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dated 6 July 2016  
for

# **The Report of the Iraq Inquiry**

Report of a Committee of Privy Counsellors

Volume II

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## SECTION 3.3

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## Introduction and key findings

1. This Section addresses the development of UK policy on Iraq following Mr Blair's meeting with President Bush at Crawford on 5 and 6 April 2002, at which Mr Blair proposed a partnership between the US and UK urgently to deal with the threat posed by Saddam Hussein's regime, including Mr Blair's Note to President Bush at the end of July proposing that the US and UK should use the UN to build a coalition for action.
2. This Section does not address:
  - the development of a dossier setting out the publishable evidence on Iraq's weapons of mass destruction (WMD), the history of weapons inspections and Iraq's human rights abuses, which is addressed in Section 4.1; or
  - MOD work on possible options for a UK contribution to a future military operation, which is addressed in Section 6.1.
3. The roles and responsibilities of key individuals and bodies are described in Section 2.

### Key findings

- By July 2002, the UK Government had concluded that President Bush was impatient to move on Iraq and that the US might take military action in circumstances that would be difficult for the UK.
- Mr Blair's Note to President Bush of 28 July sought to persuade President Bush to use the UN to build a coalition for action by seeking a partnership with the US and setting out a framework for action.
- Mr Blair told President Bush that the UN was the simplest way to encapsulate a "casus belli" in some defining way, with an ultimatum to Iraq once military forces started to build up in October. That might be backed by a UN resolution.
- Mr Blair's Note, which had not been discussed or agreed with his colleagues, set the UK on a path leading to diplomatic activity in the UN and the possibility of participation in military action in a way that would make it very difficult for the UK subsequently to withdraw its support for the US.

## Development of UK policy, April to June 2002

### A UK contribution to US-led military action

4. **After Mr Blair's meeting with President Bush at Crawford, the MOD began seriously to consider what UK military contribution might be made to any US-led military action and the need for a plausible military plan for the overthrow of Saddam Hussein's regime.**
5. In his letter to Mr Blair of 22 March 2002 (see Section 3.2), Mr Geoff Hoon, the Defence Secretary, had cautioned that, "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”.<sup>1</sup>

**6.** Mr Hoon had also suggested UK involvement in US planning would “improve” the US process and enable Admiral Sir Michael Boyce, Chief of the Defence Staff (CDS) to either “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”.

**7.** Much of the discussion at Crawford took place privately between the two leaders.<sup>2</sup> Sir David Manning, Mr Blair’s Foreign Policy Adviser and Head of the Overseas and Defence Secretariat (OD Sec), recorded that the meeting on Saturday morning was informed of a number of points, including:

- There was no war plan for Iraq.
- Thinking so far had been on a broad, conceptual level.
- A very small cell in Central Command (CENTCOM) 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.

**8.** Sir David Manning also recorded that Mr Blair had concluded President Bush probably wanted to build a coalition.

**9.** Mr Hoon discussed Iraq with Adm Boyce and Sir Kevin Tebbit, MOD Permanent Under Secretary (PUS), on 8 April (see Section 6.1). He commissioned work on military options as a “precaution against the possibility that military action might have to be taken at some point in the future”.<sup>3</sup>

**10.** On 12 April, Mr Simon Webb, MOD Policy Director, sent Mr Hoon a “think piece” to give context to the work on Iraq.<sup>4</sup>

**11.** Mr Webb explored potential end states for military action in Iraq in the context of Mr Blair’s “commitment to regime change (‘if necessary and justified’)” in his speech at College Station on 7 April. Mr Webb added that:

- “Commitment on timing has been avoided and an expectation has developed that no significant operation will be mounted while major violence continues in Israel/Palestine.”
- “Both Crawford and contacts with the Pentagon confirm that US thinking has not identified either a successor or a constitutional restructuring to provide a more

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<sup>1</sup> Minute Hoon to Prime Minister, 22 March 2002, ‘Iraq’.

<sup>2</sup> Letter Manning to McDonald, 8 April 2002, ‘Prime Minister’s Visit to the United States: 5-7 April’.

<sup>3</sup> Minute Watkins to PSO/CDS and PS/PUS, 8 April 2002, ‘Iraq’.

<sup>4</sup> Minute Webb to PS/Secretary of State [MOD], 12 April 2002, ‘Bush and the War on Terrorism’.



representational regime: Various ideas for replacements have been aired over the years and none so far look convincing ...”

**12.** Mr Webb’s view was that “the prospects for finding a stable political solution” were “poor in the short term”. The US had “sufficient forces to undertake a military operation ... without anyone else’s help”; but to “achieve a successful regime change, the UK would need to be actively involved (one might also argue that the Prime Minister has effectively committed us)”.

**13.** Mr Webb set out the MOD’s thinking on military issues. On the way forward, he wrote:

“Despite the massive scale of commitment, there are arguments that preventing the spread of WMD should be given the highest priority in coming years ... [I]t remains the greatest risk to Middle East and international stability in the medium-term; and in the long-term countries like Iraq and Iran are on course to threaten Europe and UK direct. It is arguable that preventing this spread by making an example of Saddam Hussein would do more for long-term stability than all the displaced [military] activities combined ...

“By demonstrating our capacity for high intensity warfare at large scale [the deployment of a division] the UK would also send a powerful deterrence message to other potential WMD proliferators and adversaries.

“... There would come a point at which preparations could apply some valuable pressure on Saddam; or be seen as a natural reaction to prevarication over inspections. In general ... until that point ... we should keep a low profile ...”

**14.** Mr Webb concluded:

“Even these preparatory steps would properly need a Cabinet Committee decision, based on a minute from the Defence Secretary ...”

**15.** In April the MOD established “a small group of senior officials and military planners to think about the issues that would be involved in any military operation in Iraq, as the basis for initial contingency planning in the MOD”.<sup>5</sup> That body, which was chaired by Lieutenant General Sir Anthony Pigott, Deputy Chief of the Defence Staff (Commitments) (DCDS(C) and was known as the Pigott Group, considered issues related to UK participation in a US-led ground offensive in Iraq. Participants included the FCO, the Cabinet Office and the intelligence Agencies.

**16.** The work of the Group is addressed in more detail in Sections 6.1 and 6.4.

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<sup>5</sup> Minute Ricketts to Private Secretary [FCO], 25 April 2002, ‘Iraq: Contingency Planning’.

## JIC Assessment, 19 April 2002

**17. The Joint Intelligence Committee (JIC) judged on 19 April that it would be politically impossible for Arab states to support military action against Iraq.**

**18. Regional states would prefer UN inspections or covert operations to topple Saddam Hussein to a US-led attack, but US determination and a willingness to deploy overwhelming force could help bolster regional support.**

**19. There was consensus amongst Iraq's neighbours that its territorial integrity must be preserved.**

**20.** At the request of the JIC, an Assessment of "Iraq's relations with its neighbours ... what influence Iraq has over them and how it is trying to improve its position; where Iraq's neighbours' concerns and interests lie" and an evaluation of "the regional reactions so far to the prospects of a US-led attack on Iraq" was produced on 19 April.<sup>6</sup>

**21.** During the discussion of the draft, the JIC had been told that Israel's attack on Jenin in the Occupied Territories had produced a "seismic shift" and there were "few, if any, Arab countries who would support a strike against Iraq".<sup>7</sup>

**22.** The JIC asked for the position of Iran and Saudi Arabia to be brought out more clearly in the final Assessment.

**23.** The JIC's Key Judgements were:

- "The current Israel/ Palestinian crisis makes **Arab support for an attack on Iraq politically impossible at present**. There is no sign that strong anti-US sentiment will dissipate quickly, even if there is progress towards an equitable resolution of the Palestinian issue."
- "Iraq exerts considerable economic leverage over Jordan and Syria. Iraqi propaganda successfully plays up Iraq's suffering under sanctions. And Iraq uses its support for the Palestinians to gain popularity in the Arab street."
- "**But Iraq has no real allies**. Iran, Kuwait and Saudi Arabia remain concerned by Iraq's conventional military capabilities. Iran is also concerned by its development of WMD."
- "**Turkey** would probably be willing to provide basing for a US-led attack on Iraq ... **Saudi Arabia** is very unlikely to provide basing for an attack, though it might permit overflights. A strong case for action would need to be made. US determination and willingness to deploy overwhelming force could help bolster regional support. However, all would strongly prefer covert operations to topple Saddam rather than a full-scale attack."

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<sup>6</sup> JIC Assessment, 19 April 2002, 'Iraq: Regional Attitudes'.

<sup>7</sup> Minutes, 17 April 2002, JIC meeting.

- “Regional states would prefer UN inspections to a US-led attack on Iraq. Such an attack would provoke large-scale protests across the Arab world. Jordan would be particularly exposed to internal instability, but the Gulf States would also be nervous. None of Iraq’s neighbours would regret Saddam’s overthrow and none would provide practical ... support for Iraq against a US-led attack.”
- “There is consensus among Iraq’s neighbours that its territorial integrity must be preserved, but there are great mutual suspicions and differences over the place of the Kurds and the Shia in any new Iraqi regime, the regime’s nature and its relationship with the West.”<sup>8</sup>

24. Key points from the Assessment are set out in the Box below.

### JIC Assessment, 19 April 2002: ‘Iraq: Regional Attitudes’

The Assessment stated:

“Arab attitudes towards Iraq, and particularly towards any prospective US-led attack, are inextricably linked to bilateral relations with the US, events on the ground in the Occupied Territories and perceived Western ‘double standards’ in favour of Israel ... We judge that, **in the present circumstances, even the most pro-Western Gulf States [...] would find it politically impossible to support a US-led attack on Iraq.** We judge it **unlikely that the current strong anti-US sentiment will dissipate quickly.** Only significant progress towards what the Arab world would see as an equitable resolution of the Palestinian issue would mitigate this. Even if this is achieved, recent events in the West Bank will make it harder in the medium-term to win regional support for military action against Iraq.”

Iraq-related concerns had “dropped significantly down the Arab agenda” and Iraq was “rarely perceived as the greatest security threat within the region”. The Gulf States saw “Iran as the greater long-term threat and want an Iran-Iraq balance”.

The “conjunction of the threat of US military action and the pressure in the UN to permit the return of weapons inspectors” had “led Iraq to pursue a revitalised foreign policy”.

That had included:

- talks with the UN Secretary-General;
- several attempts to win over its neighbours;
- an Iraqi declaration at the Arab League Summit on 27 March 2002 that it recognised Kuwait’s sovereignty and independence;
- a marked decline in the number of militant attacks on Iran which suggested that Iraq had “at least temporarily restrained the MEK [Mujahideen e Khalq]”; and
- an Arab League resolution that its members would not support an outside attack on any other member.

Iraq’s neighbours remained “suspicious of its intentions” and were “focused on economic gains”.

<sup>8</sup> JIC Assessment, 19 April 2002, ‘Iraq: Regional Attitudes’.

Addressing the longer term, the JIC stated:

“... given real progress on Israel/Palestine, it might be possible to rebuild support for action against Iraq ...”

“... **Saudi Arabia** ... has said it opposes an attack ... **Turkey**, as a NATO ally, would probably provide basing if asked, despite its reservations [...]”

Regional attitudes to an attack would “remain tentative” until US plans were “closer to completion and military preparations begin”, but “a number of themes” were “already discernible”. These included:

- “[G]overnments in the region would want any military campaign to be short and decisive.”
- “[M]utual suspicions among Iraq’s neighbours” meant regional co-operation was “likely to be minimal.”
- Iran wanted “a greater role for the Iraqi Shia in a new regime, but any pro-Iran Shia regime, though unlikely would be anathema to the Gulf Arabs”. Iran and Turkey were “keen not to set a precedent for their own Kurdish regions, [...] A power vacuum could cause particular problems and might tempt Iran and/or Turkey to intervene.”
- Gulf Monarchies might be “willing to support a representational Government, but would equate democracy with Shia rule”.
- Iran’s “sense of encirclement would be heightened by the presence of US forces, particularly if they remained in Iraq for an extended period”.

In a concluding section entitled “**Making the case**”, the JIC assessed:

“**For governments expected to support a US-led attack, the justification and evidence will be crucial in managing their public expectation.** Given that we judge Iraq had no responsibility for ... the 11 September terrorist attacks, Iraq’s neighbours are likely to demand stronger proof of Iraq’s development of WMD ... using Saddam’s brutal and repressive regime alone as a justification would not attract much support. A UN Security Council resolution authorising force would reduce regional governments’ objections to an attack. **Partly because their populations will not be persuaded by any likely justification for a military option, Iraq’s neighbours, except for perhaps Kuwait, would prefer UN inspections to a US-led attack.** [...] Equally, it is possible that by offering to allow inspectors back into Iraq (even if he obstructed them) and making some new but limited concessions to the disarmament process, Saddam could strengthen his regional political position, at least in the short term.”

### **Mr Blair's interview on *BBC Breakfast with Frost*, 21 April 2002**

**25.** In an interview on *BBC Breakfast with Frost* on 21 April, primarily about the Budget, Mr David Frost asked Mr Blair how close action was on Iraq.<sup>9</sup> Mr Blair replied:

“We have not taken any decisions on Iraq at all ... we have identified weapons of mass destruction as a crucial issue ... Saddam Hussein is a threat, the world would be better off without Saddam Hussein in power, but ... we will not take decision 'til we have looked at all the options ...”

**26.** Mr Blair added that Saddam Hussein should allow the weapons inspectors to return. That was what the United Nations had told him to do. Saddam Hussein was in breach of UN resolutions and needed to fulfil those obligations.

**27.** Asked whether there were differences between him and Mr Gordon Brown, Chancellor of the Exchequer, Mr Blair said:

“... all we have decided ... is that weapons of mass destruction have to be dealt with ... how we deal with it, however, is an open question.”

**28.** Mr Blair's comments on Iraq's WMD capability and the timetable for the publication of the “dossier” on those capabilities are set out in Section 4.1.

### **Resolution 1409 (2002)**

**29.** Mr Jack Straw, the Foreign Secretary, was advised that there was little prospect of agreement in the Security Council to any language demanding the return of weapons inspectors.

**30.** A resolution implementing the “smart sanctions” regime was agreed on 14 May, but compromises were necessary to secure Russian support and tougher measures on tackling cross border smuggling were not included.

**31.** Since the adoption of resolution 1382 in November 2001, the UK had continued to pursue agreement on a new resolution introducing a smart sanctions regime.

**32.** Following Mr Blair's discussions with President Bush at Crawford, Mr Straw advised Mr Blair on 9 April that the shift in focus to the re-admission of weapons inspectors drew the UK “inexorably into the question of cover in international law” for military action in the event that, as Mr Straw suspected, Iraq failed to comply (see Section 3.2).<sup>10</sup>

**33.** Mr Charles Gray, Head of the FCO Middle East Department, wrote that Mr Straw asked for advice on:

- what, assuming a resolution authorising military action against Iraq is unachievable, we might hope to get in the Security Council to sustain the

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<sup>9</sup> *BBC News*, 21 April 2002, *BBC Breakfast with Frost Interview: Prime Minister Tony Blair*.

<sup>10</sup> Minute Straw to Prime Minister, 9 April 2002, ‘Your Commons Statement’.

pressure on Iraq and to begin to build a legal base for possible military action; and

- whether the May resolution giving effect to the Goods Review List (GRL) agreed in November 2001 (resolution 1382) might “repeat in stronger terms the Council’s demands for the unconditional return of the inspectors”.<sup>11</sup>

**34.** Mr Gray advised that he did “not think there was any prospect in foreseeable circumstances” of getting a resolution “explicitly authorising military action”; and it was “conceivable” that this might lead to “severe pressure, to the point of facing a draft resolution forcing us to back away from this option altogether”.

**35.** Mr Gray also advised:

- Officials were “strongly inclined not to jeopardise” the GRL resolution “by attempting to include military action language in its implementing resolution”.
- The prospects for inserting language into the resolution “rolling over the Oil-for-Food programme” at the end of May “might be better”, but UK actions on Iraq were “now subject to minute scrutiny in the Council”. Russia and Syria would “quickly detect language which smacked of easing the justification for military action”.
- It might be possible to insert a demand for the return of inspectors into the Oil-for-Food resolution but success would depend on the demands of other members. If the talks between Mr Kofi Annan, the UN Secretary-General, and Iraq made progress, the UK might seek a separate resolution calling for the return of inspectors; but the difficulties involved would be “considerable”.

**36.** Sir Jeremy Greenstock, the UK Permanent Representative to the UN in New York, told the Inquiry:

“Towards the end of 2001, the Russians signalled to us that they might be more amenable to a smart sanctions regime ... in February or so of 2002, the US ... Secretary [of State] Colin Powell went serious on getting the smart sanctions regime and there was a series of bilateral negotiations between Washington and Moscow which was out of sight of the Security Council ... The UK had no part in those negotiations.”<sup>12</sup>

**37.** Cabinet was informed on 9 May that a revised system of sanctions was likely to be adopted by the UN.<sup>13</sup>

**38.** The Security Council adopted resolution 1409 on Iraq on 14 May. It introduced a new sanctions regime, with a revised GRL and new procedures for applications for licences to trade with Iraq, with effect from 30 May. Trade in commodities or products,

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<sup>11</sup> Minute Gray to Goult and PS [FCO], 11 April 2002, ‘Iraq: UN’.

<sup>12</sup> Public hearing, 27 November 2009, pages 19-20.

<sup>13</sup> Cabinet Conclusions, 9 May 2002.



other than military or military-related ones as defined in paragraph 24 of resolution 687 (1991) or covered by the GRL, would be permitted. Applications for licences to trade still had to be scrutinised by the Office of the Iraq Programme, the UN Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA), and the 661 Committee; and exporters would still be paid through the UN escrow account established by resolution 986 (1995) only after verification by UN agents that items had arrived in Iraq.

**39.** Although the resolution was adopted unanimously, Syria made a statement arguing that it was time to lift sanctions against Iraq; it was unreasonable to impose sanctions for an unlimited period of time; and the Council had lost credibility by compelling some countries, and not others, to implement its resolutions. Syria rejected the “double standards ... whereby Israel carried out its policy of blatant aggression against the Palestinian people, despite the statements of United Nations representatives concerning the war crimes that it [Israel] committed in Jenin”.<sup>14</sup>

**40.** There was no reference in either the resolution or any statements in the Security Council to the need for clarification of resolution 1284 (1999) as requested by Iraq in its meeting with Mr Annan.

**41.** Nor was there discussion of a renewed call for Iraq to permit weapons inspectors to return to Iraq. That remained the subject of continuing talks between Iraq and Mr Annan and debate between the five Permanent Members (P5) of the Security Council.

**42.** Mr Straw informed Cabinet on 16 May that resolution 1409 had been adopted, and that the provision to limit scrutiny by the UN sanctions committee to applications to export military and dual-use equipment was a significant step forward in ensuring that the sanctions regime could not legitimately be blamed for causing humanitarian problems in Iraq.<sup>15</sup>

**43.** There was no further discussion of the policy.

**44.** In his written statement to the Inquiry, Mr Carne Ross, First Secretary responsible for the Middle East at the UK Permanent Mission to the UN in New York, stated that the UK’s position on Iraq was under “unceasing pressure, mainly from Iraq’s allies” in the Security Council:

“... for sanctions to be eased to reward Iraq for past progress in disarming itself ... and to incentivise Iraq to co-operate once more with the weapons inspectors. There was also significant concern over the humanitarian impact of sanctions ... There was also a broader complaint, particularly in the Arab world, that the US/UK practised double standards in demanding the full implementation of resolutions on

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<sup>14</sup> UN Security Council, ‘4531st Meeting Tuesday 14 May 2002’ (S/PV.4531).

<sup>15</sup> Cabinet Conclusions, 16 May 2002.

Iraq, but ignoring Israel's failure to implement resolutions demanding that it leave the occupied Palestinian territories."<sup>16</sup>

**45.** Other points made by Mr Ross in his statement included:

- "... it was not our view in New York that containment was collapsing either through the ineffectiveness of sanctions or the deterioration of international support. While there were serious sanctions breaches, it was not the UK judgement that these permitted significant rearmament, which was our major concern ...";
- "... the collapse of effective sanctions was not a foregone conclusion, as some witnesses have misleadingly suggested ... we undertook ... sustained and detailed work ... to end Iraq's manipulation of the official price of its oil exports, so that it could extract an illegal 'surcharge' ..."; and
- "... the UK never made any co-ordinated and sustained attempt to address sanctions busting."

**46.** Mr Ross subsequently told the Inquiry:

- "It [containment] was a continuing state, and ... to maintain containment you had to constantly adjust it."<sup>17</sup>
- "... It is astonishing to me ... that neither the US nor the UK did anything about Saddam's illegal bank accounts which we knew to exist in Jordan."<sup>18</sup>
- "Nobody questioned at all in the Security Council that the arms embargo should be lifted. I don't think there was a single country that said at any point we should let Iraq import arms again. I think the question was: what kind of controls, short of that, do we really need to make sure that Iraq's WMD is controlled ..."<sup>19</sup>

**47.** Asked about pursuing resolution 1409 while the Bush Administration was planning regime change, Sir Jeremy Greenstock told the Inquiry:

"It was entirely natural to me that we should try and maximise containment of Iraq because I didn't see an alternative ... So it was very welcome that we had a smart sanctions regime in [resolution] 1409, although that didn't mean ... that there weren't other aspects of policy on Iraq that needed to be followed up.

"We needed to curtail smuggling, which was increasing through Jordan, Syria and Turkey, and which Secretary Powell had not expended a huge amount of effort on behalf of his Administration to close from early 2001 onwards, which surprised me."<sup>20</sup>

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<sup>16</sup> Statement, 12 July 2010, pages 1-5.

<sup>17</sup> Public hearing, 12 July 2010, page 12.

<sup>18</sup> Public hearing, 12 July 2010, page 17.

<sup>19</sup> Public hearing, 12 July 2010, page 44.

<sup>20</sup> Public hearing, 27 November 2009, pages 23-24.



**48.** Subsequently, Sir Jeremy added:

“Somehow, the need to stop smuggling through Syria got caught up with the need not to offend or to make too expensive the Turkish and Jordanian angles to this ... I regarded it as a pity that more pressure was not put on all three because the business of smuggling was more important than the business of maintaining that part of the relationship with those three countries ... I understood that was the choice of the United States, not to expend capital on stopping the smuggling ... there were equivocal views within the US Administration about how much effort and energy and capital to expend on maintaining sanctions and a containment regime that might, anyway, not do the trick.”<sup>21</sup>

**49.** Mr Blair told the Inquiry that the fact that the provisions to tighten the borders could not be agreed with Russia was important, and that, while the sanctions framework agreed in the resolution might have been successful, it was “at least as persuasive an argument that it wouldn’t have been”.<sup>22</sup>

**50.** Asked whether containment was still the policy of Government, Lord Wilson of Dinton, Cabinet Secretary from January 1998 to September 2002, responded:

“... Containment was the status quo ... No-one questioned it. No-one said, ‘... Let’s discontinue that as a policy.’ It was noted as a success ... After that [Cabinet discussion on 16 May 2002] there was no further discussion of containment ... for it to end you would need to have a discussion about it. There was no discussion about it.”<sup>23</sup>

**51.** Lord Wilson stated that Mr Blair had been disappointed that concessions had been made to secure Russian support for the resolution, and regarded it as a significant weakness.<sup>24</sup>

**52.** Lord Wilson, told the Inquiry that the “Americans had got engaged in getting it [the resolution] through”.<sup>25</sup>

**53.** In his memoir, published in 2012, Mr Straw wrote:

“... resolution 1409 was inadequate and stood no chance of plugging the gaping holes in the sanctions framework. This failure to get comprehensive and robust ‘smart sanctions’ effectively marked the end of the ‘containment’ policy, especially for those of us who regarded Iraq as a significant threat.”<sup>26</sup>

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<sup>21</sup> Public hearing, 27 November 2009, pages 26-27.

<sup>22</sup> Public hearing, 29 January 2010, pages 15-16.

<sup>23</sup> Public hearing, 25 January 2011, pages 43-44.

<sup>24</sup> Public hearing, 25 January 2011, page 45.

<sup>25</sup> Public hearing, 25 January 2011, page 76.

<sup>26</sup> Straw J. *Last Man Standing: Memoirs of a Political Survivor*. Macmillan, 2012.

**54.** In early May 2002, the international effort to resolve the India/Pakistan crisis was the FCO's principal foreign policy concern and the major preoccupation for Mr Straw, Sir Michael Jay, FCO Permanent Under Secretary (PUS), and Mr Peter Ricketts, FCO Political Director.

**55.** Lord Wilson told the Inquiry:

“... The main thing in April, May, into June ... was India, Pakistan. Can I impress on this Committee that was far more important than Iraq. The Middle East Peace Process was far more important than Iraq ... Iraq was not the major thing in those months. The Queen Mother had died; Alastair Campbell was involved in a row with Black Rod; street crime ... There were all sorts of issues around which engaged attention.

“If you had said to me ‘Where are we on Iraq?’ I would have said: ‘Things are going on, No.10 has started talking to Washington.’ But nothing major.”<sup>27</sup>

## Discussions with the US and France

**56.** In discussions with the US, Mr Straw and Sir David Manning confirmed Mr Blair's position that the UK would support the US if President Bush decided on military action.

**57.** In a meeting with Dr Condoleezza Rice, President Bush's National Security Advisor, on 17 May, Sir David set out what he described as the conditions “stipulated” by Mr Blair.

**58.** Mr Blair had a meeting on Iraq with Mr Straw, Mr Hoon and Adm Boyce on 2 May but there is no record of the discussion.<sup>28</sup>

**59.** Iraq was not discussed at Cabinet that day.

**60.** In a discussion on 8 May, Mr Straw told Mr Colin Powell, the US Secretary of State, that Mr Blair “had always taken the view that if in the end President Bush decided on military action, the UK had a duty to support him”.<sup>29</sup> Mr Straw wrote that:

“... the rhetoric (in the US) might get beyond what was possible. Powell agreed this was a considerable danger. I had rather gathered that the more military options were considered, the more, not less, difficult military action appeared.”

**61.** Mr Straw's minute was sent to Sir David Manning and Sir Christopher Meyer, British Ambassador to the US.

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<sup>27</sup> Public hearing, 25 January 2011, pages 60-61.

<sup>28</sup> Internal No.10 note prepared for Mr Blair's appearance at the Butler Inquiry.

<sup>29</sup> Minute Straw to PUS [FCO], 9 May 2002, 'Powell/Straw Tete-a-Tete, 8 May 2002'.

**62.** Sir David Manning was in Washington on 17 May, for discussions on a range of issues including India and Pakistan and the Middle East Peace Process (MEPP).<sup>30</sup>

**63.** In preparation for Sir David Manning's visit to Washington, Sir Christopher Meyer reported in a personal letter that he had been told by a senior official in the State Department that:

- The timeframe discussed between the Prime Minister and Bush was still valid: the first quarter of next year was "realistic" for action against Saddam Hussein.
- CENTCOM was hearing from British military sources that we were contemplating contributing an armoured division.
- This was serious stuff which was leading Administration hawks to forget the "but" in our "yes, but ..."<sup>31</sup>

**64.** Sir Christopher also recorded that it was doubtful that much work had been done on handling the UN and getting the weapons inspectors back in and that the nightmare would be if Dr Hans Blix, Executive Chairman of UNMOVIC, judged that the Iraqis were co-operating and the US did not.

**65.** Sir Christopher advised that the UK had "been drawn into a fierce inter-agency battle on the Middle East and Iraq". That was "unavoidable if we are to retain a handle on what is going on [in] areas of vital importance to our national interest. But it does mean that we have to tread with the greatest care".

**66.** Sir Christopher told the Inquiry, that he had been told by a senior American official "shortly after Crawford" that there were problems with the UK's "yes, but" approach: "the 'yes' was greedily devoured by the American Administration, but the 'buts' had kind of faded away".<sup>32</sup>

**67.** In discussions with Dr Rice on Iraq, Sir David told her that the UK's "offer of military support for a campaign against Saddam was firm. But we must go the UN inspectors route first; we must stabilise Arab/Israel ... and we must prepare public opinion."<sup>33</sup> He was assured that the UK would be brought into the planning process at a very early stage, once such planning got under way.

**68.** In a separate report to Mr Blair, Sir David warned that, in the light of the US perception that the UK was considering providing an armoured division, there were dangers that the "moderates in Washington" were worried that "the hawks" would

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<sup>30</sup> Minute Manning to Prime Minister, 19 May 2002, 'Visit to Washington: 17 May'.

<sup>31</sup> Letter Meyer to Manning, 15 May 2002, 'Your Visit to Washington'.

<sup>32</sup> Public hearing, 26 November 2009, page 64.

<sup>33</sup> Letter Rycroft to McDonald, 18 May 2002, 'David Manning's Visit to Washington, 17 May; Iraq'.

“now simply ignore the conditions that you have stipulated”.<sup>34</sup> Sir David reported that he had twice made very clear to Dr Rice that:

“... before we would commit to military action, we must exhaust the UN inspectors route; there must be progress in stabilising Arab/Israel; and there must be a campaign to explain the Saddam menace to domestic and international public opinion.”

**69.** In a meeting with Mr Richard Armitage, the US Deputy Secretary of State, Sir David Manning had been told that “a UK officer at Tampa had said that the UK would provide an armoured division”. That had been “dropped into the conversation” of the most senior US policy-makers.<sup>35</sup>

**70.** Asked about that meeting and the fact that Mr Armitage had been told that Mr Blair had discussed the question of a British armoured division taking part in the invasion with President Bush at Crawford, Sir David Manning told the Inquiry: “Yes I didn’t know that.”<sup>36</sup>

**71.** Sir David subsequently stated:

“I think the message that he [Mr Blair] wanted to be with the Americans in the broad sense would be correct ... throughout the crisis he felt if push came to shove, the Americans should not be left to do this on their own. But I think at this stage still he believes there may be a better way to do this, and I think his willingness to stay engaged will also have been a calculation that that would have improved the chances of persuading the Americans to go back to the UN.

“So I don’t myself think ... in April or May ... he had made his mind up he was going to send troops. I think he was always ready to do it, but always hoped he wouldn’t have to.”<sup>37</sup>

**72.** Asked, in the context of an offer of a division, whether the military planners were getting ahead of the policy, Sir David Manning told the Inquiry that he was:

“... surprised they had said that because certainly later ... when there is a request from the MOD to the Prime Minister to give an indication of what he would be willing to sign up for, he refuses. So it doesn’t seem logical to me.”<sup>38</sup>

**73.** A letter from Sir Christopher Meyer on 20 May following up Sir David’s visit reported that “military planning was grinding on”, and described the UK conditions as “preconditions for action against Saddam”.<sup>39</sup>

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<sup>34</sup> Minute Manning to Prime Minister, 19 May 2002, ‘Visit to Washington: 17 May’.

<sup>35</sup> Letter Rycroft to McDonald, 18 May 2002, ‘David Manning’s Visit to Washington, 17 May; Iraq’.

<sup>36</sup> Private hearing, 24 June 2010, page 38.

<sup>37</sup> Private hearing, 24 June 2010, page 39.

<sup>38</sup> Private hearing, 24 June 2010, page 40.

<sup>39</sup> Letter Meyer to Manning, 20 May 2002, ‘Your Visit to Washington’.

**74. In a meeting with French officials, Mr Edward Chaplin, FCO Director Middle East and North Africa, stated that a continuing threat of US action was needed to influence Iraqi behaviour, whatever some might think of the consequences of the threat.**

**75.** Following a visit to Paris by Mr Chaplin, the British Embassy Paris reported that officials in the French Foreign Ministry:

- did not expect much movement in Iraq's third meeting with Mr Annan in Vienna, which was best described as a dialogue not a negotiation;
- were looking to see how to raise the dialogue with Iraq to persuade it to agree the return of inspectors but were sceptical about whether Iraq would agree a regime similar to that which had applied until 1998;
- took the firm position that Iraq had to make clear its willingness to agree the return of inspectors before talks on clarification of resolution 1284 (1999) could start;
- were less convinced than before that US military action was inevitable; and
- saw the return of inspectors as the best way to avoid military action and would want to maintain the unity of the P5 as the means to deliver it.<sup>40</sup>

**76.** In relation to UN authority for military action, a French official stated:

“... past precedent demonstrated that formal authorisation by the UN was not an absolute requirement for military action. What would be indispensable, as a minimum, would be a statement by the Security Council (not necessarily in the form of a SCR [Security Council resolution]) that Iraq was in breach of its obligations, and a warning making clear to Iraq what the consequences of a continued violation would be. The Quai had given this advice to Chirac [Mr Jacques Chirac, President of France] for his meeting with Bush.”

**77.** Another French official stated that the US had no answer to the question of what would happen “the day after”. The Kurds and Shia were ready to come in behind the US, but would not go out ahead of them. The greatest fear of ordinary Iraqis was what would come after Saddam Hussein “with or without US intervention”. The Shia were in a majority, but there was no question of the leadership being anything other than Sunni. It was far from clear that the Republican Guard would be able to keep control if there was a change of regime.

**78.** Mr Chaplin argued that the best way to avoid military action was to make resolution 1284 a reality. The UK would follow Dr Blix on the procedures he thought necessary for the inspectors to do their job: “But it was hard to see the US agreeing to

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<sup>40</sup> Telegram 337 Paris to FCO London, 28 May 2002, ‘Iraq: Quai’s Views’.

a regime less intrusive than the last one.” After the adoption of the GRL, the prospect of lifting sanctions would be less enticing for Iraq:

“A continuing threat of US action ... was needed to influence Iraqi behaviour, whatever some might think of the consequences of the threat.”

**79.** A French official agreed, adding:

“... if the fear of US intervention receded, there would be no co-operation at all from the Iraqis, which in turn would strengthen the hands of the hawks in Washington.”

**80.** The personal view of the French official was:

“... we would be in exactly the same position on Iraq in five years’ time – and that would represent the least bad option, given the regional instability that would ensue from any military action.”

**81.** The paragraph on France’s views of the UN authority for military action was drawn to the attention of Lord Goldsmith, the Attorney General, with the comment that it was: “An important statement from a Permanent Member of the UNSC.”<sup>41</sup>

## Definition of the UK’s objective

**82.** Mr Hoon advised Mr Blair on 31 May that he and Mr Straw had agreed a preliminary UK objective to guide planning which, rather than calling directly for the elimination of Iraq’s WMD capability, called on Iraq to abide by its international obligations on WMD.

**83.** The first meeting of the Pigott Group in late April considered how to define the objective, or “end state” of a military operation.<sup>42</sup> Mr Ricketts advised Mr Straw:

“As we found in the run-up to the Afghanistan operation, defining the objective of an operation is crucial ... The MOD had tried their hand at a definition of the ‘end-state’ which was discussed at length, and I undertook to produce a further version.

“I have now done so ... it would be helpful to know whether the Foreign Secretary thinks we are on the right lines. At this stage, it is only to inform MOD contingency planning: at the right point, these issues would have to be negotiated carefully and at a high level with the Americans, who will have their own priorities. My proposal is as follows:

- ‘A stable and law-abiding Iraq, within its present borders, co-operating with the international community, no longer posing a threat to global security or to its neighbours, and abiding by its international obligations on control of its WMD.’”

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<sup>41</sup> Manuscript comment [Paul Berman] to AG, [undated], on Telegram 337 Paris to FCO London, 28 May 2002, ‘Iraq: Quai’s Views’.

<sup>42</sup> Minute Ricketts to Private Secretary [FCO], 25 April 2002, ‘Iraq: Contingency Planning’.



**84.** Mr Ricketts added that three issues had been debated in the Pigott Group:

“... should there be specific reference to regime change, e.g. ‘no longer governed by its current leadership’? My own view is that regime change would be a by-product of a military operation not its objective (indeed, I believe such an objective would be illegal);

“... should the ‘end state’ be stated more explicitly as the removal of Iraqi WMD or (more achievable) the removal of the threat posed by Iraqi WMD? There is a serious issue here of the credibility of any objective we declare for a campaign, since any likely future Iraqi regime would presumably feel the same national security imperatives for pursuing WMD programmes as the current regime, given potential threats from Iran. My formula above concentrates on Iraq abiding by its UNSCR [UN Security Council resolution] undertakings. But as an alternative I think it would be credible to aim at an ‘end state’ in which the threat posed by Iraqi WMD was removed (i.e. behaviour change if not regime change);

“... should there be anything more explicit about a future regime abiding by international norms on the treatment of its own population? I have got ‘law abiding’ which is designed to capture that. There is a risk of overloading a definition of the ‘end state’ with desirable outcomes which cannot be achieved by military means.”

**85.** Mr Michael Wood, FCO Legal Adviser, responded:

“In the event of military action, we should need to be satisfied that there was a proper legal basis, and what we say publicly would need to be consistent with that legal basis.”<sup>43</sup>

**86.** Mr Wood agreed that regime change could not of itself be a lawful objective of military action. He also warned that:

“Some of the elements in your proposed objective or ‘end state’ would not justify military action ... The mere possession of nuclear weapons, or indeed a general risk that they may be used, does not bring into play the right of self-defence ... If, on the other hand, the legal basis were to be authorisation by the Security Council, any action would need to be within the four corners of that authorisation. The Security Council has not authorised the use of force to establish ‘a stable and law abiding Iraq ... cooperating with the international community’ or ‘regime change’. It follows from the above that the language you propose in ... your minute could not serve as the public aim of any military action.”

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<sup>43</sup> Minute Wood to Ricketts, 29 April 2002, ‘Iraq: Contingency Planning’.

**87.** On 3 May, Mr Ricketts sent a very slightly amended definition of the end state, agreed by Mr Straw, to Mr Webb:

“A stable and law-abiding Iraq, within its present borders, co-operating with the international community, no longer posing a threat to its neighbours or to international security, and abiding by its international obligations on control of its WMD.”<sup>44</sup>

The previous reference to “global security” was replaced by “international security”.

**88.** Mr Ricketts added:

- If the end state were to be used “as a public justification for military action”, it would be “necessary to add whatever legal base was approved by the Attorney General”.
- “For the record, the Foreign Secretary was strongly against any specific reference to ‘regime change’.”

**89.** Mr Webb’s response of 10 May recorded that there was some discussion in the Pigott Group about the language on WMD on the grounds that a follow-on regime might only be happy if it retained some WMD as long as its neighbours continued to do the same.<sup>45</sup> He suggested that the end state should be amended to “abiding by its international obligations on WMD”.

**90.** On the question of legal justification, Mr Webb noted Mr Straw’s caution but added:

“I presume ... we are all still working to the line in the Prime Minister’s Crawford speech that it might become justified and necessary. Consistent with that we see it as a likely – though not certain – way point in a campaign to secure the strategic objective. Following the meeting we have proposed to the Defence Secretary we take forward rapidly two distinct pieces of work, one on military *contingency planning* ... and the other on *coalition options* which will need to factor in legal considerations. Rather than submitting our Ministers’ conclusions to the Attorney General for his approval, we should prefer the usual approach of his putting advice to colleagues as part of a collective decision.”

**91.** When Mr Webb visited Washington in mid-May, he discussed draft objectives with US officials.<sup>46</sup> His report of US views included:

- The elimination of WMD by Iraq should be a firm objective. The view that an Iraq government was unlikely to stay in office if it could not provide a counter-weight to an Iran which had a WMD capability was discounted.

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<sup>44</sup> Letter Ricketts to Webb, 3 May 2002, ‘Iraq: Contingency planning’.

<sup>45</sup> Letter Webb to Ricketts, 10 May 2002, [untitled].

<sup>46</sup> Minute Webb to Ricketts, 16 May 2002, ‘Iraq: Objectives’.



- The US “understood – and even seemed to accept – the Foreign Secretary’s point that regime change should not be an objective in its own right but a point on a path to a stable Iraq”.
- A Department of Defense (DoD) official said that “no one in Washington now thought that replacement of Saddam by another military strong man now made sense: the US would end up being responsible for his actions even if he went wrong on them”. The official was looking more to a government which “represented a wide range of tribal groups”, while acknowledging that democracy would be unlikely. Mr Webb commented that this “does not ... chime” with the views of others in the US.
- The US “clearly envisage remaining in Iraq for some time” but had taken Mr Webb’s point that “permanent basing would create an adverse reaction in the region”.
- Momentum in Washington had “flagged” since his last conversations in February; US resolve was “unabated” but “the sense was more *sine die* than poised”.

**92.** Mr Webb’s discussion of the possible scale and timing for any UK military contribution is addressed in Section 6.1

**93.** Mr Hoon informed Mr Blair on 31 May that he and Mr Straw had agreed a “preliminary objective” to guide work on contingency planning for military operations of:

“A stable and law-abiding Iraq, within its present borders, co-operating with the international community, no longer posing a threat to its neighbours or to international security, abiding by its obligations on WMD.”<sup>47</sup>

**94.** Sir Peter Ricketts told the Inquiry that it was “hard to imagine that an Iraq [as envisaged in the objective] ... would still have Saddam Hussein in charge”.<sup>48</sup>

### **Meeting with Secretary Rumsfeld, 5 June 2002**

**95.** In preparation for a visit to the UK by Mr Donald Rumsfeld, the US Secretary of Defense, on 5 June, Mr Hoon wrote to Mr Blair on 31 May.

**96.** UK contingency planning had concluded that, for the UK to have influence on US planning, a significant military contribution would be needed. This was defined as at “division level” for land forces.

**97.** To take planning further, greater clarity on US thinking was needed.

**98.** Mr Hoon also identified that exposing the constraints on the UK’s ability to contribute forces before the end of 2002 could reduce its influence.

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<sup>47</sup> Minute Hoon to Prime Minister, 31 May 2002, ‘Iraq’.

<sup>48</sup> Public hearing, 1 December 2009, pages 20-21.

**99. Mr Blair decided that the UK should not expose the constraints it faced to Secretary Rumsfeld.**

**100.** In advance of a visit by Secretary Rumsfeld, Mr Hoon wrote to Mr Blair on 31 May with an update on the military contingency planning on Iraq.<sup>49</sup>

**101.** The minute was also sent to Mr Brown, Mr Straw and Sir Richard Wilson, Cabinet Secretary.

**102.** Mr Hoon advised Mr Blair that the MOD had been taking forward contingency planning in the absence of discussions with the US, but: “To make further progress we now need greater clarity on US thinking.”

**103.** Detailed work showed that the UK would not be able significantly to contribute offensive operations before the end of November 2002 because of the constraints of operations in Afghanistan on air transport.

**104.** Mr Hoon wrote that the key message from the contingency planning exercise was that:

“... if we wish to contribute meaningfully to any operation our Armed Forces would need plenty of warning time ... We are clear that, for the UK to have influence on detailed planning, the US would require a significant contribution to any large scale operation. Our own analysis indicates that this would have to be at division level for land forces ...”

**105.** Mr Hoon also stated that, to plan properly, the UK needed to know:

- what outcome the US was seeking;
- when the US might wish to take action; and
- how long the US saw itself remaining in Iraq.

Mr Hoon added that the UK needed to clarify the policy basis and legal justification for any action.

**106.** Mr Hoon identified that the UK faced a dilemma:

“On the one hand, if we discuss the detail and timescales of a potential UK military contribution to a US-led coalition, it could send a misleading signal that we have decided to support a specific line of military action. (Such a signal could be used in Washington by the supporters of military action to promote their cause.) Equally if we are not clear with the US at this stage about our military constraints, we face the danger of our not being able to bring anything meaningful to the table at the right time and the consequent loss of influence that would bring. Finally it could be

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<sup>49</sup> Minute Hoon to Prime Minister, 31 May 2002, ‘Iraq’.

precisely our readiness to participate that would allow you to counsel the President against proceeding if no convincing plan were to emerge.”

**107.** Reflecting on the approach the UK should adopt with Secretary Rumsfeld, Mr Hoon recommended:

“... there would be more mileage in raising practicalities. I would make clear that our conditions for involvement in military action remain as you have set them out: public opinion would need to be prepared; the UN inspectors would need to be given every chance of success; and there would have to be an adequate degree of stability in the Arab/Israel conflict.”

**108.** Mr Hoon added:

“Further, by raising in general terms, that our contingency planning has shown we need plenty of warning in order to be able to contribute to military action I would reinforce the need for the UK to be exposed fully to US thinking as soon as possible.”

**109.** Mr Blair wrote alongside the last point: “No. That will send a wobbly message.”<sup>50</sup>

**110. Mr Blair’s decision on the tactics to be adopted demonstrated he did not intend to set “conditions” for UK support for the US. He was focusing on the conditions for success.**

**111. Mr Blair told Secretary Rumsfeld that the UK would be with the US in any military action. That would best be done by ensuring a broad coalition and avoiding unintended consequences.**

**112.** Mr Matthew Rycroft, Mr Blair’s Private Secretary for Foreign Affairs, advised Mr Blair that Secretary Rumsfeld wanted to ignore the UN inspectors track so Mr Blair would need to:

“... reiterate the conditions you attach to any UK involvement in any military operation, including a proper go down the UN route. You also need to press Rumsfeld to involve us closely in the military planning and warn him that we may face longer warning times than the US.”<sup>51</sup>

**113.** Mr Blair’s response amplified his comment on the minute from Mr Hoon:

“... We should say we’ll be with you. Here’s how to make it happen successfully; not: here are our conditions for being with you.”<sup>52</sup>

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<sup>50</sup> Manuscript comment Blair on Minute Hoon to Prime Minister, 31 May 2002, ‘Iraq’.

<sup>51</sup> Minute Rycroft to Prime Minister, 30 May 2002, ‘Don Rumsfeld’.

<sup>52</sup> Manuscript comment Blair on Minute Rycroft to Prime Minister, 30 May 2002, ‘Don Rumsfeld’.

**114.** Mr Blair and Mr Hoon met Secretary Rumsfeld on 5 June.<sup>53</sup> The record of the discussion on Iraq confirmed that the US would begin discussions with the UK at the military level.

**115.** Mr Blair commented that “removing Saddam would be excellent for the Iraqi people and for the Middle East region”, and that “The UK would be with the US in any military action.” That would best be done “by ensuring a broad coalition of support and acquiescence” and avoiding “unintended consequences” which might arise “if military action occurred while the Arab world were hostile”.

**116.** Regional countries would want the territorial integrity of Iraq maintained and to know what the long-term plan for Iraq would be.

**117.** Mr Blair expected Saddam Hussein to “play this cleverly, trying to draw us into a debate about UN weapons inspectors etc”.

**118.** Mr Blair told Mr Rumsfeld that he had “not yet decided about public handling”. The UN inspectors would be “important for European opinion”. In Mr Blair’s view: “Some would say that a further UNSCR would be required, but in the end they might ... accept a final demand for unconditional access for the inspectors. We had to avoid a negotiation with Saddam ... we would probably be in a better position with an ultimatum that Saddam refused than with no ultimatum.” In his view “the WMD threat provided a sufficient reason for action against Saddam” but building up “a public picture of the history of the regime” would help convince European opinion of the need for action against Saddam Hussein.

**119.** Mr Tony Brenton, Deputy Head of Mission at the British Embassy Washington, reported on 7 June that Mr Blair’s message at College Station to Saddam Hussein on the weapons inspectors had “heavily influenced” the US views on the UK’s approach towards inspections, “particularly in the NSC [National Security Council] and OSD [Office of the Secretary of Defense]”; the US “assume we are on board for a tough approach”.<sup>54</sup>

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<sup>53</sup> Letter Rycroft to Watkins, 5 June 2002, ‘Prime Minister’s Meeting with Rumsfeld, 5 June: Iraq’.

<sup>54</sup> Telegram 778 Washington to FCO London, 7 June 2002, ‘Iraq: US/UK Talks, 13 June’.

## The need to address the legal basis for military action

**120.** Mr Tom McKane, Deputy Head of OD Sec, raised the question of when Lord Goldsmith should be brought in to the discussions on the legal basis for military action.

**121.** On 22 May, Lord Goldsmith received a visit from Mr William Taft IV, the Legal Adviser to the US State Department.<sup>55</sup> Mr Wood's note of this meeting recorded:

"The meeting lasted about an hour, and consisted entirely of an informal discussion, between lawyers, on legal aspects of the use of force ... The discussion was a good one, though it did not significantly add to our knowledge of the US position."

**122.** Mr McKane wrote to Sir David Manning and others in No.10 on 18 June suggesting that it might be necessary to:

"... confront the legal base for military action sooner rather than later. The MOD say that the US will not admit the UK to detailed joint planning unless we are able to agree that regime change is a legitimate and legal objective."<sup>56</sup>

**123.** Mr McKane added:

"... the question is when to start to engage with the Attorney General, bearing in mind, on the one hand, the difficulty of framing a case in the abstract and, on the other hand, the need to be able to assure the US that we will not face insuperable problems downstream on the legal base. I will provide further advice on this point shortly."

**124.** Sir David Manning asked Mr Jonathan Powell: "Are you content? We certainly need much greater precision from the MOD."<sup>57</sup>

**125.** Mr Powell replied: "I think there is a danger of getting ahead of ourselves here unless this is absolutely necessary, to get into detailed military planning with the US. I suggest you discuss with TB on the way to Paris."<sup>58</sup>

**126.** Before he spoke to Mr Blair, Sir David Manning asked Mr McKane to "confirm that it is now absolutely necessary to get into the detailed planning with the US" and added: "I suspect it is if we are to have a voice."<sup>59</sup>

**127.** The Inquiry has not seen any written response.

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<sup>55</sup> Letter Wood to Brenton, 30 May 2002, 'UK/US Legal Contacts'.

<sup>56</sup> Minute McKane to Manning, 18 June 2002, 'Iraq'.

<sup>57</sup> Manuscript comment Manning to Powell, 19 June 2002, on Minute McKane to Manning, 18 June 2002, 'Iraq'.

<sup>58</sup> Manuscript comment Powell to Manning on Minute McKane to Manning, 18 June 2002, 'Iraq'.

<sup>59</sup> Note (handwritten) Manning to McKane, 21 June 2002.

## Cabinet, 20 June 2002

**128.** Mr Blair was questioned about the UK's approach to Iraq during Cabinet on 20 June.

**129.** The minutes record that Mr Hoon stated that, except for continuing patrols in the No-Fly Zones, no decisions had been taken in relation to military operations in Iraq. The discussion with Secretary Rumsfeld was not mentioned.

**130.** Cabinet did not discuss Iraq between 20 June and 24 July when the House of Commons rose for the summer recess.

**131.** Iraq was discussed in Cabinet on 20 June.<sup>60</sup>

**132.** Mr Hoon told his colleagues that he would be making a statement about withdrawing troops from Afghanistan.<sup>61</sup> If asked whether the Government was withdrawing personnel from Afghanistan to prepare for operations against Iraq, he would make it clear that no decisions had been taken in relation to military operations, except for the continuing patrols over the No-Fly Zones (NFZs).

**133.** In his diaries, Mr Alastair Campbell, Mr Blair's Director of Communications and Strategy, wrote that, Ms Clare Short, the International Development Secretary, had said that "if Bush sent in Saddam death squads" there would be a "proper discussion" in Cabinet before they went.<sup>62</sup>

**134.** Lord Wilson told the Inquiry that, following press reports of troops being "brought out of Afghanistan in preparation for military action on Iraq", two Cabinet Ministers had asked Mr Blair: "We were not finding ourselves getting involved in some strange military action by the United States, were we? There is not something happening here?" Mr Blair had been "absolutely taken aback ... He gave them reassurance. They had a discussion about handling the press ... which I put in the minutes."<sup>63</sup>

**135.** Lord Wilson told the Inquiry that the discussion was not a major item. It was "a tiny clue as to the mood and indication this was not a period when everyone was gung-ho. It was a period when people were worried, concerned."

**136.** Lord Wilson subsequently stated:

"... the ... incident is important to me because it kind of calibrates where they were and the degree to which they knew what was going on, that they were asking questions on the basis ... of a press report".<sup>64</sup>

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<sup>60</sup> Cabinet Conclusions, 20 June 2002.

<sup>61</sup> The statement was made on 20 June 2002.

<sup>62</sup> Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

<sup>63</sup> Public hearing, 25 January 2011, pages 76-77.

<sup>64</sup> Public hearing, 25 January 2011, page 94.

## Development of UK policy, July 2002

**137.** Sir David Manning asked Mr Hoon for further advice on the steps which would be necessary to keep open the option of a deploying a large scale force by the end of the year.

**138.** Sir David also asked that military planners should make the conditions for UK involvement in military operations clear to their US counterparts.

**139.** Sir David Manning wrote to Mr Peter Watkins, Mr Hoon's Principal Private Secretary, on 25 June stating that, in response to Mr Hoon's minute of 31 May, Mr Blair had:

“... asked for further advice on precisely what steps would have to be taken now, including financial commitments ... to keep open the possibility of deploying a large scale force by the end of this year – bearing in mind that we might not get six months' warning.”<sup>65</sup>

**140.** Sir David wrote that it was “encouraging that following the Rumsfeld visit, our military planners have now been invited to discussions with the US” (see Section 6.1). He added:

“It will be important, as the Defence Secretary acknowledged in his minute, to make clear the conditions for UK involvement in military action set out by the Prime Minister. Public opinion needs to be prepared, the UN inspectors' route needs to be given every chance of success and there must be progress in tackling the Arab/Israel crisis.”

**141.** Mr Watkins wrote to Sir David Manning on 26 June reporting that the US was understood to be seeking:

- the removal of the Hussein regime;
- the neutralisation of WMD within Iraq;
- the elimination of a safe haven for terrorists;
- an acceptable new government.”<sup>66</sup>

**142.** Mr Watkins stated that the US goals:

“... broadly align with the objective previously agreed by the Foreign and Defence Secretaries ... although Mr Hoon understands that Mr Straw, rightly, sees removal of Saddam as a way point – if necessary and justified – to the final outcome rather than an objective in its own right.”

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<sup>65</sup> Letter Manning to Watkins, 25 June 2002, 'Iraq'.

<sup>66</sup> Letter Watkins to Manning, 26 June 2002, 'Iraq'.



**143.** A small MOD team would be going to Washington and the CENTCOM HQ in Tampa, Florida “immediately”.

**144.** The letter concluded that Mr Hoon believed Ministers would need clarity on:

- “• whether the Prime Minister’s conditions are likely to be met;
- the viability of the proposed military action;
- the policy and legal framework in which military action is justified;
- overall, whether the prospective outcome looked worth the risks, costs and losses.”

### **Mr Hoon asks for a collective discussion on Iraq**

**145.** The MOD advised that military planning in the US was taking place in a policy void and President Bush would be briefed on an updated plan in August. CENTCOM would be in a position to activate that plan.

**146.** Mr Hoon was concerned about the US approach. He suggested Mr Blair should call an early meeting of Ministers to consider how best to get the US to address the strategic, as opposed to the narrowly military, dimension.

**147.** On 2 July, Mr Watkins reported to Sir David Manning that “US military thinking is quite well advanced”, but US planners were assuming offensive operations to overthrow Saddam Hussein “in a policy void”.<sup>67</sup> The US “end state to be achieved after conflict” had not been identified, and there seemed to be no “overarching campaign strategy for dealing with Iraq”.

**148.** An updated plan would be briefed to President Bush in August, and the US planning was designed “to put CENTCOM in a position to be able to activate their plan from August 2002 onwards”. A “de facto invitation to the UK and Australia to participate” was “now on the table”. The plan would require availability of bases and support from Kuwait, Jordan and Turkey.

**149.** Mr Watkins reported that Mr Hoon intended to respond positively to the invitation for a small number of British planners to join US planning teams; that was “essential in helping to inform the MOD’s own thinking” so that Mr Hoon could make recommendations. But Mr Hoon was:

“... very conscious that decisions about a military contribution cannot be made in the absence of a coherent and integrated strategic framework. An agreed strategy will be key to taking matters forward, not simply to provide justification for military action, but to clarify timelines; to incorporate the Prime Minister’s conditions for UK participation; and to establish the framework for an information campaign. The draft public document, which you are currently considering, would ultimately

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<sup>67</sup> Letter Watkins to Manning, 2 July 2002, ‘Iraq’.



form an important part of that campaign. He suggests that the Prime Minister may like to call an early meeting of a small group of colleagues to consider how best to get the US to address the strategic, as opposed to the narrowly military, dimension. The freestanding military option is not a viable political proposition.

“Meanwhile, officials from the MOD, FCO and Cabinet Office should do some more homework urgently to put the Prime Minister and you in a better position to influence the President’s and Condi Rice’s thinking ... before the updated CENTCOM plan is briefed to the President in the course of August. Mr Hoon will also review the possibilities for contact with the US Defense Secretary.”

**150.** Mr Watkins’ letter was paraphrased in a briefing note for Mr Blair from Sir David Manning, which drew attention to:

- the comment on the policy void in which military planning had taken place;
- the scale and cost of the US plans;
- the fragility of the logistic concept;
- US ignorance of Iraqi WMD locations;
- the lack of clarity about what the US might ask the UK to do;
- the need for basing in the region; and
- the use of British bases in Diego Garcia and Cyprus.<sup>68</sup>

**151.** Sir David also reported Mr Hoon’s suggestion for an early meeting and advised that funding and legal issues would need to be considered “before we go much further”. He proposed Mr Brown, Mr Straw, Sir Richard Wilson, Sir Richard Dearlove, Chief of the Secret Intelligence Service (SIS), Mr John Scarlett, Chairman of the JIC, and Lord Goldsmith should attend.

**152.** Manuscript notes on the minute by Mr Powell suggested to Mr Blair that Mr Brown and Sir Richard Wilson should be removed and Adm Boyce and Lt Gen Pigott added; and that those changes had been agreed by Mr Blair.<sup>69</sup>

**153.** Asked why Mr Brown and Ms Short had not been invited to the meeting, which took place on 23 July, Mr Blair told the Inquiry:

“We were discussing then what was likely to happen in relation to the politics and the diplomacy, particularly in relation to the military ...

“We were also discussing this at Cabinet level too, and obviously we were in close touch with the Treasury and so on ... at that moment, the single most important areas were diplomacy and ... military planning ...

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<sup>68</sup> Minute Manning to Prime Minister, 3 July 2002, ‘Iraq’.

<sup>69</sup> Manuscript comments Powell on Minute Manning to Prime Minister, 3 July 2002, ‘Iraq’.

“The key thing was to get the right players together so you could have a proper, frank discussion and take the decisions necessary ...”<sup>70</sup>

### **Sir Kevin Tebbit’s advice, 3 July 2002**

**154.** Sir Kevin Tebbit wrote to Mr Hoon on 3 July setting out his concerns about the absence of a strategic framework for the military plan and the dilemma for the UK that being drawn into US planning potentially posed.

**155.** Sir Kevin concluded that the UK could not count on a military campaign being unlikely or, if the US went ahead, that the UK could avoid being linked to the campaign.

**156.** Sir Kevin advised that a “credible political plan”, which addressed the conditions for UK participation and moved American planning into acceptable channels and slowed it down, was needed.

**157.** Having seen a draft of Mr Watkins’ letter to No.10, Sir Kevin Tebbit wrote to Mr Hoon on 3 July setting out a number of concerns.<sup>71</sup>

**158.** Sir Kevin advised:

“While I have no objection to ... the course of action proposed I think we should be under no illusions about the extent of the stakes as presented, or the need to raise our Whitehall game, politically, diplomatically, financially as well as militarily if we are to proceed further. This is not to say that I do not support the idea of engaging in planning ... nor even that we should not agree to participate in an operation against Iraq if the conditions are acceptable, but the task ahead is formidable.

“... The picture ... is of a military plan being worked up in a policy vacuum, with no strategic framework which paves the way; in terms of rationale, preparation of public opinion through threat assessments, WMD risks and the like, or creation of the legal base; and no clearly defined end state, in terms of successor government and relations with the Arab world. There will, I suspect, be a natural tendency for Ministerial colleagues ... to run a mile from what may appear at first (and second) sight to be a harebrained scheme with all sorts of costs and risks attached.

“Ministers will need to be helped over that hump. It may be that an Iraq campaign is unlikely to happen, given the problems ... But we certainly cannot count on that or that we could avoid being linked to a US military campaign if it did happen ... I do not think it is a responsible option for us to let matters run without greater active engagement designed seriously to influence US conceptual as well as operational thinking, albeit at the risk that we could end up converting an unviable plan into a credible one.

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<sup>70</sup> Public hearing, 29 January 2010, pages 224-226.

<sup>71</sup> Minute Tebbit to Secretary of State [MOD], 3 July 2002, ‘Iraq’.

“Secondly there is the difficulty of confronting the US Administration itself about the need to produce a credible political plan ... (and without which the Prime Minister’s conditions for UK participation could not be met) ... we need to move with considerably more urgency to seek to move American planning into acceptable channels and basically I would judge, to slow it down. This is particularly the case when a major element in the strategic preparation we would want to see is concerted diplomatic effort to secure agreement to resumed WMD inspections by the UN both for its own sake and to ease the problems of public opinion and legal base. This [is] in addition to the need for prior progress on Arab/Israel and, perhaps, getting further on the road to success in Afghanistan ...”

**159.** Sir Kevin concluded that the UK needed “some early careful engagement with the US policy machine, rather than just with the Pentagon”. He would be “visiting Washington on 17-19 July and could carry messages but that would, of course, depend on prior Ministerial guidance”.

**160.** Sir Kevin Tebbit’s minute was sent after Mr Watkins’ letter to Sir David Manning of 2 July.

**161.** Mr Watkins marked the letter to Mr Hoon observing that the MOD did not know the views of Secretary Powell or Dr Rice; and there was a risk “that the PM’s conditions will be simply sidelined”.<sup>72</sup>

**162.** Sir Kevin Tebbit told the Inquiry that getting involved in US planning had posed a dilemma because:

“... it was clear ... even at that stage, if one begins discussions with the United States on the military track, albeit without commitment, it becomes increasingly difficult to keep options open absolutely completely ... [W]e made it clear to them that our participation ... was purely to inform British Government thinking ...

“On the one hand, if one is drawn into discussion of timescales and details, we might give misleading signals of support for military action that was not present at that stage.

“On the other hand, if we continued to stand aside, it might be too late for us to influence events or meet the political requirement which might be placed on us.”<sup>73</sup>

### **JIC Assessment, 4 July 2002**

**163.** Although it had only fragmentary intelligence about how the regime would deal with an attack including ground forces, the JIC assessed on 4 July that only massive military force would be guaranteed to topple Saddam Hussein.

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<sup>72</sup> Manuscript comment Watkins to Hoon, 3 July 2002, on Minute Tebbit to Secretary of State [MOD], 3 July 2002, ‘Iraq’.

<sup>73</sup> Public hearing, 3 December 2009, pages 20-21.

**164.** The JIC judged that disintegration of the regime would be most likely if Iraqi ground forces were being comprehensively defeated; if top military officers could be persuaded that their fate was not irrevocably tied to that of Saddam Hussein; or if Saddam Hussein were to be killed.

**165.** The JIC assessed on 27 February 2002 (see Section 3.2) that the Iraqi opposition would be unable to overthrow Saddam Hussein's regime without direct intervention on the ground.

**166.** At the request of the MOD, the JIC issued an Assessment of "how cohesion of the Iraqi regime is maintained and how the regime would fare under pressure or attack" on 4 July.<sup>74</sup>

**167.** The minutes of the JIC discussion of the draft paper described it as:

"... an important paper with a specific focus. It would be of interest to Ministers more because of its context, with decisions yet to be taken about what to do with Iraq, than because of its analysis, which was familiar rather than novel.

"Its key message was that although Saddam Hussein's regime was remarkably resilient to pressure ... the demonstration of a real and overwhelming international determination and ability to remove the regime through military force was the likeliest way to bring it down ...

"Experience in Afghanistan had shown that generating expectations and influencing people's perceptions of what might happen had considerable capacity to effect real and rapid change ...

"... the paper needed to analyse ... in more detail the nature of Saddam's support ... The motives for each set of supporters were different ... These mattered because under pressure the different groups would behave differently.

"UK policy makers, and military planners, would be keen before too long to identify the point at which self-interested loyalty for Saddam might turn into disillusionment, fragility and fragmentation."<sup>75</sup>

**168.** The Key Judgements from the Assessment are set out in the Box below.<sup>76</sup>

### **JIC Assessment, 4 July 2002: 'Iraq: Regime Cohesion'**

#### **Key Judgements**

- Only massive military force would be guaranteed to topple Saddam. The regime expects a US attack [...]

<sup>74</sup> JIC Assessment, 4 July 2002, 'Iraq: Regime Cohesion'.

<sup>75</sup> Minutes, 3 July 2002, JIC meeting.

<sup>76</sup> JIC Assessment, 4 July 2002, 'Iraq: Regime Cohesion'.

- The clear prospect of a major attack would put the regime under unprecedented pressure. But regime cohesion is unlikely to collapse in the absence of a large scale invasion.
- Saddam relies on a mixture of patronage and extreme fear to retain power and contain opposition. Real loyalty and support for his regime is confined to the top of the hierarchy.
- The Special Republican Guard (SRG) and the Republican Guard Forces Command (RGFC) are more reliable than the Regular Army (RA). All would initially fight a US-led attack. Once the regime was perceived as doomed the military's will to fight on would be sorely tested.
- Regime disintegration would be most likely if Iraqi ground forces were being comprehensively defeated; if top military officers could be persuaded that their fate was not irrevocably tied to that of Saddam; or if Saddam himself were to be killed. Military units are more likely to suffer mass desertions than revolt as coherent units.”

**169.** The Assessment also stated:

“Saddam and his regime have proved durable ...

“The Iraqi military are aware of their vulnerability to air power, probably their greatest weakness; their main way of mitigating this is through dispersal, including into urban areas [...] We have only fragmentary intelligence indicating how the regime might deal with an all-out attack including ground forces. **But we assess that only massive military force could be guaranteed to topple Saddam.**”

**170.** Addressing the policy implications of the Assessment, the JIC stated: “Saddam and his regime must be convinced that any move to topple him is serious and likely to succeed before they begin to feel the pressure.”

### The Treasury's concerns

**171.** Mr Hoon's proposal prompted Mr William Nye, Head of the Treasury Defence, Diplomacy and Intelligence Team, to advise Mr Brown that he should write to the MOD proposing that all options for UK participation in military operations (including smaller and more specialised options) should be costed.<sup>77</sup> This would enable the Government to assess how much it wished to devote to securing a degree of influence over US policy and operations, in terms of risk to UK troops, the opportunity cost of withdrawing from other operations, and the financial cost.

**172.** Treasury officials estimated the total military costs of the operation as US\$70bn; and that UK participation on a large scale could cost £2bn or more in the financial year 2002/03.

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<sup>77</sup> Minute Nye to Bowman, 5 July 2002, 'Iraq'.

**173.** The Treasury told the Inquiry that Mr Brown decided not to write to the MOD.<sup>78</sup>

**174.** Mr Nye's advice and Mr Brown's involvement in discussions on the costs of operations in Iraq are addressed in Section 13.

### **Mr Straw's advice, 8 July 2002**

**175.** Mr Straw wrote to Mr Blair, supporting the proposal for an early Ministerial meeting and emphasising the need for a coherent strategy which assessed the political and economic as well as military implications before action was taken.

**176.** Mr Straw also referred to the need for the US to understand that the UK was serious about its "conditions for UK involvement".

**177.** Mr Straw wrote to Mr Blair on 8 July supporting Mr Hoon's suggestion for an early Ministerial meeting.<sup>79</sup>

**178.** Mr Straw wrote:

"We are all agreed that we must act to remove the threat posed by Iraqi WMD. If the US decide that to do so requires military action then the UK will want to support them. But this will be harder for us to do without serious US action to address some of the lacunae in their plan, notably:

- ... no strategic concept for the military plan and, in particular, no thought apparently given to 'day after' scenarios ... US military planning so far has taken place in a vacuum;
- weak intelligence analysis and a quite unrealistic assumption that Iraqi WMD would be easy to identify and destroy;
- an assumption that Kuwait would host a large scale US military effort for the 1-2 years probably necessary, that other Gulf states would provide necessary support, and that Syria and Iran would sit quietly on the sidelines;
- no mention of your three conditions for UK involvement, nor of the legal base."

**179.** Mr Straw commented:

"Much of what is required is covered by your three conditions for UK involvement (preparation of public opinion, UN route exhausted, and some MEPP improvement). Regional states in particular will want assurance that the US has thought through the 'day after' questions before giving even tacit support. The support even of key allies such as Kuwait cannot be counted on in the absence of some serious ground-work by the US.

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<sup>78</sup> Email Treasury to Inquiry, 26 February 2010, [untitled].

<sup>79</sup> Minute Straw to Prime Minister, 8 July 2002, 'Iraq: Contingency Planning'.



“The fact that the US plan apparently ignores these conditions causes me particular concern. Are they determined to go ahead regardless? Does the omission signal a weakening of US commitment to work for progress in these areas before deciding to launch military action? None of them is getting any easier:

- in the Middle East (and elsewhere) public opinion remains deeply hostile to military action. An aggressive public opinion campaign, demonstrating – truthfully – that we had exhausted all other options and making the most of what limited new WMD evidence we have would be needed to reduce this.
- on the UN route, the UN Secretary-General’s dialogue with Iraq has so far made no concrete progress ...
- President Bush’s speech has not improved the prospects of moving the Israel/Palestinian conflict into calmer waters.
- the prospects for constructing a legal basis for military action are uncertain at best.”

**180.** Mr Straw concluded:

“The key point is how to get through to the Americans that the success of any military operation against Iraq – and protection of our fundamental interests in the region – depends on devising in advance a coherent strategy which assesses the political and economic as well as military implications. They must also understand that we are serious about our conditions for UK involvement.”

**181.** The letter was also sent to Mr Brown, Mr Hoon and Sir Richard Wilson.

### **Sir Christopher Meyer’s advice, 9 July 2002**

**182.** Sir Christopher Meyer reported speculation in the US media and a number of recent discussions in Washington on 9 July.<sup>80</sup>

**183.** In a press conference on 8 July, President Bush had not attempted to challenge the veracity of a story about leaked military plans. Sir Christopher’s contacts suggested that the aim was to have a reworked military plan on President Bush’s desk before he went on holiday in August.

**184.** Sir Christopher reported that, following a meeting between the UN and Iraq the previous week, Mr Annan was perceived to have little interest in further meetings. The US view was that there was little point in further “technical contacts” although they would wait to see what was proposed at the next meeting of the Security Council. Iraq “hoped to pin the blame for the failure of the process on the US, UK and UN by co-operating on the marginal issues but doing little on the core questions”. There was concern about the lack of knowledge about Iraq amongst the non-P5 members of the Security Council.

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<sup>80</sup> Telegram 926 Washington to FCO London, 9 July 2002, ‘Iraq: US views’.

## Lord Goldsmith's request for information

**185.** Mr David Brummell, the Legal Secretary to the Law Officers, wrote to the FCO and the Cabinet Office on 11 July seeking clarification of the precise position regarding plans for any future action by the US or the UK in relation to Iraq.<sup>81</sup>

**186.** Mr McKane replied on 12 July that there were no plans for military action by the UK. As for the US, he understood that “military contingency planning” was under way, but that “no decisions have yet been taken on whether to embark on a military operation”. He repeated that, as had been agreed in earlier exchanges, it would be important to ensure that Lord Goldsmith was engaged as the Government’s thinking developed on the subject.<sup>82</sup>

**187.** Mr Brummell replied that Lord Goldsmith had “noted the contents” of Mr McKane’s letter and was “grateful” for his confirmation of the position.<sup>83</sup>

**188.** Lord Goldsmith was invited to the meeting held by Mr Blair on 23 July.

**189.** Asked about his awareness of discussions about the use of force against Iraq in the first half of 2002, Lord Goldsmith told the Inquiry that he was not really aware beyond what he had read in the press about what was being said by President Bush:

“I’m not aware of the detail of discussions. I would presume there were discussions taking place. I wasn’t a part of them. I didn’t attend Cabinet. This was a practice which had grown up over quite a long period of time that the Attorney General didn’t attend Cabinet unless apparently legal advice was called for.”<sup>84</sup>

**190.** As early as March 2002, Lord Goldsmith had “wanted to be in a position to engage constructively” so that his “advice could be factored into the development of different options” in relation to the use of force in Iraq.<sup>85</sup> His Office had explicitly told the Cabinet Office that “It would not be helpful” if Lord Goldsmith was “presented at the last moment with a request for a ‘yes or no’ answer”. Lord Goldsmith was “always available to discuss these matters with Ministerial colleagues”.

**191.** Lord Goldsmith had warned Mr Straw and Mr Hoon on 28 March that he had not been asked for an opinion on the legality of possible military action, but that he would be “happy to discuss the matter” with them “at any time”.<sup>86</sup>

**192.** Asked why Lord Goldsmith was not involved until later, Mr McKane told the Inquiry that he could not recall why Lord Goldsmith was not brought into discussions after the

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<sup>81</sup> Letter Brummell to Wood, 11 July 2002, ‘Iraq: US views – FCO Telegram No. 926’.

<sup>82</sup> Letter McKane to Brummell, 12 July 2002, ‘Iraq: US views – FCO telegram No. 926’.

<sup>83</sup> Letter Brummell to McKane, 17 July 2002, ‘Iraq: US views – FCO Telegram No. 926’.

<sup>84</sup> Public hearing, 27 January 2010, pages 16-17.

<sup>85</sup> Minute Berman to Attorney General, 11 March 2002, ‘Iraq’.

<sup>86</sup> Letter Goldsmith to Hoon, 28 March 2002, [untitled].



Crawford meeting, but he had remained in contact with the Legal Secretary to the Law Officers over the following months.<sup>87</sup>

**193.** Mr McKane told the Inquiry that the main consideration in deciding when to engage Lord Goldsmith was the difficulty in seeking formal advice when there wasn't a specific proposition to put before him.<sup>88</sup>

**194.** Asked about Lord Goldsmith's request to be involved in Ministerial thinking about Iraq policy as it developed rather than at the last minute, Lord Wilson told the Inquiry that there had been no need to involve the Attorney General as no decisions needed to be taken. He offered the view that Lord Goldsmith might have written to the Cabinet Office because previous incidents had taught him the importance and difficulty of the issues involved in military action, and the importance of being involved early.<sup>89</sup>

### **Liaison Committee, 16 July 2002**

**195.** Mr Blair told the Liaison Committee on 16 July that he believed weapons of mass destruction posed an enormous threat to the world.

**196.** There was no doubt that Iraq posed a threat in respect of weapons of mass destruction which should be dealt with. No decisions had been taken on military action.

**197.** Mr Blair was not seeking to influence the US but to work in partnership.

**198.** The question of military action in Iraq was raised during Oral Questions to the Defence Secretary on 15 July. Mr Hoon assured Mrs Alice Mahon (Labour) that:

“Absolutely no decisions have been taken by the British Government in relation to operations in Iraq or anywhere near Iraq ... I can assure the House that any such decision would be properly reported to the House.”<sup>90</sup>

**199.** In response to a subsequent question from Mr Bernard Jenkin (Conservative) about links between Al Qaida and the Iraqi regime, Mr Hoon replied that there was no evidence of any direct links and any new information would be investigated.<sup>91</sup> He added:

“Let us not be in any doubt about Iraq. We cannot ignore the threat it poses to the international community. We have always made it clear that the world would be a much better and safer place without Saddam Hussein.”

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<sup>87</sup> Public hearing, 19 January 2011, page 44.

<sup>88</sup> Public hearing, 19 January 2011, page 47.

<sup>89</sup> Public hearing, 25 January 2011, pages 60-61.

<sup>90</sup> House of Commons, *Official Report*, 15 July 2002, column 10.

<sup>91</sup> House of Commons, *Official Report*, 15 July 2002, column 11.

**200.** President Bush telephoned Mr Blair on 15 July.<sup>92</sup> In relation to issues like Iraq, Mr Blair told President Bush that it was “absolutely right that the US and UK should stand together”.

**201.** Mr Campbell recorded that President Bush had telephoned to say that he understood Mr Blair “was taking a fair bit of stick for being supportive, and he was grateful”.<sup>93</sup> That is confirmed by the record of the telephone call.

**202.** At the hearing of the Liaison Committee on 16 July, Mr Blair was questioned about Iraq by Mr Donald Anderson, Chair of the Foreign Affairs Committee (FAC).<sup>94</sup>

**203.** Asked if the UK’s policy on Iraq had evolved in the same way as the “sea change” in US policy under President Bush, Mr Blair observed that President Clinton “had also had a policy of regime change but how you pursue the policy is another matter”. It was “true ... that the issue of Iraq and weapons of mass destruction is on the agenda in a different way”.

**204.** Referring to his statement to Parliament on 14 September 2001 (see Section 3.1), Mr Blair said that he believed weapons of mass destruction:

“... posed an enormous threat to the world. How we deal with that however, is an open question. That is why I say constantly ... there are no decisions which have been made in relation to Iraq at all, but there is no doubt that Iraq poses a threat in respect of weapons of mass destruction and there is no doubt that this is an issue which should be dealt with. The one thing we have learnt post-11 September is that to take action in respect of a threat that is coming may be more sensible than to wait for the threat to materialise and then take action.”

**205.** Asked if the UK was “preparing for possible military action against Iraq”, Mr Blair replied:

“No, there are no decisions which have been taken about military action.”<sup>95</sup>

**206.** Asked if the recent “deployment” of troops from Kosovo and Afghanistan should be interpreted as preparation, Mr Blair replied:

“No ... That is not to say it is not important that we look at all the various options that we may have ... and if the situation changes in any serious or dramatic way we will tell them.”<sup>96</sup>

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<sup>92</sup> Letter Wechsberg to McDonald, 16 July 2002, ‘US: Prime Minister’s Telephone Conversation with President Bush’.

<sup>93</sup> Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

<sup>94</sup> Minutes, Liaison Committee (House of Commons), 16 July 2002, [Evidence Session], Q 93.

<sup>95</sup> Minutes, Liaison Committee (House of Commons), 16 July 2002, [Evidence Session], Q 94.

<sup>96</sup> Minutes, Liaison Committee (House of Commons), 16 July 2002, [Evidence Session], Q 95.

**207.** Asked whether the UK should only take action in accordance with international law, Mr Blair replied:

“Yes, certainly I agree we should act, as I hope this country always does, in accordance with international law.”<sup>97</sup>

**208.** Asked whether there was any evidence linking Saddam Hussein with Al Qaida, Mr Blair replied that “as far as he was aware there was no evidence linking Saddam Hussein to the actual attack on 11 September”; there were “various rough linkages” to Al Qaida. The issue (on Iraq) was “weapons of mass destruction. It is not what happened on 11 September or the Al Qaida terrorist network.”<sup>98</sup>

**209.** Asked what had changed since President Bush took office, Mr Blair replied:

“... First ... it is clear that Saddam Hussein is still trying to develop weapons of mass destruction. Secondly ... weapons inspectors where he is still refusing to abide by the UN resolutions ... as more negotiations go on and he fails to comply and you know that he is developing these weapons of mass destruction, then over a period of time you are entitled to draw the conclusion that this threat is growing not diminishing. In addition ... our pilots are in action virtually every day over Iraq ... fourth on 11 September you can say either ‘this is a one off event ...’ or you can say, as I would, ‘there are lessons which should be learned from it’ ... What we should learn ... is that if there is a gathering threat or danger let us deal with it before it materialises rather than afterwards ... people can get the idea that all the decisions have been taken ... They have not been but there is a threat ... The options are open but we do have to deal with it ...”<sup>99</sup>

**210.** Mr Blair also told Mr Anderson that there would be documentation setting out the nature of the WMD threat and that:

“The only reason we have not published some of this documentation before is that you have got to choose your time ... otherwise you send something rocketing up the agenda when it is not necessarily there. Certainly if we do move into a new phase, yes, of course, we will publish.”<sup>100</sup>

**211.** Asked whether Parliament would be consulted before British troops were deployed, Mr Blair replied: “... we will keep up detailed consultations with Parliament ... We will keep the House very, very closely involved indeed.”

**212.** Mr Anderson stated that “the special relationship with the US is clearly the key part of our security policy and the closeness, the unwillingness to criticise is justified by the

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<sup>97</sup> Minutes, Liaison Committee (House of Commons), 16 July 2002, [Evidence Session], Q 96.

<sup>98</sup> Minutes, Liaison Committee (House of Commons), 16 July 2002, [Evidence Session], Q 97-98.

<sup>99</sup> Minutes, Liaison Committee (House of Commons), 16 July 2002, [Evidence Session], Q 99-100.

<sup>100</sup> Minutes, Liaison Committee (House of Commons), 16 July 2002, [Evidence Session], Q 87-88.

fact that we have special influence on the US Administration". Asked if he could give examples of where that influence had changed or modified US policy, Mr Blair replied:

"I never like to approach it that way because it suggests almost as if you go along as a supplicant ... you make a case and if you are lucky you win a verdict on points. It is just not like that. The truth is that we are very interlocked in our strategic relationship and we discuss and deal with issues the whole time together ... I do not put it like 'an influence on them' ... post-11 September ... the strategic details of the Afghan campaign ... the new NATO-Russia relationship ... we worked terribly closely with the United States ... I prefer to look at it as a partnership."<sup>101</sup>

**213.** Commenting on the impact of Mr Blair's evidence, Mr Campbell wrote:

"... got back for a meeting with Tom McKane, David Manning and Jonathan re Iraq and when to do the documents. TB had raised the temperature another gear by making clear publicly we intended to do something and also saying that Saddam had to be dealt with. We agreed not to go for it yet, because it would look like we were going to go to war if we did, TB having made it clear that it would be the start of another phase."<sup>102</sup>

**214.** Asked whether it would have been reasonable or expedient to have explained publicly much earlier that, while the UK hoped for a peaceful outcome, it was also preparing for all eventualities including military action, Mr Blair told the Inquiry:

"We had not decided we would take military action at that point. On the other hand you couldn't say it wasn't a possibility ... I chose the words quite carefully ... the trouble was people kept writing, 'They have decided. They are off on a military campaign and nothing is going to stop them.'

"... had I said – and maybe, in retrospect, it is better just to say it ... 'Yes, we are doing military planning, our fear was people would push you into a position where you appeared to be on a kind of irreversible path to military action, and this wasn't our position ...'"<sup>103</sup>

### **Cabinet Office paper, 19 July 2002: 'Iraq: Conditions for Military Action'**

**215.** From October 2001 onwards, Mr Blair and others had made statements on several occasions about issues that would need to be addressed before the UK and the international community would support military action in Iraq. These included:

- The UN inspectors needed to be given every chance of success.

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<sup>101</sup> Minutes, Liaison Committee (House of Commons), 16 July 2002, [Evidence Session], Q 101.

<sup>102</sup> Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

<sup>103</sup> Public hearing, 29 January 2010, page 93.

- The US should take action within a multilateral framework with international support, not unilateral action.
- The need for a public information campaign explaining the nature of Saddam Hussein's regime and the threat he posed.
- Any military action would need to be within the framework of international law.
- The military strategy would need to ensure Saddam Hussein could be removed quickly and successfully.
- A convincing "blueprint" for a post-Saddam Hussein Iraq was needed which would be acceptable to both Iraq's population and its neighbours.
- Persuading the US to take the Middle East Peace Process seriously to give justice to Palestine, to ensure support for military action in the region, and to avoid accusations of double standards.
- Action should enhance rather than diminish regional stability.
- Success in Afghanistan would reinforce the benefits of regime change.

**216.** In his discussions with President Bush at Crawford in April 2002, Mr Blair set out a number of key elements for a successful strategy towards Iraq which would secure international support for any military action.

**217.** In numerous references in documents written between April and July 2002 to "conditions", these were described in different ways by different people at different times.

**218.** As is clear from his response to Mr Hoon's minute of 31 May, Mr Blair considered that he was seeking to influence US policy by describing key elements for a successful strategy to secure international support for any military action against Iraq.<sup>104</sup>

**219. FCO officials identified high risks which might arise from military action and three conditions which it regarded as essential for UK participation in such action.**

**220.** Following a meeting on 9 July, Mr McKane circulated an outline framework for a Cabinet Office paper for Ministers, and invited contributions from the MOD, the FCO and the Assessments Staff.<sup>105</sup>

**221.** Mr Chaplin advised Mr Straw's Private Office on 12 July that the Cabinet Office paper would "focus on the need to persuade the US Administration to put their military planning in a broader political context".<sup>106</sup>

**222.** Mr Chaplin wrote that, as Mr Straw's minute to Mr Blair of 8 July had noted, "fundamental UK interests in the region" were at stake. Mr Chaplin stated that he was "less gloomy than some of our Ambassadors about the consequences of military action", but the risks were "high".

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<sup>104</sup> Manuscript comment Blair on Minute Hoon to Prime Minister, 31 May 2002, 'Iraq'.

<sup>105</sup> Minute McKane to Chaplin, 10 July 2002, 'Iraq'.

<sup>106</sup> Minute Chaplin to Private Secretary [FCO], 12 July 2002, 'Iraq: Military Action'.

**223.** The key risks identified by Mr Chaplin were:

- “immediate risks of retaliation against UK interests (ranging from political and economic retaliation against UK interests to ... terrorist attack)”;
- “chronic instability in Iraq” in the medium term;
- “a repeat of the Suez debacle” in the longer term, “which apart from its short-term effects (eg sweeping away the Hashemite regime in Iraq) changed Arab popular opinion towards Britain for a generation”; and
- “serious implications for the success of the global counter-terrorism campaign”.

**224.** Mr Chaplin advised:

“These risks can be reduced significantly by careful preparation. The three conditions spelled out to the Americans by the Prime Minister are interrelated. To build a coalition for military action and get domestic and international opinion on side we need:

- clear and publicly usable evidence that the Iraq WMD threat is real ...;
- a clear effort to exhaust all other avenues, principally the UN route. This is likely to be necessary for us to establish a legal base for military action;
- visible improvement in the Israel/Palestine situation to give us some protection against the arguments of double standards.

“These ... will ... increase the chances of Saddam Hussein finally backing down on inspections, which I believe is possible once he sees no alternative.”

**225.** Mr Chaplin concluded:

“The Prime Minister has promised President Bush UK support for military action if these conditions are met. There is no commitment yet to UK participation in military action, nor any collective Ministerial discussion of this yet. As well as urging the US to do their political homework ... we need to re-emphasise at the highest levels that the three conditions we have set are not just desirable in themselves for any action, but [are] essential for UK participation, on whatever scale.”

**226.** The Cabinet Office paper ‘Iraq: Conditions for Military Action’ was issued on 19 July, to inform Mr Blair’s meeting on 23 July with Mr Straw, Mr Hoon, Lord Goldsmith and key officials to discuss Iraq.

**227.** The Cabinet Office paper invited Ministers to agree:

- the objective for any military action;
- to engage the US on the need to set military plans within a realistic political strategy, including “creating the conditions necessary to justify government military action”, before military plans were presented to President Bush on 4 August; and



- the establishment of an ad hoc group of officials to consider the development of an information campaign agreed with the US.

**228.** The purpose of the Cabinet Office paper was to identify the conditions which would be necessary before military action would be justified and the UK could participate in such action; and to provide the basis for a discussion with the US about creating those conditions.

**229.** The Cabinet Office paper stated that Mr Blair had said at Crawford that the UK would support military action to bring about regime change, provided certain conditions were met.

**230.** The Cabinet Office paper 'Iraq: Conditions for Military Action' was issued on 19 July to those who would attend the meeting chaired by Mr Blair on 23 July.<sup>107</sup>

**231.** Ministers were invited to note the latest position on US military planning, the timescales for possible action, and to agree:

- The objective for any military action should be, as set out in Mr Hoon's minute to Mr Blair of 31 May, "a stable and law-abiding Iraq within the present borders, co-operating with the international community, no longer posing a threat to its neighbours or to international security, and abiding by its international obligations on WMD".
- To "engage the US on the need to set military plans within a realistic political strategy", which included "identifying the succession to Saddam Hussein and creating the conditions necessary to justify government military action, which might include an ultimatum for the return of UN weapons inspectors to Iraq. This should include a call from the Prime Minister to President Bush ahead of the briefing of US military plans to the President on 4 August."
- The establishment of a Cabinet Office-led ad hoc group of officials to consider the development of an information campaign to be agreed with the US.

**232.** The paper stated that US military planning for action against Iraq was "proceeding apace" but it lacked a political framework: "In particular, little thought has been given to creating the political conditions for military action, or the aftermath and how to shape it."

**233.** It seemed "unlikely" that the UK's objective could be achieved while Saddam Hussein's regime remained in power. The US objective was "unambiguously" the "removal of Saddam Hussein's regime, followed by elimination of Iraqi WMD". The view of UK officials was that it was by "no means certain" that one would follow from the other: even if regime change was "a necessary condition for controlling Iraq's WMD", it was "certainly not a sufficient one".

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<sup>107</sup> Paper Cabinet Office, 19 July 2002, 'Iraq: Conditions for Military Action'.



**234.** The Cabinet Office stated that Mr Blair had discussed Iraq with President Bush at Crawford in April, and Mr Blair had:

“... said that the UK would support military action to bring about regime change, provided that certain conditions were met:

- efforts had been made to construct a coalition/shape public opinion,
- the Israel-Palestine Crisis was quiescent, and
- the options for action to eliminate Iraq’s WMD through the UN weapons inspectors had been exhausted.”

**235.** The UK now needed to reinforce Mr Blair’s message and encourage the US to put its planning into a political framework. This was “particularly important for the UK” because of the need “to create the conditions” in which it could: “legally support military action”. Otherwise, there was the “real danger” that the US would commit themselves to a course of action which the UK “would find very difficult to support”.

**236.** The paper also stated that “certain preparations would need to be made, and other considerations taken into account” to “fulfil the conditions” set out by Mr Blair “for UK support for military action”. The paper set them out in a form which could be adapted for use with the US Government.

**237.** The paper contained a series of sections addressing the conditions which would be “necessary for military action and UK participation”:

- “a viable military plan”;
- “justification/legal base”;
- “an international coalition”;
- “a quiescent Israel/Palestine”;
- “a positive risk/benefit assessment”; and
- “the preparation of domestic opinion”.

**238.** The Chiefs of Staff were not yet able to assess whether the military plans were “sound”; although a “decision in principle” might be needed “soon”.

**239.** Ministers were invited to “note” the potentially long lead times for equipping UK forces to undertake operations in Iraq, and asked to agree that the MOD could bring forward proposals for procurement of equipment.

**240.** The Chiefs of Staff advised that there were a number of questions which would need to be answered before US military plans could be assessed as “sound”. Those included the realism of a “Running Start”; the willingness of Iraqi forces to fight; and the potential impact of Iraqi attacks using chemical or biological weapons.

**241.** Without an overt military build-up, a “Running Start” military action could begin as early as November, with air strikes and support for opposition groups and small scale

land operations while further ground forces built up to overwhelm Iraqi forces; “leading to the collapse of the Iraqi regime”. A “Generated Start” following a military build-up could begin as early as January 2003. This was also judged to be the latest date for the start of military operations unless action was “deferred until the following autumn”.

**242.** The “UK’s ability to contribute forces depended on the details of US military planning and the time available to prepare and deploy them”. The MOD was “examining how the UK might contribute to US-led action”. Options ranging from deployment of a division to making bases available had been identified. US plans assumed the use of British bases in Cyprus and Diego Garcia. Unless “publicly visible” decisions were taken “very soon” the UK would not be able to send a division in time for an operation in Iraq in January 2003.

**243.** A “decision in principle” might be “needed soon on whether and in what form the UK takes part in military action”.

**244.** Ministers were invited to “note the potentially long lead times involved in equipping UK Armed Forces to undertake operations in the Iraqi theatre”; and to “agree that MOD should bring forward proposals for the procurement of Urgent Operational Requirements [UORs] under cover of the lessons learned from Afghanistan” and the “outcome” of the 2002 Spending Review.

**245.** The planning and preparations for equipping UK forces are addressed in Section 6.3.

**246.** Mr McKane advised Sir David Manning separately that the Cabinet Office paper covered US military plans “only in headline form” on the grounds that Mr Blair would “wish to receive a short oral brief from CDS”.<sup>108</sup>

**247. Regime change was “not a proper basis for international action” but it could “result from action which is otherwise lawful”.**

**248. The UN and the international community needed to be persuaded to “set a deadline, leading to an ultimatum”.**

**249. Reflecting the JIC Assessment of 27 February, the paper stated that Saddam Hussein was “likely to admit weapons inspectors as a means of forestalling” military action.**

**250. It would take “at least six months” after entering Iraq for the inspectors to establish a monitoring and verification system.**

**251.** Addressing the basis on which military action might be justified, the Cabinet Office paper explained that the US and UK views of international law varied. While “regime

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<sup>108</sup> Minute McKane to Manning, 19 July 2002, ‘Iraq’.

change per se” was “not a proper basis for international action”, it could “result from action which is otherwise lawful”.<sup>109</sup>

**252.** The UK would regard the use of force as lawful if it was:

- exercised in the right of individual or collective self-defence; or
- carried out to avert an overwhelming humanitarian catastrophe; or
- authorised by the Security Council.

**253.** The legal position on the use of force in Iraq would “depend on the precise circumstances at the time”. A legal base for an invasion of Iraq was “in principle conceivable” in relation both to self-defence or a humanitarian catastrophe, but it would be “difficult to establish because of, for example, the tests of immediacy and proportionality”. Further legal advice would be needed on that point.

**254.** That left “the route under the UNSC resolutions on weapons inspections”. There had been “no substantive progress” in the three rounds of talks held by the UN Secretary-General with Iraq to persuade them to admit the inspectors. The Iraqis were “deliberately obfuscating”. The Cabinet Office paper stated that Mr Annan had “downgraded the dialogue” but more “pointless talks” were possible.

**255.** The UN and the international community needed to be persuaded that the situation could not be “allowed to continue ad infinitum”; and “to set a deadline, leading to an ultimatum”. It would be “preferable” to obtain the “backing” of a Security Council resolution for the ultimatum. Early work would be necessary to explore the scope for achieving that.

**256.** The paper stated that “in practice”, Saddam Hussein was “likely to admit weapons inspectors as a means of forestalling” military action, but “once admitted he would not allow them to operate freely”.

**257.** The Cabinet Office paper stated that, under the provisions of resolution 1284 (1999) it would take UNMOVIC:

“... at least six months after entering Iraq to establish the monitoring and verification system ... necessary to assess whether Iraq is meeting its obligations. Hence, even if UN inspectors gained access today, by January 2003 they would at best only just be completing setting up. It is possible that they will encounter Iraqi obstruction during this period, but this [is] more likely when they are fully operational.”

**258.** An earlier draft of the paper had been more explicit about the timetable for inspections set out in resolution 1284 and more cautious about the consequences,

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<sup>109</sup> Paper Cabinet Office, 19 July 2002, ‘Iraq: Conditions for Military Action’.

concluding that there would be difficulties in using that route as the means to establish a legal base for action in spring 2003. It had concluded:

“So either we need to conclude that military action will be deferred until winter 2003/4 or we need to establish a justification/legal base which does not rely on the return of the weapons inspectors.”<sup>110</sup>

**259.** The Cabinet Office paper stated:

“It was just possible that an ultimatum could be cast in terms which Saddam would reject (because he is unwilling to accept unfettered access) and which would not be regarded as unreasonable by the international community ... failing that (or an Iraqi attack) we would be most unlikely to achieve a legal base for military action by January 2003.”<sup>111</sup>

**260.** The detailed consideration of legal issues prepared by FCO Legal Advisers and issued with the Cabinet Office paper of 8 March was circulated again as an Annex to the 19 July paper.<sup>112</sup>

**261. Mr McKane advised that the legal basis for military action had deliberately been left open.**

**262.** In a separate minute on the same day, Mr McKane advised Sir David Manning:

“The paper is rather thin in its treatment of the legal base. This is because a fuller treatment would have resulted in options being closed off – in particular the justification based on self defence – by legal advisers.”<sup>113</sup>

**263. An international coalition would be necessary to provide a military platform and would be desirable for political purposes.**

**264.** The Cabinet Office paper stated that an international coalition would be necessary to provide a military platform and would be desirable for political purposes.<sup>114</sup> The “greater the international support, the greater the prospects of success”.

**265.** Military forces would need agreement to use bases in the region. Without UN authorisation, there would be problems securing the support of NATO and EU partners, although Australia “would be likely to participate on the same basis as the UK”. France “might be prepared to take part if she saw military action as inevitable”. Russia and China might “set aside their misgivings if sufficient attention were paid to their legal and

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<sup>110</sup> Paper [draft] Cabinet Office, ‘Iraq: Conditions for Military Action’ attached to Minute McKane to Bowen, 16 July 2002, ‘Iraq’.

<sup>111</sup> Paper Cabinet Office, 19 July 2002, ‘Iraq: Conditions for Military Action’.

<sup>112</sup> Paper FCO, [undated], ‘Iraq: Legal Background’ attached to Paper Cabinet Office, 8 March 2002, ‘Iraq: Options Paper’.

<sup>113</sup> Minute McKane to Manning, 19 July 2002, ‘Iraq’.

<sup>114</sup> Paper Cabinet Office, 19 July 2002, ‘Iraq: Conditions for Military Action’.

economic concerns". Neutrality was "probably the best we could expect from the region" and the US was likely to "restrain Israel from taking part in military action".

**266. Real progress towards a Palestinian state would reduce Arab antipathy to military action.**

**267.** Real progress towards a Palestinian state would reduce Arab antipathy to military action. Both the UK and the US were pursuing some initiatives aimed at progress towards a viable Palestinian state, but "another upsurge of Palestinian/Israeli violence" was "highly likely" and Saddam Hussein "would use continuing violence to bolster popular Arab support for his regime".

**268. There would be a need to address whether the benefits of military action would outweigh the risks.**

**269.** The Cabinet Office paper stated that the UK would need to ensure that the benefits of military action outweighed the risks. It stated that a "post-war occupation of Iraq could lead to a protracted and costly nation building exercise" and that US military plans were "virtually silent" on that point. Washington could look to the UK to "share a disproportionate share of the burden". Further work was required on what form of government might replace Saddam Hussein's regime and the timescale which would be required to identify a successor.

**270.** The UK would also need to consider "in greater detail" the impact of military action on the UK's other interests in the region.

**271.** The planning and preparation for a post-conflict Iraq are addressed in Section 6.4.

**272. An information campaign would be required to persuade opinion in the UK and overseas that it was necessary to take military action.**

**273.** The Cabinet Office paper identified the need for:

- time "to prepare public opinion in the UK that it was necessary to take military action"; and
- a "substantial effort to secure support of Parliament".

**274.** Closely related domestic and overseas information campaigns would be needed giving "full coverage to the threat posed by Saddam Hussein, including his WMD and the legal justification for action". The overseas information campaign would be "designed to influence Saddam Hussein, the Islamic World and the wider international community".

**275. The Cabinet Office paper was written in order to support a Ministerial discussion about the approach the UK should take to the US on Iraq. It identified the issues the UK should be trying to get the US to address before embarking on military action to secure regime change in Iraq in a way the UK would find difficult to support.**

**276.** It was not written to provide a broader and more fundamental analysis of the policy choices which the UK Government might at that time have considered, and their consequences, including:

- the actual threat posed by Iraq's WMD at that stage as opposed to future risks;
- the implications of issuing an ultimatum to Iraq demanding the return of inspectors in the absence of any agreement within the P5 on either a process for clarifying the provisions of resolution 1284 (1999) or what that should be seeking to achieve, including the timescale which would be needed for inspections if Iraq agreed to the demand;
- the potential conflict between the timetable for inspections envisaged in resolution 1284 and what the UK understood about US thinking on a timetable for military action;
- whether military action would be the best way to secure the UK's objective;
- the longer-term consequences and obligations which were likely to arise from military action; and
- the potential wider risks to UK interests.

**277.** Some of those issues, but by no means all, were addressed in the advice sent to Mr Straw and Mr Hoon in preparation for the meeting with Mr Blair on 23 July.

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**278.** Sir David Manning gave the Cabinet Office paper to the Prime Minister on 19 July to read over the weekend, writing: "It covers much of the ground we discussed yesterday."<sup>115</sup>

**279.** Mr Blair commented on the Cabinet Office paper that: "The legal advice is, as ever, far too narrow."<sup>116</sup>

**280.** Mr Blair's position on the legal advice is addressed in Section 5.

**281.** Mr McKane reminded Sir David Manning on 19 July that:

"Existing government policy – as established by DOP [the Defence and Overseas Policy Sub Committee of Cabinet] in May 1999 – is based on containment of Iraq. If the policy is changing, we ought to reflect this in a new DOP paper. Timing will obviously be critical but you might alert the PM to this point."<sup>117</sup>

**282.** There is no mention of this point in the written advice sent to Mr Blair.

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<sup>115</sup> Note Manning to Prime Minister, 19 July 2002, [untitled].

<sup>116</sup> Manuscript comment Blair on Note Manning to Prime Minister, 19 July 2002, [untitled].

<sup>117</sup> Minute McKane to Manning, 19 July 2002, 'Iraq'.



**283. Mr Blair agreed separate advice from Mr Powell, building on the proposals for a strategy leading to regime change set out in three earlier notes (two in November 2001 and one in March 2002).**

**284. The elements of Mr Powell’s “road map” were similar to the proposals in the Cabinet Office paper.**

**285. Mr Powell advised that the UK and the US “must do it right” and not rush into action.**

**286.** Mr Powell submitted separate advice on 19 July, suggesting that Mr Blair should send a Note providing a context for Iraq to President Bush before the expected briefing on US military plans on 4 August, and recommending a telephone call.<sup>118</sup>

**287.** Mr Powell advised:

“I think we need a road map to getting rid of Saddam, drawing parallels as far as possible with his [President Bush’s] success in Afghanistan, including the following elements:

- a. We will be there when the US takes the decision to act, but ...
- b. We need to set an ultimatum as we did to the Taliban in Afghanistan. At a certain point we need to make it clear that unless Saddam agrees to inspectors on our terms – anyone, any time, anywhere – by a certain date we will act.
- c. We need to establish a legal basis. More difficult for us than for them. It needs to be based on WMD rather than terrorism or regime change.
- d. We need at least neutrality in the region before we can act ... If we want to base our troops in the region this will mean a real effort on the MEPP ...
- e. We need to make the case. We need a plan and a timetable for releasing the papers we have prepared on human rights abuses, WMD etc. We need to have the sort of Rolls Royce information campaign we had at the end of Afghanistan before we start in Iraq.
- f. We need a convincing military plan. What we know about so far is not convincing ...
- g. And we need a plan for the day after ... We need to be working on this now ...

“Lastly, we should not rush this. We must do it right. If we are not ready in January 2003 then we may need to wait for autumn 2003. Of course Saddam may give us a break before then that we can exploit, but slow deliberate planning like your father in the Gulf war is the best bet.”

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<sup>118</sup> Minute Powell to Prime Minister, 19 July 2002, ‘Iraq’.



**288.** Mr Blair responded to Mr Powell: “I agree with this entirely”.<sup>119</sup>

### **Sir Jeremy Greenstock’s advice to Mr Straw**

**289.** Sir Jeremy Greenstock warned of likely difficulties with the US and others in the Security Council.

**290.** Sir Jeremy Greenstock wrote that Mr Ricketts had asked for advice on prospects for Iraq at the UN, including:

- At what point do you think that the Americans will begin to say publicly that the effort to get UN inspectors back into Iraq is dead?
- Will we/other members of the Council be able to prolong the efforts beyond that with any credibility?
- Are there any prospects for getting the Council to declare some sort of ultimatum that unless Saddam lets the Inspectors in by X, the Council will conclude Iraq has no intention of complying with its obligations (or some other formula well short of an authorisation)?<sup>120</sup>

**291.** In his response of 19 July, Sir Jeremy Greenstock set out the “broad dynamics” in New York to provide context:

- There was a lack of “vocal support ... even on the lighter issues such as sanctions machinery” for the UK policy of maintaining rigorous sanctions and the return of weapons inspectors.
- Russia and China were opposed to unilateral military action and insisted on the UN route but questioned the claims about Iraq’s holdings of WMD and pushed for “more carrots” to be offered to Iraq.
- There had been some movement in the French position over the previous year but it was still some distance from the UK’s.
- Non-permanent members of the Security Council would “go along with the emerging majority”; most favoured continued political dialogue through the UN, opposed military action, and were sceptical of the UK’s WMD claims.

**292.** Addressing Mr Ricketts’ questions, Sir Jeremy advised:

- The US already planned to say that it saw “no value in talks at any level”, and that scepticism would increasingly become public.
- Mr Annan was “likely to conclude” that he “should keep the way open for further technical contacts” with Iraq, but there “should be no further talks at his level until Iraq showed some flexibility”. The UK “could not credibly argue for further political talks ourselves” as that would “pitch us directly against the Americans”.

