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The Report of the Iraq Inquiry

Report of a Committee of Privy Counsellors

Volume III

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CONTENTS

| | | |
|-----|---|-----|
| 3.6 | Development of UK strategy and options, November 2002 to January 2003 | 1 |
| 3.7 | Development of UK strategy and options, 1 February to 7 March 2003 | 177 |
| 3.8 | Development of UK strategy and options, 8 to 20 March 2003 | 399 |

SECTION 3.6

DEVELOPMENT OF UK STRATEGY AND OPTIONS, NOVEMBER 2002 TO JANUARY 2003

Contents

| | |
|---|----|
| Introduction and key findings | 4 |
| The response to resolution 1441 | 5 |
| Iraq's response | 5 |
| Cabinet, 14 November 2002 | 7 |
| UK assumptions about Iraq's position | 8 |
| JIC Assessment, 14 November 2002: 'Iraq: Regime Cohesion Under Pressure' | 8 |
| Psychological profile of Saddam Hussein | 10 |
| Concerns about the US view on the threshold for a material breach | 12 |
| The Prague Summit, 21 November 2002 | 19 |
| Intelligence update, 21 November 2002 | 25 |
| Mr Blair's meeting with Dr Blix, 22 November 2002 | 26 |
| Security Council, 25 November 2002 | 29 |
| Debate on resolution 1441, 25 November 2002 | 30 |
| Cabinet, 28 November 2002 | 34 |
| Iraq's declaration of 7 December and the response | 35 |
| JIC Assessment, 6 December 2002: 'Iraq: Military Options' | 42 |
| Iraq's declaration, 7 December 2002 | 43 |
| The UK's initial response | 43 |
| JIC Assessment, 13 December 2002 | 49 |
| Mr Blair's conversation with President Bush, 16 December 2002 | 51 |
| Sir Richard Dearlove's visit to Washington, December 2002 | 53 |
| Mr Straw's statement, 18 December 2002 | 54 |
| Prime Minister's Questions, 18 December 2002 | 55 |
| Mr Hoon's statement, 18 December 2002 | 56 |
| JIC Assessment, 18 December 2002 | 56 |
| Cabinet, 19 December 2002 | 61 |
| Security Council, 19 December 2002 | 62 |
| The need for a communications strategy | 67 |

| | |
|---|-----|
| The absence of a “smoking gun” | 69 |
| Advice for Mr Blair in early January 2003 | 71 |
| Public statements, 7 and 8 January 2003 | 78 |
| Publication of the UK’s policy objectives | 78 |
| Mr Hoon’s statement, 7 January 2003 | 80 |
| Mr Blair’s speech to the Foreign Office Conference, 7 January 2003 | 81 |
| Prime Minister’s Questions, 8 January 2003 | 83 |
| Cabinet, 9 January 2003 | 84 |
| Security Council, 9 January 2003 | 86 |
| Growing pressure to find evidence of Saddam Hussein’s non-compliance | 88 |
| Mr Blair’s press conference, 13 January 2003 | 91 |
| Lord Goldsmith’s draft advice, 14 January 2003 | 93 |
| Prime Minister’s Questions, 15 January 2003 | 93 |
| Concern that the US might act at the end of January | 95 |
| Cabinet, 16 January 2003 | 98 |
| The decision to deploy ground forces | 101 |
| Mr Blair’s meeting with Dr Blix, 17 January 2003 | 103 |
| Security Council, 20 January 2003 | 105 |
| The positions of other members of the Security Council | 107 |
| Mr Blair’s conversation with President Bush, 24 January 2003 | 113 |
| Cabinet, 23 January 2003 | 114 |
| Mr Blair’s Note to President Bush, 24 January 2003 | 115 |
| Mr Blair’s interview on <i>BBC’s Breakfast with Frost</i> , 26 January 2003 | 121 |
| Security Council, 27 January 2003 | 124 |
| President Bush’s State of the Union address, 28 January 2003 | 131 |
| Security Council, 29 January 2003 | 134 |
| Mr Blair’s meeting with President Bush, 31 January 2003 | 135 |
| The US position | 135 |
| Other views | 138 |
| JIC Assessment, 29 January 2003 | 144 |
| Cabinet, 30 January 2003 | 150 |
| Mr Blair’s conversations with President Bush, 29 and 30 January 2003 | 151 |
| Mr Blair’s meeting with Mr Aznar, 30 January 2003 | 153 |
| Papers produced for Mr Blair’s meeting with President Bush | 154 |
| MOD letter, 29 January 2003 | 154 |
| FCO advice, 30 January 2003 | 155 |
| Lord Goldsmith’s minute, 30 January 2003 | 158 |

| | |
|---|-----|
| Mr Blair's Note, 30 January 2003 | 158 |
| Sir Jeremy Greenstock's advice, 31 January 2003 | 160 |
| Mr Blair's meeting with President Bush, 31 January 2003 | 163 |
| The views of Mr Blair and Sir Jeremy Greenstock | 172 |
| Conclusions | 174 |

Introduction and key findings

1. This Section addresses the development of UK strategy on Iraq between the adoption of resolution 1441 on 8 November 2002 (see Section 3.5) and Mr Blair's meeting with President Bush, in Washington, on 31 January 2003.

2. Other key developments in the UK's thinking between mid-November and the end of January which had an impact on the strategy and the planning and preparation for military action are addressed elsewhere in the report:

- The Joint Intelligence Committee's (JIC) Assessments of Iraq's declaration of 7 December 2002, and its view that there was a continuing policy of concealment and deception in relation to its chemical, biological, nuclear and ballistic missile programmes, are addressed in Section 4.3.
- How advice was sought from Lord Goldsmith, the Attorney General, regarding the interpretation of UN Security Council resolution 1441 (2002) and the manner in which that advice was provided is addressed in Section 5.
- The development of the options to deploy ground forces and the decision on 17 January to deploy a large scale land force for potential operations in southern Iraq rather than for operations in northern Iraq, as well as maritime and air forces, are addressed in Sections 6.1 and 6.2.
- UK planning and preparations for a post-Saddam Hussein Iraq are addressed in Sections 6.4 and 6.5.

Key findings

- Following the adoption of resolution 1441, the UK was pursuing a strategy of coercive diplomacy to secure the disarmament of Iraq. The hope was that this might be achieved by peaceful means, but views differed on how likely that would be.
- The UK Government remained convinced that Iraq had retained prohibited weapons and was pursuing chemical, biological and ballistic missile programmes in contravention of its obligations to disarm; and that the absence of evidence of weapons and programmes was the result of a successful policy of concealment.
- By early January 2003, Mr Blair had concluded that Iraq had had "no change of heart" and military action to remove Saddam Hussein's regime was likely to be required to disarm Iraq.
- The US Administration was planning military action no later than early March.
- Mr Blair and Mr Jack Straw, the Foreign Secretary, concluded that a second UN (United Nations) resolution would be essential to secure domestic and international support for military action. In the absence of a "smoking gun", that would require more time and a series of reports from the UN inspectors which established a pattern of Iraqi non-compliance with its obligations.

- Mr Blair secured President Bush's support for a second resolution but did not secure agreement that the inspections process should continue until the end of March or early April. That left little time for the inspections process to provide the evidence that would be needed to achieve international agreement on the way ahead.

The response to resolution 1441

Iraq's response

3. Iraq announced on 13 November 2002 that it would comply with resolution 1441.

4. Iraq challenged US and UK claims, including the UK statement that it had decided to keep possession of its weapons of mass destruction (WMD), and restated its position that it had neither produced nor was in possession of weapons of mass destruction.

5. Iraq informed the Security Council of its decision to comply with resolution 1441 (2002), without conditions, in a letter from Dr Naji Sabri, the Iraqi Foreign Minister, to Mr Kofi Annan, the UN Secretary-General, on 13 November 2002.¹

6. The letter stated:

- The claims by President Bush and Mr Blair that "Iraq might have produced, or might have been on the way to producing, nuclear weapons" since 1998 and that "Iraq had indeed produced chemical and biological weapons" was "an utterly unfounded fabrication" and "baseless".
- Iraq had agreed to the return of the inspectors, and had "already stated" that it had "neither produced nor possessed any nuclear, chemical or biological, weapons of mass destruction during the absence of the inspectors".
- Iraq would "deal with resolution 1441, despite its iniquitous contents". It was "ready to receive the inspectors so that they can perform their duties, and ascertain that Iraq has produced no weapons of mass destruction during their absence".
- Iraq was "eager for them to accomplish their task in accordance with international law as soon as possible". If they did so "in a professional and lawful manner" the (US and UK) "liars" would be "revealed to the public and the declared aim of the Security Council will be achieved".
- The Security Council would be "under obligation" by "the public and the law to apply paragraph 14 of ... resolution ... 687, by applying it to ... (Israel), and

¹ UN Security Council, 13 November 2002, 'Letter dated 13 November 2002 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General' (S/2002/1242).

thereafter to the entire region of the Middle East ... so that it is free of mass destruction weapons”.

7. The letter challenged a statement made by Sir Jeremy Greenstock, UK Permanent Representative to the United Nations in New York, that Iraq had been provided with the opportunity to dispose of its weapons of mass destruction, but Iraq had ignored that opportunity and decided to keep possession. The letter asked why “none of the representatives” of the members of the Security Council had “asked ... when, how or where such an alleged decision had been taken by Iraq to keep weapons of mass destruction”.

8. Iraq referred to the American Administration having exerted pressure and threatened to leave the UN if it did not agree to what America wanted; and that America threatened to perpetrate “aggression”. Iraq feared that the United Nations may “lose the trust and interest of peoples”. “All those” who were concerned about the organisation were “called upon to exercise caution and act in accordance with international law and the Charter of the United Nations”.

9. Iraq appealed to Mr Annan to ensure that those implementing the resolution did not:

“... push the situation to the edge of the precipice ... because the people of Iraq will not choose to live if the price is their dignity, homeland, their freedom or things sacrosanct to them. On the contrary, the price will be their lives if that is the only way forward to preserve what must be preserved.”

10. The UK remained sceptical about Iraq’s intentions, focusing on its track record of deceit and deception, and repeating the need to maintain the threat of military action to secure compliance.

11. In a lecture that evening, Mr Jack Straw, the Foreign Secretary, welcomed Iraq’s response “so far as it goes” but added:

“... we must remain vigilant for experience with Iraq tells us to temper optimism with scepticism and to read the small print. Iraq’s intentions are notoriously changeable. What matters above all is their actions not their words.

“... The history of UN weapons inspections in Iraq is littered with examples of deceit, evasion, intimidation and harassment. I hope even Iraq will recognise the consequences of any repeat. If Saddam fails to co-operate fully, then he faces force.

“UNSCR [UN Security Council resolution] 1441 sets out the pathway to peace. Those of us who negotiated the text were determined to ensure that it was not a set of traps for Iraq ... But we must be clear: he will not comply unless he is sure that the international community has another route to disarmament – the military route ...”²

² The National Archives, 13 November 2002, *The Future of Foreign Policy*.

12. Mr Blair used an interview with the Arabic Service of *Radio Monte Carlo* on 14 November to send a message to Saddam Hussein, the Iraqi people and the Arab world that it was Saddam Hussein's fault that the people of Iraq were not enjoying real wealth and prosperity.³ He declared that the objective of the United Nations resolution was disarmament not regime change.

13. Mr Blair emphasised that Saddam Hussein's duty was to co-operate fully with the inspectors by providing an "honest declaration [of Iraq's proscribed capabilities]" and then to co-operate in eradicating them. Mr Blair added that if Saddam did not disarm the consequence would be that he would be "disarmed by force". The choice for Saddam Hussein was "very, very clear".

14. Mr Blair also stated that weapons of mass destruction and terrorism were two separate, but linked issues that had to be dealt with:

"... if we allow countries which have got repressive and brutal regimes to develop these weapons, at some point they will use them, and that is why we have got to take the action."

Cabinet, 14 November 2002

15. Mr Straw told Cabinet on 14 November that while the Security Council would need to be reconvened to discuss any breach in the event of Iraqi non-compliance, the key aspect of resolution 1441 was that military action could be taken without a further resolution.

16. Mr Straw told Cabinet on 14 November that Iraq was required to accept the terms of resolution 1441 by the end of that week. Iraq had sent the UN a tirade of abuse but the response was nevertheless positive.⁴ The requirement for Iraq to make a declaration of its holdings of weapons of mass destruction and the facilities for developing such weapons was more important. The new inspection regime would start work by 23 December.

17. Mr Straw stated that a "key aspect of the resolution was that there was no requirement for a second resolution before action was taken against Iraq in the event of its non-compliance, although reconvening the Security Council to discuss any breach was clearly stated".

18. Mr Blair concluded that "the Iraq regime was under pressure and the leadership was concerned about the reliability of internal support".

19. The issue of whether assurances to Cabinet that military action could be taken without a further resolution accurately reflected the position of Lord Goldsmith at that time is addressed in Section 5.

³ The National Archives, 14 November 2002, *Prime Minister gives interview to Radio Monte Carlo*.

⁴ Cabinet Conclusions, 14 November 2002.

UK assumptions about Iraq's position

JIC ASSESSMENT, 14 NOVEMBER 2002: 'IRAQ: REGIME COHESION UNDER PRESSURE'

20. In mid-November, the Joint Intelligence Committee reviewed its July 2002 Assessment of regime cohesion in Iraq.

21. The JIC judged that Iraq had accepted resolution 1441 to avert a large-scale US-led ground attack and it would focus on concealing sensitive items from the inspectors.

22. If Saddam Hussein believed a large-scale attack was inevitable, he would probably cease co-operation and become far more confrontational.

23. In parallel with the adoption of resolution 1441, the JIC decided to revisit its July 2002 assessment of regime cohesion in Iraq to:

“... examine how the Iraqi regime is responding to mounting international pressure ... [and] assess whether there are any signs of strain within the regime and evaluate the speed and effectiveness of Iraqi decision-making.”⁵

24. In the JIC discussion of the draft Assessment on 13 November, three key points were made:

- The draft Key Judgement that the cracks in the Iraqi regime had not widened since the last Assessment was correct.
- Concealment and the retention of a WMD capability “remained a cornerstone of Saddam’s policy” and his intention was to allow the inspectors in and “manage” the inspections indefinitely as a means of avoiding conflict. But the resolution put the onus on Iraq to prove it had no WMD programmes. The inspectors would need to be prepared to deal with diversionary tactics including lengthy inspections of sites not related to WMD. The UN Monitoring, Verification and Inspections Commission (UNMOVIC) would “eventually” bring pressure to bear on Saddam Hussein, “causing further cracks in the regime”.
- The Assessment should address the extent to which cracks might widen, the role of regime members and how concerns about their personal survival might affect their support for Iraq’s WMD policy.⁶

25. The Key Judgements of the JIC were:

- “• Iraq accepted UNSCR 1441 because Saddam knew this was the only way to avert a large-scale US-led Coalition ground attack. The regime probably believes that a Coalition attack will not be possible when inspectors are inside Iraq.

⁵ JIC Assessment, 14 November 2002, ‘Iraq: Regime Cohesion Under Pressure’.

⁶ Minutes, 13 November 2002, JIC meeting.

- Iraq could try to overload UNMOVIC by releasing large volumes of information about legitimate industries. Although less likely, Iraq might admit to some 'expendable' parts of its WMD programmes to demonstrate ostensible co-operation and to provoke divisions in the UN. But it will focus on concealing sensitive items from inspectors.
- There is no real evidence as yet of real cracks within the regime, but these might appear if UNMOVIC makes real progress. But loyalty within the Iraq military or security apparatus is unlikely to collapse until an overwhelming Coalition attack is seen as inevitable or actually begins. And regime breakdown cannot be guaranteed short of a major ground invasion.
- If Saddam were to perceive a large-scale Coalition attack to be inevitable, he would probably cease any co-operation with the UN and become far more confrontational.
- Saddam's total control means that Iraqi policy can change substantially with little warning. There is considerable scope for Saddam to miscalculate or react unpredictably."⁷

26. Other important points made in the Assessment were:

- The agreement of "new, tougher rights for inspectors" in resolution 1441 had been "an unwelcome surprise to the Iraqi leadership".
- "Regime survival" was Saddam Hussein's "overriding priority". But he also "had a very strong commitment to retaining WMD" which he saw as "key to Iraq's power and influence".
- Iraq's security apparatus was "designed to prevent internal rebellion". Top officials already associated "their fate with that of the regime, fearing retribution from the Iraqi population, or the Coalition".
- Regime concerns about internal security were "focused on southern Iraq" but the JIC continued to judge that "an internal uprising would be unable to overthrow Saddam except in conjunction with a large-scale external attack".
- Iraq had "no credible alternative to ostensible co-operation with the UN" and it could "only continue playing for time in the hope that the international pressure it faces eventually weakens". Saddam Hussein would "avoid extreme actions, at least in the short term".
- The JIC had "no new intelligence" on whether Iraq would "declare any prohibited materials or activity in response" to resolution 1441. Any disclosures on WMD would "damage the regime's already limited credibility, given its continuing blanket denials of WMD possession". The Iraqi regime would "seek to take advantage of any opportunity to fudge Iraq's obligations or delay the UN process".

⁷ JIC Assessment, 14 November 2002, 'Iraq: Regime Cohesion Under Pressure'.

- “Senior Iraqis” agreed “that Iraq should maintain a WMD capability”, but if UNMOVIC made “demonstrable progress which threatens to overcome Iraq’s policy of deception and concealment, and Saddam refuses to give ground, there could be pressure on key insiders to break with Saddam in order to ensure their own survival”.

PSYCHOLOGICAL PROFILE OF SADDAM HUSSEIN

27. Following Mr Blair’s discussion with President Bush on 6 November (see Section 3.5), No.10 commissioned a psychological profile of Saddam Hussein, “not least for the pointers this may give on splitting off Saddam from his regime”.⁸

28. On 14 November, the Private Secretary to Sir Richard Dearlove, Chief of the Secret Intelligence Service (SIS), sent Mr John Scarlett, Chairman of the JIC, a draft psychological profile of Saddam Hussein, based on a Defence Intelligence Staff (DIS) document produced in late 2001.⁹

29. The key points identified in the profile included:

- “Personal survival, survival of the regime, and Iraqi-led Arab unity are the three most powerful factors that motivate Saddam ...
- He thinks strategically and will operate tactically. He is a judicious political calculator ...
- His propensity to take risks coupled with vigilance and a task-oriented approach to problems has led to generally judicious decision making. However, his tendency to seek and filter information to support his beliefs has created a skewed appreciation of any risks he may take ...
- The result is perpetuation of a deeply entrenched belief that the intention of outsiders is unjust and it is they who are responsible for the ills in Iraq ...”

30. The profile stated that Saddam Hussein would “not wish a conflict in which Iraq will be grievously damaged and his stature as a leader destroyed”. His perception of damage was “far more focused on reputation than on physical or economic standing”. Saddam Hussein would:

“... use whatever force is necessary. This is reflected in [...] Saddam’s willingness to use WMD both internally and regionally if he believes he is about to fall.”

31. Addressing Saddam Hussein’s decision-making, the profile stated:

“Although his actions may at times appear obtuse and reckless to the West, Saddam is a rational actor ... Each time he defies the UN or US he will push them, testing

⁸ Letter Rycroft to McDonald, 6 November 2002, ‘Iraq: Prime Minister’s Phone Call with Bush, 6 November’.

⁹ Letter PS/C to Scarlett, 14 November 2002, ‘Iraq: Psychological Profile of Saddam’ attaching Paper ‘Saddam Hussein, DIS Psychological Profile Updated’.

their resolve a step at a time, often until his adversary is on the brink of military attack ... if he feels he is losing control, and becoming increasingly politically confined and potentially 'losing', he can become very dogmatic, increasingly impulsive and extremely non-compliant."

32. In relation to Saddam Hussein's perception of risk, the profile stated that he was only likely to identify alternative strategies "once something has been *proved* to fail outright".

33. In terms of predicting Saddam Hussein's future behaviour, the profile stated: "Saddam maximises benefits before he minimises costs." He was:

"... not aiming to gain extra power or resources but simply to maintain his current leadership position. The assumption that the current situation may increase his intent to take dramatic action, does not, therefore, necessarily apply.

"Whilst there is little doubt that Saddam's behaviour is being influenced by political pressure, there are no compelling indications that he is likely to take radical or unpredictable action. On the contrary, Saddam is currently making decisions and adopting tactics that make his near term behaviour more predictable and stable than usual."

34. The profile concluded:

"... [Saddam still judges there to be some opportunity to derail moves towards war.] Whilst his threat perception remains 'potential' Saddam will continue to pursue a strategy of relative compliance, with the main intention of not giving the US or the UK any ground to move against him militarily; provocation at this stage is therefore not an option.

"Many factors within the next few months might serve to either maintain Saddam's current threat perception, or give him cause to confirm the inevitability of an attack. The UN resolution is one such factor. If Saddam perceives a semblance of hope in the resolution, the likelihood of him taking precipitate action remains low. If, however, the resolution confirms in Saddam's mind, the inevitability of an attack, then he will have little motivation to remain compliant.

"In the longer term, there will come a time where Saddam may decide that a strategy to deal with the potential loss he faces requires him to take radical, aggressive action. He is unlikely to wait until such a threat becomes imminent. Once he is confronted with tangible evidence of an inevitable attack, such as troops on Iraq's borders ... he is likely to conclude that he has no alternative option to guarantee his survival. In this instance he is likely to act quickly, decisively and whilst he still maintains some degree of loyalty within his command structures."

35. The profile was seen by Mr Jonathan Powell, Mr Blair's Chief of Staff, and Sir David Manning, Mr Blair's Foreign Policy Adviser and Head of the Cabinet Office

Overseas and Defence Secretariat (OD Sec), but there is no indication whether or not it was seen by Mr Blair.¹⁰

Concerns about the US view on the threshold for a material breach

36. Concerns about the differences between the UK and the US on what would constitute a material breach, the US stance of “zero tolerance”, and the debate in the US on “triggers” for military action were already emerging.

37. A debate on what might constitute a material breach and what actions by Iraq might trigger a military response had begun within the US Administration before the adoption of resolution 1441.

38. Reporting conversations with senior officials in the US Administration on 7 November, Mr Tony Brenton, Deputy Head of Mission, British Embassy Washington, reported 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”.¹¹

39. The US statement after the adoption of resolution 1441 on 8 November 2002 made it clear that the US would regard every act of Iraqi non-compliance as an indication that Iraq had no intention of disarming.¹² President Bush had also warned that “the old game of cheat and retreat” would “no longer be tolerated”.

40. Sir Jeremy Greenstock advised overnight on 14-15 November that there were indications that President Bush’s reference to “zero tolerance” was causing some members of the US Administration to seek to lower the bar set in resolution 1441.¹³ That might include Iraqi attacks on aircraft enforcing the No-Fly Zones (NFZs), despite the agreement that operative paragraph (OP)8 of resolution 1441 did not apply to the NFZs.

41. Sir David Manning subsequently spoke to Dr Condoleezza Rice, President Bush’s National Security Advisor, on 15 November.¹⁴ They agreed that recent Iraqi attacks on UK and US planes in the NFZs would continue to be treated as a “discrete issue, separate from what would trigger military action under [resolution] 1441”.

42. Sir David stated that the UK and the US should not be drawn on “hypothetical scenarios” about what would constitute a material breach. Reflecting Mr Blair’s words to President Bush at Camp David on 7 September (see Section 3.4), that “If Saddam

¹⁰ Manuscript comment Manning, 14 November 2002, on Letter PS/C to Scarlett, 14 November 2002, ‘Iraq: Psychological Profile of Saddam’ attaching Paper ‘Saddam Hussein, DIS Psychological Profile Updated’.

¹¹ Minute Brenton to Gooderham, 7 November 2002, ‘Iraq’.

¹² The White House, 8 November 2002, *President Pleased with UN Vote*.

¹³ Telegram 2169 UKMIS New York to FCO London, 15 November 2002, ‘US Moves Towards “Zero Tolerance”’.

¹⁴ Letter Manning to McDonald, 15 November 2002, ‘Iraq: Conversation with Condi Rice’.

Hussein was obviously in breach we would know”, Sir David added that “the Security Council would know a material breach when it saw it”. He reported that the US Administration would continue to insist on “zero tolerance” to keep up the pressure on Saddam Hussein.

43. Mr Straw and Mr Colin Powell, US Secretary of State, also discussed Iraq on 15 November, including the reporting in the US that military action was imminent and inevitable.¹⁵ Mr Straw emphasised the need to build as wide a coalition as possible for any military action. They also discussed the need for patience on the Middle East Peace Process (MEPP), because of the political situation in Israel.

44. Sir Christopher Meyer, British Ambassador to the US, took a slightly different view from Sir Jeremy Greenstock about the US Administration’s position.¹⁶ As he had previously warned, “Administration hawks” would “seek to lower as far as possible the threshold for attacking Iraq”. They hated resolution 1441 and were “looking for ways of short circuiting it”. But, in his view, the “debate” on the NFZs was now “over”; although if an aircraft was shot down that would “lead to war”. The reference to “zero tolerance” was the “key [point] in the Administration’s public presentation”. There would be a “battle ... between the hawks and the rest”. The key would be President Bush’s position.

45. Sir Christopher also reported that he had been told by a senior member of the Administration earlier that week that the preferred outcome was for the Iraqi regime to implode.

46. Dr Hans Blix, Executive Chairman of UNMOVIC, was asked, at his pre-inspections press conference on 15 November, whether, if Iraq continued to insist in its declaration that it lacked WMD, that would constitute a material breach.¹⁷ He replied that although Iraq had reaffirmed that it had no such programme, “it would nevertheless have some time now to check its records”. That might lead to a change of position:

“If, on the other hand, Iraq maintained that position, it would be up to those who had evidence of such a programme to produce such evidence. If the inspectors came up with evidence, that would be brought to the notice of the Security Council.”

47. Mr Blair suggested that the UK should be working on the possibility of weakening Saddam Hussein’s regime from within. He also wanted to agree a wider agenda of action with the US.

48. In a note to No.10 officials on 17 November addressing a range of issues as well as Iraq, Mr Blair wrote that he did not know if there was “anything in the stories about

¹⁵ Letter McDonald to Manning, 15 November 2002, ‘Conversation with US Secretary of State’.

¹⁶ Telegram 1495 Washington to FCO London, 15 November 2002, ‘Iraq: Triggers’.

¹⁷ UN Press Briefing, 15 November 2002, *Headquarters Press Conference by Head of UN Iraq Weapons Inspection Team*.

Saddam preparing a bolt hole. But we should be working assiduously on trying to weaken his regime from within.”¹⁸

49. Mr Blair also set out concerns about the risks from WMD more generally:

“The true criticism of us is not that we are doing Iraq; but that we are only doing Iraq. I agree with DM [David Manning], this needs to form a major part of our agenda with the US. I want the next bilateral meeting ... with the US to draw up an agenda for action across a range of fronts ... the timing is right, i.e. not just on terrorism but on WMD; MEPP and the Arab world; climate change; WTO [World Trade Organization]. We need to be articulating a strong world vision.”

50. The note was also sent to Sir Andrew Turnbull, the Cabinet Secretary, Dr John Reid, the Minister without Portfolio and Labour Party Chair, and Mr Douglas Alexander, the Minister of State (Cabinet Office).

51. The MOD reported on 19 November that the option of a military campaign launched on 6 January appeared to have lapsed, and the timelines were “uncertain”.

52. The MOD did not regard the position that we would know a material breach when we see it as a suitable basis for planning.

53. Mr Hoon’s view was that agreement with the US on what constituted a trigger for military action was needed quickly.

54. On 19 November, following a visit to the US by Admiral Sir Michael Boyce, Chief of the Defence Staff (CDS), and before the NATO (North Atlantic Treaty Organisation) Summit in Prague on 21 November and the planned debate on Iraq on 25 November, Mr Peter Watkins, Principal Private Secretary to Mr Geoff Hoon, the Defence Secretary, sent Sir David Manning an update on military discussions with the US.¹⁹ He set out the themes which had emerged and registered a number of concerns, including the need to press the US to clarify Turkey’s position.

55. Mr Watkins wrote that the option of a military campaign launched on 6 January 2003 seemed to have “effectively lapsed” and the timelines were “uncertain”. The US military position was described as “get ready, but not too ready”, because they did “not want to bring too large a force to too high a pitch of readiness”. The MOD was concerned that:

“Lack of clarity in US thinking about possible triggers for military action needs to be resolved quickly, particularly in relation to the No-Fly Zones.”

¹⁸ Note Blair [to No.10 officials], 17 November 2002, [extract ‘Iraq/Saddam, WMD’].

¹⁹ Letter Watkins to Manning, 19 November 2002, ‘Iraq: Military Planning after UNSCR 1441’.

56. Addressing the issue of “Timetable and Triggers”, Mr Watkins wrote:

“To some extent, triggers are now under Saddam’s control and so cannot be slotted into any firm timetable. Moreover, what constitutes a ‘violation’ and/or ‘material breach’ remains undefined: many in the US are reduced to saying ‘we’ll know when we see it’, which is not a suitable base for planning.”

57. There was “a sense in the US” of “two broad timelines in play, implying two different plans”. The first was a “high-impact event to which the US might feel the need to respond quickly at short notice”. The second was a decision that a material breach had occurred which would be followed by a “more deliberative build-up to military action”.

58. The first scenario would effectively hand the initiative to Saddam Hussein. It might provoke a rapid response, but that could not be decisive because it could not involve sufficient land forces to take control of Iraq, “unless ... it leads ... to regime collapse, a scenario in which the US seem to invest quite a lot of hope”.

59. The second scenario would give Saddam Hussein time, which he “might be able to exploit diplomatically and militarily”. A deliberate campaign “would require some 60-90 days’ build-up, and the time will soon come when the question has to be confronted of whether it is sensible to contemplate fighting in the summer”. A “common understanding” needed to be reached with the US and plans “shaped accordingly”.

60. The MOD was concerned that, if a Coalition aircraft was shot down, it would, “under long-standing plans, trigger a massive US response”, which the US might use to trigger a wider campaign.

61. Mr Hoon believed that the UK response should include:

- pressing the US to “unblock” the Turkish position (on whether it would allow US and UK forces to transit Turkey);
- working “quickly to reach an agreed US/UK view on triggers ... well before we are confronted with it in practice”; and
- explaining to the US that hostility in the No-Fly Zones should be met only by “self-defence responses”.

62. A copy of the letter was sent to the Private Offices of Mr Straw, and Mr Gordon Brown, the Chancellor of the Exchequer, and to Mr Desmond Bowen, Deputy Head of OD Sec.

63. Mr Blair and Mr Straw, and their most senior officials, were clearly aware that difficult and controversial questions had yet to be resolved in relation to:

- what would constitute a further material breach and how and by whom that would be determined;

- the issue of whether a further resolution would be needed to authorise force; and
- the implications of a veto.

64. The papers produced before Mr Straw's meeting on 20 November recognised that Lord Goldsmith's advice would be needed to clarify those issues.

65. A paper on what might constitute a material breach, which highlighted "a number of difficult questions ... on which we will need to consult the Attorney General", was prepared by the FCO and sent to Sir David Manning, Sir Jeremy Greenstock, Sir Christopher Meyer and Mr Watkins on 15 November.²⁰

66. The FCO paper stated that "Most, if not all members of the Council will be inclined" to take the view that a "material breach" should be interpreted in the light of the Vienna Convention. Dr Blix had "made it clear" that he would "be using a similar definition for the purposes of reporting under OP11". The paper stated that it was not for Dr Blix to determine what constituted a material breach, "but his decision (or not) to report to the Council and the terms in which he reports" would "be influential".

67. The FCO stated that the US was "becoming more and more inclined to interpret the 1441 definition downwards": "Although, some weeks ago, NSC [National Security Council] indicated that they would not regard trivial omissions in Iraq's declaration [or minor problems encountered by UNMOVIC] as triggers for the use of force, more recently DoD [Department of Defense] have indicated that they want to test Saddam early."

68. The FCO also drew attention to President Bush's remarks on 8 November, which it described as "zero tolerance" and his warning against "unproductive debates" about what would constitute an Iraqi violation.

69. An examination of past practice on seven separate occasions since 1991 showed that the Council had determined Iraq to be in material breach of its obligations where there seemed "to have been a conviction that an Iraqi act would seriously impede inspectors in the fulfilment of their mandate and therefore undermine an essential condition of the cease-fire".

70. Against that background, the FCO listed the following incidents as ones which the UK would consider to be material breaches:

- "[A]ny incident sufficiently serious to demonstrate that Iraq had no real intention of complying" such as "an Iraqi decision to expel UNMOVIC, or to refuse access to a particular site, parts of a site or important information", "discovery by

²⁰ Letter Sinclair to Manning, 15 November 2002, 'Iraq: Material Breach', attaching Paper [FCO], [undated], 'Iraq: A Material Breach'.

UNMOVIC/IAEA [International Atomic Energy Agency] of a concealed weapons programme, or of a cache of WMD material not declared ...”

- “Efforts to constrain UNMOVIC/IAEA’s operations in significant ways contrary to the provisions of SCR 1441 (2002) ... and other relevant resolutions. Systematic efforts to deter, obstruct or intimidate the interview process would need to be particularly carefully watched.”
- “Systematic Iraqi harassment of inspectors ... which jeopardised their ability to fulfil their duties ...”
- Failure to accept resolution 1441.
- “A pattern of relatively minor Iraqi obstructions of UNMOVIC/IAEA.”

71. On the last point, the paper added:

“We would not take the view that a short (hours) delay in giving UNMOVIC access to a site would constitute a material breach unless there was clear evidence that the Iraqis used such a delay to smuggle information out of a site or to coach potential witnesses. But repeated incidents of such obstruction, even without evidence of accompanying Iraqi deception, would cumulatively indicate that the Iraqis were not fully co-operating, and thus cast doubt upon whether UNMOVIC would ever be able to implement its mandate properly.”

72. The FCO stated that a similar US list would “probably ... be even tougher”. “Given the opportunity” in the resolution for the US to make its own report to the Council, the UK needed “to be clear in our own minds where the dividing lines” were. The paper recommended that the UK would need to work out “where to draw our red lines” with the US; and that “in the interests of maintaining maximum Council support for use of force, we should try to persuade the Americans to focus on the more serious possible violations, or to establish a pattern of minor obstruction”.

73. The paper did not address the issue of whether a Council decision would be needed “to determine that Iraq’s actions justify the serious consequences referred to in OP13 of 1441”. That would be “a matter on which we will need the Attorney’s views”.

74. An undated, unsigned document, headed “Background on material breach” and received in No.10 around 20 November, raised the need to address three, primarily legal, issues:

- the need to clarify whether OP4 “must be construed” in the light of the Vienna Convention and past practice as that suggested “a much higher bar than the US”;
- the need to seek Lord Goldsmith’s advice “on how OPs 1 and 2 (and 13) and the declaration of material breach they contain affect the legal situation of Iraq and our authority to use force”; and specifically whether it could be argued that “1441 itself (especially OPs 1, 2 and 13 taken together) contains a conditional

authority to use force ... which will be fully uncovered once that Council discussion has taken place”; and

- “What happens if a second Resolution is vetoed?”²¹

75. The document appears to have drawn on the analysis in the FCO paper of 15 November.

76. On the second issue, the author wrote:

“If this [the argument that 1441 contains a conditional authority to use force] has merit (and the most we can hope for in the absence of an express Chapter VII authorisation is a reasonable argument) it would be helpful to know that now. We would not have to impale ourselves and Ministers on the difficult point of what happens if the US/UK try and fail to get an express authorisation.

“... we think London seriously needs to consider revising its thinking on 1441.

“... from the point of view of OP4 the question is ‘What does Iraq have to do to put itself beyond the protection of the law? At what point does its conduct amount to material breach?’ Innocent until proved guilty.

“But if you come at it through OPs 1 and 2 the question is ‘When has Iraq blown its last chance? (regardless of whether OP4 is ever breached)’. Compliance with OP4 is strictly irrelevant: Iraq is guilty but released on a suspended sentence/parole. This seems to us to have huge presentational angles – as well as whatever legal deductions can be made. **If we are not careful, we are in danger of losing the key advantage of the resolution and turning a provision which we thought of deleting as unnecessary into the main operational paragraph of the text ...**”

77. Someone in No.10 wrote: “Is this, tho’ a hidden trigger? (We and the US denied that there was one in 1441.)”²²

78. On what would happen in the event of a veto, the author of the document wrote that this was:

“... probably too difficult at this stage – everything depends on the circs ... But knowing the answer to the legal implications of 1441 ... would either (i) leave us no worse off than we are – if the AG thinks the argument doesn’t run or (ii) radically improve the situation if the AG thinks we have a case.”²³

²¹ Paper, [unattributed and undated], ‘Background on Material Breach’.

²² Manuscript comment [unattributed], 20 November 2002, on Paper, [unattributed and undated], ‘Background on Material Breach’.

²³ Paper, [unattributed and undated], ‘Background on Material Breach’.

79. Mr Matthew Rycroft, Mr Blair's Private Secretary for Foreign Affairs, commented to Sir David Manning that the document was:

"... helpful. Of course a S[ecurity] C[ouncil] discussion is needed if there is a material breach. But as the PM has said all along that discussion must be in the context of an understanding that action must follow."²⁴

80. Mr Straw held an office meeting on 20 November to discuss Iraq policy with Sir Michael Jay, FCO Permanent Under Secretary (PUS), Sir Jeremy Greenstock, Sir David Manning, and Mr Peter Ricketts, FCO Political Director.²⁵

81. Sir Jeremy Greenstock told Mr Straw that he "believed we could get a second resolution provided the Americans did not go for material breach too early". The "facts to convince nine members of the Security Council" would be needed. He thought that the Council "would not ... need much persuading".

82. Sir Jeremy proposed that "When the time came", the UK should put down a draft resolution and, "if we could show that we had done everything possible, then we would be in the best possible position if – in the end – there were no resolution".

83. Sir David Manning suggested that France should be invited to co-sponsor the resolution. Mr Straw agreed.

84. Sir Jeremy Greenstock advised that "the real strength" of resolution 1441 lay in its first two operative paragraphs: OP1 reaffirming Iraq's material breach up to the adoption of 1441 and OP2 suspending that material breach to give Iraq a final opportunity. Sir Jeremy stated that OP4 (and 11 and 12) were, therefore, not needed to reach the "serious consequences" in OP13. He was already using that argument in the Security Council and cautioned Mr Straw that focusing too much on OP4 brought a danger of weakening OPs 1 and 2.

85. Sir Michael Jay took a different view, advising that the UK could use all the OPs in resolution 1441. Mr Straw agreed that it would be a mistake to focus exclusively on OPs 1 and 2.

The Prague Summit, 21 November 2002

86. In his remarks at the NATO Summit in Prague on 21 November and in his subsequent statement to Parliament on 25 November, Mr Blair emphasised the resolve of the international community and his hope that that would result in the peaceful disarmament of Iraq; but that if it did not there was a commitment to act.

²⁴ Manuscript comment Rycroft, 20 November 2002 on Paper [unattributed and undated], 'Background on Material Breach'.

²⁵ Minute McDonald to Gray, 20 November 2002, 'Iraq: Follow-up to SCR 1441'.

87. In his bilateral discussion with President Bush, Mr Blair assessed that there was a need to be ready for military action early in the New Year, as soon as possible after it was clear that there was a material breach. The chance of Saddam Hussein co-operating was no higher than 20 percent.

88. Mr Blair confirmed that the UK would provide military support if that was necessary.

89. In preparation for the bilateral discussion with President Bush at the NATO Summit in Prague, Sir David Manning suggested that the points Mr Blair might cover on Iraq included:

“We are well placed after ... 1441. International community behind us. If we are patient, and let Saddam make mistakes, they will stay there. We must work together to help Blix/UNMOVIC. We should avoid being trapped into tight definition of what would constitute material breach – keep our options open.”²⁶

90. Mr Alistair Campbell, Mr Blair’s Director of Communications and Strategy, wrote in his diaries that he had been told by Mr Dan Bartlett, President Bush’s Communications Director, at dinner on 20 November that the US view was that it was “seventy to thirty that there would be war, but that thirty was genuine”.²⁷ They had also discussed the need to “set up a proper operation in Qatar, not least to have people to make an impact on Al Jazeera”.

91. Sir David Manning reported that, during the lunch for Heads of State and Government, President Bush had emphasised that resolution 1441 was about disarmament, not inspections.²⁸ As Mr Blair had said at the earlier plenary discussion, that was not a game of hide and seek. Saddam Hussein must co-operate. There would be very severe consequences if he didn’t.

92. President Bush added that Mr Blair had made the excellent point that the greater our resolve appeared to be, the greater the chances that the current crisis could be resolved peacefully. Saddam Hussein must be under no illusion that if he did not disarm, an international coalition would do the job for him. President Bush had emphasised that he very much wanted the UN route to work and that he was grateful for the support he had received.

93. Sir David reported that there had been “wide support” for President Bush’s intervention. The Prime Ministers of Denmark, Iceland, the Netherlands, Portugal and

²⁶ Minute Manning to Prime Minister, 20 November 2002, ‘Prague Summit: Bush Bilateral’.

²⁷ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

²⁸ Letter Manning to McDonald, 21 November 2002, ‘NATO Prague Summit: Lunch for Heads of State and Government’.

Spain had all promised full support. Mr Blair had said that “it was very important that the UN had come to a common view on Iraq and therefore on the threat from WMD”. It:

“... had been right to go the UN route; but we must now have the courage to go the whole way. The international community had expressed its will and set out its demands. It must not flinch from enforcing them.”

94. In the press conference before the bilateral meeting with Mr Blair, President Bush was asked about his expectations of support from the UK in the event of “possible conflict” in Iraq.²⁹ He replied:

“My expectation is that we can do this peacefully if Saddam Hussein disarms ... If he chooses not to disarm, we will work with our close friends, the closest of which is Great Britain, and we will disarm him. But our first choice is not to use the military option, our first choice is for Mr Saddam Hussein to disarm and that is where we will be devoting a lot of our energies.”

95. Mr Blair stated:

“We will do what is necessary both to secure ourselves at home and to make sure that the will of the United Nations is enforced abroad. And I think what you will find here at the NATO Summit is a total and united determination ... that Saddam Hussein has to disarm himself ... and how that happens is a choice for him. We hope and want it to happen through the United Nations inspectors ... But if he fails to co-operate with them ... then he will be disarmed by force, and that is the clear will of the international community ...”

96. In his bilateral discussion with President Bush, Mr Blair confirmed that the UK would support the US militarily if necessary.³⁰

97. In response to a request for his views on the military planning, Mr Blair said there was a need to be ready for military action early in the New Year and as soon as possible after it became clear that there was a material breach. There was a chance of Saddam Hussein co-operating, but it was “no higher than 20 percent”.

98. In a discussion about what co-operation meant, Mr Blair’s view was that Iraq’s duty to co-operate extended to the declaration, the inspections and the interviews. The inspectors were “meant to enter Iraq and dismantle all the WMD with full co-operation with Iraq ... [I]t was not a game of cat and mouse.” He thought that “Saddam would miscalculate at some point”. Mr Blair doubted that Saddam Hussein would admit to up to date WMD facilities or technology, but he might admit to some residual WMD.

²⁹ The National Archives, 21 November 2002, *Press conference: PM Tony Blair and President George Bush*.

³⁰ Letter Rycroft to McDonald, 21 November 2002, ‘Prime Minister’s Meeting with President Bush, 21 November’.

99. Mr Blair thought that there was “an outside possibility of Saddam’s regime crumbling”.

100. Mr Blair and President Bush also discussed the need to provide support for Dr Blix and to be clear about his role, including that it would not be for Dr Blix to take decisions on military action.

101. Mr Blair and President Bush discussed the importance of moving forward on the Middle East Peace Process, which would become easier to manage without Saddam Hussein, and the need to persuade Israel not to escalate the conflict if it was attacked by Iraq.

102. Describing the Summit in his diaries, Mr Campbell wrote that the “press were all focused on Iraq, and on the line that the US had pretty much decided”.³¹

103. Mr Campbell wrote that President Bush:

“... felt there was a need for real pressure to build through troop movements, international condemnation, really tough and unpredictable inspections, to get Saddam off balance.

“... once we made that phone call that agrees Saddam’s in breach, we had to do something militarily and quickly. Quick sustainable bombing raid, and boots on the ground ... [I]f Blix gets dicked around, while a US or UK plane gets shot down, we go for him.

“... was clearly not keen on Blix, said he was wringing his hands and talking war and peace but ‘That is our judgement. He is not going to get between us and freedom. Once we strike we go for it, we don’t wait ...’”

104. Mr Campbell also wrote that, in response to a comment from Mr Blair that he “believed the regime would crumble pretty quickly”, President Bush had said that “both our secret services needed to be put to work to help that. They were thinking of a list of the top ten most wanted as part of a divide and rule strategy ...”

105. Mr Rycroft’s record of the conversation confirms Mr Campbell’s account.³²

106. In Sir David Manning’s bilateral meeting with Dr Rice, they discussed the possibility of seeking an “audit” of Iraq’s declaration of its WMD holdings and pressing for implementation of the provision in resolution 687 (1991) that stipulated Saddam Hussein must pass legislation requiring the Iraqi people to reveal any WMD or associated facilities.³³ That would be a test of how co-operative Saddam Hussein intended to be.

³¹ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

³² Letter Rycroft to McDonald, 21 November 2002, ‘Prime Minister’s Meeting with President Bush, 21 November’.

³³ Minute Manning to Prime Minister, 21 November 2002, ‘Blix: Conversation with Condi Rice’.

107. The statement on Iraq issued after the Summit said that the 19 Heads of State and Government had:

“... expressed our serious concern about terrorism and the proliferation of weapons of mass destruction.

“Concerning Iraq, we pledge our full support for the implementation of ... resolution 1441 and call on Iraq to comply fully and immediately with this and all relevant UN Security Council resolutions.

“We deplore Iraq’s failure to comply fully with its obligations, which were imposed as a necessary step to restore international peace and security and we recall the Security Council has decided in its resolution to afford Iraq a final opportunity to comply ...

“NATO Allies stand united in their commitment to take effective action to assist and support the efforts of the UN to ensure full and immediate compliance by Iraq, without conditions or restriction, with UNSCR 1441. We recall that the Security Council in this resolution has warned Iraq that it will face serious consequences as a result of its continued violation of its obligations.”³⁴

108. In his statement to Parliament on 25 November, Mr Blair described the Summit as “a profound demonstration of unity in the face of the new threats that confront us”.³⁵ “Every nation” had spoken of “the menace of international terrorism and weapons of mass destruction”. The Summit statement was “a remarkable statement of defiance” which had “rightly” linked terrorism and weapons of mass destruction. The threat from WMD “in the hands of rogue unstable states” was:

“... not part of some different danger ...

“The strength of the ... statement on Iraq was testimony to that belief. There was complete unanimity ... that the choice for war or peace lies with Saddam, and that if he breaches the will of the United Nations, the United Nations will have to act. There was strong support for multilateralism and for the decision of President Bush to go through the UN, but equally strong insistence that multilateralism and the UN be seen to work.

“Some of the most powerful expressions of these sentiments ... came not from the old but from the new members of the NATO Alliance.”

109. Mr Blair concluded that the “ultimate message” from the Summit was that “if we care about these values of freedom, the rule of law and democracy, we should not flinch from the fight in defending them”; and that “Britain” would “defend them with courage and certainty”.

³⁴ NATO Press Release, 21 November 2002, *Prague Summit Statement on Iraq*.

³⁵ House of Commons, *Official Report*, 25 November 2002, columns 36-44.

110. In response to a question from Mr Doug Henderson (Labour) about whether action without the express authority of the UN would lack “international political legitimacy” and “severely damage” the UN and NATO, Mr Blair responded that it “would all depend on the circumstances”. In Kosovo, action had been taken “outside the UN because there was an unreasonable blockage against action being taken”. Mr Blair did not believe that the Security Council would “get to that point” on Iraq: “The countries that signed up to the deal at the United Nations know that if there is a breach by Saddam we have to act.”

111. Asked by Mr Alan Simpson (Labour) for an assurance that, before he committed “any British troops or support to such a war” Mr Blair would seek a specific mandate through the UN and a specific vote in advance from the House of Commons, Mr Blair replied that Mr Straw would “deal with both points” in the debate on resolution 1441 later that day.

112. In response to a question from Mr Tam Dalyell (Labour) about the effect of discussion in the Security Council and if it would have “the final judgement”, Mr Blair replied that it would “be for the weapons inspectors to say whether there is a breach”, and that there would then be “a discussion about the seriousness of that breach”. “All that” the UK had been “saying throughout” was that “the implication is that if there is a significant breach, there must be action”. There was an “international consensus” that it was “not sensible to tie ourselves down to every single set of circumstances, that we want to keep some freedom of manoeuvre and that we should keep maximum pressure on Saddam”.

113. Mr Blair added:

“President Bush made a principled and difficult decision to go through the United Nations. He was right to do that. We supported him strongly and we are now obliged to ensure that the UN route works. I believe that we can do it in a way that avoids conflict, if at all possible.”

114. Mr Blair’s statement was repeated in the House of Lords.³⁶ No major issues on Iraq were raised.

115. An Oral Question on the UK’s policy on Iraq had been answered earlier that afternoon when a number of issues, including who would be responsible for determining a material breach, the potential consequences in the region of military action in Iraq, and the need for an effective and well-planned exit were raised.³⁷

³⁶ House of Lords, *Official Report*, 25 November 2002, columns 597-604.

³⁷ House of Lords, *Official Report*, 25 November 2002, columns 557-560.

Intelligence update, 21 November 2002

116. Mr Scarlett wrote to No.10 on 21 November to highlight new intelligence on Iraq's thinking on managing UNMOVIC which he considered "confirmed" earlier JIC judgements.

117. Mr Scarlett concluded that the Iraqi regime was confident in its ability to mislead the inspectors.

118. Subsequent intelligence that Saddam Hussein had made clear that UNMOVIC was to be given no grounds for claiming that inspections were being obstructed was interpreted as part of a policy of concealment. The possibility that it might have indicated an intention to co-operate with UNMOVIC appears not to have been considered.

119. Mr Scarlett wrote to Sir David Manning and other senior officials on 21 November drawing their attention to "the first significant ... intelligence we have received on the Iraqi regime's thinking on how to manage UNMOVIC" since the adoption of resolution 1441.³⁸

120. Mr Scarlett stated that the key points were:

- Iraq intended to demonstrate its ostensible co-operation with UNMOVIC but would actually resume its game playing.
- Iraq intended to declare a small part of its illegal programmes, and overload UNMOVIC with large quantities of information on legitimate activities.
- WMD was seen as vital to the regime's survival, so a core WMD capability and infrastructure must be retained.
- Iraq was concerned about the provisions for conducting interviews of Iraqis outside Iraq, which could expose illicit procurement.
- There was concern about the potential destruction by the inspectors of dual-use facilities.

121. Mr Scarlett commented that the concerns exposing illicit procurement might be referring to conventional weapons programmes and that the dual-use facilities supported "the WMD programmes".

122. Mr Scarlett wrote that the intelligence confirmed earlier JIC judgements, including the identification of "overload" as a potential strategy. There was no intelligence on which illegal programmes might be declared.

123. Mr Scarlett also drew attention to preparations to intimidate potential Iraqi interviewees.

³⁸ Minute Scarlett to Manning, 21 November 2002, 'Iraqi Strategy for Dealing with UNMOVIC'.

124. Mr Scarlett's other comments included the observations that:

- There seemed to be “an inconsistency in Iraq’s policy towards inspectors. The [intelligence] indicates the regime plans to let the inspectors into any site. But it also indicates that the regime must rethink a core WMD capability.”
- It was “possible” that Iraq was “so confident of its concealment strategy that it believes inspectors will not discover prohibited activity. Nonetheless, this [intelligence] is important in that it further confirms that ultimately the Iraqi regime does not envisage having to accept genuine and complete disarmament, and is confident in its ability to mislead inspectors”.

125. The intelligence described by Mr Scarlett was based on reported comments, including from someone with access to senior members of the Iraqi regime; but it was not quoting Saddam Hussein’s views.

126. Mr Campbell wrote in his diaries:

“There was some interesting stuff around on deception programmes, for example [Iraqi] officials being forced to put papers and materials in their homes with the warning that they and their families would be harmed if they were lost.”³⁹

127. The Assessments Staff Intelligence Update on 26 November stated that intelligence indicated Saddam Hussein was personally handling all dealings with UNMOVIC; and he was confident the inspectors would not find anything, nor find grounds for claiming Iraq had obstructed its work.⁴⁰

128. The Update was summarising intelligence from a reliable source quoting Saddam Hussein’s own views second hand. The intelligence reported that Saddam had made clear UNMOVIC was to be given no grounds for claiming that inspections were being obstructed; not that he was confident that the inspectors would not find grounds for claiming that they were being obstructed.

Mr Blair’s meeting with Dr Blix, 22 November 2002

129. Mr Blair was advised to tell Dr Blix in a meeting on 22 November that there was a need for UNMOVIC to “bolster its credibility with some in the US”; and that UNMOVIC should make full use of the powers resolution 1441 had provided.

130. Dr Blix told Mr Blair that Iraq’s tactics seemed to be co-operation on practical arrangements but no real change in their approach.

131. Mr Blair said inspections should not be a game of hide and seek, and that one of the reasons for strong action on Iraq was to deter others.

³⁹ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

⁴⁰ Minute [Assessments Staff Intelligence Update], 26 November 2002, ‘Iraq – 26 November 2002’.

132. At a press conference on 15 November, Dr Blix had identified potential practical problems with interviews outside Iraq.⁴¹

133. In response to a question about whether it was possible for Iraqi experts to be interviewed adequately inside the country, Dr Blix responded that:

“... interviews were an important source of information. If there were a big weapons programme in Iraq there would be many people engaged in it. The UNSCOM [UN Special Commission] and the IAEA had interviewed a lot of people in the past and learned a great deal. He [Dr Blix] was also aware that most of the interviews had gone rather well and without great problems. There was also quite a number in which the persons interviewed were clearly intimidated by Iraqi representatives. Hence, there should be the possibility for interviews to be done in private, with the IAEA and the Commission deciding the modalities and the place for them. The question would be whether in the present atmosphere the Iraqis would be willing to be interviewed alone. He said he understood the need for the interviews to be carried out abroad. Defectors had been a very important source of information, and would presumably continue to be so. His concerns were about the practicality of taking people abroad if the [Iraq] Government was not willing to allow that to happen.”

134. An advance team of 30 staff from UNMOVIC travelled to Baghdad with Dr Blix and Dr Mohamed ElBaradei, Director General of the IAEA, on 18 November to prepare for inspections.⁴²

135. In Mr Straw’s office meeting of 20 November with Sir Michael Jay and others, discussed earlier in this Section, Sir Jeremy Greenstock stated that UNMOVIC was “desperate for professional help (e.g. sniffing equipment and investigation techniques). So far they had been underwhelmed by the initial UK response.”⁴³

136. Mr Straw had agreed the UK should do more.

137. Mr Charles Gray, Head of the FCO Middle East Department, advised the Cabinet Office that the UK was providing a list of 10 suspect sites, including the test bed site at al-Rafah, which they would like UNMOVIC to inspect at an early stage.⁴⁴ It was also planning to offer a list of the top 10 individuals the UK thought UNMOVIC should interview as a priority.

⁴¹ UN Press Briefing, 15 November 2002, *Headquarters Press Conference by Head of UN Iraq Weapons Inspection Team*.

⁴² *The Guardian*, 18 November 2002, *UN weapons inspectors arrive in Iraq*.

⁴³ Minute McDonald to Gray, 20 November 2002, ‘Iraq: Follow-up to SCR 1441’.

⁴⁴ Letter Gray to Bowen, 20 November 2002, ‘Iraq: Obfuscation under UNSCR 1441’.

138. In preparation for his meeting with Dr Blix on 22 November, the FCO advised Mr Blair that it would be helpful if he could give Dr Blix a number of key messages, including that the UK:

- had “worked very hard” for resolution 1441 and it was determined to do everything it could to make it work and UNMOVIC was vital to that;
- would do “whatever we can” to meet Dr Blix’s “practical needs”, including intelligence support;
- did “not want to compromise UNMOVIC’s credibility as an independent organisation”, but there was a need for UNMOVIC to “bolster its credibility with some in the US”; UNMOVIC should make full use of the powers resolution 1441 had provided.⁴⁵

139. The FCO stated that there was “a continued whispering campaign against” Dr Blix in the US press. The UK was “keen to see a programme of multiple inspections designed to stretch Iraqi countermeasures and put Saddam’s willingness to co-operate under early test”. But the UK recognised “that UNMOVIC will need time to re-establish itself ... It will not help our objectives if we push the inspectors into making mistakes by forcing them to run before they can walk.”

140. The FCO advised that the US was “putting great weight” on the powers in resolution 1441 for UNMOVIC and the IAEA to interview individuals free of Iraqi Government “minders”, if necessary outside Iraq. The UK agreed that interviews would be a “very important route to obtaining the sort of information we will need if covert Iraqi programmes are to be uncovered”. But the UK also understood Dr Blix’s “concerns about the practical and legal implication of extracting Iraqis – perhaps with a large number of family members – from Iraq and then holding them perhaps indefinitely”. The US had admitted that it had not “thought through all these points” although it was now doing so.

141. In their meeting on 22 November, Mr Blair told Dr Blix that there had been much support at the Prague Summit for him and the inspectors, and for a tough line on the need for full Iraqi compliance with resolution 1441.⁴⁶

142. Dr Blix reported that he had told the Iraqi Foreign Minister and others in Baghdad that Iraq should not make the mistakes it had made after the Gulf Conflict of providing an incomplete account of their holdings; and that they should not repeat the mistake of playing with the UN and offering too little too late. He had not, however, detected any sign that the Iraqi approach had changed. Nor was there any sign of legislation to prohibit involvement by Iraqi citizens in WMD programmes; that could be passed overnight and would have got Iraqi co-operation off to a flying start. Preparations for

⁴⁵ Letter Davies to Wechsberg, 21 November 2002, ‘Iraq: Prime Minister’s Meeting with Dr Hans Blix, 22 November’.

⁴⁶ Letter Rycroft to Sinclair, 22 November 2002, ‘Iraq: Prime Minister’s Meeting with Blix, 22 November’.

the first inspections were well under way. Iraq's tactics appeared to be co-operation on practical arrangements but no real change in their approach to giving up their WMD.

143. Mr Blair agreed with Dr Blix that the preference was Iraqi compliance and that the “inspections should not be a game of hide and seek”. Mr Blair concluded that “one of the reasons for a strong multi-lateral approach on Iraq was to deter others”.

144. Sir David Manning said that Dr Blix should audit the declaration and be ready to audit new material supplied by the UK and US. Mr Blair “strongly agreed”. He emphasised that it was important the Iraqis knew that if Blix found their declaration to be false it would constitute a material breach”. Dr Blix had “agreed”, adding that “denying access would also be a material breach”.

Security Council, 25 November 2002

145. Dr Blix provided an informal briefing to the Security Council on 25 November reporting on his and Dr ElBaradei's visit to Baghdad from 18 to 19 November.⁴⁷ They had been assured that Iraq intended to provide full co-operation. The first group of UNMOVIC and IAEA inspectors had arrived in Baghdad earlier on 25 November, and inspections would begin on 27 November, only 19 days after the adoption of resolution 1441. The report to the Security Council specified in OP5 would, therefore, be due on 27 January 2003.

146. Dr Blix reported that he had told Iraq that “many governments believed that WMD programmes remained in Iraq”; and that “The Council had wanted to offer Iraq a last opportunity. If the Iraqi side were to state – as it still did at our meeting – that there were no such programmes, it would need to provide convincing documentary or other evidence.” The FFCs (Full, Final, and Complete Declarations) submitted by Iraq to UNSCOM had, “in many cases left it an open question whether some weapons remained”.

147. Dr Blix also reported that he had been assured by:

- Mr Dominique de Villepin, the French Foreign Minister, of “firm French support for the implementation stage”; and
- Mr Blair that the UK Government would provide “support for effective inspections” and that it was determined to “ensure the implementation of resolution 1441 ... and the elimination of WMDs and long-range missiles from Iraq”.

⁴⁷ UNMOVIC, *Briefing of the Security Council on 25 November 2002, Executive Chairman's visit to Baghdad*.

Debate on resolution 1441, 25 November 2002

148. The House of Commons voted on 25 November to “support” resolution 1441 and agreed that if the Government of Iraq failed “to comply fully” with its provisions, “the Security Council should meet in order to consider the situation and the need for full compliance”.

149. Mr Straw’s speech focused on the definition of a material breach and whether it would be for the Security Council to determine whether such a breach had occurred.

150. After its return from recess, the House of Commons debated resolution 1441 on 25 November.

151. The Government motion proposed:

“That this House supports UNSCR 1441 as unanimously adopted by the UN Security Council; agrees that the Government of Iraq must comply fully with all provisions of the resolution; and agrees that, if it fails to do so, the Security Council should meet in order to consider the situation and the need for full compliance.”⁴⁸

152. Mr Michael Moore (Liberal Democrat) proposed an amendment to make it clear that the Security Council should determine whether military action should be taken. The amendment proposed the following addition to the Government motion:

“... and believes that any decision that Iraq is in material breach of resolution 1441 is for the UN Security Council as a whole to determine and that no military action to enforce resolution 1441 should be taken against Iraq without a mandate from the UN Security Council; and further believes that no British forces should be committed to any such military action against Iraq without a debate in this House and a substantive motion in favour.”⁴⁹

153. Normally the Speaker of the House of Commons, selects the amendment proposed by the Official Opposition.⁵⁰

154. In his opening speech, Mr Straw stated that resolution 1441 had “one central aim: the peaceful removal of Iraq’s weapons of mass destruction through an effective inspection regime”.⁵¹ He set out the inspection process, including that inspections would resume in Iraq by 27 November, “four weeks ahead of the Security Council’s deadline”.

⁴⁸ House of Commons, *Official Report*, 25 November 2002, column 47.

⁴⁹ House of Commons, *Official Report*, 25 November 2002, column 73.

⁵⁰ Cook R. *The Point of Departure*. Simon & Schuster UK Ltd, 2003.

⁵¹ House of Commons, *Official Report*, 25 November 2002, columns 47-63.

155. Mr Straw also posed and then answered four “key questions” which arose from the resolution:

- What constituted a material breach?
- Who would decide what happened if there was a material breach?
- Whether there would be a second Security Council resolution if military action proved necessary?
- Whether, if military action was necessary, the House of Commons would be able to vote on it and, if so, when?

156. Addressing what would constitute a material breach, Mr Straw referred to operative paragraph 4 of the resolution, but went on to say:

“As with any definition of that type, it is never possible to give an exhaustive list of all the conceivable behaviours that it covers. That judgement has to be made against the real circumstances that arise, but I reassure the House that material breach means something significant: some behaviour or pattern of behaviour that is serious. Among such breaches could be action by the Government of Iraq seriously to obstruct or impede the inspectors, to intimidate witnesses, or a pattern of behaviour where any single action appears relatively minor but the actions as a whole add up to something deliberate and more significant: something that shows Iraq’s intention not to comply.”

157. Mr Straw also stated that the resolution made clear that there were two parts to a material breach, “a failure of disclosure and other failure to comply”.

158. Addressing who would decide what happened if there was a material breach, Mr Straw stated that if there were “any further material breach”, it would be reported to the Security Council “for assessment” and the Council would convene immediately to “consider the situation and the need for full compliance with all the relevant ... resolutions in order to secure international peace and security”.

159. Mr Straw added:

“If there is evidence of a false statement or omission, together with a failure to comply in other respects, it can be reported to the Security Council as a further material breach either by a Security Council member or by the inspectors. The Council will undoubtedly require the opinion of the inspectors, regardless of who makes the final report.

“There is then a clear requirement for an immediate meeting of the Security Council to make the assessment ... Where the breach is flagrant – say, a physical and serious attack on the inspectors the decision on whether there had been a material breach will effectively have been made by the Iraqis ... there will be no decision to be made. The Security Council will undoubtedly then act ...”

160. Addressing the need for a second Security Council resolution if military action proved necessary, Mr Straw stated that resolution 1441 did:

“... not stipulate that there has to be a second ... resolution to authorise military action in the event of a further material breach ... The idea that there should be a second resolution was an alternative discussed informally among members of the ... Council ... during the weeks of negotiation, but no draft to that effect was ever tabled ... nor put to the vote ...

“I should make it clear ... that the preference of the Government in the event of any material breach is that there should be a second ... resolution authorising military action. However, the faith being placed in the Security Council ... requires the Council to show a corresponding level of responsibility. So far it has done and I believe it will do so in the future, but we must reserve our position in the event that it does not ... So the discussion ... in the event of a material breach, will be on the understanding action will follow.”

161. Mr Straw also stated:

“... the moment there is any evidence of a material breach ... there will be a meeting of the Security Council at which it is ... open for any member to move any resolution ... Our preference is for a Security Council resolution, and I hope we would move it.”

162. Addressing whether the House of Commons would be able to vote if military action was necessary and, if so, when, Mr Straw told Parliament:

“No decision on military action has yet been taken ... and I fervently hope that none will be necessary ... However, we have got this far in terms of Saddam’s compliance only because active diplomacy has been backed by the credible threat of force. For that threat to remain credible, it is crucial that we make proper preparations.”

163. Mr Straw stated:

“Any decision ... to take military action will be put to the House as soon as possible after it has been taken ... [T]he Government have no difficulty about the idea of a substantive motion on military action ... at the appropriate time.”

“... If we can come to the House without placing our troops at risk, we shall do so ...”

164. In response to questions, Mr Straw added:

“... if we can and if it is safe to do so, we will propose a resolution seeking the House’s approval of decisions ... before military action takes place.”

165. Mr Michael Ancram (Conservative) supported the motion although he sought to highlight divisions within the Parliamentary Labour Party by asserting that he would have “liked the motion to be more specific and stronger ... and to dispel the uncertainties

which ... cloud parts of the issue.”⁵² He referred to the statement made by Mr Blair in his interview with *Radio Monte Carlo* on 14 November that if Saddam failed to disarm “the consequence is that the weapons will be disarmed by force”.

166. Mr Hoon assured the House of Commons that military action would be a last resort. There were “prudent preparations and planning necessary for military action”, but that did “not mean a commitment to take such action”.

