to hear your views on Iraq before taking decisions. He also wants your support. He is still smarting from the comments from other European leaders on his Iraq policy.

“This gives you real influence: on the public relations strategy; on the UN and weapons inspections; and on US planning for any military campaign. This could be critically important. I think there is a real risk that the Administration underestimates the difficulties. They may agree that failure is not an option, but this does not mean they will avoid it.

“Will the Sunni majority really respond to an uprising led by Kurds and Shias? Will the Americans really put in enough ground troops to do the job ...? Even if they do, will they be willing to take the sort of casualties ... if it turns out to be an urban war, and Iraqi troops don’t ... collapse ... as Richard Perle and others confidently predict? They need to answer these, and other tough questions, in a more convincing way than they have so far before concluding that they can do the business.

“The talks at the ranch will also give you the chance to push Bush on the Middle East. The Iraq factor means that there may never be a better opportunity to get this administration to give sustained attention to reviving the MEPP.”

388. Sir David Manning told the Inquiry that he had gone to Washington on 12 March for a “reconnaissance visit” in preparation for the meeting at Crawford, and that the intention was to “take soundings”.¹³⁸ The UK had been clear by then that Iraq would be on the agenda and he had wanted to establish “where they [the US] had got to in reviewing Iraq policy”.

¹³⁸ Public hearing, 30 November 2009, pages 11-12.

389. Sir David stated that he had also wanted to reflect Mr Blair’s “preoccupations” and thinking. He told Dr Rice that if the US “was thinking about reviewing its policy and ... wanted the participation of its allies ... it would have to address allies’ concerns ... including obviously our own”. He had set out the issues which would need to be addressed. Sir David had also said that, after Afghanistan, the idea of working with a coalition was a “powerful” one.

CABINET, 14 MARCH 2002

390. Summing up the Cabinet discussion on 14 March on the deteriorating position in the Middle East, Mr Blair referred to his planned meeting with President Bush and stated that:

“... it was necessary to remain close to the Government of the United States and to persuade President Bush to re-engage completely in the [Middle East] Peace Process, not least because it would otherwise be difficult to gather support for addressing the threat posed by the Iraqi regime ...”¹³⁹

SIR CHRISTOPHER MEYER’S ADVICE, MARCH 2002

391. Sir Christopher Meyer wrote to Sir David Manning reporting his conversation with Mr Paul Wolfowitz, US Deputy Secretary of Defense, on 17 March.¹⁴⁰

392. On Iraq, Sir Christopher took the same line as Sir David had in his discussions with the NSC about the actions necessary if the US wanted to build support for military action against Saddam Hussein.

393. Sir Christopher told Mr Wolfowitz that:

“If the UK were to join with the US in any operation against Saddam, we would have to be able to take a critical mass of parliamentary and public opinion with us. It was extraordinary how people had forgotten how bad he was.”

394. The UK was giving serious thought to publishing “a paper that would make the case against Saddam”.

395. Sir Christopher reported that Mr Wolfowitz considered the “WMD danger ... was crucial to the public case against Saddam, particularly the potential linkage to terrorism”, but he saw “Saddam’s barbarism” as an “indispensable” element of the case for action.

396. Sir Christopher and Mr Wolfowitz also discussed the potential role of the Iraqi opposition and “well documented” debate inside the Administration about supporting the Iraqi National Congress or a wider coalition of opposition groups. Mr Wolfowitz seemed to prefer the former and “brushed over” Sir Christopher’s reference to the absence

¹³⁹ Cabinet Conclusions, 14 March 2002.

¹⁴⁰ Letter Meyer to Manning, 18 March 2002, ‘Iraq and Afghanistan: Conversation with Wolfowitz’.

of Sunni in the INC and argued for replacing Saddam Hussein with a functioning democracy not another military officer.

397. Sir Christopher and Mr Wolfowitz also discussed developments in Afghanistan, including the planned deployment of 45 Commando Group and Sir Christopher’s view that:

“... the greatest danger in Afghanistan was a slipping back to the conditions which had allowed Al Qaida to prosper in the first place; that the greatest safeguard against this was a continuing visible presence of the US military ... for some time to come. Wolfowitz displayed the DoD’s customary distaste for an ISAF-type expansion to other Afghan cities. He thought there was a case for something akin to OSCE monitors in certain regions.”

398. Sir David thought the report sufficiently interesting to show to Mr Blair.¹⁴¹

399. Sir Christopher Meyer told the Inquiry that Sir David Manning had given him a new set of instructions during his visit to Washington in March 2002.¹⁴²

400. Sir Christopher described the new message for the Americans as:

“Look, if you want to do regime change, and if this is going to require military action, you ... can do it on your own ... but if ... you want your friends and partners to join you, far better that you should do it inside an alliance, preferably taking the UN route.

“That ... was the single most important message I delivered to the US Administration at that time.”

401. Sir Christopher Meyer told the Inquiry:

“... I had to come up with a set of arguments, which ... he [Wolfowitz] might find appealing enough not to become a serious obstacle to a policy that would involve the UN.”¹⁴³

402. Later Sir Christopher added:

“... I think the attitude of Downing Street ... was ... it was a fact that there was ... the Iraq Liberation Act. It was a fact that 9/11 had happened and it was a complete waste of time, therefore ... if we were going to be able to work with the Americans, to ... say, ‘We can’t support it [regime change]’ ... the attempt was made to square the circle ... was actually ... so to contextualise it, that regime change, if and when

¹⁴¹ Manuscript note Manning to Prime Minister on Letter Meyer to Manning, 18 March 2002, ‘Iraq and Afghanistan: Conversation with Wolfowitz’.

¹⁴² Public hearing, 26 November 2009, pages 38-39.

¹⁴³ Public hearing, 26 November 2009, page 39.

it happened, would be with the benefit of the support of the international community in the framework of UN action, quite possibly through a Security Council resolution.

“... What we said was, ‘Let’s do this cleverly ... and that means ... go to the UN and get a Security Council resolution ...

“... You talked the talk of regime change, but you walked the walk, you hoped, of a UN Security Council resolution permitting the use of force, if that was what it was going to come to.”¹⁴⁴

403. Asked whether at that stage the US Administration was looking at options other than military action, Sir Christopher replied:

“... are you asking me at what point was it clear that war was inevitable? ... that’s a ... hard question to answer. What was inevitable ... was that the Americans were going to bust a gut to carry out the mandated policy of regime change.”¹⁴⁵

404. Asked how confident he was at that stage that the UK could influence the US, Sir David Manning replied:

“I wasn’t confident, but I thought my job was to try ... on two levels. One, on the role I had as an official reflecting the British Government’s view that we needed to go back to the UN, we needed to get the inspectors back, the issue was disarmament not regime change. But I also felt very strongly personally that it was the way we should go ...

“I wasn’t confident it would work ... there was a sense that the [US] Administration [...] that military force had worked in Afghanistan ... This was going to be the global war on terror. This was a 1945 or 1991 moment when they were going to change the world for the better on their watch. It was very tough but it was an historic moment and they would do whatever it took.

“We didn’t really have that perception ... So I was very conscious that there was a very strong sense of historical destiny at work in the Bush Administration ...

“But I was also conscious that there were different views within the Administration ...”¹⁴⁶

405. Commenting on the media reaction in the US to Vice President Cheney’s tour of the Middle East, Sir Christopher Meyer advised on 20 March that there had been “no public flinching by Bush et al from tackling Saddam”; and that “No attempt is being made by the Administration to counter the media supposition that it is no longer a question of whether, but when and how to take action against Saddam.”¹⁴⁷ Public support for US

¹⁴⁴ Public hearing, 26 November 2009, pages 41-42.

¹⁴⁵ Public hearing, 26 November 2009, page 44.

¹⁴⁶ Private hearing, 24 June 2010, pages 28-29.

¹⁴⁷ Telegram 386 Washington to FCO London, 20 March 2002, ‘US/Iraq: The Current Mood’.

action against Iraq was strong. A *CNN* poll earlier that week had shown 70 percent were in favour of military action.

406. Sir Christopher also reported that in discussions between the Foreign Affairs Committee and a range of contacts in the US about “the need to make a solid case to Europeans and others, the consensus response was that once the US showed it was serious, other countries would come on board. But, equally, there was no sense that serious military action is imminent.”

Preparations for Crawford

FCO advice on the role of the Iraqi opposition and the history of weapons inspections

407. The FCO paper on the Iraqi opposition concluded that regime change led by the external opposition was not a viable option and the most realistic successor to Saddam Hussein would be a senior Sunni military or ex-military figure.

408. The FCO explained that the provisions of resolution 1284 were ambiguous because the P5 had been unable to reach agreement in 1999, and there had been no progress on clarification since.

409. There would be difficulties with securing agreement from Iraq, the US and Russia on its implementation. The US could seek to raise the barrier for Iraqi compliance; Russia was likely to take the opposite view. France might support the UK because it saw agreement on a tough inspection regime as the only realistic alternative to US military action.

410. On 15 March, in response to Mr Blair’s request for further advice following his meeting with Vice President Cheney on 11 March, the FCO sent Sir David Manning a Research Analysts’ paper on the opposition and a separate note summarising the history of attempts to get weapons inspectors back into Iraq.¹⁴⁸

411. The FCO Research Analysts’ paper on the nature and role of the opposition to Saddam Hussein stated that the UK’s “ability to influence and/or direct the Iraqi opposition” was “reliant on contacts with the external Iraqi community, while the internal opposition remains closed to us”.¹⁴⁹ The paper described the internal and external opposition.

412. The Research Analysts concluded:

“Various opposition groups ... have told us of plans involving a national liberation movement in which Iraqis, backed from the outside, would launch a series of attacks

¹⁴⁸ Letter McDonald to Manning, 15 March 2002, ‘Iraq’.

¹⁴⁹ Paper Research Analysts [FCO], 14 March 2002, ‘Iraq: The Nature and Role of the Opposition to Saddam Hussein’.

on Saddam's forces with the intention of occupying specific territory. Allied air support would be required ...

"In any case, we do not assess the external opposition to be capable of leading a military operation as outlined above. They do not have the leverage within the military and security apparatus to realise a plan of this kind, and leading oppositionists are not credible figures for a provisional government. Regime change relying mainly or exclusively on the external opposition is therefore not a viable option.

"More realistic calculations suggest that the immediate successor to Saddam Hussein will be a senior Sunni member or ex-member of the Iraqi military ..."

413. The note on inspections summarised the history of efforts to get inspectors back into Iraq, examined the future prospects for doing so through clarification of resolution 1284 (1999), and described the remit of UNMOVIC and the IAEA (International Atomic Energy Agency).¹⁵⁰ It described the "main feature" of resolution 1284 as being that it offered Iraq "a suspension of sanctions in return for co-operation with the weapons inspectors, including progress on key disarmament tasks. Resolution 687 (1991) had offered lifting of sanctions "only when the inspectors say disarmament is complete", which Iraq regarded as "an unattainable goal".

414. The FCO wrote that Iraq:

- remained "determined to escape sanctions without fulfilling its disarmament obligations";
- had "never accepted" resolution 1284;
- continued to "refuse to allow inspectors to return"; and
- justified its position by claiming that resolution 1284 was "so ambiguous" that the US could "easily deny" that co-operation had been "adequate".

415. Addressing the prospects for the future, the FCO advised that there was "no independent timetable as such" for the return of the inspectors. The "key" would be persuading Iraq to accept resolution 1284:

"While it is possible that the threat of military action might also prompt a change in the Iraqi position, we have always assumed that the only real prospect lies in clarifying ... [resolution] 1284. We recognise there are ambiguities ... They are there for a good reason: the P5 was unable to reach agreement. If positions remain as entrenched as they were during ... negotiations, there is little prospect of the situation changing, which is why clarification has not been attempted sooner. But SCR 1382 [2001] now commits the Security Council to trying."

¹⁵⁰ Note, [undated], 'Iraq: Weapons Inspectors', attached to Letter McDonald to Manning, 15 March 2002, 'Iraq'.

416. The FCO reminded Mr Blair that the US was “reluctant to go down the road of clarification” because of fears it represented a “slippery slope towards a weaker inspections regime”. No Security Council member had “yet challenged this”, although the FCO predicted that “pressure may increase” following the talks between Iraq and Mr Annan on 7 March. “Nearly all of Iraq’s serious points” had related to clarification; and Mr Annan expected the Security Council “to provide answers” before the next round of talks in April. The US would “not be able to hold out against beginning clarification talks for much longer without appearing unreasonable”.

417. The FCO advised that the UK “would be willing to see some clarification” as long as this did not water down Iraq’s obligations or cut across UNMOVIC’s mandate or rights. That included:

- “Elaboration of post-suspension financial controls, i.e. how much, if any, control of the Iraqi economy, including oil revenues, should revert to the Iraqi government once sanctions are suspended.”
- “Definition of key remaining disarmament tasks”.
- “Clarification/shortening of the suspension timetable”.
- “Clarification of the triggers for suspension, i.e. what is meant by full co-operation with the inspectors.”

418. The FCO advised that the US would “resist strongly any attempt to lower the barrier for Iraqi compliance” and they “could even seek to raise it”. That probably meant that the US would adopt an “extreme position” and Russia was “likely to take the opposite extreme”. The FCO predicted that France might support the UK because it saw a “Security Council agreement on a tough inspection regime as the only realistic alternative to US military action”.

419. The FCO also explained that UNMOVIC had been given “all UNSCOM’s responsibilities, rights and resources”. It had additionally been tasked “with establishing a reinforced system of ongoing monitoring and verification, under which outstanding disarmament issues would be addressed”. UNMOVIC and the IAEA were also asked to “draw up a list of key disarmament tasks and to report on the level of co-operation” they had received “so that the Security Council” could “judge whether the conditions for sanctions suspension” had been met.

420. The FCO concluded:

“Neither SCR 687 or any subsequent resolutions contain any provision for ending ... monitoring and verification, even after sanctions lift. It is our interpretation that ending monitoring would require a separate decision by the Security Council, hence ... Iraq could be subjected to special scrutiny indefinitely, until we were completely satisfied that it no longer posed a threat.”

JIC Current Intelligence Group Assessment, 15 March 2002: 'The Status of Iraqi WMD Programmes'

421. A Current Intelligence Group (CIG) Assessment of the status of Iraq's WMD programmes was produced to inform Mr Blair's discussions with President Bush. It stated that Iraq continued to pursue a policy of acquiring WMD and their delivery means.

422. A CIG Assessment, 'The Status of Iraqi WMD Programmes', was "approved on behalf of the Committee" by Mr Miller on 15 March.¹⁵¹ (The status of a CIG is explained in Section 2.)

423. The paper stated that it had been commissioned by the FCO "to aid policy discussions on Iraq", but the minutes of the JIC of 6 March suggest it was produced in response to a request from Sir David Manning specifically to inform Mr Blair's discussions with President Bush.¹⁵²

424. The Key Judgements in the Assessment were:

- “• Iraq **retains up to 20 Al Hussein ballistic missiles** ... The location and condition of these is unknown, but there is sufficient engineering expertise to make them operational.
- Iraq has begun development of **medium range ballistic missiles over 1000km** ... but will **not be able to produce such a missile before 2007** provided that sanctions remain effective.
- Iraq is **pursuing a nuclear weapons programme**. But it **will not be able to indigenously produce a nuclear weapon while sanctions remain** in place, unless suitable fissile material is purchased from abroad.
- Iraq **may retain some stocks of chemical agents**. Following a decision to do so, Iraq could produce:
 - significant quantities of **mustard within weeks**;
 - significant quantities of **sarin and VX within months**, and in the case of VX may already have done so.
- Iraq currently **has available**, either from pre Gulf War stocks or more recent production, a number of biological agents. Iraq could produce more of these **biological agents** within days.
- A decision to begin CBW production would probably go undetected.
- Iraq can deliver CBW weapons by a variety of means including ballistic missiles. **Iraq's CBW production capability is designed to survive** a military attack and UN inspectors.”

¹⁵¹ CIG Assessment, 15 March 2002, 'The Status of Iraqi WMD Programmes'.

¹⁵² Minutes, 6 March 2002, JIC meeting.

425. In the main text, but not in the Key Judgements, the Assessment warned that the intelligence on Iraq’s WMD and ballistic missile programmes was “**sporadic and patchy**”. It added, however, that Iraq was:

“... well practised in the art of deception, such as concealment and exaggeration. A complete picture of the various programmes is therefore difficult. But it is clear that Iraq continues to pursue a policy of acquiring WMD and their delivery means. Intelligence indicates that planning to reconstitute some of its programmes began in 1995. WMD programmes were then given a further boost with the withdrawal of UNSCOM inspectors.”

426. The Assessment and the uncertainties underlying its judgements are addressed in more detail in Section 4.1.

Mr Blair’s minute, 17 March 2002

427. Mr Blair concluded that the papers he had been given on Iraq did not constitute a properly worked out strategy and that he would need to provide the US with a far more intelligent and detailed analysis of a game plan.

428. Mr Blair asked for a meeting with military personnel. He did not seek a collective discussion with Mr Straw, Mr Hoon and other key Cabinet colleagues.

429. Mr Blair sent a minute on 17 March to Mr Powell, and a copy to Sir David Manning, setting out three points in response to the briefing papers he had been given for the meeting with President Bush:

“(1) In all my papers I do not have a proper worked-out strategy on how we would do it. The US do not either, but before I go [to Crawford], I need to be able to provide them with a far more intelligent and detailed analysis of a game plan. I will need a meeting on this with military folk.

“(2) The persuasion job on this seems very tough. My own side are worried. Public opinion is fragile. International opinion – as I found at the EU – is pretty sceptical.

“Yet from a centre-left perspective, the case should be obvious. Saddam’s regime is a brutal, oppressive military dictatorship. He kills his opponents, has wrecked his country’s economy and is source of instability and danger in the region. I can understand a right-wing Tory opposed to “nation-building” being opposed to it on the grounds it hasn’t direct bearing on our national interest. But in fact a political philosophy that does care about other nations – eg Kosovo, Afghanistan, Sierra Leone – and is prepared to change regimes on their merits, should be gung-ho on Saddam. So why isn’t it? Because people believe we are only doing it to support the US; and they are only doing it to settle an old score. And the immediate WMD problems don’t seem obviously worse than 3 years ago.

“So we have to re-order our story and message. Increasingly I think it should be about the nature of the regime. We do intervene – as per the Chicago speech. We have no inhibitions – where we reasonably can – about nation-building ie we must come to our conclusion on Saddam from our own position, not the US position.