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<sup>119</sup> Manuscript comment Blair on Minute Powell to Prime Minister, 19 July 2002, ‘Iraq’.

<sup>120</sup> Letter Greenstock to Ricketts, 19 July 2002, ‘Iraq at the UN’.

- “If and when” there was Iraqi movement, which would “presumably only be under the pressure of US military preparations, the dynamics of the Council would mean that efforts to restart political talks would quickly resume”.
- It was not “clear that the US would allow ... an ultimatum to be put forward”. They had rejected such an approach over Iraq in 1998 and Kosovo in 1999.
- Russia and China would “definitely” reject an ultimatum; they knew “full well that it could be used to justify military action which they do not support”.
- Sir Jeremy did not “entirely discount bringing the Council round if we played our cards cleverly”.
- The prospects for getting Russia, China and others on board “would be dramatically strengthened if we could catch the Iraqis with their pants down in some dramatic way”. The “main obstacle ... might actually be the Americans, who will not wish to be caught even asking the question”.

**293.** Sir Jeremy advised that there was “a lot to be said for considering additional UN routes to put pressure on Iraq”. These could include revisiting the idea of a travel ban for senior Iraqis or proposing new measures to screen Iraq’s borders. Such proposals were “likely to fail” but would “help us demonstrate that we have tried to use the UN route. And in the event that such proposals do succeed, we benefit from increased pressure on the Iraqi regime. We would also buy time.”

**294.** The UK would also need:

“... to do more to convince Security Council colleagues and others that Saddam represents a clear and present danger. More WMD briefings at capitals is one way forward. I know we have been through this countless times, but we never seem to be able to hit the point of real conviction.”

**295.** Finally, Sir Jeremy emphasised that the legality of military action was “one of the most difficult questions we are asked”. The UK Permanent Mission to the UN in New York could “avoid such questions” when military action was “theoretical”:

“But taking military action against Iraq when our claims to legality are rejected by a large percentage of UN members is going to damage our multilateral image, our CT [counter terrorism] credentials and our own electability in the UN system quite severely”.

**296.** Sir Jeremy’s letter was intended to inform the discussion on 23 July, and copies were sent by Mr Ricketts to the Cabinet Office and the MOD.

**297.** The letter was also seen by Lord Goldsmith.<sup>121</sup>

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<sup>121</sup> Manuscript comments Goldsmith on Letter Greenstock to Ricketts, 19 July 2002, ‘Iraq at the UN’.

## The mood in Washington

**298.** Following his minute of 3 July and a visit to Washington on 18 and 19 July, Sir Kevin Tebbit advised that the US Administration as a whole was increasingly united in the view that military action would be taken against Iraq to bring about regime change and remove WMD risks.

**299.** Sir Kevin reported that he had been left with an air of unreality given the enormity of what was envisaged and the absence of a policy framework and detailed planning.

**300.** Sir Kevin also commented that the UK's conditions were "listened to politely, but without enthusiasm or full agreement". The US preparations for a potential invasion did not yet meet the UK's conditions for success.

**301.** Sir Kevin Tebbit visited Washington on 18 to 19 July. The telegram from Washington reporting the visit described:

"A harder-edged, more deliberative US view on regime change – though they acknowledge the scale of the challenge. They appear intent on building a strategic rationale for removing Saddam, and show scant interest in pursuing further the UN [inspections] track. Tebbit explains the need to build a solid case first, to ensure that the UN route has been exhausted, and to think through the implications for 'the day after' ..."<sup>122</sup>

**302.** No one had disputed the need to make a strong international case first. Some senior Americans had argued that the case needed to be presented in "strategic non-Iraq specific terms – the US (and ... others) having concluded that the existential threat of WMD necessitated – and justified – military action to remove it. Once set in this framework, the need for pre-emptive action against Iraq ought to be understood and accepted."

**303.** Sir Kevin Tebbit also wrote to Sir David Manning before the Ministerial discussion on 23 July.

**304.** Sir Kevin reported: "The principal conclusion to be drawn is that the Administration as a whole is increasingly united in the view that military action will be taken against Iraq to bring about regime change and remove WMD risks." That included the State Department "notwithstanding its views on the difficulties". The UK's "points about shaping public opinion, constructing coalitions, easing the Israel/Palestine crisis and exhausting the UN inspectorate route were listened to politely, but without enthusiasm or full agreement". There was "no clear indication about timing" but one American had said that the betting was for an operation in early 2003.

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<sup>122</sup> Telegram 970 Washington to FCO London, 20 July 2002, 'Iraq: Sir K Tebbit's Visit to Washington, 18-19 July'.

**305.** Sir Kevin concluded:

“One is still left with an air of unreality, given the enormity of what is envisaged and the absence of planning detail or policy framework to credibly make it happen. Part of the difficulty may be in the dysfunctional nature of the Washington bureaucracy under which nothing is brought together except and until it reaches the ultimate level (and Rumsfeld otherwise operates autonomously with his Commanders-in-Chief). But on the basis of the visit we still have a job on our hands to persuade the Administration to prepare for this in a way which would meet the Prime Minister’s conditions for participation and, indeed for overall success.”<sup>123</sup>

**306.** The letter was sent to Mr Straw’s Private Office and to the Cabinet Office, Sir Richard Dearlove, and Mr Brummell.

**307.** The letter was seen by Mr Blair<sup>124</sup> and Lord Goldsmith.<sup>125</sup>

**308.** Sir Kevin Tebbit told the Inquiry that, at that stage, he and “a lot of other officials” were concerned to ensure that the UK’s conditions “were ... seriously being pursued”, rather than (the UK) simply being invited to participate in detailed military planning albeit as a contingency.<sup>126</sup>

**309.** Sir Kevin stated that the first reason for the visit “was to be absolutely clear whether they [the US] were determined to proceed on a military track. It was not clear at that point.”<sup>127</sup> The second was to understand the thinking of the different groups in Washington.

**310.** **Sir Richard Dearlove reported that the US had already taken a decision on action, the question was how and when; and that he had been told it intended to set the threshold on weapons inspections so high Iraq would not be able to hold up US policy.**

**311.** Sir Richard Dearlove discussed policy towards Iraq in a meeting with Dr Rice in Washington on 19 July.<sup>128</sup>

**312.** The report of the discussion stated that the US view was:

- There was “growing evidence of the construction of CBW production and links to terrorists [in Iraq] stoking fears of a repeat 9/11 with WMD”.
- There was a strong strategic case for removing Saddam Hussein. Continued development of WMD was not in doubt.
- A “casus belli” already existed.

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<sup>123</sup> Letter Tebbit to Manning, 22 July 2002, ‘Iraq’.

<sup>124</sup> Manuscript comment Manning on Letter Tebbit to Manning, 22 July 2002, ‘Iraq’.

<sup>125</sup> Manuscript comment Goldsmith on Letter Tebbit to Manning, 22 July 2002, ‘Iraq’.

<sup>126</sup> Public hearing, 3 December 2009, page 28.

<sup>127</sup> Public hearing, 3 December 2009, page 57.

<sup>128</sup> Report, 22 July 2002, ‘Iraq [C’s account of discussions with Dr Rice]’.

**313.** Sir Richard reported that he was told a US “decision had already been taken – the question was only how and when”.

**314.** Sir Richard also reported that, in a separate discussion with a senior US official, he had been told that the US Administration’s intention was to set the threshold on UN weapons inspections so high that Iraq would not be able to hold up US policy.

**315.** Sir David Manning drew Mr Blair’s attention to a report of Sir Richard Dearlove’s meetings in Washington, commenting:

“Not much doubt here that the Administration is bent on action soon, and convincing itself that it has strong strategic, as well as a historical duty to act.

“Our views on links between Iraq, terrorism and development of WMD are different from Condi’s: not proven at best ...

...

“C [Sir Richard Dearlove] will be able to give the full picture tomorrow.”<sup>129</sup>

**316.** Mr Powell commented: “Strengthens the need for and urgency of your note to Bush.”<sup>130</sup>

### **MOD advice to Mr Hoon**

**317. MOD officials privately expressed strong reservations about military action to Mr Hoon, stating that there was no objective justification for a pre-emptive attack either now or in the immediate future.**

**318. Mr Hoon was advised that the legal framework could constrain the UK’s ability to support US action.**

**319.** In preparation for the meeting on 23 July, Mr Desmond Bowen, MOD Director General Operational Policy, advised Mr Hoon that the meeting would discuss the Cabinet Office paper of 19 July, and the agenda was expected to cover:

- US planning and timescales;
- the objectives of any military action;
- the strategic policy framework;
- the potential UK contribution; and
- an information campaign.<sup>131</sup>

**320.** Mr Bowen advised that it was “still too early to be definitive” about whether the US had a winning military concept; but that it was “likely” that the answer to that question

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<sup>129</sup> Minute Manning to Prime Minister, 22 July 2002, ‘Iraq’.

<sup>130</sup> Manuscript comment Powell on Minute Manning to Prime Minister, 22 July 2002, ‘Iraq’.

<sup>131</sup> Minute Bowen to PS/Secretary of State [MOD], 22 July 2002, ‘Iraq: Meeting with the Prime Minister’.

would be “yes’ with certain conditions”. The key point for Mr Blair to note was that US action could take place “very quickly, as early as November”.

**321.** Agreeing the objective for military action would be “useful”, but it begged the question of the “*strategic policy framework* in which to take military action in pursuit of that objective”. “In particular a framework” was “required to set the conditions for military action including the necessary justification in international law”. That was “important because it may well constrain our ability to support US action”.

**322.** Adm Boyce had directed that UK planning should concentrate on two “packages”: a supporting/enabling package, including basing, maritime and air assets, in which “the only land contribution would be SF [Special Forces]”; and a discrete land contribution of a division (minus) for operations in northern Iraq. They had been chosen because they effectively represented “the maximum practical UK contribution to US-led operations for either early or later action”.

**323.** Mr Bowen advised that the “indications from the US” were that it did “not expect a ground force contribution from the UK for operations out of Kuwait”; and that “providing land forces to integrate with the US main effort in the South” had “been discounted because of the severe difficulties we would face due to interoperability; deployment time and geographic constraints affecting logistics in particular”.

**324.** The “Line to Take” offered to Mr Hoon included:

- It was “too early to judge” if the US military plan was a winning concept and the Chiefs of Staff were “not yet convinced”. The question of whether the US had a winning concept could be answered as planning developed. The UK view was that pressure should be “applied from south, west and north”.
- The US would like to establish the scale of UK involvement. Subject to the legal framework, the US expected Diego Garcia, Cyprus, air enablers, maritime force and Special Forces as a minimum. There was a “Developing expectation” of a “division size force in the North with Turkey and other allies”.
- Decisions were “needed urgently” if UK forces were to be involved “this winter”. A large land force contribution needed “preparatory action immediately” and would not be complete until “March/April”.

**325.** A small number of additional details from this advice are set out in Section 6.1.

**326.** Mr Watkins also offered Mr Hoon a “Private Office distillation of where we think most of your key advisers – Chiefs, PUS etc (with possible exception of Simon Webb) – are coming from”.<sup>132</sup>

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<sup>132</sup> Note (handwritten) Watkins to SofS [MOD], 22 July 2002, attaching ‘Iraq: Summary’.



**327.** In relation to the “**threat**” posed by Iraq, Mr Hoon was advised:

- “Saddam has previously attacked his neighbours; he is developing weapons of mass destruction (WMD).”
- “But he is not currently threatening his neighbours and his WMD programme is less advanced than, say, Iran’s or Libya’s. There is no proven link between Saddam and AQ [Al Qaida].”
- “Saddam is being contained. There is no objective justification for a pre-emptive attack on Iraq now or in the immediate future.”

**328.** In relation to the “**geo-political implications**” of military action, the points included:

“International community [...] poor at handling more than one crisis simultaneously. Attack on Iraq would provoke an additional crisis – increasing the risk that other flashpoints ... would be allowed to ignite/spin out of control.”

**329.** On US “**War Plans**” and “**UK involvement**” the points included:

- “US plans are bold and imaginative. Superior capabilities should ensure rapid defeat of Iraqi formations.”
- “But success is not assured ... Iraqis could use CBW.”
- The “Possibility of significant numbers of casualties” could not be excluded.
- “Significant UK engagement (ie ground forces) could conceivably allow us to influence US plans and would earn us huge kudos in Washington with potential paybacks elsewhere. Refusal to provide any support would ... severely damage relationship.”
- “In practice, US plans are more likely to be driven by internal US factors – especially if things start to go wrong.”
- “UK’s standing with key Gulf states that are negative ... or agnostic ... about the attack would suffer: they will see that there is no longer any discernable difference between US and UK policy.”

**330.** In relation to “**UK opinion**”, Mr Hoon was advised:

- “There is widespread unease about WMD. UK involvement in a successful campaign could be immensely popular ...”
- “But there is widespread scepticism about the justification for a pre-emptive attack (Saddam is not seen as posing an imminent threat) and cynicism about US motives.”
- “Public support ... would be lukewarm and brittle.”

**331.** The advice concluded:

- “The case for attacking Iraq now or in the immediate future is deeply flawed. The absence of a legal justification is not in itself a reason for doing nothing.”



But an attack could have unforeseen geo-political reverberations and is not assured of rapid, complete success. If Saddam forced the US to undertake a lengthy and destructive 'siege' of Baghdad ... the chief beneficiaries would be AQ and other terrorist groups."

- "We must try to persuade the US that they need to do a lot more work to clear the way for an attack on Iraq ... We might also try to persuade them that other aspects of the campaign against terrorism/WMD should have higher priority ..."
- "If the US persist with planning for an early attack on Iraq, the UK should offer that level of support which the US might reasonably expect of a good Ally (i.e. basing in DG [Diego Garcia] and Cyprus; niche capabilities). There is no objective case for offering more."

### Mr Blair's meeting, 23 July 2002

**332.** Sir David Manning gave Mr Blair an annotated agenda for the meeting on 23 July, which was clearly intended to prepare Mr Blair for a telephone call to President Bush and, possibly, the preparation of a Note as suggested by Mr Powell.

**333.** Sir David identified questions Mr Blair might ask and advised Mr Blair that there was "a lot of ground to cover in a short time".

**334.** Sir David Manning provided an annotated agenda for Mr Blair, which indicated that there would be "a lot of ground to cover in a short time".<sup>133</sup> He suggested Mr Blair should invite:

- Mr Scarlett to set the scene with a "very brief summary" of the intelligence on the position inside Iraq;
- Sir Richard Dearlove to provide a "brief account of his recent talks with [Mr George] Tenet [Director Central Intelligence] and Condi [Rice]". Sir Richard had returned from Washington "convinced that the Administration have moved up a gear"; and
- Adm Boyce to describe current US military planning for a campaign against Iraq.

**335.** Sir David suggested that those presentations would "throw up a number of key questions", including:

- the "legal base" for action against Iraq;
- whether US military plans were viable;
- whether the US could find the necessary bases;
- whether there was a particular role for UK forces, the lead time necessary to prepare them and when we would have to make funding available and on what scale;

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<sup>133</sup> Minute Manning to Prime Minister, 22 July 2002, 'Iraq Meeting: 23 July: Annotated Agenda'.

- what sort of battlefield environment was anticipated, and the response to any use of biological or chemical weapons;
- how much progress would be needed on Arab/Israel before the US launched an attack;
- the impact of military action on the oil price; and
- the mood in Parliament, the Parliamentary Labour Party (PLP) and the country and when we should time a public information campaign.

**336.** Sir David Manning concluded:

“In the light of this discussion, you might call Bush and prepare a note for him before the summer break – along the lines proposed in Jonathan’s minute ... Timing is for discussion. It might be best to wait until the middle of next week, after I have been to Washington for further talks with Condi and Tenet.”

**337. Mr Blair’s meeting on 23 July did not take firm decisions.**

**338. The record of the meeting stated that the UK should work on the assumption that it would take part in any military action and Admiral Boyce could tell the US that the UK was considering a range of options.**

**339. Mr Blair commissioned further advice and background material on all the issues, including a possible ultimatum to Iraq and the legal basis for action.**

**340. No conclusion is recorded on who would approach the US Administration, when, or what the objectives and tactics of that approach would be.**

**341.** Mr Blair discussed Iraq with Mr Straw and Mr Hoon, Lord Goldsmith, Sir Richard Wilson, Adm Boyce, Sir Richard Dearlove, Sir Francis Richards (Director of the Government Communications Headquarters (GCHQ)), Mr Scarlett, Mr Jonathan Powell, Baroness Morgan (Director of Political and Government Communications), Mr Campbell and Sir David Manning, on 23 July.<sup>134</sup>

**342.** Mr Rycroft’s record of the meeting noted that:

- Mr Scarlett summarised the intelligence and latest (4 July) JIC Assessment: “Saddam’s regime was tough and based on extreme fear. The only way to overthrow it was likely to be by massive military action.” Saddam Hussein was “worried and expected an attack”, but he was “not convinced” that an attack would be “immediate or overwhelming”. Real support for Saddam Hussein was “probably narrowly based”.
- Sir Richard Dearlove reported that there was “a perceptible shift in attitude” in Washington: “Military action was now seen as inevitable.” President Bush “wanted to remove Saddam, through military action, justified by the conjunction

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<sup>134</sup> Minute Rycroft to Manning, 23 July 2002, ‘Iraq: Prime Minister’s Meeting, 23 July’.

of terrorism and WMD. But the intelligence and facts were being fixed around the policy. The NSC had no patience with the UN route and no enthusiasm for publishing material on the Iraqi regime's record."

- Adm Boyce reported that Secretary Rumsfeld and President Bush would be briefed by CENTCOM planners in early August. The US was examining two military options, and saw the "UK (and Kuwait) as essential". The three main options for UK involvement were:
  - “(i) Basing in Diego Garcia and Cyprus plus [...] SF squadrons.
  - (ii) As above, with maritime and air assets in addition.
  - (iii) As above, plus a land contribution of up to 40,000 perhaps with a discrete role in northern Iraq entering from Turkey, tying down two Iraqi divisions.”
- Mr Hoon said that the US had already begun “spikes of activity” to put pressure on the regime. In his view, January was the most likely timing for military action.
- Mr Straw stated that it “seemed clear” that President Bush had “made up his mind to take military action, even if the timing was not yet decided. But the case was thin. Saddam was not threatening his neighbours, and his WMD capability was less than that of Libya, North Korea or Iran.” The UK “should work up a plan for an ultimatum to Saddam” to allow the UN weapons inspectors back in to Iraq. That would “help with the legal justification for the use of force”.
- Lord Goldsmith warned that the desire for regime change was not a legal basis for military action. Self-defence and humanitarian intervention could not be the basis for military action in this case. Relying on resolution 1205 (1998) for UN authorisation “would be difficult”. The situation “might of course change”.
- Mr Blair stated: “it would make a big difference politically and legally if Saddam refused to allow in the UN inspectors. Regime change and WMD were linked in the sense that it was the regime that was producing the WMD. There were different strategies for dealing with Libya and Iran. If the political context were right, people would support regime change.”
- Mr Blair added: “The two key issues were whether the military plan worked and whether we had the political strategy to give the military plan the space to work.”
- Adm Boyce did not yet know if the US battleplan was “workable”. There were “lots of questions”, for example “the consequences if Saddam Hussein used WMD on day one, or if Baghdad did not collapse and urban warfighting began”.
- Mr Straw “thought the US would not go ahead with a military plan unless convinced it was the winning strategy”, but there “could be US/UK differences” on the political strategy. The ultimatum should be “discreetly” explored, despite US resistance. Saddam Hussein would “continue to play hard-ball with the UN”.
- Mr Scarlett assessed that “Saddam would allow the inspectors back in only when he thought the threat of military action was real”.
- Mr Hoon stated that, if Mr Blair wanted UK military involvement, an early decision would be required. Mr Hoon cautioned that “many in the US did not

think it was worth going down the ultimatum route". It would be important for Mr Blair "to set out the political context" to President Bush.

**343.** Mr Rycroft wrote that the meeting concluded:

- "We should work on the assumption that the UK would take part in any military action. But we needed a fuller picture of US planning before we could take any firm decisions. CDS [Adm Boyce] should tell the US military that we were considering a range of options.
- The Prime Minister would revert on the question of whether funds could be spent in preparation for this operation.
- CDS would send the Prime Minister full details of the proposed military campaign and possible UK contributions by the end of the week.
- The Foreign Secretary would send the Prime Minister the background on the UN inspections and discreetly work up the ultimatum to Saddam ...
- John Scarlett would send the Prime Minister a full intelligence update.
- We must not ignore the legal issues: the Attorney General would consider legal advice with FCO/MOD legal advisers."

**344.** Mr Rycroft's detailed record of the meeting was sent to the participants only.

**345.** Mr Rycroft sent a separate letter to Mr Straw's Private Secretary on 23 July, which very briefly summarised the action points for the FCO, MOD and Cabinet Office.<sup>135</sup> They were:

- Mr Straw to provide advice on the positions of countries in the region, the background on UN inspectors, and – discreet – work on an ultimatum to Saddam Hussein. These were requested by 30 July.
- Adm Boyce to tell the US military that the UK was considering a range of options for any UK involvement in any military operation. He was also to send Mr Blair full details of the proposed military campaign, and options for a UK contribution, by 30 July or earlier if they were available.
- Mr Scarlett to provide updated intelligence on a weekly basis for Mr Blair's weekend box.

**346.** In his account of the meeting, Mr Campbell wrote that:

"C [Sir Richard Dearlove] reported his strong feeling that the US had pretty much made up their minds.

"TB was asking whether the Iraqis would welcome an invasion or not. Jack [Straw] felt the regime would appear to be popular until it tips, but when it tips, it will happen quickly. All the signs out of Washington were that their thinking had moved forward,

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<sup>135</sup> Letter Rycroft to McDonald, 23 July 2002, 'Iraq Prime Minister's Meeting, 23 July: Follow Up'.

as per Bush's remarks about taking the battle to the enemy, taking him on before he takes us on ...

"Jack set out the political difficulties. He said it was all being driven by DOD and the NSC, and [Secretary] Powell and the State Department was not fully involved ...

"TB said he did not want any discussions with any other departments at this stage and did not want any of this 'swimming round the system'. He meant the Treasury ...

"Jack said of the four powers posing a potential threat with WMD ... Iraq would be fourth. He does not have nukes, he has some offensive WMD capability. The tough question is whether this is just regime change or is the issue WMD.

"TB was pretty clear that we had to be with the Americans. He said at one point, 'It's worse than you think, I actually believe in doing this.' He was acutely conscious how difficult it would be both with the PLP and the public, but when Jack raised the prospect of not going in with the US, TB said that would be the biggest shift in foreign policy for fifty years and I'm not sure it's very wise.

"On the tactical level, he felt maximum closeness publicly was the way to maximise influence privately ...

"TB said he needed to be convinced first of the workability of the military plan, and second of an equally workable political strategy. Jack said we could probably get the votes for a UN ultimatum, but the Americans may not want to go down that route. TB saw regime change as the route to dealing with WMD."<sup>136</sup>

**347.** In his memoir, Mr Blair recorded that Adm Boyce had made it pretty clear at the meeting that "he thought the US had decided on it [military action], bar a real change of heart by Saddam".<sup>137</sup>

**348.** In his memoir published in 2007, Mr Tenet wrote that Sir Richard Dearlove had told him that he had been misquoted.<sup>138</sup> Sir Richard had objected in particular to the word "fixed" and offered a correction. Mr Tenet wrote that he had been told Sir Richard had:

"... expressed the view ... that the war in Iraq was going to happen. He believed the momentum driving it was not really about WMD but rather about bigger issues such as changing the politics of the Middle East."

**349.** Mr Tenet added that Sir Richard:

"... recalled that he had a polite, but significant, disagreement with Scooter Libby [Chief of Staff to Vice President Cheney], who was trying to convince him that

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<sup>136</sup> Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

<sup>137</sup> Blair T. *A Journey*. Hutchinson, 2010.

<sup>138</sup> Tenet G & Harlow B. *At the Center of the Storm: My Years at the CIA*. HarperPress, 2007.

there was a relationship between Iraq and al-Qa'ida. Dearlove's strongly held view based on his own Service's reporting, which had been shared with the CIA, was that any contacts that had taken place had come to nothing and that there was no formal relationship ... He believed that the crowd around the Vice President was playing fast and loose with the evidence. In his view, it was never about 'fixing' the intelligence itself but rather about the undisciplined manner in which the intelligence was being used."

**350.** Sir Richard Dearlove told the Inquiry that, during his visit to Washington in July 2002, he had had "quite contentious and difficult conversations" with Mr Libby as well as discussions with Mr Tenet, Dr Rice and Mr Stephen Hadley, US Deputy National Security Advisor.<sup>139</sup> He had returned from Washington "deeply concerned that there was momentum in parts of the [US] Administration", and he had warned Mr Blair about that momentum.

**351.** In relation to his "alleged comment" about the intelligence being fixed around the policy, Sir Richard told the Inquiry that this was really a reference to the attempts "to join up terrorism and Iraq" with which he "radically disagreed".

**352.** Asked if Mr Blair had taken the conjunction between terrorism and WMD seriously, Sir Richard replied:

"... I don't think the Prime Minister ever accepted the link between Iraq and terrorism. I think it would be fair to say that the Prime Minister was very worried about the possible conjunction of terrorism and WMD, but not specifically in relation to Iraq ... [I] think, one could say this is one of his primary national security concerns given the nature of Al Qaida."<sup>140</sup>

**353.** Sir Richard added that he sought an amendment to Mr Rycroft's record of the meeting on 23 July to clarify the meaning of his remarks.<sup>141</sup>

**354.** The Inquiry has seen that document.

**355.** In response to subsequent questioning, referring to a manuscript note made by Lord Goldsmith during the meeting, Sir Richard accepted that he might well have used the word "fitted".<sup>142</sup>

**356.** Mr Rycroft confirmed that Sir Richard had challenged his record of the meeting but, after checking his notes and discussing it with others present, he had taken no further action.<sup>143</sup> Mr Rycroft told the Inquiry that he had understood Sir Richard to be making the

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<sup>139</sup> Private hearing, 16 June 2010, pages 34-35.

<sup>140</sup> Private hearing, 16 June 2010, pages 39-40.

<sup>141</sup> Private hearing, 16 June 2010, page 42.

<sup>142</sup> Private hearing, 16 June 2010, page 70.

<sup>143</sup> Private hearing, 10 September 2010, pages 27-30.



point that intelligence was going to become part of the public justification for the known US policy of regime change.

**357.** Mr Hoon told the Inquiry that he did not have a specific recollection of the meeting but he did not recall it as a key meeting, rather it was part of an “iterative process”.<sup>144</sup>

**358.** Mr Hoon subsequently wrote that there was “a very full discussion of the relevant issues” at the meeting, and that:

“Arguments both for and against UK involvement as well as relevant legal opinions were set out and recorded in the minutes of the meeting. All of the reservations set out in the summary prepared by my Private Office were fully debated in the meeting. At such a meeting I would not have thought it necessary to repeat arguments already made by others ... unless there was some specific benefit in doing so.”<sup>145</sup>

**359.** Lord Wilson told the Inquiry that he didn’t think the meeting on 23 July had “decided on much”. It had been a “taking stock” meeting, but what had struck him “was that some of the language used implied that we were closer to military action than I had imagined that we were”.<sup>146</sup>

**360.** Lord Wilson told the Inquiry that two elements of the meeting stood out in his memory: First, there was “an underlying tension ... between the Prime Minister and his Foreign Secretary”. Mr Straw was “very much in the business of saying: ‘The crucial thing is to get all this to the United Nations. That’s the way we are going to play it. We are nowhere near military action at the minute. All the military things the military are saying need to be seen in the political context.’” Mr Straw had been “pleading quite strongly for the political nuances”; and that he was “working very hard to keep the Prime Minister ... focused on the United Nations and away from getting too ... gung ho about military action”.

**361.** Second, Lord Wilson remembered “quite vividly” that Lord Goldsmith:

“... gave his legal advice ... which was you would need the authorisation of a United Nations Security Council resolution if you were going to specifically undertake military action and if you didn’t do that, his strong advice was that it was illegal to take military action. The Prime Minister simply said ‘Well...’ and that’s it. I remember thinking ‘There is an unresolved issue there’.”<sup>147</sup>

**362.** Lord Wilson, who remained the Cabinet Secretary until the beginning of September 2002, told the Inquiry that he had still been on duty during August 2002 and had taken papers, but he could recall none on Iraq.<sup>148</sup>

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<sup>144</sup> Public hearing, 19 January 2010, pages 20-21.

<sup>145</sup> Statement, 2 April 2015, paragraph 13.

<sup>146</sup> Public hearing, 25 January 2011, pages 37-38.

<sup>147</sup> Public hearing, 25 January 2011, page 38.

<sup>148</sup> Public hearing, 25 January 2011, page 35.



**363.** In response to a specific question about whether, following the meeting on 23 July, he thought that the Government's strategy on Iraq had coalesced by the beginning of September, Lord Wilson replied:

"I thought they were in the thick of it ... 'If you asked whether as a matter of proper Cabinet government the Cabinet had endorsed a course that was likely to lead to military action, I would tell you emphatically not' ... If you had said to me 'Is the Prime Minister ... serious about military action?' I would have said 'There is a gleam in his eye which worries me.' I think I used that phrase at the time."<sup>149</sup>

**364.** Lord Wilson stated:

"I think the Prime Minister was torn over Iraq ... Torn between all his instincts which were to be alongside the Americans, whatever that means, on the one hand and his knowledge that a lot of people in his Cabinet and in public opinion and people in Parliament would be unhappy with that. I would guess ... that in the summer holidays in August he resolved it."<sup>150</sup>

**365.** In his memoir, Mr Straw wrote that he:

"... ran through the four countries that posed a potential threat to world peace because of their unauthorised and highly dangerous weapons systems – North Korea, Iran, Libya, and Iraq. I thought it important to raise the issue as to whether we should contemplate not joining the US in any American military effort against Iraq. I was concerned that the case against Iraq (why did it merit the most severe action? what differentiated it from the other three?) had not at that stage been made: and also about the potential consequences for Tony's leadership, and the survival of his government."<sup>151</sup>

## REQUEST FOR ADVICE ON SADDAM HUSSEIN'S MILITARY CAPABILITIES AND INTENTIONS

**366.** Following Mr Blair's meeting, Sir David Manning asked Mr Scarlett for advice on a number of issues.

**367.** It is not clear what was said about Iraq's WMD in Mr Blair's meeting on 23 July, but the following day Sir David Manning explained to Mr Blair his concern that:

"... we (and I suspect the Americans) have only a hazy idea of Saddam's retaliatory capabilities if and when we attack Iraq. CDS was unable to say whether we would expect to fight in a CBW environment. The answer has a crucial bearing on the plausibility and viability of US military plans."<sup>152</sup>

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<sup>149</sup> Public hearing, 25 January 2011, page 42.

<sup>150</sup> Public hearing, 25 January 2011, page 49.

<sup>151</sup> Straw J. *Last Man Standing: Memoirs of a Political Survivor*. Macmillan, 2012.

<sup>152</sup> Minute Manning to Prime Minister, 24 July 2002, 'Iraq'.

**368.** Sir David wrote that he had “therefore, asked John Scarlett to review all the intelligence on Saddam’s military capabilities and intentions, including:

- What military equipment do we think Saddam possesses, and in what state of effectiveness?
- In particular, does he [Saddam] have chemical and biological agents; and if so, can he weaponise them?
- If he can weaponise them, do we believe he can deliver them by missile or aircraft?”

**369.** Sir David pointed out that Iraq had not used chemical or biological agents during the 1991 Gulf Conflict, but he was unsure whether that was because Iraq did not have the capability or for other reasons. He was:

“... anyway left very uneasy by Mike Boyce’s suggestion that the Americans believe that Saddam would only use CBW as a last resort. If this is the American assessment, it strikes me as alarmingly complacent. Saddam will know that once the US launches an attack, the game is up. From his point of view, it will be last resort time from the moment the first Marines hit the beach. And with all the wisdom of the armchair strategist, it seems to me that the temptation to let fly at the Kuwait bottleneck, with everything in his armoury, could be very strong indeed.”

**370.** These questions were addressed in the JIC Assessment of 9 September (see Section 4.2).

**371.** Mr Scarlett was also asked to “do more work on regime cohesion” in the light of what Sir David described as “a risk of American wishful thinking”. Sir David commented:

“Perhaps the Saddam tyranny will collapse like a pack of cards as they hope. But we should not count on it. We need as much intelligence as we can get on the popular mood, and the attitude of Saddam’s entourage, before making assumptions that determine military planning.”

**372.** Sir David added that he would try to explore the answers to his questions during his visit to Washington the following week.

### **Sir Christopher Meyer’s view**

**373.** Sir Christopher Meyer told a US official that, if the US decided to move against Saddam Hussein, the UK would be “with them”.

**374.** Sir Christopher also reported his continuing concerns that the UK’s “conditions” were being discounted and his perception that the US Administration had concluded that the efforts to get UN inspectors back into Iraq had “run their course”.

**375.** In Sir David Manning’s view, President Bush was “impatient to move”.

**376.** Sir Christopher Meyer reported on 24 July that he had told a US official that the US could “rest assured that if and when the US decided to move against Saddam Hussein, the UK would be with them. This would not be easy for the Prime Minister politically.”<sup>153</sup>

**377.** Sir Christopher had been asked about a speech that Dr Henry Kissinger, the former US Secretary of State, had made the previous week, emphasising the need for pre-emption in the post-9/11 world. Dr Kissinger had argued three conditions had to be met if there were to be military action in Iraq:

- “• ... a rapid and successful conclusion – a prolonged war would be very dangerous ...;
- that the US ‘got the diplomacy right’ ...; and
- that the US arrived in Baghdad with a clear plan for who and what should replace Saddam ...”

**378.** Sir Christopher had said that those views “were not a million miles” from the UK’s; and that it was “very important to be able to build a public case for attacking Saddam; exhausting UN processes on inspections; and unwinding violence between the Israelis and Palestinians were part of this strategy”.

**379.** Sir Christopher warned again that, as Sir Kevin Tebbit had picked up during his visit earlier in July 2002, the “buts” in the UK’s “yes, but ...” approach had “less traction in Washington than a couple of months ago”. It seemed a given “across the [US] Administration that efforts to get UNMOVIC into Iraq have run their course ... and that, with Israel/Palestine, the process ... is enough to keep the lid on during an Iraqi campaign”.

**380.** Sir Christopher reported that General Tommy Franks, Commander in Chief CENTCOM, would give President Bush his plans in early August. If the President was happy, visible preparations would probably begin in the autumn or early winter. The US expected to secure sufficient co-operation from neighbouring countries for military action.

**381.** Sir David Manning commented to Mr Blair that these were: “Further signs that Bush is impatient to move. Little reassurance on the political context.”<sup>154</sup>

### **Mr Blair’s press conference, 25 July 2002**

**382.** In his press conference on 25 July, Mr Blair stated that he thought it unlikely that Iraq intended to comply with its obligations.

**383.** Mr Blair also stated that the evidence on Iraq’s WMD would be published when he judged the moment was right.

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<sup>153</sup> Letter Meyer to Manning, 24 July 2002, ‘Iraq’.

<sup>154</sup> Manuscript comment Manning to Prime Minister, 25 July 2002, on Letter Meyer to Manning, 24 July 2002, ‘Iraq’.

**384. Mr Blair continued to reserve his position about whether a new Security Council resolution would be required to authorise military action.**

**385.** During Prime Minister's Questions (PMQs) on 24 July, Mr Blair was asked by Mr Peter Kilfoyle (Labour) whether, in the event of the US commencing military action during the Recess, Mr Blair would recall Parliament before any British forces were committed. Mr Blair replied that "we have not yet got to the stage of military action"; if that stage was reached "at any point", Parliament would be "properly consulted".<sup>155</sup>

**386.** In his press conference on 25 July, Mr Blair repeated the line that he had taken at the Liaison Committee on 16 July that Iraq's position on WMD was an issue.<sup>156</sup> He emphasised that no decision had been taken about how to deal with it and the need to avoid "getting ahead of ourselves". He was not prepared to speculate about an area of such "tremendous sensitivity".

**387.** Asked why he had refused to pledge a vote in the House of Commons before any military activity, Mr Blair said that the House of Commons would be consulted but it was important to follow the precedents and there was no point in speculating at that point about the right way to consult the House. He was not going to pin himself down to any specific form of consultation.

**388.** Asked why the promised dossier laying out the evidence against Saddam Hussein had not appeared, Mr Blair stated that it would be published when he judged it to be the right moment.

**389.** Asked whether the UK would actively be encouraging the US Administration to seek a new UN Security Council resolution as a pre-requisite for military action, Mr Blair replied:

"What is important is that whatever action we take, should we take action, it is done in accordance with international law. I don't think we can judge the issue of UN resolutions at this present moment ... the most important thing is to go back to ... the UN resolutions that we have ... I haven't fully caught up on the exact state of the negotiations between the UN Secretary-General and the Iraqis, but the omens don't look very good frankly for Iraq.

"... the issue is, is there any point in reviving those negotiations ... because it seems somewhat unlikely that the Iraqis intend to comply."

## **FCO advice, 26 July 2002**

**390. In response to the request following the discussion on 23 July discreetly to work up the ultimatum to Saddam Hussein, No.10 was advised on 26 July that there would be "formidable obstacles to overcome" to secure agreement to a new**

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<sup>155</sup> House of Commons, *Official Report*, 24 July 2002, column 975.

<sup>156</sup> The National Archives, *Prime Minister's Press Conference*, 25 July 2002.

**resolution incorporating an ultimatum without convincing evidence of a greatly increased threat from Iraq.**

**391. It would not be easy to persuade the US to support an ultimatum given the US concerns to avoid a resolution which would constrain its freedom.**

**392. An ultimatum issued by the US/UK might have presentational utility but it would have no legal force.**

**393.** Mr Simon McDonald, Mr Straw's Principal Private Secretary, responded to Mr Rycroft on 26 July with advice on "how to get the Security Council to issue some sort of ultimatum ahead of any military action".<sup>157</sup>

**394.** The letter reflected advice from the UK Permanent Mission to the UN in New York and the British Embassy Washington and a list of elements which might be incorporated in a new resolution was enclosed with the letter. It was envisaged that:

- Iraq's failure to co-operate would be condemned as a "flagrant violation" of its obligations;
- the ultimatum would take the form of a demand for UNMOVIC and the IAEA to be allowed "immediate, unconditional and unrestricted access"; and
- the resolution would declare that, if Iraq did not comply, it would be clear that it had "no intention of complying with its obligations".

**395.** The letter stated:

- To carry conviction an ultimatum would have to be "couched as a Chapter VII Security Council resolution" deciding that Iraq is in "flagrant violation of SCR 687 and other relevant resolutions" and calling on Iraq to allow "immediate, unconditional, and unrestricted access to any and all areas", as specified in resolution 1284 (1999), by a given date.
- There were "likely to be formidable obstacles to overcome" to secure a resolution "unless there was convincing evidence of a greatly increased threat from the Iraqis".
- The US "vigorously asserted the right of individual Member States to determine whether Iraq has breached the cease-fire" set out in resolution 687 (1991), "irrespective of whether the Council" had "made such an assessment". The US would "argue against establishing an ultimatum which they would see as interfering with that right". The US would "also argue that faced with a credible ultimatum Iraq would make a show of co-operation to secure a delay, muddy the waters and split the Council"; and that Iraq would restrict the inspectors' access to facilities.

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<sup>157</sup> Letter McDonald to Rycroft, 26 July 2002, 'Iraq: Ultimatum' attaching Paper 'Elements which might be incorporated in an SCR embodying an ultimatum to Iraq'.

- If the US accepted the idea, Russia and China would reject it: “They would see it as a precursor to military action. The US might be able to win over the Russians ... The Chinese might then follow.”
- France would still need “to be brought on board”. It would be “highly suspicious if they thought the purpose of an ultimatum was to legitimise military action rather than get the inspectors in”.
- If the US “refused outright to countenance” a resolution with an ultimatum, or the US and UK “failed to persuade” other Permanent Members, “there might be merit ... in a bilateral US/UK ultimatum on the model used before the start of hostilities in Afghanistan”. That “might be a useful manifesto of our aims ... with sceptical governments and public opinion. But it would have no legal force.”
- There were risks. Opponents might table a resolution condemning an ultimatum, arguing that as the US and UK would not be “*claiming* to be acting in self-defence under Article 51 of the UN Charter (as we were in Afghanistan)”, an ultimatum “would amount to a threat of a use of force, breaching Article 2(4), which prohibits this”. The UK might find itself “having to veto [such a resolution], leaving us worse off than if we had not tried this route at all”.
- An “essential first step would be to sound out the Americans” on which the FCO was “now putting action in hand”.

**396.** The letter stated that the FCO was reconsidering additional UN routes to put pressure on Iraq – travel bans, new measures to screen Iraq’s borders. While such proposals were “likely to fail”, they would “help us demonstrate that we have tried to use the UN route ... if they succeeded, we would benefit from increased pressure on the Iraqi regime. We would also buy time.”

**397.** The FCO was “giving further thought to what more we might be able to do to convince the Security Council, European Union and other governments that Saddam represents a clear and present danger. The Cabinet Office paper [the draft ‘dossier’ on Iraq] when the right time comes for its release, will clearly be an important element of this.”

**398.** A copy of the FCO letter was sent to the Private Offices of Mr Hoon and the Cabinet Secretary, and to Mr Scarlett.

**399.** It was not sent to Lord Goldsmith.

**400.** Mr Straw and Secretary Powell discussed developments on 26 July and agreed to meet in August.

**401.** Mr Straw sent Mr Blair a personal, handwritten letter setting out his concerns which he framed in terms of doubts about the strength of the case that had been made for military action against Iraq.



**402.** Mr Blair recognised the difficulties but commented that it was hard to see a way through unless “we just don’t do it”; and he thought it was right to take action.

**403.** Mr Straw spoke to Secretary Powell on 26 July to seek a one-to one discussion on Iraq in late August.<sup>158</sup>

**404.** Secretary Powell told Mr Straw that meetings in the US “the week after next” would “become ‘much more serious’ but would not necessarily accelerate the timing of any action”.

**405.** Mr Straw stated that Iraq was “an increasingly big issue in the UK”. As well as planning military action, there was a need “to make the case in public for such action”. There was also a need for a process, as had happened in relation to Afghanistan, for “getting as many people on board internationally as possible”.

**406.** Mr Straw and Secretary Powell discussed the papers prepared for publication on Iraq and whether they set out the case against Iraq in strong enough terms. Secretary Powell said that Mr Tenet was looking at a paper for possible publication. Mr Straw “rehearsed the history” of the UK paper (see Section 4.1) and said: “Objectively, the case against Iraq was third or fourth strongest; Iraq was not in a top priority category of its own.”

**407.** Mr Straw told Secretary Powell that serious people were writing to Mr Blair questioning “how was Iraq different from North Korea Libya or Iran” and “why was action necessary now”. Sir Michael Quinlan, a former Permanent Under Secretary of the MOD, had asked what had changed in the last year, and whether there was really any evidence that Saddam Hussein was about to use WMD. Sir Michael had concluded that not much had changed.

**408.** Mr Straw told Secretary Powell that he “knew that some issues were difficult in Washington – weapons inspectors and issuing an ultimatum – but they still had to be faced”.

**409.** Mr Straw’s view was that Saddam Hussein was “evil but not insane”. Secretary Powell referred to the warning about the use of WMD the US had issued to Saddam Hussein in 1991.

**410.** Mr Straw and Secretary Powell also discussed the consequences of military action; and that the only way to ensure a strong central government would be for the US and UK to stay on. That might require “an army of occupation for years to come”.

**411.** As well as the formal record of the discussion, Mr Straw sent Mr Blair a handwritten letter rehearsing doubts about the strength of the case for military action against Iraq.<sup>159</sup>

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<sup>158</sup> Minute McDonald to Ricketts, 26 July 2002, ‘Iraq’.

<sup>159</sup> Letter (handwritten) Straw to Blair, 26 July 2002, ‘Iraq’.



**412.** Mr Straw wrote that it could be argued that “deterrence and containment had worked up to now: what was the case that argued they would not work in future?” He also pointed out that the regional reactions were “All too clear, I fear, unless a stronger case is better made.” Mr Straw added his own concern about “the survival of your government” because of unease in both the Cabinet and the PLP; and the desire for “a case which has yet to be made”. Without that, Mr Straw advised “the most serious divisions would open up”.

**413.** In his memoir, Mr Straw wrote that the letter had “set out the hazards ahead if our handling of Iraq went wrong” and that it had ended: “And you know where some (not so loyal) are on all this. Licking their lips at the possibility of regime change nearer home.”<sup>160</sup>

**414.** Mr Blair commented to officials in No.10:

“I entirely agree with all this. But it is hard to see the way through, unless we just don’t do it. But I think it’s right to do it.”<sup>161</sup>

### **Mr Blair’s Note to President Bush, 28 July 2002**

**415.** Mr Blair sent President Bush a “Note on Iraq” on 28 July.<sup>162</sup>

**416.** The Note began:

“I will be with you, whatever. But this is the moment to assess bluntly the difficulties. The planning on this and the strategy are the toughest yet. This is not Kosovo. This is not Afghanistan. It is not even the Gulf War.

“The military part of this is hazardous but I will concentrate mainly on the political context for success.”

**417.** Mr Blair stated that getting rid of Saddam Hussein was:

“... the right thing to do. He is a potential threat. He could be contained. But containment ... is always risky. His departure would free up the region. And his regime is ... brutal and inhumane ...”

**418.** Mr Blair wrote that the first question was whether the US wanted or needed a coalition. He stated that the US “could do it alone, with UK support”, but drew attention to the dangers of “unintended consequences”, writing:

“Suppose it got militarily tricky. Suppose Iraq suffered unexpected civilian casualties. Suppose the Arab street finally erupted eg in [...] Suppose Saddam felt sufficiently politically strong, if militarily weak in conventional terms, to let off WMD. Suppose that, without any coalition, the Iraqis feel ambivalent about being invaded and

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<sup>160</sup> Straw J. *Last Man Standing: Memoirs of a Political Survivor*. Macmillan, 2012.

<sup>161</sup> Manuscript comment Blair to Powell on Letter (handwritten) Straw to Blair, 26 July 2002, ‘Iraq’.

<sup>162</sup> Note Blair [to Bush], 28 July 2002, ‘Note on Iraq’.

real Iraqis ... decide to offer resistance. Suppose ... that any difficulties, without a coalition, are magnified and seized on by a hostile international opinion. If we win quickly, everyone will be our friend. If we don't ... recriminations will start fast.

"None of these things might happen. But they might ... And there is one other point. We will need to commit to Iraq for the long term. Bedding down a new regime will take time. So, without support, the possibility of unintended consequences will persist through and beyond the military phase."

**419.** Mr Blair stated that he was "keen on a coalition, not necessarily military but politically".

**420.** Addressing the nature of a coalition, Mr Blair wrote that he was "a little alarmed" about the reports he had been given of US optimism about support from Arab nations and Europe. That was not his reading, and:

"The trouble is, everyone says: they will support action, but they add a rider ... [which] is not always sufficiently heard or spoken."

**421.** Mr Blair identified three key areas where, in his view, changes would be needed before there would be support for action on Iraq:

- the Middle East Peace Process would need to be in a different place;
- specific UN authority; and
- public opinion in the UK, Europe and the Arab world was "quite simply on a different planet" from opinion in the US.

**422.** Mr Blair added that "right now", he "couldn't be sure of support from Parliament, Party, public or even some of the Cabinet"; and that, "oddly", Russia might be their "best ally".

**423.** Mr Blair set out six elements for "A Strategy for Achieving a Coalition".

**424.** Addressing "The UN", Mr Blair wrote:

"We don't want to be mucked around by Saddam ... and the danger is he drags us into negotiation. But we need, as with Afghanistan and the ultimatum to the Taliban, to encapsulate our casus belli in some defining way. This is certainly the simplest. We could, in October as the build up starts, state that he must let the inspectors back in unconditionally and do so now, ie set a 7-day deadline. It might be backed by a UNSCR or not, depending on what support there was (and I am not sure anyone, at present, would veto it if Russia was on board). There would be no negotiation. There would be no new talks with Annan. It would be: take it or leave it."

**425.** Mr Blair added that he knew there would be "reluctance" to that approach:

"But it would neutralise opposition ... If he did say yes, we continue the build-up and we send teams over and the moment he obstructs, we say: he's back to his games.

That's it. In any event, he probably would screw it up and not meet the deadline, and if he came forward after the deadline, we could just refuse to deal."

**426. "The Evidence":** Mr Blair wrote that he had been told that the US thought evidence was unnecessary but his view was "we still need to make the case". He suggested:

"If we recapitulate all the WMD evidence; add his attempts to secure nuclear capability; and, as seems possible, add on the Al Qaida link, it will be hugely persuasive over here. Plus ... the abhorrent nature of the regime. It could be done simultaneously with the deadline."

**427. "MEPP":** Mr Blair wrote that it would be "essential" for Arab support for negotiation to have started "in earnest". It was "worth a real effort to get a proper negotiation going", and that wouldn't start unless someone took charge of the detail.

**428. Addressing Iraq "Post Saddam",** Mr Blair wrote:

"Suppose we were able to say ... Regime change is vital and, in the first instance, it must be one that protects Iraq's territorial integrity and provides stability; and hence might involve another key military figure. But it should lead in time to a democratic Iraq governed by the people. This would be very powerful. I need advice on whether it's feasible. But just swapping one dictator for another seems inconsistent with our values."

**429.** Mr Blair suggested that some in the "**Arab/Moslem World**" would "fall into line", but others would not; and Syria and Iran "might be actively hostile or use it as a means to support terrorism in Israel". A "dedicated effort" was needed "to woo the Arab world", and "to offer hardliners a very hard-headed partnership or put them on the 'axis of evil' list".

**430.** Mr Blair wrote that "**Afghanistan**" had to be "going right, not wrong". It was "our one act of regime change so far, so it had better be a good advertisement", and his "hunch" was that it needed "renewed focus and effort".

**431.** Mr Blair wrote that both Turkey and the Kurds would "need to be OK". They might be the "easiest" [members of a coalition]: "They both want our help badly and will play ball if offered enough."

**432.** Mr Blair told President Bush that he would be "happy to try to pull this [the strategy] together; ie to dedicate myself to getting all these [six] elements ... sorted, including involving myself in the MEPP". But it would need "a huge commitment in time and energy", and was "only really worth doing if we are all on the same page".

**433.** In a final section on "**The Military Plan**", Mr Blair wrote:

"Finally, obviously, we must have a workable military plan. I don't know the details yet, so this is first blush.

“The two options are running start and generated start.

“The first has the advantage of surprise; the second of overwhelming force. My military tell me the risks of heavy losses on the running start make it very risky. Apparently it involves around 15-20,000 troops striking inside Iraq, with heavy air support. The idea would be to catch the regime off balance, strike hard and quickly and get it to collapse. The obvious danger is [that] it doesn’t collapse. And there is the risk of CW being used.

“For that reason, a generated start seems better. It could always be translated into a more immediate option, should Saddam do something stupid. Also, the build-up of forces in such numbers will be a big signal of serious intent to the region and help to pull people towards us and demoralise the Iraqis. This option allows us to hammer his air defences and infrastructure; to invade from the South and take the oilfields; to secure the North and protect/stabilise the Kurds. Then effectively with huge force we go on to Baghdad.”

**434.** Mr Blair concluded:

“We would support in any way we can.

“On timing, we could start building up after the break. A strike date could be Jan/Feb next year. But the crucial issue is not when, but how.”

**435.** Mr Powell told the Inquiry that Mr Blair was seeking a partnership with President Bush and seeking to persuade him to move in a particular direction by providing a framework for action.

**436.** Mr Powell told the Inquiry that the Note was “a very important one ... trying to make it clear the basis on which we thought it would be sensible to go ahead”, and the basis on which the US should go to the UN. Mr Blair was “talking about ... the danger of unintended consequences”.<sup>163</sup>

**437.** Addressing what was meant by the reference to unintended consequences, Mr Powell stated that the Iraqis would “feel ambivalent about being invaded. If we win quickly everyone will be our friend. If we don’t, and they haven’t been bound in beforehand, the recriminations will start fast.” Mr Blair was “arguing to put this [action against Iraq] in a political context and to do it in a way that would win support of a wide coalition as with Afghanistan”.

**438.** Asked if Mr Blair was trying to offer Britain’s support in return for influence over the means for taking action, Mr Powell replied:

“Obviously, there is a trade-off between convincing someone that you are with them, that you believe what they are trying to do and you are going to try to help them and

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<sup>163</sup> Public hearing, 18 January 2010, pages 38-39.

getting some influence. If you just go to someone and say, 'You're completely wrong. Forget it', the amount of influence you are likely to have ... is less.

"So ... there is a trade-off between indicating you are with someone and then persuading them to move down a particular route."<sup>164</sup>

**439.** Asked whether the elements that would be essential for success were red lines for the UK and absolutely essential or whether they were things that would be nice to have but the UK would go along with the policy whatever happened, Mr Powell said that Mr Blair was not setting conditions for UK participation in military action:

"The point of these Notes is to try and set out the right way to do it ... [T]hinking of them in terms of conditions is the wrong way to look at it. We weren't trying to say 'If you tick off all these boxes, then we will be with you'. We were saying 'We are with you in terms of what you are trying to do, but this is the sensible way to do it. We are offering you a partnership to try to get to a wide coalition'.

"But being with the Americans didn't necessarily mean going to war. The Prime Minister said repeatedly to President Bush that if Saddam complied with the UN Resolutions, then there would not be any invasion and President Bush agreed with him on that.

"... So the Prime Minister was saying, 'We are with you. We need to go down the UN route, but that does not necessarily mean war. It may well be that Saddam could comply well short of war.'"<sup>165</sup>

**440.** Mr Powell emphasised that telling the US there were "pre-conditions" would have been a mistake; the UK was "setting out a framework" and "trying to persuade them to move in a particular direction".<sup>166</sup>

**441. Sir David Manning confirmed that Mr Blair himself had written the Note he sent to President Bush on 28 July.**

**442.** Sir David Manning told the Inquiry that Mr Blair had drafted the Note to President Bush himself. Sir David had tried to take the first sentence out because it was "too sweeping", it seemed to him "to close off options", and he did not think that that was "a sensible place to be".<sup>167</sup>

**443.** Asked who else had seen the Note in draft, Sir David Manning stated:

"The only other person I'm aware of who saw the Note in draft was Jonathan Powell ... I went to Jonathan and said, 'The Prime Minister should not say this', and we went up to the flat. We talked through with him [Mr Blair], and I said that the first

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<sup>164</sup> Public hearing, 18 January 2010, pages 39-40.

<sup>165</sup> Public hearing, 18 January 2010, pages 40-41.

<sup>166</sup> Public hearing, 18 January 2010, pages 77-78.

<sup>167</sup> Private hearing, 24 June 2010, pages 49-50.

sentence should come out and Jonathan agreed, but the Prime Minister decided to leave it.

“I have always assumed, incidentally, because he saw it as a rhetorical flourish, not because at that stage he was thinking anything in terms of what the scale of commitments might be. But it was a sort of emotional statement, I think. But it seemed to me that it went further than we should have gone.”<sup>168</sup>

**444.** Asked if he thought it “was heard” in the sense Mr Blair intended, Sir David replied:

“... I just don’t know. I thought there was a risk it would be taken at face value. I can’t tell you whether it actually was ...”

**445.** Asked how often his advice was declined on a matter like this, Sir David replied that there were:

“... not many such moments ... he [Mr Blair] was willing to listen to advice, but he was absolutely happy to pursue his own course ... he was elected and it was [for] him to decide.

“But the Prime Minister had strong views about things. He was absolutely open to debate, but on a lot of things, if he’d made up his mind, he’d made up his mind.”<sup>169</sup>

**446. In his evidence to the Inquiry, Mr Blair offered further insights into his thinking.**

**447.** In his memoir, Mr Blair wrote:

“So it’s impossible not to read the accounts of the meetings during that time without an assumption of a decision already taken.

“But here is the difference between everyone else and the final decision taker. Everyone can debate and assume; only one person decides. I knew at that moment that George had not decided. He had ... a conceptual framework in which the pivotal concept was that Saddam had to come fully into compliance and disarm but he had taken no final decision on the way to make him.

“In late July, I sent George another personal, private note ...”<sup>170</sup>

**448.** Mr Blair described the Note to President Bush as “setting the case for going the UN route; and stressing again the Middle East Peace Process”. Following the Note he had:

“... reflected with the closest team on the different strands of the challenge. If it came to war, how did we do it with [the] least bloodshed? That was the military question. On the basis that we did it, how did we maximise the coalition? That was

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<sup>168</sup> Private hearing, 24 June 2010, page 50.

<sup>169</sup> Private hearing, 24 June 2010, page 51.

<sup>170</sup> Blair T. *A Journey*. Hutchinson, 2010.



the UN question. And how did we do it without provoking uproar across the Middle East? That was the Arab question.”

**449.** The Inquiry asked Mr Blair to address in a written statement how the US Administration would have interpreted the opening sentence of his Note and whether that corresponded with the degree of the commitment he wanted to give.<sup>171</sup>

**450.** Mr Blair did not respond directly. In the context of a section of his statement addressing the fact that the US had no need of a further UN resolution before acting, Mr Blair wrote that the Note had:

“... set out ... the strong reason why, politically, I thought a UN resolution was necessary, primarily to build a broad coalition against Saddam and to show we were prepared to disarm him peacefully.”<sup>172</sup>

**451.** Mr Blair also wrote:

“I could not and did not offer some kind of ‘blank cheque’ in how we accomplished our shared objectives.”<sup>173</sup>

**452.** Asked subsequently to tell the Inquiry what was in the Note, Mr Blair said that he thought he had amended the opening sentence and commented: “Frankly I think he [Sir David Manning] would have preferred me not to have given any undertaking at all.”<sup>174</sup>

**453.** Mr Blair stated:

“What I was saying to President Bush was very clear and simple. It is: You can count on us. We are going to be with you in tackling this, but here are the difficulties.”

**454.** The Note had been “about all the issues and difficulties”. In Mr Blair’s view, there was “a very clear and simple decision to take”. America was “going to tackle this issue”. His first question for President Bush was “do we want it to be a coalition?” His “belief was it was extremely important for the international community to hold together at this point”. He did not see 11 September “as an attack on America”. It was “an attack on us ... the West”.<sup>175</sup>

**455.** Mr Blair added:

“America could do it unilaterally. Of course they could, but I would prefer them to do it multilaterally. So in a sense what I was saying to America was ... ‘Whatever the political heat, if I think this is the right thing to do I am going to be with you. I am not

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<sup>171</sup> Inquiry request for a written statement, 13 December 2010, Qs 2e and 2f, page 1.

<sup>172</sup> Statement, 14 January 2011, page 5.

<sup>173</sup> Statement, 14 January 2011, page 4.

<sup>174</sup> Public hearing, 21 January 2011, page 47.

<sup>175</sup> Public hearing, 21 January 2011, pages 47-48.



going to back out because the going gets tough. On the other hand, here are the difficulties and this is why I think the UN route is the right way to go’.”

**456.** Mr Blair was “absolutely sure” that was how President Bush had interpreted the Note.<sup>176</sup>

**457.** Asked whether the language he had used in his Note was wholly consistent with his statement for the Inquiry, in which he had written that he had not offered the US a blank cheque, Mr Blair told the Inquiry that he “did not think the Americans were in any doubt at all about what was being said”.<sup>177</sup> He could not recall all the precise conversations, but “this [the Note] was entirely consistent also” with what he was saying publicly.

**458.** Mr Blair told the Inquiry that he was:

“... trying to get them very substantially to change their position. Their position had been ‘we are going to do it’. Then their position had been because I had asked them ‘Okay with an ultimatum.’ Now their position with huge opposition within his system was going to be ‘We are going to put this back in the lap of the United Nations’.

“Some of the people in his Administration were saying ‘You are crazy. You are going to put it back into the bureaucracy of the UN they will swallow it up. You will be back to all this playing around. In the meantime you have this guy doing what he is doing, sitting there and nothing happening.’

“So I was having to persuade him to take a view radically different from any of the people in his Administration so what I was saying to him is ‘I am going to be with you in handling it this way. I am not going to push you down this path and then back out when it gets too hot politically, because it is going to get hot for me politically, very, very much so.’

“I did this because I believed in it. I thought it was the right thing to do ... frankly, whatever phrasing I used, I accept entirely I was saying ‘I am going to be with America in handling this. However, we should handle it this way’. That was in the end what they agreed to do. The single thing that is most important over anything else in this whole business ... is that [resolution] 1441 [agreed in November 2002] represented a huge compromise on his part and a huge opportunity for the international community to get its act together.”<sup>178</sup>

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<sup>176</sup> Public hearing, 21 January 2011, page 48.

<sup>177</sup> Public hearing, 21 January 2011, page 49.

<sup>178</sup> Public hearing, 21 January 2011, pages 49-51.

## SIR DAVID MANNING'S VISIT TO WASHINGTON

**459.** Before his visit to Washington, Mr Scarlett provided Sir David with a list of points where more information was needed about Iraq and its intentions, for his “back pocket”, including:

- “• Iraq’s CBW and ballistic missile capability ...
- Saddam’s ‘red lines’ which would provoke him to use CBW against coalition forces or his neighbours.
- What Saddam plans to do if there is a credible military force being prepared ... Does he [Saddam] consider pre-emption a possibility?
- Will he fully accept inspectors if the US threat seems imminent? If he does accept (likely ...), how open is he willing to be?
- The cohesion of key military and security organisations ... At what point will they desert/stop doing their duty?
- Who might act against Saddam and would they act before Baghdad is occupied by coalition forces?
- The prospects for an uprising of the civil populace in Shia cities and what the [Iraqi] security forces’ response would be.
- The likely popular attitude to a US invasion and the arrival of US or allied troops on their territory.
- What would be the Israeli response to an Iraqi CBW attack?”<sup>179</sup>

**460.** Sir David Manning had a “pre-meeting” with Mr Armitage.<sup>180</sup>

**461.** Mr Rycroft’s record of the meeting stated that Sir David and Mr Armitage discussed the US and UK positions.<sup>181</sup>

**462.** The US focus was on the disarmament of Iraq, not the re-admittance of inspectors. Sir David had raised questions about Saddam Hussein’s capabilities and intentions and the importance of the UN route with an ultimatum for political and “optical” reasons, not just legal reasons, to change the international context. It would have to be a tough ultimatum with a short timeframe and no wriggle-room which shifted the onus onto Saddam Hussein.

**463.** Sir David told the Inquiry that he had raised a number of detailed points with Mr Armitage:

“... Why now? What if Saddam Hussein were to use weapons of mass destruction during a military campaign? What would follow military action? What role ... would

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<sup>179</sup> Minute Scarlett to Manning, 26 July 2002, ‘Iraq: We do not know enough about ...’.

<sup>180</sup> Public hearing, 30 November 2009, page 16.

<sup>181</sup> Minute Rycroft to Manning, 31 July 2002, ‘Iraq: Armitage’.

the United States see the United Nations playing, and what was the United States planning to do about the Middle East Peace Process?”<sup>182</sup>

**464.** Sir David said he had told Mr Armitage that he “didn’t think we had answers to those questions”. Mr Armitage had replied that he thought they needed a lot more work and that: “It was better to be right than to hurry.”<sup>183</sup>

**465.** During his visit to Washington, Sir David Manning told President Bush that Mr Blair agreed Saddam Hussein had to go, but it would be impossible for the UK to take part in any action against Iraq unless it went through the UN.

**466.** Sir David reported that President Bush had been “very struck” by Mr Blair’s emphasis on an ultimatum; and that he had not yet made up his mind. Mr Blair should push the need for action through the UN and an ultimatum “very hard” in his telephone call with President Bush on 31 July.

**467.** Sir David Manning delivered the Note from Mr Blair to President Bush to Dr Rice on 29 July.<sup>184</sup> Sir David told the Inquiry that he and Dr Rice had discussed the Note during dinner. He had told her that, as the Note made clear:

- “Britain could only take part in any policy if it was part of a coalition which went through the United Nations.”
- The “Middle East Peace Process was absolutely critical”.
- “[S]o was the effort ... to explain why Iraq was an issue and why we felt we had to tackle it.”

**468.** Sir David told the Inquiry that he had also set out the questions he had raised with Mr Armitage.

**469.** Sir David Manning’s record of his discussion with Dr Rice for Mr Blair advised that he had indicated that the Note was sent personally to the President and not intended for wider circulation.<sup>185</sup> Sir David had concluded President Bush wanted the UK to be involved. There was some reluctance in the US Administration (to involve the UN), but Mr Blair “just might persuade” President Bush. If he did, that would “transform the public relations campaign and make action much easier to manage”.

**470.** A meeting in early September had also been discussed which would allow President Bush to hear “directly” what Mr Blair had to say.

**471.** Sir David cautioned that, until then, Mr Blair should “not ... commit” himself “formally and finally to anything, except moral support ... Leaving things open may

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<sup>182</sup> Public hearing, 30 November 2009, pages 16-17.

<sup>183</sup> Public hearing, 30 November 2009, pages 16-17.

<sup>184</sup> Public hearing, 30 November 2009, pages 17-18.

<sup>185</sup> Minute Manning to Prime Minister, 31 July 2002, ‘Iraq: Conversation with Condi Rice’.

increase the chance that he [President Bush] will take heed of the arguments in your Note and adjust his policy.”

**472.** Sir David Manning told the Inquiry that he had expected a further meeting with Dr Rice and others in the NSC the following morning.<sup>186</sup> To his surprise, he was instead invited to meet President Bush, and he and Dr Rice had a discussion with President Bush which lasted 30 or 40 minutes. President Bush had been briefed on the discussion the previous evening and had “clearly read and studied the Prime Minister’s Note”. Sir David had been asked to “go over [it] again”; and he had “repeated that it was impossible for the United Kingdom to take part in any action against Iraq unless it were through the United Nations. This was our preference but it was also the political reality.”

**473.** In his record of the discussion with President Bush, Sir David Manning wrote that he had said that Mr Blair agreed Saddam Hussein had to go:

“There was no difference about ends [regime change], but means was an issue. Iraq was politically very difficult ... We were not bidding for a role. We knew that the US could do the job alone. That would be fine by you if that was the President’s preference, in which case we would lend moral support. But if he wanted more ... from us, he had to understand the politics from your perspective.”<sup>187</sup>

**474.** Sir David Manning reported that President Bush had been “struck by your [Mr Blair’s] emphasis on the need for an ultimatum” which the Administration would need to think through.

**475.** Sir David told President Bush that if he:

“... preferred to work with a coalition, the UN route was the way to construct it. A tough, time-bound, ultimatum to Saddam at the end of the process would put him at a serious disadvantage while rallying the International community for action ... I thought you had no difficulty with the idea of pre-emption ... It was entirely understandable that we should try to pre-empt him. But it was vital to make the public case ... Awkward and time-consuming though it might be, this was the route calculated to help European leaders bring their publics and parliaments in support ... [President] Bush should be trying to catch all our fingers in the UN mangle.”

**476.** Sir David reported that President Bush had understood the point and the “issue he had to reflect on now was ‘how to set the stage’ so that we could pursue the goal together of getting rid of Saddam”.

**477.** Sir David’s report concluded that President Bush was keen to discuss the Note with Mr Blair on the telephone on 31 July; and that Mr Blair should go to Washington in September. Sir David advised: “I do not think this [the UN and an ultimatum] is yet a lost cause. My advice is that you should push it very hard.” President Bush “might decide

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<sup>186</sup> Public hearing, 30 November 2009, pages 18-19.

<sup>187</sup> Minute Manning to Prime Minister, 31 July 2002, ‘Iraq: Conversation with President Bush’.

to go this route if he thinks it is the key to your active support. If he does, it will transform the domestic and wider international context.”

**478.** Sir David recorded the conversations with both Dr Rice and President Bush in full.

**479.** Sir David discussed the record of his conversation with President Bush with Mr Blair at Chequers on 31 July. He told the Inquiry:

“... I saw the Prime Minister ... at Chequers, and I said to him that I did not think a return to the UN route was a lost cause and it was worth his while to continue to press the President to go down the UN route. Provisionally an agreement was reached ... for the Prime Minister to go and see the President as soon as the summer holidays were over, and this is what indeed he did.”<sup>188</sup>

**480. Sir David Manning told the Inquiry that he felt his meetings with Dr Rice and President Bush in Washington at the end of July, when he delivered Mr Blair’s Note, had reopened a debate in the US that might have been closed.**

**481.** Sir David Manning told the Inquiry:

“... I was quite clear, when I was sent to Washington at the end of July to talk about the state of the debate in America, that ... the United States could take military action if it wished to, but we could not do so unless the United States decided to go back to the United Nations.”<sup>189</sup>

**482.** Subsequently, Sir David Manning told the Inquiry that he had thought “at the end of July” that “[President] Bush had probably made up his mind he was just going to go and attack Iraq at some point over the next few months ... and that he had probably subscribed ... to the view that the UN was a distraction”.<sup>190</sup> President Bush had asked to see him because of the point he had made to Dr Rice that the UK could not participate without going back to the UN. While he was “wary about making this claim”, he had returned from Washington “feeling that it had reopened a debate that might have been pretty much closed”.

**483. Sir David drew attention to the emphasis he had put on the need for a new UN resolution in his discussions.**

**484.** Sir David stated:

“It was quite clear to me in the summer of 2002 that the only way we could accompany the Americans in a shift in policy that might conceivably lead to regime change was if they opted to go through the United Nations and if there were a new Security Council resolution ...

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<sup>188</sup> Public hearing, 30 November 2009, pages 22-23.

<sup>189</sup> Public hearing, 30 November 2009, pages 40-41.

<sup>190</sup> Private hearing, 24 June 2010, pages 55-56.

“... it would not have been possible to have softened those conditions, and so it was absolutely essential, as far as the British Government was concerned.”<sup>191</sup>

### Lord Goldsmith’s minute, 30 July 2002

**485.** Lord Goldsmith advised Mr Blair on 30 July that military action would be unlawful without a new determination by the Security Council of a material and flagrant breach by Iraq of its obligations. A new Security Council resolution explicitly authorising the use of force would be the most secure and preferred legal basis for the use of force.

**486.** A report that Mr Blair had been told “by the Government’s lawyers that British participation in an invasion of Iraq would be illegal” appeared in *The Independent* on 29 July.<sup>192</sup> The article also stated that senior government sources had said that Mr Blair had “also received conflicting legal opinion from law officers that current UN resolutions could offer sufficient cover for any military action”.

**487.** Lord Goldsmith sent Mr Blair a 16-paragraph minute on 30 July.<sup>193</sup> He wrote that, as the record of the 23 July meeting set out his views “only in summary form”, and “given the importance of this matter”, he had thought he should set out his advice “more fully”.

**488.** Lord Goldsmith recapitulated the advice he had given at the 23 July meeting and stated:

“A new Security Council resolution explicitly authorising the use of force under Chapter VII would plainly be the most secure, and preferred, legal basis for military action in the current situation. The question is whether anything less than this would make military action lawful.”

**489.** Addressing that question, Lord Goldsmith quoted the advice provided by Mr John Morris (Attorney General 1997 to 1999), supported by Lord Falconer (as Solicitor General), to Mr Blair in November 1997:

“Charles [Lord Falconer] and I remain of the view that, in the circumstances presently prevailing, an essential precondition of the renewed use of force to compel compliance with the cease-fire conditions is that the Security Council has, in whatever language – whether expressly or impliedly – stated that there has been a breach of the cease-fire conditions and that the Council considers the breach sufficiently grave to undermine the basis or effective operation of the cease-fire.”

**490.** Lord Goldsmith advised that reliance on the “revival” of the authorisation for the use of force in resolution 678 (1990) had been controversial when it was invoked by the

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<sup>191</sup> Public hearing, 30 November 2009, page 56.

<sup>192</sup> *The Independent*, 29 July 2002, *Blair is warned assault on Iraq would be ‘illegal’*.

<sup>193</sup> Minute Goldsmith to Prime Minister, 30 July 2002, ‘Iraq’.



UK in 1998 (Operation Desert Fox), because resolution 1205 (1998) did not itself contain any explicit authority to use force.

**491.** Lord Goldsmith wrote: “I believe that it is essential to show at least some determination by the Security Council itself that there has been a sufficiently significant violation of the cease-fire conditions.” Given the time that had elapsed and the impact of events, he did not “consider it legally possible to rely today on resolution 1205”.

**492.** Lord Goldsmith concluded:

“My view therefore is that in the absence of a fresh resolution by the Security Council which would at least involve a new determination of a material and flagrant breach [by Iraq of its obligations], military action would be unlawful. Even if there were such a resolution, but one which did not explicitly authorise the use of force, it would remain highly debatable whether it legitimised military action – but without it the position is, in my view, clear.

“The issuing of an ultimatum to Iraq may be helpful in delivering a clear political message to Iraq and ensuring that all possible steps have been taken to ensure Iraqi compliance before force is used. However an ultimatum, whether issued unilaterally or by the Security Council, would not in itself provide a separate legal base for the use of force.”

**493.** Copies of Lord Goldsmith’s minute were sent to Mr Straw and Mr Hoon.

**494. Mr Powell recorded that Mr Blair and Lord Goldsmith would “discuss further” in September.**

**495.** A note for the No.10 file written by Mr Powell on 31 July recorded that the:

“PM has seen [Lord Goldsmith’s minute], as has David Manning.

“I phoned Private Offices in FCO and MOD on 30/7, at the request of the AG [Attorney General] (and in his presence) to ask them to destroy their copies to avoid further leaks. PM to discuss further with AG in September.”<sup>194</sup>

**496. Mr Blair told the Inquiry that Lord Goldsmith’s advice of 30 July had convinced him that a new resolution was necessary, and that it needed to be the right resolution.**

**497.** Addressing the reference in his minute to reliance on previous resolutions, Lord Goldsmith told the Inquiry:

“... the revival argument depends on two things. It depends ... on the fact that resolution 678 authorised the use of force and that resolution 687 suspended it on conditions, but didn’t, in fact, cancel it ...

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<sup>194</sup> Note (handwritten) Powell, 31 July 2002, ‘File’.



“... the second requirement that someone has to make a determination of material breach. In 1998 a determination had been made by the Security Council in resolution 1205, actually not that there was a material breach, but that there was a flagrant violation. It sounds worse, actually it is not a legal term at all, and so it creates confusion ... in any event, there was a question whether ... in 2002 [you could], rely upon the fact that, in 1998, the Security Council had said that Iraq was in flagrant violation?”

“My view was ... no, you couldn’t, because a lot had happened since then and the Security Council might take a different view today.

“... you couldn’t rely on 1205 in my judgement in 2002, and you would therefore need to have at least a new determination by the Security Council ... that there was a material breach.”<sup>195</sup>

**498.** Lord Goldsmith told the Inquiry that he had sent his minute of 30 July because he did not want Mr Blair to be in any doubt that he could not agree with President Bush to use force without going back to the United Nations:

“I wasn’t asked for it. I don’t, frankly, think it was terribly welcome. I do believe that it may well have been one of the contributing factors to the Prime Minister, to his great credit, persuading President Bush that he must go down the United Nations route.”<sup>196</sup>

**499.** Mr Blair acknowledged that Lord Goldsmith’s advice had had an effect:

“... one of the things that was most important in us going down the UN route was precisely the legal advice we got.”<sup>197</sup>

**500.** Mr Blair stated:

“... what I took from the advice ... was that we needed a fresh resolution. I do point out that – because this was why at a later stage, I became concerned as to what the legal problem was, because, of course, we got a further resolution.”<sup>198</sup>

**501.** Asked whether Lord Goldsmith’s advice had been unwelcome, Mr Blair replied:

“It wasn’t that it was not particularly welcome ... I was dealing with what was already a difficult situation, and now I became aware we had to take a whole new dimension into account.”<sup>199</sup>

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<sup>195</sup> Public hearing, 27 January 2010, pages 21-22.

<sup>196</sup> Public hearing, 27 January 2010, page 23.

<sup>197</sup> Public hearing, 29 January 2010, page 143.

<sup>198</sup> Public hearing, 29 January 2010, pages 144-145.

<sup>199</sup> Public hearing, 29 January 2010, page 147.

**502.** Mr Blair added:

“... it actually then was very helpful for him to do this, because he focused our minds, quite rightly, on the need to get the right resolution in 1441 ... He wanted to make it absolutely clear that it wasn't merely ... going down the UN route, it is getting the right resolution that will be important.”<sup>200</sup>

### **Mr Blair's conversation with President Bush, 31 July 2002**

**503.** When Mr Blair spoke to President Bush on 31 July, the “central issue of a *casus belli*” and the need for further work on the optimal route to achieve that, was discussed.

**504.** Mr Blair said that he wanted to explore whether the UN was the right route to set an ultimatum or whether it would be an obstacle.

**505.** Mr Blair did not tell President Bush that he had been advised that the UK would need a new UN resolution to provide legal authority for military action.

**506.** Mr Blair spoke to President Bush on 31 July.<sup>201</sup> Mr Rycroft's letter recording the conversation stated that it had become clear during Sir David Manning's visit to Washington that the US was not about to take imminent action in Iraq and was focusing on the political context.

**507.** In his conversation with President Bush, Mr Blair had made clear that there was “no doubt that the UK would be with the US on Iraq”. He wanted to explore whether the UN route was the right way of setting an ultimatum or whether it would be an obstacle and further work on whether we should go for a UNSCR to address “how we could ensure that Saddam did not play us around”. There were many parts of Iraq into which Saddam Hussein could not allow the inspectors. It could be possible to construct a quick and neat ultimatum but, “If this route were not to produce the right result, we should not go down it.”

**508.** Mr Blair added that he had an “open mind”:

“If the ultimatum were too difficult or if it complicated the task, we should not do it. But, if we could, it would be the simplest way of building the coalition and weakening the opposition to military action. Focusing on the end-state of a democratic Iraq would give us the moral high ground.”

**509.** Mr Blair had also discussed the importance of moving forward the MEPP, including to secure the support of Arab leaders, and the possibility of a visit to the US in the autumn.

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<sup>200</sup> Public hearing, 29 January 2010, page 148.

<sup>201</sup> Letter Rycroft to McDonald, 31 July 2002, 'Iraq: Prime Minister's Phone Call with President Bush, 31 July'.

**510.** Copies of Mr Rycroft's letter were sent to Mr Hoon's Private Secretary, and to Sir Richard Dearlove, Mr Scarlett, Sir Jeremy Greenstock and Sir Christopher Meyer.

**511.** A separate, fuller record of the discussion was prepared for Sir David Manning and Mr Powell.<sup>202</sup> It focused on the "central issue of a casus belli" and the need for further work on the optimal route to achieving that. Sir David should work with the White House on the possibility of a Security Council resolution and how an ultimatum might be fashioned.

**512.** Mr Blair told President Bush that he was not yet fully abreast of all the military options.

**513.** Mr Rycroft commented that the UK now had "an opening to explore ... precisely how the ultimatum would be framed, and how we would pursue it".

**514. In preparation for a meeting with President Bush in early September, No.10 commissioned further advice for Mr Blair. But Mr Blair was adamant that knowledge of the substance of his proposals to President Bush should be limited.**

**515.** Mr Rycroft commissioned more detailed advice from the FCO on a UN ultimatum, "both on what it would look like and on how we would achieve it", for Mr Blair's return to work in late August.<sup>203</sup>

**516.** Sir David Manning sent the records of his conversations with Dr Rice and President Bush and No.10's internal note of Mr Blair's telephone call with President Bush to the FCO on 1 August, for Mr Straw "to pick up on 19 August" before the possible meeting with Secretary Powell.<sup>204</sup>

**517.** In his minute to Mr Straw, Sir David wrote:

"The Prime Minister is adamant that they [the papers] must be seen by no-one but you. They are not being copied anywhere else in Whitehall. Only you and he are therefore fully aware of what was said and what has now been decided on follow up."

**518.** In a separate letter to Mr Brenton at the British Embassy Washington on 2 August, Sir David Manning sent a copy of the records of the discussions with Dr Rice and President Bush, with an instruction that they were to be seen by Mr Brenton and Sir Christopher Meyer only. They were not to be mentioned to anyone else in Whitehall "including the FCO".<sup>205</sup>

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<sup>202</sup> Minute Rycroft to Manning, 31 July 2002, 'Iraq: Prime Minister's Phone Call with President Bush, 31 July'.

<sup>203</sup> Letter Rycroft to McDonald, 31 July 2002, 'Iraq: Prime Minister's Phone Call with President Bush, 31 July'.

<sup>204</sup> Minute Manning to Secretary of State [FCO], 1 August 2002, 'Iraq'.

<sup>205</sup> Letter Manning to Brenton, 2 August 2002, 'Iraq'.

**519.** Sir David wrote:

“The Prime Minister is adamant that they [the records] should not be circulated to anyone except the Foreign Secretary.

“Nevertheless I am clear that you and Christopher must have sight of them. I therefore enclose a set, together with the Note for No.10’s internal consumption of the Prime Minister’s call to the President on Wednesday. Please hold all very tightly.”

**520.** In a discussion with Mr Straw on 5 August, Secretary Powell informed him that he had seen Mr Blair’s Note to President Bush.<sup>206</sup>

**521.** Sir David Manning sent copies of Mr Blair’s Note to President Bush and the records of his own conversations in Washington to Sir Michael Jay on 7 August.<sup>207</sup> Sir David informed Sir Michael that copies had already been sent on a personal basis to Mr Straw, Sir Christopher Meyer and Sir Richard Dearlove. Mr Blair was “adamant that these papers should not be circulated” although he had agreed that Mr Straw and Sir Michael should have a set. Copies should be held “very tightly”. Mr Ricketts had seen the documents but did not have a copy: “Absolutely no reference should be made to them to anyone else in Whitehall.”

**522.** Sir David informed Sir Michael Jay that Mr Blair and Mr Bush had agreed to set up small working groups “to examine the feasibility of the UN/ultimatum route” and report by the end of August. Mr Ricketts had agreed that Mr Chaplin would take that forward. Sir David wrote that he had “explained, in general terms” what was happening to Sir Jeremy Greenstock, but Sir Jeremy had “not seen the records”. A meeting between Mr Blair and President Bush was being planned for early September.

**523.** There is no evidence that Mr Hoon, Lord Goldsmith or the Cabinet Secretary were informed of the Note from Mr Blair to President Bush or the subsequent discussions.

## Conclusions

**524.** Although Mr Blair had proposed a strategy based on an ultimatum calling on Iraq to permit the return of inspectors or face the consequences to President Bush at Crawford, by mid-July 2002 little progress had been made.

**525.** By July, the UK Government had concluded that President Bush was impatient to move on Iraq. It was concerned that the US Administration was contemplating military action in circumstances where it would be very difficult for the UK to participate in or, conceivably, to support that action.

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<sup>206</sup> Letter Davies to Manning, 5 August 2002, ‘Iraq’.

<sup>207</sup> Letter Manning to Jay, 7 August 2002, ‘Iraq’.

**526.** Mr Blair continued to offer the US support for its goal of regime change in Iraq but was concerned about the impact of unilateral US military action on the UK's strategic interests across a wide range of issues.

**527.** Mr Blair's meeting with Ministerial colleagues on 23 July was not seen by those involved as having taken decisions.

**528.** Further advice and background material was commissioned, including on the possibility of a UN ultimatum to Iraq and the legal basis for action, on the assumption that the UK would take part in any military action.

**529.** Mr Blair was advised that there would be "formidable obstacles" to securing a new UN resolution incorporating an ultimatum without convincing evidence of a greatly increased threat from Iraq. A great deal more work would be needed to clarify what the UK was seeking and how that objective might best be achieved.

**530.** Mr Blair's Note to President Bush of 28 July sought to persuade President Bush to use the UN to build a coalition for action by seeking a partnership with the US and setting out a framework for action.

**531.** Mr Blair told President Bush that the UN was the simplest way to encapsulate a "casus belli" in some defining way, with an ultimatum to Iraq once military forces started to build up in October. That might be backed by a UN resolution.

**532.** Mr Blair thought it unlikely that Saddam Hussein intended to allow inspectors to return. If he did, the JIC had advised that Iraq would obstruct the work of the inspectors. That could result in a material breach of the obligations imposed by the UN.

**533.** The Note reflected Mr Blair's own views. The proposals had not been discussed or agreed with his colleagues.

**534.** Sir David Manning told President Bush that Mr Blair agreed Saddam Hussein had to go, but it would be impossible for the UK to take part in any action against Iraq unless it went through the UN.

**535.** Mr Blair's initiative had the effect of setting the UK on a path leading to diplomatic activity in the UN and the possibility of participation in military action in a way that would make it very difficult for the UK subsequently to withdraw its support for the US.

## SECTION 3.4

### DEVELOPMENT OF UK STRATEGY AND OPTIONS, LATE JULY TO 14 SEPTEMBER 2002

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## Introduction and key findings

1. This Section addresses the development of UK policy on Iraq and the UK's discussions with the US between the end of July and President Bush's speech to the UN General Assembly on 12 September 2002, in which he challenged the UN to act to address Iraq's failure to meet the obligations imposed by the Security Council since Saddam Hussein's invasion of Iraq in August 1990.
2. The Joint Intelligence Committee (JIC) Assessment of Iraq's chemical and biological weapons and potential scenarios for their use, of 9 September 2002, is addressed in Section 4.2. That Section also addresses the FCO briefing on Iraq's weapons of mass destruction (WMD) and the production of the Iraq dossier, which was published on 24 September 2002 and debated in both Houses of Parliament.
3. The development of options for a possible UK contribution to a US-led military invasion of Iraq is addressed in Section 6.1.
4. By late July 2002, the arrangements for a post-Saddam Hussein Iraq had been identified as a crucial element for success in the event of regime change in Iraq, however that occurred. UK planning for that is addressed in Section 6.4.

### Key findings

- In discussions with the US over the summer of 2002, Mr Blair and Mr Straw sought to persuade the US Administration to secure multilateral support before taking action on Iraq; and to do so through the UN. They proposed a strategy in which the first objective was to offer Iraq the opportunity and "last chance" to comply with its obligations to disarm.
- If Iraq did not take that opportunity and military action was required, the UK was seeking to establish conditions whereby such action would command multilateral support and be taken with the authority of the Security Council.
- Mr Blair also decided to publish an explanation of why action was needed to deal with Iraq; and to recall Parliament to debate the issue.
- The UK made a significant contribution to President Bush's decision, announced on 12 September, to take the issue of Iraq back to the UN.
- Statements made by China, France and Russia after President Bush's speech highlighted the different positions of the five Permanent Members of the Security Council, in particular about the role of the Council in deciding whether military action was justified. As a result, the negotiation of resolution 1441 was complex and difficult.

## Advice for Mr Blair following his meeting of 23 July 2002

### MOD advice on the military options, 26 July 2002

**5.** In response to the request following the meeting on 23 July for full details of the proposed military campaign and possible UK contributions, the MOD advised No.10 on 26 July:

- US military planning was still evolving and the Chiefs of Staff were not yet able to judge whether the US had a winning concept.
- Three possible options for a UK contribution were identified but no recommendation was made about which option should be selected.

The advice was sent to Mr Blair on 31 July, as one of several background papers he had commissioned at his meeting on 23 July for summer reading.

**6.** Mr Blair was advised that no decision was needed at that stage.

**7.** The three options identified by the MOD remained the broad framework for discussions until the end of 2002.

**8.** The record of Mr Blair's meeting on 23 July stated that the UK should work on the assumption that it would take part in any military action against Iraq and that Admiral Sir Michael Boyce, Chief of the Defence Staff (CDS), could tell the US that the UK was considering a range of options.<sup>1</sup>

**9.** Adm Boyce was asked to send Mr Blair full details of the proposed military campaign, and options for a UK contribution, by 30 July or earlier if they were available.<sup>2</sup>

**10.** The MOD advice on options for a UK contribution to US-led military operations in Iraq was provided in a letter to Mr Matthew Rycroft, Mr Blair's Private Secretary for Foreign Affairs, on 26 July.<sup>3</sup>

**11.** The MOD advised that US military planning was "in full swing but it was still evolving". The concept was for an attack launched by forces deployed in Kuwait and from other Gulf States and from ships in the Gulf and elsewhere. The plan was "neither fully developed nor finalised". The Chiefs of Staff were "not yet able to judge whether this is a winning concept". Greater clarity would be needed "before any UK option could be recommended".

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<sup>1</sup> Minute Rycroft to Manning, 23 July 2002, 'Iraq: Prime Minister's Meeting, 23 July'.

<sup>2</sup> Letter Rycroft to McDonald, 23 July 2002, 'Iraq Prime Minister's Meeting, 23 July: Follow Up'.

<sup>3</sup> Letter Watkins to Rycroft, 26 July 2002, 'Iraq'.

**12.** The MOD stated that it was “clear that the US plan of attack from the South” did not “need British land forces”:

“... in the time available there is very little scope for the preparation and integration of British land forces into the US order of battle; moreover the logistic space available in Kuwait, with five divisions worth of equipment and logistics support entering through only one airhead and a single port would already be confined ...”

**13.** Adm Boyce recommended three options:

- **Package 1:** an “in-place support package” using forces already in the region and US use of UK bases.
- **Package 2:** an “enhanced support package” comprising Package 1 and additional air and maritime forces. That package could include forces that would be “of particular interest to the US because of their own deficiencies, e.g. mine clearance vessels and air-to-air refuellers for their carrier-based aircraft”. While no conventional land forces could meet the timescales for the deployment of maritime and air forces: “Special Forces could be deployed very rapidly to match US timescales and priorities. This is likely to be very attractive to US planners, and their contribution to success would be significant.”
- **Package 3:** a “discrete UK package” based on deployment of an armoured division which the MOD envisaged would be used in northern Iraq, in addition to the forces in Packages 1 and 2. The MOD stated that a force that was “credible” would be required: “Even to create uncertainty in the mind of Saddam”, and the contribution of a division “would probably require command and control at Corps level. The UK might consider providing an armoured division either as part of a US-led Corps or as part of a larger coalition force possibly led by the UK using the framework of the NATO Allied Rapid Reaction Corps [ARRC].”

**14.** The MOD highlighted problems with:

- the concept of a “Running Start”;
- the fragility of the logistic chains; and
- vulnerability to chemical or biological weapons.

**15.** The MOD stated that “thinking about dealing with the aftermath of a successful attack remains sketchy”.

**16.** Finally, the MOD drew attention to the funding which would be required once a decision in principle was made to participate in military activity.

**17.** Mr Geoff Hoon, the Defence Secretary, attached “two large caveats” to all three options.

- First, the timescales were “best planning estimates” and made “sweeping assumptions” about basing, transit routes, and overflights. They also assumed

that funding would be available to improve sustainability and implement Urgent Operational Requirements (UORs).

- Secondly, if the Armed Forces were required to provide 18,000-20,000 people for an emergency fire service in the event of a nationwide firefighters' strike (Operation FRESCO), and the US started military action in winter 2002/3, only the in-place support package and Special Forces would be available.

**18.** Mr Hoon had commissioned further work with a view to expediting what would need to be done once a decision in principle had been taken. UK representatives at a US Central Command (CENTCOM) planning meeting the following week would be instructed "to set our options positively but without committing us to any specific ones". The MOD would write again as soon as there was "greater clarity about the US plan, such that the Chiefs can update their assessment of it (and the risks involved) and the Defence Secretary can make recommendations about the best option to pursue".

**19.** Copies of the letter were sent to the Private Offices of Mr Jack Straw, the Foreign Secretary, and the Cabinet Secretary, and to Mr John Scarlett, Chairman of the JIC.

**20.** The MOD advice and subsequent developments in its contingency planning during August are addressed in Section 6.1.

**21.** Mr Rycroft submitted the letter to Mr Blair on 31 July, as one of several "background papers you commissioned at the Iraq meeting last week" for "summer reading".<sup>4</sup>

**22.** Mr Rycroft commented to Mr Blair:

"The military are not yet ready to make a recommendation on which if any of the three options to go for. They are continuing to work with the US military. Nor can they yet judge whether the US have a winning concept. You do not need to take decisions yet."

**23.** Sir David Manning told the Inquiry that Mr Blair had said:

"... he didn't want to take any decision or accept any of these options. I think in retrospect ... this was because ... this was the time ... when we were pressing for the Americans to consider the UN route. I think he didn't want to give any signal that he was keen to think about a military alternative ..."<sup>5</sup>

**24.** The other background papers sent to Mr Blair included advice from the FCO on the attitudes of allies, the history of weapons inspection, and from Mr Scarlett on the cohesion of the Iraqi regime.<sup>6</sup> Those are addressed later in this Section.

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<sup>4</sup> Minute Rycroft to Prime Minister, 31 July 2002, 'Iraq: Background Papers'.

<sup>5</sup> Public hearing, 30 November 2009, page 36.

<sup>6</sup> Minute Rycroft to Prime Minister, 31 July 2002, 'Iraq: Background Papers'.

**25.** A manuscript note records that the papers were seen by Mr Blair.<sup>7</sup>

### **The attitudes of allies**

**26.** The FCO advised that achieving an EU consensus on Iraq would be difficult.

**27.** Sir John Holmes advised that it would be difficult to persuade France to support military action but “not totally impossible”.

**28.** There was a striking congruence between the conditions Mr Blair had raised in his discussions with President Bush and the conditions identified by France and other allies to help secure support – UN legitimacy; public presentation of credible evidence on WMD; consultation, including on “day after” questions; and a visible attempt to revive the MEPP.

**29.** Following the meeting on 23 July, Mr Straw was asked to provide advice on the positions of countries in the region and the background on UN inspections.<sup>8</sup>

**30.** The FCO provided advice on the attitudes of EU partners to military action against on 30 July.<sup>9</sup> It stated that the JIC would be producing an Assessment of the attitudes of regional governments.

**31.** In relation to EU partners, a short paper was provided based on the advice of FCO posts. The UK had deliberately tried to keep Iraq off the EU agenda because “debate would be futile and would merely expose differences”. That restraint was “increasingly hard to sustain” because of speculation about military action. Achieving an EU consensus on military action would be “difficult”, but a number of factors might help. These included:

- “achieving some sort of UN legitimacy, preferably ... a new resolution; a real effort to get the inspectors in and public presentation of credible WMD evidence”;
- “genuine consultation” by the US “before ... action starts”. That would “need to cover the day-after questions”; and
- “a visible effort by the US to revive the MEPP”.

**32.** As part of the preparation of that advice, Sir John Holmes, British Ambassador to France, addressed the attitude of the new French Government led by President Jacques Chirac.

**33.** In a telegram about France-US relations on 24 July, Sir John advised that the French Government wanted a better dialogue with the US and that “for EU and

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<sup>7</sup> Manuscript comment Rycroft on Minute Rycroft to Prime Minister, 31 July 2002, ‘Iraq: Background Papers’.

<sup>8</sup> Letter Rycroft to McDonald, 23 July 2002, ‘Iraq Prime Minister’s Meeting, 23 July: Follow Up’.

<sup>9</sup> Letter Davies to Rycroft, 30 July 2002, ‘Iraq: Attitudes of Regional States and EU Partners’ attaching Paper ‘Military Action against Iraq: Attitudes of EU Countries’.

transatlantic reasons we have a strong interest in encouraging the French down this road”.<sup>10</sup> France was worried that the US wished to “free itself of external constraints and its readiness to consider short-term and military solutions do not add up to a coherent and sustainable approach to international problems”. It particularly feared “the consequences of an attack on Iraq”.

**34.** Subsequently on 26 July, Sir John advised that France would be “difficult to bring on board for action against Iraq” for the reasons he had set out in his telegram of 19 February (see Section 3.2).<sup>11</sup> But “despite opposition in the French media and public”, there was:

“... a better chance with [President] Chirac and his new team in place – particularly if certain conditions can be met (credible plan; answers to the day after questions; prospect of international support and legal cover; consultation with France in advance). Neutrality in the event of action is certainly possible. Participation unlikely but not totally impossible – the French want to have a say in what happens afterwards.”

**35.** Sir John added that the new French Government would be “more inclined to keep their doubts private and to engage with the Americans”. The UK needed to “encourage” and “to talk to the French ourselves”.

**36.** The key elements of Sir John’s analysis were:

- The new French Government had said nothing in public, in the lead up to the election and subsequently, about possible US military action against Iraq. They had “stuck rigidly to the need for Iraq to accept the unconditional return of inspectors”. That was “partly driven” by their desire “to avoid public disagreement with the US” but also reflected “their belief that the UN track represents the best hope of averting a military solution, and that P5 [the five Permanent Members of the Security Council] consensus is essential to getting the inspectors back in”.
- “Privately” the Quai d’Orsay (the French Foreign Ministry) accepted that the chances of avoiding military action were “more or less gone”, and it was “deeply concerned about the implications of an attack on Iraq”, which one senior official had described as “highly unwise”.
- President Chirac had more freedom of movement after the election “should he choose to use it”; but he would have his “work seriously cut out in shifting press and public opinion in favour of military action” if that was what he wanted to do.
- France was not encouraged by the absence of progress since February.
- UN backing was “particularly important ... not just because of the Quai’s approach to international law, but because they also see it as critical to winning

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<sup>10</sup> Telegram 461 Paris to FCO London, 24 July 2002, ‘France-US Relations’.

<sup>11</sup> Telegram 467 Paris to FCO London, 26 July 2002, ‘Iraq: Attitudes of EU Partners’.



the support of enough of the Arab world. The French would be prepared to go a long way to secure UN support for a military operation, which they believe might just be obtainable if (a very big if) the Americans want it enough ... [O]n past precedent, formal UN authorisation is not an absolute requirement ... But what would be indispensable would be a Security Council statement (not necessarily in the form of a SCR [Security Council resolution]) that Iraq was in breach of its obligations and a warning making clear to Iraq the consequences of continued violation.”

- The new Government had been “careful not to rule out the possibility of French participation in an operation with UN backing ... They know that ... French interests in the region will be tied to the success or failure of US action. The French will certainly not want to be excluded from what happens afterwards. This will increase the pressure on them to acquiesce in any action ...”

**37.** Sir John’s view was that France shared the UK’s desire to avoid “a great European split”. He advocated engagement “seriously and early ... at every level, including Chirac”. That:

“... should not just be, or seem to be, as a catspaw for the Americans, when our minds are already made up and decisions taken, but as a genuine open-ended and open-minded consultation. They will respond well if they think we are serious.”

**38.** Information on Iraq’s WMD was “a particularly urgent priority”. France accepted “in principle that after 11 September we cannot watch while WMD threats develop”, but was “not yet convinced that Iraq presents an imminent, severe danger, and certainly not one that justifies the wider risks of a military operation”.

**39.** Mr Rycroft sent Sir John Holmes’ telegram of 26 July with the FCO advice of 30 July to Mr Blair on 31 July.<sup>12</sup>

## UN inspections

**40.** The FCO response to Mr Blair’s request for a background paper on UN inspections was to provide a copy of the relevant section from the draft dossier prepared for publication.

**41.** In response to Mr Blair’s request for background on UN inspections, Mr Straw’s Private Secretary advised that the “best available assessment” was in the “Cabinet Office document now awaiting a decision on publication”.<sup>13</sup> He provided the section on the ‘History of UN Inspections in Iraq’ dated 20 June (see Section 4.1), which described

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<sup>12</sup> Minute Rycroft to Prime Minister, 31 July 2002, ‘Iraq: Background Papers’.

<sup>13</sup> Letter Davies to Rycroft, 29 July 2002, ‘Iraq: Prime Minister’s Meeting 22 [sic] July’.



the activities of the United Nations Special Commission (UNSCOM) and the International Atomic Energy Agency (IAEA) in Iraq before their withdrawal in December 1998, stating:

- “The history of UN weapons inspections in Iraq has been characterised by persistent Iraqi efforts to frustrate, deceive and intimidate inspectors.”
- Despite that, UNSCOM and the IAEA had “a valuable record of achievement in discovering and destroying biological and chemical weapons stocks, missiles and the infrastructure for Iraq’s nuclear weapons programme”.
- By the end of 1998, “significant uncertainties about the disposition of Iraq’s prohibited programmes” remained when “A series of confrontations and the systematic refusal of Iraq to co-operate, left UNSCOM unable to perform its disarmament mandate and the inspectors withdrew on 13 December 1998.”
- Since December 1998, Iraq had “refused absolutely to comply with its UN disarmament and monitoring obligations and allow access to weapons inspectors”.
- The UK judged that Iraq had “used the intervening 40-month period to rebuild significant aspects of its chemical, biological, nuclear and ballistic missile programmes”.
- Those actions “not only” presented “a direct challenge to the authority of the United Nations”, they also breached “Iraq’s commitments under two key international arms control agreements”, the Biological and Toxin Weapons Convention<sup>14</sup> and the Nuclear Non-Proliferation Treaty.<sup>15</sup>

**42.** The document described the UN’s inspections mandate in Iraq, recorded “some instances of Iraqi obstruction” and focused on “one of the most egregious examples on non-compliance”, its denial of a biological weapons programme.

**43.** The document concluded with a “summary of developments” since December 1998 and the steps Iraq needed to take “if the international community was ever to have any assurance that Saddam Hussein’s ambitions to develop ... WMD have finally been thwarted”. That summary referred to the report to the Security Council by the UNSCOM Chairman in 1999 as a “damning account of Iraqi deceit”; and to the establishment of a UN Monitoring, Verification and Inspection Commission (UNMOVIC). It described “full co-operation with UN inspectors, including unconditional, immediate and unrestricted access to any and all sites” as a “key measure” of Iraqi compliance. It ended with a statement that:

“In the interests of regional and global security, the international community cannot allow this stand off to continue indefinitely.”

**44.** Resolution 1284, adopted by the UN Security Council in December 1999 after considerable debate and disagreement, is addressed in Section 1.1.

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<sup>14</sup> “which bans the development, production, stockpiling, acquisition or retention of biological weapons”.

<sup>15</sup> “which prohibits Iraq from manufacturing or otherwise acquiring nuclear weapons”.

## Iraqi regime cohesion

**45. Mr Scarlett advised on 31 July that Iraq considered a US attack to be likely.**

**46. There was no intelligence of serious rifts within the regime and the perception that senior members would be targeted by the US gave them no incentive to work directly against Saddam Hussein.**

**47. Some key members of Saddam Hussein's regime were reported to favour allowing inspectors to return.**

**48. Popular uprisings would only be possible if there was a credible coalition attack "with the clear intention of finishing off the regime".**

**49.** On 31 July, Mr Scarlett provided a note "examining the weaknesses and sources of friction within the regime", in response to a request from Sir David Manning, Mr Blair's Foreign Policy Adviser and Head of the Overseas and Defence Secretariat (OD Sec), for more work on the cohesion of the Iraqi regime.<sup>16</sup> As well as internal regime tensions, which had been examined in the JIC Assessment of 4 July, 'Iraq: Regime Cohesion', and discussed in Mr Blair's meeting of 23 July (see Section 3.3), Mr Scarlett addressed military preparations and the attitudes of the Iraqi populace.

**50.** Mr Scarlett wrote that the Iraqi regime considered a US attack to be "likely"; and it saw the "greatest threat in the short term as coming from an 'Afghanistan' scenario of air strikes and Special Forces supporting an internal uprising". But Saddam Hussein was "beginning to realise that a much larger US military operation" was "now possible".

**51.** The UK had no "intelligence suggesting any serious rifts within the senior members of the regime". There were differences within the Iraqi regime over permitting the return of UN inspectors. Mr Tariq Aziz, the Deputy Prime Minister, Mr al-Hadithi, the Foreign Minister, Mr Izzat Ibrahim al-Duri, the Vice Chairman of the Revolutionary Council, and Mr Uday Hussein, Saddam Hussein's son, were "reportedly ... more in favour". Mr Scarlett judged that policy differences were "unlikely to be a serious concern" for Saddam Hussein: he totally dominated the regime and "despite any damage to his prestige from allowing the return of inspectors" there was "little risk to him personally from making sharp changes in policy". He had "done so in the past" and his deputies disagreed "at their peril". It was "likely that senior members of the regime" judged that "the US threat to topple the regime" would "include them". There was "little or no incentive for them to work directly against Saddam".

**52.** Conditions inside Iraq were better than they were "immediately before the start of the Oil-for-Food (OFF) programme in late 1996"; but the "greatest losers under sanctions" had been the middle classes. There was "no reliable information on public opinion inside Iraq", but a belief that the Iraqi population was "cowed by Saddam's security apparatus".