167. In his speech closing the debate, Mr Hoon stated:

“Neither Britain nor the United States is looking for a pretext for military action, which is always a grave step, and which will certainly be a last resort. No member of the Government will risk British lives unnecessarily.”⁵³

168. In response to a question from Mr Mohammad Sarwar (Labour), Mr Hoon added:

“We expect Saddam Hussein to have the survival instinct ... to co-operate with UNMOVIC and to comply with resolution 1441, but we cannot exclude the possibility that he will fail to do so. Let us not delude ourselves. All our experience shows that Saddam Hussein has only ever complied with the will of the international community when diplomacy has been backed by the credible threat of force.”

169. Mr Hoon stated that continuing with “the prudent preparations and planning necessary for military action” was the “only responsible course”. But that did “not mean a commitment to take such action in any circumstances”. It did mean that appropriate steps were being taken “to ensure that British forces” were “ready”, and that they had “the training, equipment and support” that they would need “to undertake military action, should it prove necessary”.

170. Addressing the US request to “a number of countries ... seeking support in the event that military action proves necessary”, Mr Hoon stated:

“Although no decision has been made to commit UK forces to military action, discussions with the US will continue so that an appropriate British contribution can be identified should it prove necessary.

“... There is no inevitability about military action. The US is clear about the fact that the issue is Iraqi disarmament ...

“Those who have accused the US of unilateralism should consider carefully. The US Government have followed an impeccably multilateral approach, first in building unanimous Security Council support for resolution 1441 and now in seeking to build broad-based support for military action should it be required ... within the limits

⁵² House of Commons, *Official Report*, 25 November 2002, columns 63-65.

⁵³ House of Commons, *Official Report*, 25 November 2002, columns 122-129.

imposed by these uncertainties, we have been considering the contribution we might be able to make if military action ultimately becomes necessary.

“At this stage it would be inappropriate to go into details of the size and shape of forces that might be involved, for two specific reasons. First, as events unfold and time passes, plans will inevitably evolve. It would be misleading to describe specific force packages today as if they had some permanent and definitive status ... Secondly, as I am sure the House appreciates, I have no intention of assisting Saddam Hussein’s contingency planning.”

171. The Liberal Democrat amendment was defeated by 452 votes to 85.

172. The question of who would be responsible for interpreting whether there had been a material breach was also raised by Baroness Williams of Crosby in an Oral Question in the House of Lords.

173. In response to an Oral Question from Baroness Williams of Crosby, Baroness Symons of Vernham Dean, the joint FCO/Department of Trade and Industry (DTI) Minister for Trade and Investment, stated on 25 November that she could not:

“... give an exhaustive list of what amounts to a material breach. It would be a question of judgement at the time ... it might be referred by the inspectorate ... it might be referred by a member of the ... Security Council. There would be an immediate meeting, when no doubt there would be a discussion about how serious such a breach was.”⁵⁴

174. In response to a question from Lord Howell of Guildford, about whether a further resolution would be required before the UK could “go to war”, Baroness Symons responded that resolution 1441 did:

“... not stipulate that there has to be a second Security Council resolution to authorise military action. Such a stipulation was never tabled ... the preference of the British Government in the event of a material breach is that there should be a second resolution. But we are not about rewriting UNSCR 1441. It says what it says, and it does not say that such a second resolution would be necessary.”

CABINET, 28 NOVEMBER 2002

175. In Cabinet on 28 November, Mr Straw described the vote in the House of Commons on 25 November as an “overwhelming endorsement of the Government’s strategy towards Iraq”.⁵⁵ The next deadline for Iraq was the requirement for a full declaration of their weapons of mass destruction programmes by 8 December.

⁵⁴ House of Lords, *Official Report*, 25 November 2002, columns 557-560.

⁵⁵ Cabinet Conclusions, 28 November 2002.

176. Cabinet was also informed that the Oil-for-Food resolution had been rolled over for only nine days because of difficulties with the United States on the Goods Review List.

177. Cabinet did not discuss the issues.

178. A FCO report on Saddam Hussein's crimes and humanitarian abuses, which was published on 2 December, is addressed in Section 6.4.

Iraq's declaration of 7 December and the response

179. Resolution 1441 (OP3) required Iraq to 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 such as unmanned vehicles and dispersal systems designed for use on aircraft, including any holdings and the 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 for any which it claims are for purposes not related to weapons production or material.”⁵⁶

180. The inclusion of a mandatory requirement for an immediate declaration of Iraq's WMD holdings by a defined date had been the subject of much discussion during the negotiation of resolution 1441 (see Section 3.5).

181. Mr Straw had originally warned that it would provide Iraq with opportunities for obfuscation, leading to endless arguments within the Council.⁵⁷

182. In a conversation with Secretary Powell on 16 September, Mr Straw had suggested that a full, final and complete declaration could only be done once the inspectors were in Iraq.⁵⁸

183. The JIC Assessment of 14 November stated that Iraq would “try to overload UNMOVIC by releasing large volumes of information”; and that it would “seek to take advantage of any opportunity to fudge” its obligations.⁵⁹

184. On 20 November, in response to a remit from COBR(R) (see Section 2), Mr Gray provided a note, agreed within the FCO and with DIS about how to handle Iraq's likely efforts to flood UNMOVIC with masses of detail as an obfuscatory tactic.⁶⁰

⁵⁶ UN Security Council resolution 1441 (2002).

⁵⁷ Minute Straw to Prime Minister, 14 September 2002, 'Iraq: Pursuing the UN Route'.

⁵⁸ Telegram 1729 UKMIS New York to FCO London, 16 September 2002, 'Iraq: Foreign Secretary's Conversation with US Secretary of State, 16 September'.

⁵⁹ JIC Assessment, 14 November 2002, 'Iraq: Regime Cohesion Under Pressure'.

⁶⁰ Letter Gray to Bowen, 20 November 2002, 'Iraq: Obfuscation under UNSCR 1441'.

185. Mr Gray pointed out that:

- Resolution 1441 required Iraq to declare all relevant material even if it was not used for WMD production.
- UNMOVIC had an extensive database of dual-use facilities and it was thought that there could be a need to examine about 700 sites.
- UNMOVIC could take some time to scrutinise and update that “mass of material (even US analysts with very large resources at their disposal) have admitted ... that going through the material could take months)”.
- There was an expectation that there would be “many discrepancies” between the Iraqi declaration and UNSCOM documentation and approvals under resolution 661 (1990).

186. Sir David Manning warned Mr Blair in late November that there would be pressure on President Bush to move to military action as soon as Iraq submitted the declaration required by resolution 1441.

187. The UK position remained that the declaration could not constitute a casus belli. If an “audit” by the inspectors subsequently discovered significant discrepancies in the declaration that could constitute a material breach.

188. Following a conversation with Dr Rice on 24 November to “explore next steps on Iraq”, Sir David Manning reported to Mr Blair that Dr Rice had returned to the suggestion she had made in their discussion during the NATO Summit in Prague that Dr Blix should audit Iraq’s declaration and the information provided by the US and UK; and that she was:

“... confident this would expose an ‘audit gap’. It was very unlikely Saddam would account for the WMD outstanding ... and very unlikely that Saddam would include the details of secret holdings ...”⁶¹

189. Sir David stated that he had told Dr Rice that he thought Mr Blair:

“... would have no difficulty with this. Establishing a base-line audit was presumably what the declaration was all about ... we could not accept that the declaration itself could be a casus belli. But we were in no doubt that if the declaration proved false when Blix and UNMOVIC began their inspections Saddam would be in material breach.”

190. Sir David added that, if it was decided to adopt that strategy, “we should try to bring the French and Russians with us. This pointed to a discussion in the Security Council ...”

⁶¹ Minute Manning to Prime Minister, 24 November 2002, ‘Iraqi: Conversation with Condi Rice’.

191. Sir David and Dr Rice also discussed the positions of France and Russia and indications that their stance might have shifted in response to a calculation that “one way or another, the game was up for Saddam”.

192. Sir David reported that he had told Dr Rice that, if President Bush was “willing to continue down the UN route, he would have the international community pretty much behind him. As long as there were UN cover, very few of the key countries seemed likely to break ranks.” The unanimous support for resolution 1441, President Bush’s victory in the US mid-term elections and his performance in Prague had “changed the terms of trade”.

193. Sir David told Mr Blair that Dr Rice had asked if he would be willing to talk to President Bush. There were some people in Washington who would want to argue for military action as soon as the Iraqi declaration was available. President Bush would be under a lot of pressure from those who wanted him to discount the international dimension.

194. Sir David told Dr Rice he was sure Mr Blair would welcome a discussion. He added that, in his view, the UN process had been a triumph for President Bush. “If he were patient, he would now be able to take an international coalition with him all the way. This would have benefits for US policy across the board.” That would not be incompatible with a strategy “to audit the gap”, particularly if “support or acquiescence” from France and Russia had been secured.

195. Sir David commented that Dr Rice had been “clearly signalling that [President] Bush would probably be willing to continue working within UN parameters, taking the international community with him, if you [Mr Blair] made the case”. He concluded:

“... this offers us a valuable opening to influence President Bush at a key moment. I suggest you speak to him ... when we have had another day to digest developments post Prague.”

196. Mr Blair told President Bush on 26 November that he thought the inspectors probably would find something, and that would be the trigger for military action.

197. Mr Blair telephoned President Bush on 26 November to discuss the outcome of the Prague Summit, Mr Blair’s discussion with Dr Blix and the response to Iraq’s declaration, and how to make progress on the Middle East Peace Process.⁶²

198. In the discussion on Iraq, Mr Blair stated that if Iraq did not provide a full declaration, Dr Blix should produce his own audit. Mr Blair “accepted that the first time the inspectors found anything significant that was not in the declaration would constitute a material breach”. He thought that the inspectors probably would find something and that this would be the trigger for military action.

⁶² Letter Rycroft to McDonald, 26 November 2002, ‘Prime Minister’s Conversation with Bush, 26 November’.

199. Concerns were already being expressed in discussions between the US and UK about whether, in the face of Iraq's deception and concealment activities, the inspections would be able to find evidence of a material breach – a “smoking gun”.

200. The UK sought to persuade the US not to make snap judgements on the declaration and to allow Dr Blix to make the first formal response.

201. On 29 November, in response to a request from Sir David Manning, Mr Straw's Private Office provided advice on handling the Iraqi declaration.⁶³

202. The FCO advised that Iraq could maintain it had “no WMD and defy UNMOVIC/IAEA to prove them wrong, confident that they can conceal the programmes uncovered by UNSCOM in 1998”, but the expectation was that it would be “more subtle: declaring very large quantities of dual-use items and programmes and reiterating all ... past declarations. In both cases our assumption is that they will continue to hide programmes ...”

203. Dr ElBaradei had suggested that the nuclear declaration was “likely to contain information that would be of use to proliferators”; and that it should not be circulated to the Council as a whole. Resolution 1441 required Iraq to provide the declaration to the inspectors and the Council.

204. The FCO anticipated that the US might “plan to rush out its own analysis (and probable dismissal) of the document in very short order” and advised that any immediate criticism of a lengthy and technical declaration would be likely to be regarded as “evidence of a determination to pursue military action regardless”. It might also lead to requests for evidence which might not be releasable or would alert Iraq to potential inspections.

205. The FCO expected the US to focus on seven areas in the declaration:

- ballistic missiles;
- biological programmes;
- chemical programmes;
- an Unmanned Aerial Vehicle (UAV) programme intended to deliver chemical and biological warfare (CBW) agents;
- mobile WMD facilities;
- the outstanding discrepancies in relation to CBW munitions; and
- the procurement of aluminium tubes.

206. The FCO advised that it would be best to “delay giving a definitive response until we have been able to assess the content, while expressing a healthy scepticism based

⁶³ Letter Sinclair to Manning, 29 November 2002, ‘Iraq: 8 December Declaration’.

on Iraq's past record of deceit". There was a "need to avoid giving the impression that an omission in the declaration would, in itself, constitute a material breach". The UK should caution the US "against a rush to judgement".

207. The UK aim should be to get the inspectors to "check (or audit)" the declaration "as soon as possible through intrusive inspections, interviews and access to records" against information from other sources, including:

- The information available to UNSCOM in 1998. If Iraq declared "nothing", it "must demonstrate the destruction of material or the disbandment of possible WMD programmes identified by UNSCOM".
- "Intelligence material provided by the US/UK. We have already pointed UNMOVIC towards key sites and provided a list of 6,500 individuals involved in WMD programmes"; the DIS was "working on a top ten list of people". UNMOVIC/IAEA was "willing to visit sites not mentioned" by Iraq but they would "not want to be seen to be taking instructions from the UK/US".
- "Information obtained ... through early interviews ..."

Where the declaration was "inconsistent with intelligence", the UK would "want UNMOVIC/IAEA to be able to discover that inconsistency on the ground before notifying the Council". That would avoid giving Iraq the chance to conceal evidence.

208. The FCO stated that an early initial meeting of the Security Council in mid-December would demonstrate support for the inspectors and maintain pressure on Iraq as well as demonstrating the intention "to keep the Council at the centre of Iraq handling". That should also call for a more detailed discussion of the declaration in early January. That would "give the US/UK a better opportunity (and more time) to highlight shortcomings" before the meeting of the Council to discuss the inspectors report, which was due on 27 January.

209. The FCO letter also provided a refined version of the advice in its letter to Sir David Manning of 15 November about what might comprise a material breach. This was further refined in advice on 6 December, which is addressed later in this Section.

210. Mr Campbell had asked Mr John Williams, FCO Press Secretary, for "a wider note on handling in the context of a set of public objectives to be agreed with the US". That would include:

- The declaration would be "a key test of Iraq's willingness to comply".
- The inspectors needed to test the declaration before a decision could be taken on whether Saddam Hussein was in breach or complying.
- The UK would be drawing "any discrepancies or mis-statements ... to the attention of UNMOVIC/IAEA and, if necessary the Security Council, where the issues will be pursued".

- With “his long record of obstruction and deceit”, Saddam Hussein was “unlikely to make an honest declaration”; the UK wanted “to see his dishonesty demonstrated by inspections” if he made a false declaration.
- The UK would not allow the process “to become an indefinite game of hide and seek”.

211. In a discussion between No.10 and FCO officials and a team of US officials on 2 December, one senior US official expressed doubts about whether the inspectors would ever find any WMD evidence.⁶⁴

212. In a separate meeting between FCO and MOD officials and the team of US officials, it was suggested that the strategy of “force of [sic] mind” had not got through to Saddam Hussein, partly it was thought because of the mixed signals from France and Russia.⁶⁵ One US official thought that once he did get that message Saddam’s position might “shift very quickly”.

213. Concerns were also expressed about the activities of Al Qaida in northern Iraq.

214. On 3 and 4 December, Sir David Manning discussed the need to avoid making snap judgements on the Iraqi declaration and the advantages of allowing Dr Blix time to make the first formal response with Dr Rice.⁶⁶ They also discussed the need to avoid “the prospect of a protracted game of hide and seek, waiting to see whether Saddam could be caught out, or whether he would make a mistake”.

215. Sir David recorded that the US Administration was “now thinking hard about what might constitute triggers” and asked the FCO for advice on that before a telephone call between Mr Blair and President Bush the following week.

216. On 5 December, Mr Straw told Cabinet that the Iraqi declaration was “likely to be lengthy” and “designed to show dissension inside the United Nations”.⁶⁷ It was “unlikely to be fully compliant”. The weapons inspectorates should be “encouraged to make a proper assessment”.

217. No further discussion on Iraq was recorded.

218. The FCO advised on 6 December that there was no agreement in the Security Council on precise criteria for what would constitute a material breach. Each case would need to be considered in the light of circumstances.

219. The FCO position was increasingly shifting from a single specific incident demonstrating a material breach to the need to establish a pattern of

⁶⁴ Letter Rycroft to Watkins, 2 December 2002, ‘Iraq: Talks with US Officials 2 December’.

⁶⁵ Minute Ehrman to Private Secretary [FCO], 2 December 2002, ‘Iraq: Visit of Wolfowitz and Grossman’.

⁶⁶ Letter Manning to McDonald, 3 December 2002, ‘Iraq: Conversation with Condi Rice’; Letter Manning to McDonald, 4 December 2002, ‘Iraq: Conversation with Condi Rice’.

⁶⁷ Cabinet Conclusions, 5 December 2002.

non-co-operation over time demonstrating that Iraq had no intention of complying with its obligations.

220. Following its advice of 15 and 29 November, Mr Straw's Private Office responded on 6 December to Sir David Manning's request for further advice on what would constitute a "trigger" for action.⁶⁸

221. The FCO stated that a material breach could not "be a minor violation but must be a violation of a provision essential to achieving the object or purpose of the original Gulf War [1991] cease-fire". That position had been reflected in Mr Straw's remarks in the House of Commons on 25 November. The FCO expected most members of the Security Council to take a similar view.

222. Consistent with the advice sent to Sir David on 15 and 29 November, the FCO wrote that there were two broad areas where Iraqi behaviour could amount to a material breach:

- **Non-compliance with its disarmament obligations** – if Iraq concealed WMD. Evidence might take the form of discovery of WMD material not included in the declaration or evidence which Iraq could not satisfactorily explain which clearly pointed to a concealed WMD programme (e.g. a yellowcake receipt).
- **Non-co-operation with UNMOVIC/IAEA** – if Iraq's behaviour demonstrated that it had no intention of co-operating fully with UNMOVIC in fulfilling its mandate under resolution 1441 (2002) or other relevant resolutions. Evidence might comprise a single incident such as denying access to a particular site, information or personnel. Evidence of coaching witnesses or smuggling information out of potential sites would be "pretty damning". Attempts to impede the removal and destruction of WMD or related material would be potentially a material breach.

223. The FCO view was that there would be no need for "a single specific instance". A "pattern of lower level incidents" could amount to a demonstration of non-co-operation sufficiently serious to constitute a material breach. Indications of concealment could include "a series of unanswered questions identified by UNMOVIC/IAEA which suggested a concealed WMD programme" or "failure ... to demonstrate convincingly that the WMD material identified by UNSCOM in 1998 had been destroyed and properly accounted for". "Much would depend on the circumstances and whether the incidents demonstrated deliberate non-co-operation rather than inefficiency or confusion."

224. The FCO concluded that there were:

"... bound to be grey areas over whether Iraqi failures are sufficiently serious to constitute a material breach. There is no agreement in the Council on the precise criteria. We would need in each case to look at the particular circumstances.

⁶⁸ Letter McDonald to Manning, 6 December 2002, 'Iraq: Material Breach'.

Moreover, some incidents of non-compliance may be susceptible to remedial action by UNMOVIC/IAEA (e.g. by destroying weapons etc). In such cases, those seeking to trigger enforcement action would need to explain how such action would be necessary to enforce Iraqi compliance.”

225. When Dr Blix briefed members of the Security Council on 6 December, the Council decided to make UNMOVIC “the depository of the declaration” and asked UNMOVIC and the IAEA to “review it immediately, with their experts and from the standpoint of existing international treaties, for any areas in the declaration that may contribute to proliferation, or be sensitive, in order to assure confidentiality of that information”.⁶⁹ Members of the Council would meet the following week to decide on the further handling of the declaration. The declaration would “not be available for some days until this procedure is carried out and mechanical/logistical arrangements are made”.

JIC Assessment, 6 December 2002: ‘Iraq: Military Options’

226. A JIC assessment of Iraq’s military options on 6 December confirmed that a massive ground force would be required to be certain of toppling Saddam Hussein and highlighted the possibility of Iraqi attacks on Coalition Forces.

227. At the request of the MOD, the JIC evaluated Iraq’s military capabilities and its military options and issued an Assessment on 6 December.⁷⁰

228. In the JIC discussion on 4 December, the draft Assessment was described as “an important paper which highlighted the gaps in our knowledge”.⁷¹ The judgements were based “largely on a mixture of observation and past experience”, but the draft Assessment “did not quite do justice to the intelligence”; the judgements “could be made more confidently”. The Assessment needed to bring out more clearly the risks of a phased attack and unpack the risks involved in possible scenarios, such as the use of CBW before Coalition Forces were properly assembled and urban fighting: “Nothing short of a massive deployment would guarantee overthrowing the regime.”

229. The JIC’s Key Judgements included:

- Saddam Hussein would “initially seek international pressure to halt Coalition [military] action”. If that failed, he would “seek to inflict serious casualties on Iraq’s neighbours and on Coalition Forces”.
- A ground attack might fracture Saddam’s regime, but only a massive Coalition force was guaranteed to topple him. The smaller the initial Coalition force, the more likely Iraqi forces were to resist. A phased Coalition attack could allow Iraq to claim military successes.

⁶⁹ UN Press Release, 10 December 2002, *December 6 Press Statement by Security Council President on Briefing of Council Members by Dr Blix* (SC/7594).

⁷⁰ JIC Assessment, 6 December 2002, ‘Iraq: Military Options’.

⁷¹ Minutes, 4 December 2002, JIC meeting.

- Iraqi responses to military action might include “seizing hostages as ‘human shields’; using non-lethal BW in a deniable manner; suicide attacks; or a scorched earth policy with the aim of creating humanitarian or environmental catastrophe. At some point, motivated by revenge, Saddam would seek to inflict the maximum damage on his enemies, whether Iraqi or outsiders.”⁷²

230. The Assessment of the military options is addressed in Section 6.1.

231. The statements on Iraq’s WMD capabilities and intentions are addressed in Section 4.3.

Iraq’s declaration, 7 December 2002

232. Iraq’s declaration was provided to the Security Council on 7 December 2002.

233. The Iraqi declaration was detailed and technical, written in a combination of English, Russian and Arabic, with approximately 7,000 pages dealing with ballistic missile projects.⁷³ A backlog of semi-annual declarations of activity, covering the period 1998-2002 which Iraq had already provided to UNMOVIC, was not then available to the UK.

234. On 8 December, the President of the Security Council issued a statement recording that:

“After consulting with the members of the Security Council, the Presidency decided to allow access to the Iraqi declaration to those members with the expertise to assess the risks of proliferation and other sensitive information to begin its immediate review.

“This review will be in close co-ordination and consultation with ... UNMOVIC and the ... IAEA, and will assist them in producing a working version of the declaration as soon as possible.”⁷⁴

235. In a statement issued on 8 December, the Russian Ministry of Foreign Affairs said that “Iraq’s timely submission of its declaration, parallel to its continuing co-operation with the international weapons inspectors, confirms its commitment to act in compliance with resolution 1441”.⁷⁵

The UK’s initial response

236. Mr Blair expressed scepticism about Iraq’s intentions and reiterated that, if it did not comply, force would be used.

⁷² JIC Assessment, 6 December 2002, ‘Iraq: Military Options’.

⁷³ JIC Assessment, 18 December 2002, ‘An Initial Assessment of Iraq’s WMD Declaration’.

⁷⁴ UN Press Release, 9 December 2002, *Press Statement on Iraq by Security Council President* (SC/7590).

⁷⁵ Telegram 448 Moscow to FCO London, 9 December 2002, ‘Russia: Local Reaction to Iraqi Declaration’.

237. In an interview for the *Financial Times* published on its website on 9 December, Mr Blair was reported to have stated that war with Iraq was “plainly not inevitable” if Saddam Hussein complied, but:

“... you would have to be somewhat naive not to be sceptical about the likelihood of his compliance, given his past history ... If he fails to co-operate, either in any false declaration or in refusing access to the sites, or interviewing witnesses, or any of the rest of it, then that is a breach. And in those circumstances, my understanding is that the United Nations are very clear that there should [be] action.

“As for a second resolution, we said we would go back for a discussion ...

“We want to do this with the maximum international support and I believe that support will be there ... in my view it is clear and right that if Saddam is in breach then we have to impose by conflict, that which we would have preferred to impose by the will of the UN and the inspectors.”⁷⁶

238. Asked if he was saying he did not need a second resolution to take military action, Mr Blair replied:

“If we get to a situation ... where there is a clear breach and ... someone puts an unreasonable block ... on it [action] ... as we have seen before ... over Kosovo you cannot say there are no set of circumstances in which you would ever refuse to act, because in my view if he breaches and the UN does nothing, then the authority of the UN is then hugely weakened. But I don’t believe that will happen.

“I believe that at the heart of that UN resolution is really a deal ... which said ... the US and the UK and those who feel really strongly about the threat that Saddam and weapons of mass destruction pose, they are prepared to go the UN route, to bring everyone together ... we will put in the inspectors and give him the chance to comply. We’ll go back to the UN route as the way of enforcing this, then the quid pro quo is ... if he then having been given the chance to do the right thing does the wrong thing, we are not going to walk away from it.”

239. Mr Blair also emphasised the threat posed by WMD and the “enormous” potential for them to “fall into the hands of either unstable states or terrorist groups”.

240. During a discussion of the deficiencies in Iraq’s declaration between Mr Straw and Secretary Powell on 11 December, and in response to probing about the statement that “a deficient declaration would be enough” to warrant action, Mr Straw told Secretary Powell that he did not think Mr Blair had “gone beyond the well rehearsed UK lines on two resolutions”.⁷⁷

⁷⁶ *Financial Times*, 9 December 2002, *Tony Blair on the Iraq crisis and the Middle East*.

⁷⁷ Letter McDonald to Manning, 11 December 2002, ‘US Secretary of State’.

241. On 9 December, the FCO issued the formal request seeking Lord Goldsmith's advice on whether a further decision by the Security Council would be required before force could be used to secure Iraq's compliance with its disarmament obligations.

242. The request stated that Lord Goldsmith's advice was not needed "now".

243. The content of the letter from Mr Michael Wood, FCO Legal Adviser, to Lord Goldsmith⁷⁸ and the meeting held at Lord Goldsmith's request with No.10 officials on 19 December,⁷⁹ are addressed in Section 5.

244. Mr Blair was advised on 11 December that there was impatience in the US Administration and it "looked intent on military action in February/March".

245. There was a need to build "the strongest possible case" that Saddam Hussein was in material breach of his obligations and "the widest possible international support for action" through a second resolution.

246. Sir David Manning and Sir Richard Dearlove had a joint meeting with Dr Rice and Mr George Tenet, the Director of Central Intelligence, in Washington on 9 December.⁸⁰

247. Sir David reported to Mr Blair that Dr Rice had "clearly been provoked" by Saddam Hussein's "challenge that it was up to us to prove he had WMD rather than up to him to prove he did not". She was:

"... confident that the [Iraqi] declaration would be a sham. The [US] Administration would in due course declare it deficient and say that Saddam was in material breach. But she again accepted that this would not amount to a casus belli."

248. Dr Rice had "made no effort to hide the fact that the Administration would now be looking to build the case for early military action ... probably mid/late February as we suspected". But she had:

"... denied that military planning was dictating the timetable. The need to resolve the crisis quickly was dictated by political factors. Internally ... President [Bush] was being 'griddled'. Externally, the international community ... would soon lose their nerve if they began to doubt our determination to impose disarmament on Saddam if he did not disarm himself. And if we let the inspections process run, and Blix found nothing as was only too likely, the Russians, French and others would deride US and UK claims ... leaving us exposed and Saddam strengthened."

⁷⁸ Letter Wood to Adams, 9 December 2002, 'Iraq: Security Council Resolution 1441 (2002)'.

⁷⁹ Minute Brummell, 19 December 2002, 'Iraq: Note of Meeting at No. 10 Downing Street – 4.00 pm, 19 December 2002'.

⁸⁰ Minute Manning to Prime Minister, 11 December 2002, 'Iraq'.

249. Sir David reported that he had been clear about Mr Blair's determination that Saddam Hussein had to disarm or be disarmed; he was "obliged to co-operate" and if he didn't, "he would be in breach and military action would follow".

250. Sir David said that Iraq's declaration should be handled in a way "calculated to maintain Coalition support and to try to secure a second resolution". He thought that was possible, but Dr Rice's.

"... impatience for action was much more obvious than her commitment to secure international backing. She wanted to know what I thought would constitute material breach, and how we could catch Saddam out if he did not trap himself through his own mistakes."

251. Sir David told Dr Rice that some cases would be straightforward, such as:

"... the discovery of VX, anthrax, or a nuclear programme ... But it would be much more difficult if we were dogged by a series of low-level and less clear-cut acts of obstruction ... We would then be in a grey area where it would be much harder to persuade the international community to act."

252. Sir David stated that the UK needed "a convincing case based on evidence. Public defiance by Saddam was not the same as proving non-compliance." The US and UK "should work hard over the next couple of months to build our case and secure a second resolution". That would comprise three strands of action:

- Analysing the declaration: "If Saddam failed to address the discrepancies identified by UNSCOM ... would immediately have a powerful argument that the declaration was false and incomplete".
- "the smoking gun: it was unlikely but not impossible, that we would acquire intelligence that caught Saddam red-handed ..." Dr Rice thought the chances of that were "very slim".
- "Pattern of deceit": building up "a comprehensive picture of Saddam's obstruction and deception. This would consist of the steady accumulation of examples that might be small in themselves but would be telling when taken together".

253. Dr Rice had agreed the US and UK should pursue those strands and:

"... would like to go to the Security Council around the end of January or early February to make the case that Saddam was not co-operating and the time had come for military action."

254. Before that, Mr Blair and President Bush "should meet to review the evidence and the options".

255. Sir David wrote that Dr Rice was "very irritated" about Dr Blix's reluctance to interview key individuals outside Iraq, and she was "impervious to arguments" that those

identified might refuse because of fear for their lives or those of their families. If Dr Blix would not use the powers in resolution 1441, he would “have to go”.

256. Sir David reported that he had also “raised the question of British energy companies”. He “hoped they would be treated fairly and not overlooked if Saddam left the scene and new oil and gas concessions were being allocated”.

257. Dr Rice had responded that:

“... it would be particularly unjust if those energy companies who had observed the sanctions regime were not among the beneficiaries in a post-Saddam Iraq. She knew UK companies belonged in this category.”

258. Sir David concluded:

“Condi’s mood has hardened substantially since the NATO Prague Summit in favour of early military action. (This may be fuelled by a President who is increasingly uncomfortable with pressure inside the Republican Party, and riled by Saddam’s taunts). She does not expect the inspections process to produce conclusive (perhaps not even convincing) evidence. This is prompting her insistence that we must make clear that the burden of proof is on Saddam, not us ... From this evidence I think there is a real risk that the Administration will overdo the pressure on Blix: they might force him into resignation with damaging repercussions ...

“The mood of the Administration could shift again. But on present form they look intent on military action in February/March. We need to ensure that they use the next two to three months to build the strongest possible case that Saddam is in material breach; and then secure the widest possible international coalition of support for action expressed through a second ... resolution. We are in for a tough few weeks. Your influence with Bush will be critical.”

259. Sir David recommended:

- co-ordinating US and UK reactions to the Iraqi declaration and asking pointed questions exposing its shortcomings, “putting the onus on Saddam to explain and justify”;
- impressing on Dr Blix the need for a “robust and energetic inspections regime, including a programme of interview” while discouraging the US Administration from putting such pressure on him that he “denounces them and/or resigns”;
- making “maximum efforts to find a smoking gun”, ideally “a top level defector ... willing to testify publicly about Saddam’s WMD programme. Sir Richard Dearlove and Mr Tenet were “on the case”;
- building up “the dossier on Saddam’s pattern of deception and obstruction, eg pieces of intelligence showing that he is moving equipment around, has destroyed documentation, etc”; and

- “consider an early, steadying phone call from you to Bush; and pencil in a January meeting between you.”

260. During a meeting with Mr Hoon and Adm Boyce to discuss military planning on 11 December (see Section 6.1), Sir David Manning and Sir Richard Dearlove also briefed Mr Blair on their recent visits to Washington and “on UK attempts to secure credible evidence that the Iraqi WMD declaration was false.”⁸¹

261. Mr Rycroft recorded that Mr Blair:

“... said that we needed to analyse the Iraqi declaration, ask pointed questions about issues which the declaration failed to deal with ... encourage Blix to ask these questions of the Iraqis too, and continue to work on securing credible evidence that Saddam was pursuing WMD programmes.”

262. Mr Blair would speak to President Bush and possibly Dr Blix in the next few days.

263. Mr Campbell wrote in his diaries:

“C [Sir Richard Dearlove] and David Manning were just back from the US and they reported the mood there was far tougher. They [the US] felt Saddam was just messing about and that Blix was hopeless and too soft.”⁸²

264. In preparation for a conversation with President Bush, Mr Stephen Pattison, Head of the FCO United Nations Department, provided advice on key messages for Mr Blair.⁸³

265. The FCO messages were:

- We’re working fast on analysing the declaration and identifying discrepancies between it and our intelligence.
- We should not rush to a final judgement. It will be worth taking a little time to build the best possible case against Iraq.
- The UK would adopt a sceptical tone when Dr Blix briefed the Security Council on 19 December.
- The onus was on Iraq to demonstrate it was co-operating fully and UNMOVIC should be encouraged to push hard. Access to information would be crucial.
- The UK should help UNMOVIC to identify personnel who might be able to provide relevant information.
- An omission in the declaration would not “by itself” constitute a material breach.
- It was “much more likely that we shall be able to establish a material breach over time, as we build up a pattern of non-compliance which is sufficiently serious to

⁸¹ Letter Rycroft to Watkins, 11 December 2002, ‘Iraq: Military Preparations’.

⁸² Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

⁸³ Letter Pattison to Rycroft, 11 December 2002, ‘Iraq: PM’s Conversation with President Bush’.

indicate that Iraq has no intention of full co-operation ... We need to encourage UNMOVIC to keep careful data to establish whether there is a pattern of Iraqi behaviour indicating they have no intention of complying”.

- It would be important to keep the Security Council united, but that would “not be easy”.

266. Cabinet on 12 December was told that the Security Council had decided that Iraq’s declaration had to be scrutinised before it was made available to a wider audience to ensure that particularly sensitive information had been excised.⁸⁴ An initial discussion of the declaration was expected the following week.

267. Mr Peter Gooderham, Political Counsellor in the British Embassy Washington, reported on 12 December that a US official had told him that he expected the US Administration to decide “probably sometime in mid-January, to lay it on the line that Iraq had ‘one last chance’ to co-operate”.⁸⁵ This would be accompanied by “an increasingly overt military build up from early January”. Additional measures for putting pressure on Saddam Hussein were also being considered. The US Administration was also considering a public presentation of the evidence against Iraq.

268. The letter was seen by Sir David Manning.⁸⁶

269. Mr Julian Miller, Chief of the Assessments Staff, advised Sir David Manning on 13 December that the Iraqi declaration was “largely based on material already presented to the UN”, and that:

“There appears to have been no attempt to answer any of the unresolved questions highlighted by UNSCOM or refute any of the points made in the UK or US dossiers.”⁸⁷

270. The absence of new material was described as “striking, particularly in relation to the biological weapons programme, where UNSCOM have described previous Iraqi FFCDs as deficient in all areas”. The DIS had also clarified that Iraq had “only previously admitted to testing VX in aerial munitions, not to any other weaponisation”.

JIC ASSESSMENT, 13 DECEMBER 2002

271. A JIC Assessment issued on 13 December warned that any US-led action against Iraq and a subsequent occupation was one of many issues that could draw large numbers to Islamist extremist ideology over the next five years.

272. The Assessment is addressed in the Box below.

⁸⁴ Cabinet Conclusions, 12 December 2002.

⁸⁵ Letter Gooderham to Oakden, 12 December 2002, ‘Iraq: How Imminent is War?’

⁸⁶ Manuscript comment Manning, 17 December 2002, on Letter Gooderham to Oakden, 12 December 2002, ‘Iraq: How Imminent is War?’

⁸⁷ Minute Miller to Manning, 13 December 2002, ‘Iraq: WMD Declaration’.

JIC Assessment, 13 December 2002: 'International Terrorism: The Next Five Years'

At the request of the Cabinet Office, the JIC assessed the threat from international terrorism over the next five years, to inform the UK's counter-terrorism strategy, on 11 December.⁸⁸

The minutes record that the points made in discussion included:

- The paper needed to make a firmer judgement about whether the threat from terrorism would diminish or increase. For instance, "would the terrorists up the ante ... by attempting to use CBRN [chemical, biological, radiological and nuclear] weapons"?
- "The paper should make more of the possible links between terrorist groups and the loose network of WMD suppliers."
- In relation to prospects for 2007, the paper should "stress the likelihood of mutation of the threat, and highlight linkages to regional political factors, particularly in the Middle East".

The JIC Assessment judged that Al Qaida would continue to attempt mass effect attacks, and that "Attacks using chemical/biological materials within the next five years are almost inevitable."⁸⁹

The JIC also judged that Al Qaida might "develop radiological dispersal devices or, less likely, improvised nuclear devices" and that "Technology, expertise and materiel could be acquired from state programmes."

The JIC assessed that "Strong Coalition measures in the campaign against terrorism" would "further radicalise at least some young Muslims. Many issues could draw large numbers to the Islamist extremist ideology over the next five years, including US-led action against Iraq and a subsequent occupation."

The Assessment stated: "Major political change in countries like Iraq [... and others] could place elements of state CBRN programmes at the disposal of Al Qaida."

The JIC sustained its Assessment that the UK would "remain a priority Al Qaida target".

Sir David Omand, the Cabinet Office Permanent Secretary and Security and Intelligence co-ordinator from June 2002 to April 2005, told the Inquiry:

"On 13 December 2002, we warned that US-led action could draw large numbers to the Islamist extremist ideology over the following five years ..."⁹⁰

⁸⁸ Minutes, 11 December 2002, JIC meeting.

⁸⁹ JIC Assessment, 13 December 2002, 'International Terrorism: The Next Five Years'.

⁹⁰ Public hearing, 20 January 2010, page 39.

273. Following Mr Blair's meeting with Mr Jacques Chirac, the French President, on 13 December, in the margins of the European Council, Sir David Manning reported that President Chirac:

"... had sounded sceptical about the need for military action in Iraq. He would only support this if Saddam made a huge mistake."⁹¹

MR BLAIR'S CONVERSATION WITH PRESIDENT BUSH, 16 DECEMBER 2002

274. Following Iraq's declaration, Mr Blair concluded that it was hard to see how conflict could be avoided unless Saddam Hussein started to behave honestly.

275. On 15 December, Mr Straw and Secretary Powell discussed the Iraqi declaration and the need for "hard, on-the-ground evidence" to secure international support for military action.⁹² They also discussed "flood[ing] the zone with intelligence driven inspections", and an article by Harlan Ullman in the *Washington Post* which had "correctly" made the point that "if you don't find anything, then there can be no casus belli".

276. Mr Blair sent a note to officials in No.10 on 16 December.⁹³

277. On Iraq, Mr Blair wrote that the Iraqi declaration was "plainly inconsistent with our intelligence. The test will be to prove it is false." Mr Blair asked for a report on Dr Blix's "modus operandi" and to see him later that week or in early January if that were possible.

278. Mr Blair wrote:

"We also need to build on the whole issue of WMD and show its importance. AC [Alastair Campbell] to do a communications note on this, amplifying his earlier one this weekend. But studying the Iraqi declaration, it is hard to see how conflict can be avoided, unless Saddam starts to behave honestly. My sense of Russia and France is that albeit reluctantly, they accept this and will support a new resolution if the breach by Saddam is clear and significant."

279. Mr Campbell's response on 19 December is addressed later in this Section.

280. Sir David Manning advised Mr Blair to warn President Bush not to rush to a final judgement. Time would be needed to build the "strongest possible case" against Iraq, and to secure a second resolution.

⁹¹ Letter Rycroft to Sinclair, 13 December 2015, 'Prime Minister's Meeting with Chirac, 13 December'.

⁹² Letter Straw to Manning, 17 December 2002, 'Powell: Iraq'.

⁹³ Note Blair [to No.10 officials], 16 December 2002, [extract 'Iraq'].

281. Sir David Manning advised Mr Blair that he should make the following points in his discussion with President Bush:

- The declaration was a “sham” which they should expose in the debate in the Security Council later that week.
- “We should build up the strongest possible case over the next few weeks. Try to find the smoking gun. Tough but may not be impossible.” A defector “ready to give details of Saddam’s WMD programme” would be better than in country interviews.
- “In addition we need to piece together comprehensive picture of Iraqi obstruction and deception to demonstrate pattern of deceit.”
- “Do everything possible to maintain international coalition you skilfully built. If there is a clear material breach, believe we can get a second resolution ...”
- The UK’s military preparations were “beginning to become more public”. The US and UK military chiefs needed “to keep in very close step”.⁹⁴

282. Mr Blair told President Bush on 16 December that the Iraqi declaration was “patently false”.

283. Mr Blair was “cautiously optimistic” that the inspectors would find proof. Sir Richard Dearlove was pursuing that.

284. Mr Blair suggested that he and President Bush should take stock in January.

285. Mr Blair and President Bush spoke on 16 December.⁹⁵

286. Mr Blair commented that the Iraqi declaration “was patently false. We now needed proof that demonstrated it.” He and President Bush discussed the need to put the burden of truth on Saddam Hussein, how much time he should be allowed, and the need to avoid a loss of momentum.

287. Mr Blair said that military preparations should continue. He did not think that Saddam Hussein would co-operate. He was “cautiously optimistic that the inspectors might find proof that the declaration was false. We needed something or someone who was in some way involved.” Sir Richard Dearlove was pursuing that with Mr Tenet.

288. Mr Blair was “hopeful that this strategy would work; we should take stock in January if it was”.

⁹⁴ Minute Manning to Prime Minister, 16 December 2002, ‘Call to Bush at 12.30 – Checklist’.

⁹⁵ Letter Rycroft to McDonald, 16 December 2002, ‘Prime Minister’s Telephone Call with President Bush, 16 December’.

SIR RICHARD DEARLOVE'S VISIT TO WASHINGTON, DECEMBER 2002

289. During a visit to Washington in mid-December, Sir Richard Dearlove emphasised the need for sufficient evidence to make a convincing case that Iraq had failed to abide by resolution 1441.

290. During a discussion on 15 December, Sir Richard Dearlove told his interlocutor that his impression from his meeting with Mr Blair on 11 December was that "HMG would need clear evidence beyond an audit of the Iraqi declaration, to commit to military action".⁹⁶

291. Sir Richard reported a view that President Bush was relying on Mr Blair's assurances that HMG would be with the US.

292. The report sent to Sir David Manning recorded that Sir Richard had discussed the Iraq declaration and the need for a "road map" setting out the next steps with a number of US officials.⁹⁷

293. Sir Richard had told one US official that, in addition to setting out clearly and persuasively that Iraq had failed to abide by resolution 1441:

"... we needed to continue on parallel tracks designed to reinforce the case, and for HMG, to give the PM sufficient evidence of a breach which the declaration by itself did not. We needed:

- a detailed audit of the declaration
- to press the interview issue or force Saddam's refusal to co-operate
- to prepare for the release of intelligence to prove deception
- to press on with a rigorous inspection regime absent a 'silver-bullet'."

294. Sir Richard had said that "perhaps by the end of January all those elements would have produced sufficient evidence to make the convincing case we needed". A "convincing defector or a revealing site inspection" would be preferable, "but we could not depend on this". He added later that "success was far from guaranteed".

295. In a separate conversation with another official, Sir Richard Dearlove had said that he "estimated the chance of a successful operation to produce a defector or a smoking gun at about 20 percent".

296. In a manuscript comment to Mr Blair, Sir David Manning wrote that "we should go flat out" to find a defector or evidence in a site inspection.⁹⁸

⁹⁶ SIS Internal Record, 16 December 2002.

⁹⁷ Letter PS/C to Sir David Manning, 18 December 2002, 'Iraq: C's Discussions in Washington 16-17 December' attaching Paper, 'Iraq: C's Discussion in Washington 16-17 December'.

⁹⁸ Manuscript comment Manning, 18 December 2002, on Paper, 'Iraq: C's Discussion in Washington 16-17 December'.

297. Mr Blair replied: “absolutely”.⁹⁹

298. In relation to the estimate that the chance of a successful operation to produce a defector or a smoking gun was about 20 percent, Mr Powell commented: “Not good”.¹⁰⁰

299. On the description of a discussion about a possible presentation of intelligence “when conflict was inevitable”, including overhead photographs of material being moved and intercepts of conversations about deception operations, Mr Blair wrote “but can’t this be used to convince Blix?”¹⁰¹

300. A separate copy of the report was sent to Mr Straw’s Private Office on 19 December.

MR STRAW’S STATEMENT, 18 DECEMBER 2002

301. In a statement issued on 18 December Mr Straw said that Saddam Hussein had decided to continue the pretence that Iraq had no WMD programme. If he persisted “in this obvious falsehood” it would become clear that he had “rejected the pathway to peace”.

302. Mr Straw issued a statement on 18 December stating:

“We have not yet completed a full analysis. But it is clear, even on a preliminary assessment, that it is not the full and complete declaration requested ... and we wish to hear the views of UNMOVIC and the IAEA.

“There are some obvious omissions ... And it seems that Saddam Hussein has decided to continue the pretence that Iraq has had no WMD programme since UNSCOM left in 1998.

“This will fool nobody. If Saddam persists in this obvious falsehood, it will become clear that he has rejected the pathway to peace laid down in resolution 1441.

“... we have always said that we would want the declaration tested by hard questions and robust inspections. As that process continues, we will complete a full analysis of the Iraqi documents.

“Saddam can be in no doubt by now that resolution 1441 offers him the final opportunity to comply honestly and openly.”¹⁰²

⁹⁹ Manuscript comment Blair on Paper, ‘Iraq: C’s Discussion in Washington 16-17 December’.

¹⁰⁰ Manuscript comment Powell on Paper, ‘Iraq: C’s Discussion in Washington 16-17 December’.

¹⁰¹ Manuscript comment Blair on Paper, ‘Iraq: C’s Discussion in Washington 16-17 December’.

¹⁰² The National Archives, 18 December 2002, *Statement by Foreign Secretary on Iraq Declaration*.

PRIME MINISTER'S QUESTIONS, 18 DECEMBER 2002

303. Mr Blair continued to express scepticism about whether Saddam Hussein would comply with resolution 1441; and to emphasise that the UK would if necessary disarm him by force.

304. During Prime Minister's Questions (PMQs) on 18 December Mr Iain Duncan Smith, Leader of the Opposition, asked Mr Blair when the Government would make a formal response to the Iraqi declaration and whether he agreed that Secretary Powell's scepticism was well founded.¹⁰³ Mr Blair replied that the Government would respond "shortly after the Christmas break"; "most people" were "pretty sceptical", but it was important to study the Iraqi declaration in detail and make a considered response.

305. In response to a question from Mr Charles Kennedy, Leader of the Liberal Democrats, about military deployments, and a reported comment by Mr Hoon that the Security Council would not be the final judge of whether military action was necessary, Mr Blair stated:

"... resolution 1441 assumes that there will be a further discussion in the UN Security Council ... [I]t has always been our desire to act with the full authority of the ... Council. We have always made it clear, however, that, if there were a breach and if, for any reason, the Security Council were blocked in any way, we do not believe it right that that breach should go unpunished ... [I]t is important to make sure that we do our level best to work with the UN in any way that we can, but the bottom line – as I have set out from the very beginning – must be that the United Nations route must be the way of dealing with the issue, not the way of avoiding dealing with it ... I believe that the UN will support action in circumstances where there has been a breach."¹⁰⁴

306. Mr Kennedy also asked if the Government would back the US if it decided to take any "pre-emptive unilateral action" before the UN inspectorate had completed its task and submitted its conclusions and recommendations to the Security Council. Mr Blair replied that the US was "bound by the UN resolution, just as we are", and reiterated the points he had made to the *Financial Times* on 10 December about the nature of the "deal" in resolution 1441.

307. Subsequently, in response to a question from Mr Andrew Selous (Conservative) asking for a "clearer explanation" of whether the purpose of a "possible war" in Iraq was "to protect Iraq's citizens and neighbours from Saddam, to enhance UN authority, or to protect Britain from a future missile attack or Iraqi-sponsored terrorism, Mr Blair responded that those factors were not "mutually inconsistent":

"The reasons for being prepared to take action ... are, first, that Saddam has weapons of mass destruction that threaten his region ... if a conflict took place

¹⁰³ House of Commons, *Official Report*, 18 December 2002, columns 835-837.

¹⁰⁴ House of Commons, *Official Report*, 18 December 2002, columns 841-842.

there involving weapons of mass destruction, it is unthinkable that we would not be involved in some way, as we were 10 years ago.

“Secondly, it is important because there is a UN resolution ... that Saddam must give up those weapons ... [I]f ... we were to allow Saddam to breach the UN will and did nothing about it, the consequences would be felt not just in respect of Iraq. We would send a message across the world that this was a serious issue, but one about which we were prepared to do nothing ... We are members of the international community and we believe it is important that Britain make sure that Saddam complies with those UN resolutions. That is why Britain has a vital national interest in ensuring that the resolution is implemented.”¹⁰⁵

MR HOON’S STATEMENT, 18 DECEMBER 2002

308. Mr Hoon told Parliament on 18 December that the UK was making contingency preparations, including the deployment of a naval Task Group for exercises; and that there might be additional maritime deployments in the New Year.

309. In a statement to Parliament on 18 December on contingency preparations for military operations against Iraq, Mr Hoon reported that he had “authorised a range of steps to improve readiness”.¹⁰⁶ He also referred to the planned deployment of a naval Task Group, led by HMS Ark Royal, to the Gulf and Asia-Pacific region, in early 2003, which remained “available for a range of potential operations if required”.

310. Mr Hoon added that the UK was also considering the deployment of “additional maritime forces early in the new year to ensure the readiness of a broad range of maritime capabilities, should they be required”.

311. The development of plans for a possible UK contribution to US-led military action after Mr Blair’s decision at the end of October to offer ground forces to the US for planning purposes, and discussions with the US, are addressed in Sections 6.1 and 6.2.

JIC Assessment, 18 December 2002

312. The JIC’s initial Assessment on 18 December of the Iraqi declaration stated that:

- Intelligence from late November indicated that Iraq’s aim was to overload UNMOVIC with information.
- Iraq “continued to claim that it has not conducted any illicit WMD or ballistic missile programmes since 1991”.

¹⁰⁵ House of Commons, *Official Report*, 18 December 2002, columns 841-842.

¹⁰⁶ House of Commons, *Official Report*, 18 December 2002, columns 845-846.

- There had been “No serious attempt” to answer any of the unresolved questions highlighted by UNSCOM or to refute any of the points made in the UK dossier on Iraq’s WMD programme.

313. The JIC Assessment addressed the substance of the issues, but the judgement that Iraq had made no attempt to deal with the points in the dossier made the dossier a test for Iraq.

314. That was not its purpose. It was for the UN not the UK to define the bar for Iraq.

315. An ‘Initial DIS Assessment’ of Iraq’s declaration, based on an analysis of the text provided in English and a partial but continuing translation of the key sections written in Arabic, was produced on 16 December.¹⁰⁷

316. On 18 December, the JIC discussed a draft Assessment, supported by the DIS analysis of 16 December.¹⁰⁸

317. Comments recorded in the minutes of the discussion included:

- There had been “no significant disagreements of perception or judgement between the UK and the US”.
- The declaration was “surprisingly bad”; virtually none of the issues arising from the 1999 UNSCOM report had been answered.
- Further analysis of the annexes “would be an enormous job”, and the UK “would have to rely upon seeing the UN translation of much of the Arabic material”. That text was “unlikely to contain the missing information”.
- There would be “a fuller assessment in due course”.

318. The JIC Assessment, ‘An Initial Assessment of Iraq’s WMD Declaration’, was issued on 18 December, with the DIS Assessment of 16 December as an Annex.¹⁰⁹

319. The Key Judgements were:

- The declaration failed “to address the issues outstanding from UNSCOM’s report to the UN Security Council in 1999”.
- Iraq maintained that it currently had “no proscribed WMD programmes”.
- “The majority of information in the declaration” had “already been passed to the UN in some form”.
- “The new material so far found” did “not alter UK assessments of Iraq’s WMD programmes”.

¹⁰⁷ Paper [DIS], 16 December 2002, ‘Iraq: Initial DIS Assessment of the “Currently Accurate, Full and Complete Declaration”’.

¹⁰⁸ Minutes, 18 December 2002, JIC meeting.

¹⁰⁹ JIC Assessment, 18 December 2002, ‘An Initial Assessment of Iraq’s WMD Declaration’.

- The declaration made “no attempt to deal with the points made in the UK dossier”.

320. The key elements of the Assessment are set out in the Box below.

JIC Assessment, 18 December 2002: ‘An Initial Assessment of Iraq’s WMD Declaration’

The Assessment rehearsed the UK’s knowledge of Iraq’s production of WMD before 1991 and the material which UNSCOM had been “unable to account for”, and the judgements in the September dossier.

Intelligence on the declaration

“Intelligence indicated in early November that Iraq was considering a number of options ... including a possible admission of a small proportion of its illegal activity. But by late November intelligence indicated that Iraq’s declaration would omit references to its banned weapons and that the aim was to overload UNMOVIC with information.” A senior Iraqi official was quoted as saying “the declaration would be general and lacking in detail and had been padded out with various scientific reports and studies”.

Overview

The declaration was “largely based on material already presented to the UN in previous FFCDs [Full, Final, and Complete Declarations] and other correspondence”. “No serious attempt” had “apparently been made to answer any of the unresolved questions highlighted by UNSCOM or to refute any of the points made in the UK dossier”. Iraq continued to “claim that it has not conducted any illicit WMD or ballistic missile programmes since 1991”. “Little new material ... on the nuclear, chemical or biological weapons” had been found; there was “some new material” on missiles.

Chemical weapons

The declaration was based on a June 1996 FFCD and additional information provided to the UN before 1998. Some of that information had not been seen previously by the UK. As well as the “unaccounted for” quantities of agent, precursors and munitions which UNSCOM had identified, the declaration did not:

- “provide a key document detailing the consumption of special munitions in the 1980s” which had been “removed from UNSCOM by the Iraqis”;
- “substantiate Iraq’s denials ... that attempts were made to manufacture and weaponise VX”.

The list of “over 30 sites in which chemical activity” took place was “incomplete”.

Biological weapons

The declaration reiterated information already provided to the UN, which had already been reviewed. It failed to “provide a technically coherent account of Iraq’s biological weapons programme”. The declaration provided new material relating to 40 sites which Iraq claimed had no connection with proscribed activity but which were judged capable of supporting a BW programme. It did not mention some dual-use sites previously monitored by UNSCOM. Names of individuals included in previous declarations on biological weapons

had been “systematically removed”, although the declaration stated that they would be “provided to UNMOVIC on request”.

It did not:

- “address the issue of unaccounted for growth media”;
- “provide fully documented accounts” of the pre-1991 programmes or “recognition of the military application”;
- “acknowledge any proscribed biological weapons activity post-1991”; or
- “mention ... transportable production facilities”.

Nuclear weapons

The declaration was “largely the same as the FFCD” for activity pre-1991 which had been issued in 1998, “with a new extended summary”. It was “accurate” but “incomplete”. It maintained that no weapons-related work had been undertaken since 1998. It did not address whether Iraq had been seeking uranium in Africa.

Ballistic missiles

Most of the data provided related to pre-1991 programmes. The declaration acknowledged “some facilities established since 1998” and “known from intelligence”. It also provided “some limited new evidence of proscribed missile development post-1991”. Two designs were judged to have ranges greater than the limit of 150km.

The “major omissions” were:

- “no attempt to resolve outstanding issues” relating to SCUD missiles;
- “no mention of any post-1998 activity at many missile related facilities, including the al-Rafah engine test stand”, which was “capable of testing engines for missiles with ranges over 1000km”; and
- “no details of recent procurement activity associated with more advanced missile propellant”.

Unmanned Aerial Vehicles (UAVs)

- The declaration referred to “aborted attempts” to convert an anti-ship missile into a land attack weapon with a range of 95km. The JIC judged the “system would be suitable for chemical and biological delivery”.
- The declaration claimed that the L-29 aircraft was “a target-drone” and there “was no mention of a chemical or biological agent delivery capability”. The JIC judged that Iraq had “more aircraft” and had “conducted more flight tests than stated”; and that its range was “understated”.
- The declaration provided “limited, but new information on two UAV programmes”, which Iraq claimed had “started after 1998”, that had been included in reports recently passed to UNMOVIC. They would be “used as target drones”. The JIC judged that the UAVs “would have a significantly better performance” than claimed and could be “adapted to chemical and biological agent delivery”.

Conclusion

The JIC concluded that the declaration so far analysed failed to address the outstanding issues from UNSCOM's report to the Security Council in 1999 and "made no attempt to answer any of the points outlined in the UK dossier". Iraq might:

"... feel they dealt with these points in their previous rebuttal of the dossier. Some of the deficiencies may be addressed in the parts yet to be translated, but this does not look likely."

321. On 20 December, Mr Miller sent Sir David Manning a further DIS overview of the Iraqi declaration.¹¹⁰

322. Mr Miller re-stated the key findings outlined in the 18 December JIC Assessment and identified the principal areas of apparent omission. The main new points identified were:

- an admission by the Iraqis that they have delivered 50 Al Samoud missiles to their military. The UK dossier stated that at least 50 of these missiles had been produced and were being deployed to military units;
- details of missile related procurement activities post-1998, which Iraq claims were for permitted programmes. There are no details concerning the origin of the material and equipment procured, some of which we judge were obtained illicitly;
- the document fails to cover refurbishment at potential BW sites."

323. Mr Miller reported that the DIS would continue to analyse the declaration when a full English text was available from the UN. That was likely to be after Christmas.

324. On 18 December, the JIC also discussed a letter of 13 December from Mr Miller on the cohesion of the Iraqi regime.¹¹¹

325. The main point raised was that the fundamental judgement of the JIC of 6 December had not changed, "especially that nothing short of a massive Coalition force was guaranteed to threaten the regime enough to topple it". There were, however, "more areas of pressure building within the regime, although it was still impossible to say how and when it might fracture". The Iraqi people's perceptions of Saddam Hussein's position would be "crucial". The two "tipping points" would be when:

- "people decided that they would be better off without Saddam"; and
- "they decided that he had finally lost control".

326. The JIC "would need to keep coming back to this subject as events developed in the New Year".

¹¹⁰ Minute Miller to Manning, 20 December 2002, 'Iraq: WMD Declaration'.

¹¹¹ Minutes, 18 December 2002, JIC meeting.

Meeting of the US National Security Council, 18 December 2002

In his memoir, *War and Decision*, Mr Douglas Feith, US Under Secretary of Defense for Policy, described a meeting of the US National Security Council on 18 December 2002, at which the US response to Iraq's declaration was discussed.¹¹²

Mr Feith described differences of view between President Bush and other members of the Council about the position the US Administration should adopt in response to the discussion of the Iraqi declaration of 7 December in the Security Council on 19 December, and the impact which describing the declaration as a material breach of resolution 1441 would have.

Mr Feith reported that, after some discussion, President Bush stated that he thought "war was inevitable". President Bush was concerned that use of the term material breach would create an expectation of military action and a debate about whether it was sufficient for the US to go to war.

Secretary Powell was reported to have taken a different position; and that he had suggested the US should make its case to the Security Council that Saddam Hussein was not co-operating soon after Dr Blix's report on 27 January 2003.

Mr Feith reported that President Bush had reminded those in the room that the point of the 7 December declaration was to test whether Saddam would accept the "final opportunity" for peace offered by the Security Council; and that he had summed up the discussion by stating:

"We've got what we need now, to show America that Saddam won't disarm himself."

Cabinet, 19 December 2002

327. In his update to Cabinet on 19 December, Mr Straw suggested that the Iraqi declaration did not meet the requirements of resolution 1441 and that the next step would be increased efforts by the inspectors to find the evidence. The Security Council could be in a position to declare a material breach by 27 January 2003.

328. Mr Hoon informed Cabinet that preparations were being made to be ready for possible military action.

329. Mr Blair promised that there would be an "opportunity to discuss Iraq in the New Year".

330. Mr Straw reported to Cabinet on 19 December that Iraq's declaration did not look as "accurate, full and complete as the resolution required"; and that, in particular, it failed to explain the material which had been "unaccounted for in 1998 such as: 360 tonnes of bulk chemical warfare agent; 3,000 tonnes of precursor chemicals; growth media

¹¹² Feith DJ. *War and Decision: Inside the Pentagon at the Dawn of the War on Terrorism*. HarperCollins, 2008.

for biological agent production and 30,000 munitions for the delivery of chemical and biological agents”.¹¹³

331. Mr Straw reminded his colleagues that a false statement did not represent a material breach, “but it could be a contributing factor”. The next step would be increased efforts by the inspectors to find the evidence. The inspectors had to report to the UN Security Council on progress by 27 January. By that time, “the Security Council could be in a position to declare a material breach”. President Bush would be making his State of the Union speech on 28 January.

332. Mr Hoon informed his colleagues that, “to be ready for possible military action”, it was “increasingly necessary to make visible preparations. Contracts for equipment would be let; Reservists and their employers would be consulted; the notice to move for some units would be reduced; and a naval Task Group led by HMS Ark Royal would depart for exercises.” The US had not yet finalised its military planning but it was “already building up a formidable force and would be ready to use it”.

333. Mr Blair said that “there would be an opportunity to discuss Iraq in the New Year”.

334. Mr Campbell wrote in his diaries that Ms Clare Short, the International Development Secretary, had pointed up the need for more discussion on Iraq.¹¹⁴

Security Council, 19 December 2002

335. In response to a briefing from Dr Blix and Dr ElBaradei on 19 December, the Security Council agreed to a further discussion early the following month, after members of the Council had completed their analytical work.

336. Sir Jeremy Greenstock reported overnight on 17/18 December that Dr Blix would tell the Security Council on 19 December that it could not have confidence that the declaration “disposed of” the question of Iraq’s WMD holdings but that he could not say Iraq definitely had WMD; there was more work to do and the ball was in Iraq’s court.¹¹⁵

337. On 17 and 18 December, Secretary Powell and Mr Straw discussed the pressure on the US Administration to say “something strong” (in response to Dr Blix’s briefing to Members of the Security Council) and the need to catch Iraq “red-handed”.¹¹⁶

338. Dr Blix and Dr ElBaradei briefed Members of the Security Council on 19 December on inspections in Iraq and their preliminary assessment of Iraq’s declaration.¹¹⁷

¹¹³ Cabinet Conclusions, 19 December 2002.

¹¹⁴ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

¹¹⁵ Telegram 2411 UKMIS New York to FCO London, 18 December 2002, ‘Iraq: Handling of WMD Declaration’.

¹¹⁶ Letter [1] McDonald to Manning, 18 December 2002, ‘Iraq’; Letter [2] McDonald to Manning, 18 December 2002, ‘Iraq’.

¹¹⁷ UN Press Release, 19 December 2002, *Statement to press on Iraq inspections by Security Council President* (SC/7614).

339. Dr Blix reported on the speed of UNMOVIC's build-up of operations in Iraq and that it had inspected 44 sites, including eight newly declared locations.¹¹⁸ Access to the sites, including those previously designated by Iraq as sensitive or Presidential, had been "prompt", and assistance had been "expeditious". The location of artillery shells and containers with mustard gas, which had been placed under UNSCOM supervision in 1998, had been identified and they would be sampled and eventually destroyed. Dr Blix reported that Iraq had formally been asked to submit the names of all personnel currently or formerly associated with some aspect of Iraq's programme of weapons of mass destruction and ballistic missiles by the end of the year; and for legislation implementing resolutions, notably laws prohibiting engagement in the development, production or storage of proscribed material.

340. In his "necessarily provisional" comments on the declaration, Dr Blix stated that Iraq continued to state that there were no weapons of mass destruction in Iraq when the inspectors left in December 1998 and that none had "been designed, procured, produced or stored in the period since then". While individual Governments had stated that they had "convincing evidence to the contrary", UNMOVIC was, at that point, "neither in a position to confirm Iraq's statements, nor in possession of evidence to disprove it".

341. During the period between 1991 and 1998, Iraq had submitted many declarations which had "proved inaccurate or incomplete or was unsupported or contradicted by evidence". The statements by Iraq were not sufficient to create confidence that no weapons programmes and proscribed items remained: the statements needed to be "supported by documentation or other evidence" which would allow them to be verified.

342. The overall impression was that "not much new significant information" had been provided which related to proscribed programmes; nor had "much new supporting documentation or other evidence been submitted". Iraq had provided new information on:

- missile activities, including a series of new projects at various stages of development, which Iraq claimed were permitted;
- a short-range rocket manufactured using 81mm aluminium tubes; and
- the "Air Force" document¹¹⁹ relating to the consumption of chemical weapons in the Iran-Iraq war.

New material had been provided "concerning non-weapons related activities".

¹¹⁸ UN Security Council, 19 December 2002, 'Notes for briefing the Security Council regarding inspections in Iraq and a preliminary assessment of Iraq's declaration under paragraph 3 of resolution 1441 (2002) – Hans Blix, Executive Chairman UNMOVIC'.

¹¹⁹ A document found by an UNSCOM inspector in a safe in Iraqi Air Force headquarters in 1998. It gave an account of the expenditure of bombs, including chemical bombs, by Iraq in the Iran-Iraq war which raised questions about Iraq's previous accounts. Iraq had taken the document from the inspector.

343. There were also inconsistencies and areas which needed clarification, including:

- the omission of information on imports of bacterial growth media;
- declaration of the development of a variant of the Al Samoud missile which had exceeded the permitted range in test flights; and
- a lack of supporting evidence to address unresolved issues identified in the 1999 UNSCOM and Amorim reports.

344. In conclusion, Dr Blix stated that, if Iraq failed to provide evidence supporting its statements, the inspectors could not guarantee that all possibly concealed items and activities would be found; but they would make attempts at concealment more difficult.

345. A statement by the President of the Council said that the members had noted the contents of the briefing and expressed their intention to have a further discussion “early in January after all members of the Council finish their own analytical work” and more regular briefings from UNMOVIC and the IAEA.¹²⁰

346. In his remarks to the Security Council, Sir Jeremy Greenstock drew on the statement issued by Mr Straw on 18 December. He gave examples of weapons and materials which had not been accounted for in the declaration and added that:

“The declaration fell well short of providing compelling evidence that Iraq wishes to establish a new co-operative relationship with UNMOVIC and the Council. On the contrary, it suggested that Iraq had no intention of complying with SCR 1441, or taking the pathway to peace laid down in that resolution. We wanted to see ... the discrepancies probed rigorously ... In short, we were very disappointed that Iraq had not taken the 1441 opportunity. I would not speculate what this meant. But Iraq now had to be 100 percent pro-active in co-operating with the inspectors in accounting for every remaining doubt. Withholding this quality of co-operation risked bringing into play the second part of OP4 of 1441.”¹²¹

347. Sir Jeremy Greenstock also reported that Dr ElBaradei had appealed to Member States to offer whatever information they had to assist UNMOVIC and the IAEA in reaching credible conclusions on Iraq’s weapons programmes.