“(3) Oil prices. This is my big domestic worry. We must concert with the US to get action from others to push the price back down. Higher petrol prices really might put the public off.”¹⁵³

430. Asked to explain his thinking in the minute Mr Blair told the Inquiry:

- The first sentence was asking: “How we would either get Saddam to cease being a threat peacefully or to get him out by force.” He had been very open in public about that. The minute was “more about the politics”.
- The WMD question was about the changed assessment of the risk and the difficulty of making the case that Saddam Hussein posed a threat.
- The message had to address the nature of the regime and the security threat to command the support of both the right and the left of the political debate.
- The change in the security risk after 11 September was the basis for changing the regime but the nature of the regime was why “we should be proud of having got rid of him [Saddam Hussein]”.¹⁵⁴

431. Mr Blair added:

“So if September 11 hadn’t happened, we would have carried on in the same way frankly that George Bush and I first discussed ... in February 2001.”

The threat to the UK

432. From March 2002, the Security Service advised that, in the event of a US attempt to topple Saddam Hussein’s regime, the threat to the UK and UK interests from Iraq would be limited and containable.

433. Consideration of Iraq’s capability effectively to threaten the UK had begun in early 2002.

434. On 22 March 2002, Ms Eliza Manningham-Buller, the Deputy Director General of the Security Service, wrote to Mr John Gieve, the Permanent Secretary of the Home Office, about the “possible terrorist consequences should the US, possibly with UK support, seek to topple Saddam Hussein’s regime in Iraq”.¹⁵⁵

¹⁵³ Minute Blair to Powell, 17 March 2002, ‘Iraq’.

¹⁵⁴ Public hearing, 21 January 2011, pages 43-45.

¹⁵⁵ Letter Manningham-Buller to Gieve, 22 March 2002, ‘Iraq: Possible Terrorist Response to a US Attack’.

435. The letter stated that since 1991, Iraq had been “implicated” in “only one terrorist plan directed against a Western target – a planned car bomb attack on ex-President Bush in Kuwait in 1993”. The letter reflected the JIC Assessment, of 21 November 2001 (see Section 3.1), that Saddam Hussein was likely to order terrorist attacks only if he perceived that his regime was threatened. It stated:

“If Saddam were to initiate a terrorist campaign ... Iraqi capability to mount attacks in the UK is currently limited. We are aware of no Iraqi intelligence (DGI) officers based in the UK. There are up to [...] DGI agents here who report on anti-regime activities. But most of these agents lack the inclination or capability to mount terrorist attacks. So if the DGI wished to mount attacks in the UK it would need to import teams from overseas.”

436. Addressing a potential chemical or biological attack, the letter stated that there had been “media stories” during the Gulf Conflict and:

“... a 1998 scare (arising from a tale put about by Iraqi émigrés) that Saddam planned to send anthrax abroad in scent bottles. Given Iraq’s documented CB capabilities, we can anticipate similar stories again.”

437. “Most Iraqi CB attacks” had, however, been “assassination attempts against individuals” and there was “no intelligence that Iraq has hitherto planned or sought mass-casualty CB terrorist attacks”. If the survival of the regime was in doubt, Saddam Hussein’s “preferred option would be to use conventional military delivery systems against targets in the region, rather than terrorism”.

438. The letter also described the steps being taken by the Security Service in response to the potential threat.

439. Sir David Omand, Security and Intelligence Co-ordinator from September 2002 to April 2005, told the Inquiry that, in March 2002, the Security Service judged that the “threat from terrorism from Saddam’s own intelligence apparatus in the event of an intervention in Iraq ... was judged to be limited and containable”.¹⁵⁶

440. Baroness Manningham-Buller confirmed that position, stating that the Security Service felt there was “a pretty good intelligence picture of a threat from Iraq within the UK and to British interests”.¹⁵⁷

441. Baroness Manningham-Buller added that subsequent events showed that the judgement that Saddam Hussein did not have the capability to do anything much in the UK, had “turned out to be the right judgement”.¹⁵⁸

¹⁵⁶ Public hearing, 20 January 2010, page 37.

¹⁵⁷ Public hearing, 20 July 2010, page 6.

¹⁵⁸ Public hearing, 20 July 2010, page 9.

Advice from Cabinet Ministers

CABINET, 21 MARCH 2002

442. Mr Blair told Cabinet on 21 March that he would be meeting President Bush in the first week of April:

“Their talks would focus on how to respond to the threat to international security represented by the Iraqi regime, efforts to build on the success of the Coalition’s intervention in Afghanistan, how to achieve progress in the Middle East Peace process and gathering support for the New Economic Partnership for Africa’s Development.”¹⁵⁹

443. No further discussion of the issues is recorded.

444. Cabinet also discussed the deployment of an infantry battlegroup based on 45 Commando Royal Marines to Afghanistan, and the nature of the task it would perform. Mr Blair concluded that:

“... the troops were supported by the majority of the people in Afghanistan and would not be seeking to occupy territory, there was substantial United States air cover and there were troops from several Coalition partners involved. There was no parallel with the occupation of Afghanistan by the Soviet Union. The total number of British forces engaged in operations related to Afghanistan was substantial, but still only one-tenth of the number deployed during the 1991 Gulf War.”

445. The deployment of the battlegroup, which was the largest deployment of UK forces since 1991, had been announced on 18 March.¹⁶⁰ That is addressed in Section 6.1.

MR HOON’S ADVICE, 22 MARCH 2002

446. Mr Hoon wrote to Mr Blair on 22 March emphasising the importance of a counter-proliferation strategy in the Middle East.

447. On Iraq, Mr Hoon advised that the UK should support President Bush and be ready to make a military contribution; and that UK involvement in planning would improve the US process. One of Mr Blair’s objectives at Crawford should, therefore, be to secure agreement to the UK’s participation in US military planning.

448. Mr Hoon also stated that a number of issues would need to be addressed before forces were committed to military action, including the need for a comprehensive public handling strategy convincingly to explain why such drastic action against Iraq’s WMD was needed now.

¹⁵⁹ Cabinet Conclusions, 21 March 2002.

¹⁶⁰ House of Commons, *Official Report*, 18 March 2002, columns 37-48.

449. Following a discussion with key officials, which is addressed in Section 6.1, Mr Hoon wrote to Mr Blair, on 22 March, stating:

“The key strategic problem is the spread of WMD – of which Saddam is only one unpleasant dimension. A more active counter-proliferation strategy is required for the region as a whole (for example any Iraqi government will seek WMD if Iran is getting them so our strategy must cover both). On Iraq, we should support President Bush and be ready for a military contribution ... [W]e should be involved in the detail before we commit our forces.”

“... In objective terms, Iran may be the greater problem for the UK ... Ironically, we have Saddam Hussein bound into an established control mechanism. There is some substance in the US view that he as an individual is at the root of the WMD risk in Iraq. But any Iraqi government is likely to try and achieve a balance of forces with Iran. I strongly support the parallel campaign by Jack [Straw] to tackle Iran through the IAEA system.”¹⁶¹

450. Mr Hoon identified three factors that the UK should keep in mind in considering how to support President Bush:

- The US already has heavy land forces in the region ... [and] is planning on the basis that it would take 90 days to deploy all necessary forces to the region; it would take us longer.
- Despite 10 years of searching, no one has found a credible successor to Saddam.
- If a coalition takes control of Baghdad (especially without catching Saddam), it will probably have to stay there for many years.”

451. Mr Hoon wrote that the UK “should support President Bush and be ready for a military contribution” for Iraq. Mr Hoon cautioned that the UK was:

“... not privy to detailed US planning, either strategically across the region or on Iraq. Before any decision to commit British forces, we ought to know that the US has a militarily plausible plan with a reasonable prospect of success compared to the risks and within the framework of international law. Our involvement in planning would improve their process – and help address our lead time problem. It would enable either CDS to reassure you that there is a sound military plan or give you a basis to hold back if the US cannot find a sensible scheme ... I suggest one of your objectives at Crawford should be to secure agreement to the UK’s participation in US military planning ...”

¹⁶¹ Letter Hoon to Prime Minister, 22 March 2002, ‘Iraq’.

452. Finally, Mr Hoon proposed that Mr Blair might raise with President Bush “the need for a comprehensive public handling strategy, so that we can explain convincingly why we need to take such drastic action against Iraq’s WMD now”.

453. Copies of Mr Hoon’s letter were sent to Mr Straw and to Sir Richard Wilson.

MR STRAW’S ADVICE, 25 MARCH 2002

454. Mr Straw wrote to Mr Blair on 25 March setting out the risks which could arise from discussions with President Bush, but suggesting the “case against Iraq and in favour (if necessary) of military action” might be made in the context of seeking regime change as an essential part of a strategy of eliminating Iraq’s WMD, rather than an objective in its own right.

455. Mr Straw advised that the fact that Iraq was in flagrant breach of the obligations imposed on it by the Security Council provided the core of a strategy based on international law.

456. The case could be based on a demand for the unfettered re-admission of inspectors.

457. The US was likely to oppose any proposal for a new mandate from the UN Security Council, but the weight of UK legal advice was that a new mandate “may well be required”.

458. Mr Straw also stated that, if the argument was to be won, the whole “case against Iraq and in favour (if necessary) of military action” needed to be narrated with reference to the international rule of law.

459. In his meeting on 18 March, Mr Straw asked for “detailed advice from FCO Legal Advisers on the provisions in international law for the use of the kind of force that might be required should the Americans set themselves the objective of regime change”.¹⁶²

460. Mr Straw concluded he would write to the Prime Minister to flag up the main issues for Crawford, including a media strategy, and asked for a draft, submitted through Sir Michael Jay.

461. Mr John Grainger, FCO Legal Counsellor in the Middle East Department, advised on 21 March that any action by HMG to assist any group to overthrow the regime in Iraq by violent means would be contrary to international law; and that any use of force with the objective of changing the Iraqi regime would be unlawful.¹⁶³ But regime change would not be unlawful if it was a consequence of the use of force permitted by international law.

¹⁶² Minute Sedwill to Patey, 18 March 2002, ‘Iraq’.

¹⁶³ Minute Grainger to PS [FCO], 21 March 2002, ‘Iraq: Regime Change’.

462. Mr Ricketts sent a personal minute advising Mr Straw that:

“By sharing Bush’s broad objective, the Prime Minister can help shape how it is defined and the approach to achieving it. In the process he can bring home ... some of the realities which will be less evident from Washington. He can help Bush make good decisions by telling him things his own machine probably isn’t.”¹⁶⁴

463. Mr Ricketts added that “broad support for the objective” brought “two real problems which need discussing”. The first was the threat from Iraq on which Mr Ricketts wrote, “The truth is that what has changed is not the pace of Saddam Hussein’s WMD programmes, but our tolerance of them” after 9/11.

464. Mr Ricketts advised:

“This is not something we need to be defensive about, but attempts to claim otherwise publicly will increase scepticism about our case ...

“US scrambling to establish a link between Iraq and Al Qaida is so far frankly unconvincing. To get public and Parliamentary support for military operations we have to be convincing that:

- the threat is so serious/imminent that it is worth sending our troops to die for;
- it is qualitatively different from the threat posed by other proliferators who are closer to achieving nuclear capability (including Iran).

“We can make the case on qualitative difference (only Iraq has attacked a neighbour, used CW and fired missiles against Israel). But the overall strategy needs to include re-doubled efforts to tackle other proliferators ... in other ways ... But we are still left with a problem of bringing public opinion to accept the imminence of a threat from Iraq. This is something the Prime Minister and President need to have a frank discussion about.”

465. The second problem was the need to define an “end state” for any military action. Mr Ricketts advised:

“Military operations need clear and compelling military objectives ... For Iraq, ‘regime change’ does not stack up. It sounds like a grudge match between Bush and Saddam. Much better, as you have suggested, to make the objective ending the threat to the international community from Iraqi WMD before Saddam uses it or gives it to terrorists. That is ... easier to justify in terms of international law, but also more demanding. Regime change which produced another Sunni general still in charge of an active Iraqi WMD programme would be a bad outcome (not least because it would be almost impossible to maintain UN sanctions on a new leader who came in promising a fresh start).”

¹⁶⁴ Minute Ricketts to Secretary of State [FCO], 22 March 2002, ‘Iraq: Advice for the Prime Minister’.

466. Mr Ricketts added:

“As with the fight against UBL, Bush would do well to de-personalise the objective, focus on elimination of WMD, and show that he is serious about UN Inspectors as the first choice means of achieving that (it is win/win for him: either Saddam against all the odds allows Inspectors to operate freely, in which case we can further hobble his WMD programmes, or he blocks/hinders, and we are on stronger ground for switching to other methods).”

467. Mr Ricketts concluded:

“Defining the end state in this way, and working through the UN, will ... also help maintain a degree of support among the Europeans, and therefore fits with another message which the Prime Minister will want to get across: the importance of positioning Iraq as a problem for the international community as a whole, not just for the US.”

468. In a personal minute to Mr Blair on 25 March, Mr Straw advised:

“The rewards from your visit to Crawford will be few. The risks are high, both for you and for the Government. I judge that there is at present no majority inside the PLP for any military action against Iraq ...”¹⁶⁵

469. Mr Straw wrote that making the case that “Saddam and the Iraq regime are bad” was “easy”, but there were four areas where there was:

“a long way to go to convince them as to:

- (a) the scale of the threat from Iraq and why this has got worse recently;
- (b) what distinguishes the Iraqi threat from that of eg Iran and North Korea so as to justify military action;
- (c) the justification for any military action in terms of international law;
- (d) whether the consequence of military action really would be a compliant, law abiding replacement government.

“The whole exercise is made much more difficult to handle as long as conflict between Israel and the Palestinians is so acute ...”

470. Mr Straw advised that the Iraqi regime posed “a most serious threat to its neighbours, and therefore to international security” but, from “the documents so far presented it has been hard to glean whether the threat from Iraq is so significantly

¹⁶⁵ Minute Straw to Prime Minister, 25 March 2002, ‘Crawford/Iraq’.

different” as to justify military action. Without the attacks of 11 September, it was “doubtful that the US would now be considering military action against Iraq”. There was:

“... no credible evidence to link Iraq with UBL and Al Qaida ...

“... Objectively, the threat from Iraq has not worsened as a result of 11 September. What has, however, changed is the tolerance of the international community (especially that of the US), the world having witnessed on September 11 just what determined evil people can these days perpetrate.”

471. Addressing the difference between Iraq, Iran and North Korea, Mr Straw wrote:

“By linking these countries together in his ‘axis of evil’ speech, President Bush implied an identity between them not only in terms of their threat, but also in terms of the action necessary to deal with the threat. A lot of work will now need to be done to delink the three, and to show why military action against Iraq is so much more justified than against Iran and North Korea. The heart of this case – that Iraq poses a unique and present danger – rests on the fact that it:

- invaded a neighbour;
- has used WMD, and would use them again;
- is in breach of nine UNSCRs.”

472. In relation to the position in international law, Mr Straw wrote:

“That Iraq is in flagrant breach of international legal obligations imposed on it by the UNSC provides us with the core of a strategy, and one which is based on international law. Indeed, if the argument is to be won, the whole case against Iraq and in favour (if necessary) of military action needs to be narrated with reference to the international rule of law.

“We also have better to sequence the explanation of what we are doing and why. Specifically, we need to concentrate in the early stages on:

- making operational the sanctions regime foreshadowed by UNSCR 1382;
- demanding the re-admission of weapons inspectors ... to operate in a free and unfettered way ...

“... I believe that a demand for the unfettered re-admission of weapons inspectors is essential, in terms of public explanation, and in terms of legal sanction for any subsequent military action.

“Legally, there are two potential elephant traps:

- (i) regime change per se is no justification for military action; it could form part of the method of any strategy, but not a goal. Of course, we may want credibly to assert that regime change is an essential part of the strategy by

which we have to achieve our ends – that of the elimination of Iraq’s WMD capacity; but the latter has to be the goal;

- (ii) on whether any military action would require a fresh UNSC mandate (Desert Fox did not). The US are likely to oppose any idea of a fresh mandate. On the other side, the weight of legal advice here is that a fresh mandate may well be required. There is no doubt that a new UNSCR would transform the climate in the PLP. Whilst that (a new mandate) is very unlikely, given the US’s position, a draft resolution against military action ... could play very badly here.”

473. Addressing the consequences of military action, Mr Straw wrote:

“A legal justification is a necessary but far from sufficient pre-condition for military action. We have also to answer the big question – what will this action achieve? There seems to be a larger hole in this than on anything. Most of the assessments from the US have assumed regime change as a means of eliminating Iraq’s WMD threat. But none has satisfactorily answered how that regime change is to be secured, and how there can be any certainty that the replacement regime will be better.

“Iraq has had no underlying history of democracy so no-one has this habit or experience.”

474. Mr Straw also wrote:

“I will talk to you about handling the PLP. But one thing which would help greatly is agreeing that any UK action would have to be endorsed by a substantive resolution of the Commons. There is precedent for this – in the Gulf War. It makes the Government look weak and condescending to its own parliamentary party, to evade a substantive vote. A more messy alternative expression of dissent (on the division for the adjournment) cannot be avoided if there is no substantive vote. The question will also be asked of you – if there can be substantive votes on a trivial issue like hunting, why not on war?”

475. Mr Straw’s minute does not appear to have been sent to anyone outside No.10.¹⁶⁶

476. A minute from Mr Patey states that Mr Straw and Mr Blair were due to meet on 26 March to discuss “amongst other things, Iraq”.¹⁶⁷

477. An undated manuscript note from Mr Powell to Mr Blair suggested that Mr Straw wanted to discuss his advice.¹⁶⁸

¹⁶⁶ Minute Straw to Prime Minister, 25 March 2002, ‘Crawford/Iraq’.

¹⁶⁷ Minute Patey to Goulty, 25 March 2002, ‘Iraq: Military Action’.

¹⁶⁸ Manuscript comment Powell to PM, [undated], on Minute Straw to Prime Minister, 25 March 2002, ‘Crawford/Iraq’.

478. There is no No.10 record of that discussion.

479. Mr Straw told the Inquiry that his recommendation was:

“... not a route of regime change ... [but] not containment.

“Of course there was debate about whether we should just put up with containment, but the problem with just putting up with containment, notwithstanding [resolution] 1409 [adopted in May 2002] was that it wasn’t going anywhere ... Meanwhile, the perception of the risk had completely changed ...”¹⁶⁹

480. Asked if the messages to the US Administration before 25 March that the UK was prepared to be part of a coalition pursuing regime change had pre-empted his advice, Mr Straw told the Inquiry that his minute to Mr Blair was part of the debate in the UK Government.¹⁷⁰ Part of that was how to handle the US.

481. Mr Straw added that the UK had succeeded in achieving its policy objective when the US was persuaded to go down the UN route “for the sole purpose, not of regime change, but of dealing with, ‘The threat posed by Iraq to international peace and security’”.