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<sup>16</sup>Minute Scarlett to Manning, 31 July 2002, 'The Iraqi Regime: Risks and Threats'.

**53.** The Kurds were “content with the status quo”. They had “a significant degree of independence and, as the Kurds did not contribute to compensation payments from OFF revenue to Kuwait, they had done “disproportionately well from OFF”. Their goal was “significant **autonomy** in a federal Iraq”. They remained “wary of backing US military action too openly”.

**54.** The Iraqi regime was “relatively sanguine about the risk of opposition” in the South, and deemed the “main threat” to be “from **SCIRI** [Supreme Council for Islamic Revolution in Iraq] and its military wing, the **Badr Corps**”. The UK lacked “reliable intelligence on the size and attitudes of particular tribes in southern Iraq”.

**55.** Mr Scarlett concluded:

“... until the regime’s military and security forces have been significantly weakened by external attack, neither SCIRI nor these tribal insurgents can present a significant threat to regime control. Once the regime’s security and military apparatus begins to crack, however, a more general uprising is quite possible, as in 1991. Only a credible coalition attack with the clear intention of finishing off the regime will overcome the local population’s natural sense of caution. After all, the precedent of 1991 showed that the regime was allowed brutally to re-establish its control without significant interference from coalition forces.”

**56.** In response to a request from Mr Jonathan Powell, Mr Blair’s Chief of Staff, Mr Scarlett also sent Mr Blair “classified reading material on Iraq” produced by the US, and the following documents produced by the Defence Intelligence Staff (DIS):

- ‘Removing Saddam’, an evaluation of options for removing Saddam produced in March 2002 (see Section 6.1);
- ‘The Iraqi Defence Profile’, an overview of Iraq focusing particularly on Iraq’s military and security organisations, produced in 1999;
- ‘Proliferation Study of Iraq’, an in-depth study of each of Iraq’s programmes to develop weapons of mass destruction, produced in August 2002;
- an ‘aide memoire on WMD and Proliferation’, including Iraq, produced in June 2002;
- ‘Profile: Saddam Hussein’, produced in April 2001;
- ‘The Iraqi Tribes: Their Identity and Role in Internal Security’, produced in June 2002;
- ‘The Iraqi Ba’ath Party’, produced in February 2002;
- ‘The Iraqi Opposition’, produced in June 2002; and
- ‘Infrastructure Briefing Memorandum’, produced in January 2002.<sup>17</sup>

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<sup>17</sup>Minute Scarlett to Powell, 1 August 2002, ‘Iraq: Classified Reading Material’.

- 57.** It is clear from the documents on the No.10 files that Mr Blair had read them.
- 58.** When No.10 asked for reading material for Mr Gordon Brown, the Chancellor of the Exchequer, Mr Scarlett provided the same documents.<sup>18</sup>
- 59.** Further information from the DIS 'Proliferation Study of Iraq' and its 'aide memoire on WMD and Proliferation' can be found in Section 4.2.

### **JIC Assessment, 5 August 2002: 'Iraq: Regional Attitudes and Impact of Military Action'**

- 60.** On 5 August, the JIC provided further advice on the attitudes of regional states to military action against Iraq, which it described as a "key issue" facing Ministers.
- 61.** The judgements in the Assessment reflected the conditions which had already been identified in policy papers and discussions.
- 62.** The Assessment identified that the US must continue to convince regional governments of its determination and ability to remove Saddam Hussein quickly and offer credible plans for the aftermath.
- 63.** At the request of the MOD, the JIC reconsidered the judgements in its Assessment of 19 April (see Section 3.3), 'Iraq: Regional Attitudes', on regional attitudes to military action and how much support or opposition they might offer.<sup>19</sup> It also assessed the impact of military action on the internal stability of regional states.
- 64.** In its discussion of the draft Assessment on 31 July the JIC identified Iraq as:

"... an immensely important issue for Ministers and the paper would therefore be read widely and with great interest. It looked specifically at the implications of military options but needed to spell out more, the huge ambiguities and doubts in the region about the timing of any US attack, as well as the likely aftermath ... The success of any US action would also depend partly on whether the objective was for the West to have control over Iraq in the longer term ... The overview ... was rather negative but in fact governments in the region would rather like to be rid of Saddam;

"the key issue facing Ministers now was gauging what Iraq's neighbours would say ... the draft Assessment was a little too conventional on this point and did not really get beneath the surface ... Iran's reactions were the most difficult to gauge but would be crucial and would merit fuller treatment in a separate paper."<sup>20</sup>

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<sup>18</sup> Minute Scarlett to Rycroft, 5 September 2002, 'Iraq: Classified Reading Material'.

<sup>19</sup> JIC Assessment, 5 August 2002, 'Iraq: Regional Attitudes and Impact of Military Action'.

<sup>20</sup> Minutes, 31 July 2002, JIC meeting.

65. In its Key Judgements, which were very similar to those of 19 April, the JIC concluded:

- “No regional state, including Iran and Syria, would give Iraq significant practical support against a US-led attack.”
- “Turkey would be willing to provide basing for a US-led attack on Iraq. Provided there were no worsening of the security situation in Palestine, Kuwait [...] would provide basing or staging support [...].”
- “Saudi Arabia would be very unlikely to provide basing. It might approve some over-flights, but possibly only for non-offensive operations. It would distance itself from US-led military action, [...].”
- “Arab governments’ support would be badly damaged if Israel used a US-led attack on Iraq [...]. Their support might also be reduced if any military campaign is prolonged or causes many civilian casualties.”
- “A US-led attack on Iraq would spark large-scale protests across the Arab world. Security forces would probably be able to maintain control, at least initially, [...] Anti-Western sentiment in the region would not dissipate quickly and could boost popular sympathy for extremist causes, including Al Qaida.”<sup>21</sup>

66. In the Assessment itself, the JIC stated that Iraq had “no real allies” but regional States were influenced by a long list of factors which made “winning any support [for military action] an uphill struggle”. Those factors were:

- There was a “deep Arab concern” that they were “being called on to support an attack on a fellow Muslim country.
- Events in Israel/Palestine remained “a primary focus” for Arab States: “No Arab State is persuaded that Saddam should be dealt with before there is a substantial movement towards resolution of the Palestinian problem.”
- For Arab States, “concerns about military action” owed “more to fears about potential internal instability than to any affection for Saddam”.
- There was “uncertainty over US resolve”. Regional support might “firm up when a credible plan” was “on the table” and preparations had begun: “**A quick build up and a rapid and decisive victory**, with low civilian casualties, would minimise popular discontent, especially if the Iraqi people welcomed Saddam’s overthrow”.
- “A UN Security Council resolution justifying force would make it easier for regional governments to justify publicly their acquiescence to US military action. Otherwise, regional States would want stronger evidence of Iraq’s continued pursuit of WMD and that the return of weapons inspectors had been visibly pursued and exhausted.”

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<sup>21</sup> JIC Assessment, 5 August 2002, ‘Iraq: Regional Attitudes and Impact of Military Action’.

- “Most regional governments would be happy to see Saddam’s demise. But they would be likely to have profound misgivings about a campaign without a well-constructed plan for a new Iraq. All agree that Iraq’s territorial integrity must be maintained. But there are differing regional concerns about the place of the Kurds and Shia in any new regime, the type of government and its relationship with the West. Arab States want Iraq to remain a counter-balance to Iran.”
- There were “**economic** concerns about the effect of lost trade”.

67. In addition, the Assessment included the following points:

- The “volatility in Israel/Palestine” continued to “dominate the Arab World’s attention. The pro-Western Arab States may accept a military build up in the region, even in the absence of more concrete progress on Palestine. But we assess that in the run up to an Iraq campaign, **Arab governments’ support could be withdrawn with any worsening of the Israel/Palestine security situation.**”
- “As the originator of the Arab peace initiative, Crown Prince Abdullah [of Saudi Arabia]” remained “focused on Palestine”. If there was “little progress there” or the US was “perceived as resistant to Saudi pressure” that would be “damaging to his domestic credibility”. Anti-US sentiment remained “strong” and the JIC judged that “for the next few months at least”, there was “no prospect of Saudi Arabia agreeing to provide basing for US military action ... even if the prospects for the return of inspectors” remained “slim”.
- Iran feared “eventually being targeted by the US” and was “seriously alarmed at the prospect of greater encirclement by the US if a pro-Western regime were installed in Baghdad”. Once a US attack began, the JIC assessed that Iran “would probably boost its support for Shia groups working against Saddam, with the aim of increasing its own influence in Iraq”. The JIC judged that the Iranian Islamic Revolutionary Guard Corps (IRGC) “would be likely to work directly to undermine US influence, e.g. by manipulating Iraqi groups through propaganda and the selective provision of money and arms, although it would not undertake anything that would provoke US military retaliation”.
- “In the build up to an attack ... Saddam would seek to speak direct to the ‘Arab street to incite unrest ... Saddam may also begin a campaign of **terrorism and sabotage**, possibly even before an attack began. Iraq has consistently failed in previous attempts to conduct successful attacks, either through its own agents or by proxy ... But there is a risk that once Saddam was convinced a regime threatening attack was inevitable he could become more willing to adopt extreme, unpredictable and unorthodox courses of action.”

68. The implication of the Assessment was that the US “must continue to convince regional governments of its determination and ability to remove Saddam quickly and offer credible plans for the aftermath”.



## Discussions with the US, August 2002

### Developments in the US, early August 2002

**69. Debate about the strategy towards Iraq continued in Washington during August.**

**70. The MOD reported on 12 August that President Bush had authorised preparatory military activities.**

**71.** A meeting of the US National Security Council chaired by President Bush was held on 5 August to review what Vice President Dick Cheney described as “the latest iteration of the war plan”.<sup>22</sup>

**72.** In his memoir, General Tommy Franks, Commander in Chief CENTCOM, described his strategic objective as regime change and his operational objectives as securing the oil fields and water infrastructure, while preventing Iraq’s use of long-range missiles and WMD.<sup>23</sup> He wrote that he had told the meeting that, “In a month”, the US would have the lead elements for a “Running Start” force in place. In response to a question from Mr Donald Rumsfeld, Secretary of Defense, Gen Franks confirmed that would not take the US beyond a point of no return.

**73.** Mr George Tenet, Director of Central Intelligence, was reported to have replied to a question from President Bush about the Iraqi people’s reaction to the overthrow of Saddam Hussein: “Most Iraqis will rejoice when Saddam is gone.”<sup>24</sup>

**74.** In his book published in 2012 Mr Colin Powell, US Secretary of State, wrote that he and President Bush had met on the evening of 5 August “to discuss the pros and cons of the Iraq crisis. Momentum within the administration was building towards military action and the President was inclined in that direction.”<sup>25</sup> In Secretary Powell’s view “not enough attention had been given either to non-military options or to the aftermath of a military conquest”. He was concerned about the unpredictable consequences and had told President Bush: “if you break it, you own it”.

**75.** Secretary Powell wrote that, after listening carefully to the presentation, President Bush had asked for recommendations and that he [Powell] had replied:

“We should take the problem to the United Nations ... Iraq is in violation of multiple UN resolutions. The UN is the aggrieved party. Let’s see if there might be a diplomatic solution to the WMD issue. If not, and war becomes necessary, you will be in a better position to solicit the help of other nations to form a coalition.”

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<sup>22</sup> Cheney D & Cheney L. *In My Time: A Personal and Political Memoir*. Simon & Schuster, 2011.

<sup>23</sup> Franks T & McConnell M. *American Soldier*. HarperCollins, 2004.

<sup>24</sup> Cheney D & Cheney L. *In My Time: A Personal and Political Memoir*. Simon & Schuster, 2011.

<sup>25</sup> Powell C with Koltz T. *It Worked for Me: In Life and Leadership*. Harper Perennial, 2012.



**76.** Secretary Powell wrote that President Bush had added:

“... if the UN certifies to our satisfaction that there are no weapons of mass destruction ... that problem would be solved, but Saddam would still be in power. Is his elimination worth a war?”

**77.** On 12 August, the MOD reported that President Bush had authorised preparatory military activities and that the inter-agency process in Washington had been launched.<sup>26</sup>

**78.** An article published on 15 August by General Brent Scowcroft, the former National Security Advisor to President George H Bush, argued that the US should not attack Saddam Hussein; it should be pressing the United Nations Security Council to insist on an effective no-notice inspection regime for Iraq.<sup>27</sup>

**79.** Mr John Howard, the Australian Prime Minister, had also told President Bush that “a UN resolution was essential to win public support”.<sup>28</sup>

### Iraq's position

On 1 August, Dr Naji Sabri, the Iraqi Foreign Minister wrote to Mr Kofi Annan, UN Secretary-General proposing a further round of technical talks in Baghdad between Iraqi technical experts and UNMOVIC:

“... to review what was accomplished in disarmament issues between May 1991 until December 1998, to look into the remaining issues ... included in the report of Ambassador Amorim to the Security Council on 30 March 1999, and to study and assess their importance and decide upon measures to resolve them when the inspection team returns to Iraq.”<sup>29</sup>

Dr Sabri wrote that the aim to reach “common ground on the scientific and practical criteria that will be adopted to treat and resolve what UNMOVIC might see as pending issues”.

That would be part of the process “to progress towards a comprehensive solution and concurrent implementation of all the requirements of relevant Security Council resolutions”.

On 12 August, Mr Mohammed Saeed al-Sahhaf, the Iraqi Information Minister was reported to have rejected calls for weapons inspectors to return to Iraq on the grounds that their work had been completed.<sup>30</sup> Mr Sahhaf was also reported to have said that it was “a ‘lie’ that Iraq still had weapons of mass destruction”.

<sup>26</sup> Letter Davies to Wechsberg, 12 August 2002, ‘Iraq: US Contingency Planning’.

<sup>27</sup> *Wall Street Journal*, 15 August 2002, *Don't Attack Saddam*.

<sup>28</sup> Bush GW. *Decision Points*. Virgin Books, 2010.

<sup>29</sup> *BBC News*, 2 August 2002, *Iraq's letter to the United Nations*.

<sup>30</sup> *BBC News*, 12 August 2002, *Iraqi Minister rejects inspections*.

On 15 August, Dr Sabri sent a further letter to Mr Annan, repeating the offer of technical discussions and asking for answers to questions to the questions it had presented to the Security Council in March 2002.<sup>31</sup>

## Mr Straw's meeting with Secretary Powell, 20 August 2002

**80. The British Embassy Washington warned that many in the US Administration were talking about “when” military action would be taken, not “if”; and that the views of Vice President Cheney and Secretary Rumsfeld were likely to prevail over those of Secretary Powell.**

**81.** Following their discussion on 26 July (see Section 3.3), Mr Straw had agreed with Secretary Powell that he should make an unpublicised visit to the USA on 20 August.

**82.** Mr Tony Brenton, Deputy Head of Mission at the British Embassy Washington, wrote to Mr Straw's Private Office on 15 August to provide “a snapshot of the public mood and what we are hearing from contacts on Iraq”.<sup>32</sup> He wrote:

“Despite repeated affirmations that no decisions have yet been taken, there is a general assumption that the [US] Administration is moving towards military action to remove Saddam ... The private language of the ... majority of those to whom we speak is ‘when rather than if’. There have been a string of ... leaks from the Pentagon about the feasibility and means of doing this ... the President held a carefully publicised meeting with Franks at the start of this month to look at military options. Over the past few days we have begun to hear a consistent line from the Administration ... on why Saddam should be removed (BW [biological weapons/ warfare], links to terrorism, threat to neighbouring states, brutal oppressor). And [John] Bolton [US Under Secretary of State for Arms Control and International Security] told me yesterday that the US is planning to run a roadshow in the Autumn about the threat of Iraq's WMD.

“This does not mean the matter is yet settled. The debate on military tactics has died down and is now focusing on some other very big problems. These include widely publicised fears about possible use by Saddam of his WMD and the risk of Israel being drawn in to a war ... and the need to build more international support for US actions.”

**83.** Mr Brenton advised that the US felt a:

“... strong diplomatic and presentational need for the support, and perhaps involvement, of a few key allies – with the UK close to the top of the list. They of

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<sup>31</sup> UN Security Council, 15 August 2002, ‘Letter dated 15 August 2002 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General’ attaching ‘Letter Sabri to Annan, 15 August 2002’, (S/2002/939).

<sup>32</sup> Letter Brenton to Private Secretary [FCO], 15 August 2002, ‘Iraq’.

course recognise that allied support would be much easier to achieve if they could get Security Council endorsement for military action. They are already playing the inspections issue in the Council with a view to putting Saddam clearly in the wrong. But they claim they ... have sufficient legal justification for military action in Saddam's breach of earlier UNSC [UN Security Council] resolutions. It is highly unlikely that they would go to the Council for further endorsement unless they were 100 percent sure they would get it. A number of Administration hawks ... have made it clear that in their view the case for regime change would not be affected if Saddam accepted inspectors, on whatever terms."

**84.** Mr Brenton wrote that President Bush had "recently tried to calm the press frenzy by talking about a 'patient and deliberate' approach". American domestic and political opinion would be more important to the US Administration than the UN. So far the public debate had run "rather against the Administration" with a number of Republican heavyweights, including General Scowcroft, "lining up to question the wisdom of military action". Opinion polls showed strong support for action. Congressional hearings would resume on 16 September and Mr Brenton reported that there were indications that Administration testimony would "start to make the case for military action".

**85.** Mr Brenton described what to do on the "day after" as the "most vexed" issue. A senior State Department official had said that they were "increasingly thinking in terms of some form of democracy, but recognised that it would need to be propped up by a long term international, (i.e. almost certainly US) security presence". In a recent conference the Iraqi opposition had made it clear there should not be a "foreign invasion"; they wanted to be in charge.

**86.** Mr Brenton concluded:

"Finally, as the key operational issues come to be addressed (including whether to go ahead at all), there is the balance of power within the Administration. The arch hawks are Rumsfeld and Cheney both of whom firmly support military action and are undeterred by the possible effect on the already inflammable Middle East (indeed they believe the successful US action in Iraq would have a salutary effect on other troublesome entities in the region). The instincts of the President himself (and therefore Rice [Dr Condoleezza Rice, President Bush's National Security Advisor]) are likely to be closer to their side than to that of Powell, who is plausibly reported to be more cautiously [sic]. There is also the political dimension. The Administration will not want to get into a vote losing quagmire – but will also be wary of failing to meet the strong expectations they have now created. The key point about this not unfamiliar pattern ... is that (eg as on the MEPP) it is normally the Rumsfeld/Cheney faction that prevails."

**87.** Mr Brenton's letter was seen by Mr Blair before a telephone call with Mr Straw on 19 August in preparation for the latter's meeting with Secretary Powell.<sup>33</sup>

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<sup>33</sup>Manuscript comment Wechsberg, 19 August 2002, on Letter Brenton to Private Secretary [FCO], 15 August 2002, 'Iraq'.

**88. The meeting of the National Security Council on 16 August decided that the US strategy should be launched at the UN; but not what that strategy should be.**

**89.** Dr Rice wrote in her memoir that, in the National Security Council on 16 August, “There was unanimous agreement that our new strategy should be launched at the United Nations, but we did not decide the question of what the President would say.”<sup>34</sup>

**90. When Mr Straw met Secretary Powell during an unpublicised visit to the US on 20 August, he was informed that Mr Blair’s Note to President Bush of 28 July had been very timely; and that President Bush was keen to hear the outcome of their talks.**

**91. Mr Straw informed Secretary Powell that:**

- Mr Blair had been irritated to find himself in the position, where the US and UK had been “outed” before they had been able to make the case with the public for action against Iraq.
- The UK’s draft dossier on Iraq did not in his view lead inexorably to the conclusion that military action was the only way to deal with Saddam Hussein.
- A better case for action could be made.

**92. Mr Straw argued that the case for an international coalition was overwhelming and UN “involvement” was essential. Military action would be easier for the UK if there was a UN resolution.**

**93. Mr Blair wanted a “hard-edged ultimatum” issued by the UN with a clear link to military action. He would stand by the US, but he was worried. The “UN was the way through”; it was “an opportunity not an obstacle”.**

**94. If Saddam Hussein accepted inspectors on US and UK terms, the UK view was that the case for military action would be ended “for the time being”.**

**95. Mr Straw and Secretary Powell agreed that a key question was whether they could live with a Saddam Hussein who had fulfilled the UN mandate.**

**96.** Lord Williams of Baglan, Special Adviser to Mr Straw from 2001 to 2005, told the Inquiry that:

“As the summer months approached I felt increasingly that the war was becoming unavoidable and the Bush Administration had made up its mind on this course of action. The only question remaining was whether the UK would join in the military assault.”<sup>35</sup>

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<sup>34</sup> Rice C. *No Higher Honour: A Memoir of My Years in Washington*. Simon & Schuster, 2011.

<sup>35</sup> Statement, 9 January 2011, pages 6-7.

**97.** Lord Williams added that he had used the summer to write a long note for Mr Straw on US military actions since the Second World War, the position taken by the UK Government on those actions, and the relevance to an invasion of Iraq, concluding with the suggestion that, “if war in Iraq was to involve the UK it would be strategic and political folly without UN authorisation”.

**98.** The FCO was unable to find a copy of the document for Lord Williams before he gave evidence.

**99.** Lord Williams had advised Mr Straw that “while containment had successfully boxed in would be aggressors, it has done nothing to stem the spread of weapons of mass destruction”.<sup>36</sup> That had been addressed through arms control treaties: it had been in the mutual interest of both the US and the Soviet Union to reach such agreements. It had been “less successful in dealing with ‘rogue states’ and ... WMD” where there were “no mutual interests between rogue states and the US”. Containment was “by definition” an “acceptance of the status quo” and it was questionable whether that was “acceptable with regard to WMD”. In his view, the “experience of North Korea” had taught the Bush Administration “a bitter lesson it does not want to repeat with Iraq”.

**100.** The lessons for Iraq to be drawn from history which Lord Williams had offered Mr Straw were:

“With the exception of Vietnam, the United States has always fought alongside substantial Allied Forces. On most occasions since 1945 ... it has done so under a UN mandate. It is not unthinkable that the US could do so ... against Iraq. A UN mandate may not be so unattainable ...

“The advantage for the US of a UN mandate would be twofold. Firstly, substantial Allied support would be likely ... Secondly, most importantly, a UN mandate will be essential for post war Iraq. It will simply not be possible for the US to do this alone ... Experience elsewhere ... has underlined the necessity of UN involvement as the mechanism indispensable for the marshalling of global, political and economic support in the context of post war [re]construction.

“... ‘regime change’ per se has seldom been a declared war aim. Nevertheless, it was the declared war aim of the Allies from 1942 ...

“In more recent cases involving the UK, the defeat of Argentina in ... 1982 ... led to the ousting of the junta ... while the defeat of Serbia in ... Kosovo ... led to the overthrow of Milošević within twelve months. Despicable though both regimes were, neither were as brutal and totalitarian as ... Saddam Hussein who survived military defeat in 1991 only through the exercise of extreme political coercion domestically. This ... made it unlikely short of Saddam’s death that his regime could change

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<sup>36</sup> Minute Williams to Secretary of State [FCO], 19 August 2002, ‘The United States and Iraq: Historical Parallels’.

without external intervention. In this regard, Iraq is different from either North Korea or Iran and its involvement in weapons of mass destruction that much more deadly.”

**101.** A copy of the minute, which was sent to Mr Straw on 19 August, was sent to Sir David Manning on 21 August.<sup>37</sup>

**102.** When Mr Straw and Secretary Powell met on 20 August, they discussed Mr Blair’s Note to President Bush of 28 July and its impact on thinking in the US.<sup>38</sup>

**103.** Mr Simon McDonald, Mr Straw’s Principal Private Secretary, reported that Secretary Powell had “spoken frankly”. He told Mr Straw that Mr Blair’s “letter [the Note of 28 July]” to President Bush had been “very timely”. The “case for doing something straight away was being pressed hard”. Secretary Powell was “putting the case for a longer haul”, including during a private dinner with President Bush at which Dr Rice was been the only other person present.

**104.** Secretary Powell told Mr Straw that what happened next would depend on what US “Principals” heard in their meeting 10 days later, “in particular about the status of the military plan”. President Bush was keen to hear the outcome of the discussion with Mr Straw. Dossiers on the “case for action” were being prepared: “True believers would see a smoking gun no matter what. But most of the stuff Iraq was importing was dual-use. It was not clear that the situation was any more serious this year than last.”

**105.** Mr Straw handed over a copy of the UK’s draft dossier on Iraq: “Although it made clear that Saddam was a very bad man, the contents did not lead inexorably to the conclusion that the only way to deal with him was by military action.” Secretary Powell agreed that “containment had worked”.

**106.** Mr Straw told Secretary Powell that he had discussed the position with Mr Blair the previous day. Mr Blair was concerned and had:

“... asked him to stress that the problem was that we had been ‘outed’ long before we had been able to make the case with the public for action ... [Mr Blair] was also signed up to the importance of the relationship with the US, and had moved mountains to ensure that the EU stayed in line with the US. Nonetheless, he had been irritated to find himself in his present position because of US hawks ... The key issue ... was whether the US wanted an international coalition or not. The US could go it alone; if they wanted that, they had only to tell us.”

**107.** Mr Straw’s view was that:

“... the case for an international coalition was overwhelming: first for basing and access and then for what would happen after getting rid of Saddam. But also,

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<sup>37</sup> Manuscript comment McDonald to Manning, 21 August 2002, on Minute Williams to Secretary of State [FCO], 19 August 2002, ‘The United States and Iraq: Historical Parallels’.

<sup>38</sup> Letter McDonald to Manning, 21 August 2002, ‘Foreign Secretary’s Visit to the US, 20 August 2002’.



especially, if things went wrong. In such circumstances the US would need the international community at the scene of the crime ... A solo US effort that ended in failure would give those who saw the EU as an alternative power to the US the chance they had been waiting for.

“If the US answer to a coalition was ‘yes’, then UN involvement was essential. The Prime Minister’s letter [the Note of 28 July] had been a little ambiguous on who should issue the ultimatum; yesterday he [Mr Blair] had been clear that the ultimatum should issue from the UN. He wanted a hard-edged ultimatum with a clear link to military action – but recognised that achieving such a text would be difficult. If Saddam ... accepted inspectors on our terms, the Prime Minister thought that would end the case for military action for the time being. But he thought Saddam unlikely to give in.”

**108.** Mr Straw said that he had a slightly different opinion: “Saddam was a busker and survivor”. Mr Straw added that: “it would be harder to make the case for military action if he [Saddam Hussein] had been disarmed – and, eventually, Saddam would go”.

**109.** Mr Straw told Secretary Powell that Mr Blair’s view was that building a coalition “meant working through the UN”; and that in the Middle East it meant doing something on the Middle East Peace Process (MEPP). Mr Blair would be “willing to spend time and political capital” on the latter “including holding a peace conference”. Secretary Powell responded that although he had been the principal advocate of a conference, there were not “enough elements to get it together”.

**110.** Addressing the “public case”, Mr Straw said that the UK dossier:

“... needed a compelling last chapter. We could make a better case than the one we had made so far. Traditional Cold War-style containment did not work for WMD. Rogue states did not have as much at stake as the Soviet bloc.”

**111.** Mr Straw said that he had told Mr Blair about Secretary Powell’s “more sceptical view of Russia’s likely support” but Mr Blair “was convinced that securing Russia depended on the price”.

**112.** Mr Straw asked whether military action would work. Secretary Powell explained that US thinking had developed since the end of July; the “standing start” needed an Iraqi trigger, so the US enthusiasm for it had waned. The focus was now on the “generated case”.

**113.** Mr Straw told Secretary Powell that “if there were action tomorrow the Prime Minister would be in difficulties”. It was “not just the usual suspects causing trouble”; respected retired officials were “publicly raising doubts” and the “lawyers were saying in terms that there were not sufficient grounds ... to support regime change”. On “military action more generally” the lawyers “had not definitively opined but had said it would be easier if there were an SCR”. Mr Straw drew Secretary Powell’s attention to the passage



in Mr Blair's Note of 28 July that "in Britain, right now, I couldn't be sure of support from Parliament, Party, public or even some of the Cabinet". In Mr Straw's view, if Cabinet held a secret ballot, it was unlikely that Mr Blair would win.

**114.** On the "day after", Mr Straw said that Iraq had been "the artificial creation of the UK in 1921. The country had no experience of democracy and democracy could pull it apart."

**115.** Secretary Powell had said he "took it" that Mr Blair:

"... wanted some kind of UN resolution. Some of his colleagues did not want UN involvement in any shape: it might frustrate their purpose. But he did not think the evil/moral case worked: there were lots of evil people we did not go after.

"At the (video) meeting last week, he had made the argument that the US was isolated and had slipped badly in the Arab world ... and must make the case in the international community, otherwise the US would be accused of the biggest act of unilateralism ... So the US should start making the case in the President's 12 September speech [to the UN General Assembly]. The Vice President had come on board but added the line that we could not allow the UN to stop us if we did not like the way things were going. Importantly, the President had repeated that the objective of regime change was getting rid of WMD. Others in the (virtual) meeting had not, he thought, appreciated the importance of what the President was saying; but, for Powell, the logic of the President's position meant that, if WMD were dealt with, regime change would no longer be required."

**116.** Secretary Powell said that "the hawks had not made the terrorism case against Iraq" and Iraq had not threatened the US; "Saddam was a 'regional bastard'. So the US might find itself taking action for the benefit of regional friends who were not keen on that action."

**117.** Secretary Powell was "still alone in the Administration, except for the President". In response to Mr Straw's question about what the UK could do to help, Secretary Powell said that "if his strategy was OK'd by the President, the US would need to share" with the UK "what they had planned at UNGA [UN General Assembly]" and would need the UK "to back them up in the Security Council".

**118.** Summarising their discussion, Secretary Powell said that he and Mr Straw:

"... were agreed that we had to do something with our public and with the international community. We had to think about the 'ultimatum sentence' and recognise that if Saddam accepted inspectors, military action would be on hold. A key question then was whether we could live with a Saddam who had fulfilled the UN mandate."

**119.** Secretary Powell said that:

“... war in Iraq would define the first term. He poured scorn on the hawks’ beliefs: that a quick triumph was inevitable because Iraqis were waiting to be liberated; and that victory in Iraq would help the MEPP and spread democracy in the region. What would the Syrians and Iranians make of the US action – where next?”

**120.** Asked where Mr Blair stood, Mr Straw replied:

“... if he had a free choice, the PM wanted to get rid of Saddam. But the more he thought about it the more difficult it looked to the PM. He would stand by the US but he was worried. The UN was the way through. An effort now could be a dry run for later if military action were required. As the PM had said to him, the UN should be seen as an opportunity, not an obstacle.”

**121.** The record of the discussion was to be seen only by Sir David Manning and Mr Blair.

**122.** In his memoir, Mr Straw wrote:

“Not for the first time, and certainly not for the last, Colin opened up to me about his intense frustration with parts of the Administration; in particular Dick Cheney and Don Rumsfeld ... I left the Hamptons pleased that Colin and I were in agreement and hopeful that although it was going to take a great effort, we might be able to get the Bush Administration to go to the UN.”<sup>39</sup>

## The position at the end of August 2002

### The legal view

**123.** During August 2002, Mr Michael Wood, FCO Legal Adviser, continued to express concerns about assumptions that, in the absence of an identified legal basis, the UK would participate if military action was taken by the US.

**124.** Lord Goldsmith remained concerned to address the issues.

**125.** Mr Wood wrote to Mr Stephen Wright, FCO Deputy Under Secretary Defence and Intelligence, and other senior colleagues on 15 August expressing concern that, while he appreciated that no decision had been taken, “there appears to be an assumption that if military action were taken by the US, we would not only support but participate”.<sup>40</sup>

**126.** Mr Wood wrote that while it was “ultimately for the Attorney General to advise HMG on matters of this importance”, he thought it would “be helpful” to colleagues to briefly restate the legal position. He was “not, at present, aware of facts which would provide a respectable legal basis for military action, though further action by the Security Council

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<sup>39</sup> Straw J. *Last Man Standing: Memoirs of a Political Survivor*. Macmillan, 2012.

<sup>40</sup> Minute Wood to Wright, 15 August 2002, ‘Iraq: Legality of Use of Force’.

could provide such a basis.” Unless there was “a proper legal basis for military action, individual members of the Armed Forces and civilian officials ... would also be potentially liable to charges of murder.”

**127.** Mr Wood warned that: “To advocate the use of force without a proper legal basis is to advocate the commission of the crime of aggression, one of the most serious offences under international law.” He also referred to the importance that: “HMG act in accordance with international law, and not only because this is required by the Ministerial Code.”<sup>41</sup>

**128.** Mr Wright responded:

“... I work on the premise that if a question of military action arises, the Attorney General’s opinion will be sought, in the light of the facts of the case ... I can see no other basis for current policy.”<sup>42</sup>

**129.** On 20 August Lord Goldsmith, the Attorney General, wrote to Mr Powell reminding him that they had talked about having a further conversation in September (see Section 3.3).<sup>43</sup> He would be away on an official visit until 8 September and it would be helpful if they could start now to identify what timing Mr Powell had in mind.

**130.** Lord Goldsmith also saw Mr Wood’s minute and noted that his advice on whether force was justifiable or not would be an issue.<sup>44</sup>

**131.** On 23 August, Mr McDonald wrote to Mr Wood stating that the Foreign Secretary thought that this was “very serious” and would arrange to see the Attorney General.<sup>45</sup>

**132.** Lord Goldsmith and Mr Straw discussed the legal issues on 23 September (see Section 3.5).

**133.** There is no indication that Lord Goldsmith and Mr Blair discussed Iraq before 22 October.

## **JIC Assessment, 21 August 2002**

**134. A JIC Assessment of 21 August re-affirmed that Saddam Hussein would permit the return of inspectors if he believed that the threat of large-scale military action was imminent, but he would seek to frustrate their activities.**

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<sup>41</sup> The Ministerial Code 2001 included the duty to comply with the law, including international law and treaty obligations, to uphold the administration of justice and to protect the integrity of public life.

<sup>42</sup> Manuscript comment Wright to Wood and all copy addressees, 15 August 2002, on Minute Wood to Wright, 15 August 2002, ‘Iraq: Legality of use of Force’.

<sup>43</sup> Letter Goldsmith to Powell, 20 August 2002, [untitled].

<sup>44</sup> Manuscript comment Goldsmith to Brummell, 23 August 2002 on Minute Brummell to Attorney General, 22 August 2002, ‘Iraq: Legality of the Use of Force’.

<sup>45</sup> Minute McDonald to Legal Advisers [FCO], 23 August 2002, ‘Iraq: Legality of Use of Force’.

**135.** The JIC also concluded that in a conflict Saddam Hussein would order missile strikes and the use of CBW against coalition forces, supporting regional states and Israel.

**136.** The JIC had little intelligence on Iraq's CBW and little insight into how it would fight. Its conclusions reflected the Committee's own judgements.

**137.** At the request of the MOD, the JIC issued an Assessment on 21 August considering "what diplomatic options Saddam has to deter, avert or limit the scope of a US-led attack".<sup>46</sup> It also considered his "military options for facing a US-led attack" and how his analysis about each course of action might "change as an attack becomes increasingly imminent".

**138.** During the JIC discussion of the draft Assessment, it was suggested that Saddam was "likely to exploit options on weapons inspectors as a stalling tactic. An offer of unconditional access for weapons inspectors would attract international approval, and allow Saddam breathing space."<sup>47</sup>

**139.** The JIC examined Iraq's options for the short term, whether Saddam Hussein might seize the initiative, how Iraq might respond to a US military build-up, Saddam's options in "war" – including the use of missiles and WMD and "alternative scenarios and at the death".<sup>48</sup>

**140.** WMD options were considered "only briefly" as the JIC would assess those in early September.

**141.** The JIC's Key Judgements and the relevant supporting text are set out in the Box below.

**142.** The basis for the Assessment, and that the Key Judgements conveyed a much greater sense of certainty that Saddam Hussein had chemical and biological weapons and would act than the detailed text of the Assessment itself supported, are addressed in Section 4.2.

### **JIC Assessment, 21 August 2002: 'Iraq: Saddam's Diplomatic and Military Options'**

**Saddam Hussein's aim would be "to remain in power. He will use all options to achieve this. He remains innovative and capable of surprising us."**

- Saddam's choices would "depend on his perceptions of the likelihood, credibility and imminence of ... a US-led attack".

<sup>46</sup> JIC Assessment, 21 August 2002, 'Iraq: Saddam's Diplomatic and Military Options'.

<sup>47</sup> Minutes, 21 August 2002, JIC meeting.

<sup>48</sup> JIC Assessment, 21 August 2002, 'Iraq: Saddam's Diplomatic and Military Options'.

**Saddam Hussein was “likely to pursue continued talks with the UN on the return of weapons inspectors as a means to delay a US attack. He would permit their return if he believed that the threat of large-scale military action was imminent.”**

- Saddam would “play for time”, avoiding “giving the US a pretext to attack”.
- By mid-July 2002 Saddam had “started to believe that a US-led attack was inevitable and would threaten his regime”.
- An Iraqi “statement that inspectors would be allowed to return unconditionally would attract considerable international approval” and “reinforce regional concerns about the military option, even before Iraqi willingness to implement the agreement had been put to the test”.
- The JIC judged that “until US military action seemed imminent” Iraq would make “incremental improvements” to its “offer on inspectors that fell short of accepting the ... requirements of the UN”.
- If inspectors did return, the JIC repeated its judgement of 27 February that Iraq would “embark on a renewed policy of frustration, involving denial, deception, obstruction and delay”.

**Saddam Hussein would “try a mix of charm, bribery and threats with his neighbours”. Iraq’s influence was “limited, although Saddam” was “adept at manipulating popular Arab opinion”.**

- Saddam would seek to deter the US “and/or potential regional allies” and use diplomacy to persuade or coerce his neighbours not to provide bases.
- Iraq was “likely to pursue every opportunity to split the ... Security Council and particularly the P5”.
- It would also seek to “exert economic leverage”.
- Iraq could “play on regional fears” that a military attack “would have unacceptable outcomes” such as threatening Iraq’s integrity, encircling Iran or emboldening the US to attack other countries.
- Iraq’s ability to influence neighbouring governments was “strictly limited”.
- Saddam was “likely to try to do all he can to exploit the Israel/Palestinian crisis”. The JIC pointed out that, “Practical support to Palestinian rejectionists groups” was “limited”; and there was “little scope for Iraq to improve its position” as the most effective groups were “closer to Iran”.
- Saddam was “adept at manipulating popular Arab opinion”.

**“Much as Saddam would like to seize the initiative before a US attack, his options remain limited.” He was “likely to be cautious about using force early. But the closer and more credible an attack seemed, the more risks he will be willing to take, perhaps including deniable terrorist attacks, most likely in the Gulf region – though we cannot exclude a threat to the UK.”**

- A “concerted attempt” to bring down an aircraft in one of the No-Fly Zones was “a possibility”.
- A pre-emptive attack on the Kurds or Kuwait was judged “unlikely”.
- An attempt to destabilise the two main Kurdish parties “to complicate coalition planning” was “more likely”.

- Saddam “would probably ... order preparations for a campaign of **terrorism and sabotage** in the region”.
- “... we know that Iraqi Special Forces and other organisations, such as the ‘Saddam Fedayeen’, also possess the capability to conduct sabotage or terrorist attacks.”
- Palestinian groups “could be reluctant to carry out attacks which did not further their own objectives”.
- It was “possible that Iraqi terrorist attacks could be conducted against other [non-military] interests or the leadership and economic (e.g. oil industry) targets of regional States”.
- The JIC did not “know enough about Iraqi capabilities to discount the threat outside the region, including within the UK, though previously Iraqi attempts to mount terrorist attacks, or engage proxies to do so on their behalf, have been largely ineffective”.

**“Early on in any conflict, Saddam would order missile attacks on Israel, coalition forces and regional states providing the US with bases.”**

- “Saddam would probably order missile attacks ...”
- The JIC judged that attacks on Israel would be “an attempt to attract Israeli retaliation and thus widen the war, split the coalition and arouse popular opinion in the Arab States”.
- Missiles “could be armed with chemical or biological warfare (CBW) agents”.
- “Saddam might be deterred at least initially by the threat of Israeli nuclear retaliation.”
- Iraq had a “limited number of long range missiles ... available”; the JIC assessed “12-20 650km range Al Hussein missiles”.
- Iraq had produced more than 50 Al Samoud missiles with a range of 150km.
- Attacks on coalition forces in Kuwait would require Iraq to deploy short-range missiles into the “No Drive Zone”.<sup>49</sup>
- A pre-emptive missile attack on Israel was “less likely because it would show Iraq had been lying about its retention of long range missiles”.

**“Saddam would order the use of CBW against coalition forces at some point, probably after a coalition attack had begun. Once Saddam was convinced that his fate was sealed, he would order the unrestrained use of CBW against coalition forces, supporting regional states and Israel.”**

- Although it had “little intelligence on Iraq’s CBW doctrine” and knew “little about Iraq’s CBW work since late 1998”, the JIC judged it “likely that Saddam would order the use of CBW against coalition forces at some point, probably after coalition attacks had begun”.
- Iraqi CBW use “would become increasingly likely the closer coalition forces came to Baghdad. Military targets might include troop concentrations or important fixed targets in rear areas such as ports and airfields.”

<sup>49</sup> Resolution 949 (1994) imposed a “No Drive Zone” in Iraq south of the 32nd parallel.



- Saddam Hussein “might pursue an extreme course of action at an earlier stage” if he judged it to be “worth the risk of providing the US with overt justification to attack”.
- Unorthodox options might include “the early or pre-emptive use of **CBW**”; “**CBW terrorism**: although Saddam probably lacks the capability to deploy a sophisticated device, he could cause widespread panic”.
- “Should he feel his fate is sealed, Saddam’s judgement might change to ‘bring the temple down’ on his enemies no matter what the cost ...” At that stage, “Saddam would order the unrestrained use of CBW against coalition forces, supporting regional states and Israel, although he would face practical problems of command and control, the loyalty of his commanders, logistics problems and the availability of chemical and biological agents in sufficient quantities to be effective and the means to deliver them.”

**“Iraq would probably try to ride out air strikes while conserving its ground forces. Iraq’s likely strategy for a ground war would be to make any coalition advance as slow and costly as possible, trying to force the coalition to fight in urban areas.”**

- The JIC had “little insight into how the Iraqi military might plan to fight any ground war ... At present we have little evidence to judge whether Iraq sees urban or guerrilla warfare as feasible options. Iraqi effectiveness would be mitigated by problems of command and control, inadequate training and poor morale. We doubt that guerrilla activity would be very effective; urban warfare is more plausible ...”

**“There is a significant potential for Saddam to miscalculate, either by escalating a crisis at an early stage, or by making concessions too late in the day to avert an attack.”**

## Dr Blix’s interview, 25 August 2002

**143.** In an interview on *NBC’s Meet the Press* programme on 25 August, Dr Hans Blix, Executive Chairman of UNMOVIC, stated that there had been “discussion and dialogue under the auspices of the [UN] Secretary-General” since the early part of 2002, in which Iraq had “shown a greater interest in inspections”; but he could not say that they had “moved closer to an invitation to the inspectors”.<sup>50</sup>

**144.** Dr Blix added that Iraq did not see inspections as an isolated issue, it should be addressed in conjunction with and concurrently with other outstanding issues.

**145.** Asked whether Iraq possessed biological, chemical or nuclear weapons, Dr Blix responded that there were “many open questions” but the inspectors did not have proof that Iraq had weapons of mass destruction.

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<sup>50</sup> *NBC, 25 August 2002, Meet the Press.*



**146.** Dr Blix stated that, to be effective, inspectors needed “immediate, unrestricted and unconditional” access to sites; they needed information; and they needed skill. Under the previous inspections regime there were relatively few problematic inspections where access was denied. The burden of proof did not lie with the inspectors to prove that Iraq was guilty. It was “for Iraq to restore confidence in the world that they do not have weapons of mass destruction”.

**147.** Dr Blix pointed out that “an absence of evidence is not the evidence of absence”.

### **FCO advice, 27 August 2002**

**148.** The FCO’s further advice on the possible text of a draft resolution judged that an ultimatum calling for the re-admission of inspectors would be “difficult to secure” but was “not out of reach”.

**149.** If the talks between Iraq and the UN about the return of inspectors petered out or “better” broke down, that could provide a “trigger” for such a resolution.

**150.** The objective was for a resolution which would provide legal cover for military action, in the event of a refusal to comply with an ultimatum, without the need for further action in the Security Council.

**151.** Mr Straw suggested that the UK dossier might be published via the UN.

**152.** Mr Rycroft had commissioned further advice from the FCO on what a UN ultimatum would look like, and how it would be achieved, for Mr Blair’s return to work in late August (see Section 3.3).<sup>51</sup>

**153.** The FCO advised No.10 on 27 August that it had “now done further work on the possibility of a Security Council ultimatum to Iraq”, and that “President Bush’s speech to the UN General Assembly on 12 September could be an important curtain-raiser.”<sup>52</sup> An ultimatum would be “difficult to secure” but it was “not out of reach”. It would “need a carefully managed campaign during the early autumn” and “a great deal of work in P5 capitals”.

**154.** Considering tactics in the Security Council, the FCO advised that the UN/Iraq “talks petering out, or, better, a definite breakdown due to Iraqi intransigence” could provide a “trigger” for a resolution. If inspectors were allowed back into Iraq, “the trigger could be a report by Blix on Iraqi non-co-operation”.

**155.** The text of a resolution would be “conditioned to some extent by the wider context”. There might be “some political attractions ... in tabling hard language” but, “unless there

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<sup>51</sup> Letter Rycroft to McDonald, 31 July 2002, ‘Iraq: Prime Minister’s Phone Call with President Bush, 31 July’.

<sup>52</sup> Letter McDonald to Manning, 27 August 2002, ‘Iraq: Ultimatum’.

is a serious Iraqi outrage, the harder the language, the more difficult it will be to get the resolution through”.

**156.** The FCO had produced a “more developed reworking” of the draft elements for a resolution setting out an ultimatum it had offered on 26 July. The key options identified were:

- A choice between describing Iraq’s refusal to accept the return of weapons inspectors as a “material breach” of resolution 687 (1991) (the cease-fire resolution) or a “flagrant violation”. The former would be clearer and send a very direct message, but “might be difficult for some Council members to accept”. The latter might be “a little easier to sell” and was an “obvious fact”.
- Whether to include an explicit operative paragraph setting a date for Iraq to allow UNMOVIC and the IAEA “immediate, unconditional and unrestricted access ... so that they may discharge their mandates”, after which it would be deemed that Iraq had no intention of complying with its obligations. Such a paragraph was seen to have “political and presentational” advantages although it might “not be indispensable” if a date were to be included in an earlier operative paragraph which demanded that Iraq immediately reverse its non-co-operation with UNMOVIC and the IAEA.

**157.** The FCO advised that, subject to Lord Goldsmith’s views, a resolution “(particularly with ‘material breach’ language) would still give cover for military action, and that in legal terms no further Council decisions would be required”.

**158.** The FCO warned that, in the absence of clear language on a demand that Iraq reverse its non-co-operation within a specified time, the opponents of military action would argue that Iraq “should be given still more time to comply”. It would be “important” that the draft resolution provided “legal cover for military action without further Council action”. The Attorney General’s advice would be needed on that point.

**159.** Mr Straw considered that the UK should try to persuade President Bush to state that the aim of regime change was to ensure the disarmament of Iraq. The most appropriate occasion might be the President’s speech to the UN General Assembly in September, as part of a wider challenge to the UN to demonstrate that it could tackle the problem of WMD in the hands of rogue states. That could open the way for a discussion in the Security Council on an “ultimatum resolution”. Mr Straw also suggested that discussion might provide “a peg for publishing via the UN the long-awaited ‘Iraq Dossier’”.

**160.** The FCO advice was sent to the Private Offices of Mr Hoon and Lord Goldsmith, and to Sir Jeremy Greenstock, UK Permanent Representative to the UN in New York.

## The US perspective, late August 2002

**161.** The debate on Iraq in the US continued throughout August.

**162.** A speech by Vice President Cheney on 26 August fuelled that debate.

**163.** In a press conference with Secretary Rumsfeld at Crawford on 21 August, about security and defence issues, President Bush was asked whether the US had the capacity to “go to war with Saddam” alone; and whether, given remarks by General Franks that he was drawing up war plans to provide credible options, the American people should conclude that a decision was imminent.<sup>53</sup>

**164.** In response to the first question, Secretary Rumsfeld described the intense speculation about Iraq as “frenzy”; President Bush said that he would be consulting allies and Congress about how to secure peace. In response to the second question, President Bush said only that the US had to be prepared to use its military and other assets to “keep the peace” in the face of an unstable world and a global terrorist network that might strike anywhere; and that General Franks’ job was to prepare for contingencies.

**165.** In an article in the *New York Times* on 25 August, Mr James Baker, former US Secretary of State, called for “a simple and straightforward resolution requiring that Iraq submit to intrusive inspections anytime, anywhere, with no exceptions, and authorizing all necessary means to enforce it”.<sup>54</sup>

**166.** In his memoir, Vice President Cheney wrote that the White House had been talking about the idea of an “aggressive” inspection regime, advanced by Dr Rice, which was so intrusive it might result in toppling Saddam Hussein.<sup>55</sup> It had been discussed by the President and Mr Blair, but he (Vice President Cheney) “didn’t buy it”. He had therefore decided to press the issue in his speech on the threat from terrorism to a National Conference of the Veterans of Foreign Wars on 26 August.

**167.** In the speech, Vice President Cheney stated that Saddam Hussein had “made a science out of deceiving the international community”. Vice President Cheney stated that there was no doubt that Saddam Hussein had WMD and Iraq was enhancing its capabilities. He concluded: “the risk of inaction is far greater than the risk of action”. There was “no assurance whatsoever” that inspections would produce compliance with UN resolutions; on the contrary there was “a great danger that it would provide false comfort”.<sup>56</sup>

**168.** In her memoir, Dr Rice wrote that President Bush asked her to call Vice President Cheney after his speech to say that the President hadn’t yet made a decision. She had

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<sup>53</sup> The White House, 21 August 2002, *President discusses security and defence issues*.

<sup>54</sup> *New York Times*, 25 August 2002, *The Right Way to Change a Regime* (James A Baker III).

<sup>55</sup> Cheney D & Cheney L. *In My Time: A Personal and Political Memoir*. Simon & Schuster, 2011.

<sup>56</sup> The White House, 26 August 2002, *Vice President Speaks at VFW [Veterans of Foreign Wars] 103rd National Convention*.

told the Vice President that President Bush was “concerned that your speech is being read as a decision to skip the UN and challenge Saddam unilaterally”.<sup>57</sup>

**169.** Sir David Manning was contacted by Dr Rice on 28 August.<sup>58</sup> She stressed that, despite the statements and articles over the previous few days, the US position had not changed. President Bush was “determined to build international support for action on Iraq” and believed it was possible:

“He was working on the ‘UN route’, and planned to use his UNGA speech to challenge the international community to deal with the Saddam threat. He was thinking of proposing that the UN should pass a further tough resolution demanding wide-ranging disarmament measures from Saddam. If he accepted them (which she thought unlikely) Saddam would be forced to run Iraq in a completely different way.”

**170.** Sir David told Dr Rice that Mr Blair “too, remained in the same place”, and that the UK “well understood the recent difficulties”. They “pointed to the need for a core script we could all stick to”. Dr Rice had agreed.

**171.** Sir David also said that a “clear line of action” was needed. Challenging and encouraging the international community to deal with Iraq through the UN “sounded exactly the right course”. If the context was right, “action would become much easier”. He added:

“Action through the UN would do much to change the profile of the problem. If the UN route succeeded, well and good. If it did not, we would at least have tried to work with the international community. And anyone who blocked effective action in the UN would not only have to explain why, but ... what they would do instead.”

**172.** Dr Rice agreed; President Bush wanted to speak to Mr Blair the next day. Sir David and Dr Rice also discussed a meeting, possibly on 11 September.

**173.** Sir David commented to Mr Blair that the discussion:

“... was encouraging. The signs are that Bush is now thinking of opting for a coalition strategy that takes account of the UN (though probably on pretty tough terms). I was particularly struck by Condi’s remark that Saddam would have to run Iraq in a different way if he signed up to proper disarmament measures. The fact that the Administration is now conceptualising this thought, rather than reiterating its commitment to regime change irrespective of Saddam’s behaviour, is significant.

“... My sense is that he [President Bush] will be keen to know that he still has your support; and keen to know that you approve of his plans to work through the UN. I am sure you should encourage him strongly.

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<sup>57</sup> Rice C. *No Higher Honour: A Memoir of My Years in Washington*. Simon & Schuster, 2011.

<sup>58</sup> Minute Manning to Prime Minister, 28 August 2002, ‘Iraq: Conversation with Condi Rice’.

“If Bush takes this route, it will transform the way we can approach and handle the Iraq issue.”

**174.** The record of that discussion was sent only to Mr Straw outside No.10.

**175.** The British Embassy Washington reported that in a further speech in San Antonio, Texas, on 29 August, Vice President Cheney had “toned down the line on the return of UN inspectors”; describing them as “not an end in themselves”.<sup>59</sup> He had “called more clearly for Iraq to comply with UNSCRs [UN Security Council resolutions] by disarming fully”, but had “underlined concerns that Saddam would nonetheless continue to plot to develop WMD”.

### US national security document on Iraq, 29 August 2002

On 29 August 2002, President Bush signed the national security document, ‘Iraq: Goals, Objectives, Strategy’.<sup>60</sup>

The stated goal of the US was to free Iraq in order to:

- eliminate WMD;
- end Iraqi threats to its neighbours;
- stop the Iraqi government tyrannising its own people;
- cut Iraqi links to terrorism; and
- “Liberate the Iraqi people from tyranny and assist them in creating a society based on moderation, pluralism and democracy.”<sup>61</sup>

The document stated that “the United States is prepared to play a sustained role in the reconstruction of post-Saddam Iraq with contribution from and participation of the international community”, and that it would work closely with the Iraqi opposition to liberate and build a new Iraq.<sup>62</sup>

**176.** In his memoir, President Bush wrote that the possibility of war was “an all-consuming” news story in Washington and recalled that he had spent much of August 2002 in Crawford, reflecting on the “next decision” he faced:

“... how to move forward on the diplomatic track. One option was to seek a UN resolution calling on Saddam to readmit weapons inspectors. The other was to issue an ultimatum demanding that he disarm – and rally a coalition to remove him if he did not comply.”<sup>63</sup>

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<sup>59</sup> Telegram 1104 Washington to FCO, 29 August 2002, ‘Iraq: Visit by Stephen Wright, DUS, to Washington, 29 August’.

<sup>60</sup> Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience*. U.S. Government Printing Office, 2009.

<sup>61</sup> Feith DJ. *War and Decision*. Harper, 2008.

<sup>62</sup> Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience*. U.S. Government Printing Office, 2009.

<sup>63</sup> Bush GW. *Decision Points*. Virgin Books, 2010.

**177.** President Bush added that Vice President Cheney and Mr Rumsfeld “believed that going to the UN would trigger a long bureaucratic process that would leave Saddam even more dangerous”. But Secretary Powell had told him that “a UN resolution was the only way to get any support from the rest of the world”; and that, “if we did take out Saddam the military strike would be the easy part. Then ... America would ‘own’ Iraq.”

#### MR BLAIR’S DISCUSSION WITH PRESIDENT BUSH, 29 AUGUST 2002

**178.** President Bush and Mr Blair discussed the need to make clear that Iraq was the UN’s problem on 29 August. The issue had to be disarmament, not just the return of the inspectors, with a tough and unconditional resolution so that if Iraq complied it would change the way the regime operated.

**179.** Mr Blair’s view was that conflict was “inevitable” because he did not think that Saddam Hussein would comply with the UN’s demands; “but the choice was Saddam’s”.

**180.** Mr Blair and President Bush spoke on 29 August.<sup>64</sup>

**181.** Mr Rycroft recorded that Mr Blair and President Bush had discussed the implications of speculation in August and Mr Blair’s view that the US and UK had been “outed before being fully ready to make the case” against Saddam Hussein.

**182.** Mr Blair and President Bush had also discussed the need to make clear that Iraq was the UN’s problem and that the issue was total disarmament of Iraq’s WMD and associated systems not just the reintroduction of inspectors. The next phase should be to go to the Security Council with a resolution which put the burden on Iraq. That would put the US and the UK on the front foot and the challenge was for the international community and the UN. Mr Blair:

“... wanted the UN to meet that challenge, but if it could not we would have to act. So we should remake the case, put together the evidence against Saddam, and work up a UNSCR ... [It] needed to be tough and unconditional so that – if Iraq complied – it would change the way the regime operated. It was right to issue not an ultimatum to the UN but a challenge to the international community.”

**183.** Mr Blair also said that, before that, what was needed was “a line to take” so that “we were all answering the difficult questions in the same way”, including timing, the nature of the challenge to the UN, and whether conflict was inevitable. He said that the UN route “if pursued carefully was an opportunity, not an obstacle”.

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<sup>64</sup> Letter Rycroft to McDonald, 29 August 2002, ‘Iraq: Prime Minister’s Phone Call with President Bush, 29 August’.



**184.** Mr Blair concluded:

“... we were in the same place as the US. September should be the month to sort out the strategy. We should be clear within two weeks how the UN route should work. We were determined to deal with the WMD issue. September 11 had taught us the importance of dealing pre-emptively with these types of threats.”

**185.** Copies of Mr Rycroft’s minute were sent to the Private Offices of Mr Straw, Mr Hoon and the Cabinet Secretary, and to Sir Richard Dearlove (Chief of the Secret Intelligence Service (SIS)), Sir Francis Richards (Director of the Government Communications Headquarters (GCHQ)), Sir Christopher Meyer (British Ambassador to the US), Sir Jeremy Greenstock, Mr Scarlett, and Mr Tom McKane (Deputy Head of OD Sec).

**186.** A fuller record was circulated within No.10 and to Mr Straw on a strictly personal basis.<sup>65</sup> It included references to the advice which had already been offered to the US and to the planned meeting between Mr Blair and President Bush in early September. It also stated that Mr Blair’s view was that conflict was “inevitable”: he did not think Saddam would comply with the UN demands, “but the choice was Saddam’s”.

**187. Dr Rice told Sir David Manning that President Bush had worked carefully through the ideas in Mr Blair’s Note of 28 July and concluded the best way forward was the “UN route”.**

**188. Sir David Manning told Dr Rice that the UK would share its ideas on a resolution “shortly”.**

**189. Dr Rice and Sir David also discussed the need to launch an effective public relations campaign to coincide with the decision to go back to the UN.**

**190.** Dr Rice and Sir David Manning spoke later that day to follow up the discussion between Mr Blair and President Bush.<sup>66</sup>

**191.** Dr Rice told Sir David Manning that President Bush had given “a great deal of thought to Iraq during his summer vacation at the Crawford ranch”. He had worked carefully through the ideas in Mr Blair’s Note of 28 July and had concluded the best way forward was the UN route.

**192.** Sir David and Dr Rice discussed how an approach to secure UN action might best be pursued and agreed that it would be useful for Mr Alastair Campbell, Mr Blair’s Director of Communications and Strategy) and Ms Karen Armstrong,<sup>67</sup> to talk: “We needed to mount a really effective public relations campaign to coincide with the

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<sup>65</sup> Minute Rycroft to Manning, 29 August 2002, ‘Iraq: Prime Minister’s Phone Call with President Bush, 29 August’.

<sup>66</sup> Minute Manning to Prime Minister, 29 August 2002, ‘Iraq: Conversation with Condi Rice’.

<sup>67</sup> The context suggests that the record should have referred to Karen Hughes, Counsellor to President Bush from 2001 to 2002.



decision to go back to the UN.” That should include addressing the nature of Saddam Hussein’s Iraqi regime.

**193.** The possible timetable for launching the initiative in the UN and the contents of a UN resolution were also explored.

**194.** The options for a UN resolution included a very short resolution along the lines of the ultimatum to Iraq in 1990 or a fuller resolution which spelt out:

- the extent to which Saddam was in violation of previous resolutions;
- the steps he must take if Iraq was to be welcomed back into the international community; and
- the need for a “real” deadline, possibly 1 November.

**195.** The possibility of “very invasive” measures, which would involve troops being deployed inside Iraq, e.g. to protect the inspectors or in northern Iraq to prevent attacks on the Kurds, and which would change the way Saddam Hussein could rule Iraq, were also raised.

**196.** Sir David told Dr Rice that a deadline “must be right if we were to avoid endless prevarication and evasion”. He referred to the model which had been used “successfully” the previous year in dealing with the Taliban, and said that the UK had done some thinking on a resolution. That would be shared with Dr Rice “shortly”.

**197.** Sir David sent Mr Straw a personal copy of his minute to Mr Blair.<sup>68</sup>

**198.** Visiting Washington for talks with officials in the US State Department and National Security Council (NSC) on 29 August, Mr Wright explained the “difficult domestic political management problems” on Iraq faced by the Government in the UK.<sup>69</sup> He “stressed” the importance of ensuring that there was “no daylight” between the US and UK in their public presentations and the need “in particular to focus on the WMD threat and how best to address it”. That meant:

“... we needed to use the UN track. This was the best way to pursue control of WMD. It would help to build international support. And if Iraq rejected a robust inspection regime, it would strengthen the case for other action.”

**199.** The discussions acknowledged that much of the intelligence on Iraq’s WMD was “inferential” and that the “aim” should be to present the case “in terms of [Iraqi] failure to comply with the international community’s demands since 1991”.

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<sup>68</sup> Manuscript comment Manning, 29 August 2002, on Minute Manning to Prime Minister, 29 August 2002, ‘Iraq: Conversation with Condi Rice’.

<sup>69</sup> Telegram 1104 Washington to FCO, 29 August 2002, ‘Iraq: Visit by Stephen Wright, DUS, to Washington, 29 August’.

**200.** The discussions also covered the scale of the military operations being examined by the US and arrangements for inter-agency co-ordination in Washington. Mr Wright stressed the need for “close UK involvement in the work”.

#### THE BRITISH EMBASSY WASHINGTON'S VIEW, 30 AUGUST 2002

**201.** **The British Embassy Washington reported that it would be very difficult for President Bush to do nothing, but it was clear to the main players that they would have to make a convincing case before going ahead with any action.**

**202.** Mr Brenton wrote to Mr Edward Chaplin, FCO Director Middle East and North Africa, to provide a “snapshot of the situation as it now looks here” for a meeting on Iraq to be held on 30 August by Sir Michael Jay, FCO Permanent Under Secretary (PUS).<sup>70</sup>

**203.** Mr Brenton advised:

“The public debate ... is now firmly engaged. We have seen contributions from practically every prominent Republican ... With the signal exceptions of Scowcroft ... and Zinni [General Anthony Zinni, former Commander in Chief CENTCOM and US Special Envoy for Middle East Peace], virtually all have endorsed the idea of military action, subject to various preliminaries (such as going through the UN) to maximise international support. Cheney’s speech ... has further raised expectations of an early decision leading to military action.”

**204.** Mr Brenton described the key points under discussion as:

- a) **Whether to do it at all:** President Bush’s public position was that he would “proceed ‘cautiously and deliberately’ with full consultations of Congress and allies, and that a range of options remained open”.
- b) **UN inspections:** Mr James Baker and others had “argued that the US must go the UN route – demanding unfettered inspections (with the expectation, but not certainty, that Saddam will refuse), and the right to take action to enforce compliance, to maximise international support”.
- c) **Consulting Congress:** The White House had “made it clear” that it saw “no legal need to get Congressional support for military action ... But, they have also been briefing that there will be ‘full consultation’ and have not ruled out seeking formal support ... if the Administration made an effective case, Congress was likely to support action.”

**205.** Mr Brenton suggested that a number of other considerations continued to weigh heavily in the debate. Those were:

- the “day after” question;

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<sup>70</sup>Letter Brenton to Chaplin, 29 August 2002, ‘Iraq’.

- the impact on the oil market; and
- Saddam Hussein's possible use of WMD.

**206.** Mr Brenton wrote that the relevance of the MEPP had not been as prominent as might have been expected: "The hawks' argument here, which has gained some resonance, is that to postpone action until Arab/Israel improves is to postpone it for ever."

**207.** Mr Brenton also wrote that US public opinion was "lukewarmly supportive of action ... Commentators believe that if a public case begins to be made that support will firm up."

**208.** Mr Brenton concluded:

"... the hard questions are now ... on the table and it is clear to the main players that they are going to have to make a convincing case before going ahead with any action. So far the absence of a political green light has hindered them in making that case ... The expectations that have now been generated will make it very difficult for the President to do nothing (though this ... does not mean that military action is inevitable) ... Even if concrete action ... is still some way off, the Republicans would far prefer an Autumn in which the press is dominated by Iraq headlines than one where the economy is the lead story."

**209.** Copies of the letter were sent to a number of addressees, including Sir David Manning.

### **Mr Blair's decision to set out a public script on Iraq**

**210.** When Mr Blair returned to No.10 after his holiday, he set out his concerns about the public debate, and that he and President Bush had been "outed" as having decided on military action when no decisions had been taken.

**211.** Mr Blair stated that the "strategy" should be aimed at answering the questions of those who might support military action and, in doing so, set Iraq in a bigger context.

**212.** Mr Blair set out a series of steps to achieve that, including working for a new UN Security Council resolution which would effectively become an ultimatum.

**213.** Conflict would depend on the regime's response, but Mr Blair did not think it would be long before Saddam's true intention was clear.

**214.** As part of a wider note to No.10 officials on 30 August, Mr Blair set out his position on Iraq:

"I don't need any convincing as to where we are on this. The state of opinion, the difficulties. The problems are compounded by the fact that [President] Bush and myself have been 'outed' as having decided for war, come what may, when actually

no decisions have been taken. So the arguments are all being made against any action, when we are not yet in a position to make the arguments for it. But all this can be turned round in time, with the right strategy.

“My basic view on Iraq is clear and hard. The policy of containment ... has worked up to a point, but can’t continue indefinitely; there is no doubt that, uncontained, Iraq is a threat; they are trying to acquire nuclear weapons capability; they are developing ballistic missile capability for biological and chemical weapons of a longer range; they retain substantial WMD stocks; the regime is deeply repugnant, corrupt and repressive ... The region, the world, the Iraqi people would be better off without Saddam.

“Opinion against action divides into two: those always opposed and the usual anti-American lobby; and those, a large number, who ask entirely sensible questions, but who might support action if the questions were answered.”<sup>71</sup>

**215.** Mr Blair stated: “The basic strategy should be to answer these questions and, in doing so, set ... Iraq in a bigger context.” The steps to do that were:

- Raising the whole issue of WMD up the agenda with a separate strategy for each country developing WMD, “in particular [those] acquiring nuclear technology in secret”.
- Setting out the “unique danger posed by Iraq ... an inherently violent and unstable regime, with a track record of external aggression, unmitigated by any moderate elements unlike other WMD countries”.
- Exposing and highlighting the “limits of the policy of containment”.
- A strategy which “should be to work towards a new UN resolution on weapons inspections, effectively becoming an ultimatum to Saddam. But it must be unconditional access and change to the way the regime operates viz its military capability. It will be clear that refusal or non-compliance will not be a subject of negotiation but action. We need to begin the diplomatic work on this now. Russia and my visit to Putin [Russian President, Mr Vladimir Putin] in October will be crucial. Obviously – and this is the legitimate US worry – if we go the UN route, Saddam may yield, agree and then play about. We need to be very clear we won’t let that happen. But it does mean that conflict is dependent on the regime’s response, not inevitable, though I don’t think it will be long before his true intention is clear.”
- Building EU and Arab support for action “if the UN route does not deliver, ie we say ... we will try the UN route; but doing nothing is not an option”.
- Working “strenuously to put together a new MEPP process. This is the key to Arab opinion ...”

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<sup>71</sup> Note Blair [to No.10 officials], 30 August 2002, [extract ‘Iraq’].

- Working on a post-Saddam Iraqi regime: “The conundrum is: if it is merely changing Saddam for another military dictator, that hardly elicits support from the rest of Iraq, especially the Shia majority, and is in any event, not in line with our principles; on the other hand, if the whole nature of the regime changes, the Sunni minority in power may be less tempted to fold and acquiesce in Saddam’s removal. But there are ways through this.”
- “[N]aturally” getting “detailed working on the military plan necessary to succeed”.
- Developing a “proper media strategy” including “real information about life under Saddam ... The moral case for regime change should be made.”
- Addressing the “whole issue of the Muslim world and its relations with the West”.

**216.** Mr Blair wanted detailed work internally within the UK and with the US and suggested:

“A small team under JS [Jack Straw] and DM [David Manning] should meet and coordinate.

“If I go to the US in the next couple of weeks, the idea should be to agree the strategy with GWB [President Bush], set it out at the TUC [Trades Union Congress] or shortly after and then get going.”

**217.** In his memoir Mr Blair wrote that he had returned from holiday with his “lines clear”. He:

“... was going to be very tough: we had to deal with Saddam; it was right to do it; we had to send an unvarnished and plain message on WMD to the world.<sup>72</sup>”

**218.** Mr Blair was concerned about the effect that press speculation, that he was seeking to influence the US, would have on President Bush.

**219.** Initially Mr Blair’s instinct was to reiterate the lines he had been using earlier in the year, but he quickly decided to use a press conference on 3 September to set out a public script on Iraq.

**220.** Mr Campbell wrote to Mr Blair on 30 August to warn him that during the flight to a Sustainable Development Summit in Johannesburg the following day, the press would be pushing him on Iraq.<sup>73</sup> Mr Campbell recommended a statement with the top line message that inaction was not an option, but which did not move the line on the question of a decision on military action.

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<sup>72</sup> Blair T. *A Journey*. Hutchinson, 2010.

<sup>73</sup> Minute Campbell to Prime Minister, 30 August 2002, ‘Iraq/Press’.

**221.** Mr Campbell recorded in his diary that Mr Blair wanted to “avoid” talking about Iraq; and that he would use the line that doing nothing was not an option “if pushed”, but he did not want to go beyond that.<sup>74</sup>

**222.** Mr Campbell added that Mr Blair was:

“Privately ... growing more and more dismissive of the critics ... Equally he was clear that the Yanks had not handled it well over the holiday ... [T]hey had allowed the game to run ahead of them, and Cheney and Rumsfeld had just made it worse.

“... He was a lot steelier than when he went on holiday. Clear that getting Saddam was the right thing to do ...

...

“David had got Condi to get GWB to offer TB next Saturday for a meeting in the margins of his so-called war counsel [sic]. I think they realised that they had messed up the presentation and had to get into a better position, so it seemed clear Bush did want TB there, but heaven knows what Cheney and Rumsfeld would make of it. TB was up for it.”

**223.** In response to an article in the *Financial Times* of 31 August, reporting that Mr Blair had pressed President Bush for a UN mandate, Mr Campbell wrote in his diary on 1 September:

“Iraq was becoming a frenzy again. TB was becoming more and more belligerent, saying he knew it was the right thing to do ... Obviously the best thing to do would be to avoid war, get the inspectors in and all the weapons out ... the US had to be managed into a better position ... but we won’t be able to do it if we come out against the US the whole time ... Equally it was clear that public opinion had moved against us during August.”<sup>75</sup>

**224.** On 2 September Mr Campbell wrote to Sir David Manning, and to Mr Powell and Mr Rycroft, saying that Mr Blair was “alarmed, and angry, at the way parts of our thinking and planning on Iraq are seeping into the media in an unco-ordinated and undisciplined way”.<sup>76</sup> “Above all”, Mr Blair was “concerned what the US Administration must think”. Mr Blair intended to use his press conference the following day (in his Sedgefield constituency) to make the general position clear and “give people a public script”. But more must be done “to ensure people do not depart from that, publicly or privately, or give a running commentary in every aspect of his thinking”.

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<sup>74</sup> Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

<sup>75</sup> Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

<sup>76</sup> Minute Campbell to Manning, 2 September 2002, [untitled].



**225.** Mr Campbell wrote that he left it to Sir David and Mr Powell to decide what to do with his minute, “but it might be worth sending round as a general message that if people are talking loosely ... they are being foolish and risk being highly counter-productive”.

**226.** Mr Powell commented on the manuscript: “David [Manning] will speak to the FCO.”<sup>77</sup>

**227.** Sir David Manning discussed the issue with Dr Rice on both 1 and 2 September.<sup>78</sup>

**228.** There is no record of the first conversation although it was a difficult one which Sir David had reported orally to Mr Blair. He described the second conversation as “much easier” and “a great deal better than it might have been”. Sir David said he had told Dr Rice that Mr Blair was “angry at the way the British press were covering the Iraq issue”, and that “We were doing all we could to ensure that there were no leaks at our end.” Mr Blair “had given fierce instructions”. Sir David suggested that the coverage “was probably the result of speculation, lucky hits, and people driving their own agenda”.

**229.** Sir David told Dr Rice that Mr Blair would deal with Iraq at his press conference the following day. Mr Blair would “dismiss all suggestions” that he was “trying to pressure the US”. There was “no lack of consultation” and Mr Blair would not “want to pressure the President” because he “believed very strongly that Saddam must be dealt with”. “However difficult, we had to face up to the problem and to the wider problem of WMD.” Mr Blair and President Bush “might get together at some point if you both felt that was useful”. Sir David reported that Dr Rice was content with that line.

**230.** Sir David Manning also reported that he and Dr Rice had discussed elements of a “very tough” resolution, including a stipulation that the UN inspectors would have force protection and the possibility of “external back up” provided by larger military forces in a number of neighbouring countries who would invade Iraq if Saddam tried to obstruct the work of UNMOVIC. The assumption was that the resolution should be tabled two or three days after President Bush’s speech on 12 September. Sir David added: “With luck, we may be over the worst. Your [Mr Blair’s] press conference tomorrow will obviously be important.”

**231.** Mr Campbell wrote that Mr Blair was “livid” about the stories in the media and had spoken to Mr Powell and Sir David Manning “saying that he wanted message round the system that all this loose talk had to stop. And he wanted the Americans to know how angry he was”.<sup>79</sup>

**232.** Mr Campbell also wrote that Dr Rice had “said it looked like we were trying to push them, and they didn’t like it”. He added that Dr Rice liked the argument that the UN was the route to deal with Iraq, not the route to avoid it.

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<sup>77</sup> Manuscript comment Powell on Minute Campbell to Manning, 2 September 2002, [untitled].

<sup>78</sup> Minute Manning to Prime Minister, 2 September 2002, ‘Conversation with Condi Rice’.

<sup>79</sup> Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.



**233.** The FCO was concerned that Mr Blair should strike a balance between acknowledging the deficiencies of the policy of containment without saying it had failed.

**234.** In preparation for his press conference in Sedgefield, Mr Blair asked for:

- a summary of “what we knew of the existing Iraqi WMD programme, in particular ballistic missile technology (and its significance); and nuclear weapons technology (including why the civil nuclear programmes they are funding is almost certainly misused for weapons programmes)”;
- a “list of Saddam Hussein’s atrocities”;
- a “rough summary” of statistics showing the brutality of political repression;
- information on the “sanctions programme and containment” telling him “why the policy of containment cannot continue indefinitely”; and
- information on the extent to which Saddam Hussein’s refusal to use the Oil-for-Food programme properly was harming the Iraqi people.<sup>80</sup>

**235.** Advice was provided by Mr Straw’s Private Office on 2 September.<sup>81</sup>

**236.** Mr Charles Gray, Head of the FCO Middle East Department, explained to Mr Peter Ricketts, FCO Political Director:

“The difficulty lies in providing No.10 with language which will adequately bring out the deficiencies in our present policy and show that there is a need to move beyond it, without suggesting that it has been a total failure (which, for the reasons set out in the first version ... we do not believe to be the case). And I also see a presentational risk that if we do not in the end go hard over on a policy of military action, and [we] have already said categorically that containment has failed, we shall be setting ourselves up for accusations that we are then left with no policy at all.

“So rather than tie us down to pursuing an alternative to containment immediately, the language ... seeks to demonstrate why the present state of affairs cannot continue indefinitely, thus leaving us with some flexibility on the timing of any other action.”<sup>82</sup>

**237.** As well as the briefing note, Mr Rycroft was sent a “blind copy” of Mr Gray’s minute. He advised Mr Blair: “We need to bring out the deficiencies of the containment policy without saying that it has been a total failure.”<sup>83</sup>

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<sup>80</sup> Minute Blair to Manning, 1 September 2002, [untitled].

<sup>81</sup> Letter Sedwill to Rycroft, 2 September 2002, ‘Iraq’.

<sup>82</sup> Manuscript comment Sedwill to Rycroft on Minute Gray to Ricketts, 3 September 2002, ‘Iraq: Containment: Query from No. 10’.

<sup>83</sup> Manuscript comment Rycroft to Prime Minister, 3 September 2002, on FCO briefing note ‘4. The sanctions programme and containment’.

**238.** The brief for Mr Blair stated:

- The purpose of the policy had been to ensure that Iraq was disarmed through two main elements:
  - disarmament through inspections regimes; and
  - reducing Iraq's ability to finance its WMD programmes by controlling its revenues from oil.
- The policy had had "some success in dismantling Saddam's arsenal when the inspectors were able to operate", and it had "slowed his efforts to rebuild WMD". The arms embargo had "been effective in preventing Saddam acquiring new complete weapons systems".
- But, "in the absence of inspectors" Iraq could "work on its WMD programmes unimpeded" and Iraq was "in violation of a string of Security Council resolutions intended to curb" those programmes.
- Controls on revenues were "eroding", giving Saddam Hussein "access to large sums over which the international community had no control" and "much" of that was "certainly going into his high-priority WMD programmes".
- Although the sanctions regime had been "targeted on goods of most concern", no sanctions regime would "be completely effective in stopping a ruthless and well-funded regime getting its hands on some of the goods and technology needed for a WMD programme".

**239.** The FCO response to Mr Blair's questions on Iraq's WMD, which stated unequivocally that Iraq had and was hiding WMD and that it had continued its chemical, biological, nuclear and ballistic missile programmes after the departure of the UN weapons inspectors in 1998, is addressed in Section 4.2

### **The Sedgefield press conference, 3 September 2002**

**240.** In his press conference, Mr Blair stated that Saddam Hussein was, "without any question, still trying to develop" a "chemical, biological, potentially nuclear capability"; and that to allow him to do so would be "irresponsible".

**241.** As he had discussed with President Bush, Mr Blair framed Iraq's position as a challenge to the UN which the UN should address.

**242.** Mr Blair's remarks indicated that time and patience were running out and that there were difficulties with the existing policy of containment.

**243.** Mr Blair announced that the "dossier" setting out the evidence of Iraq's attempts to develop its "chemical, biological and potentially nuclear capability" would be published in the "next few weeks".

**244.** Mr Campbell wrote that the hardest question to answer was "Why now?"

**245.** In his press conference, which lasted 90 minutes, Mr Blair stated:

“... I think I would be right in saying that many of your questions will be on Iraq ... I sense that some of you believe we have taken all the key decisions but just haven’t got round to telling you. That isn’t the case ... We, at every level of government, have been and remain in close dialogue with the United States of America about this issue and where we are in absolute agreement is that Iraq poses a real and unique threat to the security of the region and the rest of the world. But Saddam Hussein is continuing in his efforts to develop weapons of mass destruction ... We have to face up to it, we have to deal with it and will. The issue is then what is the best way of proceeding.”<sup>84</sup>

**246.** Mr Blair emphasised the importance of the “broadest possible basis of support”; and that “because this is a problem for the world ... the United Nations has to be the route to deal with this problem, not a way of people avoiding dealing with this problem”.

**247.** Explaining his support for the US, Mr Blair stated: “For a long period of time we have done our best to contain that threat, though it is increasingly difficult to do without inspectors being back in there with a proper regime on the ground which alters the way the [Iraqi] regime behaves.” The US was “right” to raise the issue and supporting them was not a question of “misplaced allegiance or blind loyalty”; it was the “right thing to do”.

**248.** Mr Blair stated that the policy of containment of Saddam Hussein had “worked up to a point, but there is a point beyond which it hasn’t worked because the inspectors aren’t in, we don’t really know what is happening now”.

**249.** Mr Blair said: “I think I am right in saying that a couple of years ago we reckoned there was somewhere in the region of \$1.8 billion of illicit money coming to the Iraqi regime, we think it is probably \$3 billion ... now”.

**250.** Mr Blair also drew attention to Saddam Hussein’s human rights record and the “thousands ... of refugees flooding across Europe”.

**251.** Referring to US concerns about Saddam Hussein’s past record of obstructing inspections and the need to follow through on any resolution, Mr Blair concluded:

“... is there a threat we can simply turn a blind eye to, despite the breach of all the UN resolutions. If the answer to that is no, we have to deal with it, then let’s work out the right way of dealing with it. But it is perfectly understandable if in the light of previous experience, that people will look with a very sceptical eye as to whether any regime could be successful, but that is not to dismiss it.”

**252.** A number of questioners pointed out that public opinion had moved against the idea of a strike against Iraq “partly because people feel that there hasn’t been much

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<sup>84</sup> The National Archives, 3 September 2002, *PM press conference* [at Sedgefield].

evidence ... We have heard again and again that there is a dossier of evidence about Saddam Hussein's weapons of mass destruction. Why haven't we got it up to now and when are we going to see it?" Would there be any evidence in the dossier which had been "gleaned in the last four years" that Saddam Hussein had "moved any further down the route to nuclear weapons"? There were suggestions that there was "not going to be much new"; and that, in terms of public opinion, there was "a mountain to climb".

**253.** In response to the first question Mr Blair replied:

"Originally I had the intention that we wouldn't get round to publishing the dossier until we'd actually taken the key decisions. I think it is probably a better idea to bring that forward."

**254.** Mr Blair added: "A lot of the work has already been done, there needs to be some more work and some more checking" but "the best thing to do is to publish ... within the next few weeks". When that happened:

"... people will see that there is no doubt at all the United Nations resolutions that Saddam is in breach of are there for a purpose. He [Saddam Hussein] is without any question, still trying to develop that chemical, biological, potentially nuclear capability and to allow him to do so without any let or hindrance, just to say, we [sic] can carry on and do it, I think would be irresponsible."

**255.** In terms of the specifics of Iraq's WMD Mr Blair made a number of comments including:

- "... there is no doubt that at some point the Iraqi regime were trying to develop nuclear weapons ... I believe that there is evidence that they will acquire nuclear weapons capability if they possibly can."
- "Now we will provide what support we can for that, although of course the absence of inspectors ... means there is necessarily a limit. But I don't think we should be in any doubt about the nature of this regime, they will acquire whatever weapons they possibly can."
- "Certainly they were trying to obtain a nuclear weapons capability. I think there is some evidence that they continued to do so."
- "... we don't really know what is happening now, there are huge amounts of stocks of chemical, biological weapons unaccounted for."
- "... we can't be quite sure what is happening on the nuclear side ... but on the biological and chemical weapons side there is no doubt about it, there are vast stocks of these weapons unaccounted for by the previous weapons inspectors."
- "And in addition there is real concern that there is ballistic missile technology."

**256.** Mr Blair suggested that the reason Iraq might not be letting inspections take place was because "the last time the inspectors were in there, they uncovered so much that

the Iraqi regime was deeply embarrassed”. He also argued that people would “think about it differently once they see the evidence”.

**257.** Mr Campbell wrote in his diary on 3 September:

“The hardest [question] was: ‘Why now? What was it that we knew now that we didn’t before that made us believe we had to do it now?’ It was not going to be at all easy to sell the policy in the next few months ...”<sup>85</sup>

**258.** Mr Campbell added that announcing the publication of the dossier would “raise expectations massively. Today was about beginning to turn the tide of public opinion and it was going to be very tough indeed.”

**259.** Mr Campbell told the Inquiry that the decision to bring forward the publication of the dossier was a way of trying to calm the situation.<sup>86</sup> Mr Blair had wanted “to set out for the public, in as accessible a way as possible, the reasons why he had become more concerned” about Iraq.

**260.** The decision to publish the dossier and its preparation is addressed in Section 4.2. That also sets out the separate work in the FCO on a script addressing why the problem of Iraq’s WMD, unlike other countries’ programmes including Iran’s, could not be resolved through containment and diplomacy.

### **JIC Assessment, 3 September 2002**

**261. A JIC Assessment reviewing Iraq’s manipulation of its trade relations to obtain diplomatic support was issued on 3 September.**

**262.** An Assessment analysing the way in which Iraq used trade to exert influence, ‘Iraqi Trade: A Tool of Influence’, was issued at the request of the JIC on 3 September.<sup>87</sup>

**263.** The Key Judgements were:

- Iraq is successful in manipulating its trade relations to obtain diplomatic support from other countries. It will continue to do so. The weakness of the economies of many of Iraq’s neighbours means they will continue to be susceptible to Iraqi pressure through the offer of lucrative trading opportunities.
- Trade dependency has muted, but not eliminated, criticism of Iraq by its neighbours – whose policies are influenced but not determined by economic factors.

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<sup>85</sup> Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

<sup>86</sup> Public hearing, 12 January 2010, pages 66-67.

<sup>87</sup> JIC Assessment, 3 September 2002, ‘Iraqi Trade: A Tool of Influence’.

- Iraq's ability to use cuts in oil supply or threats of such disruption to cause spikes to world energy market prices is likely to be temporary and limited by the extent to which Saudi oil production can make good any loss of Iraqi supplies.
- Iraq uses economic levers to put political pressure on Russia for support, whilst Russia sees its political importance to Iraq as a means to extract economic benefit. But Russia remains the dominant partner. At present Russia is able to exercise the greater leverage.
- Russian policy on Iraq will continue to be heavily influenced by its determination to protect its economic interests. The status quo provides the benefit of a privileged commercial position; but contracts which can only be realised after sanctions are lifted may not be honoured by a post-Saddam regime.
- Iraq's use of trade to further its political influence will be limited in future by its inability to significantly expand oil production."

264. Other points from the Assessment are set out in the Box below.

### JIC Assessment, 3 September 2002: 'Iraqi Trade: A Tool of Influence'

The Assessment concluded that Iraq deliberately used **"trade with other countries as one way to achieve strategic goals"**.

"It had worked hard to build up trading relations, legal and otherwise, both with its neighbours and influential countries on the UNSC. **The granting of future oil/gas extraction rights for the post-sanctions period is also a source of leverage.**"

In addition, **"Iraq manipulates OFF contracts to obtain political support from other countries."** The lifting of the ceiling on OFF contracts in 1999 had "increased Iraq's power of patronage significantly". Iraq had "used the OFF programme to divert funds illegally to Baghdad using a number of schemes, the most important being a 10 percent commission on all OFF contracts for goods coming into Iraq and the imposition of a surcharge on exports of its oil".

Iraq was also pursuing illegal trade which was described as "typically" involving "the transfer of Iraqi oil at below world prices". That gave the Iraqi regime "direct access to foreign currency" and allowed it "to procure goods prohibited by the UN from countries, firms and individuals willing to break sanctions".

The JIC assessed that Jordan and Syria were the two countries most dependent on Iraqi trade. For Jordan OFF and other trade with Iraq accounted for "about 20 percent" of its GDP; Syrian trade with Iraq was estimated to account for about 10 percent of its GDP, not including earnings of firms and individuals who dealt with Baghdad directly or some revenues derived from the use of Syria as a major transit route for illegal Iraqi trade. Illegal oil exports from Iraq through a pipeline with Syria began in 2000. Syria was the largest purchaser of illegal Iraqi oil which it used for domestic consumption allowing it to increase exports of its own oil.

With Egypt, Turkey and the United Arab Emirates, trade was "relatively significant".



The JIC set out the scale of Russia's economic interests in Iraq, including expected earnings of US\$2.5bn in 2002 from OFF contracts; contracts to develop Iraq's oil and gas fields; and a five year trade agreement. Moscow was also concerned about recovering outstanding debt of at least US\$8bn.

Iraq used its economic relationship with Russia to put pressure on Russia, including to engage in illegal trade which the Russian Government had resisted. Iraqi bribes paid to Russian officials, businessmen and politicians and oil industry lobbyists had helped "nurture an influential pro-Iraqi lobby in Russia".

Russian policy was **"to hope for the best and plan for the worst – so far as its economic interests are concerned"**. Russia might see the **"deals it has signed with Iraq as a card to negotiate some form of compensation should the current regime be toppled by the US"**. It was "hoping to maintain and possibly expand its current trading position".

Russia wanted "to maintain good relations with the US while at the same time opposing an attack on Iraq". It was "becoming increasingly irritated by Iraq's refusal to allow the return of UN inspectors", which Russia saw as "the best way to avoid a conflict in Iraq and get sanctions lifted".

## US agreement to pursue "the UN route"

**265.** In a meeting on 3 September, Mr Blair told Mr Kofi Annan, the UN Secretary-General, that:

"... Iraq needed to know that they had to let the inspectors back in and that, if they refused, the US would not ignore it. The President was under pressure not to go down the UN route and it was important that the international community stood ready to support him if he did."<sup>88</sup>

**266.** Mr Annan stated that he had been informed earlier in the year that it was thought Iraq would comply and let the inspectors back in.

**267.** Dr Rice telephoned Sir David Manning after the Sedgefield press conference to discuss the arrangements for Mr Blair and President Bush to meet at Camp David and develop US thinking on what the resolution should contain.<sup>89</sup>

**268.** Sir David Manning told Dr Rice that he had "assumed we would need to table a very tough initial draft that included negotiating fat that could be conceded". Some of the elements Dr Rice had outlined would be a "tough sell" and "we might have ... to modify these demands to get the resolution through". Sir David said he would get back to Dr Rice "when our experts had thought the issues through".

<sup>88</sup> Letter Lloyd to McDonald, 3 September 2002, 'Prime Minister's Meeting with Kofi Annan'.

<sup>89</sup> Minute Manning to PM, 3 September 2002, 'Iraq: Conversation with Condi Rice'.



**269.** Outside No.10, only Mr Straw was sent a personal copy of the record of that discussion.

**270. Mr Blair and President Bush agreed they should meet on 7 September to discuss Iraq.**

**271. President Bush announced the meeting on 4 September, as part of wider remarks about his determination to disarm Iraq about which he would also be consulting Congress and other world leaders.**

**272.** President Bush and Mr Blair spoke later on 3 September.<sup>90</sup> They discussed Mr Blair's press conference and Mr Blair said he was confident that a very strong case could be made against Saddam Hussein. Mr Blair's visit to the US would be announced the next day. It would follow a US National Security Council meeting on 7 September and precede President Bush's speech to the UN on 12 September. They would also discuss the handling of the UK dossier.

**273.** On 4 September, in a press opportunity after a meeting with Congressional leaders in the White House to discuss foreign policy, President Bush stated that they had spent most of their time "talking about a serious threat to the United States" and to the world from Saddam Hussein. Doing nothing about that threat was "not an option".<sup>91</sup> He "looked forward to an open dialogue with Congress and the American people". The Administration would "participate fully in any hearings" that Congress wished to hold, and "at the appropriate time" he would seek Congressional approval to "deal with the threat".

**274.** President Bush also announced that he had asked Mr Blair to "come to Camp David on Saturday" where they would discuss "mutual concerns about how to make the world more secure and safe". President Bush said that he would also speak to other world leaders, including those of China, France and Russia, before giving his speech at the UN General Assembly in New York the following week.

**275.** Asked whether putting weapons inspectors back into Iraq was a viable option, President Bush replied that the issue was disarmament not inspectors. That was the primary issue and he would be discussing "ways to make sure that that is the case". In response to a subsequent question, President Bush added that he would be calling "on the world to recognize that he [Saddam]" was "stiffing the world"; and discussing "ways to make sure that he fulfils his obligations".

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<sup>90</sup> Letter Rycroft to McDonald, 3 September 2002, 'Iraq: Prime Minister's Phone Call with President Bush, 3 September'.

<sup>91</sup> The White House, 4 September 2002, *President discusses Foreign Policy with Congressional Leaders*.

**276.** Asked whether the time had come to issue an ultimatum “similar to that you issued to the Taliban [in October 2001 – see Section 3.1]”, President Bush replied:

“I am going to state clearly to the United Nations what I think ... he [Saddam] has not fulfilled any of the obligations that he made to the world. And I believe it is important for the world to deal with this man. And I believe it is really important for the world to have an open dialogue about how to deal with this threat.

“We are in a new era; the first battle of the first war of the 21st century took place in Afghanistan. The United States is under threat ... this is a debate the American people must hear, must understand. And the world must understand ... that its credibility is at stake.”

**277.** CNN published a letter that President Bush had given to Mr Dennis Hastert, the Speaker of the House of Representatives, during the meeting on 4 September.<sup>92</sup> The letter stated:

“America and the civilised world face a critical decision in the months ahead. The decision is how to disarm an outlaw regime that continues to possess and develop weapons of mass destruction ... Since September 11, we have been reminded that we are vulnerable to evil people. And this vulnerability increases dramatically when evil people have access to weapons of mass destruction.

“I know Members of Congress agree that Saddam Hussein’s regime is still a threat to peace ... America intends to lead the way to make certain that Saddam Hussein’s regime is not able to threaten anyone in the world with the world’s most devastating weapons.

“I am in the process of deciding how to proceed. This is an important decision that must be made with great thought and care. Therefore I welcome and encourage discussion and debate. Congress will hold hearings on Iraq this month, and I have asked members of my Administration to participate fully.

“Doing nothing in the face of a grave threat to the world is not an option. At an appropriate time and after consultation with the leadership, I will seek Congressional support for US action to do whatever is necessary to deal with the threat posed by Saddam Hussein’s regime. Congress can play an important role in building a national consensus for action.”

**278.** After a reference to meeting Mr Blair and consulting other world leaders, the letter continued:

“My Administration remains committed to the regime change policy enshrined in the Iraq Liberation Act. The world must address how the Iraqi people can be liberated ...

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<sup>92</sup> CNN, 4 September 2002, *Bush letter: ‘America intends to lead’*.

“We must not allow an outlaw regime that incites and uses terror ... to threaten the world by developing the ultimate weapons of terror ... the civilised world must come together to deal with the threat posed by the Iraqi regime.”

### **Sir Jeremy Greenstock’s advice, 3 September 2002**

**279.** Sir Jeremy Greenstock advised on 3 September that none of the options identified by the FCO for a draft resolution, giving Iraq an ultimatum which might then provide legal cover for military action, would be achievable. Even a challenge to Iraq to accept UN inspections would face “considerable opposition”.

**280.** Sir Jeremy advised that the UK should focus on the elimination of WMD rather than regime change, and choose its tactics “with circumspection”.

**281.** Mr Blair had concluded on 30 August that the UK strategy should be a new UN resolution which would become an ultimatum to Iraq.<sup>93</sup>

**282.** Sir Michael Jay had asked Sir Jeremy Greenstock for his “considered advice on the handling of a Security Council resolution on Iraq in preparation for the Prime Minister’s visit to Camp David at the end of the week”.<sup>94</sup>

**283.** Sir Jeremy replied to Sir Michael on 3 September addressing a draft FCO letter to No.10 provided by Mr Stephen Pattison, Head of UN Department in the FCO, “on the options for Security Council Resolutions aimed at putting pressure on Iraq and preparing the ground for enforcement action”.

**284.** Sir Jeremy described the FCO draft as raising three possibilities:

- a resolution “specifically authorising the use of force”;
- a “softer text determining a flagrant violation or material breach by Iraq of previous SCRs”; and
- a “middle-ground resolution aimed at provoking an indisputable example of Iraqi intransigence by calling for the re-admission of Inspectors with a tight timetable and more intrusive powers”.

**285.** Sir Jeremy advised that none of those options was yet achievable and only the second was “likely to stand much chance of success after further work”. He wrote:

“We start from a point where the other 13 members of the Council will, at best, have serious doubts about the use of force. Despite the attractions from our and the US perspective of a clear and ‘in your face’ justification for the use of force, there is bound to be strong resistance to this in the Council. Nor would we have the necessary nine votes for an explicit pre-authorisation in the event of continued Iraqi non-compliance. There will even be considerable opposition to throwing down

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<sup>93</sup> Note Blair [to No.10 officials], 30 August 2002, [extract ‘Iraq’].

<sup>94</sup> Letter Greenstock to Jay, 3 September 2002, ‘Iraq: Handling in the Security Council’.

the gauntlet to Saddam by challenging him to accept UN Inspectors under tight conditions. [...] introducing force protection for UNMOVIC is simply unachievable, even if UNMOVIC decided to ask for it. The majority of the Council members will see any attempt to ratchet up the requirements on Iraq as a device to create a pretext for military action rather than an effort to get verification and inspection under way. And trying and failing to obtain this sort of language would be worse than not trying at all because it would create a presumption of further Council discussion and decision before military action could start.”

**286.** Sir Jeremy advised that the UK should be:

“... focusing our presentation as much as possible on WMD elimination rather than regime change, and ... choosing our Security Council tactics with circumspection. On the assumption that our first requirement is to secure legal cover for military intervention if the UN route fails, our priority should be to reactivate SCRs 678 and 687. The Attorney General will need to give a view on the best way to make this legally watertight, but to be politically effective we would need to secure more than the minimum nine votes necessary.”

**287.** In that context, Sir Jeremy wrote:

“... Ideally this [the text of an ultimatum resolution] should include ‘material breach’ (rather than ‘flagrant violation’) language and be under Chapter VII of the Charter. But, subject to the Attorney General’s views, I do not think that either Chapter VII or an explicit ultimatum is necessary to secure the legal cover we need. [...] ... in my view [we] should be very cautious about spelling out an ultimatum, which could easily be used by others to argue for a further Council decision before military action is launched. Our real objective in a resolution should be to achieve the minimum language necessary to justify the use of force (without a further SCR) without striving for extra bells and feathers ...

“We may need to discuss later how to handle Iraqi reaction to a successful resolution. Actually getting inspectors back in would change the picture.”

**288.** Sir Jeremy asked Sir Michael Jay to arrange for the distribution of the letter in London. Sir Michael sent it to Sir David Manning and Mr Straw’s Private Secretary “only at this stage. For discussion at my meeting at 12 noon.”<sup>95</sup>

**289.** The letter was marked to Mr Blair by Mr Jonathan Powell who wrote: “I do not agree with this.”<sup>96</sup>

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<sup>95</sup> Manuscript comment Jay, 4 September 2002, on Letter Greenstock to Jay, 3 September 2002, ‘Iraq: Handling in the Security Council’.

<sup>96</sup> Manuscript comment Powell to Prime Minister, [undated], on Letter Greenstock to Jay, 3 September 2002, ‘Iraq: Handling in the Security Council’.

**290.** Mr Blair replied “? why not? – sounds right to me except possibly it may be possible to get a middle ground resolution.”<sup>97</sup>

### **FCO advice, 4 September 2002**

**291.** The FCO advice to No.10 on 4 September reflected Sir Jeremy’s view that **it would be difficult to negotiate any resolution which implicitly or explicitly authorised the use of force without clear Iraqi provocation to provide a “trigger”.**

**292.** Mr Straw’s Private Office sent advice to No.10 on 4 September on a “wider range of possible UNSCRs and a game-plan for securing them”, drawing attention to Sir Jeremy Greenstock’s advice in his letter of 3 September.<sup>98</sup> The letter to Sir David Manning made clear that Mr Straw had not seen the advice.

**293.** The FCO set out three possible approaches, but made no recommendation. First, **a resolution specifically authorising the use of force:** affirming that Iraq had “ignored” the UN’s demands and failed to comply with relevant resolutions; confirming that Iraq’s behaviour, and in particular its possession of WMD, “constituted a threat to international peace and security”; and authorising a “coalition of the willing to take ‘all necessary measures’ to ensure Iraq’s compliance with the UN’s demands”.

**294.** Such a resolution would “provide an unambiguous justification for the use of force” but it would be “immensely difficult to negotiate” and the prospects would improve “only if there were a recent and flagrant example of Iraqi non-compliance”.

**295.** Secondly, **a resolution determining that Iraq’s failure to co-operate with “UNMOVIC etc” constituted a flagrant violation or material breach of previous resolutions:** with a call for Iraq to co-operate fully and possibly a timed ultimatum “though the warning to Iraq would be implicit without it”.

**296.** In the FCO view “such a resolution could be argued to provide sufficient grounds for the use of force ... on the [grounds] that it revived the authorisation ... in [resolution] 687”. That would “undoubtedly be easier for some UNSC members to support than one which explicitly authorised all necessary measures, although many would recognise it for what it is, and take up positions accordingly”.

**297.** Thirdly, **a resolution calling for re-admission of inspectors with a tight timetable, more intrusive powers etc:** re-affirming Security Council support for UNMOVIC and the IAEA and for disarming Iraq of WMD with a tight timetable for compliance and UNMOVIC reports and a commitment to take action if UNMOVIC reported Iraq was not co-operating.

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<sup>97</sup> Manuscript comment Blair, [undated], on Letter Greenstock to Jay, 3 September 2002, ‘Iraq: Handling in the Security Council’.

<sup>98</sup> Letter Sedwill to Manning, 4 September 2002, ‘Iraq’ attaching Paper ‘Iraq: UNSC Action’.

**298.** The FCO advised that, in that eventuality: “It would obviously be preferable to have automatic authorisation of the use of force” but the Russians and others were “likely to insist on a separate decision”. Armed support for UNMOVIC “would be very difficult, if not impossible to negotiate”.

**299.** Such a resolution would “demonstrate ... willingness to give Iraq one last chance. But there would be pressure ... to keep to the timetable outlined in ... [resolution] 1284, which gave UNMOVIC months rather than weeks to report full Iraqi compliance.” There would also have to be tight criteria for determining whether Iraq was co-operating “to ensure that there would be no return to Iraq playing cat and mouse with UNMOVIC”.

**300.** The FCO judged that the UK would be “unlikely to secure language which provided a clear justification for future military action without further recourse to the UNSC”. It also pointed out that, “A failed attempt in this area would be damaging. For this reason, it would be wise not to go for the hardest option.”

**301.** Reviewing the “Prospects and Pitfalls” of action, the FCO concluded that it would be “difficult to negotiate any resolution which implicitly or explicitly authorises the use of force without clear Iraqi provocation”. It identified the Russian attitude as “pivotal”; and argued that China and other Security Council members would be nervous of setting a precedent for “what may look like regime change”.

**302.** The FCO also addressed the need for a trigger to support a resolution authorising the use of force:

“The best trigger would be if Iraq were to be caught out taking action in clear violation of UN Security Council demands. For example, if we were to get new evidence of an egregious attempt by Iraq to rebuild its WMD programme ... But it is unlikely that Iraq will play into our hands in this way.

“The next best trigger would be to adopt a resolution demanding more intrusive inspections ... in the expectation that Iraq would not co-operate ... Iraq’s refusal to let UNMOVIC in or a subsequent report from UNMOVIC of Iraq’s failure to co-operate would suffice.

“Even without a specific trigger ... we might argue that the UNSC’s patience had run out ... the first anniversary of ... resolution [1382] (on 29 November [2002]) might be a useful opportunity to focus minds.”

**303.** Addressing an ultimatum the FCO advised:

“Various types of ultimatum are possible. They would need to be linked to demands for the re-admission of inspectors, and Iraqi co-operation ... Some options would include deadlines ... but ... in the absence of ... Iraqi move[s] to comply within a reasonable (but short) period, they would be in clear violation.”



**304.** The FCO concluded: “The first step must be to share our thinking with the US” before addressing the approach to the other Permanent Members of the Security Council.

### Attack in Iraq, 5 September

In response to hostile acts against coalition aircraft monitoring the southern No-Fly Zone, US aircraft, with UK aircraft in support, attacked an Iraqi air defence facility in western Iraq on 5 September 2002, prompting press speculation that it was a prelude to Special Forces attacks and more general military action.<sup>99</sup>

Mr Amre Moussa, Secretary General of the Arab League, told a press conference in Cairo on 5 September that any attack would cause major instability in the region.<sup>100</sup> The press also reported Arab foreign ministers had said that military action to topple Saddam Hussein would “open the gates of hell” and that no Arab countries would join it.

### FCO advice, 6 September 2002

**305.** Mr Straw had a different perspective. He advised that the UK should seek a resolution that simply determined that Iraq’s failure to co-operate constituted a breach of its obligations and set an ultimatum for the readmission of inspectors on the basis of the provisions in resolution 1284.