348. Sir Jeremy described the meeting as a “surprisingly low key affair, largely because the non-permanents had only had the declaration for 36 hours”. Some of them were insisting that they see the un-excised version.

349. Sir Jeremy reported that Dr Blix had told the press that there was little new evidence in the declaration and what was new generally related to non-weapons programmes. Iraq was co-operating on process but much more was needed on

¹²⁰ UN Press Release, 19 December 2002, *Statement to Press on Iraq Inspections by Security Council President* (SC/7614).

¹²¹ Telegram 2450 UKMIS New York to FCO London, 20 December 2002, ‘Iraq: WMD Declaration’.

substance. There were open questions which had not been answered with evidence. Iraq had missed an opportunity in its declaration, but could still provide information.

350. Mr Campbell recorded that Mr Blair was “worried about Blix’s comments that we had not been helping enough with the intelligence”.¹²²

351. Mr William Ehrman, FCO Director General Defence and Intelligence, advised Mr Straw’s Private Secretary on 19 December that the UK was passing intelligence to UNMOVIC but “We had not found a silver bullet yet.”¹²³

352. Mr Straw issued a statement which said that the declaration failed to meet Iraq’s obligations and that there could not, therefore, be any confidence in Iraq’s claims that it had no WMD.

353. In a statement issued after the reports to the Security Council, Mr Straw said that they showed:

“... clearly that Iraq has failed to meet the obligations imposed on it by Security Council resolution 1441, which requires them to make a full and complete disclosure of their weapons of mass destruction ... as Dr Blix has said, this means that we cannot have confidence ... to put it very mildly – that Iraq has no weapons of mass destruction as it has claimed. This now means that Iraq faces even greater responsibilities to comply fully with the inspectors and co-operate fully with the United Nations if military action is to be avoided. This disclosure does not of itself trigger military action ... but it is a very serious failure to comply, and a clear warning has to go out to Iraq that they now have to co-operate fully with the United Nations and its inspectors as is required of them by international law.”¹²⁴

354. Secretary Powell warned that Iraq was “well on its way to losing its last chance”, and that there was a “practical limit” to how long the inspectors could be given to complete their work.

355. Secretary Powell gave a press conference on 19 December stating that the Iraqi declaration did not address Iraq’s stockpiles or supplies of chemical and biological agents and the procurement and use of high-strength aluminium tubes that can be used in a nuclear weapons programme: “Most brazenly of all, the Iraqi declaration denies the existence of any prohibited weapons programs at all.”¹²⁵ There was a “pattern of systematic holes and gaps”. The US was “disappointed, but ... not deceived ... On the

¹²² Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

¹²³ Minute Ehrman to Private Secretary [FCO], 19 December 2002, ‘Iraq: Passing Intelligence to UNMOVIC’.

¹²⁴ The National Archives, 19 December 2002, *Jack Straw’s Statement on Iraq after Weapons Inspectors’ report*.

¹²⁵ US Department of State Press Release, *Press Conference Secretary of State Colin L Powell, Washington, 19 December 2002*.

basis of this declaration, on the basis of the evidence before us, our path for the coming weeks is clear.”

356. Secretary Powell proposed a four-step approach in the coming weeks to:

- audit and examine the Iraqi declaration “to understand the full extent of Iraq’s failure to meet its disclosure obligations”;
- conduct interviews with scientists and other witnesses outside Iraq;
- intensify UN inspectors’ efforts inside Iraq; and
- consult the Security Council and US allies on how to compel Iraq to comply with the terms of the resolution.

357. Secretary Powell stated that the United States, and he hoped other Council members, would “provide the inspectors with every possible assistance, all the support they need to succeed in their crucial mission”. Resolution 1441 had called for “serious consequences for Iraq” if it did not comply. So far, Iraq was “well on its way to losing its last chance”. There was “no calendar deadline”, but there was “a practical limit to how much longer you can just go down the road of non-co-operation and how much time the inspectors can be given to do their work ... This situation cannot continue.”

358. Mr Straw and Secretary Powell had spoken before the press conference about Mr Straw’s remarks on the *BBC’s Today* programme earlier that day. Mr Straw said that he had “repeated [the] long standing position that [the UK] would prefer a second resolution, with the usual Kosovo caveats”.¹²⁶

359. Mr Straw and Secretary Powell also discussed the need for the White House to be clear about Mr Blair’s position.

360. In a letter to Mr Straw’s Private Secretary, Mr Ehrman wrote:

“With the American military machine now increasingly set on auto-pilot towards war, the nightmare scenario of the UK having to decide whether to join US military action without a second SCR is only made more likely ...”¹²⁷

361. Sir Christopher Meyer reported on 19 December that there was “some fairly intensive kremlinology going on in the White House about the British political scene ... What did Tony Blair need to be able comfortably to go to war?”.¹²⁸ The current US view “which could change, was that a second SCR was attainable”. Sir Christopher had told a senior US official that “a spring war looked as close as possible to being inevitable without actually being inevitable”.

¹²⁶ Letter McDonald to Manning, 19 December 2002, ‘Iraq: Conversation with Colin Powell, 19 December’.

¹²⁷ Minute Ehrman to Private Secretary [FCO], 19 December 2002, ‘Iraq: Passing Intelligence to UNMOVIC’.

¹²⁸ Letter Meyer to Manning, 19 December 2002, ‘Iraq’.

The need for a communications strategy

362. Mr Campbell advised Mr Blair that a statement would be needed early in the New Year bringing all the strands of the strategy on Iraq together to set out the UK Government's position and to counter the sense that the UK was acting for America.

363. Mr Campbell suggested that the statement should communicate the “big picture” and provide the basis for addressing difficult questions: Why Iraq? Why now? And why us? That should include the UK's definition of material breach.

364. Mr John Williams had written to Mr Campbell on 2 December in response to a request for “strategic public objectives on Iraq, setting out our aims, and working through the difficult issues”.¹²⁹ Mr Williams provided two papers, one on “Public Objectives” for public use and one on “Media Tactics”. Both had been approved by Mr Straw.

365. The paper on “public objectives” drew on the strategic objectives agreed by Mr Blair and sent to Ministers on 22 October (see Section 3.5).

366. Production of a document setting out the UK objectives and the need to be more “in control of the agenda” was discussed at meeting of an Iraq Strategy Group chaired by Mr Campbell on 10 December and subsequently.¹³⁰

367. In response to Mr Blair's request of 16 December, Mr Campbell wrote to Mr Blair on 19 December setting out the need to explain the UK's strategy and seeking Mr Blair's views.¹³¹

368. Mr Campbell wrote: “Iraq is moving up a gear as an issue and as we enter the New Year we need to step up our communications efforts.”

369. Mr Campbell recommended that the objectives approved in October should be published as soon as Parliament returned on 7 January, with a statement in the House of Commons from Mr Blair alongside publicity generated by the FCO Heads of Mission Conference. The statement would set out the strategic framework for the Government's overall approach and draw together the diplomatic, political and humanitarian strands of the strategy on Iraq as well as addressing issues of proliferation and terrorism. It would “give us all the big picture to communicate and give us a handle for the difficult questions as we go”.

¹²⁹ Email Williams to Campbell, 2 December 2002, ‘Strategy Note’ attaching Paper, ‘Public Objectives’ and Paper, ‘Media Tactics’.

¹³⁰ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

¹³¹ Minute Campbell to Prime Minister, 19 December 2002, ‘Re: Iraq Communications’.

370. Mr Campbell argued that the communications strategy “should be rooted in where we think we will end up which currently looks like a military conflict that ends in Saddam falling”. The major steps and key messages envisaged by Mr Campbell were:

- Iraq’s declaration would be “shown to be false – requires strategy which ... emphasises our determination to ensure Saddam Hussein understands ... this is his last chance and that we are trying our hardest to make the process work ... We need to guard against the sense that we are looking for the process to fail, rather than looking for the process to succeed;”
- a “UN discussion” where the tone would be one of “regret that he [Saddam] failed to take the chance” and with the “UK at heart of coalition building around key arguments”;
- a “Military build up” which moved from the “current argument that ‘sometimes the only way to avoid conflict is by making it clear willing to use force if necessary’ to ‘we did not want war, but Saddam Hussein has rejected the peaceful path to disarmament’”;
- “Military conflict: This is the last resort. Now we need to get the job done”; and
- “Post conflict: We’re there to help for the long term.”

371. A “specific communications plan for the Iraqi people” was being developed which would emphasise Iraq’s territorial integrity and make it clear that “we are gunning for Saddam’s people at the top, not the ‘ordinary’ people”. In Mr Campbell’s view they would “actually prefer a ‘regime change’ message to a more subtle ‘disarmament’ message”.

372. Mr Campbell argued that the UK needed a “clear sense of a UK Government position that is our own ... not merely an echo” of the US position and counter the sense that the UK was acting for America. The UK had to “communicate better the threat and relevance to the UK”. The UK position “should be that the issue of Iraq/WMD has to be addressed, we worked hard to get [the] UN route ... and we’re working hard to make that route work. But Saddam has to understand this is his last chance, and in the meantime we carry on military preparations.”

373. Mr Campbell wrote that the US tone was “dismissive” on inspections; the UK had to be deliberative. The UK needed to “set out our own definition of material breach. The closest we have is Jack [Straw]’s statement that ‘material breach means something significant: some behaviour or pattern of behaviour which is serious’”. In Mr Campbell’s view, the media confused “material breach and trigger”.

374. Other points made by Mr Campbell were that the UK needed to:

- “... rebut the ‘poodle charge’ by answering more clearly the questions – Why Iraq? Why now? And why us?”;
- “... put over to the public” that we are in charge of our military preparations, separate from the Americans, “though obviously linked”. The fact that the US/UK

had hugely superior military was likely to have the most impact on Iraqi opinion “so we have agreed MOD should step up their military preparedness briefing”;

- rebut negative stories, including the “charge that the conflict is all about oil”;
- “... make more of the issue of WMD more generally, and make the link (largely unbelievably here or in the US) with terrorism. It is a theoretical link, not yet an actual one, and the US, in continuing to make claims of an actual link, risk being counter productive”; and
- have “better answers to the charge of double standards re Israel, which is the single biggest impediment to effective communications in the region”.

375. Mr Campbell concluded that there was “a big job of work to do” which would “require a lot of input” from Mr Blair and set out a list of potential communications opportunities in January.

376. Mr Campbell also set out the arrangements he had put in place to “implement a major communications strategy, including:

- a weekly strategy meeting;
- daily reviews;
- daily US conference calls;
- CIC [Communications and Information Centre] reactivated;
- excellent output by the Islamic Media Unit;
- a small but effective presence in Amman (media route to Baghdad); and
- good co-operation with the Agencies.”

377. Mr Campbell also sent Mr Blair an “agreed Iraq strategy document”, advising him that it showed “a lot of work has been done, and we have the outlines of a good communications strategy”.

The absence of a “smoking gun”

378. Mr Straw told Secretary Powell on 30 December that the US and UK should develop a clear “plan B” postponing military action on the basis that inspections plus the threat of force was containing Saddam Hussein.

379. On 24 December, Mr Straw told Secretary Powell that the UK was:

“... clear that a second resolution should be sought if justified. Such an approach was essential from the point of view of UK politics. Although we had not sought or received definitive legal advice, I thought it would be hard going with our Attorney General if there were no second resolution. It would be especially difficult for us without a second resolution except in a ‘Kosovo-equivalent situation’ (where we had a majority in the Security Council but were vetoed by one P5 Member only).”¹³²

¹³² Letter Straw to Manning, 24 December 2002, ‘Conversation with Powell: Iraq’.

380. Mr Straw and Secretary Powell discussed again the importance of Mr Blair making that point when he next spoke to President Bush. They also discussed that it would be hard to see how there could be a second resolution, and even harder to justify military action, if the inspectors failed to find anything.

381. Mr Straw and Secretary Powell spoke twice on 30 December. In their first conversation, they discussed the possibility that the military would be ready to take action but there would be no *casus belli*.¹³³

382. In their second conversation Mr Straw and Secretary Powell discussed the likelihood that, when the UN inspectors reported to the Security Council on 27 January, they would report that they needed more time to complete their work.¹³⁴

383. Mr Straw said it was:

“... perfectly possible that a clear *casus belli* could have been presented by 27 January, in which case we would get a second resolution and military action would go ahead. But there was a sufficient possibility that we would not be in that position. We should therefore develop a clear ‘plan B’ for the President and the Prime Minister in which military action was postponed on the basis that inspections plus the threat of force was containing Saddam.”

384. Mr Straw said he would discuss that further with Sir David Manning and Mr Ricketts.

Resolution 1452

On 30 December, the Security Council adopted resolution 1452, adjusting the Goods Review List approved in resolution 1409 (2002) and deciding to conduct a thorough review of the List and the procedures for its implementation.¹³⁵

Russia and Syria abstained in the vote:

- The Russian representative stated that the text was too restrictive.
- The Syrian representative stated that Iraq’s co-operation with the weapons inspectors and constructive approach on resolution 1441 (2002) should lead to the lifting of sanctions, not the addition of further restrictions.¹³⁶

¹³³ Telegram 671 FCO London to Washington, 30 December 2002, ‘Iraq: Foreign Secretary’s Conversation with US Secretary of State, 30 December’.

¹³⁴ Letter Straw to Manning, 30 December 2002, ‘Iraq: Conversation with Colin Powell, 30 December’.

¹³⁵ UN Security Council resolution 1454 (2002).

¹³⁶ UN Press Release, 30 December 2002, *Security Council Adjusts List of Restricted Goods Procedures of Iraq Oil-for-Food Programme* (SC/7623).

Advice for Mr Blair in early January 2003

385. Mr Straw advised Mr Blair on 3 January 2003 that there was an urgent need to lower expectations that military action against Iraq was inevitable.

386. The UK should emphasise that the preferred strategy was peaceful disarmament and that decisions would not be taken at the Security Council on 27 January.

387. Mr Straw and Secretary Powell's view was that it would be rash to bank on an assumption that the inspectors' reports to the Security Council on 27 January would provide grounds to trigger a further meeting of the Security Council and a resolution authorising the use of force.

388. There was a need for private discussions with the US on the strategy in the event that the inspections failed to produce an "early and large smoking gun".

389. Mr Straw's view was that a peaceful solution was, on balance, more likely than conflict.

390. Mr Straw wrote to Mr Blair on 3 January 2003 about the need urgently to lower public expectations, in the UK and abroad, that:

"... the die will be cast at the Security Council meeting on 27 January. If we are not careful, the necessary military build up will allow the media to set us up for a fall ... when and if the outcome ... is far from an authorisation for war. Your speech to the Diplomatic Service Conference on Tuesday [7 January] is therefore very important in setting the scene for the next three weeks."¹³⁷

391. Mr Straw wrote:

"... a lot of effort is being made by the ... agencies to provide Blix and ElBaradei [with leads drawing on intelligence reports] ... to enable them to upgrade their inspections over the next three weeks. It is possible that this will produce a big smoking gun, sufficient for Blix and ElBaradei to point in their 27 January report to a breach of obligation by Iraq sufficient to trigger OPs 11 and 12 of [resolution] 1441, a further meeting of the Security Council, and a resolution authorising the use of force ... But, in my view (shared by Powell) it would be rash to bank on this. So far, reality has not matched the expectation generated by the intelligence ...

"Scenarios just as likely as a clear material breach by 27 January are:

- (i) an indication from Blix/El-Baradei that they have been broadly satisfied with the level of co-operation by Iraq, and have so far found nothing of any significance but will continue looking;

¹³⁷ Minute Straw to Prime Minister, 3 January 2003, 'Iraq – Plan B'.

- (ii) concerns by them of some lack of co-operation, and in respect of some of their finds, but in neither case adding up to a *casus belli* to satisfy a majority on the Security Council.”

392. Mr Straw suggested the UK’s messages should be:

- “• to emphasise that our preferred strategy continues to be ... disarmament by peaceful means, through the UN system;
- the 27 January meeting is not and never has been a decision deadline ...
- whatever the inspectors say to the 27 January meeting, decisions, particularly on military action, would not be taken then.”

393. Mr Straw warned Mr Blair that the UK would be “faced with the argument that the finds prove that inspection is working: we will be told to let them continue and destroy what they find rather than going to war”.

394. Mr Straw suggested that the UK needed “to discuss very privately with the Americans over the next few weeks our strategy if inspections produce no early and large smoking gun”. The purpose would be to explore whether the US could or would maintain the position of continuing inspections and a military build-up at a high state of readiness “for weeks or even months”.

395. Mr Straw stated that there were signs that President Bush recognised that going to war “without a publicly convincing trigger, and without a second UNSCR, could well be politically worse for him ... as well as acutely difficult for us”. Secretary Powell had told Mr Straw that “if there was an insufficient case for a second resolution, there would equally be an insufficient case for the US to go unilateral”.

396. Mr Straw offered to discuss the issues with Mr Blair.

397. Mr Campbell wrote in his diaries that Mr Straw had:

“... called me a couple of times over the holiday and emphasised the importance of TB [Mr Blair] not positioning himself so that no war looked like failure.”¹³⁸

398. Mr Straw told the Inquiry that in “very early January [2003] he had bumped in to two journalists” who had asked about the odds of avoiding war, and that he had replied “60/40”.¹³⁹ That reply then “found its way into the newspapers”. Mr Straw stated that he had formed that “provisional judgement” from his own reading of the Iraqi regime’s behaviour:

“... by its own terms it acted with some rationality. I could not believe that, faced with the near certainty of military action if it failed to comply with 1441, the regime could

¹³⁸ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

¹³⁹ Statement, January 2010, paragraphs 34-35.

fail to appreciate that its very survival depended on full compliance, and that this would be relatively straightforward for them to prove – unless they had something terrifying to hide. In the event, however, my optimism proved unfounded.”

399. Asked to explain the basis for his optimism, Mr Straw responded in his statement for the Inquiry in January 2011 that:

“... a key foundation ... was that the United States had committed itself to dealing with Saddam by working through the United Nations ...

“This was coupled to emerging evidence that, while by no means sufficiently, the inspectors were beginning to make some progress ...

“Additionally, there were indications from the United States that it was moving closer to committing itself to going for a second resolution. My optimism at the time was therefore also in part based on the hope of a unified Security Council position, in the form of a second resolution. I believed at the time, and I still believe today, that confronting Saddam Hussein with this clear united position from the international community ... would have presented us with the best way to deal with Iraq peacefully.”¹⁴⁰

400. Mr Straw confirmed that he was aware that Mr Blair was more sceptical than he was, but in early 2003 his instinct was more optimistic that there would be compliance.¹⁴¹

401. Mr Straw wrote in his memoir that he “wanted to pull back on the idea of a ‘rush to war’ and in particular avoid Hans Blix’s next report, due on 27 January, being the decisive moment”. At the beginning of 2003, he was “optimistic about a peaceful resolution” and, when he had been asked about “the odds of avoiding war” by journalists from *The Times* and the *Sun* on 3 January, he had replied “Sixty/forty”.¹⁴²

402. Sir David Manning advised Mr Blair that the US was close to giving up hope on the UN route and that President Bush was in danger of being driven by the tempo of his own military build-up.

403. The UK should continue to seek to persuade the US that more time was needed to build the case against Saddam Hussein and improve the odds for a second resolution.

404. Sir David Manning provided a note for Mr Blair’s return to office on 4 January, which stated that there had been “no major developments while you have been away. But we need to focus hard on inspections, and military planning in the next few days.”¹⁴³

¹⁴⁰ Statement, 19 January 2011, paragraphs 4.1-4.6.

¹⁴¹ Public hearing, 2 February 2011, pages 79-80.

¹⁴² Straw J. *Last Man Standing: Memoirs of a Political Survivor*. Macmillan, 2012.

¹⁴³ Minute Manning to Prime Minister, 3 January 2003, ‘Iraq’.

405. On inspections, Sir David advised:

“My sense is that the Americans are close to giving up hope that UNMOVIC can deliver results. We should urge them to stick with it. UNMOVIC only reached full strength at Christmas ... The inspectors needed targeted support; and time to build up operating skills. Even so, it's true that the chances of them finding a smoking gun are relatively small which is why we need a defector if we can get one. But this too, needs time.

“The Americans are in a hurry; perhaps too much of one. This colours their approach to UNMOVIC and makes them impatient ... Too much looks like hurried improvisation, half thought out strategy, with fingers crossed that Saddam will collapse in short order ...”

406. Sir David concluded that there was a danger of the US being driven by the tempo of the military build-up and understandable preference to fight in the spring not the summer. In his view, “more time” was needed “to build the case against Saddam and improve the odds for a second resolution”.

407. In a manuscript note on Mr Straw's letter of 3 January, Sir David Manning told Mr Blair that Washington was “aware of the pitfalls and thinking in terms of a second resolution”.¹⁴⁴

408. Sir David Manning discussed potential developments before Dr Blix's report to the Security Council on 27 January with Dr Rice on 3 January. “Emphasising that he was speaking personally”, he told Dr Rice that he was:

“... convinced that we needed a second resolution; and that we would only get one if we could produce convincing evidence that Saddam was in breach. Supposition would not be enough. Apart from the problem of the Security Council, we would not be able to get endorsement from the House of Commons for military action ...”¹⁴⁵

409. Sir David suggested the pursuit of a three-part policy:

- compiling a register of intelligence reports that pointed to specific locations where Saddam Hussein might be hiding WMD, or documents relevant to the WMD programme, and trying “to persuade Dr Blix to mount co-ordinated surprise inspections [...] It was much too early to assume that the inspection route would yield nothing”;
- urging Dr Blix to state publicly that there were numerous gaps and unanswered questions in the declaration: “By demanding that Saddam produce the missing pieces we would be putting the pressure back on him in a way which his apologists would find difficult to counter”; and

¹⁴⁴ Manuscript comment Manning to PM, 3 January 2003, on Minute Straw to Prime Minister, 3 January 2003, ‘Iraq – Plan B’.

¹⁴⁵ Letter Manning to McDonald, 3 January 2003, ‘Iraq: Conversation with Condi Rice’.

- staying closely engaged with the Arab world and exploring the recent suggestion that Saddam Hussein should be given an ultimatum to leave Iraq.

410. Returning to the issue of a second resolution, Sir David wrote that he had repeated that it would be needed:

“... if we were to take military action. This was not because our determination to deal with the Iraqi problem had diminished in any way. Rather it was about the political realities in the UK.”

411. Sir David Manning recorded that the UK must now work closely with the Americans over inspections and approaches to Dr Blix. He knew that the FCO and SIS were working on that and he had asked for advice by 8 January, “on the best way forward”, which he could show to Mr Blair.

412. Sir David and Dr Rice had also discussed the possibility of a meeting between President Bush and Mr Blair.

413. Sir David recommended that Mr Blair should read the record of the conversation in full and that it had been “helpful on a second resolution”.¹⁴⁶ Dr Rice had been very keen that President Bush and Mr Blair should meet at the end of January.

414. Describing this conversation, Sir Jeremy Greenstock told the Inquiry that Dr Rice had told Sir David Manning that:

“... she had been giving considerable thought to this whole issue over the Christmas holidays and had decided that a second resolution was necessary for American interests, that the American public were not necessarily fully on board for an attack on Iraq and the use of the American military and this was something that she felt the President would need to consider very carefully.”¹⁴⁷

415. After the conversation with President Bush on 16 December and the meeting of the Security Council on 19 December, Mr Blair also reviewed the position on Iraq in the light of likely US actions.

416. By the time Mr Blair returned to the office on 4 January 2003 he had concluded that the “likelihood was war” and, if conflict could not be avoided, the right thing to do was fully to support the US.

417. Mr Blair focused on the need to establish evidence of an Iraqi breach, persuade opinion of the case for action, and finalise the strategy with President Bush at the end of January.

¹⁴⁶ Manuscript comment Manning to PM, 3 January 2003, on Letter Manning to McDonald, 3 January 2003, ‘Iraq: Conversation with Condi Rice’.

¹⁴⁷ Public hearing, 27 November 2009, pages 66-67.

418. In a meeting overseas in early January, SIS1 told Mr Blair that the body of available evidence was “highly damning” but “none of the reports could yet be termed a silver bullet”.¹⁴⁸ Mr Blair had been “surprised and pleased” that so much had been accumulated, but he needed some more evidence that Saddam Hussein was in breach (of resolution 1441), which he (Mr Blair) could use as the basis for personal assurances to Cabinet, the Parliamentary Labour Party (PLP), and to key allies such as President Chirac and President Bush and regional leaders. As a result, SIS1 recorded that Mr Blair had asked for a “stocktake”, including an assessment of the likelihood that the UNMOVIC process would produce that kind of evidence.

419. On 4 January, Mr Blair sent a long note to officials in No.10.¹⁴⁹

420. On Iraq, Mr Blair stated:

“We start from behind. People suspect US motives; don’t accept Saddam is a threat; worry it will make us a target. Yet the truth is removing Saddam is right; he is a threat; and WMD has to be countered. So there is a big job of persuasion. We need the following in place:

- (i) most obviously, the evidence of breach of the UN resolution leading hopefully to a new resolution. Time is short. We need either evidence of actual WMD; or documentation concealed; or an eye witness account of the programme. We are making efforts on all three. But one or more needs to be in place. [...] our biggest hindrance, is the intimidation Saddam is exercising. Those who might co-operate are being told very clearly their families will die. So even though we all know the declaration ... is a lie, proving the lie will be hard. I need an early meeting on this with C.
- (ii) We need to set out the WMD case generally; publish evidence of it; and have some high profile interdiction of WMD material. People just totally underestimate the WMD threat.
- (iii) We need to link WMD and terrorism. The truth is the two coming together, is only a matter of time. But people need to understand that if we don’t act, the world will be more unsafe.
- (iv) We need to prepare a very clear statement of guarantees for the Iraqi people, setting out territorial integrity etc; and I assume without Saddam we could lift sanctions.
- (v) We need to work out the post-Saddam scenario. Are we going to identify him, and his close associates only, as fit for removal, in the hope of having the regime crumble; or are we going to be more forward. By instinct, I favour making it clear: removing Saddam is the immediate task; the

¹⁴⁸ Private hearing, SIS1, Part I, pages 60-61.

¹⁴⁹ Note Blair [to No.10 officials], 4 January 2003, [extract ‘Iraq’].

new government has to be stable; and we can move forward in time ...
There must be as little as possible vested interest in resistance.

- (vi) We need to be sure the military plan is viable. I need a meeting on this and our military's assurance that the plan can work. This is no small undertaking.
- (vii) We must strive to move the MEPP forward ...
- (viii) We have got to show sensitivity to any humanitarian fall-out from war. Britain should take the lead on this, working with the UN."

421. Mr Blair believed it would be "sensible to go to Washington late January in order to finalise the strategy".

422. There is no evidence that Mr Blair had seen Mr Straw's minute of 3 January or Sir David Manning's minute of the same day before he wrote his note of 4 January.

423. In his memoir, Mr Blair wrote that, in December 2002 and during a short winter break in January 2003, he had "tried to work out what was the right thing to do". He was:

"... past expediency, past political calculation, past personal introspection. I knew this could be the end politically. I just wanted to know: what is the right thing?

"I could see by now ... that barring something unanticipated, the likelihood was war. We could opt out ... I was sure ... and stay out of the conflict, coming in only for the aftermath. We had many allies by then. Thirteen out of 25 EU countries were onside ... But many were taking the route of avoiding the initial fighting."¹⁵⁰

424. At Chequers over Christmas 2002, he had asked himself:

"What did I truly believe? That Saddam was about to attack Britain or the US? No. That he was a bigger WMD threat than Iran or North Korea or Libya? Not really, though he was the only leader to have used them. That left alone now, with these inspections ending the same way as the last, he would threaten the stability of the region? Very possibly. That he would leach WMD material or provide help to terrorists? Yes ... Was it better for his people to be rid of him? For sure. Could it be done without a long and bloody war? You can never be sure of that. Did I want more time? Yes, but to allow me to probe every other way of doing it, rather than because I believed the nature of his regime would ever change. Would a new Iraq help build a new Middle East? I thought that was possible.

"Did I think that if we drew back now, we would have to deal with him later? ... yes, there was no other way that this man with his past was going to be anything other than a source of instability. At some point, especially if strengthened now, he would be back to his old tricks.

¹⁵⁰ Blair T. *A Journey*. Hutchinson, 2010.

“So, in or out? In I concluded. And, if in, better in fully and not partly. I still thought it possible to avoid war. I still thought it possible that other alternatives, diplomatic or through a coup, of some sort (there was much private Arab talk about such a thing), could be available to avoid conflict. I was determined at the least, to try to persuade the Americans to get more time. But I had said I would be with them, and if conflict could not be avoided, I would be in with the whole and not half a heart.”

Public statements, 7 and 8 January 2003

PUBLICATION OF THE UK'S POLICY OBJECTIVES

425. The UK's policy objectives in relation to Iraq were published by Mr Straw on 7 January.

426. Mr Blair's Note of 4 January was discussed at Mr Blair's Monday morning meeting with No.10 staff on 6 January.¹⁵¹

427. Subsequent discussions and decisions on the military plan, and planning for humanitarian assistance and a post-conflict Iraq, are addressed in Section 6.

428. Mr Campbell wrote in his diaries:

“TB was pretty sure there would be a war, or that in any event Saddam would go, and war remained the likeliest if not the only way of that coming about.”

429. Mr Campbell added:

“On Iraq, pretty much everyone was emphasising how little support there was, how little understanding there was of a real threat, but he [Mr Blair] was in pretty defiant mood on that too, said the threat was real and people would come round.”

430. Mr Campbell wrote that he had talked to Mr Blair and then agreed in a conference call that the policy objectives should be published. In Mr Campbell's view: “These strategy papers were as much about internal understanding as publicity.”

431. Mr Bowen informed the FCO on 6 January that Mr Blair had decided to publish the policy objectives for Iraq.¹⁵²

432. The objectives were published in a Written Ministerial Statement by Mr Straw on 7 January.¹⁵³

433. Mr Straw stated that he had “made clear to the House on a number of occasions” that the policy on Iraq was “to ensure that Iraq” complied “with its obligations under

¹⁵¹ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

¹⁵² Letter Bowen to McDonald, 6 January 2003, ‘Iraq’ attaching Paper, January 2003, ‘Iraq: Policy Objectives’.

¹⁵³ House of Commons, *Official Report*, 7 January 2003, columns 4-6WS.

relevant ... Security Council resolutions ... including by giving up its weapons of mass destruction". He "thought, however, that the House would now appreciate a more detailed statement of the Government's objectives".

434. The "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 ... as set out in UNSCRs. This would reduce Iraq's ability to threaten its neighbours and the region, and prevent Iraq using WMD against its own people. UNSCRs also require Iraq to renounce terrorism, and return captured Kuwaitis and property taken from Kuwait."

435. Iraq's failure to comply with the "will of the international community" as expressed by the UN was "thereby perpetuating the threat to international peace and security".

436. Mr Straw also stated that a "further objective" was "to maintain the authority of the United Nations by demonstrating the Security Council's effective response to the challenge posed by Iraq's non-compliance"; and that "Success in achieving our prime objective should help deter the proliferation of WMD and BM [ballistic missiles] more generally."

437. Mr Straw identified that the six "immediate priorities" were to:

- support UNMOVIC/IAEA inspectors in Iraq;
- enable UNMOVIC/IAEA to ensure long-term Iraqi compliance;
- maintain international solidarity behind the UN Security Council.
- preserve regional stability;
- continue to make military plans in case military action was needed; and
- continue to support humanitarian efforts to relieve suffering in Iraq.

438. The objectives were based closely on those approved by Mr Blair in October 2002, as was the definition of the post-conflict end state:

"We would like Iraq to become a stable, united and law abiding state, within its present borders, co-operating with the international community, no longer posing a threat to its neighbours or to international security, abiding by all its international obligations and providing effective and representative government to its own people."

439. A reference to achieving the end state "as rapidly as possible" was omitted. Other changes included the addition of a statement that the objectives were "consistent with wider government policy", including:

- "Efforts to resolve other causes of regional stability, including the MEPP";
- "Wider political engagement with Arab countries and the Islamic world";

- “Efforts to counter the proliferation of WMD”; and
- “The elimination of terrorism as a force in international affairs”.

440. Mr Straw also stated:

“To achieve our objectives we will act in conformity with international law, including the United Nations Charter and international humanitarian law.”

441. Mr Straw concluded that the Government was “working intensively with our allies and partners to secure the peaceful disarmament of Iraq’s WMD by means of UNMOVIC/IAEA inspections”. He also warned that if the Iraqi regime did not comply, it would, as resolution 1441 made clear, “face serious consequences”.

MR HOON’S STATEMENT, 7 JANUARY 2003

442. On 7 January, Mr Hoon announced a decision to deploy additional maritime forces, including an amphibious capability, and an order to enable the call-out of Reservists.

443. This was presented as a necessary part of a policy of maintaining the pressure on Saddam Hussein to persuade him to disarm. Mr Hoon stated that no decision had been taken to commit UK forces to military action; and no “justification” for military action had been identified.

444. In an oral statement on Iraq on 7 January, Mr Hoon commended the policy objectives to the House of Commons.¹⁵⁴

445. Mr Hoon also stated that the Government was “restating” its “full and active support” for the UN inspections and was “looking to them to investigate urgently the gaps in Iraq’s declaration” of its WMD programmes, which failed “to give a satisfactory account of Iraq’s activities”.

446. Mr Hoon added that, while the Government wanted Iraq “to disarm voluntarily”, it was “evident” that this would not be achieved unless Saddam Hussein was presented with “a clear and credible threat of force”.

447. Mr Hoon concluded:

“None of that means that the use of force is inevitable ... no decision has been taken to commit those forces to action ... But ... as long as Saddam’s compliance with ... resolution 1441 is in doubt ... the threat of force must remain and it must be a real one.”

448. The details of military deployments in the announcement are addressed in Section 6.1.

¹⁵⁴ House of Commons, *Official Report*, 7 January 2003, columns 23-39.

449. Mr Hoon did not respond to an observation from Mr Bernard Jenkin (Conservative) that “It now seems unlikely that the UN inspectors will find any weapons of mass destruction in Iraq. Saddam Hussein has had too much time to conceal them and to destroy the evidence.”

450. Asked by Mr James Paice (Conservative) about the “huge task to convince the British people that they are doing the right thing”, Mr Hoon replied that it was:

“... not possible to secure overwhelming public support for military action before the explanation for that military action has been given and, therefore, before the justification for that military action has been identified. We have not yet reached that point in the process, and unless and until we do I accept that we cannot explain the justification for military action.”

451. Other points made by Mr Hoon in response to questions included:

- The Iraqi declaration was “seriously short on detail and lacks in particular any significant reference” to the conclusions reached by UNSCOM in 1999.
- If Saddam Hussein left Iraq, there “would be a different regime as far as the international community was concerned”. The removal of weapons of mass destruction from the control of the regime would be a “prerequisite”.
- Military action would be necessary “because every other avenue has been exhausted” and the opportunities offered by resolution 1441 had been “spurned by the Government in Iraq”.
- There was no “inevitability about conflict”.
- The position of the US was “no different” to that of the UK, “it agreed to a United Nations process and it wants that process to be properly implemented and enforced”.

MR BLAIR’S SPEECH TO THE FOREIGN OFFICE CONFERENCE, 7 JANUARY 2003

452. As recommended by Mr Straw and Mr Campbell, Mr Blair used his speech to senior diplomats and others on 7 January to set out the importance for the UK of remaining “the closest” ally of the US.

453. Within that context, Mr Blair stated that if Iraq defied the UN, the US should not be “forced to take on this issue alone”.

454. In his speech to the Foreign Office Conference on 7 January about Britain’s place in the world, Mr Blair stated that “people all over the world” wanted the “universal values” of freedom, human rights, the rule of law and democracy, alongside “justice, the opportunity for all”.¹⁵⁵ The world had an “overriding common interest to make progress with order”; and that the threat was “change through disorder, because then the consequences of change cannot be managed”.

¹⁵⁵ The National Archives, 7 January 2003, *PM Speech to Foreign Office Conference in London*.

455. Mr Blair set out seven principles to guide the UK. The first was that the UK:

“... should remain the closest ally of the US, and as allies to influence them to continue broadening their agenda. We are an ally of the US not because they are powerful, but because we share their values ... Anti-Americanism ... is a foolish indulgence. For all their faults and all nations have them, the US are a force for good ...

“... it is massively in our self-interest to remain close allies ...

“But we should use this alliance to good effect ... People listen to the US ... they want the US to listen back.

“So for the international community, the MEPP is ... important ... the UN is important.

“The US choice to go through the UN over Iraq was a vital step, in itself and as a symbol of the desire to work with others ...

“The price of British influence is not ... to do what the US asks. I would never commit British troops to a war I thought was wrong or unnecessary. Where we disagree ... we disagree.

“But the price of influence is that we do not leave the US to face tricky issues alone. By tricky, I mean the ones which people wish weren't there, don't want to deal with, and ... know the US should confront ... So if the US act alone, they are unilateralist ... International terrorism is one such issue ... WMD is another ... [A]t my first meeting with President Bush I said this was the key issue facing the international community. I believe this even more today ... But no one can doubt the salience of WMD ... and the importance of countering it ...

“So when as with Iraq, the international community through the UN makes a demand on a regime to disarm itself of WMD and that regime refuses, that regime threatens us. It may be uncomfortable ... unless the world takes a stand on this issue of WMD and sends out a clear signal, we will rue the consequences of our weakness.

“America should not be forced to take on this issue alone. We should be part of it. Of course it should go through the UN – that was our wish and what the US did. But if the will of the UN is breached then the will should be enforced.

“Jack Straw has today set out for Parliament ... our policy objectives on Iraq.

“So when the US confront these issues, we should be with them, and we should, in return, expect these issues to be confronted with the international community, proportionately, sensibly and in a way that delivers a better prospect of long-term peace, security and justice.”

456. Mr Blair's seventh principle identified the need to "reach out to the Muslim world". Mr Blair stated: "The reason there is opposition over our stance on Iraq has less to do with any love of Saddam, but over a sense of double standards. The MEPP remains essential ..."

PRIME MINISTER'S QUESTIONS, 8 JANUARY 2003

457. In PMQs on 8 January Mr Blair reiterated his position that if Saddam Hussein did not disarm voluntarily he would be disarmed by force, but he declined to speculate about the circumstances when that would be necessary.

458. Iraq and reports of differences between Mr Straw and Mr Hoon were raised by several Members of Parliament during Prime Minister's Questions on 8 January.¹⁵⁶

459. Mr Blair consistently reiterated his position that Iraq must comply with the Security Council resolutions and "must be disarmed of all weapons of mass destruction". If Iraq did not do so willingly, it would "have to be done by force".

460. Mr Blair declined to respond to questions from Mr Iain Duncan Smith about whether he agreed with Mr Straw's view that the prospects of military action were "60:40 against".

461. Mr Duncan Smith also commented that "one cannot half prepare for war. Not for the first time, the Government are sending different messages to different audiences ..."

462. Referring to Mr Hoon's statement the previous day, Mr Blair replied:

"We have made every preparation that we should make ... It is completely wrong to say that British troops are half prepared for any action. That is nonsense."

463. In response to questions from Mr Charles Kennedy about whether Britain would be involved if the inspectors failed to produce concrete evidence of weapons of mass destruction but the US "nonetheless" decided to go ahead with military action, Mr Blair replied that he was "not going to speculate on the circumstances that might arise". The weapons inspectors were "in Iraq to discover whether there has been a breach of the UN resolution" and they should be "allowed to do their work".

464. Mr Blair also told:

- Mrs Anne Campbell (Labour) that she was "right to say that people have anxieties about the possibility of conflict in Iraq" and that British troops "should never" be put into action "unless it is necessary to do so", but he "believed passionately that the issue of weapons of mass destruction and the related issue of international terrorism" were the "key security threats" facing the UK and that it was "only a matter of time before those issues come together"; and

¹⁵⁶ House of Commons, *Official Report*, 8 January 2003, columns 162-166.

- Mrs Patsy Calton (Liberal Democrat) that it was his “duty to explain” why he thought it was “necessary in certain circumstances to commit British troops to war”. If Saddam Hussein was “in breach of the United Nations’ will and we refused to act as an international community” it would “send a signal to Saddam that we would do nothing to prevent him from building up weapons of mass destruction” and “a signal that we were not serious about the issue of weapons of mass destruction”. He understood why people felt that it was “a very distant threat”, but what was dangerous was to do nothing: we would “rue the consequences of that weakness later”.

465. Mr Blair had an internal meeting on Iraq with No.10 officials after PMQs on 8 January.¹⁵⁷ Mr Campbell wrote that Mr Blair had said that, if Dr Blix found nothing and the UN gave no specific sanction, it was going to be very hard to do. Mr Blair felt that we had to be out there fairly soon making the case, that it was only a matter of time before Al Qaida get their hands on WMD unless we show how serious we are at dealing with the WMD issue. He was clear that it was the right thing to do, but also accepted that there was not much support.

Cabinet, 9 January 2003

466. Mr Blair told Cabinet on 9 January that there would be an opportunity for an “in-depth” discussion on Iraq the following week.

467. Mr Straw was overseas on 9 January.¹⁵⁸

468. Mr Blair told the Cabinet on 9 January that the inspection process was fully under way and:

“The report to the UN Security Council on 27 January was in no sense a deadline, rather a first report of [the inspectors’] findings. Meanwhile, the build up of military forces was necessary to sustain the pressure on Iraq.”¹⁵⁹

469. Points made during the discussion included:

- the inspections process had its own integrity and should not be compromised;
- inspections were being conducted against the background of a concerted Iraqi plan to disperse and conceal WMD, including threats to execute Iraqi experts involved with such programmes if they divulged information to the UN inspectors;
- the onset of summer in Iraq did not constitute an absolute deadline by which military action would have to be taken; and

¹⁵⁷ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

¹⁵⁸ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

¹⁵⁹ Cabinet Conclusions, 9 January 2003.

- the MEPP had to be taken forward and efforts were continuing to hold a conference with the Palestinians on reform in London the following week.

470. Mr Hoon reported his visit to Turkey and the sensitivities about actions involving Iraq.

471. Commenting on the preparations for the deployment of military forces to the Gulf, Mr Hoon told his colleagues that no decisions had been taken to launch military action. Nor had the US finalised its military planning. Some changes to forces assigned to Operation FRESCO, to provide an emergency fire fighting capability during the firefighters' strike, would be necessary to keep options open.

472. Mr Blair concluded that the future behaviour of Saddam Hussein in responding to UN pressure was "unpredictable". The UK was "right to continue with its military preparations". It should also maintain the focus on the fight with international terrorism and preventive measures at home. Media reports of a rift within the Cabinet were "nonsense". Cabinet the following week would "provide the opportunity for an in-depth discussion of Iraq".

473. In the press briefing after Cabinet, the Prime Minister's Official Spokesman said that Mr Blair had "underlined his view that the weapons inspectors in Iraq had to be given the time and space to do their job properly", and that "while 27 January was an important staging point in the process, it should not be regarded in any way as a deadline".¹⁶⁰

474. The Spokesman also said dismissed press reports that Mr Blair had authorised an attack on one Secretary of State by another.

475. In his diaries, Mr Campbell wrote that there had been a discussion about comments by Cabinet Ministers and the need to avoid giving personal opinions.¹⁶¹ Ms Short had accused Mr Hoon and the MOD of briefing against Mr Straw. She had also asked for a discussion of the military options because she did not believe that UK forces were needed.

476. In his memoir, Mr Robin Cook, Leader of the House of Commons, June 2001 to March 2003, wrote that three newspapers that morning had carried a story demanding Mr Straw's resignation, and a claim that Mr Blair had authorised attacks by Mr Hoon.¹⁶² Mr Cook did not believe the story. He wrote that in Cabinet Ms Short had deplored the attacks and he had said that Mr Straw was "doing a great job in keeping the Iraq crisis in the UN track".

¹⁶⁰ The National Archives, 9 January 2003, *Thursday 9 January morning government press briefing*.

¹⁶¹ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

¹⁶² Cook R. *The Point of Departure*. Simon & Schuster UK Ltd, 2003.

477. Lord Turnbull told the Inquiry that “the presentation to ... Cabinet was still – nothing was inevitable. We are pressing the UN option. No decisions on military action, whereas you can see that, at another level, the decisions on military action were hardening up quite considerably.”¹⁶³

Security Council, 9 January 2003

478. In response to the briefing to the Security Council by Dr Blix and Dr ElBaradei on 9 January, Sir Jeremy Greenstock reported that members of the Security Council wanted time for the inspectors to reach a view.

479. As agreed on 19 December, Dr Blix and Dr ElBaradei gave an informal update of their assessment of the Iraqi declaration and the progress of inspection activities to the members of the Security Council on 9 January.¹⁶⁴ Dr Blix understood that the meeting was intended to allow members of the Council to comment on Iraq’s declaration.

480. Dr Blix stated that, if UNMOVIC had found a “smoking gun” or if there had been any impediment to their inspections, it would have been reported to the Council. Iraqi officials had “sought to construe the prompt access given to inspection teams and the fact that no weapons of mass destruction or other proscribed items have been found as confirmation” that there were none in Iraq; but the matter was “not ... that simple”. Prompt access was “an indispensable element of transparency” as part of a process of peaceful disarmament, but it was:

“... by no means sufficient to give confidence that nothing is hidden in a large country with an earlier record of avoiding disclosures. Iraq is very familiar with the fact that only declarations supported by evidence, will give confidence about the elimination of weapons. In this respect we have not so far made progress.”

481. Commenting on the “issues on which doubts exist as to whether all proscribed items or activities had been eliminated”, identified by UNSCOM and the Amorim report in 1999 (see Section 1.1), Dr Blix added that UNMOVIC was “not bound by every conclusion in these reports”. But they did give Iraq a “clear idea of questions, which need to be answered and of doubts, which must be dispelled by very active efforts”. His “overall impression” remained that Iraq’s declaration was “rich in volume but poor in new information” and “practically devoid of new evidence on such issues”.

482. Dr Blix said that “to create confidence that it has no more weapons of mass destruction or proscribed activities relating to such weapons, Iraq must present credible evidence”. That could be “of the most varied kind”, including “interviews by knowledgeable persons who are not subjected to intimidation”. He had “not asserted ... that proscribed items or activities” existed; but if they did “Iraq should present them

¹⁶³ Public hearing, 25 January 2011, page 15.

¹⁶⁴ UNMOVIC, *Briefing the Security Council, 9 January 2003: Inspections in Iraq and a further assessment of Iraq’s weapons declaration*.

in our presence”. There was “still time” for that. There was “no way the inspectors” could “close a file by simply invoking the precept that Iraq cannot prove the negative”. In “such cases”, the inspectors “must conclude, as they have done in the past, that the absence of the particular item is not assured”.

483. Dr Blix listed a series of inconsistencies between the declaration and earlier Iraqi declarations which had been described as full, final and complete, in addition to the issues he had highlighted on 19 December, including in relation to special munitions, imports of missile engines and solid missile fuel and VX. He also stated that UNMOVIC did not feel that Iraq had “made a serious effort” to provide lists of personnel engaged in proscribed programmes.

484. Dr ElBaradei reported that good progress had been made in re-establishing knowledge of Iraq’s capabilities and that “no evidence of ongoing prohibited nuclear-related activities” had been detected and the IAEA’s verification activities were “an important deterrent to the resumption of such activities”.¹⁶⁵

485. Further work would be necessary before the IAEA could draw definitive conclusions, including in relation to reports of Iraqi attempts to import uranium after 1991, the relocation and consumption of dual-use materials, and the attempted purchase of prohibited aluminium tubes, which appeared to be “consistent with the reverse engineering of rockets” and “not directly suitable” for the manufacture of centrifuges. Dr ElBaradei emphasised the importance of active co-operation from Iraq.

486. A press statement issued by the President of the Security Council stated that the members had “listened with the utmost attention and interest”; and that they had “reiterated their full support for the work and action of Dr Blix and Dr ElBaradei and to the continuation of inspection activities”.¹⁶⁶

487. Sir Jeremy Greenstock reported that the discussion had been “relatively low key”. Dr Blix and Dr ElBaradei had made “clear that the Iraqi declaration is inadequate and that Iraq needs to co-operate more pro-actively”.¹⁶⁷ There had been more than 250 inspections at more than 200 sites. Sir Jeremy had noted that Iraqi co-operation in giving access was “satisfactory”, but “more passive than active”. Iraq had to be pro-active to prove it had no WMD. He had “hoped the pace could accelerate”.

488. Sir Jeremy also reported that Ambassador John Negroponte, US Permanent Representative to the UN, had again described the Iraqi declaration as a material breach and stated that a continued failure to co-operate actively would constitute a further one.

¹⁶⁵ IAEA Newscenter, 9 January 2003, *Status of the Agency’s Verification Activities in Iraq as of 8 January 2003*.

¹⁶⁶ UN Press Statement, 9 January 2003, *Press Statement on Iraq by Security Council President (SC/7628)*.

¹⁶⁷ Telegram 35 UKMIS New York to FCO London, 10 January 2003, ‘Iraq: 9 January Council Discussion’.

489. In a subsequent conversation with representatives of EU Missions in New York, Sir Jeremy had stated that it was “clear that Council members wanted a steady, intensifying process which would give the inspectors time to provide either positive or negative proofs”; and that “if the inspections proceeded normally, with increasing intensity, there would be no need to rush to an early military judgement (although the US response ... was unpredictable)”. The timetable set out in resolution 1284 (1999) was “still obligatory”; and that the UK believed Iraq was concealing evidence.¹⁶⁸

Growing pressure to find evidence of Saddam Hussein’s non-compliance

490. With indications of concerns in Washington about becoming trapped in the UN and tensions between the UN timetable and the military build-up, the UK focus on the need to find convincing evidence that Saddam Hussein was not complying with the obligations set out in resolution 1441 and preceding resolutions intensified.

491. Mr Blair had a meeting with Sir Richard Dearlove on the afternoon of 9 January.¹⁶⁹ There is no No.10 record of the meeting.

492. Sir Richard Dearlove’s Private Secretary recorded Sir Richard’s view that it had been a good meeting at which Mr Blair had emphasised the importance of being able to demonstrate that the Iraqis were in material breach of resolution 1441.

493. In response to a question from Mr Blair about the likelihood of being able to find a “silver bullet” that would demonstrate a material breach, Sir Richard was reported to have said that “he felt the odds were 50/50”. That was “higher than the US estimates but he simply could not guarantee a successful outcome”.

494. Sir Richard had also reported that Mr Blair’s parting words were: “Richard, my fate is in your hands.”

495. Mr Campbell wrote in his diaries that:

- C told Mr Blair that Dr Blix “knew he was being ‘cat and moused’ but he was not on a mission. He was sure that Saddam was lying but he had to establish that for himself. C felt that we had a better chance of finding the breaches than the US.”
- Mr Blair had said, “half in jest”, “My future is in your hands.”
- “The nightmare scenario, or one of them, was a discovery that was sufficient for the US but not for us.”

¹⁶⁸ Teleletter [unnumbered] UKMIS New York to FCO London, 10 January 2003, ‘Iraq: EU HOMS Discussion’.

¹⁶⁹ SIS record, 9 January 2003, ‘PM Meeting on Iraq’.

- “C said the other risk was that we found the evidence of the breach before the US was ready to go to war ... if the inspectors had another month with genuine access, the picture would be pretty clear. We were now pushing the line that they needed time and space to do the job.”¹⁷⁰

496. Asked about the comment that Mr Blair’s future was in his hands, Sir Richard Dearlove told the Inquiry that he thought Mr Blair “was beginning to understand that he was in a tough position vis-a-vis the inspection issue”.¹⁷¹

497. In response to a further question, Sir Richard stated:

“No, I think when the Prime Minister says something like that – the one thing if you are head of SIS is you have to be quite robust, and not be sort of put off by such comments.

“I think the problem for the Prime Minister at that point in time is it’s much more important to him domestically that UNMOVIC has a success than it is to the US Administration.”

498. A report of a discussion between Adm Boyce and General Richard Myers, Chairman of the US Joint Chiefs of Staff, stated that the US could stay poised for military operations for 3-4 months.¹⁷²

499. Sir David Manning wrote to Mr Powell that this was a “much better timeline as far as inspections are concerned. Whether Bush will buy it is another matter.”¹⁷³

500. When Mr Straw and Secretary Powell spoke on 11 January, they discussed reporting in both the UK and US, including a *Washington Post* article criticising Secretary Powell for trapping the US Government in the UN route and Mr Blair’s comments that 27 January was not a deadline which would be widely noted in Washington.¹⁷⁴ There was a need to synchronise the military planning and politics. It was improbable that the inspectors’ reports to the Security Council on 27 January would provide sufficient evidence for a second resolution, and the negotiation of such a resolution would take weeks.

501. Mr Blair sent a note to No.10 officials on 12 January.¹⁷⁵

¹⁷⁰ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

¹⁷¹ Private hearing, 16 June 2010, pages 76-77.

¹⁷² Minute Zambellas to PS/Secretary of State [MOD], 10 January 2003, ‘CDS Telephone call to CJCS: 9 Jan 03’.

¹⁷³ Manuscript note Manning to Powell, on Minute Zambellas to PS/SofS [MOD], 10 January 2003, ‘CDS telephone call to CJCS: 9 Jan 03’.

¹⁷⁴ Letter Straw to Manning, 13 January 2003, ‘Iraq: Conversation with Colin Powell, 11 January’.

¹⁷⁵ Note Blair [to No.10 officials], 12 January 2003, [extract ‘Iraq’].

502. On Iraq, he wrote:

“We need to go back to the basic principle: the UN has made a decision; that decision must be upheld. The inspectors inspect; if they find a breach, then the UN should pass a new resolution. If it does, how can anyone dispute the case for war? If the UN doesn’t, despite a breach, then we are in the same positions as we were at the time of Kosovo. But the integrity of the UN process has to be upheld.

“We have two immediate weaknesses in our case:

- people think we will go to war even if no breach is found. That is not correct.
- people don’t really believe WMD or Saddam are real threats.”

503. Mr Ricketts was in Washington on 13 January.¹⁷⁶ He reported to Mr Straw’s Private Secretary that his overriding impression was that:

“... there is still a good deal of uncertainty and confusion, but that all accept we are entering a critical four weeks, in which the tensions between the political/UN track and the military build-up will come to a head ... the President is getting impatient and wants a basis for moving against Iraq sooner rather than later.

“There are conflicting pressures in all directions ... the press are full of the drum-beat of military build-up. With the sense that war is close, people want to rally round the President. On the other hand there is still a lot of uneasiness ... White House letters are running nine to one against the war.

“... there will be big pressure on President Bush to say something powerful in the State of the Union message on 28 January. I was assured ... this would not be a declaration of war. But equally no-one thinks that he will want the present uncertainty to drag on ... there is no work in hand on how to sustain the present strategy over a period of months.

“Blix will be the fulcrum in the coming weeks ... All I talked to were determined not to allow Saddam to put us back in the position where the onus was on the inspectors to find something ...”

504. Mr Ricketts reported that the US was considering a presentation setting out “the evidence of Saddam’s bad faith” soon after 27 January to “challenge the Security Council to go for a second resolution”. Views amongst US officials on the wisdom of that were mixed.

505. Mr Ricketts’ minute was copied to Sir David Manning and others.

506. In the context of a “flurry of comment ... in the UK media” and Mr Blair’s press conference later that day, Sir David told Dr Rice on 13 January that Mr Blair would point

¹⁷⁶ Minute Ricketts to Private Secretary [FCO], 14 January 2003, ‘Iraq: The Mood in Washington’.

out that Saddam Hussein was “wasting the UN opportunity with every day that he failed to comply”.¹⁷⁷

507. Discussing the difficulty of finding a smoking gun, Sir David told Dr Rice:

“... we should not give up on looking for hard evidence. The discovery of the rocket motors¹⁷⁸ might not be a breach of 1441, but it was important evidence that Saddam was determined to thwart international controls. It told us much about his approach and vindicated our claims that he was a liar.”

508. Sir David reported that he had:

“... rehearsed again our need for a second resolution before moving to military action. There would be support here for action against Iraq if sanctioned by the UN. But it would be very hard, and probably impossible, for us without another resolution. The domestic politics were too difficult.”

509. Sir David asked Dr Rice if the US would be content to let the inspections run until the end of February; he “understood the military pressures” but it “would be important to UK and wider European opinion to see the strongest possible case”. The UK “would want ... time to build this”. Sir David added that “the stronger the case, the easier the President would find it to secure international support and a second resolution”.

510. Sir David concluded that “at present it seems unlikely that there will be enough evidence” by 27 January, “to persuade the Security Council to start work on the second resolution”.

MR BLAIR’S PRESS CONFERENCE, 13 JANUARY 2003

511. In public, Mr Blair emphasised that the inspectors had only just started work and there was no point in imposing an “arbitrary timescale”.

512. Mr Blair’s press conference on 13 January was dominated by questions on Iraq.¹⁷⁹

513. In his opening remarks, Mr Blair stated that, while the threat seemed to some people to be remote, he passionately believed Iraq must be disarmed of its weapons of mass destruction; the authority of the United Nations must be upheld; and rogue states and terrorist organisations shown that “when we say we intend to deal with the issue of weapons of mass destruction, we mean it”. The UN had “given Saddam [Hussein] a chance”; he should take the peaceful route and disarm.

¹⁷⁷ Letter Manning to McDonald, 13 January 2003, ‘Iraq: Conversation with Condi Rice’.

¹⁷⁸ Illegally imported Volga engines.

¹⁷⁹ The National Archives, 13 January 2003, *PM Press Conference*.

514. In response to questions, Mr Blair stated:

- Inspections were the right process, but the inspectors had only just started their work and reached their full complement the previous week. There was no point in putting an “arbitrary timescale” on their task. Saddam Hussein had a duty to co-operate. In Mr Blair’s view, Iraq’s declaration of 8 December was false and it was the inspectors’ job to find out the truth and report their findings.
- If there was a breach, there would be a further discussion at the UN and the UK expected the UN to honour its undertakings and for its authority to be upheld.
- The trade in chemical, biological and nuclear weapons posed a direct threat to Britain’s security. Without a stand, it was simply a matter of time before terrorism and weapons of mass destruction came together. Iraq was important because it was known that Saddam Hussein had the weapons and had used them before. It had been “chosen” by the UN and the UN “had to be a way of resolving this and sending a signal to the whole of the world that this trade will not be tolerated, that people who have these weapons in breach of UN resolutions, will be forced to disarm”.
- The “discussion” on Iraq had “begun against the background of sanctions eroding, of us being unable to be sure that we were really preventing Saddam acquiring these weapons and of intelligence to the British Security Services ... I don’t think they would be advising me this if they weren’t doing this honestly and properly. There is no doubt at all in our mind that Saddam has been trying to rebuild that arsenal of chemical, biological and potentially nuclear capability ...”
- Indicting Saddam Hussein was “kept under consideration” and “reasonable arguments” had been made by Ms Ann Clwyd, Vice-Chair of the Parliamentary Labour Party and Chair of INDICT (see Box later in this Section), and others. It would be a decision for the Attorney General “but we have to weigh up a number of different considerations as to whether it is worth such a prosecution. But I don’t think that should divert us from the main issue ... which is ... whether it is necessary to change the regime in Iraq in order to disarm them of weapons of mass destruction.”
- There was “no point in speculating” about what might happen if the US wanted to take action before a smoking gun had been found; whatever happened, Saddam would be disarmed.
- The way to avoid military action would be for Saddam “to agree to make an honest declaration of what he has and have it destroyed”.

LORD GOLDSMITH'S DRAFT ADVICE, 14 JANUARY 2003

515. As agreed with Mr Powell on 19 December 2002, Lord Goldsmith handed his draft advice on resolution 1441 to Mr Blair on 14 January.

516. The draft advice stated that a further decision by the Security Council would be required to revive the authorisation to use force contained in resolution 678 (1990) although that decision did not need be in the form of a further resolution.

517. Lord Goldsmith also wrote that there would be no authorisation for military action in the event of a veto by one of the P5.

518. Lord Goldsmith's draft advice¹⁸⁰ and No.10's response, including Mr Blair's statements that military action would not be ruled out if a further resolution in response to an Iraqi breach was vetoed, are addressed in Section 5.

Mr Annan's comments, 14 January 2003

At a press conference on 14 January, Mr Annan stated:

"We are all aware ... of Council resolution 1441 (2002) and the legislative climate surrounding the passage of that resolution. We will have to assume ... that the members of the Council acted in good faith; that the issue is disarmament and that they will do whatever it takes to disarm; and that if the disarmament were to succeed and we were to agree that Iraq has been stripped of its weapons of mass destruction, then that should be the end of the story. If, on the other hand, it were to come out that Iraq continues to defy, and that disarmament has not happened ... the Council will have to face up to its responsibilities and take the necessary action. But, of course, this is the understanding and the spirit of the resolution, which I hope we will all respect."¹⁸¹

PRIME MINISTER'S QUESTIONS, 15 JANUARY 2003

519. During PMQs on 15 January Mr Blair answered a number of questions on Iraq.¹⁸²

520. Mr Alan Beith (Liberal Democrat) asked what would happen if the inspectors reported on 27 January that they needed more time to complete their work, and whether a statement made by Mr Blair's official spokesman that the inspectors would be given the time and space they needed reflected President Bush's view. Mr Blair initially referred to remarks made in his press conference on 13 January, including that he was not going to speculate on "arbitrary timetables", and to remarks made by Mr Annan on 14 January that, if Iraq continued to defy the UN and disarmament hadn't happened, the Security Council would have to "face up to its responsibilities and take the necessary action".

¹⁸⁰ Minute [Draft] [Goldsmith to Prime Minister], 14 January 2003, 'Iraq: Interpretation of Resolution 1441'.

¹⁸¹ *UN News Centre*, 14 January 2003, *Secretary-General's press conference*.

¹⁸² House of Commons, *Official Report*, 15 January 2003, columns 673-682.

521. Pressed by Mr Beith to answer the question in the light of the very serious consequences of military action before the case for it had been made, Mr Blair replied that before the adoption of resolution 1441, many people had insisted that the US would “not bother with” the UN and “would not give the process a chance to work”. “That had not been the case”. Mr Blair added that “the single most dangerous thing we could do at the moment”, which would in his view “increase the likelihood of conflict, would be to send out a signal of any weakness in our determination to see the mandate laid out by the UN carried through”.

522. Asked by Mr Iain Duncan Smith whether the Government’s position was that a second resolution was preferable or, as Ms Short had said, essential, Mr Blair replied:

“... we want a UN resolution. I have set out continually, not least in the House on 18 December [2002], that in circumstances where there was a breach we went back to the UN and the spirit of the UN resolution was broken because an unreasonable veto was put down, we would not rule out action. That is the same position that everybody has expressed, and I think it is the right position. However ... it is not merely preferable to have a second resolution. I believe that we will get one.”

523. In response to further questions from Mr Duncan Smith about differences within the Cabinet, Mr Blair emphasised that the UN route had been chosen “very deliberately” because it was “important” that Saddam Hussein was “disarmed with the support of the international community”. He hoped that the House would unite around the position that, if the UN resolution was breached, “action must follow, because the UN mandate has to be upheld”.

524. The Government’s position was that a “second UN resolution” was “preferable”, but it had:

“... also said that here are circumstances in which a UN resolution is not necessary, because it is necessary to be able to say in circumstances where an unreasonable veto is put down that we would still act.”

525. Mr Mohammad Sarwar (Labour) asked whether any breach of resolution 1441 should be a matter for the weapons inspectors and the Security Council, not President Bush and the US Administration; and whether unilateral US action would be defying the United Nations. Mr Blair replied that the UN inspectors “should be allowed to do their job”, but they had only been able to return to Iraq because of the “firm stand” that had been taken. It was “important” to “continue to send that signal of strength”. If Saddam Hussein believed “for a single instance that the will of the international community has abated ... the consequences of either conflict or prolonged conflict” would be “increased”.

526. Asked by Mr Elfyn Llwyd (Plaid Cymru) how it could possibly be right to risk the lives of British service men and women “on a venture in Iraq that does not have the

backing of international law, or the support of the majority of the British people”, Mr Blair replied:

“... let us wait and see what happens in the coming weeks in relation to the United Nations ... [I]t is right that we are prepared to take action if necessary ... because weapons of mass destruction – the proliferation of ... weapons and ballistic missile technology ... are a real threat to the security of the world and this country [W]e have to deal with North Korea, but that is not a reason for failing to deal with Iraq.

“The truth is that this issue of weapons of mass destruction is a real threat to the world. I believe ... that it is only a matter of time before it is linked with international terrorism. Does anyone believe that, if we do not take a stand ... now in respect of weapons of mass destruction, some terrorist group is not in future going to get hold of that material and use it.

...

“This is a difficult time. I understand the concerns that some people have, but sometimes the job of a Prime Minister is to say the things that others do not want them to say but we believe are necessary to say because the threat is real and if we do not deal with it the consequences of weakness will haunt future generations.”

527. Other points made by Mr Blair included that, if Saddam Hussein wanted to avoid conflict, he could “comply with the UN resolution, co-operate with the inspectors, tell us where this material is, and have it destroyed as it should be. Conflict would then be avoided ... The choice is now for Saddam.”

Concern that the US might act at the end of January

528. Sir David Manning was assured by Dr Rice on 15 January that the US would not take any further action with the Security Council until after the planned meeting between Mr Blair and President Bush at the end of January.

529. Sir David told Dr Rice that public opinion had to be convinced that the inspections process was serious and had produced serious evidence. The UK needed timelines for decisions no earlier than March or April.

530. Sir David Manning spoke to Dr Rice on 15 January.¹⁸³

531. In the context of a visit to Washington by Dr Blix the previous day, Sir David and Dr Rice discussed the relationship between the timelines for inspections set out in resolutions 1284 (1999) and the requirements of resolution 1441. Sir David thought that the issue could be “finessed”; and suggested that, when they met on 17 January, Mr Blair might encourage Dr Blix to report to the Security Council “at regular intervals” about Saddam Hussein’s compliance. Although that “was not stipulated in the

¹⁸³ Letter Manning to McDonald, 15 January 2003, ‘Iraq: Conversation with Condi Rice’.

resolution”, it would be “hard for anyone to object” if Dr Blix agreed. The provisions of resolution 1284 could “run in parallel”. Sir David and Dr Rice also discussed whether Dr Blix could be encouraged to call for Saddam Hussein’s full co-operation to resolve the issues in his report to the Security Council.