MR STRAW’S CONVERSATION WITH SECRETARY POWELL, 25 MARCH 2002

482. In a conversation with Secretary Powell, on 25 March, Mr Straw was reported to have described the political situation in the UK as:

“... generally ‘twitchy’, mostly for domestic reasons. Everyone accepted the case against Iraq but not everyone acknowledged that post-11 September, our tolerance of threats to security had reduced. He explained the need for military action, should it take place later in the year, to be clearly within international law, even if not explicitly endorsed by UNSCRs. He understood American impatience with our approach ... There would be a real problem if the objective of military action were regime change. The Foreign Secretary felt entirely comfortable making a case for military action to deal with Iraq’s WMD and could even say that the means of meeting those concerns might be regime change, but this could not be the objective. Politically we needed a strategy to swing parliamentary, public and European opinion behind whatever course of action we took.”¹⁷¹

483. When he saw the record of the conversation with Secretary Powell, Mr Wood reminded Mr Straw that a further decision by the Security Council was likely to be needed to revive the authorisation to use force in Iraq.¹⁷²

¹⁶⁹ Public hearing, 21 January 2010, pages 17-18.

¹⁷⁰ Public hearing, 21 January 2010, pages 20-21.

¹⁷¹ Telegram 194 FCO London to Washington, 25 March 2002, ‘Iraq: Foreign Secretary’s Conversation with Colin Powell 25 March 2002’.

¹⁷² Minute Wood to Private Secretary [FCO], 26 March 2002, ‘Iraq’.

484. Having seen the telegram reporting the conversation between Mr Straw and Secretary Powell, Mr Wood wrote to Mr Straw's office to remind him of the advice in the FCO paper, 'Iraq: Legal Background', including that:

"... we would receive no support for reliance on the 1990 resolution authorising the use of force prior to Desert Storm in the absence of a further decision by the Council (whether by Presidential statement or by new resolution) that Iraq was in flagrant violation of its obligations under the cease-fire resolution.

"... The Attorney General's advice will need to be sought at the appropriate stage before Ministerial decisions on actions or public statements."¹⁷³

485. Sir Michael Wood told the Inquiry that was the first of a series of occasions on which he sent such a note:

"I was obviously quite concerned by what I saw him [Mr Straw] saying ... often reports are not accurate. They are summaries, they are short. He may well not have said it in quite the form it came out in the telegram, but whenever I saw something like that, whether from the Foreign Secretary or from the Prime Minister or from officials ... I would do a note just to make sure they understood the legal position.

"This is just an example of quite a few notes, but it certainly wasn't my impression that the Foreign Secretary really misunderstood the legal position at that stage."¹⁷⁴

486. Sir Michael added:

"This was quite early. It was before it had got into the bloodstream ... of the Foreign Office and others, what the legal position was. So it was necessary just to remind people of what was the accepted view."¹⁷⁵

487. Asked about Mr Wood's minute, Mr Straw told the Inquiry:

"What we were seeking to do – that was just before Crawford – was to persuade the Americans to go down the UN route. There were still a number of views about whether or not [resolutions] 678 and 687 could 'revive' the authority for military action. As is well-known, I had told the Prime Minister that my view was that we had to go down the UN route in any event, but I also had to keep our negotiating position protected publicly, and that was why I used the words that I did."¹⁷⁶

488. Preliminary discussions on the US and UK interpretations of the legal authorities for the use of force took place at the end of March.

¹⁷³ Minute Wood to Private Secretary [FCO], 26 March 2002, 'Iraq'.

¹⁷⁴ Public hearing, 26 January 2010, page 16.

¹⁷⁵ Public hearing, 26 January 2010, page 17.

¹⁷⁶ Public hearing, 8 February 2010, pages 3-4.

489. In late March 2002, Lord Goldsmith, Attorney General, informed Mr Hoon and Mr Straw that there could be considerable difficulties in justifying the use of force without further action by the Security Council.

490. Lord Goldsmith was seeking to avoid Ministers making apparently authoritative statements before he had been asked to give his views.

491. On 24 March, both Mr Straw and Mr Hoon were interviewed on television and asked questions about the legal basis for any military action against Iraq.

492. In response to a question about whether international law provided a mandate to attack Iraq during an interview on *Breakfast with Frost* on 24 March, Mr Straw replied:

“... we have never been involved in any military action in our history since the establishment of the United Nations without the backing of international law and we’re not going to be ...

...

“We don’t have a mandate to invade Iraq now, no ... what we need to do however is to ensure the full compliance by Iraq ... with these United Nations obligations ... if Iraq refuses to comply ... then the position in international law may very well change ... Nobody wants military action ... at all and the way out lies very clearly in Saddam Hussein’s hands.

...

“... But, on the fundamental issue, do you need to ensure that any action that is taken is justified in international law, there can only be one answer and that is yes.”¹⁷⁷

493. Later the same day, in an interview by Mr Jonathan Dimbleby on *ITV* about the deployment of 1,700 Royal Marines to Afghanistan, Mr Hoon was asked whether, if Saddam Hussein did not allow weapons inspectors in or only allowed them in on terms which the US and UK found unacceptable, the UK would insist on having a mandate from the United Nations Security Council or were the existing resolutions enough to validate military action.¹⁷⁸ Mr Hoon replied: “In principle they would be, not least because those weapons of mass destruction might well be capable of posing a threat to the United Kingdom in which case we will be entitled to act in self defence.”

494. Asked whether Ms Clare Short, the International Development Secretary, was correct to say that it was not tolerable to act militarily against Saddam Hussein without a UN mandate, Mr Hoon replied: “well what I am saying is that legally we would be perfectly entitled to use force without a specific United Nations resolution”.

¹⁷⁷ *BBC Breakfast with Frost*, 24 March 2002.

¹⁷⁸ *Jonathan Dimbleby ITV*, 24 March 2002.

495. In answer to a further question about what kind of necessity there might be to go back to the UN, Mr Hoon responded that would “depend on the circumstances on the ground, the nature of the information we had about the regime and crucially the extent to which Saddam Hussein was or was not prepared to accede to existing ... resolutions.” Pressed further, Mr Hoon added that it would: “Depend on the context ... But as far as I understand the position legally we would be perfectly entitled to use force as we have done in the past without the support of a United Nations Security Council resolution.”

496. A minute from Mr Patey recorded that the media were “playing up apparent differences between the Defence Secretary and Foreign Secretary over a legal basis for military action. No.10 will seek to play this down at the lobby briefing today”.¹⁷⁹ He concluded that it would be “important not to get drawn in public on the legal position in respect of what are, at this stage, hypothetical scenarios”.

497. Lord Goldsmith saw the transcripts of both interviews and wrote to Mr Hoon on 28 March pointing out that:

“... the Law Officers’ opinion has not been sought on the legality of possible action and I have not therefore offered any views on the legal position. The clarity of your statement and the apparently authoritative way it was produced puts me ... in a difficult position.

“I would not want to be definitive until I have had the benefit of full submissions ... Nonetheless I think you should know that I see considerable difficulties in being satisfied that military action would be justified on the basis of self defence ...

“I am aware that another potential argument is that the breaches of Security Council resolutions by Iraq would revive the authorisation to use force in ... resolution 678 (1990). I would welcome detailed submissions on that argument ... but, in the absence of further action by the Security Council, there could be considerable difficulties in justifying reliance on the original authorisation to use force.”¹⁸⁰

498. Lord Goldsmith concluded by drawing attention to the advice of the then Law Officers in 1997, and that he “would of course be happy to discuss this matter with you and Jack Straw at any time”.

499. Lord Goldsmith sent Mr Straw a copy of his letter, but it was not sent to No.10.

500. Following a discussion with Lord Goldsmith, Mr Hoon responded on 11 April stating that he had been speaking “in principle” about acting in self defence “if it were shown that Iraq had weapons of mass destruction which were capable of posing a threat to the

¹⁷⁹ Minute Patey to Goulty, 25 March 2002, ‘Iraq: Military Action’.

¹⁸⁰ Letter Goldsmith to Hoon, 28 March 2002, [untitled].

UK”.¹⁸¹ He did not think that curtailed Lord Goldsmith’s “ability to offer an opinion about the legal position in due course”. Mr Hoon added in manuscript that he was “sure that we can discuss this further”.

501. Mr Hoon told the Inquiry that the interview with Mr Dimbleby had been long and that he had been pushed “quite hard on legality”.¹⁸² He had been “trying quite hard not to answer any questions, and that’s quite difficult”. Mr Hoon added that Lord Goldsmith had not been “particularly concerned about the nature of my legal observation, I think he was more concerned that I might be, in effect, boxing him in when he came to write his own opinion”.

502. Lord Goldsmith told the Inquiry he had “achieved my purpose of making it clear that I didn’t want to see senior ministers making apparently authoritative statements on behalf of HM Government about the use of force before I had even been asked to express any view of it”.¹⁸³

503. Mr Wood also reminded Mr Straw that a further decision by the Security Council was likely to be needed to revive the authorisation to use force in Iraq.

504. As agreed in Mr Straw’s meeting of 18 March, Mr Wood and Mr Grainger visited Washington on 28 March for talks on a range of subjects, not just Iraq, with Mr William H Taft IV, the US State Department Legal Advisor.¹⁸⁴ They also met Mr John Bellinger III, the NSC General Counsel.

505. The talks included a preliminary discussion of different US and UK interpretations of the legal authorities in various UN resolutions on Iraq for the No-Fly Zones and future use of military force but were not intended to reach an agreed position.

506. The record of the discussions was sent to Mr Paul Berman who sent it to Lord Goldsmith and Mr David Brummell, the Legal Secretary to the Law Officers.¹⁸⁵

Mr Charles Kennedy’s letter, 26 March 2002

507. Mr Charles Kennedy, Leader of the Liberal Democrats, wrote to Mr Blair on 26 March expressing concern about the possibility of military action against Iraq and arguing that before the UK lent its support for action the Government must be satisfied that there was no other course of action open to the international community.

¹⁸¹ Letter Hoon to Goldsmith, 11 April 2002, [untitled].

¹⁸² Public hearing, 19 January 2010, pages 65-66.

¹⁸³ Public hearing, 27 January 2010, page 19.

¹⁸⁴ Minute Grainger to Wood, 8 April 2002, ‘Meetings at US State Department’.

¹⁸⁵ Manuscript comment Berman to Goldsmith and Brummell, 12 April 2002, on Minute Grainger to Wood, 8 April 2002, ‘Meetings at US State Department’.

508. Mr Charles Kennedy wrote to Mr Blair on 26 March “in advance of your meeting with President Bush to express the concern that many feel with regard to the possibility of military action against Iraq”.¹⁸⁶

509. Mr Kennedy wrote:

“... those of us who believe that the case for fresh military action remains unproven are in no way apologists for a brutal dictator who subjects his own people to ignominy and deprivation, flouts international law, and continues to pose a threat to international security.

“Military action should never be undertaken without clear and realistic political objectives that are capable of achievement, and always as a last resort after all other available means of achieving those objectives have been explored. I urge you to seek such avenues with the same vigour and determination which you showed in helping to build the international coalition against terrorism ...

“It is axiomatic that those of us who seek to make Iraq fulfil its obligations under international law, should ensure that any action taken to impose these obligations is supported by international law.

“... there is no evidence to link Baghdad with the events of 11 September. Nor is there any published evidence of the chemical, biological or nuclear capability of Iraq since the withdrawal of the UNSCOM inspectors in 1998, but it would be reasonable to conclude from past history that there is a strong probability that such capabilities exist or at least are being actively pursued.

“The return of the weapons inspectors ... must remain the international community’s priority. I would therefore urge engagement with the regime to solicit agreement on access ...

“Before the UK lends its support for action against Iraq, the Government must be satisfied that there is no other course of action open to the international community. I would also urge the Government should seek the views of the elected representatives of the British People in debate and a substantive motion before the House of Commons before any further British forces be deployed beyond present military commitments against Iraq.”

Mr Powell’s advice, 28 March 2002

510. Mr Powell advised Mr Blair that the objectives for his meeting with President Bush were to “agree sensible plans” on both Iraq and the MEPP; and to “capitalise” on his standing in the US and support for the US Administration.

¹⁸⁶ Letter Kennedy to Blair, 26 March 2002, [untitled].

511. In relation to the tactics on Iraq, Mr Powell suggested making the case against Saddam Hussein and then setting an ultimatum seeking the return of weapons inspectors.

512. Mr Powell advised Mr Blair on 28 March that:

“Your meeting with Bush is an unusually important one and as timely on substance as it is untimely in terms of domestic politics.

“On substance I think we have two basic aims:

- a) to agree sensible plans for Iraq and for the MEPP. On the former I would not major on UN authorisation or legal base or any of that. I would stick to how we come up with a military and political plan that is likely to be successful; how we get the necessary support; and how we set it up properly, with Afghanistan as the model – we need to make the case against Saddam and then set an ultimatum (in this case return of inspectors rather than handing over UBL). On the MEPP, the US are now engaged ...
- b) to capitalise on your standing in the US and your support for the Administration ...”¹⁸⁷

513. Mr Powell foresaw the need: “In terms of positioning” to “wrestle with three important audiences – the PLP, US and Europe – all of whom want to hear different things”. He suggested:

- Putting Iraq into the internationalist context. Refer back to Chicago ...
- Make the case against Iraq on grounds of the way it treats its own people as well as the WMD threat.
- Set an ultimatum before we act rather than acting precipitately: we will only act if Iraq defies UN resolutions by refusing to accept the inspectors back in (and it does need to be anyone, anytime, anywhere).
- Demonstrate we do not have double standards by showing we are persuading the Americans to engage seriously on the MEPP.”

514. Finally, Mr Powell advised on the need to position the Prime Minister’s approach “before, during and after” the visit and suggested that Mr Blair should make it clear that he was speaking as part of Europe as well as the UK: “You are a bridge not a poodle!” Mr Blair needed “warm words from him [President Bush] on MEPP in return for warm words from you on Iraq”. Mr Blair could use the speech at College Station, “to put Iraq into the wider context”.

¹⁸⁷ Minute Powell to Prime Minister, 28 March 2002, ‘Crawford’.

515. Mr Powell told the Inquiry:

“I actually put a note to the Prime Minister setting out what I thought we should focus on ... This is not Kosovo. This is not Afghanistan. If you are thinking about Iraq, you have to think about it in a different way. You have to be able to put it in a political context. I referred ... to the Chicago speech ... You need to think about the long term, about the Middle East peace process ... and how you'd put Saddam in a ... proper framework to consider this sort of action.”¹⁸⁸

516. Mr Powell emphasised that he was not providing Mr Blair with options in his note on 28 March, and others had also given Mr Blair their views. His role was to help Mr Blair to focus before the meeting.

517. Mr Powell added that he was:

“... talking about how we could influence the Americans ... we were trying to replicate what we had done after 9/11 on Afghanistan. We were trying to say to them, ‘Don’t rush into anything. Move at a deliberative pace and, above all, build a coalition. Talk to people, go the UN route. Don’t rush into unilateral action.’ We believed unilateral action would have been a terrible thing by America, and we wanted to try and put it in a much wider political context.”¹⁸⁹

518. Mr Powell said that Mr Blair was:

“... always clear that the world would be better off without Saddam Hussein ... from the very beginning ... he thought the best way to pursue this, as with Afghanistan, would be to go down the UN route and give Saddam every chance to comply, but, if he didn’t, to build a coalition to deal with him.”¹⁹⁰

Sir Christopher Meyer’s advice, 1 April 2002

519. Sir Christopher Meyer advised on 1 April that President Bush had raised expectations that the US would take military action against Iraq but questions were beginning to be asked about the risks.

520. Sir Christopher also warned about the implications of the US approach to nation building in Afghanistan.

521. In a telegram describing President Bush as “riding high” on his definition of himself as “Commander in Chief of the war on terrorism” which had transformed his Presidency, Sir Christopher Meyer advised that President Bush needed to:

“... show if not victory, at least momentum, and he has raised expectations that this means taking the war to Iraq. Until recently, the overwhelming tide of opinion inside

¹⁸⁸ Public hearing, 18 January 2010, pages 19–20.

¹⁸⁹ Public hearing, 18 January 2010, pages 22–23.

¹⁹⁰ Public hearing, 18 January 2010, pages 30–31.

the Administration and out, was that the only decision still to be taken on Iraq was how to do it. Now, the question on everyone’s lips is how far Iraq has been pushed back by the Palestinian conflict: by the outcome of Cheney’s tour: and by a longer prognosis for operations in Afghanistan.

“There is no shortage of Bush insiders who tell us that the die is cast for a regime-change operation of some sort this autumn. But there is now a sense that the Administration are for the first time really staring the hard questions in the face: how much international support is needed: what smart options are available to topple Saddam: above all what happens afterwards. There is a doubt among some – no bigger than a fist sized cloud on the horizon – that Iraq might be too risky politically.

“There is no bigger obstacle than the Israeli Palestinian conflagration ...”¹⁹¹

522. Separate advice from the Embassy to Whitehall analysing recent US polls a few days earlier reported strong support (88 percent) for removal of Saddam as an important foreign policy goal of the US, although only 46 percent favoured using ground troops to invade Iraq.¹⁹² The Embassy concluded that US public opinion was ready to respond to strong leadership: the US had been attacked and:

“... if and when a persuasive case is made for specific action in Iraq as part of the war on terrorism, the American people will be up for it. But for now, it would be unwise to interpret the headline figures as depicting a bellicose and confident US ready to do whatever it takes to rid the world of Saddam.”

523. Sir Christopher Meyer also offered advice on the US approach in Afghanistan, where decisions had been taken:

“... in a very small circle of key officials around the President. Where Rumsfeld (and General Franks) have not been fully engaged, little action has resulted. Many in the Administration recognise that, on the ground, there is a real danger of losing Afghanistan because of a US fear of getting sucked into nation-building. But Rumsfeld has, in effect, blocked all but a minimalist approach.”¹⁹³

524. Sir Christopher suggested that the UK should “vigorously” use the leverage from the deployment of 45 Commando Royal Marines to:

“... push for greater US engagement in international stability efforts ... We have proportionately far more ground forces in Afghanistan than the Americans. If we are not careful, the US will try to pass to us lead responsibility for Afghan stability for the

¹⁹¹ Telegram 451 from Washington to FCO London, 1 April 2002, ‘PM’s Visit to Texas: Bush and the War on Terrorism’.

¹⁹² Note British Embassy Washington, 26 March 2002, ‘US Public Opinion on Operations Against Iraq’.

¹⁹³ Telegram 451 from Washington to FCO London, 1 April 2002, ‘PM’s Visit to Texas: Bush and the War on Terrorism’.

foreseeable future. Keeping us on as ... lead nation until the end of June is exactly what the Americans wanted from the start.”