**306.** Mr Straw’s Private Secretary wrote to No.10 on 6 September offering “elements” for a possible resolution “authorising a tougher mandate and enforcement powers for UNMOVIC inspectors in Iraq” and a draft resolution taking a different approach.<sup>101</sup>

**307.** The first draft resolution made clear that “Iraq would be obliged to grant inspectors immediate access to any sites, records or officials as requested”; with the “provision of armed guards to accompany UNMOVIC” and authorisation for “a standby force to assist UNMOVIC obtain Iraqi compliance if necessary”. The FCO stated that it had assumed military operations would be run by a “coalition of the willing led by the US”, not run by the UN.

**308.** The FCO advised that there would be “strong pressure” from members of the Security Council “to be consulted again before military action” commenced. The draft aimed “high” by “including various formulae designed to obtain prior UNSC authority or at least approval in principle, for any enforcement action”.

**309.** The timetable in the draft resolution was “modelled on the arrangements envisaged in UNSCR 1284 [1999]”, which the FCO commented were “likely to be considered too

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<sup>99</sup> *Daily Telegraph*, 6 September 2002, *100 jets join attack on Iraq*.

<sup>100</sup> *BBC News*, 6 September 2002, *Iraqi air defence site attacked*.

<sup>101</sup> Letter Davies to Manning, 6 September 2002, ‘Iraq’ attaching Paper ‘Draft Elements for a UNSCR on UNMOVIC’.



leisurely in the current political climate”. Any timetable would “in practice” need to take account of Dr Blix’s views.

**310.** The draft included only an implicit reference to regime change; “the market will bear no more”.

**311.** The draft “also included requirements for Iraq to allow access to humanitarian agencies, and for other UN members to co-operate by providing assistance to the coalition and information on sanctions busting”.

**312.** The second draft resolution reflected Mr Straw’s amendments to a draft letter to No.10 offered by officials on 5 September on which Mr Straw had commented that the options were “too ‘in your face’ at present”.<sup>102</sup>

**313.** While Mr Straw recognised “the importance of engaging the White House in discussion of the UN options and of a tough draft UNSCR designed to get the inspectors back in”, he believed the UK should:

“... point out to the White House that this is unlikely to be achievable and that the concerns of Sir Jeremy Greenstock ... must be taken seriously. You will recall that the Foreign Secretary mentioned this to the Prime Minister at yesterday’s meeting.”<sup>103</sup>

**314.** The letter of 6 September summarised Sir Jeremy’s concerns and stated that the FCO was, “therefore”, providing:

“... a draft resolution which takes a different approach, namely determining that Iraq’s failure to co-operate constitutes a material breach/gross violation of its obligations and sets an ultimatum for it to admit inspectors on the basis of the current arrangements.”

**315.** The text of the draft resolution was that sent to No.10 by the FCO on 27 August. The FCO stated:

“Even this approach will be difficult. We start from a point where the other 13 members of the Council will, at best, have serious doubts about the use of force.”

**316.** The FCO concluded with a caution on timing:

“... no action in the Security Council should be taken until the Russians have been squared. A text as complex as the revised UNMOVIC mandate would require even more pre-cooking if it were to succeed ... It would be far less difficult to see that

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<sup>102</sup> Manuscript comment Straw on Letter [draft] [FCO to No.10] attaching Minute Pattison to Ricketts and PS [FCO], 5 September 2002, ‘Iraq’.

<sup>103</sup> Letter Davies to Manning, 6 September 2002, ‘Iraq’ attaching Paper ‘Draft Elements for a UNSCR on UNMOVIC’.

[a Russian resolution] off than to salvage a negotiation of our own that was launched before the ground had been properly prepared.”

**317.** The FCO letter was sent to Sir David Manning; no copy addresses were identified.

**318.** Mr Straw’s meeting with Mr Blair on 5 September is addressed later in this Section.

**319.** In a conversation with Secretary Powell on 6 September, Mr Straw said that the UK would not want a kitchen sink resolution which was un-negotiable.<sup>104</sup> He was sure that Mr Blair would reinforce that message with President Bush.

### **Sir David Manning’s discussion with Dr Rice, 6 September 2002**

**320.** Sir David Manning advised Mr Blair that there would be better prospects of securing a tough mandate if there was a promise to return to the Security Council before force was used.

**321.** Sir David Manning and Dr Rice discussed the contents and handling of a draft resolution in the morning of 6 September.<sup>105</sup>

**322.** Sir David reported to Mr Blair that he had told Dr Rice:

- A resolution “must not be a transparent device to justify military action. The focus must be the return of Inspectors, and WMD. If Bush tabled something that could not easily be dismissed as a transparent pretext for immediate military action, there would be a wide measure of international support.”
- That “did not mean that the resolution should not be tough on Saddam. But it would need nice judgement and strong nerves to get the balance right ... Once the international community had signed up, we would be in a different place.”
- “The Russians would be key. It was essential that Bush did a great deal of heavy lifting with Putin before the resolution was tabled ...”
- “France would also be crucial to the argument.” Mr Blair was talking to President Chirac that day.
- Sir David “thought that the French would rally to a well constructed, even if tough resolution, as long as they believed the US purpose in tabling it was genuine”.
- A resolution was needed that “made it clear this was Saddam’s last chance. But the question of an ultimatum would need great care. It might be worth adopting a strategy in two parts: an initial resolution that stipulated strict conditions with the implication that further action would follow swiftly if these were not met. Thereafter, if Saddam failed to fulfil the conditions, we would need a second resolution containing an ultimatum. Countries that had supported the first resolution would find it correspondingly harder to oppose the second ... these

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<sup>104</sup> Minute Davies to Gray, 6 September 2002, ‘Iraq’.

<sup>105</sup> Minute Manning to Prime Minister, 6 September 2002, ‘Iraq: Conversation with Dr Rice’.

were preliminary thoughts ... you [Mr Blair] would want to explore the pros and cons of an ultimatum, and its timing, when you saw [President] Bush tomorrow.”

**323.** Dr Rice did not contest Sir David’s points. She told him that “the current plan” was for President Bush’s speech at the UN General Assembly to “focus on a clear demand that Iraq must forswear WMD” which would be “accompanied by an announcement” that the US would be tabling a draft resolution.

**324.** Sir David reported that current White House thinking on the core points for the resolution included:

- full “WMD disarmament under the international supervision of the Security Council”;
- “unrestricted access for UNMOVIC”;
- freedom for “witnesses” to the WMD programme to leave Iraq and be interviewed by UNMOVIC “at any time”;
- empowerment for inspectors “to destroy any prohibited material they discovered”;
- “force protection” for UNMOVIC; and
- Iraqi agreement to no-fly and no-drive zones as required.

The resolution would conclude by stating that If Saddam Hussein “adhered to these conditions”, that would “lead to a new international relationship with Iraq”.

**325.** Sir David told Dr Rice that force protection would be “a hard sell”. He had repeated the need to have some “negotiating fat” in the draft resolution for Russia, which might include force protection. Dr Rice agreed.

**326.** Sir David reported that he had “welcomed the fact” that the US was “not now thinking of stipulating regime change”. Dr Rice said that as they “had discussed before, Saddam’s acceptance of the other conditions would lead to a radically different regime anyway”. Sir David also said that there was a need to find a way to emphasise that the “quarrel was with Saddam not the Iraqi people”; the “aim should be to isolate him, as we had tried to isolate Milošević”. Dr Rice agreed.

**327.** Sir David reported to Mr Blair:

“As I said to you afterwards, further encouragement. White House thinking about the contents of the resolution has come back to earth and looks broadly plausible. And their view of handling (a serious text, working with Putin etc) seems close to ours. We must hope all this survives Cheney and the NSC meeting starting this evening. But on this evidence, the Administration may now be ready to make a genuine effort to go the UN route. Cementing this at Camp David will be a real prize.”<sup>106</sup>

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<sup>106</sup> Minute Manning to Prime Minister, 6 September 2002, ‘Iraq: Conversation with Condi Rice’.

**328.** Sir David did not send a report of his conversation to the FCO.

### **Sir Christopher Meyer's advice, 5 and 6 September 2002**

**329.** Sir Christopher Meyer reported on 5 September that the US Administration was considering starting to make the case against Saddam Hussein and using President Bush's speech at the UN to indict him then circulating a draft resolution the following week. Congressional resolutions authorising military action would be sought in early October.<sup>107</sup> The US was also thinking about a further resolution at a date to be determined which would issue a 48 hour ultimatum before military action was taken.

**330.** Sir Christopher added that there was still "feverish debate" about the content of the first resolution, and in particular how to secure intrusive inspections and whether to expand the case against Saddam beyond WMD. A study to be released on 6 September would suggest an "Inspection Implementation Force" to be established in neighbouring countries. Other options were also being considered although any option was likely to be unacceptable to Iraq. One official had commented: "but that was the whole point".

**331.** Sir Christopher reported that he had made clear that the UK view was that the focus had to remain squarely on the WMD threat, but there were two US concerns about that approach. First, the intelligence was not substantial enough to make a convincing case that regime change was necessary and justified. American public opinion would need something more; issues like human rights would play well. Secondly, there was concern that, if the focus was only on WMD and Saddam Hussein folded at the eleventh hour, it would undercut the imperative for regime change.

**332.** Sir Christopher Meyer advised on 6 September that Iraq was likely to dominate Washington politics during the autumn and there was a raft of unanswered questions about a "UN route".

**333.** Sir Christopher warned that it was "far from a given" that the "UN process should be exhausted, as we would understand it, before military action is contemplated".

**334.** Sir Christopher suggested that it would be more important to get it right than to do it fast.

**335.** Before the meeting at Camp David, Sir Christopher Meyer advised that, while President Bush's decision to go the UN route and to consult widely at home and abroad was welcome it left "a raft of questions unanswered".<sup>108</sup>

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<sup>107</sup> Telegram 1130 Washington to FCO London, 5 September 2002, 'Iraq: The US Diplomatic Game Plan'.

<sup>108</sup> Telegram 1140 Washington to FCO London, 6 September 2002, 'PM's visit to Camp David: Iraq'.

**336.** Sir Christopher wrote:

- A military invasion and its aftermath would be “less perilous [for the US] in company”.
- President Bush’s initiative (his letter to Congress of 4 September) had “got him off the defensive” but he had “been damaged by policy drift”. Iraq was “likely to dominate Washington politics until Congress adjourns for the mid-term elections [in November 2002]”.
- President Bush had repeated comments that the policy was Saddam Hussein’s removal: “Disarmament as [an] objective has been left to lesser spokesmen to articulate.”
- President Bush’s instincts “were with the hawks”: Saddam Hussein had “had his chance” and would “never change”. The elimination of WMD was “inseparable from the elimination of Saddam himself; inspections were a discredited instrument” and the UN “was not to be trusted”.
- Mr Blair was “likely to find a President with his heart and his head in conflict”. While President Bush’s instincts might be to “move to attack Iraq as soon as possible”, now that he had “launched a process of consultation” he would “to a degree be bound by its dynamic”. The challenge for the President would be how to convince Congress and the American people “why it is urgent” to get rid of Saddam Hussein.
- Hearings in Congress could last “through October”. There was a “huge debate inside the Administration about the content of Security Council resolution(s) ... even the principle of a SCR remains under challenge. I am reluctant to predict how this will be decided ... before the Prime Minister arrives.”
- The “dilemma ... over inspections” was “sharp”: “Many Americans want to set the bar so high that if Saddam were to accept, it would be tantamount to regime change. I assume this is unsaleable in New York. For others ... the nightmare is that Saddam will say ‘yes’ and avoid attack. I think it is far from a given ... that the UN process should be exhausted, as we would understand it, before military action is contemplated. The UK could find itself in an awkward two-way stretch between the Americans and others in the Security Council.”
- The White House hoped that the UN approach would “square the circle of divisions within the Administration”. Sir Christopher commented that it might succeed but it was “as likely to reopen the fault line between [Secretary] Powell and the neo cons and by extension between the two sides of the Atlantic”.
- “The pre-conditions for military action are a focal point for Camp David. So are post-war Iraq and the MEPP ... The President seems to have bought the neo con notion that with the overthrow of Saddam all will be sweetness and light in Iraq, with automatic benefits in the rest of the Middle East (which partly explains his inactivity on the latter). In reality, it will probably make pacifying Afghanistan look like child’s play. The US is probably in greater need of coalition and UN

support for what is likely to be a very protracted post-war phase, than for the attack itself. Afghanistan has shown that the US is not good at consolidating politically what it has achieved militarily.”

**337.** Sir Christopher commented:

“The Prime Minister will have very clear ideas how he wants to play Iraq with Bush. I would say only that it is more important to get it right than to do it fast. Bush’s head will agree. But his heart is impatient, he fears being labelled a wimp like his father, and his emotions will be stirred by the approach of the 9/11 anniversary.”

There would be “pressure on Bush to elide the distinction” between the two positions.

### **President Chirac’s views, 6 September 2002**

**338.** President Chirac told Mr Blair that the inspectors had to return to Iraq immediately with full powers and they needed to be intelligent. He would support that sort of resolution.

**339.** The disadvantages of any US unilateralism would be much greater than the advantages.

**340.** In a conversation with President Chirac on 6 September, Mr Blair asked for his views in advance of the meeting with President Bush.<sup>109</sup>

**341.** President Chirac’s response was reported to have included:

- Iraq had been “systematically and stupidly provoked ... into getting rid of the inspectors”.
- He did not think Saddam Hussein “posed an immediate nuclear danger, but clearly there were CBW risks”.
- The inspectors had to return immediately, but in the current climate Mr Annan should give Iraq an assurance that the inspectors were real, not spies.
- The inspectors must have full powers, but they needed to be intelligent.

**342.** President Chirac told Mr Blair that France would support that sort of UN resolution, but if that did not work, there were two scenarios:

- The US could attack Iraq on its own initiative but, “France would not participate, ‘since we are against unilateralism and do not want to feed anti-Americanism’, and because it would be dangerous militarily especially if Saddam had CBW. It would not lead to the right result. There was a risk of Iraq blowing up in the absence of a serious opposition figure to take power. The disadvantages would

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<sup>109</sup> Letter Rycroft to Sedwill, 6 September 2002, ‘Iraq and MEPP: Prime Minister’s Phone Call with President Chirac, 6 September’.



be much greater than the advantages. He thought most Arab and EU countries would agree.”

- The Security Council “could be seized. If so, France would be ready to discuss options. France would not be alone in the possible use of its veto.”

**343.** Mr Blair told President Chirac that Saddam Hussein had to know that this was “his last chance to co-operate”. It would be:

“... difficult to persuade the US to go down the UN path unless they believed that a refusal by Saddam to abide by his UN obligations would result in some damage to him.”

**344.** Mr Blair added:

“... he understood the French position: support for a UNSCR on inspectors, no support for unilateral military action, and ready to discuss UN S[ecurity] C[ouncil] measures if Saddam refused to comply.”

**345.** President Chirac:

“... confirmed that that was his position. He recognised that maximum pressure was needed on Saddam. Saddam understood that he faced a choice: inspectors or attack. The problem was that he always took stupid decisions. So Chirac was worried. And worse was Cheney’s talk about military action whatever Saddam did on inspections, which gave Saddam no incentive to accept inspectors. There were imbeciles on both sides.”

**346.** Mr Blair “agreed to report back” to President Chirac after his discussions with President Bush.

### **Mr Blair’s meeting with Dr Blix, 6 September 2002**

**347.** Mr Blair met Dr Blix on 6 September.<sup>110</sup>

**348.** The record stated that Dr Blix told Mr Blair that Iraq was continuing to insist on a comprehensive settlement, which would link lifting the No-Fly Zones, removing the US threat, lifting sanctions, and establishing a zone free of WMD. The threat of military action had led to Iraq weakening its position but Iraq would not move to allow inspectors back in if it thought that military action was inevitable or if they thought there was no prospect of military action. They would move if they saw a link between a move and avoiding military action. Mr Blair said that he thought there was such a link but the inspection regime would have to be tough.

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<sup>110</sup> Letter Rycroft to Sedwill, 6 September 2002, ‘Iraq: Prime Minister’s Meeting with Hans Blix, 6 September’.

**349.** Dr Blix told Mr Blair that Iraq had two “fears”:

- Once the inspectors returned there would be a “a stand-off over access which the US would take as a casus belli”.
- UNMOVIC would “inherit UNSCOM’s leakiness” which had “discredited UNSCOM”.

**350.** Dr Blix said that he would support stronger inspections if that was the decision of the Security Council. Whatever arrangements were agreed, there would be limits to what inspections could achieve: “For instance, it would be very hard to catch Iraq’s mobile installations.”

**351.** Dr Blix also warned Mr Blair that UNMOVIC would need a couple of months to prepare and 60 days thereafter for “rebaselining”: “So it would be nearly four months before the inspectors could present the issues to the UNSC.”

### **President Putin’s views, 6 September 2002**

**352.** President Putin told Mr Blair that he had great doubts about the legality of the use of military force, but was prepared to work to achieve a UN resolution which would convince Iraq to readmit inspectors on terms which had been agreed in the Security Council.

**353.** In a telephone conversation on 6 September, President Putin stated that he thought the Russian and UK approaches were “very close”:

- both were insisting on the return of inspectors in accordance with UN Security Council resolutions;
- Foreign Ministers were working with a close understanding; and
- we had to be 100 percent sure that Iraq would never produce WMD programmes.<sup>111</sup>

**354.** Russia had been working with Iraq to ensure that it understood, and the Iraqi Foreign Minister had confirmed in Moscow earlier that week that it was prepared to discuss the return of “UN structures”. Iraq was prepared to allow UN inspectors and monitoring to return; we had to ensure that was on our conditions. Russia had to be involved in developing those conditions or it would not be possible for it to subscribe to those “rules”. Mr Blair agreed.

**355.** President Putin told Mr Blair that Russia had great doubts about the legality of the use of military force and all diplomatic means were far from exhausted: “But he thought it would be possible for the UN Security Council to come up with a common position, to ensure that the Iraqis saw that they had no way out.”

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<sup>111</sup> Letter Rycroft to Sedwill, 6 September 2002, ‘Iraq: Prime Minister’s Telephone Call with President Putin, 6 September’.

**356.** Mr Blair also agreed to a request from President Putin for the information on Iraq's WMD that had formed the basis of his remarks in his press conference on 3 September.

## Saudi Arabia

**357.** Mr Straw and Mr Blair met the Saudi Foreign Minister, Prince Saud, on 6 September. They discussed concerns about the effect on the solidarity of the international coalition on terrorism of the current speculation about military action in Iraq and the dangers in the region if military action was taken without some improvement in the situation of the Palestinian people. Mr Blair agreed to reflect those points in his discussions with the US.<sup>112</sup>

## Military options

**358.** No decision on a possible UK military contribution to US operations was taken before Mr Blair's meeting with President Bush, but the MOD advised that there could be a need for tough decisions within two weeks of that.

**359.** Mr Blair told Mr Hoon and Mr Straw that he did not expect President Bush imminently to commit the US to military action.

**360.** Mr Hoon had cautioned Mr Blair about the potential impact of a firefighters' strike in the MOD advice of 26 July.<sup>113</sup> The strike and its impact on the development of military options in the MOD are addressed in Section 6.1.

**361.** The MOD's assessment of the implications of having to earmark military personnel to provide cover during a firefighters' strike (Op FRESCO) was set out in a letter to Sir David Manning on 28 August.<sup>114</sup> The letter said that Mr Hoon considered:

“... it particularly important that we guard against any false assumptions that the US might make about the UK's potential contribution to any military action ... Explaining the impact ... to the US would ... serve to focus US planners on the real practical limitations we would face, were political decisions taken to join the US in military action.”

**362.** Sir David Manning commented to Mr Powell that he was not clear where the firefighters' issue stood; and that he would be “grateful for a word ab[ou]t what to say to Washington and when”.<sup>115</sup>

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<sup>112</sup> Letter Wechsberg to McDonald, 6 September 2002, 'Iraq/MEPP: Prime Minister's Meeting with Saudi Foreign Minister'.

<sup>113</sup> Letter Watkins to Rycroft, 26 July 2002, 'Iraq'.

<sup>114</sup> Letter Williams to Manning, 28 August 2002, 'Iraq – Potential UK Contribution and a Fire Strike'.

<sup>115</sup> Manuscript comment Manning to Powell, 30 August 2002, on Letter Williams to Manning, 28 August 2002, 'Iraq – Potential UK Contribution and a Fire Strike'.

**363.** Mr Blair's view, as reported on 3 September by Sir David Manning, was for "nothing to be said to the US about Op FRESCO for the moment".<sup>116</sup> Mr Blair hoped it would be possible to discuss the issues with Mr Hoon the following week before he flew to Washington.

**364.** Mr Blair discussed the UK's military contribution with Mr Hoon on 5 September.<sup>117</sup> Mr Straw was also present.

**365.** Mr Peter Watkins, Mr Hoon's Principal Private Secretary, recorded that Mr Blair, Mr Hoon and Mr Straw had discussed the packages, and that Mr Hoon had highlighted the benefits of Package 2. "No decisions were taken" and Mr Blair "did not expect President Bush to commit himself imminently to a military campaign".

**366.** Mr Watkins also recorded that Mr Hoon had met Mr Gordon Brown, Chancellor of the Exchequer, to discuss the options and alert him to the likely costs of Package 2.

**367.** There was no No.10 record of the meeting.

**368.** Mr Watkins wrote to No.10 on 6 September, providing an update on US military planning and "the factors informing decisions on any UK military contribution".<sup>118</sup> He cautioned that the MOD's assessment was "necessarily provisional", partly because the US plan was still evolving, and partly because there had not yet been "detailed joint planning with the US".

**369.** The MOD had identified three options ranging from minimum to maximum effort, including a further revision of the impact of Op FRESCO which meant that:

"Were we to throw in everything we are likely to have, the UK could potentially generate up to a divisional headquarters, an armoured brigade, 16 Air Assault Brigade and a logistic brigade."

**370.** The MOD was also "examining whether a Royal Marine Commando could form part of Package 2 [the air and maritime forces packages]".

**371.** A land Task Force would "offer significant capability to a US-led northern force, although it would not be fully suitable for involvement in decisive war-fighting operations".

**372.** The MOD advice concluded that should "US military preparations continue at their current pace, we will face some early tough decisions within two weeks of your return from Camp David".

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<sup>116</sup> Letter Manning to Williams, 3 September 2002, 'Iraq – Potential UK Contribution and a Fire Strike'.

<sup>117</sup> Minute Watkins to DG Op Pol, 5 September 2002, 'Iraq'.

<sup>118</sup> Letter Watkins to Manning, 6 September 2002, 'Iraq: Military Planning'.

**373.** Copies of the letter were sent to the Private Offices of Mr Straw and Sir Andrew Turnbull, who became Cabinet Secretary in September 2002, and to Mr Desmond Bowen, who succeeded Mr McKane as Deputy Head of OD Sec.

**374.** More detail from the letter is provided in Section 6.1.

### **Mr Blair's meeting with President Bush, Camp David, 7 September 2002**

**375.** President Bush held a meeting of his National Security Council at Camp David before his meeting with Mr Blair, during which he decided to seek a UN resolution on Iraq.

**376.** President Bush described the meeting of the US National Security Council at Camp David on 7 September as having been convened “to finalize my decision on the resolution”; the US was “trying to find a way to remove the threat in Iraq without war”.<sup>119</sup>

**377.** The meeting was given a briefing by Gen Franks, who introduced his concept of five simultaneous “operational fronts” in Iraq.<sup>120</sup>

**378.** Describing the positions of senior members of the Administration, President Bush wrote that:

- Vice President Cheney had recommended giving Saddam: “30-60 days to come clean, and then disarm him by force if he refused to comply ... We can't delay for another year ... An inspection regime does not solve our problem.”
- Secretary Powell had pushed for a UN resolution: “If we take the case to the UN, we can get allies to join. If not, it will be hard to act unilaterally. We won't have the international support we need to execute the military plan.”<sup>121</sup>

**379.** President Bush also wrote:

“After listening to the options one last time, I made a decision: We would seek a resolution. ‘There's ambiguity in the international community's view of Saddam ... and we need to clear it up. Either he will come clean about his weapons or there will be war’.”

**380.** President Bush had told his team that he would deliver the message in his speech to the UN the following week:

“Either the words of the Security Council would be enforced, or the UN would exist only as a useless international body ...”

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<sup>119</sup> Bush GW. *Decision Points*. Virgin Books, 2010.

<sup>120</sup> Franks T & McConnell M. *American Soldier*. HarperCollins, 2004.

<sup>121</sup> Bush GW. *Decision Points*. Virgin Books, 2010.

**381.** Dr Rice gave a similar account of the 7 September NSC meeting in her memoir:

“The President had decided on a policy of coercive diplomacy. He would give Saddam a chance to respond to the united pressure of the international community, and the build-up of US forces would make that pressure credible ... One way or another, the threat of Saddam Hussein’s Iraq would finally be removed.”<sup>122</sup>

**382.** Dr Rice further commented:

“Some people have claimed that the President never asked his advisors whether he should go to war against Saddam. At that September meeting ... the National Security Council, after a full and frank discussion, decided on a course of action. Everyone in that room heard the President say: ‘Either he will come clean about his weapons, or there will be war.’ There was no disagreement. The way ahead could not have been clearer.”

**383.** Vice President Cheney wrote that he had been a strong advocate of using President Bush’s speech to “challenge the UN”, to “confront” it and “hold the organization accountable”, making clear that “if the Security Council was unwilling to impose consequences for violations, the UN would become irrelevant”.<sup>123</sup> He did not want “yet one more meaningless resolution”.

**384.** Vice President Cheney also wrote that President Bush:

“... had not yet made a decision, but in neither this meeting nor any other I attended did any of the President’s advisors argue against using military force to remove Saddam ... Nor did anyone argue that leaving Saddam in power, with all the risks and costs associated with that course, was a viable option.”

**385.** Mr Tenet wrote in his memoir:

“Colin Powell was firmly on the side of going the extra mile with the UN. The Vice President argued just as forcefully that doing so would only get us mired in a bureaucratic tangle with nothing to show for it other than time lost off a ticking clock ... To me, the President still appeared less inclined to go to war than many of his senior aides.”<sup>124</sup>

**386.** In a press conference before the discussions at Camp David, Mr Blair stated that Iraq had to be dealt with; the purpose of the meeting with President Bush was to work out the strategy.

**387.** President Bush and Mr Blair gave a press conference before their meeting.

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<sup>122</sup> Rice C. *No Higher Honour: A Memoir of My Years in Washington*. Simon & Schuster, 2011.

<sup>123</sup> Cheney D & Cheney L. *In My Time: A Personal and Political Memoir*. Simon & Schuster, 2011.

<sup>124</sup> Tenet G & Harlow B. *At the Center of the Storm: My Years at the CIA*. HarperPress, 2007.



**388.** President Bush stated that it was “an important meeting” with “an important ally” and friend. They were going to talk about how to keep the peace, the threats faced by the world and how to promote freedom.<sup>125</sup>

**389.** Mr Blair was more direct, stating that they would be “discussing the issues that are preoccupying us”, and adding:

“The point I would emphasise ... is the threat from Saddam Hussein and weapons of mass destruction, chemical, biological, potentially nuclear weapons capability, that threat is real. We only need to look at the report from the International Atomic Agency [sic] this morning<sup>126</sup> showing what has been going on at the former nuclear site to realise that. And the policy of inaction is not a policy we can responsibly subscribe to. So the purpose of our discussion today is to work out the right strategy for dealing with this, because deal with it we must.”

**390.** In response to a question, Mr Blair emphasised concern about Iraq’s attempts to develop nuclear weapons and the importance of the IAEA report he had mentioned, which showed there was “a real issue that has to be tackled here”. He stated that, on the way to Camp David, he had been reading “the catalogue of attempts by Iraq to conceal its weapons of mass destruction, not to tell the truth ... over a period of years”.

**391.** President Bush said that Saddam Hussein had:

“... said he was going to get rid of weapons of mass destruction. And for 11 long years, he has not fulfilled his promise. And we are going to talk about what to do about it. We owe it to future generations to deal with this problem, and that’s what these discussions are all about.”

**392.** Asked about international support, Mr Blair replied that:

“... people were asking perfectly reasonable questions ... but the one thing no one can deny is that Saddam Hussein is in breach of the United Nations resolutions on weapons of mass destruction ... that that poses a threat not just to the region, because there is no way, if those weapons are used, that the threat would simply stay in the region.

“People understand that. Now we have got to make sure that we work out a way forward that, of course, mobilises the maximum support, but does so on the basis of removing a threat that the United Nations itself has determined is a threat to the whole world.”

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<sup>125</sup> The White House, 7 September 2002, *President Bush, Prime Minister Blair Discuss Keeping the Peace*.

<sup>126</sup> The IAEA issued a press release (IAEA Press Release 2002/11) on 6 September 2002 stating: “With reference to an article published today in the New York Times, the International Atomic Energy Agency would like to state that it has no new information on Iraq’s nuclear weapons programme since 1998 when its inspectors left Iraq. Only through a resumption of inspection ... can the Agency draw any conclusion with regard to Iraq’s compliance with its obligations ... relating to its nuclear activities.”

**393.** The British journalists covering the Camp David meeting focused on the WMD dossier.

**394.** The *Sunday Express* anticipated a “*Dossier of Doom*”.<sup>127</sup>

**395.** An editorial in the *News of the World* claimed that the dossier would be “as devastating as it is vital”.<sup>128</sup> It would show that “evil Saddam has enough chemical and biological stocks to attack the entire planet, and the missile technology to deliver them”, and would confirm that he is on the brink of nuclear capability. The editorial concluded “We believe Mr Blair CAN convince us a military attack on Iraq is right. We have faith in our Prime Minister.”

**396.** In their meeting Mr Blair told President Bush that he was in no doubt about the need to deal with Saddam Hussein.

**397.** Mr Blair argued that the strategy should be to seek two resolutions; one making tough initial demands including intrusive inspections, with the option of a second if and when Saddam Hussein did not comply.

**398.** The UN would then need to accept the responsibility for enforcing its decisions, or action would be taken without it.

**399.** Mr Blair also set out the need to build a case to persuade the international community of the threat posed by Iraq, including the potential for fusion of WMD and terrorism.

**400.** It was “critically important” that the US and UK made it clear that they remained committed to the return of inspectors.

**401.** Mr Blair cautioned President Bush about his assumption that the UK would be ready to lead a strike into northern Iraq. But he told President Bush that the UK would take a significant military role if it came to war with Iraq.

**402.** Sir David Manning suggested that US and European opinion should be reminded that, while the US and UK would prefer to take action through the UN, they would find other means if that was not possible.

**403.** Mr Campbell recorded that Mr Blair had discussed the content of a resolution on the flight to Camp David; and that “after a long discussion”, Mr Blair had “[come] round” to Sir David Manning’s view “that it was probably best to get a tough first mandate by promising to go back to the UN, but make it clear that the UN had to face up to this”.<sup>129</sup>

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<sup>127</sup> *Sunday Express*, 8 September 2002, *PM Sets Out Dossier of Doom*.

<sup>128</sup> *News of the World*, 8 September 2002, *Blair Will Win The PR Battle*.

<sup>129</sup> Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

**404.** The meeting at Camp David was in two parts.<sup>130</sup>

**405.** Mr Blair, supported by Sir David Manning, discussed Iraq with President Bush, Vice President Cheney and Dr Rice from 1600 to 1745. Sir David Manning recorded that it was a “remarkable” meeting. President Bush had congratulated Mr Blair on his speech at Sedgefield.

**406.** During the meeting, the arguments for taking the issue to the UN, the type of resolution, the attitude of other members of the Security Council, the relationship with the MEPP, and aspects of a military campaign and the “morning after”, were discussed in depth.

**407.** Mr Blair said that he was in no doubt about the need to deal with Saddam Hussein; and that the likelihood was that this would mean military action at some point. The immediate issue was “how to maximise the chance of resolving the Saddam dilemma quickly and cleanly”. It was possible that sustained pressure would lead to his quick collapse, but “we could certainly not count on it”. That might “in part” depend on “winning the propaganda battle” and securing wide international support:

“If it came to force, we could hope that we would secure the relatively quick overthrow of Saddam. But even if we did, we would still be faced with the big issue of what followed his departure.”

**408.** There would be even more difficult problems if Saddam Hussein did not collapse quickly. We should not assume that there would be a quick collapse in Iraq as there had been with the Taliban in Afghanistan.

**409.** Mr Blair stated that the position of the international community made it important to bring the issue back to the UN and secure a new Security Council resolution. Indeed, two resolutions might be necessary: one setting conditions and one stipulating action when Saddam failed to meet them. Without a resolution, military action would have little or no international backing.

**410.** Later, Mr Blair recognised that the two resolution route offered a better chance of setting tough initial demands, but with a risk of difficulties in securing a second resolution authorising action. In a discussion about how a breach would be established and the need to avoid a long debate, Mr Blair said: “If Saddam was obviously in breach we would know, and we had to be ready to move.” On balance, Mr Blair favoured a tough initial resolution leaving open the option of going back to the UN for a second resolution, if and when Saddam were in breach.

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<sup>130</sup> Minute Manning to Prime Minister, 8 September 2002, ‘Your Visit to Camp David on 7 September: Conversation with President Bush’.

**411.** Mr Blair said that it was “unlikely” that Saddam would comply with the new resolution; even if he let the inspectors back in he would probably prevent them from doing their job. He added:

“We should then be in a very powerful position in demanding action in response to his obstruction and prevarication.”

**412.** Mr Blair suggested the need, in parallel with UN activity, to:

“... start making military deployments to demonstrate to Saddam and the international community our seriousness of intent; and to be ready to move if we had to. The message would be stark; either the regime must change in response to the UN resolution, or it would be changed through military action.”

**413.** Mr Blair stated that there would be a need to table a very strong resolution that would stipulate intrusive inspection; and that Dr Blix would do a “thorough job”. Dr Blix had put forward some good ideas about UNMOVIC’s coverage of Iraq in a discussion the previous day. The resolution would also need to include provisions for humanitarian monitoring inside Iraq, and possibly force protection for UNMOVIC. “The trick would be to make a resolution acceptable to Security Council members but sufficiently stringent to bring about profound change in Iraq were Saddam to implement it.”

**414.** Mr Blair also set out the need to make a good public case against Saddam, publishing all the evidence. The UK would publish a dossier. He stated that the US and UK:

“... must build our case, persuading the international community of the nature of the threat. In particular we must get over to our publics the reality that any crisis in the Gulf generated by Saddam would inevitably involve us.”

**415.** Later Mr Blair stated that there was a need to explain the case for action fully to public opinion: “While insisting that no-one wanted war, we must spell out why we had to act.” This included reminding people of the horrors of Saddam’s regime.

**416.** Mr Blair said that there was a:

“... natural reluctance to do difficult things, made worse by ignorance ... of Saddam’s capabilities and intentions. We had to correct this, at the same time answering the legitimate question of why we were taking action now. 11 September was a powerful argument for dealing with threats before they materialised ... At some point, WMD and terrorism would come together, with appalling consequences, unless we took action.”

**417.** In the context of a discussion about the attitudes of other members of the Security Council, Sir David Manning suggested that US and European opinion should be reminded of what had happened over Kosovo:

“We had tried to go the UN route; we were thwarted; so we had had to resort to a coalition of the willing. The moral was that we would prefer to take action through the UN if we could but we would find other means if we could not.”

**418.** Mr Blair stated that in those circumstances, the US and UK would have to make clear that either the UN accepted its responsibilities for enforcing its decisions, or action would be taken without it. It was “critically important” that the initial resolution should not appear to be “merely a pretext for military action”; we had to make it clear that we remained committed to the resumption of inspections and wanted the resolution to succeed.

**419.** President Bush and Mr Blair also discussed the prospects for a military campaign, including the possibility of leaving Saddam “bottled up” in Baghdad.

**420.** Sir David Manning recorded that Mr Blair had expressed caution about the US assumption that the UK would be ready to lead a strike from Turkey into northern Iraq and provide two-thirds of the force. But Mr Blair emphasised that the UK would indeed take “a significant military role” if it came to war with Iraq.

**421.** Finally, the importance of US action to make progress on the MEPP was also discussed.

**422.** Sir David Manning’s record of the discussion was submitted to Mr Blair and sent to a number of colleagues in No.10. A personal copy was also sent to Mr Straw. No other copies appear to have been made.

**423.** US and UK officials held a meeting in parallel with the discussions between President Bush and Mr Blair. The only record of that meeting appears in Mr Campbell’s diary, in which he wrote that they had addressed three issues:

- building the case on the evidence for why Saddam had to be dealt with now;
- why Saddam posed a unique threat; and
- the need for the US to engage on the Middle East.<sup>131</sup>

**424.** A plenary meeting between President Bush and Mr Blair and their teams followed the restricted discussion.<sup>132</sup>

**425.** Presentational issues were discussed between officials and in the plenary, including the “Why now?” question.

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<sup>131</sup> Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

<sup>132</sup> Letter Rycroft to Sedwill, 8 September 2002, ‘Prime Minister’s Meeting with Bush, Camp David 7 September: Public Presentation of Iraq Policy’.

**426.** Mr Blair stated that since 1998, there was evidence, including in the 6 September IAEA report, of continued development of WMD. He also thought that the nature of the Iraqi regime “should become part of our case on WMD”; and that: “We needed an active strategy to take the debate to the rest of the world.” He set out the UK’s plans to publish the dossier within a few weeks. Mr Campbell emphasised the need for people “to understand what BW actually did”; and that the “media threshold would be high, so the dossier would need to include new facts from the last four years”.

**427.** During the plenary meeting Mr Stephen Hadley, US Deputy National Security Advisor, put forward principles for a post-Saddam Hussein Iraq: territorial integrity, democracy, and a role for the UN.

**428.** Mr Rycroft’s record of the plenary contained little of the substance addressed in the restricted meeting. It was sent to the Private Secretaries to Mr Hoon and the Cabinet Secretary, and to Sir Richard Dearlove, Sir Francis Richards, Mr Scarlett, Mr Bowen, Sir Christopher Meyer and Sir Jeremy Greenstock. It was again marked personal and it is clear from the copy on the FCO files that named senior officials were allowed to read the letter only in Mr Straw’s Private Office.

**429.** Mr Campbell wrote in his diaries that Mr Blair “felt that his job was to sell the case for the UN route to Cheney”.<sup>133</sup> After the private meeting, Sir David Manning had said that President Bush had used Mr Blair to persuade the Vice President; and that President Bush had made up his mind on the threat and the need for the UN to deal with it.

**430.** The official record confirms that was the UK perception.<sup>134</sup>

**431.** Mr Campbell wrote that President Bush had told him:

“... it’s the right thing to do and future generations will surely thank us. I really believe that. I really believe the world has to get rid of Saddam and I really appreciate y’all coming over.”<sup>135</sup>

**432. President Bush wrote in his memoir that he had told Mr Blair at Camp David that he had taken the decision to ask the UN for a resolution to disarm Saddam Hussein; and that if diplomacy failed he would take military action.**

**433.** President Bush wrote in his memoir that following the attack of 11 September 2001, he had chosen to pursue a policy of coercive diplomacy on Iraq:

“My first choice was to use diplomacy ...

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<sup>133</sup> Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

<sup>134</sup> Minute Manning to Prime Minister, 8 September 2002, ‘Your Visit to Camp David on 7 September: Conversation with President Bush’.

<sup>135</sup> Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.



“... We believed Saddam’s weakness was that he loved power and would do anything to keep it. If we could convince him that we were serious about removing his regime, there was a chance he would give up his WMD ... The odds of success were long. But given the alternative it was worth the effort. The approach was called coercive diplomacy.

“Coercive diplomacy with Iraq consisted of two tracks: One was to rally a coalition of nations to make clear that Saddam’s defiance of his international obligations was unacceptable. The other was to develop a credible military option that could be used if he failed to comply. These tracks would run parallel at first. As the military option grew more visible and more advanced, the tracks would converge. Our maximum leverage would come just before they intersected. That would be the moment of decision. And ultimately, it would be Saddam Hussein’s decision to make.”<sup>136</sup>

**434.** President Bush wrote that Mr Blair had been “pleased when I told him that I was planning to ask the UN for the resolution”, and that Mr Blair had replied: “Many opponents wish we would just be unilateral – then they could complain ... But you are calling their bluff.”

**435.** President Bush added:

“We both understood what the decision meant. Once we laid out our position at the UN, we had to be willing to follow through with the consequences. If diplomacy failed, there would be only one option left. ‘I don’t want to go to war,’ I told Tony, ‘but I will do it’.

“Tony agreed.”

**436. Vice President Cheney wrote that President Bush wanted to support Mr Blair’s position; but he also expressed scepticism about the utility of inspections in achieving the US objectives.**

**437.** Vice President Cheney wrote that in the meeting with Mr Blair they had talked through the need for UN involvement:

“Blair was tough. He understood the stakes and the importance of acting against Saddam, and he was clear that he would be with us no matter what – and that was likely to include strong opposition from within his own party.

“Blair argued that a UN resolution was necessary to achieve maximum international cooperation. He was very persuasive, and I understood that the President wanted to support his friend. There was no legal obligation for us to pursue a resolution, but there were some in the United States and many more in Europe who felt it would legitimize military action, and a resolution would also speak to their concerns. The President told the Prime Minister he would go forward with a resolution.

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<sup>136</sup> Bush GW. *Decision Points*. Virgin Books, 2010.

“I knew the President was no more interested than I was in an endless round of inspections and deception in Iraq, and in the days that followed, I recommended inserting into the resolution a requirement for Saddam to submit within thirty days a declaration disclosing his WMD capacity and holdings.”<sup>137</sup>

**438. Mr Blair told Mr Hoon that he had been alarmed by US expectations that the UK would lead the northern axis and that there should be no visible preparations for a month or so. But Mr Hoon was not sent a copy of Sir David Manning’s record of the discussions at Camp David.**

**439.** Mr Blair telephoned Mr Hoon on the evening of 8 September, to give him a read-out of his discussions with President Bush and Vice President Cheney, and the US position on the UN route, in advance of Mr Hoon’s visit to the US.<sup>138</sup>

**440.** Mr Rycroft recorded that:

“The Prime Minister said that he had been alarmed that [President] Bush had understood that the UK would be ‘leading the invasion’ from the North of Iraq. This required very careful handling. Having received the military advice, the Prime Minister’s view was that we could not offer Package 3 in the timescale required and given the constraints of Operation Fresco. But we might be able to offer Package 2, plus some further elements. There should be no visible preparations for a month or so.”

**441.** Mr Hoon was not sent a copy of the record of the discussion at Camp David.

**442.** Mr Hoon told Secretary Rumsfeld on 11 September that the UK would not want to offer more than it could deliver and was therefore expecting to offer maritime and air assets for any military campaign.<sup>139</sup>

## **President Chirac’s interview, 8 September 2002**

**443. President Chirac’s concerns about the broader implications for the international system of military action against Iraq without a Security Council decision, including the impact on the international coalition to counter terrorism, were published in the *New York Times* on 9 September.**

**444. President Chirac supported the return of inspectors on the basis of the provisions of resolution 1284. He made clear that consideration of the use of force should be considered in a second resolution if Iraq refused to allow inspections.**

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<sup>137</sup> Cheney D & Cheney L. *In My Time: A Personal and Political Memoir*. Simon & Schuster, 2011.

<sup>138</sup> Minute Rycroft to Manning, 9 September 2002, ‘Iraq: Military Contribution’.

<sup>139</sup> Letter Williams to Manning, 13 September 2002, ‘Iraq: Meeting with Donald Rumsfeld: 11 September 2002’.

**445.** President Chirac gave an interview to the *New York Times* on 8 September, which was published the following day.<sup>140</sup>

**446.** In the context of the US position that a doctrine of pre-emption was necessary to fight terrorism, President Chirac stated that he had told President Bush that he had “great reservations” about that doctrine: “As soon as one nation claims the right to take preventive action, other countries will naturally do the same ... How would the Americans, the Europeans and others react?”

**447.** Asked what would be the best way to be sure that Saddam Hussein did not develop “further weapons of mass destruction” and whether he shared the US objective of regime change, President Chirac replied:

“I don’t need to tell you that I condemn the regime ...

“Secondly, I am totally against unilateralism in the modern world. I believe that the modern world must be coherent and consequently, if a military action is to be undertaken, it must be the responsibility of the international community, via a decision by the Security Council. Now, the Security Council has decided that Iraq must not have weapons of mass destruction; it did not say that a regime change was necessary there. So if the objective is to prevent Iraq from having weapons of mass destruction, we have to go along with what the United Nations has done, that is, impose the return of inspectors in Iraq without restrictions or preconditions ... If it refuses, then it’s up to the Security Council to deliberate and decide what must be done and notably whether a military operation should be undertaken or not ...”

**448.** Asked about divisions between allies in the context of Mr Blair’s visit to Washington and his own meeting with Chancellor Schröder, President Chirac replied:

“France is a member of the Security Council, it cannot be prejudiced ... I agree completely that there must be a Security Council decision concerning the return of the inspectors ... If the inspectors are not allowed to return, then there should be a second Security Council resolution to say if there should be or not an intervention. Following the second resolution, France will definitely give its position. But I am very worried about the consequences of an intervention on the international coalition to counter terrorism ...”

**449.** Asked under what circumstances France would favour the use of force, President Chirac responded that he “naturally” wished for a change in the Iraqi regime:

“But a few principles and a little order are needed to run the affairs of the world. The issue today is to know whether there are any weapons of mass destruction. And to see it, the inspectors must be free ... to visit. This is the objective. If this is fulfilled, then it’s over. The Security Council or the international community never wanted to

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<sup>140</sup> *New York Times*, 9 September 2002, *Threats and Responses: Perspectives/Jacques Chirac; French Leader Offers America Both Friendship and Criticism*.

change the regime in Iraq, because there are numerous countries where one wished to see another regime. But if we go down that road, where are we going?"

**450.** President Chirac stated that military action was possible "if it's decided by the international community on the basis of indisputable proof. For the moment, we have neither proof, nor decisions ..."

**451.** In a conversation with Mr Blair on 9 September, President Chirac reiterated his points.<sup>141</sup> Mr Blair gave him a report of his talks with President Bush. Mr Blair told President Chirac that a UN resolution must focus on WMD, not regime change, and ensure that the inspectors could return unconditionally and do their job properly.

**452.** Mr Rycroft recorded that President Chirac supported a resolution seeking the return of inspectors but was concerned that some in the US wanted Saddam Hussein to refuse to justify military action. In President Chirac's view, there would have to be a second resolution to justify military action "and that would not be adopted". Mr Blair responded that that "would depend on the circumstances". If the inspectors returned and Saddam's WMD were disarmed, the nature of the regime would change. Saddam Hussein should be given the chance to comply. If he refused to do so, we should be tough.

**453.** In response to a question from President Chirac about whether the UK was sure that Saddam Hussein had WMD, Mr Blair said that: "Personally he had no doubt that Saddam was trying to rebuild his WMD capacity." Mr Blair's view was:

"... we should move to the point where the choice was Saddam's. Either he accepted and abided by the new resolution, or we would have to act to ensure that he abided by it."

**454.** After further discussion of the US approach and its potential impact, Mr Blair said that he had made clear to President Bush the need to take action to relaunch the MEPP and the importance of Afghanistan. He was "convinced that through co-operation with the US on Iraq it would be possible to make progress in other areas".

**455.** Following a conversation between Mr Jean-David Levitte, French Permanent Representative to the UN, and Sir Jeremy Greenstock on 11 September, the UK Mission to the UN New York reported that the French view was:

- Two resolutions were the only way of achieving consensus and building a coalition on Iraq. France would negotiate a second resolution, if needed, in a "positive spirit".
- Consultations should start in capitals with the Permanent Five in New York discussing "concepts" not a draft text.

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<sup>141</sup> Letter Rycroft to Sedwill, 9 September 2002, 'Iraq: Prime Minister's Phone Call with President Chirac, 9 September'.

- To be successful in achieving the return of inspectors, any resolution had to coincide with a credible military timetable to maximise the pressure on Saddam.
- There should be no additional conditions for inspections.<sup>142</sup>

### **JIC Assessment, 9 September 2002: 'Iraqi Use of Chemical and Biological Weapons – Possible Scenarios'**

**456.** The JIC issued an Assessment of Iraq's possession of chemical and biological weapons and possible scenarios for their use on 9 September 2002.

**457.** The Assessment contained a number of significant changes which strengthened previous JIC judgements on Iraq's possession of chemical and biological weapons and the likelihood of their use.

**458.** In response to the request from Sir David Manning for advice on the possible scenarios for Iraqi use of chemical and biological weapons, the JIC commissioned an Assessment.<sup>143</sup>

**459.** The Key Judgements of the JIC Assessment, which was issued on 9 September, were:

- “• Iraq has a chemical and biological weapons capability and Saddam is prepared to use it.
- Faced with the likelihood of military defeat and being removed from power, Saddam is unlikely to be deterred from using chemical and biological weapons by any diplomatic or military means.
- The use of chemical and biological weapons prior to any military attack would boost support for US-led action and is unlikely.
- Saddam is prepared to order missile strikes against Israel, with chemical or biological warheads, in order to widen the war once hostilities begin.
- Saddam could order the use of CBW weapons in order to deny space and territory to coalition forces, or to cause casualties, slow any advance, and sap US morale.
- If not previously employed, Saddam will order the indiscriminate use of whatever CBW weapons remain available late in a ground campaign or as a final act of vengeance. But such an order would depend on the availability of delivery means and the willingness of commanders to obey.”<sup>144</sup>

**460.** The preparation of the Assessment, its detailed findings, and the intelligence underpinning it are addressed in Section 4.2. That Section also addresses the dossier,

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<sup>142</sup> Minute [junior official] to HMA [UKMIS New York], 11 September 2002, 'Iraq: Meeting with Levitte'.

<sup>143</sup> Minutes, 4 September 2002, JIC meeting.

<sup>144</sup> JIC Assessment, 9 September 2002, 'Iraqi Use of Chemical and Biological Weapons – Possible Scenarios'.

*Iraq's Weapons of Mass Destruction: A Net Assessment*, published by the International Institute for Strategic Studies (IISS) on 9 September.<sup>145</sup>

## Mr Blair's speech to the TUC, 10 September 2002

**461.** In his speech to the TUC on 10 September, Mr Blair argued that the threat posed by Iraq was not imminent but it had to be dealt with before it could “erupt and engulf us all”.

**462.** As he had planned in his minute of 30 August, Mr Blair set out the rationale for tackling the problem of Iraq – “why I say Saddam is a threat that has to be dealt with” – in the first section of his speech to the TUC on 10 September.<sup>146</sup>

**463.** In the speech, Mr Blair elaborated many of the points he had made in his press conference on 3 September. Mr Blair argued that Saddam Hussein's actions in starting wars of aggression, using chemical weapons against his own people and oppressing them made his regime:

“With the Taliban gone ... unrivalled as the world's worst regime ...

“Given that history ... to allow him to use the weapons he has or to get the weapons he wants would be an act of gross irresponsibility and we should not countenance it.”

**464.** Mr Blair stated that “when the weapons inspectors were evicted from Iraq in 1998 there were still enough chemical and biological weapons remaining to devastate the entire Gulf region”. He also stated that Saddam Hussein had a nuclear programme, which he had denied and which had been “disrupted” by inspections. He was in breach of “23 outstanding UN obligations requiring him to admit inspectors and disarm”.

**465.** Containment had worked “up to a point”, but sanctions were eroding and Saddam Hussein was getting around US\$3bn a year through illicit trade which he was “almost certainly” using for his weapons programmes. British and American pilots were risking their lives to police the No-Fly Zones; and that couldn't “go on for ever”.

**466.** Addressing the way ahead, Mr Blair stated that it was right to deal with Iraq through the UN; it was the will of the UN that Saddam was flouting. The challenge for “all in the UN” was “to resolve the threat from Saddam not avoid it”. Mr Blair added:

“Let it be clear that he must be disarmed. Let it be clear that there can be no more conditions, no more games, no more prevaricating, no more undermining of the UN's authority.

“Let it be clear that should the will of the UN be ignored, action will follow. Diplomacy is vital. But when dealing with dictators ... diplomacy has to be backed by the certain

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<sup>145</sup> IISS Dossier, 9 September 2002, *Iraq's Weapons of Mass Destruction: A Net Assessment*.

<sup>146</sup> *The Guardian*, 10 September 2002, *Full text of Tony Blair's TUC address*.



knowledge in the dictator's mind that behind the diplomacy is the possibility of force being used.

"... if we do not deal with the threat from this international outlaw and his barbaric regime, it may not erupt and engulf us this month or next; perhaps not even this year or the next. But it will at some point. And I do not want it on my conscience that we knew the threat, saw it coming and did nothing."

**467.** Mr Blair concluded this section of his speech by asking people to "listen to the case" he would "be developing over the coming weeks and to reflect on it".

**468.** In a broader call for action, including to "restart the Middle East Peace Process" and for renewed efforts on international terrorism, Mr Blair stated:

"Internationalism is no longer a utopian cry of the left, it is practical statesmanship."

**469.** It is clear from a record of Mr Hoon's discussions in Washington on 11 September that officials in the US Administration were following what Mr Blair said in public closely: one senior official had described the speech to the TUC as "spectacular".<sup>147</sup>

### The decision to recall Parliament

**470. Mr Blair asked for Parliament to be recalled to debate Iraq and the issue of weapons of mass destruction.**

**471.** On 11 September, Mr Blair wrote to the Speaker of the House of Commons, and to the Lord Chancellor, asking for Parliament to be recalled in the week beginning 23 September.<sup>148</sup>

**472.** Mr Blair wrote that "Parliament must and will be at the heart of the national debate on the issue of Iraq and Weapons of Mass Destruction". He was seeking permission "to recall Parliament for a one-day debate on the Adjournment", led by Mr Straw, following a statement from himself. He added:

"By then, important discussions at the UN will have taken place. And the Government will be in a position to publish the dossier on what we know of the Iraqi regime and its WMD programme."

**473.** Mr Blair emphasised that "we are not yet at the stage of making decisions about military commitments with regard to Iraq, and that should we be so in the future, Parliament would obviously be given every opportunity to express its view".

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<sup>147</sup> Telegram 1159 Washington to FCO, 11 September 2002, 'Iraq: Mr Hoon's Visit to Washington, 11 September'.

<sup>148</sup> Letter Blair to Martin, 11 September 2002, [untitled].

## Establishing the objectives of a UN resolution

**474.** Questions emerged in Washington shortly after the meeting at Camp David about whether Mr Blair regarded intrusive inspections as a necessary first stage in the plan.

**475.** In discussions with Secretary Powell about the strategy, Mr Straw raised doubts about the plan to seek authority for the use of military force in a second resolution.

**476.** Letters from Sir Christopher Meyer<sup>149</sup> and Mr Brenton<sup>150</sup> on 9 September reported suggestions in the US Administration that Mr Blair had indicated at Camp David that he would be willing to move straight to a resolution that sought approval to use “all necessary means” in response to Iraq’s existing material breaches of its obligations without a resolution strengthening the inspection regime first. The UK was being asked to make sure that the White House correctly understood its position and, in particular, whether the UK regarded intrusive inspections as a necessary first stage in the plan.

**477.** Mr Straw spoke twice to Secretary Powell on 9 September.<sup>151</sup>

**478.** In the first conversation they discussed the issue of whether to go for one or two resolutions. The record stated that both were concerned to preserve what they described as “the Kosovo option”; and that Mr Straw thought that that “would require only one resolution as long as it contained a fig leaf for military action. We should not commit to a second resolution, although that option could be kept open.”

**479.** Mr Straw and Secretary Powell also agreed that no public document could produce an incontrovertible case for military action; the focus had to be on compliance with UN resolutions.

**480.** In the second conversation, Mr Straw had “confirmed ‘100%’ that a UNSCR was a key part of the strategy discussed between” Mr Blair and President Bush, and that President Bush had “made clear he did not regard military action as the first option”.

**481.** Secretary Powell and Mr Straw discussed the latest position in a telephone conversation on 10 September.<sup>152</sup> US thinking, influenced by Mr Blair at Camp David, was that the provision for the use of “all necessary means” against Iraq should be put in the second resolution. Mr Straw said that he was:

“... in two minds. He was searching for what would work best. If we could get what was needed in the first resolution, it would be good to have it in the bank. He was

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<sup>149</sup> Letter Meyer to Manning, 9 September 2002, ‘Iraq’.

<sup>150</sup> Letter Brenton to Manning, 9 September 2002, ‘Iraq’.

<sup>151</sup> Letter Sedwill to Manning, 9 September 2002, ‘Iraq: Foreign Secretary’s Conversations with Colin Powell, 9 September’.

<sup>152</sup> Telegram 1615 UKMIS New York to FCO London, 10 September 2002, ‘Iraq: Foreign Secretary’s conversation with US Secretary of State, 10 September’.

certain that Saddam would play carefully and long to undermine the coalition we put together to pass the first resolution.”

**482.** Mr Straw and Secretary Powell discussed the possibility that a second resolution might not be agreed, whether they would be free to follow the “Kosovo model” and what Security Council members opposed to the use of force might do. Mr Straw said that “good wording in the first resolution would change the politics”. They agreed to discuss the issues further after Mr Straw had spoken to Mr Blair and Sir Jeremy Greenstock.

**483.** In parallel discussions with Dr Rice and in the context of clear US concerns about the potential timetable required by inspections, Sir David Manning emphasised the importance of inspections and the need for a report to the Security Council before addressing enforcement. Dr Rice asked for Mr Blair’s views.

**484.** Mr Blair stated that Iraq needed to be played cleverly, using a step by step approach to convince opinion that action was needed.

**485.** Sir David Manning and Dr Rice also discussed the developing thinking on a UN resolution on 10 September.<sup>153</sup> Sir David reported to Mr Blair that Dr Rice had told him President Bush was:

“... keen to find a way to ensure the onus was put back on Saddam. We did not want the ‘inspectors searching around forever’ in a game of cat and mouse. Bush was uneasy about finding himself in the position of asking the Security Council to give Saddam a last chance when Saddam had been given so many last chances already.”

**486.** Sir David had replied that this:

“... was unavoidable: we would inevitably be in the business of giving Saddam ‘another last chance’. This had its difficulties. But it had the overriding benefit of ensuring that we could attract widespread international support by making clear that we wanted to go the UN route. And this ‘last chance’ came with the widespread expectation that, this time we meant business.”

**487.** Dr Rice told Sir David that the US Administration was:

“... exploring the possibility of tabling a resolution in two parts. The first would stipulate that Saddam must make a declaration within fifteen to thirty days explaining why there had been a discrepancy between his claims and those of the UNSCOM inspectors ... in 1998. He would be required to account for the materials that UNSCOM had been unable to identify and to promise that UNSCOM would have access to any that were remaining. This would challenge him to provide physical evidence relating to his WMD programme, as well as test his commitment

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<sup>153</sup> Minute Manning to Prime Minister, 10 September 2002, ‘Iraq: Conversation with Condi Rice’.

of re-engaging seriously with the international community. Anything less than a forthcoming response would amount to an admission of guilt, confirming that he was in material breach of the ... UN resolutions.

“The second part would deal with inspections. This would stipulate that the inspectors would have sixty days to certify that they had now been granted full and unfettered access to all installations and materials in Iraq, with provision for them to report back to the Security Council ... If Saddam were co-operating, inspections could continue after the sixty day period. This part of the resolution would cover the conditions ... including free access (anyone, anywhere, anytime) ... and an explicit invitation to all members of the international community to provide full intelligence to the Inspectors.”

**488.** Dr Rice told Sir David that the US had abandoned the idea of seeking force protection for UNMOVIC and the second part of the resolution could be “dispensed with” if the response on a declaration was “unsatisfactory”. She said the US and UK “could argue that this would amount to a material breach and provided a green light for action”.

**489.** Sir David replied:

“... there were attractions in demanding a declaration from Saddam although we should not kid ourselves: he was likely to refuse, or to announce blithely that there had been no discrepancy with UNSCOM and all his WMD had long since been destroyed. But his response would show either that he was unco-operative and obstructive; or that he was ready to make claims that the inspectors would probably quickly expose.

“But ... there could be no question that the second part of the resolution could be dispensed with if Saddam’s response to the first part seemed unsatisfactory. As ... [Mr Blair] had told President Bush at Camp David, it was essential that the resolution stipulated intrusive inspection, and that this was carried out. This was the only way in which the international community would believe that we were serious about the UN route. I reiterated forcefully the points you had made at Camp David about avoiding any impression that the resolution was merely a pretext for quick military action, or that we were not sincere when we said that our preferred option was the reintroduction of an inspection regime. However unsatisfactorily Saddam responded to the first part of the proposed resolution, we were bound to be faced with a chorus of demands that we should test his response by getting the Inspectors back into Iraq. It was only after they had reported that we could move onto the enforcement issue.”

**490.** Dr Rice “pressed” Sir David, who said he:

“... was absolutely clear. We needed the international community behind us; this meant a resolution that did not appear to be a pretext for military action; and this in turn meant serious commitment to UNMOVIC inspections. I was confident that this

would be your view. I would check with you as soon as possible. The second part of the draft resolution was an integral part of the strategy.”

**491.** Dr Rice told Sir David that “‘speaking very frankly’, there was a timing problem”. The timetable he had set out “risked running well into next year before we could clear the decks for military action (assuming Saddam’s continued obstruction)”.

**492.** Sir David told Dr Rice that the US and UK should refuse to accept the:

“... ideal, but too leisurely, UNSCOM timetable. Once we had a resolution stipulating the return of the inspectors, we should get teams in quickly to look at carefully chosen targets. We should insist that they tackled the job right away. [Dr] Blix could build up to full strength in slower time.”

**493.** Dr Rice also said that the US was looking at giving the inspectors a Security Council label, which Sir David resisted because it would “look restrictive and alienate the wider UN membership”. It might be possible to associate the Security Council with the teams, and that “could be advantageous” if it was “sold” to Russia “as a way of ensuring” it was “fully consulted and implicated”.

**494.** Dr Rice said she would feed Sir David’s views into the White House debate and asked for Mr Blair’s views by the end of the day.

**495.** Sir David commented:

“The pressure on Bush to try a quick fix through the ‘material breach ploy’ will be Cheney’s attempt to rewrite the Camp David conclusions. I pushed back hard and made it clear that this would not run.”

**496.** Sir David subsequently discussed the issues with Mr Blair who:

“... emphasised the need to play Iraq cleverly. We must look reluctant to use force, making it clear that we saw the current situation as a challenge to the credibility of the UN, and to the international community. You [Mr Blair] were increasingly convinced that, in the end, people would come round to accepting the need to deal with Saddam, if we had made full and willing use of the UN route. You were confident that we could get the Security Council behind us once we had demonstrated clearly that Saddam remained in violation. But if we appeared to be riding roughshod over the UN or taking it for granted, opinion would be very difficult to shift. We should move step by step. Once we had a new resolution ... we would be putting the onus on Saddam as Bush wanted. But this would only work if the Americans resisted the Cheney temptation to go to the UN with what amounted to a take it or leave it resolution, and with the clear intention of early resort to military force.”

**497.** Sir David advised that, despite his prodding, the UK did not know what President Bush would say in his speech on 12 September. Mr Blair might have to speak to President Bush again “to try to hold him to the Camp David conclusions”.

**498.** Sir David subsequently informed Dr Rice that Mr Blair’s position was that Iraq must be made a challenge to the whole international community through a UN resolution which required intrusive inspections; that they were an indispensable part of the strategy; and that if the UN route was proposed with real conviction, support could be secured.

**499.** Sir David spoke again to Dr Rice on the evening of 10 September conveying Mr Blair’s:

“... very strong view that we must make Iraq a challenge to the whole international community. We must do so through a UN resolution that ... provided for an intrusive inspection regime. The inspectors were an indispensable part of the strategy. Saddam would either refuse to let the inspectors back, or he would let them in but almost certainly obstruct their operations. We should then be in a very strong position to insist on action. You [Mr Blair] believed that we should deal with Iraq step by step. We needed to get this resolution under our belt, put the onus squarely on Saddam, and then decide what to do in the light of his reaction.”<sup>154</sup>

**500.** Sir David added that it was “essential” that a resolution was put forward:

“... with conviction and made it absolutely clear that we wanted it to succeed. We should be emphasising at every turn that war was the last resort. The US Administration would have the worst of both worlds if it appeared to have been forced reluctantly to choose the UN route, or if it appeared to want a new resolution to serve as nothing more than a pretext for early military action.”

**501.** Sir David added that it was “increasingly” Mr Blair’s:

“... impression that public opinion would come round if we proposed the UN route with real conviction. If and when it became clear that Saddam had yet again violated the will of the UN and the international community, there was a real chance that we could build wide support for further action. But if we failed to do this, and it appeared that Washington wanted to go the unilateral route, the international community would be resistant or hostile to action. Securing wide support would be a great prize, one that you [Mr Blair] believed was in reach.”

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<sup>154</sup> Minute Manning to Prime Minister, 11 September 2002, ‘Iraq: Conversation with Condi Rice’.



**502.** Sir David told Mr Blair that Dr Rice had been “pretty receptive to his arguments”. President Bush was “not currently planning to say anything about a resolution or inspection”. The speech made:

“... a strong and persuasive case about the horrors of Saddam and his regime, but cannot bring itself to say that, in dealing with this threat, we must have another UN resolution and further inspections. Arguably, this is implicit. But it would be far better in winning hearts and minds if Bush made it explicit, and did not leave it to Colin Powell to make the UN case afterwards ...”

**503.** Sir David told Dr Rice that Mr Blair would want to talk to President Bush before the speech.

**504.** Sir David commented to Mr Blair:

“There is little doubt that the Cheney counter-attack, with its wilful distortion of what you said at Camp David, will be sustained right up to the moment that Bush mounts the UN rostrum. Despite my two conversations with Condi ... it would still be very valuable if you could speak to Bush yourself.”

**505.** Although Sir David’s minutes were apparently sent only to addressees within No.10, copies were in the papers sent to the Inquiry from the Private Offices of Sir Michael Jay and Mr Straw.

**506. Sir Jeremy Greenstock told Mr Annan on 10 September that the UK wanted to avoid the use of military force.**

**507.** Sir Jeremy Greenstock told Mr Annan on 10 September that there had been “intensive discussions” between the US and UK.<sup>155</sup> “The priority for the UK was to make the UN route work if at all possible and to avoid the use of military force.” But the problem of WMD in Iraq “must be dealt with”. Sir Jeremy predicted that there was work to be done, including between capitals, before a debate could be launched in the Security Council.

**508.** Sir Jeremy and Mr Annan also discussed Iraq’s position, including a suggestion that Mr Tariq Aziz had been “casting around for a way out, willing to contemplate the return of inspectors but apparently genuinely puzzled as to how this could help Iraq if the inspectors were likely to be cover for spies to indicate Iraqi military targets”. Mr Annan said he had assured Mr Aziz of Dr Blix’s professionalism and independence.

**509.** Sir Jeremy commented that Mr Annan was aware that Iraq would not be contemplating any moves at all without the threat of military action.

**510. Secretary Powell told Mr Straw that there was still debate in Washington about the UK’s position on the need for inspectors.**

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<sup>155</sup> Telegram 1611 UKMIS New York to FCO, 10 September 2002, ‘Iraq: Conversation with Annan’.

**511. Mr Straw advised Mr Blair that he would need to make his position clear to President Bush.**

**512.** On 10 September, Mr Straw and Secretary Powell, with officials, met for supper in New York.<sup>156</sup>

**513.** Secretary Powell told Mr Straw that President Bush's speech would not refer to a resolution but he (Powell) would confirm to journalists that a resolution was the aim. It would have four key elements:

- A "statement that Iraq was in 'material breach' of its obligations".
- Iraq to provide "all information required under [resolution] 687" within 15 days, and "a declaration of everything they were holding". There had been a debate in the Administration about how to respond if Iraq complied. Inspectors "would have to go in to destroy what Iraq had declared: there [would] be no further scope for military action. But most in the Administration did not think that Iraq would respond satisfactorily."
- Secretary Powell had acknowledged that intrusive inspections were an "alternative at this stage" and that all necessary means could be in either a first or second resolution.
- "Either way, the first resolution would deal with Iraq's violation of everything apart from WMD ... [T]he President would linger on this kind of thing in his speech."

**514.** Secretary Powell said:

"It was possible that the US would want to move from material breach to all necessary means without interim steps, ie without inspectors ... [T]here was some confusion about how the Prime Minister had left things at Camp David, i.e. some argued that the Prime Minister did not attach priority to inspectors."

**515.** Using Sir David Manning's record of the discussions at Camp David, Mr Straw put Secretary Powell "straight" on the UK position. He stressed that Mr Blair's "whole focus was on inspectors: regime change might be an incidental consequence of our policy but it was not the aim".

**516.** Secretary Powell said that he had heard that Dr Rice had presented Sir David Manning with the "declaration of holdings option"; and he implied that was "with some success".

**517.** Mr Straw said that was the first he had heard of the option and asked whether it "was a device to avoid inspectors". The world knew that Saddam Hussein was bad but not everybody was convinced by the threat he posed; the only way to prove it was to get inspectors in. Mr Straw was "worried about the motives of those suggesting the

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<sup>156</sup> Letter McDonald to Manning, 10 September 2002, 'Iraq'.

declaration alternative. Saddam was intelligent and well advised; he could be coached into providing a difficult answer.”

**518.** In response to a question from Sir Jeremy Greenstock about whether the US was genuine about the UN approach or whether it was “a brief effort before the early use of force”, with the status of inspectors the key difference between the two approaches, Secretary Powell said that President Bush was not doing this as a fig leaf for war: the US could not act unilaterally; it needed too much help in the region. Secretary Powell added that the US needed more than resolution 1284 (1999). If the UN approach worked and regime change “dropped away”, the US would need a really tough inspection regime (“Blix plus plus”), not a weak UNSCOM.

**519.** Mr Straw gave an account of Sir David Manning’s telephone conversation with Dr Rice earlier that day, which Secretary Powell summed up as the UK saying that the US can’t say “we don’t like the answer [to our declaration demand], we’re going to war”. Secretary Powell advised that Mr Blair might need to make the importance he attached to the return of inspectors clear to President Bush.

**520.** Mr Straw sent Mr Blair a separate minute reporting the conversation and “recommend[ing] strongly” that Mr Blair should speak to President Bush after his speech “to secure a reconfirmation” of what he had agreed at Camp David.<sup>157</sup> Mr Straw suggested that Mr Blair should also “dismiss” any idea of simply giving Iraq 15-30 days to explain the discrepancies the inspectors had unearthed then moving to military action rather than seeking the insertion of inspectors.

**521. Sir David Manning told Dr Rice that Mr Blair thought President Bush should use his speech at the UN General Assembly to make a virtue of going the UN route.**

**522.** Sir David Manning spoke again to Dr Rice at 12.15pm on 11 September.<sup>158</sup> He suggested that President Bush’s speech needed to expand his concluding sentence on the role of the UN by announcing he would be proposing a new resolution “within the next few days”. That would have “immediate impact at the UN and great resonance in Europe and more widely. At present the speech left us hanging.” It was “at best, only implicit” what President Bush thought the UN should do.

**523.** In response to a question from Dr Rice, Sir David told her he was “confident” that was Mr Blair’s view. The President should use the speech to make a virtue of going the UN route.

**524.** Dr Rice told Sir David that President Bush “would probably be ready to do this” for Mr Blair.

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<sup>157</sup> Minute Straw to Prime Minister, 10 September 2002, ‘US/Iraq’.

<sup>158</sup> Minute Manning to Prime Minister, 11 September 2002, ‘Iraq: Conversation with Condi Rice’.

**525.** Following a conversation with Mr Blair, Mr Straw made the same point to Secretary Powell during two further discussions in New York on 11 September.<sup>159,160</sup>

## The UN General Assembly

### MR ANNAN'S SPEECH, 12 SEPTEMBER 2002

**526.** Mr Annan opened the annual debate of the UN General Assembly on 12 September by re-affirming the indispensable necessity and enduring relevance of multilateralism and multilateral institutions in maintaining international peace, security and freedom for all.

**527.** Mr Annan called on Member States to act through the UN adding that an effective international security system depended on the Security Council's authority and willingness to act even in the most difficult cases.

**528.** Mr Annan called on Iraq to comply with its obligations and appealed to those who had influence with Iraq to encourage it to do so. If Iraq's defiance continued, the Security Council "must face its responsibilities".

**529.** Mr Annan's address to the General Assembly on 12 September focused on the arguments for multilateral not unilateral action to address the challenges on the UN's agenda and for the full use of multilateral institutions, where all States had "a clear interest, as well as a clear responsibility, to uphold international law and maintain international order".<sup>161</sup>

**530.** Mr Annan stated that "only concerted vigilance and co-operation among all States" would offer "real hope of denying terrorists their opportunity" and warned:

"On all these matters, for any one State – large or small – choosing to follow or reject the multilateral path must not be a matter of simple political convenience. It has consequences far beyond the immediate context ...

"The more a country makes use of multilateral institutions – thereby respecting shared values, and accepting the obligations and restraints inherent in those values – the more others will trust and respect it, and the stronger its chance to exercise true leadership."

**531.** Addressing the role of the Security Council, Mr Annan stated that "when States decide to use force to deal with broader threats to international peace and security", not acting under the inherent right to self-defence under Article 51 of the UN Charter, there was "no substitute for the unique legitimacy provided by the United Nations". Member

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<sup>159</sup> Letter McDonald to Manning, 11 September 2002, 'Iraq'.

<sup>160</sup> Letter Straw to Manning, 11 September 2002, 'Iraq'.

<sup>161</sup> UN General Assembly, 'Fifty-seventh session Thursday 12 September 2002' (A/57/PV.2).

States attached “fundamental importance to such legitimacy and the international rule of law”. They had shown, “notably in the action to liberate Kuwait”, that they were:

“... willing to take actions under the authority of the Security Council, which they would not be willing to take without it.

“The existence of an effective international security system depends on the Council’s authority – and therefore on the Council having the political will to act, even in the most difficult cases ... The primary criterion for putting an issue on the Council’s agenda should not be the receptiveness of the parties, but the existence of a grave threat to world peace.”

**532.** Addressing “current threats to world peace, where true leadership and effective action are badly needed”, Mr Annan stated:

“... the leadership of Iraq continues to defy mandatory resolutions adopted by the Security Council under Chapter VII of the Charter.

“I have engaged Iraq in an in-depth discussion on a range of issues, including the need for arms inspectors to return, in accordance with the relevant Security Council resolutions.

“Efforts to obtain Iraq’s compliance with the Council’s resolutions must continue. I appeal to all who have influence with Iraq’s leaders to impress on them the vital importance of accepting the weapons inspections. This is the indispensable first step towards assuring the world that all Iraq’s weapons of mass destruction have indeed been eliminated, and – let me stress – towards the suspension and eventual ending of the [economic] sanctions ...

“I urge Iraq to comply ... If Iraq’s defiance continues, the Security Council must face its responsibilities.”

**533.** Mr Annan wrote in his memoir that concerns had been expressed in early September about the impact on international law of pre-emptive action taken by one state, and that his response had been that support given by the United Nations for military action would bestow both legitimacy and legality on anything done with respect to Iraq.<sup>162</sup> In his address to the Assembly, he stated:

“...there was no alternative for the legitimate use of force than through a united Security Council and that there was still time to seek a peaceful way out.”

**534.** Mr Annan added:

“After the meeting I spoke with Tony Blair for whom the process of negotiating a new resolution wasn’t so much about achieving the disarmament goals. To him, above all, it was a test of the UN in the eyes of the United States: ‘a critical moment for the

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<sup>162</sup> Annan K. *Interventions: A Life in War and Peace*. Allen Lane, 2012.

UN to persuade the US that the UN has the wherewithal to be effective and relevant in the future’.”

#### PRESIDENT BUSH’S SPEECH, 12 SEPTEMBER 2002

**535.** In his speech to the General Assembly, President Bush set out his view of the “grave and gathering danger” posed by Saddam Hussein and challenged the UN to act to address Iraq’s failure to meet the obligations imposed by the Security Council since 1990.

**536.** President Bush made clear that, if Iraq defied the UN the world must hold Iraq to account and the US would “work with the UN Security Council for the necessary resolutions”.

**537.** But the US would not stand by and do nothing in the face of the threat.

**538.** President Bush’s speech to the UN General Assembly on 12 September focused primarily on Iraq.<sup>163</sup>

**539.** President Bush began his speech by referring to the origin of the United Nations, stating that the Security Council had been created “so that, unlike the League of Nations, our deliberations would be more than talk, our resolutions would be more than wishes”. He stated that security was being challenged by regional conflicts, ethnic and religious strife, and “outlaw groups and regimes that accept no law of morality and no limit to their violent ambitions”. The “greatest fear” was that terrorists would “find a shortcut to their mad ambitions when an outlaw regime supplies them with the technologies to kill on a massive scale”.

**540.** President Bush stated:

“In one place and one regime, we find all these dangers in their most lethal and aggressive forms – exactly the kind of aggressive threat the United Nations was born to confront.”

**541.** President Bush stated that, to suspend hostilities after its invasion of Kuwait in August 1990, Saddam Hussein had “accepted a series of commitments” and “agreed to prove” that he was “complying with every one of those obligations”. By “breaking every pledge”, Saddam had “made the case against himself”.

**542.** President Bush set out the obligations imposed by the UN on Iraq, including that it should:

- “cease at once repression of its own people”;
- “return all prisoners from Kuwait and other lands”;

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<sup>163</sup> The White House, 12 September 2002, *President’s Remarks to the United Nations General Assembly*.



- “renounce all involvement with terrorism and permit no terrorist organisations to operate in Iraq”; and
- “destroy and stop developing all weapons of mass destruction and long range missiles and to prove to the world it has done so by complying with rigorous inspection”.

**543.** President Bush set out Iraq’s failure to meet those obligations. Iraq had “broken every aspect” of the last pledge, including:

- “Right now, Iraq is expanding and improving facilities that were used for the production of biological weapons.”
- UN inspections had revealed that Iraq “likely maintains stockpiles of VX, mustard and other chemical agents, and that the regime is rebuilding and expanding facilities capable of producing chemical weapons”.
- Iraq continued “to withhold important information about its nuclear program”; employed “capable nuclear scientists and technicians”; and retained “the physical infrastructure needed to build a nuclear weapon”. It had “made several attempts to buy high-strength aluminium tubes used to enrich uranium for a nuclear weapon”. If Iraq acquired fissile material, “it would be able to build a nuclear weapon within a year”.
- Iraq’s “state controlled media” had “reported numerous meetings between Saddam Hussein and his nuclear scientists, leaving little doubt about his continued appetite for these weapons”.
- Iraq also possessed “a force” of SCUD-type missiles with greater than permitted range and was “building more ... that can inflict mass death throughout the region”.
- Iraq had “subverted” the OFF programme “to buy missile technology and military materials”.
- Despite the UN’s demands for the return of inspectors, Iraq had had “four years ... to plan and to build and to test behind the cloak of secrecy”.

**544.** Challenging the United Nations to act, President Bush stated:

“We know that Saddam Hussein pursued weapons of mass murder even when inspectors were in his country. Are we to assume that he stopped when they left? The history, the logic and the facts lead to one conclusion: Saddam Hussein’s regime is a grave and gathering danger. To suggest otherwise is to hope against the evidence. To assume ... good faith is ... a reckless gamble ... [T]his is a risk we must not take.

“We have been more than patient ... Saddam Hussein has defied all these efforts and continues to develop weapons of mass destruction. The first time we may be completely certain he has ... nuclear weapons is when ... he uses one. We owe it to all our citizens to prevent that day from coming.

“The conduct of the Iraqi regime is a threat to the authority of the United Nations, and a threat to peace ... All the world now faces a test, and the United Nations a difficult and defining moment. Are the Security Council resolutions to be honoured and enforced, or cast aside without consequence? Will the United Nations serve the purpose of its founding or will it be irrelevant?”

“The United States ... want the United Nations to be effective and respected and successful. We want the resolutions of the world’s most important multilateral body to be enforced, and right now those resolutions are being unilaterally subverted by the Iraqi regime ...”

**545.** Challenging Iraq, President Bush stated: “If the Iraqi regime wishes peace” it would act in accordance with its obligations to the UN. He listed those obligations but did not explicitly mention the obligation to allow weapons inspectors to return.

**546.** President Bush offered the prospect of a new relationship:

“If all these steps are taken, it will signal a new openness and accountability in Iraq. And it could open the prospect of the United Nations helping to build a Government that represents all Iraqis – a Government based on respect for human rights, economic liberty and internationally supervised elections.

“The United States has no quarrel with the Iraqi people ...

“My nation will work with the UN Security Council to meet our common challenge. If Iraq’s regime defies us again, the world must move deliberately and decisively to hold Iraq to account. We will work with the UN Security Council for the necessary resolutions. But the purposes of the United States should not be doubted. The Security Council resolutions will be enforced, and the just demands of peace and security will be met, or action will be unavoidable, and a regime that has lost its legitimacy will lose its power.”

**547.** President Bush warned:

“Events can turn in one of two ways.

“If we fail to act in the face of danger the people of Iraq will continue to live in brutal submission. The regime will have new power to bully, dominate and conquer its neighbours, condemning the Middle East to more years of bloodshed and fear. The regime will remain unstable ... With every step the Iraqi regime takes towards gaining and deploying the most terrible weapons, our own options to confront that regime will narrow. And if an emboldened regime were to supply these weapons to terrorist allies, then the attacks of September 11 would be a prelude to far greater horrors.

“If we meet our responsibilities, if we overcome this danger, we can arrive at a very different future. The people of Iraq can shake off their captivity. They can one

day join a democratic Afghanistan and a democratic Pakistan, inspiring reforms throughout the Muslim world ...”

**548.** President Bush concluded:

“Neither of these outcomes is certain ... We must choose between a world of fear and a world of progress. We cannot stand by and do nothing while dangers gather ... By heritage and by choice, the United States will make that stand. And, delegates to the United Nations, you have the power to make that stand as well.”

**549.** President Bush also made a brief reference to the conflict between Israel and Palestine, stating:

“... there can be no peace for either side without freedom for both sides. America stands committed to an independent and democratic Palestine, living side by side with Israel in peace and security ... My nation will continue to encourage all parties to step up to their responsibilities as we seek a just and comprehensive settlement to the conflict.”

**550.** Dr Rice wrote in her memoir that the speech was intended to remind the audience of the dangers of Saddam Hussein’s regime and “to put the world on notice that the United States would act – alone if necessary – to deal with the threat”.<sup>164</sup> President Bush had been “supposed to call for a *new* resolution ... Somehow it had been left out ... The President ... immediately noticed the omission and ad-libbed a line that put the fate of Saddam into the hands of the UN Security Council.”<sup>165</sup>

**551.** There was uncertainty in the UK until the last moment about whether President Bush would announce that the US would seek a new Security Council resolution on Iraq.

**552.** Mr Straw wrote in his memoir that he had “been slipped an advance copy” of the speech and that he and others had:

“... spotted that the crucial line on working with the Security Council ‘for the necessary resolution’ had been omitted ... I immediately assumed dirty work ... But simple human error ... was to blame. Fortunately the President spotted the omission and ad-libbed ...”<sup>166</sup>

**553.** In a handwritten letter to President Bush congratulating him on the speech, Mr Blair wrote:

“It was a brilliant speech. It puts us on exactly the right strategy to get the job done. The reception has been very positive with every one now challenged to come up to the mark. Well done.”<sup>167</sup>

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<sup>164</sup> Rice C. *No Higher Honour: A Memoir of My Years in Washington*. Simon & Schuster, 2011.

<sup>165</sup> President Bush added: “We will work with the UN Security Council for the necessary resolutions.”

<sup>166</sup> Straw J. *Last Man Standing: Memoirs of a Political Survivor*. Macmillan, 2012.

<sup>167</sup> Letter (handwritten) Blair to Bush, 12 September 2002, [untitled].

## MR DE VILLEPIN'S SPEECH, 12 SEPTEMBER 2002

**554.** Mr Dominique de Villepin, the French Foreign Minister, stated that France supported a demarche requiring Iraq to meet its obligations within a defined timetable, but emphasised the need for collective responsibility to be exercised through the Security Council; and that the Security Council should determine the action taken if Iraq did not comply.

**555.** In his statement to the General Assembly Mr de Villepin warned that the use of “force alone” was “often futile” and that, in an interdependent world, “Let us take care that our interventions do not give rise to new frustrations, do not produce new imbalances and spark fires which we cannot put out.”<sup>168</sup>

**556.** Mr de Villepin stated:

“The case of Iraq is typical of this new situation. It is a country that has defied the authority of the Security Council and flouted international law for several years. It is a regime that poses a grave threat to security, particularly the security of the peoples of its region, because of the risk of proliferation of weapons of mass destruction. Its conduct is the direct cause of the great suffering endured by its people.

“Is the international community concerned? Of course it is. Can it continue to tolerate this situation? Definitely not. Should it act? Obviously: the status quo cannot go on. France’s determination to obtain compliance with the law is absolute.

“We must act, but we must do so effectively ...”

**557.** Mr de Villepin added that action should not “exacerbate” a situation that was “already very disturbing”:

“We must act, but there are many traps. Intervention that is politically or legally ill-defined or poorly mounted would not garner the broad support necessary; it might galvanise public opinion in the region against it, and the regime in Baghdad which is isolated now could benefit; lastly, it might aggravate tensions in the Middle East and beyond at a time when we should ... re-double our efforts to return to the path of dialogue and peace.”

**558.** Mr de Villepin stated that there was “only one way” to avoid those traps, the path of “collective responsibility”:

“The necessary measures must be adopted by the international community after an in-depth and transparent consideration. Any temptation to engage in unilateral preventive action would be dangerous. We must take care to avoid any suspicion of bias or injustice. This is the only way to ensure that any action to enforce law and restore security does not add to insecurity ...

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<sup>168</sup> UN General Assembly, ‘Fifty-seventh session Thursday 12 September 2002’ (A/57/PV.2).

“That is why ... France advocates a demarche made completely legitimate through collective deliberation. It requires two successive steps. First, we must together reaffirm the need for United Nations inspectors to return and demand that Iraq comply at last with its obligations under the Security Council decisions taken since 1991, and to do so according to a definite timetable ... If Baghdad persists in its refusal to allow the inspectors to return unconditionally, then there must be consequences. The Security Council should then decide measures to be taken without excluding any option. Responsibilities would be clarified. The world must be able to act. But it must also be coherent and effective, in a sustained way. That is today the real challenge to our values, and to our democracies.”

**559.** Mr Blair spoke to President Chirac on 13 September to discuss the UN resolution.<sup>169</sup> Mr Blair emphasised the need for a tougher inspections regime. He said that Saddam Hussein had to understand that there would be action against him if he did not comply: “unless Saddam thought we were serious there was no chance of him complying”.

**560.** Mr Blair and President Chirac also discussed the need to be clear when the inspectors had finished their work “either because WMD had been discovered and destroyed or because there was no WMD”. Mr Blair said that he would think about the two resolutions route (a return to the Security Council in the event of Iraq’s non-compliance).

#### RUSSIA AND CHINA’S COMMENTS ON IRAQ

**561. Russia and China emphasised the importance of dealing with Iraq through the instruments of the UN and in accordance with international law.**

**562.** In his speech on 13 September, Mr Igor Ivanov, the Russian Foreign Minister, made only a brief reference to Iraq. In a passage in his speech on regional conflicts he stated:

“Experience shows that no matter how complex international crises and conflicts may be, whatever challenges and threats they may be fraught with, they can be settled with the aid of United Nations instruments and on the basis of international law. This fully applies to the situation around Iraq, which has long required political settlement in strict compliance with the Security Council resolutions.”<sup>170</sup>

**563.** Mr Tang Jiaxuan, the Chinese Foreign Minister, stated that:

“Counter-terrorism should be pursued on the basis of international law and of the norms of international relations, allowing the United Nations and its Security Council to play a leading role ... Efforts should be made to prevent the arbitrary enlargement

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<sup>169</sup> Letter Rycroft to Sedwill, 13 September 2002, ‘Iraq: Prime Minister’s Phone Call with Chirac, 13 September’.

<sup>170</sup> UN General Assembly, ‘Fifty-seventh session Friday 13 September 2002’ (A/57/PV.5).

of the scope of the counter-terrorism campaign, but proven terrorists ... must be resolutely stamped out.”<sup>171</sup>

**564.** Mr Tang added that, in relation to Iraq, China stood “for a political settlement” in which the United Nations “should play an important role”. He called on Iraq to “implement the relevant Security Council resolutions in a faithful and strict manner”.

#### MR STRAW’S SPEECH, 14 SEPTEMBER 2002

**565.** Mr Straw’s speech to the General Assembly focused on the unique challenge to the UN posed by Iraq’s continued defiance, and the consequences for the UN’s wider authority if action was not taken.

**566.** Mr Straw’s speech to the UN General Assembly on 14 September focused on the critical role the UN had to play in world affairs, and the “three rising challenges” of failing states, terrorism and weapons of mass destruction.<sup>172</sup> He cited the experience with the International Security Assistance Force working with the UN in Afghanistan as showing what could be done.

**567.** Addressing the threat from proliferation, Mr Straw stated: “Nowhere is the case for universal support for the enforcement of the UN’s law stronger than in the field of weapons of mass destruction.” He added:

“... with one infamous exception – no States have resorted to these, the world’s worst weapons.

“That exception is Iraq. For two decades, Saddam has defied and frustrated every attempt to enforce the international rule of law. Iraq is the only country to be condemned by the United Nations for breaching the Convention on Chemical Weapons. Iraq has fought two wars of aggression ... No country has deceived every other country in the world as systematically and cynically as Iraq. And no country presents as fundamental a challenge to the United Nations ...

“Every society has to have rules ... So those of us who believe in an active international community cannot stand by and do nothing while Iraq continues to defy the will of the United Nations. All of us who believe in the United Nations have to make up our minds now about how to deal with Iraq. The authority of the United Nations itself is at stake.

“We cannot let Iraq do grave damage to this Organisation and the international order it represents. We cannot let Iraq go on defying a decade of Security Council resolutions. If we do, we will find all our resolutions are dismissed by aggressors everywhere as mere words ...

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<sup>171</sup> UN General Assembly, ‘Fifty-seventh session Friday 13 September 2002’ (A/57/PV.5).

<sup>172</sup> FCO News, 14 September 2002, ‘Security is not an option, it is a necessity – Straw (14/09/02)’.



“There are times when hard choices have to be made. On Iraq, we have now reached such a moment. If we fail to deal with this challenge, the United Nations will be seriously weakened. And that would make the world a much more dangerous place.

“As President Bush spelled out ... we have to be resolute in the face of Iraq’s defiance as President Bush said in his excellent speech ... and secure the will of the United Nations. We must require Iraq to re-admit inspectors with unfettered access. We have not just an interest but a responsibility to ensure that Iraq complies fully with international law. We have to be clear to Iraq and to ourselves about the consequences which will flow from a failure by Iraq to meet its obligations.”

### THE UK GOVERNMENT’S POSITION

**568.** Mr Blair wrote in his memoir that he had decided during August 2002 that Saddam had to be dealt with; and that the one objective of his meeting with President Bush at Camp David on 7 September was to persuade President Bush to go to the UN.

**569.** Mr Blair described that as obtaining a resolution and giving Saddam Hussein a final chance to comply.

**570.** In his memoir Mr Blair described Iraq, and what the UK was going to do about it, as, by the summer of 2002, “an insistent and pervasive backdrop”.<sup>173</sup> He recorded that as a result of 24-hour media:

“Literally every day, stories would appear moving the debate this way and that and in line with developing patterns of reporting, always hardening speculation into fact. At times we would not be sure whether we were driving the agenda or being driven by it. On holiday in France in August 2002, I took a call from George, who was equally frustrated by the fact that everyone assumed we had made up our mind and that the march to war was inexorable.”

**571.** Mr Blair added:

“When I returned from holiday ... I also had my lines clear. I was going to be very tough: we had to deal with Saddam; it was right to do it; we had to send an unvarnished and plain message to the world.”

**572.** Mr Blair wrote that the Camp David meeting had had one objective:

“... to get [President Bush] to go down the UN route, ie to agree that before any action we would pass a UN resolution and give Saddam a final chance.

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<sup>173</sup> Blair T. *A Journey*. Hutchinson, 2010.

“This was not an easy sell. The US context ... was completely opposite to ours; and the UN did not play well there. The meeting was a little tense ... In the end, one to one, I got his acceptance ... because ... ultimately he bought the idea that this was going to be a whole lot easier if we had a coalition behind us.”<sup>174</sup>

**573.** In the context of putting Iraq back into the UN system, Mr Blair told the Inquiry, that he had had “to persuade [President Bush] to take a view radically different from any of the people in his Administration”.<sup>175</sup>

**574. Sir David Manning told the Inquiry that it would in his view have been impossible for the UK to act in support of the US without “the UN route”, but US acquiescence was reluctant.**

**575.** Asked what thought had been given to the position if President Bush had decided not to take the UN route, Sir David Manning told the Inquiry that his assumption was that it would have been impossible for the UK to act for two reasons:

“One was that I thought the domestic political position was just impossible ... the other ... was it seemed to me legally it would be very, very difficult.”<sup>176</sup>

**576.** Asked whether the US had fully embraced the UN route, Sir David replied:

“No, I think the description ... is we moved them from scepticism to reluctant acquiescence. I don’t think there was a sudden conversion.”

**577. In his memoir, Mr Straw expressed concern that the US Administration interpreted Mr Blair’s position in his discussions with President Bush as offering the UK’s unconditional support.**

**578.** Mr Straw told the Inquiry that President Bush’s speech was the critical point at which the US “committed itself to the strategy which we had been arguing for”, and “meant that we were embarked on the strategy which, in my judgement could easily have led to a peaceful resolution of this major dispute and that was fundamental to the approach of the British Government”.<sup>177</sup>

**579.** In his memoir, Mr Straw wrote:

“... when telling people things they didn’t want to hear, Tony frequently used ambiguous, elliptical language. I continually worried that Bush heard Tony’s nuanced phraseology as offering unconditional support. Time and again, on Iraq and the Middle East especially, Colin told me that this was exactly what he was picking up

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<sup>174</sup> Blair T. *A Journey*. Hutchinson, 2010.

<sup>175</sup> Public hearing, 21 January 2011, page 50.

<sup>176</sup> Private hearing, 24 June 2010, pages 70-71.

<sup>177</sup> Public hearing, 21 January 2010, page 540.

inside the US Administration. ‘The Bush team took TB’s comments as full support, and pocketed them’, is Colin’s subsequent comment to me.”<sup>178</sup>

**580. Lord Turnbull told the Inquiry that the UK’s strategy on Iraq was set following the meeting at Camp David.**

**581.** Lord Turnbull, Cabinet Secretary from September 2002 to September 2005, told the Inquiry:

“I arrived at a very interesting transitional phase in this whole story ... This was, I would say, the conclusion of the strategy phase. The strategy was basically set following Camp David. The idea that Saddam Hussein would be confronted, that there would be an approach to the UN in alliance with the US and a justification would be put into the public domain. All that happened within days of my arrival ...”<sup>179</sup>

**582.** Lord Turnbull added:

“I think that was a point where a particular strategy coalesced, and at that point the position of [the] Cabinet Office, the Civil Service generally was: we now have a settled strategy and we now will pursue this and make it effective.

“... there was never any opportunity seriously to say, ‘This is the wrong option. Iran is the real problem or Korea is the real problem’ or whatever ... certainly by September 2002 that decision had been made ...

“... We had agreed, not only what we wanted to do but the Prime Minister ... had agreed with the President of the United States what was going to be done next, and the idea of formulating [a] single resolution, and you could almost say setting a trap for Saddam Hussein – the idea of an ultimatum, that was all formulated at around that time.”<sup>180</sup>

**583.** Asked whether the pros and cons of toppling Saddam Hussein had been examined, Lord Turnbull replied: “I think that was largely concluded by September.”<sup>181</sup>

## Conclusions

**584. Following Mr Blair’s meeting of 23 July, there were no further collective recorded discussions within the UK Government about the UK’s Iraq strategy before Mr Blair’s meeting with President Bush at Camp David on 7 September.**

**585. From the end of July 2002 until Mr Blair’s meeting with President Bush at Camp David, Mr Blair and Mr Straw were attempting to persuade the US Administration to secure multilateral support before taking action on Iraq.**

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<sup>178</sup> Straw J, *Last Man Standing: Memoirs of a Political Survivor*. Macmillan, 2012.

<sup>179</sup> Public hearing, 13 January 2010, page 4.

<sup>180</sup> Public hearing, 13 January 2010, pages 21-22.

<sup>181</sup> Public hearing, 13 January 2010, page 76.

**586.** By late August, the UK was proposing coercion of Iraq to disarm by means of a UN resolution issuing an ultimatum to Iraq to admit the weapons inspectors. In the event that Saddam Hussein refused, or subsequently obstructed, the inspectors, the UK was seeking a commitment from the Security Council to take action.

**587.** The UK Government's first objective was to offer Iraq the opportunity and a last chance to comply with its obligations and avoid military action. In the event of Iraq not taking that opportunity, the UK was also seeking to establish conditions whereby military action (should it become necessary) would command multilateral support and be taken with the authority of the Security Council.

**588.** In his public statements, Mr Blair clearly presented the strategy as providing a final opportunity for Saddam Hussein to disarm peacefully.

**589.** Reflecting the level of public debate and concern, Mr Blair decided in early September that an explanation of why action to deal with Iraq was needed should be published. That led to the publication of the Iraq dossier on 24 September. He also considered debate on the issue was sufficiently important for both Houses of Parliament to be recalled from recess.

**590.** As a result of Mr Blair's initiative and the subsequent bilateral discussions involving Mr Blair, Sir David Manning and Mr Straw, the US Administration was left in no doubt that the UK Government needed the issue of Iraq to be taken back to the Security Council before it would be able to participate in military action in Iraq.

**591.** The UK's arguments complemented and reinforced the arguments being made within the US Administration, particularly by Secretary Powell, that the US should not act alone.

**592.** The UK was a key ally whose support was highly desirable for the US.

**593.** That and the force of UK diplomacy undoubtedly made a significant contribution to President Bush's decision in the meeting of the National Security Council on 7 September to take the issue of Iraq back to the UN.

**594.** The objective of the subsequent discussions between President Bush and Mr Blair at Camp David was, as Mr Blair stated in the press conference before the discussions, to work out the strategy.

**595.** Although at that stage no decision had been taken on which military package might be offered to the US for planning purposes, Mr Blair also told President Bush that, if it came to war, the UK would take a significant military role.

**596.** When President Bush made his speech on 12 September, the US and UK had agreed the broad approach but not the substance of the proposals to be put to the UN Security Council, nor the tactics.

**597.** Statements made by China, France and Russia in the General Assembly debate after President Bush's speech highlighted the different positions of the five Permanent Members of the Security Council, in particular about the role of the Council in deciding whether military action was justified. The UK also recognised the danger that the US might seek to set the bar for Iraq so high that a new resolution might not be agreed by the Security Council.

**598.** Those tensions meant the negotiation of resolution 1441 was complex and difficult. That is addressed in Section 3.5.





## SECTION 3.5

# DEVELOPMENT OF UK STRATEGY AND OPTIONS, SEPTEMBER TO NOVEMBER 2002 – THE NEGOTIATION OF RESOLUTION 1441

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## Introduction and key findings

1. This Section addresses the negotiation of resolution 1441 following President Bush's speech to the United Nations (UN) General Assembly on 12 September, including the provision of legal advice, and the unanimous adoption of the resolution by the Security Council on 8 November

2. There were a number of other key developments during this period which are addressed elsewhere in the Report:

- The Joint Intelligence Committee (JIC) Assessments of Iraq's weapons of mass destruction (WMD) capabilities and Iraq's intentions for their use are set out in Section 4. The production of the Iraq dossier, published on 24 September 2002, and the presentation of its contents to Parliament are addressed in Section 4.2. The subsequent assessments of Iraq's actions, including its attitude towards the return of weapons inspectors, are addressed in Section 4.3.
- The development of options for a possible UK contribution to a US-led military invasion of Iraq, and the decision on 31 October to offer ground forces to the US for planning purposes, are addressed in Section 6.1.
- UK planning for a post-Saddam Hussein Iraq is addressed in Section 6.4.

3. The discussion within the UK Government after the adoption of resolution 1441 about the legal effect of the resolution, and Lord Goldsmith's advice on that issue and the legal basis for military action in Iraq, are addressed in Section 5.

### Key findings

- The declared objective of the US and UK was to obtain international support within the framework of the UN for a strategy of coercive diplomacy for the disarmament of Iraq. For the UK, regime change was a means to achieve disarmament, not an objective in its own right.
- The negotiation of resolution 1441 reflected a broad consensus in the UN Security Council on the need to achieve the disarmament of Iraq.
- To secure consensus in the Security Council despite the different positions of the US and France and Russia, resolution 1441 was a compromise containing drafting "fixes".
- That created deliberate ambiguities on a number of key issues including: the level of non-compliance with resolution 1441 which would constitute a material breach; by whom that determination would be made; and whether there would be a second resolution explicitly authorising the use of force.

## US/UK discussion of a draft resolution

**4. The US and UK were in agreement about the objective of securing a UN resolution demanding that Iraq should permit the immediate and unconditional return of weapons inspectors and setting out the consequences of non-compliance.**

**5. At the beginning of the negotiations, however, there were significant differences between the US and the UK about the detailed content of a UN resolution and the approach to negotiations with China, France and Russia, the other Permanent Members, and with the wider Security Council.**

**6.** The debate between the Foreign and Commonwealth Office (FCO) and No.10 on the objectives and terms for a new Security Council resolution on Iraq, between the end of July and President Bush's speech to the United Nations (UN) General Assembly on 12 September, are addressed in Section 3.4.

**7.** Initial discussion within the UK, and between the UK and US, about the terms of a draft resolution revolved around seven key issues:

- the need for a UN determination that Iraq was in material breach of its obligations;
- whether the demands for Iraq to comply should be limited to WMD (weapons of mass destruction) or address Iraq's wider failures to meet the obligations specified in UN resolutions since 1991;
- the nature of the ultimatum to Iraq on WMD and whether that should demand an immediate Iraqi declaration of its WMD holdings, and/or the return of weapons inspectors;
- whether to seek more intrusive and quicker inspections than those specified in resolution 1284 (1999);
- whether to seek explicit agreement to the use of "all necessary means" in the event of Iraqi non-compliance, which would provide explicit authority for military action;
- when the UN route would be deemed exhausted and the role of the Security Council in determining the seriousness of any reported Iraqi breach and in authorising the use of force; and
- whether to seek one resolution which met all the objectives or to adopt a two stage approach.

**8.** Resolution 1284 establishing the UN Monitoring, Verification and Inspection Commission (UNMOVIC), to replace the UN Special Commission (UNSCOM), was adopted on 17 December 1999, with China, France, Russia and Malaysia all abstaining.<sup>1</sup>

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<sup>1</sup> UN Security Council resolution 1284 (1999).

The timetable for inspections and the position of UNMOVIC in September 2002 is set out in the Box below.

### **Resolution 1284 (1999) and action to establish UNMOVIC**

In March 1999, the panel chaired by Mr Celso Amorim, the Brazilian Permanent Representative to the UN in New York, which was tasked to provide a “comprehensive review” of UN approaches to Iraq, reported that “although important elements still have to be resolved, the bulk of Iraq’s proscribed weapons programs has been eliminated”.<sup>2</sup> Nonetheless, some inspections-based monitoring was needed to prevent rearmament.

The timetable set out in resolution 1284 for UNMOVIC and the International Atomic Energy Agency (IAEA) to start work and report to the Security Council on Iraq’s position resolution envisaged the inspectors would:

- “draw up, for approval by the Council, a work programme” not later than 60 days after they started work in Iraq;
- report “immediately when the reinforced system of ongoing monitoring and verification is fully operational in Iraq”;
- 120 days after that, report on whether “Iraq has co-operated in all respects with UNMOVIC and the IAEA in particular in fulfilling the work programmes in all the aspects to suspend sanctions”.<sup>3</sup>

The resolution also stated that:

- The 120 days would be renewable, subject to the “elaboration of effective financial and other operational measures” to ensure that Iraq did not acquire prohibited items.
- Should the Executive Chairman of UNMOVIC or the Director General of the IAEA report that Iraq was not co-operating in all respects, sanctions could be renewed.
- The IAEA would remain responsible for nuclear inspections and certification.