532. Sir David and Dr Rice also discussed the “immediate tasks” for Dr Blix, including:

- an audit of Iraq’s declaration;
- an energetic programme of site inspections;
- a process of interviews without minders; and
- whether he should destroy proscribed items.

533. They also discussed Iraq’s deceptions and concerns about whether UNMOVIC could ensure that information about future inspections did not reach Iraqi officials.

534. Sir David commented that, “as far as the battle for public opinion was concerned”, the UK:

“... needed hard evidence that Saddam had WMD if we could possibly get it, which meant allowing time for us to acquire and deploy the intelligence. There was a suspicion in the UK that we were rushing our fences. It would be very difficult to persuade people ... that [the Security Council on] 27 January should do more than take note of Dr Blix’s report ... [I]t was too soon to try to use it as the moment when we could demonstrate that the inspection system had failed.”

535. Sir David asked Dr Rice about developments in her thinking about how the US Administration would handle the meeting and immediate follow-up. Dr Rice replied that Secretary Powell would not present the US case on Iraq’s deception until after the meeting between President Bush and Mr Blair on 31 January. President Bush would “not want to give the impression that he was presenting the Prime Minister with a *fait accompli*”.

536. Sir David reported that he had welcomed that assurance, and pointed out that Mr Blair had taken a very robust line at his press conference on 13 January; but “there was nevertheless a great deal of uneasiness and opposition to Government policy ... We had to take account of this ...”

537. Sir David added that he had “repeated that this meant there was a premium on producing hard evidence if we could, and allowing the inspection process more time. This was also necessary if we were to get the support we needed for a second UNSCR.”

538. Responding to Dr Rice’s view that President Bush would want to take advantage of the current military window, Sir David had stated that he “realised this”, but “additional days and weeks mattered in the battle for public opinion ... the UK needed timeline[s] for decisions that were no earlier than March or April, not January or February.”

539. Sir David reported that, in the context of a discussion about France's arguments for more time and that war should be avoided to prevent a conflagration in the Middle East, Dr Rice had said President Bush "was not prepared to wait for months and months". Sir David's view was that:

"If military action proved necessary, it would be better to do it sooner rather than later in terms of managing our relations with the Arab world ... the argument for not rushing our fences applied much more strongly to Western ... countries. We had to convince our public opinions that the inspection process was serious, that it had produced serious evidence, and that this was the basis for a second resolution."

540. Sir David commented that he was "encouraged" by the response to his arguments about "the political pressures and realities ... and the need for time and evidence".

541. Mr Straw warned Sir David Manning on 16 January that the momentum in Washington was to do something soon after 27 January, and it was being assumed that Mr Blair would be with President Bush.

542. Mr Straw recommended that Mr Blair should speak to President Bush.

543. Sir David Manning agreed, reiterating his advice that more time was required.

544. On 16 January, Mr Straw discussed the UK's need for more time and "decisions no earlier than March and April rather than January and February", as Sir David Manning had told Dr Rice the previous day, with Secretary Powell.¹⁸⁴

545. Reporting the conversation to Sir David, Mr Straw warned that the momentum in Washington to do something soon after 27 January was "running very high". It might be "virtually impossible" for the US to follow the timetable of "no deadlines" set out in resolution 1284.

546. Mr Straw told Secretary Powell that there had been "unanimous support" for Mr Blair's position "after a good discussion in Cabinet".

547. Mr Straw also advised that assumptions were being made that Mr Blair would be with President Bush "in any event". The US could not create a Coalition without the UK; and it would be hard to imagine the US taking military action without the UK.

548. Mr Straw recommended that Mr Blair should talk to President Bush in the middle of the following week "before the draft State of the Union speech is put to bed".

549. Sir David Manning told Mr Blair that he agreed with Mr Straw's recommendation, commenting that it would be easier for the UK if there were "major inspection successes".¹⁸⁵ He also wrote: "Giving ourselves until March/April is a luxury we can

¹⁸⁴ Letter Straw to Manning, 16 January 2003, 'Iraq: Conversation with Colin Powell, 16 January'.

¹⁸⁵ Manuscript comments Manning to Prime Minister, 16 January 2003, on Letter Straw to Manning, 16 January 2003, 'Iraq: Conversation with Colin Powell, 16 January'.

afford to get this right – particularly if the US [think] Saddam will rapidly collapse when the blow comes.”

Cabinet, 16 January 2003

550. As promised by Mr Blair on 19 December 2002, Cabinet discussed Iraq on 16 January 2003.

551. Mr Blair told Cabinet that the strategy remained to pursue the United Nations course. The inspectors needed time to achieve results. If Iraq was not complying with the demands of the UN, a second resolution would be agreed.

552. Mr Straw stated that there was a good prospect of achieving a second resolution. While sticking to the UN route, the UK should not rule out the possibility of military action without a second resolution. Mr Blair repeated the latter statement in his concluding remarks.

553. At Cabinet on 16 January, Mr Blair said that:

“... he wanted to make the United Nations route work. The inspectors were doing their job inside Iraq and he was optimistic that they would discover weapons of mass destruction and their associated programmes which had been concealed. They needed time to achieve results, including from better co-ordinated intelligence. If Iraq was not complying with the demands of the United Nations, he believed the ... Security Council would pass a second resolution.”¹⁸⁶

554. Mr Blair told his colleagues that evidence from the inspectors would make a veto of a second resolution, by other Permanent Members of the Security Council, “less likely”:

“Meanwhile, British and American forces were being built up in the Gulf. If it came to conflict, it would be important for success to be achieved quickly. The [military] build up was having an effect on the Iraqi regime, with internal support dwindling for President Saddam Hussein ...”

555. Mr Blair concluded by telling Cabinet that:

“The strategy remained to pursue the United Nations course. He would be meeting President Bush to discuss Iraq at the end of the month, after Dr Blix had reported to the Security Council on 27 January.”

556. Mr Straw said that:

“... he was aware of anxieties about the possibility of having to diverge from the United Nations path. There was a good prospect of achieving a second resolution. Many had been doubtful about achieving the first resolution; in the event, the ... Security Council vote had been unanimous. While sticking with the United Nations

¹⁸⁶ Cabinet Conclusions, 16 January 2003.

route we should not rule out the possibility of military action without a second resolution. Voting decisions in the Security Council could be driven by domestic politics, not the demands of the international situation.”

557. Mr Straw added that:

“In his recent contacts with the Muslim and Arab world, all could see the benefit of Saddam Hussein’s demise. He had utterly rejected the notion that we were hostile to Islam ... Saddam Hussein had attacked his own people and his neighbours – all of whom were Muslims.”

558. Ms Short told the Cabinet that “keeping to the United Nations route would hold the Government’s support together. She had been reviewing humanitarian scenarios for Iraq and concluded that extra resources would be required, given the other humanitarian priority of Southern Africa.”

559. Ms Short added that the possibility “of chemical and biological weapons being used inside Iraq, and their effect on local civilians”, was a “particularly worrying scenario”. The involvement of the United Nations would be “essential” for the management of the aftermath of military action: it would “provide legitimacy for the political and economic reconstruction of Iraq, including the use of oil revenues. Work on the aftermath should be taken forward urgently.”

560. Points made during the discussion were:

- Communication “needed to be improved, on the basis of a core script”. The message was “complex but should start from first principles; part of the message was that the policy flowed from our own national interest and respect for international law”. A “small proportion of the population would always be opposed to military action, the political battle was for the centre ground which could be won by argument”.
- Although Mr Blair, Mr Straw and Mr Hoon were “best able to speak from an informed position, since they had access to the intelligence, Cabinet members more generally needed to speak up for the Government’s policy on Iraq”.
- The “leadership of the United States was not widely trusted” in the UK “but President Bush’s resolve was weakening the Iraqi regime”.
- “[T]he inspectors had only recently started their work and it was unreasonable for opponents to assert that the absence of evidence so far meant that military action was unjustified; once evidence of weapons of mass destruction was produced, the public mood would change dramatically”.
- Maintaining internal cohesion within the UK “was important, not least in respect of the Islamic community”.
- “[P]ushing the Middle East Peace Process forward remained an important part of our policy, as was stability in the region”.

561. Summing up the discussion, Mr Blair said:

“... the strategy based on the United Nations route was clear, although the uncertainties loomed large and there was a natural reluctance to go to war. It was to be expected that the public would want the inspectors to find the evidence before military action was taken. Pursuing the United Nations route was the right policy, but we should not rule out the possibility of military action without a second resolution. The priorities for the immediate future were:

- improved communications, which would set out the Government’s strategy and be promoted by the whole Cabinet;
- preparatory work on planning the aftermath of any military action and the role of the United Nations in that, which should in turn be conveyed to the Iraqi people so that they had a vision of a better life in prospect; and
- contingency work on the unintended consequences which could arise from the Iraqi use of weapons of mass destruction, environmental catastrophe or internecine strife within Iraq.”

562. Mr Campbell wrote that Cabinet was “fine”. In addition to the points recorded in the minutes, Mr Campbell wrote that Mr Blair had said that:

- Russia was “closer to the Americans” than it said publicly and France did “not particularly want to be left on the outside”: “But it was going to be tough.”
- “In the meantime we build up our troops, and make sure that if it does come to conflict we are able to get it over quickly.”
- “... we had to stay close [to the US] publicly to maximise influence privately.”¹⁸⁷

563. Mr Campbell also wrote:

- Mr Cook had said that “we were in a tremendous position in the UN”, thanks to Mr Blair. The prospect of getting a second resolution was stronger if we did not rule out doing without one.
- Mr John Prescott, the Deputy Prime Minister and Deputy Leader of the Labour Party, had “done a very passionate wind-up”; the “discussion showed that there was no real division ‘so let’s stop pretending there is’”. The briefings had to stop. The [Labour] Party didn’t “like the idea of intervention but sometimes we have to make difficult judgements”.

564. The discussion at Cabinet on 16 January took place at a key point in the development of the UK’s position on Iraq and focused primarily on the role of inspections, forthcoming diplomatic activity at the UN, the need for effective communication of the Government’s position, and a high level discussion of some of the possible consequences of military action.

¹⁸⁷ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

565. Mr Blair's decision not to reveal that he had received Lord Goldsmith's draft advice, or that it concluded a further determination by the Security Council that Iraq was in material breach of its obligations would be required to provide the legal basis for military action, is addressed in Section 5.

THE DECISION TO DEPLOY GROUND FORCES

566. Despite the imminence of the formal decision to offer a significant land contribution Cabinet was informed only that forces were building up in the Gulf. There is no evidence of any discussion of the nature and scale of the likely UK contribution of ground forces or their imminent deployment.

567. The formal proposal for the deployment was sent to Mr Blair later that day. The absence of any formal collective discussion of the proposal by senior Ministers before it was approved by Mr Blair is addressed in Sections 6.2 and 6.5.

568. Nor did Cabinet discuss the strategic implications of making such a military contribution, including the risks associated with military action and the potential responsibilities which might be incurred.

569. The need for such a discussion is addressed in Section 7.

570. Although Mr Blair had said on 24 October 2002 that Cabinet would, "in due time" be able to discuss the military options, and he had said on 9 January that the discussion on 16 January would be an "in-depth discussion" of Iraq, Cabinet was not told that the imminent deployment of a large scale ground force to southern Iraq was under serious consideration.

571. The development of thinking in the MOD on the options for deploying a large scale ground force for operations in southern Iraq, including the presentation to Mr Blair on 15 January and his response, and the way in which the decision was then taken to deploy UK forces, is described in detail Sections 6.1 and 6.2.

572. Mr Hoon wrote to Mr Blair on 16 January seeking agreement to the "key role in southern Iraq" proposed by the US for the UK:

"Important questions remain to be resolved ... But the role proposed for the UK is a sensible and significant one, and I recommend that with certain qualifications, we accept it. We need to decide quickly.

"If you agree, I propose to announce the composition and deployment of the force in an oral statement on Monday 20 January."¹⁸⁸

573. Copies of the letter were sent to Mr Brown, Mr Straw and Sir Andrew Turnbull.

¹⁸⁸ Letter Hoon to Blair, 16 January 2003, 'Iraq: UK Land Contribution'.

574. Mr Straw wrote to Mr Blair on 17 January, flagging up three major issues: targeting; the response to any Iraqi use of WMD; and the need for greater clarity on thinking and plans for the aftermath.¹⁸⁹

575. Sir David Manning commented to Mr Blair: “Good questions. But I don’t think they affect your decision in principle.”¹⁹⁰

576. Mr Blair replied: “agreed”.¹⁹¹

577. Late on 17 January, following a telephone conversation, Sir David replied to Mr Watkins that Mr Blair was “content to proceed on the basis of the Defence Secretary’s recommendations” and that he would be grateful “if you and the FCO would now take things forward as proposed”.¹⁹²

578. Mr Hoon announced the deployment of UK ground forces, which would “include the headquarters of 1 (UK) Armoured Division with support from 7 Armoured Brigade, 16 Air Assault Brigade and 102 Logistics Brigade”, in an oral statement in Parliament on 20 January.¹⁹³

579. Asked whether Cabinet on 16 January might have been an opportunity for some of the points from the MOD briefing on military options to be mentioned, Lord Turnbull told the Inquiry that Mr Blair was:

“... very reluctant to discuss the military options ...

“I could see he didn’t want key discussions of where we were going, through the North or the South and who was going to bring what forces to bear where, and there is some sense in that. But the strategic choices that they implied ... didn’t get discussed either. For example, the fact that if you have ground forces you become an Occupying Power. I don’t remember someone saying ‘Wouldn’t it be better if we just halted at Option 2, because then we will not be involved in being an Occupying Power?’ ...”¹⁹⁴

580. Lord Turnbull subsequently added that Cabinet was given “Week by week progress reports on the state of play of the inspections ... That’s the bit they were actually rather well-informed about, much more so than on the military side.”¹⁹⁵

581. The absence of a collective discussion on the implications of the military deployment is addressed in Section 7.

¹⁸⁹ Minute Straw to Prime Minister, 17 January 2003, ‘Iraq: UK Land Contribution’.

¹⁹⁰ Manuscript comment Manning, 17 January 2002, on Minute Straw to Prime Minister, 17 January 2003, ‘Iraq: UK Land Contribution’.

¹⁹¹ Manuscript comment Blair, on Minute Straw to Prime Minister, 17 January 2003, ‘Iraq: UK Land Contribution’.

¹⁹² Letter Manning to Watkins, 17 January 2003, ‘Iraq: UK Land Contribution’.

¹⁹³ House of Commons, *Official Report*, 20 January 2003, columns 34-46.

¹⁹⁴ Public hearing, 25 January 2011, pages 15-16.

¹⁹⁵ Public hearing, 25 January 2011, page 17.

Mr Blair's meeting with Dr Blix, 17 January 2003

582. In a meeting on 17 January, Mr Blair urged Dr Blix to tell Baghdad that this was their last chance and the US was serious about military action. If Iraq was co-operating, the inspectors would need more time; if it was not, it would be better to make that clear soon.

583. Reporting on the discussion in the Chiefs of Staff meeting on 15 January, Mr Paul Johnston, Head of the FCO Security Policy (Sec Pol) Department, informed Mr Straw that it was UK information which had led to the discovery of SA-2 (Volga) engines, but "It was not yet clear whether they constituted a material breach."¹⁹⁶ The MOD was considering providing additional interviewers to support UNMOVIC, "whose resources were stretched. Evidence from Iraqi scientists might be the most likely basis for an eventual material breach."

584. Mr Johnston also reported that the FCO was addressing "how far and how fast the US might push to bring matters to a head in the Security Council if, after 27 January, the Americans became concerned that 'business as usual' had set in". Mr Blair's visit to the US at the end of January might be too late to influence the immediate US reaction to the Council discussion. Mr Blair might try to call President Bush the following week.

585. In preparation for Mr Blair's meeting with Dr Blix on 17 January, the FCO advised No.10 that:

- Dr Blix had made a "sound start in getting UNMOVIC operational"; the UK had provided "considerable support, which we believe is beginning to show fruit".
- UK intelligence had helped UNMOVIC to discover illegally imported rocket engines.
- The key message was the need for UNMOVIC to intensify its inspections, not to focus exclusively on infrastructure, which was "often easy to conceal or move around", and to focus on interviews, both formal and informal, of Iraqi scientists.
- The UK had doubts about the practicality of interviews outside Iraq but was looking at ways to try to overcome those.
- Expectations were "running high" for the 27 January meeting. The UK was making clear that it was "not a deadline but a status report". After that, while the "strategy outlined in 1284" would give UNMOVIC "60 days to identify key disarmament tasks", the UK wanted to use the next phase to "put maximum pressure on Iraq to co-operate in answering all unresolved questions, eg, including use of mobile laboratories".
- The UK thought Dr Blix should offer to brief the UN Security Council more regularly, perhaps once a fortnight. That would include reporting illegal imports for consideration of further action "even if there is no proven link to illegal programmes".¹⁹⁷

¹⁹⁶ Minute Johnston to Private Secretary [FCO], 15 January 2003, 'Iraq: Chiefs of Staff: 15 January'.

¹⁹⁷ Letter Davies to Rycroft, 15 January 2003, 'Prime Minister's Meeting with Hans Blix, UNMOVIC'.

586. In response to a request from Sir David Manning for advice on interviews by UN inspectors in Iraq, Mr Scarlett provided a brief co-ordinated with the FCO, SIS, DIS and OD Sec.¹⁹⁸

587. Mr Scarlett wrote that Iraq had deployed many subterfuges to interfere with the interview process conducted by UNSCOM in the 1990s. Despite those efforts, UNSCOM had “found interviews an extremely important tool, particularly on the biological warfare programme, where the availability of other types of information was limited”.

588. Mr Scarlett described measures currently being taken by Iraq to ensure that interviews did not “succeed in uncovering prohibited activity”. The UK had provided a database with about 6,000 names although information on individuals involved in WMD activities post 1991 was limited. The UK was in the process of providing a shortlist of “priority” candidates for interview, and had offered advice on interview techniques. So far, only the IAEA had conducted two formal interviews; both had taken place in Iraq and the individuals had asked for Iraqi officials to be present.

589. Mr Scarlett concluded that interviews had the “potential, if conducted effectively, to uncover gaps in Iraq’s cover story”. Iraq was “worried about this prospect”. The UK was concerned that UNMOVIC and the IAEA lacked “the expertise necessary to use this important tool effectively”. Mr Blair should press Dr Blix on the continuing need for effective interviews.

590. In their meeting on 17 January, Mr Blair urged Dr Blix to “give Baghdad a strong message that this was their final chance and that the US were serious about military action”.¹⁹⁹ Mr Blair also underlined “the importance of the inspectors carrying out interviews without minders” and offered UK help in identifying potential interviewees.

591. Following further discussion of recent developments including the finds of shells and documents the previous day, Mr Blair stated that “if Iraq was co-operating then the inspectors would need time to continue their work. But if Iraq was not co-operating it would be better to make that clear soon after 27 January, before the end of February.”

592. Dr Blix said:

“[A]lthough the Iraqis gave prompt access, they did not seem sincere. They did things for the media, eg a 12,000 page declaration that contained no new substance ... The Prime Minister concluded that if there were a major find Blix would report it immediately, and if there were not a major find before 27 January Blix would report then that his overall assessment was a lack of substantive co-operation. Blix agreed. He thought the Iraqis would prefer to deny access to the inspectors than to be caught red-handed; he would of course report either to the Security Council.”

¹⁹⁸ Minute Scarlett to Manning, 16 January 2003, ‘Inspections in Iraq – The Use of Interviews’.

¹⁹⁹ Letter Rycroft to Sinclair, 17 January 2003, ‘Iraq: Prime Minister’s Meeting with Blix, 17 January’.

Security Council, 20 January 2003

593. Mr Straw warned a meeting of the Security Council on 20 January that patience with Iraq had nearly run out.

594. In a joint statement issued on 20 January, following a meeting in Baghdad to take stock of inspections, UNMOVIC and the IAEA reported some progress on detailed issues, including that “persons asked for interviews in private” would be “encouraged to accept”.²⁰⁰

595. Mr Campbell wrote that, at the No.10 morning meeting on 20 January, Mr Blair was “becoming increasingly worried about Iraq. The whole question was what we did if and when the US went without the UN.”²⁰¹

596. France as President of the Security Council had proposed a special, Ministerial-level meeting of the Council on 20 January, to discuss counter-terrorism.

597. In his speech to the Security Council, Mr Straw stated:

“... we have to expose the connection between the terrorists who respect no rules, and the states which respect no rules. It is the leaders of rogue states who set the example: brutalise their people; celebrate violence; provide a haven for terrorists to operate; and, worse than that, through their chemical and biological weapons ... provide a tempting arsenal for terrorists to use ...

“So ... action to stop rogue states’ proliferation is as urgent as action to stop terrorism ... wherever we can, we should use diplomatic means to get proliferators to comply as we are with North Korea ... But there comes a moment when our patience must run out.

“We are near that point with Iraq ... so the moment of choice for Iraq is close. He [Saddam Hussein] must either resolve this crisis peacefully, by the full and active compliance with his Security Council obligations and full co-operation with inspectors, or face the ‘serious consequences’ – the use of force – which this Council warned would follow when it passed [resolution] 1441.”²⁰²

598. Mr McDonald reported that Mr Joschka Fischer, the German Foreign Minister, had told Mr Straw in the margins of the discussion that Germany would not vote for a second resolution, even if there was clear evidence of a material breach; and that there were no circumstances in which Germany would be involved in military action.²⁰³ Asked if he really meant no circumstances, such as “some flagrant breach, a large find, the murder of an inspector”, Mr Fischer replied that that “was different”, and Germany “might” vote for a second resolution.

²⁰⁰ UNMOVIC, *Joint Statement, Baghdad, 20 January 2003*.

²⁰¹ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

²⁰² Speech, Straw to the UN, 20 January 2003, ‘Vindicating the UN’s founding ideal’ [FCO, *Iraq*, Cm 5769, 25 February 2003].

²⁰³ Minute McDonald to Gray, 21 January 2003, ‘UN Security Council Meeting/Iraq’.

599. In remarks to the press, Mr Dominique de Villepin, the French Foreign Minister, condemned unilateral use of military force and stated that, as long as progress was being made through inspections, France saw no reason to choose military intervention.

600. In his press conference after the meeting, Mr de Villepin stated that Iraq could not be separated from other proliferation issues, and what was done on Iraq:

“... must apply to all the other crises. If war is the only way to resolve the problem, we’re immediately forced down a blind alley. The international community must clearly demonstrate initiative and imagination. We must also maintain international unity. Unilateral military intervention must be perceived as a victory for the maxim ‘might is right’, an attack against the primacy of the law and international morality.”²⁰⁴

601. Mr de Villepin stated that the international community had chosen inspections, and Iraq had to understand that it was “high time that she co-operated actively”. Iraq’s weapons of mass destruction programmes had “essentially been halted, even frozen”. In his view, Iraq could be disarmed by peaceful means.

602. In response to questions, Mr de Villepin stated that there was a choice between continuing with co-operation and “military intervention because we are impatient”. France believed that “nothing today justifies envisaging military action”. The inspectors had been working for “fewer than 60 days” and progress was “satisfactory”, although there was more that could be done to seek Iraq’s active co-operation.

603. Mr de Villepin raised questions about the legitimacy and effectiveness of any US unilateral military action, and warned of the potential consequences for a united Iraq and a stable and safe region in the Middle East. France’s view was that it would “take us down a path where we would have no control over the gains and benefits”.

604. Asked if France would use her veto, Mr de Villepin responded that President Chirac had “said from the outset” that France would not “join in military action” that did not have:

“... the support of the international community, UN support. Moreover we believe military intervention would be the worst solution, and that the use of force can only be a last resort, implying that all other avenues have been exhausted. If that point is reached, France, as a Permanent Member of the Security Council, will shoulder her responsibilities, remaining true to her principles ... so long as progress can be made through co-operation with inspectors, there is no reason to choose ... military intervention ...”

605. In his memoir, Mr Straw wrote that Mr de Villepin’s comments about the unilateral use of force “had effectively denounced the US”.²⁰⁵ That had “soured relations especially with Colin [Powell]”.

²⁰⁴ French Embassy, 20 January 2003, *Iraq – Meeting of the UNSC ministerial-level meeting on the fight against terrorism – Press conference given by Mr de Villepin, New York*.

²⁰⁵ Straw J. *Last Man Standing: Memoirs of a Political Survivor*. Macmillan, 2012.

606. Mr Straw also wrote that the special Ministerial meeting of the Security Council, and the three that followed in a seven-week period, were “among the most serious and dramatic meetings in which I have ever been involved”.

The positions of other members of the Security Council

607. President Bush stated on 21 January that it was clear Saddam Hussein was not disarming and time was running out.

608. Sir David Manning was assured by Dr Rice that the US wanted a second resolution.

609. In a press conference following a meeting with leading economists at the White House on 21 January, President Bush was asked if he was frustrated by the French “saying that they would block a UN resolution authorizing force on Iraq”. He replied that Saddam Hussein possessed “some of the world’s deadliest weapons” and posed “a serious threat to America and our friends and allies”. The world, including France, had come together “to say he must disarm”. But he was “not disarming”, he was “delaying ... deceiving ... asking for time”. He was “playing hide-and-seek with the inspectors”. The US “in the name of peace” would “continue to insist” that he did disarm.²⁰⁶

610. Asked when he intended to take a decision about whether the inspection process had any real hope of disarming Saddam, President Bush replied:

“It’s clear to me now that he is not disarming ... Surely we have learned how this man deceives and delays. He’s giving people the run-around ... time is running out ... Make no mistake ... he will be disarmed.”

611. President Bush concluded that Saddam Hussein had:

“... been given ample time to disarm. We have had ample time now to see that ... he’s employing the tricks of the past ...

“He wants to focus the attention of the world on inspectors. This is not about inspectors; this is about a disarmed Iraq ...

“... this looks like a rerun of a bad movie and I’m not interested in watching it.”

612. Mr Campbell wrote in his diaries that President Bush’s remarks were a “clear message that [the US was] losing patience with the UN, and they had pretty much decided it was going to happen and that was that”. Mr Blair “felt there had definitely been a change in mood and it was pretty bad”; President Bush needed to do more to make it an international coalition.²⁰⁷

²⁰⁶ The White House Press Release, 21 January 2003, *President Meets with Leading Economists*.

²⁰⁷ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

613. Secretary Powell wrote in 2012:

“In January 2003, as war with Iraq was approaching, we needed to present our case against Iraq to the public and the international community. By then the President did not think that war could be avoided. He had crossed the line in his own mind, even though the NSC [National Security Council] had never met – and never would meet – to discuss the decision.”²⁰⁸

614. Following the debate at the UN on 20 January, Sir David Manning spoke again to Dr Rice.²⁰⁹ He reported that opinion polls in the UK showed that “over 60 percent” of those questioned would “accept” military action if mandated by a second UN resolution, but the figures “plummeted to near single figures without one”. He reported that he had been assured that the US Administration wanted a second resolution.

615. Sir Jeremy Greenstock advised that the “vast majority” of the Security Council believed that the inspectors should be given more time, although many were also sceptical of Iraqi co-operation.

616. Sir Jeremy Greenstock chaired an informal discussion of Security Council members on 21 January, which he described as to report on the discussion between Dr Blix and Mr Blair on 17 January. Sir Jeremy had stated that the UK continued to feed the inspectors with information on a “one way basis” and there was a “good chance” that, as the inspectors got closer to Iraq’s proscribed activities, more information would come out of the system:

“Iraq was therefore taking an amazing risk by trying to conceal its WMD. The Iraqis had to realise that there was only one way to avoid complete disarmament through military action – much more pro-active co-operation. If they did not provide that co-operation they would themselves be choosing to realise the threat of military action.”²¹⁰

617. Sir Jeremy reported that Ambassador Negroponte had stated that the situation could not be allowed to drag on; and that he was talking about days, not weeks or months. It was for Iraq to prove to the Council it was complying, not the other way round. The French Deputy Permanent Representative had argued that simply saying that co-operation was insufficient was not enough; demonstrable, precise evidence was needed to justify war, not become a prisoner of the military build-up. That could be hours, but it could also be months or years.

618. Sir Jeremy stated that the “vast majority” of Security Council members believed that “inspections should be given more time, although many are also sceptical of Iraqi co-operation”.

²⁰⁸ Powell C with Koltz T. *It Worked for Me: In Life and Leadership*. Harper Perennial, 2012.

²⁰⁹ Letter Manning to McDonald, 22 January 2003, ‘Iraq: Conversation with Condi Rice’.

²¹⁰ Telegram 121 UKMIS New York to FCO London, 22 January 2003, ‘Iraq: Informal Meeting of Security Council Members’.

619. In a separate telegram, Sir Jeremy Greenstock warned that “the terms of the Iraq debate are not moving in our favour ... most Council members are focused on giving more time to inspections not on the Iraqi failure to disarm”.²¹¹ He highlighted key areas for discussion at the Security Council meetings on 27 and 29 January, and wrote: “If UNMOVIC can produce the evidence of Iraqi biological or chemical weapons in particular ... we have a very good chance of turning Council opinion back towards a second resolution.”

620. Sir John Holmes, British Ambassador to France, advised that the gap between the UK and French positions was “unbridgeable”. President Chirac was strongly opposed to war and thought it would have disastrous consequences. France also questioned the level of threat posed by Iraq.

621. On 21 January, Sir John Holmes wrote to Sir David Manning setting out his perspective on the French position.²¹² Sir John Holmes acknowledged that France would try “to avoid having to veto” and noted that “opportunities to push Chirac in our direction may arise as circumstances change”.

622. Sir John reported that President Chirac strongly opposed war and that for him preventing it was more important than disarming Saddam Hussein. It would be very difficult to persuade President Chirac to:

“... support a second resolution and participate in war short of a new and evident *casus belli*. He may well accept the pain of exclusion from the action than change this position, though he has yet to face up to this choice and hopes to avoid it. The driving force of Chirac’s policy is to avoid a war at almost any cost. He does not believe it is necessary/proportionate to the real threat. He fears disastrous consequences in the region for the MEPP, for the US-Western image more widely, and for further fuelling of terrorism ...”

623. Sir John reported that terrorism was perceived as the most urgent threat which the French thought was in danger of being neglected. President Chirac was also “seriously concerned” about the effect on the world economy and the impact of that on France’s economic recovery. Beyond those concerns, Sir John described President Chirac as wanting to demonstrate a different, multilateralist world view and preserve French influence through keeping the main decisions in the Security Council. President Chirac did not really believe Saddam Hussein was a threat although WMD more widely were.

624. Sir John Holmes described French tactics as to “encourage international pressure against the war, to argue for more time, to help the inspectors do their work, and to put more pressure on Saddam to co-operate”. Sir John advised that President Chirac did not believe there was anything seriously incriminating to find; a view which

²¹¹ Telegram 122 UKMIS New York to FCO London, 22 January 2003, ‘Iraq: The Run-Up to 27 and 29 January’.

²¹² Letter Holmes to Manning, 21 January 2003, ‘Iraq: French Thinking’.

Sir John reported was “widely shared here”. Secondly, President Chirac thought Iraq’s concealment techniques would be “too good for the inspectors”. Thirdly, if inspectors did find something, the French were bound to argue, at least in the first place, that it showed the inspections were doing their job, making war unnecessary.

625. Sir John predicted that:

“If Saddam manifestly blocks the inspectors, with or without a major find, but more obviously with, the French will probably concede that he has had his chance and blown it, vote for a second resolution ... and take part [in military action].

“If the inspectors find something big, the French will first argue for the continuation of inspections; but if it is a plausible smoking gun, and it is clear the US (and we) are committed to military action, again they will probably commit to a second resolution and to take part. But they will try everything to find alternatives ...

“If there is no major obstruction and no smoking gun, France will oppose a second resolution (while trying to avoid having to veto) and stay out of military action, though they would probably at the end of day try to sound neutral ... Continuing Iraqi deception and only passive co-operation ... will almost certainly not be enough to persuade them to change this in the short term ...”

626. Sir John wrote:

“As things stand, there is a relatively narrow window of circumstances in which the French would take part fully in military action: a clear *casus belli* and a second resolution. This looks to me possible in the next few weeks but not probable. Short of that, they will not go with the Americans, though they could stop short of outright opposition and be ready to do something to help eg backfilling.”

627. Sir John added that “The consequences for France of not being there if the US go are painful for them to contemplate”, including being on the wrong side of the argument if the action is an obvious rapid success. But:

“There would be consolations if the Americans had no or few allies ... And if it all went wrong, they would be on the right side of the argument.”

628. Addressing the implications for UK policy, Sir John wrote that “the gap between the Prime Minister’s convictions and Chirac’s is, for the present, unbridgeable”. He saw “no alternative to massaging our differences ... and staying within shouting distance of each other”.

629. Sir John concluded that, if the UK and the French (and Germans) diverged over military action, the consequences would depend:

“... on the circumstances and the success of the war. But the implications for the successful pursuit of our European policy ... could be severe ... So if any chance emerges in the next few weeks of bringing our positions together, we should grab it with both hands.”

630. In advance of the Security Council meeting on 27 January, Mr Straw and the FCO were concerned to identify a strategy which would allow more time for the strategy of coercion to work.

631. Mr Straw visited Washington and repeated the political arguments for trying to get a second resolution on 23 January.²¹³

632. Mr Straw and Secretary Powell discussed the inspectors' reports to the Security Council on 27 January, the need to "shift the burden of proof to Iraq" and the need to ensure there were no differences between the US and UK.²¹⁴

633. Mr Straw made the case for a second resolution in his subsequent meeting with Mr Dick Cheney, US Vice President, telling him that "the key question was how to navigate the shoals between where we were today and a possible decision to take military action".²¹⁵ The UK would be "fine" if there was a second resolution; and that it would be "ok if we tried and failed (a la Kosovo). But we would need bullet-proof jackets if we did not even try". In response to Vice President Cheney's question whether it would be better to try and fail than not to try at all, Mr Straw said the former.

634. In the subsequent discussion, Mr Straw stated that:

- The composition of the Security Council since 1 January "made matters more difficult".
- If there were "a half decent statement" from Dr Blix and Dr ElBaradei (to the Security Council on 27 January), "which enumerated Iraqi shortcomings, we would have the beginnings of a further material breach as defined by OP4 of [resolution] 1441. We could then use a period of time – weeks not months – to negotiate a second resolution." The text of such a resolution would "write itself".
- The effort of getting a second resolution "would help the UK and – he thought – the US to nail the canard that the US was operating outside the international community. It would also help with the 'day-after'."
- Mr Blair "felt strongly that diplomatic effort could make the military effort easier. If the international community was united, then the Arabs could go to Saddam with a strong message that he had either to go or his regime would face destruction. Arab leaders were desperate to get rid of Saddam. A second resolution would embolden them." If the international community was split, that would "embolden Saddam Hussein".
- People in the UK had a "sense of the UN as a legitimator of action". Vice President Cheney said the same was true in the US.

²¹³ Telegram 93 Washington to FCO London, 23 January 2003, 'Foreign Secretary's Meeting with Vice President of the United States, 23 January'.

²¹⁴ Telegram 91 Washington to FCO London, 23 January 2003, 'Iraq: Foreign Secretary's Lunch with US Secretary of State, 23 January 2003'.

²¹⁵ Telegram 93 Washington to FCO London, 23 January 2003, 'Foreign Secretary's Meeting with Vice President of the United States, 23 January'.

635. Vice President Cheney made a number of points, including:

- A French veto “wouldn’t hurt one bit in the States”.
- Secretary Powell had felt “bushwhacked” at the meeting of the Security Council on 20 January, and the position of Germany was “increasingly fragile”.
- The US Administration “had not yet figured out next steps”, which would “to some extent” depend on what happened on 27 January.
- It “would clearly be preferable to get a second resolution”. There was a “sense in the US that a process was unfolding”, “But there was no prospect of the inspectors working properly unless the party inspected was willing. The burden of proof was on the Iraqis and they were not delivering.”
- There was “a timing problem. The idea that we could let it drift through months of discussion was not on. Troops were already in place. The weather was a factor ... If we backed off now, or sat there for months, the Saudis and others would back off. It would be one more example of bold talk and no action. We would never get them gingered up for action again.”
- President Bush “could not let a charade continue at the UN”; and he “could not let France and Germany dictate policy”. He would have thought France had “a vested interest ... in preserving the status of the Security Council”, but “Instead, they were allowing the Council to be a place not of action but of restraining legitimate US action.”
- Once military operations started, “the Iraqi regime was likely to fall apart quickly”: “Iraqis would reveal all the WMD now hidden away.”
- The US Administration “had not yet resolved” whether it wanted a second vote or not.

636. At the end of the meeting, Mr Straw:

“... discussed the Kosovo model and its limitations. The tactics of tabling a text in the knowledge of a likely veto were very delicate. But we might also face the situation where France or Germany tabled a resolution to give the inspectors more time. We would have to veto but that would put us on the back foot. Last autumn, the knowledge that the US and UK had a text in play had deterred others from tabling an alternative [...] ...”

637. Mr Straw’s comments on proceeding with military action if the UK tried and failed to obtain a second resolution prompted Mr Wood to write to Mr Straw.²¹⁶ That correspondence and Lord Goldsmith’s subsequent correspondence with Mr Straw are addressed in Section 5.

²¹⁶ Minute Wood to PS [FCO], 24 January 2003, ‘Iraq: Legal Position’.

638. On a flight from Washington on 23 January, Mr Ricketts, gave Mr Straw an outline of a strategy which Mr Blair could put to President Bush.²¹⁷

639. The key messages were that the strategy was working, but it needed more time. That would have three strategic advantages:

- The military build-up was “already producing signs of fracturing in the regime ... We might be able to achieve our objectives without firing a shot”;
- Inspections “were beginning to produce results”.
- The UK was working with “moderate Arabs” to “get Saddam out using the leverage of a second resolution”.

640. Mr Ricketts stated that:

- In the present circumstances, it was clear that there would not be the nine votes in the Security Council needed for a second resolution.
- Without a “dramatic new fact”, Mr Ricketts did not see how a second resolution could be achieved “in the next few weeks”.
- “UK politics [made] it essential to have a second resolution”.

641. In Mr Ricketts’ view, the US and UK had to “contrive the circumstances” in which they could “carry a broad coalition and domestic opinion with us. Going without the UN carried the big price of resentment in the Muslim world, including increased terrorism/ risk of being stuck for years with the burden of rebuilding post-Saddam Iraq.” Working with the UN would allow Iraq to be “rebuilt with international support” which would allow the UK “to exit”, and would be a “powerful message for other would-be proliferators. That prize is worth taking time over.”

Mr Blair’s conversation with President Bush, 24 January 2003

642. Mr Blair decided on 23 January to ask President Bush for a few weeks’ delay to maximise the chances of finding a “smoking gun” as the basis for a second resolution.

643. Mr Campbell wrote that on 22 January he and Baroness Morgan, Mr Blair’s Director of Political and Government Relations, had “banged on” about the need for the US to be on a “broader international route” and that Mr Blair:

“... sensed the inspectors would not necessarily come out with what was needed for absolute clarity, so we would have to face the prospect of going in without a UNSCR. Chirac was making it clearer than ever that he would be against war come what may, even with a smoking gun.”²¹⁸

²¹⁷ Minute Ricketts to Private Secretary [FCO], 23 January 2003, ‘Iraq: Discussion with the Prime Minister’ attaching Paper, ‘Iraq: Planned Presentation for President Bush’.

²¹⁸ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

644. Mr Campbell also wrote:

- He had also discussed the problems for the UK caused by the US focus on their domestic audience with the US.
- Baroness Morgan had warned Mr Blair that the PLP needed UN support, and they had to see real evidence.
- Mr Blair had been “pretty clear that we couldn’t peel off from the US without very good reason”.

645. In a meeting with Sir Jeremy Greenstock and No.10 officials to discuss the handling of Iraq in the UN Security Council in the coming weeks, at 9.30am on 23 January, Mr Blair set out an approach which included:

- There was a need “if we could possibly get it” for “hard proof” that Saddam Hussein was “lying over his WMD, to bring public opinion to accept the need for military action”; and that inspections would need to be given time.
- In their planned meeting (on 31 January), Mr Blair would seek to convince President Bush to delay a decision to start military action for a few weeks.
- Confirmation was needed that the assumption that the Arabs, and in particular the Saudis, would only favour military action on the basis of a second resolution, was correct.
- The “extra time should be used to maximise the chances of the inspectors finding a smoking gun or of being seriously obstructed (the inspectors should be encouraged to inspect sites which we knew the Iraqis would want to block)”.
- The “less optimal outcome would be no smoking gun and no serious obstruction but a series of regular Blix reports that he was not satisfied with the level of Iraqi co-operation”.
- The “extra time would also give the Arabs the opportunity to press Saddam to go into exile”.
- The argument needed to be made that “the inspectors were not supposed to be a detective agency ... South Africa was a model of how it could be done.”²¹⁹

CABINET, 23 JANUARY 2003

646. Mr Blair told Cabinet that a “big debate was developing over the value of the inspections route” and that he would “report back” after his meeting with President Bush at the end of January.

647. Mr Blair told Cabinet on 23 January that his meeting with Dr Blix on 17 January had confirmed that Iraq was not co-operating fully with the UN.²²⁰ The Security Council meeting on 27 January would not be a “trigger date”; the “inspectors had to continue their work”. The military build-up was under way and Saddam Hussein was “under increasing pressure”.

²¹⁹ Minute Rycroft to Manning, 23 January 2003, ‘Iraq: Prime Minister’s Meeting with Jeremy Greenstock’.

²²⁰ Cabinet Conclusions, 23 January 2003.

648. Mr Blair also said that “A big debate was developing over the value of the inspections route.” He would “report back to colleagues on the outcome” of his meeting with President Bush.

649. Sir Richard Dearlove advised on 23 January that the US had “in effect” taken the decision to use force against Iraq.

650. In response to a request from Mr Blair for briefing on US planning, Sir Richard Dearlove’s Private Secretary sent Sir David Manning an update, advising that a decision had “in effect” been taken to use force against Iraq.²²¹ The US military would be ready in mid-February.

MR BLAIR’S NOTE TO PRESIDENT BUSH, 24 JANUARY 2003

651. In a Note to President Bush on 24 January, Mr Blair told President Bush that the need for a second resolution was overwhelming, and that inspectors should be given until the end of March or early April to carry out their task.

652. Mr Blair suggested that, in the absence of a “smoking gun”, Dr Blix would be able to harden up his findings on the basis of a pattern of non-co-operation from Iraq and that would be sufficient for support for military action in the Security Council.

653. In addition, Mr Blair framed his argument in the context that extra time would be crucial to make a better case and work up coherent plans for the “aftermath” of a conflict and to secure international support.

654. Mr Blair sent a Note to President Bush on 24 January, setting out the dilemma, as he saw it, in the absence of a “smoking gun”.²²²

655. Addressing the question “What’s the problem?”, Mr Blair wrote:

“If we delay, we risk Saddam messing us about, sucking us back into a game of hide and seek with the Inspectors where, unless they find ‘the smoking gun’, the thing drags on for ever until we give up or get distracted.

“On the other hand, at present there is not support for a second UN resolution; and Blix is not yet in a clear and unambiguous position on Iraqi non-co-operation.”

656. Mr Blair wrote that the arguments for proceeding with the second resolution, “or at the very least a clear statement” from Dr Blix which allowed the US and UK to argue that a failure to pass a second resolution was in breach of the spirit of 1441, remained in his view, overwhelming. He cited six reasons:

- It would be “the best protection” in the event of “a military hitch” or a protracted campaign.

²²¹ Letter PS/C to Manning, 23 January 2003, [untitled].

²²² Letter Manning to Rice, 24 January 2003, [untitled], attaching Note [Blair to Bush], [undated], ‘Note’.

- Given the risk of casualties, military and civilian, “doing this in the context of international opposition would be very tough”.
- Arab opinion wanted “it done”, and wanted “it done quickly”, but they were assuming a second resolution: “Without one they will be in a real bind, especially if parts of Europe, Russia, China, etc were all vociferous in their opposition.”
- Saddam Hussein would be “emboldened by a lack of international support for us and weakened by its existence”. If he believed international opinion was against the US and UK, he might hunker down in Baghdad.
- Internecine fighting in Iraq when a military strike destabilised the regime would be the “biggest risk”: “They are perfectly capable, on previous form, of killing each other in large numbers.” The US and UK “would need the backing of the international community and preferably the UN to handle it”; without that the US and UK would “get the blame for any fighting”.
- If they forfeited the UN route, the US and UK would lose the high ground. They had “invested huge capital” in that and it had given everyone “a big comfort blanket”. If that were taken away, it would be “about US power, naked and in your face”. There were “big majorities against action without UN backing everywhere, even in the UK” and “even in the UK Cabinet”. That would be “so in spades” if the UN inspectors appeared to be asking for more time and the US and UK were refusing.

657. Addressing the “way through”, Mr Blair wrote:

“In truth, the world is in contradiction. No one is really prepared for war, except us. But equally no one believes Saddam is telling the truth. In part we are victims of our own success. Your strength ... has forced Saddam to let inspectors back in; has made him seem weak and back in his box. So, everyone asks: why bother?

“But they also know, deep down, WMD is an issue and that given half a chance Saddam would be at it again. And they don’t want, ideally to fall out with the US. But to avoid falling out, they need some cover.”

658. Mr Blair described the position of France and Germany as being that the inspectors were in Iraq “to play hide and seek”, and “they should stay as long as it takes for them to find anything without any obligation on Saddam other than not to hinder them”.

659. The “true view”, however, was that resolution 1441 gave Iraq a “duty” to “co-operate fully: not just in access, but in being open, honest and transparent about where WMD was and actively helping the inspectors to seize and destroy it”. Dr Blix accepted that view:

“... if things carry on as they are, then he will say that there is not full co-operation though there is not either the absence of any co-operation; but as he continues to demand Iraq fully co-operates and they continue to refuse, this pattern of non-co-operation – even in the absence of any ‘smoking gun’ is sufficient for him to harden up his findings; and I think it will be sufficient for us.”

660. Mr Blair added:

“ie in the US/UK view, the failure ... fully to co-operate is enough now and technically we are right. 27 January should be crunch time. But we won’t carry other people ... However, if Blix carries on reporting non-co-operation, makes increasing demands, and hardens his findings with each stage, I think we will carry people – even without the ‘smoking gun’ – shortly.”

661. Mr Blair stated that military action starting at the end of March/early April would not be “a big military problem”: “But the extra time could be crucial in carrying international opinion” with the US and the UK, provided they had defined clearly the true role of the inspections and Dr Blix was behind the proposal.

662. Mr Blair’s proposal was for:

- a report on 27 January stating that Dr Blix was not satisfied and identifying specific questions for Iraq to address;
- the US and UK to set out “the true role” of the inspectors and get Dr Blix’s support, saying that they believed “Iraq is in breach but even so, out of deference to allies, we are prepared to give the inspectors some time”;
- Dr Blix to agree to report every two weeks;
- the US and UK to make it clear that, if by the time of the late March report there was not a definitive change of Iraqi attitude, the US and UK would take the issue back to the UN and expect action; and
- regular reports from Dr Blix in February and March to build “a clear pattern of deceit”.

663. Mr Blair argued that the disadvantages of that strategy would be military delay but “only, effectively, for a month”. The advantages would be “huge”, including:

- The US and UK could “build a case based on the Inspectors not just our own judgement”.
- Dr Blix might find “the smoking gun”.
- Saddam “might crack”.
- There would be “a far better chance of a second resolution” which would give them “a clear run with public support”.
- The Saudis and other Arabs could “build support for their strategy to push Saddam out”.
- It would provide time, which Mr Blair believed was needed, “to work up more coherent post-Saddam and ‘aftermath’ plans”.
- It would also provide time “to make a bigger case on WMD and the link with terrorism”.

664. Mr Blair concluded: “In parallel we should of course maintain our rhetoric and step up military preparations.”

665. Mr Campbell wrote that the Note was “a very well made, carefully constructed argument that made sense”, and that President Bush had read it before the telephone call with Mr Blair.²²³

666. Sir David Manning spoke to Dr Rice about the Note.²²⁴ He reported that it was clear that the White House had a different perspective about the advantages of moving to military action as soon as possible and the importance of a second resolution, including for securing support from Arab governments.

667. In his subsequent conversation with President Bush, Mr Blair pursued the proposals in his Note and explained his political difficulties.

668. When Mr Blair spoke to President Bush later that day, he set out the strategy in his Note and his view on the dilemma they faced.²²⁵ The international community was “not yet ready” for a second resolution, but an operation without one would be “much tougher”.

669. Mr Blair said that it was possible that the inspectors would find a smoking gun, but he was “not relying on that”. In his view, even if there were no smoking gun and the Iraqis were giving the inspectors access, Dr Blix:

“... would say that they were not co-operating sufficiently. Saddam had to co-operate actively with identifying and destroying all his WMD ... So in our view Saddam was already in breach of 1441. But the international community was in denial. Our case would strengthen if there were a series of Blix reports that Iraq was not co-operating. We needed to give the inspectors more time to firm up the case.”

670. Mr Blair proposed setting a clear deadline. Unless there were full co-operation by then, we would seek a second resolution: “If this were not achievable, military action would follow anyway.” Military preparations and diplomatic work to build international support should continue.

671. Later Mr Blair argued that “we needed to look reasonable” and that the deadline for the start of military action should be delayed to the end of March.

672. Mr Campbell wrote that Mr Blair had been clear that there was no international political support “without Blix finding a smoking gun and we needed more time”. The inspectors should be given another month. Mr Blair was “sure that in time we could turn opinion”. President Bush was “pretty clear there would have to be war, because

²²³ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

²²⁴ Minute Manning to Prime Minister, 24 January 2003, ‘Iraq: Your Conversation with Bush’.

²²⁵ Letter Rycroft to McDonald, 27 January 2003, ‘Iraq: Prime Minister’s Conversation with President Bush, 24 January’.

he did not believe Saddam would ever comply, or that the inspectors would be allowed to do their job”.²²⁶

673. The record of the discussion confirms Mr Campbell’s account.²²⁷

674. In response to a question from Mr Campbell about whether he thought President Bush “had basically decided there was going to be a war,” Mr Blair had said “if that call was anything to go by, pretty much”, Mr Blair hoped that “he could keep things on a multilateral track but it was not going to be easy. He was facing a very tough call indeed, about as tough as they get.”²²⁸

675. Mr Campbell wrote that Mr Blair “was confident that we could get Bush to the position where he stayed [action] long enough for a second UNSCR”; and that there was also “a real danger that the Attorney General would resign if he thought the plan was disproportionate force”.

676. Mr Campbell reported that Mr Blair had told a political Cabinet on 24 January that “it was important to stay with the Americans”. He had emphasised “closeness as a way of influencing the debate there” and said “he wanted to do a big ... diplomacy round” before his meeting with President Bush. Mr Blair had also:

“... set out what he saw as the political and other realities. He felt that Bush deserved praise for showing strength in forcing Saddam to the position of getting the inspectors in, but ... we didn’t have enough international support and we needed time to build it.”

677. Describing the political Cabinet on 24 January, Mr Campbell wrote that Mr Prescott had said more Cabinet Committee discussion on policy was needed.

678. In a conversation with Mr de Villepin on 24 January, Mr Straw said that it was “important for everyone to keep to the process” set out in resolution 1441.²²⁹ That was “the guide against which we could test whether the inspectors had been able to do their job or not”. He restated the UK’s preference for a second resolution.

679. Mr Straw said that “how France played its hand had major consequences”. It was vital to take the UN route. Citing the League of Nations in the 1930s, he said that “failure by the UN would lead to questions about its legitimacy”. After complaining about the US approach, Mr de Villepin stated that if in the end it was decided force was needed, “France would join in”.

²²⁶ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

²²⁷ Letter Rycroft to McDonald, 27 January 2003, ‘Iraq: Prime Minister’s Conversation with President Bush, 24 January’.

²²⁸ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

²²⁹ Telegram 16 FCO London to Paris, ‘Iraq: Foreign Secretary’s Conversation with French Foreign Minister, 24 January’.

INDICT

INDICT was established in 1996.²³⁰ Although it was UK based, the non-governmental organisation (NGO) operated with funding from the US Congress granted under the auspices of the Iraq Liberation Act 1998. INDICT advocated the establishment of an ad hoc International Criminal Tribunal to try Saddam Hussein and leading members of his regime on charges of genocide and torture, war crimes and other crimes against humanity. Founder members included a number of notable Iraqi exiles including Dr Ahmed Chalabi and Mr Hamid Al Bagali (who was later appointed Iraqi Ambassador to the UN), and Ms Clwyd.

INDICT focused its attention on Saddam Hussein and a dozen senior members of the Iraqi regime including Mr Tariq Aziz, the Deputy Prime Minister.²³¹

Ms Clwyd wrote to Lord Williams of Mostyn, the Attorney General, in September 2000, enclosing a copy of Leading Counsel's opinion which advised that there was "a powerful body of evidence that Saddam Hussein and Tariq Aziz were party to, and criminally responsible for ... detentions" and that there was "direct evidence that implicates Saddam Hussein and Tariq Aziz in issuing threats to detain the hostages".²³²

Counsel advised that, subject to the consent of the Attorney General being obtained, both Saddam Hussein and Tariq Aziz could be charged in the UK with the offence of Hostage Taking, contrary to section 1 of the Taking of Hostages Act 1982. That was an offence prosecutable in the UK whether committed "in the United Kingdom or elsewhere" regardless of the nationality of the offender.

Lord Williams wrote to Ms Clwyd on 22 March 2001 notifying her of his refusal to grant his consent to the prosecution.²³³ He explained the basis of his decision as:

"I have concluded in respect of Saddam Hussein that there is at present no realistic prospect of a conviction. There are two elements to my assessment. I have concluded that Saddam Hussein, as Head of State of Iraq, would presently be entitled to assert immunity from criminal prosecution. Moreover, I am not satisfied in any event that the evidence as submitted to me is sufficient to provide a realistic prospect of a conviction.

"Whether the court would uphold any claim of immunity that may be asserted by Tariq Aziz is in my judgement less clear. However, leaving that issue aside, I am not satisfied that the evidence at present submitted by INDICT provides a realistic prospect of conviction for the offences which appear to me to fall to be considered."

In October 2002, INDICT submitted further advice from Leading Counsel to Lord Goldsmith, the Attorney General, again seeking consent to the prosecution of Saddam Hussein, Tariq Aziz and on this occasion two others, Mr Ali Hassan Al-Majid (who was said to have been appointed the Governor of Kuwait) and Mr Taha Ramadan,

²³⁰ Public hearing Clwyd, 3 February 2010, pages 11-12.

²³¹ Public hearing Clwyd, 3 February 2010, page 13.

²³² Letter Clwyd to Williams, 26 September 2000, [untitled], attaching Note Montgomery, 11 July 2000, 'In the Matter of Iraqi Crimes Against Humanity'.

²³³ Letter Williams to Clwyd, 22 March 2001, 'Request for a Fiat'.

the Vice President of Iraq, (characterised by INDICT as the “second most powerful man in Iraq”).²³⁴ All were alleged to have committed offences of hostage-taking in 1990.

Lord Goldsmith wrote to Ms Clwyd on 24 January 2003.²³⁵ He stated that he was not prepared to consent to a prosecution on the “theoretical possibility” that Saddam Hussein’s “current immunity could at some point lapse” particularly, in the light of the Yerodia²³⁶ decision which implied that the formal grant of his consent might itself contravene the basis of his immunity. Lord Goldsmith was not satisfied, moreover, that the evidence submitted by INDICT provided a realistic prospect of conviction.

Lord Goldsmith did not express a view as to whether Tariq Aziz might continue to enjoy immunity. In his case, and with regard to Ali Hassan Al-Majid and Taha Ramadan, he did not consider the evidence to be sufficiently cogent or persuasive for there to be a realistic prospect of a conviction and Lord Goldsmith refused consent in each case.

Lord Goldsmith closed his letter with the following paragraph:

“My conclusions on the material provided, focus only on the question of exercising criminal jurisdiction against individuals in the domestic courts. They have nothing to do, of course, with the quite separate question of whether the international community may in due course consider it worthwhile to establish an international tribunal, depending on how the international situation develops. An international tribunal can be set up on a basis that overrides Sovereign immunity. But this is not a matter for me and it would not be right for me to speculate as to how the situation will develop over the next few weeks or months.”

Mr Blair’s interview on *BBC’s Breakfast with Frost*, 26 January 2003

680. Mr Blair decided to use an interview on *Breakfast with Frost* on 26 January to set out the position that the inspections should be given sufficient time to determine whether or not Saddam Hussein was co-operating fully. If he was not, that would be a sufficient reason for military action. A find of WMD was not required.

681. In an extended interview on the *BBC’s Breakfast with Frost* programme on 26 January, Mr Blair set out in detail his position on Iraq.²³⁷

682. Asked whether Dr Blix should be given more time, Mr Blair stated that the inspectors had “to be given the time to do the job”, but there was “confusion” about what that job was. The time they needed was to certify whether Saddam Hussein was “fully co-operating or not”. Saddam had to provide information on “exactly what weapons material” he had, “allowing the inspectors to inspect it, monitor it and shut it down”. If they were not able to do that job, Saddam would have to be disarmed by force. That should not take months, but Saddam was not co-operating.

²³⁴ Note Montgomery, 25 September 2002, ‘In the Matter of Iraqi Crimes Against Humanity’.

²³⁵ Letter Goldsmith to Clwyd, 24 January 2003, ‘Saddam Hussein, Tariq Aziz, Ali Hassan and Taha Ramadan’.

²³⁶ Democratic Republic of Congo v Belgium ICJ, 14 February 2002.

²³⁷ *BBC*, 26 January 2003, *Breakfast with Frost*.

683. Pressed as to whether non-compliance rather than evidence of weapons of mass destruction justified “a war”, Mr Blair replied that he “profoundly” disagreed with the idea that a refusal to co-operate was of a “lesser order”. He added:

“... what we know is that he has this material ... we know there is something like 350 tonnes of chemical warfare agent. We know there is something like 30,000 special munitions for the delivery of chemical and biological weapons.

“He hasn’t even told us where those old leftovers from 1998 are ... we know ... that there is an elaborate process ... of concealment ...

“... the people that the inspectors want to interview ... are being told, by the Iraqi authorities, they can only come for interviews with an Iraqi ... minder, and only be interviewed in certain places.

“And we know also from intelligence that these people’s families are being told that if they co-operate and give any information at all they will be executed.

“... if he fails to co-operate in being honest and he is pursuing a programme of concealment, that is every bit as much a breach as finding, for example, a missile or chemical agent.”

684. Asked whether there would be “another dossier” setting out what UK intelligence had discovered, Mr Blair stated:

“... we have the intelligence that says that Saddam has continued to develop these weapons of mass destruction; that what he’s doing is using a whole lot of dual-use facilities in order to manufacture chemical and biological weapons; and ... that there is an elaborate programme of concealment ... forcing the inspectors to play a game of hide and seek.”

685. Asked if he had sufficient evidence to back action, Mr Blair replied:

“... I’ve got no doubt at all that he’s developing these weapons and that he poses a threat but we made a choice to go down the UN route ...

“... our judgement, the American judgement ... is that Saddam has these weapons, but the purpose of the inspectors ... is ... to report back to the UN and say whether he is fully co-operating or he’s not.”

686. Asked whether a second resolution was needed, required or preferred, Mr Blair replied:

“Of course we want a second resolution and there is only one set of circumstances in which I’ve said that we would move without one ... all this stuff that ... we’re indifferent ... is nonsense. We’re very focused on getting a UN resolution ...

“... you damage the UN if the UN inspectors say he is not co-operating, he’s in breach, and the world does nothing about it. But I don’t believe that will happen ...”

687. Mr Blair reiterated his arguments that the world had to take a stand to disarm Iraq so as to send a message to other countries that were potentially developing weapons of mass destruction that they had to take the international community seriously. Delay would make it more difficult to deal with the issue: in his view it was “only a matter of time before international terrorism and these types of weapons come together”.

688. Asked what was the most important item on the agenda for his meeting with President Bush, Mr Blair replied:

“To agree the right strategy for the future and to ... explain ... yet again why it is important to deal with this issue.”

689. Mr Blair concluded in relation to Iraq that:

“... when America is taking on these tough and difficult questions our job is to be there. Not be there at any price, not be there without saying how we think the thing should be dealt with, but being there in the difficult and tricky times, not simply ... as fair weather friends.”

690. Mr Scarlett and SIS1 provided material for use during the interview. This is addressed in Section 4.3.

691. Mr Campbell wrote in his diaries that the UK problem was that President Bush “seemed hell-bent on war and we looked like we were doing things from a US not UK perspective”.²³⁸

692. Mr Campbell added on 27 January: “Despite yesterday people were still applying the yardstick that the inspectors would have to find WMD rather than simply that Saddam had to co-operate.”²³⁹

693. Mr Vladimir Putin, the Russian President, told Mr Blair on 27 January that inspections needed more time.

694. President Putin contacted Mr Blair on 27 January to discuss the differences in the international community’s approach to North Korea and Iraq.²⁴⁰ On the former, the strategy was to pursue a negotiation, including contacts between the US and North Korea. Mr Blair agreed to discuss that with President Bush, and that:

“We need to bind the North Koreans into an agreement that preserved their dignity while ensuring that they could not develop their weapons.”

²³⁸ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

²³⁹ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

²⁴⁰ Letter Rycroft to McDonald, 27 January 2003, ‘North Korea and Iraq: Prime Minister’s Phone Call with Putin, 27 January’.

695. On Iraq, President Putin's view was that the purpose of the military build up was to put pressure on Iraq, not a preparation for war. Russia was doing the same through diplomatic means and had managed to ensure that the Iraqis gave permission for scientists to go abroad to be interviewed and searches of private homes. UNMOVIC and the IAEA had some questions, but they were procedural, there were no complaints that Iraq was interfering with the inspections. The inspectors should be allowed to continue their work. He trusted the inspectors and they should be given more time.

696. Mr Blair agreed that the inspectors should have time to do their job, but it was "crucial" that it "did not become a game of hide and seek". Iraq had to help the inspectors; Saddam Hussein was obliged to give them positive co-operation, not just access. He would discuss the issues with President Bush and then speak to President Putin again.

697. President Putin emphasised that it was a very important conversation and concluded that Saddam Hussein should comply with all his obligations and the inspectors' requests; he must accommodate our demands. Moscow was not interested in covering for Iraq if it had weapons or was seeking to acquire them. If Iraq had any weapons, they must destroy them and comply with the inspectors.

698. Mr Campbell wrote that the call was "encouraging"; President Putin was "really losing patience with Saddam".²⁴¹

699. In an interview before the reports to the Security Council on 27 January, Mr Igor Ivanov, the Russian Foreign Minister, told Al Jazeera that he strongly doubted that the Council would authorise military action against Iraq: "the chances ... are practically nil".²⁴²

Security Council, 27 January 2003

700. Dr Blix reported to the Security Council on 27 January that Iraq appeared to have decided in principle to co-operate on process, but an Iraqi decision to co-operate on substance would be "indispensable" for the inspectors to complete their tasks.

701. Iraq's declaration of 7 December did not provide new evidence which would eliminate or reduce the unresolved issues identified in 1999.

²⁴¹ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

²⁴² Telegram 28 Moscow to FCO London, 28 January 2003, 'Russia/Iraq: Russian Response to UNSC Reports'.

702. In his report to the Security Council on 27 January, Dr Blix rehearsed the disarmament process since 1991 and identified three “important questions” for the Security Council:

- “[H]ow much [prohibited material and activity] might remain undeclared and intact from before 1991”?
- “[W]hat, if anything, was illegally produced or procured after 1998, when the inspectors left”?
- How to prevent “any weapons of mass destruction be[ing] produced or procured in the future”?²⁴³

703. Dr Blix reported on UNMOVIC’s activities and gave an assessment of the extent of Iraq’s co-operation with those activities, including its declaration of 7 December 2002.

704. Dr Blix stated that UNMOVIC shared “the sense of urgency felt by the [Security] Council to use inspection as a path to attain, within a reasonable time verifiable disarmament of Iraq”. UNMOVIC’s capability was “growing”. It had 260 staff members of whom 100 were inspectors. It had conducted about 300 inspections at more than 230 sites, of which 20 were sites which had not been inspected before. A training programme in Vienna would create a pool of 350 qualified experts from which inspectors could be drawn.

705. Dr Blix reported: “It would appear from our experience so far that Iraq has decided in principle to provide co-operation on process, namely access.” Iraq had “on the whole co-operated rather well so far ... access has been provided to all sites that we wanted to inspect and with one exception it has been prompt”. There had, however, been “some problems” in two areas: Iraq’s refusal to guarantee the safety of U2 flights to provide aerial imagery and for surveillance during inspections; and helicopter operations, although that had been “solved”. There had also been “some recent disturbing incidents and harassment”.

706. Dr Blix stated that an Iraqi decision to provide co-operation on substance was “indispensable” to bring “the disarmament task to completion”. OP9 of resolution 1441 required Iraqi co-operation to be “active”. It was “not enough to open doors”. Inspection was “not a game of ‘catch as catch can’”. Rather ... it is a process of verification for the purpose of creating confidence.”

707. Dr Blix reported: “In the fields of missiles and biotechnology, Iraq’s declaration contains a good deal of new material and information covering the period from 1998 and onward. This is welcome.”

²⁴³ UN Press Release, 27 January 2003, *Security Council briefed by Chief UN Weapons Experts on First 60 days of Inspections in Iraq* (SC/7644).

708. But Dr Blix stated:

“One might have expected ... that Iraq might have tried to respond to, clarify and submit supporting evidence regarding the many open disarmament issues, which the Iraqi side should be familiar with from the UNSCOM document S/1999/94 of January 1999 and the so-called Amorim Report of March 1999 ... These are the questions which UNMOVIC, governments and independent commentators have often cited.”

709. UNMOVIC had found “the issues listed in those two documents as unresolved, professionally justified”. The reports pointed to:

“... lack of evidence and inconsistencies ... which must be straightened out, if weapons dossiers are to be closed ... They deserve to be taken seriously by Iraq rather than being brushed aside as evil machinations of UNSCOM. Regrettably, the ... declaration, most of which is a reprint of earlier documents, does not seem to contain any new evidence that would eliminate the questions or reduce their number.”