525. Sir Christopher told the Inquiry that he had advised Mr Blair to focus on three things at Crawford:

- “... how to garner international support for a policy of regime change, if that is what it turns out to be.”
- “If it involves removing Saddam Hussein, how do you do it and when ...”
- “Above all ... get them to focus on the aftermath ...”¹⁹⁴

526. Sir Christopher added that regime change in Iraq did not, at that time, “necessarily mean an armed invasion”.

Advice on the economic effects of military action

527. In response to his concern about the impact that high oil prices might have on public support for military action, Mr Blair was sent advice by both the FCO and Mr Scarlett.

528. In his minute of 17 March, Mr Blair had described oil prices as his “big domestic worry”; and that higher petrol prices “really might put the public off”.¹⁹⁵

529. Mr Michael Arthur, the FCO Economic Director, sent Sir David Manning a briefing on the economic effects of military action against Iraq which concluded that: while military action against Iraq would pose some risk to the oil market, it should be containable; there would be unavoidable economic consequences for Iraq’s neighbours, particularly Jordan; and economic effects on Iraq itself were inevitable.¹⁹⁶ It suggested that the UK should think about helping northern Iraq.

530. Mr Scarlett responded to a separate request from Sir David Manning for an update on Iraq’s oil production, the importance of oil income to the Iraqi regime and the effect of a halt in oil exports on the world oil market on 4 April.¹⁹⁷

531. Mr Scarlett advised:

- Iraq benefited from both manipulating the Oil-for-Food regime and illegal oil exports.
- It was “unlikely that Iraq would voluntarily cease its illegal oil sales”.
- Iraq had halted oil exports under OFF for five weeks in mid-2001 to pressurise the Russians to resist UK/US proposals on revised sanctions.

¹⁹⁴ Public hearing, 26 November 2009, pages 27-28.

¹⁹⁵ Minute Prime Minister to Powell, 17 March 2002, ‘Iraq’.

¹⁹⁶ Letter Arthur to Manning, 26 March 2002, ‘Iraq: Back Pocket Economics’.

¹⁹⁷ Minute Scarlett to Manning, 4 April 2002, ‘Iraq: Oil’.

- Iraq could “survive for several months at least and possibly several years” without any oil income, as it had between 1991 and the end of 1996.
- The contribution of revenues from OFF was not “regarded as necessarily crucial to regime survival”.
- Removal of access to revenue from illegal oil exports would be a “more direct threat to the regime”.
- There had been considerable successes in limiting oil smuggling through the Gulf, but it had “proved politically impossible to counter effectively Iraq’s other illegal oil exports”.
- While a sudden cut in Iraqi oil exports would probably cause a temporary spike in the oil price, the price rise would be “moderate” (less than US\$5 per barrel).
- Market expectations would be a key factor in determining the duration of the spike. They were already influenced by “jitters over the Middle East and talk of war with Iraq”.

532. When Iraq announced on 8 April that it would halt oil exports under the UN Oil-for-Food programme for 30 days “or until Israel withdraws from Palestinian territories”, Mr Blair was advised that the market had already factored in the possibility of disruption given the situation in the Middle East and the possibility of from an Iraqi suspension of exports around the UN discussion of sanctions at the end of May.¹⁹⁸

Chequers meeting, 2 April 2002

533. Mr Blair discussed the need for a strategy to remove Saddam Hussein and possible US military action in a meeting at Chequers on 2 April 2002.

534. The meeting was clearly intended to inform Mr Blair’s approach in his discussion with President Bush.

535. Following Mr Blair’s request in his minute of 17 March for a meeting with military personnel, a meeting was held at Chequers on 2 April. No formal record was made of the discussion or who was present.

536. Accounts given by participants suggest that Admiral Sir Michael Boyce, Chief of the Defence Staff (CDS), Sir Kevin Tebbit, MOD Permanent Under Secretary (representing Mr Hoon who was unable to attend), Lieutenant General Sir Anthony Pigott, Deputy Chief of the Defence Staff (Commitments), Lieutenant General Cedric Delves, senior UK liaison officer at CENTCOM, Sir Richard Dearlove, Mr Powell, Sir David Manning and Mr Scarlett were present.

¹⁹⁸ Minute No.10 [junior official] to Prime Minister, 8 April 2002, ‘Iraq Suspends Oil Exports; Impact on the Oil Markets’.

537. Mr Straw was overseas at the UK/Caribbean Summit at that time, but no FCO representative was present.¹⁹⁹

538. Lt Gen Pigott produced a set of briefing slides at the meeting.²⁰⁰ They identified a provisional end state for military action against Iraq which was defined as:

“A law-abiding Iraq which is reintegrated in the international community, that does not threaten its neighbours, or global security.”

539. The slides prepared for Lt Gen Pigott also contained elements related to Afghanistan, the need to eliminate international terrorism as a force in international affairs and a series of questions in relation to the goals and approach of any military action in Iraq, including that if the US wanted the UK to be involved in any military action, the UK would need to be involved in the planning.

540. Dr Simon Cholerton, Assistant Director in the MOD Secretariat (Overseas), advised Sir Kevin Tebbit:

“... we believe that the key issue for the PM to raise with President Bush is the outcome the US would seek from any military action: would it simply be [to] control Iraq’s WMD, remove Saddam from office (in the knowledge that a successor regime may well continue with Iraq’s WMD programmes) or is it necessary to install a replacement regime? The answer to this question will be key to military planning; how action would fit into the framework of international law and help hugely in subsequent work to influence US policy.”²⁰¹

541. Mr Blair wrote in his memoir that Adm Boyce and Lt Gen Pigott:

“... gave a presentation. They warned it could be a bloody fight and take a long time to remove Saddam. The US were engaged in preliminary planning, but it was hard to read where they were going with it. We needed to get alongside that planning and be part of it ...”²⁰²

542. Mr Powell told the Inquiry that the meeting at Chequers was a “key meeting ... to talk about what he [Mr Blair] should do at Crawford”.²⁰³

543. Sir David Manning told the Inquiry that he did not remember the Chequers meeting as “outstandingly important”, though he recollected that “things accelerate in the second quarter of the year”.²⁰⁴ There had been a similar meeting on Afghanistan which had explored the feasibility of military action.

¹⁹⁹ FCO Daily Bulletin, 2 April 2002.

²⁰⁰ Email DCDS(C)/MA2 to CDS REGISTRY-5 and PS/PUS, 28 March 2002, ‘Iraq Briefing Slides’.

²⁰¹ Minute Cholerton to PS/PUS [MOD], 8 April 2002 [date is incorrect], ‘Iraq: Meeting with Prime Minister at Chequers’.

²⁰² Blair T. *A Journey*. Hutchinson, 2010.

²⁰³ Public hearing, 18 January 2010, page 19.

²⁰⁴ Private hearing, 24 June 2010, pages 34-35.

544. Sir Richard Dearlove had discussed the Chequers meeting with colleagues on 4 April.²⁰⁵ In response to questions from the Inquiry, Sir Richard confirmed that regime change didn't necessarily mean military action and could, at that stage, have meant a variety of things.

545. Asked whether, from his memory of Chequers, Sir Richard thought Mr Blair would have taken that view, Sir Richard replied: “I think you have got to look at it in the broadest, most general sense”.

546. Asked if Mr Straw and Adm Boyce would have gone along with Mr Blair's view, or were they more cautious, Sir Richard replied:

“I am not sure. I think you've got to realise that SIS at this point is in a pretty extraordinary position ... with an insight into what's happening in the US which was probably much more profound than anyone else in Government has got.”

547. Sir Richard had also reported to his colleagues that: “WMD would only be one of several arguments pointing to the need to uproot Saddam.”

548. Sir Richard had told his colleagues that Mr Blair was seized of the fact that the WMD threat from Libya was more serious than that from Iraq.²⁰⁶ Sir Richard added that it had been about that time the UK “discovered that Libya has an active nuclear programme”, which had been “something of a shock”.

549. Asked whether the concerns about WMD in other countries – Iran, North Korea and Libya – were more important than Iraq, and how important WMD was for making the case “to topple the [Iraqi] regime”, Sir Richard told the Inquiry that in April 2002 concerns about Iraq's WMD were “above the level of routine” and there was “an assumption that Iraq's interest in WMD” continued.²⁰⁷ Mr Blair would “push” President Bush to pursue an active policy on Iraq “but the initial phase would be to prepare international public opinion”.

550. Asked how to interpret a reference in the record of the discussion [on 4 April] to Mr Blair wanting to lead, not just support the process of regime change, Sir Richard told the Inquiry he thought it was the former: “keeping our hands on what's going on and not letting the Americans run away with the ball”.²⁰⁸

551. Mr Campbell produced the most detailed account of the meeting. In his diaries, he described it as:

“... a repeat of the smaller meeting we'd had on Afghanistan. Boyce ... mainly set out why it was hard to do anything ...

²⁰⁵ Private hearing, 16 June 2010, pages 38-43.

²⁰⁶ Private hearing, 16 June 2010, pages 27-28.

²⁰⁷ Private hearing, 16 June 2010, pages 28-29.

²⁰⁸ Private hearing, 16 June 2010, page 29.

“TB [Tony Blair] wanted to be in a position to give GWB [President Bush] a strategy and influence it. He believed Bush was in the same position as him, that it would be great to get rid of Saddam and could it be done without terrible unforeseen circumstances? ...

“We were given an account of the state of Iraqi forces, OK if not brilliant, the opposition – hopeless – and Saddam’s ways – truly dreadful. CDS [Adm Boyce] appeared to be trying to shape the meeting towards inaction, constantly pointing out the problems, the nature of the administration, only Rumsfeld and a few others knew what was being planned, TB may speak to Bush or Condi but did they really know what was going on? ... He said apart from Rumsfeld, there were only four or five people who were really on the inside track.

“... but CDS would keep coming back to the problems ... General Tony Pigott did an OK presentation which went through the problems realistically but concluded that a full-scale invasion would be possible, ending up with fighting in Baghdad. But it would be bloody, could take a long time. Also, it was not impossible that Saddam would keep all his forces back. He said post-conflict had to be part of conflict preparation. The Americans believed we could replicate Afghanistan but it was very, very different ... [Lt Gen] Cedric [Delves] ... said Tommy Franks [General Franks, Commander in Chief CENTCOM] was difficult to read because he believed they were planning something for later in the year, maybe New Year. He basically believed in air power plus Special Forces. CDS said if they want us to be involved in providing force, we have to be involved in all the planning, which seemed fair enough.

“TB said it was the usual conundrum – do I support totally in public and help deliver our strategy, or do I put distance between us and lose influence?

“We discussed whether the central aim was WMD or regime change. Pigott’s view was that it was WMD. TB felt it was regime change in part because of WMD but more broadly because of the threat to the region and the world ... [P]eople will say that we have known about WMD for a long time ... [T]his would not be a popular war, and in the States fighting an unpopular war and losing is not an option.

“C said that the Presidential Finding, based on an NSC paper, made clear it was regime change that they wanted ... There was a discussion about who would replace Saddam and how could we guarantee it would be better. Scarlett said it couldn’t be worse ...”²⁰⁹

²⁰⁹ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

Presidential Finding in early 2002

In an article in *The Washington Post* on 16 June 2002, Mr Bob Woodward wrote that President Bush had signed an intelligence order earlier in the year “directing the CIA to undertake a comprehensive, covert program to topple Saddam Hussein, including authority to use lethal force to capture the Iraqi President”.²¹⁰

The order was:

“... an expansion of a previous Presidential Finding designed to oust [Saddam] Hussein”.

The Finding directed the CIA to “use all available tools, including:

- Increased support to Iraqi opposition groups and forces inside and outside Iraq including money, weapons, equipment, training and intelligence information.
- Expanded efforts to collect intelligence within the Iraqi government, military, security service and overall population where pockets of intense anti-Hussein sentiment have been detected.
- Possible use of CIA and U.S. Special Forces teams, similar to those that have been successfully deployed in Afghanistan since the Sept. 11 terrorist attacks. Such forces would be authorized to kill Hussein if they were acting in self-defense.”

The US perspective on Mr Blair’s position, pre-Crawford

552. Secretary Powell told President Bush that Mr Blair:

- would want to present the strategic, tactical and public affairs lines he believed would strengthen support for the US and UK; “common cause” in relation to the war on terrorism and Iraq; and
- recognised he would pay a political price for supporting the US on Iraq and wanted to minimise that. UK voters would be looking for signs that the UK and US were “equity partners in the special relationship”.

553. Secretary Powell told President Bush that Mr Blair would want to discuss “Afghanistan; Iraq; the Middle East; Russia and NATO enlargement; and trade and development”.²¹¹

554. Secretary Powell wrote that Mr Blair:

“... continues to stand by you and the US as we move forward on the war on terrorism and Iraq. He will present to you the strategic, tactical and public affairs lines that he believes will strengthen global support for our common cause. [...]

²¹⁰ *The Washington Post*, 16 June 2002, *President Broadens Anti-Hussein Order*.

²¹¹ Memorandum Powell to Bush, 28 March 2002, ‘Your Meeting with United Kingdom Prime Minister Tony Blair, April 5-7, 2002 at Crawford’.

“Blair and the UK are in Afghanistan with us for the long haul. He readily committed to deploy 1700 commandos, even though his experts warn that British forces are overstretched ... [...].

“On Iraq, Blair will be with us should military operations be necessary. He is convinced on two points: the threat is real; and success against Saddam will yield more regional success. Aside from his foreign and defense secretaries, however, Blair’s Cabinet shows signs of division, and the Labour Party and the British public are unconvinced that military action is warranted now. Blair may suggest ideas on how to (1) make a credible public case on current Iraqi threats to international peace; (2) keep Iraq’s neighbours on our side; (3) handle calls for a UNSC blessing that can increase support for us in the region and with UK and European audiences; and (4) demonstrate that we have thought through ‘the day-after.’

“The UK will follow our lead in the Middle East, but Blair may seek greater US engagement [...] He will argue that continued terrorist violence and Israeli military action are rapidly sapping European and Arab support for a tough line on Baghdad.

[...]

“... He is sharply criticised by the media for being too pro-US in foreign and security policy, too arrogant and ‘presidential’ (not a compliment ...

“Blair knows he may have to pay a political price for supporting us on Iraq, and wants to minimize it. Nonetheless, he will stick with us on the big issues. His voters will look for signs that Britain and America are truly equity partners in the special relationship.”

555. The US Embassy in London reported on 2 April that MPs in the Labour Party were opposed to military action and identified the actions likely to be needed to secure their support.

556. Mr Blair’s challenge was to judge the timing and evolution of America’s Iraq policy, and to bring his party and the British people on board, so that the UK could be the “keystone” for any coalition the US wanted to build.

557. On 2 April, a telegram from Ambassador William Farish, US Ambassador to the UK, reported that “for a noticeable time after” President Bush had “identified Iraq’s development of WMD and missiles as a serious threat” in his State of the Union speech on 26 January, Mr Blair’s Government “essentially kept quiet on whether it agreed”.²¹² That had “changed at the end of February” when Mr Blair “spoke out forcefully” at the Commonwealth Heads of Government Meeting in Australia.

²¹² Telegram 7579 from AMEMBASSY London to SECSTATE Washington, 2 April 2002, ‘Iraq Coalition-Building: UK Labor Party Not Yet Convinced’.

558. The Embassy reported that the Government had a week later released a Foreign Office briefing paper to the Parliamentary Labour Party “that outlined the case against Iraq”. That had been followed by the article in *The Times* by Mr Straw [on 5 March] and a similar piece by Mr Blair the following day. The subsequent “debate” on the issue in the House of Commons was described as “sharp”, with opposition to military action going “unfortunately, well beyond the ‘usual suspects’”. The large number of signatories of an Early Day Motion opposing support for US military action, 130 of whom 100 were Labour MPs, was “significant” and “many more ... did not sign” but agreed with its thrust. The MPs were seen to be reflecting overall voter opinion.

559. Labour MPs who considered “themselves to be moderate and strongly pro-US” had told the US Embassy that they needed “more evidence of Iraq’s connivance with terrorism and/or willingness to use WMD before they could support HMG co-operation with military action”. Labour MPs had “especially” raised “concerns about the reaction of the Arab world”. “Several MPs” had also told the Embassy “that progress in the Middle East Peace Process could defuse some of their concerns”. “Another element raised was that there would be less negative fallout if military action were taken only after all other options were seen to have been exhausted” and “virtually all MPs with whom we spoke” wanted “the UN to endorse any military action”. MPs were worried:

“... that the US is ‘looking for another fight’ and will ‘ignore even its close friends if they object’ ... There is the impression ... that the US is not acknowledging the relevance of the UK to the US agenda.”

560. Addressing what it would take to convince Labour Parliamentarians to support military action against Iraq, Ambassador Farish wrote that widespread revulsion with the Iraqi regime did not:

“... necessarily translate into support for war. Some MPs would endorse action if they had proof that Iraq has continued to develop WMD since UN inspectors left. More would follow if convinced that Iraq has succeeded in developing significant WMD capability (not just CW, but BW and/or nuclear/radiological) and the missiles to deliver it. Many more would follow if they see compelling evidence that Iraq intends and plans to use such weapons. A clear majority would support military action against Iraq if Saddam is implicated in the 9/11 attacks or other egregious acts of terrorism. Other factors of influence include ... Arab sentiment, progress in the MEPP, UN support, civilian casualties, and having a plan that works.

“Since making his decision to move to a more robust public diplomacy on Iraq, Blair plus Straw and ... Hoon have made a string of tough statements. Blair was especially forthright when standing alongside VP Cheney on March 11.”

561. Ambassador Farish concluded:

“Blair has proved an excellent judge of political timing, and he will need to be especially careful about when to launch a ramped-up campaign to build support

for action against Iraq. He will want neither to be too far in front, or behind, US policy. As one FCO official pointed out to us, if Blair unleashes a full scale campaign in Parliament and with the general public when Parliament returns from the Easter recess, and the US policy turns out to be on a longer-term trajectory, when the time comes for action, the PM may find that his preparations have come unglued. On the other hand, if he waits too long, then the keystone of any coalition that we wish to build may not be firmly in place. No doubt these are the calculations that Blair hopes to firm up when he meets the President at Crawford ...”

Mr Blair’s meeting with President Bush at Crawford, April 2002

562. Mr Peter Watkins, Mr Hoon’s Principal Private Secretary, sent a report of a visit to Washington by MOD officials to Sir David Manning on 4 April (see Section 6.1).²¹³

563. Sir David Manning added in a manuscript comment: “... further request from Geoff Hoon that you should persuade Bush to include us in the US military planning process.”²¹⁴

564. Mr Campbell wrote that on 3 April Mr Blair “was anxious that we get the focus for the meeting at Crawford ... off Iraq simply and on to the Middle East”.²¹⁵

565. Mr Rycroft sent Mr Blair an updated briefing pack for the meetings at Crawford to Mr Blair on 4 April.²¹⁶ For Iraq, that comprised:

- the folders of background papers requested by Mr Blair;
- a FCO steering brief;
- Sir Christopher Meyer’s telegram of 1 April;
- the latest version of the draft paper for public release on Iraq’s WMD;
- a draft paper on Iraq’s human rights abuses;
- background papers on the Iraqi opposition and the weapons inspectors;
- the letter from Mr Charles Kennedy expressing concern about military action; and
- further background papers on ensuring the security of energy supply.