As Section 1.1 shows, the resolution was a compromise. Iraq was not required to demonstrate full compliance, just co-operation; and co-operation was not clearly defined. In addition, there was no certainty of a definitive end to sanctions. For this reason Iraq did not accept resolution 1284. It apparently hoped that sanctions would be suspended or at least eroded without it having to do much.

The decision to establish a new organisation to replace UNSCOM reflected allegations that it had not been impartial and had been used by western intelligence agencies to spy on Iraq. The intelligence agencies of member states could supply information to any new body but could not expect to receive any in return. Intelligence traffic would only be one-way. Inspectors were to be recruited independently and work directly for the UN, following UN standards and rules on impartiality and professionalism, rather than be loaned to the Commission by Member States. UNMOVIC was to be controlled by a College of Commissioners.

UNMOVIC was funded from Oil-for-Food (OFF) revenue.

<sup>2</sup> 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).

<sup>3</sup> UN Security Council resolution 1284 (1999).

Dr Hans Blix was appointed as Executive Chairman of UNMOVIC on 27 January 2000.

A junior member of the UK permanent Mission to the UN in New York met Dr Blix on 12 September 2002 for a confidential conversation to explore:

- how long it would take UNMOVIC to establish a presence in Iraq;
- how long it would take to be “up and running”;
- how often it would be realistic for UNMOVIC to report on progress; and
- what its priorities would be for reinforcing inspections.<sup>4</sup>

The official reported that the practical arrangements for the return of inspectors would be crucial and would need to be agreed before their deployment. Discussions on the arrangements should take place outside Iraq, but once agreed an advance party from UNMOVIC could be in Iraq in a week. UNMOVIC would prefer to have three months to build up its presence before it “started work as set out in resolution 1284”, but it “could just about manage two months”.

The 60 days to draw up a work programme was “doable if Iraq co-operated” but that deadline could slip; the report would need to be shown to Iraq and approved by the College of Commissioners. Some inspections could take place within that period; that would be an early test of Iraqi compliance. There was nothing to stop Iraq providing UNMOVIC with the backlog of its biannual declarations on WMD. Depending on the co-operation it received, UNMOVIC could be “fully operational at the same time as it presented the work programme”.

The official noted that UNMOVIC already produced quarterly reports and a report every month was likely to be “too frequent”. Regular reports could help to put pressure on Iraq and could be used to highlight non-co-operation.

Dr Blix had received a suggestion that UNMOVIC be asked to report to the Council immediately if Iraq was not co-operating positively. He did not underestimate the difficulties of annulling the modalities governing access to sensitive sites and had advised that the Security Council could usefully reaffirm existing rights. Asking UNMOVIC to put forward suggestions to strengthen inspections would put its independence in doubt.

**9. In preparation for a meeting with Mr Blair and following initial discussions in New York, Mr Jack Straw, the Foreign Secretary, set out his thinking on the UK’s approach to the negotiation of a new UN resolution on 14 September.**

**10. Mr Straw advised that the UK’s objective should be a more intrusive inspections regime. If Saddam Hussein complied, that would achieve the UK’s WMD objectives.**

**11. Mr Straw advocated that the UK and the US should seek only one resolution; and that it should incorporate both a demand for the return of inspectors and a tougher inspections regime. That would maximise pressure on Iraq to comply and avoid giving France and Russia a veto over military action.**

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<sup>4</sup> Minute FCO [junior official] to HMA [UKMIS New York], 12 September 2002, ‘Iraq: Meeting with Blix’.



**12.** Reporting a conversation with Dr Condoleezza Rice, President Bush’s National Security Advisor, at a reception given by President Bush on 12 September, Mr Straw wrote that he had rehearsed his concerns about a two resolution strategy, “not least because it was being pushed ... by those who wanted a veto on military action and who wanted to avoid hard choices”.<sup>5</sup> They had also discussed the possibility of seeking an Iraqi “declaration” of its WMD programmes. While that might create “something to do” while UNMOVIC got its teams into place, Mr Straw had said he thought it could be a “very dangerous proposal”. Saddam Hussein “would be very likely to respond with a massively detailed document to split the five Permanent Members of the Security Council (the P5) and international public opinion and buy more time”.

**13.** Following his discussions in New York and in preparation for a meeting with Mr Blair on 17 September, Mr Straw sent a minute to Mr Blair setting out a proposed strategy for “achieving our objectives through the UN”.<sup>6</sup>

**14.** Summarising his views, Mr Straw advised that the UK should:

- “• deliver a more intrusive inspection regime which, if Saddam complies, achieves our WMD objectives;
- demand Iraqi actions not words, within tight deadlines;
- get all we need into a first resolution, without either committing ourselves [to] or ruling out a second [resolution];
- persuade President Bush to commit to the heavy lifting necessary to secure Russian acquiescence, while we take the lead with the French;
- be prepared to run the resolution ourselves if the US agree, since we are better placed to deliver in the Security Council.”

**15.** Mr Straw wrote that President Bush’s speech on 12 September had “transformed the politics of the issue, at least in the short term”, which “gives us a huge opportunity”. He added that achieving the objectives would be a “highly complex process” which would require Mr Blair’s intervention at “crucial moments”, and that:

“US views will carry a lot of weight. But as on many issues, they will need our advice and tactical judgement to get what they need out of the Security Council.”

**16.** Mr Straw reported that he had been assured that President Bush was “serious about trying intrusive inspections as a means to achieve Iraqi WMD disarmament”. There were, however, differences of view within the US Administration. Mr Straw was concerned that there were voices suggesting that any resolution should be loaded “with impossible demands to ensure the inspectors never get deployed, and to create the earliest pretext for military action”.

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<sup>5</sup> Letter Straw to Manning, 13 September 2002, ‘Iraq’.

<sup>6</sup> Minute Straw to Prime Minister, 14 September 2002, ‘Iraq: Pursuing the UN Route’.

**17.** Mr Straw was also concerned that others in the Security Council wanted an approach which would “make it politically impossible to take military action”. It would be “crucial to avoid both traps”.

**18.** Addressing the substance of the issues, Mr Straw wrote that “our own emerging thinking and that of the US is converging” and the US and UK should seek a resolution which:

- determined that Iraq had been and was “now in material breach of a ... series of obligations to the Security Council”. That was “designed to provide the necessary legal cover”;
- demanded “unfettered access for inspectors, with clear deadlines as a first test of Iraqi acceptance and a more intrusive mandate”; and
- included “some provisions on what happens if Iraq fails to comply with the specific requirements”, but “falling short of authorising ‘all necessary measures’”. Sir Jeremy Greenstock, UK Permanent Representative to the UN in New York, judged that was “simply a non-starter” with China, France and Russia.

**19.** Mr Straw provided “an illustrative draft” resolution, which reflected initial discussions with the US but had not been shown to them.

**20.** The draft included elements from each of the options offered by the FCO on 6 September (see Section 3.4). Mr Straw identified a number of issues that would require political judgements:

- The advantages and disadvantages of the US proposal to challenge Iraq to produce a full declaration of its WMD holdings very quickly. Mr Straw thought that was “a bad idea” and that there were “better ways of setting early deadlines”.
- How much tougher an agreed inspection regime could be without making demands which would not be agreed by either the members of the Security Council or Iraq. The US was “thinking of a provision which would allow [Dr] Blix to decide what further access he needed to achieve his mandate”. That “would mean jettisoning previously agreed special arrangements (like exemption of palaces etc)”. That “would be difficult to negotiate” and Mr Straw did not want Iraq to reject the resolution because it “could be said to move the goalposts”; but he favoured trying the approach.
- How clear the resolution could be about the consequences in the event of non-compliance. That would be “the hardest-fought point in the Security Council”. As “all necessary measures” looked “unnegotiable”, and the US would “adamantly oppose a requirement” for a further resolution, the current US preference was “to stipulate that any failure to comply with the provisions of the resolution would constitute a further material breach and that Iraq would be responsible for the serious consequences of that”. Mr Straw took the view

that, while the negotiations should “start tough”: “The final result will almost certainly be less explicit.”

**21.** Addressing the tactics, Mr Straw wrote that the P5 lunch the previous day had, in the words of Mr Colin Powell, US Secretary of State, been “a good start on securing a consensus”.

**22.** Mr Straw added that France’s approach of two resolutions was “attractive to some precisely because it postpones any hard choices and gives Russia and France a veto on military action. I think it a very dangerous idea.” It would postpone hard choices and give other members of the P5 a veto over military action.

**23.** Mr Straw had argued to his Ministerial colleagues that “the tougher and more complete the first resolution, the greater the chance of Iraqi compliance. Paradoxically ... [a] two resolution approach would make the use of force more likely, because Iraq would view it as weak.”

**24.** Mr Straw wrote that he and Secretary Powell both believed that “we should get a long way down the road of agreeing the strategy in capitals” with the P5 before putting any draft text into the Council. They envisaged that, after intensive discussions, the US and UK would be “in a position to table proposals in the Security Council early in the week of 23 September”. He also suggested that there might be tactical advantages in the UK tabling the resolution.

**25.** Sir David Manning, Mr Blair’s Foreign Policy Adviser and the Head of the Cabinet Office Overseas and Defence Secretariat (OD Sec), sent the minute to Mr Blair with his own comments on a number of points:

- Mr Jacques Chirac, the French President, would not accept the use of the phrase all necessary measures “at this stage”.
- A declaration did not need to precede inspections: it could be pursued in parallel.
- The UK dossier was “designed to show how unsatisfactory absolving palaces from inspections has proved”.
- Mr Straw’s view that the negotiations should start tough but the consequences in the event of non-compliance would be less explicit than agreement to “all necessary measures” looked “right.”<sup>7</sup>

**26. The UK was concerned to avoid US proposals for a comprehensive Iraqi declaration being used to provide the basis for military action before the return of inspectors.**

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<sup>7</sup> Manuscript comments Manning to Prime Minister on Minute Straw to Prime Minister, 14 September 2002, ‘Iraq: Pursuing the UN Route’.

**27.** US and UK officials discussed draft resolutions on 15 and 16 September. Mr Peter Ricketts, FCO Political Director, reported that the main differences between them were; a US demand for comprehensive declarations and making failure to comply with that a “casus belli”; detailed proposals for unfettered access for inspectors; and “the ‘all necessary means’ issue”.<sup>8</sup>

**28.** Sir David Manning discussed developments with Dr Rice on 16 September.<sup>9</sup> He stated that the position was “very much better ... than ... eight weeks ago”; and that Mr Blair was “pleased that the issue was now focused in the UN, where the early signs suggested the debate was going well”. Saudi Arabia had announced that they would permit overflights if there was a resolution authorising action.

**29.** Sir David Manning reported that he had told Dr Rice:

- The UK would consider two resolutions, one dealing with Iraq’s WMD and one dealing with other aspects of the Iraqi problem, including the restoration of Kuwaiti property.
- The UK was still considering whether to demand that Saddam Hussein should make a “Declaration about his WMD stocks”. There would be a discussion between Mr Blair and Mr Straw the following day.
- Mr Blair would be “sympathetic” to the need for an effective and intrusive inspections regime and the measures to ensure that, such as protection for UNMOVIC and the role of P5 representatives.
- On the question of whether to seek “all necessary means” or accepting language specifying “serious consequences”, there was the option of falling back on the Kosovo model (taking independent action if ultimately the UN route failed). It was the right way forward.

**30.** The US and UK Missions to the UN in New York produced a draft “composite resolution” on 16 September, which Mr Straw and Sir Jeremy Greenstock discussed with Secretary Powell later that day.<sup>10</sup>

**31.** Secretary Powell told Mr Straw that he had discussed the possibility of an Iraqi letter agreeing to unconditional access for inspectors with Mr Kofi Annan, Secretary-General of the UN, “three times in the last 14 hours”. Mr Annan had made it clear to Iraq that there would be a new resolution and there was nothing it could do to stop it.

**32.** Mr Straw thought that “overall the argument was going well”. Egypt and other countries were complaining about where an objective of regime change left them, but: “Saddam Hussein had a choice, either complying with SCRs [Security Council

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<sup>8</sup> Minute Ricketts to Secretary of State [FCO], 16 September 2002, ‘Iraq: UN Resolutions’.

<sup>9</sup> Letter Manning to McDonald, 16 September 2002, ‘Iraq: Conversation with Condi Rice’.

<sup>10</sup> Telegram 1729 UKMIS New York to FCO London, 16 September 2002, ‘Iraq: Foreign Secretary’s Conversation with US Secretary of State, 16 September’.

resolutions] and surviving; or failing to comply and his regime ending up being changed as a consequence of the international community enforcing compliance.”

**33.** Secretary Powell told Mr Straw that the US was looking for a serious response from Iraq to a required declaration. If it was not serious, “Saddam would clearly be playing games and that should be considered a *casus belli*”. The US wanted something which it could measure, and “to assess Iraqi seriousness before they got rolling on inspectors”. In his view, Mr Blair and President Bush “needed to talk about the role of a declaration: there was still some uncertainty in the Administration about what the UK wanted/could live with”.

**34.** Mr Straw replied he “feared” a declaration “could be a trap for us, not Saddam”, and “a real chance that Saddam would deliver a Rolls Royce reply in order to ‘scatter his enemies’ ... [A] full, final and complete declaration could only be done with the inspectors.” A declaration could be folded into the process in a different way. The US and UK should focus on the return of the inspectors and ask for a declaration after practical arrangements had been agreed but before the inspectors arrived.

**35.** Asked what would happen if the declaration was inadequate, Sir Jeremy Greenstock stated that the Security Council could say the “inspectors would check the points over which there was disagreement”.

**36.** Secretary Powell said that “his hunch” was that Iraq would be forthcoming:

“They would send something which matched what we knew. In that case we could say we had a ‘serious basis’ for inspectors ... If, on the other hand, the Iraqis gave something thin, there would be no point sending inspectors ...”

**37.** Mr Straw thought that Iraq would calibrate its response to satisfy France and Russia: “We preferred the test to rely less on subjective judgement”. Mr Blair had “been consistent in giving prominence to the importance of inspections since the Crawford meeting in April. A declaration would be a diversion from our long-standing position.”

**38.** Mr Straw and Secretary Powell agreed that there were “no real differences” between the US and UK on the conditions for the inspectors’ return and the modalities for their operations.

**39.** Sir Jeremy Greenstock asked “how fierce the US wanted to be over ‘all necessary means’”. Sir David Manning’s conversations with Dr Rice seemed to indicate this was “not an absolute requirement” for President Bush. The US should talk to Russia before putting it to the Security Council. If the US and UK tried and failed to get Security Council agreement to inclusion of the phrase, “we would be further back than if we had not tried at all”.

**40.** Secretary Powell assessed that Mr Vladimir Putin, the Russian President, “wanted to be on this train” and we could get him “to sign up to most anything”. He reminded Mr Straw that “the US was going to deliver the French”.

**41.** In relation to the preparation of the UK dossier, Secretary Powell said “he was laying less stress on (disputable) dossiers and more on the fact that Saddam had (indisputably) violated SCRs for the last 11 years”.

**42.** Mr Straw and Secretary Powell also discussed whether to produce two resolutions. Mr Straw “pointed out that ... would both fulfil President Bush’s promise and help Villepin [Mr Dominique de Villepin, the French Foreign Minister] off a hook”. The UK preference was for a second resolution, addressing other problems with Iraq including terrorism, to be tabled later “so as not to blur the focus on WMD”.

**43.** Mr Straw and Secretary Powell were reported to have agreed that “we will only get a peaceful resolution if we prepare for war”.

**44.** Mr Simon McDonald, Mr Straw’s Principal Private Secretary, sent a separate letter to Sir David Manning reporting that, at the end of the discussion, Mr Straw and Secretary Powell had had a private word to discuss US uncertainty about Mr Blair’s position on the proposal for a comprehensive declaration.<sup>11</sup> Mr McDonald advised Sir David that Mr Straw had concluded “we need to incorporate a declaration within our approach but not in such a way that it can be used as a casus belli”.

**45.** Mr Straw also discussed possible resolutions with Mr Igor Ivanov, the Russian Foreign Minister, including whether, if Baghdad offered to allow the inspectors to resume their work, a new resolution would be needed.<sup>12</sup>

**46.** Mr Ivanov warned Mr Straw not to repeat the actions of Operation Desert Fox (in December 1998) or Kosovo (in 1999).

**47. In parallel with negotiations on the content of the UN resolution, preparations to publish the Iraq dossier continued.**

**48. Mr Blair saw the purpose of the dossier as making the case for the return of inspectors with a tough regime.**

**49.** In a note to No.10 officials covering a range of issues on 15 September, Mr Blair wrote:

“The dossier is crucial. The expectations must be right. Remember the case we need to make is for the return of a tough inspection regime, not that he is about to launch a strike. In my view, advice to me from the JIC is sufficiently persuasive. We also need to decide what we can show key politicians here and in the EU; early sharing of the info. will go down well and show willing.”<sup>13</sup>

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<sup>11</sup> Letter McDonald to Manning, 17 September 2002, ‘Iraq’.

<sup>12</sup> Telegram [un-numbered] UKMIS New York to FCO London, 16 September 2002, ‘Foreign Secretary’s Meeting with Russian Foreign Minister: Iraq’.

<sup>13</sup> Note Blair [to No.10 officials], 15 September 2002, [extract ‘Iraq’].



## Iraq's agreement to the return of inspectors

**50.** Iraq informed Mr Annan on 16 September that it had decided to allow the return of inspectors and that it was ready to discuss the practical arrangements with the UN.

**51.** A subsequent letter from Saddam Hussein made clear that Iraq still saw agreement on those arrangements as part of a wider discussion reflecting Iraq's rights under the UN Charter and the need to address all the obligations of both Iraq and other Member States in relevant Security Council resolutions, not just Iraq's disarmament obligations.

**52.** Saddam Hussein declared that Iraq was “totally clear of all nuclear, chemical and biological weapons”; and challenged President Bush's “insinuation” that Iraq was linked to the attacks on 9/11 and international terrorism.

**53.** In a meeting with Foreign Ministers of the League of Arab States on 14 September, Mr Annan sought their support for the return of inspectors to Iraq as a means to strengthen peace and stability in the region and to avoid another major conflict.<sup>14</sup> He also raised the issue in a meeting with Mr Amre Moussa, the Secretary General of the League of Arab States, and Dr Naji Sabri, the Iraqi Foreign Minister, later that day.

**54.** Dr Sabri wrote to Mr Annan on 16 September to inform him that, following the series of talks between Iraq and the UN in New York and Vienna between March and July 2002 and the latest round in New York on 14-15 September, Iraq had decided “to allow the return of United Nations inspectors to Iraq without conditions”.

**55.** Dr Sabri stated that, in taking the decision, the Government of Iraq was responding to the appeals of Mr Annan, Mr Moussa and those of “Arab, Islamic and other friendly countries”. The decision was based on Iraq's “desire to complete the implementation of the relevant Security Council resolutions and to remove any doubts that Iraq still possesses weapons of mass destruction”.

**56.** Responding to the points in Mr Annan's statement to the General Assembly on 12 September, the Dr Sabri stated that the decision was:

“... the indispensable first step towards an assurance that Iraq no longer possesses weapons of mass destruction and equally important, towards a comprehensive solution that includes the lifting of sanctions ... and the timely implementation of other provisions of the relevant ... resolutions. To this end ... Iraq is ready to discuss the practical arrangements necessary for the immediate resumption of inspections.”<sup>15</sup>

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<sup>14</sup>United Nations, 16 September 2002, *Daily Press Briefing by the Office of the Spokesman for the Secretary-General*.

<sup>15</sup>UN Security Council, 16 September 2002, 'Letter dated 16 September from the Minister of Foreign Affairs of Iraq addressed to the Secretary-General', attached to 'Letter dated 16 September from the Secretary-General addressed to the President of the Security Council' (S/2002/1034).

**57.** Mr Annan sent the letter to the President of the Security Council, asking him to bring it to the attention of the Council.<sup>16</sup>

**58. Mr Blair and Mr Straw agreed that they should secure as much of the elements required as possible in a first resolution, keeping an open mind on whether to seek two resolutions as the US would not at that stage accept a two stage approach.**

**59.** Sir David Manning discussed the Iraqi initiative with Dr Rice in the early hours of 17 September.

**60.** Sir David reported to Mr Blair that he had told Dr Rice Mr Blair's position was that "the UN must be a facilitator for Iraqi disarmament".<sup>17</sup> The UK would "continue to express scepticism about Saddam's intentions, given his capacity for games playing". Sir David stated he was sure Mr Blair would "continue to insist on a very tough resolution" demanding the return of inspectors and Iraq's full and immediate compliance with its terms. The UK would argue that "the new resolution was as important as ever in establishing the criteria for future Iraqi behaviour, and the benchmark for measuring it".

**61.** Sir David and Dr Rice had agreed to speak again later that day.

**62.** Mr Blair discussed the "state of play on the Iraq UNSCR(s)[UN Security Council resolutions]" with Mr Straw and Sir Jeremy Greenstock on 17 September.<sup>18</sup> Mr Jonathan Powell (Mr Blair's Chief of Staff), Sir David Manning, Mr Alastair Campbell (Mr Blair's Director of Communications and Strategy), and Baroness Morgan (Mr Blair's Director of Political and Government Relations), were also present.

**63.** The record of the meeting listed its conclusions as:

- "The UK should continue to press, quickly, for a **new resolution**
  - (a) describing Saddam [Hussein] as in 'material breach' of his obligations,
  - (b) setting out the demand ... to allow unconditional UNMOVIC entry, and
  - (c) using the strongest language the Security Council ... would bear on the consequences in the event of non-compliance ..."
- The UK should "seek to secure in the first resolution as much as possible of the wording required, using the argument that the tougher the resolution, the less likely military action would become"; and "keep an open mind on whether a **second resolution** would be required, ruling it neither in nor out. It would be too much for the US to accept two resolutions now."

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<sup>16</sup>UN Security Council, 16 September 2002, 'Letter dated 16 September from the Secretary-General addressed to the President of the Security Council' (S/2002/1034).

<sup>17</sup>Minute Manning to Prime Minister, 17 September 2002, 'Iraq'.

<sup>18</sup>Letter Rycroft to Sedwill, 17 September 2002, 'Iraq: Prime Minister's Meeting with Foreign Secretary and Sir Jeremy Greenstock, 17 September'.

- The “proposed **declaration of Iraq’s WMD** should be an update rather than a final and complete declaration ... [pursued] in parallel with the return of inspectors, not delay the inspectors’ return”.
- “**Publicly**” the UK should “describe [Iraq’s] offer of accepting inspectors as a tactical ploy, exactly as we had expected. We suspected that he [Saddam Hussein] had absolutely no intention of complying with all UN demands. It showed [the] tough approach was working. We must maintain the pressure. The inspection regime must be tough and able to do its job.”
- Mr Blair would speak to President Putin “in concert with” President Bush’s call.
- The UK “should keep in close touch with Blix, so that the resolution took account of his practical considerations”. He would “have to be very tough with the Iraqis”.

**64.** The record of the meeting was sent to the Ministry of Defence (MOD), Cabinet Office, the Private Secretary to Sir Richard Dearlove (Chief of the Secret Intelligence Service (SIS)), and to Sir Jeremy Greenstock, Sir Christopher Meyer (British Ambassador to the US), Sir John Holmes (British Ambassador to France) and Sir Roderic Lyne (British Ambassador to the Russian Federation).

**65.** Sir David Manning subsequently informed Dr Rice of the conclusions of Mr Blair’s meeting.<sup>19</sup>

**66.** The record of that conversation shows differences of view on the advantages and disadvantages of demanding a comprehensive Iraqi declaration; whether the resolution should address non-WMD issues; and the details of a new inspection regime.

**67.** Sir David and Dr Rice agreed that the purpose of the resolution was to dismantle Saddam Hussein’s WMD, not to get the inspectors back into Iraq: “The inspections were a means to this end, not an end in themselves.” They also discussed the risk that the inspectors would find nothing. Sir David said he thought “we were likely to find evidence, even though Saddam would have been busily hiding and disguising his stocks of WMD”.

**68.** Sir David and Dr Rice agreed that Sir Jeremy Greenstock and Ambassador John Negroponte, US Permanent Representative to the UN in New York, should be asked for “their expert advice on next steps about content and handling”.

**69.** Reporting a statement by Mr Straw, the FCO informed the UK Permanent Mission in New York that: “We see no advantage in an early UNSC [UN Security Council] debate on the Iraqi offer ... But we accept that pressure for Council discussion may be irresistible.”<sup>20</sup>

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<sup>19</sup> Letter Manning to McDonald, 17 September 2002, ‘Iraq: Conversation with Condi Rice’.

<sup>20</sup> Telegram 535 FCO London to UKMIS New York, 17 September 2002, ‘Iraq: Letter Accepting Weapons Inspectors’.

**70.** The key points of the UK position were:

- “• ... scepticism. Iraq has a long history of playing games. The ... offer comes only four days after Iraq rejected inspections;
- Not clear what, exactly, the Iraqi letter amounts to ...
- Note Iraqi reference to discussion of practical arrangements for inspections. Iraq must not be allowed to drag this process out. A new UNSCR [UN Security Council resolution] would need to address this point ...
- Offer does not make clear that Iraq has accepted our basic demand, namely to grant inspectors immediate access to any site, building, records, personnel at any time of UNMOVIC's choosing ...
- We must keep up the pressure on Iraq. Their latest offer has only come because the international community has demonstrated its determination to stand firm. We must continue to do so.
- We must, therefore, work for a new UNSC resolution ...
- History tells us that we cannot trust Saddam's word. This time, our goal is to ensure that he complies with UNSC demands.”

**71. Mr Blair and President Bush decided to continue to pursue a new Security Council resolution.**

**72.** Mr Blair and President Bush discussed the position on 18 September.<sup>21</sup>

**73.** Mr Blair said that they should stick to the strategy. A resolution was needed and the inspectors must be allowed in to do their job properly. Mr Blair was sceptical about whether Saddam would comply: “It was obvious that Saddam would play games. He had only made his offer on inspections ... because he felt under pressure.” The pressure would need to be continued.

**74.** Mr Blair and President Bush also discussed the need for a new inspections regime that was unconditional and unrestricted. Mr Blair's view was that:

“This time we must be clear that obstruction would mean military action. This had to be a disarmament process. There could be no mindset of accepting conditions ...”

**75.** Mr Blair stated that, in relation to the overall strategy, Saddam Hussein was “trying to drag us into a negotiation”, and that the UN route provided the means to deprive him of the argument that the US would attack him whatever he did. Mr Blair said that disarmament “would occur, either through inspections or military action” and that the “choice was Saddam's”. In Mr Blair's view, the Iraqi regime “could crack with the arrival of inspectors”. Keeping up the public pressure would give the international community “no option but to support us”.

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<sup>21</sup> Letter Rycroft to Sedwill, 18 September 2002, ‘Iraq: Prime Minister's Phone Call with President Bush, 18 September’.

**76. Iraq welcomed the US decision to act through the UN while emphasising that Iraq’s “inalienable rights” should be met and members of the Security Council should meet their obligations.**

**77. A letter from Saddam Hussein stated that Iraq was “totally clear of all nuclear, chemical and biological weapons” and would accept inspections to “achieve, with transparency the goal of making sure Iraq no longer possesses ... weapons of mass destruction”.**

**78.** In his speech to the UN General Assembly on 19 September, Dr Sabri offered Iraq’s “condolences to the American people, especially the families of the victims” of the 11 September 2001 attacks.<sup>22</sup>

**79.** Dr Sabri expressed “sincere gratitude” to states and organisations which had rejected US threats against Iraq and called for “a comprehensive political solution to the impasse in the relationship between Iraq and the Security Council”. The Iraqi Government’s decision “to allow the return of UN weapons inspectors without conditions as a first step towards a comprehensive solution” that included “the lifting of sanctions imposed on Iraq and the timely implementation of other provisions of relevant Security Council resolutions”, was a response to the appeals of Mr Annan and others.

**80.** Dr Sabri told the Security Council that he had been instructed by Saddam Hussein to convey excerpts from his letter to the General Assembly, which presented “Iraq’s position on the latest developments in the relationship between Iraq and the Security Council”.

**81.** Saddam Hussein welcomed the US decision “for the first time since the end of the cold war” to put one of its problems to the General Assembly “after years of disregard of the weight, effect and opinion of others”. But the letter was critical of American actions on Iraq and its support for Israel. It described President Bush’s speech on 12 September as presenting “extreme distortions of the so-called nuclear, biological, and chemical threats” posed by Iraq:

“... so as to make American citizens believe the deliberate insinuation that Iraq was linked to the American people’s tragedy of September 11.”

**82.** Saddam Hussein’s letter set out Iraq’s views on US actions and statements, including:

“So, after utilizing the American propaganda machine for a long time and spouting official statements full of lies, distortion, and falsehood, the focus was basically turned on inciting the American public against Iraq and pushing it to believe the United States Administration’s schemes of aggression as a fait accompli as if it were

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<sup>22</sup> UN General Assembly, ‘Fifty-seventh session 19 September 2002’ (A/57/PV.17).

the solution or the necessary rescue that would allow American citizens to live in security and stability after what they had gone through in the 11 September events.”

**83.** Saddam Hussein stated that when the US Administration had realised the necessity to have:

“... international cover for using force and that the world did not believe the lies it tried to propagate to link Iraq to the September events, it changed the issue and began to shed crocodile tears about international law and the necessity to comply with the resolutions of international legitimacy, alleging that Iraq is not complying with the Security Council resolutions, especially with regard to ... inspectors. This implied that Iraq had the intention to develop or already possesses nuclear, chemical and biological weapons ...”

**84.** Iraq “might give those weapons to terrorist organizations that pose a threat to world security”.

**85.** After complaining about the “intelligence and espionage” activities of weapons inspectors in the past and accusing the US of “acting on behalf of Zionism” and wanting “to destroy Iraq in order to control Middle East oil, and consequently control the politics as well as the oil and economic policies of the whole world”, Saddam Hussein stated that Iraq “was, and still is ready to co-operate with the Security Council and international organizations”. But it rejected “anyone’s transgression of its rights, sovereignty, security and independence”.

**86.** Iraq had “not rejected the relevant resolutions”, even though they were “unjust and at odds with the United Nations Charter and international law”. It called on members of the Security Council to meet their obligations, and demanded that Iraq’s “inalienable rights” should be met.

**87.** Saddam Hussein declared that Iraq was “totally clear of all nuclear, chemical and biological weapons” and offered to receive “any scientific experts accompanied by politicians” who wished to see “places and scientific and industrial installations” alleged to “contain prohibited materials or activities”. He also stated that Iraq had “accepted the return of inspections teams ... taking into consideration the arrangements that should safeguard” the principles that Iraq’s rights, sovereignty and security should be respected. That would “achieve, with transparency, the goal of making sure that Iraq no longer possesses nuclear, biological and chemical weapons of mass destruction”.

**88.** Saddam Hussein stated that Iraq had been:

“... keen to see the issue discussed between the Security Council and Iraq, through the United Nations Secretary-General and the representatives of Iraq, with a view to reaching a balanced formula, based on the principles of the Charter and the relevant resolutions of the Security Council, within a comprehensive solution which should bring to an end the cyclone of American accusations and fabricated



crises against Iraq. At the same time, this would reassure Iraq with regard to its security, sovereignty, territorial integrity and its right to choose its own way without interference, in accordance with ... the [UN] Charter ...”

## Discussion of US draft of 20 September 2002

**89. Intensive discussions about the approach to be adopted continued.**

**90. Some elements of the US proposals continued to present difficulties.**

**91. Sir David Manning explicitly warned Dr Rice that the UK was not in the business of manufacturing a casus belli.**

**92.** Intensive discussions between the US and UK continued over the next three days. As well as discussions between officials in New York and Washington, there were frequent telephone calls between No.10 and the White House.

**93.** Mr Straw also spoke to Secretary Powell.<sup>23</sup>

**94.** Mr Straw spoke to Mr Dominique de Villepin.<sup>24</sup>

**95.** Mr Matthew Rycroft, Mr Blair’s Private Secretary for Foreign Affairs, spoke to the Élysée.<sup>25</sup>

**96.** In addition to the points set out in the preceding paragraphs, other issues which emerged during the discussions were:

- Re-writing or going beyond resolution 1284 (1999) would open up “Pandora’s box”.
- Whether to seek to interview Iraqi citizens outside Iraq.
- Saddam Hussein could not impose conditions on UNMOVIC operations.
- Disarmament would occur either through inspection or military action.
- There was a good chance that Iraq would now make mistakes.
- Avoiding Saddam Hussein spinning out the process so that military action could not be launched and completed before summer 2003.
- The importance of demonstrating a firm position and unity in the Security Council.

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<sup>23</sup> Telegram 482 FCO London to Washington, 18 September 2002, ‘Iraq: Foreign Secretary’s Conversation with US Secretary of State, 18 September’.

<sup>24</sup> Telegram 198 FCO London to Paris, 20 September 2002, ‘Iraq: Foreign Secretary’s Conversation with French Foreign Minister, 20 September 2002’.

<sup>25</sup> Letter Rycroft to Sedwill, 18 September 2002, ‘Iraq: French Views’.

**97.** Following two conversations with Dr Rice on 19 September, Sir David Manning recorded that Mr Blair:

“... accepts that we should bid high ... with a view to being negotiated down to the sort of resolution ... we really want. He is content for us to work for specific mention of disarmament in the resolution. He is also content for us to work for a compromise on the question of an Iraqi declaration in parallel with preparations for the inspectors’ return. He is ready, too, to agree to a formulation that stipulates that UNMOVIC’s inspection regime must be settled in consultation with the Security Council; and that we should load this section of the resolution with demands on force protection for regional bases, participation by the P5 etc., in the knowledge that we shall have to jettison some of this under pressure from the Russians and French. He has, however, confirmed that he is not willing to allow references to terrorism to detract from the force of a resolution. This remains a firm UK red line.”<sup>26</sup>

**98.** In advance of a planned visit to Moscow on 10 and 11 October, Mr Blair spoke to President Putin on 19 September.<sup>27</sup>

**99.** Mr Blair said that the US decision to take the issue of Iraq to the UN was a significant and welcome step, but in the light of Iraq’s letter of 16 September:

“... we must hold to our original position: unconditional access for inspectors, backed by a strong resolution. It was only under pressure that Saddam would move further. So we had to keep the pressure up.”

**100.** President Putin had agreed that firm action was needed and that we must not lose time or give Saddam Hussein a breathing space. As a result of pressure, including from Russia, Saddam Hussein had yielded to an ultimatum. It would be wrong to engage in a debate about a new resolution until we had seen how the inspectors got on. President Putin would think further about what Mr Blair had said, and they had agreed that it would be vital to keep together. There would be further discussions between officials, including a briefing in London on Iraq’s WMD capability.

**101.** The US produced a draft resolution late on 20 September.

**102.** Sir David Manning told Dr Rice on 21 September that the draft was “very difficult” for the UK.<sup>28</sup> The risk was that it would be interpreted as a pretext for very early military action and the UK was:

“... not in the business of manufacturing a casus belli. Only if we were seen to have tried genuinely to make a success of the inspection route would we be able to secure support for other action if Saddam blocked us.”

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<sup>26</sup> Letter Manning to McDonald, 19 September 2002, ‘Iraq: Conversation with Condi Rice’.

<sup>27</sup> Letter Rycroft to Sedwill, 19 September 2002, ‘Iraq: Prime Minister’s Phone Call with Putin, 19 September’.

<sup>28</sup> Letter Manning to McDonald, 21 September 2002, ‘Iraq: Conversation with Condi Rice’.

**103. With President Bush, Mr Blair emphasised the need for the inspectors to return to test Saddam Hussein’s intentions.**

**104.** On 21 September, Mr Blair and President Bush discussed the difficulties if the resolution was too weak and Saddam Hussein outwitted the inspectors so that when they returned they found nothing.<sup>29</sup> They also discussed the need for the draft resolution to be divided into two: a strong resolution concentrating on WMD – the toughest regime possible – and a second on non-disarmament issues.

**105.** Mr Blair argued that if Saddam Hussein “messed about with the inspectors, we must be ready to pull them out and take the appropriate steps. This was not going to be a re-run of UNSCOM.” It was likely that “Saddam would get up to his old tricks pretty quickly”. But “for the moment we must insist that we wanted to make inspections work so that we could disarm Saddam”.

**106.** Mr Blair agreed the need for a quick resolution and the rapid return of inspectors. They could not wait for another year for the inspectors to do their work.

**107.** Mr Campbell recorded that Mr Blair had had to “work on” President Bush in a conversation that had lasted 30 minutes because the US was “going down an impossible road again, basically a route that was unsellable”. No.10 was “worried that Rumsfeld [Mr Donald Rumsfeld, US Secretary of Defense] and Cheney [Mr Dick Cheney, US Vice President] were pushing for the idea that we get in conditions that we know Iraq could not meet”.<sup>30</sup>

**108.** The record of the discussion between President Bush and Mr Blair on 21 September (and records of other discussions) confirms those comments.<sup>31</sup>

**109. Mr Blair and Mr Straw eventually agreed on 23 September that the time had come to test the negotiability of the US position with France and Russia. They also agreed a negotiating strategy which asked for more than the UK thought could be agreed.**

**110.** Mr Blair and Mr Straw discussed the content of the revised draft resolution on 23 September.<sup>32</sup> They agreed that there were dangers with a proposal for a full, final and complete declaration of Iraq’s capabilities but the time had come to test its negotiability with France and Russia.

**111.** Mr Blair agreed that Mr Straw should tell Secretary Powell that, while he understood the US anxieties about whether the UN would deal effectively with the Iraqi

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<sup>29</sup> Letter Manning to McDonald, 21 September 2002, ‘Iraq: Conversation between the Prime Minister and President Bush’.

<sup>30</sup> Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

<sup>31</sup> Letter Manning to McDonald, 21 September 2002, ‘Iraq: Conversation between the Prime Minister and President Bush’.

<sup>32</sup> Letter Rycroft to Sedwill, 23 September 2002, ‘Iraq: UN Resolution’.

threat, the strategic decision that this was a better course than unilateral action was right. It would be “important to show that we were serious about allowing the UN to do its business”.

**112.** Following that meeting, Sir David Manning told Dr Rice that Mr Blair and Mr Straw were “pleased that the new draft resolution focused on the destruction of Iraq’s WMD, and the regime that would govern UNMOVIC inspections. This was the right place to be but there was one area of the draft in particular that continued to give us serious difficulties.”<sup>33</sup> That was the stipulation that Iraq must make a declaration of its holdings within 15 days of the passage of the resolution. He and Dr Rice had discussed the issues many times, including the likely response of other Security Council members. They discussed the language on that point and in the final operative paragraphs [OPs] and the regime for inspections.

**113.** Reporting the discussions Sir David Manning wrote that he had been assured that the resolution was not a “trigger” for military action and that he had told Dr Rice that he expected the discussions on the resolution to be difficult:

“They would be particularly resistant to the reference in OP10 to ‘... authorises Member States to use all necessary means’. We were very unlikely to get this, even though we should press it to see how the other Security Council members reacted. Condi agreed. She said that the Administration was privately prepared to concede this and settle for something like ‘serious consequences’.”

**114.** Sir David concluded that the UK had “done as much as we can in the last 48 hours to get the resolution into something approaching a plausible shape”. The UK would now have to wait to see the reactions to the draft.

### **Agreement to offer UK military forces to the US for planning purposes**

**115.** On 20 September, the MOD sought Mr Blair’s agreement to offer Package 3 as a “possible add-on” to the US “for planning purposes”.

**116.** In parallel with the discussions on a new UN resolution, military planning continued although knowledge was kept to a very tight group of people and the sensitivities about potential leaks remained.

**117.** In response to a minute from Mr Jim Drummond, Assistant Head of OD Sec (Foreign Policy), primarily about military planning which Mr Drummond had classified ‘Confidential’, Sir David Manning commented: “Please ensure all minuting is Secret and Personal – and keep circulation to [the] barest minimum.”<sup>34</sup>

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<sup>33</sup> Letter Manning to McDonald, 23 September 2002, ‘Iraq: Conversation with Condi Rice’.

<sup>34</sup> Manuscript comment Manning on Minute Drummond to Manning, 16 September 2002, ‘Iraq: Pigott Meeting’.

**118.** Mr Peter Watkins, Principal Private Secretary to Mr Geoff Hoon, the Defence Secretary, wrote to Sir David Manning on 20 September, advising that two issues needed quickly to be addressed:

- what potential UK force contribution should be presented to a US planning conference the following week; and
- whether to replace army units already allocated to Operation FRESCO, the plan for the Armed Forces to provide cover in the event of a firefighters' strike, so that they would be available if a land force contribution was approved.<sup>35</sup>

**119.** The MOD proposed that the air and maritime package, with Special Forces (Package 2), should be presented as a potential UK contribution at the US Central Command (CENTCOM) planning conference; and that further work was under way on whether the UK might also offer a Commando Group of around 1,700 Royal Marines for early operations in southern Iraq, although further work would be needed to establish whether that could be sustained in parallel with ground operations in northern Iraq.

**120.** The MOD had also considered the provision of a divisional headquarters together with an armoured brigade to operate with the US (Package 3). That would be “more complicated”, but the Chiefs of Staff regarded it as the “minimum sensible” ground contribution to operations in the North. It would entail a commitment of around 28,000 service personnel in addition to the 13,000 in Package 2, and the call-out of around 6,000 reservists.

**121.** Mr Watkins told Sir David that Mr Hoon felt it would be “premature” to offer a ground contribution on the same basis as Package 2:

“... we should indicate to CENTCOM that we are still considering this option and that they should model two plans in parallel, one including the UK land force contribution and one without it.”

**122. Mr Blair and Sir David Manning had reservations about the viability and costs of the MOD proposal.**

**123.** Sir David Manning advised Mr Blair that:

“The possibility that the military could make a land contribution in the North is a surprise. Until recently we were being told that covering the firemen's strike (Operation FRESCO) would make this impossible. Now, suddenly it isn't. The (militarily mouth-watering) prospect of being given tactical leadership of the campaign in the North ... may have something to do with this volte face.”<sup>36</sup>

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<sup>35</sup> Letter Watkins to Manning, 20 September 2002, 'Iraq: Potential UK Contribution to Any Military Action'.

<sup>36</sup> Minute Manning to Prime Minister, 22 September 2002, 'Iraq: Possible UK Military Contribution'.

**124.** Sir David advised Mr Blair to register “extreme caution” and to address a number of questions; in particular how this was suddenly possible, the Turkish angle, and whether the UK could sustain the numbers and, if so, for how long.

**125.** Mr Blair commented: “As discussed. Be careful of this Land idea ...”<sup>37</sup>

**126.** In a meeting with Mr Hoon on 23 September, Mr Blair agreed limited contingency preparations for a land option, but asked for publicity to be minimised.

**127.** Following the discussion, the MOD informed the US that the UK was still considering a land option.

**128.** That was not the No.10 understanding of what had been agreed.

**129.** In the context of the many issues which were being addressed on 23 September 2002,<sup>38</sup> the Inquiry has seen no evidence to indicate that the difference of view about what Mr Blair and Mr Hoon had agreed was anything other than a genuine misunderstanding.

**130.** Mr Blair discussed the issues with Mr Hoon on 23 September.

**131.** Following that meeting, Mr Watkins informed officials in the MOD that:

“The Prime Minister is content for us to proceed broadly as set out in my letter of 20 September. The Prime Minister remains very cautious about the viability of Package 3, not least because of its implications for our ability to meet other contingencies and the significant cost premium entailed. In the light of this, Mr Hoon believes that it is all the more necessary heavily to caveat this possibility in contacts with the US. We should emphasise that it is at the limits of what we could offer and that – because of other potential demands on our Armed Forces including FRESCO – we cannot be sure that we could deliver it. The US must therefore examine carefully how they would plan the campaign in the absence of such a contribution.”<sup>39</sup>

**132.** The packages that might be offered to the US were to be conveyed in terms cleared with Mr Hoon’s Private Office.

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<sup>37</sup> Manuscript comment Blair on Minute Manning to Prime Minister, 22 September 2002, ‘Iraq: Possible UK Military Contribution’.

<sup>38</sup> Preparations for publication of the WMD dossier and statement/debates in Parliament on 24 September 2002.

<sup>39</sup> Minute Watkins to DG Op Pol, 23 September 2002, ‘Iraq: Meeting with the Prime Minister: 23 September’.



**133.** When the Chiefs of Staff discussed Iraq planning on 25 September, Admiral Sir Michael Boyce, Chief of the Defence Staff, emphasised that:

“... expectation management with respect to UK caveats had to be taut. Package 2 ... was a formidable contribution in its own right and Package 3, given its importance to the US, was not just a ‘nice to have’.”<sup>40</sup>

**134.** Sir David Manning’s record of the meeting on 23 September, issued on 25 September, stated that Mr Blair had agreed that “we should present Package 2 as a potential contribution at the CENTCOM Planning Conference”.<sup>41</sup> “We should not be shy about presenting this as a significant and valuable offer.” Units for Op FRESCO should be re-allocated to maintain the possibility of a Land Force contribution, with minimum publicity. Mr Blair did not, however, want “any suggestion” that the UK might offer “a major land contribution to a Force in northern Iraq. We should not surface the possibility at the [US] Planning conference.”

**135.** By that time, the MOD had already acted. Mr Hoon’s Private Office replied to No.10 immediately, stating:

“Separately and heavily caveated, we have indicated to CENTCOM that we are still considering a Land option ... [W]e agreed that the UK involvement ... should continue on this basis. Defence staffs will continue actively to ensure that US expectations remain realistic.”<sup>42</sup>

**136.** Sir David Manning commented to Mr Jonathan Powell: “Just about OK” and referred to being “bounced” by the MOD.<sup>43</sup>

## Publication of the Iraq dossier

### Cabinet, 23 September 2002

**137.** Mr Blair told Cabinet on 23 September that the dossier “would show that the policy of containment had worked up to a point” but Saddam Hussein “continued to rebuild” his weapons of mass destruction.

**138.** Cabinet was informed that the question of military action would arise “only if inspections were thwarted again”; and “there would be a discussion about the military options”.

**139.** Mr Blair concluded that a “crunch point” had been reached with the sanctions regime being eroded and Saddam Hussein “on the way to acquiring

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<sup>40</sup> Minutes, 25 September 2002, Chiefs of Staff meeting.

<sup>41</sup> Letter Manning to Watkins, 25 September 2002, ‘Iraq: Potential UK Contribution to Any Military Action’.

<sup>42</sup> Letter Williams to Manning, 25 September 2002, ‘Iraq: Potential UK Contribution to Any Military Action’.

<sup>43</sup> Manuscript comments Manning to Powell on Letter Williams to Manning, 25 September 2002, ‘Iraq: Potential UK Contribution to Any Military Action’.

**new capability in weapons of mass destruction”. Iraq “had to comply” with its obligations to the UN.**

**140.** The record of the meeting held by Mr John Scarlett, Chairman of the Joint Intelligence Committee (JIC), at 1pm on 20 September (see Section 4.2) stated that copies of the dossier would be made available for Cabinet on 23 September.<sup>44</sup>

**141.** Cabinet met at 5pm on 23 September. The minutes record only brief updates by Mr Blair and Mr Straw.<sup>45</sup>

**142.** Opening the discussion, Mr Blair told his colleagues that:

“... the dossier on Iraq’s weapons of mass destruction would show that the policy of containment had worked up to a point, but that Saddam Hussein ... continued to rebuild his programme to acquire such weapons. The evidence showed his efforts to procure equipment and materials, and to restore production facilities. This was an issue for the United Nations, with whose Security Council resolutions Iraq had not complied. A new resolution was being negotiated.”

**143.** Mr Blair added:

“It was the threat of military action which had caused Saddam Hussein recently to invite United Nations inspectors back into Iraq. Only if inspections were thwarted again would the question of military action arise. Meanwhile, pressure had to be maintained ... We were not at the point of authorising military action now.”

**144.** Mr Blair stated:

“In presenting the case to Parliament ... he intended also to stress our commitment to rebuilding Afghanistan and making progress towards solving the Israel/Palestine problem.”

**145.** Mr Straw told Cabinet that “the climate of opinion had changed”. Since President Bush’s speech to the UN on 12 September:

“Responsibility for dealing with Iraq’s non-compliance had been placed with the United Nations. To achieve a peaceful outcome a tightly worded Security Council resolution was required and maximum support, including for the threat of the use of force.”

**146.** Mr Straw added that “the nature of the motion to be put before Parliament if military action became necessary would require consideration”.

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<sup>44</sup> Minute [Cabinet Office] to Rycroft and others, 20 September 2002, ‘Iraq Dossier: Public Handling and Briefing’.

<sup>45</sup> Cabinet Conclusions, 23 September 2002.

**147.** In discussion a number of points were made:

- “the accusation of double standards, particularly in respect of dealing with Israel, would be made, but the ... development of weapons of mass destruction by Saddam Hussein presented a quite different order of threat”;
- “facing the United Nations with its responsibility for dealing with Iraq provided an opportunity” for the UN “to achieve success”. Iraq’s “defiance of the international community needed a firm response”;
- “promotion of multilateral action through the United Nations and our respect for international law” gave the UK’s stance “political legitimacy”;
- “in the event of military action a clear vision was required of the outcome we wanted in reconstructing Iraq: this would be a major task”;
- “the proportionality of any military action would have to balance the safety of UK forces with the avoidance of civilian casualties”;
- the impact on Muslim opinion in the UK “would need to be managed to preserve community cohesion”;
- the UK had “a clear role to play in overcoming a tendency in the United States towards unilateralism and in Europe towards anti-Americanism”;
- “the Middle East needed political impetus, as did other international problems ...”
- “the international community had to build confidence in democratic values and address the causes of terrorism”; and
- “solidarity and resolution backed by the threat of force” would be needed “to achieve a peaceful outcome”.

**148.** Summing up the discussion, Mr Blair said that a “crunch point” had been reached:

“The sanctions regime ... was being eroded and Saddam Hussein was on the way to acquiring new capability in weapons of mass destruction. Iraq had to comply with the obligations placed on it by the United Nations. A tough line was required. If military action was required, the job could be done. There would be a discussion about the military options ... civilian casualties should be kept to a minimum, but there could be no doubt that the main beneficiaries of the removal of Saddam Hussein would be the Iraqi people. Iraq was basically a wealthy country. The international community had to be committed to Iraq’s reconstruction. Progress also had to be made in the Middle East which he had stressed in his contacts with the United States Administration.”

**149.** Mr Blair concluded that the UK had to engage with Muslim countries. It also had to “deal with weapons of mass destruction elsewhere as a growing threat to peace and security”.

**150.** Cabinet “Took note”.

**151. Cabinet was not told about the difficulties in reaching agreement on the content of a UN resolution.**

**152. Cabinet recognised that the strategy being pursued would lead to the use of military force if Saddam Hussein failed to disarm, but it was not asked to address the strategy or to endorse any decision.**

**153.** Mr Campbell wrote that:

- Mr Blair had explained that the dossier “brought together accumulated evidence about Iraq’s attempts to build WMD, part historical, part intelligence-based” – “not saying that he [Saddam Hussein] was about to launch an attack on London, but we were saying there was an attempt to build a WMD programme in a significant way”. Mr Blair had “made clear we were still focused on the UNSCR route and if he doesn’t comply there will have to be international military action”, and that Saddam Hussein would not comply “unless he thinks the threat is real”.
- Mr John Prescott, the Deputy Prime Minister and Deputy Leader of the Labour Party, had said that the Cabinet was “in this together” and Mr Blair had “done a brilliant job of moving the US down the UN route and we should stick with him and stick together”.
- Mr Gordon Brown, the Chancellor of the Exchequer, had made “a few long-term points for the US, the need to think through post-Saddam, the importance of the MEPP [Middle East Peace Process]”.
- Ms Patricia Hewitt, the Trade and Industry Secretary, had suggested that the Attorney General should come to Cabinet to explain the legal position.
- Ms Clare Short, the International Development Secretary, has said that “if we are going to have collective responsibility we should have a collective decision”; there was “no doubt that Saddam was dedicated to possessing WMD but re the UN there’s a double standard vis-a-vis Israel”.
- Mr Blair had said “he believed it would be folly for Britain to go against the US on a fundamental policy” and that he “really believed in getting rid of bad people like Saddam”.
- Mr Hoon had said “the ultimate objective was disarmament and that the weapons inspectors are a means to an end. The clearer we are that we would use force, the likelier it may be that we don’t have to.” On “why now?”, Mr Hoon had said Saddam’s record, his use of WMD and the continued development.
- Mr Blair had argued that the US could become unilateralist or it could “be part of a wider agenda on Africa, MEPP, Afghanistan”.<sup>46</sup>

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<sup>46</sup> Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

**154.** Mr Campbell commented:

“It was a pretty good discussion, though focused as much as anything on the idea that we were having to deal with a mad America and TB [Mr Blair] keeping them on the straight and narrow. JP [John Prescott] referred to the idea that TB would have sleepless nights, that we knew it could go to a difficult choice between the US and the UN.”

**155.** Mr Campbell added that the discussion had been “serious and sober and hard-headed and TB was in control of all the arguments”: “Funnily enough, I think TB won the Cabinet over more easily than the public.”

**156.** In his memoir published after the conflict, Mr Robin Cook, Leader of the House of Commons, June 2001 to March 2003, wrote that only he and Ms Short had “openly questioned the wisdom of military action”.<sup>47</sup> Ms Short had concluded that it was an unjust war. Mr Cook wrote that for him “the most difficult question was ‘Why now?’. What had happened in the past year to make Saddam Hussein more of an imminent danger than he has been any year in the past decade?” Mr Hoon’s attempt to answer that question by reference to the attack on 11 September 2001 had, in Mr Cook’s view, “only served to confirm the difficulty of the question” as “no one has a shred of evidence that Saddam Hussein was involved” in that attack.

**157.** Mr Cook wrote that he had closed his contribution:

“... by stressing the vital importance of getting approval for anything we do through the UN. ‘What follows after Saddam will be the mother of all nation building projects. We shouldn’t attempt it on our own – if we want the rest of the international community with us at the end, we need them in at the start.’”

**158.** Mr Cook also wrote that in summing up the meeting, Mr Blair had:

“... put rather more stress on the US than the UN. ‘To carry on being engaged with the US is vital. The voices on both the left and right who want to pull Europe and the US apart would have a disastrous consequence if they succeeded.’”

**159.** Lord Turnbull, Cabinet Secretary from September 2002 to September 2005, described Cabinet on 23 September as an “important meeting”; the members:

“... weren’t simply listening ... They were actually applying their political judgement and – for the most part supportively, in the direction that the Prime Minister wanted.

“... the only dissension was Robin Cook ... Everyone else accepted ... that containment wasn’t working and he was the one person to say he thought it was, and I am sorry he isn’t around to take the credit for that ...”<sup>48</sup>

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<sup>47</sup> Cook R. *The Point of Departure*. Simon & Schuster UK Ltd, 2003.

<sup>48</sup> Public hearing, 13 January 2010, page 49.

**160.** Asked if Mr Cook thought containment was working and could be defended and sustained, Lord Turnbull replied:

“Yes, but what the Prime Minister was saying was it wasn’t working, it couldn’t be sustained and we couldn’t take the risk that he [Saddam Hussein] would use this period to come back at someone.”

...

“... there is a slight implication in the way you put that they were just getting a nice interesting briefing. What was interesting about these occasions was – and it happens quite rarely – virtually everybody spoke.”<sup>49</sup>

**161.** Lord Turnbull also stated that Mr Cook had said: “You are overestimating the extent to which containment has been eroded.”<sup>50</sup>

**162.** Lord Boateng, Chief Secretary to the Treasury in September 2002, told the Inquiry that Cabinet in September 2002 was a “critical discussion”. His sense was that the UK was not, at that point, set on a particular course; it was:

“... engaged in a process, where there was strenuous diplomatic activity in order to bring Saddam Hussein to the table, that we were engaged in a process where diplomacy was obviously the preferred route and considerable activity in the UN and in capitals around that ...”<sup>51</sup>

**163.** Asked whether there had been a debate about different scenarios and different possible courses, Lord Boateng replied:

“... there was certainly a discussion around different scenarios that came up in the way in which we addressed these issues in Cabinet ...

“... in the September meeting, where, as you know, we were about to publish the dossier, there was about to be a report to Parliament and there was a discussion around that and it was a full discussion and, in the course of that, colleagues made various contributions and various scenarios surfaced. Did we come together at that meeting in September and say ‘These are the options, what are we going to go for?’ It wasn’t that sort of discussion ...

“What we did have was a full discussion around the issues as they were reported to us by those ... who were obviously most closely involved, and you never got a sense that debate and discussion were being curtailed, but you also got a sense – and indeed it was the case – that there were those who were most intimately involved on a day-to-day basis because it fell within their areas of responsibility and competence

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<sup>49</sup> Public hearing, 13 January 2010, page 50.

<sup>50</sup> Public hearing, 13 January 2010, page 58.

<sup>51</sup> Public hearing, 14 July 2010, page 3.



and that they clearly were having the sort of debate and discussion that you have referred to.”<sup>52</sup>

**164.** Asked if, given his estimation that Saddam Hussein was unlikely to back down, Cabinet understood that beyond the UN route lay the possibility of military action, Mr Blair said he had been saying that at every Prime Minister’s Questions, and the Cabinet was fully behind the UN route.<sup>53</sup> He added that there were two groups in Cabinet:

“One group would have been absolutely with me all the way. The other group were saying: ‘Well ... we understand it’s a big problem, but let us try to avoid military action if we possibly can and the United Nations route is a good way of doing that.’

“All of us knew that at some point there was going to be a moment of truth ... where you had to decide are you seeing it through or are you not ...”

**165.** In response to a series of questions about when he sought Cabinet endorsement for the policy and whether Cabinet was aware that preparations for military action were under way and that it was taking collective responsibility for the policy, Mr Blair told the Inquiry:

“... the policy was totally clear. The policy was that we were going to deal with this issue. Our preference is to deal with it through the United Nations but not dealing with it is not an option.”<sup>54</sup>

**166.** Mr Blair added:

- “Of course they were taking collective responsibility for the policy because it was being outlined the entire time. They know you can’t simply decide one day ...”
- “I would have been astonished if they didn’t [know that military preparations were under way] because there was discussion of that.”
- “I don’t think anybody was in any doubt about the course they were on.”
- “... that does not mean to say that there were not some who were saying ‘I wish we weren’t on this course’, but it really does defy common sense and logic, let alone the discussion, to think that there were people in the Cabinet who didn’t know ... that we were on a course where the principles of it were absolutely clear. Go down the UN route, get an ultimatum. If he fails to meet the ultimatum we are going to be with America on military action ... my public comments at the time. I set it out with crystal clarity at the time. That was our position. It was a position ... I was under a certain amount of criticism for having, but the Cabinet were completely aware of the fact that’s what we were on.”<sup>55</sup>

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<sup>52</sup> Public hearing, 14 July 2010, pages 4-5.

<sup>53</sup> Public hearing, 21 January 2011, pages 19-20.

<sup>54</sup> Public hearing, 21 January 2011, page 22.

<sup>55</sup> Public hearing, 21 January 2011, pages 23-25.

## Parliamentary debates, 24 September 2002

**167.** Both Houses of Parliament were recalled from recess on 24 September 2002 to debate the case for effective action in respect of the threat posed by Iraq.

**168.** When he sought the recall of Parliament, Mr Blair wrote that: “Parliament must and will be at the heart of the national debate on the issue of Iraq and weapons of mass destruction”; and that he envisaged a statement from himself followed by “a one-day debate on the Adjournment”, led by Mr Straw.<sup>56</sup>

**169.** The dossier, *Iraq’s Weapons of Mass Destruction – The Assessment of the British Government*, was published on 24 September 2002 (see Section 4.2).<sup>57</sup>

**170.** The Foreword to the dossier written by Mr Blair set out the Government’s position that “the inspectors must be allowed back to do their job properly”. If Saddam Hussein refused or “made it impossible for them to do their job” then “the international community will have to act”.

### MR BLAIR’S STATEMENT, 24 SEPTEMBER 2002

**171.** Mr Blair stated that the dossier had been produced to explain the Government’s concerns to the British people.

**172.** The accuracy of the information in the dossier and some of the comments made by Mr Blair in its Foreword and in his statement to Parliament are addressed in Section 4.2.

**173.** Mr Blair’s statement to Parliament on the publication of the dossier on 24 September and the subsequent questions and answers lasted for 90 minutes.<sup>58</sup>

**174.** Mr Blair began by thanking the Speaker for recalling Parliament “to debate the best way to deal with the issue of the present leadership of Iraq and weapons of mass destruction” and described the dossier as “detailing the history of Iraq’s weapons of mass destruction programme, its breach of United Nations resolutions and its attempts to rebuild that illegal programme”.

**175.** Addressing the problems encountered by the inspectors, Mr Blair placed the issues being addressed firmly in the context of:

“... an 11-year history ... of UN will flouted, of lies told by Saddam about the existence of his chemical, biological and nuclear weapons, and of obstruction, defiance and denial.

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<sup>56</sup> Letter Blair to Martin, 11 September 2002, [untitled].

<sup>57</sup> *Iraq’s Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002.

<sup>58</sup> House of Commons, *Official Report*, 24 September 2002, columns 1-23.

“There is one common, consistent theme ... the total determination of Saddam to maintain that programme; to risk war, international ostracism, sanctions and the isolation of the Iraqi economy ...”

**176.** Addressing the question of why Saddam Hussein had decided in mid-September, but not before, to permit the weapons inspectors, Mr Blair stated that the answer was in the dossier, and it was because:

“... his chemical, biological and nuclear programme is not an historic left-over from 1998. The inspectors are not needed to clean up the old remains. His weapons of mass destruction programme is active, detailed and growing. The policy of containment is not working. The weapons of mass destruction programme is not shut down; it is up and running now.”

**177.** Mr Blair stated that the dossier disclosing the intelligence assessments provided by the JIC had been produced because it was “important to explain our concerns about Saddam to the British people”. The “intelligence picture” painted by the JIC “had been accumulated over the last four years” and was:

“... extensive, detailed and authoritative. It concludes that Iraq has chemical and biological weapons, that Saddam has continued to produce them, that he has existing and active military plans for the use of chemical and biological weapons which could be activated within 45 minutes, including against his own Shia population, and that he is actively trying to acquire nuclear weapons capability.”

**178.** Addressing the content of the dossier, Mr Blair told Parliament that:

- As well as the chemical agents and pre-cursor chemicals, growth media for anthrax and special munitions for the delivery of chemical and biological agents which were “missing and unaccounted for” in 1998, Iraq continued “to produce chemical weapons; has rebuilt previously destroyed production plants across Iraq; has brought dual use chemical facilities; has retained key personnel ... and has a serious ongoing research programme into weapons production, all of it well funded”.
- “... production of biological agents has continued; facilities formerly used for biological agents have been rebuilt; equipment has been purchased for such a programme; and again Saddam Hussein has retained the personnel who worked on it prior to 1991. In particular, the UN inspection regime discovered that Iraq was trying to acquire mobile biological weapons facilities ... Present intelligence confirms that it has now got such facilities.” The UK believed Iraq could produce anthrax, botulinum toxin, aflatoxin and ricin, which “all eventually result in excruciatingly painful death”.
- Saddam Hussein’s previous nuclear programme had been “shut down by the inspectors” and “known remaining stocks of uranium” were “held under

supervision” by the IAEA. Key personnel who used to work on the nuclear weapons programme were “back in harness”. Saddam Hussein had also:

- “bought or was attempting to buy” items that could have a use in a nuclear programme; and
- “been trying to buy significant quantities of uranium from Africa, although we do not know whether he has been successful”.
- Iraq’s ballistic missile programme was required for the delivery of its chemical, biological and nuclear weapons, and “a significant number of longer-range missiles were effectively concealed from the previous inspectors and remain, including up to 20 extended-range SCUD missiles”. In mid-2001 there had been a step change in the programme; “development of weapons with a range of more than 1,000km was well under way; and ... hundreds of people are employed in that programme”. The capability being developed was “for multi-purpose use, including with WMD warheads”.

**179.** Mr Blair stated that: “In addition, we have well founded intelligence to tell us that Saddam Hussein sees his WMD programme as vital to his survival and as a demonstration of his power and influence in the region.”

**180.** Mr Blair added:

“There will be some who dismiss all this. Intelligence is not always right. For some of the material, there might be innocent explanations. There will be others who say rightly that ... it could be several years before Saddam acquires a usable nuclear weapon – though if he were able to purchase fissile material ... it would be only a year or two.”

**181.** In the light of the information he had set out, Mr Blair asked whether the world would be wise to trust to the “good faith of the current Iraqi regime”. Mr Blair added:

“Our case is simply this: not that we take military action come what may, but that the case for ensuring Iraqi disarmament, as the UN itself has stipulated, is overwhelming. I defy anyone, on the basis of this evidence, to say that that is an unreasonable demand for the international community to make when, after all, it is only the same demand that we have made for 11 years and that Saddam has rejected.”

**182.** Mr Blair posed, and addressed, three questions: “Why Saddam?”; “Why now?”; and “Why should Britain care?”.

**183.** On the question “Why Saddam?”, Mr Blair said two things about Saddam Hussein stood out: “He had used these weapons in Iraq” and thousands had died, and he had used them during the war with Iran “in which one million people died”; and the regime had “no moderate elements to appeal to”.

**184.** On the question “Why now?”, Mr Blair stated:

“I agree I cannot say that this month or next, even this year or next, Saddam will use his weapons. But I can say that if the international community, having made the call for his disarmament, now, at this moment, at the point of decision, shrugs its shoulders and walks away, he will draw the conclusion dictators faced with a weakening will always draw: that the international community will talk but not act, will use diplomacy but not force. We know, again from our history, that diplomacy not backed by the threat of force has never worked with dictators and never will.

“If we take this course and if we refuse to implement the will of the international community, Saddam will carry on, his efforts will intensify, his confidence will grow and, at some point in the future not too distant, the threat will turn into reality. The threat therefore is not imagined. The history of Saddam and weapons of mass destruction is not American or British propaganda. The history and the present threat are real.”

**185.** Mr Blair said that Britain should care:

“Because there is no way this man, in this region ... could begin a conflict using such weapons and the consequences not engulf the whole world, including this country. That ... is the reason the UN passed its resolutions. That is why it is right that the UN Security Council again makes its will and its unity clear and lays down a strong new UN resolution and mandate. Then Saddam will have the choice: comply willingly or be forced to comply. That is why alongside the diplomacy, there must be genuine preparedness and planning to take action if diplomacy fails.

“Let me be plain about our purpose. Of course there is no doubt that Iraq, the region and the whole world would be better off without Saddam. Iraq deserves to be led by someone who can abide by international law, not a murderous dictator; by someone who can bring Iraq back into the international community where it belongs, not ... languishing as a pariah; by someone who can make the country rich and successful, not impoverished by Saddam’s personal greed; and by someone who can lead a government more representative of the country as a whole while maintaining absolutely Iraq’s territorial integrity.

“We have no quarrel with the Iraqi people. Indeed, liberated from Saddam they could make Iraq prosperous and a force for good in the Middle East. So the ending of this regime would be the cause of regret for no one other than Saddam. But our purpose is disarmament. No one wants military conflict. The whole purpose of putting this before the UN is to demonstrate the united determination of the international community to resolve this in the way it should have been resolved years ago: through a proper process of disarmament under the UN. Disarmament of all weapons of mass destruction is the demand. One way or another it must be acceded to.”

**186.** Mr Blair also set out the UK's commitment, following regime change in Afghanistan, to "stick with" the Afghan people "until the job of reconstruction" was done. He highlighted the need for "a firm commitment to action and a massive mobilisation of energy" to get the Middle East Peace Process moving again, to address resentment in the Arab world that the international community was not pursuing that issue with the same vigour as addressing the threat from Saddam Hussein.

**187.** Mr Blair's statement concluded:

"Finally, there are many acts of this drama still to be played out. I have always said that Parliament should be kept in touch with all developments, in particular those that would lead us to military action. That remains the case, and to those who doubt it I say: look at Kosovo and Afghanistan. We proceeded with care, with full debate in this House, and when we took military action, we did so as a last resort. We shall act in the same way now, but I hope we can do so secure in the knowledge that should Saddam continue to defy the will of the international community, this House, as it has in our history so many times before, will not shrink from doing what is necessary and what is right."

**188.** Mr Blair's statement was followed by questions from the Leaders of both the main Opposition parties and 24 other MPs.

**189.** Mr Iain Duncan Smith, Leader of the Opposition, said the "key question" was whether Saddam Hussein had "the means, the mentality and the motive to pose a threat to Britain's national security and the wider international order". Mr Duncan Smith concluded that Saddam Hussein had the means and mentality. He stated:

"The evidence produced in the Government's report shows clearly that Iraq is still pursuing its weapons of mass destruction programme ...

"The ... dossier confirms that Iraq is self sufficient in biological weapons and that the Iraqi military is ready to deploy those, and chemical weapons, at some 45 minutes' notice."

**190.** Addressing whether Saddam Hussein had the motive to strike against Britain, Mr Duncan Smith stated:

"... I believe that it is fair to assume that he has ...

"The report shows that Saddam has illegally retained at least 20 Al Hussein missiles, with a range of 650km, capable of carrying the various warheads that he needs, and that he is also developing new ones."

**191.** Mr Duncan Smith also asked a number of questions, including whether a new Security Council resolution would be needed to take military action. He concluded it was "time to act" and: "The matter is now in Saddam Hussein's hands."



**192.** Mr Blair responded that:

- There was a need for the new UN Security Council resolution to be “absolutely clear and unambiguous about what is expected from Saddam and about what will follow if he does not comply”.
- The UK would “always act in accordance with international law”.

**193.** Mr Charles Kennedy, Leader of the Liberal Democrats, stated that legitimate questions had not been “adequately answered” either by Mr Blair’s statement or the dossier, including the role of the House of Commons and “the overriding supremacy of the United Nations”. In his view, the “notion of regime change” was “ill-defined” and would “set a dangerous precedent”. The UK also had to be “clear about the possible consequences”, including the “longer-term need for a rehabilitation strategy”.

**194.** Mr Kennedy asked:

“Does the Prime Minister truly believe that, on the evidence published today, a sufficient case has now been made that both clarifies Iraq’s present capacity, as well as its intent?”

**195.** Mr Blair responded:

“... yes I do believe the information we published today shows that there is a continuing chemical and biological weapons programme, and an attempt by Saddam Hussein to acquire a nuclear weapons capability. That is what I believe, and that is the assessment of the Joint Intelligence Committee – and frankly I prefer its assessment to the assessment of the Iraqi regime, which, let us say, on the basis of experience, is not one that should carry a lot of credibility.”

**196.** Mr William Hague (Conservative) asked:

“Does the Prime Minister recollect that, in the half-century history of various states acquiring nuclear capabilities, in almost every case – from the Soviet Union in 1949 to Pakistan in 1998 – their ability to do so had been greatly underestimated and understated by intelligence sources at the time? Estimates today of Iraq taking several years to acquire a nuclear device should be seen in that context ... [I]s there not at least a significant risk of the utter catastrophe of Iraq possessing a nuclear device without warning, some time in the next couple of years? In that case, does not the risk of leaving the regime on its course today far outweigh the risk of taking action quite soon?”

**197.** Mr Blair responded:

“I entirely agree ... For the preparation of the dossier we had a real concern not to exaggerate the intelligence that we had received. For obvious reasons, it is difficult to reflect the credibility of the information, and we rate the credibility of what we have very highly. I say no more than that.

...

“... I entirely agree that the danger of inaction ... far outweighs the danger of action.”

**198.** Mr Elfyn Llwyd (Plaid Cymru) asked if Mr Blair had “given the United States any commitment that the United Kingdom would support unilateral action against Iraq”.

**199.** Mr Blair replied that it was:

“... important to recognise that in the event of the UN’s will not being complied with we must be prepared to take that action. We are not at the point of decision yet, but no one should be in any doubt that it is important to express very clearly that should the UN’s will not be resolved through the weapons inspections and monitoring, it has to be resolved in a different way.”

**200.** Other points made by Mr Blair included:

- There was “no point in the UN taking charge ... again unless we are precise and clear about what we expect the Iraqi regime to do”.
- A fresh resolution was needed to focus on disarmament and for the “international community to reassert its will very clearly”.
- Experience suggested the Americans were “right to be cautious about believing that it [Iraq] intends to comply”.
- “In fact, I am sure that the regime does not intend to comply at all, although it may be forced to do so. Therefore, it is important that we make it clear that the pressure is there all the time. The purpose of any new UN resolution should be focused on disarmament because that is where the UN has expressed its will clearly.”
- “... it is perfectly natural to look at the history of Saddam Hussein and what he has done and to be sceptical about whether we shall be able to get a weapons inspection regime back in there that will be able to do its job properly.”
- “... in my judgement, if we do not deal with the proliferation of weapons of mass destruction and their retention by highly unstable states, often with dictatorial regimes, then perhaps not this year or next, but in the not too distant future, that problem will explode on to the consciousness of the world. I believe that passionately, which is why, whatever the issues in relation to Iraq ... it is important to take a stand now and say that, when we have made determinations on behalf of the international community, we will see them through. If we do not, the message to Saddam and anyone else will be that they can develop these weapons with impunity and that the international community lacks the will to deal with them.”
- “I have no doubt that if the weapons inspectors are able to do their job and we are effectively able to disarm Iraq, that will change the whole nature of the regime. Our ability to do so has to depend on the United Nations being prepared

to assert its will firmly and to back it by the threat of force, which is the only thing that will work.”

- “If we cannot get the UN resolution – I believe that we can – we have to find a way of dealing with this.”
- “We should make sure ... that the United States and the international community are working to the same agenda, and I believe they are ... I believe ... very strongly; it is an article of faith with me – the American relationship and our ability to partner America in these difficult issues is of fundamental importance, not just to this country but to the wider world. Those people who want to pull apart the transatlantic relationship ... or who can sneer about the American relationship that we have, may get some short-term benefit, but, long-term, that is very dangerous to this country.”
- “... the point is that if we know that someone has weapons of mass destruction, if they have used them before and if, as a result, the international community has said they must be disarmed of those weapons, surely the greatest risk is letting them carry on developing those weapons and not doing anything about it.”
- “... in the past four or five years the issue of Iraq, weapons inspections and what to do about that regime has come over my desk pretty much week after week ... [I]t has been there as an issue the whole time ... What we know now from the assessment given by our Joint Intelligence Committee is that the very thing that we feared is the very thing that the Iraqi regime is working on.”
- “... the purpose of any action should be the disarmament of Iraq. Whether that involves regime change is in a sense a question for Saddam ...”
- “What has happened ... is that, whether we like it or not, now is the point of decision ...”
- “We have to be clear that the consequences of saying now to Iraq that we are not going to do anything will be really, really serious.”
- “... we have to make the decision, and I do not think we can duck the consequences of that decision.”

**201.** Mr Blair did not directly respond to a question from Sir Brian Mawhinney (Conservative) about how long he was prepared to allow the UN to reassert its authority before looking for alternative strategies.

**202.** Mr Blair concluded that the threat was not that Saddam Hussein was going to launch an attack on the UK “tomorrow”:

“... the threat is that within his own region, or outside it given the missile capability that he is trying to develop, he launches an attack that threatens the stability of that region and then the wider world. All the evidence that we have is that if there is such a conflict in that region, we will not be able to stand apart from it.”

**203.** In his diaries, Mr Campbell wrote that Mr Blair had “done the statement pretty much himself”.<sup>59</sup>

#### ADJOURNMENT DEBATE IN THE HOUSE OF COMMONS, 24 SEPTEMBER 2002

**204.** Mr Blair’s statement was followed in the House of Commons by a nine-hour debate.

**205.** In his speech, Mr Straw focused on the risk that, given his past actions, Saddam Hussein might “easily” use weapons of mass destruction in the future and his “deliberate and persistent flouting of the will of the United Nations”.

**206.** Mr Straw stated that only free and unfettered inspections, backed by a Security Council united in its determination to disarm Iraq, offered the prospect of dealing with that threat by peaceful means. The paradox in respect of Iraq was that diplomacy had a chance of success only if it was combined with the clearest possible prospect that force would be used if diplomacy failed.

**207.** In his speech opening the debate, Mr Straw stated that it was “about the case we make for effective action in respect of the threat posed by Iraq”.<sup>60</sup>

**208.** Mr Straw addressed four issues:

- Is the Iraqi regime the threat that we say it is?
- Are there not other countries that have developed equally dangerous arsenals of weapons of mass destruction?
- Is not the international community guilty of double standards?
- Even if Iraq is the danger that we claim, is the threat of force or its use justified?

**209.** Before dealing with the threat posed by Saddam Hussein’s WMD, Mr Straw said:

“... I want to detain the House briefly on another aspect of the Iraqi regime – its record on human rights. That record speaks volumes not only about the way in which the regime deals directly with its own people, but with the way in which it would seek to operate in respect of other countries and territories beyond its borders. Taking both the threat from Iraq’s weapons of mass destruction and its human rights record, Iraq is in a league of its own – uniquely evil and uniquely dangerous.

“On human rights, no other regime now in power anywhere in the world has Saddam’s record for brutality, torture and execution as a routine way of life and as the principal means by which the elite stays in power.”

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<sup>59</sup> Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

<sup>60</sup> House of Commons, *Official Report*, 24 September 2002, columns 26-34.

**210.** In relation to other states which might have amassed stockpiles of weapons of mass destruction and could proliferate those weapons, Mr Straw stated:

“It is our hard-headed judgement that we can best prevent the use of their weaponry through diplomacy.

“With Saddam Hussein, the diplomatic route has been constantly and consistently obstructed by his intransigence and duplicity. It has been blocked altogether since December 1998 leaving us no alternative but to consider other options. Iraq not the UN has chosen the path of confrontation.”

**211.** Mr Straw added that Iraq had:

“... much greater intent to use ... [weapons of mass destruction] Saddam’s is the only regime in recent history to have used chemical weapons, the only regime to have been declared in breach of the Geneva protocol on chemical weapons and the only regime that sees those weapons of mass destruction as an active tool of regional and internal dominance. As page 19 of the dossier sets out, Saddam is prepared to use these weapons – they are by no means a last resort.”

**212.** Asked why he was convinced that Saddam Hussein would use weapons of mass destruction, except as a suicidal gesture in response to a military invasion when he was desperate and beaten, Mr Straw replied that there was “no need to look in the crystal ball for the reason why”. The answer was in Saddam’s record: “He has done it once, he has done it twice; he can easily do it again.”

**213.** Addressing the question of whether it would be justifiable to use force to deal with the threat from Iraq, Mr Straw stated:

“The short answer ... is yes, provided force is a last resort and its use is consistent with international law.

“Law ... depends for its legitimacy on the values it reflects ... But ... there will always be some who reject or despise the values on which the law is based. Against them, the law has to be enforced, ultimately by the force of arms. But the force used has to be consistent with the moral and legal framework it seeks to defend.”

**214.** Mr Straw added:

“The UN declaration of human rights and the UN Charter ... recognised that ... the ultimate enforcement of the rule of international law had to be by force of arms.

...

“Diplomacy ... should always be tried first, but the paradox of some situations – Iraq is pre-eminently one – is that diplomacy has a chance of success only if it is combined with the clearest possible prospect that force of arms will be used

if diplomacy fails ... We have used all the diplomatic instruments at the disposal of the United Nations, but, so far, Saddam has rendered them unworkable.”

**215.** Drawing attention to the recent changes in Iraq’s position on the admission of inspectors, Mr Straw stated:

“This is a pretence at co-operation, but even this has come about only because Saddam has at last realised that he faces a clear choice ...

“Some assert that the policy of containment has worked. My answer is that containment, backed by the potential use of force, was broadly working while the inspectors were able to do their job and the Security Council’s resolve remained firm. But all the evidence suggests that Saddam has used the past four years ... to break out of his containment and to seek to re-establish his power. Only free and unfettered inspections, backed by a Security Council united in its determination to disarm Iraq, offer the prospect of dealing with the threat by peaceful means.”

**216.** Mr Straw concluded:

“We should all be gravely exercised by the potential use of force ... I hope and pray that it will not come to a use of force. If there is military action, any participation ... will be strictly in accordance with our obligations in international law, and its purpose would be the disarmament of the Iraqi regime’s weapons of mass destruction and an end to its deliberate and persistent flouting of the will of the United Nations.

“The choice is Saddam’s ... But if Saddam continues to defy the international community ... doing nothing – will be much worse ...

“We faced difficult choices over Kosovo, Afghanistan and Sierra Leone, but does anyone now say that we should not have taken action in respect of those countries?  
...

“Abdication of responsibility, and equivocation in the face of evil, led Europe down a desperate path in the late 1930s. From the ashes was born the United Nations ... But this international order requires law, and law requires enforcement. That is the issue before us today.”

### Issues raised in the debate

A wide variety of issues were raised, by MPs of all parties, in the course of the debate, in which 50 backbench MPs spoke. There was a broad consensus about the brutal nature of Saddam Hussein’s regime, and the need for inspectors to return to Iraq and complete their task.

The points raised included:

- the level of threat posed by Iraq; and whether that justified military action.
- the importance of a UN resolution for the legal authorisation of military action and the need for compliance with international law;



- whether the real reason for a military conflict was access to oil and oil contracts;
- the desire for a vote in the House of Commons before any commitment of UK forces to Iraq;
- the extent of the UK's influence on the US, and the importance to the UK of maintaining its relationship with the US;
- the implications of Saddam Hussein's human rights record;
- preparations for a post-Saddam Iraq and the need for an "exit strategy";
- implications of a potential conflict for the Middle East as a whole;
- whether the UK had sufficient military manpower for the task, and the protection of those deployed;
- the potential use Diego Garcia;
- Saddam Hussein's willingness to use WMD;
- US and UK roles in supplying arms to Iraq;
- whether the international community should concentrate on Afghanistan where there was still much to do;
- implications of the dossier and of military action for the threat from international terrorism; and
- whether public opinion would support military action.

A number of MPs also protested that the debate should have been held much earlier.

**217.** In his speech closing the debate, Mr Adam Ingram, the Minister of State for Defence, set out "two critical questions" which Mr Blair and Mr Straw had said had to be addressed:

- Had the threat from Saddam Hussein increased?
- Should action be taken to address that threat and, if so, what action?

**218.** Mr Ingram stated that the dossier demonstrated:

- There was "significant evidence" that Saddam Hussein had "brazenly flouted" UN resolutions "to which he had agreed to adhere".
- Saddam Hussein had:
  - "continued to produce chemical and biological weapons";
  - "tried covertly to acquire technology and materials that could be used in the production of nuclear weapons";
  - "sought significant quantities of uranium from Africa";
  - "recalled specialists to work on his nuclear programme";
  - "commenced a comprehensive weapons development programme across a range of capabilities to deliver his future and current weapons of mass destruction"; and
  - "already begun to conceal sensitive equipment and documentation in advance of the inspectors' return".

**219.** Mr Ingram said that there was “unanimity in the House on the brutal nature of Saddam Hussein’s regime”. In relation to the dossier, he commented:

“With such evidence, I am surprised that there are hon. Members who continue to argue that Saddam Hussein does not now pose an increased threat both to the stability of the Middle East and on a wider international scale. I fear their opinion is based more on an entrenched position than on a cool analysis of the facts.”

**220.** Mr Ingram concluded that he had:

“... no doubt that the country at large will recognise why we have to confront this issue ... [E]very effort must be made to achieve a diplomatic solution ... but ... the choice is Saddam’s ... There is no middle way. The threat has to be removed or it will continue to grow.”

**221.** Mr Michael Martin, Speaker of the House of Commons, described the decision by 64 MPs to vote against a motion to adjourn the House after the debate as demonstrating “the strength of feeling in some quarters of the House on this difficult issue”.<sup>61</sup>

**222.** Mr Cook wrote that he had congratulated Mr Straw on his focus on upholding the UN and commented that he was “thoroughly impaled on the UN route”. Mr Cook added that he suspected “some tension between the Foreign Office and Downing Street about the extent to which the UN can be the only route”.<sup>62</sup>

#### DEBATE IN THE HOUSE OF LORDS, 24 SEPTEMBER 2002

**223.** The corresponding debate in the House of Lords also took place on the afternoon of 24 September.<sup>63</sup> It covered much of the same ground as the Commons, including strong support for the UN route and for inspections, questions about legality and what role UK forces might play in military action, concerns about the impact of military action on the Middle East and the need to plan for what would follow in Iraq if Saddam Hussein was removed from power.

**224.** Closing the debate, Lord Bach said:

“The inspectors were very useful and they did a wonderful job. But let us not pretend to ourselves that somehow the inspectors managed to achieve all that they wanted. We cannot know all the details of how Saddam Hussein may lash out next time, but one thing is clear and I believe the House is united upon it. Doing nothing now is just not an option.”

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<sup>61</sup> House of Commons, *Official Report*, 24 September 2002, columns 155-156.

<sup>62</sup> Cook R. *The Point of Departure*. Simon & Schuster UK Ltd, 2003.

<sup>63</sup> House of Lords, *Official Report*, 24 September 2002, columns 870-1025.

MR STRAW'S EVIDENCE TO THE FOREIGN AFFAIRS COMMITTEE,  
25 SEPTEMBER 2002

**225. Mr Straw told the Foreign Affairs Committee on 25 September that a new Security Council resolution was desirable but not essential.**

**226.** During his appearance before the Foreign Affairs Committee (FAC) on 25 September, Mr Straw was asked if existing Security Council resolutions provided a sufficient legal basis for military action without a further resolution.<sup>64</sup>

**227.** Mr Straw referred to his speech the previous day, adding:

“It has never been the case that the only basis of international law [for the use of force] is an extant resolution. Sometimes some people think it is and it is actually clear from within the United Nations Charter itself that this is not the case.

...

“... there are various points in the Charter, which is one of the key bases of international law, where the Charter itself refers to the inherent right of individual members. So as far as this is concerned, the direct answer to your question is no, we do not regard it as absolutely essential that there should be another Security Council resolution. We do regard it as desirable. As to what legal advice we receive if there is not a Security Council resolution, that frankly depends on the circumstances at the time ...”

**228.** Mr Straw added that the UK did “not regard it [existing resolutions] as an inadequate basis” for action, but “a clear, new resolution” was “desirable, not least politically”. But there was “ample power” in the existing resolutions and “ample evidence of a material breach”.

**229.** Mr Straw emphasised the extent to which Saddam Hussein’s actions “in the last 20 years” posed a unique threat to peace and security.<sup>65</sup> The UK approach in relation to other proliferators was to pursue progress through diplomatic channels for as long as possible, even if progress was slow, but it was impossible to do that with Iraq.

**230.** When Mr Michael Wood saw the evidence, he reminded Mr Straw that the use of force required express authorisation by the Security Council, which in turn required a further decision from the Council, such as a finding of material breach.<sup>66</sup>

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<sup>64</sup> Minutes, Foreign Affairs Committee (House of Commons), 25 September 2002, [Evidence Session], Qs 21-24.

<sup>65</sup> Minutes, Foreign Affairs Committee (House of Commons), 25 September 2002, [Evidence Session], Qs 34-35.

<sup>66</sup> Minute Wood to PS [FCO], 4 October 2002, ‘FAC: Iraq: International Law’.

## Discussions between the US, the UK, France and Russia

**231.** Following the agreement between Mr Blair and Mr Straw on 23 September, there were further intensive discussions between the US and the UK in pursuit of agreement on a draft text which the US and UK might co-sponsor. That included further discussions in New York,<sup>67</sup> several telephone calls between Sir David Manning and Dr Rice,<sup>68</sup> advice from Washington,<sup>69</sup> and telephone calls between Mr Straw and Secretary Powell.<sup>70</sup>

**232.** The UK was adamant that Iraqi non-compliance in relation to the proposed declaration of its holdings should not itself be a trigger for military action:

“It was essential that inspectors got onto the ground before any irrevocable decisions were made.”<sup>71</sup>

**233.** Mr Blair spoke to Mr Annan after the Parliamentary debates on 24 September, telling him that “a new, strong, clear resolution, focused on disarmament without extraneous issues, was essential”.<sup>72</sup> Mr Blair said that it “was a critical moment for the UN and for persuading the US that the UN could deal with these issues”. There were concerns that Saddam Hussein would play games and the inspectors would not find any material.

**234.** Speaking about the Parliamentary debate, Mr Blair stated:

“People accepted that the threat had to be dealt with. It was important to demonstrate that military action was a last resort.”

**235.** A letter from Mr Straw to Mr Blair on 24 September recorded Sir Jeremy Greenstock’s concern that the draft “will not be seen as credible, it will be seen as a pretext”.<sup>73</sup>

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<sup>67</sup> Telegram 1827 UKMIS New York to FCO London, 24 September 2002, ‘Iraq Resolution: Where We Stand on 24 September’.

<sup>68</sup> Letter Manning to McDonald, 23 September 2002, ‘Iraq: Conversation with Condi Rice’; Letter Manning to McDonald, 25 September 2002, ‘Iraq: Conversation with Condi Rice’; Letter Manning to McDonald [second letter], 25 September 2002, ‘Iraq: Conversation with Condi Rice’.

<sup>69</sup> Letter Brenton to McDonald, 25 September 2002, ‘Iraq: Security Council Resolution’.

<sup>70</sup> Telegram 497 FCO London to Washington, 25 September 2002, ‘Iraq: Foreign Secretary’s Conversation with US Secretary of State, 25 September’.

<sup>71</sup> Minute Ricketts to Secretary of State [FCO], 24 September 2002, ‘Iraq: Resolution’.

<sup>72</sup> Letter Rycroft to Sedwill, 24 September 2002, ‘Iraq: Prime Minister’s Conversation with UN Secretary General, 24 September’.

<sup>73</sup> Letter (handwritten) Straw to Blair, 24 September 2002, [untitled].

## US/UK draft resolution, 25 September 2002

**236. The UK and the US eventually agreed the text of a draft resolution as the basis for discussion with other members of the P5 on 25 September.**

**237.** The detailed text of a draft resolution for discussion with other members of the P5 was finally agreed in a conference call between Mr Straw, Secretary Powell, Dr Rice and officials, including Sir David Manning and Sir Jeremy Greenstock, on 25 September.<sup>74</sup>

**238.** In the conference call:

- It was agreed to set the timeline for the production of an Iraqi declaration as “prior to the beginning of inspections and not later than 30 days of the date of the resolution”.
- Following a discussion of Dr Blix’s reservations about interviewing Iraqi officials outside Iraq and concerns that they would be used to seek asylum, Dr Rice stated that conducting interviews outside Iraq was “a red line” for the US.
- It was agreed that the resolution should allow Permanent Members of the Security Council to request representation on the inspection teams. Dr Rice’s view was that there was “no need to be sympathetic to Iraqi concerns” that that would be a route for the US and UK to get intelligence for military strikes.
- Dr Rice said that there was no intention to force inspections but the US wanted to “signal that conditions were different”. It was “important to have things in the resolution to discard later”.
- Reflecting UK concerns about US draft language on provisions for No-Fly or No-Drive Zones, which Mr Straw described as looking like “an attempt to legitimise NFZs” – which was “not necessary for the future and dangerous for the past” – it was agreed that the draft should distinguish zones for the purposes of the resolution from the existing No-Fly Zones.
- Reflecting Sir Jeremy Greenstock’s concerns that there were “many things in the text that looked like trip wires”, and that it would be “better to judge Iraq by its actions not its words”, it was agreed that Iraq should be given a week, not 48 hours, to indicate that it accepted the resolution.
- It was agreed that it would be better to engage Russia and France “at a political level” before the French and Russian Permanent Representatives to the UN “got their hands on the text”. As the US and UK got close to agreement, senior officials should be sent to Moscow and Paris “to begin the task of selling the text”.

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<sup>74</sup> Telegram 498 FCO London to Washington, 25 September 2002, ‘Iraq: Foreign Secretary’s Conference Call with US Administration, 25 September’.

**239.** The draft resolution focused on WMD.<sup>75</sup> The key elements of the draft and the relevant operative paragraph (OP) are set out in the Box below.

### US/UK draft resolution, 25 September 2002

The key elements in the draft resolution agreed by the US and the UK on 25 September 2002 were:

- a decision that Iraq “is still, and has been for a number of years, in material breach of its obligations under relevant resolutions, including resolution 687 (1991 ...)” **(OP1)**;
- a decision that “to begin to comply with its disarmament obligations, the Government of Iraq shall provide ... prior to the beginning of inspections and not later than 30 days from the date of this resolution an acceptable and currently accurate, full and complete declaration of all aspects of its programmes to develop chemical, biological and nuclear weapons, ballistic missiles and unmanned aerial vehicles ...” **(OP2)**;
- detailed provisions setting out an intrusive inspection regime including:
  - interviews outside Iraq;
  - a date to be specified for the resumption of inspections;
  - that members of the P5 could “recommend” sites for inspection and “request” to be represented on inspection teams;
  - UN security forces to protect the inspectors;
  - the right to declare No-Fly and No-Drive Zones “for the purposes of the resolution”; and
  - that Iraq should not “take or threaten hostile acts directed against any representative or personnel of the United Nations or of any member state taking action pursuant to any Security Council resolution” **(OPs 3-6)**;
- a request that the Secretary-General should notify Iraq of the revised procedures for inspections set out in OP5 and a decision that Iraq should accept those and the provisions in OPs 2, 3, 4 and 6 “within 7 days” **(OP7)**;
- a request that all Member States “give full support to UNMOVIC and the IAEA” **(OP8)**;
- a direction to the Executive Director of UNMOVIC and the Director General of the IAEA “to report immediately to the Council any interference with or problems with respect to the execution of their mission” **(OP9)**;
- a decision that “false statements or omissions in the declaration submitted by Iraq and failure by Iraq at any time to comply and co-operate fully in accordance with the provisions laid out in this resolution, shall constitute a further material breach of Iraq’s obligations, and that such breach authorises Member States to use all necessary means to restore international peace and security in the area” **(OP10)**; and
- a decision “to remain seized of the matter” **(OP11)**.

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<sup>75</sup> Letter Brenton to McDonald, 25 September 2002, ‘Iraq: Security Council Resolution’ attaching Paper [unattributed], 25 September 2002, ‘Draft [Security Council Resolution] 9/25/02, 3:21PM’.



**240.** Mr Tony Brenton, Chargé d’Affaires at the British Embassy Washington, reported that concerns arising from the vote in the House of Commons the previous day had been a key factor in achieving compromise.<sup>76</sup>

**241. President Bush continued to determine the US position.**

**242.** Dr Rice stated in her memoir that during the negotiations, she had “run interference” for the State Department:

“... taking up practically every controversy directly with the President rather than allowing continued haggling among the various agencies. I know that caused some unhappiness in Defense and within the Office of the Vice President, but the process was taking long enough at the United Nations; we didn’t need to slow it down with divisions within our own ranks.”<sup>77</sup>

**243.** Mr Straw wrote in his memoir:

“It was one thing to have President Bush declare in favour of going to the UN. Turning his twelve words about ‘necessary resolutions’ into a text that could command a majority in the Security Council, and had teeth, was quite another.

“The first task was to pin down an acceptable draft. Inevitably parts of the US Government weren’t bothered about securing a consensus in the Security Council. If the other members of the Council supported it, fine; if they vetoed it, fine too ... The early drafts from the US were unacceptable to us. To resolve this we organised a six-way conference call ... We made good progress, but there were still some outstanding issues, which could only be resolved by Tony talking to the President.”<sup>78</sup>

**244. Lord Goldsmith, the Attorney General, confirmed that he was satisfied with the arrangements for the exchange of information with FCO Legal Advisers when he and Mr Straw discussed the position on 23 September.**

**245.** A meeting between Lord Goldsmith and Mr Straw took place on 23 September.<sup>79</sup>

**246.** Mr Simon McDonald recorded that:

“Lord Goldsmith said he admired what the Prime Minister and Foreign Secretary had achieved in persuading the US back to the UN route ... he would have to see the final shape of any resolution. Too much emphasis on a second resolution would cause him problems (about whether or not the first resolution allowed the use of force ...). It seemed to him unarguable that [the threat] of force had got Saddam Hussein to move.

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<sup>76</sup> Letter Brenton to McDonald, 25 September 2002, ‘Iraq: Security Council Resolution’.

<sup>77</sup> Rice C. *No Higher Honour: A Memoir of My Years in Washington*. Simon & Schuster, 2011.

<sup>78</sup> Straw J. *Last Man Standing: Memoirs of a Political Survivor*. Macmillan, 2012.

<sup>79</sup> Minute McDonald to Legal Adviser, 24 September 2002, ‘Attorney General’.

“Lord Goldsmith stressed the importance of the purpose for which force was used. Although regime change could not be the objective, it could possibly be the means by which an objective was achieved (if the only way to disarm Iraq of its WMD was to change the regime ...).

“Lord Goldsmith confirmed that he was satisfied with [the] existing arrangements for the exchange of information with FCO Legal Advisers. The Foreign Secretary stressed that you [Mr Michael Wood, FCO Legal Adviser] had his full authority to talk to Lord Goldsmith.”

**247. Lord Goldsmith was asked for his advice on the draft US/UK resolution on 24 September. He offered oral views to Mr Wood and Mr Grainger on 27 September.**

**248.** On 24 September, Mr Wood wrote to Ms Cathy Adams, Legal Counsellor in the Legal Secretariat to the Law Officers, with a copy of the draft resolution which had “now been largely agreed with the US Government”.<sup>80</sup> He stated that Lord Goldsmith would be “aware of the context and background”.

**249.** Mr Wood reviewed the provisions of the draft resolution, focusing on the question of whether, if it were not possible to agree the current draft text authorising the use of “all necessary means”, the resolution would provide a legal basis for the use of force in the event of a breach which was sufficiently grave to undermine the basis or effective operation of the cease-fire agreed in resolution 687 (1991) “on the ground that it revived the authorisation to use force contained in resolution 678”.

**250.** Mr Wood wrote that the Government had “last relied upon this legal basis” in 1998; and that “The passage of time has not changed the principle”. In his view, if a resolution could be achieved which contained “an amended version ... with ‘serious consequences’ language it would be an adequate legal basis for the use of force”.

**251.** Mr Wood qualified that view by reference to advice set out by Mr Grainger in an internal FCO minute, which stated that the military action authorised would be such action as was necessary and proportionate to remedy a particular breach in the circumstances at the time.<sup>81</sup>

**252.** Mr Wood stated that he “would be grateful for any advice which the Attorney General [might] wish to give on the resolution as currently drafted, or on any of the possible outcomes mentioned”.<sup>82</sup>

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<sup>80</sup> Letter Wood to Adams, 24 September 2002, ‘Iraq: Use of Force’.

<sup>81</sup> Minute Grainger to Pattison, 23 September 2002, ‘Iraq Resolution: Draft of 22 September’.

<sup>82</sup> Letter Wood to Adams, 24 September 2002, ‘Iraq: Use of Force’.

**253.** Ms Adams advised Lord Goldsmith that she did not think the letter disclosed any new issues and there was “no particular deadline” for a response. Mr Wood had offered to discuss the issues if Lord Goldsmith wished.<sup>83</sup>

**254.** Lord Goldsmith met Mr Wood and Mr Grainger on 27 September.<sup>84</sup>

**255.** There is no record of the meeting but Ms Adams prepared a draft reply to Mr Wood, which did not differ materially from the views expressed in Mr Wood’s letter of 24 September. Lord Goldsmith saw it before the meeting, but it was not sent. A manuscript note by Ms Adams recorded that Lord Goldsmith had “indicated agreement with substance” of the draft.<sup>85</sup>

**256.** In his statement to the Inquiry, Lord Goldsmith wrote that he had responded to Mr Wood’s request during a meeting on 27 September:

“I gave him my view of the text and what would be necessary to achieve our objectives in the various different scenarios that he posed. The text at that stage provided that failure by Iraq at any time to comply and co-operate fully with the provisions of the draft resolution would constitute a further material breach and that such a breach authorised member states to use all necessary means to restore international order. I believe I said that if the draft resolution was adopted ... it would constitute a clear statement by the Security Council that Member States were authorised to take measures, including the use of force ... I believe that I went on to say though that the use of force would have to be directed towards securing compliance with Iraq’s disarmament obligations and any force would have to be a necessary and proportionate response to the breach of the resolution.”<sup>86</sup>

**257. France and Russia immediately raised serious concerns about the approach in the draft resolution and in particular the draft of OP10 and whether it would “trigger” or permit “automatic” military action without a specific decision of the Security Council.**

**258. Sir Jeremy Greenstock advised that two resolutions might be needed:**

- **The primary objective for the first would be “unequivocal powers for inspections and hurdles for Iraq”.**
- **There would be “differing views about what constituted an Iraqi sin of sufficient gravity to trigger a second resolution authorising force”.**

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<sup>83</sup> Minute Adams to Attorney General, 26 September 2002, ‘Iraq: Request for Advice’.

<sup>84</sup> Minute Adams to Attorney General, 27 September 2002, ‘Security Council Resolution on Iraq: Request for Advice’.

<sup>85</sup> Manuscript comment Adams, 27 September 2002, on Letter [draft] to Wood, ‘Iraq: Use of Force’.

<sup>86</sup> Statement, 4 January 2011, paragraph 1.16.

**259.** The US and UK began to circulate elements of the draft resolution, which became resolution 1441, to fellow Security Council members on 25 September.<sup>87</sup>

**260.** Following visits to Paris and Moscow by Mr Ricketts<sup>88</sup> and a conversation between Sir David Manning and Mr Jean-Marc de La Sablière, Diplomatic Adviser to President Chirac,<sup>89</sup> it became clear that France and Russia had serious concerns about the key elements of the draft resolution proposed by the US and UK.

**261.** A perception that the draft text of OP10 implied automaticity for the use of force was one area of difficulty. As a result, both Sir Jeremy Greenstock and Mr Ricketts began to consider how the UK should react if, as they had predicted, it proved impossible to secure agreement to “all necessary means” in a first resolution.<sup>90</sup>

**262.** Sir Jeremy advised that there was “a case for not showing too deep a concern about the need to come back to the Council for a decision”. In his view, the “primary objective of a first resolution” was to “establish unequivocal powers for the inspectors and hurdles for Iraq”.

**263.** Sir Jeremy wrote that the US and UK should not “walk away” if the first stage failed; that would “almost certainly lead to a critical resolution which we would have to veto”. Instead they should “bear with it to a second stage” when:

“... the chance of persuading the Council to come with us will remain open; and if they eventually do not, we will be seen to have tried harder, our political case ... will look more objective, and we shall be less likely ... to confront a critical resolution.”

**264.** Sir Jeremy also advised:

“There will, of course, be differing views about what constitutes an Iraqi sin of sufficient gravity to trigger a second resolution authorising force.”

**265.** Mr Ricketts reported that he had told a US colleague that the UK remained “absolutely firm on the need for an ‘all necessary means’ authorisation” but it looked as though “we might well not win the argument”.<sup>91</sup> While the shared negotiating priority was to take a “hard position” on that point to “line up support for the toughest possible inspection regime”, there was a recognition that “we would have to find a middle way between our present position and an explicit two resolution approach”. They had agreed work was needed on a formula which would achieve that.

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<sup>87</sup> House of Commons, *Official Report*, 7 November 2002, column 431.

<sup>88</sup> Telegram 555 Paris to FCO London, 26 September 2002, ‘Iraq: UNSC Resolution’; Telegram 341 Moscow to FCO London, 29 September 2002, ‘Iraq: UNSC Resolution’.

<sup>89</sup> Letter Manning to McDonald, 26 September 2002, ‘Iraq: Contacts with the French’.

<sup>90</sup> Telegram 1861 UKMIS New York to FCO London, 27 September 2002, ‘Iraq: Security Council Resolution’.

<sup>91</sup> Minute Ricketts to Private Secretary [FCO], 30 September 2002, ‘Iraq: Security Council Resolution’.

**266.** Mr Ricketts reported that he had said the UK would consider “a range of formulae which we would pass the Americans very privately”. He also drew attention to the likely sensitivities in Washington to a change of approach.

**267.** Sir David Manning discussed the French and Russian reactions with Dr Rice on 30 September.<sup>92</sup>

**268.** Sir David reported that he had decided not to get into a detailed discussion about one resolution or two, although he had said that Mr Blair “remained very firm on substance and would want to be convinced that the two resolution route would work”.

**269.** Sir David Manning and Dr Rice also discussed what had happened over Kosovo. Sir David asked for “a note setting out our own views on Kosovo” before he spoke to Dr Rice the next day.