710. Dr Blix set out examples of questions and issues that needed to be addressed in some detail, including:

- UNMOVIC had information indicating that Iraq had worked on purifying and stabilising the nerve agent VX, and had achieved more than it had declared. This conflicted with the Iraqi account that the agent had only been produced on a pilot scale, had been destroyed in 1991, and was never weaponised. There were also questions to be answered about the fate of VX precursor chemicals.
- Iraq had provided a copy of the “Air Force” document it had withheld in 1998. It indicated that 13,000 chemical bombs were dropped by the Iraqi Air Force between 1983 and 1988. Iraq had claimed that 19,500 bombs were consumed during that period. In the absence of evidence to the contrary, UNMOVIC “must assume these quantities are now unaccounted for”.
- The discovery of “a number of 122mm chemical rocket warheads in a bunker at a storage depot southwest of Baghdad”. The bunker was relatively new, which meant “the rockets must have been moved there in the past few years, at a time when Iraq should not have had such munitions”. Iraq had stated that they were “overlooked from 1991 from a batch of 2,000 that were stored there during the Gulf War. That could be the case. They could also be the tip of a submerged iceberg. The discovery of a few rockets does not resolve, but rather points to, the issue of several thousands of chemical rockets that are unaccounted for.” Iraq had subsequently found four more chemical rockets at a storage depot in al-Taji. The warheads were “empty”.
- Inspectors had found “a laboratory quantity of thiodiglycal, a mustard gas precursor”.

- There were “strong indications that Iraq produced more anthrax than it declared, and that at least some of this was retained after the declared destruction date. It might still exist.”
- Iraq had not declared “a significant quantity of bacterial growth media” which had been included in Iraq’s submission to the Amorim panel. This omission appeared “to be deliberate as the pages of the resubmitted document were renumbered”. The quantity of growth media involved would “suffice to produce ... about 5,000 litres of concentrated anthrax”.
- The Al Samoud 2 and Al Fatah missiles “might well represent *prima facie* cases of proscribed systems” but further technical consideration would be necessary before reaching a conclusion on the issue.
- Iraq had refurbished its missile production infrastructure, including a number of casting chambers which were capable of producing motors for missiles with ranges greater than the 150km limit.
- Iraq had illegally imported 300 rocket engines which might be for the Al Samoud 2, chemicals used in propellants and other potentially proscribed items.

711. Dr Blix questioned Iraq’s claims that there were no more documents about its activities. After the discovery of documents in the home of a scientist “relating to the laser enrichment of uranium”, UNMOVIC could not “help but think that the case might not be isolated and that such placements of documents is deliberate to make discovery difficult”. He warned that: “Any further sign of the concealment of documents would be serious.”

712. Dr Blix also questioned whether Iraq had provided a complete list of the names of personnel who had worked on proscribed programmes, and pointed out the difficulties of interviewing individuals “in private”. He reported that UNMOVIC had asked 11 individuals for interview in Baghdad and that none of them would speak without the presence of an Iraqi official.

713. Dr ElBaradei reported that the IAEA had found no evidence that Iraq had revived its nuclear weapons programme but it was still investigating a number of issues and Iraq needed to shift from passive to pro-active support.

714. Dr ElBaradei called for a few months to verify Iraq’s nuclear disarmament and to demonstrate that the inspection process worked as a central feature of the international nuclear arms control regime.

715. Dr ElBaradei reported that the IAEA had conducted 139 inspections at some 106 locations, with a “focus on areas of concern identified by other States, facilities identified through satellite imagery as having been modified or constructed since 1998, and other inspection leads identified independently”.²⁴⁴ They had been able to “gain

²⁴⁴ UN Press Release, 27 January 2003, *Security Council briefed by Chief UN Weapons Experts on First 60 days of Inspections in Iraq* (SC/7644).

ready access and to clarify the nature of the activities” at those facilities. “No prohibited nuclear activities” had been identified.

716. Dr ElBaradei described the Iraqi declaration as “consistent with our understanding of Iraq’s pre-1991 nuclear programme”. Iraq had not provided “any new information relevant to ... questions which had been outstanding since 1998”. While those questions did “not constitute unresolved disarmament issues”, further clarification was needed.

717. The IAEA had been conducting “exhaustive analysis of supporting information”. Dr ElBaradei also reported difficulties in securing private interviews with the three individuals the IAEA had approached.

718. Iraq’s unsuccessful attempts to procure high-strength aluminium tubes which Iraq had indicated were related to a programme to reverse engineer conventional rockets, had been a particular focus. The IAEA had concluded that the tubes “would be consistent with” use in a conventional rocket programme. They “would not be suitable for manufacturing centrifuges” without modification. The IAEA was “still investigating” the issue, but the attempt to acquire such tubes was “prohibited” by resolution 687 (1991).

719. The IAEA was investigating how “dual-use” material had been relocated or used, including the “HMX” high explosive which had been removed from IAEA seals at the end of 1998. Dr ElBaradei stated that it would be difficult to verify how that had been used.

720. The IAEA was investigating reports of Iraqi efforts to import uranium but it did “not have enough information, and ... would appreciate more”.

721. Dr ElBaradei stated that the IAEA had “begun in the last few weeks to receive more actionable information from States”, and he called on those that “had access to such information to provide it ... so that the inspection process can be accelerated and additional assurances generated”.

722. Dr ElBaradei emphasised the need for Iraq to “shift from passive support ... to pro-active support”. He cited as an example the retrieval of documents relating, “in part, to Iraq’s pre-1991 efforts to use laser technology for enriching uranium”. It was “urgent and essential” for Iraq “on its own initiative, to identify and provide any additional evidence that would assist the inspectors in carrying out their mandate”.

723. Dr ElBaradei warned that there was:

“... a window of opportunity that may not remain open for very much longer. Iraq should make every effort to be fully transparent ... The international community will not be satisfied when questions remain open ... the world is asking for a high level of assurance that Iraq is completely free from all such weapons, and is already impatient to receive it.”

724. Dr ElBaradei stated that the presence of international inspectors in Iraq “continues to serve as an effective deterrent to and insurance against resumption of programmes to develop weapons of mass destruction, even as we continue to look for possible past activities”.

725. Dr ElBaradei concluded:

“... we have to date found no evidence that Iraq has revived its nuclear weapons programme since the elimination of the programme in the 1990s ... [O]ur work is steadily progressing and should be allowed to run its natural course ... [W]e should be able within the next few months to provide credible assurance that Iraq has no nuclear weapons programme. These few months ... would be a valuable investment in peace because they could help us avoid a war. We trust that we will continue to have the support of the Council ... to verify Iraq’s nuclear disarmament through peaceful means and to demonstrate that the inspection process can and does work as a central feature of the international nuclear arms control regime.”

726. Sir Jeremy Greenstock reported that, in subsequent informal consultations of the Council, there was general scepticism that Iraq had “co-operated adequately”, but also a desire for more time.²⁴⁵

727. Sir Jeremy reported that Ambassador Negroponte had delivered a pre-prepared statement saying that there was nothing in either Dr Blix or Dr ElBaradei’s reports which gave hope that Iraq ever intended to comply with resolution 1441 and that the time was fast approaching when the Security Council would have to demonstrate it meant what it had said.

728. Sir Jeremy stated that the Council had heard “a catalogue of unresolved questions”. The “onus was on Iraq to prove the zero it had declared” and to provide “substantive evidence”. Iraqi co-operation had been “limited and grudging” and looked like “a carefully considered policy of withholding information and obstruction”. UNMOVIC and the IAEA needed to conduct more intrusive inspections and “carry out more productive interviews to unravel the facts”.

729. At a later meeting, Dr Blix and Dr ElBaradei had provided answers to specific points raised in the informal discussion, including:

- Dr Blix had complained about the number of Iraqi minders for inspections.
- There had been demonstrations during inspections but UNMOVIC had not been intimidated.
- Dr Blix felt that there was a determination at a high level to co-operate on process but “on substance, Iraq simply said the outstanding questions were nonsensical”. Unless that changed, he was “not optimistic of solutions”.

²⁴⁵ Telegram 152 UKMIS New York to FCO London, 28 January 2003, ‘Iraq: Informal Consultations to Consider Blix and El-Baradei Reports’.

- Dr Blix said that interviews with minders were not “without value”, but “a long pattern of refusals to attend private interviews would be hard to interpret as anything other than intimidation”.
- Denial of access to a private house would be a serious matter.
- Dr ElBaradei said that the documents found at a private home “looked like a scientist’s personal collection of papers over 30 years”. They had “not added to IAEA knowledge and it was impossible to judge whether this was an example of hidden documents”.
- The IAEA had no authority to force people to give interviews.

730. Sir Jeremy commented that the day had been important and a good foundation for “a harder debate on 29 January”. He concluded:

“If we play this carefully, and can win a bit more time, we might be able to construct a bit more of an edifice.”

731. In a press statement on 28 January, Mr Straw published “a list of 10 key questions” from Dr Blix’s report.²⁴⁶ Mr Straw also stated:

“The conclusion is now inescapable that Iraq is in material breach of resolution 1441. We want to see the matter resolved ... by peaceful means ... The regime does not have long to change its behaviour fundamentally. We cannot let Saddam Hussein and the Iraqi regime get away with never-ending deceit and delay.”

732. Russia emphasised the need for political efforts through the Security Council to disarm Iraq.

733. In a press conference in New York after the meeting, Mr Sergei Lavrov, Russian Permanent Representative to the UN, stated that Russia believed the inspections were “going well” and a spokesman for the Russian Ministry of Foreign Affairs in Moscow stated: “only inspections can give an answer to the international community’s question about whether Iraq has weapons of mass destruction”.²⁴⁷ Mr Igor Ivanov told US *NBC* that Russian diplomats would try to find a solution which would preserve the Security Council’s unity.

734. Sir Roderic Lyne, British Ambassador to Russia, reported that all Russian officials were playing down the significance of the reports to the Security Council, “emphasising that they were only preliminary findings”. Russia was keeping its options open on future handling of the issue “while calling for the inspections to continue”.

²⁴⁶ The National Archives, 28 January 2002, *Iraq is in Material Breach of Resolution 1441*.

²⁴⁷ Telegram 28 Moscow to FCO London, 28 January 2003, ‘Russia/Iraq: Russian Response to UNSC Reports’.

735. During a visit to Kiev on 28 January, President Putin stated that international security was “a more important issue than Iraq” and that any steps on the Iraqi problem must be taken through the Security Council. Iraq was co-operating so far but:

“... if Iraq begins to create problems for the inspectors, Russia can change its position and reach an agreement with the US on developing different, tougher decisions in the Security Council.”²⁴⁸

736. In a separate statement, Mr Igor Ivanov stressed that inspections must continue, but that Iraq must co-operate actively, giving the inspectors “every possible assistance”. There were “a lot of unclear questions” remaining about chemical and biological weapons. He criticised Iraqi officials who had stated that Iraq might attack Kuwait in the event of a war. That did not promote “the necessary conditions for continuing political efforts to settle the Iraq situation”. Russia was firmly opposed to military action both against Iraq and from its territory. Unilateral action against Iraq would split the anti-terrorist coalition. Russia would direct its efforts to “thinking how to avoid a veto” and finding a solution that would preserve the important unity of the Security Council. If Iraq committed “flagrant violations” of resolution 1441, the Security Council should consider “the possibility of additional steps” to meet the requirements of the resolution.

737. Sir Roderic Lyne commented that the two statements “seemed to mark a shift in Russian rhetoric on Iraq”.

President Bush’s State of the Union address, 28 January 2003

738. In his State of the Union address on 28 January, President Bush set out his view that Iraq’s actions demonstrated it had decided not to take the final chance to disarm. Saddam Hussein had shown “utter contempt” for that offer; he was deceiving the international community, not disarming. The US would not wait to act until the threat from Iraq was imminent.

739. President Bush announced that the US had asked for a meeting of the Security Council on 5 February at which Secretary Powell would present information and intelligence on Iraq’s illegal programmes.

740. In his “State of the Union” address on 28 January, President Bush emphasised the threat of terrorism to the US and others, the potential threat from Iraq in that context, and the need to disarm Iraq.²⁴⁹

741. President Bush’s detailed statements about the threat posed by Iraq are set out in the Box below.

²⁴⁸ Telegram 32 Moscow to FCO London, 29 January 2003, ‘Russia/Iraq: Putin/Ivanov Statements’.

²⁴⁹ The White House Press Release, 28 January 2003, *President Delivers “State of the Union”*.

Extracts from President Bush's State of the Union address, 28 January 2003

President Bush stated:

"Today, the gravest danger in the war on terror, the gravest danger facing America and the world, is outlawed regimes that seek and possess nuclear, chemical and biological weapons. These regimes could use such weapons for blackmail, terror, and mass murder. They could also give or sell those weapons to terrorist allies, who would use them without the least hesitation.

"This threat is new; America's duty is familiar ...

"America is making a broad and determined effort to confront these dangers ...

"Different threats require different strategies ...

"Our nation and the world must learn the lessons of the Korean peninsula and not allow an even greater threat to rise up in Iraq. A brutal dictator with a history of reckless aggression, with ties to terrorism, with great potential wealth, will not be permitted to dominate a vital region and threaten the United States.

"Twelve years ago, Saddam Hussein ... agreed to disarm ... For the next 12 years, he systematically violated that agreement. He pursued chemical, biological and nuclear weapons ... Nothing to date has restrained him from his pursuit of these weapons – not economic sanctions, not isolation from the civilized world, not even cruise missiles strikes on his military facilities.

"... the United Nations Security Council gave Saddam Hussein his final chance to disarm. He has shown instead utter contempt ... The ... UN inspectors ... were not sent to conduct a scavenger hunt for hidden materials ... The job of the inspectors is to verify that Iraq's regime is disarming. It is up to Iraq to show exactly where it is hiding his banned weapons, lay those weapons out for the world to see, and destroy them as directed. Nothing like this has happened.

"The United Nations concluded in 1999 that Saddam Hussein had biological weapons sufficient to produce over 25,000 litres of anthrax – enough doses to kill several million people. He hasn't accounted for that material. He has given no evidence that he has destroyed it.

"The United Nations concluded that Saddam Hussein had material sufficient to produce more than 38,000 litres of botulinum toxin ...

"Our intelligence officials estimate that Saddam Hussein had the materials to produce as much as 500 tonnes of sarin, mustard and VX nerve agent ...

"US intelligence indicates that Saddam Hussein had upwards of 30,000 munitions capable of delivering chemical agents. Inspectors recently turned up 16 of them – despite Iraq's recent declaration denying their existence ...

"From three Iraqi defectors we know that Iraq, in the late 1990s, had several mobile biological weapons labs ...

“The International Atomic Energy Agency confirmed in the 1990s that Saddam Hussein had an advanced nuclear weapons development program ... The British Government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa. Our intelligence sources tell us that he has attempted to purchase high-strength aluminium tubes suitable for nuclear weapons production. Saddam Hussein has not credibly explained these activities. He clearly has much to hide.

“The dictator of Iraq is not disarming. To the contrary; he is deceiving. From intelligence sources we know, for instance, that thousands of Iraqi security personnel are at work hiding documents and materials from the UN inspectors, sanitising inspection sites and monitoring the inspectors themselves. Iraqi officials accompany inspectors in order to intimidate witnesses.

“Iraq is blocking U2 surveillance flights ... Iraqi intelligence officers are posing as the scientists inspectors are supposed to interview. Real scientists have been coached by Iraqi officials on what to say. Intelligence sources indicate that Saddam Hussein has ordered scientists who co-operate with UN inspectors ... will be killed, along with their families.

“Year after year, Saddam has gone to elaborate lengths, spent enormous sums, taken great risks to build and keep weapons of mass destruction ... The only possible explanation, the only possible use ... is to dominate, intimidate or attack.

“With nuclear arms or a full arsenal of chemical and biological weapons, Saddam Hussein could resume his ambitions of conquest in the Middle East and create deadly havoc in that region. And this Congress and the America[n] people must recognise another threat. Evidence from intelligence sources, secret communications, and statements by people now in custody reveal that Saddam Hussein aids and protects terrorists, including members of Al Qaida. Secretly, and without fingerprints, he could provide one of his hidden weapons to terrorists, or help them develop their own.

“Before September the 11th, many in the world believed that Saddam Hussein could be contained. But chemical agents, lethal viruses and shadowy terrorist networks are not easily contained. Imagine those 19 hijackers ... armed by Saddam Hussein ...

“Some have said we must not act until the threat is imminent ... If this threat is permitted to fully and suddenly emerge, all actions or words, or recriminations would come too late. Trusting in the sanity and restraint of Saddam Hussein is not a strategy, and it is not an option.

“The dictator who is assembling the world’s most dangerous weapons has already used them ... International human rights groups have catalogued other methods used in the torture chambers of Iraq ...

“... tonight I have a message for the brave and oppressed people of Iraq: your enemy is not surrounding your country – your enemy is ruling your country. And the day he and his regime are removed from power will be the day of your liberation.

“The world has waited 12 years for Iraq to disarm. America will not accept a serious and mounting threat to our country ...

“We will consult. But let there be no misunderstanding: if Saddam Hussein does not fully disarm, for the safety of our people and for the peace of the world, we will lead a coalition to disarm him.”

742. President Bush also announced that the US would ask the UN Security Council to convene on 5 February to “consider the facts of Iraq’s ongoing defiance”; and that Secretary Powell would “present information and intelligence about Iraq’s ... illegal weapons programs, its attempt to hide those weapons from inspectors, and its links to terrorist groups”.

Security Council, 29 January 2003

743. Sir Jeremy Greenstock continued to advise that there was little support in the Security Council for a second resolution.

744. Sir Jeremy Greenstock advised that only four countries definitely supported a second resolution and that:

“Things will not move in our direction without some fact or development to give countries the grounds on which to change position, or at least give us more time to ... confirm the conclusion that Iraq will not co-operate.”²⁵⁰

745. Sir Jeremy Greenstock told the Security Council on 29 January that Iraq was in material breach of resolution 1441 and the Council could not “simply tread water”. It would have to “take tough decisions soon”.

746. On 29 January, the Security Council met for a second time to discuss the reports delivered by Dr Blix and Dr Elbaradei on 27 January.²⁵¹

747. Sir Jeremy Greenstock reported that the discussion was “a replay of earlier positions”, and that “Almost every delegation” had welcomed Secretary Powell’s intention to “provide evidence” on 5 February. Most delegations saw the presentation as “feeding in to the inspections process”.

748. Sir Jeremy told the Council that, in asking for more time, there was a need to be realistic: “Time would not achieve anything without the co-operation we expected.” Iraq had: not given “access to its illegal WMD programmes”; “allowed omissions in the declaration”; and “failed to co-operate”. “The inescapable conclusion was Iraq was in material breach of [resolution] 1441.”

²⁵⁰ Telegram 161 UKMIS New York to FCO London, 29 January 2003, ‘Iraq: Which Way Will the Votes Stack Up?’

²⁵¹ Telegram 167 UKMIS New York to FCO London, 30 January 2003, ‘Iraq: 29 January Security Council Discussion’.

749. Sir Jeremy said that he was sure others shared the frustration that Iraq was not taking the final opportunity. It was “still not too late – but Iraq had to co-operate now. If it did not, there was no way the inspectors would be able to fulfil their mandate.”

750. Sir Jeremy asked a series of questions about how, if the difficulties experienced were a reflection of planned Iraqi resistance, more time would resolve the issues. He added that the Council:

“... had to realise that it was up against a serious decision under a tight timescale. More time would not help ... [W]e had to stay together in insisting the non-compliance had to stop or the Council would no longer be in charge of this process through inspections ...”

751. Sir Jeremy reported that he had hammered home that the Council could not “simply tread water” and would have to “take tough decisions soon”.

Mr Blair’s meeting with President Bush, 31 January 2003

The US position

752. Sir David Manning and Sir Richard Dearlove reiterated the UK’s concerns in talks in Washington on 29 January, including a request to delay military action until the end of March.

753. Sir David Manning advised Mr Blair that he thought the US accepted that a second resolution would be needed, but there was no “agreement to wait until the end of March”.

754. Sir Christopher Meyer advised that President Bush would be “pretty implacable” and “impatient”, and that he was convinced that the critics of military action would be routed by an early and easy military victory.

755. Reflecting previous difficulties, Sir David Manning and Sir Christopher Meyer both advised Mr Blair that he would need to spell out his message to President Bush in a way which left no scope for “interpretation” in Washington.

756. Sir David Manning spoke to Dr Rice on 27 January about the UK’s need for Parliamentary support for military action; and that the only way to get that support would be a second resolution.²⁵² That would need a delay until the end of March.

757. Sir David did not get the response he had wished. He advised Mr Blair that he would need to speak to President Bush again before their meeting in the US on 31 January.

²⁵² Minute Manning to Prime Minister, 27 January 2003, ‘Iraq: Conversation with Condi Rice’.

758. Sir David Manning visited Washington on 29 January for talks with Dr Rice.²⁵³ He was accompanied by Sir Richard Dearlove.

759. Sir David Manning reiterated many of the points he had made in previous conversations with Dr Rice.

760. Sir David reported that he had informed Dr Rice that, without a second resolution, Mr Blair would not be able to secure Cabinet and Parliamentary support for military action; and that he could be forced from office if he tried: “The US must not promote regime change in Baghdad at the price of regime change in London.” Mr Blair was not asking for much time: “weeks not months” and action beginning at the end of March.

761. Sir David reported that the UK was significantly less optimistic than the US about the current level of support for a second resolution authorising military action and the prospects for increasing that support. The UK was anxious not to give the impression that inspections were running out of time; that was needed for more reports from Dr Blix which would carry much more weight internationally than the US and UK view. Mr Blair was in a very different position from President Bush, who already had Congressional authority to act.

762. Sir Richard Dearlove had “briefed in detail on our intelligence” which the US Administration “clearly find very impressive”.

763. Sir David had “spelt out the political realities about Iraq extremely bluntly”. He thought that the US had accepted a second resolution would be needed but there was no agreement to wait until the end of March. Mr Blair would need to “stick very strongly to the arguments in your Note” and to “spell them out in a way that leaves no scope for ... ‘interpretation’”. A late March date would mean a pretty intensive timetable. He suggested that one possibility would be to review the position again after Dr Blix’s next report in mid-February.

764. The minute was sent only to addressees inside No.10 with a private and personal copy sent to Mr Straw.

765. Reporting on the mood in Washington for Mr Blair’s visit, Sir Christopher Meyer advised:

“It is politically impossible for Bush to back down from going to war in Iraq this spring, absent Saddam’s surrender or disappearance from the scene. If Bush had any room for manoeuvre beforehand, this was closed off by his State of the Union speech ...

²⁵³ Minute Manning to Prime Minister, 30 January 2003, ‘Talks with Condi Rice in Washington on 29 January’.

“... Bush ... said in effect that destroying Saddam is a crusade against evil to be undertaken by God’s chosen nation: ‘this call of history has come to the right people’.

“The target of Bush’s messianic appeal was ... the anxious and unconvinced in the country at large ... The call to rally to the flag, the President and to the military should, on past precedent, evoke an emotional and positive response ...

“... The novel element was the promise that Powell would produce fresh evidence of collaboration between Saddam and Al Qaida. For the White House, the key to the questions ‘Why Iraq, why now?’ has always been the rogue state/WMD/terrorism nexus: not as a worrying possibility in future years, but as a clear and present danger.

“... if Powell goes off at half-cock, it will only reinforce, as Jeremy Greenstock has underlined already, the view that the US is hell-bent on war and short-circuiting SCR 1441.

“The Prime Minister will find on Friday a pretty implacable Bush: impatient, deeply disillusioned with France and Germany, convinced that his – and Mr Blair’s – critics will be routed by an early and easy military victory. He is very much influenced by ... [the fact] that in the past the US has failed to respond forcibly to multiple provocation and attacks to the detriment of its reputation and standing. This time the US could not back off.

“Unless we have some good ideas for sending Saddam into exile, Mr Blair’s task on Friday will be to ensure that we and the US go to war in the best company possible. That means securing the time to assemble the largest possible coalition both for the war itself and for the aftermath. If the notorious smoking gun can be found, this will make things much easier ...

“Bush does not look to have the patience to let Blix make the case. I said in an earlier report that exhausting the UN route was likely to mean different things in Washington and London. Bush is undecided about a second resolution: whether it will be worth going for and, if it is, what should be put in it. In other words – as of this morning – Bush has not yet bought into the strategy which the Prime Minister put to him last week.”²⁵⁴

766. Reflecting the difficulties which had arisen from ambiguity about the messages Mr Blair had given President Bush during their meeting at Camp David in early September 2002, Sir Christopher concluded:

“There are huge expectations here of Friday’s meeting and the press are watching like vultures for splits. The Prime Minister will obviously want to reach full agreement

²⁵⁴ Telegram 131 Washington to FCO London, 29 January 2003, ‘Iraq: PM’s Visit’.

with the President on the way ahead in the next few weeks. Unless something changes in the next 48 hours, that will require pressing back very forcefully to secure our interest, on another resolution and timelines. The subsequent agreement will have to be clear beyond doubt in its particulars. After the last Camp David meeting, the hawks immediately started to distort the outcome to their own ends.”

Other views

767. Mr Blair decided to canvass the views of his European colleagues and other allies in advance of the meeting with President Bush on 31 January.

768. A joint statement issued by the UK and seven other European nations on 30 January stated that the international community should remain united in calling for the disarmament of Iraq and that the Security Council should face up to its responsibilities.

769. The leaders of eight European nations – Spain, Portugal, Italy, the UK, the Czech Republic, Hungary, Poland and Denmark – produced a joint article published on 30 January arguing that Europe and the USA must stand united.²⁵⁵

770. The statement set out the importance of the relationship between Europe and America and argued that:

“The transatlantic relationship must not become a casualty of the current Iraqi regime’s persistent attempts to threaten world security ...

“... success in the ... battle against terrorism and the proliferation of weapons of mass destruction demands unwavering determination and firm international cohesion on the part of all countries for whom freedom is precious.

“The Iraqi regime and its weapons of mass destruction represent a clear threat to world security.”

771. The adoption of resolution 1441 had:

“... sent a clear, firm and unequivocal message that we would rid the world of the danger posed by Saddam Hussein’s weapons of mass destruction.

“We must remain united in insisting that his regime is disarmed.

“The solidarity, cohesion and determination of the international community are our best hope of achieving this peacefully. Our strength lies in unity.

“The combination of weapons of mass destruction and terrorism is a threat of incalculable consequences.

²⁵⁵ BBC News, 30 January 2003, *Leaders’ statement on Iraq: Full text*.

“It is one at which all of us should feel concerned. Resolution 1441 is Saddam Hussein’s last chance to disarm using a peaceful means ...

“Sadly this week the UN weapons inspectors have confirmed that his long-established pattern of deception, denial and non-compliance with UN Security Council resolutions is continuing ...

“The United Nations Charter charges the Security Council with the task of preserving international peace and security.

“To do so the Security Council must maintain its credibility by ensuring full compliance with its resolutions.

“We cannot allow a dictator to systematically violate those resolutions. If they are not complied with, the Security Council will lose its credibility and world peace will suffer as a result.

“We are confident that the Security Council will face up to its responsibilities.”

772. Mr Blair decided to speak to a number of his colleagues to establish their views, particularly about the circumstances in which they would support military action, before his meeting with President Bush.²⁵⁶ Mr Blair also planned to speak to them again after the visit.

773. Sir Stephen Wall, the Prime Minister’s Adviser on European Issues, was also asked to speak to a number of his European counterparts.²⁵⁷

774. Mr Blair and Mr John Howard, the Prime Minister of Australia, discussed the position on Iraq on 28 January. Mr Blair said that, militarily, it might “be preferable to proceed quickly”, but it “would be politically easier with a UN resolution”. He:

“... intended to tell President Bush that the UN track was working. Blix had said ... that Saddam was not co-operating. If he repeated this in reports on 14 February, and perhaps in early March there would be a strong pattern on non-co-operation and a good chance of a second resolution.”²⁵⁸

775. Mr Blair and Mr Howard agreed that a second resolution would be “enormously helpful”. It would be better to try and fail than not to try at all for a second resolution but they should “pencil in a deadline beyond which, even without a second resolution, we should take a decision”. Mr Blair said that his instinct was that “in the end, France would come on board, as would Russia and China”.

²⁵⁶ Letter Rycroft to McDonald, 27 January 2003, ‘Iraq: Contacts Before Camp David’.

²⁵⁷ Minute Rycroft to Wall, 28 January 2003, ‘Iraq: A Pitch for the Europeans’.

²⁵⁸ Letter No.10 [junior official] to McDonald, 28 January 2003, ‘Prime Minister’s Telephone Conversation with John Howard’.

776. President Chirac told Mr Blair that he would not support war unless Saddam Hussein did something unacceptable.

777. In a conversation later on 28 January, President Chirac told Mr Blair that the French position had not changed; they were “against war, unless Saddam did something unacceptable”.²⁵⁹ Although Dr Blix had reported that Iraq was not co-operating, Dr ElBaradei had reported good co-operation. War was “always the worst outcome”. Iraq had very little WMD compared with North Korea. The desire to preserve the transatlantic link had to be balanced against the costs of a war.

778. Mr Blair and President Chirac agreed that the inspectors should be given more time. President Chirac thought that the inspectors would find nothing; Mr Blair said it would be “serious if the inspectors continued to report insufficient co-operation, e.g. if the Iraqis refused interviews or denied proper access”. They agreed that, “in that case, a second resolution would come into play”.

779. President Chirac welcomed Mr Blair’s offer to speak again after his meeting with President Bush.

780. Mr Rycroft commented that President Chirac appeared:

“... to be positioning himself to support a second resolution if the inspectors find WMD or are denied access. But his straight ‘non’ to the Prime Minister’s question about continued Iraqi non-co-operation shows the problem we shall have with the French if we are in the scenario of arguing that a pattern of non-co-operation is a material breach of 1441.”

781. A minute from Sir David Manning to Mr Blair records that President Chirac had refused to accept a phone call from Mr Blair for the preceding two weeks.²⁶⁰

782. Mr de Villepin spoke twice to Mr Straw on 29 January.

783. In the first conversation, Mr de Villepin questioned why military action should be used against Iraq when 20-30 other countries had chemical weapons. It was hard to explain the threat posed by Iraq when there was almost no risk from the nuclear programme.²⁶¹

784. Mr Straw’s response focused on the process in resolution 1441 agreed by the UK and France. In his view, there were “two key questions”:

“... was there a material breach and what action should the international community take. Blix’s report had shown that Iraq was in material breach according to the

²⁵⁹ Letter Rycroft to Sinclair, 28 January 2003, ‘Iraq: Prime Minister’s Conversation with Chirac, 28 January’.

²⁶⁰ Minute Manning to Prime Minister, 26 January 2003, ‘UK/France’.

²⁶¹ Telegram 21 FCO London to Paris, 29 January 2003, ‘Iraq: Foreign Secretary’s Conversation with French Foreign Minister, 29 January’.

definition set out in OP4. There had been plenty of material breaches in the past which had not led to military action. But, as UNSCR 1441 set out, if there were a further material breach then Iraq would face serious consequences. This could only mean military action.”

785. Mr de Villepin responded that, as politicians, he and Mr Straw had to show how military action corresponded to the threat. The issue of material breach had to be faced.

786. Mr Straw countered that “just because the international community was not taking action against other states was not an argument for inaction against Iraq”; and taking action against Iraq “would be a deterrent to other countries”. In his view it would be “possible to avoid military action only if the international community remained united in telling Iraq to comply”.

787. In the second conversation, Mr de Villepin expressed surprise about the joint article signed by eight European Prime Ministers which Mr Blair had not mentioned to President Chirac.²⁶²

788. Mr Straw told Mr de Villepin that at the time resolution 1441 was agreed, “everyone knew that a further material breach would trigger a meeting of the Security Council”. Mr de Villepin did not agree with Mr Straw’s view that Iraq “had committed a further material breach”. Mr Straw argued that resolution 1441 had:

“... agreed a 60-day inspection period. Blix had then reported. There would be further discussions in the Security Council. If Iraq changed its behaviour, then good. If not, military action would become inevitable ...”

789. Mr de Villepin had stated that France would never be placed in a position where it would agree to a second resolution simply as window dressing for military action; it wanted time to allow the build-up of pressure to work. The US timeframe was too short.

790. Mr Straw said:

“... the more the inspectors found a pattern of non-compliance, the greater the suspicion surrounding Saddam’s WMD ...

“It would be terrible if, in the case of a clear further material breach, the international community did nothing. It was in no one’s interest to see the US act unilaterally. That would mean the international community losing influence over US actions.”

791. When Mr Straw asked whether France would consider using its veto, Mr de Villepin “ducked the question”.

²⁶² Telegram 23 FCO London to Paris, 29 January 2003, ‘Iraq: Foreign Secretary’s Second Conversation with French Foreign Minister, 29 January’.

792. Sir Roderic Lyne advised that Russia would vote in favour of a second resolution in response to a “smoking gun”; but that it might support or abstain on a resolution based on reports of non-co-operation.

793. In a telegram on 30 January, Sir Roderic Lyne advised that Russia was “not nearly as steamed up about Iraq” as France and Germany.²⁶³ President Putin’s attitude was “based on a pragmatic assessment of Russia’s interests – which means avoiding war if possible, but more importantly not falling out with the Americans and avoiding marginalisation at the UN”. Russia was “not talking veto language” and President Putin’s remarks were beginning “to prepare public opinion for a vote in favour [of a second resolution]”.

794. Sir Roderic wrote that Russia was “in the ‘most opposed’ group in the Security Council” but Moscow was “not signalling real determination to make difficulties or hold out to the end – rather the opposite”. The mood was “a mixture of pragmatism and sullen acquiescence in a presumed outcome”.

795. The evidence for those conclusions set out by Sir Roderic included:

- The official Russian line before the reports to the Security Council, about the need for more time and that military action would not be justified, was “ritualistic, carefully moderated and designed not to box Russia in (nor to whip up public emotions)”. President Putin’s remarks in Kiev had “changed the tune sharply”. Mr Igor Ivanov had “swung into line”.
- President Putin had told Mr Blair “two years ago that he would not regret the passing of Saddam Hussein”, and he had not “pressed hard” since resolution 1441.
- “THE FRANCO-RUSSIAN SYMPHONY” wasn’t playing: “Before 1441, Chirac and Villepin were burning up the phone lines to Moscow, and Lavrov and Levitte [Mr Jean-David Levitte, French Permanent Representative to the UN] were (for a while) in bed together in New York. It feels different this time.” That was partly because “the Russians thought the French welshed on them in the 1441 end game”. The larger point was that President Putin knew that Iraq was the “litmus test” for his strategic relationship with President Bush. President Putin’s visit to France and Germany from 9-11 February might “well create the impression of a common front, but under the surface it isn’t so”.
- “Almost no one” in Russia wanted to see a war in Iraq. The “Russian body politic” was “acutely uncomfortable with US hyperpower and Russian impotence” but there was “less heat” about Iraq than “in France, Germany or Western Europe in general”. No one was forecasting that President Putin would “break with the Americans”.

²⁶³ Telegram 33 Moscow to FCO London, 30 January 2003, ‘Iraq: Which Way Will Russia Jump?’

- “Keeping the oil price high (though not extreme) and avoiding a post-conflict collapse” was a key Russian interest.
- Russia was “not trying any” political initiatives. It seemed to have “put some pressure” on Iraq, but relations were “not warm”.

796. Sir Roderic advised that Russia would:

“... tuck in behind the French and Germans in the Security Council, with the Chinese, but not lead the pack. They’ll support more time for inspections, calls for proof positive, and ploys to get Saddam to concede or step down.

“They will not veto in isolation; probably not veto in Chinese company alone; and in general will do all they can to avoid vetoing. They would rather let through (perhaps on abstention) a distasteful second UNSCR than see the Americans go unilaterally and sideline the Security Council. They would vote in favour of a ‘smoking gun’ resolution and in favour or abstain (depending on the French vote) on a resolution based on reports from Blix of non-co-operation.

“... It would be awkward but not completely impossible for Putin domestically to be more US-friendly in a vote than ... [Germany or France].

“... If the US goes unilateral, the Russians will make a decent show of grumbling ... but they won’t be actively obstructive.”

797. Sir Roderic concluded that the UK approach should be: “More of the same.”

The UK “should help the Americans to keep the Russians engaged, including on day after issues”. This meant continuing conversations with Russians, including with President Putin and Mr Igor Ivanov. The “bottom line” was that President Putin would not want:

“... to lose the chips he’s staked on Bush. Iraq versus the USA is a no brainer. (Nor does Putin wish to part company with us, in the run-up to his State Visit.)”

798. Mr Straw told Mr Igor Ivanov that the question of a material breach was for the Security Council or individual members. He accepted that resolution 1441 had not set a timetable for inspections.

799. The record of Mr Igor Ivanov’s telephone call to Mr Straw on the afternoon of 30 January reported that Mr Ivanov had said it was necessary to address the problems identified in Dr Blix’s report, but he saw no problems which could not be resolved by negotiations.²⁶⁴

²⁶⁴ Telegram 19 FCO London to Moscow, 30 January 2003, ‘Iraq: Foreign Secretary’s Conversation with Russian Foreign Minister, 30 January’.

800. Mr Straw agreed that most problems in Dr Blix's report:

"... could be resolved if Iraq complied. But there could be no doubt that Iraq was in further material breach because of its non-compliance. It was important that Iraq got the message that time had almost run out. It would be stupid of them not to co-operate now."

801. Questioning Mr Straw's statement, Mr Ivanov said: "it was up to the inspectors to say how much time they needed to complete their mission. If they needed five to six months, who were we to say they should not get it."

802. Mr Straw "accepted" that there was nothing in resolution 1441 on the timing. That was: "a matter for the Security Council. But Iraq should have complied over the past two months, or even in the 1990s."

803. Mr Ivanov agreed that:

"... it was for the Security Council to decide on timing ... [T]he previous inspectors had worked for eight years and done a great job. ElBaradei had told ... [him] that he needed two more months. Blix needed more time too. The Security Council could give the inspectors time to finish their job."

"... the Blix report had said nothing about a material breach."

804. Mr Straw said:

"... material breach was not a matter for the inspectors, but for the Security Council or for individual members. If one looked at OP4 ... it was very hard to see how Iraq was not now in further material breach."

805. Mr Ivanov agreed that:

"... it was for the Security Council to decide if there were a further material breach. But, looking at the Blix and ElBaradei reports, Russia saw no reason to declare that Iraq was in material breach. But there was a definite need to seek further co-operation from Iraq."

JIC Assessment, 29 January 2003

806. The JIC assessed on 29 January that retaining WMD was a vital Iraqi interest and that Saddam Hussein was unlikely to agree to relinquish power or go into exile.

807. The JIC predicted that, once military action began, widespread lack of loyalty to the regime would become clear and a hard-fought professional defence of Baghdad was "unlikely".

808. The JIC sustained its earlier judgements on Iraq's ability and intent to conduct terrorist operations.

809. At the request of the FCO, the JIC reviewed current developments in Iraq from Saddam Hussein's perspective and possible Iraqi moves in the coming weeks.²⁶⁵

810. The minutes of the JIC discussion on 29 January record that the draft Assessment had been difficult to write given the fast-moving developments and it was important to ensure it reflected the latest information, especially the UNMOVIC perspective.²⁶⁶ They also recorded that:

"... it was difficult to predict if and when Saddam might launch pre-emptive strikes, but the paper should try and make a judgement on possible timescales. The trigger would probably be set when Saddam concluded that his fate was sealed, rather than any movements by Coalition Forces. Most of the Iraqi military would probably crumble quickly under attack. Saddam would maintain his hold on of power until then, and there were no indications of possible coups beforehand. Whilst the Iraqi public might welcome the end of Saddam's regime, they were also concerned about the human costs of fighting."

811. The key elements of the Assessment are set out in the Box below.

**JIC Assessment, 29 January 2003:
'Iraq: The Emerging View from Baghdad'**

Key Judgements

- "Retaining WMD remains a vital Iraqi interest. Saddam might nevertheless consider a last minute tactical declaration of some of his WMD to avert a war, believing that he can rebuild his WMD capability later."
- "Saddam does not appear to realise the severity of the military attack he faces. Senior Iraqi officials, although increasingly convinced of the inevitability of a US-led attack, are unlikely to be telling Saddam about their concerns."
- "Saddam has not lost control or the capacity for rational tactical decisions. He continues to maintain regime cohesion, primarily through intimidation. He is unlikely to agree to relinquish power or to go into exile. He still believes he has a chance of averting military action or, once military action begins, forcing the Coalition to cease hostilities before his regime collapses."
- "Once military action has begun, widespread lack of loyalty to the regime will become clear. Iraqis may not welcome Coalition military forces, but most will at least acquiesce in Coalition military activity to topple the regime, as long as civilian casualties are limited. A hard-fought professional defence of Baghdad is unlikely, although elite military and security elements closely identified with the regime may fight until their positions become untenable."

²⁶⁵ JIC Assessment, 29 January 2003, 'Iraq: The Emerging View from Baghdad'.

²⁶⁶ Minutes, 29 January 2003, JIC meeting.

- “Saddam probably believes he has some strong political and military cards to play, even in the face of an inevitable attack. These include exploiting international divisions over war with Iraq and rousing the Arab street. He may use human shields, fire CBW against Coalition Forces, launch a pre-emptive attack on the Kurds, Coalition Forces building up in Kuwait or Israel, or sabotage Iraqi oil wells and water supply.”

Inspections

The JIC had “judged in October” that:

“Saddam was confident he could prevent UNMOVIC from finding any evidence before military options started to close off ... and that concealment and dispersal of sensitive items were the basis of Iraq’s strategy. [...] But by mid-January there were signs that Iraq was coming under pressure from UNMOVIC finds that were inconsistent with its December 2002 declaration. [...]

“[...] Intelligence is unclear, but it is possible the UNMOVIC discoveries have increased Iraqi uncertainty. Blix’s tough statement to the Security Council on 27 January surprised Baghdad and may have increased the regime’s concerns about UNMOVIC. Saddam Hussein continues to believe that the possession of WMD is a vital Iraqi interest. [...] Any WMD admission would therefore be tactical rather than indicative of a genuine change of policy.”

Reading the outside world

The JIC assessed that:

- Iraqi officials were “**increasingly convinced of the inevitability of a US-led military attack**”.
- Saddam Hussein continued to “give the impression that military action, though increasingly likely,” was “not imminent”.
- Saddam Hussein’s speeches in early January had been “bellicose, calling for bravery and sacrifice in defending the homeland from invaders”.
- It was “not clear that Saddam and his officials” had “fully grasped the severity of the military attack they face from the US-led Coalition assembling in the Gulf”. [...]
- “Reporting ... indicated” that Iraq believed the West was “squeamish about casualties”.
- Saddam Hussein was “**misreading the international scene**”. Media reporting of debate in the West might “well lead him to overestimate the impact of opposition to military action on US determination to deal decisively with him”.
- Saddam Hussein might “also be unsure whether the aim of the Coalition [was] regime change and disarmament or just disarmament”.
- Iraq “continued to seek support from Russia and China as well as Arab and Muslim states. But such attempts to gather Arab and international support appear overambitious.”

Iraq and terrorism

Addressing Iraq's capability to conduct terrorist attacks and its possible intentions, the Assessment stated:

- The JIC continued to judge that Iraq's capability to conduct terrorist attacks was "limited, especially outside the Gulf region".
- The JIC had "previously judged that terrorism could be attempted against Coalition Forces during a military build-up if Saddam believed an attack was inevitable. There [had] been no indication that Iraq was behind the recent attack on US contractors ... in Kuwait". That had, however, highlighted "the vulnerability of the large numbers of Coalition Forces concentrated in an area as small as Kuwait".
- Iraq might "well seek to use its influence over some smaller militant Palestinian groups to encourage them to strike at US and Coalition interests in the Middle East in the event of a Coalition attack".
- There were "also uncorroborated reports of Iraq assembling teams in various countries to attack UK and US interests in the event of war against Iraq".
- Despite the presence of terrorists in Iraq with links to Al Qaida, there was "no intelligence of current co-operation between Iraq and Al Qaida".

Iraqi military preparations

The Assessment stated:

- There were "continuing military defensive preparations, including deployments and reinforcement of military units in the South, West and along the border of the Kurdish autonomous zone" which appeared to be "directed against both the threat of [an] internal uprising and external attack".
- "Since early January part of the Iraqi 4th Corps has moved southwards, including possibly 1,000 troops on the al-Faw Peninsula, apparently in response to the Coalition build-up in Kuwait."
- But Iraq's options for redeployment in the South were "limited": "Any significant redeployment in the South would risk triggering a Coalition attack by breaching the southern No-Drive Zone."
- The regime did "not trust the Republican Guard enough to deploy them in Baghdad, except possibly as a last resort, leaving them exposed beyond the capital's boundaries".
- Iraqi preparations in and around Baghdad were judged to be "of limited utility".
- There had been "no clear indication of any plan for a pre-emptive military strike against the Kurds, neighbouring countries or Israel".
- Saddam Hussein would have "little incentive to launch such a strike while the Iraqi strategy focuses on convincing UNMOVIC that Iraq does not have WMD holdings", but it might "become an attractive option in the face of imminent Coalition military action".
- There was "unlikely" to be "any advance warning of a pre-emptive attack on the Kurds".
- A "pre-emptive limited artillery strike on Kuwait using CBW could be launched in as little as two hours".

- “Preparations for a possible attack on Israel” were “likely to be more extensive and to stretch Iraqi capabilities to the limit”.
- There were indications of “plans to sabotage oil fields to prevent them falling into Coalition hands”.

Maintaining control within Iraq

The Assessment stated:

- The regime continued to “**maintain regime cohesion primarily through intimidation**”.
- It had “attempted to maintain its hold by claiming” that the return of inspectors had “averted a US attack”; the international community was “intent on disarming Iraq, not on regime change”; the regime was “maintaining ‘business as usual’: anybody thinking of deserting will face serious consequences”.
- Clear signs of dissent or defection might not be seen until the regime was “about to fall”.
- Saddam Hussein had “sought to mitigate the regime’s unpopularity by promising some measures of liberalisation”. Such measures had “little credibility” as the regime had “made them under pressure in the past, then withdrawn them once the crisis has passed”.
- There was “little intelligence on Iraqi popular attitudes towards a Coalition attack”.
- The JIC judged that “most Iraqis will welcome the departure of Saddam. A few reports suggest that some Iraqis may fight to defend their homeland from what they see as external aggression. [...] Overall we judge that **while Iraqis may not welcome military forces, they will at least acquiesce in Coalition military action to topple the regime, as long as civilian casualties are limited.**”
- Morale in much of the regular army was “low” and “many soldiers” were “reluctant to fight”. “But as long as Iraqi security officers remain with military units and able to enforce discipline, fear of execution is likely to keep regular units at their posts.”

Saddam Hussein’s mindset

The Assessment stated:

- The JIC judged that Saddam Hussein was “**still in control**” and was “**unlikely to relinquish power voluntarily**”.
- Saddam Hussein would “fear the humiliation of exile, possible assassination and the threat of trial before an international war crimes tribunal”. Suggesting to him “that he step down to avert a war would be likely to provoke a murderous rage”.
- The prospects for a “Turkish initiative to promote a regional peace plan” did not “look good”. There had been “no indication” that Saddam was “preparing to flee”. There had been “uncorroborated reports of plans for Saddam’s family to seek refuge abroad in the event of a Coalition attack”.
- Saddam Hussein was “under increasing pressure” as the inspections regime intensified, UNMOVIC had made “significant discoveries” and the Coalition military build-up continued.
- The JIC judged that Saddam Hussein had “underestimated UNMOVIC’s capability to expose his deception”. He had “failed to realise that he was facing a situation different from the days of UNSCOM”. UNMOVIC’s “limited success” highlighted

the “risks Saddam took in providing a weak declaration of Iraq’s WMD-holdings”.

- There was “**no sign**” that Saddam Hussein was “**unstable or losing the capacity to make rational tactical decisions**”. He might “**well believe**” that he had “**some strong cards left to play**”.
- Saddam Hussein was “already placing military targets in residential areas to score a propaganda victory in the event of a Coalition air campaign”.
- “In the face of an attack, or even before hostilities if he judged that an attack was imminent,” Saddam Hussein might take a number of actions, including:
 - making a last-minute declaration of his WMD;
 - taking hostages or exploiting “foreign volunteers from countries such as UK and France as human shields”;
 - moving “against the KAZ [Kurdish Autonomous Zone] to provoke a humanitarian crisis and to provide a military distraction”;
 - mounting a pre-emptive attack against Israel to “provoke a wider regional crisis and rouse the Arab street”; and
 - inflicting “high enough casualties on any Coalition ground forces, perhaps in Kuwait, including through use of CBW, to halt a Coalition attack and to swing public opinion in the West against hostilities”.
- “Once hostilities were underway”, Saddam might also:
 - “seek to cause an international outcry over the level of Iraqi or Coalition casualties”; and
 - “pursue a scorched earth policy, including the destruction of oil wells and poisoning the water supply”.

The JIC had judged in December 2002 that Saddam Hussein “would initially seek international pressure to halt Coalition action”. If that failed, he “would seek to inflict serious casualties on Iraq’s neighbours and on Coalition Forces, in order to undermine the Coalition’s will to fight on”.

In its Assessment of 29 January, the JIC judged that Saddam Hussein still believed he had “a chance of averting military action or, once military action begins, forcing the Coalition to cease hostilities before his regime collapses”.

812. Mr Scarlett assured Sir David Manning on 30 January that the intelligence reporting was “consistent and convincing”, and there was no evidence that Saddam Hussein was considering the renunciation of WMD.

813. In addition to the JIC Assessment of 29 January, Mr Scarlett sent Sir David Manning his “personal observations on the overall intelligence picture”.²⁶⁷ Mr Scarlett wrote: “Our intelligence reporting has been consistent and convincing. I have not seen a single reference to Saddam even considering the renunciation of WMD to save his regime (and probably his own life).”

²⁶⁷ Minute Scarlett to Manning, 30 January 2003, ‘Iraq: JIC Assessment and Personal Observations’.

814. The details in the letter are addressed in Sections 4.3 and 6.2.

Cabinet, 30 January 2003

815. Mr Blair held a meeting with senior Ministers to discuss Iraq before Cabinet on 30 January, but there is no official record of what was discussed or the conclusions reached.

816. Iraq was discussed with Mr Prescott, Mr Straw, Mr Hoon and Adm Boyce in a meeting before Cabinet.

817. Mr Campbell wrote that:

- Mr Straw had told Mr Blair several times that he had to make clear [to President Bush] that the UK could not go ahead without a resolution.
- Mr Straw was also concerned about Lord Goldsmith's reaction to some of the proposed targets for the air campaign, "because he would feel that disproportionate force was being applied".
- Adm Boyce had "warned that he was worried the Americans felt they would be seen as liberators. It just wasn't so. They would be resented."
- Mr Blair was "clear that he wanted" to get President Bush to a second resolution; and he had "got the message that we couldn't do without one".
- Mr Blair felt that "two or three Blix reports, and more time for Arab leaders to push Saddam out" were needed.
- Mr Hoon was "worried"; Mr Donald Rumsfeld, the US Secretary of Defense, was saying "that the problem with the UN route was that it was open-ended, that other countries just used the process so nothing ever happened".²⁶⁸

818. There is no No.10 record of the discussion.

819. Mr Blair told Cabinet on 30 January that he would be discussing the policy on Iraq with President Bush the following day. Saddam Hussein was not co-operating fully and while the inspectors would need time to reach a firm conclusion, that period could not be open-ended.

820. Mr Blair told Cabinet on 30 January that he would be discussing the policy on Iraq with President Bush the following day.²⁶⁹ The United Nations inspectors "needed to be given clear direction following their report" to the Security Council on 27 January. Saddam Hussein was "not co-operating fully but the pressure on him to do so was increasing. It would take time for the inspectors to come to a firm conclusion, but that period could not be open-ended."

²⁶⁸ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

²⁶⁹ Cabinet Conclusions, 30 January 2003.

821. In the subsequent discussion, the points made included:

- Dr Blix's report could be interpreted as an argument that containment had worked: more explanation was required why we could not continue as before.
- The onus was on Saddam Hussein to explain the discrepancies between the Iraqi declaration and a series of unanswered questions: "about 223 missile motors imported illegally; the production of VX nerve agent; 6,500 missing chemical bombs; 12 newly stored chemical shells; and the refusal to allow [Iraqi] scientists to be interviewed in private" listed by Dr Blix. Resolution 1441 "demanded Iraqi co-operation: it was not for the inspectors to act like detectives to find evidence of Saddam Hussein's guilt".
- The British public was "supportive of the UN route, but was averse to being rushed into war by pressure from the US".
- Military action could precipitate a humanitarian crisis involving internecine strife, the release of Iraqi WMD or the breakdown of the UN Oil-for-Food programme.
- The military build-up continued and there would be announcements on the call-up of Reservists and the Royal Air Force contribution.
- The importance of reviving the MEPP had to be constantly reinforced with the US.

822. Mr Blair concluded that Saddam Hussein "had the choice of either co-operating or being disarmed". The UN route "should be pursued". "More time was needed" to allow the inspectors "to do their job properly and to ensure broad international support". American rhetoric was "weakening the Iraqi regime from within. If military action was required we would need to make clear our commitment to the people of Iraq and to managing the aftermath of hostilities to their benefit. The UN would need to be involved in that process. Military action would be embarked upon only if necessary to enforce the will of the United Nations."

823. Mr Campbell wrote that Mr Blair had been "clear that his role was to pull the US into the right position" on a UN resolution; and that he had later left Cabinet to take a call from President Bush, "from which he returned looking very worried".²⁷⁰

Mr Blair's conversations with President Bush, 29 and 30 January 2003

824. Mr Blair spoke to President Bush on both 29 and 30 January.

825. Mr Blair continued to emphasise that Dr Blix would need time to report a pattern of non-co-operation from Iraq before it would be possible to secure support for a second resolution.

²⁷⁰ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

826. While Mr Blair had proposed on 24 January that inspections, and fortnightly reports to the Security Council should continue until the end of March, the timetable being discussed on 30 January was that a decision on a second resolution could be sought after more reports from Dr Blix.

827. In his diary for 29 January, Mr Campbell wrote:

“For obvious reasons, Iraq was worrying TB more and more. He wasn’t sure Bush got just how difficult it was going to be without a second UNSCR, for the Americans as well as us. Everyone TB was speaking to, including tough guys like [John] Howard, was saying that they need a second resolution or they wouldn’t get support. TB felt that was the reality for him too, that he couldn’t deliver the party without it.”²⁷¹

828. Mr Rycroft advised Mr Blair that he should tell President Bush that:

“Even our closest allies are clear about their own domestic political constraints. They would all much prefer a second resolution if at all possible. You have to have one too ...

“... a pattern of non-co-operation would not suffice for a French vote in favour of a second resolution. Our assessment is that there are only four positive votes ...

“So it follows that a WMD find or an Iraqi obstruction of the inspectors would transform the international context. Short of that, we need a pattern of Blix reports on Iraqi non-co-operation. This all points to a little more time – weeks not months – as you argued in your Note, to improve the chances of securing a second resolution.”²⁷²

829. The conversation on 29 January was brief.²⁷³

830. Mr Blair congratulated President Bush for setting out the case on Iraq in his State of the Union address. He told President Bush that he [Mr Blair] was speaking to several colleagues so that he would have a clear picture of their positions before their meeting. Dr Blix’s January report had been much better than expected and had helped to change some minds.

831. Mr Blair and President Bush agreed to speak the following day on a secure line.

832. In their telephone conversation on 30 January, Mr Blair and President Bush discussed the message that should come out of Mr Blair’s visit.²⁷⁴

²⁷¹ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

²⁷² Minute Rycroft to Prime Minister, 29 January 2003, ‘Iraq: Phone Call to Bush’.

²⁷³ Letter Rycroft to Sinclair, 29 January 2003, ‘Iraq: Prime Minister’s Conversation with Bush, 29 January’.

²⁷⁴ Letter Rycroft to McDonald, 30 January 2003, ‘Iraq: Prime Minister’s Conversation with Bush, 30 January’.

833. Repeating many of the points in his Note to President Bush of 24 January, Mr Rycroft reported that Mr Blair said that:

“... having consulted other leaders it was clear that the issue was not time for its own sake but time to secure a second resolution. Leaving aside public opinion, a second resolution would help protect us against any unexpected events during a military campaign. Saddam had no intention of complying with 1441 so Bush was right to ensure that this did not drag on. The Prime Minister thought that we needed two more Blix reports, one every two weeks, to build up a pattern of Iraqi non-co-operation. At that point, all other countries including France could possibly come on side for a second resolution. But they would need a reason to change their position, which Blix’s reports could provide. For instance, it would be difficult for Putin to support a second resolution next week but he might do so in the future. This could make it impossible for France to attract sufficient support. If they vetoed alone, the French would be the unilateral ones.”

834. Following a discussion of President Bush’s position, Mr Blair accepted that there would be a need to “maintain a position of strength and exhibit increased confidence in our case. Blix’s role would be important.”

835. Mr Blair and President Bush also discussed the need to push hard for peace in the Middle East and dealing with WMD proliferation by countries beyond Iraq.

Mr Blair’s meeting with Mr Aznar, 30 January 2003

836. Mr Blair suggested to Mr José Maria Aznar, the Spanish Prime Minister, that a second resolution could be sought in late February, but not earlier.

837. Mr Blair met Mr Aznar in Madrid on 30 January on his way to Washington.²⁷⁵ The meeting was followed by a press conference.

838. Mr Blair told Mr Aznar that he had told President Bush that a second resolution was politically necessary for the UK. If the inspectors did not find any WMD, the “next best outcome would be for Blix to establish through a second and third report to the Security Council that Iraq was refusing full co-operation”. The UK should thereafter, in early March, seek a second resolution when, “assuming strong Blix reports”, Mr Blair judged Russia would not object and France would need to choose whether to veto. Mr Blair also suggested allowing time after a second resolution for Arab countries to try to force Saddam Hussein into exile.

839. Mr Blair and Mr Aznar discussed the impact of a veto on the UN and, therefore, the need to avoid one; and whether it would be better to seek a second resolution in mid- rather than late February. Mr Blair argued that the situation could not be allowed to “drag on, but it was important to give it a little longer”. He acknowledged that public

²⁷⁵ Letter Rycroft to Sinclair, 30 January 2003, ‘Iraq: Prime Minister’s Meeting with Aznar, 30 January’.

opinion was moving against military action but suggested it could be brought round. Mr Blair's preference was to wait until the end of February, including to allow further reports from Dr Blix, which would highlight Iraq's non-compliance, and give time to work on Security Council members.

840. Mr Blair thanked Mr Aznar for his role in the joint article and stated that he would propose "a system of communications co-ordination" to President Bush.

841. Asked what would happen if there was no second resolution, Mr Blair responded that "he thought military action would follow anyway, but in far tougher political circumstances"; and "The aftermath would be much easier to handle if the UN had authorised military action and the subsequent rebuilding of Iraq."

Papers produced for Mr Blair's meeting with President Bush

842. Mr Blair was sent a number of papers from across Whitehall before his meeting with President Bush.

843. In preparation for the meeting with President Bush, Mr Rycroft sent Mr Blair a pack of "background papers" on 30 January.²⁷⁶ He added that there would be "plenty of other papers, including JIC papers to give you on the plane".

844. The papers on Iraq were produced by the FCO, the MOD and the Cabinet Office.

845. Mr Jim Drummond, the Assistant Head of OD Sec (Foreign Policy), sent Mr Rycroft a minute setting out a "few OD Sec points, just in case they slip through the briefing" provided by the FCO and MOD.²⁷⁷ Those included:

- the need to agree joint military campaign objectives for publication "shortly before any conflict starts"; the UK should offer a draft;
- an offer of "help on handling Iran";
- the "importance of transparency in the use of oil revenues"; and
- the need for agreement on an "UNMOVIC/IAEA role in finding and destroying WMD post Saddam".

MOD LETTER, 29 JANUARY 2003

846. The MOD drew attention to the implications which any delay in military action beyond the spring would have for its ability to provide a major contribution for military action, and the need for the US and UK to have agreed military objectives.

847. The MOD briefing of 29 January comprised a general update and sections on targeting, "aftermath", and Saddam Hussein's options, including Fortress Baghdad.²⁷⁸

²⁷⁶ Minute Rycroft to Prime Minister, 30 January 2003, 'Camp David'.

²⁷⁷ Minute Drummond to Rycroft, 28 January 2003, 'Iraq: US visit'.

²⁷⁸ Letter Williams to Rycroft, 29 January 2003, 'Prime Minister's Briefing – Iraq'.

848. The MOD “line to take” suggested for Mr Blair was that, if military operations were to be delayed beyond April/May, the UK would “struggle to put together this scale of force again for the autumn, especially if the fire strike continues. So militarily we could bear some delay but not too much.”

849. The background briefing for Mr Blair advised that, if operations were not initiated in the spring, the UK would “face some awkward choices”. Some “key elements of the UK contribution were unique” – including the Commando Brigade, the Air Assault Brigade and a specialist helicopter carrier ship. The MOD suggested:

“If operations were not going to start until the autumn, we would need to consider bringing some forces back to the UK in the meantime. Our ability to provide a major contribution later in the year will also be severely constrained if the fire strike continues beyond the spring.”

850. The MOD also advised Mr Blair that agreement on the objectives for a military campaign would be needed. The development of the UK’s objectives and the discussion of the legal basis for the conduct of military operations are addressed in Section 6.2.

851. In relation to targeting, the “line to take” offered to Mr Blair was that the UK was “working up our strategic objectives for a military campaign. We need to relate this to the legal base we establish.” It was “Very important that UK and US objectives are aligned soon and in advance of commitment to action so that we can come to a clear and common understanding on **targeting issues** and the **information campaign**.” That would need “careful handling domestically”.

852. The background briefing for Mr Blair explained that the current thinking was that the objectives would be published “close to, or at the start of hostilities”. The MOD explained that the military objectives would enable it to “satisfy” itself “that they represent[ed] minimum use of force as required by international law”, and to use the CDS Directive to indicate “what military missions are legitimate, including ... what targets we can legitimately attack from the air; and plan information operations”.

853. A “publicly agreed set of aligned military objectives”, being prepared by the Cabinet Office, would enable the UK to participate in a “joined up **information operations campaign**”.

FCO ADVICE, 30 JANUARY 2003

854. The FCO focused on the need for more time in the hope of disarming Iraq without military action and, if that was not possible, support for a second resolution.

855. The briefing paper for Mr Blair prepared by the FCO Middle East Department on 30 January described the objectives for the meeting as:

“to convince President Bush that:

- our strategy, though working, needs more time;
- the military campaign will be very shocking in many parts of the world, especially in its opening phase (five times the bombing of the [1991] Gulf War);
- a second UN Security Council resolution (i) would greatly strengthen the US’s position, (ii) is politically essential for the UK, and almost certainly legally essential as well;
- we should support Saudi ideas for disarmament and regime change with UN blessing;
- the US needs to pay much more attention, quickly, to planning on ‘day after’ issues; and that the UN needs to be central to it.”²⁷⁹

856. The paper set out a number of key messages for Mr Blair to convey to President Bush reflecting those objectives, including:

- More time would not be “stringing things out: it is patience with a purpose”. The disarmament of Iraqi WMD and the departure of Saddam Hussein could be achieved “with wide international support”, but we were “not there yet”.
- There were three strategic advantages in “letting time work for us”:
 - The military build-up was “already producing some signs of fracturing in the regime. We will lose nothing by letting the pressure build. We might be able to achieve our objectives without firing a shot.”
 - Inspections were “beginning to produce results ... The Iraqis are rattled. They are showing signs of non-co-operation (U2s, interviews). Blix brought this out very clearly in New York ... shifting the terms of the debate against Iraq. More time will increase the evidence of systematic failure by Saddam to comply. Before long likely to produce compelling evidence of Iraqi deceit ...”
 - The mounting pressure was “finally galvanising moderate Arabs to work with us to get Saddam out using the leverage of a second resolution. We need to build up a plan on the basis of Prince Saud’s [Saudi Arabian Foreign Minister] ideas covering who would have to go, and how we would handle a transition to a new group of leaders who would meet Iraq’s obligations under our supervision.”

²⁷⁹ Paper FCO [MED], 30 January 2003, ‘Prime Minister’s Visit to Camp David, 31 January: Iraq’.

- A second UN resolution would be the “Basis for this approach”. It would “transform the politics in the UK, Europe and the wider world” and it “might even produce an implosion in Iraq”.
- It would “take an effort to get the nine positive votes needed”.
- Moderate Arabs might support military action “when the time comes”, but they would need “a second resolution and wider international support for force, as well as being seen to give Saddam Hussein one last chance to climb down”.
- All the trends pointed to “a crunch time around end March”. The FCO did not see how a second resolution could be obtained “in the next few weeks, absent a dramatic new fact”.
- The UK was with the US “100% on the goal; full disarmament by force and regime change if necessary. But we have to contrive circumstances in which we can carry a broad coalition and domestic opinion with us.”
- Working with the UN would “produce a huge prize” in relation to rebuilding Iraq with international support “which allows us to exit”, sending a “powerful message” to other “would be proliferators”, and that domestic opinion would be “more convinced by the legal case”. That was “worth taking time over”.
- There was merit in the Saudis’ idea for Arab League pressure on Saddam to go and the idea of a “UN trusteeship” was “worth close examination”.
- An overall “winning concept” was needed which “should embrace both military action and ‘day-after’ administration in Iraq”. It would be “pointless and damaging to win war and lose peace”.
- It would be “irresponsible to abandon Iraq quickly after toppling Saddam”. The “risk of civil war would be real” and “Iraq’s neighbours would get dragged in, creating instability in the whole region”.
- Coalition Forces would “not be seen as liberators for long, if at all. Our motives are regarded with huge suspicion. The Iraqis ... want us gone quickly. Our occupation and administration of Iraq will become more unpopular and its awfulness more debatable, the longer it continues.”
- The “Blunt fact” was “that in those circumstances any reforms are unlikely to stick. Iraqis will need legitimate international presence holding the ring while they themselves set up new, Iraqi, structures.”
- The period of “government by military coalition” should be kept “as short as possible” and an “international administration with UN blessing” introduced “quickly”.
- Restoring the oil production would be “an immediate challenge”. The oil sector would “need some technology and a lot of capital”. The US and UK should “encourage an open investment regime and a level playing field for foreign companies”.
- The UK media and Parliament had “not yet focused on day-after questions. But it would be very difficult to sustain a UK contribution to day-after if our

occupation of Iraq were opposed, in Iraq and in region.” The UK did not “want a repeat of the 1920s”.