²¹³ Letter Watkins to Manning, 4 April 2002, ‘Iraq’.

²¹⁴ Manuscript comment Manning to PM, 5 April 2002 on Letter Watkins to Manning, 4 April 2002, ‘Iraq’.

²¹⁵ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

²¹⁶ Minute Rycroft to Prime Minister, 4 April 2002, ‘Texas’.

566. Sir David Manning provided a separate checklist of topics which described the objective on Iraq as:

“Commitment from Bush to transparency and consultation. (The model is Afghanistan.) We need to start US/UK military planning (i.e. access for UK military planners in Washington and CENTCOM – the point CDS made at Chequers).”²¹⁷

567. The Overseas and Defence Secretariat advised Sir David Manning on 5 April:

- The Iraq ‘Options Paper’ remained “current”.
- Mr Annan met an Iraqi delegation on 7 March. The Iraqis had made no specific commitments to co-operate with UN resolutions and posed 19 questions about US/UK policies. The majority were polemics but some were about clarification of resolution 1284. Mr Annan wanted the Security Council to answer those questions before further talks scheduled for 18/19 April. The UK position was that Mr Annan had no mandate to negotiate with Iraq and that he should urge them to talk to UNMOVIC and the IAEA about readmitting weapons inspectors.
- The US was working on a draft UN resolution to encapsulate recent agreements with Russia on the Goods Review List.²¹⁸

568. Mr Campbell wrote that Mr Blair had “decided that he wanted to be totally supportive but also push for more US engagement”.²¹⁹ He “would make clear that the UK would support the US on Iraq, but also make the point about UN inspectors effectively as an ultimatum”. For the first time that Mr Campbell could recall, Mr Blair had produced “his own written checklist for the meeting” with President Bush. Mr Blair had wanted “to do Iraq and MEPP first so that he knew where he was”.

Mr Blair’s meetings with President Bush at Crawford, April 2002

569. Mr Blair met President Bush at Crawford, Texas, on 5 and 6 April. Much of the discussion took place in private meetings between the two leaders.

570. Sir David Manning told the Inquiry that President Bush and Mr Blair had dined together [on the evening of Friday 5 April] and that there was a more formal meeting on the Saturday morning.²²⁰ Sir David stressed that the discussions at Crawford had been about “many other things as well as Iraq” particularly the Middle East Peace Process.

571. A three-page record of the discussions on Iraq was circulated on a secret and strictly personal basis by Sir David Manning in a letter to Mr McDonald which was sent

²¹⁷ Minute Manning to Prime Minister, 4 April 2002, ‘Crawford Checklist’.

²¹⁸ Minute Dodd to Manning, 5 April 2002, ‘Iraq’.

²¹⁹ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

²²⁰ Public hearing, 30 November 2009, pages 14-15.

only to Mr Watkins (for Mr Hoon), Admiral Boyce, Sir Michael Jay, Sir Richard Dearlove, Sir Christopher Meyer and Mr Powell.²²¹

572. Much of the discussion took place privately between the two leaders. Sir David Manning recorded that the meeting on Saturday morning was informed:

- There was no war plan for Iraq.
- Thinking so far had been on a broad, conceptual level.
- A very small cell in Central Command in Florida had recently been set up to do some planning and to think through the various options.
- When the US had done that, US and UK planners would be able to sit down together to examine the options.
- The US and UK would work through the issues together.

573. Sir David recorded that Mr Blair and President Bush had discussed:

- the need to enhance not diminish regional stability;
- who might replace Saddam Hussein if action was taken to topple him;
- the impact of a moderate, secular regime in Iraq on other countries in the region;
- the need to manage public relations with great care;
- putting Saddam Hussein on the spot over UN inspections and seeking proof of the claim that he was not developing WMD; and
- the timing of possible military action. If a decision was taken to use military action, that would not take place before late 2002/early 2003.

574. Mr Blair said that it was important to go back to the United Nations and to present that as an opportunity for Saddam Hussein to co-operate:

“... no one could doubt that the world would be a better place if there were regime change in Iraq. He was sure it was right to go the inspectors’ route. But we would have to give careful thought about how we framed the ultimatum to Saddam to allow the inspectors to do their job.”

575. Mr Blair thought that Saddam Hussein would probably try to obstruct the inspectors and play for time. That was why it was so important that they must be allowed in at any time and be free to visit any place or installation. He also identified the need for an accompanying public relations strategy that highlighted both the risks of Saddam’s WMD programme and his “appalling” human rights record, and the importance of managing European public opinion and helping to construct an international coalition.

576. Mr Blair said he would emphasise that Saddam was being given an opportunity to co-operate. If “as he expected” Saddam failed to do so, it would be “very much harder

²²¹ Letter Manning to McDonald, 8 April 2002, ‘Prime Minister’s Visit to the United States: 5-7 April’.

to resist the logic that we must take action to deal with an evil regime that threatened us with its WMD programme”.

577. Mr Blair considered that the US and UK would “still face the question of why they had decided to act now; what had changed?” In his view one of the lessons of 11 September was that: “Failure to take action in good time meant that the risks would only grow, and might force us to take much more costly action later.”

578. Sir David Manning also recorded that, following a further conversation with President Bush, Mr Blair had concluded that President Bush wanted to build a coalition, and that had led him to dismiss pressure from some on the American right.

579. The record contained no reference to any discussion of conditions which would be necessary for military action.

580. A letter from Sir Christopher Meyer to Sir David Manning on 15 May indicated that Mr Blair and President Bush had also discussed the first quarter of 2003 as a timeframe for action against Saddam Hussein.²²²

581. Mr Powell told the Inquiry that, at Crawford:

“... [President] Bush acknowledged the possibility that Saddam would allow inspectors in and let them go about their business. If that happened we would have to adjust our approach accordingly.

“So it was absolutely clear we were not signing up for a war ... we were signing up for going down the UN route and giving Saddam a chance to comply.”²²³

582. Asked if military options were discussed, Mr Powell replied:

“I don’t recall them getting into any sort of discussion of military options ...”

583. Mr Powell added that he thought Mr Blair’s message to President Bush was:

“... if you are going to do this, you have got to do this in the most intelligent manner possible, like after Afghanistan, like after 9/11. You have got to put this on a political track ... build support. You have got to go down the UN route. You have got to exhaust that UN route ... to give Saddam a chance to comply.”²²⁴

584. Mr Powell stated that Mr Blair was talking about the things that would need to be done to make action against Iraq successful:

“The first was to put the Middle East peace process in a different place ... That strikes me as a fundamental point that he repeated again and again subsequent

²²² Letter Meyer to Manning, 15 May 2002, ‘Your Visit to Washington’.

²²³ Public hearing, 18 January 2010, page 24.

²²⁴ Public hearing, 18 January 2010, pages 24-25.

to that meeting. He talked about what would happen on the day after ... so ... he ... listed all the right questions ...”²²⁵

585. The issue of conditions for military action and how those were interpreted by Mr Blair and others is addressed in Section 3.3.

586. Mr Hoon told the Inquiry, that Afghanistan was the main pre-occupation at that time.²²⁶ In his view, “The sense that this was all about Iraq, in my recollection, was wrong.”

587. Mr Blair told the Inquiry that there had been “a general discussion of the possibility of going down the military route but obviously, we were arguing for that to be if the UN route failed”.²²⁷

588. President Bush wrote that he and Mr Blair had:

“... talked about coercive diplomacy as a way to address the threat from Iraq. Tony suggested that we seek a UN Security Council resolution that presented Saddam with a clear ultimatum: allow weapons inspectors back into Iraq, or face serious consequences. I didn’t have a lot of faith in the UN. The Security Council had passed sixteen resolutions against Saddam to no avail. But I agreed to consider his idea.”²²⁸

589. Dr Rice wrote that President Bush and Mr Blair had “had an extended discussion about Iraq and the need to do something about Saddam. The President was clear that Saddam had to fear the international community if he was ever going to comply. He and Blair found common ground in that assessment ...”²²⁹

590. In their press conference on 6 April, President Bush and Mr Blair both mentioned WMD in their introductory remarks, but neither mentioned Iraq specifically. Iraq was, however, raised in many of the questions.

591. President Bush stated:

- He and Mr Blair both agreed Saddam Hussein had to prove he was not developing WMD.
- US policy was regime change and all the options were on the table.
- Mr Blair understood that Saddam Hussein could not be allowed to “hook up” with a terrorist network.

²²⁵ Public hearing, 18 January 2010, page 26.

²²⁶ Public hearing, 19 January 2010, page 30.

²²⁷ Public hearing, 29 January 2010, page 59.

²²⁸ Bush GW. *Decision Points*. Virgin Books, 2010.

²²⁹ Rice C. *No Higher Honour*. Simon & Schuster, 2011.

592. Mr Blair stated that “doing nothing” was not an option; the threat of WMD was real and had to be dealt with. The lesson of 11 September was to ensure that “groups” were not allowed to develop a capability they might use.

593. In his memoir, Mr Blair characterised the message that he and President Bush had delivered to Saddam Hussein as “change the regime attitude on WMD inspections or face the prospect of changing regime”.

594. In the press conference President Bush said that the bonds between the peoples of the US and UK were “stronger than ever” and that they shared “common interests and a common perspective on the important challenges of our times”.²³⁰ He was “extremely grateful” for Mr Blair’s “courageous leadership” since 11 September, and the world was “grateful for all that Great Britain has contributed in the war against terror”. He and Mr Blair both understood that “defeating global terror requires a broad based, long-term strategy” and “the importance of denying terrorists weapons of mass destruction”. They had also had “extensive conversations about the situation in the Middle East” where both nations were “strongly committed to finding a just settlement”. He and Mr Blair had “agreed to work closely in the weeks and months ahead on these difficult issues”.

595. Mr Blair said he agreed with President Bush on the Middle East and that they had also discussed international terrorism and weapons of mass destruction. They had agreed that “the issue of weapons of mass destruction cannot be ducked, it is a threat, it is a danger to our world and we must heed that threat and act to prevent it being realised”. In Afghanistan, it was important “not just that we root out the last remnants of the Al Qaida terrorist network ... but also that we help that country to go from being a failed state ... to a state that offers some hope of stability and prosperity for the future”.

596. In response to questions about the need for military action in Iraq, Mr Bush said he and Mr Blair had:

“... of course, talked about Iraq. We both recognise the danger of a man who is willing to kill his own people harboring and developing weapons of mass destruction ... He’s a man who obviously had something to hide.

“He told the world that he would show us that he would not develop weapons of mass destruction and yet, over the past decade he has refused to do so. And the Prime Minister and I both agree that he needs to prove that he isn’t developing ... [WMD]

“I explained ... the policy of my government is the removal of Saddam and that all options are on the table.”

²³⁰ The White House, 6 April 2002, *President Bush, Prime Minister Blair Hold Press Conference*.

597. Mr Blair said that:

“... any sensible person ... asking the question, would the region, the world, and not least the ordinary Iraqi people be better off without the regime of Saddam Hussein, the only answer anyone could give ... would be, yes.

“... how we approach this, is a matter for discussion ... for considering all the options. But a situation where he continues to be in breach of all the United Nations resolutions, refusing to allow us to assess ... whether and how he is developing these weapons of mass destruction. Doing nothing is not an option ...

“But the President is right to draw attention to the threat of weapons of mass destruction. That threat is real. How we deal with it, that’s a matter we discuss. But ... we have to deal with it ...”

598. Asked whether removal of Saddam Hussein was now the policy of the British Government, Mr Blair replied:

“... it has always been our policy that Iraq would be a better place without Saddam Hussein. I don’t think anyone can be in any doubt about that for all the reasons I have given. But how we proceed ... how we make sure that this threat that is posed by weapons of mass destruction is dealt with, that is a matter that is open. And when the time comes for taking those decisions, we will tell people about those decisions ...”

599. Asked whether regime change was a change in policy, President Bush replied that it was not:

“... the worst thing that can happen is to allow the man to abrogate his promise, and hook up with a terrorist network. And then all of a sudden you’ve got one of those shadowy terrorist networks that have got an arsenal at their disposal, which could create a situation in which nations down the road get blackmailed. We can’t let that happen, we just can’t ... And, obviously, the Prime Minister is somebody who understands this clearly ...”

600. Asked about the absence of a direct linkage between Al Qaida and Saddam Hussein, President Bush replied:

“... he wouldn’t accept that. But can’t they see the linkage between somebody who’s willing to murder his own people and the danger of him possessing weapons of mass destruction, which he said he would not develop? I see the linkage between someone who is willing ... to use chemical weapons in order to keep himself in power, and at the same time develop a weapon that could be aimed at Europe, aimed at Israel, aimed anywhere, in order to affect foreign policy ...

“I can’t imagine people not seeing the threat and not holding Saddam Hussein accountable for what he said he would do, and we’re going to do that. History has called us into action. The thing I admire about the Prime Minister is he doesn’t need

a poll or focus group to convince him the difference between right and wrong. And it’s refreshing to see leaders speak with moral clarity when it comes to the defense of freedom.

“... We will hold Saddam Hussein accountable for broken promises. And that’s what a lot of our discussion ... has been about. And ... we are going to continue our discussions.”

601. Mr Blair added:

“You talked about no linkage there. There is a reason why United Nations resolutions were passed ... calling upon him to stop developing weapons of mass destruction ... and that is because we know he has been developing these weapons.

“We know that those weapons constitute a threat. Three days after the 11 September when I made my first statement to the House of Commons ... I specifically said then that this issue of weapons of mass destruction has to be dealt with ... [W]hat happened on the 11th of September was a call to us to make sure that we didn’t repeat the mistake of allowing groups to develop a destructive capability and hope that, at some point, they weren’t going to use it. They develop that destructive capability for a reason.

“Now we’ve made it very clear to you how we then proceed and how we deal with this. All the options are open. And I think after the 11th September this President showed that he proceeds in a calm and a measured and a sensible, but in a firm way. Now that is precisely what we need in this situation too.”

602. In his memoir, Mr Blair wrote that he and President Bush had “delivered a strong message” during the press conference, which he characterised as:

“It was basically: change the regime attitude on WMD inspections or face the prospect of changing regime.”²³¹

603. Mr Powell told the Inquiry that the “worry” about the press conference was that “we had a different position on regime change” and they had spent some time discussing how to avoid exposing a “huge gulf between us”.²³²

College Station speech, 7 April 2002

604. As suggested by Mr Powell, Mr Blair used his speech at College Station on 7 April to argue for an internationalist approach in dealing with Iraq.

605. Mr Blair advocated a policy of “an enlightened self interest that put fighting for our values at the heart of the policies necessary to protect our nations”.

²³¹ Blair T. *A Journey*. Hutchinson, 2010.

²³² Public hearing, 18 January 2010, page 35.

606. Leaving Iraq to develop WMD in breach of its obligations to the Security Council was “not an option”, although the moment for decision on how to act had not yet been reached. Saddam Hussein had to let the weapons inspectors back in with unrestricted access.

607. Mr Blair used his speech at the George Bush Senior Presidential Library at College Station, Texas on 7 April to set out an internationalist approach drawing on his speech in Chicago in 1999.²³³

608. Mr Blair identified two views of international affairs: one, which was utilitarian, where “each nation maximises its own self interest”; the other was utopian, where “we tried to create a better world”. In Mr Blair’s view those two views were merging and he advocated an approach of “an enlightened self interest that put fighting for our values at the heart of the policies necessary to protect Our nations”. “Engagement in the world on the basis of these values, not isolationism from it, is the hard headed pragmatism for the 21st century.”

609. Citing the example of intervention in Kosovo, Mr Blair stated that it was “still costing us time, effort and money, but it’s a lot less than if we had turned our back and let the Balkans plunge into civil war”.

610. Mr Blair described instability as “contagious” and that “the surest way to stability is through ... values of freedom, democracy and justice”. Promotion of those values was:

“... part of our long-term security and prosperity. We can’t intervene in every case. Not all the wrongs of the world can be put right, but where disorder threatens us all, we should act.”

611. Mr Blair described the response to the terrorist attacks on 11 September as one where “the world stood firm. America took the lead, but it led a coalition of extraordinarily wide international proportions.” Mr Blair warned there was “a real danger we forget the lessons of September 11”.

612. In Mr Blair’s view there was “no escape” from facing events and “dealing with them”. Four “policy positions” should guide those responses.

613. Firstly:

“... the world works better when the US and EU stand together ...

“... The international coalition matters. Where it operates the unintended consequences of action are limited, the diplomatic parameters better fixed ...”

²³³ The National Archives, 7 April 2002, *Prime Minister’s Speech at the George Bush Senior Presidential Library*.

614. Secondly:

“... we must be prepared to act where terrorism or weapons of mass destruction threaten us. The fight against international terrorism is right. We should pursue it vigorously. Not just in Afghanistan but elsewhere. Not just by military means but by disrupting the finances of terrorism ... But there should be no let up.

“If necessary the action should be military and again, if necessary and justified, it should involve regime change. I have been involved ... in three conflicts involving regime change ...

“Britain is immensely proud of the part our forces have played and with the results but I can honestly say that the people most pleased have been the people living under the regime in question ...

“We cannot, of course, intervene in all cases but where countries are engaged in the terror or the WMD business, we should not shirk from confronting them. Some can be offered a way out, a route to respectability. I hope in time that Syria, Iran and even North Korea ... A new relationship is on offer. But they must know that sponsoring terrorism or WMD is not acceptable.

“As for Iraq, I know that some fear precipitate action. They needn't. We will proceed as we did after September 11, in a calm, measured, sensible but firm way. But leaving Iraq to develop WMD, in flagrant breach of no less than nine separate UN Security Council resolutions, refusing still to allow weapons inspectors back to do their work properly, is not an option. The regime of Saddam is detestable. Brutal, repressive, political opponents routinely tortured and executed: it is a regime without a qualm in sacrificing the lives of its citizens to preserve itself, or starting wars with neighbouring states and it has used chemical weapons against its own people.

“As I say, the moment for decision on how to act is not yet with us. But to allow weapons of mass destruction to be developed by a state like Iraq without let or hindrance would be grossly to ignore the lessons of September 11 and we will not do it. The message to Saddam is clear: he has to let the inspectors back in, anyone, any time, any place that the international community demands.”