**270.** Mr Straw discussed French concerns, about “how far a UN resolution should rewrite arrangements for weapons inspections and ‘automaticity’ of military action”, with Mr de Villepin on 30 September.<sup>93</sup>

**271.** Mr Straw told Mr de Villepin that the “resolution had to be tough enough so Saddam understood this was his last chance”; and that “a peaceful solution was more likely to be found through a strong and clear resolution”. The provisions in resolution 1284 were “unsatisfactory, not least on the access to Presidential sites”.

**272.** Mr Straw warned Mr de Villepin that:

“... we had to ensure that Washington could keep on board those within the Administration who were averse to handling Iraq in the UN. If that required one resolution, France would still have the option of tabling ... another if it did not like what the US proposed.”

**273.** In Mr Straw’s view, there would be “serious difficulties” without an international consensus. He and Mr de Villepin agreed that should be the aim.

**274.** In a telegram later that day, Sir John Holmes identified a number of underlying French concerns, including:

- a French conviction that the US were set on a policy of regime change;
- the damage “unilateral(ish) action ... would do to the UN’s credibility and thus to French influence in the world”;
- the “precedents unilateral pre-emptive action could set”;
- the “damage it would do to the whole way international relations work”;

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<sup>92</sup> Letter Manning to McDonald, 30 September 2002, ‘Iraq: Conversation with Condi Rice’.

<sup>93</sup> Telegram 208 FCO London to Paris, 30 September 2002, ‘Iraq: Foreign Secretary’s Conversation with French Foreign Minister, 30 September’.

- the “effects in the region of military action ... without reasonable cause and wide international support could be disastrous”;
- that “Western, and French, political and economic interests in the Middle East could suffer irreparably”; and
- the impact on Muslims in France and the “potential for further race-related violence”.<sup>94</sup>

**275.** Sir John commented that the UK should:

“... keep hammering home to the key decision makers [in France] that ... a tough resolution now can really avoid military action – indeed it is the only way to do so – and thus avoid the consequences they fear ... At the same time we must continue to make the intellectual arguments for action (Why Saddam? Why now? Why does deterrence not work?);

“work ... on persuading the French that the Americans:

- (a) have a plan capable of quick military success;
- (b) are committed to seeing through the post-military phase of political reconstruction in Iraq;
- (c) have a plan for dealing with the wider repercussions in the region.”

**276.** In a separate telegram, Sir John reported that President Chirac’s spokesman had briefed the French press on 27 September about the President’s reaction to the UK/US draft text.<sup>95</sup>

**277.** In a telephone conversation with President Bush, President Chirac had asserted that France “like the majority of the international community” favoured a “two-step approach”; and that France’s objective was disarmament of Iraq within the UN framework and therefore the unconditional and immediate return of the inspectors. A simple, firm resolution showing the unity of the Security Council and the international community could help achieve that.

**278.** Sir John Holmes reported that the spokesman had also said that a telephone call to President Putin the previous day confirmed that France and Russia took the same approach; and that the French spokesman had quoted the Chinese Prime Minister as saying:

“... if inspections did not take place, and there was no proof of Iraqi WMD and no authority for action from the UN Security Council, there should be no question of launching an attack on Iraq. The consequences of such an attack would be ‘incalculable’.”

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<sup>94</sup> Telegram 562 Paris to FCO London, 30 September 2002, ‘Iraq: Military action: France’s Dilemma’.

<sup>95</sup> Telegram 563 Paris to FCO London, 30 September 2002, ‘Iraq: Chirac’s Reaction to the US/UK Text’.



**279.** Reporting his most recent discussions in New York, Sir Jeremy Greenstock repeated his warning that:

“Starting publicly with ‘all necessary means’ and then losing it risks looking like a defeat and undermining any subsequent argument that we have legal cover for military action.”<sup>96</sup>

### **Mr Blair’s speech to the Labour Party Conference, 1 October 2002**

**280.** In his speech to the Labour Party Conference on 1 October, Mr Blair briefly set out the arguments for acting in a global partnership, and for the UK to “help shape” the new world through its friendship with the US and its membership of the EU.

**281.** Mr Blair also stated that in dealing with a dictator, sometimes the only chance for peace was a readiness for war.

**282.** Mr Blair’s speech to the Labour Party Conference on 1 October was mainly about domestic issues, but in his remarks on international relations he focused on:

- The need to build “a new global partnership” that moved “beyond a narrow view of national interest”. That was “the antidote to unilateralism”.
- The basic values of democracy, freedom, tolerance and justice were shared by the UK, the US and Europe. But they were “human values”, not western values and should be used to “build our global partnership” and be applied in an even-handed way.
- Partnership was “statesmanship for the 21st Century”.<sup>97</sup>

**283.** In relation to Iraq, Mr Blair stated:

“Some say the issue is Iraq. Some say it is the Middle East Peace Process. It is both.

“Some say it’s poverty, some say it’s terrorism. It’s both.

“So the United Nations route. Let us lay down the ultimatum. Let Saddam comply with the will of the UN.

“So far most of you are with me. But here is the hard part. If he doesn’t comply, then consider.

“If at this moment having found the collective will to recognise the danger, we lose our collective will to deal with it, then we will destroy not the authority of America or Britain but of the United Nations itself.

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<sup>96</sup> Telegram 1869 UKMIS New York to FCO London, 30 September 2002, ‘Iraq Resolution: Discussions with Levitte and E10’.

<sup>97</sup> *BBC News*, 1 October 2002, *Blair’s conference speech in full*.

“Sometimes and in particular dealing with a dictator, the only chance for peace is a readiness for war.”

**284.** Mr Blair also set out his goals for the Middle East Peace Process:

“By this year’s end, we must have revived final status negotiations and they must have explicitly as their aims: an Israeli state free from terror, recognised by the Arab World and a viable Palestinian state based on the boundaries of 1967.”

**285.** Mr Blair added that “to help shape” that new world, the UK needed to be part of it. That meant making the most of both the UK’s friendship with the US and its membership of Europe. In five years in government he had learnt that:

- “the radical decision is the right one”;
- the “right decision is usually the hardest one”; and
- “the hardest decisions are often the least popular at the time”.

The “starting point” was not policy, it was “hope”.

**286. Public opinion in the US was supportive of President Bush’s position.**

**287.** In early October, the US Administration was also negotiating the terms of a bipartisan resolution to be tabled in Congress.

**288.** Sir Christopher Meyer reported that “the points of disagreement [were] relatively narrow: no one doubts that inspections will fail, the argument is how hard to try for international support for the war that will ensue”.<sup>98</sup>

**289.** A draft circulated by the Chair of the Senate Foreign Relations Committee (Senator Biden) and his Republican counterpart (Senator Lugar) required the President to certify before using force against Iraq that he had attempted to seek UN approval for action, and provided for regular updates to Congress on how far allies were assisting the military effort. It also focused on the WMD threat as the basis for action rather than the wider failings of the Iraqi regime.

**290.** Sir Christopher reported that the White House was taking an “uncompromising approach” and had rejected that text.

**291.** Sir Christopher assessed that the Administration was in a strong position, with at least 70 out of 100 votes for military action in the Senate and a Democrat leadership which did not want to fight the November mid-term elections by challenging President Bush on national security.

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<sup>98</sup> Telegram 1263 Washington to FCO London, 1 October 2002, ‘Iraq: US Congressional and Public Opinion’.

**292.** Recent polls had showed that public support for military action had “eased since mid-September to around 60 percent”. That dropped to “40 percent or less” if there was “no UN approval or allied support”, but jumped:

“... into the seventies if action is taken by an international force or with UN backing. Some 50 percent or fewer think that the Bush policy is well thought through, has been fully explained, or sufficiently backed up by evidence, and people want Congress to ask more questions. But while waiting to be convinced, people continue to endorse Bush’s leadership, and trust him to get this right by huge margins over the Democrats.”

**293.** The joint resolution was agreed by Congress, and signed by President Bush on 17 October.

### **Mr Blair’s conversations with President Bush, 2 October 2002**

**294.** Mr Straw described getting the inspectors into Iraq to tackle WMD disarmament as his and Mr Blair’s “overriding objective”.

**295.** France and Russia’s position was that in the event of non-compliance a “second” decision of the Security Council would be required before the use of force would be authorised. In the light of that, Mr Straw advised a two stage approach would be needed for agreement on a first resolution establishing a tough inspections regime and sending a strong signal of the Council’s willingness to use force in the event of a clear Iraqi violation.

**296.** The US and UK might also have to make clear that only a serious violation would trigger further Council action.

**297.** Sir David Manning advised Mr Blair that he should try to persuade President Bush to adopt a two resolution approach.

**298.** In a conversation with Secretary Powell on 1 October, about whether to table OP10 as currently drafted in the Security Council, Mr Straw told Secretary Powell that the resolution which had argued against military action in any circumstances, and had been tabled at the Labour Party Conference, had been defeated; but the debate “had confirmed that the Government would be in serious difficulty if a good new [UN] resolution was not agreed”.<sup>99</sup>

**299.** When Sir David Manning subsequently spoke to Dr Rice, they discussed three options for amending OP10:

- Leaving open the possibility of coming back to the Security Council, but not to specify it, and to tone down the language of “all necessary means” to something

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<sup>99</sup> Telegram 510 FCO London to Washington, 1 October 2002, ‘Iraq: Foreign Secretary’s Conversation with US Secretary of State, 1 October’.

like “serious consequences”. Any member of the Security Council would be free to bring the issue back to the UN.

- Casting OP10 in terms of a stark warning that the Iraqis must comply with the resolution but without specifying what would follow if they did not.
- Putting the “all necessary means” provision into a second resolution.<sup>100</sup>

**300.** Sir David stated:

“There should be no difficulty if Blix [Dr Hans Blix, Executive Chairman of UNMOVIC] notified the Council that Saddam was in breach. It might be more difficult if there were a series of low level skirmishes between Blix and the Iraqi authorities that we interpreted as obstruction but that the French or others tried to interpret differently. In that event, we should have to be very clear and very tough.”

**301.** Mr Blair and President Bush were to discuss the issue the following day. Sir David asked the FCO for advice.

**302.** Mr Straw spoke to Secretary Powell at 12.30pm on 2 October and talked him through proposed language for “the ‘one and a half’ resolutions” they had discussed.<sup>101</sup>

**303.** Mr Straw’s Private Office subsequently advised Sir David Manning that:

- The US and UK were focusing in the P5 in New York on the arrangements for inspections in OP5, which would leave “time for the Prime Minister and President Bush to discuss the most politically difficult point, the consequences of non-compliance, in OP10”.
- It was clear that “both the French and the Russians” would “insist that the Council must take a second decision before the use of force is authorised”.
- Mr Straw and Secretary Powell had “therefore agreed to look at an alternative two stage approach”, which Mr Blair and Mr Straw had “always seen ... as a possible approach to achieving our overriding objective of getting the inspectors in to tackle the disarmament of Iraqi WMD”.
- That “would involve a first resolution establishing a tough inspections regime and sending a strong signal of the Council’s willingness to authorise the use of force in the event of Iraqi non-co-operation”.
- There “would be a private side agreement committing the French/Russians to agree the adoption of a short second resolution authorising the use of force in the event of clear Iraqi violations”.
- To address French and Russian concerns that OP10 as drafted could authorise the use of force on a trivial pretext, it would be redrafted to “drop the prior determination that any violation constituted a material breach and the prior authorisation” for the use of “all necessary means”.

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<sup>100</sup> Letter Manning to McDonald, 1 October 2002, ‘Iraq: Conversation with Condi Rice’.

<sup>101</sup> Letter McDonald to Manning, 2 October 2002, ‘Iraq’.

- The US and UK “might also have to make clear that only a serious violation would trigger further Council action”.<sup>102</sup>

**304.** The FCO provided a paper on the options, including:

- variants on the language for a “new OP10”;
- how these variants were likely to be viewed by France and Russia;
- whether Kosovo provided a precedent; and
- the principles on which a possible side agreement might be based.<sup>103</sup>

**305.** Mr Straw recommended that Mr Blair should discuss the case for moving to one of those options, with President Bush, “to achieve the goal of a much tougher inspections regime, and putting the onus on the Security Council to pass the necessary second resolution in the case of non-compliance or do huge damage to the credibility of the UN system”. Mr Blair should start with an option whereby the Security Council declared its readiness, in the event of non-compliance, to decide whether there had “been a further material breach of Iraq’s obligations” and “that such a breach” authorised “member states (or another formula ...) to use all necessary means to restore international peace and security”.

**306.** The FCO did not address the precedent of Kosovo for Iraq. The paper stated only that:

“Several Council resolutions on Kosovo warned of an impending humanitarian catastrophe, and affirmed that the deterioration in the situation constituted a threat to peace and security in the region. But we argued that military action was justified as an exceptional measure to prevent an overwhelming humanitarian catastrophe, rather than that it was based on any provisions in a resolution.”

**307.** The FCO suggested that a possible side agreement between the parties on the adoption of a second resolution should be based on the following general principles:

“... where there is information/evidence [reported by UNMOVIC/IAEA] of any Iraqi:

- action/attempts to conceal information related to weapons programmes;
- action/attempts to conceal other information which UNMOVIC/IAEA deem necessary to fulfil their mandate;
- action/attempts to obstruct the work of UNMOVIC/IAEA personnel in a manner likely to impede UNMOVIC/IAEA’s effectiveness in fulfilling their mandate;
- failure to co-operate in the establishment of OMV [ongoing monitoring and verification], or in the destruction of any equipment designated by

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<sup>102</sup> Letter McDonald to Manning, 2 October 2002, ‘Iraq: UNSC Resolution’ attaching Paper, ‘Options for a New OP10’.

<sup>103</sup> Paper ‘Options for a New OP10’, attached to Letter McDonald to Manning, 2 October 2002, ‘Iraq: UNSC Resolution’.

UNMOVIC/IAEA or in any other way required of them under the terms of relevant resolutions or under terms set out by UNMOVIC/IAEA ...

- failure to meet the deadlines set out in the relevant resolutions.”

**308.** Sir David Manning told Mr Blair that the “main issue” for his conversation with President Bush was the provision for the use of “all necessary means” if Saddam Hussein was found to be in breach of his obligations.<sup>104</sup> That “automaticity” went “too far” for France and Russia. President Bush would “ideally like to dispense” with the draft OP10, but accepted that was “a political impossibility”. The UK wanted “something like OP10 to give us legal cover if at some stage we take military action”.

**309.** Sir David added that the FCO letter “identified various possible fixes”, and he recommended that Mr Blair should persuade President Bush “to go the two resolution route (you warned that this might well be necessary at last month’s Camp David meeting)”.

**310.** Sir David proposed language in OP10 that stipulated “in the event of a breach, the Council will decide to authorise all necessary means”. That conceded the issue would “have to come back to the Security Council for further decision, so saving Chirac’s face”.

**311.** Sir David advised that, “at the same time”, the US and UK “should insist on privately pre-negotiating the terms of a second, follow-up resolution [with France and Russia] that would authorise ‘all necessary means’ once a breach is established”; and that the current draft should not be revised until that had been agreed. That would:

“... not be without difficulties:

- bringing the French and Russians to pre-negotiate a tough second resolution and commit themselves to it;
- establishing clearly what would constitute a breach and so trigger action: this will need to be pinned down in advance.

“But there is a chance a deal of this kind can be struck ... The French and Russians may well be reluctant: but if this is the price to avoid early US unilateralist action with serious long term damage to the Security Council, they may well pay.”

**312.** Sir David concluded that if Mr Blair and President Bush could agree, “we can get on with the business of trying to sell it in capitals and the UN. We now need to move fast.”

**313.** In a second conversation on 2 October, Mr Straw was informed that President Bush was “very energised” about a single resolution.<sup>105</sup>

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<sup>104</sup> Minute Manning to Prime Minister, 2 October 2002, ‘Iraq: Your Phonenumber Today with Bush’.

<sup>105</sup> Letter Straw to Manning, 2 October 2002, ‘Iraq: Conversations with Colin Powell’.



**314. In the first of two conversations with President Bush on 2 October, Mr Blair initially focused on achieving a tough regime for inspections as more important than the issue of a two stage approach.**

**315.** Mr Blair spoke twice to President Bush on the afternoon of 2 October.<sup>106</sup>

**316.** In the first conversation, Mr Blair and President Bush discussed their concerns about the outcome of Dr Blix’s talks with Iraqi representatives in Vienna on 1 October and that the burden of proof that he had no WMD must be on Saddam Hussein.

**317.** Mr Blair told President Bush that the need to ensure a sufficiently strong inspection regime was “more important than the question of one resolution or two”. The inspectors should “go in as soon as possible”.

**318.** Mr Blair set out three options in descending order of preference:

- two resolutions (as set out by Sir David Manning);
- a “tough resolution keeping open whether a second resolution would be needed, with others knowing that we would be prepared to act without a second resolution if necessary. We need not rule out a second resolution, but we should not tie ourselves to one”; and
- the “worst outcome” of requiring a second resolution but not being able to get it.

**319.** In a conversation with Dr Rice between the two discussions between Mr Blair and President Bush, Sir David Manning pursued the argument for two resolutions.<sup>107</sup> He also suggested that Mr Blair and President Bush should confer about the scale of the deceit that would require military action: “We would want to establish a ‘pattern of deceit’ rather than a specific incident as a trigger.”

**320.** Separately, Mr Straw was informed by Secretary Powell that the White House was interpreting Mr Blair’s conversation with President Bush as support for a single resolution and that some in the US were warning the President about the dangers of being mired in the UN.<sup>108</sup> Mr Straw had talked him through the UK proposals for modifying the existing resolution which Sir Jeremy Greenstock thought France would agree. They agreed it was worth trying to get President Bush’s agreement.

**321. In the subsequent conversation Mr Blair suggested draft language for the resolution implying a second resolution would be sought if Iraq failed to comply with the provisions in the new resolution and indicating that the Security Council would be willing to authorise force in those circumstances.**

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<sup>106</sup> Letter Rycroft to Sedwill, 2 October 2002, ‘Iraq: Prime Minister’s Telephone Calls with Bush, 2 October’.

<sup>107</sup> Letter Rycroft to Sedwill, 2 October 2002, ‘Iraq: Prime Minister’s Telephone Calls with Bush, 2 October’.

<sup>108</sup> Letter Straw to Manning, 2 October 2002, ‘Iraq: Conversations with Colin Powell’.

**322.** Mr Blair said that any significant obstruction or discovery of WMD would constitute a breach. The inspectors should report the facts and we should make the judgements.

**323.** Mr Blair told President Bush that if the UN did not authorise force in the event of a breach, the US and UK would still act.

**324.** The issues of what would constitute a breach and who would decide on the appropriate action were key issues in the negotiation of the resolution and its subsequent interpretation.

**325.** In the second conversation with President Bush, Mr Blair proposed that OP10 should be amended to read:

“Decides that false statements and omissions in the declaration submitted by Iraq to the Council and failure by Iraq at any time to comply and co-operate fully in accordance with the provisions laid out in this resolution shall constitute a further flagrant violation of Security Council resolutions, and expresses its readiness to authorise all means necessary to restore international peace and security in the area.”<sup>109</sup>

**326.** In exchange, Mr Blair said the US and UK should “hang tough” on OP5 [the arrangements for intrusive inspections] and on material breach in OP1. When the first resolution was passed the US and UK should make clear that, in the event of non-compliance, “we would expect the Security Council to authorise the use of force”. If for any reason it were not to do so, “we would go ahead anyway, on the Kosovo model”.

**327.** Mr Blair and President Bush also discussed what would constitute a breach and who would decide.

**328.** Mr Blair said that if Iraq declared it had no WMD and the inspectors then found a significant amount, it “would be a casus belli”; any significant obstruction or discovery of WMD would constitute a breach. That was not a judgement for Dr Blix; “the inspectors should report the facts, and we should make the judgements”.

**329.** In a subsequent telephone call Secretary Powell told Mr Straw that he and Dr Rice were about to discuss the UK proposal.<sup>110</sup>

**330.** In a fifth conversation that evening Secretary Powell told Mr Straw that the US “were buying into” Mr Blair’s proposal, but “there would need to be a lot of work done on it”.<sup>111</sup>

**331.** Mr Campbell wrote that Mr Blair and Mr Straw had had “a very difficult meeting early on” when Mr Straw had explained that the US was “getting very jittery about the

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<sup>109</sup> Letter Rycroft to Sedwill, 2 October 2002, ‘Iraq: Prime Minister’s Telephone Calls with Bush, 2 October’.

<sup>110</sup> Letter Straw to Manning, 2 October 2002, ‘Iraq: Conversations with Colin Powell’.

<sup>111</sup> Letter Straw to Manning, 3 October 2002, ‘Iraq’.

UN route”. Mr Straw had also said that France was making clear it would not support war at all, China “didn’t care, and Russia was playing hardball”.<sup>112</sup>

**332.** Mr Campbell wrote that the US “wanted one resolution that would allow them to hit Iraq at the first sign of Saddam lying or causing trouble”. Mr Blair had described his first conversation with President Bush as “difficult”. President Bush was “beginning to wonder whether we are going down the right road”. Mr Campbell wrote that the US was “getting more and more impatient”.

**333.** Mr Campbell also wrote that President Clinton’s references to Iraq in his speech to the Labour Party Conference were intended to convey the view that Mr Blair “was in a position to influence US policy” and to get President Bush “to side with [Secretary] Powell”. But Mr Blair was “less confident we could get the tough resolution we wanted”. President Bush had told Mr Blair that he was “having trouble holding on to my horse”. Mr Campbell wrote it was clear that President Bush was trying to get Mr Blair “to agree that if Saddam was found to be lying that was a ‘*casus belli*’”.

**334.** Following the second conversation between Mr Blair and President Bush, Mr Campbell wrote that Mr Blair was concerned that rhetoric aimed at managing the Republican right wing would stop President Bush getting to the right policy positions; and that Mr Blair “seemed to be moving to the view that this [the US Administration] was a government that was ruthless about its own power and position”.

**335.** In his memoir, Mr Straw wrote that in his first conversation with President Bush, Mr Blair’s mind was on the Labour Party Conference and he:

“... simply didn’t make the key points. I told him that, however embarrassing, he’d have to make the call again. It was fixed for later that evening.”<sup>113</sup>

**336.** Mr Straw wrote that the second call:

“... went well. We had a text to broker with the other members of the Security Council.

“There then followed an extraordinary five-week period in which not just every phrase, but every word, and even the punctuation, was the subject of the closest debate and argument. I often spent hours each day in telephone calls with Colin [Powell] and Dominique de Villepin and Igor Ivanov, as well as with the Chinese foreign minister, Tang Jiaxuan and the foreign Ministers of the non-permanent members of the Security Council.”

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<sup>112</sup> Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

<sup>113</sup> Straw J. *Last Man Standing: Memoirs of a Political Survivor*. Macmillan, 2012.

## Continuing difficulties in securing agreement on a draft text

### Iraq's rebuttal of the UK dossier

**337.** The Iraqi Ministry of Foreign Affairs published a “detailed rebuttal” on 2 October, which described the UK dossier as “a series of lies and empty propaganda” which was “totally inconsistent” with the facts and reports made by UNSCOM and the International Atomic Energy Agency (IAEA).<sup>114</sup>

**338.** The rebuttal emphasised Iraq’s “intensive efforts” and co-operation between 1991 and 1998 in implementing resolution 687 (1991) and other resolutions. It also stated that Iraq had not imported any prohibited material.

**339.** Detailed comments on Iraq’s rebuttal are set out in Section 4.3.

**340.** Mr Julian Miller, Chief of the Assessments Staff, told Sir David Manning that a review of the rebuttal conducted by the Assessments Staff, the intelligence agencies and the FCO dismissed it as: “In broad terms ... very weak; long on rhetoric and short on detail.” It did not undermine the UK dossier and in a number of key areas failed to provide a credible response.

**341.** Mr Miller added that the document presented “a somewhat rosy picture” of Iraq’s relationship with UNSCOM. He characterised Iraq’s refutation of the UK “claim that its WMD programmes have continued post 1998” as an “attitude of denial”.

**342.** Under the heading “Iraq: Still Playing Games”, press lines prepared by the Communications and Information Centre (CIC) focused on:

- Iraq’s pre-1998 co-operation with UNSCOM and its failures:
  - to provide full and comprehensive disclosures;
  - to allow the inspectors immediate, unconditional and unrestricted access to relevant sites, documents and persons; and
- material for which UNSCOM had been unable account.

**343.** Mr Miller concluded: “I do not think we need to offer a fuller reply to any of Iraq’s claims.”

**344.** Iraq’s explicit denials of possession of prohibited weapons, materials and programmes were not addressed, and there was no consideration of the risk which Iraq would have faced by issuing a detailed rebuttal which inspections might show to be untrue.

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<sup>114</sup> Minute Miller to Manning, 4 October 2002, ‘The Dossier: Iraq’s Response’ attaching Email FCO [junior official] to Hamill, 3 October 2002, ‘Iraq’s reply on Blair’s Report’ and Paper [CIC], [undated], ‘Iraq – Still Playing Games!’.

## Discussions between Iraq, UNMOVIC and the IAEA about the return of inspectors

**345.** Dr Blix told the Security Council on 3 October that, although there was no legal need for a new resolution to authorise the return of inspectors, it would be better, if there was going to be a new resolution, for them to wait to return to Iraq until that was in place.

**346.** Dr Blix and Dr Mohamed ElBaradei, Director General of the IAEA, held separate talks with Iraqi officials about the practical arrangements for inspections in Vienna on 30 September and 1 October.

**347.** Some officials had identified the practicalities of the timetable for preparing and conducting inspections as “the most difficult area”.<sup>115</sup>

**348.** The UK Mission to the UN in Vienna reported that Dr Blix thought the talks had gone well in most respects, including Iraq’s agreement to drop the 1996 arrangements for visits to sensitive sites.<sup>116</sup> The main outstanding issues were:

- arrangements for the safety of inspection flights in the No-Fly Zones;
- interviews, where the Iraqis were still insisting on the presence of an Iraqi official and the right to film; and
- UNMOVIC use of U2 (surveillance) flights.

Access to Presidential sites had not been addressed.

**349.** Mr Campbell wrote that Dr Blix:

“... seemed to be making progress and looked like he was trying to do a deal which would not necessarily include palaces. It wasn’t good enough for the US but the UN were pushing it and suggested that we didn’t need another UNSCR. Powell was very hard line that there could be no new inspections without a new UNSCR.”<sup>117</sup>

**350.** The British Embassy Washington reported that Secretary Powell had responded swiftly to the talks with an impromptu press conference warning that UNMOVIC should not return to Iraq until a new resolution had been adopted; and that the US preference was for a single resolution.<sup>118</sup>

**351.** The Embassy also reported that:

- The US press was reporting a claim by Secretary Rumsfeld that the No-Fly Zones were the air component of the inspections regime under resolution 687.

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<sup>115</sup> Minute Pattison to FCO [junior official], 12 September 2002, ‘Iraq: Draft Resolution’.

<sup>116</sup> Telegram 95 UKMIS Vienna to FCO London, 2 October 2002, ‘Iraq: Return of Inspectors’.

<sup>117</sup> Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

<sup>118</sup> Telegram 1264 Washington to FCO London, 1 October 2002, ‘US/Iraq: 1 October’.

He had also stated that, since promising on 16 September to allow the unconditional return of inspectors, Iraq had fired on coalition aircraft 67 times with the clear inference that Iraq was threatening US interests.

- A White House spokesman had stated that “regime change is welcome whatever form it takes”; and that “the cost of one bullet” fired by the Iraqi people would be “substantially less” than the cost of military action.

**352.** The FCO instructed Sir Jeremy Greenstock to use Dr Blix’s report to the Security Council on 3 October to emphasise that key issues remained to be resolved and a new resolution was “essential to demonstrate that the UNSC is determined to ensure proper inspections this time, backed up by the will to enforce its decisions if necessary”.<sup>119</sup> In an interview for the *BBC’s Today* programme on 1 October, Mr Blair had stated that a tougher resolution was necessary before the inspectors returned.

**353.** While recognising that Member States could not dictate the inspectors’ activities, the UK was concerned that inspectors should not return to Iraq before “new modalities” had been agreed.

**354.** Sir Jeremy Greenstock reported that Dr Blix’s view, as expressed to the Security Council on 3 October, was that, while it would be helpful to reaffirm and strengthen UNMOVIC’s rights, there was no legal need for a new resolution before the inspectors returned.<sup>120</sup> His “main concern” was “unanimity and a Council willingness to back inspectors up”. If there was going to be a new resolution there would be no point in returning to Iraq only for new arrangements then to be put in place.

**355.** Sir Jeremy Greenstock told the Council that a further resolution was necessary to ensure the inspectors were effective. Iraq was continuing to take measures to conceal its WMD facilities and stocks. The Council needed to hear from Dr Blix and Dr ElBaradei what additional measures were required and it would be prudent to tie up loose ends – “one man’s loose end could be another man’s casus belli”.

**356.** The agreement reached in Vienna was set out in a letter of 8 October from Dr Blix and Dr ElBaradei to the Government of Iraq.<sup>121</sup> It was subsequently endorsed by the Security Council and resolution 1441 (OP6) made its contents legally binding.

**357. Negotiations on the content of the draft resolution between the UK and US and with other members of the P5 continued without agreement being reached on a text which would secure support in the Security Council.**

**358. The FCO considered that the two stage approach would mean a second resolution would be required to authorise the use of force.**

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<sup>119</sup> Telegram 576 FCO London to UKMIS New York, 3 October 2002, ‘Iraq: Blix’s Briefing to the Security Council and P5’.

<sup>120</sup> Telegram 1903 UKMIS New York to FCO London, 4 October 2002, ‘Iraq: Informal Council Meeting with Blix and El Baradei’.

<sup>121</sup> Letter Blix and ElBaradei to Al-Saadi, 8 October 2002, [untitled].



**359.** On 3 October, the FCO provided a revised text incorporating the amended OP10 and other changes to reflect discussions between the P5.<sup>122</sup> The covering letter explicitly stated:

“In our view, a text along these lines would require a further Security Council resolution to authorise the use of force.”

**360.** The FCO also stated:

“There would, of course, be ... argument about the extent to which any Iraqi transgression constituted a flagrant violation. It would therefore be important to obtain a clear commitment from the French and Russians in advance. This could either be through a side agreement with them containing an indication of the circumstances in which we would want to seek authorisation on the lines described in the paper enclosed with my letter ... of 2 October. It could also be useful to agree on a contingency basis among the P5 the text of a second resolution.”

**361.** Sir David Manning discussed the draft resolution with Dr Rice on 3 October, pointing out that it “did not rule out military action if there were no further Security Council resolution ie it did not pre-empt the ‘Kosovo option’ ... President Bush had yet to take a view on it.”<sup>123</sup>

**362.** Mr Campbell wrote that Sir David Manning was concerned that Saddam Hussein was “probably going to make positive noises about inspections and try to drag things to February because then the ‘window of war’ would close”.<sup>124</sup>

**363.** Mr Ricketts advised that failure to obtain a second resolution was likely to leave the UK with “no plausible legal basis” for the use of force; the “Kosovo option” would be no help.

**364.** Mr Straw told Secretary Powell that there was “no parallel” between the circumstances of military action in Iraq and in Kosovo.

**365.** In a minute on 3 October to Mr Straw’s Private Office, which was sent to Sir David Manning and Sir Jeremy Greenstock, Mr Ricketts set out his views, “As a mind clearing exercise”, on whether: “If the Security Council adopts a resolution with our new version of OP10 ... we have conceded the principle that a second resolution is required.”<sup>125</sup> He added: “If we do not for some reason get it, it must be very likely that the Attorney would conclude that [the UK] did not have a legal basis for military action.”

**366.** Mr Ricketts did “not think the ‘Kosovo option’ helps in these circumstances”. The UK had not relied on or sought a resolution authorising the use of force; it had relied on

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<sup>122</sup> Letter McDonald to Manning, 3 October 2002, ‘Iraq: UNSC Resolution’.

<sup>123</sup> Letter Manning to McDonald, 3 October 2002, ‘Iraq: Conversation with Condi Rice’.

<sup>124</sup> Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

<sup>125</sup> Minute Ricketts to Private Secretary [FCO], 3 October 2002, ‘Iraq: Resolutions: The “Kosovo Option”’.

“an alternative legal base i.e. that action was necessary to prevent an overwhelming humanitarian catastrophe (by analogy with the 1991 action in Northern Iraq to help the Kurds)”. Mr Ricketts commented:

“... that would not be credible grounds for action this time. So far as I can see, failure to get a second resolution would leave us with no plausible legal basis.”

**367.** In a manuscript comment in the margin of Mr Ricketts’ minute, Sir David Manning wrote: “What about the reference in OP1 to ‘material breach’?”<sup>126</sup>

**368.** It is not clear whether Sir David had seen the minute before his conversation with Dr Rice.

**369.** On 4 October, Sir David Manning reported that the US Administration was not yet willing to discuss detailed draft texts with the French.<sup>127</sup> Secretary Powell would discuss “concepts” with Mr de Villepin. The instinct was to move cautiously and to take time to see if agreement was possible. The US was also considering changes to the proposed text of OP10.

**370.** In his conversation with Mr de Villepin on 4 October, Mr Straw stated that: we had to find out the extent of the problem with Iraq and its WMD by getting the inspectors back.<sup>128</sup> We had got as far as we had with the Iraqis by threatening force. We would prefer to resolve the problem peacefully. If this was not possible we would use force.

**371.** Mr Straw and Mr de Villepin agreed officials should discuss.

**372.** Mr Straw spoke twice to Secretary Powell on 4 October. In the second conversation he told Secretary Powell that there was “no parallel” with the Kosovo model.<sup>129</sup>

**373. FCO Legal Advisers continued to voice concerns about the absence of a clear statement from the Security Council reviving the authority for the use of force, and that Lord Goldsmith’s views would be needed once the language in the draft resolution on that point had been firmed up.**

**374.** On 4 October, in a minute copied to Sir Jeremy Greenstock among others, Mr John Grainger, FCO Legal Counsellor, expressed concerns that the current draft resolution

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<sup>126</sup> Manuscript comment Manning on Minute Ricketts to Private Secretary [FCO], 3 October 2002, ‘Iraq: Resolutions: The “Kosovo Option”’.

<sup>127</sup> Letter Manning to McDonald, 4 October 2002, ‘Iraq: Conversation with Condi Rice’.

<sup>128</sup> Telegram 213 FCO to Paris, 4 October 2002, ‘Iraq: Foreign Secretary’s Conversation with French Foreign Minister, 4 October’.

<sup>129</sup> Telegram 521 FCO London to Washington, 4 October 2002, ‘Iraq: Foreign Secretary’s Conversation with US Secretary of State, 4 October’.

would allow other Member States to argue that it did not amount to an authorisation of the use of force. He concluded:

“In the time available I have not been able to consult the Attorney General, whose views would be crucial. In the past his predecessors have emphasised the need for a clear statement that the Council authorises the revival of the use of force, which this draft does not appear to offer. We will need to obtain the Attorney’s view on the effect of any language once it firms up.”<sup>130</sup>

**375. The British Embassy Washington reported on 4 October that Vice President Cheney wanted a resolution that would provide a ‘tripwire’ for military action.**

**376.** Mr Brenton reported on 4 October that he had been told that Vice President Cheney “simply didn’t believe that any achievable inspection regime would give us the cast iron assurance we had to have that Iraqi WMD had been eliminated.” He “[supported] the ... US approach” of trying to get the UN to endorse a tough inspections regime; but he expected “Saddam would try to play games” and “would be caught out, providing the US with its casus belli”.<sup>131</sup> Vice President Cheney would not “sign up to any regime which seemed likely to fail in this tripwire function”.

**377.** Mr Blair saw the minute.<sup>132</sup>

### **President Bush’s speech in Cincinnati, 7 October 2002**

**378. President Bush set out the case for urgent action to disarm Iraq on 7 October.**

**379. President Bush stated that Iraq had “an opportunity to avoid conflict” only if it complied with all its obligations. The US hoped it would make that choice but it had “little reason to expect it”.**

**380.** On 1 October, in advance of the votes in Congress to authorise the use of force, if it proved necessary to enforce Security Council demands, the Central Intelligence Agency produced its National Intelligence Estimate (NIE) on ‘Iraq’s Continuing Programs for Weapons of Mass Destruction’.<sup>133</sup>

**381.** An unclassified document based on the NIE was published on 4 October (see Section 4.3).<sup>134</sup>

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<sup>130</sup> Minute Grainger to Ricketts, 4 October 2002, ‘Iraq: Draft Resolution: OP10’.

<sup>131</sup> Minute Brenton to HMA [Washington], 4 October 2002, ‘Iraq: Cheney’s Attitude’.

<sup>132</sup> Manuscript comment Powell on Minute Brenton to HMA [Washington], 4 October 2002, ‘Iraq: Cheney’s Attitude’.

<sup>133</sup> CIA, 1 October 2002, *National Intelligence Estimate, Iraq’s Continuing Programs for Weapons of Mass Destruction*.

<sup>134</sup> CIA, 4 October 2002, *Iraq’s Weapons of Mass Destruction Programs*.

**382.** President Bush used a speech in Cincinnati on 7 October to set out in detail the case for urgent action to disarm Iraq.<sup>135</sup>

**383.** President Bush described Iraq as “a grave threat to peace” and stated that the US was determined “to lead the world in confronting that threat”. Members of Congress and the Security Council agreed that Saddam Hussein was a threat and “must disarm”; the question was how best that could be achieved.

**384.** President Bush stated that the US Administration had “discussed broadly and fully” the nature of the threat and the urgency of action. The threat from Iraq stood “alone” because it gathered “the most serious dangers of our age in one place”. Iraq was “unique” because of its “past and present actions ... its technological capabilities ... the merciless nature of its regime”.

**385.** President Bush set out the main components of that threat, including the US perception of Iraq’s WMD programmes and intent and its ability to deliver such weapons; Saddam Hussein’s potential links to international terrorism; and the need for the US to act to protect itself. The points made included:

- The possibility of Iraq acquiring a nuclear weapon.
- Concerns that Iraq was “exploring ways of using UAVs [Unmanned Aerial Vehicles] for missions targeting the United States”.
- Iraq and Al Qaida (AQ) had “high level contacts that go back a decade”.
- Some AQ leaders who had fled Afghanistan were in Iraq, including “one very senior ... leader” who had “been associated with planning for chemical and biological attacks”.
- “[C]onfronting the threat posed by Iraq” was “crucial to winning the war against terror”. Saddam Hussein was “harboring terrorists and the instruments of terror, the instruments of mass death and destruction”. He could not be trusted and the risk that he would “use them, or provide them to a terror network” was “simply too great”.
- The enemies of the US would be “eager to use biological or chemical, or a nuclear weapon”, and it “must not ignore the threat”: “Facing clear evidence of peril, we cannot wait for the final proof – the smoking gun – that could come in the form of a mushroom cloud.”

**386.** President Bush stated that the danger, from Iraq, could not be addressed “by simply resuming the old approach to inspections”. After eleven years of trying “containment, sanctions, inspections, even selected military action”, Saddam Hussein still had chemical and biological weapons and was “increasing his capabilities to make more”; and he was “moving ever closer to developing a nuclear weapon”.

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<sup>135</sup> The White House, 7 October 2002, *President Bush Outlines Iraqi Threat*.

**387.** President Bush warned the Iraqi regime that it had “an opportunity to avoid conflict” only if it took steps to comply with all its obligations [as set out in Security Council resolutions]. The US hoped the regime would make that choice but it had “little reason to expect it”.

**388.** President Bush also warned the Iraqi regime against attempting “cruel and desperate measures” if it were facing its demise. If Saddam Hussein ordered such measures, his generals would be “well advised to refuse”; “they must understand that all war criminals will be pursued and punished”.

**389.** President Bush stated that waiting to act was “the riskiest of all options”. There could be “no peace” if the security of the US depended “on the will and whims of a ruthless and aggressive dictator”.

**390.** Addressing concerns that regime change could produce instability in Iraq, President Bush concluded that the situation in Iraq:

“... could hardly get worse, for world security and for the people of Iraq ...

“Freed from the weight of oppression, Iraq’s people will be able to share in the progress and prosperity of our time ... the United States and our allies will help the Iraqi people rebuild their economy, and create the institutions of liberty in a unified Iraq ...”

### **JIC Assessment, 10 October 2002**

**391.** The JIC Assessment of 10 October stated that Iraq’s ability to conduct effective terrorist attacks was very limited; and it was “inadequate” to carry out terrorist, chemical or biological attacks outside Iraq.

**392.** The JIC also assessed that Saddam Hussein would use terrorism only in response to a US attack.

**393.** At the request of the FCO, the JIC produced a specific Assessment on 10 October 2002 of the terrorist threat in the event of US-led military action or imminent action against Iraq.<sup>136</sup> That included an assessment of the relationship between Iraq and members of Al Qaida, and how Al Qaida would “use an attack on Iraq as further ‘justification’ for terrorist attacks against Western or Israeli interests”.

**394.** The Assessment stated that Saddam Hussein’s “overriding objective” was to “avoid a US attack that would threaten his regime”, but the JIC judged that in the event of US-led military action against Iraq, Saddam would:

“... aim to use terrorism or the threat of it. Fearing the US response, he is likely to weigh the costs and benefits carefully in deciding the timing and circumstances in

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<sup>136</sup> JIC Assessment, 10 October 2002, ‘International Terrorism: The Threat from Iraq’.

which terrorism is used. But intelligence on Iraq's capabilities and intentions in this field is limited."

**395.** The Key Judgements of the JIC Assessment of 10 October were:

- Saddam's capability to conduct effective terrorist attacks is very limited, especially outside the Gulf region.
- But Iraq will aim to conduct terrorist attacks against Coalition interests and Israel during a military campaign. Terrorism could be attempted against Coalition forces and Gulf States supporting them during a military build-up if Saddam believes an attack is inevitable.
- Saddam will seek to conduct terrorist attacks against UK interests abroad in the event of military action against him. Iraqi attacks within the UK are unlikely.
- No major terrorist group will conduct attacks on behalf of Iraq. But Al Qaida and other Islamic extremists may initiate attacks in response to Coalition military action. Al Qaida will use an attack on Iraq as further 'justification' for terrorist attacks against Western or Israeli interests.
- Iraq's terrorism capability is inadequate to carry out chemical or biological attacks beyond individual assassination attempts using poisons. But Al Qaida or other terrorist groups could acquire a chemical/biological capability from the dispersal of Iraqi material or expertise during a conflict in Iraq or following the collapse of Saddam's regime."

**396.** The Assessment stated that during the 1991 Gulf Conflict, Iraq had "sought (with negligible success) to conduct terrorist attacks against Coalition interests" and that Saddam Hussein's "overriding objective" was to "avoid a US attack that would threaten his regime".

**397.** In the event of US-led military action against Iraq, the JIC judged that Saddam Hussein would:

"... aim to use terrorism or the threat of it. Fearing the US response, he is likely to weigh the costs and benefits carefully in deciding the timing and circumstances in which terrorism is used. But intelligence on Iraq's capabilities and intentions in this field is limited."

**398.** Other key points in the Assessment are set out in the Box below.

**JIC Assessment, 10 October 2002:  
'International Terrorism: The Threat from Iraq'**

**Iraq's capabilities and intentions**

The Assessment stated that:

- Diplomatic and economic restrictions since 1991 had "severely degraded Baghdad's already limited overseas terrorism capability".



- The Directorate of General Intelligence (DGI) had “little reach or capability outside Iraq”.
- There were indications that Saddam Hussein was “trying to rebuild a terrorist capability”, but the willingness of individuals to conduct attacks was “in doubt”.
- There were suggestions of individuals being trained in Iraq for terrorism in the event of a Coalition attack, including “uncorroborated reports” of suicide attackers, but “some of this reporting may reflect aspiration rather than reality”.
- Iraq had the materials for chemical and biological (CB) terrorism but the JIC judged that the overall terrorist capability was “inadequate to carry out CB terrorist attacks outside Iraq other than individual assassinations using poisons”.
- Iraq was “likely to attempt terrorist attacks against military targets during a build up of Coalition Forces” and it was “possible that attacks – or threats – could be directed against regional states affording support to Coalition Forces”.
- Even after hostilities commenced, the expectation of diplomatic options might “restrain any attempt to use terrorism until he [Saddam Hussein] believes collapse of his regime is certain”.
- “In the event of military action”, Saddam Hussein would “seek to conduct terrorist attacks” against the UK’s overseas interests, “especially military forces and diplomatic facilities in the Middle East” and possibly Cyprus; but there was “no intelligence” suggesting specific plans for attacks in the UK. The “experience of 1991 and current intelligence” suggested that Iraq might “seek less well-protected targets overseas, for example South East Asia”.

#### **Al Qaida**

The JIC judged that “**the greatest terrorist threat in the event of military action against Iraq will come from Al Qaida and other Islamic extremists**”; and they would be “pursuing their own agenda”.

The JIC did “**not believe that Al Qaida plans to conduct terrorist attacks under Iraqi direction**”.

The JIC assessed that “US-led military action against Iraq” would “motivate other Islamic extremist groups and individuals to carry out terrorist attacks against Coalition targets”.

Al Qaida had:

“... sought to portray anticipated US-led military operations against Iraq as further confirmation that the US is waging a war on Islam, attracting widespread popular support across the Muslim world and on the Arab ‘street’. Al Qaida could also use the opportunity of a military build up to target Coalition forces in the Gulf.”

The JIC predicted that:

“In the longer term, a Coalition attack may radicalise increasing numbers of Muslims, especially Arabs, and boost support and recruitment for terrorist groups.”

The JIC concluded:

“... the terrorist threat from Al Qaida and other Islamic extremists will increase in the event of US-led action against Iraq. Widespread, sporadic, opportunity attacks are most likely. Major, complex operations would be mounted by Al Qaida only if the timing of military action coincides with culmination of their longer-term attack plans.”

### **Iraq's links with Al Qaida**

The Assessment stated that:

- There had been “sporadic links between Al Qaida and the Iraqi regime since at least the early 1990s”.
- Saddam Hussein’s attitude to Al Qaida had “not always been consistent”; he had “generally rejected suggestions of co-operation”.
- “Intelligence nonetheless indicates that [...] meetings have taken place between senior Iraqi representatives and senior Al Qaida operatives.”
- “Some reports also suggest that Iraq may have trained some Al Qaida terrorists since 1998.”
- “Al Qaida has shown interest in gaining chemical and biological expertise from Iraq, but we do not know whether any such training was provided.”
- There was “no intelligence of current co-operation between Iraq and Al Qaida”.
- There was intelligence on an Al Qaida presence in Iraq.
- Abu Musab al-Zarqawi, “a prominent Al Qaida associated operational planner, was in Baghdad” and appeared “to act with a considerable degree of autonomy”. It was “possible that he could be acting independently of the senior Al Qaida leadership”.
- In addition, there were “a number of Al Qaida extremists (possibly in the hundreds)”, “linked to al-Zarqawi”, in the Kurdish Autonomous Zone (KAZ) in northern Iraq. Some were “involved in development and production of CB substances at a facility near Halabjah, within a base run by the Kurdish extremist group **Ansar al-Islam** (associated with Al Qaida).”
- There was “no evidence of control” by the Iraqi regime over either Ansar al-Islam or the Al Qaida elements in the KAZ.

### **Iraq's links with other terrorist groups**

Senior Iraqi Government officials had “sought to establish contact with **Hizballah**” in the summer of 2002, but “those approaches were rejected”; Hizballah would “not respond in any way that might be perceived as support for Saddam”.

There had also been Iraqi “attempts to increase co-operation” with “major **Palestinian terrorist groups**”. The JIC assessed that they would remain preoccupied with events in Israel and the Occupied Territories; and that they would “be influenced more by Iran and Syria – who want to avoid antagonising the US – than by Saddam”. Individual Palestinian terrorists and groups under Saddam Hussein’s influence had “limited capabilities, but could mount small scale attacks”.

## **JIC ASSESSMENT, 16 OCTOBER 2002: ‘INTERNATIONAL TERRORISM: THE CURRENT THREAT FROM ISLAMIC EXTREMISTS’**

**399. A further JIC Assessment, ‘International Terrorism: The Current Threat from Islamic Extremists’, was produced on 16 October 2002.**

**400.** In the light of recent terrorist attacks, including an attack on a French supertanker off Yemen on 6 October, an attack against US Marines in Kuwait on 8 October and the

bombings in Bali on 12 October, a JIC Assessment of the current threat from Islamic extremists was produced at short notice on 16 October.<sup>137</sup>

**401.** Mr Campbell wrote on 15 October that the question of “how can we do terrorism and Iraq” was “growing”, and that Mr Blair was “keen to build argument that they were part of the same coin”.<sup>138</sup>

**402.** The minutes of the JIC discussion on 16 October record that the draft Assessment focused “on the areas of greatest current concern and presented a rather sombre picture”.<sup>139</sup> The final Assessment could “bring out the changing nature ... of the threat to the UK, especially CBW attacks”. There was “a huge amount of intelligence and a kaleidoscope of ghastly possibilities, but it was important to balance that with the aspirational nature of much of the planning – not all threats came to fruition”.

**403.** The Assessment addressed the overall threat posed by AQ and other Islamic extremists. In relation to the UK and US interests, the JIC judged that: “Many known threats to Western interests include US interests as a target. Planning and preparation for attacks in the UK itself is probably also in progress. There is a continuing risk of displacement from hardened US targets to the UK, UK interests and other Western interests.”<sup>140</sup>

**404.** The JIC assessed that AQ was “also intent on attacking US allies, especially the UK; and [...]. Intelligence on attacks against US interests often includes UK interests as a parallel or secondary target.”

**405.** The Assessment stated that an AQ network based in northern Iraq was interested in the use of toxic chemical and biological materials, based on techniques learned in Afghanistan, but also wished to mount conventional operations.

### **JIC Assessment, 11 October 2002**

**406.** The JIC assessed on 11 October that Saddam Hussein was determined to retain Iraq’s proscribed weapons programme and that he was confident he could prevent the UN inspectors, operating under existing UN resolutions, from finding any evidence before military options started to close in spring 2003.

**407.** Without specific intelligence, the inspectors would not know where to look.

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<sup>137</sup> JIC Assessment, 16 October 2002, ‘International Terrorism, The Current Threat from Islamic Extremists’.

<sup>138</sup> Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

<sup>139</sup> Minutes, 16 October 2002, JIC meeting.

<sup>140</sup> JIC Assessment, 16 October 2002, ‘International Terrorism, The Current Threat from Islamic Extremists’.

**408. As military pressure increased, Iraq’s concealment policy could be undermined by the requirement to prepare hidden “chemical and biological missile systems for military deployment”.**

**409.** The JIC had assessed, most recently on 21 August, that Saddam Hussein would permit the return of weapons inspectors if he believed the threat of large scale military action was imminent. The JIC had also assessed that he would seek to frustrate the activities of the inspectors.

**410.** At the request of the Cabinet Office (OD Sec), the JIC assessed Iraq’s attitude and approach to dealing with the return of UN weapons inspectors and its concealment policy.<sup>141</sup>

**411.** The minutes of the JIC discussion of the draft Assessment on 9 October recorded:

- Iraq was “very confident” about its concealment policy and “had put a lot of effort into ensuring that inspectors would not find anything”.
- “UNMOVIC still had no information about suspect sites and without specific intelligence, it would be impossible for them to know where to start looking.”
- “A tougher, penetrative [inspections] regime backed by a good intelligence flow from inside Iraq, would therefore be absolutely central to success”.
- “... as military pressure increased, the point would come when concealment would make it impossible” for Iraq to “prepare for weaponisation”.<sup>142</sup>

**412.** The JIC’s Key Judgements were:

- Saddam is determined to retain Iraq’s proscribed weapons programmes. He is confident that he can prevent UNMOVIC, operating on the basis of existing UNSCRs, from finding any evidence before military options start to close off in spring 2003.
- Concealment and dispersal of sensitive items are the main elements of Iraq’s strategy for dealing with UNMOVIC. The inspectors are hampered by poor preparedness and a lack of intelligence, so far, to guide them.
- Saddam will probably accept a new UN resolution. If inspections are conducted under a tougher regime, and if specific intelligence on WMD locations is forthcoming in response to clear US determination to topple Saddam, UNMOVIC might find evidence of Iraq’s WMD programmes.
- In the short-term, we do not expect a repeat of the blatant Iraqi policy of intimidation and obstruction that UNSCOM encountered. Widespread Iraqi obstruction would be seen as too obvious a challenge to the authority of the UN. But if inspectors come close to uncovering evidence of WMD, Iraq will employ a wide range of tactics to delay their work.

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<sup>141</sup> JIC Assessment, 11 October 2002, ‘Iraq: The Return of UN Inspectors’.

<sup>142</sup> Minutes, 9 October 2002, JIC meeting.

- Iraq will use all diplomatic efforts, backed by its economic leverage on its neighbours, to undermine political support for a continuation of the inspections and sanctions.”<sup>143</sup>

**413.** Details of the Assessment are set out in the Box below.

### **JIC Assessment, 11 October 2002: 'Iraq: The Return of UN Inspectors'**

The Assessment stated that Saddam Hussein's decision to agree to the return of weapons inspectors on 16 September appeared “to have been driven by a serious wish to avoid a new, strong UN Security Council resolution”.

#### **Overall strategy**

Intelligence indicated that Saddam Hussein was “determined to retain Iraq's weapons of mass destruction”, which he considered “to be a key part of Iraq's regional political and military power. He was “adamant that UN weapons inspectors should not be allowed to find and destroy the WMD capability that Iraq has been able to develop further in the four years since UNSCOM left in 1998”.

Iraq was “confident” that it could “ensure the inspectors, acting under the terms of existing UNSCRs”, would “not be able to find anything when they return and that Iraq will retain its proscribed weapons programmes”.

Iraq's tactics would be:

“... guided principally by the need to avoid military action which would threaten Saddam's regime. Whilst there is a credible military threat, Iraq is likely to co-operate with the inspectors and present them with sanitised sites, the result of a programme of concealment and deception. This will be backed by a political effort to focus the inspection issue on as narrow a programme as possible (in scope, geography and time). Iraq will continue to pursue a 'comprehensive solution' and argue for unwarranted interim 'rewards', such as softening of sanctions or the No-Fly Zones for early reasonable behaviour.”

The JIC judged that:

“Iraq's obstruction may initially be limited, for fear of provoking early US military action, but that Saddam will incrementally test the extent to which the international community retains the political will to enforce Iraqi disarmament. [...] Iraq's Deputy Prime Minister Tariq Aziz is confident that it will be easier to delay the inspectors once they arrive in Iraq.”

#### **Practical arrangements for the return of the inspectors**

Under the provisions of resolution 1284 (1999), UNMOVIC would submit a work programme for UN approval 60 days after inspections began. It would then have 120 days after being able to establish monitoring and verification to confirm co-operation by Iraq: “Possibly by the end of July/Sept[ember] 2003”.

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<sup>143</sup> JIC Assessment, 11 October 2002, 'Iraq: The Return of UN Inspectors'.

Discussions with UNMOVIC revealed concerns focused on “the limited technical knowledge of the sites and equipment to be inspected and poor quality of some inspectors”. Dr Blix and the IAEA had “also expressed concerns about the lack of reliable information currently available to them”. Dr Blix “would prefer to have any new UNSCR agreed before the inspectors return[ed] to Iraq”. To be effective “he needed:

- authority (including ability to freeze sites);
- practical arrangements including regional bases;
- a supporting threat (from the UN Security Council rather than forces on the ground);
- information on where to look.”

The Assessment stated that, “despite its public statements”, Iraq “would reluctantly judge it had to accept” a new Security Council resolution:

“International pressure to do so would be overwhelming and rejection would trigger military action to overthrow the regime. A further round of technical talks might be required to take account of a new UNSCR. [...] Saddam may lose patience at the constant pressures ... and refuse to co-operate. A resolution with such stringent conditions that it threatened Iraq’s sovereignty or the regime’s confidence in its concealment policy would clearly increase the likelihood of such a refusal. On balance, however ... Iraq is likely to accept a new resolution, play for time and rely on concealment to deal with inspections.

“In the short term, we do not expect the same level of intimidation and obstruction that UNSCOM encountered. But a policy of deniable obstruction is likely, where problems at individual inspection sites are blamed on over-zealous local Iraqi officials, avoiding too obvious a challenge to the authority of the UN. However, we cannot rule out a mistake by Saddam that would result in a serious breach of UNMOVIC’s mandate and bring about the military attack he seeks to avoid.”

#### **Concealment tactics**

“A body of intelligence” indicated that “concealment and dispersal of sensitive items” were “the main planks of Iraq’s strategy to deal with the return of weapons inspectors”. Saddam Hussein had “reportedly taken into account the experience gained during the UNSCOM inspections” and believed he could “exploit weaknesses in the inspections regime” in resolution 1284.

The JIC stated:

“Iraq’s current preparedness to be flexible on access to these sites [presidential palaces as defined in a 1998 MOU [Memorandum of Understanding] between Iraq and the UN] should be seen in the light of this intelligence. Qusay [Saddam Hussein’s son] also instructed that the production of sensitive materials be moved to other secret locations. We have little intelligence on these locations and Blix has expressed his concern at this weakness.”

Iraq’s concealment efforts were “widespread”; Iraq had “had time to prepare”; and stocks of chemical and biological weapons would be “considerably smaller than after the Gulf War”. Intelligence showed that:

“... steps were being taken to prevent weapons inspectors from finding any prohibited weapons, sensitive papers and documents, including by hiding them in residential



buildings, schools and private homes. Duplicate and non-essential papers had been destroyed and the remaining archives had been split up and hidden in the homes of trusted officials. In the absence of specific intelligence, the prospects of successfully finding illicit material at such sites is very limited ... Iraq will use widespread media coverage to exploit any UNMOVIC failures to find anything of significance at any sites, including presidential palaces, to undermine public opinion in the need for inspections. Iraq is likely to seek to move the onus of responsibility away from it having to prove its compliance onto the inspectors to justify their activity.”

Iraq was “exploiting dual-use sites and mobile production facilities” and reporting indicated that it was “confident that any inspection of dual-use facilities” would be “unsuccessful”: the equipment could be used for legitimate purposes “and any incriminating raw material or prohibited product would be removed before any inspection”. Iraq had:

“... developed transportable biological production facilities with the intention of not only making it harder to target them but also difficult to find them. Iraq may also have dispersed stocks of chemical and biological weapons away from suspect sites to avoid detection. Intelligence indicates that Iraq has explored unorthodox options for delivering chemical and biological weapons which means the weapons inspectors will have difficulty knowing what to look for.”

Iraq was “confident in its concealment plans”:

“The fact that Saddam is prepared, temporarily, to allow sensitive equipment out of his ‘immediate’ control, indicates the importance he attaches to retaining chemical and biological weapons and ballistic missiles.”

Commenting on Iraq’s repeated statements that it had “nothing to declare and no documents to reveal”, the Assessment stated:

“... the longer inspectors remain in Iraq the greater the likely impact on Iraq’s development programmes. UNMOVIC are more likely to come up with evidence of proscribed activity at Iraq’s missile facilities than those associated with the chemical, biological and nuclear programmes. We judged that production could continue at a much reduced level whilst inspectors were in-country. As the military pressure against Iraq increases, its concealment policy could be undermined by the Iraqi requirement to prepare its hidden stocks of chemical and biological missile systems for military deployment.”

### **Prospects for concealment**

The JIC judged that Iraq’s “emphasis on concealment and the limited capabilities of UNMOVIC” meant that:

“... without additional guidance to UNMOVIC, there is a serious risk that Iraq could prevent inspectors from finding conclusive evidence of its WMD programmes before military options start to close off in spring 2003. Nonetheless, Iraq’s concealment policy will face some challenges. Inspections conducted under a tougher regime than allowed for under UNSCR 1284 could, for example, allow interviews to be conducted without an intimidating Iraqi presence, increasing the prospects for obtaining incriminating evidence. And the changed political context, including the clear determination of the US to bring about regime change, may itself encourage a greater intelligence flow, which could enable UNMOVIC to discover substantive evidence of Iraq’s WMD programme.”

## Differences between the US, the UK, France and Russia remain unresolved

**414.** Following discussions with Mr Blair, President Putin stated on 11 October that he supported an effective inspections regime but questioned whether there was evidence that Iraq had any weapons of mass destruction.

**415.** In preparation for Mr Blair's meeting with President Putin, the FCO advised that Russia was negotiating but its position was that there was no need for a new resolution.<sup>144</sup> It was unlikely to agree a resolution which would allow military action without further reference to the Security Council. The FCO suggested Mr Blair would wish to:

- “major on Iraq”;
- reassure President Putin that the overriding objective was “to remove WMD from Iraq and therefore to ensure the inspectors have a means of doing so”, and that we would “continue to take full account of Russian views”; and
- say that if military action became “inevitable”, the long-term stability of Iraq would be “a key consideration”.

**416.** Mr Blair met President Putin on 10 and 11 October.<sup>145</sup>

**417.** President Putin emphasised that action against Saddam Hussein should be channelled through the UN.

**418.** Mr Blair and President Putin also discussed the political and economic constraints, including the effect on Russia of a reduction in the price of oil if Saddam Hussein were overthrown and the supply of Iraqi oil on the world market increased.

**419.** In the subsequent joint press conference President Putin stated that he agreed the “need to take into account the experience of the work done by the UN inspectors” and “to take a decision to ensure the effective operation of the UN inspectors”.<sup>146</sup> For the first time, President Putin added:

“With this purpose we don't exclude ... the possibility of adopting a UN resolution.”

**420.** Asked what he thought about the UK dossier, President Putin replied:

“Russia does not have in its possession any trustworthy data which would support the existence of nuclear weapons or any weapons of mass destruction in Iraq and we have not received from our partners such information as yet.

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<sup>144</sup> Letter Davies to Manning, 8 October 2002, ‘Prime Minister's Visit to Russia, 10-11 October 2002’.

<sup>145</sup> Letter Manning to McDonald, 12 October 2002, ‘The Prime Minister's visit to Moscow on 10/11 October: Iraq’.

<sup>146</sup> *The Guardian*, 11 October 2002, *Russian rebuff for Blair over Iraq*.

“This fact has also been supported by the information dispatched by the CIA to the US Congress.

“We do have apprehensions that such weapons might exist on the territory of Iraq and this is precisely why we want to see to it that United Nations inspectors should travel there.”

**421. France remained opposed to a resolution which permitted military action without an explicit decision by the Security Council.**

**422.** On 5 October, Mr Straw and Mr Blair discussed the need to induce France to move.<sup>147</sup> Mr Blair said that he would speak to President Chirac after President Bush had done so.

**423.** Following discussions between Sir David Manning and Dr Rice,<sup>148</sup> and his own discussions with Secretary Powell and Mr de Villepin, Mr Straw told Mr de Villepin in a meeting in Paris on 7 October that he had listened to two telephone conversations between Mr Blair and President Bush in which the President had said he wanted to solve the problem peacefully.<sup>149</sup> Mr Straw said he “believed him [President Bush]”. Mr Straw encouraged Mr de Villepin to get President Chirac to talk to President Bush.

**424.** Sir Jeremy Greenstock reported on 7 October that:

“... under the pressure of the unmistakable determination of Washington to resort to force unless Saddam throws in the towel completely, is the growing focus amongst other members of the Council, not on avoiding war, but on preserving the authority of the UN. It is therefore quite possible that a large majority in the Council would go along with a package which (a) adopted a first resolution which did not (not) specifically prefigure a second one to authorise force; and (b) gave the Council a chance to pass an authorising resolution even if the Americans were going to go ahead anyway.

“... This could be done by drafting the two resolutions at the same time ...”<sup>150</sup>

**425.** Sir Jeremy offered some suggestions.

**426.** In a conversation on 9 October, Sir David Manning told Mr de La Sablière:

“... we did not envisage taking military action if there were one isolated act of stupidity. The test would be whether there was a pattern of obstruction or deceit ... Washington realised that the Council would need to review the position and decide

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<sup>147</sup> Minute Manning to Wechsberg and Rycroft, 6 October 2002, ‘Prime Minister’s Conversation with Foreign Secretary on 5 October’.

<sup>148</sup> Letter Manning to McDonald, 8 October 2002, ‘Iraq: Conversation with Condi Rice’.

<sup>149</sup> Telegram 254 Cairo to FCO London, 8 October 2002, ‘Iraq: Foreign Secretary’s Meeting with French Foreign Minister, Paris 7 October’.

<sup>150</sup> Telegram 1924 UKMIS New York to FCO London, 7 October 2002, ‘Iraq: Security Council Resolution(s)’.

what to do next. And this was the solution to the French worry about automaticity. In practice, we all knew that if Blix were unable to do the job, the Security Council would have to meet to consult. There was thus bound to be a second stage in the UN process ...”<sup>151</sup>

**427.** Sir David suggested that the resolution might say something to the effect that the Security Council “would consult and decide”. He told Mr de La Sablière that the “time had come” to “talk seriously about texts ... We needed to find a way through quickly. The price of failure would go well beyond the immediate Iraq crisis. It would strike at the viability of the UN itself.”

**428.** Sir David also discussed the points with Dr Rice, who told him that President Bush and President Chirac were due to speak later that day.<sup>152</sup>

**429. FCO Legal Advisers considered that the draft resolution would not authorise the use of force.**

**430.** In response to a request from Mr Edward Chaplin, FCO Director Middle East and North Africa, for his views on a further draft of the resolution, which stated that if Iraq failed to comply fully with its obligations it would “bear full responsibility for the serious consequences” that would follow, Mr Grainger advised on 11 October that “even read in the context of the rest of the draft” that provision “would not in itself authorise the use of force”.<sup>153</sup>

**431.** Mr Grainger was concerned that the draft did not use the language of material breach of resolution 687 (1991): “This point is crucial, as it is only a material breach of the cease-fire terms which permits the revival argument.”

**432.** Mr Grainger added: “If our objective is that the resolution itself authorises the use of force”, amendments would be needed and even then the resolution would need to be looked at as a whole and in the light of any statements made at the time it was adopted.

**433.** Mr Grainger also raised a question about whether the finding that Iraq was in material breach of OP1 of the draft resolution could be relied on “in current circumstances” to justify the use of force. That would be “difficult to maintain when the [other] provisions ... indicate that the Council is itself taking the responsibility of setting out the steps Iraq must follow to remedy those breaches”.

**434.** Mr Grainger warned that the addition of language suggested by Sir Jeremy Greenstock, to the effect that the Council had decided to “remain fully seized of its responsibility”, would in his view have the effect of making it “even clearer that the Council was not authorising the use of force”.

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<sup>151</sup> Letter Manning to McDonald, 9 October 2002, ‘Iraq: Conversation with Jean-Marc de La Sablière’.

<sup>152</sup> Letter Manning to McDonald, 9 October 2002, ‘Iraq: Conversation with Condi Rice’.

<sup>153</sup> Minute Grainger to Chaplin, 11 October 2002, ‘Iraq: Latest US Compromise’.

**435.** In conclusion, Mr Grainger wrote:

“What we say to the French as a tactical ploy is one thing, but we should be under no illusion that the use of force solely on the basis of the first resolution as currently drafted would be unlawful.”

**436. Reporting major difficulties with the negotiations, Sir Jeremy Greenstock proposed a way of bridging the gap between the US, UK and French positions by making the UK’s expectation of a second resolution authorising force implicit rather than explicit.**

**437.** In a telegram to Mr Straw late on 11 October, Sir Jeremy Greenstock advised that Mr Straw’s visit to Washington was “an opportunity to get a firm message across to the Americans about UK requirements”, and offered “some thoughts about turning our need for UN legal cover into virtue”.<sup>154</sup>

**438.** Sir Jeremy advised: “The French/US standoff is looking unresolvable. It places the UK in a very difficult situation.”

**439.** Sir Jeremy calculated that the US “could not get nine positive votes for a first-stage resolution that appeared to authorise US military force”. Norway and Bulgaria would be the only two countries which could be counted on to vote with the US and UK; but “only if some of the excesses” in the draft provisions on the inspections regime were “trimmed”. There could be seven abstentions.

**440.** Sir Jeremy predicted:

“Even if they [the US] managed to find a text which attracted nine votes, it would leave the inspection regime in a weak position and Iraq somewhat comforted. More to the legal point, many members of the Council ... could be expected to make explanations of vote stating that they regarded it as essential for the Council to meet to take a decision on any report of significant Iraqi non-co-operation.”

**441.** Sir Jeremy reported that he was concerned that Secretary Powell thought he had nine votes for a first stage resolution that would satisfy the US. His judgement was that Mr de Villepin’s calculation was more accurate. Mr Annan agreed.

**442.** Addressing the question of where that left the UK, Sir Jeremy wrote:

“We have to ensure that decisions taken by ... [the UK Government] conform with international law, as you [Mr Straw] and the Prime Minister have made clear publicly. A first resolution which falls short of explicit or implicit authorisation of the use of force would, I assume be insufficient as a basis for UK military action, depending of course on the circumstances and the final advice of the Law Officers. I have seen no

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<sup>154</sup> Telegram 1955 from UKMIS New York to FCO London, 11 October 2002, ‘Iraq: Security Council Resolution’.

indication that we have Self-Defence grounds for military action. We need a second resolution if the first does not do the job; or at the very least we need to ... point to a clear Council failure to face up to its responsibilities.

“If this is the case, there is a way of making a virtue out of necessity. If the Americans jib at the need for a second resolution, the UK does not have to. If we stated clearly and publicly ... that we would expect the Council to meet to discuss any significant Blix report of non-co-operation, and we ... would want to hear Council views about that, we would be providing a bridge between the US and French positions.”

**443.** Sir Jeremy explained:

“The US would not have expressed a commitment [to a second resolution], but the rest of the Council would know that a second stage was inevitable, in practice even for the US unless the latter decided, improbably, to go for unilateral military action before Blix had reported ...

“If we were to make this signal about future Council action, it would add strength to our approach if it was we who put a second-stage resolution on the table ...”

**444.** Sir Jeremy concluded:

“We should in this way have put our money where our mouth is with the Americans; we would solve a problem for them; we would have found a constructive way of telling them that we could not go with them on a unilateral route; and we should have enhanced our legal cover for the use of force.”

**445.** Sir Jeremy offered to discuss the telegram with Mr Straw on 14 October before he (Mr Straw) left for Washington.

**446.** There is no record of any discussion.

**447.** The telegram was also sent to Sir David Manning and British Ambassadors in Washington, Paris and Moscow.

**448.** Sir Christopher Meyer advised on 11 October that President Bush was the prime mover for US policy on Iraq and he believed war would be necessary to eliminate Saddam Hussein. With Congressional authorisation to use force, he was likely to become “increasingly impatient and tough with the Security Council” and US and UK views on what exhausting the UN process meant could diverge.

**449.** Sir Christopher also questioned whether there would be an “intolerable contradiction” between the preferred military timetable and that for inspections.

**450.** If there was no agreement in New York and the US was faced with acting alone, the UK’s position might have a decisive effect on President Bush’s decision.



**451.** Sir Christopher Meyer sent a telegram to Mr Straw later on 11 October.<sup>155</sup> He wrote that President Bush wanted:

“... to be rid of Saddam. He is the prime mover of US policy. He believes that this can be done in the end only by war. To eliminate the danger presented by Iraqi WMD is to eliminate Saddam. Anything short of that, including highly intrusive inspections backed by a new SCR, will not do the trick. Inspections are a tripwire for war.”

**452.** Sir Christopher advised that President Bush was “intensely suspicious of the UN”, and in an:

“... ideal world, he would be on his way now to Baghdad, with a little assistance from the British and a handful of regional helpers. This is why he is eternally susceptible to those like Cheney and Rumsfeld who think coalition-building is of limited utility and inspections a waste of time (thus their attempt to insert in the UNSCR a pre-inspections tripwire in the requirement for Saddam to make a declaration of his WMD holdings).”

**453.** Sir Christopher wrote that his analysis was “a little different” from his advice before Mr Blair’s visit to Camp David in early September: “the forces arguing for more haste, less speed have gathered some strength, sharpening dilemmas for the White House”.

**454.** Sir Christopher reported that President Bush had “bought the argument that it is worth trying to maximise international support by giving the Security Council one last chance”. That argument had “got stronger as the Administration started to focus ... on ‘day after’ issues: it is one thing to go to war without ... UN cover, quite another to rule Iraq indefinitely without UN backing”.

**455.** The polls were telling the White House that “Americans are far happier about going to war if they do so in company and under UN cover”. President Bush was “well aware of the British political debate”. Sir Christopher reported that he had been told by Mr Scooter Libby, Vice President Cheney’s Chief of Staff, that “the UK was the only indispensable ally for an attack on Iraq”. President Bush’s “rhetoric has been less inflammatory and he has soft-pedalled on regime change”. That had “helped him get, by large majorities, the Congressional resolutions which as near as dammit give him a free hand in Iraq”. With that behind him, the President was likely to become “increasingly impatient and tough with the Security Council”.

**456.** Sir Christopher warned that if there was no progress in discussions with the French, “patience could start to expire next week”; and that:

“As I have previously warned, the US and UK’s views of what exhausting the UN process means could suddenly diverge.”

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<sup>155</sup> Telegram 1326 Washington to FCO London, 11 October 2002, ‘US/Iraq: Will the President go to War’.

“Most people in Washington see two scenarios, each leading to war: Security Council discussions collapse without agreement, in which case the UN will – in Bush’s eyes – have failed the key test; or Saddam flouts a new UN resolution on WMD declarations/inspections, thereby bringing the full force of the international community to bear.

“The big worry for the hardliners is a third way: that Saddam appears to ... take ‘yes’ for an answer. If Saddam is clever, he will give UNMOVIC and the Security Council no cause for complaint for months to come, until the US becomes enmeshed in the 2004 presidential election campaign.”

**457.** Sir Christopher added:

“Assuming we can get past the current US/French impasse ... the next argument will therefore be over the trigger. The White House claims to agree with us that there would have to be a pattern of non-co-operation to provide a casus belli: I do not think ... this is bankable. An important point for you to discuss with [Secretary] Powell is whether ... mobilisation has reached such a point that there is an intolerable contradiction between the preferred military timetable and Blix scouring Iraq for months on end.”

**458.** Sir Christopher concluded:

“We are not yet at the moment of truth when the irresistible force meets the immovable object ... I appear to be in a minority of one in thinking if it all goes wrong in New York, and the US is faced with going it alone, Bush may blink. Or, to put it another way, what the UK decides to do in these circumstances could be the decisive factor in the White House.”

**459.** Sir David Manning showed the telegram to Mr Blair, commenting: “Good tel[egram] on Bush: prejudices and pressures – and continued importance of UK to him.”<sup>156</sup>

**460.** Mr Straw spoke to both Mr de Villepin<sup>157</sup> and Secretary Powell<sup>158</sup> on 12 October. The discussions focused primarily on the difficulties with OP10.

**461.** Mr Straw also spoke to Mr Tang Jiaxuan on 13 October to discuss progress.<sup>159</sup>

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<sup>156</sup> Manuscript comments Manning to Prime Minister on Telegram 1326 Washington to FCO London, 11 October 2002, ‘Your Visit to Washington’.

<sup>157</sup> Telegram 220 FCO London to Paris, 12 October 2002, ‘Iraq: Foreign Secretary’s Conversation with French Foreign Minister, 12 October’.

<sup>158</sup> Telegram 535 FCO London to Washington, 12 October 2002, ‘Iraq: Foreign Secretary’s Conversation with US Secretary of State, 12 October’.

<sup>159</sup> Telegram 550 Beijing to FCO London, 14 October 2002, ‘Iraq: Foreign Secretary’s Conversation with Chinese Foreign Minister’.

## US Congressional authorisation for the use of force

On 10 and 11 October, the House of Representatives and the Senate passed a joint resolution authorising the use of military force against Iraq.<sup>160</sup>

The resolution expressed support for President Bush's efforts:

“to –

- (1) strictly enforce through the United Nations Security Council all relevant ... resolutions regarding Iraq and encourages him in those efforts; and
- (2) obtain prompt and decisive action by the Security Council to ensure that Iraq abandons its strategy of delay, evasion and non-compliance and promptly and strictly complies with all relevant ... resolutions ...”

It also authorised President Bush to:

“use the Armed Forces of the United States as he determines to be necessary and appropriate to –

- (1) defend the national security of the United States against the continuing threat posed by Iraq; and
- (2) enforce all relevant United Nations ... resolutions ...”

Signing the joint resolution on 16 October, President Bush stated that it symbolised the united purpose of the nation and expressed the considered judgement of Congress.<sup>161</sup> Congress had authorised the use of force but he had not ordered that use, and he hoped that would not become necessary.

President Bush added that confronting the threat from Iraq was:

“... necessary, by whatever means that requires. Either the Iraqi regime will give up its weapons of mass destruction, or, for the sake of peace, the United States will lead a global coalition to disarm that regime ...

“The Iraqi regime is a serious and growing threat to peace ... [T]he regime is armed with biological and chemical weapons, possesses ballistic missiles, promotes international terror and seeks nuclear weapons ...

“If Iraq gains even greater destructive power, nations in the Middle East would face blackmail, intimidation or attack. Chaos in that region would be felt in Europe and beyond. And Iraq's combination of weapons of mass destruction and ties to terrorist groups and ballistic missiles would threaten the peace and security of many nations. Those who choose to live in denial may eventually be forced to live in fear.”

President Bush also called on the members of UN to meet the challenge:

“Every nation that shares in the benefits of peace also shares in the duty of defending the peace. The time has arrived once again for the United Nations to live up to the purposes of its founding to protect our common security ...”

<sup>160</sup> Almanac of Policy Issues, 15 October 2002, *Congressional Resolution Authorizing Force Against Iraq*.

<sup>161</sup> The White House, 16 October 2002, *President Signs Iraq Resolution*.

President Bush stated that Iraq had an obligation to comply with the world's demands. He added:

- Failure to provide “an accurate and full and complete accounting for all chemical, biological and nuclear materials, as well as missiles and other means of delivery ... would be further indication of the regime’s bad faith and aggressive intent”.
- New and effective rules were needed for inspections which Iraq “must accept ... without qualification or negotiation”.
- The regime must allow witnesses to be interviewed outside Iraq and take their entire families with them.

President Bush emphasised that the US was seeking to liberate and free Iraq and its people. When it had “a government committed to the freedom and well-being of its people”, the US and other nations would “share a responsibility to help Iraq reform and prosper”. He pledged that the US would meet those responsibilities.

President Bush concluded:

“... those risks only increase with time. And the costs would be immeasurably higher in years to come.

“To shrink from that threat would bring a false sense of temporary peace ...

“The terrorist attacks of last year put our country on notice ... This nation will not live at the mercy of any foreign power or plot. Confronting grave dangers is the surest path to peace and security ...

“The broad resolve of our government is now clear to all ... We will defend our nation, and lead others in defending peace.”

**462. On 14 October, Mr Blair and President Bush discussed progress on the draft resolution and the need to find common ground with France.**

**463. Mr Blair told President Bush that if, in the event of a breach there were no action in the UN, the US and UK should take action.**

**464.** Following a conversation with Dr Rice on 12 October, Sir David Manning reported that discussions between the US and France were continuing but the US Administration was determined to resolve the wording of the resolution the following week.<sup>162</sup> He and Dr Rice also discussed:

- Dr Blix’s insistence on independence and legitimacy and the need to ensure he did not underestimate the tricks Saddam Hussein would play and the efforts he would make to obstruct the inspectors.
- Whether Saddam Hussein might refuse to allow the inspections to go ahead which “would be a casus belli”. The regime might collapse once rigorous inspections were taking place.

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<sup>162</sup> Letter Manning to McDonald, 12 October 2002, ‘Iraq: Conversation with Condi Rice’.

**465.** Sir David replied that the last “would be ideal” and reported: “To my surprise, Condi warmly agreed.”

**466.** Sir David commented that he had been left in little doubt that Washington’s patience was “wearing very thin”. He added that he had been struck by Dr Rice’s:

“... comment on the possible collapse of Saddam’s regime. Perhaps, even in the White House there is now a faint sense of disquiet about what a military campaign against Iraq, and its subsequent occupation, would involve. Long shot though it may be, the thought that the Iraqis might do the job themselves may seem increasingly attractive.”

**467.** Sir David Manning advised Mr Blair that a resolution was needed that week and the UK should:

- insist on material breach language in OP1;
- get the tightest inspection regime it could negotiate in OP5, taking account of Dr Blix’s legitimate concerns;
- look for language in OP10 that balanced commitment to consult with commitment to act; and
- consider pre-negotiating a second resolution which committed everyone to action “when Saddam is in breach” as a way through the “current impasse”.<sup>163</sup>

**468.** Mr Blair spoke to President Bush on 14 October.

**469.** The conversation on Iraq focused primarily on the progress of the discussions on the draft UN resolution, including the need to find common ground with France and to take action if the UN did not respond.<sup>164</sup>

**470.** Referring to the “Kosovo model”, Mr Blair said that it would allow a return to the Security Council for a further discussion in the event of a breach but it was clear that “if there were no UN action then we would take action ourselves”.

**471.** Mr Blair also underlined the importance of OP5; the key was for Saddam Hussein not only to allow inspectors in but also to co-operate fully with them and tell the truth about Iraq’s WMD holdings.

**472.** Commenting on President Bush’s public line that war was his last choice, Mr Blair said that had registered in Europe. They also discussed the possibility that the issue could be resolved peacefully. A tough inspections regime could embolden dissidents “a la Romania”. Mr Blair agreed that war was not inevitable but disarmament was; either through UN inspections or through enforcement.

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<sup>163</sup> Minute Manning to Prime Minister, 14 October 2002, ‘Bush Call’.

<sup>164</sup> Letter Rycroft to Sedwill, 14 October 2002, ‘Iraq: Prime Minister’s Phone Call with Bush’.

**473.** Following the discussion, Mr Rycroft commissioned further advice on the conditions the US would want to impose on inspections.

**474. France continued to pursue an explicit Security Council decision on any measures against Iraq, including military action.**

**475.** France produced revised language in New York on 14 October which proposed that, in the event of a report from UNMOVIC or the IAEA of any serious failure by Iraq to comply with its obligations, the Security Council would meet to decide any measure, including the use of force.<sup>165</sup> Sir Jeremy Greenstock judged that was unlikely to be acceptable to the US.

**476.** Mr Ricketts advised Mr Straw that the French proposal was the first time that they had been willing to engage in textual discussion and that should be encouraged.<sup>166</sup>

**477.** Mr Ricketts wrote that the US was considering seeking text which would decide that the Council should meet to assess how to meet its responsibility for international peace and security; and that Iraq would bear responsibility for the consequences. If that proved acceptable to the US, Mr Ricketts thought that implied a second Council decision and would “put us in the position of needing a second resolution: and therefore potentially at odds with the US at a later stage. But that is implicit in the Greenstock approach.”

**478. No.10 officials discussed the position with Lord Goldsmith on 14 October.**

**479. The advice prepared for Lord Goldsmith focused on the implications of a failure to secure a resolution authorising the use of force.**

**480. It included the possibility of action in “exceptional circumstances” without a Security Council resolution, if it “was evident to and generally accepted by the international community as a whole” that Iraq had repudiated the cease-fire and military force was the only way to secure compliance.**

**481.** Lord Goldsmith met Sir David Manning and Baroness Morgan to discuss Iraq on 14 October 2002.<sup>167</sup>

**482.** The briefing note prepared for Lord Goldsmith advised him that the “French and Russians” were “insisting on a two resolution approach” whereas the Americans were “dead against”. There appeared to be a “stalemate” in the discussions, “with neither the

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<sup>165</sup> Telegram 1963 UKMIS New York to FCO London, 15 October 2002, ‘Iraq: French Proposal and Second Iraqi Letter’.

<sup>166</sup> Minute Ricketts to Private Secretary [FCO], 15 October 2002, ‘Iraq Draft SCR: French Compromise Proposal’.

<sup>167</sup> Minute Adams to Attorney General, 14 October 2002, ‘Iraq: Meeting with David Manning, 14 October’.



French nor the US willing to back down on their approach”. That left “the UK in a very difficult position”:

“Unlike the French, we are committed (politically) to participating in any military action. But unlike the Americans, the Government needs to be sure that there is a secure legal basis ... given that the PM has stated on numerous occasions that any action will be in accordance with international law.”

**483.** Ms Adams told Lord Goldsmith that she had “no indication of precisely what Number 10 would like to discuss with you”, but she addressed three points:

- the need for the Council to “make clear that there has been a breach of the cease-fire conditions which is ‘sufficiently grave to undermine the basis or effective operation of the cease-fire’”;
- “what would be the position if the UK were to propose a second resolution which was then not adopted by the Council?”; and
- what would happen in the event of no resolution.

**484.** Addressing the second point, Ms Adams wrote that there was:

“... nothing to prevent us from tabling a draft second resolution authorising the use of force if, as expected, the Iraqis did not comply with the Council’s demands in the first resolution. But there is no guarantee that such a resolution would be adopted. The question then would be whether the perverse failure of the Council to adopt the resolution (perhaps because of a single veto) would justify recourse to unilateral action ...”

**485.** Ms Adams advised:

“This is a question which would have to be considered very carefully in the light of the circumstances at the time. The Law Officers advised in 1997 ... that there could be ‘exceptional circumstances in which although the Council had not made a determination of material breach it was evident to and generally accepted by the international community as a whole that Iraq had in effect repudiated the cease-fire and that a resort to military force to deal with the consequences of Iraq’s conduct was the only way to ensure compliance with the cease-fire conditions.’”

**486.** Ms Adams added:

“I understand this passage was included in the advice to cover the sort of situation where the Council was unable to act. But of course the counter view would be that if the Council has rejected a resolution authorising the use of force, then under the scheme of the Charter, it cannot be said that force is legally justified.”

**487.** Ms Adams recommended that if Lord Goldsmith had “concerns about the lawfulness of military action under any of these scenarios”, he should make that “very

clear at the meeting, as it is likely to increase the political efforts to achieve a satisfactory resolution”.

**488.** There is no record of the discussion.

**489. Mr Straw separately sought urgent advice from Mr Wood on the practical consequences of acting without international legal authority.**

**490.** On 15 October, Mr Straw’s Private Office asked Mr Wood for an urgent note about the practical consequences of the UK acting without international legal authority in using force against Iraq for the UK Government or individual Service personnel; whether they would be vulnerable to charges relating to unlawful use of force and therefore whether the legality of the UK’s actions would be determined in domestic courts; and whether the International Court of Justice could have any role.<sup>168</sup>

**491.** Mr Wood replied the same day, outlining a number of potential consequences, including that such action might constitute a breach of the Ministerial Code, and the possible risk of civil litigation.<sup>169</sup> He stated that the advice had been provided “on the basis that we enter into an armed conflict which is clearly unlawful, without respectable legal arguments”; and that it was “therefore in the realm of extremely theoretical speculation”.

**492.** Mr Wood wrote that, while the legality of the conflict would not be directly in issue either in UK courts or the International Criminal Court, “the choice of lawful targets would be difficult if the objectives of the conflict were themselves unlawful”. In that context, it was “not inconceivable” that allegations of war crimes could be made on the basis that the objectives of the conflict were unlawful. In addition, it was “just conceivable” that an attempt could be made in the UK “domestic courts to launch a private prosecution for the crime of aggression”.

**493. Mr Straw and Sir David Manning advised Mr Blair that two resolutions would be needed to authorise military action.**

**494. Mr Straw urged Mr Blair to give President Bush clear messages about the need for a two resolution approach to secure support in the UN and the legal authority required by the UK.**

**495.** Secretary Powell told Mr Straw that President Bush had not been clear from the telephone conversation with Mr Blair, on 14 October, that Mr Blair needed two resolutions.<sup>170</sup>

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<sup>168</sup> Minute McDonald to Legal Adviser, 15 October 2002, ‘Iraq’.

<sup>169</sup> Minute Wood to PS [FCO], 15 October 2002, ‘Iraq’.

<sup>170</sup> Telegram 544 FCO London to Washington, 16 October 2002, ‘Iraq: My Conversation with US Secretary of State, 15 October’.

**496.** Mr Jonathan Powell marked the telegram to Mr Blair with the comment “Important”.<sup>171</sup>

**497.** In a minute to Mr Blair on 16 October, Mr Straw reported discussions with Secretary Powell on 14 and 15 October.<sup>172</sup>

**498.** Mr Straw told Secretary Powell that he had spoken to Mr Blair on 13 October, who “had ... favoured a two resolution approach”. He had also told Secretary Powell:

“... legally and politically it was almost certain that we would need a second resolution explicitly authorising military action were the UK to be involved in such [military] action against Saddam.”

**499.** Mr Blair wrote alongside that point: “I don’t accept this in all circs.”<sup>173</sup>

**500.** Mr Straw and Secretary Powell had also discussed the risks of acting without international backing and the problems of the “day after” which would be the “largest and most hazardous exercise in nation-building”; it would not be as straightforward as some thought.<sup>174</sup>

**501.** Mr Straw told Secretary Powell that he felt:

“... with two resolutions we could close a deal with [President] Chirac, but otherwise Chirac would use every chance he had, of which there would be many, to stiff [sic] both us and the US. And right now, the French had the votes and we did not.”

**502.** As he had agreed with Mr Blair, Mr Straw also set out the arguments for two resolutions, including:

- “In the real world, there was bound to be a further discussion in the S[ecurity] C[ouncil] if there was any non-compliance by the Iraqis, and (since we did not control the agenda) a second resolution. On this ... the only question was who took the initiative – us (US/UK) or others.”
- He “accepted that Blix could not determine whether the US could go to war but we were all bound to rely on Blix’s reports as to the facts about non-compliance, on which the US and others would then make their own judgements”.

**503.** In relation to the political environment in the UK, Mr Straw had told Secretary Powell that he was:

“... as certain as [he] could be that there would be insufficient support in Cabinet and the parliamentary Party to allow us to go to war without clear UN backing. I was

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<sup>171</sup> Manuscript comment Powell to PM on Telegram 544 FCO London to Washington, 16 October 2002, ‘Iraq: My Conversation with US Secretary of State, 15 October’.

<sup>172</sup> Minute Straw to Prime Minister, 16 October 2002, ‘Iraq: Conversation with Powell: No US Interlocutors’.

<sup>173</sup> Manuscript comment Blair on Minute Straw to Prime Minister, 16 October 2002, ‘Iraq: Conversation with Powell: No US Interlocutors’.

<sup>174</sup> Minute Straw to Prime Minister, 16 October 2002, ‘Iraq: Conversation with Powell: No US Interlocutors’.

completely certain that there would be monumental political controversy: and this ran into the legal problems which were more hazardous for us than the US. I was getting advice on the domestic legal consequences of such military action and would share this with him [Secretary Powell].”

**504.** Finally, Mr Straw recorded that he had asked whether the military preparations were such that war was inevitable and had been told “emphatically” that they were not. Secretary Powell had told him that, as President Bush got into the issue, he became more nervous of the outcome and he was watching the opinion polls carefully. Those showed a big majority against military action without UN backing.

### **Security Council open debate, 16 and 17 October 2002**

**505.** An open debate of the Security Council on 16 and 17 October demonstrated the extent of interest amongst Member States about the provisions of a further resolution on Iraq and concerns about its implications.

**506.** Statements by the five Permanent Members of the Security Council made clear their strongly held and very different perspectives about events since the late 1990s; and the reasons why, in addition to Iraq’s position, there had been no progress in implementing the comprehensive approach towards Iraq provided for by resolution 1284 adopted in December 1999.

**507.** The divergence in their positions on the way ahead remained.

**508.** The Non-Aligned Movement (NAM) asked on 10 October for an “emergency open debate on the situation in Iraq”.<sup>175</sup> In its view, all Members States and Permanent Observers of the UN should be “afforded an opportunity to air their views” on the draft resolution on Iraq because the issues were “of importance to the entire membership ... and the future role of the United Nations in the maintenance of international peace and security”. It was “imperative for the Security Council to hear the views of the wider ... membership” before it adopted “such an important resolution”.

**509.** An open debate of the Council, attended by more than 50 Member States or Permanent Observers, in addition to the members of the Security Council, took place on 16 and 17 October.<sup>176</sup>

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<sup>175</sup> UN Security Council, ‘Letter dated 10 October 2002 from the Permanent Representative of South Africa to the United Nations addressed to the President of the Security Council’ (S/2002/1132).

<sup>176</sup> UN Security Council, ‘4625th Meeting Wednesday 16 October 2002’ (S/PV.4625, S/PV.4625 Resumption 1); UN Security Council, ‘4625th Meeting Thursday 17 October 2002’ (S/PV.4625, S/PV.4625 Resumption 2, S/PV.4625 Resumption 3).

**510.** In his absence, a statement from Mr Annan was read to the Council by Ms Louise Fréchet, Deputy Secretary-General. In addition to reiterating the points he had made on 12 September (see Section 3.4), Mr Annan also stated that:

- Iraq’s “failure to comply fully” with the resolutions of the Council was one of the “gravest and most serious” situations facing the Council.
- The Council’s primary responsibility for the maintenance of international peace and security, conferred in Article 24 of the UN Charter, was a grave responsibility. It was “essential” for the Council to face up to that responsibility.
- The situation also presented an opportunity to “strengthen international co-operation, the rule of law and the UN”.
- Iraq’s decision to readmit the inspectors without condition was “an important first step, but only a first step”.
- Full compliance remained “indispensable”, and had “not yet happened”. The Council would expect “unfettered access”. A new resolution “strengthening the inspectors’ hands” would be “appropriate”: “The new measures must be firm, effective, credible and reasonable.”
- If Iraq failed “to make use of this last chance, and if its defiance continues”, the Council would “have to face its responsibilities”. It did that “best and most effectively” when its members worked “in unison”.

**511.** Mr Annan concluded by “urging” the Council:

“... to make every effort to retain their unity of purpose. If you allow yourselves to be divided, the authority and credibility of the ... [UN] will undoubtedly suffer; but if you act in unison, you will have a greater impact and a better chance of achieving your objective, which must be a comprehensive solution that includes the suspension and eventual ending of the sanctions that are causing such hardship for the Iraqi people, as well as the timely implementation of other provisions of your resolutions. If the Council succeeds ... it will strengthen the United Nations in a way that will place future generations in its debt.”

**512.** During the debate that followed, a wide range of views and concerns were aired reflecting the positions of the participants.

**513.** Mr Mohammed Aldouri, Iraqi Permanent Representative to the UN, criticised the US Administration’s “plans to invade and occupy Iraq, using military force” and argued that it wanted “a blank cheque” from the Security Council to “colonize Iraq ... [and] subject the entire region to American hegemony”. He stated that there were “no nuclear, chemical and biological weapons of mass destruction in Iraq and that Iraq had implemented many years ago the disarmament requirements” in resolution 687 (1991).

**514.** Following a description of Iraq’s position on its implementation of resolution 687 and the conduct of inspectors before their departure in December 1998, “as instructed by the United States”, and criticism of the implementation of the sanctions regime,

Mr Aldouri stated that Iraq had taken the initiative of opening a dialogue with Mr Annan. That had achieved “some progress” but the US had exerted pressure “which prevented the Council from participating in efforts to seek a comprehensive solution”.

**515.** The Iraqi Government had “agreed, unconditionally, to the return” of inspectors on 16 September and agreed arrangements with Dr Blix and Dr ElBaradei in Vienna for the return of inspectors by 19 October. The US had hampered those arrangements by “calling for the imposition of unfair, impossible and arbitrary conditions on Iraq”.

**516.** Mr Aldouri concluded by reiterating that Iraq “had pledged to co-operate with inspectors in every possible way so as to facilitate their task of ascertaining” there were “no weapons of mass destruction in Iraq”. There was “absolutely no need for adoption of a new Security Council resolution”.

**517.** Following the statements by non-members of the Security Council, Sir Jeremy Greenstock set out the UK position in his speech on 17 October. He stated that the issues being debated went much wider than Iraq and included:

- “the security of the whole neighbourhood of Iraq”;
- “the reinforcement of our collective effort to eliminate terrorism”;
- “justice for Palestine and security for Israel within the law”;
- “the role of the Security Council when serious matters of national security are before its members”; and
- “the overall effectiveness of the United Nations itself”.

**518.** Sir Jeremy emphasised that the UK’s “firm objective” was “the complete disarmament of Iraq in the area of weapons of mass destruction, by peaceful means”, and “a peaceful resolution to the current crisis surrounding Iraq”. But ensuring that there was such a solution lay “in the hands of Iraq”.

**519.** Addressing Iraq’s response to the conditions of the cease-fire in 1991, Sir Jeremy stated that Iraq remained “in material breach of these obligations”. He added:

“We all know of the myriad ways in which Iraq sought, almost immediately after inspections began to frustrate inspections and intimidate inspectors.

“We all know of the succession of allegedly final declarations ... We all know that Iraq tried to limit and hinder inspections to the extent that in August 1998 the then head of ... UNSCOM said it was impossible for him to do his job. We all know of the outstanding weapons of mass destruction for which UNSCOM was unable to account. We all know of the multiple warnings sent to Iraq ...

“No shadow of a doubt remains that Iraq has defied the United Nations ...

“Iraq could have invited inspectors back without conditions at any time ... Sanctions could have been lifted ... Only Baghdad’s insistence on retaining weapons of mass



destruction capability has blocked that path ... Only under recent intense diplomatic pressure, and particularly the threat of military action, has the Iraqi Government letter of 16 September ... emerged.”

**520.** Sir Jeremy stated that Iraq’s:

“... words, while necessary, are of themselves not enough. We remain deeply perturbed by evidence that Iraq believes it can hide its weapons of mass destruction rather than declare them, that it can again fool the inspectors and play games with them. The United Kingdom analysis, backed by reliable intelligence, indicates that Iraq still possesses chemical and biological materials, has continued to produce them, has sought to weaponise them, and has active military plans for the deployment of such weapons. The United Kingdom analysis, backed up by reliable intelligence, shows that Iraq has in recent years tried to buy multiple components relevant to the production of a nuclear bomb. The United Kingdom analysis, backed by reliable intelligence, points to the retention of extended-range missiles and to the employment of hundreds of people in projects to develop weapons with a range of over 1,000 kilometres that could carry both weapons of mass destruction and conventional warheads.

“It would be an abdication of responsibility to ignore this challenge to the international community. We cannot afford to bury our heads in the sand and pretend the problem does not exist. We cannot accept the Iraqi Government’s word at face value, knowing what we know.”

**521.** Sir Jeremy stated that the UK wished “to see the Security Council ... express its will and its unity in a clear strong resolution”, which gave the Iraqi regime “an unequivocal choice” to complete WMD “disarmament and normal membership of the international community, or refusal and the inevitable consequences”. The offer to Iraq was genuine and represented “a single final chance for Iraq”. If that was understood and the Council kept its nerve, there might be:

“... a prospect that Iraq will finally comply with its obligations and that military action can be averted. If we fail to send that tough signal, we shall be ignoring the realities. The weaker we collectively appear, the more probable it is that military action will be the outcome.”

**522.** Sir Jeremy added that effective inspections were an “essential component” of the message and there should be no return to the “ambiguous modalities” and exceptions of the past. He questioned whether the language in recent Iraqi letters about the practical arrangements for inspections was sufficient and called for the arrangements to be made legally binding.

**523.** Sir Jeremy said he had “heard loud and clear the concerns of many speakers that, on a decision so crucial, we should not rush into a war”; and that “any Iraqi violations must be discussed by the Security Council”. If either Dr Blix or Dr ElBaradei reported

that Iraq was “not fully co-operating with the inspections process”, the UK Government would “expect there to be a detailed Security Council discussion”. The UK would “want at that point to hear the views” of the other members of the Council.

**524.** Addressing the comments by a number of speakers that the non-permanent members of the Council had “been kept in the dark” or even humiliated, Sir Jeremy said he believed the facts had been “misrepresented”. None of the permanent members had:

“... been in a position so far to bring a draft resolution to each other here or to the Council as a whole. The permanent five have done no negotiating on a text in New York. Discussion in capitals has taken place on bilateral channels. Of course our Governments have been working to make a negotiation worthwhile ... Once there is a draft with a prospect of broad acceptance in the Council, no Council member will be excluded from discussion ...”

**525.** Sir Jeremy concluded by referring to Iraq’s breach of other Security Council obligations and called on Iraq to rectify that position.

**526.** The description of Iraq’s WMD capabilities in Sir Jeremy Greenstock’s statement reflected the judgements in the UK dossier on Iraq and the JIC Assessment of 11 October.

**527.** Setting out China’s position, Mr Zhang Yishan, Chinese Deputy Permanent Representative to the UN, stated that the “absence for so long of a solution to the question of Iraq” had “not served peace and stability in the Gulf region or the authority and credibility of the Security Council”. Nor had it “been conducive to improving the humanitarian situation in Iraq”. “An early and appropriate settlement” was “the important and urgent task” for the international community and the UN in particular.

**528.** The Chinese Government had “consistently maintained that Iraq should unconditionally and strictly implement the relevant Security Council [resolutions] ... and fully co-operate with the United Nations” on inspections and other issues.

**529.** Commenting that the number of participants attested to the importance of the issues and the concerns about the implications for international relations, Mr Zhang added:

“The overwhelming majority of States have emphasised during the debate that the question of Iraq should be settled within the framework of the United Nations, that the Security Council should play a central role in the process and that the unity of the Security Council was of paramount importance.

“A number of countries, especially the Arab States, have also expressed their strong wish for peace not war. They have pointed out that war can only further exacerbate the already tense situation in the Middle East. The independence, sovereignty and territorial integrity of Iraq, Kuwait and other countries of the region should be

respected. These views and positions are very important, and we agree with them. We hope the Security Council will give them serious consideration.”

**530.** Mr Zhang stated that disarmament was “at the core of the Iraqi question”, but: “Only when the ... weapons inspectors return to Iraq and conduct effective inspections can the truth ultimately emerge.” He welcomed the agreements reached in Vienna for inspections, adding that China hoped Iraq would “honour its commitments and translate them into actual deeds”, and it believed weapons inspectors should return:

“... as soon as possible to conduct independent, fair and professional inspections and report truthfully and in a timely manner to the Council the results of such inspections, so that the Council can draw objective, fair and realistic conclusions ...

“Under such circumstances, it is not that we cannot consider the adoption by the Council of a new resolution ... Such a draft ... however, should be practical and feasible, in the interests of an appropriate settlement ...”

**531.** Mr Zhang concluded:

“The Iraqi question has reached a critical juncture. The international community has high hopes of the Security Council. It hopes that the Council will be able to effectively undertake its responsibilities to maintain international peace and security and take action to safeguard the purposes and principles of the Charter. The Chinese Government is ready to join other countries in promoting an appropriate settlement of the Iraqi question within the Security Council.”

**532.** Ambassador Negroponte described President Bush’s speech to the General Assembly on 12 September as a “declaration of purpose, not a declaration of war” which had:

“... put the United Nations in the spotlight and challenged the international community to restore the Security Council’s relevance on this issue by confronting this threat to international peace and security and 11 years of failure by Iraq to accept the demands made of it after its invasion and destruction of Kuwait.”

**533.** The threat from Iraq was “serious and unique”, arising directly from Iraq’s “history of aggression and brutality, its defiance of the international community and its drive towards an arsenal of terror and destruction”. It was a regime which had:

- “invaded two of its neighbours and tried to annihilate one of them”;
- “used chemical weapons on its neighbours and on its very own citizens”;
- “lied about its development of weapons of mass destruction”; and
- “signed the Nuclear Non-Proliferation Treaty and then proceeded to develop a major nuclear weapons programme”.

**534.** Since 1991, the Council had “tried in every way to bring Iraq to peaceful fulfilment of the ... cease-fire”, but the Iraqi regime had “violated all of its obligations”.

**535.** Ambassador Negroponte stated that the Council was meeting “to publicly discuss the message that the Security Council will send to Iraq and ... Saddam Hussein”. The US view had been clear since 12 September; there could be:

“... no more business as usual or toothless resolutions that Iraq will continue to ignore. Our intent is that the Council should meet the challenge and stand firm, resolute, and united in adopting a draft resolution that holds Iraq to its commitments, lays out clearly what Iraq must do to comply and states that there will be consequences if Iraq refuses to do so.”

**536.** The US expected the Council to act, and that when it adopted a resolution which sent “a clear and united message to Iraq that it must fulfil its obligations”, Iraq would have a choice “whether to take this last chance to comply”. The US hoped Iraq would comply, but if it did not, the US would “seek compliance and disarmament by other means”.