- The UK agreed with the US “objective of a NATO role” but “there is very little chance of getting a formal ... decision at present”.

857. A three-page Background Note and an Annex setting out the views of key governments was also produced.

858. On the legal position, the Background Note stated:

“There are concerns that a second resolution authorising the use of force is needed before force may lawfully be employed against Iraq to enforce the WMD obligations in the UNSCRs. If a draft resolution fails because of a veto (or indeed because it does not receive nine positive votes), the fact that the veto is judged ‘unreasonable’ is immaterial from a legal point of view.”

859. In response to a request from Mr Blair, Mr Edward Chaplin, FCO Director Middle East and North Africa, provided additional briefing on:

- the humanitarian situation – described as “the one area where US Day After planning is reasonably advanced”;
- options for a second resolution – work was “in hand” and details were “in briefing pack”; and
- UN involvement in the aftermath – that was “only likely to make progress if the US side gets a signal from the President to take it seriously”.²⁸⁰

LORD GOLDSMITH’S MINUTE, 30 JANUARY 2003

860. Lord Goldsmith wrote to Mr Blair on 30 January to emphasise that his view remained that resolution 1441 did not authorise the use of military force without a further determination by the Security Council.

861. Lord Goldsmith’s minute to Mr Blair of 30 January,²⁸¹ and the fact that he thought it necessary to send such a letter despite having been told it was not needed for the meeting with President Bush, is addressed in Section 5.

MR BLAIR’S NOTE, 30 JANUARY 2003

862. A Note entitled ‘Countdown’ set out a checklist of issues for Mr Blair’s discussion with President Bush.

863. It reflected Mr Blair’s convictions that Saddam Hussein had no intention of complying with resolution 1441 and the inspectors would report Iraq’s

²⁸⁰ Paper FCO [MED], 30 January 2003, ‘Prime Minister’s Visit to Camp David, 31 January: Iraq’ attached to Letter Sinclair to Rycroft, 30 January 2003, ‘Iraq: Prime Minister’s Visit to Camp David, 31 January: Additional Briefing’.

²⁸¹ Minute Goldsmith to Prime Minister, 30 January 2003, ‘Iraq’.

non-compliance if they were allowed more time. That would be sufficient to bring round public and international opinion to support military action, even without a “smoking gun”.

864. A document entitled ‘Countdown’ appears in the No.10 files for 30 January 2003.²⁸²

865. The Note set out a potential timetable for action which anticipated two further reports from Dr Blix, on 14 and 28 February and each “harder on non-co-operation”, leading to a UN discussion and a resolution “authorising action; or at least declaring Iraq in material breach” by 5 March. Saudi Arabia might then have “10 days to mobilise Arab opinion to try to force Saddam out” before military action beginning on 15 March. It would be “preferable” if the report on 28 February judged that there was “no sign of Iraq fully co-operating” and that the inspectors could not “disarm unless there is full co-operation”. The timetable could be:

“... shortened if either dramatic find by Blix or 14 February report sufficiently hard; lengthened, but not beyond end March, if resolution takes more time.”

866. The document comprised six sections with very short bullet points in each. Those were:

- “Military Questions”. Whether there were sound plans: in the event that Saddam Hussein used WMD, attacked Israel, or destroyed oil wells; to keep rival groups and tribes apart; and to avoid civilian casualties.
- “Aftermath Questions”. What would happen immediately, “a new Iraqi government or US run”? What type of Iraqi government would be the aim in the medium term?
- “Blix”. Had been given “very good intelligence”. The Note suggested; “Close working”, “Persuasion of doctrine of non-co-operation”; “Tie in with ElBaradei”; and “To be seen by coalition leaders”, including Mr Blair and President Bush before 14 February.
- “Related Issues”. A renewed push on Afghanistan; progress on the MEPP; “HIV/AIDS and Poverty”; “North Korea”; “US/EU relations”; and “Oil”.
- “Diplomacy”. The approaches to be adopted with a number of UN Member States and the Iraqi Opposition, including courting Russia and China and bringing them fully on board and finding a “way down” for France.
- “Strategy”. The need for: a “Proper communications operation”; joint work on planning; and “regular updates between principals, with clear and set agenda”.

867. Mr Campbell wrote in his diaries that Mr Blair had worked on a Note for President Bush on the strategy on the flights to Washington.²⁸³ Mr Blair was extremely concerned

²⁸² Note [Blair to Bush], [undated], ‘Countdown’.

²⁸³ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

by the signals of mounting US impatience and was seeking to avoid a US decision to take action outside the UN. He had concluded that he needed to secure more time and President Bush's support for a second resolution. Sir David Manning had reported that the US "was really impatient with the UN" and advised Mr Blair that "we had to fight hard for more time, that we should persuade them [the US] it was in their own interests".

868. Mr Blair was "clear in his own mind about policy and strategy, but worried [President] Bush would not go for it". Mr Blair saw his "challenge" would be:

"... persuading the US that it was in America's interests to stay with the UN ... it would be total madness not to ... but it was not going to be easy. He was aiming to persuade Bush to wait until the middle or end of March and support a second resolution before action."

869. Mr Campbell wrote that Mr Blair had been "worried" after the telephone call with President Bush (on 30 January) because the President had "sounded much more frustrated re the UN, definitely listening more to those saying he had to go for it". Mr Blair wanted to take President Bush to one side to:

"... go through the whole thing. They [the US] may not like it, but Blix was the key ... They couldn't just bully here. Blix had to get the evidence of non-co-operation and we had to get the argument round to non-co-operation being a breach, but we needed two or three Blix reports to get that ..."

870. Mr Campbell added that Mr Blair was:

"... really worried. He just didn't know how [President] Bush would be ... he wanted as much time on his own as we could get, to persuade him [President Bush] that he was more vulnerable than he thought. There was a risk of hubris. He needed world support more than he thought, especially if something went wrong ..."

SIR JEREMY GREENSTOCK'S ADVICE, 31 JANUARY 2003

871. Sir Jeremy Greenstock advised that time would be needed to secure a second resolution. Persuading France to change its position would be the key to influencing others.

872. A clearer understanding of the UK's legal "bottom lines" was urgently needed to inform thinking on a second resolution.

873. A more consultative approach by the US would "work wonders".

874. Sir Jeremy Greenstock advised early on 31 January that Dr Blix's report to the Security Council on 27 January had "moved the debate from Iraq's performance to what we should do about its non-compliance".²⁸⁴ Russia, China, Germany and

²⁸⁴ Telegram 174 UKMIS New York to FCO London, 31 January 2003, 'Iraq: Where We Go From Here'.

France's "contention" that "Iraq's co-operation was pretty good so far" did not "echo in the Council". But, at the same time, "all other Council members want to give the inspections longer".

875. Sir Jeremy recommended that the UK's approach to forthcoming discussions of Iraq in the Security Council should be to:

- Hammer home the message that further time would be "a cop-out". It would give "the Iraqis comfort" and mean that they did not need to "take the necessary steps to comply". Assuring Iraq that the Security Council was "determined and willing to contemplate force" was the only solution to getting the Iraqis to "crack". Persuading France to change its position would be the key to influencing others.
- Continue working as hard as possible to provide a "smoking gun" (or denial of access) through UNMOVIC. That was "indispensable" and the UK should "fight for time" for that. The planned presentation by Secretary Powell, to the Security Council on 5 February, would need to be convincing: "A weak presentation will leave us worse off."
- Develop our thinking on a second resolution: "Most crucially and rapidly we need a clearer understanding of our legal bottom lines." The "most realistic way forward may well be an ultimatum". Further work would be needed "on how best that might be constructed (e.g. making use of the UNMOVIC clusters)".

876. Sir Jeremy stated that he would need discretion on the best moment to float a second resolution, but at that stage he did not envisage the issue coming to a head before the second half of February. Securing a second resolution would, in his view, take time. Secretary Powell's address to the Security Council would be used to encourage discussion.

877. Sir Jeremy concluded:

"Securing a second resolution is going to take time and some coaching of the Security Council. Resolution 1441 took four times as long as we first imagined. Our policy as we go into the meetings ... [with President Bush] is therefore well justified. A more nuanced and consultative approach by the US, even for a few days, would also work wonders – focused more on why we need to deal with Iraqi non-compliance and less on the relentless drive to an inevitable war. Powell's decision to address the Security Council has to be used as discussion time, not just a lecture."

Iraq letter, 31 January 2003

In anticipation of Secretary Powell's presentation of 5 February, Dr Sabri wrote to Mr Annan on 31 January requesting the US Government to "submit immediately its alleged evidence" to enable UNMOVIC and the IAEA to begin investigations and report to the Security Council.²⁸⁵

Dr Sabri also stated that the 518 inspections since 27 November, which included all the sites identified by the US and the UK, had shown that the allegations were "devoid of truth and had been drafted in order to distort the picture of Iraq and create pretexts for aggression against Iraq and against the region as a whole".

878. Sir Jeremy Greenstock went to see Mr Annan on 31 January to bring him up to date with the UK's thinking.²⁸⁶

879. Sir Jeremy reported that he had told Mr Annan that:

- The UK "would be encouraging the US to give the process more time and would also underline the importance of a second resolution".
- The UK wanted to hear Dr Blix's report on 14 February and might want another one after that.
- He did not think there would be military action during February.
- "We were concerned to ensure enough time (even beyond that [late February]) to make it as likely as possible we could secure a second resolution."
- "The only way to resolve this issue without force was for Saddam to crack and preferably to leave (though we realised the latter seemed unlikely at present)."

880. Sir Jeremy also asked whether what he had proposed "offended Annan's bottom line on the need to safeguard the international system". Mr Annan had replied that it did not.

881. Mr Campbell wrote that, "going over the same questions again and again" in Washington on 31 January before the meeting with President Bush, Mr Blair:

"... kept saying we needed a clear intellectual construct, which was that 1441 focus should be on co-operation issues, if the Iraqis didn't co-operate and Blix makes that clear repeatedly, we should say so and then we go for a second resolution and action could follow. We had allowed the goalposts to be moved to the smoking-gun issue, and instead it had to be about the inspectors not getting co-operation."²⁸⁷

²⁸⁵ UN Security Council, 31 January 2003, 'Letter dated 31 January 2003 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General' (S/2003/132).

²⁸⁶ Telegram 183 UKMIS New York to FCO London, 31 January 2003, 'Iraq: Discussion with Kofi Annan'.

²⁸⁷ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

Mr Blair's meeting with President Bush, 31 January 2003

882. When Mr Blair met President Bush on 31 January it was clear that the window of opportunity before the US took military action would be very short. The military campaign could begin “around 10 March”.

883. President Bush agreed to support a second resolution to help Mr Blair. Mr Blair confirmed that he was “solidly with the President and ready to do whatever it took to disarm Saddam” Hussein.

884. The absence of discussion about planning for the post-conflict administration and reconstruction of Iraq is addressed in Section 6.5.

885. Mr Blair and President Bush had a two-hour meeting in Washington on 31 January followed by a press conference and an informal dinner.²⁸⁸

886. The meeting began with a presentation on the threat posed by Abu Musab al-Zarqawi²⁸⁹ and the Al Qaida poisons network by a US official. Sir Richard Dearlove attended that part of the discussion.

887. The remainder of the discussion focused on the issue of a second UN resolution and the timetable of a military campaign.

888. Following a discussion of whether a second resolution would help the UK and the relationship between US planning for military action and the diplomatic strategy, Mr Blair confirmed that he was:

“... solidly with the President and ready do whatever it took to disarm Saddam.”

889. Mr Blair added that he firmly believed that it was essential to tackle the threats posed by WMD and terrorism. He wanted a second resolution if we could possibly get one because it would make it much easier politically to deal with Saddam Hussein. He believed that a second resolution was in reach. A second resolution was an insurance policy against the unexpected.

890. Mr Blair set out his position that the key argument in support of a second resolution must rest on the requirement in 1441 that Saddam Hussein must co-operate with the inspectors. Dr Blix had already said on 27 January that this was not happening; he needed to repeat that message when he reported to the Security Council in mid-February and at the end of February/early March. That would help to build the case for a second resolution.

²⁸⁸ Letter Manning to McDonald, 31 January 2003, ‘Iraq: Prime Minister’s Conversation with President Bush on 31 January’.

²⁸⁹ A prominent member of Al Qaida who was in Baghdad (see JIC Assessment, 10 October 2002, ‘International Terrorism: The Threat from Iraq’).

891. Mr Blair added that there were various uncertainties:

- Saddam Hussein might claim at the eleventh hour to have had a change of heart.
- We could not be sure that Dr Blix's second and third reports would be as helpful as his first.

892. Mr Blair was, therefore, flexible about the timing of the second resolution. If we could get it quickly, "well and good". But the key was to ensure that we secured it. We had taken the UN route in the expectation that the UN would deal with the Iraq problem, not provide an alibi for avoiding the tough decisions. Resolution 1441 was clear that this was Saddam Hussein's final opportunity. We had been very patient. Now we should be saying that the crisis must be resolved in weeks, not months. The international community had to confront the challenges of WMD and terrorism now.

893. Mr Blair told President Bush that the second resolution:

"... was not code for delay or hesitation. It was a clear statement that Saddam was not co-operating and that the international community was determined to do whatever it took to disarm him. We needed to put the debate in a wider context. The international community had to confront the challenges of WMD and terrorism now, whether in Iraq or North Korea, otherwise the risks would only increase."

894. President Bush and Mr Blair discussed Dr ElBaradei's analysis on the aluminium tubes procured by Iraq. They also discussed the uncertainties and risks arising from Saddam Hussein's potential actions.

895. On military planning, Mr Blair and President Bush discussed the possibility that Iraqi forces would fold quickly. Mr Blair asked about planning for the aftermath. In his view a UN badge would be needed. That would help with the humanitarian problems. Mr Blair and President Bush discussed an initial military occupation, how to manage the dilemma of managing the transition to civil administration and the nature of an Iraqi government.

896. Mr Blair concluded that the US and UK needed to prepare to organise on a "war footing" working very closely together "particularly on our public communications".

897. Sir David Manning recorded that it was clear that the window of opportunity would be only a few weeks. Otherwise the US would take military action. The military campaign could begin "around 10 March", and earlier if Dr Blix's report on 14 February was tough. The timing was "very tight".

898. The UK should do all it could to help the inspectors make a significant find and work hard on the other members of the Security Council to accept the "non-co-operation case" to "secure the minimum nine votes when we need them, probably by the end of February".

899. The FCO Iraq policy meeting on 3 February was informed that feedback from the 31 January meeting indicated that Mr Blair had “persuaded President Bush to allow time for a serious effort to secure a second resolution”; and that Mr Ricketts would discuss options and tactics with Mr Straw.²⁹⁰

900. Mr Campbell wrote in his diaries that Sir David Manning’s record of the meeting with President Bush:

“... made pretty clear they [the US] had made their minds up and that the campaign was going to start ... For Bush the diplomacy had to be based round the military campaign, not the other way round. We had very short timelines now.”²⁹¹

901. Mr Campbell added that Mr Blair had told him that the meeting with President Bush had been “the best ... they had in terms of substance”. President Bush “had read and digested” Mr Blair’s Notes and “was more on the same page than we thought, said he intended to work hard for a second resolution and work to get a majority for it”.

902. Addressing Mr Blair’s success in getting President Bush to support a second resolution on 31 January, Sir Jeremy Greenstock wrote in his statement for the Inquiry that it had not been easy to get US agreement “because of the spread of views in Washington and because we had already used up much of our ammunition with Washington on the utility of the UN route in securing [resolution] 1441”.²⁹²

903. Sir Jeremy added: “It was noticeable ... that President Bush’s words on this subject in public were rather less warm and specific than those he had used with the Prime Minister in private.”

904. Sir Jeremy told the Inquiry that President Bush had told Mr Blair: “We, ourselves, don’t particularly need a second resolution, but we realise that you do.”²⁹³

905. The record of the meeting between Mr Blair and President Bush on 31 January confirms these elements of Mr Campbell’s and Sir Jeremy Greenstock’s accounts.²⁹⁴

906. Mr Campbell also wrote that Mr Blair was “confident of getting a second resolution”; and he was:

“... adamant that it was the right thing to do to get rid of Saddam and send out the message that we were determined to deal with WMD. But he knew how tough it was going to be. Expressing confidence in a second resolution was the best way of dealing with that.”

²⁹⁰ Minute Tanfield to PS/PUS [FCO], 3 February 2003, ‘Iraq Morning Meeting: Key Points’.

²⁹¹ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

²⁹² Statement, November 2009, page 13.

²⁹³ Public hearing, 27 November 2009, page 67.

²⁹⁴ Letter Manning to McDonald, 31 January 2003, ‘Iraq: Prime Minister’s Conversation with President Bush on 31 January’.

907. Mr Blair had “felt things had gone about as well as they could have done, but still felt they [the US] were doing the right thing in the wrong way, and just wished they could improve the way they put their case to the world”.

908. In their press conference President Bush and Mr Blair stated clearly that time was running out for Saddam Hussein to disarm peacefully; but neither stated a commitment to securing a second resolution. That left their position ambiguous.

909. In the press conference following the meeting President Bush expressed his appreciation for Mr Blair’s “vision”, his “willingness to lead” and: “Most importantly ... his understanding that after September 11th, 2001, the world changed: that we face a common enemy.”²⁹⁵ President Bush also stated that he trusted Mr Blair’s judgement and appreciated his wisdom.

910. Mr Blair stated that it was essential to mobilise international support and the international community to deal with the linked threats of international terrorism and weapons of mass destruction. That was “essential for the future peace and security and prosperity of the world”.

911. In the questions that followed, President Bush said twice that the timing of a decision on Iraq would be “weeks, not months” and that was also Mr Blair’s view. He added that the US would resist “any attempt to drag the process on for months”. He had gone to the United Nations asking it to show that it had “the capacity to keep the peace”. If the UN decided to pass a second resolution “it would be welcomed” if it was “yet another signal that we’re intent upon disarming Saddam Hussein”: “But 1441 gives us the authority to move without any second resolution.” Secretary Powell’s presentation to the UN would “make it clear” that Saddam was “fooling the world, or trying to fool the world”. He subsequently added: “Saddam Hussein would like nothing more than to use a terrorist network to attack and kill ...”

912. Mr Blair did not answer a question asking if he had asked President Bush to secure a second resolution. He stated that the judgement had to be that Saddam Hussein was “not co-operating with the inspectors, and therefore is in breach of the UN resolution”. That was why time was “running out”.

913. Asked if there was a link between Saddam Hussein and those who had attacked the US on 11 September 2001, President Bush replied: “I can’t make that claim.”

914. President Bush and Mr Blair both emphasised that Saddam Hussein had played games for 12 years, and that he was still playing games. He had to co-operate with the inspectors and demonstrate he was disarming. If not, he would be disarmed by force.

²⁹⁵ The White House, 31 January 2003, *President Bush Meets with Prime Minister Blair*.

915. Mr Campbell wrote that he had wanted to get President Bush “as close as possible to a second resolution” and to “tone down the rush-to-war talk”.²⁹⁶

916. Mr Campbell added that there had been debate about what to say about a second resolution. The White House Press Secretary had been opposed to the idea that President Bush should say he was “open” to a second resolution because “that would be seen as a shift in US policy”. President Bush had been impatient and the messages had not been “properly prepared”.

917. In Mr Campbell’s view:

“The overall impression was poor. TB didn’t really answer the question about the second resolution. And though Bush said it would be ‘welcome’ he looked uncomfortable and the body language was poor ... Even though the words were kind of OK, the overall impression was not.”

918. Mr Campbell’s decision to give journalists travelling to Washington with Mr Blair a report, ‘Iraq – its Infrastructure of Concealment, Deception and Intimidation’,²⁹⁷ and the content of the report which became the subject of considerable controversy, is addressed in Section 4.3.

919. Accounts published by President Bush and Vice President Cheney demonstrate that there were serious reservations about pursuing a second resolution and whether it was achievable.

920. In his memoir President Bush wrote that Mr Blair had gone to Washington “for a strategy session”. They had “agreed” that Saddam Hussein had “violated” resolution 1441 “by submitting a false declaration”; and that they “had ample justification to enforce the ‘serious consequences’”.²⁹⁸

921. President Bush added that Mr Blair:

“... wanted to go back to the UN for a second resolution clarifying that Iraq had ‘failed to take the final opportunity afforded to it’.

“‘It’s not that we need it’ Tony said. ‘A second resolution gives military and political protection.’”

922. President Bush wrote that he “dreaded the thought of plunging back into the UN” and that Vice President Cheney, Secretary Rumsfeld and Dr Rice “were opposed”. Secretary Powell had told him that “we didn’t need another resolution and probably couldn’t get one”. President Bush added that if Mr Blair “wanted a second resolution,

²⁹⁶ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

²⁹⁷ Report [No.10], January 2003, ‘Iraq – Its Infrastructure of Concealment, Deception and Intimidation’.

²⁹⁸ Bush GW. *Decision Points*. Virgin Books, 2010.

we would try”; and that he had said: “As I see it, the issue of the second resolution is how best to help our friends.”

923. Vice President Cheney wrote that Mr Blair had “returned to Washington at the end of January” to argue that “we needed yet another resolution”; and that he, Secretary Powell, Mr Rumsfeld and Dr Rice:

“... were all in agreement that this was a mistake. We’d managed one resolution, no one believed we needed a second, and it would be very hard to get ...

“I also thought that going to the UN again would make us look hesitant and uncertain, but Blair saw a second resolution as a political necessity for him at home ...

“Britain was our major ally and when the President decided to try for a second resolution, I understood his reasons.”²⁹⁹

924. Mr Blair told the Inquiry that the main objective of his meeting with President Bush on 31 January had been to secure US agreement to a second resolution for political reasons.

925. Mr Blair told the Inquiry that the main objective of the meeting on 31 January was to convince President Bush that it was necessary to get a second resolution.³⁰⁰ That “was obviously going to make life a lot easier politically in every respect”. Mr Blair added: “we took the view that that was not necessary, but, obviously, politically, it would have been far easier”. The American concern was that “they’d get pulled into a UN process, you’d never get to a proper decision and then you’d never get the closure of the issue in the way that you should”.

926. Asked about President Bush’s view of the need for a second resolution, Mr Blair told the Inquiry:

“President Bush’s view, and the view of the entire American system was that, by that time, Saddam had been given the opportunity to comply ...

“... he hadn’t taken it. Indeed, what we now know is that he was continuing to act in breach of the UN resolutions even after the inspectors got back in there.

“So ... the American view throughout had been ... ‘This leopard isn’t going to change his spots. He is always going to be difficult.’ So ... their concern ... that they’d get pulled into a UN process, you’d never get to a proper decision and then you’d never get the closure of the issue in a way that you should.

“The problem ... from our perspective, was that ... we wanted to carry on going down the UN route, but the Americans had taken the view – and in a sense we

²⁹⁹ Cheney D & Cheney L. *In My Time: A Personal and Political Memoir*. Simon & Schuster, 2011.

³⁰⁰ Public hearing, 29 January 2010, pages 95-96.

took the same view of the Iraqi behaviour up to ... the end of January – that they weren't complying."³⁰¹

927. Asked by the Inquiry whether a 2006 report in the *New York Times*, that President Bush had said at the meeting that the Americans would put the work behind the effort but, if it ultimately failed, military action would follow anyway, was correct, Mr Blair responded:

"The President's view was that if you can't get a second resolution because, in essence France and Russia are going to say no, even though ... I don't think they were really disputing that Iraq was in breach of resolution 1441, then we were going to be faced with a choice I never wanted to be faced with: did you go without a second resolution?"³⁰²

928. Asked if his position had been that he would take military action with the US if a second resolution could not be agreed, Mr Blair replied that "all sorts of factors would be in play", including the legal question and whether there would be political support. But, in the context of an Iraqi breach, Mr Blair was:

"... under absolutely no doubt ... that, if you backed away, when he was playing around with the inspectors in precisely the way he had done before, then you were going to send a very, very bad signal."³⁰³

929. Asked if his recollection was that the proposed start date for military action discussed at that meeting was 10 March, Mr Blair replied: "It was at that meeting or around about that time, certainly, yes."³⁰⁴

930. In his memoir Mr Blair wrote that with the New Year there was a sense of being "in the final phase": "The first Blix report in mid-January was clear: Saddam was not complying." Resolution 1441:

"... had been silent on the need for a further resolution prior to any military action. There were legal debates as to whether it was necessary, and Peter Goldsmith was again anxious about it. The Russians had become negative, and it was perfectly possible that a second resolution might be vetoed.

"I was still thinking it might be possible to get a second resolution – George [President Bush] was adamant he didn't need one. Jack Straw and others warned me that, without one, I might be unable to survive the expected House of Commons vote.

"I was about as isolated as it is possible to be in politics. On the one hand, the US were chafing at the bit and essentially I agreed with their basic thrust. Saddam was

³⁰¹ Public hearing, 29 January 2010, pages 97-98.

³⁰² Public hearing, 29 January 2010, page 98.

³⁰³ Public hearing, 29 January 2010, page 99.

³⁰⁴ Public hearing, 29 January 2010, page 100.

a threat, he would never co-operate fully with the international community, and the world, not to say Iraq would be better off with him out of power. My instinct was with them. Our alliance was with them. I had made a commitment after September 11 to be 'shoulder-to-shoulder'. I was determined to fulfil it.

"On the other hand, my isolation within Cabinet, let alone the PLP and large parts of the media and public opinion, was colossal. And worrying, not because I might go down ... but because so much was at stake. War and peace. The struggle against terrorism. The future of our treasured alliance. The reputation of the country and its armed forces. Above all, people's lives. Either way people's lives, since 'peace' would not be peace for those in Iraq under the boot of Saddam."³⁰⁵

931. In his statement for the Inquiry, Mr Blair wrote:

"The political debate then crystallised in late 2002/early 2003 around calls for a second resolution.

"We discussed this at various Cabinet meetings, the first of which was from my recollection, that of 16 January 2003. It was then debated again at 30 January, 6 February, 13 February, 27 February and 6 March Cabinet meetings. In addition, of course, it was informally hotly debated everywhere. In this instance there was no disagreement: everyone thought it was politically beneficial."

932. Mr Blair also wrote:

"There was no doubt this was the easiest thing politically, both domestically for the Government and internationally, to build the broader coalition. So in January 2003 we began discreetly to canvass support. When asked, we said we were open to one but did not need one. I also knew that Robin Cook was likely to resign in the absence of one.

"We certainly believed at the outset that if we could push the US to go for it, we had a real chance of getting it, though it would be very difficult. Germany's leader had apparently told President Bush that it would not support but it would not oppose. There were reasonable discussions with France, though by early February, France had hardened again. The US were working hard on the Russians."³⁰⁶

933. Mr Blair added:

"We knew we would not ever get a resolution explicitly authorising force. But we thought it possible that the resolution might state what we all knew to be the case: that Saddam was not fully and unconditionally co-operating. The Blix reports were clear that any co-operation fell short. In particular, Blix lacked the ability to conduct interviews without restrictions, a key issue for the inspections. So a 'final' final ultimatum resolution might be agreed."

³⁰⁵ Blair T. *A Journey*. Hutchinson, 2010.

³⁰⁶ Statement, 14 January 2001, pages 7-8.

934. The Inquiry asked Mr Blair at what point he had concluded that the US “had definitely decided on military action in March 2003”.³⁰⁷

935. In his statement for the Inquiry, Mr Blair wrote:

“It was clear from continuing discussion with the US in late 2002/early 2003 that March was the likely date for military action. That firmed up as it became plain that there was no significant shift in the attitude of Saddam. The December declaration ... was incomplete, as Blix noted ... His first report was to the effect that there was not full compliance, essentially around interviews. There were various possible alternatives to military action surfacing, including proposals for Saddam peacefully to give up power.”³⁰⁸

936. In the context of questions about his decision not to tell President Bush privately that he was at that stage being advised by Lord Goldsmith that a second resolution would be needed to provide the legal basis for UK participation in military action, Mr Blair told the Inquiry that President Bush knew perfectly well that the UK needed a second resolution. He added:

“If I had started raising legal issues at that point with the President, I think it would have started to make him concerned as to whether we were really going to be there or not and what was really going to happen. Now I would have done that because in the end whatever I thought about the legal position, the person whose thoughts mattered most and definitively were Peter [Goldsmith]’s, but I wasn’t going to do that until I was sure about it.”³⁰⁹

937. Lord Goldsmith’s position is addressed in more detail in Section 5.

938. Asked when the question of more time had come up against the US military timetable, Sir David Manning told the Inquiry:

“The issue, I think, of timing becomes acute after 1441 and the declaration. Once Saddam has produced his 12,000 pages and the Americans decide this is not serious, then they just want to get on with it really.”³¹⁰

939. Asked whether the military timetable was so fixed that time was running out, Sir David replied that the build up of troops meant there was “a sort of pressure to move forward”, and:

“There’s also the American political timetable ticking. Bush wants this well out of the way before going into the mid-term election process in – the build-up for elections the following year ...”³¹¹

³⁰⁷ Inquiry request for a witness statement, 13 December 2010, Q8, page 6.

³⁰⁸ Statement, 14 January 2011, page 11.

³⁰⁹ Public hearing, 21 January 2011, pages 69-70.

³¹⁰ Private hearing, 24 June 2010, page 87.

³¹¹ Private hearing, 24 June 2010, pages 87-88.

The views of Mr Blair and Sir Jeremy Greenstock

940. The evidence set out in this Section demonstrates that, by the end of January, Mr Blair had taken a public position that Iraq was failing fully to comply with resolution 1441, and that this was a further material breach.

941. Mr Blair told the Inquiry that Saddam Hussein:

“... was deliberately concealing documentation, and ... he was deliberately not allowing people to be interviewed properly.

“In December 2002 ... we received information, and this information remains valid, that Saddam called together his key people and said that anybody who agreed to an interview outside of Iraq was to be treated as a spy.”³¹²

942. Mr Blair suggested that Saddam Hussein:

“... retained full intent to restart his programme, and, therefore, it was very important for him that interviews did not take place, because the interviews with senior regime members were precisely what would have indicated the concealment and the intent.”³¹³

943. Asked whether there was a risk that, in putting down the second resolution the UK would appear to be trying to curtail the inspection process because of the demands of the military planning, Mr Blair replied:

“It was more ... the other way round, that what we were trying to do was to say: ‘how do you resolve what, on any basis, is a somewhat indistinct picture being painted by Dr Blix?’”³¹⁴

944. In his memoir Mr Blair quoted at length from Dr Blix’s report of 27 January, which he described as providing “essential context to understanding the decisions being taken by me and others”.³¹⁵

945. Mr Blair wrote that the report was:

“... critical to understand the context in which WMD were being debated in the run-up to the outbreak of conflict. We the key allies had no doubt that Saddam had an active WMD programme ...

“There could be no doubt that the only reason for the inspectors being allowed back into Iraq was a threat of military action. The build-up of American forces was likewise the only conceivable reason for what co-operation there was. But the co-operation fell short of what resolution 1441 demanded. And the history of dealing with Saddam did not exactly lead to belief in his fidelity to the UN.”

³¹² Public hearing, 29 January 2010, page 104.

³¹³ Public hearing, 29 January 2010, pages 104-105.

³¹⁴ Public hearing, 29 January 2010, page 116.

³¹⁵ Blair T. *A Journey*. Hutchinson, 2010.

946. Mr Blair wrote that he still “pinned some considerable hope on getting a diplomatic breakthrough”; and that the prospect of a second resolution “was central”. But it was apparent that “the law and politics were inextricably intertwined”. Above all, a second resolution “would reunite the international community”.

947. In his statement to the Inquiry, Mr Blair wrote:

“So I thought inspections necessary but I knew they would only be successful with genuine co-operation. The key to successful inspections was the ability to interview and analyse the work of the technical experts. The JIC reports of 11 October 2002 and then following the December 2002 declaration, of 18 December 2002 gave me no grounds for believing inspections would be properly complied with.”³¹⁶

948. Mr Blair added:

“The Iraqi declaration ... and the Blix reports to the UNSC were as unsatisfactory as we anticipated. It was clear Saddam was not fully complying, i.e. he was in breach of [resolution] 1441, but as the prospect of military action advanced, so he was inclined to co-operate more. This is what JIC papers had said he would do.”

949. Mr Blair also wrote that the declaration was “incomplete” and “That itself was a breach of [resolution] 1441.”³¹⁷

950. Asked if he had concluded quite early after the declaration that there was no prospect of Saddam Hussein complying with the requirements of resolution 1441, Mr Blair replied:

“Yes. It’s basically correct ... The intelligence reports were that he didn’t intend to co-operate, that the declaration wasn’t correct, but there was also a very significant piece of intelligence at that time, which was ... that Saddam had said that anybody who co-operated with overseas interviews would be treated as a spy, in other words executed.”³¹⁸

951. Mr Blair explained that “some in the American system” had “tried to claim” that the declaration was a material breach, but the advice he received and his attitude was that action could not be taken at that stage.³¹⁹

952. Asked whether he had expected in December 2002 and January 2003 that Dr Blix would report that Saddam Hussein was not co-operating with the inspectors, Mr Blair replied that, “given the history”, they had been looking for “very early and significant signs that Saddam had genuinely changed the position of his regime”.³²⁰

³¹⁶ Statement, 14 January 2011, page 7.

³¹⁷ Statement, 14 January 2011, page 11.

³¹⁸ Public hearing, 21 January 2011, page 78.

³¹⁹ Public hearing, 21 January 2011, page 110.

³²⁰ Public hearing, 21 January 2011, page 110.

953. Asked if the US military timetable would leave enough time to see whether UNMOVIC could do its job, Mr Blair replied:

“... the timeline was pressing ... because the Americans took the view it was absurd to think that Saddam was going to change his mind, because he wasn’t ...”³²¹

954. Sir Jeremy Greenstock suggested that the primary reason for the second resolution was as a means to persuade Saddam Hussein to disarm peacefully, although it would also have helped to provide a legal basis for action if required.

955. Asked about the UK’s objectives for the second resolution, Sir Jeremy Greenstock told the Inquiry:

“I think we had two objectives and I have thought quite carefully about this, because those objectives became confused in the heat of battle and in subsequent interpretation with hindsight of what happened.

“... the two fundamental points were, first, that we had to try and create international pressure on Iraq to give up WMD without a fight, and it was only possible to do that, as far as I was concerned, through the United Nations, by having a very firm body of international opinion that was against Iraq and determined to bring to a halt its 12-year contravention of UN resolutions. That was a primary purpose behind what I was trying to design as a further resolution.

“Second, we were also concerned to establish the safest possible legal grounds for the use of force if that should be necessary. We felt that we had legal grounds in 1441, but those grounds were contested. They were a matter of subjective opinion. If one had a further resolution, establishing that there had been a material breach since we had given Iraq the final opportunity, this would be unequivocal, and that would be the safest possible legal grounds for the next steps, whatever they were.”³²²

Conclusions

956. In December 2002, President Bush said that the Iraqi declaration of 7 December 2002 demonstrated Saddam Hussein had had “no change of heart”.

957. By early January 2003, Mr Blair had concluded that the military action was the more likely outcome and, if conflict could not be avoided, that the UK should support the US.

958. The Inquiry has already concluded in Section 3.5 that Mr Blair and Mr Straw 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.

³²¹ Public hearing, 21 January 2011, pages 79-80.

³²² Public hearing, 27 November 2009, pages 64-65.

959. Lord Goldsmith was not invited to provide draft advice on the legal effect of resolution 1441 until mid-January and, at that stage, it was given only to Mr Blair.

960. Lord Goldsmith's position that a further decision by the Security Council would be required to revive the authorisation to use force contained in resolution 678 (1990), although that decision need not be in the form of a further resolution; and that there was no "room for arguing that a condition of reasonableness [could] be implied as a precondition for the exercise of a veto", is addressed in Section 5.

961. That remained Lord Goldsmith's view throughout the events addressed in this Section of the report.

962. Mr Blair and Mr Straw repeatedly stated, however, that military action would be justified if the Security Council failed, in the face of a report of a further material breach, to "face up to its responsibilities".

963. In public statements Mr Blair and Mr Straw continued to declare that reports from the inspectors would be the basis for seeking a second resolution which was regarded as an essential prerequisite for securing both UK domestic and international support for military action.

964. In January 2003, there was a clear divergence between the UK and US Government positions over the timetable for military action.

965. The decisions to deploy military forces to the Gulf and the absence of collective discussion of the implications are addressed in Sections 6 and 7.

966. On 24 January, Mr Blair sent President Bush a proposal suggesting the inspectors should be given until the end of March or early April to carry out their task and asking for fortnightly reports to the Security Council on the extent of Iraqi compliance.

967. Mr Blair considered that, if those reports established a pattern of non-compliance, they would, in the absence of other evidence that Iraq had concealed WMD (a "smoking gun"), be sufficient to secure Security Council support for a second resolution.

968. The US and UK should seek to persuade others, including Dr Blix, that that was the "true view" of resolution 1441.

969. By the end of January, Mr Blair had taken a public position that Iraq was failing fully to comply with resolution 1441, and that that was a further material breach.

970. Mr Blair and Mr Straw saw the meeting with President Bush on 31 January as the best opportunity to gain US support for an approach designed to secure a second resolution.

971. The Inquiry recognises that events were moving fast and that Mr Blair was seeking to influence President Bush's position.

972. President Bush agreed to seek a second resolution to help Mr Blair, but there were major reservations within the US Administration about the wisdom of that approach.

973. Mr Blair confirmed that he was "solidly with the President and ready to do whatever it took" to disarm Saddam Hussein.

974. But President Bush was not prepared to agree a timetable which would preclude US military action in early March.

975. Mr Blair's proposed approach to the discussion with President Bush was discussed in a meeting of Ministers before Cabinet on 30 January and then discussed in general terms in Cabinet itself. But no detailed and in depth analysis of the strategy and its advantages and disadvantages, including the likelihood of success, was prepared or discussed collectively by either senior officials or Ministers. Nor were alternative options, which might have been available to the UK at that stage, identified and considered.

976. A review of the strategy would inevitably have focused on the tension between the military timetable of the United States and the UK view that the inspections needed more time before it would be possible to secure international support and a further UN Security Council resolution.

977. In the event, the approach failed to secure majority support in the Security Council in mid-March for a resolution stating that Iraq had failed to take the final opportunity offered by resolution 1441; that the inspections had run their course; and that military action was necessary as a last resort to disarm Saddam Hussein of his weapons of mass destruction and the means for their delivery. That is addressed in subsequent Sections of the Report.

SECTION 3.7

DEVELOPMENT OF UK STRATEGY AND OPTIONS, 1 FEBRUARY TO 7 MARCH 2003

Contents

| | |
|--|-----|
| Introduction and key findings | 179 |
| 1 to 13 February 2003 | 181 |
| Parliamentary debates on Iraq, 3 February 2003 | 181 |
| 3 and 4 February 2003 | 185 |
| Secretary Powell's presentation to the Security Council, 5 February 2003 | 188 |
| Cabinet, 6 February 2003 | 196 |
| Meetings with Dr Blix and Dr ElBaradei, 6 February 2003 | 199 |
| President Bush's statement, 6 February 2003 | 204 |
| Mr Blair's interview on <i>Newsnight</i> , 6 February 2003 | 205 |
| The UK's position, 7 February 2003 | 208 |
| Mr Annan's speech, 8 February 2003 | 209 |
| The impact of military action on the terrorist threat to the UK | 211 |
| JIC Assessments, 10 and 19 February 2003 | 212 |
| UK consideration of the timing and tactics for a second resolution | 216 |
| Tripartite declaration, 10 February 2003 | 219 |
| The US position, 10 and 11 February 2003 | 221 |
| Mr Straw's speech, 11 February 2003 | 225 |
| Discussions on the timing and content of a second resolution | 227 |
| Prime Minister's Questions, 12 February 2003 | 232 |
| UK views on UNMOVIC inspections | 234 |
| Cabinet, 13 February 2003 | 238 |
| Mr Straw's statement, 13 February 2003 | 241 |
| Security Council, 14 February 2003 | 244 |
| Dr Blix's report, 14 February 2003 | 244 |
| Dr ElBaradei's report, 14 February 2003 | 247 |
| Security Council discussions, 14 February 2003 | 249 |
| Mr Blair's speech to the Labour Party conference, 15 February 2003 | 260 |
| Decisions on the way forward | 263 |
| European Council, 17 February 2003 | 272 |

| | |
|---|-----|
| UK proposals for a draft second resolution | 278 |
| Mr Blair's conversation with President Bush, 19 February 2003 | 284 |
| Security Council open debate, 18 and 19 February 2003 | 292 |
| Mr Blair's conversation with Dr Blix, 20 February 2003 | 294 |
| Agreement on the text of a second resolution | 298 |
| Presentation of the UK's strategy | 300 |
| Response to the draft resolution of 24 February 2003 | 304 |
| Parliament, 25 and 26 February 2003 | 314 |
| President Bush's speech, 26 February 2003 | 320 |
| Cabinet, 27 February 2003 | 323 |
| Lord Goldsmith's meeting with No.10 officials, 27 February 2003 | 326 |
| Discussions at the UN, 27 and 28 February 2003 | 326 |
| UK attempts to secure support for the draft resolution | 331 |
| The positions of other members of the Security Council | 350 |
| The UK position, 5 and 6 March 2003 | 356 |
| Cabinet, 6 March 2003 | 364 |
| Using the "clusters" document | 366 |
| Assessment of Iraq's intentions, 6 March 2003 | 370 |
| Mr Straw's meetings in New York, 6 March 2003 | 371 |
| Agreement on a revised draft resolution | 373 |
| 7 March 2003 | 374 |
| Security Council, 7 March 2003 | 374 |
| Dr Blix's report to the Security Council, 7 March 2003 | 374 |
| Dr ElBaradei's report, 7 March 2003 | 377 |
| Security Council discussions, 7 March 2003 | 378 |
| Mr Blair's conversation with President Putin, 7 March 2003 | 392 |
| Lord Goldsmith's advice, 7 March 2003 | 394 |
| Mr Blair's conversation with President Bush, 7 March 2003 | 394 |

Introduction and key findings

1. This Section addresses the development of the UK position on Iraq between Mr Blair's meeting with President Bush on 31 January 2003, at which he sought US support for a further, "second", Security Council resolution before military action was taken, and the meeting of the Security Council on 7 March, at which the UK, US and Spain tabled a revised draft resolution stating that Iraq would have failed to take the final opportunity offered by resolution 1441 unless the Council concluded on or before 17 March that Iraq was demonstrating "full, unconditional, immediate and active co-operation" with its obligations to disarm.
2. During that time, the UK Government was pursuing both intense diplomatic negotiations with the US and other members of the Security Council about the way ahead on Iraq and a pro-active communications strategy about why Iraq had to be disarmed, if necessary by force, against the background of sharply divided opinion and constant political and public debate about the possibility of military action.
3. Development of UK strategy and options between 8 March and the start of military action overnight on 19/20 March is addressed in Section 3.8.
4. Other key developments in February and early March are addressed elsewhere in the Report, including:
 - The provision of advice by Lord Goldsmith, the Attorney General, on the legal basis for military action to secure Iraq's compliance with its disarmament obligations is addressed in Section 5.
 - The planning for military operations in southern Iraq and preparations to equip the forces deployed are addressed in Sections 6.2 and 6.3 respectively.
 - UK planning and preparation for a post-Saddam Hussein Iraq is addressed in Section 6.5.
 - Advice and briefings on Iraq's chemical, biological, nuclear and ballistic missile capabilities and its intentions in relation to concealing them from inspections and in response to military action are addressed in Section 4.3.

Key findings

- By the time the Security Council met on 7 March 2003 there were deep divisions within it on the way ahead on Iraq.
- Following President Bush's agreement to support a second resolution to help Mr Blair, Mr Blair and Mr Straw continued during February and early March 2003 to develop the position that Saddam Hussein was not co-operating as required by resolution 1441 (2002) and, if that situation continued, a second resolution should be adopted stating that Iraq had failed to take the final opportunity offered by the Security Council.

- On 6 February, Mr Blair said that the UK would consider military action without a further resolution only if the inspectors reported that they could not do their job and a resolution was vetoed unreasonably. The UK would not take military action without a majority in the Security Council.
- Mr Blair's proposals, on 19 February, for a side statement defining tough tests for Iraq's co-operation and a deadline of 14 March for a vote by the Security Council, were not agreed by the US.
- The initial draft of a US, UK and Spanish resolution tabled on 24 February, which simply invited the Security Council to decide that Iraq had failed to take the final opportunity offered by resolution 1441, failed to attract support.
- Throughout February, the divisions in the Security Council widened.
- France, Germany and Russia set out their common position on 10 and 24 February. Their joint memorandum of 24 February called for a programme of continued and reinforced inspections with a clear timeline and a military build-up to exert maximum pressure on Iraq to disarm.
- The reports to the Security Council by the International Atomic Energy Agency (IAEA) reported increasing indications of Iraqi co-operation. On 7 March, Dr Mohamed ElBaradei, Director General of the IAEA, reported that there was no indication that Iraq had resumed nuclear activities and that it should be able to provide the Security Council with an assessment of Iraq's activities in the near future.
- Dr Hans Blix, Executive Chairman of United Nations Monitoring, Verification and Inspection Commission (UNMOVIC), reported to the Security Council on 7 March that there had been an acceleration of initiatives from Iraq and, while they did not constitute immediate co-operation, they were welcome. UNMOVIC would be proposing a work programme for the Security Council's approval, based on key tasks for Iraq to address. It would take months to verify sites and items, analyse documents, interview relevant personnel and draw conclusions.
- A revised draft US, UK and Spanish resolution, tabled after the reports by Dr Blix and Dr ElBaradei on 7 March and proposing a deadline of 17 March for Iraq to demonstrate full co-operation, also failed to attract support.
- China, France and Russia all stated that they did not favour a resolution authorising the use of force and that the Security Council should maintain its efforts to find a peaceful solution.
- Sir Jeremy Greenstock, UK Permanent Representative to the United Nations in New York, advised that a "side statement" with defined benchmarks for Iraqi co-operation could be needed to secure support from Mexico and Chile.
- Mr Blair told President Bush that he would need a majority of nine votes in the Security Council for Parliamentary approval for UK military action.

1 to 13 February 2003

Parliamentary debates on Iraq, 3 February 2003

5. Reporting on his visit to Washington on 31 January 2003, Mr Blair told Parliament on 3 February that Saddam Hussein was not co-operating as required by UN Security Council resolution (UNSCR) 1441(2002) and, if that continued, a second resolution should be passed to confirm such a material breach.

6. Mr Blair continued to set the need for action against Iraq in the context of the need to be seen to enforce the will of the UN and to deter future threats.

7. Following his meeting with President Bush in Washington on 31 January 2003, Mr Blair made a statement to Parliament on Monday 3 February.¹

8. Mr Blair described Iraq as the “immediate focus of the visit” although he and President Bush had also discussed the Middle East Peace Process (MEPP), Afghanistan, and global poverty and development. Mr Blair also reported that he had had meetings and discussions with other Heads of State and Government.

9. Stating that, “We are entering the final phase of a 12-year history of the disarmament of Iraq”, Mr Blair said that Saddam Hussein had “consistently flouted” 27 “separate and categorical obligations” in a series of 17 resolutions. That was why a sanctions regime had been in place, which “because of the way in which Saddam has applied it, has caused wholly unnecessary suffering for the Iraqi people”.

10. Mr Blair stated:

“Eight weeks have now passed since Saddam was given his final chance. Six hundred weeks have passed since he was given his first chance. The evidence of co-operation withheld is unmistakable. Saddam has still not answered the questions concerning thousands of missing munitions and tons of chemical and biological agents unaccounted for.”

11. Mr Blair reported the recent finds by the weapons inspectors and drew attention to the report published by No.10 the previous weekend, which made clear that Iraq had “a huge infrastructure of deception and concealment designed to prevent the inspectors from doing their job”.

12. That report, the No.10 dossier, ‘Iraq – Its Infrastructure of Concealment, Deception and Intimidation’, is addressed in Section 4.3.

¹ House of Commons, *Official Report*, 3 February 2003, columns 21-38.

13. Referring to the report by Dr Hans Blix, the Executive Chairman of the UN Monitoring, Verification and Inspection Commission (UNMOVIC), to the Security Council on 27 January, including his comments that Iraq did not appear to have come to a genuine acceptance of the disarmament demanded, and that the discovery of chemical rocket warheads could be the “tip of an iceberg”, Mr Blair added:

“The situation therefore could not be clearer. There is a duty on Saddam to co-operate fully. At present, he is not co-operating fully. Failure to do so is a material breach of resolution 1441. Should Dr Blix continue to report Iraqi non-co-operation, a second resolution should be passed to confirm such a material breach. President Bush and I agreed that we should seek maximum support for such a resolution, provided, as ever, that seeking such a resolution is a way of resolving the issue, not delaying or avoiding dealing with it at all.”

14. Mr Blair also drew attention to the “powerful evidence of the continuing terrorist threat” which had appeared over the past few weeks. Terrorist groups were “actively seeking to use chemical or biological means to cause as much death and injury and suffering as they can”.

15. Mr Blair stated that Iraq was not alone in developing weapons of mass destruction (WMD) and repeated his warning that:

“... unless we take a decisive stand now as an international community, it is only a matter of time before these threats come together. That means pursuing international terrorism across the world in all its forms. It means confronting nations defying the world over weapons of mass destruction. That is why a signal of weakness over Iraq is not only wrong in its own terms. Show weakness now and no one will ever believe us when we try to show strength in future. All our history, especially British history, points to this lesson. No one wants conflict. Even now, war could be avoided if Saddam did what he is supposed to do. But if having made a demand backed up by a threat of force, we fail to enforce that demand, the result will not be peace or security. It will simply be returning to confront the issue again at a later time, with the world less stable, the will of the international community less certain and those repressive states or terrorist groups that would destroy our way of life emboldened and undeterred.”

16. Mr Blair concluded that he hoped that conflict with Iraq could be avoided and that Saddam Hussein “can come to his senses, co-operate fully and disarm peacefully”. But if he did not:

“... he must be disarmed by force. If we have to go down that route, we shall do all we can to minimise the risks to the people of Iraq, and we give an absolute undertaking to protect Iraq’s territorial integrity ...

“Saddam’s weapons of mass destruction and the threats they pose to the world must be confronted. In doing so, this country and our Armed Forces will be helping the long-term peace and security of Britain and the world.”

17. In response, Mr Iain Duncan Smith, Leader of the Opposition, stated that his party fully supported the UN route and he hoped a second resolution would be possible: “Although it is not a prerequisite for future action, it is highly desirable.” He stated that the “fundamental problem is not lack of time, but the attitude of Saddam Hussein”. He agreed with Mr Blair that “if the international community backs away from dealing with Saddam Hussein now, that will be seen as a green light by every rogue state and terrorist group around the world”.

18. Mr Charles Kennedy, Leader of the Liberal Democrats, referred to the extent of public anxiety about developments and “a sense that we seem to be hastening into war ahead of the events”. He stated that the Government had “still to make a credible case”, and: “That case, for any fair-minded person viewing it, has to be based on credible evidence, which has not so far been forthcoming.”

19. Mr Blair responded that, after 12 years of trying to get disarmament, resolution 1441 offered Saddam Hussein a final opportunity. That was “hardly hastening into a war”. It was a response to Saddam Hussein’s “point blank” refusal to do what the United Nations had asked. If, as Dr Blix had said, Saddam Hussein was “carrying on in breach of his obligations, that was “credible evidence” that he was not co-operating. The United Nations had decided that Saddam Hussein was in breach of its resolutions and he had “got to produce the evidence that he is now co-operating fully – and he is not doing so”.

20. Mr Blair added that the inspectors’ task was “not to engage in an elaborate game of hide and seek”. That was the game Saddam Hussein had been playing for 12 years; and it was “unacceptable”. The US had chosen to go through the UN process, “but that process should be a way of dealing with this issue once and for all, not of kicking it into the long grass again and avoiding it altogether”.

21. In response to a question from Mr Donald Anderson, Chairman of the Foreign Affairs Committee (FAC), about whether he feared that Russia, France or China might “unreasonably” veto a second resolution, Mr Blair responded that he was:

“... working on the basis that people hold to both the spirit and the letter of resolution 1441. The process has integrity. Saddam has a final opportunity and he must co-operate fully. If he does not, a fresh resolution will be issued. The logic of that will take people along with us, especially when there are further inspectors’ reports to come.”

22. Asked by Mr David Heath (Liberal Democrat) whether he disagreed with a view that war would be a potent recruiting tool for terrorist groups, Mr Blair responded: “If we are taking action where we are obviously and clearly enforcing the will of the UN”, that view was “not right”.

23. Mr Blair added:

“... the people who will be most delighted to see the end of Saddam are the people who are his first and primary victims – his own people. In those circumstances, I do not believe that it will recruit people to the cause of terrorism ... what will recruit people to the cause of terrorism is a belief among these fanatics that the will of the international community is weak, that it does not have a determination to confront these issues, and that, when faced with the challenge, we will fail to meet it.”

24. In response to a question from Mr James Paice (Conservative) about the need to explain to the British public “the conjunction between the Iraqi situation and international terrorism”, Mr Blair stated that “we have constantly tried to explain to people” that the two issues of WMD and terrorism were “not separate”. Both represented “the threats of the fanatical over the rational ... [T]hreats to the civilised world from acts of barbarity.” The fact was that the two issues were:

“... intimately linked ... without a doubt, if we do not deal with both these issues at some point ... [they] will come together. It is simply not possible to have a situation in which states are developing and trading in this stuff, with their scientists being hired by the top bidder, and in which terrorist groups are well-financed and able to recruit ... It is not possible to have those two threats operating and for them not to come together at a certain point, and the consequences would then be devastating.”

25. Mr Blair stated that he was taking a risk politically on Iraq because he did not “want to be the Prime Minister to whom people point the finger in history and say, ‘You knew perfectly well that these two threats were there, and you didn’t do anything about it. In the end, you took the easy way out ...’ We know that those threats are there and we have got to deal with them.”

26. Asked by Mr Ian Lucas (Labour) to confirm that he would support military action against Iraq only if the UN weapons inspectors certified that there was a continuing material breach of UN resolution 1441, Mr Blair responded: “That is exactly the position I have outlined. If the inspectors continue to certify that Iraq is not co-operating fully, that is a material breach. It is precisely so that the inspectors can make those findings a fact that we put them there.”

27. Mr Blair’s statement was repeated in the House of Lords by Lord Williams of Mostyn, the Lord Privy Seal.²

28. Lord Strathclyde (Conservative) supported the need for action, stating that a second resolution was highly desirable but it “should not be used as an excuse for delay”. He also asked for further information about the specific danger Saddam Hussein posed to the UK. He concluded that Saddam Hussein had been given “a second chance once

² House of Lords, *Official Report*, 3 February 2003, columns 20-33.

too often”; and that while no one wanted to go to war, “the dangers of stopping now may be greater than going ahead”.

29. Lord Wallace of Saltaire (Liberal Democrat) stated that the Liberal Democrats supported Mr Blair’s efforts “to ensure that containment of Iraq” continued to be managed multilaterally, and noted the “very careful balancing act” with the unilateral language used by the US Administration. Questioning a linkage between rogue states, WMD and terrorism, Lord Wallace concluded:

“What worries us most on these Benches is the extent to which the questions of rogue states, weapons of mass destruction and terrorism are conflated, as they are again in this statement. Terrorism is a real, long-term problem, and it will not be resolved by military intervention in Iraq or by disarming Iraq. What worries many of us about what we hear from Washington at the moment is what we perceive as a lack of understanding about the long-term nature of the terrorist problem in the Muslim world. We need to be sure that we are standing up for universal values and not simply Western values, let alone American values ... An upsurge of terrorism after an invasion of Iraq is a possibility for us.”

30. Mr Alastair Campbell, Mr Blair’s Director of Communications and Strategy, wrote that Mr Blair “felt ... we had finally got the focus where it needed to be, on the issue of co-operation with Blix”.³

3 and 4 February 2003

31. When Sir David Manning, Mr Blair’s Foreign Policy Adviser and Head of the Cabinet Office Overseas and Defence Secretariat (OD Sec), spoke to Dr Condoleezza Rice, President Bush’s National Security Advisor, on 3 February. They agreed that a second resolution should be “pursued energetically”.⁴ The UK and US approaches should be carefully co-ordinated. Following a discussion of the positions of various members of the Security Council, Dr Rice agreed with Sir David’s conclusion that, “we would undoubtedly have to work hard to get our nine votes; but it did not look impossible”.

32. Mr Blair told Mr José María Aznar, the Spanish Prime Minister, that President Bush favoured a second resolution “in principle”.⁵ They agreed that the UK and Spain should work together on a resolution.

³ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

⁴ Letter Manning to McDonald, 3 February 2003, ‘Iraq: Conversation with Condi Rice’.

⁵ Letter Rycroft to Sinclair, 3 February 2003, ‘Iraq and MEPP: Prime Minister’s Conversation with Aznar, 3 February’.

33. Mr Blair telephoned Mr Vladimir Putin, the Russian President and Mr Silvio Berlusconi, the Italian Prime Minister (who was in Moscow).⁶ Mr Blair also spoke to a number of his other counterparts, with similar messages.

34. On 4 February, Sir Jeremy Greenstock, the UK Permanent Representative to the UN in New York, told Mr Kofi Annan, the UN Secretary-General, that the UK “had not won as much further time as we wished” in the meeting between Mr Blair and President Bush on 31 January, but “we still had the whole of February and a bit of March to work with” and “the Americans would work actively for a second resolution”. The UK wanted the UN inspectors to “deliver further results, because this would make it more likely that the international non-proliferation system remained in control”.⁷

35. Sir David Manning told Dr Rice on 5 February that, while the UK would want Sir Jeremy Greenstock’s advice before taking a firm view, his preference was to start discussing a second resolution after the report to the Security Council on 14 February by Dr Blix.⁸

36. At the Franco-British Summit on 4 February, Mr Jacques Chirac, the French President, made clear that inspections should continue unless the inspectors reported that they could not do their job. War would be the worst possible solution.

37. Sir John Holmes, British Ambassador to France, reported on 1 February that, in a conversation about the forthcoming summit, Mr Maurice Gourdault-Montagne, President Chirac’s Diplomatic Adviser, had emphasised that France had never been a pacifist country, and was certainly not one now, and it was not anti-American and never would be.⁹ But it was:

“... not acceptable for Europe simply to be dragged along in the US wake when our interests did not fully coincide. In the case of Iraq, there was no disagreement on the need to disarm Iraq, but all the options short of war had not been explored properly yet, and we were being forced to march to an artificial US timetable which was not in our interests. It remained to be seen whether Powell [Mr Colin Powell, US Secretary of State] would produce much ... [at the Security Council meeting on 5 February]. For the moment the French were still not convinced there were really major things for the inspectors to find, or that Iraqi non-co-operation was sufficient to say they were in breach of 1441.”

38. Sir John wrote that he judged President Chirac was “finally beginning to think that France is in danger of finding herself in a false position”, but he was “not yet ready to move towards us very significantly”.

⁶ Letter Rycroft to Sinclair, 3 February 2003, ‘Iraq and Middle East: Prime Minister’s Phone Call with Putin and Berlusconi’.

⁷ Telegram 204 UKMIS New York to FCO London, 5 February 2003, ‘Iraq: Discussions on 4 February’.

⁸ Letter Manning to McDonald, 5 February 2003, ‘Iraq: Conversation with Condi Rice’.

⁹ Email Holmes to Manning, 1 February 2003, ‘Franco-British Summit’.

39. Mr Blair told President Chirac on 3 February that he had agreed with President Bush that if Dr Blix continued to report Iraqi non-co-operation there should be a second UN resolution “within weeks”.¹⁰

40. There was little movement on Iraq at the Franco-British Summit on 4 February. Mr Blair stressed the value of uniting around a second resolution to put pressure on Saddam Hussein to go without war. President Chirac’s view was that the inspectors should be allowed to continue their work, with more resources if they said they needed them. The issue of a second resolution would not arise until the inspectors said they could no longer do their work. He was concerned about the regional implications of any military action and the potential consequences of trying to introduce democracy in Iraq.¹¹

41. The No.10 record of the discussion reported that President Chirac doubted that Secretary Powell’s presentation the following day:

“... would contain anything new. If it did, the inspectors should verify it ... A second resolution would be necessary for a war, but one was not needed yet since the inspections should continue. If the inspectors said they could not continue their work, there could then be a second resolution. If the inspectors reported continued non-co-operation, perhaps a High Commissioner for Disarmament could visit Baghdad, and the inspections could be strengthened.”¹²

42. President Chirac’s public comments focused on the need to let the inspectors do their job; he stated that war was the worst possible solution.¹³

43. Mr Campbell reported that, after the meeting, Mr Blair said his strategy was to get Saddam Hussein out without a war, by obtaining a second resolution then persuading him to go.

44. Mr Campbell wrote in his diaries that Mr Blair had called him late on 4 February, following the Franco-British Summit, to say that “he could now see a way of getting to the same place as Chirac”. In response to Mr Campbell’s comment that the “best thing” for President Bush “was to get Saddam out without a war”, Mr Blair had replied:

“... that was his whole strategy, get the Blix report, then a second resolution, then get the Arabs to press him to go.”¹⁴

¹⁰ Letter Rycroft to Sinclair, 3 February 2003, ‘Iraq and UK/France: Prime Minister’s Phone Conversation with Chirac, 3 February.’

¹¹ Telegram 058 Paris to FCO London, 5 February 2003, ‘Franco-British Summit, 4 February’.

¹² Letter Rycroft to McDonald, 4 February 2003, ‘UK/France Summit, 4 February: Prime Minister’s Bilateral Meeting with Chirac and Raffarin’.

¹³ Telegram 65 Paris to FCO London, 5 February 2003, ‘Franco-British Summit at Le Touquet – Press Reactions’.

¹⁴ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

Secretary Powell's presentation to the Security Council, 5 February 2003

45. Secretary Powell gave a long and detailed presentation to the Security Council on 5 February setting out the US position on the threat posed by Iraq and its failure to comply with resolution 1441.

46. President Bush wrote in his memoir that he had agreed to pursue a second resolution if Mr Blair wanted one at their meeting in Washington on 31 January; and that “the best way to get a second resolution was to lay out the evidence”.¹⁵ He asked Secretary Powell to make a presentation to the UN:

“He had credibility as a highly respected diplomat known to be reluctant about the possibility of war. I knew he would do a thorough, a careful job. In early February, Colin spent four days and nights at the CIA [Central Intelligence Agency] personally reviewing the intelligence to ensure he was comfortable with every word in his speech.”

47. In his presentation to the Security Council on 5 February, Secretary Powell stated that he had asked for the meeting for two purposes:

- The first was to support the “core assessments” made by Dr Blix and Dr ElBaradei on 27 January that:
 - “... Iraq appears not to have come to a genuine acceptance – not even today – of the disarmament that was demanded of it”; and
 - “... did not provide any new information relevant to certain questions that have been outstanding since 1998”.
- The second was to provide “additional information and to share ... what the United States knows about Iraq’s weapons of mass destruction, as well [as] Iraq’s involvement in terrorism”.¹⁶

48. Secretary Powell stated that the information, “when combined with what all of us have learned over the years,” was “deeply troubling”. There was “an accumulation of facts and disturbing patterns of behaviour” that demonstrated that Saddam Hussein and his regime had “made no effort to disarm as required by the international community” and was “concealing their efforts to produce more weapons”.

49. Secretary Powell provided tapes of intercepted conversations and satellite imagery which he interpreted as demonstrating Iraq’s attempts to conceal activity to “clean up” facilities before visits by the inspectors.

¹⁵ Bush GW. *Decision Points*. Virgin Books, 2010.

¹⁶ UN Security Council, ‘4701st Meeting Wednesday 5 February 2003’ (S/PV.4701).

50. Secretary Powell also stated that human sources had told the US that:

- The Iraqis were moving “not just documents and hard drives but also weapons of mass destruction to keep them from being found by inspectors”.
- “In early December, Saddam Hussein had all Iraqi scientists warned of the serious consequences that they and their families would face if they revealed any sensitive information to the inspectors. They were forced to sign documents acknowledging that divulging information is punishable by death.”
“Saddam Hussein also said that scientists should be told not to agree to leave Iraq. Anyone who agreed to be interviewed outside Iraq would be treated as a spy.”
- A “false death certificate” had been issued for one scientist, and he was sent into hiding, and a “dozen experts have been placed under house arrest ... at one of Saddam Hussein’s ‘guest houses’.”

51. Secretary Powell added that the “information and intelligence” pointed to “an active and systematic effort on the part of the Iraqi regime to keep materials and people from the inspectors”.

52. Secretary Powell stated that Iraq had failed the test of providing an honest declaration and the conclusion that Iraq was now in further material breach of its obligation was “irrefutable and undeniable”. Iraq had “placed itself in danger of the serious consequences called for in resolution 1441”. The Council placed itself “in danger of irrelevance” if it allowed “Iraq to continue to defy its will without responding effectively and immediately”.

53. Secretary Powell set out the “real and present dangers” posed by Iraq’s WMD, in particular its ability using mobile production facilities to produce biological agent and its ability to disperse biological agents “indiscriminately” (see Section 4.3). Secretary Powell also described intelligence and information on Iraq’s chemical weapons, nuclear weapons and long range missile programmes.

54. Secretary Powell concluded by setting out the US position on the activities in Iraq of Al Qaida and Ansar al-Islam. Iraq’s denial of those links and its support for terrorism was “a web of lies”. The US was not prepared to run the risk of Saddam Hussein using his weapons of mass destruction.

55. Secretary Powell said that Iraq was not taking its last chance and the Council had an obligation to ensure that its resolutions were complied with.

56. During his presentation, Secretary Powell also drew attention “to the fine paper that the United Kingdom distributed yesterday which describes in exquisite detail Iraqi deception activities”.

57. Secretary Powell was referring to the No.10 document, ‘Iraq – Its Infrastructure of Concealment, Deception and Intimidation’, which is addressed in Section 4.3.

58. Mr Jack Straw, the Foreign Secretary, stated that Iraq was now in further material breach of resolution 1441. If that continued, the Security Council should meet its responsibilities.

59. In a discussion of 29 January about the Security Council on 5 February, Mr Straw told Secretary Powell that he had considered the idea that the UK should publish a dossier alongside the US presentation but he “did not think it was a good idea since it could only be an echo of his”.¹⁷ They also discussed how to address Iraq’s human rights record.