615. Thirdly, quoting the plight of the Middle East, the dispute between India and Pakistan and conflicts in the Democratic Republic of Congo, Sudan and Angola, Mr Blair stated:

“... we should work hard to broker peace where conflict threatens a region's stability because we know the dangers of contagion ...”

616. Fourthly, Mr Blair argued:

“Prevention is better than cure. The reason it would be crazy for us to clear out of Afghanistan once we had finished militarily, is that if it drifts back into instability, the

same old problems will re-emerge. Stick at it and we can show, eventually, as in the Balkans, the unstable starts to become stable.”

617. In the concluding section of his speech, Mr Blair stated that an integrated approach was needed. He was not suggesting that nothing should be done without unanimity:

“That would be a recipe for the lowest common denominator – a poor policy. I am arguing that the values we believe in are worth fighting for ... We shouldn’t be shy of giving our actions not just the force of self-interest but moral force.

“And in reality, at a certain point these forces merge. When we defend our countries ... we aren’t just defending territory. We are defending what our nations believe in: freedom, democracy, tolerance and respect towards others.

“... Fighting for these values is a cause the world needs ...

“But if that’s what I and many others want ... It means we don’t shirk our responsibility. It means that when America is fighting for those values, then, however tough, we fight with her. No grandstanding, no offering implausible but impractical advice from the comfort of the touchline, no wishing away the hard not the easy choices on terrorism and WMD, or making peace in the Middle East, but working together, side by side.

“That is the only route I know to a stable world ...

“If the world makes the right choices now – at this time of destiny – we will get there. And Britain will be at America’s side in doing it.”

618. Mr Campbell wrote that Mr Blair had written the speech “pretty much ... himself”. He would make it clear that the UK would “support” the US on Iraq “but also make the point about UN inspectors effectively as an ultimatum”.²³⁴

619. The references in the speech to the UN and the use of the word “justified” in relation to regime change were “strengthened” after the discussions with President Bush.²³⁵

620. Sir Michael Jay commended the speech in a telegram to FCO posts on 7 April and invited them to draw on it.²³⁶

621. Mr Powell told the Inquiry that Mr Blair’s College Station speech was not intended to develop a new policy on Iraq; and that there was “no intention of changing policy on regime change in Iraq”. He added that the comments on regime change were in the

²³⁴ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

²³⁵ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

²³⁶ Telegram 73 FCO London to Madrid, 10 April 2002, ‘The Prime Minister’s Meeting with President Bush, 5-7 April’.

context of a need for the international community “to take action where we need to take action, but you can’t do that just on the basis of the wish for regime change”.²³⁷

622. A brief account of the outcome of the visit was provided in a telegram from the FCO on 10 April, providing additional points which Mr Ricketts had used in briefing EU Ambassadors.²³⁸ In relation to Iraq, it stated:

“The Prime Minister came away convinced that President Bush would act in a calm, measured and sensible but firm way. There was no question of precipitate action. But they agreed that Iraq’s WMD programmes were a major threat to the international community, particularly when coupled with Saddam’s proven track record on using these weapons. Letting that programme continue unhindered was not an option. The Prime Minister and President Bush agreed that action in the UN was the priority. It was essential to get the weapons inspectors deployed to begin to assess the extent of the Iraqi WMD programmes. The Prime Minister had been tough in his demand that Saddam must let the inspectors back in: ‘any one, any time, any place that the international community demands’.”

Reports to Parliament

623. Mr Straw was concerned about the potential reaction in Parliament to developments on Iraq.

624. Mr Straw advised that Parliament should be given a chance to vote on a substantive motion before any military action.

625. Mr Straw warned Mr Blair that Lord Goldsmith had expressed “serious doubt” about whether existing resolutions would provide “sufficient cover” for military action.

626. Mr Straw also advised that Mr Blair should avoid being “pinned down” on whether a new UN resolution would be required to provide the legal basis for military action.

627. Mr Straw welcomed Mr Blair’s decision to make a statement to Parliament about the discussions with President Bush but made a number of points in relation to Iraq:

- Mr Blair should concede that any military action in Iraq should be decided in a debate on a substantive motion in the House of Commons, not a debate on the adjournment. This was “quite a point of principle with many in the PLP”.
- The shift of focus to the re-admission of weapons inspectors was welcome and would “greatly help in making the argument for military action if (as I suspect) Iraq fails properly to comply”.

²³⁷ Public hearing, 18 January 2010, pages 34-36.

²³⁸ Telegram 73 FCO London to Madrid, 10 April 2002, ‘The Prime Minister’s Meeting with President Bush, 5-7 April’.

- But it drew the UK and the US “inexorably into questions of cover in international law for any such military action”. Lord Goldsmith had expressed “serious doubt” that any existing resolution would provide “sufficient cover”.
- Mr Straw’s “strong advice” was “not to get pinned down on the question ... of whether a new UNSC mandate would be needed for military action”. Mr Blair should “readily acknowledge” that the UK had “always operated within the framework of international law”.
- Mr Straw had asked for work on whether it would be possible to strengthen the forthcoming resolution bringing the Goods Review List into operation “in respect of weapons inspectors”.
- Mr Blair could say that the document [for publication] on Iraq would be produced “shortly”. In Mr Straw’s view the UK could “certainly get something out pretty quickly”.
- The Early Day Motion signed by more than 150 members of the PLP had gained support because “it spoke of no military action ‘at this time’; and called for weapons inspectors to go back”.²³⁹

628. During PMQs on 10 April, Mr Blair emphasised the threat Iraq posed to the world, and the need for Saddam Hussein to comply with the UN resolutions and allow weapons inspectors back into Iraq. The region would be a better place without Saddam Hussein, but the method of achieving that was “open to consultation and deliberation”.

629. During PMQs on 10 April, Mr Iain Duncan Smith, leader of the Opposition, and other MPs asked a number of questions on Iraq.²⁴⁰

630. Stating that Iraq would “if left unchecked ... be able to deploy its weapons of mass destruction against targets in western Europe, including the United Kingdom”, Mr Duncan Smith asked Mr Blair:

- “... to confirm reports that he told President Bush ... that if military action is needed against Saddam Hussein, the British Government will support and, if necessary contribute to it?”;
- “... to confirm that getting rid of Saddam Hussein may now be an objective of the Government”;
- whether he believed that “countering the growing threat from Saddam Hussein” was “about protecting lives in Britain and the lives of British forces abroad, and not just about supporting our allies”; and
- in a reference to his speech at College Station, whether Mr Blair believed that those who refused to accept the need to act “misunderstand the nature of the threat, or that they will simply refuse to accept any evidence they are given”.

²³⁹ Minute Straw to Prime Minister, 9 April 2002, ‘Your Commons’ Statement’.

²⁴⁰ House of Commons, *Official Report*, 10 April 2002, columns 11-18.

631. In response, Mr Blair stated:

- “The time for military action has not yet arisen. However, there is no doubt at all that the development of weapons of mass destruction by Saddam Hussein poses a severe threat not just to the region, but to the wider world ... [I]n my first statement to the House ... after 11 September, I made it clear that the issue of weapons of mass destruction had to be, and should be, dealt with. How we deal with it will be a matter for consultation and deliberation in the normal way. After 11 September, we proceeded in a calm and sensible way, and we shall do so again, but we must confront the issue of weapons of mass destruction.”
- “... there is no doubt at all that the region would be a better place without Saddam Hussein ... the Iraqi people would rejoice most at Saddam Hussein leaving office ... that regime has a particular record: the Iran-Iraq war ... the annexation of Kuwait ... and perhaps the most appalling act of all, the use of chemical weapons on the Kurdish people ... However, the method of achieving that is ... open to consultation and deliberation. When the judgements are made, I have no doubt at all that this House – indeed, the whole country – will want to debate the issue thoroughly.”
- “... The key issue is that this is not something that has suddenly arisen ... Before 11 September, a whole series of negotiations took place about potential new United Nations Security Council resolutions to put in place a better sanctions regime, and about how we try to ensure that weapons inspectors get back inside Iraq. The reason why the Security Council resolutions that were originally proposed and passed demand that weapons inspections take place ... is precisely that the threat of weapons of mass destruction is real and present.”
- “The issue is quite clear ... Saddam Hussein has a very clear message from the international community: the weapons inspectors should go back in – anyone, any place, any time ... Simply turning our backs on the issue of weapons of mass destruction is not an option. That is why I think it so important that we stand with the United States in saying this issue is one that has to be, and will be, confronted. We will do so in a sensible and measured way, but we cannot allow a state of this nature to develop those weapons without let or hindrance.”

632. Asked by Mr George Howarth (Labour) for an assurance that, before any military action which might become necessary was contemplated, Saddam Hussein would be “given every opportunity to comply with” the Security Council’s resolutions, Mr Blair replied that Saddam Hussein was:

“... in defiance of the resolutions ... However, he has the opportunity to comply now. He is not in any doubt about what is necessary. The United Nations resolutions are clear; there are nine and he is in breach of every one. The international community’s position is also clear. Whatever people think about the action that will follow, he must comply with the resolutions.”

633. Mr Blair's subsequent statement to the House of Commons focused on the discussions with President Bush on the crisis in the Middle East.

634. On Iraq, Mr Blair reiterated his statements that decisions would be "sensible", and that the House of Commons would have a proper opportunity to debate them before action was taken.

635. Mr Blair assured Parliament that the question of whether action in respect of Iraq would have the backing of international law would be considered "very carefully"; but that the time to debate any legal basis was when such action was taken.

636. Mr Blair's statement to the House of Commons on 10 April concentrated on the crisis in the Middle East.²⁴¹

637. Addressing Iraq in the context of stability in the Middle East Mr Blair stated:

"There will be many occasions on which to debate Saddam Hussein's flagrant breach of successive UN resolutions on his weapons of mass destruction ... [His] regime is despicable, he is developing weapons of mass destruction, and we cannot leave him doing so unchecked. He is a threat to his own people and to the region and, if allowed to develop these weapons, a threat to us also.

"Doing nothing is not an option ... [W]hat the international community should do through the UN is challenge Saddam to let the inspectors back in without restriction ... If he really has nothing to hide, let him prove it.

"... no decisions on action have been taken. Our way of proceeding should be and will be measured, calm and thought through. When judgements are made, I shall ensure the House has a full opportunity to debate them."

638. Mr Charles Kennedy, Leader of the Liberal Democrats, stated that the issue of Iraq:

"... crosses the political spectrum – there is genuine unease in the Labour party, among the Liberal Democrats and perhaps in sections of the Conservative party ... that unease is a reflection of genuine and sincerely held shades of opinion throughout the country. Therefore, as a result of his discussions with President Bush, will the Prime Minister acknowledge that no country can conduct a foreign policy on the basis of 'my ally, right or wrong'? Although I am not implying that the Government are seeking to do so, there is a need for discernment. Many of us hope that the Government may be able to temper some of the ideas of the American Administration ..."

²⁴¹ House of Commons, *Official Report*, 10 April 2002, columns 22-38.

639. Mr Kennedy welcomed the fact that “if decisions on Iraq have to be reached at some point in the future”, Mr Blair had confirmed the House of Commons would have “an opportunity to debate the matter fully”.

640. Mr Kennedy asked for confirmation that, if that stage was reached, “incontrovertible evidence” would “be presented publicly, preferably at the level of the United Nations Security Council”. That would be “most important, not just for the legitimacy of any action under international law, but for maintaining a political consensus”.

641. Mr Blair replied:

“... Some people will be against taking action in respect of Iraq no matter what it does, but I accept entirely that there are many people who are concerned ... whether that action will be sensible, whether it will have the backing of international law and whether proper thought has been given to the consequences for the wider region ... [T]hose are questions that we shall consider very carefully ...

“... most people would accept ... Saddam Hussein does lead a despicable regime, that he is a threat in respect of weapons of mass destruction and that it is important that we deal with that threat ...

“... it is the case that Saddam Hussein poses a threat. That is why the UN resolutions are there ... [T]his is somebody who has a track record of absolutely extraordinary aggression on his neighbours, on his own people, on everyone that he sees advantage in being aggressive towards ... That is why British pilots are still flying over the No-Fly Zone in order to protect people in Iraq. That is why the inspectors went in, could not do their job properly and then came out.

“... in the end we can all respond to concerns but we have to take decisions on them. I can assure people that those decisions will be sensible and that the House will have a proper opportunity to debate them before we act upon them.

“I have never taken the view that we support the US right or wrong ... But I do believe ... that the relationship is special and ... that it is a fundamental part of British foreign policy and should remain so. All I can say is that in my dealings with the Administration and with this President, we have found them immensely open and consultative, and where they have acted they have acted not just with consultation but in what I would regard as a sensible way.”

642. Mr Douglas Hogg (Conservative) asked Mr Blair to tell President Bush that “many in this country are not yet persuaded that the threat posed by Saddam Hussein is sufficiently great to justify military action, especially when the Middle East is in such a turbulent state”.

643. Mr Tam Dalyell (Labour) asked whether President Chirac (of France) had told Mr Blair that he had taken “the thuggish young Vice-President of Iraq” [Saddam Hussein]

to the “French equivalent of Aldermaston”; and that it was to his (Mr Dalyell’s) discredit that he “like many others, turned a blind eye to the huge amount of arms being poured into Iraq in the 1980s by our country and others”. He also stated that Iraq had been given a “clean bill of health on nuclear capacity” by the International Atomic Energy Agency in January 2002; and that Mr Hoon had “an invitation to send a scientific delegation of his choosing to Iraq at the beginning of March”. Mr Dalyell asked: “... would it not be wise at least to go and talk to Iraq? If nothing comes of that, so be it, but is it not high time that we started serious discussions?”

644. Mr Blair replied that sending a team out to Iraq was “best done through the United Nations” and that Saddam Hussein had “the opportunity to prove that he has nothing to hide by letting the inspectors back in unconditionally”. There was “some truth” in the point that everyone had turned a blind eye “to what was happening in Iraq in the 1980s” but “what we are learning about the international community is that when we turn a blind eye, sooner or later the problems come back to us full frontally. That is precisely what happened in Afghanistan, and it is one reason why ... we should certainly not turn a blind eye to what Saddam Hussein is doing.” There was “no doubt” that Saddam Hussein was “still trying to acquire nuclear capability and ballistic missile capability. Furthermore, although we do not know what has happened, we suspect that the piles of chemical and biological weapons remain.”

645. Mr Stuart Bell (Labour) referred to Saddam Hussein’s attacks using chemical weapons on Halabja and other villages in northern Iraq in 1988 and 1999 which had affected “4 million people” and asked: “Can we not remind ourselves of how important it is that Saddam Hussein lives with UN resolutions, and the sooner he does so the better?”

646. Mr Blair replied that Mr Bell was “right to remind us of the nature of Saddam’s regime and the way it deals with its political opponents”. He added that “most people realise that” Saddam Hussein “constitutes a threat”.

647. Mr Robert Wareing (Labour) stated that everyone would agree that the “world would be better off without” Saddam Hussein’s regime, but Mr Bradshaw had told the House that “the objective of British foreign policy was to remove the threat of Iraq’s weapons and not to replace the Iraqi Government, which was described as a matter for the people of Iraq”. President Clinton had stated that sanctions “must remain as long as Saddam Hussein lasted”.

648. Mr Wareing asked:

“What is the current view and policy of the British Government? If they take the latter position, there is no incentive to get the current regime in Iraq to change tack and allow the inspectors back in. I happen to remember that, initially, the inspectors left of their own accord; the difficulty now is to get them back in.”

649. Mr Blair replied:

“Of course, the policy is to protect ourselves against weapons of mass destruction, but obviously that cannot be divorced from the regime, because it is the regime that is responsible ... regime change in Iraq has been the policy of successive American Governments ... precisely because of the fear of weapons of mass destruction ... [I]t is for that very reason that the international community has said to Saddam Hussein, ‘Let the inspectors back in’. That is what I am saying, but it must be done unconditionally.”

650. In relation to Mr Blair’s comments about Saddam Hussein’s chemical weapons attacks on the Kurds, Ms Joyce Quin (Labour) asked Mr Blair to confirm that “the maintenance of the breadth of the international coalition against terrorism” remained “an important priority for him and President Bush”. She stated that it was:

“... important to ensure that those who have already been victims ... will not suffer a second time in any action against Iraq. Indeed we should not repeat the mistakes of the past, in which one evil regime was replaced by another, but try to create as far as possible the conditions for a multi-ethnic, religiously tolerant, representative regime in Iraq, if and when Saddam Hussein’s regime is changed.”

651. Mr Blair replied:

“I strongly agree ... about the international coalition. It is important that we build as much support as possible for any action that we may undertake. She is entirely right that, if the regime in Iraq is to change, it is important that it changes to one that is genuinely broad based. I hope that we have provided some symbol of our good intentions ... by what has happened in Afghanistan ... I am sure that she, like me and many others ... would be one of the first to say that many people in Iraq would rejoice at Saddam Hussein’s departure. I hope that at some stage we shall be able to furnish the House with details of the way in which his regime operates, because its brutality is scarcely believable.

“It is important to proceed in a measured way. As I said in my speech in Texas, I have been involved in three regime changes ... and I can honestly say that we should not regret any of them. Let us proceed with care ... we must ensure that, if we ever get a regime change in Iraq, what follows is an improvement on what is there now.”

652. Mr Elfyn Llwyd (Plaid Cymru) welcomed Mr Blair’s reference to seeking an early United Nations Security Council resolution but asked whether one would be “sought before any further action is taken against Iraq”.

653. Mr Blair replied: “The time for debating any legal basis of action against Iraq is when we take such action.”

Cabinet, 11 April 2002

654. Mr Blair told Cabinet on 11 April that regime change in Iraq was greatly to be desired but no plans for achieving that had been tabled during his discussions with President Bush at Crawford.

655. Reflecting Mr Straw's advice, Mr Blair emphasised to Cabinet on 11 April that it would be important for the Government not to "tie its hands" in relation to the need for a further Security Council resolution.

656. Mr Blair had stated publicly that doing nothing was not an option, and that the threat from Iraq had to be dealt with.

657. Mr Blair suggested that the US Government recognised the need to embark on a process involving a clear ultimatum and an effort to gather international consensus for action.

658. Mr Blair did not disclose that he had informed Vice President Cheney on 11 March that the UK would help the US to achieve its objective of regime change provided that there was a clever plan.

659. Mr Blair reported his discussions with President Bush to Cabinet on 11 April.²⁴² He told colleagues that the talks with President Bush had been dominated by events in Israel and the Occupied Territories.

660. On Iraq, Mr Blair said that the US Government wanted to see a change of regime, which was greatly to be desired. No plans for achieving that had, however, been tabled. The significance of the crisis in Israel and the Occupied Territories for policy in Iraq was recognised. He had consulted his hosts about his speech, at College Station on 7 April, which had made clear that Iraq should unconditionally permit UN weapons inspectors to return. That suggested the US Government recognised the need to embark on a process involving a clear ultimatum and an effort to gather international consensus for action.