**537.** Addressing the role of the UN, Ambassador Negroponte described the world’s “united response” to Iraq’s aggression in 1990 and 1991 and the resolutions passed by the Security Council as “unique and ground-breaking”, which “brought the world body closest to the visions of its founders”. But in the ensuing 10 years, Iraq’s “failure to implement” the “peace terms” had become “a question of enormous significance”. The challenge was whether the UN could “perform the function its founders envisaged”.

**538.** The US hoped the answer would be “Yes”. Since 12 September it had “seen signs of emerging Council unity during intensive discussions here and in capitals”. But it had “also seen clear signs” that Iraq was “reverting to form”, including inviting inspectors to return without conditions, then placing conditions, and responding to UNMOVIC and IAEA requests for clarity with “obfuscation and multiple answers”. Iraq had shown it hoped “to return to the word games, ephemeral commitments and misdirection of the past, while continuing to develop the world’s deadliest weapons”. That was “why a clear, firm message from the Council was so important”.

**539.** The Council and the UN membership would do “no favour” to the people of Iraq, the countries of the region or the credibility of the UN if they created “the impression that an outcome in which Iraq retains its chemical, biological and nuclear weapons programmes is an acceptable or possible outcome”. A consensus had been forming in the Council that “the time for denial, deception and delay” had “come to an end and that Iraq must be verifiably disarmed”. There was “a growing agreement that there must be immediate, unconditional and unrestricted inspections of all Iraqi facilities that may have a role in the development of weapons of mass destruction”.

**540.** Ambassador Negroponte stated that the US and UK had shared “the elements of our vision of a resolution that will address Iraq’s material breach of its obligations ... specify the types of access and authorities that UNMOVIC and IAEA must have to be able effectively to verify Iraqi disarmament, make clear Iraq’s obligations and articulate to Iraq that there will be consequences to non-compliance” with other members of

the Council. The US believed that the “best way to ensure Iraqi compliance” was one resolution which was “firm and unambiguous in its message”. A resolution “with clear and immediate requirements ... that Iraq would voluntarily meet if it chooses to co-operate” would be placed before the Council “in the near future”. Dr Blix and Dr ElBaradei had “made it clear that they would welcome a new ... resolution that strengthens their hands and allows for more effective inspections”.

**541.** Ambassador Negroponte concluded:

“Now, the spotlight is back on the Security Council. We hope and expect that the Council will act and play its proper role as a safeguard of our common security. If it fails to do so, then we and other States will be forced to act.

“The approach of the United States and United Kingdom aims at clarity ... with respect to what Iraq must now do to fulfil its 1991 obligations to restore peace and security in the region ... what inspectors must be allowed to do; and our seriousness. Without such clarity there is too high a danger that Iraq will miscalculate. And miscalculation by Iraq will lead to precisely the military action we all hope to avoid.

“The Security Council faces a defining moment. The Council works best on Iraq when it works together ... when the Council is resolute and united, its actions produce results. We must stand together and show Iraq that its failure to comply will no longer be tolerated.”

**542.** Mr Jean-David Levitte, French Permanent Representative to the UN, stated that the international community had been unable, since December 1998, to verify whether Iraq possessed weapons of mass destruction and whether it was “pursuing programmes to that end”. By refusing to allow the return of inspectors, Iraq had defied the authority of the Council. “Even though France” did “not possess irrefutable proof”, there were “several indications” that Iraq had used the absence (of inspectors) to “pursue or resume its prohibited programmes, notably in the chemical and biological areas”. The “behaviour of the Baghdad authorities” had “given rise to strong suspicions”. That situation could “not be tolerated”; proliferation of WMD and their delivery systems, “in Iraq or elsewhere”, constituted “a serious threat to international security”. In the face of that challenge, France considered the objective was the disarmament of Iraq and that implied “the return of the inspectors and the resumption of monitoring on the ground”.

**543.** Iraq had confirmed the practical arrangements for inspections agreed in Vienna, and inspectors “must now return ... as soon as possible”, but the UN would need to verify the sincerity of Iraq’s commitments:

“In the light of past experience, the international community cannot be satisfied with words alone. Iraq must translate its promises into concrete, verifiable and lasting acts.”

**544.** Mr Levitte observed that the outcome of past UN inspections had been “very positive. UNSCOM had destroyed more WMD between 1991 and 1998 than military operations in 1991”, and: “In 1998, the IAEA believed it had succeeded in dismantling the Iraqi nuclear programme. It was not the inspections that failed, but the international community’s ability to enforce its decisions in a sufficiently firm and united manner.” He added that France was “fully disposed to support measures strengthening the inspection regime, insofar as that proves necessary to facilitate the inspectors’ work”. But it rejected “measures that would ... multiply the risk of incidents without improving the effectiveness” of UNMOVIC and the IAEA. In addition, France “also set store” on the “multinational, independent nature of the inspectors” and any measure which countered that “would be tantamount to repeating past mistakes”. The Council should be guided in its choices by Dr Blix and Dr ElBaradei.

**545.** Addressing the role of the Council, Mr Levitte stated that France attached “importance to the principle of collective security”. That was why it was proposing a two-stage approach. In the first, the Council “should adopt a resolution clearly stating the ‘rules of the game’”. It would “define the inspection regime with a view to ensuring the inspectors” could “accomplish their mission fully and without any hindrance”. It “should also send a clear warning to Iraq” that the Council would “not tolerate new violations”.

**546.** In the second stage, if the inspectors observed that Iraq was “refusing to co-operate fully” with them, the Council “would meet immediately to decide on the appropriate measures to take, without ruling anything out a priori”.

**547.** France’s view was that such an approach, which was also the one proposed by Mr Annan in his statement to the Council, was “the only one” that could offer “unity, cohesion, fairness and legitimacy”. Unity of the Council was “absolutely vital”. In the past Iraq had “taken advantage of divisions ... to renege on its obligations and defy the Council’s authority”:

“Only a united front will convince it not to repeat this error. Only a two-stage approach will allow us to preserve our Council’s unity; any kind of ‘automaticity’ in the use of force will profoundly divide us.

“The two-stage approach is, rather, the choice of cohesion. United in sending Iraq a message of firmness in an initial resolution, the Security Council will, we have no doubt, remain united to assume all of its responsibilities during the second stage, should Iraq violate its commitments.”

**548.** Mr Levitte added that the Council “should also demonstrate fairness by showing Iraq that war is not inevitable if it fully and scrupulously fulfils its obligations”. That would “open the way to the suspension then lifting of sanctions in accordance with Security Council resolutions”. Given the “gravity of the situation”, it was “essential for the Security Council to stay in charge of the process every step of the way”. That was “fundamental for the legitimacy of our action and essential for maintaining unanimous support for our common objectives”.



**549.** Mr Levitte concluded the Council was discussing:

“... the future of the international order, relations between North and South, and notably, our relationship with the Arab world. An action of uncertain legitimacy ... that does not enjoy the support of the international community, would not be understood and could gravely affect these relations.

“By placing this action within the framework of collective security, the French approach aims to ensure its legitimacy and effectiveness, while respecting the principles defined by the United Nations Charter.”

**550.** In his opening remarks, Mr Sergei Lavrov, Russian Permanent Representative to the UN, stated:

“For almost 12 years now, the international community has sought a way to settle the Iraqi situation. Throughout that time the Security Council has adopted more than 50 resolutions and endured several severe crises. The current ongoing impasse is rooted not only in the position of the Iraqi side, although we are far from condoning Baghdad’s behaviour, while the need for Iraq to meet all its obligations ... has been frequently alluded to ... We fully support such assessments. At the same time, in a number of instances the Security Council has been unable to hold up its own end with respect to an objective assessment of the situation and to meeting its own obligations to work for a comprehensive settlement ...”

**551.** After making similar remarks to Mr Levitte on the overall achievements of the inspectors, Mr Lavrov stated that it was unfortunate that the Council “was not able to recognise” the opinion of the IAEA in 1998 that its task could be converted into a “long-term monitoring regime”. That conclusion had been supported in a letter from Dr ElBaradei to the President of the Council on 14 October, which had “clearly indicated” there were “no outstanding unresolved nuclear issues requiring further clarification”. Mr Lavrov added that:

- There was a “virtually complete picture of the missile situation”.
- A “significant portion of the stocks of chemical weapons” had been destroyed, “although there were some outstanding issues requiring further clarification”.
- The “largest problems persisted in the biological sphere”.
- “But on these issues and all the outstanding issues, solutions were possible. At any rate, documents of the former UNSCOM testify that such was the case.”
- “In December 1998 the head of the former UNSCOM [Dr Richard Butler] provoked a crisis, arbitrarily withdrawing inspectors from Iraq without the approval of the Security Council. His report came to the Security Council only after [the] United States and the United Kingdom had launched military strikes against Iraq.”

- After the strikes, the US Government stated they “had dealt with the issue of eliminating the vestiges of Iraqi weapons of mass destruction programmes, although the relevant information was not given to the Security Council”.<sup>177</sup>
- Through its “acts of provocation” the former UNSCOM had “fully discredited itself and simultaneously undermined the pre-December 1998 prospects for reaching a comprehensive settlement”.
- The “Council then found itself in a profound crisis not of its own making on the question of Iraq and for a long time was unable to get out of the impasse”.
- Resolution 1284 “allowed us to renew the inspections on a new genuinely international basis”, but it “contained extremely ambiguous criteria for suspension of the sanctions”. That gave individual Council members the opportunity “to maintain the embargo indefinitely”. Russia had made proposals to give “concrete substance to the criteria of sanctions suspension in the context of a comprehensive settlement”, which remained extant.
- The Security Council had implemented the provisions of resolution 1382 (2001) in respect of the creation of a Goods Review List, but it had not pursued the “commitment to a comprehensive settlement on the basis of existing Council decisions”.
- Russia would “do its utmost to prevent a renewal” of Iraq’s WMD programmes, and was “prepared to co-operate” on that “with all States”. But Russia, “like all unbiased observers”, had “not seen any kind of persuasive evidence that there are weapons of mass destruction in Iraq or programmes to develop them”. Nor had it “seen any other facts that would situate Iraq in the context of combating terrorism”.
- The “immediate redeployment of the international inspectors to Iraq” was the “only way to remove any doubts”.

**552.** Mr Lavrov stated that Iraq had “consented” to an unconditional return of inspectors and the “new, enhanced and very effective parameters for conducting inspections”. There was “everything we need to ensure there is no renewal of the proscribed military programmes in Iraq” and for “a political and diplomatic settlement of the crisis”. There was “no need to delay deployment” of the inspectors. He added:

“If the Council has a prevailing desire to give further support to UNMOVIC and the IAEA in the interest of the effective implementation of the existing resolutions ... we will be prepared to look at the relevant proposals, including and based on the great importance of maintaining Council unity.”

**553.** In his concluding remarks, Mr Lavrov stated that Russia was “calling for collective steps by the international community” and unilateral actions did “not facilitate the efforts

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<sup>177</sup> The UK assessment of the impact of Operation Desert Fox is set out in Section 4.1.

for a settlement”. The Council should continue to press for Iraq’s compliance with all resolutions. The crux of the matter was:

“If we are all sincerely interested in the non-renewal of weapons of mass destruction ... What are we waiting for? ... If we are talking not about the deployment of the inspectors but about an attempt to use the Security Council to create a legal basis for the use of force, or even for a regime change of a United Nations Member State – and this goal has been constantly and publicly alluded to by several officials – then we see no way how the Security Council could give its consent to that ...

“The Charter powers of the Security Council allow it at any time to make decisions about any measures which could be required to eliminate real threats. The important thing now is to achieve a comprehensive settlement based on political and diplomatic methods, with the central role of the Security Council and in strict compliance with Council resolutions on the norms of international law.

“... we are prepared to interact on this platform with other members of the Security Council. This is what we have been called on to do by the vast majority of the international community during the discussions ... We are convinced that Security Council members will not be able to ignore this call.”

**554.** In a second intervention, Mr Aldouri made a number of further points, including:

- The Council was “fully aware that the only objectives of the approaching war are oil, wealth and hegemony ... the world is now split into two and that the larger part favours peace ...” He was in the latter camp.
- The future of the UN had “recently been jeopardised by the statement of one major Power that, if the United Nations failed to take into account the interests of that State, it would go its own way”.
- One State had adopted war legislation during the debate, and that was “a virtual declaration of war”.
- Iraq’s doors were “open” to the inspectors. Iraq had “full trust” in Dr Blix, and “he and his teams will be welcomed in Iraq”. Iraq’s “hands were now clean” and there were “no weapons of mass destruction in Iraq”. It hoped the inspectors would “return soon” so that they “could tell the international community that Iraq” had no WMD. Iraq would not “in any way hinder the work of the inspectors”.
- American and British officials had “made clear statements to the effect that sanctions and the embargo will never be lifted until there has been ‘regime change’ in Iraq”.

**555.** The report of the second day of the debate from the UK Mission in New York stated that the Security Council was “almost unanimously open to a new resolution” that

strengthened inspections.<sup>178</sup> There was overwhelming support for two stages “or at least a continued central role for the Council” in authorising military action. There was “an overwhelming dislike of unilateral action and strong desire for [a] diplomatic solution”.

**556. Sir John Holmes advised that France was likely to stand firm on the need for a two stage approach, which would leave the UK in an uncomfortable dilemma.**

**557.** Sir John Holmes advised that France thought that it was winning the argument and did not think that much would happen until the debate on Iraq in the Security Council on 16 October.<sup>179</sup> France “remained convinced of the need for the international community to stay united to avoid an explosion of unrest and terrorism”. It was concerned about “the catastrophic consequences of a war on Iraq without clear proof of Saddam’s WMD ambitions and full international, including Arab, support”. France would “nevertheless” be:

“... ready to support military action if the full cycle of inspections/renewed (serious) Iraqi misbehaviour/international agreement can be gone through, and have confirmed that someone else’s veto of a second resolution would not deter them if they were convinced of the need for action. But they are uncomfortably aware that there may ... not be time available for this full cycle to be gone through before the presumed climatic window ... for military action closes.”

**558.** That led to two reflections which were “mutually contradictory”: that the US was “bent on war come what may ... and are only looking for the UN to endorse a casus belli” or that “even the US are not mad enough to embark on military action ... without significant international support”. Both led “the French to think that they should stand firm”.

**559.** Sir John concluded that, if the deadlock was not broken, the UK risked “being left in the most uncomfortable position of all, choosing whether to follow the US without UN cover, with all that entails, domestically and internationally”. He understood the UK’s “reluctance to get squeezed between the Americans and the French”, but suggested that Mr Blair might have a “crucial” role.

## **The US offers compromise language for OP10**

**560.** The US tabled compromise language on 16 October intended to bridge the difference between the US and French positions, deliberately creating ambiguity by stating that the Security Council would “consider” reports of a breach, not “decide” if a breach existed.

**561.** That language remained virtually unchanged in the final resolution.

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<sup>178</sup> Telegram 1992 UKMIS New York to FCO London, 17 October 2002, ‘Iraq: Security Council Open Debate: Day 2’.

<sup>179</sup> Telegram 597 Paris to FCO London, 15 October 2002, ‘Iraq: French Thinking’.

**562.** Sir Jeremy Greenstock reported that US “understood and accepted” the UK’s need for a second resolution but did not want this “spelt out” in the resolution.

**563.** Reporting on discussions in New York on 16 October, Sir Jeremy Greenstock wrote that the latest US draft was intended to show that the US had taken French concerns seriously and made an effort to meet them halfway.<sup>180</sup> The reference to “all necessary means” had been removed and the draft provided for a Security Council meeting. The US would not agree to the Council “explicitly taking the decision to approve force; but that did not mean that the Council would not take it”. Sir Jeremy reported that President Bush had personally approved the draft text in OP10.

**564.** Sir Jeremy also reported that he had told Ambassador Negroponte that Mr Straw had made clear to Secretary Powell that the UK “needed a second resolution. It was extremely unlikely we could find a legal basis without it.” The US “understood and accepted” the UK need for a second resolution; “but it didn’t have to be spelt out in the resolution”. Sir Jeremy had agreed but warned that, if the formulation in the draft “made it through the Council, the explanations of vote were likely to make it unequivocally clear there needed to be a second resolution”.

**565.** In relation to a discussion about the political importance of interviews to the US, Sir Jeremy reported that the language on interviews would be unchanged. In response to his concerns that the draft language would make it harder to secure interviews and that Dr Blix was likely to oppose it, Ambassador Negroponte had said the arrangements were discretionary.

**566.** Sir Jeremy also reported that the French Mission had been pleased with the indications of US movement, but were likely to suggest France should “push for an amendment saying that the Council would convene immediately to ‘consider any measures’”. He had warned Mr Levitte that there would be “a very big reaction” if the compromise was rejected.

**567.** Sir Jeremy concluded that the new text had a “good chance of being a basis for progress so long as the French are not foolish enough to reject it”. It was clear the US had “no appetite to give more ground”.

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<sup>180</sup> Telegram 1983 UKMIS New York to FCO London, 16 October 2002, ‘Iraq: US Compromises and UK Intervention’.

**568.** Sir Michael Wood drew the Inquiry's attention to the "American compromise language" handed over in New York by Ambassador Negroponte to Sir Jeremy Greenstock.<sup>181</sup> It stated that the Security Council would:

"... convene immediately, upon receipt of a report ... [of a breach] in order to consider the situation and the need for full compliance with all the relevant Security Council resolutions in order to restore international peace and security."

**569.** That paragraph remained virtually unchanged throughout the rest of the negotiation and became OP12 of resolution 1441.

**570.** Before a meeting planned for 17 October, Mr Straw sent a handwritten letter to Mr Blair addressing the differences of view within the US Administration.<sup>182</sup>

**571.** Mr Straw wrote that Mr Blair should read the record of his conversation with Secretary Powell, which would give him a "flavour of the intense and dangerous arguments in the Administration".

**572.** In response to Mr Blair's question about whether Secretary Powell was "winning", Mr Straw wrote that "he should win in the end", but Mr Blair had a critical role to play. Mr Straw advised that Mr Blair now needed "to give some clear messages" to President Bush that:

"... we'll have to settle for a two resolution approach; that it is safe to do so; and that the non-UN approach being pushed by Cheney et al would be a catastrophe for the US, and whatever your personal sentiment, not something where you would get support, still less obtain legal authority. In other words, you need to tell him that you have politics too. At present, partly because they are mesmerised with your standing in British politics, they (White House) take your support for any US position for granted. This (a) is to misread your position (b) weakens people like Powell."

**573.** Mr Straw concluded:

"David and I can work up a good case for two resolutions to put to Bush – not a climb-down or a wimp-out, but a way of squaring – and then cornering Chirac – by a private deal with him on the second resolution."

**574.** Sir David Manning spoke twice to Dr Rice on 16 October.

**575.** In the first conversation they discussed possible wording for the draft resolution which avoided conceding that the Security Council would "decide" on the action to be taken in the event of a report of a serious breach by Iraq and leave the question of a decision ambiguous.<sup>183</sup>

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<sup>181</sup> Statement, 15 March 2011, page 8, quoting Telegram 1983 UKMIS New York to FCO London, 16 October 2002, 'Iraq: US Compromises and UK Intervention'.

<sup>182</sup> Letter (handwritten) Straw to Prime Minister, 16 October 2002, 'Iraq: US'.

<sup>183</sup> Letter Manning to McDonald, 16 October 2002, 'Iraq: Conversation with Condi Rice'.



**576.** Sir David and Dr Rice agreed that everyone knew that the Security Council would have to meet if Dr Blix reported that the Iraqis were in breach; and that everyone knew that the French could table another resolution at that point if they wanted to. Sir David told Dr Rice that “it was important to signal, through the new resolution, that the Security Council was united in its determination to support Blix and bring the maximum pressure to bear on Saddam to disarm. We had to go through this process.”

**577.** Mr Powell asked, “Where does this leave us with the AG [Attorney General]?”<sup>184</sup>

**578.** Sir David responded:

“Can’t say at this stage.

- (i) Will almost certainly be the beginning not the end of the negotiation with the French.
- (ii) If we have a material breach in OP1 with an open OP10 (ie consultations) we shall still be in the same place with the AG as before – at least I presume so. Still better for us to get a pre-cooked second resolution.”<sup>185</sup>

**579.** In the second conversation, Dr Rice told Sir David that the US had agreed to put new language “in play” while ensuring that it remained clear to everyone that the US would insist on safeguarding its freedom to act if the UN would not.<sup>186</sup>

**580.** Sir David Manning also wrote to Mr Powell, pursuing the idea that Mr Blair could suggest a private agreement to President Bush on the text of a second resolution authorising “all necessary means”, which the UK would table at the UN Security Council “if and when appropriate”.<sup>187</sup> Sir David thought it “could be a tough sell” but Sir Jeremy Greenstock thought it was “possible”. Sir David added: “This would give us legal cover.”

**581.** Mr Powell marked the minute to Mr Blair “to see”.<sup>188</sup>

**582. Mr Straw clearly expected that in response to a breach, a second resolution would be tabled.**

**583. In a conversation with Mr de Villepin on 17 October, Mr Straw encouraged France to accept the US language, including by pointing out that France could set out its interpretation in an explanation of its vote, “consider” was an active verb implying a subsequent decision, and a two stage approach would be required.**

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<sup>184</sup> Manuscript comment Powell to Manning on Letter Manning to McDonald, 16 October 2002, ‘Iraq: Conversation with Condi Rice’.

<sup>185</sup> Manuscript comment Manning to Powell, 16 October 2002, on Letter Manning to McDonald, 16 October 2002, ‘Iraq: Conversation with Condi Rice’.

<sup>186</sup> Letter Manning to McDonald, 16 October 2002, ‘Iraq: Conversation with Condi Rice’.

<sup>187</sup> Minute Manning to Powell, 16 October 2002, ‘Iraq: The Second Resolution Dilemma’.

<sup>188</sup> Manuscript comment Powell to PM on Minute Manning to Powell, 16 October 2002, ‘Iraq: The Second Resolution Dilemma’.

**584. Mr de Villepin made clear that the decision would be made by President Chirac.**

**585.** In the conversation with Mr de Villepin on 17 October, Mr Straw reminded him of his “undertaking not to veto” a second resolution “if Iraq were obviously in breach, and of his suggestion that France might participate in military action even if someone else had vetoed (following the Kosovo precedent)”. Mr de Villepin had not demurred.<sup>189</sup>

**586.** Mr Straw told Mr de Villepin that Secretary Powell had “moved mountains to accommodate French concerns” and that the draft resolution “referred explicitly to a further meeting of the Council”:

“The US could not accept language requiring a further SCR, but they accepted that a further meeting implied a second SCR whether moved by them or other members of the Council. There was no need to spell this out ...”

**587.** Mr de Villepin:

“... described the new text as very good and a basis for final agreement. He accepted the need for some ambiguity, so was prepared to agree the verb ‘consider’ rather than ‘decide’, which he recognised was too much for the US. But ... [h]e would like language along the lines of: ‘... consider the situation and any necessary measures to ensure full compliance ...’.”

**588.** Mr Straw warned Mr de Villepin that:

“... pressing the US for more ... risked making the best the enemy of the good ... Levitte could use his EOV [Explanation of Vote] to explain the French interpretation, even if it were not possible to get the exact language they wanted. He explained at some length that, in English political language, ‘consider’ was an active verb implying a subsequent decision. It was a stronger concept than the French equivalent. He also explained that ‘need’ should be read as embracing ‘measures’.”

**589.** Mr de Villepin warned Mr Straw that:

“... although he entirely took the point about the debate within the US Administration, he would have to persuade Chirac, who would probably want the text strengthened. For Chirac the second step had to have credibility.”

**590.** In their further conversation, Mr Straw:

- Urged Mr de Villepin “to take Yes for an answer”, which Mr de Villepin was reported to have “agreed; as soon as he got an answer from Chirac on ‘measures’”.

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<sup>189</sup> Telegram 223 FCO London to Paris and Washington, 17 October 2002, ‘Iraq: Foreign Secretary’s Conversation with French Foreign Minister, 17 October’.

- Warned Mr de Villepin not to make an issue of the “material breach” language in OP1. That was “a matter of historical fact and, with the new OP10, no longer permitted the one stage approach France had feared”.
- Told Mr de Villepin that the French position was “a matter of trust for the UK as well as the US. Villepin’s reassurances about France’s willingness to support and participate in military action if justified had empowered Powell to get the changes made in OP10. If France tried to get ‘material breach’ language out of OP1, those in the [US] Administration who opposed the UN route would argue that France could not be trusted on a second SCR.”

**591.** Mr de Villepin was reported to have responded “somewhat half-heartedly” that “others in the Council opposed ‘material breach’ language ... and that the SCR should focus on the need for inspections rather than looking back”. He had not suggested it was a French “red line”.

**592.** Mr Straw concluded that, if President Chirac “were willing to sign up to the new OP10 language, he would have more negotiating room ... should he want to reach a private agreement on how to move forward”.

**593.** In a statement for the Inquiry, Sir Michael Wood wrote:

“Early the next morning (17 October) the Foreign Secretary ran through the new OP10 with the French Foreign Minister, saying in this context that the US could not accept any language requiring a further Security Council resolution but that they accepted that a further meeting implied a second SCR whether moved by them or other members of the Council.”<sup>190</sup>

### **Mr Blair’s meeting with Mr Straw and Mr Hoon, 17 October 2002**

**594.** Mr Blair discussed the latest developments on the UN negotiations and the military options with Mr Straw, Mr Hoon and Adm Boyce on 17 October.<sup>191</sup> Mr Powell, Mr Campbell, Baroness Morgan, Sir David Manning and Mr Rycroft were also present.

**595. Mr Blair continued to take the position that a further resolution explicitly authorising military action would not be needed in all circumstances.**

**596. Mr Blair, Mr Straw and Mr Hoon concluded on 17 October that the only way to keep the US on the UN route was if there was a clear understanding that, in the event of a reported breach of the new UN resolution, action would be taken even if a second resolution could not be agreed.**

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<sup>190</sup> Statement, 15 March 2011, page 8.

<sup>191</sup> Letter Rycroft to Sedwill, 17 October 2002, ‘Iraq: UN Route’.

**597.** The record of the discussion on the UN negotiations stated that the meeting had:

“... concluded that the only way to keep the US on the UN route was for there to be a clear understanding that if [Dr] Blix reported an Iraqi breach of the first resolution, then Saddam would not have a second chance. In other words, if for some reason (such as a French or Russian veto) there were no second resolution agreed in those circumstances, we and the US would take action.”<sup>192</sup>

**598.** The meeting also agreed that, “at the time the first resolution was passed”, the UK:

“would make three public points:

- (a) When the Inspectors returned, Iraq’s obligation was not only to co-operate with them on access to sites etc, but also to provide accurate and full information about WMD.
- (b) If Iraq breached this resolution, action would follow.
- (c) In the meantime we could not assume a peaceful solution to the problem of Iraq’s WMD, so we would outline the military preparations we were making. (It was important to do this only once the resolution was passed, and not before.)”

**599.** Mr Rycroft’s record of the meeting was sent to the FCO. It was also sent to Sir Jeremy Greenstock, the MOD, the Cabinet Office and various diplomatic posts.

**600.** Mr Campbell wrote that at the meeting, Mr Blair had felt that Mr Straw was “too close to caving in on the two-resolution route”.<sup>193</sup>

**601.** Mr Blair told the Inquiry that the meeting had:

“... agreed ... that there were clear objectives for the resolution, and those objectives were ... the ultimatum goes into 1441. If he [Saddam Hussein] breaches the ultimatum action follows. So this was the instruction given.”<sup>194</sup>

**602.** In response to Mr Hoon’s request to tell the US that it could plan on the assumption the UK would make a land contribution, Mr Blair concluded that, while he wanted to keep the option of Package 3 open, the UK must not commit itself at that stage.

**603.** Mr Hoon wrote to Mr Blair on 15 October, seeking a decision that week on whether to tell the US it could assume a UK land contribution in addition to the air, maritime and Special Forces package already offered for planning purposes.<sup>195</sup>

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<sup>192</sup> Letter Rycroft to Sedwill, 17 October 2002, ‘Iraq: UN Route’.

<sup>193</sup> Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

<sup>194</sup> Public hearing, 21 January 2011, pages 55-56.

<sup>195</sup> Minute Hoon to Prime Minister, 15 October 2002, ‘Iraq: UK Military Options’.

**604.** Mr Hoon also sent his minute to Mr Brown, Mr Straw and Sir Andrew Turnbull.

**605.** The background to that request, the detailed arguments set out by Mr Hoon, the advice for Mr Straw and the immediate reaction in No.10, are addressed in Section 6.1.

**606.** In relation to the discussion of military options, Mr Rycroft recorded that Mr Hoon and Adm Boyce had:

“... set out the options, as in the Defence Secretary’s minute ... of 15 October. CDS [Adm Boyce] put the military arguments for agreeing to Package 3. But if we were to end up agreeing on Package 2, it would be better to tell the US now. The Foreign Secretary said that the international case for Package 3 was strong.”<sup>196</sup>

**607.** Mr Blair took “these points” but:

“... remained concerned about the costs. He concluded that he wanted to keep open the option of Package 3. But we must not commit to it at this stage.”

**608.** The meeting also “agreed that there must be no leaks and no public announcements (for instance any notices to Reserves) until after the first UN resolution had passed and after a further discussion” with Mr Blair.

**609.** Copies of Mr Rycroft’s record of the discussion on military options were sent to the Private Offices of Mr Hoon, Mr Straw, Mr Brown and Sir Andrew Turnbull, and to Mr Desmond Bowen, Deputy Head of OD Sec.

## **Cabinet, 17 October 2002**

**610.** The discussion on Iraq recorded at Cabinet on 17 October, which focused on other foreign policy concerns, was brief.

**611.** The minutes record that Cabinet on 17 October was informed that discussions continued amongst the Permanent Members of the UN Security Council on a resolution on Iraq. The right balance had to be struck and progress was being made.<sup>197</sup>

**612.** Mr Campbell wrote that the discussion at Cabinet “was almost all foreign”, including on the Middle East Peace Process, India and Pakistan, the bombings in Bali and the risk of further attacks.<sup>198</sup> There had also been a discussion of the firefighters’ strike.

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<sup>196</sup> Letter Rycroft to Watkins, 17 October 2002, ‘Iraq: UK Military Options’.

<sup>197</sup> Cabinet Conclusions, 17 October 2002.

<sup>198</sup> Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

## Legal views on the draft resolution

**613.** Mr Wood remained concerned about the references to the “Kosovo model” providing a precedent and that the draft resolution then under discussion did not have the effect of reviving the authority to use force.

**614.** Mr Wood wrote to Mr Chaplin on 17 October to express concerns about Mr Blair’s statement, reported in the record of a conversation with President Bush on 14 October, that:

“... the Kosovo model would allow a return to the Security Council for a further discussion in the event of a further breach by Iraq; but if there were UN inaction (i.e. no second UN resolution authorising the use of force) we would take action.”<sup>199</sup>

**615.** Mr Wood was “concerned that the conversation does not take full account of legal advice”. The legal justification for action in Kosovo was an overwhelming humanitarian catastrophe which could not be prevented by any other means. That was not the position in Iraq. The “Kosovo model” was “no authority for a proposition that action would be legally justified if authority from the Security Council had been sought but without success”. The facts available to Mr Wood did “not justify action in self-defence”. “The use of force would, therefore, be unlawful unless authorised by the Security Council.”

**616.** Mr Wood added:

“There is currently no express authorisation to use force against Iraq, nor would a resolution on the lines discussed ... give an implied authorisation based on the revival of the authority to use force contained in resolution 678 (1990). Subject to consideration of a final text (and the circumstances of its adoption), a finding of material breach in OP1 of the current text, followed by a long list of provisions detailing the action which the Council expects Iraq to take, together with a final paragraph which indicates that the Council would need to meet in the case of a further breach by Iraq, or some such, would not permit the revival argument. Rather, it would point to further action to be taken by Iraq, and then by the Council if Iraq were not to co-operate.

“In my view, we need to write urgently to No.10 recalling the legal position.”

**617.** When Mr Wood saw Mr Rycroft’s record of Mr Blair’s meeting on 17 October, he sent an “urgent and personal” minute to Mr Ricketts, stating:

“The concerns in my minute to Edward Chaplin earlier today are reinforced by [the] record of the Prime Minister’s meeting this morning, suggesting that ‘if for some reason [such as a French or Russian veto] there were no second resolution ... we and the US would take action’.

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<sup>199</sup> Minute Wood to Chaplin, 17 October 2002, ‘Prime Minister’s Phone Call with Bush, 14 October’.



“I have spoken briefly to the Foreign Secretary, who assured me that the Prime Minister understood that action could not be taken if the Attorney advised that it was unlawful ...

“The Foreign Secretary saw no point in writing again to No.10. The ... record was ... abbreviated ... The Foreign Secretary had made clear to the Prime Minister the legal advice.

“I think it is important, even if we do not write, that we ask David Manning to draw the Prime Minister’s attention to your [Mr Ricketts’] minute of 2 [sic] October.”<sup>200</sup>

**618.** Mr Chaplin sent Mr Wood’s minute of 17 October to Mr Straw’s Private Secretary, stating that he and Mr Wood had discussed the minute and, given the advice already offered to No.10, thought “it would be sufficient for you [the Private Secretary] to remind Sir David Manning” of previous advice, saying that it was strongly endorsed by FCO Legal Advisers and asking him to make that clear to the Prime Minister.<sup>201</sup>

**619.** A copy of Mr Wood’s minute to Mr Chaplin of 17 October, with Mr Chaplin’s comments to Mr Straw’s Private Secretary, is in the Attorney General’s files, with a manuscript note stating that Mr Wood had “handed over” a copy of his minute to Mr Ricketts to Mr David Brummell, Legal Secretary to the Law Officers, on the evening of 17 October.<sup>202</sup>

**620. On 18 October, Mr Wood sought Lord Goldsmith’s views on whether the draft resolution could have the effect of reviving the authorisation to use force.**

**621.** Mr Wood wrote to Ms Adams with the most recent text of the draft resolution on Iraq on 18 October.<sup>203</sup> He drew attention to the key elements of the draft which were “particularly relevant to the issue of whether it could be regarded as authorising the use of force” against Iraq. Mr Wood stated that, as the Attorney General would be aware, a finding by the Council that Iraq was in material breach of its obligations under the cease-fire resolution 687, together with a warning that Iraq would face serious consequences in the event of continued non-compliance, “can have the effect of reviving the authorisation to use force”. The draft, however, had to be “read as a whole” and other paragraphs gave “a clear indication that further action would be for the Council”. Mr Wood’s view was that: “Accordingly ... this resolution cannot be read as permitting the revival argument.”

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<sup>200</sup> Minute (handwritten) Wood to Ricketts, 17 October 2002, ‘Iraq: UN Route’. The reference to a minute from Mr Ricketts of 2 October is an error; that minute was written on 3 October.

<sup>201</sup> Manuscript comment Chaplin on Minute Wood to Chaplin, 17 October 2002, ‘Prime Minister’s Phone Call with Bush, 14 October’.

<sup>202</sup> Manuscript comment Brummell on Minute (handwritten) Wood to Ricketts, 17 October 2002, ‘Iraq: UN Route’.

<sup>203</sup> Letter Wood to Adams, 18 October 2002, ‘Iraq: Latest Text’.

**622.** Mr Wood concluded:

“We would be grateful for any advice which the Attorney General may wish to give on the resolution as currently drafted and would, as ever, be happy to come over and discuss the matter.”

#### LORD GOLDSMITH'S CONVERSATIONS WITH MR POWELL AND MR STRAW, 17 AND 18 OCTOBER 2002

**623.** Lord Goldsmith raised his concerns with Mr Straw on 18 October.

**624.** Mr Straw persuaded Lord Goldsmith not to put his views in writing until he had spoken to Mr Blair.

**625.** Mr Straw told Lord Goldsmith that he accepted a second resolution would be needed “unless circumstances changed”, but he argued that could not be acknowledged publicly for tactical reasons.

**626.** Mr Straw subsequently advised Mr Blair that they should camp on the position they had both taken publicly not to rule out involvement in military action if circumstances required that and, for example, a second resolution were to be vetoed.

**627.** Lord Goldsmith spoke to Mr Jonathan Powell on 17 October to register his concerns about what Mr Blair was reported to have told President Bush on 14 October. Mr Powell suggested that he should speak to Mr Blair.<sup>204</sup>

**628.** Asked how Mr Powell had responded, Lord Goldsmith was unable to recall any further details of his conversation with Mr Powell than the details in the record of his discussion with Mr Straw the following day.<sup>205</sup>

**629.** Lord Goldsmith spoke to Mr Straw on 18 October.

**630.** Both Ms Adams and Mr Straw's Private Office made records of the conversation. There is a considerable difference in emphasis between the two documents.

**631.** Ms Adams recorded that Lord Goldsmith had told Mr Straw that “he was concerned by reports he had received” that Mr Blair had indicated to President Bush that “he would join the US in acting without a second Security Council decision if Iraq did not comply with the terms of a resolution in the terms of the latest US draft”.<sup>206</sup>

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<sup>204</sup> Note Adams, 21 October 2002, 'Iraq: Record of Attorney General's Telephone Conversation with the Foreign Secretary, 18 October'.

<sup>205</sup> Statement, 4 January 2011, paragraph 2.6.

<sup>206</sup> Note Adams, 21 October 2002, 'Iraq: Record of Attorney General's Telephone Conversation with the Foreign Secretary, 18 October'.

**632.** In Lord Goldsmith's view, the "draft would not be sufficient to authorise the use of force without a second resolution". He had made that clear the previous day to Mr Powell, who had suggested that he should speak to the Prime Minister.

**633.** Discussing the detail of the draft, Lord Goldsmith reiterated that he was "very troubled by the way things appeared to be going".

**634.** Ms Adams reported that Mr Straw had "explained the political dimension", his conviction that the "strategy of standing shoulder to shoulder with the US was right politically", and the importance of obtaining a "decent Security Council resolution". Mr Blair had said that the UK would act in accordance with international law:

"That remained the position. The consequences of acting unlawfully were clearly unacceptable. But it was important not to suggest publicly that we had doubts about the proposed resolution. It would make the prospects of reaching agreement remote."

**635.** Mr Straw told Lord Goldsmith that he had made Lord Goldsmith's views on the legal position clear to Mr Blair.

**636.** Lord Goldsmith responded that he understood the politics and the importance of getting President Bush "behind" a UN resolution. He was:

"... not concerned about what Ministers said externally, up to a point. The Government must, however, not fall into the trap of believing it was in a position to take action which it could not take. Nor must HMG promise the US Government that it can do things which the Attorney considers to be unlawful."

**637.** Ms Adams recorded that Mr Straw commented that he believed Secretary Powell "understood the legal position".

**638.** Recalling his advice to Mr Blair of 30 July, Lord Goldsmith told Mr Straw that he might "now need to send a further note". Lord Goldsmith:

"... recognised that circumstances may change, but he wished to make clear to the Foreign Secretary that his firm view was that if a resolution was adopted in the terms of the present US draft, and if Blix subsequently reported to the Council that there had been a breach by Iraq, the resolution as it stands would not be sufficient to authorise the use of force without another Security Council resolution."

**639.** Mr Straw was recorded as suggesting that Lord Goldsmith might:

"... not wish to commit himself on paper until he had seen the Prime Minister. There might be circumstances, for example, if Russia vetoed a second resolution in the face of clear evidence that Iraq was flouting the Council's demands, in which force would be justified on the basis of existing resolutions. The French had indicated that they would support such an interpretation."

**640.** Lord Goldsmith had agreed but “stressed that he wished to ensure that his advice was clearly on the record”. Mr Straw had “assured” Lord Goldsmith that Mr Blair was fully aware of Lord Goldsmith’s views.

**641.** Finally, Ms Adams recorded that Lord Goldsmith:

“... hoped that, if there were any further meetings ... at which decisions on the use of force were to be made, the Foreign Secretary would make clear that the Attorney ought to be present. The Foreign Secretary agreed.”

**642.** The note of the conversation produced by Mr Straw’s Private Office records that Lord Goldsmith told Mr Straw that the latest draft of the resolution “did not provide legal authorisation for the use of force”.<sup>207</sup> In a discussion of the tactics necessary to persuade the US to take the UN route, Lord Goldsmith said he was:

“... comfortable with what had been said publicly so far. He noted the Prime Minister’s assurance to Bush that we would participate in military action should the Security Council route fail, but he took the Foreign Secretary’s point that to maintain influence over the American approach, we had to demonstrate that we stood shoulder to shoulder. The Foreign Secretary reassured the Attorney that both he and the Prime Minister had explained our legal position to Powell and Bush who understood the constraints.”

**643.** Lord Goldsmith and Mr Straw agreed that discussions within Government “should take full account of the legal issues”. Mr Straw “accepted” that “unless circumstances changed ... we would need a second resolution to authorise the use of force” but “tactically, we should not commit ourselves to this externally yet”. Mr Straw also pointed out that he “could envisage circumstances in which it might be possible to take action without specific Security Council authority”, but “obviously the Government would need the Attorney’s advice”. Lord Goldsmith would be seeing Mr Blair the following week and he and Mr Straw would keep in touch.

**644.** The FCO record of Lord Goldsmith’s conversation with Mr Straw was sent to Mr Ricketts. It was also sent to the Private Secretaries of Mr Straw and Sir Michael Jay, FCO Permanent Under Secretary (PUS), Mr Wood, Mr Stephen Pattison, Head of FCO United Nations Department and other senior officials.

**645.** No record of the conversation between Lord Goldsmith and Mr Straw appears to have been sent to UKMIS New York.

**646.** In his statement to the Inquiry, Lord Goldsmith wrote that he had not had the opportunity to consider the draft resolution in detail before his telephone call to Mr Straw, but his view was that the draft was not sufficient to authorise the use of force.<sup>208</sup>

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<sup>207</sup> Minute Sedwill to Ricketts, 18 October 2002, ‘Iraq: Foreign Secretary’s Conversation with the Attorney-General, 18 October’.

<sup>208</sup> Statement, 4 January 2011, paragraph 2.2.

**647.** Lord Goldsmith explained that his telephone call to Mr Straw had been “prompted” when he had learned of Mr Blair’s statement to President Bush (on 14 October) that he would join the US in acting without a second Security Council resolution:

“I thought that such action by the UK would be unlawful and I felt strongly that there had to be recognition within government of the constraints under which we were acting, and we should not lead the US to believe that we would take action ... I knew too that if we boxed ourselves into a corner that would make my task when I came to advise on the effect of the resolution more difficult.”<sup>209</sup>

**648.** Lord Goldsmith confirmed that Mr Straw had persuaded him not to provide a note of advice until he (Lord Goldsmith) had seen Mr Blair.<sup>210</sup> Mr Straw had said that there might be circumstances in which the UK could proceed without a second resolution, for example if Russia exercised a veto unreasonably. Lord Goldsmith wrote that although he “was not persuaded by that example ... it did make sense to him to have a discussion with the Prime Minister ... before putting his advice in writing”.

**649. Intense discussions on the elements of a draft resolution continued.**

**650.** Reporting a discussion on 16 October, Sir Christopher Meyer wrote that Mr Sandy Berger, President Clinton’s National Security Advisor, thought that an attack on Iraq would be “very risky” and might destabilise a number of countries in the region. In addition, he “thought that, whatever the scenario, the British Government has got itself into the position where it would go with the US whatever the circumstances. ‘The die is cast for the UK.’”<sup>211</sup>

**651.** Sir Christopher also reported that Mr Berger could envisage a situation where UNMOVIC might find “something nasty” and the US “would want to go to war”, but others on the Security Council would say that it “showed inspections were working and that they should continue”.

**652.** Sir David Manning commented to Mr Powell that that was “an inherent risk in the UN route”; and that: “Other routes were even riskier.”<sup>212</sup>

**653.** Mr Blair and Mr Annan discussed the need to bring the discussions on a new resolution to a successful conclusion for all concerned on 17 October.<sup>213</sup> They agreed that: “If the UN handled this well, it would emerge stronger, and reinforce the international rule of law.”

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<sup>209</sup> Statement, 4 January 2011, paragraph 2.3.

<sup>210</sup> Statement, 4 January 2011, paragraph 2.8.

<sup>211</sup> Letter Meyer to Manning, 17 October 2002, ‘Iraq: Berger’s Views’.

<sup>212</sup> Manuscript comment Manning to Powell, 18 October 2002, on Letter Meyer to Manning, 17 October 2002, ‘Iraq: [US individual’s] Views’.

<sup>213</sup> Letter Wechsberg to McDonald, 17 October 2002, ‘Iraq: Prime Minister’s Telephone Call with UN Secretary General’.

**654.** Mr Blair emphasised that the US and UK wanted to see the UN's will enforced. They did not want to see action on the slightest pretext but they were worried that in the event of a breach the UN might fail to act and lead us into another round of negotiation. We could not end up where we were before – ie Saddam Hussein ignoring the process.

**655.** In a letter to Sir Christopher Meyer on 19 October reporting two of Mr Straw's conversations with Secretary Powell, Mr Straw's Private Office recorded that he had:

“... touched base with the Prime Minister, Jonathan Powell and David Manning ... As well as running through this morning's exchanges they had a brief discussion of the implications should it not prove possible to secure a second resolution in the event of Iraqi defiance, which the Foreign Secretary noted that he had also talked over with the Attorney General.”<sup>214</sup>

**656.** A copy of the letter was sent to Sir Jeremy Greenstock.

**657.** The FCO instructions to the UK permanent Mission in New York, issued on 21 October, stated that the latest draft of the resolution could not be “read as authorising the use of force, taking into account the draft resolution as a whole, including OP10, which gives a clear indication that further action will be for the Council”.<sup>215</sup> The UK was keen that the full text of the draft resolution being discussed with the US should be shown to other P5 members “as soon as possible”.

#### LORD GOLDSMITH'S MEETING WITH MR BLAIR, 22 OCTOBER 2002

**658.** Lord Goldsmith informed Mr Blair on 22 October that, although he would not be able to give a final view until the resolution was adopted, the 19 October draft resolution would not on its own authorise military action.

**659.** In response to a question from Mr Blair, Lord Goldsmith agreed to give “further consideration” to the implications of an “unreasonable veto”.

**660.** The meeting between Lord Goldsmith and Mr Blair took place on 22 October.

**661.** Ms Adams advised Lord Goldsmith that Mr Straw's comments recorded in Mr McDonald's letter to Sir David Manning of 21 October made it “all the more important” for Lord Goldsmith to “place” his views “clearly on the record in writing”.<sup>216</sup>

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<sup>214</sup> Letter Sedwill to Meyer, 19 October 2002, 'Iraq: Foreign Secretary's Conversation with Powell, 19 October'.

<sup>215</sup> Telegram 602 FCO London to UKMIS New York, 21 October 2002, 'Iraq: Draft UNSCR'.

<sup>216</sup> Minute Adams to Attorney General, 22 October 2002, 'Iraq: Meeting with the Prime Minister, 22 October'.



**662.** Ms Adams also provided suggested “Lines to Take” for Lord Goldsmith.<sup>217</sup> They:

- explained why the draft resolution did not amount to an authorisation to use force;
- dismissed the Kosovo “precedent” as: “Simply not relevant”; and
- reminded Lord Goldsmith of the 1997 advice, set out in her minute of 14 October, which identified the possibility of “exceptional cases” where military action might be taken without a determination by the Security Council.

**663.** On the last point, Ms Adams wrote:

“It is impossible to give a firm view on this now. We should certainly not plan on being able to rely on such a justification. There does not seem to [be] wide support for military action among the wider international community at present.”

**664.** Lord Goldsmith’s aide memoire of the points he wished to make stated:

- “1. Anxious you know my legal advice
2. Note statements – political imperative
3. As it stands – will need a 2nd resolution (says so in Op10)
4. Need to express my view in writing?
5. [a reference to correspondence with an MP].”<sup>218</sup>

**665.** In his statement to the Inquiry, Lord Goldsmith confirmed that the manuscript notes were an aide memoire made by him before the meeting of the points he wished to make.<sup>219</sup>

**666.** Lord Goldsmith added:

“As it happened, we also discussed the legal effect of one of the other P5 members exercising a veto unreasonably.”

**667.** No.10 did not produce a record of the meeting, but Lord Goldsmith’s account was reported in a letter from Mr Brummell to Sir David Manning.<sup>220</sup> Mr Brummell wrote:

“The Attorney expressed the view ... that, as things stand at present and viewing the text as a whole, a resolution in the form of the latest draft seen by him (dated 19 October) would not on its own authorise military action ... However, it will not

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<sup>217</sup> Briefing ‘Lines to take’ attached to Minute Adams to Attorney General, 22 October 2002, ‘Iraq: Meeting with the Prime Minister, 22 October’.

<sup>218</sup> Manuscript comment Goldsmith on Minute Adams to Attorney General, 22 October 2002, ‘Iraq: Meeting with the Prime Minister, 22 October’.

<sup>219</sup> Statement, 4 January 2011, paragraph 3.1.

<sup>220</sup> Letter Brummell to Manning, 23 October 2002, ‘Iraq: Attorney General’s Meeting with the Prime Minister, 22 October’.

be possible to give a final view on the legal effect of the resolution until it has been adopted. Unless the Council's intent is crystal clear from the text (which seems unlikely), it will have to be assessed in light of all the circumstances, in particular any statements concerning the effect of the resolution made by Council members at the time of its adoption."

**668.** Mr Blair asked about the position "if, following a flagrant violation by Iraq, one of the other P5 Members perversely or unreasonably vetoed a second resolution intended to authorise the use of force". Mr Brummell's note records that Lord Goldsmith replied that it was "not easy to see how there is room for arguing that a condition of reasonableness can be implied as a precondition for the lawful exercise of a veto"; but he agreed to give the issue further consideration.

**669.** Mr Brummell wrote that it would "be important for the Attorney to be kept closely informed of developments"; and that: "The attitude of other Council members (and the wider international community) in response to any breach by Iraq will also be critical, i.e. whether there is general support within the Council and the wider community for military action to enforce the terms of the 1991 cease-fire arrangements as amended by the new resolution."

**670.** Mr Brummell concluded by stating that he had been asked "to make clear" that Lord Goldsmith would be "available for a further meeting at any time the Prime Minister would find this helpful".

**671.** Mr Brummell's letter was not sent to anyone other than Sir David Manning.

**672.** Mr Brummell's letter provoked concern from No.10. In a note for the No.10 file, Mr Powell recorded:

"I spoke to the AG to make it clear that we do not expect records of meetings from other departments, especially from people not even at the meeting. We produce records should they be needed. Furthermore, this was a commentary on a draft UNSCR that no longer exists."<sup>221</sup>

**673.** Lord Goldsmith told the Inquiry that, although the draft resolution he had discussed with Mr Blair on 22 October had, as Mr Powell had pointed out, been replaced, "none of these immediate changes affected the concerns" he had raised.<sup>222</sup>

**674.** Mr Blair told the Inquiry:

"... I can't remember exactly what I said after 22 October [the meeting with Lord Goldsmith], but I should imagine I said, 'Well, you [Lord Goldsmith] had better make sure it does meet our objectives.'"<sup>223</sup>

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<sup>221</sup> Note (handwritten) Powell, 25 October 2002, 'File'.

<sup>222</sup> Statement, 4 January 2011, paragraph 3.7.

<sup>223</sup> Public hearing, 21 January 2011, pages 55-56.

### The UK's draft strategic objectives

The preliminary objective for UK policy in Iraq agreed by Mr Straw and Mr Hoon in May, and recorded in Mr Hoon's minute to Mr Blair of 31 May 2002 (see Section 3.3), was revised in October 2002.

Mr Stephen Wright, FCO Deputy Under Secretary Defence and Intelligence, told the first FCO co-ordination meeting on 6 September that, following a conversation with the Chiefs of Staff, he thought more work needed to be done on strategic campaign objectives.<sup>224</sup>

Mr Bowen sent a draft to Sir David Manning on 4 October, explaining that "Whitehall would find it helpful" to agree objectives "for the present phase of activity" and, "in particular, it would help us in formulating an information strategy".<sup>225</sup>

The draft stated that the UK's prime objective was:

"... to rid Iraq of its weapons of mass destruction (WMD) and their associated programmes and means of delivery, including prohibited ballistic missiles (BM) ... in accordance with United Nations Security Council resolutions ... an expression of the will of the international community, with which Iraq has persistently failed to comply, thereby perpetuating the threat to international peace and security."

Other objectives included the desired end-state for Iraq,<sup>226</sup> to which "and providing effective and representative government for its own people" had been added; and restoring the authority of the UN. The draft also stated that: "Success in achieving our prime objective should help deter the proliferation of WMD and B[allistic] M[issiles] more generally."

The Cabinet Office draft identified the immediate priorities as:

- achieving "a tough new UNSCR";
- the return of inspectors to Iraq "under conditions which enable them to identify and eliminate prohibited WMD/BM material, associated equipment and activity";
- enabling UNMOVIC and the IAEA to institute a regime of long-term monitoring and verification measures to ensure compliance;
- maintaining "international solidarity behind the UN Security Council and support for effective ... action" by UNMOVIC and the IAEA;
- preserving regional stability; and
- continuing to "make military plans and preparations in case military action" was required to "force compliance with UNSCRs".<sup>227</sup>

Mr Bowen advised that some had argued that the aspirations for the future of Iraq should be translated into the main objective. He had resisted:

"... on the grounds that our purpose has been plainly stated by the Prime Minister as disarmament and because the effective implementation of that policy does not necessarily deliver our wider aspirations".

<sup>224</sup> Minute [FCO junior official] to Grey [sic], 6 September 2002, 'Iraq Coordination Meeting'.

<sup>225</sup> Minute Bowen to Manning, 4 October 2002, 'Iraq: Strategic Policy Objectives'.

<sup>226</sup> Agreed by Mr Straw and Mr Hoon in May 2002 and included in the Cabinet Office paper of 19 July, 'Iraq: Creating the Conditions for Military Action', which was discussed by Ministers on 23 July.

<sup>227</sup> Minute Bowen to Manning, 4 October 2002, 'Iraq: Strategic Policy Objectives'.

The objectives would also need to “evolve with changing circumstances”.

Mr Bowen stated that the paper was not intended for publication: if Mr Blair was content, Sir David would “no doubt ... arrange for it to be sent to DOP [Defence and Overseas Policy Sub-Committee of Cabinet] colleagues” (see Section 2).

Mr Bowen’s advice was also sent to Sir David Omand, Cabinet Office Permanent Secretary and Security and Intelligence Co-ordinator, Mr Scarlett, and to officials in the FCO, the MOD and the Home Office.

Mr Ian Lee, MOD, Director General Operational Policy, sent a copy of the draft to Mr Hoon’s Private Office, commenting that while the text was “helpful” it did not “go far enough in providing direction for current military activity and an information strategy”.<sup>228</sup> Mr Lee did not expect the draft to move forward until there was a clear UN position.

Pointing out that there was “a good deal of contingency planning work going on in Whitehall to support action in the United Nations on Iraq”, Sir David Manning wrote on 22 October to Mr McDonald and the Private Secretaries of DOP members to inform them that Mr Blair had approved the objectives enclosed with his letter, which “should help guide work in Departments for current phase of activity”.<sup>229</sup>

The letter was also sent to the Private Secretaries to Mr David Blunkett (the Home Secretary), Mr John Prescott and Mrs Margaret Beckett (the Environment, Food and Rural Affairs Secretary).

The objectives were unchanged from those proposed by Mr Bowen on 4 October.

The draft objectives underpinned subsequent policy statements both to explain the UK’s position and to maintain the pressure on Saddam Hussein to comply with the demands of the international community.

Mr Straw formally announced the UK’s objectives on 7 January 2003 (see Section 3.6).<sup>230</sup>

## Discussion of the US/UK draft resolution of 23 October 2002

**675.** A telegram from the British Embassy Paris on 21 October, recorded that there was “universally positive” coverage in the French media of President Chirac’s firm stance on Iraq, including a threat of the “first use of France’s veto since Suez” and suggestions that he had forced US concessions over a two-step approach.<sup>231</sup> The media also reported some details of the textual negotiations.

**676.** President Chirac’s stance was cited as the main reason for the jump in his popularity in the latest opinion poll from 52 percent in September to 57 percent. President Chirac was also given credit for the paragraph on Iraq in the Francophone Summit conclusions “defending multilateralism, the primacy of international law and the pivotal role of the UN”.

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<sup>228</sup> Minute Lee to PS/Secretary of State [MOD], 7 October 2002, ‘Iraq: Strategic Policy Objectives’.

<sup>229</sup> Letter Manning to McDonald, 22 October 2002, ‘Iraq’ attaching Paper Cabinet Office, ‘Iraq: Strategic Policy Objectives’.

<sup>230</sup> House of Commons, *Official Report*, 7 January 2003, columns 4-6WS.

<sup>231</sup> Telegram 609 Paris to FCO London, 21 October 2002, ‘Iraq: French views: Chirac Riding High’.

- 677.** On 22 October, Mr Straw and Secretary Powell discussed French and Russian concerns that the draft text had reintroduced “automaticity” in the preambular paragraphs (PPs) and in OPs 1-3.<sup>232</sup>
- 678.** Mr Powell suggested to Sir David Manning that it was “Worth bringing to the AG’s attention. Shows Russians and French think OPs 1-3 [?] automaticity.”<sup>233</sup>
- 679.** Following the conversation between Mr Straw and Secretary Powell, the FCO told UKMIS New York on 22 October that it could confirm that the UK would act as co-sponsor of the resolution if that was what the US wanted.<sup>234</sup>
- 680.** **In the face of signs of mounting US impatience with the UN process, Mr Blair sought to persuade President Bush to continue to negotiate a resolution.**
- 681.** **Mr Blair continued to assert that the UK would take action in the event of a further material breach by Iraq.**
- 682.** **Mr Blair did not offer any caveats to reflect the views Lord Goldsmith had expressed.**
- 683.** Sir David Manning told Dr Rice that, after the “difficult” discussions of the draft text between the P5 in New York on 22 October, Mr Blair thought the time had come to engage Foreign Ministers directly in the debate.<sup>235</sup> He had asked Mr Straw to talk to Secretary Powell “about a meeting at Foreign Minister level” early the following week. Dr Rice thought that was an attractive idea which she would discuss with Secretary Powell.
- 684.** Mr Blair also thought “we should revisit the possibility of agreeing the wording of a short second resolution that the P5 would table if Saddam violated the terms of the first resolution”. Sir David added:

“If we could secure this, the French and the Russians would have acknowledged, in writing, that they would be ready to use ‘all necessary means’ if Saddam were again in material breach.”

- 685.** Sir David reported that Dr Rice had doubts:

“... the difficulty would be that the French or the Russians would quibble over whether Saddam had committed a violation serious enough to trigger the follow up action required for the second resolution.”

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<sup>232</sup> Telegram 560 FCO London to Washington, 22 October 2002, ‘Iraq: Foreign Secretary’s Conversation with US Secretary of State, 22 October’.

<sup>233</sup> Manuscript comment Powell to Manning on Telegram 560 FCO London to Washington, 22 October 2002, ‘Iraq: Foreign Secretary’s Conversation with US Secretary of State, 22 October’.

<sup>234</sup> Telegram 560 FCO London to Washington, 22 October 2002, ‘Iraq: Foreign Secretary’s Conversation with US Secretary of State, 22 October’.

<sup>235</sup> Letter Manning to McDonald, 23 October 2002, ‘Iraq: Conversation with Condi Rice’.

**686.** Dr Rice told Sir David that the objections raised by France in relation:

“... to the language dealing with: ‘material breach’; ‘serious consequences’; and OP5 ... were unacceptable to Washington. The US had gone a long way in meeting French and Russian difficulties. The earlier reference to ‘all necessary means’ had been dropped ... there was agreement to go back to the Council to assess any Blix report of violations; and it was clear to everyone that a second resolution could be tabled by the French whatever the US and UK might prefer. The Administration could not give any more ground ... on the substance. There had been lots of publicity about US concessions already. Today there were two editorials in major US newspapers ... saying it was time for Washington to put down its draft resolution ... either the UN backed the resolution; or the US went to war.”

**687.** Sir David told Dr Rice that he “understood the political pressures” but the effect of tabling a resolution “on a take-it or leave-it basis would not necessarily be clear cut”. France and Russia might table a resolution which might attract more support. In response to a comment from Dr Rice that the US and UK “would have to veto the counter-draft just as the French and Russians would no doubt veto ours”, Sir David replied that was possible, “but deeply unattractive”. That was why the UK had proposed discussion at Foreign Minister level.

**688.** Dr Rice told Sir David that the:

“Essential elements for the US were:

- Maintaining the references to ‘material breach’ and ‘serious consequences’
- Retaining the wording ‘... false statements or omissions ... and failure by Iraq at any time to comply ...’
- Standing firm on the terms of the inspections regime
- No further weakening of OP12.”

**689.** Sir David stated that the UK’s willingness to co-sponsor the resolution demonstrated that it was “in firm agreement on the elements” of the resolution, but he “accepted that there might be differences on where to compromise if there was a serious negotiation”. That would be a matter “for the Prime Minister and the Foreign Secretary” whom he would consult. Dr Rice also said she would try to set up a conference call between herself, Sir David, Secretary Powell and Mr Straw.

**690.** Dr Rice concluded that France still seemed to misunderstand the US position, and its apparent belief that the US would, if pushed, concede was “mistaken”. “Washington was ready to go it alone if it had to; and the consequence would be that the UN would be marginalised for a long time to come.”

**691.** Sir David suggested that he was not sure President Chirac understood. It “seemed to him” that President Chirac’s “grasp of the issue” was “uncertain, and sometimes emotional”. Dr Rice should talk to the Élysée.



**692.** Sir David wrote that he had told Mr Straw there were “signs of mounting impatience in the White House with the whole UN process”. He added:

“Apparent evidence, too, that this is pushing the White House to consider putting the resolution down, and challenging the French (and Russians) to block it. Condi’s mood this morning was that the US had made enough concessions. If the UN process failed, Paris and Moscow would be responsible for the broken UN china ...”

**693.** Sir David Manning advised Mr Blair that he should tell President Bush to persist with the UN route despite the frustrations and that “real negotiations” were “just beginning”. The domestic pressures on President Bush to do so were considerable. There was nervousness in Middle America about war on Iraq without UN cover, or without UK company. That gave the UK “leverage in the UN context”.

**694.** In his conversation with President Bush, Mr Blair accepted that the negotiations in New York were in pretty good shape: the three vital elements in the resolution were material breach, the declaration of Iraqi WMD, and the tough inspection regime.<sup>236</sup>

**695.** Mr Blair’s view was that those provisions should not be weakened. If they were agreed, the UK could accept a further Security Council discussion in the event of a breach, but “on the understanding that either this discussion would then authorise action or if it did not we would go ahead anyway”.

**696.** To ensure that President Bush understood the UK position, Mr Blair underlined the importance for the UK of securing the first resolution.

**697.** Mr Blair also stated that he continued to think that tough inspections just might lead to the collapse of Saddam Hussein’s regime.

**698. A draft resolution agreed by the US and UK was tabled in the Security Council on 23 October 2002.**

**699.** The US/UK draft resolution was presented to the full Security Council on 23 October.<sup>237</sup>

**700.** Delegations were invited to refer the text, “which remained a working document”, to capitals.<sup>238</sup>

**701.** The key changes to the text agreed by the US and UK at the end of September are set out in the Box below.<sup>239</sup>

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<sup>236</sup> Letter Rycroft to McDonald, 23 October 2002, ‘Iraq: Prime Minister’s Conversation with President Bush, 23 October’.

<sup>237</sup> Telegram 2031 UKMIS New York to FCO London, 23 October 2002, ‘Iraq: Draft Resolution of 23 October’.

<sup>238</sup> Telegram 2030 UKMIS New York to FCO London, 23 October 2002, ‘Iraq: UK/US Text Presented to the Security Council’.

<sup>239</sup> Telegram 2031 UKMIS New York to FCO London, 23 October 2002, ‘Iraq: Draft Resolution of 23 October’.

### US/UK draft resolution, 23 October 2002

Key revisions in the text tabled in the Security Council by the US and UK on 23 October were:

- a new **OP2** recalling that the Council had repeatedly warned Iraq that it would face serious consequences as a result of its continued violations of its objectives, replacing the reference to all necessary means in the initial OP10;
- a new **OP4** deciding that false statements and omissions in the declarations submitted by Iraq (pursuant to this resolution - the original OP2 provisions) and failure by Iraq at any time to comply with, and co-operate fully in the implementation of this resolution shall constitute a further material breach of Iraq's obligations;
- a new **OP11**, a revision of the previous OP9, directing Dr Blix and Dr ElBaradei to report immediately to the Council any interference by Iraq with inspection activities, as well as any failure by Iraq to comply with its disarmament obligations, including its obligations regarding inspections under this resolution; and
- a new **OP12**, a revision of the previous OP10, deciding that the Council would convene immediately upon receipt of a report (in accordance with OP11) to consider the situation and the need for full compliance with all the relevant Security Council resolutions in order to restore international peace and security.

**702.** Sir Jeremy Greenstock reported that he had stated:

“In terms of process this was the first time we ... had a text worth putting down as [the] basis for discussion. The text gave Iraq a clear warning that it had a last chance to comply with strengthened UN inspections. This was a genuine offer ... the co-sponsors were proposing two clear stages. No decisions on further action would be taken until inspections had been tested by UNMOVIC/IAEA, professional and independent bodies. If [they] reported problems, the text made clear that the Council would immediately meet to discuss the way forward – this was something the UK had wanted and which had not figured in previous drafts. The rest of the draft dealt with two main priorities: strengthening inspections so Iraq understood it had no escape but to comply; and underlining the serious consequences if Iraq did not comply, subject to OPs 11 and 12.”<sup>240</sup>

**703.** Sir Jeremy added that he “hoped this was something the whole Council could support”.

**704.** Sir Jeremy reported that while the French delegation had welcomed the progress since the initial draft to identify two, well-defined stages, there were still concerns that it contained “hidden triggers” for automatic military action. France also wanted the

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<sup>240</sup> Telegram 2030 UKMIS New York to FCO London, 23 October 2002, ‘Iraq: UK/US Text Presented to the Security Council’.

mandate for the inspectors to be checked with Dr Blix and Dr ElBaradei. France had proposals for alternative text.

**705.** Russia had supported France and drawn attention to the importance of the practical arrangements set out in the letter from Dr Blix and Dr ElBaradei on 8 October.

**706.** China had also sympathised with the French position and stated that the Council should look for a solution by peaceful means, not authorising force in the resolution.

**707.** The Council agreed to discuss the draft on 25 October and to meet on 28 October to discuss the draft with Dr Blix.

**708. Cabinet was informed on 24 October that negotiations on the UN resolution continued and progress was “slow”.**

**709. Mr Blair said that Iraq would continue to be discussed at Cabinet, “including in due time the military options”.**

**710.** Mr Straw told Cabinet on 24 October that discussions with the Permanent Members of the Security Council and with others continued on a resolution on Iraq.<sup>241</sup> It was a long drawn out process and progress was slow.

**711.** In discussion a number of points were made:

- A strong resolution was required so that Saddam Hussein would understand that the disarmament of Iraq would be achieved.
- In the event of a breach of that resolution, the Security Council’s response would determine its future reputation.
- If there was military action and Iraq responded with chemical or biological weapons, a humanitarian disaster could ensue.
- Effective disarmament of Iraq through inspection remained a possibility, as did the Iraqi regime cracking under the pressure applied.

**712.** Mr Blair stated that Iraq would continue to be discussed in Cabinet, “including in due time the military options”. The Government must “keep its options open in responding to future developments” after a resolution was achieved.

**713. Other members of the P5 continued to express concerns about key elements of the new US and UK draft resolution, primarily that it should not contain any triggers permitting automatic military action.**

**714.** Mr Blair and President Chirac discussed Iraq during a meeting in Brussels on 24 October. The record of the meeting concluded that there was “no meeting of minds”.<sup>242</sup>

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<sup>241</sup> Cabinet Conclusions, 24 October 2002.

<sup>242</sup> Letter Rycroft to Sedwill, 24 October 2002, ‘Iraq: Prime Minister’s Meeting with Chirac, 24 October’.

**715.** The following day there was a major disagreement between President Chirac and Mr Blair over reform of the Common Agricultural Policy. Mr Campbell wrote in his diaries that:

“They had also had some pretty fiery exchanges on Iraq, TB telling him [President Chirac] that the US were going to do it so it depended [on whether] he wanted to be part of the equation or not.”<sup>243</sup>

**716.** Discussions between Mr Straw and other Foreign Ministers and between Sir David Manning and Dr Rice, including on French ideas on the detailed text, continued.

**717.** Reporting discussions with a wide range of colleagues in New York, Sir Jeremy Greenstock said he had told Ambassador Negroponte that there was a case for putting the US/UK text into near final form (“into the blue”) on 25 October, to pre-empt possible alternative texts being tabled by France or Russia. “Doing so would show that we were serious about not wasting time.”<sup>244</sup>

**718.** Ambassador Negroponte agreed. The three compromise changes discussed with the UK on 23 October “were getting nowhere in Washington”: “The main stumbling block was State Department lawyers.”

**719.** Sir Jeremy stated that, as he saw the UK’s position, “we had no fear of a second stage Council discussion. We would not be bound if, at that stage, the Council funked its responsibilities.” He “did not understand why the US lawyers were frightened. This would simply mean taking the process to that point.” Sir Jeremy “asked if UK pressure would help”. He also suggested amending OP11 to require Dr Blix to report “any systematic interference”, rather than “any interference”.

**720.** Sir Jeremy reported that Ambassador Negroponte had also said Mr Lavrov had told him he had been instructed to make clear that the draft resolution was “unacceptable” and “Russia would veto”.

**721.** Sir Jeremy commented:

“The tactical manoeuvring is now getting sharp. Lavrov’s veto threat is presumably agreed by Putin. My instinct is to regard this as hard negotiating ... they [the Russians] would not veto on their own. But it makes clear that, whatever further concessions are squeezed out of the Washington system, the Russians will not vote positively.

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“The French text ... is actually not bad from a UK point of view. We shall have to see what Washington makes of it. My guess is that there is probably one more round of

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<sup>243</sup> Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

<sup>244</sup> Telegram 2042 UKMIS New York to FCO London, 25 October 2002, ‘Iraq: Discussions on 24 October’.

significant concessions, in the ‘material breach’ area to be had out of the Americans. I see our role tomorrow as being primarily a listening one ... But I would like to see the Americans showing more teeth.”

**722.** On 25 October, Mr Straw and Secretary Powell discussed the need to deal with views amongst other P5 members, that the reference to material breach in OP4 was a potential trigger for military action.<sup>245</sup> They agreed that the issue needed to be addressed.

**723.** During the discussion in the Security Council on 25 October Sir Jeremy Greenstock stated that the draft:

“... was a text about disarmament and nothing else. It was not, and would not be, a text that established a casus belli. The whole point was to make clear that Iraq had not complied, but ... we were giving it a last chance to get this right through peaceful disarmament. OP4 did not establish that a false declaration or omission was, on its own, a casus belli. There were no triggers except as set out in OPs 11 and 12, ie requiring a second stage of Council business.”<sup>246</sup>

**724.** Discussions also focused on whether the finding of material breach in OP1 would be framed in the past or present tense, and the need to make clear that it did not constitute a trigger for action.

**725.** Reporting informal consultations between Security Council members and Dr Blix and Dr ElBaradei on 28 October, the UK Mission in New York advised that there was support for most provisions in the UK/US draft resolution. Both Dr Blix and Dr ElBaradei had emphasised:

- the importance of clear and unified support for inspections from the Council;
- UNMOVIC and the IAEA should choose their staff; and
- the modalities for the conduct of interviews should be left to the inspectors.<sup>247</sup>

**726.** There were foreseeable practical difficulties with interviews outside Iraq. Dr Blix was aware of the large responsibility placed on UNMOVIC in reporting Iraqi interference and failure to comply. Its reports would have to be accurate. But that would not mean war and peace were in the inspectors’ hands – they would simply report to the Security Council, which would decide on the consequences.

**727. FCO Legal Advisers continued to warn that the resolution might not deliver legal authority for military action and that the revival of the authority for the use**

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<sup>245</sup> Telegram 566 FCO London to Washington, 25 October 2002, ‘Iraq: Foreign Secretary’s Conversation with US Secretary of State, 25 October’.

<sup>246</sup> Telegram 2050 UKMIS New York to FCO London, 25 October 2002, ‘Iraq: Informal Consultations 25 October’.

<sup>247</sup> Telegram 2057 UKMIS New York to FCO London, 28 October 2002, ‘Iraq: Informal Consultations with Blix and ElBaradei’.

**of force was not a judgement which could be made by individual Member States of the Security Council.**

**728.** The final amendments to the draft resolution were seen by FCO Legal Advisers and by Lord Goldsmith and his officials.

**729.** Lord Goldsmith also asked FCO Legal Advisers for information on the use and effect of a veto.

**730.** Mr Wood reminded Lord Goldsmith that the Law Officers had not excluded the possibility of action in the event of a failure to act by the Council, in “exceptional circumstances” where “the international community as a whole favoured action”; but they had reached no firm conclusion on the point.

**731.** Mr Grainger drew Sir Jeremy’s remarks to Ambassador Negroponte to the attention of Ms Elizabeth Wilmshurst, FCO Deputy Legal Adviser.<sup>248</sup>

**732.** Mr Grainger wrote to Mr Chaplin on 31 October, stating that:

“The effect of this resolution will be that it does not authorise the use of force, either now or in the event of further Iraqi non-compliance, and that it envisages further Council action if force is to be authorised (as recognised in OP12). Equally, the Council failing to take its responsibilities (i.e. not authorising the use of force when we believe that politically it ought to do so) would not provide a legal basis for the use of force.”<sup>249</sup>

**733.** Echoing Lord Goldsmith’s advice to Mr Straw on 18 October, Mr Grainger cautioned that “we must be careful not to give the US (or ... others in Whitehall) a false impression of our understanding of the legal position”.

**734.** Mr Grainger sent copies of his minute to Mr Pattison and others within the FCO, but not to the UK Mission in New York.

### **CIG Assessment, 28 October 2002**

A global survey of chemical and biological weapons, produced at the request of the MOD, was issued by the JIC on 28 October.<sup>250</sup> It provided a general assessment of the practicalities involved in producing and using chemical and biological agents and an assessment of the capabilities of several countries. Its judgements in relation to Iraq are addressed in Section 4.3.

<sup>248</sup> Email Grainger to Wilmshurst, 25 October 2002, ‘Iraq: Discussions on 24 October’.

<sup>249</sup> Minute Grainger to Chaplin, 31 October 2002, ‘Iraq: UKMIS NY TELNO 2078’.

<sup>250</sup> CIG Assessment, 28 October 2002, ‘Global Chemical and Biological Weapons Survey’.



## **Decision to offer a land contribution to the US for planning purposes**

**735.** The MOD advised Mr Blair on 29 October that its influence on US planning was reducing and the option to deploy UK ground forces was at risk of being excluded by default. The only way to avoid that was to offer Package 3 to the US for planning on the same basis as Package 2.

**736.** Package 3 could also significantly reduce the UK's vulnerability to US requests to provide a substantial and costly contribution to post-conflict operations.

**737.** Mr Watkins wrote to Sir David Manning on 29 October, to report that "US military planning [was] continuing, but increasingly assuming no UK Land contribution"; and that an option for a "significant land contribution" could be "sensibly kept open only by placing it on a similar basis" to Package 2.<sup>251</sup>

**738.** The MOD stated that Package 3 was:

"... for practical purposes being excluded by default. If we are to keep the option open, and continue to have the strongest military cards to underpin our political influence, the Defence Secretary believes that we should indicate to the US that they should plan on the assumption that the land contribution would be available, subject to final political approval ... It is also worth noting that, while Package 3 is significantly more expensive in itself than Package 2, making it available could significantly reduce our vulnerability to US requests to provide a substantial (and costly) contribution to post-conflict stabilisation operations."

**739.** The MOD letter and the advice for Mr Blair from Sir David Manning are addressed in Section 6.1.

**740.** On 31 October, Mr Blair agreed that the MOD could offer Package 3 to the US on the same basis as Package 2.

**741.** The decision to offer ground forces (Package 3) to the US for planning purposes was a significant step. Once the offer had been made, it would have been difficult to withdraw and constrained the UK's subsequent policy choices.

**742.** Mr Blair, Mr Straw, Mr Hoon and Adm Boyce discussed the MOD wish to offer Package 3 to the US for planning purposes again on 31 October.<sup>252</sup>

**743.** Mr Rycroft recorded that Mr Blair concluded that the MOD should tell the US that the UK was "prepared to put Package 3 on the same basis as Package 2 for planning purposes, in order to keep the option open; but that no warning should be issued to the Reservists at this stage". Mr Blair "should be consulted again before any such warning was issued".

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<sup>251</sup> Letter Watkins to Manning, 29 October 2002, 'Iraq: UK Military Options'.

<sup>252</sup> Letter Wechsberg to Watkins, 31 October 2002, 'Iraq: Military Options'.

**744.** Copies of the record of the meeting were sent to Adm Boyce, the Private Offices of Mr Hoon, Mr Straw and Mr Brown, and to Mr Bowen.

**745.** The reasons for the decision to offer ground forces are considered in Section 6.1.

**746. Sir David Manning raised the possibility with Dr Rice of delaying action until winter 2003 in view of the potential mismatch between the timetable for inspections and the US military plan, but there was no substantive discussion of that option.**

**747.** Sir David Manning flew to Washington on 31 October for talks with Dr Rice, Secretary Powell and Mr Richard Armitage, US Deputy Secretary of State.

**748.** The record of the discussions sent to Whitehall stated that Sir David had “underlined the importance for the UK of a UNSCR” and had discussed the prospects for reaching agreement. The US was working on a revised text. Sir David had “a strong impression that the gap between [the US and France] had widened again”.<sup>253</sup>

**749.** A separate private minute from Sir David to Mr Blair reported concern about whether the potential difficulties in reaching agreement with the French had been underestimated, and an assurance that President Bush understood the UK’s political constraints.<sup>254</sup>

**750.** The other major issue discussed was whether a UK military force would be permitted to transit through Turkey.

**751.** Sir David Manning reported that he and Dr Rice had discussed the fact that “the UN inspection timetable was now out of sync with the timetable for possible military action beginning in early January”. He had asked “whether we might now be looking at the second of the original ‘windows’ ie a campaign next winter rather than this”. That had not been ruled out but the conversation had shifted to the prospects for internal regime change sparing the need for military action. The best chance of securing that was “a very tough UN resolution accompanied by threatening military preparations, in the hope that Saddam’s system would implode under the strain”.

**752.** Sir David reported that Dr Rice had been focused on events developing in a way which meant military action might not be necessary. He speculated whether that might indicate a shift in the US attitude. They had also discussed the possibility of issuing an ultimatum to Saddam Hussein and his sons to leave Iraq if he was in breach of the resolution.

**753.** In conclusion, Sir David reported that there had been a “pretty sharp change of mood over the past three months, perhaps fuelled by polls which show growing doubts among the US public, and a growing appreciation of the huge difficulties we shall face

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<sup>253</sup> Letter Rycroft to McDonald, 1 November 2002, ‘Iraq: US Views, 1 November’.

<sup>254</sup> Minute Manning to Prime Minister, 3 November 2002, ‘Visit to Washington: Talks with Condi Rice’.

if we have to occupy ... Iraq". He did not "want to make too much of this" but wondered if it suggested "a new wariness at the heart of the [US] Administration".

### **Final stages of the negotiation of resolution 1441**

**754. Cabinet was informed on 31 October that a UN resolution was likely to be agreed the following week.**

**755.** On 31 October, Mr Straw told the Cabinet that the Security Council was in the final stages of the negotiation of a resolution on Iraq.<sup>255</sup> The text would need to meet French concerns that it would not provide a pretext for war and UK and US concerns to avoid too restrictive a formulation on what would follow an Iraqi breach of the resolution. The most likely outcome was a resolution the following week. The pressure to reach closure was "growing".

**756.** In discussion the need for the inspection regime to be tough and for existing defects to be rectified, and for the resolution to provide for further discussion in the Security Council, were raised.

**757.** Mr Blair concluded that a "robust resolution was required which would send a clear message to Saddam Hussein. If Iraq did not comply there would be further discussion in the ... Security Council of the next steps."

**758. Mr Straw told Mr Ivanov on 1 November that if Iraq did not comply, the draft resolution meant the issue would "have to go back to the Security Council to decide what action was required".**

**759.** In a conversation with Mr Straw on 1 November, Mr Ivanov stated that efforts should be concentrated on two sets of questions:

- The provisions in the resolution on inspection procedures should reflect the views of Dr Blix and Dr ElBaradei. In his view, that would be "difficult, but feasible".
- What happened in the event that a resolution was violated.<sup>256</sup>

**760.** Mr Ivanov was reported to be content for the resolution to contain references to previous material breaches:

"But the resolution had to be careful about future material breaches. He did not want a situation where military action could be automatically sanctioned without further reference to the Security Council."

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<sup>255</sup> Cabinet Conclusions, 31 October 2002.

<sup>256</sup> Telegram 583 from FCO London to Washington, 1 November 2002, 'Iraq: Foreign Secretary's Conversation with Russian Foreign Minister, 1 November'.

**761.** Mr Straw told Mr Ivanov that his “strong hope was that negotiations in New York would lead to a resolution that all sides could vote for”, and:

“... underlined that the resolution could not be used as a pretext for unjustified military action ... the reference to ‘all necessary means’ had now gone. In its place stood OP11 and OP12. The issue would now have to go back to the Security Council to decide what action was required.”

**762.** Citing the differences in view about the legal basis for the No-Fly Zones in Iraq, Mr Ivanov said he wanted to “avoid situations of ambiguity” and “repeated that he did not want to see the resolution ... used unilaterally for military action”.

**763.** Mr Straw responded that:

“... there was no intention of using force unless it was absolutely essential. If the UK sought the use of force, then it was likely that Russia, France and China would want it too.”

**764. Following a warning from Sir Jeremy Greenstock on 1 November that there was a risk that China, France and Russia would veto the resolution, intense negotiations on the precise wording of the draft resolution continued between P5 capitals and in New York.**

**765.** Reporting his discussions in New York on 1 November, Sir Jeremy Greenstock said that he had told the US delegation: “We could be close to a Russian/French/Chinese deal to exercise a triple veto because of OP4.” (They were concerned that OP4 could be a trigger for military action.)<sup>257</sup>

**766.** Sir Jeremy questioned whether OP4 was useful given that: “With any negotiable OP4, the Council would have to ‘establish’ or ‘assess’ any material breach leading to potential argument and constraining our flexibility.” He had suggested losing the OP and moving the reference “to false statements or omissions in the declaration” to OP11.

**767.** Mr Grainger sent a copy of the text of the US draft resolution of 1 November to Mr Brummell on 4 November, saying that Mr Wood would be in touch.<sup>258</sup>

**768.** The draft text of OP4 included text additional to the draft resolution of 23 October, stating that in the event of a further material breach, “the Council shall convene in accordance with paragraphs 11 and 12” of the draft resolution.

**769.** The reference to the Council’s warnings “that Iraq will face serious consequences as a result of continued violations of its obligations”, OP2 in the draft of 23 October, had been moved to the end of the resolution, and became OP13 in resolution 1441.

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<sup>257</sup> Telegram 2097 UKMIS New York to FCO London, [01] November 2002, ‘Iraq Resolution: 1 November’.

<sup>258</sup> Note (handwritten), Grainger to Brummell, 4 November 2002, attaching text of US draft resolution.

**770.** The draft text also included a new provision deciding that “notwithstanding” the finding in OP1 that Iraq “remains” in material breach of its obligations under relevant resolutions, Iraq would be afforded “a final opportunity to comply” with its obligations.

**771.** That provision, which was designed to provide a ‘firebreak’ between the finding of material breach in OP1 and the rest of the provisions in the resolution, became, after further amendment, OP2 in resolution 1441.

**772.** Intense discussions on the precise wording of those and other provisions in the draft resolution continued between capitals and in New York.

**773.** A document setting out “a further update of the compendium of proposals on key paragraphs”, reflecting discussions over the preceding weekend, was circulated with an email from Mr Pattison’s office on the morning of 4 November.<sup>259</sup> That included an option for alternative additional text in OP4 to the proposal in the 1 November draft which stated: “and will be reported to the Security Council for assessment in accordance with OP12”.

**774.** Mr Grainger immediately sent Mr Pattison’s email of 4 November to Mr Wood and Ms Wilmshurst.<sup>260</sup>

**775.** A minute from Mr Ricketts to Mr Straw’s Private Office on 5 November reported that the French were concerned about the omission of a reference to OP11 – as well as to OP12 – in OP4. That could be read as opening the door “further” to a report to the Council from a Member State for assessment in accordance with OP12.<sup>261</sup>

**776.** Mr Ricketts’ advice was sent to Mr Grainger, amongst others.

**777.** Lord Goldsmith met Mr Wood and Mr Grainger on 5 November.

**778.** A letter from Mr Grainger to Mr Brummell later that day makes clear that Lord Goldsmith asked for further information on the use and effect of the veto by the Permanent Members of the Security Council.<sup>262</sup> The letter indicated that the discussion centred on the question of the legal effect of a veto of a resolution by a Permanent Member of the Security Council.

**779.** One of the questions on which Lord Goldsmith had sought further information was whether it would be possible to argue that a P5 veto had been cast on unreasonable grounds and therefore would not prevent a resolution being adopted. Mr Grainger’s clear advice was that there was nothing in the practice of the Council or in the UN Charter to support that argument.

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<sup>259</sup> Email PA/Mr Pattison to FCO officials, 4 November 2002, attaching Paper ‘Iraq: UNSCR: UK, French and American proposals’.

<sup>260</sup> Email Grainger to Wood and Wilmshurst, 4 November 2002, ‘Iraq’.

<sup>261</sup> Minute Ricketts to Private Secretary [FCO], 5 November 2002, ‘Iraq: French Reactions’.

<sup>262</sup> Letter Grainger to Brummell, 5 November 2002, ‘Iraq: Legal Effect of the Veto’.

**780.** There is no record of whether the text of the draft resolution and its effect were discussed at that meeting.

**781.** Lord Goldsmith drew the Inquiry's attention to a copy of Mr Grainger's note of 4 November in the files of the Attorney General's Office, which had "a manuscript reference" in the margin of OP4 which read: "and will be reported to SC [Security Council] for assessment in acc with para [11+]12".<sup>263</sup>

**782.** Lord Goldsmith told the Inquiry that:

"... it is not clear when that manuscript note was made. In any event I do not believe that I saw it and there was no request to advise on the effect of the words. I feel reasonably confident that if I had been asked about those words I would have said that they were problematic and would have argued for their removal. In the event, when I came to advise on the text after it was adopted, the words became of central importance and caused me much difficulty."<sup>264</sup>

**783.** In a conversation with President Bush on 6 November, Mr Blair reiterated his view that the clear message to Saddam Hussein must be that, if there were a further breach by Iraq, action should follow.

**784.** Mr Blair telephoned President Bush on 6 November primarily to discuss Iraq.<sup>265</sup>

**785.** The UK/US draft resolution was to be circulated later that day and Mr Blair welcomed its provisions for a tough inspections regime. Mr Blair and President Bush also discussed making statements after the resolution had been adopted and the messages that would send to Saddam Hussein.

**786.** Mr Blair told President Bush that there was a chance, albeit a small one, that under the pressure and humiliation of inspections the regime might crumble. They "must play into that" and "be very tough, to encourage regime members to split off". A psychological profile would be useful.

**787.** Mr Blair said that:

"... there must be a clear understanding that if there were a further breach action must follow; we should imply, without spelling it out, that if there were a veto in those circumstances, there would still be action."

**788.** In his subsequent conversation with Dr Rice, Sir David Manning reported that Mr Blair had told the President that he would point to the commitment in the resolution

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<sup>263</sup> Note (handwritten) Grainger to Brummell, 4 November 2002, attaching text of US draft resolution.

<sup>264</sup> Statement, 4 January 2011, paragraph 1.7.

<sup>265</sup> Letter Rycroft to McDonald, 6 November 2002, 'Iraq: Prime Minister's Phone Call with Bush, 6 November'.



to consult if there were a violation, and underline that he would then expect the Security Council to act.<sup>266</sup>

**789.** In a discussion with Secretary Powell on 6 November, Mr Straw commented that the UK and US had got what they wanted, including “serious consequences”.<sup>267</sup>

**790.** On 2 November, France proposed that the following words should be added to the paragraph:

“shall constitute a further material breach of Iraq’s obligations when assessed by the Security Council.”<sup>268</sup>

**791.** The US then proposed:

“... shall constitute a further material breach of Iraq’s obligations and will be reported to the Security Council for assessment in accordance with OP12.”

**792. The resolution was finally tabled in the Security Council on 6 November.**

**793.** The revised US/UK draft resolution was presented to the Security Council on 6 November.<sup>269</sup>

**794.** Lord Goldsmith saw the draft text.<sup>270</sup>

**795.** The omission of a reference to OP11 in the US proposal was a matter of concern to both France and Russia. Russia expressed concern that its omission created a *casus belli* before a reported breach reached the Security Council; France was concerned that OP4 should refer to OPs 11 “and” 12 lest it might be taken to imply that a meeting of the Security Council could take place, not on a report from UNMOVIC or the IAEA, but from a Council member.<sup>271</sup>

**796.** Sir Jeremy Greenstock reported that points raised in discussions between P5 Ambassadors included:

- Ambassador Negroponte said the draft resolution “was a genuine US effort to go through the UN and strengthen inspections – not to find hidden triggers”. A resolution with P5 support “would give the clearest possible signal to Iraq”.

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<sup>266</sup> Letter Manning to McDonald, 6 November 2002, ‘Iraq: Conversation with Condi Rice’.

<sup>267</sup> Telegram [un-numbered] FCO London to Washington, 6 November 2002, ‘Foreign Secretary’s Conversation with US Secretary of State, 6 November’.

<sup>268</sup> Telegram 585 FCO London to UKMIS New York, 2 November 2002, ‘Iraq: Foreign Secretary’s Conversation with US Secretary of State, 2 November’.

<sup>269</sup> Telegram 2120 UKMIS New York to FCO London, 7 November 2002, ‘Iraq: Security Council Consultations’.

<sup>270</sup> Manuscript comment Adams to AG on Telegram 2112 UKMIS New York to FCO London, 6 November 2002, ‘Iraq: 6 November Revised Resolution’.

<sup>271</sup> Telegram 2119 UKMIS New York to FCO London, 7 November 2002, ‘Personal Iraq: P5 Meeting and Contacts with Negroponte’.

- Mr Lavrov was disappointed that the draft did not take on board comments on a number of issues, but he had been instructed to focus on four:
  - "... 30 days was unrealistic for a declaration covering non-WMD chemical and biological programmes." That was "important given omissions ... could trigger a material breach".
  - The draft language in OP4 "created a casus belli before the report reached the Council". He had been instructed to insist on the earlier French formulation, referring to a material breach being reported to the Council, "in accordance with Ops 11 and 12".
  - A preference for French language on Presidential sites in OP7.
  - The reference to restoring international peace and security in the draft of OP12 was not appropriate "(it was not clear it would need restoring)". He could compromise on "secure".
- Mr Wang Yingfan, Chinese Permanent Representative to the UN, shared Mr Lavrov's view on OP4 and was not clear what "assessment" meant in Chinese.
- Mr Levitte said that unanimity was essential. OP4 "had to refer to OPs 11 'and' 12, not 11 'or' 12": "Or" could mean a meeting taking place, not on a report from Blix, but from a Council member. If this was the intention, the result would be conflicting reports from different Members. If reports were not sent through Blix or ElBaradei we would end up with a very ambiguous situation ... He expected Powell and Villepin to address the issue."

**797.** In subsequent discussion, the US said OP4 created a distinction between an "automatic casus belli" and "automaticity for the use of force": "further failures to comply would constitute a material breach, but that material breach would result in a Council discussion". Ambassador Negroponte "clarified" that an omission in the declaration (required by OP3) "on its own would not constitute a material breach".

**798.** In a bilateral discussion with Ambassador Negroponte, Sir Jeremy suggested that "and" could be reinstated in OP4 but the use of "or" should be retained in OP12 (which provided for the Council to convene immediately upon receipt of a report in accordance with OP4 or OP11).<sup>272</sup>

#### CABINET, 7 NOVEMBER 2002

**799.** Mr Blair told Cabinet on 7 November that after the return of inspectors to Iraq, "tricky questions would arise about whether Iraq had breached its obligations and what steps should be taken".

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<sup>272</sup> Telegram 2119 UKMIS New York to FCO London, 7 November 2002, 'Iraq: P5 Meeting and Contacts with Negroponte'.

**800.** Mr Straw told Cabinet on 7 November that the vote on the resolution on Iraq was likely to take place the following day and described its provisions.<sup>273</sup> The aim was to achieve unanimity, which would be a triumph for UK and American diplomacy.

**801.** In discussion, it was suggested that:

- public opinion in the US, which had in the past not been supportive of the UN, was now supportive of the multilateral approach;
- inspections had to be done properly and would need to be backed by a sufficient level of military threat to ensure Iraq's compliance;
- the facts of any breach would be reported by the inspectors, with the Security Council having to judge what the facts meant; and
- media speculation that pressure on Iraq was about access to oil supplies and that British companies would be disadvantaged was not helpful.

**802.** Mr Blair concluded that “after the return of inspectors tricky questions would arise about whether Iraq had breached its obligations and what steps should be taken”. The resolution “should send a clear message to Iraq in terms of what the international community required and the consequences of non-compliance”. The “need to move forward on the Middle East Peace Process had not been overlooked”.

#### MR STRAW'S CONVERSATION WITH LORD GOLDSMITH, 7 NOVEMBER 2002

**803.** In preparation for a discussion between Mr Straw and Lord Goldsmith, Mr Wood wrote to Mr Straw on 6 November offering his view of the legal considerations.<sup>274</sup> Mr Wood emphasised that it was important that anything said by the Government, either publicly or to the US or others, was not incompatible with the position under international law. All statements, including Explanations of Vote and Parliamentary Statements, should be seen by the Legal Secretariat to the Law Officers.

**804.** Mr Wood identified “the most difficult question on which doubtless we shall be pressed, is what the legal position would be if [in the event of a further material breach by Iraq] the Council ‘fails to act’ at a second stage”. He wrote:

“The first resolution [what became 1441] ... does not itself authorise the use of force, or revive the authorisation to use force given in SCR 678. Although OP1 decides that Iraq has been and remains in material breach of the cease-fire resolution, the remaining paragraphs (and in particular OPs 11 and 12) indicate that the Council has decided to take action itself if the breach continues or if there are further violations. This is the case even though OP4 remains in the resolution.

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<sup>273</sup> Cabinet Conclusions, 7 November 2002.

<sup>274</sup> Minute Wood to PS [FCO], 6 November 2002, ‘Iraq: Legal Basis for the Possible Use of Force’.

“If at a second stage the Council authorises the use of force, or uses language which revives the authorisation given by SCR 678 ... the position will be relatively straightforward.

“If, however, the Council is unable to take a decision at the second stage, whether because there are insufficient votes for another resolution, or a resolution is vetoed, there will be nothing to point to by way of revival of the authorisation to use force given in SCR 678. We have previously noted that this is not a judgment to be made unilaterally by individual Member States.”

**805.** Mr Wood also addressed the position if the Security Council failed to act in response to a further material breach by Iraq:

“The position that could arise if the Council ‘fails to act’ was ... addressed, in hypothetical terms, by the then Law Officers in November 1997. After concluding that in circumstances then prevailing an essential precondition for the use of force was appropriate action by the Council, the Law Officers went on to say that they ‘did not exclude the possibility’ (though they reached no firm conclusion) that exceptional circumstances could arise in which it was generally accepted by the international community as a whole that Iraq had in effect repudiated the cease-fire and that a resort to military force to deal with the consequences of Iraq’s conduct was the only way to ensure compliance.

“Too much should not be read into this ... The possibility raised in 1997 has not been relied upon and is not based on authority or precedent. In any event, the situation envisaged was a very narrow one where the international community as a whole favoured action but the Council decided not to act.”

**806.** Copies of Mr Wood’s letter were sent to FCO officials and to Mr Iain Macleod, Legal Counsellor, in the UK Permanent Mission to the UN in New York.

**807.** Lord Goldsmith saw the letter.<sup>275</sup>

**808.** Lord Goldsmith addressed the issue of an “unreasonable” veto in his advice to Mr Blair of 14 January 2003 (see Section 5).

**809.** There is no record of Lord Goldsmith’s conversation with Mr Straw on 7 November.

**810.** In preparation for the conversation, Ms Adams advised Lord Goldsmith:

“... the main purpose ... was to make clear to the Foreign Secretary that he should not take it for granted that ‘it will be alright on the night’.”<sup>276</sup>

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<sup>275</sup> Manuscript comment Adams to AG, 6 November 2002, on Minute Wood to PS [FCO], 6 November 2002, ‘Iraq: Legal Basis for the Possible Use of Force’.

<sup>276</sup> Minute Adams to Attorney General, 7 November 2002, ‘Iraq: Meeting with the Foreign Secretary’.

**811.** Lord Goldsmith told the Inquiry that was the main purpose of the conversation with Mr Straw on 7 November; and he had meant that “they shouldn’t take it for granted that, when it came to it and definitive legal advice was given, that it was going to be that we are in a position to take military action”.<sup>277</sup>

**812.** Ms Adams also wrote:

“A vote is expected at the end of the week. The draft ... may change further ... so you are still not in a position to give a definitive view of what it means (and of course we will need to wait and see what statements are made on adoption).”<sup>278</sup>

#### MR STRAW’S STATEMENT TO PARLIAMENT, 7 NOVEMBER 2002

**813.** Mr Straw told Parliament that the UK’s objective was consensus on a tough resolution that left Iraq under no illusions about the need for disarmament.

**814.** The UK wanted a peaceful resolution to the crisis, and the best chance of achieving that was a clear and credible threat of the use of force.

**815.** If Saddam Hussein failed to comply, it was open to any member of the Security Council to table a further resolution seeking UN support for the use of force and the UK reserved the right to do so. But Mr Straw could not anticipate what could happen.

**816.** Whether military action was justified would depend on the circumstances. The UK reserved its “right” within international law to take military action if that was required.

**817.** Mr Straw made a statement to the House of Commons on 7 November.<sup>279</sup>

**818.** Mr Straw stated:

“... our overriding objective is to disarm Iraq of its weapons of mass destruction through an effective inspections regime ...

“As one of the five Permanent Members of the Security Council, the UK has been determined to ensure that the UN emerges from this crisis with its credibility enhanced. During the negotiations, our aim has been to secure consensus on a tough resolution that leaves Iraq under no illusions about the need for disarmament ...”

**819.** Mr Straw stated that the resolution used the full powers of the UN under Chapter VII of its Charter and that the “key points” included the finding in OP1 that Iraq had been

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<sup>277</sup> Public hearing, 27 January 2010, page 32.

<sup>278</sup> Minute Adams to Attorney General, 7 November 2002, ‘Iraq: Meeting with the Foreign Secretary’.

<sup>279</sup> House of Commons, *Official Report*, 7 November 2002, columns 431-451.

and remained in material breach of its obligations, and that OP2 offered Iraq a final opportunity to comply.

**820.** Mr Straw also stated:

“The text sets out the procedure to be followed in the case of failure by Iraq to comply; it requires in operative paragraph 4 that any further material breach ... should be reported to the Security Council. It directs in operative paragraph 11 the Executive Chairman of UNMOVIC and the Director General of the IAEA to report immediately to the Council any interference by Iraq with their inspection activities of failure to comply with its disarmament obligations. It provides in operative paragraph 12 that the Council will convene immediately on receipt of a report of non-compliance in order to consider the situation.”

**821.** Mr Straw stated:

“Britain wants a peaceful resolution to this crisis, and the United States has shown by its engagement in the long negotiation over the past weeks that it too is committed to using the UN route in order to resolve this problem.”

**822.** Quoting Mr Annan’s remarks (on 16 October), Mr Straw stated that in relation to Iraq, diplomacy had to be backed by military force to succeed and that:

“The more credible the threat, the more likely it is that Iraq will respond to the demands of the UN ... The choice for Saddam Hussein is to comply with the UN or face the serious consequences.”

**823.** Mr Michael Ancram, the Opposition Front Bench Spokesman on Foreign Affairs, asked for clarification on whether OP2 of the resolution meant that:

“... in the event of non-compliance, no further resolutions will be required? Is it implicit in the resolution that action is already justified by the existing and continuing breach of Iraq’s obligations?”

**824.** In response, Mr Straw referred to the provisions of OPs 1, 2 and 3-10, adding:

“... under operative paragraph 11, the inspectors are under a duty to report to the Security Council if they come across any breach; and under operative paragraphs 4 and 11, the Security Council can – and will – resume its meetings to consider the circumstances if there is a breach.

“I do not want to anticipate what will happen if there is a breach, except to say that although we would much prefer decisions to be taken within the Security Council, we have always made it clear that within international law we have to reserve our right to take military action, if that is required, within the existing charter and the existing body of UN Security Council resolutions, if, for example, a subsequent resolution were to be vetoed ... I do not believe it will come to that.”



**825.** Asked by Mr George Osborne (Conservative) if UN-authorized military action would require a new resolution if Iraq was in material breach of the resolution, Mr Straw replied:

“The processes set out in the Security Council resolution are complicated ... False statements or omissions or failure to comply, as set out in operative paragraph 4, will amount to a material breach, and any reporting by the inspectors may turn out to show a material breach. Then, under operative paragraph 12, the Security Council will meet to discuss the matter. Any member of the Council can table a resolution, and it remains to be seen whether the Security Council or individual members judge that a further resolution is necessary to deal with the material breach that is presented to them. It is complicated, but it is clear.”

**826.** Asked if the British Government intended to table a resolution seeking UN support for the use of force in the event that Saddam Hussein failed to comply, Mr Straw replied that it was “open to any member of the Security Council ... to put forward a resolution or resolutions” and that the UK reserved the right to do so. But he could not “at this stage anticipate what could happen”.

**827.** Asked by Ms Ann Clwyd (Labour) about progress using international law to set up a war crimes tribunal on Iraq, Mr Straw replied:

“We have been making as much progress as we can in respect of indicting war criminals in Iraq. I recognise my hon. Friend’s feeling that is not sufficient and I will continue to pursue indictment in the United Kingdom ... I speak to ... Attorney General about this from time to time. I shall be seeing him again this afternoon for a further discussion. We certainly do not rule out an international tribunal trying Saddam Hussein and others in his Government for war crimes.”

**828.** In response to other points raised by MPs, Mr Straw stated:

- “... any decisions that we make in respect of military action will be made within the context of the body of international law, of which Security Council resolutions form part, but not the whole.”
- The “best chance of a peaceful solution to the crises” was “through unanimity of the international community and a clear and credible threat of the use of force” if Iraq did not comply. He remained “quite optimistic” that the process could work.
- The text did not define “material breach” because it was “a term of art familiar in international law”.
- In relation to who was to decide if there was a material breach, it would “become patent [sic] whether there has been a material breach”, and what followed would “in the first instance be a matter for discussion within the Security Council”.
- If the resolution was passed unanimously, there would be “clear deadlines for compliance”.

- Whether military action was justified in law “with or without a second resolution” would depend on the circumstances, which he could not predict.
- There was “now a great emerging consensus” which recognised that Saddam Hussein had “been in the most terrible breach of international obligations ... and that the time had come to require that awful, terrible regime to put right those breaches”.
- There were “no trip wires in the resolution”; the UK had “been extremely careful to ensure” that there were none.
- The UK was working on the basis that Saddam Hussein was “a liar and a cheat”.
- He and Mr Blair were aware “of the anxieties of the public ... about the prospect of military action”, and: “Military action should never be used except as a last resort when all other possibilities have been exhausted.”
- The UK “would prefer to stay with the UN Security Council route” but “must reserve the right, within our obligations under international law, to take military action if we deem that necessary, outwith a specific Security Council resolution being passed in the future”. The UN Charter, Security Council resolutions and customary international law were the basis of international law, and judgements about whether military action was “necessary and justified” had to be made on “that totality”.
- The prospect of military action was seen “very much as a last resort”; if the resolution was passed, the prospect of military action would recede.

## Resolution 1441 (2002)

**829.** Following a series of discussions in New York on 7 November, the US and UK tabled a revised draft resolution.

**830.** An instruction to the UK Mission in New York agreeing amendments to the draft text was cleared with No.10 on the morning of 7 November.<sup>280</sup> That included an amendment to the text of OP4 to refer to OP11 “and” OP12, “while keeping ‘or’ in OP12” to “leave open the possibility of a member state, as well as Blix, making a report to the Council”.