60. In his statement to the Security Council, Mr Straw described Secretary Powell’s presentation as “a most powerful and authoritative case against the Iraqi regime” and thanked him for “laying bare the deceit practised by the regime of Saddam Hussein, and worse, the very great danger which that regime represents”.¹⁸

61. Mr Straw stated that resolution 1441 had given Iraq “a final opportunity to rid itself of its weapons of mass terror, of gases which can poison thousands in one go; of bacilli and viruses like anthrax and smallpox which can disable and kill by the tens of thousands; of the means to make nuclear weapons which can kill by the million”.

62. Resolution 1441 had strengthened inspections but without Iraq’s “full and active co-operation” they could never be sure of finding all WMD in a country the size of Iraq. But the inspectors’ reports on 27 January and Secretary Powell’s presentation could leave “no illusions”. Saddam Hussein held resolution 1441 in contempt and was defying the Council. He was questioning “our resolve” and was “gambling that we will lose our nerve rather than enforce our will”.

63. The resolution had “set two clear tests for a further material breach by Iraq”:

- not to make “false statements” or “omissions” in its declaration; and
- “to comply with, and co-operate fully in the implementation” of resolution 1441.

64. In relation to the first, Mr Straw stated that Iraq’s declaration of 7 December was “not full, nor accurate, nor complete”:

- It was “a false statement. Its central premise – that Iraq possesses no weapons of mass destruction – is a lie.”
- “The declaration also has obvious omissions, not least a failure to explain what has happened to the large quantities of chemical and biological weapons materiel and munitions unaccounted for by UN weapons inspectors in 1998.”
- There was “no admission of Iraq’s extensive efforts to develop WMD since the last round of UNSCOM [UN Special Commission] inspections ended”.

¹⁷ Letter Straw to Manning, 29 January 2003, ‘Iraq: Foreign Secretary’s Conversation with Colin Powell, 29 January 2003’.

¹⁸ UN Security Council, ‘4701st Meeting Wednesday 5 February 2003’ (S/PV.4701).

65. Mr Straw stated that it was “clear that Iraq has failed” the second test. The briefings to the Council had:

“... confirmed our worst fears, that Iraq has no intention of relinquishing its WMD, no intention of following the path of peaceful disarmament set out in UNSCR [UN Security Council resolution] 1441. Instead of open admissions and transparency, we have a charade, where a veneer of superficial co-operation masks wilful concealment, the extent of which has been devastatingly revealed this morning by Secretary Powell.”

66. Mr Straw stated that there was “only one possible conclusion ... Iraq is in further material breach” of resolution 1441. The Council faced a difficult choice. It would be “Easy but wrong” to hope for a change of heart by Iraq. That would be “repeating the mistakes of the last 12 years and empowering a dictator”.

67. Commenting on Secretary Powell’s description of reports about the presence in Iraq of “[Abu Musab] al- Zarqawi [Leader of Al Qaida in Iraq], and other members of Al Qaida, and their efforts to develop poisons”, Mr Straw stated that: “It defies the imagination that all of this could be going on without the knowledge of Saddam Hussein. The recent discovery of the poison ricin in London has underlined again that this is a threat that all of us face.”

68. Mr Straw concluded:

“... time is now very short. The Council will have further reports from the inspectors on ... 14 February. If non-co-operation continues, the Council must meet its responsibilities.

...

“This is a moment of choice for Saddam and the Iraqi regime. But it is also a moment of choice for ... the United Nations ... the League of Nations ... failed because it could not create actions ... It could not back diplomacy with the credible threat and, where necessary, the use of force ... At each stage good men said, ‘Wait. The evil is not big enough to challenge’. Then before their eyes, the evil became too big to challenge. We slipped slowly down a slope, never noticing how far we had gone until it was too late. We owe it to our history, as well as our future, not to make the same mistake again.”

69. In response to Secretary Powell’s presentation, most members of Council stated that the information presented would require serious and thorough study and encouraged Iraq to co-operate with the inspectors and provide answers to the outstanding questions.

70. Mr Igor Ivanov, the Russian Foreign Minister, stated that the information Secretary Powell had provided required “very serious and thorough study”. It should be handed immediately to UNMOVIC and the International Atomic Energy Agency (IAEA) for on-site

verification. Baghdad must give the inspectors answers and inspections should continue; they alone could provide answers on the extent of Iraqi compliance.

71. Addressing the question of whether time was running out, Mr Ivanov stated that resolution 1441 contained no concrete timeframe: “The inspectors alone” could advise on how much time they needed “to carry out the tasks entrusted to them”. Further resolutions could not be ruled out, but efforts should continue to do “everything possible to facilitate the inspection process. That had “proven its effectiveness” and made it “possible to implement Council decisions by peaceful means”.

72. The international community was confronting new global threats and challenges, and “The unity of the world community” would “continue to be the principal guarantee of the effectiveness of the world’s action”.

73. Mr Dominique de Villepin, the French Foreign Minister, stated that the UN had chosen a policy based on:

“... three fundamental points: a clear objective on which we cannot compromise – the disarmament of Iraq ... a rigorous system of inspections that requires Iraq’s active co-operation and that affirms the Security Council’s central role at each a stage; and finally a requirement ... our unity.”

74. Inspections had already achieved “important results”. There had been good progress in understanding Iraq’s nuclear capacity and no chemical or biological agents had been detected, including in the empty warheads discovered on 16 January.

75. There were “still grey areas in Iraq’s co-operation” and the inspectors had “reported real difficulties”. The uncertainties reported by Dr Blix were “not acceptable”. France had evidence of Iraq’s capacity to produce chemical agents and the possible possession of significant stocks of anthrax and botulism toxin, and possibly a production capability. The absence of long range delivery systems reduced the threat of those weapons, but there were “disturbing signs of Iraq’s continued determination to acquire ballistic missiles” beyond the range permitted.

76. Mr de Villepin called for a “demanding démarche anchored in resolution 1441” from the Council. France did not rule out recourse to force but, before going down that road, consideration had to be given as to whether the nature and the scope of the threat justified force. The United Nations had to be “at the centre of the action to guarantee Iraq’s unity, ensure the region’s stability, protect civilians and preserve the unity of the world community”.

77. Mr de Villepin proposed arrangements to strengthen the inspections regime and to agree a list of unresolved disarmament questions and a “demanding and realistic timeframe” to address them. Iraq needed to do more. But France was convinced disarmament could succeed if the international community devoted all its energy to it and maintained its unity and cohesion.

78. Mr Mohammed Aldouri, Iraqi Permanent Representative to UN, challenged the “incorrect allegations” in Secretary Powell statement and reiterated that Iraq had no weapons of mass destruction. He stated that inspectors had visited the sites identified in US and UK reports in September and October and “none of the allegations” were true. He also rebutted statements made by President Bush in his State of the Union Address on 28 January (see Section 3.6).

79. Mr Aldouri reaffirmed Iraq’s commitment to pro-active co-operation with the inspectors so that they could verify that Iraq was free of weapons of mass destruction, sanctions could be lifted, and progress could be made on regional security by ridding the whole Middle East of WMD.

80. Reporting on the discussion, Sir Jeremy Greenstock wrote that Mr Straw and Ms Ana Palacio, the Spanish Foreign Minister, had strongly supported Secretary Powell’s presentation and Mrs Soledad Alvear, the Chilean Foreign Minister, had made a “noticeably stronger intervention”.¹⁹ Most other countries had, however, argued for more time.

81. Sir Jeremy commented:

“A dramatic day. Powell’s presentation was impressive – at the higher end of expectations. It has pushed the rock further up the hill. It has also helpfully raised the bar of inspections by underlining that the Iraqis will need to answer real questions about their activities if they are to satisfy the inspectors ...

“But I do not think it was decisive. Most Council members reiterated familiar positions. The most significant shift was the ... Chileans. French ideas ... had an air of desperation about them. But they could be the straw which many in the Council attempt to grasp as the option other than war.”

82. Sir Jeremy told the Inquiry that Secretary Powell had given:

“... an extremely impressive presentation of the evidence we had of Iraqi WMD, but it was not decisive. There wasn’t a smoking gun there in the presentation. There hadn’t been a smoking gun presented by the inspectors to the Security Council, and it seemed to many members of the Security Council that Secretary Powell was trying too hard to establish a case for which there was no clear proof ... it didn’t convert the unconverted.”²⁰

83. President Bush wrote:

“Colin’s presentation was exhaustive, eloquent and persuasive. Coming against the backdrop of Saddam’s defiance of the weapons inspectors, it had a profound

¹⁹ Telegram 215 UKMIS New York to FCO London. 6 February 2003, ‘Iraq: Powell’s Presentation to the Council’.

²⁰ Public hearing, 27 November 2009, pages 86-87.

impact on the public debate. Later, many of the assertions in Colin's speech would prove inaccurate. But at the time, his words reflected the considered judgement of intelligence agencies at home and around the world."²¹

84. In his memoir, Mr Annan wrote:

"... I was impressed with his delivery but I was most concerned about the substance. He did not produce any evidence of the 'smoking gun' variety, despite effectively claiming to possess such evidence. Worse, I was not alone in thinking that Powell himself did not appear as though he entirely believed his own case."²²

85. Sir Jeremy Greenstock reported that, in private discussions over lunch, Mr Annan commented that the forthcoming visit to Baghdad by Dr Blix and Dr Mohamed ElBaradei, Director General of the IAEA, could be used to tell Iraq that the Security Council "unanimously insisted on much improved co-operation".²³

86. Sir Jeremy reported that Dr Blix had said he was grateful for the information provided by Secretary Powell, which he would study carefully. If there were things hidden in Iraq, the inspectors would try to find them. He had welcomed the Council's wish to stay united and the message that Iraq must co-operate actively:

"This could not be a game of catch-as-catch-can. Co-operation had to be spontaneous. UNMOVIC could do a lot with more resources and improved equipment. But Iraq was a big country. What really counted was active co-operation on the South Africa model."

87. Dr ElBaradei had "echoed" most of what Dr Blix had said: "There were plenty of things to be clarified by the Iraqis ... Iraqi co-operation must improve in a dramatic way."

88. Asked by Secretary Powell to explain his idea of reinforced inspections, Sir Jeremy reported that Mr de Villepin stated he believed:

"... there was space between fully active co-operation and war for other options ... The Middle East was complex. A broader strategy was needed. Force had to be the very last resort, and then only with the legitimacy of the UN. To win the peace after the war, the involvement of the UN was essential. The inspection regime under 1441 allowed the Council this further possibility. Only if they [the inspectors] met a deadlock would we need to come back to 1441. We could not afford to go to a bloody, long, expensive war on the basis of impatience. Other states would draw the conclusion that you needed nuclear weapons to avoid attack: compare North Korea. Such crises had to be solved by the international community collectively."

²¹ Bush GW. *Decision Points*. Virgin Books, 2010.

²² Annan, K. *Interventions: A Life In War And Peace*. Allen Lane, 2012.

²³ Telegram 214 UKMIS New York to FCO London, 6 February 2003, 'Iraq: 5 February Security Council Lunch'.

“So the answer ... was to use 1441 fully. Reinforce the inspectors. If after a time it did not work, then force could be considered. The problems of the world had to be solved through collective responsibility ... If the route he had set out proved unsuccessful, then France would assume its responsibilities with the rest.”

89. Other points made during the discussion included:

- Mr Joschka Fischer, the German Vice-Chancellor and Foreign Minister, supported Mr de Villepin’s proposals for strengthened inspections.
- Ms Palacio said that it was the message to Saddam Hussein that a change of will was needed that had to be strengthened, not the inspections.
- Mr Straw said that more inspectors and equipment would not solve anything. The fundamental point was that “Iraq was not complying. If there was co-operation, there was no need for greater numbers. If there was no co-operation, higher numbers could not help.” The inspectors needed intellectual evidence, “Yet Iraqi scientists had been terrorised into silence.” Mr de Villepin’s proposal was “a chimera, a false message. And it would lead to split in the Council.” The key was co-operation.
- Mr Ivanov stated that there were complaints, but the inspectors had to continue and Russia would help. President Putin had asked him to set out a list of the current problems and work with the Iraqis to solve them. “Baghdad could hardly change overnight ... Pressure would be needed. But the opportunities for a political settlement were far from being exhausted.”

90. Sir Jeremy reported that, as Council President, Mr Fischer had tried to sum up that:

“There was agreement the Council should send out the message that a very serious point had been reached. This was a major crisis with widespread consequences. War would be very damaging. 1441 had to be implemented fully. Inspections must continue: there was no contradiction between that and the presence of sharp instruments. The message to Baghdad had to be that they now had to deliver.”

91. Secretary Powell had not, however allowed that to stand. He had listened to the arguments for a peaceful solution but the Council had “so far been denied that”. The US:

“... was not fixated on war ... But he would not accept the premise that the world could not accept the risks. He hoped it would not come to war. But war could even produce good results. If it came to that point, the US would be happy to act with a coalition of the willing under the authority of the UN, in the full understanding of the risk of unintended consequences and of the overall situation in the Middle East. Too much time had already gone by.”

92. In his memoir, Mr Annan recounted the exchanges during that lunch in some detail, commenting that it captured:

“... as few other moments do in that year of extraordinary drama and diplomatic maneuvering [sic], the depth of passions, and the way in which the question of Iraq became about something far larger: the foundations of peace and security, and the place of the United Nations as the sole legitimate authority to endorse the use of force except in cases of self-defense.”²⁴

93. Sir Christopher Meyer, British Ambassador to the US, reported that the US Administration:

- was satisfied with the impact of Secretary Powell’s presentation;
- hoped that it might help to capture the swing vote in the Security Council; and
- believed that the session had shown that the US had gone the extra mile along the UN route.²⁵

94. President Bush had announced that the US would welcome and support a new resolution “which made clear that the Security Council stood behind its previous demands”; and that he had “repeated his resolve to lead a coalition of the willing if necessary to disarm the Iraqi regime”.

95. Sir Christopher also reported that support for action was growing. An *NBC* poll published on 5 February showed that 60 percent of Americans supported military action in Iraq, and the number of Americans who would strike without UN support had increased from 29 percent in January to 37 percent.

Cabinet, 6 February 2003

96. Mr Blair told Cabinet on 6 February that if Iraq’s non-compliance continued, a fresh resolution would be sought from the Security Council.

97. Mr Straw told Cabinet it should be possible to gain consensus on such a resolution.

98. Cabinet agreed that Ministers should actively make the case for the Government’s position on Iraq.

99. Mr Blair told Cabinet on 6 February that “the Government’s policy on Iraq was on track”.²⁶ If the UN inspectors continued to report Iraqi “non-compliance with its obligations”, a fresh resolution would be sought from the Security Council. There was “mounting impatience on the part of Arab countries” with Saddam Hussein and their opinion would be “more favourable to military action if the US pushed the Middle East

²⁴ Annan, K. *Interventions: A Life In War And Peace*. Allen Lane, 2012.

²⁵ Telegram 174 Washington to FCO London, 6 February 2003, ‘Iraq: US Thinking’.

²⁶ Cabinet Conclusions, 6 February 2003.

Peace Process forward so that the agenda of the international community did not appear one-sided". Following his discussion with President Bush, on 31 January, Mr Blair reported US willingness to re-engage.

100. Mr Blair said that the next step was for Dr Blix and Dr ElBaradei to return to Baghdad:

"It was possible that Saddam Hussein would show some movement towards compliance; the Coalition military build-up would continue in the Gulf; and planning for the aftermath of military action and humanitarian relief needed greater emphasis."

101. France had "proposed more resources to support the inspectors", but Mr Blair said that "the issue was rather the lack of Iraqi co-operation, including their failure to explain the weapons of mass destruction material which had been logged as missing in 1999, and the intimidation of scientists whom the inspectors wished to interview".

102. Mr Blair also stated that it was important to use the UN process to address the agenda of the international community more broadly, such as on North Korea and the proliferation of WMD more generally. The "likely identity of interest between rogue states and terrorists who wanted to acquire weapons of mass destruction" was "of particular concern". The "presence of Al Qaida terrorists in Iraq was a reality which was part of the changing picture".

103. Mr Straw said that Secretary Powell's presentation to the Security Council had been made "forensically and calmly, with well chosen examples from intelligence of Iraqi mendacity". The "true colour and substance of the Iraqi regime had been highlighted".

104. Mr Straw's view was that "it should be possible to gain consensus for a further resolution" if the inspectors returned "without real concessions on Iraqi compliance". The focus "had to remain" on the UN route: "We could now be entering the final phase" with the next report to the Council on 14 February.

105. Mr Straw also said that the aftermath was "being discussed intensively" with Ms Clare Short, the International Development Secretary, and Mr Geoff Hoon, the Defence Secretary.

106. The points made in discussion included:

- The use of the word "aftermath" was "ill-chosen: it incorrectly implied that Iraq would be utterly destroyed by military conflict whereas we should gear our thinking around the future of the people of Iraq and their interests".
- The reconstruction and development of Iraq would "provide opportunities for British companies to be involved".

- The focus after hostilities “had to be on civil society which had suffered 35 years of tyranny that had reduced the country to the point where 60 percent of the population relied on United Nations food programmes”.
- The US inter-agency process to address Iraq’s redevelopment after any military action was being led by the Pentagon.
- It was “essential” that the UN should be involved in Iraq’s redevelopment after any military action “to avoid the military coalition being viewed as an army of occupation”.
- The nature of a further resolution “would depend on the circumstances at the time, but it was likely that there would be a period between the adoption of a resolution and the start of any military action so that a final ultimatum could be given for the departure of the current Iraqi regime”.
- International consensus in support of military action would “encourage public support” in the UK.
- Some people “did not recognise the lessons we had learned from not confronting tyranny in Kosovo, Afghanistan, and now Iraq”.
- Briefing on the Government’s position on Iraq “should be improved and disseminated widely; it was clear that colleagues were operating at different levels of knowledge, and it would be helpful if the best possible information about the facts were available to enable them to advance the best possible arguments”.
- Parliament would need an opportunity to debate any further UN resolution.

107. Summing up the discussion, Mr Blair said that:

“... Ministers needed to be active with their supporters, both inside and outside Parliament, to make the case. Briefing material had to be improved so that the facts were drawn together in a coherent form under various headings: the Iraqi regime; the United Nations’ involvement; non-compliance by Iraq with the weapons inspectors; the humanitarian angle, all of which would need to be updated regularly.”

108. The UK would continue to pursue the UN route. That was “important in respect of Iraq, but it was also necessary in dealing with a dysfunctional world where a broad agenda had to be addressed to deal with poverty, the Middle East Peace Process, terrorism and weapons of mass destruction”.

109. In his diaries, Mr Campbell wrote that:

- Mr Blair had “put a pretty optimistic face” on the reports of his meetings with President Bush and President Chirac.
- Mr Robin Cook, then Leader of the House of Commons, had quizzed on the Parliamentary process.

- Dr John Reid, Minister without Portfolio and Labour Party Chair, “said he was troubled about the lack of domestic consensus, that there was a sense of people losing their moral compass about the nature of the Iraqi regime”.
- Ms Tessa Jowell, the Culture, Media and Sport Secretary, “didn’t know anyone under twenty five who supported action and we had to do better at countering the scepticism”.²⁷

110. Following Cabinet, Mr Blair asked Mr John Scarlett, Chairman of the Joint Intelligence Committee (JIC), “to provide a confidential and intelligence based briefing on Iraq for small groups of Ministers attending Cabinet”. The briefing would “take as its starting point Part 1 of the Government’s dossier published last September” and cover:

- the “latest assessment of Iraq’s holding of weapons of mass destruction”;
- the Iraqi response to resolution 1441;
- “recent developments in Iraq and our current assessment of the cohesion of the regime”;
- “Iraq and terrorism”.²⁸

Four “briefing sessions” were offered the following week.

111. The content of those briefings is addressed in Section 4.3.

Meetings with Dr Blix and Dr ElBaradei, 6 February 2003

112. In meetings on 6 February, Mr Blair told Dr Blix and Dr ElBaradei that he doubted Saddam Hussein would co-operate. He argued that a second resolution would provide a basis for mobilising the international community to persuade Saddam Hussein to leave. A tough line was the best way to avoid conflict.

113. Mr Straw told Dr ElBaradei that Saddam Hussein would choose exile only if he thought it was his last chance of survival.

114. Dr Blix stated that UNMOVIC’s next quarterly report, due on 1 March, would identify “clusters” of issues that could be used to pose sharp questions for Iraq, possibly as part of an ultimatum.

115. Dr Blix reminded Mr Blair that the material described as “unaccounted for” in UNSCOM’s report of 1999 was not necessarily present in Iraq; and that it would be “paradoxical to go to war for something that might turn out to be very little”.

116. Dr Blix told Mr Straw he thought Iraq had prohibited programmes, and it “definitely possessed the ability to jump-start BW programmes”.

²⁷ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

²⁸ Minute PS/Chairman JIC to Prout, 7 February 2003, ‘Intelligence Briefing on Iraq’.

117. Dr Blix and Dr ElBaradei met Mr Blair and Mr Straw on 6 February, before a visit to Baghdad on 8 to 9 February.²⁹

118. The FCO briefing note stated that:

“Since the Prime Minister last saw Blix on 17 January, he has hardly put a foot wrong. His statement to the UN Security Council (UNSC) on 27 January was stronger than many expected: in particular he helpfully made clear that Iraq was not offering the full and active co-operation that the UNSC expected, and there were serious unanswered questions, and that Iraq still did not accept that it had to disarm.”³⁰

119. In the meeting with Mr Blair, Dr Blix registered a number of questions about Secretary Powell’s briefing to the Security Council the previous day.³¹ He also said that intelligence leads had so far produced only one success.

120. The record of the meeting stated that Dr Blix:

“... would seek to resolve three relatively minor points related to process: U2 overflights, interviews, and Iraqi domestic legislation. His approach would be that the Iraqis had better come up with co-operation on substance ... If Saddam decided to be as helpful on substance as he was on process, fine.”

121. Mr Blair doubted that Saddam Hussein would co-operate:

“He would try some trick to divide the Security Council. Retaining his WMD was essential to his own view of his grip on Iraq.”

122. Dr Blix reminded Mr Blair that: “UNSCOM had not reported that the 1999 left-overs were present in Iraq, just that they were unaccounted for.” UNMOVIC was more cautious than the UK, but Dr Blix agreed that if Iraq did not have documents it should be more eager to allow interviews to go ahead. There was a stalemate on the issue. The inspectors might have to ask for interviews without minders, but Dr Blix was uneasy about risking people’s lives.

123. Dr Blix was reported to have informed Mr Blair that his report to the Security Council on 14 February would probably contain a “balance sheet”. His last assessment had been “honest but harsh”; the next might have to say that the inspectors “had not found any WMD”.

²⁹ Letter Rycroft to Owen, 6 February 2003, ‘Iraq: Prime Minister’s Meetings with Blix and El-Baradei, 6 February’.

³⁰ Minute Owen to Rycroft, 5 February 2003, ‘The Prime Minister’s Meeting with Hans Blix, UNMOVIC, and Mohamed El-Baradei, IAEA’.

³¹ Letter Rycroft to Owen, 6 February 2003, ‘Iraq: Prime Minister’s Meetings with Blix and ElBaradei, 6 February’.

124. Dr Blix suggested that the next quarterly report under resolution 1284, due on 1 March:

“... might be the moment to set out clear, crisp questions based on the clusters ... If he surfaced those ... questions now, Iraq would simply demand six months to answer them. It would be better to use them as part of an ultimatum ...”

125. In response to a comment by Mr Blair that containment “was not a long term policy, and sanctions caused misery to the Iraqi people”, Dr Blix “commented that it would be paradoxical to go to war for something that might turn out to be very little”. Mr Blair replied that “if Saddam had no or little WMD he should prove it”.

126. Mr Matthew Rycroft, Mr Blair’s Private Secretary for Foreign Affairs, reported that Sir David Manning had:

“... underlined we were confident of our judgements on Iraq’s CBW. If the inspectors had difficulty finding it, this was because Saddam was not co-operating.”

127. In response to a question from Dr Blix about when Saddam Hussein might crack, Mr Blair:

“... thought the moment of maximum pressure might be after a second resolution (following a clear Blix report) when the Arab world might encourage Saddam and his immediate entourage to leave Iraq. The logic was that Iraq was not co-operating; we should have a second resolution saying he was in breach; and then we should mobilise the international community to try and get him to leave so that we did not have to resort to military action. The best way to avoid a conflict would be to take a very tough line.”

128. Mr Campbell wrote that Dr Blix felt that Secretary Powell had done well but was avoiding comment.³² Dr Blix was “pretty cagey” and had “made clear his job was to be sceptical”. Dr Blix was talking to Iraq about enhanced co-operation and trying to resolve the issues of anthrax and VX: “On the remnants of old programmes they should be able to tell us.”

129. Dr Blix had told Mr Blair that South Africa was sending a delegation to Iraq to tell them how to give up WMD. The inspectors had been to some of the places named in the dossier, “and it could be that they had been sanitised, but they found nothing”. By 14 February, Dr Blix “would be saying they had not found WMD but there was no real co-operation. He didn’t want to name scientists for interview for fear that they would be killed.” Dr Blix “felt ... 14 February was a little early to report to the UN [Security Council]”.

³² Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

130. Mr Campbell added that Mr Blair “said he felt Iraq would come up with some surprise to split the international community, that intelligence showed he would regard giving up WMD as a total humiliation, and it was essential to his internal grip”.

131. Mr Campbell commented that Dr Blix “was a lot less bullish than last time and clearly fed up with the feeling he was being bullied by America”.

132. In his subsequent meeting with Mr Straw, Dr Blix was reported to have told Mr Straw that his next report to the Security Council might include what the Iraqis had not yet proved they did not have, rather than much evidence of what UNMOVIC had found.³³

133. Dr Blix had clear indications that anthrax had been weaponised and his personal judgement was that Iraq did have programmes and definitely possessed the ability to jump-start BW programmes. The trick would be to find evidence.

134. Dr Blix also told Mr Straw that if the Al Samoud missiles were found to be illegal, they would be destroyed. That could force a real confrontation with the Iraqis who were not keen to lose billions of dollars of armaments at a time when they were threatened with military action.

135. Dr ElBaradei was reported to have told Mr Straw that he would press Iraq hard on possible uranium imports and interviews. He did not expect much movement from Iraq and tough messages from the international community could only help the inspectors.

136. When Dr ElBaradei raised the possibility of building an option for exile into the second resolution, Mr Straw responded that Saddam Hussein would “choose exile (if at all) only if he was convinced that was his only chance of survival”. Mr Straw did not favour including it in a second resolution. If a strong resolution was passed, there would be “enough time [for Saddam Hussein] to consider his options” and for “high level envoys to help him make the right choice”.

137. Mr Straw encouraged Dr ElBaradei to focus on interviews; the UK had portable “safe rooms” and could provide them to the IAEA and UNMOVIC if it helped. Dr ElBaradei reported that the scientists he had interviewed were clearly extremely nervous, but he saw great difficulties with conducting interviews overseas.

138. The record of the discussion with Mr Blair reported that Dr ElBaradei thought opinion was moving towards a second resolution.³⁴

³³ Telegram 79 FCO to UKMIS New York, 7 February 2003, ‘Iraq: Foreign Secretary’s Meetings with Blix and El-Baradei, 6 February’.

³⁴ Letter Rycroft to Owen, 6 February 2003, ‘Iraq: Prime Minister’s Meetings with Blix and El-Baradei, 6 February’.

139. Dr ElBaradei told Mr Blair:

“Not all members agreed with the US timing ... Iraq was not co-operating. Unless there were clear signs of an Iraqi change of heart on co-operation, (both process, including interviews, and substance), UNSCR 1441 would have to be implemented. Not allowing interviews was a lack of full co-operation ... dribbling out concessions was not full co-operation ... His 14 February report would be as clear as possible.”

140. In Dr ElBaradei’s view, CBW was the key.

141. On nuclear issues, the inspectors continued to assess the aluminium tubes. Reports of the possible import of uranium were: “Much more disturbing ... There could only be one reason for such an import.”

142. Dr ElBaradei told Mr Blair:

“If satisfactory co-operation was not forthcoming, the next best outcome would be to force Saddam ... out ... [He] did not oppose more time for inspections. Any war would risk radicalising the region. It should be UN-controlled. As should the future Iraq ...”

143. The No.10 record stated that Mr Blair had made clear to both Dr Blix and Dr ElBaradei “the importance of putting Iraqis on the spot with some sharp questions, to show whether they were co-operating fully or not”. He had “also emphasised the importance of interviews”.

144. In Mr Blair’s view: “Our best chance of avoiding war was a clear verdict from the inspectors followed by a massive international effort to get Saddam to go.”

145. Mr Campbell wrote in his diaries that Mr Blair had told Dr ElBaradei that:

“... we had to sort out Saddam in as peaceful way as possible, but above all sort out MEPP. Saddam’s duty was one hundred per cent co-operation, not hide and seek ... [I]f there was a breach, there would be second resolution and then we could build pressure on him to go.”³⁵

146. Mr Campbell also wrote that Dr ElBaradei:

- had said the Iraqis claimed they never tried to get uranium but it wasn’t true;
- did not think many tears would be shed in the Arab world if Saddam went;
- was worried that Iraq would claim it was being attacked not because of weapons but because they were a Muslim country;
- felt it would be better if Mr Blair and President Bush could say it was part of a vision of a zone free of nuclear weapons;

³⁵ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

- said the IAEA strategy was to force Saddam Hussein into co-operation, though he doubted it was possible;
- came back again and again to the theme that American public diplomacy wasn't working; and
- said we needed intrusive inspections but it could not be done without active co-operation.

147. At the FCO Iraq morning meeting on 7 February, it was reported that Dr Blix and Dr ElBaradei had both expressed concern that plans for a second resolution should factor in the need to allow the weapons inspectors time to get out of Iraq.³⁶

President Bush's statement, 6 February 2003

148. In a statement on 6 February, President Bush said that Saddam Hussein was throwing away his final opportunity to disarm voluntarily.

149. President Bush reiterated that he would “welcome” a second resolution, as he stated in the press conference with Mr Blair on 31 January, “which made clear the Security Council stands behind its previous demands”.

150. The “game” was “over” and the US was resolved to take whatever action was necessary to defend itself and to disarm the Iraqi regime.

151. On 5 February, Sir David Manning and Dr Rice discussed President Bush's statement and the possibility that he might “lean forward” on a second resolution.³⁷ President Bush would not seek a second resolution for its own sake, but he was open to one if others wanted it.

152. In a statement on 6 February, President Bush emphasised the challenges of uncovering secret information in a totalitarian society.³⁸ He stated that Iraqi violations of Security Council resolutions were “evident, and they continue to this hour”. The Iraqi regime had “never accounted for a vast arsenal of deadly biological and chemical weapons” and it was “pursuing an elaborate campaign to conceal its weapons materials, and to hide or intimidate key experts and scientists”, directed “from the very highest levels”.

153. President Bush set out examples of Iraq's violations, including:

- “Firsthand witnesses have informed us that Iraq has at least seven mobile factories for the production of biological agents” that “could produce within just months hundreds of pounds of biological poisons”.

³⁶ Minute Tanfield to PS/PUS [FCO], 7 February 2003, ‘Iraq Morning Meeting: Key Points’.

³⁷ Letter Manning to McDonald, 5 February 2003, ‘Iraq: Conversation with Condi Rice’.

³⁸ The White House, 6 February 2003, *President Bush: “World Can Rise to this Moment” – Statement by the President*.

- The possibility of unmanned aerial vehicles with spray tanks for biological agents being “launched from a vessel off the American coast” which “could reach hundreds of miles inland”.
- Iraq might pass weapons of mass destruction to terrorists, had “provided Al Qaida with chemical and biological weapons training”, and was “harbouring a terrorist network, headed by a senior Al Qaida terrorist planner”. That network ran “a poison and explosive training center in northeast Iraq”, was “responsible for the murder ... of an American diplomat”, and “was caught producing poisons in London”.

154. President Bush stated that resolution 1441 had given Saddam Hussein a final chance, and that he was “throwing that chance away”. Having made its demands, the Security Council “must not back down, when those demands are defied and mocked by a dictator”.

155. Referring to a second resolution, President Bush stated:

“The United States would welcome and support a resolution which makes clear that the Security Council stands behind its previous demands. Yet resolutions mean little without resolve. And the United States, along with a growing coalition of nations, is resolved to take whatever action is necessary to defend ourselves and disarm the Iraqi regime.

“... We will not wait to see what terrorists and terrorist states could do with chemical, biological, radiological or nuclear weapons. Saddam Hussein can now be expected to begin another round of empty concessions, transparently false denials. No doubt, he will play a last-minute game of deception. The game is over.

“All the world can rise to this moment ... The United Nations can renew its purpose and be a source of stability and security in the world. The Security Council can affirm that it is able and prepared to meet future challenges ... And we can give the Iraqi people their chance to live in freedom and choose their own government.

“... Saddam Hussein has the motive and the means and the recklessness and hatred to threaten the American people. Saddam Hussein will be stopped.”

Mr Blair’s interview on *Newsnight*, 6 February 2003

156. In his interview on *Newsnight* on 6 February 2003, Mr Blair said that the UK would act without a second resolution only if the inspectors reported that they could not do their job and a resolution was vetoed unreasonably.

157. Mr Blair also stated that the UK would not take military action without a majority in the Security Council.

158. Mr Blair gave an extended interview about Iraq and public services on *BBC Television's Newsnight* on 6 February.³⁹

159. During the interview Mr Jeremy Paxman challenged Mr Blair on a number of issues, including:

- whether Iraq posed a clear and imminent danger to the UK or was a potential future threat;
- what had changed since Mr Blair had stated in November 2000 that Saddam Hussein was being effectively contained;
- that the inspectors had not been “thrown out” of Iraq in 1998, but had withdrawn;
- whether, if the inspectors were present in Iraq, it would be “impossible for Saddam Hussein to continue developing weapons of mass destruction”;
- what evidence there was of Iraqi concealment;
- how much time and space the inspectors needed to do their job;
- whether Mr Blair would “give an undertaking” that he would “seek another UN resolution specifically authorising the use of force”;
- the absence of links between Baghdad and Al Qaida; and
- why action against Iraq was the priority, not other states with WMD.

160. The key elements of Mr Blair’s responses to Mr Paxman and related questions from a panel of voters are set out below.

161. Explaining his position on a second resolution, Mr Blair stated that “the only circumstances in which we would agree to use force” would be with a further resolution “except for one caveat”. That was:

“If the inspectors do report that they can’t do their work properly because Iraq is not co-operating there’s no doubt that under the terms of the existing United Nations resolution that that’s a breach of the resolution. In those circumstances there should be a further resolution.

“... If a country unreasonably in those circumstances put down a veto then I would consider action outside of that.”

162. Pressed whether he considered he was “absolutely free to defy the express will of the Security Council”, Mr Blair responded that he could not “just do it with America”, there would have to be “a majority in the Security Council”:

“[The] issue of a veto doesn’t even arise unless you get a majority in the Security Council. Secondly, the choice ... is ... If the will of the UN is the thing that is most important and I agree that it is, if there is a breach of resolution 1441... and we do nothing then we have flouted the will of the UN.”

³⁹ *BBC News*, 6 February 2003, *Transcript of Blair’s Iraq Interview*.

163. Asked if he was saying that there was already an authorisation for war, Mr Blair responded:

“No, what I am saying is ... In the resolution [1441] ... we said that Iraq ... had ... a final opportunity to comply.

“The duty of compliance was defined as full co-operation with the UN inspectors. The resolution ... say[s] any failure to co-operate fully is a breach of this resolution and serious consequences i.e. action, would follow ... [W]e then also put in that resolution that there will be a further discussion in the Security Council. But the clear understanding was that if the inspectors say that Iraq is not complying and there is a breach ... then we have to act.

“... if someone ... says ... I accept there's a breach ... but I'm issuing a veto I think that would be unreasonable ... I don't think that's what will happen. I think that ... if the inspectors do end up in a situation where they're saying there is not compliance by Iraq, then I think a second resolution will issue.”

164. Asked whether he agreed it was “important to get France, Russia and Germany on board”, Mr Blair replied, “Yes ... That's what I am trying to get.”

165. Asked if he would “give an undertaking that he wouldn't go to war without their agreement”, Mr Blair replied:

“... supposing in circumstances where there plainly was breach ... and everyone else wished to take action, one of them put down a veto. In those circumstances it would be unreasonable.

“Then I think it [not to act] would be wrong because otherwise you couldn't uphold the UN. Because you would have passed your resolution and then you'd have failed to act on it.”

166. Asked whether it was for the UK to judge what was “unreasonable”, Mr Blair envisaged that would be in circumstances where the inspectors, not the UK, had reported to the Council that they could not do their job.

167. Asked if the US and UK went ahead without a UN resolution would any other country listen to the UN in the future, Mr Blair replied that there was “only one set of circumstances” in which that would happen. Resolution 1441 “effectively” said that if the inspectors said they could not do their job, a second resolution would issue: “If someone then ... vetoes wrongly, what do we do?”

THE UK'S POSITION, 7 FEBRUARY 2003

168. The FCO sent guidance on “key UN aspects” of the UK’s policy on Iraq to diplomatic posts on 7 February.⁴⁰ Extracts from the guidance are summarised in the Box below.

FCO guidance on the UK’s position, 7 February 2003

Can anyone launch military action without a further Security Council resolution?

- Mr Straw had said that, if there was a material breach, the Government’s preference was for a second resolution. So far the Security Council had “faced up to its responsibilities”. The UK believed it would continue to do so, but had to “reserve our position in the event it does not”.
- Any failure by Iraq to comply would have serious consequences. The action necessary to bring Iraq into compliance would “depend on the circumstances at the time”.

Does Iraq’s declaration of 7 December mean that Iraq is co-operating?

- The declaration did not contain “any new evidence that would eliminate the outstanding disarmament questions or reduce their number”; and it was “not the full and complete declaration required by resolution 1441”.
- Mr Straw had published a list of “10 outstanding questions, identified by Dr Blix, that Iraq must answer”.⁴¹
- “Saddam and his officials would do well to remember that concealment is not compliance. Only declarations supported by evidence will give confidence in a country with such a long history ... of avoiding disclosures.”

Is Iraq co-operating with inspectors?

- Dr Blix’s update of 27 January had “highlighted a number of instances of Iraqi non-co-operation ...: failing to answer outstanding issues, identified by UNSCOM; obstructing U2 reconnaissance flights; hindering interviews; some instances of harassment of the inspectors”.

Is Iraq in material breach?

- Resolution 1441 was clear: “false statements or omissions in the declaration and failure to co-operate fully with the inspectors shall constitute a further material breach of Iraq’s obligations”.
- Mr Straw had made clear “Iraq has failed both tests”. The “inescapable conclusion” was that Iraq was “now in material breach”. War was “not inevitable. But the responsibility to avoid conflict rests with Saddam Hussein.”

⁴⁰ Telegram 65 FCO London to Abidjan, 7 February 2003, ‘Iraq: UN Aspects’.

⁴¹ The National Archives, 28 January 2003, *Iraq is in Material Breach of Resolution 1441*.

Did Mr Straw's judgement that Iraq is in material breach mean the UK is taking the issue to the Council under paragraph 4 of the resolution and "going for a second resolution authorising military action"?

- "The Council, through its meetings last week, and in future meetings such as those scheduled for 5 and 14 February, is continuously assessing Iraq's compliance."
- "Resolution 1441 warned that Iraq would face 'serious consequences' if it failed to comply. We expect the Security Council to live up to its responsibilities."

How much time is left?

- "It is not a matter of time it is a matter of attitude. And the attitude we're getting from the Iraqis at the moment is just not sufficient for the eradication of the programmes we know about."

What chance is there of Security Council agreement to authorise the use of force?

- The unanimous adoption of resolution 1441 showed the "clear determination" of the Council to ensure Iraq fulfilled its obligations; it was "the toughest resolution on Iraq for years. Iraqis and others should be in no doubt that members of the Council are determined to ensure its implementation."

UNMOVIC's powers/chances of success?

- The UK Government was "committed" to giving UNMOVIC the necessary support.
- Iraq was "concealing WMD programmes ... including through the use of mobile facilities and hindering inspectors' efforts to interview personnel".
- "Inspectors are not meant to be detectives. While they will verify the accuracy, completeness and credibility of Iraq's declarations, the onus is on Iraq to show they have no WMD. It is up to them to co-operate ... and to demonstrate to the international community that they are committed to eliminating the threat of WMD ..."

Timetable?

- Iraq had submitted its declaration by the deadline required.
- Inspections had started on 27 November, "ahead of the 23 December deadline required by resolution 1441" and Dr Blix and Dr ElBaradei had updated the Council 60 days later. They had offered another update on 14 February.

Mr Annan's speech, 8 February 2003

169. In a speech on 8 February, Mr Annan stated that Iraq had not yet satisfied the Security Council that it had fully disarmed, and that success in getting Iraq to disarm by inspections would be a great prize.

170. Mr Annan also stated that the United Nations had a duty to exhaust all the possibilities for a peaceful settlement before resorting to the use of force; but if that time came the Council "must face up to its responsibilities".

171. Mr Annan called for unity and warned of the consequences of the use of force without the legitimacy provided by the Security Council.

172. In a speech in Williamsburg, Virginia, on 8 February 2003, Mr Annan addressed the “anxiety, in this country and throughout the world about the prospect of war in Iraq”.⁴² He stated:

- The UN had been founded “to save succeeding generations from the scourge of war”, which “We all – and, first and foremost, the leaders of Iraq itself – have a duty to prevent it if we possibly can.”
- But “there would be times when force must be met with force”; and there were provisions in the UN Charter “to enable the world community to unite against aggression and defeat it”.
- Iraq had “not yet satisfied the Security Council that it has fully disarmed itself of weapons of mass destruction”.
- That was “an issue not for any State alone, but for the international community as a whole. When States decide to use force, not in self-defence but to deal with broader threats to international peace and security, there is no substitute for the unique legitimacy provided by the United Nations Security Council. States and peoples around the world attach fundamental importance to such legitimacy, and to the international rule of law.”
- It was “vitally important” that the whole international community acted in a “united way – so as to achieve greater security by strengthening, and not weakening or undermining, the multilateral treaties on disarmament and non-proliferation. Only a collective, multilateral approach can effectively curb the proliferation of weapons of mass destruction, and make the world a safer place.”
- The UN had “the duty to exhaust all the possibilities of peaceful settlement, before resorting to the use of force”.
- It was “thanks in large part to the firm challenge issued by President Bush – and the pressure that followed it – that the inspectors are back in Iraq”.
- There was “total unanimity” that “Iraq must disarm, and must do so pro-actively”.
- Success in getting Iraq to disarm “by effective and credible inspections” would be a great prize.
- If Iraq failed to make use of the “last chance” provided in resolution 1441, and continued its defiance, the Council would “have to make another grim choice, based on the findings of the inspectors ... And when that time comes, the Council must face up to its responsibilities.”
- In his experience, the Council met its responsibilities “best and most effectively when its members work in unison. The Council should proceed in a determined, reflective and deliberate manner. Its measures must be seen as firm, effective,

⁴² UN Security Council Press Release, 10 February 2003, *Secretary-General says United Nations has duty to exhaust all possibilities of peaceful settlement before resorting to use of force* (SG/SM/8600).

credible and reasonable not only by the Council members, but by the public at large.”

- What happened in Iraq would “not take place in a vacuum”; it had “implications – for better or worse – for other issues of great importance to the US and to the world. For instance, it will greatly affect the climate in which we conduct our struggle against international terrorism.”
- The UN and the US were successful when there was “strong US leadership, exercised through patient diplomatic persuasion and coalition-building”. The UN was “most useful to all its Members, including the US” when it was “united, and works as a source of collective action rather than discord”.

Discussions in Baghdad, 8 to 9 February 2003

Dr Blix’s account of the discussions in Baghdad on 8 and 9 February recorded that they had been “professional and had shed some new light, but had not really brought any new evidence”.⁴³ He and Dr ElBaradei had been given new assurances that people would be “encourage[d]” to provide interviews without minders or recording equipment and the mandate for the special commission appointed to search for any remaining chemical weapons was extended to cover any prohibited items, but the questions about U-2 flights remained unresolved until shortly after the visit.

Dr Blix concluded that they “had obtained much less than we felt was needed” but their “overall impression” had been that the Iraqis were genuinely rattled”. The Iraqis continued to do “too little, too late”.

Dr Blix and Dr ElBaradei reported the discussion to the Security Council on 14 February.

The impact of military action on the terrorist threat to the UK

173. The Security Service warned on 6 February that Al Qaida would use an attack on Iraq to step up activity in the UK.

174. Mr Blair had a meeting with Mr Hoon, Mr Straw, Admiral Sir Michael Boyce (Chief of the Defence Staff (CDS)), Sir Richard Dearlove (Chief of the Secret Intelligence Service (SIS)), Ms Eliza Manningham-Buller (Director General of the Security Service), Mr Scarlett, Air Commodore Mike Heath (Head of the MOD Directorate of Targeting and Information Operations), and No.10 officials on 6 February, during which he was briefed on the targeting aspects of an air campaign, for his meetings with Dr Blix and Dr ElBaradei, and on the terrorist threats to UK interests.⁴⁴

175. Mr Campbell wrote:

“C [Sir Richard Dearlove] reported that Blix was making clear there could be no aggressive inspections in mosques and cemeteries. He also said that no serious interviews had taken place at all because there had been so much intimidation.

⁴³ Blix H. *The Search for Weapons of Mass Destruction: Disarming Iraq*. Bloomsbury Publishing Plc, 2005.

⁴⁴ Letter Rycroft to Watkins, 6 February 2003, ‘Iraq: Prime Minister’s Meeting, 6 February’.

“Eliza [Manningham-Buller] gave a very gloomy picture of the terrorist scene here, said that even though Al Qaida were not directly linked to Iraq, they would use an attack on Iraq to step up activity here. TB [Mr Blair] was looking really worried at that point.”⁴⁵

176. Mr Campbell added that Mr Blair had “said he had no doubt that trying to remove Saddam quickly in the event of action was the best way, but he wanted to know what he was in for”. C and Mr Scarlett had “said that there were suggestions that the Republican Guard were to be kept out of Baghdad because Saddam didn’t trust them fully”.

JIC ASSESSMENTS, 10 AND 19 FEBRUARY 2003

177. The Joint Intelligence Committee (JIC) Assessment of 10 February reiterated earlier warnings, described in Section 3.5, that:

- **Al Qaida and associated networks would remain the greatest terrorist threat to the UK and its activity would increase at the onset of any military action against Iraq.**
- **In the event of imminent regime collapse, Iraqi chemical and biological material could be transferred to terrorists, including Al Qaida.**

178. At the request of the MOD and the FCO, on 10 February the JIC assessed “broader terrorist activity that would be triggered by war with Iraq”.⁴⁶

179. The JIC’s Key Judgements were:

- The threat from Al Qaida will increase at the onset of any military action against Iraq. They will target Coalition forces and other Western interests in the Middle East. Attacks against Western interests elsewhere are also likely, especially in the US and UK, for maximum impact. The worldwide threat from other Islamist terrorist groups and individuals will increase significantly.
- Al Qaida associates and sympathisers may well attempt chemical or biological terrorist attacks in the Gulf, including against UK civilian targets there, in the event of war with Iraq. While individual attacks are likely to be small-scale they may be numerous. Individual attacks might inflict relatively few casualties, but will cause significant alarm.
- Al Qaida associated terrorists in Iraq and in the Kurdish Autonomous Zone in Northern Iraq could conduct attacks against Coalition forces and interests during, or in the aftermath of, war with Iraq. But Al Qaida will not carry out attacks under Iraqi direction.

⁴⁵ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

⁴⁶ JIC Assessment, 10 February 2003, ‘International Terrorism: War with Iraq’.

- Saddam's own capability to conduct terrorist attacks is limited, especially outside the Middle East. But the threat of terrorism conducted or directed by Iraqi Intelligence, including the use of chemical or biological material, cannot be discounted.
- In the event of imminent regime collapse, Iraqi chemical and biological material could be transferred to terrorists including Al Qaida, whether or not as deliberate regime policy.
- Al Qaida and associated networks will remain the greatest terrorist threat to the UK. The risk of attacks will increase following any Coalition attack on Iraq.
- Hizballah's terrorist wing will not conduct attacks in support of Saddam. But it may attack US forces in Iraq following a campaign, if it judges that the US intends to act against Hizballah, Syria or Iran. [...] Individual Palestinian terrorists may attack Western interests, without sanction from parent groups."

180. Other key elements from the Assessment are set out in the Box below.

JIC Assessment, 10 February 2003: 'International Terrorism: War with Iraq'

Al Qaida and other Islamist terrorists

- There was "continuing determination by Al Qaida and other Islamist terrorists to attack Western interests around the globe".
- The JIC had "previously judged that Al Qaida and other Islamist terrorists may initiate attacks in response to Coalition military action against Iraq, and that Al Qaida will use an attack on Iraq as further justification for terrorist attacks in the West and Israel".
- Some reports indicated that Usama Bin Laden had "instructed that there should be no terrorist attacks before the start of a conflict".
- Al Qaida intended "to exploit both anti-Western sentiment within the Muslim world, and the preoccupation of the US and UK that would come from action against Iraq".
- Al Qaida or associated groups might "also seek to conduct attacks against Israel, intended to provoke a reaction that would further inflame feeling within the Islamic world".
- The JIC believed that Islamist terrorists had manufactured and stockpiled chemical and biological (CB) material intended for attacks against both UK and US targets in the Gulf, and that: "Instructions for production of similar CB materials" had been "distributed by Gulf-based terrorists to extremists".
- The JIC had "**some doubts about the viability of the proposed attack methods**", but judged there was "**a serious intention to use CB weapons**".
- "Even if successful, individual attacks might inflict relatively few casualties. But attacks could be numerous and cause significant alarm."
- The use of CB materials was "an increasing aspiration of Islamic extremists globally, including in Europe".
- "Such material may be manufactured locally or provided by production facilities such as that operating in the Kurdish Autonomous Zone (KAZ) in Northern Iraq."

- There was “no intelligence” that Iraq had “provided CB materials to Al Qaida”.
- The JIC continued “to judge that **in the event of imminent regime collapse there would be a risk of transfer of such material, whether or not as deliberate Iraqi regime policy**”.
- The JIC also judged that Al Qaida retained “its long-standing interest in acquiring a nuclear device”, but had “no convincing intelligence that it has done so”.

Al Qaida in Iraq

- There was “no intelligence” to suggest that Al Qaida planned to carry out attacks under Iraqi direction.
- Intelligence showed “the presence of Al Qaida associated extremists in Baghdad. [...] We do not know what the current presence is, its purpose, or what relationship it has to Saddam’s regime, if any.”
- The JIC judged that it was “unlikely that the Iraqi regime” were “unaware” of the Al Qaida presence but it did not know whether those terrorists planned to conduct activities in or from Iraq.
- Intelligence suggested “the presence of [...] Al Qaida-linked terrorists in North Eastern Iraq, in the KAZ, with safe haven provided by Ansar al-Islam, an Al Qaida-associated extremist group”.
- “Some of these individuals” were “involved in production and distribution of CB materials”.
- Intelligence showed that extremists continued to arrive in the region.
- The terrorists might “re-locate in the event of imminent Coalition action” but “equally they **could conduct terrorist activities (including possible use of CB materials) or guerrilla actions against Coalition forces in Iraq**”.

Iraqi terrorism

- The JIC had previously judged that Saddam Hussein “would aspire to conduct terrorist attacks against Coalition interests in the event of military action against him, or possibly if he believed an attack was inevitable”.
- Authoritative reporting suggested that “**Iraqi Intelligence (DGI) has little reach or capability outside Iraq**”.
- The JIC had “no intelligence of Iraqi intentions to conduct CB terrorist attacks using DGI or its agents; but such activity remains a possibility”.
- Iraqi plans for terrorist activity in the event of conflict would be:
“... dependent on individual operatives’ willingness to implement them, which will be in doubt if they perceive regime change to be certain. **But the threat from terrorism conducted or directed by DGI cannot be discounted.**”

181. Addressing the prospects for the future, the JIC Assessment concluded:

“Despite a significant body of intelligence on Iraq’s preparations to conduct terrorism against Western interests, [...], we have seen no persuasive evidence that these efforts will be effective. **Al Qaida and associated groups will continue to represent by far the greatest terrorist threat to Western interests, and that**

threat will be heightened by military action against Iraq. The broader threat from Islamist terrorists will also increase in the event of war, reflecting intensified anti-US/anti-Western sentiment in the Muslim world, including among Muslim communities in the West. And there is a risk that the transfer of CB material or expertise, during or in the aftermath of conflict, will enhance Al Qaida's capabilities."

182. On 11 February, Usama Bin Laden issued a call for Muslims everywhere to take up arms in defence of Iraq.⁴⁷ That was followed on 16 February by a call for "compulsory jihad" by Muslims against the West.

183. A Security Service report in February 2003 concluded:

"Iraq is unlikely to use terrorism to attack the worldwide interests of the US and its allies prior to military action."⁴⁸

184. A further JIC Assessment on 19 February predicted that the upward trend in the reports of threats to the UK was likely to continue.

185. On 19 February, the JIC updated the December 2002 Assessment of the continuing threat posed by Al Qaida and associated extremists, including to the UK.⁴⁹

186. The JIC's Key Judgements were that:

- “• A high impact, spectacular, attack is a priority for Al Qaida, most likely against American or British interests in the Gulf, US or UK. Al Qaida will also seek to conduct frequent, perhaps multiple, small-scale attacks.
- The threat from Islamist terrorists, including Al Qaida, will increase in the event of war with Iraq.
- Attacks in the UK could include use of chemical and biological agents, probably on a small-scale (though potentially causing significant alarm). But conventional attacks remain more likely. UK interests are now on a par with US targets for some Islamist terrorists, although the US is likely to remain the priority for most.
- Both large and small-scale attacks overseas could include use of chemical, biological (or radiological) materials.
- Bin Laden's 11 February statement is probably linked to Al Qaida's intent to attack Coalition targets in the event of war with Iraq, rather than intended to trigger attacks before then.
- There are differences within the leadership of Al Qaida over strategy, although these do not so far appear to indicate any diminution of the threat.”

⁴⁷ JIC Assessment, 19 February 2003, 'International Terrorism: The Current Threat from Islamic Extremists'.

⁴⁸ Report Security Service, 18 February 2003.

⁴⁹ JIC Assessment, 19 February 2003, 'International Terrorism: The Current Threat from Islamic Extremists'.

187. Other key elements from the Assessment were:

- There were suggestions that UK interests were “**on a par with US targets** for some Islamist terrorists” although it was “likely that the US” would “remain the priority for most”.
- The threat of a “conventional’ attack” in the UK remained “a major concern”.
- The “**threat of CB attacks in the UK**” remained; they “would probably be small-scale (but potentially high impact)”.
- There had been “a particularly high number of threat reports” during the previous “two months”, although “only a small proportion” would “materialise into terrorist action”.
- The “upward trend” was “likely to continue” as a possible conflict with Iraq approached.
- Usama Bin Laden’s statement of 11 February was “unlikely to be the trigger for attacks by Islamist extremists”, although it would “enable him to take credit for attacks conducted in response to a war with Iraq”.

188. An update of the 10 February Assessment, of terrorist activity which would be triggered by military action in Iraq, was produced by the JIC on 12 March.⁵⁰ That is addressed in Section 3.8.

UK consideration of the timing and tactics for a second resolution

189. The FCO advised No.10 on 10 February that only four votes in the Security Council could be counted on for a second resolution. It would be impossible to obtain support for a resolution explicitly authorising the use of “all necessary means” to disarm Iraq.

190. The key element in the resolution would be a sufficient link to resolution 1441 to establish that the Security Council has concluded that Iraq had failed to take its final opportunity.

191. The FCO identified three options and planned to discuss the approach with the US before tabling a draft resolution following Dr Blix and Dr ElBaradei’s report to the Security Council on 14 February.

192. On 7 February, Mr Peter Ricketts, FCO Political Director, reported to Mr Straw that the UK’s strategy on Iraq was approaching “the critical phase”.⁵¹ Sir Jeremy Greenstock had advised that there was “no prospect” of getting an explicit “all necessary means” provision in a resolution. Lord Goldsmith had been consulted about more implicit options.

⁵⁰ JIC Assessment, 12 March 2003, ‘International Terrorism: War with Iraq: Update’.

⁵¹ Minute Ricketts to Private Secretary [FCO], 7 February 2003, ‘Iraq Strategy’.

193. Mr Ricketts advised Mr Straw that possible elements for a resolution included an ultimatum (to allow the possibility of persuading Saddam Hussein to leave to be explored) and a possible reference to a further resolution authorising post-conflict work.

194. Mr Ricketts suggested that the right channel for discussing text with the US would be through the UN Missions in New York, and highlighted the need for an intensive campaign, in close co-ordination with the US, to lobby other members of the Security Council.

195. Mr Straw endorsed the recommendations.⁵²

196. Sir Jeremy Greenstock reported that he had reassured Mr Annan that it was unlikely that the UK would circulate a draft resolution the following week.⁵³ There were likely to be difficulties in the Council.

197. In a discussion with Ambassador John Negroponte, US Permanent Representative to the UN, Sir Jeremy had emphasised the importance of a draft which “helped bring people on board”. That would determine whether to include an ultimatum and whether to mention “serious consequences” or “all necessary means”.

198. Mr Straw’s Private Office forwarded advice on the timings and tactics for a second resolution to Sir David Manning on 10 February.⁵⁴

199. The FCO advised:

- Only four votes in the Security Council (the US, UK, Bulgaria and Spain) could be “counted on” for a second resolution.
- Russia, Chile and Pakistan could be “moving in our direction” and China also seemed “to be moving away from a veto”.
- France, Germany and Syria remained “strongly opposed” and Mexico was “highly sceptical”. The position of France and President Chirac was described as “heavily dependent on strength of evidence”.
- Guinea, Cameroon and Angola might be “coming round to supporting a second resolution but needed working on”.

200. The FCO provided a more detailed matrix summarising the positions of the UN Security Council members with proposals for further lobbying by the UK and others, but concluded that “without more dramatic evidence of Iraqi non-compliance, most members of the UNSC will remain non-committal”.

201. On the text of a second resolution, the FCO advised that it would be “impossible to obtain support for a second resolution explicitly authorising ‘all necessary means’”.

⁵² Manuscript comment Straw on Minute Ricketts to Private Secretary [FCO], 7 February 2003, ‘Iraq Strategy’.

⁵³ Telegram 228 UKMIS New York to FCO London, 8 February 2003, ‘Personal Iraq: 7 February’.

⁵⁴ Letter Owen to Manning, 10 February 2003, ‘Iraq: Second Resolution’.

202. The FCO identified three options which, it believed, met the legal requirements and reflected Lord Goldsmith's advice, that "the key element of any resolution would be a sufficient link back [to] resolution 1441, to establish that the [Security] Council has concluded that Iraq has failed to take its 'final opportunity'".

203. All three options included a first operative paragraph (OP) stating that the Security Council decided that:

"Iraq has failed to take the final opportunity afforded to it in resolution 1441 (2002) by submitting a declaration pursuant to that resolution containing [false statements and] omissions and by failing to comply with and co-operate fully in the implementation of, that resolution".

204. The options also included a final OP determining that the Council had decided "to remain seized of the matter".

205. The difference between the three options was whether to include an additional OP containing an "ultimatum", "couched in general terms".

206. To avoid the risk of opening up the debate about whether a further determination that Iraq had failed to comply with the ultimatum was needed from the Security Council, the FCO proposed "a formula which would, in effect, authorise action against Iraq unless the Council took the decision that Iraq had decided to come into compliance".

207. The FCO draft proposed: "unless ... the Council concludes before 5 March that the Government of Iraq has taken an unconditional and irreversible decision [at the highest levels] to come into compliance with its obligations under resolution 1441 (2002) and previous relevant resolutions" either:

- "the final opportunity granted to Iraq in resolution 1441 (2002) will expire on 5 March 2003"; or
- "Iraq will face the serious consequences it has been repeatedly warned of, including in paragraph 13 of resolution 1441 (2002)".

208. The draft provided for the decision to be "based on" reports from Dr Blix and Dr ElBaradei.

209. The FCO explained that it was:

"... possible to imagine more explicit options, particularly those which include an explicit finding that Iraq is in 'material breach'. This would not be strictly necessary from a legal point of view. But, as a matter of tactics, we will need to consider with the Americans whether we should start with a more ambitious text ..."

210. The FCO aim was to agree the text and tactics with the US in New York “in the course of next week”, but not to “float” the ideas with other Council members until after Dr Blix’s report to the Security Council on 14 February, although that might depend on events.

211. Copies of the letter were sent to Lord Goldsmith and to Mr Hoon’s Private Office as well as to Sir Jeremy Greenstock and Sir Christopher Meyer.

212. Lord Goldsmith’s advice, that the key element of a second resolution would be the provision of a sufficient link back to resolution 1441 to establish that the Security Council had concluded Iraq had failed to take the final opportunity to disarm provided by the resolution,⁵⁵ is addressed in Section 5.

Tripartite declaration, 10 February 2003

213. *Der Spiegel* published an article on 10 February, entitled *The Mirage Project*, reporting that French and German officials had been holding secret talks aimed at installing a disarmament regime in Iraq monitored by aircraft patrolling Iraqi airspace and “thousands” of armed UN peacekeepers to “secure a victory without bullets”.⁵⁶

214. Mr Jonathan Powell, Mr Blair’s Chief of Staff, sent a translation of the article to Mr Blair suggesting that the UK needed to produce an ultimatum in a UN resolution along the lines that:

- Iraq was not co-operating or disarming.
- The international community intended to ensure that resolution 1441 was “implemented in full”.
- Iraq would face serious consequences if by 28 February it did not accept and begin full implementation of the following steps:
 - a “No-Fly Zone covering the whole country”, patrolled by international aircraft;
 - an international ground force to “enforce disarmament”, comprising an “international coalition of the willing headed by a British general with approx 40,000 troops”;
 - a “UN mandate for governance of Iraq while the international force is there making Iraq a UN protectorate under a UN permanent co-ordinator”; and
 - establishment of a “special UN court of justice” to “punish infringements of the resolutions and human rights infringements”.⁵⁷

⁵⁵ Letter Adams to Grainger, 6 February 2003, ‘Iraq: Second Resolution’.

⁵⁶ *Der Spiegel*, 10 February 2003, ‘Translation – Extract from an article entitled *The Mirage Project* in *Der Spiegel*, 10 February 2003, attached to Note (handwritten), Powell to PM, [undated], [untitled].

⁵⁷ Note (handwritten) Powell to PM, [undated], [untitled], attaching Paper ‘UN Resolution: Ultimatum’.

215. France, Germany and Russia issued a tripartite declaration on 10 February, reaffirming the objective of disarming Iraq as soon as possible but stating that potential of resolution 1441 for peaceful disarmament had not yet been fully explored.

216. Sir John Holmes described the declaration as “a symbolic act” which was “significant”.

217. In a press conference in Paris on 10 February, President Chirac and President Putin issued a tripartite declaration on behalf of the Governments of France, Germany and Russia which stressed the alternatives to the use of force, and the need to give peaceful disarmament every opportunity.⁵⁸

218. The main points of the declaration were:

- Reaffirmation that disarmament of Iraq in accordance with a series of resolutions following resolution 687 (1991) remained the common aim of the international community and must be achieved as soon as possible.
- The solution “must be inspired” by the principles of the UN Charter as stated recently by Mr Annan in his speech of 8 February.
- Resolution 1441 (2002) offered a framework but its “possibilities” had “not yet been fully explored”.
- Inspections had “already yielded results”.
- The three countries favoured “the continuation of the inspections and the substantial strengthening of their human and technical capacities by all possible means”.
- There was “still an alternative to war”.
- The use of force could “only be considered as a last resort”.
- The three countries were “determined to give every chance to the peaceful disarmament of Iraq”.
- Iraq had to “co-operate actively” with the inspectors and “face up to its responsibilities in full”.
- The position expressed reflected that “of a large number of countries, particularly within the Security Council”.

219. Sir John Holmes, told the Inquiry that the tripartite declaration was: “a symbolic act ... to say something very different from what we and others were saying at the time”, which “was, of course, significant”.⁵⁹

⁵⁸ Embassy of the Republic of France in the UK, *Joint declaration by Russia, Germany and France on Iraq, Paris 10.02.03*.

⁵⁹ Public hearing, 29 June 2010, page 37.

220. The British Embassy Moscow reported on 13 February that, during the visit to France, President Putin had said “so far we see no need to exercise our right of veto”; and it was also reported that he had then said that “with France or alone”, Russia would veto an “unreasonable use of force”.⁶⁰ He had described the tripartite declaration as “the first attempt since the Second World War to settle a serious and acute international issue outside the regime of blocs”; and “if we want the world to be more predictable, and easier to forecast, and therefore a safer place, it should be a multipolar world”.

221. The Embassy also reported that, referring to the veto in a subsequent conversation with journalists in Bordeaux, President Putin had said: “We have used this right more than once, and we can do it again.” He had also warned against “fuelling controversy over this issue”, and stressed that “Russia will never return to the state of conflict with its partners either in Europe or North America.”

222. The Embassy commented that President Putin’s remarks in France had “had a harder edge to them. But this is probably in part a negotiating tactic in advance of the series of key events ... over the next few days; and in part a desire to please his host.” The French Embassy in Moscow continued to “believe that Russia would not veto” a second resolution.

The US position, 10 and 11 February 2003

223. After consultations in New York on 10 February, Sir Jeremy Greenstock reported that the US priority was to “pour cold water” on the tripartite proposals.

224. The US was “very hesitant” about the UK’s ideas for an ultimatum.

225. Following discussions in New York on 10 February, Sir Jeremy Greenstock reported that the US had agreed there should be no action in the Security Council until after 14 February; the immediate priority was “to pour cold water on the latest Franco-German ideas”.⁶¹

226. Sir Jeremy also reported that France had written to Dr Blix to expand its ideas for strengthening the inspection regime, drawing on the tripartite declaration, but had declined to share the text until Dr Blix had responded.

227. Sir Jeremy Greenstock reported that the US was “still very hesitant about any variant of the ultimatum”, because it would give the Security Council a second chance to consider whether the ultimatum had been implemented. By putting the onus on the reports of the inspectors, it could also give them an effective veto. Sir Jeremy had informed Ambassador Negroponte that the UK needed “a second stage of Council action beyond 1441, and a determination, even implicit, of material breach. After further

⁶⁰ Telegram 53 Moscow to FCO London, 13 February 2003, ‘Putin in France and DUMA Activity’.