661. In the subsequent discussion a number of points were made. Those included:

- A UN resolution would be helpful in cementing support both internationally and in the UK for any military action against the Iraqi regime. It would, however, be important not to become boxed in by stating that a UN Security Council resolution would be a necessary pre-condition for military action against the Iraqi regime.
- Saddam Hussein was in breach of nine UN resolutions. He could avert action by the international community if he were to abide by those resolutions.
- It was important to encourage the US to remain engaged in the Middle East and to take account of the concerns of the international community, including the Secretary-General of the UN.

²⁴² Cabinet Conclusions, 11 April 2002.

- The impact of events in the Middle East on attitudes among the ethnic minorities in the UK, and the encouragement that could give to political extremists, should not be under-estimated.

662. Mr Blair concluded that it was important to maintain the maximum possible level of international support for policy towards the Middle East, including Iraq. Given the impossibility of foreseeing precisely how events would unfold, it was important for the Government not to “tie its hands”. If Saddam Hussein were to reject a clear ultimatum on the return of weapons inspectors, there would be widespread understanding of the need to take appropriate action.

663. In his statement to the Inquiry, Mr Blair wrote that there had been “a full Cabinet discussion” after the visit on 11 April “where we set out our objectives”.²⁴³

664. Asked whether the Cabinet was discussing regime change and how it might have been effected, Mr Blair told the Inquiry:

“... from 11 April ... the Cabinet was discussing this. We are going to have to deal with this issue now. Everybody knew that the Americans were taking a different and stronger line. The issue was very simple. He [Saddam Hussein] either had a change of heart, or regime change was on the agenda. That was clear from the minutes, from the discussion at Cabinet and indeed from the whole of the public discourse around this.

“Now you could have regime change happening in a number of different ways. There didn’t need to be military action but the likelihood was that’s what would happen.”²⁴⁴

665. Lord Wilson confirmed that the flavour of the discussion was of turmoil in the Middle East and the Arab world, although “we were left in no doubt by Crawford ... that the Americans wanted regime change”, which “in a sense” was “not news”. In addition to Mr Blair, Mr Straw and Mr Hoon, four Cabinet Ministers had spoken on Iraq.²⁴⁵

666. Lord Wilson described Mr Blair’s report to Cabinet on 11 April as:

“... skilfully touching on the things Cabinet had been concerned about and reassuring them that nothing was imminent and he was using his influence to bring the American President in the direction he wanted to go. Indeed, I think he may have been congratulated by one Cabinet Minister on shifting American thinking in ... the direction of the United [Nations].”²⁴⁶

667. Lord Wilson added that he did not think “anyone would have gone away thinking they had authorised a course of action likely to lead to military action”.

²⁴³ Statement, 14 January 2011, page 4.

²⁴⁴ Public hearing, 21 January 2011, pages 13-14.

²⁴⁵ Public hearing, 25 January 2011, pages 74-76.

²⁴⁶ Public hearing, 25 January 2011, pages 75-76.

668. Mr Straw continued to make clear, as he had suggested in his letter of 25 March, that action in support of regime change in Iraq would be justified only as a means to remove the threat from WMD.

669. SIS activity was discussed in a meeting with Mr Straw and Mr Wright on 11 April.²⁴⁷

670. Mr McDonald's record of the meeting stated that Mr Straw had noted that:

“... legally and politically, regime change in Iraq was justified only as a means to the end of removing the threat of their WMD. If Saddam Hussein were to allow in weapons inspectors, that would change the equation: to seek regime change would no longer be possible for us because our desired end state would have been achieved.”

671. Mr Straw also agreed with Mr Wright that the focus was on operations which built up the forces of opposition and democracy.

The perceptions of key officials

672. The evidence offered to the Inquiry and accounts in memoirs provide some indications of the perceptions held by key officials about the UK's strategy before Mr Blair's meeting with President Bush at Crawford.

673. In his memoir, Sir Christopher Meyer described his view of the position before Mr Blair's meeting with President Bush.²⁴⁸ He wrote that the debate about Iraq in Washington “had become deafening”, although on the eve of Mr Blair's visit the escalating violence between Israel and the Palestinians had “reached such a pitch that for a while it pushed Iraq into the background”. It had been clear to him that President Bush was:

“... determined to implement the official American policy of regime change; but the how and when ... were uncertain. It made war probable but not inevitable ... There were one or two people in Washington, whose judgement I respected, who thought that when Bush finally realised the scale of his Iraqi ambition, he would see that the risk was too great.

“It was time to put our fix into American thinking before it coagulated ...”

674. Sir Christopher added:

“The central issue was to influence the Americans. Blair had already taken the decision to support regime change, though he was discreet about saying so in public. It would be fruitless to challenge a fixed ... policy that had bipartisan support in the US. It was hard to see how Saddam could be de-fanged without

²⁴⁷ Minute McDonald to [SIS10], 12 April 2002, '[Name of Operation]'.

²⁴⁸ Meyer C. *DC Confidential: The Controversial Memoirs of Britain's Ambassador to the U.S. at the Time of 9/11 and the Run-up to the Iraq War*. Phoenix, 2006.

being removed from power. Blair was also wedded to the proposition that, to have influence in Washington, it was necessary to hug the Americans close ...”

675. Sir Christopher wrote that “Support for regime change caused deep concern inside the Foreign Office.” There were questions about the legal basis and uncertainties about the consequences of action. Those were tough questions on which the UK wanted the US to focus. In his conversation with Mr Wolfowitz on 17 March, Sir Christopher had taken his cue from Sir David Manning’s exchanges with Dr Rice, and:

“To reinforce my credentials as something to say worth listening to, I emphasised the Prime Minister’s commitment to regime change. I wanted Wolfowitz to know that we were starting from the same premise, and that in Britain it was not without political cost. It was the diplomacy of ‘Yes, but ...”

676. Sir Christopher described the approach as identifying tough questions which would need to be answered if the US wanted coalition partners and support from the international community, including the need for a “clever plan which convinced people that there was a legal basis for toppling Saddam”.

677. Sir Christopher told the Inquiry that, in his speech at College Station on 7 April 2002, Mr Blair had tried to:

“... draw the lessons of 9/11 and apply them to the situation in Iraq, which led, I think, not inadvertently, but deliberately, to a conflation of the threat by Usama Bin Laden and Saddam Hussein.”²⁴⁹

678. Sir Christopher added that the speech represented “a tightening of the UK/US alliance and the degree of convergence on the danger that Saddam Hussein presented”. It drew on Mr Blair’s speech on humanitarian intervention in Chicago in 1999, and “was a rather sophisticated argument for pre-emption”, that Saddam Hussein’s record was “too bad” and the potential threat he presented could not be ignored.

679. Sir Christopher Meyer told the Inquiry that by the time Mr Blair and President Bush met at Crawford:

“... they weren’t there to talk about containment or sharpening sanctions. There had been a sea change in attitudes in the US Administration to which the British Government, progressively from October [2001] onwards, had to adapt and make up its mind where it stood.”²⁵⁰

680. In his statement, Sir Jeremy Greenstock wrote:

“I was aware of the theoretical option to promote regime change through the use of force; but it was not until February or March 2002 that I heard that serious

²⁴⁹ Public hearing, 26 November 2009, pages 29-30.

²⁵⁰ Public hearing, 26 November 2009, page 37.

preparations might have begun in Washington for an attack on Iraq. Even then I gave these relatively little credence ... my conception of the difficulties and downsides of taking on such a task outweighed my understanding of the determination of the Bush Administration to undertake such an initiative.”²⁵¹

681. Sir Jeremy Greenstock told the Inquiry:

“It wasn’t until the Crawford meeting ... that I realised that the United Kingdom was being drawn into quite a different sort of discussion, but that discussion was not made totally visible to me ... nor did I have any instructions to behave any differently in the United Nations as a result of what might have been going on in bilateral discussions with the United States.

“... I wasn’t being politically naive, but I wasn’t being politically informed either, and I had a job to do to maximise the strength of the United Nations instruments on Iraq at the time ... and that continued to mean acting under the resolutions we had.”²⁵²

682. Sir David Manning told the Inquiry:

“Our view, the Prime Minister’s view, the British Government’s view throughout this episode was that the aim was disarmament. It was not regime change. The Prime Minister never made any secret of the fact that if the result of disarming Saddam was regime change, he thought this would be a positive thing, but, for the Americans, it was. It was, ‘We want regime change in order to disarm Saddam Hussein.’”²⁵³

683. Sir David told the Inquiry that at Crawford Mr Blair was saying:

“Yes, there is a route through this that is a peaceful and international one, and it is through the UN, but, if it doesn’t work, we will be ready to undertake regime change.”²⁵⁴

684. Sir David Manning believed Mr Blair had wanted to influence US policy towards Iraq:

“I think that when it became clear ... that the United States was thinking of moving its policy forward towards regime change, he [Mr Blair] wanted to try and influence the United States and get it to stay in the UN, to go the UN route, which is what we spent the rest of the year trying to do, but he was willing to signal that he accepted that disarmament might not be achieved through the UN route.

“But I don’t think he felt ... that these were moments of decision in February and March before he went to Crawford. I think he saw that much more as an attempt

²⁵¹ Statement, November 2009, page 5.

²⁵² Public hearing, 27 November 2009, pages 24-25.

²⁵³ Public hearing, 30 November 2009, page 24

²⁵⁴ Public hearing, 30 November 2009, page 58.

to find out where the Americans had got to, but to impress on them his own conviction that we needed to ensure that inspections were continued.”²⁵⁵

685. Asked whether the US had already changed tack, Sir David replied:

“I think you are right about the Americans moving onto a different track ... the perception ... was that containment was probably finished ... but I don’t think, at that stage, there was a view in London ... that we had completely given up on containment. We were waiting ... to see what sort of pressure the US would produce in the light of the debate that we knew was taking place in handling Iraq.

“Our concern ... and the Prime Minister’s view ... was that it [action on Iraq] must be retained within the United Nations ... I don’t think he thought ... that it was likely that the President ... would accept containment any longer, and I suspect that he probably didn’t think containment was relevant any longer; but I think he did think that there was everything to play for in terms of trying to ensure that the Iraq problem remained managed in an international context, rather than that the Americans went unilaterally for regime change.”²⁵⁶

686. Asked when Iraq became a priority for the UK, Sir David Manning responded:

“In the early months of 2002 ... we knew that we had to deal with Iraq as a more pressing priority because the US Administration were going to insist on making it more prominent. They were concerned about a threat from Iraq in a new way because they believed threats internationally were now threats they had to meet rather than contain.

“... Iraq was given a salience, it was given an importance because the US Administration was determined to confront the international community over this perceived threat. Therefore we had to respond to that.”²⁵⁷

687. Asked about the rationale for focusing on Iraq in the early months of 2002, Sir David Manning replied:

“... because the US Administration was determined to confront the international community over this perceived threat. Therefore, we had to respond to that ... This was something that the Prime Minister wanted resolved in an international context ... he wanted the inspectors to be reintroduced into Iraq ... and he believed international pressure was the best way of trying to ensure that happened, and that in turn was the best way of managing the Iraq crisis that had been given a new prominence by an American Administration that was no longer willing to settle for containment.”²⁵⁸

²⁵⁵ Public hearing, 30 November 2009, pages 75-76.

²⁵⁶ Public hearing, 30 November 2009, pages 76-77.

²⁵⁷ Public hearing, 30 November 2009, page 78.

²⁵⁸ Public hearing, 30 November 2009, pages 78-79.

688. Mr Campbell told the Inquiry that he disagreed with Sir Christopher Meyer's analysis that Mr Blair's position had shifted from a policy of containment and disarmament to one of regime change.²⁵⁹ He described Mr Blair's policy, before Crawford, at Crawford and afterwards as "to pursue disarmament of Saddam Hussein through the United Nations".

689. Mr Powell told the Inquiry that the policy:

"... was to persuade the Americans to take a multilateral approach, to put the focus on the UN, to give Saddam a chance to comply with the UN Resolutions and to force the issue there ... the only way you can get Saddam's attention is by the threat of military force."²⁶⁰

690. Mr Powell added that it was "a shift to a policy of disarmament through the UN", leading to military action and regime change, "If that is what was necessary to remove the threat of weapons of mass destruction".

691. Asked whether he thought "the Foreign and Defence Secretaries were trying to pull back on the Prime Minister's reins in giving advice", Sir David Manning told the Inquiry:

"Yes, I think probably I did. How far, I'm not sure, but ... certainly the Foreign Secretary was keen ... to make it very clear there were risks ... and not to be more forward than was wise for the Government, especially when he didn't know exactly where the policy was going to take us ... I think it probably was an attempt to say let's just see where the Americans are going on this. It's a position I would certainly sympathise with."²⁶¹

692. In the context of a reference during his evidence about his visit to the US in March 2002, to his strong personal view that the issue was disarmament not regime change, Sir David Manning was asked how much he was trying to influence Mr Blair.²⁶² Sir David responded that he:

"... certainly argued strongly for the UN route with the Prime Minister, and subsequently argued very strongly that we needed two resolutions. I also argued very strongly with him that we needed more time."

693. Sir David added, "that's what you are paid for". Mr Blair had wanted to know what he thought.

²⁵⁹ Public hearing, 12 January 2010, pages 22-23.

²⁶⁰ Public hearing, 18 January 2010, page 67.

²⁶¹ Private hearing, 24 June 2010, page 30.

²⁶² Private hearing, 24 June 2010, page 29.

694. Asked about the rationale for focusing on Iraq first, Sir David responded that he thought there were a number of reasons. One was:

“... that the Americans were determined to focus on it. We weren’t given a choice ... In the international system, whether it wanted to have a good look at Iraq at this point or not, it really had no option because Bush was going to do this ...

“The question was therefore how far you could get inside the argument and try and shape it and shape what happened, and I think that’s where the Prime Minister was in April. They are going to do something. We have to try and be in a position to affect the policy.

“He believed ... that given his own relationship with Bush, he probably had a good chance of doing that. So therefore he was determined to have that discussion, though ... he didn’t need any persuading that Iraq was a problem ... he felt Iraq was a serious destabilising influence in the system, but I don’t want to pretend that it would have been his top priority at this stage if it hadn’t been one of Bush’s top priorities ... it wouldn’t ...”²⁶³

695. Asked whether Mr Blair was more forward leaning about getting rid of Saddam Hussein than his principal advisers, including Sir David himself, Sir David responded that, in terms of Mr Blair’s position as a very prominent actor on the international stage:

“Iraq fits into a pattern ... interventionism in the Balkans ... Kosovo ... Sierra Leone ... Afghanistan, he’s very much an activist ... much more inclined to push and take the bold action than probably other members of his Cabinet.”²⁶⁴

696. Asked if Mr Blair would have listened to a contrary opinion if one had been “argued powerfully” at the Chequers meeting, Sir David told the Inquiry that Mr Blair would have listened but:

“... he was somebody who was very comfortable with his own convictions ... believed he had a capacity to influence the international system in quite profound ways, had a quite a lot of success doing this ... he had a sense that he could actually act for the good, he could change things, and that this was absolutely a role that he felt he could command.”²⁶⁵

697. Sir David added:

“I don’t want to suggest he’s not open to argument ... He was absolutely up for argument and didn’t hold it against you. But I think this is part of a deep conviction that there are moments when you can change things, you’ve got to have the courage to do it, and he was up for that.”²⁶⁶

²⁶³ Private hearing, 24 June 2010, page 31.

²⁶⁴ Private hearing, 24 June 2010, pages 32-33.

²⁶⁵ Private hearing, 24 June 2010, pages 32-33.

²⁶⁶ Private hearing, 24 June 2010, page 33.

698. Sir David described Mr Blair's objectives at Crawford as:

"I think it was to find out where Bush was going [on Iraq] ... What did Bush really think and what were Bush's intentions [...]"

"... he said to me afterwards ... Bush is interested in going the international route and he's not simply going to become – I can't remember his wording – the creature of the American right or something like this."

"He came away ... reassured that it was quite possible to persuade Bush to use the international system, rather than to bypass it."²⁶⁷

699. Sir David Manning did not believe that in April and May 2002 Mr Blair:

"... made his mind up he was going to send troops. I think he was always ready to do it, but he always hoped he wouldn't have to ... I certainly didn't feel [Crawford] was a moment of decision, no."²⁶⁸

700. Sir David added that the discussion at Crawford had been "evolutionary" but it had "crystallised the sense that we had that American thinking had gone up a gear".

701. Sir David stated:

"But I think the reality, as far as the ... international politics were concerned, that the Americans were focused on Iraq, and the issue was how we were going to manage this."²⁶⁹

702. Asked where the UK emphasis was on the policy options when he joined No.10 in February 2002, Mr Matthew Rycroft, one of Mr Blair's two Private Secretaries for Foreign Affairs, told the Inquiry:

"From my recollection by the time I joined Downing Street the British Government had essentially decided that continued containment was not going to work ... we were on a track of ... dealing with Iraq's WMD ... what dealing meant was to be determined by the policy over the coming months."²⁷⁰

703. Mr Rycroft told the Inquiry:

"Undoubtedly the thought was in the Prime Minister's mind that if at the end of this we were going to go down the military intervention route, then ... the aftermath would be many years."²⁷¹

²⁶⁷ Private hearing, 24 June 2010, pages 37-38.

²⁶⁸ Private hearing, 24 June 2010, page 39.

²⁶⁹ Private hearing, 24 June 2010, page 66.

²⁷⁰ Private hearing, 10 September 2010, page 3.

²⁷¹ Private hearing, 10 September 2010, page 12.

704. Mr Rycroft added that Mr Blair would have seen the advice he had received from the Defence and Foreign Secretaries as “caution verging on sort of unnecessarily pessimistic”.²⁷²

Mr Blair’s evidence

705. Mr Blair set out his position on the preparations for Crawford and the position he adopted in his discussions with President Bush in his evidence to the Inquiry in 2010 and 2011, and in his memoir in 2010.