**831.** Mr Blair discussed the resolution with President Putin on 7 November.<sup>281</sup>

**832.** Mr Blair said that he “hoped that, through this resolution and the inspection regime, the issue of Iraq’s WMD could be resolved without conflict”. Mr Blair and President Putin also discussed the issue of who under OP4 would establish the material breach. Mr Blair told President Putin that if there were a breach by Iraq then we would come back for a further discussion in the Security Council. Our expectation would be that if there were a significant breach, the Security Council would authorise action.

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<sup>280</sup> Fax Ricketts to Rycroft, 7 November 2002, attaching Paper ‘Draft telegram to UKMIS New York’.

<sup>281</sup> Letter Rycroft to McDonald, 7 November 2002, ‘Iraq: Prime Minister’s Conversation with Putin, 7 November’.

**833.** Mr Putin proposed a joint EOV by the P5. Mr Blair was prepared to agree that, provided that the undertaking to consult was tied to an undertaking to act.

**834.** Following a series of discussions in New York on 7 November, which focused on Security Council unity and the need for a balance between safeguards on Council involvement, a clear warning of the consequences of non-compliance and the powers needed by the inspectors to secure the objective of Iraq's disarmament, the US and UK agreed the final changes to the draft resolution.<sup>282</sup>

**835.** Sir Jeremy Greenstock reported that Mr Lavrov had sought an addition to OP4 providing for a material breach to be "reported [to] and assessed by the Council", and had also expressed concern that the "US wanted the whole Council to accept some unpredictable future event would constitute a material breach".

**836.** Sir Jeremy Greenstock subsequently stated that the purpose of the resolution was:

"(i) to clarify and strengthen the inspections regime so that the disarmament of Iraq's WMD, in accordance with its obligations ... could be brought to full and verified completion through this enhanced inspections regime; and (ii) to deliver the clear-cut warning, one final time, that failure to comply with its disarmament obligations would, in accordance with this resolution, including the procedures specified in OPs 4, 11 and 12, mean that Iraq will face serious consequences."

**837.** The US and UK also made clear that the resolution provided for a two stage process with the Council at its centre.

**838.** Following discussion with Washington and agreement with the UK, the US delegation introduced a revised text. The decision that a further material breach would be "reported to the Council in accordance with paragraphs 11 and 12", not "11 or 12", in OP4 was described as a "substantial change". At the request of Russia, "secure" replaced "restore" in OP12.

**839.** Mr Lavrov had also asked the US and UK for confirmation that the "failures" referred to in OP4 related to WMD programmes, and to clarify whether they understood OP4 to require a report by UNMOVIC and the IAEA to the Security Council and then Council discussion.

**840.** On the last point, Sir Jeremy had responded that:

"If there was a further Iraqi breach ... the matter would return to the Council for discussion as required under OP12. We would then expect the Security Council to meet its responsibilities."

**841. Resolution 1441 was adopted on 8 November by a unanimous vote of the members of the Security Council.**

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<sup>282</sup> Telegram 2128 UKMIS New York to FCO London, 8 November 2002, 'Iraq Resolution: 7 November'.

**842.** The preambular paragraphs (PPs 1-18) set out the relevant Security Council resolutions and the obligations they imposed on Iraq.<sup>283</sup> The resolution:

- recognised that Iraq's non-compliance with existing obligations imposed by the Security Council, in relation to WMD and long range missiles, posed a threat to international peace and security (PP3);
- recalled that resolution 678 (1990) had authorised Member States to use all necessary means to uphold and implement the relevant resolutions and to restore international peace and security in the area (PP4);
- expressed the Council's determination to secure full compliance with its decisions (PP17); and
- stated that it was acting under Chapter VII of the Charter (PP18).

**843.** A summary of the key operative paragraphs is in the Box below.

### **Resolution 1441 (2002): summary of key operative paragraphs**

- Iraq "has been and remains in material breach of ... relevant resolutions, including Resolution 687 (1991)", the "cease-fire" resolution (**OP1**).
- Iraq had "a final opportunity to comply with its disarmament obligations". The Security Council had decided to set up "an enhanced inspection regime with the aim of bringing to full and verified completion the disarmament process established by ... resolutions of the Council" (**OP2**).
- Iraq "shall provide ... not later than 30 days from the date of this resolution, a currently accurate, full and complete declaration of all aspects of its programmes to develop chemical, biological and nuclear weapons, ballistic missiles and other delivery systems ... including any holdings and precise locations of such weapons, components, sub-components, stocks of agents, and related material and equipment, the locations and work of its research, development and production facilities, as well as all other chemical, biological, and nuclear programmes, including any which it claims are for purposes not related to weapon production or material" (**OP3**).
- "[F]alse statement or omissions in the declarations ... and failure by Iraq ... to comply with, and co-operate fully in the implementation of, this resolution shall constitute a further material breach" which would be "reported to the Council for assessment in accordance with paragraphs 11 and 12" (**OP4**).
- Iraq "shall provide UNMOVIC and the IAEA with immediate, unimpeded, unconditional and unrestricted access to any and all, including underground, areas, facilities, buildings, equipment, records, and means of transport which they wish to inspect, as well as immediate, unimpeded, unrestricted and private access to all officials and other persons whom ... wish to interview in the mode or location of UNMOVIC's or the IAEA's choice ... inside or outside of Iraq ... without the presence of observers from the Iraqi Government". UNMOVIC was instructed, and the IAEA requested, "to resume

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<sup>283</sup> UN Security Council resolution 1441 (2002).

inspections no later than 45 days” following adoption of the resolution and “to update the Council 60 days thereafter” (OP5).

- The contents of the letter of 8 October 2002, from Dr Blix and Dr ElBaradei to General Amir al-Sa’adi, the Scientific Adviser to the Iraqi Presidency, setting out the rights of the inspectors agreed in talks in Vienna [1 October], would be “binding” (OP6).
- UNMOVIC and the IAEA were given specified “revised or additional authorities ... to facilitate their work in Iraq” which were “binding upon the Iraq” (OP7).
- Iraq was prohibited from taking or threatening hostile acts against any representative of the UN, IAEA or Member State taking action to uphold any Council resolution (OP8).
- Iraq was given seven days to confirm “its intention to comply fully” with the resolution and to co-operate “immediately, unconditionally, and actively with UNMOVIC and the IAEA” (OP9).
- Member States were requested to “give full support to UNMOVIC and the IAEA in the discharge of their mandates” (OP10).
- Dr Blix and Dr ElBaradei were directed to “report immediately to the Council any interference ... with inspection activities, as well as any failure by Iraq to comply with its disarmament obligations” (OP11).
- The Council would “convene immediately upon receipt of a report” of any failure by Iraq to comply with its obligations under OP4 or OP11 “in order to consider the situation and the need for full compliance with all of the relevant ... resolutions in order to secure international peace and security” (OP12).
- Iraq would “face serious consequences” as a result of its continued violations of its obligations (OP13).
- The Security Council would “remain seized of the matter” (OP14).

**844.** After the vote, Mr Annan stated that the resolution had “strengthened the cause of peace and given renewed impetus to the search for security in an increasingly dangerous world”.<sup>284</sup> He urged the Iraqi leadership to “seize this opportunity” provided by the resolution and reiterated his statement of 12 September 2002 that: “If Iraq’s defiance continues, however, the Security Council must face its responsibilities.”

**845.** Mr Annan stated that the road ahead would be “difficult and dangerous”. For the inspectors to succeed, they would “require full and unconditional co-operation on the part of Iraq and the continued determination of the international community to pursue its common aim in a united and effective manner”. The goal was to “ensure the peaceful disarmament of Iraq in compliance with Security Council resolutions” and “a better, more secure future for its people”.

**846.** Mr Annan concluded: “How this crisis is resolved will affect greatly the cause of peace and security in the coming years, in the region and in the world.”

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<sup>284</sup> UN Security Council, ‘4644th Meeting Friday 8 November 2002’ (S/PV.4644).

## Explanations of Vote

**847.** Reflecting the need for ambiguity to secure consensus, the UK's Explanation of Vote did not directly address the issue of whether there should be a further resolution and decision by the Security Council, stating only that, in the event of a report of a further breach, the UK "would expect the Security Council to meet its responsibilities".

**848.** As Sir Jeremy Greenstock had predicted, each member of the Security Council made a statement explaining the basis for its vote, and in a number of cases its interpretation of the provisions of the resolution.<sup>285</sup> Many Member States, including the US and the UK, stressed that resolution 1441 did not provide "automaticity" for the use of force.

**849.** Referring to his statement on 17 October, during the Security Council's open debate on Iraq, Sir Jeremy Greenstock stated that there was "no shadow of doubt" that Iraq had defied the UN and had sought to hinder and frustrate inspections since 1991.

**850.** Sir Jeremy also stated:

- "With the adoption of this resolution the Security Council has clearly stated that the United Nations will no longer tolerate this [Iraq's] defiance." Iraq was "being given a final opportunity to comply with its disarmament obligations; a final opportunity to remedy its material breach of resolution 687". The regime in Baghdad faced "an unequivocal choice: between complete disarmament and the serious consequences indicated in paragraph 13" of the resolution.
- The unanimous support of Council members sent the most powerful signal that Iraq could no longer evade its obligations.
- Because of the strength of that signal there was "at last a chance" that Iraq would "finally comply ... and that military action can be averted".
- The provisions agreed in the resolution made the practical arrangements set out by the inspectors legally binding. That would "reinforce international confidence in the inspectors". It would also, he hoped, "lead Iraq away from a fatal decision to conceal weapons of mass destruction".
- The Council had "heard loud and clear ... the concerns about 'automaticity' and 'hidden triggers' – the concern that on a decision so crucial we should not rush into military action; that on a decision so crucial any Iraqi violations should be discussed by the Council".
- As a co-sponsor of the resolution, the UK would be "equally clear in response". There was: "... no 'automaticity' in this resolution. If there is a further Iraqi breach of its disarmament obligations, the matter will return to the Council for discussion as required in paragraph 12." The UK "would [then] expect the Security Council to meet its responsibilities".

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<sup>285</sup> UN Security Council, '4644th Meeting Friday 8 November 2002' (S/PV.4644).



- “Ultimately” the choice lay with Iraq “whether to take the peaceful route to disarmament”. The UK hoped it would do so: disarmament “by peaceful means” remained “the UK’s firm preference”.
- If Iraq chose “defiance and concealment, rejecting the final opportunity” it had been given, the UK “together, we trust with other Members of the Security Council” would “ensure that the task of disarmament required by the resolutions” was “completed”.

**851.** Key points made by other members of the Security Council in their EOV are set out in Table 1 in the order in which they were made.

Table 1: Key points from Explanations of Vote

Country	Extracts from Explanations of Vote (EOV)
USA	<p>“By this resolution we are now united in trying a different course ... to send a clear message to Iraq insisting on disarmament ... or face the consequences.</p> <p>“... This resolution is designed to test Iraq’s intentions ... Every act of Iraqi non-compliance will be a serious matter, because it would tell us that Iraq has no intention of disarming.</p> <p>“... this resolution contains no ‘hidden triggers’ and no ‘automaticity’ with respect to the use of force. If there is a further Iraqi breach, reported to the Council by UNMOVIC, the IAEA or a Member State, the matter will return to the Council for discussions as required in paragraph 12. The resolution makes clear that any Iraqi failure to comply is unacceptable and that Iraq must be disarmed ... If the Security Council fails to act decisively in the event of further Iraqi violations, this resolution does not constrain any Member State from acting to defend itself against the threat posed by Iraq or to enforce relevant United Nations resolutions and protect world peace and security.”</p>
France	<p>“The Resolution strengthens the role and authority of the Security Council. That was the main and constant objective of France ... reflected in our request that a two-stage approach be established and complied with, ensuring that the Security Council would maintain control of the process at each stage.</p> <p>“That objective has been attained: in the event that ... UNMOVIC or the ... IAEA reports to the Security Council that Iraq has not complied with its obligations, the Council would meet immediately to evaluate the seriousness of the violations and draw the appropriate conclusions. France welcomes the fact that all ambiguity on this point and all elements of automaticity have disappeared from the resolution.</p> <p>...</p> <p>“This resolution represents a success for the Security Council and the United Nations ...</p>

Country	Extracts from Explanations of Vote (EOV)
France (continued)	<p>“It is against that backdrop, and through collective responsibility, that the efforts of the international community to disarm Iraq should be carried out. War can only be the last recourse. The rules of the game spelled out by the Security Council are clear and demanding and require the unfailing co-operation of Iraqi leaders. If Iraq wants to avoid confrontation it must understand that this is its last opportunity.”</p>
Mexico	<p>“The resolution just adopted is the result of negotiations in which those who called for automatic recourse to the use of force agreed to give Iraq one last chance to voluntarily, immediately and unconditionally comply with Security Council resolutions ... [T]his resolution also constitutes progress, as it eliminates the concept of automaticity in the use of force in response to a serious violation without the explicit agreement of the Council.</p> <p>“We welcome the fact that the two-stage approach has been accepted ... [A]ny decision in response to possible material breach by Iraq ... will have to be taken on the basis of two prerequisites.</p> <p>“... The first stage would entail a credible process to evaluate Iraq’s true military capability and its intentions to use its weapons or the ability of terrorist groups to have access to them. The second ... would entail the agreement of the Security Council and other States involved on the measures to be adopted if the evaluation process detects a threat to international peace and security.</p> <p>...</p> <p>“... We emphasise the importance that the Security Council decisions taken in this connection must continue to comply with the principles of the Charter and international law on the basis of objectively verifiable facts.</p> <p>“We reiterate the belief reflected in the agreed text that the possibility of the use of force is valid only as a last resort, with prior explicit authorisation required from the Security Council.</p> <p>“... the resolution stipulates that should Iraq fail to comply, it will be the inspectors who will report to the Council. This multilateral body will then determine the nature of the failure to comply, judge whether international peace and security have been imperilled, and then decide what is appropriate under the ... Charter.”</p>
Ireland	<p>“... we welcome the assurances given by the sponsors that their purpose in presenting this resolution was to achieve disarmament through inspections and not to establish a basis for the use of military force ...</p> <p>...</p> <p>“... the resolution ... offers the most likely means of securing Iraq’s voluntary compliance ... avoiding a military conflict and preserving the primary responsibility of the Security Council for the maintenance of international peace and security ...</p> <p>“The resolution provides for a clear, sequential process whereby ... UNMOVIC or the ... IAEA will give the Council its assessment of any material breach or alleged material breach of Iraq’s obligations ... The matter will then be fully examined by the Security Council itself.</p>

Country	Extracts from Explanations of Vote (EOV)
Ireland (continued)	<p>“As far as Ireland is concerned, it is for the Council to decide on any ensuing action ... we are confident that, should it be necessary, the Council will ... face its responsibilities.</p> <p>“... As the concept of material breach is a key element of this resolution ... Ireland’s understanding of this concept is in accordance with the definition contained in the 1969 Vienna Convention on the Law of Treaties: ‘the violation of a provision essential to the accomplishment of the object or purpose of the treaty ... We fully expect this same definition to be applied in determining whether any further material breach has occurred, should it become necessary to do so.”</p>
Russia	<p>“... our delegation participated constructively in work on additional procedures for inspections that would ensure there would be no resumption of Iraqi programmes for weapons of mass destruction and at the same time would create the conditions for a comprehensive settlement of the situation around Iraq, including the lifting of sanctions.</p> <p>“At all stages ... we were guided by the need to direct the process of a settlement onto a diplomatic and political path and not to allow a military scenario ... the resolution ... contains no provisions for the automatic use of force. It is important that the resolution’s sponsors today officially confirmed ... that that is their understanding and that they provided an assurance that the resolution’s objective is the implementation of existing Security Council decisions concerning Iraq through inspections ...</p> <p>“... it is of fundamental importance that the resolution clearly confirms that all Members of the United Nations respect the sovereignty and territorial integrity of Iraq ... It also confirms the need for full implementation of resolution 1382 (2001), whereby all members of the Security Council undertook to seek a comprehensive settlement ... which assumes the lifting of sanctions.</p> <p>...</p> <p>“The ... wording is not ideal ... but that reflects the very complicated nature of the compromise that was reached. The Russian Federation made a choice ... What is most important is that the resolution deflects the direct threat of war and that it opens the road towards further work in the interests of a political diplomatic settlement.</p> <p>“It is particularly important that ... in the event of any kind of disagreement over disarmament matters, it is the heads of UNMOVIC and of the IAEA who will report ... to the Security Council, and that it is the Council that will consider the situation ...</p> <p>...</p> <p>“Implementation ... will require goodwill ... the willingness to concentrate on moving forward towards the declared common goals, not yielding to the temptation of unilateral interpretation of the resolution’s provisions and preserving the consensus and unity of all members of the ... Council.”</p>
Bulgaria	<p>“This Resolution is not a pretext for automatic recourse to the use of force ...</p> <p>“My country welcomes the fact that the resolution categorically reaffirms the centrality of the Security Council in our decision-making process.”</p>

Country	Extracts from Explanations of Vote (EOV)
Syria	<p>“Syria voted in favour ... having received reassurances ... that it would not be used as a pretext for striking against Iraq and does not constitute a basis for any automatic strikes against Iraq. The resolution should not be interpreted ... as authorising any State to use force. It reaffirms the central role of the Security Council in addressing all the phases of the Iraqi issue.</p> <p>“Syria has also received reassurances from the Permanent Members of the ... Council that the resolution strengthens the mandate of the international inspectors; that it serves the objective of preserving Iraq’s sovereignty, territorial integrity and inviolability and that it will lead to a comprehensive solution of the Iraqi issue.”</p>
Norway	<p>“... we commit ourselves to using the Security Council to resolve a serious crisis and thus signal our determination to uphold the authority of the Organisation and respect for international law.</p> <p>“... In case of Iraqi non-compliance, the resolution sets out a procedure whereby the Security Council will convene immediately in order to secure international peace and security.”</p>
Singapore	<p>“It makes clear that Iraq will be given a full and final opportunity to comply with its obligations under the relevant resolutions ...</p> <p>“The difference between successful and unsuccessful inspections may be the difference between peace and war ...”</p>
Colombia	<p>“We insisted on preserving the central role of the Security Council ... This resolution is not, nor could it be at this time, a resolution to authorize the use of force.”</p>
Cameroon	<p>“My country welcomes the clear statements ... by the sponsors spelling out the fact that the resolution ... does not contain traps or automaticity ... they are working, and will always work, for the centrality of the Security Council in the maintenance of international peace and security.”</p>
Guinea	<p>“My country ... reaffirms the unity and the role of the Security Council as the guarantor of international peace and security.”</p>
Mauritius	<p>“We are pleased to see the clear and unambiguous role of the Security Council and the maintenance and promotion of international peace and security through peaceful means.”</p>
China	<p>“China stands firmly for a peaceful solution to the question of Iraq, through political and diplomatic means and within the framework of the United Nations.</p> <p>“China has consistently held that, in seeking a comprehensive settlement of the question of Iraq, the sovereignty and territorial integrity as well as the legitimate concerns of Iraq should be respected ...</p> <p>...</p> <p>“China supports the two-stage approach ... the sponsors of the draft resolution accommodated our concerns, and the Council members have finally reached consensus.</p>

Country	Extracts from Explanations of Vote (EOV)
China (continued)	<p>“... the purpose of the resolution is to achieve the disarmament of Iraq through effective inspections. The text no longer includes automaticity for authorising the use of force ... only upon receipt of a report by UNMOVIC and the IAEA on Iraq’s non-compliance and failure to co-operate fully in the implementation of the resolution, will the Security Council consider the situation and take a position.</p> <p>...</p> <p>“The Security Council bears the primary responsibility for the maintenance of international peace and security – a responsibility that is entrusted to it by the Charter. Now the ... Council has adopted this important resolution ... we hope it will contribute to preserving the authority of the Council, facilitate a political settlement ... and enable an early return of the ... inspectors to Iraq.</p> <p>...</p> <p>“We would also like to point out that the ... inspectors should draw lessons from the United Nations Special Commission. We trust that UNMOVIC and the IAEA will strictly abide by the mandate provided by the ... Council ... and faithfully fulfil its duties.”</p>

### Statements by the Permanent Members of the Security Council

**852.** China, France and Russia made a joint statement that, in the event of a report of a further material breach, it would “be for the Security Council to take a position on the basis of that report”.

**853.** China, France and Russia also issued a joint statement outlining their interpretation of the resolution:

“Resolution 1441 (2002) adopted today by the Security Council excludes any automaticity in the use of force. In this regard, we register with satisfaction the declarations of the representatives of the United States and the United Kingdom confirming this understanding in their explanations of vote, and assuring that the goal of the resolution is the full implementation of the existing Security Council resolutions on disarmament of Iraq’s weapons of mass destruction. All Security Council members share this goal.

“In case of failure by Iraq to comply with its obligations, the provisions of paragraphs 4, 11 and 12 will apply. Such failure will be reported to the Security Council by the Executive Chairman of UNMOVIC or the Director General of the IAEA. It will then be for the Council to take a position on the basis of that report.

“Therefore, the Resolution fully respects the competences of the Security Council in the maintenance of international peace and security, in conformity with the Charter of the United Nations.”<sup>286</sup>

**854.** Sir John Holmes told the Inquiry that President Chirac’s “overriding objective throughout this period ... was to prevent war with Iraq because he did not believe that it was justified”.<sup>287</sup>

**855.** Sir John added that the wider French objectives were:

“... to get the inspectors back in, to make sure that there was going to be no automaticity ... [there] had to be a subsequent decision by the Security Council, and there should be no hidden triggers in 1441, which would allow the Americans and the British to claim that somehow they had legitimised military action when they hadn’t.”<sup>288</sup>

**856.** Sir John was very clear that France had deliberately accepted ambiguity about the need for a further decision by the Security Council:

“... if the language could have been more explicit about that they would have liked that, but they accepted weaker language in the interests in the end of getting a result, and I think the other objective they did share at that point was getting the international community united about something, which of course 1441 did, however temporarily, because everybody was on board and, therefore, they thought that was a difficult negotiation, but a successful one, from their point of view, at the end of the day.”<sup>289</sup>

**857.** Sir John stated:

“Well of course they [the French] knew what they were agreeing to, that there was no actual decision to have a second resolution ... their preference always was, because the main concern was to avoid automaticity, therefore, the main concern was to be sure that you had to go back to the Security Council. Now, what that meant, whether it meant a resolution or not was perhaps less important to them, which is why they conceded the language at the end of the day, than the fact that you had to go back there and the fact that 1441 could not be considered of itself as a sufficient legitimisation by the Security Council of military action ... everybody knew that this was ambiguous. This was the best language that could be achieved in the circumstances ... [but] it did leave a central area of doubt about what exactly would happen should Saddam Hussein be determined to be in a further material breach ... they knew what they meant in their heads by that, and we knew what we

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<sup>286</sup> UN Security Council, Annex to Letter dated 8 November 2002 – ‘Joint statement by the People’s Republic of China, France and the Russian Federation’ (S/2002/1236).

<sup>287</sup> Public hearing, 29 June 2010, page 18.

<sup>288</sup> Public hearing, 29 June 2010, pages 22-23.

<sup>289</sup> Public hearing, 29 June 2010, pages 23-24.



meant in our heads by that, but that's the nature of a negotiation like that. You come up with some language that can encapsulate both those things simultaneously, but it doesn't remove the ambiguity."<sup>290</sup>

**858.** Asked whether the French position had remained that the use of force could only be authorised by a decision of the Security Council, Sir John replied that was essentially the French position, but:

“They were a little bit wary about articulating that as clearly as they might have done, and I think that's because, like us, they had always had this concern, a broader concern, not related to any particular situation, that they didn't want to be in a position where military action in the modern world could only be authorised by the Security Council.”<sup>291</sup>

**859. Mr Blair's statement of 8 November focused on the decision made by the UN that Iraq must comply with its obligations, and the choice for Saddam Hussein of whether to disarm willingly.**

**860. Mr Blair also stated that he hoped that disarmament would be achieved peacefully.**

**861.** In a statement issued on 8 November, Mr Blair expressed delight that the Security Council had risen to the challenge and, by unanimously adopting resolution 1441, it had “made clear beyond doubt” that Iraq had to comply with its obligations to the UN.<sup>292</sup>

**862.** Mr Blair stated:

- Iraq's obligation was to co-operate with the weapons inspectors. It was “not a game of hide and seek, where the inspectors try their best to find the weapons and Saddam does his best to conceal them”.
- The “duty of co-operation” meant “not just access but information. Failure to be open and honest in helping the inspectors ... is every bit as much a breach as failure to allow access to sites.”
- The survival of Saddam Hussein's regime was “in his hands”. Conflict was “not inevitable”. Disarmament was.
- In the event of Saddam refusing to co-operate or a breach, there would be “a further UN discussion”. There was no “automatic trigger” in the resolution.
- “But everyone now accepts that if there is a default ... the international community must act to enforce its will. Failure to do so would mean, having stated our clear demand, we lacked the will to enforce it.”

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<sup>290</sup> Public hearing, 29 June 2010, pages 25-26.

<sup>291</sup> Public hearing, 29 June 2010, page 30.

<sup>292</sup> The National Archives, 8 November 2002, *PM statement on Iraq following UN Security Council resolution*.

- He hoped the issue could be “resolved peacefully”. “From the outset” he had wanted the issue “resolved through the UN with the international community acting together”: “We have made our choice: disarmament through the United Nations, with force as a last resort.”
- The message to Saddam Hussein was “disarm or you face force. There must be no more games, no more deceit, no more prevarication, obstruction or defiance.”

**863.** Mr Blair also stated that there was no quarrel with the Iraqi people; and that: “Whatever happens, the territorial integrity of Iraq will be absolute.”

**864.** Mr Blair concluded that he hoped “an Iraq free of WMD” and a “Government unable to use them to oppress its people and its neighbours” was “a symbol of change ... and hope for the future”.

**865.** President Bush emphasised that Iraq’s co-operation would need to be “prompt and unconditional” or it would “face the severest consequences”. “Any act of delay or defiance” would be “a clear signal” that the Iraqi regime had “abandoned the path of voluntary compliance”.

**866.** The US had “agreed to discuss any material breach with the Security Council, but without jeopardising” its “freedom of action to defend our country”.

**867.** The US was determined not to allow anything in a new resolution which would detract from the authorities to use force it believed it had.

**868.** Reporting conversations with senior officials in the US Administration on 7 November, Mr Brenton wrote that the hawks in Washington saw the resolution as a defeat and warned that they would be “looking for the least breach of its terms as a justification for resuming the countdown to war”.<sup>293</sup> They had also discussed the issue of the supervision of the oil sector “post occupation”.

**869.** In remarks to the press on the adoption of resolution 1441, President Bush stated that Saddam Hussein had been “given clear and fair notice” that:

- he “must fully disclose and destroy his weapons of mass destruction”;
- he “must submit to any and all methods to verify his compliance”; and
- co-operation “must be prompt and unconditional or he will face the severest consequences”.<sup>294</sup>

**870.** President Bush added that the Iraqi regime had “treated its own pledge” to disarm “with contempt” since 1991. Iraq was already in material breach of its obligations and

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<sup>293</sup> Minute Brenton to Gooderham, 7 November 2002, ‘Iraq’.

<sup>294</sup> The White House, 8 November 2002, *President Pleased with UN Vote*.

had “aggressively pursued weapons of mass destruction, even while inspectors were inside the country”. The world had learned “an essential lesson” from that experience:

“... inspections will not result in a disarmed Iraq unless the Iraqi regime fully co-operates. Inspectors do not have the power to disarm an unwilling regime. They can only confirm that a government has decided to disarm itself. History has shown that when Iraqi leaders stall inspections and impede the progress, it means they have something to hide.”

**871.** President Bush warned Iraq that “the old game of cheat and retreat” would “no longer be tolerated”; and:

“Any act of delay or defiance will be an additional breach of Iraq’s international obligations, and a clear signal that the Iraqi regime has once again abandoned the path of voluntary compliance.”

**872.** Setting out the US standpoint, President Bush stated:

“With the passage of this resolution, the world must not lapse into unproductive debates over whether specific instances of Iraqi non-compliance are serious. Any Iraqi non-compliance is serious, because such bad faith will show that Iraq has no intention of disarming ...

“America will be making only one determination: is Iraq meeting the terms of the Security Council resolution or not? The United States has agreed to discuss any material breach with the Security Council, but without jeopardising our freedom of action to defend our country. If Iraq fails to comply, the United States and other nations will disarm Saddam Hussein.”

**873.** President Bush stated that the US would support the UN inspections teams, including with “information that can help identify illegal activities and materials in Iraq”, and called on other nations and “patriotic Iraqis” to do the same. Saddam Hussein could not “hide his weapons of mass destruction ... without the co-operation of hundreds and thousands of Iraqis – those who work in the weapons programmes and those who are responsible for concealing the weapons”.

**874.** Framing action on Iraq squarely in the context of the threat from international terrorism, President Bush stated:

“Americans recognise what is at stake. In fighting a war on terror, we are determined to oppose every source of catastrophic harm that threatens our country, our friends, and our allies ... And we oppose a uniquely dangerous regime – a regime that has harboured terrorists and can supply terrorists with weapons of mass destruction; a regime that has built such terrible weapons and has used them to kill thousands; a brutal regime with a history of both reckless ambition and reckless miscalculation.

“The United States of America will not live at the mercy of any group or regime that has the motive and seeks the power to murder Americans on a massive scale. The threat to America also threatens peace and security in the Middle East and far beyond. If Iraq’s dictator is permitted to acquire nuclear weapons, he could resume his pattern of intimidation and conquest and dictate the future of a vital region.

“In confronting this threat, America seeks the support of the world. If action becomes necessary, we will act in the interests of the world. And America expects Iraqi compliance with all UN resolutions.”

**875.** President Bush concluded that the UN Security Council “must maintain its unity and sense of purpose so that the Iraq regime cannot revert to the strategies of obstruction and deception it used so successfully in the past”. The question for Iraq was whether to meet its obligations voluntarily. If it did not, the US was “prepared for the alternative” and the “just demands of the world” would be met.

**876.** Secretary Rumsfeld wrote:

“President Bush wanted to rally the United Nations to support a US-led effort to enforce the Security Council’s resolutions. The British Prime Minister, a persuasive advocate, buttressed Bush’s efforts. Bush and Blair, Powell and ... Straw coaxed and cajoled the members of the Security Council on the matter. Finally ... the Security Council voted 15-0 to support resolution 1441.”<sup>295</sup>

**877. Mr Blair used a speech on 11 November to emphasise the importance of dealing with WMD and terrorism as part of a wider agenda and the importance of US leadership for success.**

**878.** Commenting on a draft of his speech to the Lord Mayor’s Banquet at the Mansion House on 11 November 2002, Mr Blair set out the elements of the argument he wanted to make about the importance of a shared agenda in international politics.<sup>296</sup>

**879.** In relation to Iraq, Mr Blair stated that fighting the new threats, which crossed all national boundaries and were linked to extremism and failed states, needed a unified international community and that depended on a shared agenda:

“The real reason people worry about Iraq is that they think the US is solely concerned with their issues but no-one else’s. A shared agenda can only be based on a sense of fair play and justice and of one standard for all. Hence the importance of the MEPP.”

**880.** Mr Blair also commented: “helping failed states recover ie Afghanistan or, potentially Iraq, can’t just be invaded and left”.

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<sup>295</sup> Rumsfeld D. *Known and Unknown: A Memoir*. Sentinel, 2011.

<sup>296</sup> Note Blair [to No.10 officials], 3 November 2002, [extract ‘Lord Mayor’s Speech’].

**881.** Mr Blair began his speech:

“Last Friday was an important day for the world. After months of debate, the United Nations came together and made its will plain. Saddam now has to decide: he can either disarm voluntarily ... or he can defy the world, in which case he will be disarmed by force.”<sup>297</sup>

**882.** Most of the speech focused on the broader threat posed by WMD and terrorism, stating that they were linked, and the need to counter them by moving forward the Middle East Peace Process, being prepared to help failed or failing nations to recover, and creating “bridges of understanding” between religions, and coalitions of force buttressed by a coalition of common ideas and a shared agenda.

**883.** Drawing together the capabilities of Iraq and North Korea, Mr Blair warned:

“States which are failed, which repress their people brutally, in which notions of democracy and the rule of law are alien, share the same absence of rational boundaries to their actions as the terrorist. Iraq has used WMD. North Korea’s admission that it has a programme to produce Highly Enriched Uranium was an important confession. We know that North Korea has traded ballistic missile technology. We know there are other highly unstable states who want to get their hands on Highly Enriched Uranium. With it a nuclear weapon could be a step away. Just reflect on that and the danger is clear.

“And terrorism and WMD have the potential, at least, to be directly linked ...”

**884.** Mr Blair added that Al Qaida could and would buy and use WMD:

“So these are new and different dangers ...

“... above all the international community needs to be unified in its response.”

**885.** Mr Blair concluded that it would be “irresponsible to ignore the threat” posed by terrorism and WMD. President Bush recognised that “full US engagement and leadership” was needed, as the “decision to go through the UN on Iraq” showed.

**886.** In his diaries, Mr Campbell wrote:

“We were also having to get the balance right re Bush. There was no point him [TB] just getting up there and putting the US line but he did not want to be seen as anything other than supportive. The question was how you weave in the argument about maximising influence without being explicit.”<sup>298</sup>

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<sup>297</sup> The National Archives, 11 November 2002, *PM speech at the Lord Mayor’s Banquet*.

<sup>298</sup> Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

## What was resolution 1441 intended to achieve?

**887.** The Inquiry was given a range of views about the UK's policy objectives for resolution 1441, the relative priority of those objectives, and what had been achieved.

**888.** Some witnesses emphasised the objective of disarming Iraq through a policy of coercive diplomacy and agreement on an effective inspections regime without military action.

**889.** Other witnesses emphasised the purpose of providing a legal base for military action without the need for a further decision by the Security Council.

**890.** Resolution 1441 decided (OP1) that Iraq "has been and remains in material breach" of its obligations under relevant resolutions adopted by the Security Council, in particular its failure to co-operate with UNMOVIC and the IAEA and to complete the actions for disarmament required by resolution 687 (1991), and decided to set up an enhanced inspection regime.

**891.** In his advice of 7 March 2003, Lord Goldsmith wrote that:

"... while the US objective was to ensure the resolution did not constrain the right of action which they believed they already had, our objective was to secure a sufficient authorisation from the Council in the absence of which we would have had no right to act."<sup>299</sup>

**892.** Lord Goldsmith's consideration of the legal effect of the resolution and whether it achieved that objective is addressed in Section 5.

**893.** Mr Blair was asked to provide a statement setting out:

- his understanding of President Bush's objectives in relation to the UN;
- his objectives and strategy in the negotiation of [resolution] 1441;
- whether he was aware of differences between the UK's position and prevailing American objectives for 1441; and
- the implications of those differences for his strategy.<sup>300</sup>

**894.** In response, Mr Blair wrote:

"The objectives for both President Bush and myself in trying to secure a fresh resolution were clear: to give Saddam one final chance to comply; and to make it clear if he didn't, then we would act, if necessary by force. In other words: change of heart or change of regime. Because he had so frequently broken his word, disregarded UN resolutions and refused to comply with the inspectors, we knew

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<sup>299</sup> Minute Goldsmith to Prime Minister, 7 March 2003, 'Iraq: Resolution 1441'.

<sup>300</sup> Inquiry request for a written statement, 13 December 2010, Q4, page 2.



the wording of the resolution had to be unequivocal: he had to co-operate fully and unconditionally. The stress on co-operation was deliberate. His concealment activity was again very clear and had been further demonstrated by his treatment of his son-in-law who had revealed his intentions, been lured back to Iraq and executed.

“So we had to insert language in the resolution that made this plain; and in particular resist language that meant that the words ‘final opportunity’ were diluted by requiring another UNSC decision. So we also sought to ensure that in the resolution itself, we specifically had a provision that a failure to comply would be itself a material breach.

“I was kept closely in touch with the negotiation, as was Jack Straw. We were very satisfied with the outcome. It achieved our objectives. We resisted attempts by France to insert language that would have required an additional decision. We never had a problem with another discussion in the UNSC. What we could not tolerate was a situation where Saddam continued to refuse to comply fully and unconditionally and yet we were powerless to act.”<sup>301</sup>

**895.** Mr Blair concluded:

“Then, but even more in retrospect, UNSCR 1441 was a pivotal moment. If Saddam at that point had genuinely changed; had he welcomed inspectors and fully co-operated, action would have been avoided. I made this clear to President Bush and he agreed. I also think at the time those more sympathetic to Saddam thought he would. The fact is he did not and the Iraq Survey Group reports show why he did not.”

**896.** Asked for a statement about what he thought would be achieved by inspections and his expectations about Iraqi co-operation with UNMOVIC, Mr Blair wrote:

“It is fair to say that I did not think that Saddam would change his behaviour. His record was clear. On the other hand he might have.”<sup>302</sup>

**897.** Mr Blair cited Libya’s response to the events of 9/11, which had condemned the attack and co-operated in pursuing Al Qaida, as evidence of a country which had demonstrated “a genuine change of heart, a strategic decision to alter” its position in the world. Saddam Hussein’s actions and behaviour, including payments to the families of Palestinian suicide bombers, had shown “a completely different attitude”. Inspections were “necessary”, but they could only be successful with genuine co-operation.”

**898.** Asked at what point he had asked for and received advice about what would happen if the inspectors did get back into Iraq, Mr Blair told the Inquiry that “the view of our system was, and certainly the intelligence services, was the likelihood that Saddam

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<sup>301</sup> Statement, 14 January 2011, pages 5-6.

<sup>302</sup> Statement, 14 January 2011, page 7.

would play around, but I always thought it was possible that he would realise that this was the moment of choice”.<sup>303</sup>

**899.** In the context of advice from officials in the 19 July Cabinet Office paper, ‘Iraq: Conditions for Military Action’, that the inspectors would “need at least six months”, Mr Blair added:

“For me it was never a matter of time but a matter of attitude. You could have given him [Saddam Hussein] longer than six months if he was co-operating but if he was not it wouldn’t really matter ... I do not accept that if Blix had carried on doing his inspections we would have found out the truth.”<sup>304</sup>

**900.** In his first statement for the Inquiry, Mr Straw wrote that the UK objective was to secure agreement to:

“... a robust text which provided terms for the readmission of inspectors to Iraq, and their unfettered operation, which was tough but not so tough that the Saddam Hussein regime could plausibly reject them altogether.”<sup>305</sup>

**901.** Asked whether the purpose of 1441 was to ensure the return of the weapons inspectors to Iraq, or to create the conditions necessary to justify military action, Mr Straw replied:

“The purpose of 1441 was as it stated. It was to secure compliance by Saddam Hussein with the obligations imposed on him by the Security Council. As I have said probably to the point of tedium, had Saddam complied with the resolution, he would have stayed in post. At the very minimum it would have been impossible for any British Government to have taken part in any military action, but I don’t believe military action would have taken place, because the casus belli would have gone ... It was not there as an excuse for military action. Certainly not ... sometimes diplomacy has to be backed by the threat and, if necessary, the use of force ... It was, to use the jargon, based on the idea of coercive diplomacy, but its purpose was to secure compliance, essentially the disarmament of Iraq, and that’s what we set about achieving.”<sup>306</sup>

**902.** In his memoir, Mr Straw wrote:

“The resolution provided the best hope there was of resolving the crisis through peaceful means. The obligations that it imposed on the Iraqi government were easy to meet. Iraq had to make a full declaration of all its WMD programmes, and allow the IAEA and UNMOVIC inspectors unrestricted access. I often said that ‘we would take yes for an answer’. There would have been no possibility whatever of war if the

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<sup>303</sup> Public hearing, 21 January 2011, page 76.

<sup>304</sup> Public hearing, 21 January 2011, page 77.

<sup>305</sup> Statement, January 2010, page 9.

<sup>306</sup> Public hearing, 2 February 2011, pages 59-60.

inspectors had reported in unequivocal terms that Iraq was complying with 1441. Resolution 1441 was the means of enabling Saddam to say ‘yes’. But we could only resolve this peacefully with the threat of military action.”<sup>307</sup>

**903.** In his statement for the Inquiry, Sir Jeremy Greenstock wrote:

“The UK ... was interested in ending the threat from Iraq of the use of WMD against UK interests. If this could be done by a successful and effective UN regime of intrusive inspections, this was preferable to a war.”<sup>308</sup>

**904.** Sir Jeremy Greenstock told the Inquiry:

“UK strategy was influenced by two principal factors: the need to research every possible angle for the disarmament of Iraq through means short of the use of actual force; and the need to establish with the greatest international consensus the justification for the use of force, if force in the end proved necessary. This meant ... that the UN inspectors had to return to Iraq to establish in detail whether or not Saddam Hussein was complying with UN resolutions, under conditions that both attracted support within the Security Council and gave the inspectors a real chance of achieving something useful.”<sup>309</sup>

**905.** In his statement for the Inquiry, Sir Jeremy Greenstock wrote:

“The US ... was keen to impose terms on Saddam Hussein which made the case for military measures unquestionable if he did not fulfil them. There was therefore an American interest in setting the bar very high for Iraq.”<sup>310</sup>

**906.** Sir Jeremy added:

“The UK, on the other hand, was interested in ending the threat from Iraq from the use of WMD against UK interests. This could be done by a successful and effective UN regime of intrusive inspections, this was preferable to a war.”

**907.** Sir Jeremy wrote that it was the expectation of many Member States that there would be a Security Council decision before force was used:

“Most members of the Council, however, made an assumption that further discussion in the Security Council about Iraqi compliance would itself lead to a decision for or against the use of force. In public explanations of vote after 1441 was adopted, only Mexico was absolutely explicit that this was their expectation. France and Russia were not so explicit, which implied to me that they recognised that 1441 did not amount unambiguously to such a condition.”<sup>311</sup>

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<sup>307</sup> Straw J. *Last Man Standing: Memoirs of a Political Survivor*. Macmillan, 2012.

<sup>308</sup> Statement, November 2009, page 7.

<sup>309</sup> Statement, November 2009, page 9.

<sup>310</sup> Statement, November 2009, page 7.

<sup>311</sup> Statement, November 2009, page 11.

**908.** Sir Jeremy also wrote:

“... the UK was not specific in saying that a new decision would not be necessary. Nor in fact was the United States. We left it that SCR 1441 would have to speak for itself.

“The UK’s actual position was that the whole corpus of resolutions, from SCR 678 and 687 onwards, substantiated the case for the use of force against Iraq, through the termination of the 1991 ceasefire, if Iraq was shown not to have complied with relevant resolutions. In taking this position, we were using exactly the same approach as in justifying the bombing of Iraq in December 1998, which up to this time had never been contested on a legal basis by another Member State.”<sup>312</sup>

**909.** Sir Jeremy told the Inquiry that, in negotiating resolution 1441, the UK had:

“... had to scale Washington’s more unilateral ambitions back down to something that was negotiable within the Security Council.”<sup>313</sup>

**910.** Subsequently, Sir Jeremy said: “it was an important objective of our diplomacy that we should have as large a consensus in the Security Council as possible for those reasons of legitimacy”.<sup>314</sup>

**911.** Sir Jeremy Greenstock told the Inquiry:

“We found language to express a consensus that meant that the inspectors would normally be expected to declare whether or not Saddam Hussein was in compliance, but there could also be a report from other sources that there was non-co-operation or non-compliance ... Secondly, that if there was a report that there was non-compliance, the Security Council would meet to assess what that meant, and that was the only requirement of the resolution. It was not expressly stated in any operative paragraph of 1441 that the Security Council should meet and decide what to do in the case of non-compliance, and that was where the French and the Americans met, that there should be a further stage of consideration but that further stage of consideration should not necessarily mean that there would be a further decision of the Security Council if force had to be used under the terms of the whole corpus of resolutions up to that point.”<sup>315</sup>

**912.** Sir Jeremy added:

“It was my instructions that we should not concede ... that it would be necessary to have a specific decision of the Security Council before force was used under the cover of the previous resolutions.”<sup>316</sup>

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<sup>312</sup> Statement, November 2009, page 11.

<sup>313</sup> Public hearing, 15 December 2009, page 33.

<sup>314</sup> Public hearing, 27 November 2009, page 39.

<sup>315</sup> Public hearing, 27 November 2009, page 41.

<sup>316</sup> Public hearing, 27 November 2009, page 47.

**913.** Sir Jeremy told the Inquiry:

“The French and Russians and some others were absolutely determined to establish that there should be no use of force without a specific decision of the UN Security Council. The United States was absolutely determined to resist the need for a specific decision by the United Nations Security Council on the use of force. Those two positions were irreconcilable.”<sup>317</sup>

**914.** Sir Jeremy told the Inquiry:

“It was actually quite surprising to me that only the Mexican delegation said unequivocally that they expected that, if it came to the use of force, it would be solely the Security Council that had the authority to take that decision. The Irish delegate said something similar ... but not as unequivocally as the Mexicans. Strangely, the French and the Russians, who were, as it were, our antagonists in this operation in the Security Council, were equivocal in what they said in their explanations of vote, which they had to be, because they had tried to negotiate specific language in 1441 and they had failed to negotiate that.”<sup>318</sup>

**915.** Summing up the position following adoption of Resolution 1441, Sir Jeremy said:

“This is where diplomacy gets clever and, as you can see from the outcome, from 1441, too clever for its own good, but diplomacy got clever and it produced a text in 1441 that was equivocal on two issues: one, what should happen if Saddam Hussein and his regime did not comply with the terms of 1441; and who should be the judge of whether or not Iraq was complying with the terms of 1441.”<sup>319</sup>

**916.** Sir Jeremy also told the Inquiry:

“It was not expressly stated in any operative paragraph of 1441 that the Security Council should meet and decide what to do in the case of non-compliance, and that was where the French and the Americans met, that there should be a further stage of consideration but that further stage of consideration should not necessarily mean that there would be a further decision of the Security Council if force had to be used under the terms of the whole corpus of resolutions up to that point.”<sup>320</sup>

**917.** Mr Chaplin told the Inquiry:

“... there was a surge of hope after 1441. 1441 was quite a remarkable achievement and if the Security Council could once more come together, as it had before, and we could see a track record going way back into the 90s, that, when the Security Council were united, Saddam Hussein took notice, as indeed he did on this occasion

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<sup>317</sup> Public hearing, 27 November 2002, page 40.

<sup>318</sup> Public hearing, 27 November 2009, pages 47-48.

<sup>319</sup> Public hearing, 27 November 2009, pages 40-41.

<sup>320</sup> Public hearing, 27 November 2009, page 41.

by letting the inspectors back in, that there might, after all, be a route to resolving this problem through the inspection route and without military action.”<sup>321</sup>

**918.** In his statement to the Inquiry, Mr Pattison offered his perspective “on how FCO policy officials understood” resolution 1441 “at the time of its drafting”.<sup>322</sup>

**919.** Mr Pattison wrote that the “objectives in negotiating the text were clear by early September 2002”. The FCO wanted “if possible to secure a resolution which:

- (i) brought the UN back into the process by putting the focus on the disarmament process (rather than follow the perceived US agenda of regime change);
- (ii) made clear that Iraq had an absolutely final opportunity to comply with UN demands; and
- (iii) contained authorisation to use force if necessary.”

**920.** Mr Pattison’s “broad understanding during the negotiations was that, at a minimum, the position of previous Attorneys General required us to obtain a resolution which contained a material breach finding and talked of ‘serious consequences’ if Iraq remained in breach”.

**921.** Mr Pattison explained:

“At the risk of stating the obvious, I think it worth pointing out that Security Council resolutions are often the products of complex political negotiations. The result is that the texts are sometimes more nuanced than one might expect in domestic law making ... They are made by states seeking to protect political positions as well as to make international law. They often contain important compromises, which allow states with different points of view to sign up to a final text claiming it protects their positions while knowing it gives another group of states what they were seeking.”<sup>323</sup>

**922.** Mr Pattison told the Inquiry that the objectives “were all equally important” as a means to achieving the objective of trying to “bring about an Iraq about whom we had no questions concerning their weapons programme”.<sup>324</sup>

**923.** Mr Rycroft told the Inquiry:

“Our top objective was to get the Iraq issue back into the UN. By that we meant a UN Security Council resolution ideally by unanimity that sets out a final opportunity, an ultimatum to comply with all the previous resolutions, and a two-stage process so that if there were further evidence of non-compliance or non-co-operation, then ... a discussion but not a further resolution by the Security Council about the consequences. So one objective was to keep the international community

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<sup>321</sup> Public hearing, 1 December 2009, page 26.

<sup>322</sup> Statement, January 2011, paragraphs 1-2.

<sup>323</sup> Statement, January 2011, paragraph 3.

<sup>324</sup> Public hearing, 31 January 2011, page 11.



together and the other objective was to ensure that if there was a material breach either through non-co-operation or through a find of WMD, then we didn't have to go through this whole rigmarole again and have another resolution that then gave a final, final opportunity to comply."<sup>325</sup>

**924.** Mr Macleod thought that there were two main objectives for the resolution:

"One was to achieve the disarmament of Iraq by essentially inspections and peaceful means, if we could at all, and that's why part of the focus of 1441 is on a strong inspection regime, but I think it was very much a part of the framework, also, that there should be one final opportunity for Iraq to disarm and that that should be this resolution, and that there would not be a further Security Council decision at a later stage."<sup>326</sup>

**925.** In his private hearing, Sir Jeremy Greenstock told the Inquiry that the US:

"... wanted freedom to be able to pin Iraq down in material breach, either through something that was heinous in the declaration, or through a further act or omission, and they wanted the capacity to report that to the Security Council without it being reported through the inspectors."<sup>327</sup>

**926.** Sir Jeremy stated:

"The French knew what they were agreeing to, and then later didn't want to live up to what they had agreed to, and to that extent changed their policy from the basis of the understanding of the negotiation in 1441."<sup>328</sup>

**927.** Sir Jeremy added:

"The French wanted to make sure that the United States could not take unilateral action. This was underlying the French position from beginning to end.

"... the French knew that they had not achieved in 1441 the requirement that the Security Council make a decision following 1441, that 1441 was the last point of agreement that we had reached, and that left the decision open by a Member State, devoid of a Security Council resolution, to follow up on the previous resolutions."<sup>329</sup>

**928.** In his first statement for the Inquiry, Mr Straw wrote that the US had "never", so far as he was aware, "explicitly ruled out the possibility of a 'second resolution'", but their "hard policy commitment was for one resolution only": "An objective of the

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<sup>325</sup> Private hearing, 10 September 2010, page 61.

<sup>326</sup> Public hearing, 30 June 2010, page 10.

<sup>327</sup> Private hearing, 26 May 2010, pages 11-12.

<sup>328</sup> Private hearing, 26 May 2010, pages 12-13.

<sup>329</sup> Private hearing, 26 May 2010, pages 13-14.

negotiations ... was therefore that it should be self contained, and not legally contingent on a second resolution.”<sup>330</sup>

**929.** Mr Straw told the Inquiry that his view “was that there was an overwhelming argument that 1441 required a second stage but not a second resolution”.<sup>331</sup>

**930.** Mr Straw told the Inquiry:

“I believed that we were intent on negotiating a self-contained resolution ... The Americans would never agree to a resolution that was not self-contained. I would say everybody else we were negotiating with took the same view. As Jeremy Greenstock has pointed out, if we had been ready to accept a resolution which simply required another resolution, we would have got that in a week.”<sup>332</sup>

**931.** In his memoir, Mr Straw described the negotiation of resolution 1441 as “a great team effort”. The UK and US teams had:

“... argued so intensely over every last detail because everyone knew what was riding on it.”<sup>333</sup>

**932.** Mr Straw wrote that he had felt a “great sense of relief and achievement “about the outcome of the resolution; it was “comprehensive”, it was “mandatory, based on Chapter VII of the UN Charter” and, “crucially it recognised ‘the threat Iraq’s non-compliance ... poses to international peace and security’”.<sup>334</sup>

### **Lord Goldsmith’s role in the negotiation of resolution 1441**

**933.** Lord Goldsmith’s officials were involved in the initial formulation of proposals for a resolution, but he was not formally asked for his views until 24 September, after a draft had been agreed with the US.

**934.** Lord Goldsmith was sent a copy of the FCO advice to No.10 of 27 August, setting out possible elements for a new resolution.<sup>335</sup>

**935.** In his statement for the Inquiry, Lord Goldsmith wrote that the letter of 27 August:

“... attached a rudimentary outline of the terms of a possible resolution. I was shown the letter but I am sure I would have assumed that my advice was not required in relation to that text but that instead it would be sought on a more developed draft ...”<sup>336</sup>

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<sup>330</sup> Statement, January 2010, page 7.

<sup>331</sup> Public hearing, 8 February 2010, page 13.

<sup>332</sup> Public hearing, 2 February 2011, page 67.

<sup>333</sup> Straw J. *Last Man Standing: Memoirs of a Political Survivor*. Macmillan, 2012.

<sup>334</sup> Straw J. *Last Man Standing: Memoirs of a Political Survivor*. Macmillan, 2012.

<sup>335</sup> Letter McDonald to Manning, 27 August 2002, ‘Iraq: Ultimatum’.

<sup>336</sup> Statement, 4 January 2011, paragraph 1.15.

**936.** Sir David Manning proposed the establishment of an Ad Hoc Ministerial Group on Iraq to Mr Blair on 12 September (see Section 2).<sup>337</sup> Setting out proposals for membership, Sir David wrote:

“This leaves the question of what to do about the Attorney. I assume that you would not want him to attend your Ad Hoc Groups except by invitation on specific occasions.”

**937.** Mr Blair decided to wait to set up a Cabinet Group.<sup>338</sup>

**938.** There are no records of Lord Goldsmith’s direct involvement in UK Government discussions before his meeting with Mr Straw on 23 September, when Mr Straw had “stressed” that Mr Wood “had his full authority to talk to Lord Goldsmith”.<sup>339</sup>

**939.** Mr Wood’s letter of 24 September stated that Lord Goldsmith would be “aware of the context and background” of the draft resolution and asked for his advice.<sup>340</sup>

**940.** Lord Goldsmith told the Inquiry that a “number of difficulties” had “prevented” him “from being more actively engaged” in advising on resolution 1441.

**941.** In his statement, Lord Goldsmith identified three broad areas of difficulty:

- his Office was not sent all the relevant documents;
- he was not sufficiently involved in Ministerial discussions; and
- the approach to seeking his advice was inconsistent.

**942.** Lord Goldsmith initially told the Inquiry that during the drafting of resolution 1441:

“I don’t know whether every draft was being copied, but certainly some drafts were copied to my office, not with a request that I should advise, which was slightly unsatisfactory, because it was sort of ‘keep you in the picture’ but not actually ask you to advise.”<sup>341</sup>

**943.** Asked to clarify his comment that the arrangements for seeking his advice on the resolution were “unsatisfactory” and that he had not been asked to provide advice, Lord Goldsmith’s witness statement identified a “number of difficulties” that had “prevented” him “from being more actively engaged” in advising on resolution 1441.<sup>342</sup>

**944.** The negotiation of resolution 1441 was difficult and at times conducted directly between Mr Blair and Mr Straw and their counterparts.

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<sup>337</sup> Minute Manning to Prime Minister, 12 September 2002, ‘Iraq’.

<sup>338</sup> Manuscript comment, [unsigned and undated], on Minute Manning to Prime Minister, 12 September 2002, ‘Iraq’.

<sup>339</sup> Minute McDonald to Legal Adviser, 24 September 2002, ‘Attorney General’.

<sup>340</sup> Letter Wood to Adams, 24 September 2002, ‘Iraq: Use of Force’.

<sup>341</sup> Public hearing, 27 January 2010, page 26.

<sup>342</sup> Statement, 4 January 2011, paragraph 1.8.

**945. While the exceptional nature of the negotiations would have made it impossible for Lord Goldsmith to follow each twist and turn of the negotiations, he was not sent the records of some of the most critical discussions.**

**946.** Lord Goldsmith wrote that, as Ms Adams had told the Inquiry, his Office was not sent copies of all the telegrams during the negotiation process. In particular, he had not seen those reporting “some of the most critical discussions”.<sup>343</sup>

**947.** Ms Adams told the Inquiry that the Attorney General’s Office (then known as the Legal Secretariat to the Law Officers (LSLO)) received telegrams from UKMIS New York and from the Foreign Office itself:

“... during the course of the negotiation ... there were two distributions for telegrams ... and ... a lot of the very critical points in the negotiation were issues that were discussed between the Foreign Secretary and US Secretary Powell and obviously the French Foreign Minister and so on. Those records of rather key moments were not coming to us at the time.”<sup>344</sup>

**948.** The evidence confirms that Lord Goldsmith did not see records of key discussions between Mr Blair and Mr Straw and their counterparts, or proposals on the draft resolution which were being discussed within the UK Government, before decisions were taken.

**949.** Mr Macleod told the Inquiry that, during the negotiation of resolutions 1154 and 1205 in 1997 and 1998, he had been working in the Attorney General’s Office. In relation to resolution 1154, he described a letter and briefing which took him and the Attorney General through the background in New York, the UN processes, the significance of the different terminology, the origins of the revival doctrine and the view of previous Law Officers on it:

“The picture that emerges is very much of the Attorney’s office being told what was happening, being offered ideas about what the future shape of the resolution might be, being asked for advice on whether one formulation was the stronger basis than another and giving views on that.”<sup>345</sup>

**950.** After the adoption of resolution 1154 and before and during the negotiation of resolution 1205 Mr Macleod stated:

“... it [the process] worked exactly the same way; we knew what was coming, there were drafts going round, different operative paragraphs. I think there were even drafts of the explanations of vote, and they were gone through both before and after the adoption of the text, and I think there was guidance from the Attorney.”

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<sup>343</sup> Statement, 4 January 2011, paragraph 1.8.

<sup>344</sup> Public hearing, 20 July 2010, page 10.

<sup>345</sup> Public hearing, 30 June 2010, pages 14-15.

**951.** Mr Macleod’s account of the involvement of the Attorney General in 1998 is supported by contemporaneous records that the Inquiry has seen.

**952.** Ms Adams contrasted the process during the drafting of resolution 1441 with that which subsequently took place on the second resolution and other cases when:

“... the Attorney General was presented with a draft and it was clear, ‘This is our objective for this resolution. Is this text sufficient to achieve this objective, and if it isn’t, what do we need as a sort of legal red line?’ ... the Attorney was able to say ‘I think X or Y’ and therefore, that informed the process of the negotiation in New York ...”<sup>346</sup>

**953.** Sir Michael Wood told the Inquiry that the FCO Legal Advisers “kept the Attorney General informed” about the “course of the negotiations” and about the advice they were giving as the draft resolution developed: “both to ensure that he was in a position to give advice to Ministers and to the negotiators at any time, either on request or as he saw fit, whether or not his advice was formally sought”.<sup>347</sup>

**954.** Sir Michael explained:

“What was in my view more important than a formal request for advice was for the FCO Legal Advisers to keep the Attorney General’s Office as fully informed as they could throughout the negotiations. This we did. We sent to his Office anything we saw that was legally significant as soon as we received it, and we kept him informed of the advice that we were giving. We wished to ensure that the legal advice we were giving within the FCO and beyond on a matter of such importance did not differ from his own views.

“The Attorney’s advice was ... obtained during the negotiation of 1441, but not at every stage (which would have been impractical, given the complexity of the negotiations and the manner in which they were being carried out). His views on the revival argument, and the kind of language that was needed in any resolution if it was of itself to authorise the use of force, were well known.”<sup>348</sup>

**955.** Sir Michael Wood also told the Inquiry that there were “no formal or other rules” on seeking the Attorney General’s advice during the negotiation of UN Security Council resolutions, “either in general or in exceptional circumstances like 1441”; and that it “all depends on the circumstances”. The FCO Legal Advisers had “made it clear throughout to policy clients, including Ministers, that it was highly desirable to seek the Attorney’s advice, and in particular that the Attorney’s advice would be needed before military force was used”.<sup>349</sup>

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<sup>346</sup> Public hearing, 20 July 2010, pages 13-14.

<sup>347</sup> Statement, 15 March 2011, page 1.

<sup>348</sup> Statement, 15 March 2011, page 12.

<sup>349</sup> Statement, 15 March 2011, page 14.

**956.** Lord Goldsmith's requests to Mr Straw on 18 October and Mr Blair on 22 October, to be invited to meetings and "to be kept closely informed of developments", which would have allowed him to be more involved in discussions about the resolution and the policy behind it, were not followed up by Mr Straw or Mr Blair.

**957.** Despite agreement in July that Mr Blair and Lord Goldsmith should discuss his advice in September, that discussion did not take place until 22 October.

**958.** The meeting took place as a result of Lord Goldsmith raising his concerns with Mr Powell and Mr Straw.

**959.** Key decisions on the resolution had already been taken and the draft was at an advanced stage.

**960.** In his statement for the Inquiry, Lord Goldsmith wrote that he was not sufficiently involved in the Ministerial meetings and discussions about the resolution and the policy behind it. He had told:

- Mr Straw on 18 October that he should be present at "any meetings between the Prime Minister, the Foreign Secretary and others at which decisions on the use of force were made"; and
- Mr Blair in the meeting on 22 October that that it would be important for him "to be kept closely informed of developments". He had made it clear that he "was available for a further meeting with the Prime Minister at any time".<sup>350</sup>

**961.** After that, Lord Goldsmith was not invited to key meetings to discuss the UK's negotiating strategy and the implications of changes to the draft resolution.

**962.** There were inconsistencies about the level of involvement expected from Lord Goldsmith.

**963.** His advice was sought in the early stages of the development of the draft resolution, but from late-September onwards that was not the case.

**964.** In his statement Lord Goldsmith wrote that there "was an inconsistent approach within Government about the level of engagement that was expected" from him.<sup>351</sup>

**965.** In the period between his meeting with Mr Blair on 22 October and his "telephone call" with Mr Straw on 7 November, his "views were not sought"; and "During that period ... important changes [to the draft resolution] occurred."<sup>352</sup>

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<sup>350</sup> Statement, 4 January 2011, paragraph 1.9.

<sup>351</sup> Statement, 4 January 2011, paragraph 1.11.

<sup>352</sup> Statement, 4 January 2011, paragraph 1.2.



**966.** Identifying those changes, Lord Goldsmith wrote:

“In particular ... OP2 said that Iraq was being given a ‘final opportunity’ to comply with its obligations; OP4 contained the words ‘for assessment’; and OP13 recalled that the Council had repeatedly said that there would be ‘serious consequences’ as a result of Iraq’s continued violation of its obligations.”<sup>353</sup>

**967.** Lord Goldsmith identified the addition stipulating that any further material breaches would be reported to the Council for assessment in the text of what became OP4, as the “most important” of those changes.

**968.** In addition, there had been “no further meetings” between Lord Goldsmith and “Ministers or officials of the FCO on this ... prior to adoption of the resolution”.<sup>354</sup>

**969.** Lord Goldsmith wrote that after 18 October there had been “no further requests” for advice:

“... the FCO Legal Advisers were not pressing for advice before the resolution was adopted. I recall ... that at some point after the meeting on 22 October 2002 Cathy Adams expressly informed me that my advice was not being sought and that documentation was being provided for my reference only.”<sup>355</sup>

**970. FCO Legal Advisers and Lord Goldsmith’s office were aware on 4 November of the revision of the final clause of OP4 over the weekend of 2-3 November, when Secretary Powell agreed to replace the text that, in the event of a further material breach, the Security Council would “convene in accordance with OPs 11 and 12” with the phrase that it would be “reported to the Council for assessment”.**

**971. There is no evidence that any concerns were raised about the inclusion of “for assessment” before the adoption of resolution 1441.**

**972. Lord Goldsmith saw the draft resolution containing the revised text on 6 November.**

**973.** Sir Michael Wood identified that, as well as his letters of 24 September and 18 October, the note from Mr Grainger to Mr Brummell of 4 November 2002, was a specific occasion when the FCO Legal Advisers had “made it clear to the Attorney and his Office, formally or informally, that we needed his advice”.<sup>356</sup>

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<sup>353</sup> Statement, 4 January 2011, paragraph 1.6.

<sup>354</sup> Statement, 4 January 2011, paragraph 1.10.

<sup>355</sup> Statement, 4 January 2011, paragraph 1.11.

<sup>356</sup> Statement, 15 March 2011, page 12.

**974.** Sir Michael Wood told the Inquiry that in the meeting with Lord Goldsmith on 5 November 2002:

“... we expressed concerns that assumptions were being made by Ministers about his eventual advice, and that therefore in our view early advice from the Attorney was desirable. As I recall, the Attorney’s response was to the effect that he would give his advice when it was requested by Ministers, but that in any event we knew his views.”<sup>357</sup>

**975.** Asked what legal advice had been provided on the effect of the insertion of the words “for assessment”, Sir Michael Wood wrote that the words were “proposed by the US Secretary of State, in response to a French request, and agreed by him directly with the British and French Foreign Ministers, without, so far as I am aware, legal advice being sought”.<sup>358</sup>

**976.** Despite the difficulties which Lord Goldsmith rightly identified as limiting his contribution during the negotiation of resolution 1441, the way in which Lord Goldsmith’s advice was provided raises a number of issues.

**977.** After the meeting with Mr Blair on 22 October, Lord Goldsmith understandably felt it necessary to ask Mr Brummell to record his views.

**978.** Accordingly, on Lord Goldsmith’s instructions, Mr Brummell wrote to Sir David Manning setting out the points that Lord Goldsmith had made in his meeting with Mr Blair.

**979.** Asked about his meeting with Mr Blair on 22 October and Mr Brummell’s letter of 23 October 2002 before the declassification of his manuscript notes of that meeting, Lord Goldsmith told the Inquiry that he hadn’t thought he needed to put his views in writing at that stage:

“I think I had been very clear in my oral statements that there needed to be a clear statement of material breach and so forth. So I don’t think I needed to add anything else.”<sup>359</sup>

**980.** Asked if he had been anxious that Mr Blair should know his legal advice, Lord Goldsmith replied:

“I don’t think so ... I couldn’t have given definitive legal advice at that stage, because the whole point was he [Mr Blair] had had the advice in July about what needed to happen ... Until there was a resolution finally, there wasn’t really anything more to say, although I was giving a bit of guidance about a couple of matters. One of them

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<sup>357</sup> Statement, 15 March 2011, page 13.

<sup>358</sup> Statement, 15 March 2011, page 18.

<sup>359</sup> Public hearing, 27 January 2010, pages 29-30.

was some expressions of concern about the developing resolution, draft resolution, though, as I have said it actually changed in significant ways at the last moment.”

**981.** Lord Goldsmith subsequently wrote that in his oral evidence he had had in mind the passage in Mr Brummell’s letter recording that he could not give a final view on the effect of the resolution until it had been adopted.<sup>360</sup>

**982.** Asked about Mr Brummell’s letter to Sir David Manning of 23 October, Lord Goldsmith wrote that he “felt there should be a record of the advice” he had offered; that he had asked Mr Brummell to send the letter; and that, if he had not recorded his advice through that means, he “would have ensured that the same result was achieved by other means, i.e. through written advice in a note to No.10”.<sup>361</sup>

**983.** Lord Goldsmith’s argument that he could not give a ‘final view’ on the legal effect of resolution 1441 until after its adoption is evidently correct.

**984.** Lord Goldsmith was also being advised that he should not “provide a running commentary”.

**985.** Nevertheless, and given its importance, Mr Blair and Mr Straw should have ensured that Lord Goldsmith was invited to advise on the legal implications of the text under discussion at key stages in the development of resolution 1441.

**986.** That would have ensured that policy decisions were fully informed by consideration of the legal issues.

**987.** Specifically Lord Goldsmith’s views should, at the very least, have been sought and considered first in the context of the decision on 17 October that the UK should seek to negotiate a resolution which would be capable of authorising the use of force without a further decision by the Security Council, and secondly once the near final draft of the resolution was available on 4 November and before the resolution was adopted on 8 November.

**988.** There should have been an agreed, collective understanding of the legal effect of the resolution amongst key Ministers, the Cabinet Secretary, the Chief of the Defence Staff and senior officials participating in the negotiations.

**989.** As Ms Adams pointed out, the UK Government “didn’t really know what it was voting for”.

**990.** Ms Adams had told the Inquiry that the timing of the legal advice was:

“... a very important issue ... and in fact for me this is the key lesson learned from the whole episode ... I say this with the benefit of hindsight – I do think that if definitive advice had been given, and perhaps it might have had to be conditional

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<sup>360</sup> Statement, 4 January 2011, paragraph 3.8.

<sup>361</sup> Statement, 4 January 2011, paragraphs 3.3 and 3.5.

advice, but nevertheless, if definitive advice from the Attorney had been given prior to the adoption of resolution 1441, events would have unfolded rather differently.”<sup>362</sup>

**991.** Ms Adams stated:

“... it has struck me very forcibly with the benefit of hindsight that that would have been desirable, to say the least, in relation to 1441 because the net effect was ... the Government didn’t really know what it was voting for ... the Foreign Secretary and Sir Jeremy had a very clear view of what they thought the resolution meant. Michael Wood had a very clear view which was a rather different view, but the one person whose view actually mattered hadn’t even been asked at that stage.”<sup>363</sup>

**992.** Ms Adams told the Inquiry that Lord Goldsmith’s advice at an earlier stage:

“... would have influenced the statements that were made about the resolution after its adoption ... the Explanation of Vote which was made. Normally, when you have a resolution negotiated, if you don’t achieve everything that you want to achieve in the negotiation and you end up with a less than clear text, it is a classic way to reinforce one’s interpretation by stating clearly that you think it means a certain thing ... our statement was arguably not inconsistent with the view that the Attorney had reached, but it could have been clearer and I think some of the things that were said ... about what automaticity did or didn’t mean and these kind of issues, but if there had been a very definitive legal view, then perhaps that would have fed into a clearer Explanation of Vote.”<sup>364</sup>

**993.** Lord Goldsmith wrote that there was a view within his Office that he “should not provide a running commentary on the drafts as they emerged”.<sup>365</sup> He only saw what were “effectively snapshots provided ... for information”. His role should be to “provide advice on the legal effect of the final, agreed wording”. That seemed to him “a valid position” which he “understood to be consistent with the role adopted by his predecessors”. Lord Goldsmith wrote that that was what he “had in mind” when he told Mr Blair in their meeting on 22 October that “it would not be possible to give a final view on the legal effect of the resolution until it had been adopted”.

**994.** Asked to address the effect greater involvement during the negotiation of the resolution could have had, Lord Goldsmith wrote:

“If my advice had been provided to the negotiating team at key points in the later stage of the negotiations, I think this may well have influenced the negotiations and the statements that were made about the resolution after its adoption.

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<sup>362</sup> Public hearing, 20 July 2010, page 9.

<sup>363</sup> Public hearing, 20 July 2010, pages 13-14.

<sup>364</sup> Public hearing, 30 June 2010, pages 15-16.

<sup>365</sup> Statement, 4 January 2011, paragraph 1.13.

“It is impossible to say what difference this would have made but the text did change after my meeting with the Prime Minister [on 22 October 2002] and my advice on it was not sought. Some of those changes were in my view significant and featured in my eventual advice.”<sup>366</sup>

**995.** Lord Goldsmith added that it would not be “impossible for an Attorney General in London to give advice throughout the process of negotiations”, but that would have required him to have “been given much more information and to have been included to a far greater extent”.<sup>367</sup>

**996.** Asked whether Lord Goldsmith should have been more closely involved in the negotiation of resolution 1441, Mr Blair stated:

“... in retrospect it would have been sensible to have had him absolutely in touch with the negotiating machinery all the way through ...”<sup>368</sup>

**997.** Sir Michael Wood identified the “main consequence” of the fact that Lord Goldsmith did not give advice at the later stages of the negotiation was that “there was inevitably some uncertainty about his views on the meaning of the resolution, which made it difficult for FCO Legal Advisers to advise Ministers”. But it was “far from clear that having his further views during the negotiation would have made a significant difference to the course of the negotiations or to the terms of the eventual resolution”.<sup>369</sup>

**998.** Lord Goldsmith decided to convey his views orally rather than in writing on a number of occasions, including in response to the three explicit requests, of 24 September, 18 October and 4 November 2002, from FCO Legal Advisers for his advice.

**999.** Lord Goldsmith bears some responsibility for not seeking more assertively to ensure that his views were known and understood by those negotiating the resolution and those responsible for its implementation.

### **The role of FCO Legal Advisers in the negotiation of resolution 1441**

**1000.** Mr Wood and Mr Macleod did not have full visibility of the discussions between Mr Blair and Mr Straw and their counterparts which led to some of the key provisions in resolution 1441.

**1001.** Nor did they see all the records of discussions in which Lord Goldsmith set out his concerns.

**1002.** The accounts given to the Inquiry by Sir Michael Wood, Sir Jeremy Greenstock and Mr Macleod, about the UK Permanent Mission to the UN

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<sup>366</sup> Statement, 4 January 2011, paragraphs 1.5-1.6.

<sup>367</sup> Statement, 4 January 2011, paragraph 1.14.

<sup>368</sup> Public hearing, 21 January 2011, page 53.

<sup>369</sup> Statement, 15 March 2011, page 12.

**in New York’s knowledge and understanding of the views of the FCO Legal Advisers and Lord Goldsmith during the negotiations and of their understanding in early November 2002 of the legal effect of the drafts of resolution 1441, were not consistent.**

**1003.** In a statement to the Inquiry, Sir Michael Wood wrote that he, Ms Wilmshurst and Mr Grainger worked closely together as a team on all matters concerning the use of force against Iraq.<sup>370</sup>

**1004.** Legal advice was “folded in to the day-by-day instructions to UKMIS New York”. Mr Grainger attended the daily meetings on Iraq, discussed drafts with the United Nations Department (UND), cleared draft instructions to New York and gave day-to-day advice orally and in writing. Virtually all significant pieces of written legal advice were a co-operative effort.<sup>371</sup>

**1005.** Sir Michael had been aware of, and agreed with, all the advice Mr Grainger had given.

**1006.** Sir Michael stated that he had ensured that he was “consulted ... on all significant legal questions concerning Iraq”, and that he gave his own written advice whenever he “was asked directly by Ministers or senior officials”.<sup>372</sup> He would “intervene directly only when we considered that necessary, particularly to get a point across to Ministers”.

**1007. Instructions to the Mission in New York on the negotiation of resolution 1441 were issued from the FCO in London.**

**1008. Sir Michael Wood’s and Mr Macleod’s evidence indicates that direct contact between the FCO Legal Advisers and the Legal Counsellor in UKMIS New York was limited.**

**1009.** Mr Straw told the Inquiry that the Legal Counsellor in New York had “played a very important role in the negotiation and drafting of 1441 and after that, in its interpretation”.<sup>373</sup>

**1010.** In his statement to the Inquiry, Mr Macleod wrote that his instructions came “from or through UND”, and that was the case “even on issues with a high ‘legal’ content”.<sup>374</sup> Direct contact with FCO Legal Advisers was “not commonplace”, and

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<sup>370</sup> Statement, 15 March 2011, pages 5-7.

<sup>371</sup> Statement, 15 March 2011, pages 6-8.

<sup>372</sup> Statement, 15 March 2011, pages 6-7.

<sup>373</sup> Public hearing, 8 February 2010, page 52.

<sup>374</sup> Statement, 24 June 2010, paragraphs 1-2, 6-8.



on major negotiations, such as resolution 1441 “pretty rare”. He reported “ultimately to the Permanent Representative [Sir Jeremy Greenstock]”. There was:

“... no line of reporting, direct or indirect to the FCO Legal Adviser in London ... Nor was there any routine process of ... reporting on legal issues or anything of that sort.”

**1011.** Sir Michael Wood wrote that “the work of a legal adviser overseas is quite different from that of a lawyer in London, having large policy and representational elements”.<sup>375</sup> The Legal Counsellor and First Secretary (Legal) in UKMIS New York reported to the UK Permanent Representative to the UN and, while it was “important” that the links to the FCO Legal Advisers were maintained, it would not have been “appropriate” for them to “report directly to, and effectively work under the FCO Legal Adviser”.

**1012.** Sir Michael added:

“... the negotiation of SCR 1441 was wholly exceptional, with Washington firmly in the lead and key negotiations taking place directly between foreign ministers and often on the telephone. The negotiating process was quite different from that for other SCRs, such as SCRs 1154, 1205, the second resolution in early 2003, and subsequent resolutions on Iraq adopted in 2003/4.”

**1013.** As a result, in Sir Michael’s view: “It was, therefore, not always easy for anyone, including the lawyers, to follow the negotiations blow-by-blow and to feed in considered and timely advice in the usual way.”<sup>376</sup>

**1014.** In Mr Macleod’s view, the UK Mission in New York had had “a relatively limited role” in the drafting of resolution 1441:

“The main components of the draft came to us from Washington via London.”<sup>377</sup>

**1015.** Mr Macleod wrote that he had received “no instructions” from London in relation to the negotiation of resolution 1441 “beyond or in addition to those received by Sir Jeremy Greenstock and UKMIS”.<sup>378</sup>

**1016.** Mr Macleod told the Inquiry that, “as a member of Sir Jeremy’s team”, he was “closely involved in the negotiation of what became UNSCR 1441 from an early stage”.<sup>379</sup> He “knew what we were trying to achieve and attended the majority of the negotiating sessions”. He had: “Occasionally ... noted and reported the discussion”, but “on the whole” he had “a watching brief”.

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<sup>375</sup> Statement, 15 March 2011, page 1.

<sup>376</sup> Statement, 15 March 2011, page 9.

<sup>377</sup> Statement, 24 June 2010, paragraph 12.

<sup>378</sup> Statement, 24 June 2010, paragraph 10.

<sup>379</sup> Statement, 24 June 2010, paragraph 12.

**1017.** Mr Macleod wrote:

“On some key points, Sir Jeremy [Greenstock] had a crucial input, and I was involved in the drafting and discussion of proposals within the mission.”

**1018.** Asked about the process of providing advice to Sir Jeremy, Mr Macleod told the Inquiry that it was “fairly informal”:

“... Jeremy knew the issue very, very well. He understood that the legal parameters in which 1441 was being negotiated were very well-established, at least as far as we were concerned, because he had been responsible for negotiating resolution 1205 and he had probably been involved in the earlier ones too. So the framework we were operating in was very clear and pretty well understood by all of us, and I don’t recall really any occasion when we had to sit down and have a head-to-head about any legal issue.”<sup>380</sup>

**1019.** Within the FCO, Mr Pattison was responsible for the formulation of policy on Security Council resolutions, and provided instructions to the UK Mission in New York.<sup>381</sup>

**1020.** Mr Pattison wrote that the key tactical decisions were taken at twice-daily meetings chaired by Mr Ricketts which agreed instructions for UKMIS New York on how to handle negotiations on the text of resolution 1441.<sup>382</sup>

**1021.** Mr Pattison told the Inquiry that instructions were sent in the form of a telegram, known as an e-gram, and were complemented by daily telephone conversations between Mr Ricketts and Sir Jeremy Greenstock, and by correspondence with other members of UKMIS New York.<sup>383</sup>

**1022.** Mr Pattison circulated a draft of the instructions around the ‘core group’, which included Mr Chaplin, Mr Charles Gray, Head of the FCO Middle East Department, representatives of the FCO Non-Proliferation Department (headed by Mr Tim Dowse) and FCO Legal Advisers, before sending them to New York.

**1023.** Telegrams sent by the FCO in London to the UK Mission in New York during the negotiation of resolution 1441, were in accordance with usual practice, signed “Straw” but would have been compiled by the process Mr Pattison described. Some report the Foreign Secretary’s own involvement in discussions on the draft resolution with his US and French counterparts. Others contain detailed instructions to New York for discussion in the Security Council.

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<sup>380</sup> Public hearing, 30 June 2010, pages 8-9.

<sup>381</sup> Statement, January 2011, paragraphs 27 and 29.

<sup>382</sup> Statement, January 2011, paragraph 27.

<sup>383</sup> Public hearing, 31 January 2011, pages 22-23.

**1024.** When it was drawn to his attention that only one of the telegrams expressly stated the legal view of the effect of the draft resolution, Mr Pattison replied that:

“... legal advice was incorporated into all the instructions we sent. We did not normally practise making a distinction between legal and ... policy advice.”<sup>384</sup>

**1025.** Sir Michael Wood confirmed that:

“... instructions were drafted by United Nations Department, cleared with the FCO Legal Advisers and others, and, presumably, submitted to Ministers as necessary. They would be conveyed to UKMIS by telegram, fax or on the phone. This was standard practice for the drafting of SCRs.”<sup>385</sup>

**1026.** Sir Jeremy Greenstock told the Inquiry that he was not aware of the divergence of view about whether the draft of resolution 1441 would authorise the use of force without a further resolution.

**1027.** Mr Straw, Sir Jeremy Greenstock and Mr Pattison all referred to the fact that Mr Macleod took the view that resolution 1441 authorised the use of force, without the need for a further resolution.

**1028.** There is no contemporaneous written evidence of Mr Macleod’s advice during the negotiation of resolution 1441.

**1029.** Mr Macleod told the Inquiry that he was not conscious of the strength of the FCO Legal Advisers’ concerns until late November.

**1030.** Asked whether he was aware of the views, after its negotiation, of Sir Michael Wood and other Foreign Office Legal Advisers on the effect of resolution 1441, Sir Jeremy Greenstock told the Inquiry:

“I was not copied in on the minuting, for instance, between Michael Wood and the Secretary of State, Jack Straw, at the time ...

“I relied on two things in New York, one was the telegrams of instruction, signed ‘Straw’, coming from London; and secondly, my legal adviser Iain Macleod’s advice in New York ...”<sup>386</sup>

**1031.** Sir Jeremy told the Inquiry that Mr Macleod’s advice:

“... was different in substance and character from the legal advice coming from Elizabeth Wilmshurst and Michael Wood to the Secretary of State.”

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<sup>384</sup> Public hearing, 31 January 2011, page 24.

<sup>385</sup> Statement, 15 March 2011, pages 7-8.

<sup>386</sup> Private hearing, 26 May 2010, page 14.

**1032.** Subsequently, in the context of questioning about the later debate on the interpretation of resolution 1441 and the need for a second resolution, Sir Jeremy Greenstock stated:

“If I had known that there was that degree of doubt in London, I would have had to examine whether the advice I was getting from my own legal adviser was the advice I should be listening to.”<sup>387</sup>

**1033.** The Inquiry drew those extracts from Sir Jeremy’s evidence, which addressed the understanding in New York of the legal effect of resolution 1441 after its adoption and which had not at that stage been published, to the attention of Mr Macleod before he gave evidence to the Inquiry.

**1034.** Addressing his advice to Sir Jeremy in his statement, Mr Macleod wrote:

“Sir Jeremy Greenstock knew the legal framework as well as I did ... I think we had a shared understanding of what London’s instructions required and a shared assessment of what the final text meant. I did not have to offer lengthy written advice: my views were simply fed into the negotiating process, along with those of the rest of the team. At no time during the negotiation of UNSCR ... was there any opposition or questioning of the views I expressed, and nor was I put under any pressure to advise in any particular direction (by Sir Jeremy or anyone else).”<sup>388</sup>

**1035.** Mr Macleod told the Inquiry that he was “not really clear about what exactly happened in London during the negotiation of resolution 1441”.<sup>389</sup> He understood from papers that he had seen “that questions were being asked of the Attorney on a couple of occasions” but he did not “think that was evident to us at the time in New York”.

**1036.** Mr Macleod added that “there seemed to be no definitive view from the Attorney’s Office during the 1441 process”; which he thought had been “a big mistake” and which he contrasted with the process adopted during the negotiations in 1997 and 1998.<sup>390</sup>

**1037.** Mr Macleod told the Inquiry that UKMIS “had one view of the resolution, we thought it would authorise the use of force”. He thought difficulties “could have been avoided” if Lord Goldsmith’s view “had been obtained at that earlier stage”.<sup>391</sup>

**1038.** Referring to the “doubts in London that began to emerge and really became apparent to us in November”, Mr Macleod stated that it was:

“... puzzling ... that people decided just to continue allowing UKMIS to negotiate a text which was, to use the phrase, ‘unfit for purpose’ because ... a key criterion for

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<sup>387</sup> Private hearing, 26 May 2010, page 26.

<sup>388</sup> Statement, 24 June 2010, paragraph 22.

<sup>389</sup> Public hearing, 30 June 2010, page 12.

<sup>390</sup> Public hearing, 30 June 2010, pages 12-13.

<sup>391</sup> Public hearing, 30 June 2010, page 16.

the resolution was that there wouldn't have to be a further decision of the Security Council to authorise the use of force.

“... the other reason why it is odd is that we had been negotiating in New York side by side with the US ...

“... to have reached the end of that and then have to turn round and tell the Americans that ‘Actually, what you and we thought we were negotiating, we haven't achieved at all’, it is a very strange place to end up.”<sup>392</sup>

**1039.** Asked if he was completely unaware that the FCO Legal Adviser was repeatedly and very clearly advising Mr Straw during and after the negotiation of 1441 that it did not authorise the use of force without a further resolution, Mr Macleod replied:

“There are minutes – on the file which I have seen subsequently, which in hindsight you could see ... the London legal view was diverging from the policy as we thought of it. But I wasn't really aware, to be honest, that there was such a divergence of view.”<sup>393</sup>

**1040.** Mr Macleod added that it was not until “towards the end of November” when he saw the draft of the instructions asking Lord Goldsmith to advise that he “really realised that something was not quite right here. I hadn't really spotted it before then, and perhaps I should have, but I hadn't really.”

**1041.** Addressing what he described as “the legal advice beginning to diverge from where the policy was”, Mr Macleod stated “Jeremy [Greenstock] and I both thought that it [resolution 1441] did achieve that [the policy aim]”; and:

“That remains my view and, in the end that was the view the Attorney also took. But London, it is clear certainly now, that wasn't the view in [the FCO] Legal Advisers. The way to fix that was actually relatively straightforward, which is to get a view from the Attorney. I think it should have happened. Now, why it didn't is very difficult for me to say from where I was, but I think it is a big gap in the process.”<sup>394</sup>

**1042.** Asked specifically if he was aware that Lord Goldsmith had advised Mr Straw on 18 October that the draft resolution would not in itself authorise force, Mr Macleod said he was not aware of that advice.<sup>395</sup>

**1043.** Pressed on the implications, Mr Macleod stated that he should have been aware of the advice, and that:

“... it would have had an impact. There would have had to be some quite serious analysis with London, but also with Washington, of where we were going.

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<sup>392</sup> Public hearing, 30 June 2010, pages 16-17.

<sup>393</sup> Public hearing, 30 June 2010, pages 20-21.

<sup>394</sup> Public hearing, 30 June 2010, pages 21-22.

<sup>395</sup> Public hearing, 30 June 2010, pages 28-30.

“... If that kind of doubt had begun to emerge about where we were going, that ought to have been fed into every conversation the Foreign Secretary was having with Secretary of State Powell, indeed the conversations that were taking place above that and below it and at the USUN ... that would have been a huge impact on the whole way the negotiations were going without any doubt at all.”

**1044. Mr Pattison, who was in daily contact with the UK Mission in New York, and Mr Ricketts, who spoke frequently to Sir Jeremy Greenstock, were both aware of the decision taken on 17 October, the views of the FCO Legal Advisers, and Lord Goldsmith’s conversation with Mr Straw on 18 October.**

**1045. The FCO’s arrangements to provide instructions to the UK Mission in New York on a day by day basis should have meant that Sir Jeremy and Mr Macleod were both aware of the essential points made by the FCO Legal Advisers and Lord Goldsmith which were of direct relevance to the negotiations.**

**1046. Mr Pattison told the Inquiry he had assumed that there had been direct contact between the FCO Legal Advisers and Mr Macleod.**

**1047.** Mr Pattison told the Inquiry that he had not discussed Lord Goldsmith’s advice to Mr Straw with Mr Macleod, asserting that Mr Macleod’s contacts with the Foreign Office “were entirely with Legal Advisers, as was proper and appropriate at the time”; and that he had “assumed that the Legal Advisers were talking to each other offline, privately in telephone conversations”.<sup>396</sup>

**1048.** Mr Pattison told the Inquiry that Mr Macleod “had a different opinion on the interpretation of the text, as of course, did United States’ lawyers”.<sup>397</sup>

**1049.** Mr Pattison would have been:

“... surprised if the Mission in New York wasn’t aware that Iain Macleod’s views were not endorsed by the Foreign Office Legal Adviser”.<sup>398</sup>

**1050.** Mr Pattison told the inquiry that he was “surprised” that UKMIS New York was not aware of the Lord Goldsmith’s views of 18 October:

“Jeremy must have had regular conversations with Peter Ricketts ... I would have thought that the evolution of the Attorney General’s view was a subject in them ...”

**1051. Mr Grainger’s minutes of 4 and 11 October and the FCO telegram of 21 October were sent to the UK Mission in New York.**

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<sup>396</sup> Public hearing, 31 January 2011, pages 31-32.

<sup>397</sup> Public hearing, 31 January 2011, page 31.

<sup>398</sup> Public hearing, 31 January 2011, page 33.



**1052.** They clearly set out the view of FCO Legal Advisers that the drafts of the resolution then under discussion would not authorise the use of force without a further decision by the Security Council.

**1053.** Sir Jeremy Greenstock took the same position in a conversation with Ambassador Negroponte on 16 October.

**1054.** Mr Straw took the same position in conversations with Secretary Powell and Mr de Villepin on 16 and 17 October.

**1055.** The Inquiry has seen no evidence that the correspondence recording the concerns expressed by the FCO Legal Advisers and Lord Goldsmith and their discussions with Mr Straw on 17-18 October was sent to the UK Mission in New York.

**1056.** Advice from Mr Wood to Mr Straw was not sent to the UK Mission in New York until 6 November.

**1057.** In his statement for the Inquiry, Sir Michael Wood wrote:

“... there were occasions when written legal advice was copied directly to UKMIS New York. This was the case, for example, with John Grainger’s minutes of 4 and 11 October 2002 and my submission ... of 6 November 2002.”<sup>399</sup>

**1058.** Sir Michael wrote that, given the convention that neither the advice of the Law Officers nor the fact that they had advised was to be disclosed, there was a general practice that their advice should not be sent to posts overseas.<sup>400</sup>

**1059.** No copies of the minutes expressing Mr Wood’s concerns at that time or the records of the conversation between Lord Goldsmith and Mr Straw on 18 October appear to have been sent to the UK Mission in New York.

**1060.** The FCO instructions to the UK Mission issued on 21 October clearly stated, however, that the draft could not “be read as authorising the use of force, taking into account the draft resolution as a whole, including OP10, which gives a clear indication that further action will be for the Council”.<sup>401</sup>

**1061.** Mr Pattison also told the Inquiry that by 6 November, when Mr Wood sent his advice to Mr Straw, he “certainly understood” Mr Wood’s position [that there would need to be a further decision by the Security Council to revive the authorisation to use force in resolution 678]; and that he had had that understanding “for some time”.<sup>402</sup>

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<sup>399</sup> Statement, 15 March 2011, page 8.

<sup>400</sup> Statement, 15 March 2011, page 9.

<sup>401</sup> Telegram 602 FCO London to UKMIS New York, 21 October 2002, ‘Iraq: Draft UNSCR’.

<sup>402</sup> Public hearing, 31 January 2011, page 31.

**1062.** Mr Pattison added that he was “reasonably confident that both Iain Macleod and Jeremy Greenstock would have understood that to be the Legal Adviser’s opinion”.

**1063.** Asked if it was “strange” that the UK Mission in New York was finalising the negotiation in ignorance of Lord Goldsmith’s position and thought that they had achieved something which Lord Goldsmith said that they had not, Mr Pattison agreed.<sup>403</sup>

**1064. Sir Michael Wood told the Inquiry that it was not clear to him that Mr Macleod took a different view from himself; and that the differences between their positions only crystallised when it became clear that a second resolution would not be forthcoming.**

**1065.** Mr Straw told the Inquiry that Mr Macleod took a different view to Mr Wood about the effect of resolution 1441.<sup>404</sup>

**1066.** Asked whether Mr Macleod and Sir Jeremy Greenstock were aware during the course of the negotiation of resolution 1441 of his view that the various drafts did not authorise the use of force without a further resolution, and whether it was recognised that there was a discrepancy between their respective positions, Sir Michael Wood responded that he did not think that during the negotiation of resolution 1441 Mr Macleod had a radically different view of the essential legal position from that of the lawyers in London.<sup>405</sup> They were both clear that resolution 1441 in itself did not authorise the use of force and that a second stage was needed.

**1067.** Sir Michael added:

“The only question was what precisely was needed at that second stage, which only crystallised as a major issue following the adoption of the resolution.”

**1068.** Asked whether a difference of view had been recognised at the time, Sir Michael wrote:

“... I do not believe that there was a significant discrepancy between the legal views in London and New York during the negotiation of the resolution. Such differences as there may have been seem to have arisen when it came to interpreting the resolution as adopted, in the light of the preparatory work ... and of the surrounding circumstances.”<sup>406</sup>

**1069.** Asked to identify the consequences of failing to resolve the differences of view during the negotiation, Sir Michael responded:

“Given (i) the limited nature of such differences as there may have been, (ii) the fact that what mattered at the end of the day was the Attorney General’s opinion,

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<sup>403</sup> Public hearing, 31 January 2011, page 34.

<sup>404</sup> Public hearing, 2 February 2011, page 66.

<sup>405</sup> Statement, 15 March 2011, pages 8-9.

<sup>406</sup> Statement, 15 March 2011, page 10.

not those of lawyers in the FCO or in UKMIS New York, and (iii) the nature of the negotiations, I do not consider that there would have been any significant change in the course of the negotiation, or the wording of the eventual resolution.”<sup>407</sup>

**1070.** The Inquiry was given divergent views on the question of whether it would have been appropriate for there to have been more direct links between the FCO Legal Advisers and the Legal Counsellor in New York.

**1071.** The different reporting arrangements under which the Legal Counsellor in New York reports to the Head of the Mission rather than to the FCO Legal Adviser in London, and the reasons for that, are understandable.

**1072.** But given the importance of resolution 1441 and the complex legal considerations, and notwithstanding Sir Michael Wood’s position that the general practice at that time was that the advice of the Law Officers was not sent to posts overseas, direct discussions between Mr Wood (or Mr Grainger on his behalf) and Mr Macleod of the drafts during the negotiation could have ensured a common understanding of, and advice on, the legal effect.

**1073.** Sir Michael Wood wrote that he:

“... did not recall discussing the negotiation of SCR 1441 with Sir Jeremy Greenstock or Iain Macleod, though we were ... seeing many of the same papers. Direct contact was not necessary since ... legal advice was fully incorporated into the instructions ... Lawyers in New York and London played quite different roles ...”<sup>408</sup>

**1074.** Sir Michael Wood added:

“Nor in my view would it have been appropriate for Iain Macleod and me to have conducted some sort of ‘back channel’ discussion among lawyers on the course of the negotiations and the ever-changing texts. It would have short-circuited the regular process for feeding in combined policy and legal considerations into the instructions sent to New York. And, in the particular circumstances of this negotiation, it would have risked crossing wires, and might even have been seen as interfering in matters of great political sensitivity.”<sup>409</sup>

**1075.** Sir Franklin Berman, who preceded Sir Michael as the FCO Legal Adviser, provided the Inquiry with his thoughts on the processes followed in negotiating resolution 1441; he did not seem to share that concern.<sup>410</sup>

**1076.** Acknowledging that, unlike in London, as a member of the Mission the legal adviser answers to and takes instructions from the Head of Mission, Sir Franklin

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<sup>407</sup> Statement, 15 March 2011, page 10.

<sup>408</sup> Statement, 15 March 2011, page 9.

<sup>409</sup> Statement, 15 March 2011, page 9.

<sup>410</sup> Submission Berman, 7 March 2011, ‘The process for giving and receiving Legal advice’.

said he had never known a Head of Mission take umbrage at separate, parallel, correspondence between the Mission legal adviser and the FCO Legal Advisers.

**1077.** Sir Daniel Bethlehem, Sir Michael's successor as FCO Legal Adviser, agreed fully with the observations that had been made in evidence about the wholly exceptional nature of the negotiations that led to resolution 1441.<sup>411</sup> He identified the close personal involvement of the Foreign Secretary, the particular political significance of the resolution, the sensitivity of the issues in question, their security classification and the potential consequences that would follow from the resolution as the reasons for the exceptional nature.

**1078.** Sir Daniel also commented on the formality of the process of instruction from London to UKMIS New York during the negotiation of resolution 1441.

**1079.** Sir Daniel added that in more recent years issues concerning the negotiation of Security Council resolutions would be conducted by email (with multiple copy addresses), video-conferencing and other mechanisms which enabled timely, inclusive and interactive communication, as well as by more formal electronic telegrams.

## Conclusions

**1080.** The declared objective of the US and UK was to obtain international support within the framework of the UN for a strategy of coercive diplomacy for the disarmament of Iraq. For the UK, regime change was a means to achieve disarmament, not an objective in its own right.

**1081.** A new UN resolution was a key element of Mr Blair's "clever strategy" to achieve the policy objectives of the US and UK in a manner which fostered international unanimity and maintained the authority of the UN.

**1082.** The UK's stated objective for the negotiation of resolution 1441 was to give Saddam Hussein "one final chance to comply" with his obligations to disarm. The UK initially formulated the objective in terms of:

- a resolution setting out an ultimatum to Iraq to readmit the UN weapons inspectors and to disarm in accordance with its obligations; and
- a threat to resort to the use of force to secure disarmament if Iraq failed to comply.

**1083.** Iraq's agreement in principle on 16 September to the return of inspectors, was almost certainly a response to President Bush's speech on 12 September, but the US and UK immediately expressed scepticism about the terms on which Iraq would readmit inspectors and its future conduct.

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<sup>411</sup> Statement, 24 June 2011, pages 4-5.

**1084.** A new resolution would not have been required to permit UNMOVIC and the IAEA to operate in Iraq. The UK and the US had, however, already agreed that the provisions of resolution 1284 (1999) were no longer sufficient to secure the disarmament of Iraq and a strengthened inspections regime would be required. A new resolution would maintain the pressure on Iraq and define a more intrusive inspections regime allowing the inspectors unconditional and unrestricted access to all Iraqi facilities.

**1085.** Iraq's letters of 16 and 19 September to the Security Council declaring that Iraq was "totally clear of all nuclear, chemical and biological weapons" and Saddam Hussein's rebuttal of suggestions that Iraq might share such weapons with Al Qaida were immediately discounted. In response to Iraq's detailed rebuttal of the UK dossier, the Assessments Staff concluded that there was no need for a full reply to Iraq's claims.

**1086.** The negotiation of resolution 1441 reflected a broad consensus in the United Nations Security Council on the need to achieve the disarmament of Iraq.

**1087.** There were, however, significant differences between the US and UK positions: and between them and China, France and Russia about the substance of the strategy to be adopted, including the role of the Security Council in determining whether peaceful means had been exhausted and the use of force to secure disarmament was justified.

**1088.** Those differences resulted in difficult negotiations over more than eight weeks before the eventual unanimous adoption of resolution 1441 on 8 November 2002.

**1089.** In September and October 2002 negotiations were being conducted simultaneously at three separate levels: discussions between Heads of State and Government and their advisers; between foreign ministers; and in New York.

**1090.** The degree to which Mr Blair, Mr Straw and Sir David Manning, and their counterparts in other capitals, were directly engaged in the detailed negotiations with counterparts in other capitals was highly unusual and demonstrated the difficulty and political sensitivity of the issues under discussion.

**1091.** Mr Blair played an active role in determining the UK's negotiating strategy and seeking to influence President Bush, President Chirac and President Putin.

**1092.** Within the UK's overarching objective, the initial discussion of the resolution focused on the crucial need to revive UN authority to permit UK use of military force if coercive diplomacy failed.

**1093.** Mr Blair was advised that it would be impossible to get agreement in the Security Council to a single resolution unequivocally providing that authority.

From the end of September, Mr Blair was advised that a second decision by the Security Council would be needed to authorise military action.

**1094.** Mr Straw and Sir David Manning advised Mr Blair that tough messages were required to persuade President Bush to accept the UK position and to address the difficulties for the UK that the US stance might create. He was encouraged to try to get the US to agree to two resolutions.

**1095.** Between 2 and 17 October, Mr Blair made a series of decisions which aligned the UK with the declared US position that no further decision by the Security Council could be explicitly conceded in the negotiation.

**1096.** To maintain pressure on Iraq, Mr Blair and Mr Straw decided on 17 October not to address the question of a second resolution at that time.

**1097.** The effect of the policy was that if a material breach of the resolution was reported to the Security Council, Saddam Hussein would not get a second chance.

**1098.** But Mr Blair, Mr Straw and other senior UK participants in the negotiation of resolution 1441 envisaged that, in the event of a material breach of Iraq's obligations, a second resolution determining that a breach existed and authorising the use of force was likely to be tabled in the Security Council.

**1099.** The pursuit of a possible "side agreement" to that end, Mr Straw's conversations with Secretary Powell and Mr de Villepin, and Sir Jeremy Greenstock's suggestion that the UK might table such a resolution all confirm that conclusion.

**1100.** Mr Blair and Mr Straw were, however, concerned that it might be difficult to secure agreement to a second resolution within the Council and that one or more of the Permanent Members might veto the resolution.

**1101.** In those circumstances, Mr Blair's and Mr Straw's position was that if the Security Council failed to meet its responsibilities, military force should be used to disarm Iraq. Mr Blair had already assured President Bush on several occasions that the UK would take such action.

**1102.** Mr Blair framed that in terms of the "Kosovo option" and what would happen in the event of an "unreasonable" veto.

**1103.** Mr Straw told Lord Goldsmith that he accepted a second resolution would be needed "unless circumstances changed", but he argued that could not be acknowledged publicly for tactical reasons.

**1104.** Lord Goldsmith informed Mr Blair on 22 October that, although he would not be able to give a final view until the resolution was adopted, the draft of the resolution of 19 October would not on its own authorise military action.



- 1105.** The way in which the legal advice was sought and considered during the negotiation of resolution 1441, and the substance of that advice, including Lord Goldsmith's views on the legal effects of the drafts he saw and whether there was any reason for the Government to assume that the resolution adopted on 8 November could by itself provide the authority for the use of force, are addressed earlier in this Section.
- 1106.** Decisions made by Mr Blair at key stages in the negotiations limited the policy options subsequently available to the UK.
- 1107.** In seeking to influence President Bush's decisions, Mr Blair offered the UK's support while suggesting possible adjustments to the US position.
- 1108.** In his discussions with President Bush, Mr Blair did not seek to use the potential UK military contribution to influence the US during the negotiation of resolution 1441.
- 1109.** The way in which the decision on 31 October to offer significant forces for ground operations to the US for planning purposes was taken is addressed in Section 6.1.
- 1110.** The UK was successful in changing some aspects of the US position during the negotiations, in particular ensuring resolution 1441 was based on the disarmament of Iraq rather than wider issues as originally proposed by the US.
- 1111.** Initial US/UK drafts of the resolution which would not be acceptable to other members of the Security Council were tabled without identifying the impact that would have on the timetable for reaching consensus, the consequent delay in the return of the inspectors, and the extent to which that would require key questions to remain unresolved.
- 1112.** The length of time taken to agree resolution 1441 meant the first update from the inspectors for the Security Council would not be required until mid-February, and the resolution was silent on what would happen after that.
- 1113.** The potential tension between the time available for inspections and when US would be ready to take military action was recognised in papers produced by officials from July onwards.
- 1114.** Reporting from Washington in mid-October identified clear indications that the US Administration was likely to be impatient about the time allowed for inspections.
- 1115.** Notwithstanding Mr Blair's and Mr Straw's statements at the time and his evidence to the Inquiry, resolution 1441 did not meet all the UK's original objectives.

**1116.** To secure consensus in the Security Council despite the different positions of the US and France and Russia (described by Sir Jeremy Greenstock as “irreconcilable”), resolution 1441 was a compromise containing drafting ‘fixes’.

**1117.** That created deliberate ambiguities on a number of key issues including:

- the level of non-compliance with resolution 1441 which would constitute a material breach;
- by whom that determination would be made; and
- whether there would be a second resolution explicitly authorising the use of force.

**1118.** As the Explanations of Vote demonstrated, there were significant differences between the positions of the members of the Security Council about the circumstances and timing of recourse to military action. There were also differences about whether Member States should be entitled to report Iraqi non-compliance to the Council.