706. Mr Blair told the Inquiry that, after the Cabinet Office ‘Options Paper’ in March 2002, there were “a whole series of government discussions about smart sanctions”.²⁷³

707. Asked how the options on Iraq had been identified and reviewed, Mr Blair told the Inquiry that a decision had been taken after 11 September:

“... that this issue had to be confronted ... It could be confronted by an effective sanctions framework. It could be confronted by Saddam allowing the inspectors back in to do their work properly and compliance with the UN resolutions, or, in the final analysis ... if sanctions could not contain him and he was not prepared to allow the inspectors back in, then the option of removing Saddam was there.”²⁷⁴

708. Asked whether he had had a meeting to discuss the ‘Options Paper’ and take decisions on it, Mr Blair told the Inquiry he had talked to Mr Straw and Mr Hoon, there had been a meeting of “the key people to decide where we were then going to go”, and the meeting at Chequers had been a “very structured debate”.²⁷⁵

709. Mr Blair confirmed that the ‘Options Paper’ had not been discussed in Cabinet.²⁷⁶

710. Mr Blair subsequently told the Inquiry:

“Well, the ‘Options Paper’ really said two things. It said you can either go for containment. We can’t guarantee that that’s successful. He will probably continue to develop his programmes and be a threat, but nonetheless that is one option. The other option is regime change.”²⁷⁷

711. Mr Blair added:

“... there’s nothing in those papers ... that wasn’t surfaced as part of the discussion ... [which] all the way through was: what is the judgment? ... That was certainly part of the discussion that was going on in Cabinet. Now you can say, and I would be perfectly happy if you did say, look it is better to disclose all those or give everybody

²⁷² Private hearing, 10 September 2010, pages 12-13.

²⁷³ Public hearing, 29 January 2010, page 14.

²⁷⁴ Public hearing, 29 January 2010, pages 18-19.

²⁷⁵ Public hearing, 29 January 2010, pages 21-22.

²⁷⁶ Public hearing, 29 January 2010, page 23.

²⁷⁷ Public hearing, 21 January 2011, page 12.

a copy of those papers. I certainly didn't say they shouldn't be, but the content of those papers, that is something that was very, very adequately discussed and the issue was clear in the end. There was not a great dispute about what we thought about the facts. The facts were he is continuing to develop WMD. He has the intention of doing that. It is crucial to his regime. On the other hand, so far we have contained him."

712. Asked what Admiral Boyce had advised (at Chequers), Mr Blair told the Inquiry that the concern was to make sure that the UK "got alongside" any US planning and "did it [the military campaign] as quickly as possible".²⁷⁸

713. Mr Blair described the Chequers meeting in his memoir as a meeting:

"... with senior army officers ... not specifically in preparation for Crawford, but to kick around the basic questions of what military action might entail. There had been discussion about whether our aim was focused on WMD or regime change. I had emphasised that the two were linked, and also that it was hard at this point to say that the nature of the WMD threat specific to Iraq had changed demonstrably in the last few years. It was the assessment of risk that had."²⁷⁹

714. Mr Blair told the Inquiry that, after the meeting at Chequers and before the meeting with President Bush, there had been "quite an intensive interaction on this whole issue ... smart sanctions, because I needed to get a sense of whether this policy ... was really going to be a runner or not".²⁸⁰

715. Asked whether by the time of the meeting at Crawford he had reached the point of regarding the removal of Saddam Hussein's regime as a valid objective of UK policy, Mr Blair responded:

"No, the absolutely key issue was the WMD issue ..."²⁸¹

716. Asked what he intended to achieve at Crawford, Mr Blair replied he intended:

"... to get a real sense from the Americans as to what they wanted to do, and this would be best done between myself and President Bush, and really to get a sense of how our own strategy was going to have to evolve in the light of that."²⁸²

717. Mr Blair told the Inquiry that "nothing was actually decided at Crawford", and explained the importance of a "close and strong relationship" between a British Prime Minister and the President of the US and being able to discuss what the issues were "in a very frank way". His conversation with President Bush had been "less to do with the specifics about what we were going to do on Iraq" or the Middle East. The principal

²⁷⁸ Public hearing, 29 January 2010, page 38.

²⁷⁹ Blair T. *A Journey*. Hutchinson, 2010.

²⁸⁰ Public hearing, 29 January 2010, pages 36-37.

²⁸¹ Public hearing, 29 January 2010, page 25.

²⁸² Public hearing, 29 January 2010, page 40.

part of the conversation had been about his view that “dealing with the various different dimensions” of the “whole issue ... to do with unrepresentative extremism within Islam in a different way”. He “wanted to persuade President Bush, but also get a sense from him where he was on that broader issue”.²⁸³

718. Mr Blair added:

“The only commitment I gave, and I gave this very openly, at the meeting was a commitment to deal with Saddam.”²⁸⁴

719. Asked whether he and President Bush were agreed on the ends but not the means, Mr Blair replied:

“We were agreed on both ... we were agreed that we had to confront this issue, that Saddam had to come back into compliance with the international community, and ... the method is open ...

“... one major part of what President Bush was saying to me was just to express his fear ... that if we weren’t prepared to act in a really strong way, then we ran the risk of sending a disastrous signal to the world.”²⁸⁵

720. Mr Blair told the Inquiry that he could not “explain how people have come to the view that there was some different commitment given”. What he had said to President Bush was “we are going to be with you in confronting and dealing with this threat”, as he had said at the subsequent press conference.²⁸⁶

721. Asked what conclusions President Bush would have taken from the meeting about his commitment to deal with Saddam Hussein through military action, Mr Blair replied:

“I think he took ... exactly what he should have taken, which is that, if it came to military action because there was no way of dealing with this diplomatically, we would be with him ... because, as I had set out publicly ... we had to confront this issue, it could be confronted by a sanctions framework that was effective ... we didn’t have one. It could be confronted by a UN inspections framework ... or, alternatively, it would have to be confronted by force ... We had been through this with Saddam several times ... the fact is that force was always an option. What changed after September 11 was this, if necessary, and there was no other way of dealing with this threat, we were going to remove him.”²⁸⁷

²⁸³ Public hearing, 29 January 2010, pages 40-41.

²⁸⁴ Public hearing, 29 January 2010, page 42.

²⁸⁵ Public hearing, 29 January 2010, pages 42-43.

²⁸⁶ Public hearing, 29 January 2010, pages 43-44.

²⁸⁷ Public hearing, 29 January 2010, pages 47-48.

722. Asked whether the commitment had been given for tactical reasons, Mr Blair replied:

“It wasn’t so much for tactical reasons ... I believed if you wanted to make a real change to this whole issue – this is very important to understanding ... my strategic thinking ...

“What I believed we confronted was a new threat ... based, not on political ideology, but on religious fanaticism ...

“What I was trying to set out, not for tactical reasons, but for deep strategic reasons, is: what did we need to do to make a successful assault on this ideology that was so dangerous? Therefore, the Middle East Peace Process was absolutely fundamental ... to dealing with this issue.”²⁸⁸

723. Asked if there was an identity of view at the meeting on how to deal with Iraq, Mr Blair replied:

“We were of course pushing the UN route ... the American view was regime change ... because they didn’t believe Saddam would ever, in good faith, give up his WMD ambitions or programmes.”²⁸⁹

724. Asked if his view of the means to achieve the objective was different from the US because it was not keen on the UN route, Mr Blair replied:

“We did have to persuade them [the US], although I think it is fair to say that, even at that meeting [Crawford], President Bush made it clear that America would have to adjust policy if Saddam let the inspectors back in and the inspectors were able to function properly.”²⁹⁰

725. Addressing the key messages in his speech at College Station, Mr Blair drew the Inquiry’s attention to his argument that the international community should not shrink from confronting regimes which were “engaged in terror or WMD”. Some could be offered “a route to respectability” but, in relation to Iraq the point he was making was that:

“... the issue was very simple ... the need to make absolutely clear that from now on you did not defy the international community on WMD.”²⁹¹

726. Mr Blair added that when a regime was brutal and oppressive it was a bigger threat when it possessed WMD than “otherwise benign” regimes.²⁹²

²⁸⁸ Public hearing, 29 January 2010, pages 48-49.

²⁸⁹ Public hearing, 29 January 2010, page 50.

²⁹⁰ Public hearing, 29 January 2010, page 50.

²⁹¹ Public hearing, 29 January 2010, pages 27-28.

²⁹² Public hearing, 29 January 2010, page 29.

727. Mr Blair said that Iraq posed a “conjoined” threat, “it was an appalling regime and we couldn’t run the risk of such a regime being allowed to develop WMD”.²⁹³

728. Mr Blair told the Inquiry that the American position, after the passage of the Iraq Liberation Act in 1998, was “for regime change” because it did not “trust he [Saddam Hussein] is ever going to give up his WMD ambitions”. The UK position was: “We have to deal with WMD ambitions. If that means regime change, so be it.” Mr Blair’s view was that they were “different ways of expressing the same proposition”.²⁹⁴

729. In his memoir, Mr Blair wrote that “planning was inevitable and right, not because war was inevitable but because it was an option and ... had to be planned for”. The meeting in Crawford was “the first time we got to grips with it [Iraq] properly”.²⁹⁵

730. Mr Blair continued:

“From my standpoint, by this time, I had resolved in my own mind that removing Saddam would do the world, and most particularly the Iraqi people, a service. Though I knew regime change could not be our policy, I viewed a change with enthusiasm not dismay.

“In my Chicago speech of 1999, I had enunciated the new doctrine of a ‘responsibility to protect’, i.e. that a government could not be free grossly to oppress and brutalise its citizens. I had put that into effect in Kosovo and Sierra Leone.

“... because war should be the last not the first resort, I had come to a firm conclusion that we could only do it on the basis of non-compliance with UN resolutions. Tyrant though he was, Saddam could not be removed on the basis of tyranny alone.

...

“... I was clear about two things.

“The first was that Saddam had to be made to conform to the UN resolutions ...

“The second was that Britain had to remain ... ‘shoulder to shoulder’ with America. This is not as crude or unthinking a policy as it sounds. It didn’t mean we sacrificed our interest to theirs; or subcontracted out our foreign policy. It meant that the alliance between our two nations was a vital strategic interest and, as far as I was concerned, a vital strategic asset for Britain.

“It implied we saw attacks on the US as attacks on us ... It argued for an attitude that did see us genuinely as at war together, with a common interest in a successful outcome ... our job as an ally ... should be to be with them in their hour of need.

²⁹³ Public hearing, 29 January 2010, page 35.

²⁹⁴ Public hearing, 29 January 2010, page 36.

²⁹⁵ Blair T. *A Journey*. Hutchinson, 2010.

I know all this can be made to sound corny or even ... self-deceiving in terms of our effect on US decision-making. I was well aware that ultimately the US would take its own decisions in its own interests. But I was also aware that ... Britain and Europe were going to face a much more uncertain future without America ... our alliance with the US mattered ...

“So when they had need of us, were we really going to refuse; or, even worse, hope they succeeded but could do it without us? I reflected and felt the weight of an alliance and its history, not oppressively but insistently, a call to duty, a call to act, a call to be at their side, not distant from it, when they felt imperilled.”²⁹⁶

731. In his memoir, Mr Blair wrote:

“We needed to get alongside that [US] planning and be part of it. Of course, as ever, that presented a dilemma: If you wanted to be part of the planning, you had to be, at least in principle, open to being part of the action early on, because I could see ... this might have to end with Saddam’s forcible removal, I resolved to be part of the planning. From around April, we were then fairly closely involved even in the early stages of US thinking.

“None of this meant that war was certain. It wasn’t and indeed a constant part of the interaction between George and myself through those months, probably up to around November, was acute anxiety that since we were planning for the possible, that meant in the media mind that it was inevitable. We had the basic concepts ironed out: Saddam had to comply with the UN resolutions and let the inspectors back in: he couldn’t, on this occasion, be allowed to mess about – his compliance had to be total; and if he refused we were going to be in a position where we were capable of removing him. So the diplomacy and the planning proceeded along separate but plainly at certain points connected tracks.

“It made domestic politics, however, highly uncomfortable. Naturally people were reading the reports, assuming everything was decided and taking positions accordingly. If we said that war was not agreed, they asked if we were planning; if we accepted we were doing some form of planning, that meant war was indeed agreed. The notion of a contingency was too subtle. And, to be fair, many of the noises emanating from parts of the US system did suggest that there was only one direction in which policy should go.”²⁹⁷

732. In his account of the discussions with President Bush, Mr Blair wrote:

“Behind closed doors ... our talk was more nuanced. We shared the analysis about the nature of the Saddam government, its risk to security and also the wider problems of the region. My concern then and subsequently was to locate

²⁹⁶ Blair T. *A Journey*. Hutchinson, 2010.

²⁹⁷ Blair T. *A Journey*. Hutchinson, 2010.

the question of Saddam in the broader context of the Middle East as a region in transition. Even then, though less clearly than today, I saw the disparate issues as essentially part of the same picture. Therefore I made a major part of my pitch to George the issue of the Israeli-Palestine peace process. To me this was the indispensable soft-power component to give equilibrium to the hard power that was necessary if Saddam was to be removed.”²⁹⁸

733. The Inquiry asked Mr Blair if there was “an explicit, recorded statement of what the UK’s objectives were in April 2002”, and how they had been agreed.²⁹⁹ It also asked:

- what the UK objectives were in September 2002 and what process had been used to revise those objectives between April and September;
- how the US had interpreted comments in his meeting with Secretary Rumsfeld on 5 June and in his Note to President Bush on 28 July; and whether he had any concerns that that “pre-empted collective discussion” with Cabinet colleagues.

734. In his statement Mr Blair chose to address those points together, writing:

“Though the meeting at Crawford provides a convenient breakpoint for the purposes of the narrative, I want to stress it did not result in an alteration of policy. The policy had been clear since 9/11: we wanted to take a tougher line altogether on terrorism and WMD globally, and sought to bring Saddam into compliance with UN authority ... [T]he Crawford meeting was ... a chance to explain how best to implement it ... Prior to the visit I had studied the Cabinet Office Options Paper, together with recent JIC reports. I had also had the Chequers meeting with CDS and read-outs of the military interaction with Washington.

“The objectives of our policy were not secret. They were set out in numerous statements by myself and other Ministers ...

“The objective never changed between April and September 2002. It remained ... to bring Saddam back to full and unconditional compliance with UN resolutions in respect of which he had been in breach for over a decade. It was absolutely clear that we were going to be with the US in implementing this objective. There can be no-one who was in any doubt about my determination on that score. I expressed it publicly. I made it clear also to President Bush I would be with him in tackling it ... I could not and did not offer some kind of ‘blank cheque’ in how we accomplished our shared objective ... I would never engage in any military campaign our military thought unwise or unachievable. What I was signalling was there would be no withdrawal of support for something we thought right and do-able, simply for reasons of political pressure, i.e. I was going to be steadfast as an ally ... I sent this signal both because I believed in the substance and because we would be right alongside the US thinking from the outset.

²⁹⁸ Blair T. *A Journey*. Hutchinson, 2010.

²⁹⁹ Inquiry request for a witness statement, 13 December 2010, Q2 page 1.

“My public pronouncements – especially at Crawford ... and in the speech the next day, could have left no-one in any doubt as to my position.”³⁰⁰

735. In his statement, Mr Blair wrote that there had been “a full Cabinet discussion” after the visit on 11 April “where we set out our objectives”, and that:

“The issues were regularly debated in Cabinet. I was answering questions on it, giving press interviews. It was a dominant news issue. I was constantly interacting on it, therefore, with colleagues, MPs and the media, and in the most plain terms.”³⁰¹

736. Asked if the meeting with President Bush at Crawford had been a turning point, Mr Blair told the Inquiry:

“It wasn’t a turning point. It was really that all the way through we were saying this issue now has to be dealt with. So Saddam either comes back into compliance with UN resolutions or action will follow.”³⁰²

Conclusions

737. As a means to sustain international support for a policy of containment and improve its effectiveness, the UK continued to pursue agreement to measures for implementation of the smarter economic sanctions regime, agreed in November 2001, in the first months of 2002.

738. But continuing divisions between Permanent Members of the Security Council meant there was no agreement on the way forward on the re-admission of weapons inspectors and establishing the verification and monitoring regime identified in resolution 1284 (1999). Without inspections, there was no route for Iraq to secure the lifting of economic sanctions.

739. There were clear signals from Washington that the US Administration was determined to deal with Iraq and key figures were contemplating military action to achieve regime change.

740. The JIC assessment of 27 February and the Cabinet Office ‘Options Paper’ of 8 March concluded that a large scale ground invasion was the only sure way to remove Saddam Hussein.

741. In public statements at the end of February and in the first week of March 2002, Mr Blair and Mr Straw set out the view that Iraq was a threat which had to be dealt with.

³⁰⁰ Statement, 14 January 2011, pages 3-4.

³⁰¹ Statement, 14 January 2011, page 4.

³⁰² Public hearing, 21 January 2011, page 8.

- 742.** Iraq needed to disarm or be disarmed in accordance with the obligations imposed by the UN; and that it was important to agree to the return of UN inspectors to Iraq.
- 743.** The focus on Iraq was not the result of a step change in Iraq’s capabilities or intentions.
- 744.** Although the possibility of future military action provided the context for the discussion at Cabinet on 7 March, Mr Blair and Mr Straw emphasised that no decisions had been taken and Cabinet was not being asked to take decisions.
- 745.** The discussion was couched in terms of Iraq’s need to comply with its obligations and future choices by the international community on how to respond to the threat which Iraq represented.
- 746.** Cabinet endorsed the conclusion that Iraq’s WMD programmes posed a threat to peace and a strategy of engaging closely with the US Government in order to shape policy and its presentation. But it did not discuss how that might be achieved.
- 747.** Mr Blair sought and was given information on a range of issues before his meeting with President Bush. But no formal and agreed analysis of the issues and options was sought or produced; and there was no collective consideration of such advice.
- 748.** The advice offered to Mr Blair by Mr Straw, Mr Hoon and Mr Powell assumed that the US objective would be regime change and that the UK would be likely to support US-led military action in some circumstances if that could be shown to be necessary to eliminate Iraq’s WMD.
- 749.** At Crawford, Mr Blair offered President Bush a partnership in dealing urgently with the threat posed by Saddam Hussein. He proposed a strategy based on an ultimatum calling on Iraq to permit the return of weapons inspectors or face the consequences.
- 750.** Mr Blair’s approach reflected the thinking in Mr Straw’s advice of 25 March. Proposing that the US and UK should seek an ultimatum to Saddam Hussein to readmit weapons inspectors provided a route for the UK to align itself with the US without adopting the US objective of regime change.
- 751.** President Bush agreed to consider the idea but there was no decision until September 2002.
- 752.** It was subsequently reported that, in his discussions with President Bush, Mr Blair set out a number of considerations in relation to the development of policy on Iraq, which were subsequently described by others as “conditions” for action (see Section 3.3).

753. Following his meeting with President Bush, Mr Blair stated that Saddam Hussein had to be confronted and brought back into compliance with the UN.

754. The statements made in public by Mr Blair clearly implied the use of force in the event that Saddam Hussein failed to comply with an ultimatum.

755. The acceptance of the possibility that the UK might participate in a military invasion of Iraq was a profound change in UK thinking. Although no decisions had been taken, that became the basis for contingency planning in the months ahead.