⁶¹ Telegram 236 UKMIS New York to FCO London, 11 February 2003, ‘Iraq: 10 February Bilaterals’.

discussion, Negroponte had “conceded the possibility of issuing an ultimatum provided that we had the lock in our favour”.

228. Separately, Sir Jeremy Greenstock provided a revised draft resolution.⁶² The draft, which had been agreed with the US, recalled the provisions of previous resolutions including resolution 1441 and, anticipating the reports from Dr Blix and Dr ElBaradei on 14 February, added a draft preambular paragraph (PP) suggesting that the Security Council was “Deeply concerned” that the reports had “made clear” that Iraq had “not co-operated fully with inspections nor addressed deficiencies in the declaration” submitted pursuant to resolution 1441.

229. The draft resolution proposed that the Security Council should decide that “Iraq’s submission of a declaration containing false statements and omissions and continuing failure to comply with, and co-operate fully in the implementation of, resolution 1441 (2002)” constituted “a further material breach of Iraq’s obligations under relevant resolutions of the Council and that Iraq accordingly has failed to take the final opportunity afforded to it by the Council in resolution 1441 (2002)”.

230. The draft did not contain a deadline, but stated that “Iraq alone” was “fully responsible for the serious consequences it must now face as a result of its continued violations of its obligations under the resolutions of the Council”; and that the Council had decided “to remain seized of the matter”.

231. Sir Christopher Meyer advised that President Bush would not tolerate another two months of negotiations. Washington was getting ready for war in mid- to late March, although it did not want to act alone.

232. In preparation for a visit to Washington by Mr Hoon (see Section 6.2), Sir Christopher Meyer advised overnight on 10/11 February that: “Washington is getting ready for war.”⁶³

233. Sir Christopher wrote:

“For the Administration and the Hill the time has come to go to war. Powell’s presentation to the UNSC has boosted public support for war, including support for action without UN approval, provided that some Allies join in. In Congress it has silenced most of those who were asking for more evidence. The cautious multilateralists of both parties now accept that the case has been made ...

“The Administration would go to war without a further UNSCR, but knows that others need one. For the time being Bush is following the UN route and has said publicly that he would support a second resolution. But he will not tolerate another two months’ negotiation. Everything points towards early action, possibly by

⁶² Telegram 237 UKMIS New York to FCO London, 11 February 2003, ‘Iraq: 10 February’.

⁶³ Telegram 189 Washington to FCO London, 11 February 2003, ‘Iraq: Defence Secretary’s Visit to Washington – 11-12 February’.

mid- to late March. The military will be fully in place, and, the White House believes, political support, both domestically and within the region, will wane, the longer Bush is seen to prevaricate.”

234. Sir Christopher commented that the US Administration considered that Dr Blix and Dr ElBaradei’s visit to Baghdad had achieved “next to nothing”. It knew:

“... full well that some in the UNSC will seize on the faintest glimmer of hope of Iraqi co-operation as a reason to delay decisions. The US bottom line remains full Iraqi co-operation ...”

235. Sir Christopher also commented:

“Although militarily capable of doing so, the US does not want to go it alone. On the Sunday talk shows, Powell and Rice highlighted the support of eighteen European allies and of Turkey and Jordan ...”

236. Referring to the “shenanigans in NATO over precautionary planning for the defence of Turkey”, Sir Christopher added:

“These tussles with the international system will only deepen US scepticism about a role for the UN in managing the aftermath in Iraq.”

237. Mr Blair suggested to President Bush on 11 February that a second resolution might include a decision that Iraq was in material breach, an ultimatum that Saddam should leave, and a timeline.

238. When he telephoned President Bush on 11 February, Mr Blair discussed opinions in the UK and international community, including the reports of a Franco-German “plan” which had appeared in *Der Spiegel* and the forthcoming European Council.⁶⁴

239. Mr Blair suggested that a second resolution might include three main points:

- a decision that Iraq was in material breach of UNSCR 1441;
- an ultimatum that Saddam should leave; and
- a timeline.

Even if the ultimatum failed, it would show that the UK had been prepared to resolve the issue peacefully right to the end.

240. Mr Blair and President Bush also discussed the need for US action if a second resolution was to be achieved.

⁶⁴ Letter Rycroft to McDonald, 11 February 2003, ‘Iraq: Prime Minister’s Conversation with Bush, 11 February’.

241. Mr Campbell wrote that, during the telephone call, President Bush had been “very solicitous” about Mr Blair’s political position and had “said he was determined to help” get a second resolution.⁶⁵

242. The record of the discussion confirms Mr Campbell’s comment.⁶⁶

243. Mr Campbell also wrote that President Bush had been “livid with the French and Germans, less so with the Russians.”⁶⁷ But he was just as worried as TB was.” Mr Blair “said the problem was everyone accepted Saddam was bad, evil, and a threat, but they didn’t necessarily believe that gave you a reason to go to war. We had to be the people putting forward one last push for peace.”

244. In a subsequent conversation with Dr Rice, Sir David Manning said that in his report on 14 February, Dr Blix would need to answer the questions which had been raised at the end of January. They were central to the issue of non-co-operation.⁶⁸

245. In a discussion on public opinion, Sir David Manning said that the position in the UK was:

“... a great deal more difficult ... There was a strong wish to find a peaceful way of disarming Saddam and avoid taking military action. French and German claims that this was still possible were seized on eagerly, however implausible the proposals ...”

246. Sir David and Dr Rice also discussed the possibility of public statements from President Bush emphasising that resolving the Iraq crisis through the UN was critical to the future of the Security Council. Sir David encouraged Dr Rice to consider whether President Bush would be willing to speak out strongly about the need to give new impetus to the MEPP: “That would have a great impact” on international opinion.

247. Mr Campbell wrote that, on 11 February, Mr Blair had “decided that maybe we took the wrong line” on the *Der Spiegel* report, “maybe we should say it was interesting because it accepted conventional inspections wouldn’t work and was effectively arguing for taking the country over without saying so”. Mr Blair and No.10 officials had “grasped our way to a plan that was basically wait for Blix, then surface the elements of a second resolution that included the ultimatum, then Saddam to go, and if he didn’t we were going to go for it”.⁶⁹

⁶⁵ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

⁶⁶ Letter Rycroft to McDonald, 11 February 2003, ‘Iraq: Prime Minister’s Conversation with Bush, 11 February’.

⁶⁷ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

⁶⁸ Letter Manning to McDonald, 11 February 2003, ‘Iraq: Conversation with Condi Rice’.

⁶⁹ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

248. Sir John Holmes reported that he had been informed that little more had been discussed between Presidents Putin and Chirac than had appeared in the declaration; the report in *Der Spiegel* was “extravagant”; and France had never raised the idea of UN peacekeeping forces.⁷⁰

Mr Straw’s speech, 11 February 2003

249. Mr Straw set out a detailed case for confronting the challenge posed by Iraq in a speech to the International Institute for Strategic Studies on 11 February.

250. In a speech made at the International Institute for Strategic Studies (IISS) on 11 February, Mr Straw set out “the disturbing outcome of a failure to act decisively to secure Iraq’s disarmament” and the need, “for the sake of the Iraqi people, long-term stability in the Middle East, the credibility of the UN and the cause of international law and collective security”, to confront the challenge posed by Iraq.⁷¹

251. Mr Straw argued that international terrorism and the proliferation of WMD were the “crucial strategic questions of our time” and the response to those threats would “determine the stability of the world for generations to come”. That was “an awesome responsibility” which called for “courageous leadership” and required “the vision and foresight to act decisively and – if necessary – with military force before our worst nightmares are realised”.

252. Saddam Hussein’s regime typified the threat in which rogue regimes sheltered individuals plotting “mayhem and mass murder in our streets”. Mr Straw stated:

“Weapons of mass destruction have been a central pillar of Saddam’s dictatorship since the 1980s. He has amassed poisons and viruses both to suppress his own people, and to threaten his neighbours. He has relentlessly pursued his ultimate ambition, the acquisition of a nuclear weapons capability, in flagrant disregard of SCRs and Iraq’s obligations as a non-nuclear weapons state under the Non-Proliferation Treaty. His pursuit of these weapons has lain at the heart of the UN’s stand-off with Iraq for the past 12 years.”

253. Examining “six of the most commonly expressed arguments about the UK Government’s approach”, Mr Straw argued that:

- **The Iraqi threat to Europe and the US was not “overstated”.** Resolution 1441 recognised the “singular menace” from Iraq’s weapons of mass destruction. UNSCOM had had some successes, including overseeing the destruction of “significant quantities” of weaponry, but when the inspectors left in 1998, it was “clear that the regime continued to hold vast stocks of deadly weaponry”. The absence of inspectors since 1998 had “allowed Saddam to

⁷⁰ Telegram 77 Paris to FCO London, 11 February 2003, ‘Iraq: Chirac and Putin in Paris’.

⁷¹ The National Archives, 11 February 2003, *Iraq: A challenge we must confront*.

accelerate his weapons programmes”. The report published in autumn 2002 (the September dossier) had “demonstrated determined efforts” to enhance Iraq’s nuclear, biological and chemical capabilities. Dr Blix’s report to the Security Council in January had “underlined these concerns”. Diplomacy, intelligence co-operation, reinforced export controls, and interdiction and disruption of supplies were options being used to “frustrate the ambitions” of other regimes. But “in respect of Iraq”, those options had been “exhausted ... over 12 long years”. It was the “deadly combination of capability and intent” which made Saddam Hussein “uniquely dangerous”. Rogue regimes which showed “total disregard for the rule of law, and share the terrorists’ hatred of our values” were the “most likely source of materials and know-how”. Given Saddam Hussein’s “longstanding support for terrorist causes”, the “terrifying possibility that his poisons and diseases” would “find their way into the hands of Al Qaida and its sympathisers” could not be ruled out.

- **Backing diplomatic efforts with the credible threat of force did not undermine international law.** Law required enforcement and Iraq’s failure to comply with “23 out of 27 separate obligations under Chapter VII of the UN Charter” had “done great harm to the UN’s credibility”. Failure “to back our words with deeds” would “follow one of the most catastrophic precedents in history”: the failure of the League of Nations to face up to the challenges of the 1930s. If the weapons inspectors confirmed “the behaviour which has put Iraq in continuing material breach, then the case for a second resolution will be overwhelming”.
- **Disarmament by force could be needed even if containment was working.** The key was Iraq’s immediate compliance with resolution 1441 and its active co-operation to ensure its disarmament. The “proposals” for a No-Fly Zone covering the whole of Iraq and for thousands of UN troops to assist and protect the inspectors were “simply not feasible in the absence of complete Iraqi co-operation” and “not necessary” if there was “co-operation”. If the weapons inspectors were “unable to provide” a guarantee that Iraq was complying with its obligations, Iraq would “have to face the ‘serious consequences’” defined in resolution 1441; disarmament by force. The UK did not want war and hoped that “Saddam Hussein would recognise the gravity of the situation and embark on the pathway to peaceful disarmament”, but “the time had arrived to back our demands with the credible threat of force”.
- **Military action would not have a disproportionate effect on the Iraqi people or the wider region.** The UK had to “strain every sinew, even at this late stage, to avoid war; to force Saddam to face the fact that he has to comply; to offer, as we have already, an escape route to exile for him and his entourage”. But if military action did “prove necessary”, “huge efforts” would “be made to ensure that the suffering of the Iraqi people” was “as limited as is possible”. The Iraqi people deserved “the chance to live fulfilling lives free from the oppression and terror of Saddam”; and to “choose their own destiny and government, and

to pursue a prosperous life within a safe environment”. The UK’s first objective was disarmament, but the “next priority would be to work with the United Nations to help the Iraqi people recover ... and allow their country to move towards one that is ruled by law, respects international obligations and provides effective and representative government”.

- **Control of Iraq’s oil was not the motivation for action.** The mission was disarmament. Iraq’s oilfields would be protected from any acts of environmental terrorism, and the revenue generated would be used to benefit the Iraqi people.
- **The UK was not guilty of double standards in relation to the conflict between Israel and Palestine.** The UK was “working tirelessly” to achieve the implementation of UN Security Council resolutions in respect of Israel/Palestine; a conflict that had “long provided terrorists with a convenient rallying point”. As long as that dispute was unresolved, collective security would “remain elusive”.

Discussions on the timing and content of a second resolution

254. Mr Straw told Secretary Powell that the UK wanted to delay tabling a resolution until after a special European Council which would take place on 17 February.

255. The US continued to resist UK proposals for a draft resolution containing either an ultimatum to Saddam to leave or a timetable for a decision.

256. Mr Straw and Secretary Powell spoke three times on 11 February.

257. In the first conversation, they discussed US reservations about including an ultimatum in the resolution and the timing of a draft.⁷²

258. Following a discussion with Mr Blair, Mr Straw telephoned Secretary Powell to set out concerns that tabling a resolution before the European Council would be interpreted as pre-empting the meeting.⁷³ Mr Straw stated that the “critical thing” on both timing and content would be “what tactically was most likely to ensure nine votes and no veto”. He had asked Sir Jeremy Greenstock for a menu of options.

259. Secretary Powell had asked whether Mr Blair really wanted an ultimatum in the resolution; it might be better for it to be delivered personally by President Bush or Mr Blair.

260. The record of the FCO Iraq evening meeting on 11 February reported that Mr Blair and Mr Straw had agreed that the UK would run with the text of a draft resolution agreed

⁷² Letter McDonald to Manning, 11 February 2003, ‘Foreign Secretary’s Conversation with Colin Powell, 11 February’.

⁷³ Letter McDonald to Manning, 11 February 2003, ‘Foreign Secretary’s Second Conversation with Colin Powell, 11 February’.

between the US and UK Missions to the UN in New York which did not include any ultimatum or deadline.⁷⁴

261. In a third conversation, Mr Straw and Secretary Powell again discussed the timing and the US reservations about including an ultimatum.⁷⁵

262. Mr Straw reported that he had argued in favour of inclusion, but it had subsequently occurred to him that it might be possible to table a simple resolution and discuss the merits of an ultimatum with partners. If that attracted a consensus, it could be adopted. That could be less difficult than starting off with an ultimatum and then dropping it from a resolution.

263. Sir Jeremy Greenstock advised that the US wanted to keep the option of tabling the resolution immediately after the reports to the Security Council on 14 February to send the message that the US and UK were not going to wait around.

264. Sir Jeremy also stated that Security Council members would be very reluctant to grant cover for military action within weeks and the draft resolution might not secure nine positive votes.

265. The FCO instructions to the UK Permanent Mission to the UN in New York (UKMIS New York) on 11 February set out the questions the UK wanted Dr Blix and Dr ElBaradei to address: “to ensure that the 14 February update ... is as uncomfortable as possible for the Iraqis ... and ensure the Iraqis cannot avoid the hard questions.”⁷⁶

266. Following consultations with Ambassador Negroponte on 11 February, Sir Jeremy Greenstock advised that Washington was coming to the conclusion that it might be necessary to table the draft resolution on 14 February to keep a priority place for the US/UK language, provide an alternative to the Franco-German proposals and create an “implication that the US/UK were not going to wait around”.⁷⁷

267. Sir Jeremy reported that Dr Rice’s response to the UK “ultimatum ideas” had been “reluctant”.

268. Sir Jeremy also reported that, in a conversation between Mr John Howard, the Australian Prime Minister, and Mr Annan, Dr Blix had said “there was no evidence of a fundamental shift in the Iraqi approach, though he ‘detected the possibility of a shift in the future’”. Mr Annan was reported to have:

“... given ... the impression that he accepted the inevitability of military action at some point, but was focused on gaining more time: not for the inspectors, because

⁷⁴ Minute Tanfield to PS/PUS [FCO], 11 February 2003, ‘Iraq Evening Meeting: Key Points’.

⁷⁵ Letter McDonald to Manning, 12 February 2003, ‘Foreign Secretary’s Third Conversation with Colin Powell, 11 February’.

⁷⁶ Telegram 82 FCO London to UKMIS New York, 11 February 2003, ‘Iraq: Blix and ElBaradei’.

⁷⁷ Telegram 239 UKMIS New York to FCO London, 12 February 2003, ‘Iraq’.

he realised the limitations; more for the Security Council, as he saw that more than a few days would be needed to find language that brought people together.”

269. Commenting on the debate in London on ideas for the final stages of diplomatic activity, Sir Jeremy advised that the Franco-German proposals for reinforced inspections would be:

“... recognised by the Security Council middle ground as a delaying tactic and unlikely to make a difference on complete disarmament ... But Council members remain very reluctant to grant cover for military action within weeks ... The Americans may be upbeat about the likely effect of their lobbying and cajoling. But I cannot say at this point that we would definitely get nine votes for a material breach resolution on the basis of what seem to be the Blix/EI Baradei intentions for the 14 February report.

“Injecting an ultimatum ... might possibly help at the margins ... though I would hesitate to bank on it. If the ultimatum was directed at Saddam’s departure ... that would be a clearer criterion than offering up elements of WMD. But the Americans are right that the Council majority are expressly opposed to the idea of regime change ...”

270. Sir Jeremy suggested consideration of “a more radical halfway-house plan”:

“If the UK has to be sure of recapturing the initiative, we may have to think bolder. We should test the Franco-German model to destruction. A Chapter VII resolution authorising all necessary means for the specific purpose of hunting down hidden WMD is worth considering. The objective has to be to place enough Coalition troops on the ground, with No-Fly and No-Drive Zones declared by the Security Council throughout Iraq, for mobile WMD transports etc to be tracked down, revealed and destroyed. Baghdad and other major cities would be left to one side, at least for the first stage. There could be arrangements for interviews offering greater protection than the present.”

271. Sir Jeremy thought that, when faced with the alternatives, Council members would “rally to this approach”. But it might not “readily fit” the American “military preferences”. Sir Jeremy wrote:

“... the most important aspect ... would be Saddam’s reaction. He would bitterly oppose a UN-authorised take-over of parts of Iraq. If it were imposed on him, he might quickly break the no-resistance conditions. In that case, the ‘last resort’ would have been much more clearly established.”

272. Sir Jeremy concluded:

“This plan does not have to be used immediately. We could go through the stages of presenting and arguing for the second resolution of the kind we have been discussing, before coming to a final decision. But the prospects of a 15-0 SCR

(even the Arabs might see the advantages, provided the end-objective was an Iraq for Iraqis), and of a stronger consensus in the EU and NATO, needs to be weighed against all the lateral implications of the wave we are riding at present.”

273. Sir David Manning told Dr Rice that there was a need to regain the political and public relations initiative.

274. Mr Blair was considering the approach to a second resolution.

275. Mr Blair had also identified the need to make the case publicly that the US and the UK were making ‘one last push for peace’.

276. On 12 February, Sir David Manning and Dr Rice discussed the progress of inspections, including the outcome of the visit by Dr Blix and Dr ElBaradei to Baghdad.⁷⁸ Sir David commented that the inspectors only needed intelligence because Iraq was not co-operating.

277. Sir David Manning also gave Dr Rice an account of the UK’s current thinking on a second resolution, which he described as “very much work in progress”. He reported that Mr Blair had “yet to take any decisions”; the UK and US now had to regain the political and public relations initiative.

278. Mr Blair would be making a major speech that weekend to “set out the arguments again, but to do so in the context of one last pitch for peace”. Mr Blair “would probably say that the time had come to accept that Saddam was in breach of 1441 and that we should now table a second resolution insisting that he must go or face the consequences”. Sir David said that the ultimatum need not be in the resolution itself, but that “we must indicate our readiness to allow to Saddam to leave within a short, specified period so offering the chance of avoiding war”.

279. Sir David also outlined Mr Blair’s plan to write to Mr Costas Simitis, the Greek Prime Minister in advance of the European Council, and the need to generate momentum to attract support.

280. Commenting on the position after the call, Sir David wrote that the UK would need to think further about the timing for tabling the draft resolution over the next 24 hours.

281. The UK decided to continue to explore the possibility of including an ultimatum in the resolution with the US.

282. The FCO informed Sir Jeremy Greenstock on 12 February that Ministers were “broadly content” with the draft resolution he had provided the previous day (following discussions on 10 February) but had decided, before receipt of his later advice, that

⁷⁸ Letter Manning to McDonald, 12 February 2003, ‘Iraq: Conversation with Condi Rice’.

the UK should continue to explore with the US the possibility of adding an ultimatum, aimed particularly at getting Saddam to step down, to the draft resolution.⁷⁹

283. Two possible options for an ultimatum in a draft resolution were set out:

“Decides that unless the Council concludes before x March 2003 that a government has emerged in Iraq which [intends to] [has demonstrated its intention to] [has taken an unconditional and irreversible decision to] come into compliance with its obligations under resolution 1441 (2002) and previous relevant resolutions, Iraq will face the serious consequences it has been repeatedly warned of, including in para 13 of resolution 1441 (2002).”

Or:

“Decides that unless the Council concludes before x March 2003 that the government of Iraq has taken an unconditional and irreversible decision to come into compliance with its obligations under resolution 1441 (2002) and previous relevant resolutions, Iraq will face the serious consequences it has repeatedly been warned of, including in para 13 of resolution 1441 (2002).”

284. The telegram also set out the option, identified by Mr Straw following his third conversation with Secretary Powell on 11 February, of taking soundings before tabling an ultimatum.

285. In relation to Sir Jeremy’s own suggestions, the FCO took the view that there would be “serious obstacles”. It did not think that authorising all necessary means to hunt down WMD would meet the disarmament objectives, particularly if Baghdad and other cities were left aside. The key was:

“... co-operation rather than resources. For example work on BW can be very easily concealed under legitimate guises ... Without full access to documents and full co-operation from personnel, it would be impossible to guarantee success.”

286. The FCO also identified difficulties with providing scientists “adequate protection while they remain under Saddam’s regime”, and practical problems with assembling and protecting a UN force.

287. The record of the FCO Iraq evening meeting on 12 February reported concerns that some members of the US Administration were “increasingly inclined” to table the resolution straight after Dr Blix’s report to the Security Council on 14 February.⁸⁰

288. Sir Jeremy Greenstock told Dr Blix that the US was worried about losing backing and momentum and saw only one way to deal with Iraq’s non-co-operation.

⁷⁹ Telegram [number unknown] FCO London to UKMIS New York, 12 February 2003, ‘Iraq – Second Resolution’.

⁸⁰ Tanfield to PS/PUS [FCO], 12 February 2003, ‘Iraq: Evening Meeting: Key Points’.

289. Sir Jeremy recommended that in the Security Council meeting on 14 February, the UK should seek to draw out the truth about non-co-operation.

290. Sir Jeremy Greenstock reported that he had told Dr Blix on 12 February that an ultimatum remained an option and that they had discussed how to create a concrete ultimatum which required Iraqi co-operation on substance.⁸¹

291. Sir Jeremy had set out the UK position that:

“... pushing for reinforced inspections was a mistake. The Security Council needed to realise that Saddam was in denial of 1441 and there had to be a firm decision that he either gave up his WMD or left Iraq, or faced military action.”

292. In response to Dr Blix’s questions about the issue coming to a head after only two and a half months and the timing of military action, Sir Jeremy had replied that, “more than the climate”, the “US was worried about losing backing and momentum and saw only one way to deal with Iraqi non-co-operation. That was why we were running out of time”. He had “added” that he had “always felt that the best way to keep the UN together was through a WMD find which demonstrated the Iraqi lie”. In Sir Jeremy’s view, “by distracting from the main issue of Iraqi co-operation and giving the Iraqis false hope, the French ideas could make war more likely”.

293. Sir Jeremy reported that Dr Blix had also raised the possibility of using UNMOVIC expertise in a post-war scenario.

294. Commenting on the conversation, Sir Jeremy reported that Dr Blix “genuinely believes that inspections still have something to contribute, but could not claim that he had acquired anything of substance out of the recent period”. Dr Blix was:

“... torn between time for more peaceful disarmament through inspections and helping to pile on the pressure to make the Iraqis crack. He would have been more inclined to follow the latter course if he felt less certain that the Americans were hell-bent on war anyway.”

295. Sir Jeremy suggested that Mr Straw should use his intervention in the Council meeting on 14 February to pose questions for Dr Blix and Dr ElBaradei “that draw out the non-co-operation truths”.

PRIME MINISTER’S QUESTIONS, 12 FEBRUARY 2003

296. Mr Blair told the House of Commons on 12 February that the Security Council should be the judge of whether there was full and complete co-operation from Iraq with the inspectors.

⁸¹ Telegram 247 UKMIS New York to FCO London, 13 February 2003, ‘Iraq: Conversation with Dr Blix’.

297. Mr Blair also emphasised the costs to the Iraqi people of continuing the policy of containment.

298. Mr Blair was asked several questions on Iraq during Prime Minister's Questions (PMQs) on 12 February.⁸²

299. In response to questions about whether he would support Dr Blix if he asked on 14 February for more time for inspections, Mr Blair said that the UK would "take full account of anything" Dr Blix said, but the issue was about Iraq's co-operation and the time needed to make a judgement about whether that was happening:

"... the judgement that has to be made in the end is one by the Security Council as to whether there is full and complete co-operation by Iraq with the United Nations inspectors."

300. Mr Blair warned that there was a:

"... danger that we get sucked back into delays of months then years, with the inspectors playing a game of hide and seek with Saddam and we are unable then to shut down the weapons of mass destruction programme ... that everyone accepts is a threat and a danger to the world."

301. Asked whether military action would make peace in the Middle East more likely and Britain less of a target for terrorists, Mr Blair replied that if Saddam Hussein had "complied fully" with resolution 1441, conflict would not be an issue. The choice was Saddam's, but:

"... if we fail to implement resolution 1441, and if we lack the determination and resolution to make sure that that mandate is carried, the consequence will be that Saddam is free to develop weapons of mass destruction. Also there will be an increasing risk that the threat of those weapons of mass destruction and the existing terrorist threat will join together. This country will then be less secure and safe."

302. Asked why people were not persuaded of the threat, Mr Blair replied that it would "be different if there is a second resolution". People believed that Saddam Hussein was "evil" and that there was "a threat to this country from his accumulated weapons of mass destruction", but they asked if there was an alternative to war. That alternative was "full and complete co-operation".

303. Asked what new, proven or imminent threat there was to justify war, Mr Blair said that had been identified in resolution 1441 and the preceding 12 years and that there were two ways to deal with it, disarmament or sanctions. If there was a decision to go to war, the morality of that "should weigh heavily on our conscience because innocent people die as well as the guilty in a war". But the way in which Saddam Hussein had

⁸² House of Commons, *Official Report*, 12 February 2003, columns 857-860.

implemented the policy of sanctions meant that too was “a moral choice with bad and devastating consequences for the Iraqi people”.

304. Asked about the origins and accuracy of the dossier produced by No.10, (‘Iraq – Its Infrastructure of Concealment, Deception and Intimidation’ – see Section 4.3), Mr Blair said that the part of the document that dealt with intelligence was from intelligence sources and was accurate, as was the document as a whole.

305. In his memoir, Mr Cook wrote:

“What was novel ... was the way in which Tony has shifted the terms in which he justifies military intervention. For the first time he argued that war would be preferable to sanctions because of the suffering and malnutrition that comes in the wake of sanctions.”⁸³

UK views on UNMOVIC inspections

306. At Sir Richard Dearlove’s request, his Private Secretary sent an update on the progress of inspections to Sir David Manning on 12 February.⁸⁴

307. Sir David was told that the strike rate in relation to the UK intelligence-led inspections was low, but it had been responsible for two out of three UNMOVIC finds to date, from more than 550 inspections. In addition, “even where there is no WMD, something else has often been concealed [...] Our inspections have revealed the Iraqi game.”

308. Sir Richard’s update also stated that “we needed to keep going in the expectation that an intelligence-led inspection would lead to a find or a solid refusal of entry”.

309. Sir David sent the letter to Mr Powell with the comment: “More inspections ahead – but time getting very short.”⁸⁵

310. The UK used about 30 separate pieces of intelligence from human sources and satellite imagery covering 19 sites to provide leads for the UN inspectors. UNMOVIC visited seven of those sites, made a partial examination of one more and subjected one further site to an inspection by ground-penetrating radar.⁸⁶

311. In a ‘Note’ produced on 12 February, the Defence Intelligence Staff (DIS) Counter Proliferation Support Group reported that UNMOVIC and the IAEA had conducted over 550 site visits or inspections.⁸⁷

⁸³ Cook R. *The Point of Departure*. Simon & Schuster UK Ltd, 2003.

⁸⁴ Letter PS/C to Manning, 12 February 2003, ‘Update on Intelligence-Led UNMOVIC Inspections’.

⁸⁵ Manuscript comment Manning to Powell, 12 February 2003, on Letter PS/C to Manning, 12 February 2003, ‘Update on Intelligence-Led UNMOVIC Inspections’.

⁸⁶ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004 HC 898, paragraph 357.

⁸⁷ Note DIS Counter Proliferation Support Group, 12 February 2003, ‘The Effectiveness of UN Weapons Inspections in Iraq’.

312. UNMOVIC had moved more quickly to establish the inspection process than originally envisaged. It had begun work on 27 November 2002, almost a month earlier than the deadline of 23 December in resolution 1441. It had also been able to establish the Baghdad Ongoing Monitoring, Verification and Inspection Centre (BOMVIC) and a temporary centre at Mosul more quickly than the 60 days it thought would be needed before entering Iraq.

313. Most of the site visits conducted during the first six weeks were “intended [to] familiarise inspectors with the sites, and inspection techniques”. In addition, inspectors checked the equipment which had been tagged by UNSCOM, examined remote cameras and asked about work carried out at sites since 1998. Some visits had been superficial. From early January, “the inspections had become longer and more intrusive”.

314. Initially UNMOVIC had been hampered by a lack of support equipment, personnel and experience. It had taken UNMOVIC until mid-December to get to near full strength with 100 inspectors. The inspectors were on short contracts with “a consequent loss of expertise” and “few” had experience of operating in Iraq.

315. UNMOVIC had acknowledged the problems. By the beginning of February, it had “visited or inspected all but one of the UK’s recommended sites”, and continued to be receptive to UK advice on potential targets. “Fatigue” was, however, “becoming a significant factor” which had been “reflected in an increasing number of accidents” during inspections. Fatigue was the result of:

“... a combination of the pace of the inspection programme; Iraqi pressure; the perceived need for a ‘success’; and concern for personal safety in the event of war.”

316. During January and early February, “a total of 22 biological associated scientists and missile experts refused to meet inspectors in private”. The three scientists who had agreed to interviews were “selected by the Iraqi National Monitoring Directorate”. Even if Baghdad did concede interviews, all the scientists would be “concerned that anything they say will become known to the Iraqi authorities”.

317. Finds had included:

- “nuclear-related documents hidden at the home of [...] an Iraqi scientist” on 16 January, although “the general perception has been that these do not constitute a ‘smoking gun’”;
- “CW associated rocket warheads at Ukhaider ammunition depot” the same day. The liquid in one warhead was “awaiting the delivery of chemical sampling equipment”. That had arrived but was “not yet operational”;
- a “small quantity of ... CW precursor chemicals at a Laboratory”;
- “aluminium nozzles for 80mm rockets that Iraq had recast, but not declared” were discovered by the IAEA on 31 January; and
- “parts” from a “suspected ... biological or chemical sub-munition” were found “at the al-Numan factory”.

318. The Iraqis realised that some inspections had “been mounted on the basis of intelligence,” and had “increased even further” the measures being taken to prevent damaging material being uncovered by either UNMOVIC or the IAEA. That included “ensuring that WMD material only remains at a particular location for an absolute maximum of 24 hours, and contingency plans to ensure that ‘crowds’ will always be available to disrupt an inspection that might prove successful”.

319. The DIS report concluded that:

“While UNMOVIC is gaining in confidence, the inspectors are under increasing pressure at a time when consideration is having to be given to a possible evacuation. Internally, despite the full inspection programme having been under way for only some five weeks, there is already a sense that time is running out.

“UNMOVIC and the IAEA are capable of conducting thorough inspections; however, mistakes have resulted in at least two inspections failing to uncover concealed material ...

“UNMOVIC and IAEA remain very receptive to UK intelligence. On balance, however, in the absence of Iraqi cooperation, we assess that the discovery of a ‘smoking gun’ will probably be the result of intelligence information, skill on the part of the inspectors, an Iraqi mistake, and an element of luck.”

320. Mr Blair told Mr John Howard that the inspectors’ reports of 28 February should be the final reports to the Security Council.

321. A BBC poll published on 13 February found that 60 percent of people questioned thought that the UK and US Governments had failed to prove their case that Iraq had WMD, and 45 percent said that the UK should play no part in a war on Iraq, whatever the UN decided. Fewer than 10 percent said that they would back a war with Iraq without a second resolution.⁸⁸

322. Mr Blair and Mr Howard discussed Dr Blix’s forthcoming report and the prospects for a second resolution in a breakfast meeting on 13 February.⁸⁹

323. Sir David Manning advised that there would be a need to challenge Dr Blix’s likely assessment that there had been some movement on process and some movement on interviews; and to focus in public “on the underlying message that there was no fundamental change in attitude, and the key questions remained unanswered”. International opinion should not be allowed “to be distracted by nuances about process”.

⁸⁸ BBC News, 13 February 2003, *Blair puts ‘moral’ case for war*.

⁸⁹ Letter Lloyd to Owen, 13 February 2003, ‘Prime Minister’s Breakfast with John Howard’.

324. Other points which Mr Blair and Mr Howard discussed included:

- Dr Blix was writing his report on the presumption that there would be more time and it was implicit in his approach that there would be more time.
- Concern that the report would be critical of Secretary Powell's presentation to the UN on 5 February.
- Russia and China were likely to abstain in a vote on a second resolution and France and Germany might put forward a rival text.

325. Mr Blair told Mr Howard that:

"... people in the UK were suspicious that the US were eager to use force and did not want the inspections to work. They could accept the need for war, but not for war *now*. If Blix came up with a firm report that could change. The report on the 28th [of February] should be the final report. The US needed in parallel to ensure the support of the Security Council."

326. In response to Mr Howard's assessment that a second resolution was not needed for legal reasons, Mr Powell said that UK lawyers were studying the issue. Mr Blair said it was needed for political reasons.

327. In the subsequent press conference, Mr Blair stated that the discussion had been "dominated" by Iraq.⁹⁰ He and Prime Minister Howard had agreed that Iraq needed to disarm and resolution 1441 had to be upheld.

328. Prime Minister Howard praised Mr Blair's "strong and principled stance" and his "strong and effective leadership" and stated that he believed:

"... very strongly that if the whole world speaking through the United Nations Security Council said with one clear voice to Iraq that it had to disarm then that would more than anything else be likely to bring forth the faint hope of a peaceful solution."

329. In reply to a question, Mr Howard stated that the problem was not time, it was Iraq's attitude.

330. Mr Blair was asked whether Iraq's ballistic missiles were enough to justify military action; and whether the news overnight of a North Korean threat that its missiles could hit US targets anywhere in the world "presented a more urgent and larger threat to international stability". He replied that the judgement on Iraq had to be "made in the round" in the context of resolution 1441. In relation to the need to confront the threat from North Korea, albeit "by different means", Mr Blair emphasised that the United Nations would be "tremendously weakened and undermined" if it showed "weakness and uncertainty over Iraq". That was "the key issue".

⁹⁰ Australian Government – Department of the Prime Minister and Cabinet, 13 February 2003, *Joint Press Conference with Prime Minister, Tony Blair*.

Cabinet, 13 February 2003

331. Mr Gordon Brown, the Chancellor of the Exchequer, announced on 12 February that he was allocating a further £750m to help meet the costs of potential military action in Iraq.⁹¹

332. Mr Blair convened a meeting on humanitarian issues with Mr Straw, Mr Hoon, Ms Short, Adm Boyce and No.10 officials in the margins of Cabinet on 13 February.⁹² That meeting is addressed in Section 6.5.

333. In Cabinet on 13 February, Mr Straw stated that Iraq was not co-operating on substance and its Al Samoud missiles and engines could be further evidence of a material breach of resolution 1441. The authority of the UN was at stake.

334. Mr Hoon stated that the second resolution needed to provide straightforward legal justification for taking military action.

335. Mr Blair concluded that there was no point in conceding more time for inspections if the lack of co-operation did not permit the inspectors to do their job. The “best course was to keep our nerve and persevere”.

336. Mr Straw told Cabinet on 13 February that the UN inspectors were likely to tell the Security Council on 14 February that:

“... the Iraqis were co-operating a bit more on the process but not on the substance. One issue of significance could be the inspectors’ attitude to the Al Samoud missiles and the 223 new Volga engines, which they could decide were in breach of Iraq’s obligations. That would be further evidence of material breach.”⁹³

He would report to the House of Commons later that day that Iraq had been, and continued to be in material breach; and that further confirmation of the facts by the inspectors “would lead logically to a Security Council resolution”.

337. Mr Straw also reported difficulties in NATO over a request from Turkey for support. That was “a serious situation which was pulling NATO apart”. The Presidency of the EU had called a summit [meeting of the European Council] for 17 February.

338. Mr Straw told his colleagues that:

“... the authority of the United Nations was at stake. There was a parallel with the failure of the League of Nations in the 1930s to enforce international law ... The best chance of avoiding military action was to hold our nerve in keeping to the United Nations process.”

⁹¹ House of Commons, *Official Report*, 12 February 2003, column 883.

⁹² Letter Cannon to Bewes, 13 February 2003, ‘Iraq: Humanitarian Issues’.

⁹³ Cabinet Conclusions, 13 February 2003.

339. Reporting on his visit to the US, Mr Hoon told Cabinet that the US Administration “had a good appreciation” of the Government’s political situation. In his view, it would be “important politically” that any further resolution “should be simple” and “provide straightforward legal justification for taking military action”; “obscurity or justification relying on bureaucratic references back to earlier resolutions” should be avoided.

340. The points made in discussion included:

- the authority of the UN “could be undermined both by a failure to act and by action taken without its sanction”;
- the tone of public communications “should not give the impression of a rush to war: there was a benefit in a distinctively British approach”;
- while public opinion “did not seem persuaded of the necessity of war, it appeared to support military action when combined with a further Security Council resolution”;
- emphasis had to be given to the future welfare of the Iraqi people as well as the re-invigoration of the MEPP;
- work “had started” in the US to “put in place structures for the recovery and reconstruction of Iraq in the event of military conflict”.

341. Summing up the discussion, Mr Blair said that the Government “should maintain the integrity” of the UN process. That “did not mean allowing Iraq to prolong inspections indefinitely”. Iraq had:

“... been given a final chance to comply and full co-operation was required, otherwise the issue returned to the Security Council for discussion. There was no point in conceding more time for inspections if the lack of co-operation did not permit the inspectors to do their job.”

342. Mr Blair expected public opinion “to shift before we got to the point of military action. Some polling showed that there would be support both in the event of a further Security Council resolution and if the majority of the Security Council supported action despite a veto”. Strenuous efforts were being made to avoid the alienation of France and Germany. The UK would stand up for itself and had support in Europe. The international community need to be engaged in dealing with the humanitarian consequences of Saddam Hussein’s rule in Iraq. The “best course was to keep our nerve and persevere”.

343. Mr Campbell wrote that Mr Cook had “really played up the extent of the opposition” on Iraq, and that he might be “putting down a marker” about his departure: “He was clearly very offside and had become more so.”⁹⁴

⁹⁴ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

344. In his memoir, Mr Cook wrote that he had offered three suggestions for how “we should conduct ourselves if we are going to reconnect with the public”:

“We could stop appearing to force the pace on the war. The public will only follow us if they believe we are reluctant about conflict ...

“We need to find a distinctive British tone in which we address the Iraq crisis. We should stop appearing as the US and UK axis.

“We should stick to the UN like glue. If tomorrow Hans Blix asks for more time for inspectors, he must get it. If we depart from the UN process we shall be committing suicide ...”⁹⁵

345. Mr Campbell wrote that there was also a meeting with Mr Straw on tactics for the second resolution and whether it should be tabled before the European Council.⁹⁶

346. Sir David Manning and Dr Rice discussed the next steps and tactics and timings on 13 February, including concerns about a possible Franco-German initiative.⁹⁷

347. Sir David told Dr Rice that the UK preference was to wait to table a second resolution until after the special EU Council on Iraq, unless circumstances dictated an earlier date.

348. In the meeting of the Security Council the following day, the UK aim was to move the discussion away from process and focus it on substance: “The best bet seemed to be to put a series of very tough questions to Blix about Iraqi performance and insist on very clear answers.” The UK did not want “Saturday’s headlines being about calls in the Security Council to give the inspectors more time”.

349. In his record of the discussion, Sir David commented: “We should also have a draft resolution in our back pockets, ready to put down at a moment’s notice.”

350. Mr Tony Brenton, Deputy Head of Mission at the British Embassy Washington, wrote to Sir David Manning on 13 February stating:

“Sitting in on Mr Hoon’s meetings with Condi Rice and Don Rumsfeld [Mr Donald Rumsfeld, US Secretary of Defense] yesterday I was very struck by how the military timetable is now driving the diplomatic end game.”⁹⁸

⁹⁵ Cook R. *The Point of Departure*. Simon & Schuster UK Ltd, 2003.

⁹⁶ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

⁹⁷ Letter Manning to McDonald, 13 February 2003, ‘Iraq: Conversation with Condi Rice’.

⁹⁸ Letter Brenton to Manning, 13 February 2003, ‘Iraq: The Timetable’.

Mr Straw's statement, 13 February 2003

351. Mr Straw told the House of Commons on 13 February that the conclusion that Iraq was in further material breach of resolution 1441 was “inescapable”.

352. A peaceful outcome to the crisis depended on maintaining unrelenting pressure on Saddam Hussein to disarm, and a decision by him to co-operate.

353. Because the House of Commons would be in recess the following week, Mr Straw made a statement on 13 February.⁹⁹

354. Mr Straw said that the reports presented by Dr Blix and Dr ElBaradei on 27 January had “painted a disturbing picture”. “Most damning of all” was Dr Blix’s observation that Iraq appeared “not to have come to a genuine acceptance” of the demand for disarmament. Mr Straw added that the central premise of Iraq’s “so-called disclosure”, that Iraq possessed no WMD “was, and remains, a lie”. “Nor was there any admission of Iraq’s extensive efforts to develop weapons of mass destruction since ... December 1998” when the inspectors were “effectively excluded from Iraq”.

355. Mr Straw stated that the briefings on 27 January and Secretary Powell’s presentation to the Security Council on 5 February left “no doubt that Iraq had failed to meet” the “two clear tests for further material breach” set out in resolution 1441. Mr Straw added : “The conclusion is therefore inescapable: Iraq is in further material breach ...”

356. The points made by Mr Straw included:

- He still hoped and prayed “for a peaceful outcome to the crisis”, but that would only be possible if “unrelenting pressure” was maintained on Saddam Hussein, “including the threat of force, rather than casting around for excuses to delay”.
- If the international community “lost its nerve”, that would “significantly undermine the UN’s authority and make the world a much more dangerous place, as dictators got the message that international law consisted of mere words and nothing else”.
- French and German calls to “bolster the inspections regime” would not “deliver the assurance the world needs” and were “unrealistic and impractical”. They shifted “the burden of proof from Iraq ... to the inspectors”; and sent “Saddam the signal that defiance pays”.
- Armed intervention was not inevitable and a peaceful resolution of the crisis remained in Saddam’s hands. But the inspectors would “not be able to fulfil their mandate to verify Iraqi disarmament” without Iraq’s compliance. In that event, resolution 1441 warned Iraq to expect “serious consequences”: “By now, even Saddam Hussein must be under no illusions: that can only mean disarmament by force.”

⁹⁹ House of Commons, *Official Report*, 13 February 2003, columns 1056-1071.

357. The points made by Mr Alan Duncan (Conservative) included:

- Diplomatic relations between the US and France and Germany were “to put it mildly, scratchy”, but relations between Western democracies should not “slide into disarray”.
- The Conservative Party shared the judgement, enshrined in resolution 1441, that the cost of doing nothing was greater than the cost of doing something”. The UK should not resile from implementing resolution 1441.
- Given “the doubting mood of public opinion”, the Government should focus on Saddam Hussein’s arsenal of weapons, not other issues such as links with terrorism and the publication of an “utterly substandard dossier” which diverted attention from the main issue and dented the Government’s credibility.
- Was a second resolution, which a “fortnight ago” had “seemed a dead cert”, now touch and go?

358. Mr Mark Oaten (Liberal Democrat):

- Expressed concerns about the impact on the unity of the international community of ignoring a veto by one of the Permanent Members of the Security Council.
- Asked why Mr Straw was dismissing the options of further UN inspection and containment. If the inspectors believed that “with more time, co-operation and space, progress could be made, they should be given more time”.

359. In response to those points, and subsequent questions, which included both support for action and concerns, points made by Mr Straw included:

- It would be the Government’s decision whether or not to move a resolution. It would make decisions after the inspectors’ reports to the Security Council the following day; decisions would be reported to the House of Commons as quickly as possible.
- The Government was asking all the members of the Security Council, when they assessed the inspectors’ reports, “to follow through the true meaning of the language to which every single member ... signed up”. The UK and other members of the Security Council could not be in a position where they believed the “conclusions following from the true meaning of 1441” were “inescapable, but one member, for example”, sought “to avoid those conclusions”.
- Resolution 1441 was “a sufficient mandate” for military action because it spelled out “with complete clarity” that there were “obligations on Iraq that it must follow through”, which were “very straightforward”.

- It had been suggested during the negotiation that a requirement for a second resolution “if military force was to take place” should be written into resolution 1441. That had been “dropped from the final draft”.
- The UK should “seek to lower, not raise the temperature of relations” with friendly nations. It did not want to be, and would not be, involved in recriminations between friendly members of UN.
- If the inspectors asked for more resources, that would be considered, but the UK could not “be drawn into the argument from outside the inspectors’ ranks, which seeks to imply that, in the absence of co-operation, more inspectors will resolve the matter. They will not. Procrastination is not the solution to the problem; co-operation is.”
- The evidence in respect of Iraq’s possession of “chemical and biological weapons and weapons programmes, and its readiness to develop a nuclear programme” was “overwhelming”. Iraq had been “found guilty” in 1991 and had to “prove its innocence”. The “absence of evidence in a huge country where there are only 100 inspectors” did “not prove the absence of a programme ... other circumstantial evidence” had to be examined. Iraq had had a highly developed nuclear programme in 1991.
- No one was “exaggerating the problem” and “no one had invented the fact that Iraq had the programme [of weapons of mass destruction]”. Until Iraq proved otherwise, the evidence suggested that Iraq continued to have “the programme”.
- There was no evidence of links between Al Qaida and Iraq in respect of the attacks on the US on 11 September 2001, although he “would not be surprised if such evidence came forward”. There was “some evidence of links between the Al Qaida organisation and Iraq, in terms of the Iraq regime allowing a permissive environment for Al Qaida operatives”.
- There had been “very active co-operation between the intelligence agencies in the United States and the United Kingdom, and the weapons inspectors”.
- He “shared the anxieties” about military action which “should only ever be a last resort”, but “on occasions” it was “essential to enforce law by force, otherwise the world becomes extremely dangerous”.
- It “would have been better, in a way” to include the words “disarmament by force” in the resolution, “but in diplomatic speak the choice was between ‘all necessary means’ and ‘serious consequences’”. Everybody in the diplomatic community knows that ‘serious consequences’ means the use of force”.¹⁰⁰

¹⁰⁰ House of Commons, *Official Report*, 13 February 2003, column 1068.

Security Council, 14 February 2003

360. The third Ministerial-level meeting of the Security Council to discuss Iraq took place on 14 February.

Dr Blix's report, 14 February 2003

361. Dr Blix reported that UNMOVIC had not found any weapons of mass destruction and the items that were not accounted for might not exist, but Iraq needed to provide the evidence to answer the questions, not belittle them.

362. Dr Blix pointed out that the evidence that Iraq had prepared for inspections by cleaning up sites and removing evidence, presented to the Security Council by Secretary Powell on 5 February, could have a different interpretation.

363. Dr Blix told the Security Council that:

- The total number of UNMOVIC staff in Iraq had increased to more than 250. The regional office in Mosul was “fully operational” and plans for a regional office in Basra were “being developed”. UNMOVIC had conducted more than 400 inspections covering more than 300 sites.
- “All inspections were performed without notice, and access was almost always provided promptly. In no case have we seen convincing evidence that the Iraqi side knew in advance that the inspectors were coming.”
- Inspections were “effectively helping to bridge the gap in knowledge” that had arisen because of the absence of inspectors between December 1998 and November 2002.
- UNMOVIC had informed the Iraqi authorities that it planned to start U-2 surveillance flights early the following week and was still expanding its capabilities.
- Intelligence information provided to UNMOVIC had been “gradually increasing”. But there were “limitations” and “misinterpretations” could occur.
- Three persons who had previously refused interviews on UNMOVIC's terms had given “informative” interviews just before the visit to Baghdad by Dr Blix and Dr ElBaradei. Dr Blix hoped that Iraq's commitment to encourage persons to accept interviews would mean further interviews would be accepted.
- UNMOVIC had begun the process of destroying approximately 50 litres of mustard gas declared by Iraq.
- More than 200 chemical and more than 100 biological samples had been collected. Three-quarters of the samples had already been tested and the results were consistent with Iraq's declarations.¹⁰¹

¹⁰¹ UN Security Council, '4707th Meeting Friday 14 February 2003' (S/PV.4707).

364. Addressing how much, “if any” was left of Iraq’s weapons of mass destruction, Dr Blix stated that UNMOVIC had not found any so far, “only a small number of empty chemical munitions, which should have been declared and destroyed”. UNMOVIC had destroyed the “laboratory quantity” of a “mustard gas precursor” that had been found. Many proscribed weapons and items had not been accounted for, but:

“One must not jump to the conclusion that they exist. However that possibility is also not excluded. If they exist they must be presented for destruction. If they do not exist, credible evidence to that effect should be presented.”

365. Referring to his warning on 27 January that Iraq should not brush aside questions on significant outstanding issues of substance, including on anthrax, the nerve agent VX and long range missiles, Dr Blix stated that the fact that Iraq had, in its declaration of 7 December 2002, “missed the opportunity to provide the fresh material and evidence needed to respond to the open questions” was “perhaps the most important problem we are facing”. He added:

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

366. Some papers had been provided in Baghdad on 9 February. Dr Blix stated that “could be indicative of a more active attitude” but there were problems verifying the quantities of anthrax and two precursors for VX which Iraq had unilaterally destroyed: “Documentary evidence and testimony by staff who dealt with the items still appears to be needed.” Iraq’s initiative to identify 83 participants “in the unilateral destruction in the chemical field” appeared “useful and pertain[ed] to co-operation on substance”. Dr Blix trusted that Iraq would put together a “similar list of names of persons who participated in the unilateral destruction of other proscribed items”.

367. Dr Blix also welcomed the extension of the mandate of an Iraqi commission to look for any proscribed items and the appointment of a second commission to search for documents relevant to the elimination of proscribed items and programmes. But they would “evidently need to work fast and effectively to convince us, and the world, that it is a serious effort”.

368. Experts had “concluded unanimously” that the two variants of the Al Samoud 2 missile declared by Iraq were capable of exceeding the range of 150km. Those, and any of the 380 SA-2 (Volga) engines which had been imported in contravention of resolution 687 (1991) and converted for use in the Al Samoud missile system, were proscribed. The casting chambers for missile motors were also proscribed. Clarifications were needed before decisions could be made on the capabilities of the Al Fatah missile and the al-Rafah engine test stand.

369. In response to urgings that Iraq should implement the requirement in resolution 687 to enact legislation implementing the UN prohibitions on WMD, Iraq had told UNMOVIC and the IAEA earlier that day that it had issued a Presidential Decree. The text was being studied.

370. Addressing the role of intelligence, Dr Blix stated that in the closed society of Iraq, and the history of inspections, “other sources of information, such as defectors and government intelligence agencies” were “required to aid the inspection process”. International organisations then needed to analyse such information critically.

371. Dr Blix added that intelligence had been useful for UNMOVIC, and in one case had led to the discovery of documents relating to laser enrichment of uranium:

“In other cases, intelligence has led to sites where no proscribed items were found. Even in such cases, however, inspection of these sites were useful in proving the absence of such items and in some cases the presence of other items – conventional munitions. It shows that conventional arms are being moved around the country and their presence is not necessarily related to weapons of mass destruction.”

372. Referring to Secretary Powell’s presentation on 5 February, and in particular the suggestion that “Iraq had prepared for inspections by cleaning up sites and removing evidence of proscribed weapons programmes”, Dr Blix stated that he wanted to comment on “the trucks identified by analysts as being for chemical decontamination at a munitions depot”. That depot was a declared site, and one that Iraq would have expected UNMOVIC to inspect. Dr Blix stated that: “We have noted that the two satellite images of the site were taken several weeks apart. The reported movement of munitions at the site could just as easily have been a routine activity as a movement of proscribed munitions in anticipation of imminent inspection.” He added that: “Our reservation on this point does not detract from our appreciation of the briefing.”

373. Concluding his report, Dr Blix commented that:

“UNMOVIC is not infrequently asked how much more time it needs to complete its task in Iraq. The answer depends on which task one has in mind ... the disarmament task – or the monitoring that no new proscribed activities occur ...

“... Regrettably the high degree of co-operation required of Iraq for disarmament through inspection was not forthcoming in 1991 ...

“If Iraq had provided the necessary co-operation in 1991, the phase of disarmament ... could have been short and a decade of sanctions could have been avoided. Today, three months after the adoption of resolution 1441 (2002) the period of disarmament through inspection could still be short if ‘immediate, active and unconditional cooperation’ with UNMOVIC and the IAEA were to be forthcoming.”

374. Sir Jeremy Greenstock commented that Dr Blix's presentation had been "more equivocal than 27 January, highlighting progress on process and other 'hopeful' signs (e.g. new documents, the Iraqi commissions and the Iraqi decree on WMD)".¹⁰²

375. In his memoir, Mr Blair wrote that it paid to re-read Dr Blix's reports of 14 February:

"It was clear that compliance was stepped up significantly as the prospect of military action became more real, but it was also clear that the problem was unlikely to be resolved unless those running Iraq had a genuine and not transitory change of heart ...

"They [UNMOVIC] were hopeful that Iraq could be disarmed; but the report still concluded compliance had yet to conform to the requirement of the UN resolution [1441] ..."¹⁰³

Dr ElBaradei's report, 14 February 2003

376. Dr ElBaradei reported that the IAEA had found no evidence of ongoing prohibited nuclear or nuclear-related activities in Iraq, although a number of issues were still under investigation.

377. Dr ElBaradei reported that:

- The IAEA had conducted an additional 38 inspections at 19 locations since his report to the Council on 27 January.
- Iraq had continued to provide immediate access at all locations.
- The IAEA had continued to interview key personnel and had recently been able to conduct four interviews in private, although the interviewees had recorded their interviews. In the meeting in Baghdad, Iraq had "reconfirmed its commitment to encourage its citizens to accept interviews in private, both inside and outside of Iraq".
- Iraq had expanded the list of relevant personnel to more than 300 to include higher-level key scientists; IAEA continued to ask for information about personnel of lesser rank.
- The IAEA intended to increase the numbers of inspectors and support staff and to "expand and intensify the range of technical meetings and interviews".¹⁰⁴

378. Iraq had provided documentation relating to the reported attempt to import uranium, the attempted procurement of aluminium tubes, the procurement of magnets and magnet production capability, and the use of HMX. The IAEA was pursuing the

¹⁰² Telegram 265 UKMIS New York to FCO London, 15 February 2003, 'Iraq: Blix and ElBaradei Presentations: Open Debate'.

¹⁰³ Blair T. *A Journey*. Hutchinson, 2010.

¹⁰⁴ UN Security Council, '4707th Meeting Friday 14 February 2003' (S/PV.4707).

acquisition of uranium and examining issues in relation to aluminium tubes and magnets. On HMX, the IAEA might be unable to reach a final conclusion:

“While we have no indication that this material was used for any application other than declared by Iraq, we have no technical method of verifying ... the declared use ...”

379. In relation to “documents found on 16 January in the private residence of an Iraqi scientist”, the IAEA had “completed a more detailed review”. The documents related “predominantly to lasers, including the use of laser technology to enrich uranium”. “Nothing” in the documents altered “the conclusions previously drawn by the IAEA” about the extent of Iraq’s laser enrichment programme.

380. Iraq had also provided documentation about questions and concerns which had remained since 1998 about weapons and centrifuge design, but the documents contained “no new information”. Dr ElBaradei hoped that “the new Iraqi commissions ... will be able to discover documents and other evidence that could assist in clarifying remaining questions and concerns”.

381. Dr ElBaradei stated that the IAEA would continue to expand its capabilities to “strengthen and accelerate” its ability to investigate matters of concern, and to “reinstate and reinforce” its monitoring and verification system.

382. Dr ElBaradei had “reported on numerous occasions” that the IAEA had:

“... by December 1998 ... concluded that it had neutralised Iraq’s past nuclear programme and that therefore no unresolved disarmament issues remained ... Hence, our focus since the resumption of inspections ... has been verifying whether Iraq revived its nuclear programme in the intervening years.

“We have to date found no evidence of ongoing prohibited nuclear or nuclear-related activities in Iraq. However ... a number of issues are still under investigation ... we intend to make full use of the authority granted to us ... to build as much capacity into the inspection process as necessary.

“In that context, I would underline the importance of information that States may be able to provide to help us in assessing the accuracy and completeness of information provided by Iraq.”

383. Dr ElBaradei concluded that it was:

“... possible with an intrusive verification system, to assess the presence or absence of a nuclear weapons programme ... even without the full co-operation of the inspected State.

“However, prompt, full and active co-operation by Iraq as required under resolution 1441 (2002) will speed up the process. More importantly, it will enable us to reach the high degree of assurance required by the Security Council in the case of Iraq

in view of its past clandestine programmes of weapons of mass destruction and its past pattern of co-operation. It is my hope that the commitments made recently in Baghdad will continue to translate into concrete and sustained action.”

Security Council discussions, 14 February 2003

384. In the discussion which followed the reports, significant differences between members of the Security Council remained.

385. Mr de Villepin stated that the inspectors should be given time to fulfil their mission and a further meeting to assess the situation should be held on 14 March.

386. France did not exclude a resort to force but it could be justified “only” if inspections failed. The Council would “have to take a decision” if the inspectors reported it was impossible to continue.

387. The reports from Dr Blix and Dr ElBaradei were followed by a discussion in the Security Council on 14 February.¹⁰⁵

388. The points made by Mr de Villepin included:

- In adopting resolution 1441 the Council had collectively agreed two stages: “disarmament through inspections and, if this strategy should fail, consideration by the Security Council of all the options, including resorting to force”. A second resolution could be justified “only” if inspections failed.
- France did not believe the option of inspections had “been exhausted”, it could “provide an effective response to the imperative of disarming Iraq”.
- The use of force would “have such heavy consequences for the people, the region and international stability that it should be envisaged only as a last resort”.
- Inspections were producing results, although each member of the Council “would like more” and pressure on Baghdad should be maintained to achieve that.
- Real progress was being made. Aerial reconnaissance had been agreed. Iraq had allowed interviews without minders. Draft legislation barring activities linked to programmes for weapons of mass destruction was being adopted. Iraq was providing a list of experts who witnessed the programmes of destruction in 1991.
- France had set out proposals to enhance the efficiency of inspections and would be providing additional resources.
- War might seem to be the swiftest option in ensuring Iraqi compliance, but building peace would be long and difficult. No one could maintain that war would “lead to a safer, more just and more stable world”; war was “always the outcome of failure”.

¹⁰⁵ UN Security Council, ‘4707th Meeting Friday 14 February 2003’ (S/PV.4707).

- The inspectors should have “the time that is necessary for their mission to succeed”. The Council should meet again at Ministerial level, on 14 March, to “assess the situation”.
- The use of force was “not justified at this time” and “premature recourse to the military option would be fraught with risks”. It would call the unity of the Council into question, and that would: “... remove its legitimacy and, in the long run, its effectiveness. Such intervention could have incalculable consequences for the stability of a scared and fragile region. It would compound the sense of injustice, would aggravate tensions and would risk paving the way for other conflicts.”
- The priority was fighting terrorism. France had no intelligence of the links between Al Qaida and the Baghdad regime alleged by Secretary Powell on 5 February. Military action would exacerbate the divisions that nurtured terrorism.
- France did not exclude recourse to force if the inspectors reported that it was “impossible for inspections to continue”. In that case, the “Council would have to take a decision, and its members would have to shoulder all of their responsibilities”.

389. Sir Jeremy Greenstock commented that Mr de Villepin’s “impassioned plea for continued inspections” had won “unprecedented applause from the gallery”.¹⁰⁶

390. Mrs Alvear called for the inspections process to be continued and enhanced.

391. Chile was dismayed by the divisions in the Council and called for a return to co-operation and unity to achieve Iraq’s disarmament.

392. Mrs Alvear stated that indications of progress raised “some hopes for a decisive change of attitude” from Iraq towards the demands of the international community, but other attitudes revealed “an intention not to co-operate” and gave rise to “suspicions about the presence of weapons of mass destruction”.¹⁰⁷ Iraq was not fully implementing the resolutions and pressure on Saddam Hussein’s regime had to be maintained “relentlessly and without relaxation”.

393. Chile believed that the “inspections process must be continued, strengthened and expanded to make it accurate, intrusive and capable of thwarting any effort at deception or evasion”.

394. The Security Council had a “key role” and Chile had “noted with dismay over the past month a growing division within the Council”. While that was “rooted in positions” that were “legitimately different”, it had been “fuelled by a lack of willingness to listen and to propose”. Chile wished to contribute to a “return to the path of debate and to a method

¹⁰⁶ Telegram 265 UKMIS New York to FCO London, 15 February 2003, ‘Iraq: Blix and ElBaradei Presentations: Open Debate’.

¹⁰⁷ UN Security Council, ‘4707th Meeting Friday 14 February 2003’ (S/PV.4707).

of work that combines conviction with respect for the concerns of others, the capacity of persuasion with tolerance and, above all, patience". Unity of the Council was:

"... the basis of any international action that seeks to be both legitimate and effective. Only a united Council could credibly adopt the appropriate decisions for achieving the objective of the disarmament of the Iraqi regime."

395. Chile wholeheartedly accepted Mr Annan's invitation, in a recent speech, "to take the necessary time to continue to seek the broadest possible consensus for achieving a comprehensive solution". That was the only way to exhaust all means to settle the conflict peacefully and reserve the use of force "until the moment when it becomes clear to all that peaceful means have failed".

396. China also called for the pursuit of a political settlement.

397. Mr Tang Jiaxuan, the Chinese Foreign Minister, urged Iraq to recognise the importance and urgency of inspections and to co-operate more pro-actively. China, "in agreement with the majority opinion among Council members", believed that the inspections process was working. The Council had to "step up its efforts". "Only by pursuing a political settlement" could the Council "live up to the trust and hope that the international community places in the Security Council".

398. Spain questioned Iraq's will to co-operate.

399. Ms Palacio pointed out that active, immediate and complete co-operation from Iraq was not yet forthcoming and all the areas of non-compliance and unresolved issues mentioned in Dr Blix's report of 27 January remained. Spain saw no need for more inspections or an increase in capability. Peace and security were "ensured through respect for and compliance with Security Council resolutions". If there was no change in the political will of Saddam Hussein to co-operate, the Council would be "obliged to assume its responsibilities in the interests of the peace and security of the world".

400. Mr Straw also questioned whether Iraq had decided to co-operate and stated that Iraq's material breaches still existed.

401. The authority of the United Nations and the responsibility of the Council for peace and security were at issue from Iraq's continued defiance.

402. The UN Charter required the diplomatic process to be backed by the credible threat of the use of force and its use if necessary.

403. Mr Straw thanked Dr Blix and Dr ElBaradei for "their great efforts in the face of what I think is still very clear: Iraq's failure, fully and actively to comply with resolution 1441".¹⁰⁸

¹⁰⁸ UN Security Council, '4707th Meeting Friday 14 February 2003' (S/PV.4707).

404. Mr Straw stated that the issue, which “could not be graver”, was “about the authority of the United Nations and about the responsibility of the Security Council for international peace and security”. All the members of the Council knew that Iraq had “had these weapons [of mass destruction and long-range missiles]”; Iraq had been “found guilty” in 1991. The issue was whether Iraq was “actively co-operating to get rid of them”.

405. Mr Straw stated that Iraq had lied, had concealed weapons and played games. As Dr Blix and Dr ElBaradei had:

“... spelled out in their report of 27 January, Iraq has failed to account for thousands of tons of chemical weapons and precursor chemicals, of shells and bombs for anthrax, for mustard gas, for VX nerve agent. They have failed to make a full and complete disclosure as required of them ... They have failed to co-operate fully and actively on substance, as well as on process with the inspectors, and failed substantively to meet the obligations imposed on them.”

406. Mr Straw added:

“... nobody who has spoken so far ... has suggested for a second that Iraq is fully and actively complying with the obligations that we imposed ... So Iraq’s material breaches ... are still there.”

407. Mr Straw posed a number of questions for the inspectors including:

- What were Iraq’s motives for refurbishing prohibited equipment destroyed by UNSCOM?
- How many interviews had taken place, and how many could the inspectors be sure were not subject to Iraqi surveillance?
- Had the “outstanding material identified by UNSCOM” been “satisfactorily dealt with”?
- How many “open issues” in the nuclear dossier had the IAEA been able to close?

408. Mr Straw stated that he interpreted Dr Blix’s report as meaning that “Iraq has yet to be forthcoming with ... immediate, active and unconditional co-operation”. Picking up a phrase from Dr Blix’s report of 27 January, Mr Straw asked whether Dr Blix believed Iraq had “yet come to a genuine acceptance of the disarmament that has been demanded of it”.

409. “Like every other member” of the Council, Mr Straw hoped and believed that a peaceful solution to the crisis might “still be possible”. But that would require a “dramatic and immediate change by Saddam” which would be achieved only if the Council held its nerve.

410. Mr Straw concluded by stating that the period since resolution 687 (1991) had been passed had “frankly been a period of humiliation” for the Council and the UN as “games have been played with the Council’s authority”. The Charter required the Council to “back the diplomatic process with a credible threat of force and also, if necessary, to be ready to use that force”. If the Council decided to:

“... back away ... to give unlimited time for little or no co-operation on substance – then the disarmament of Iraq and the peace and security of the international community, for which we are responsible, will not get any easier, but very much harder.

“This issue is not just about Iraq ... If we send out the message to proliferators ... that defiance of the United Nations pays, then it will not be peace that we have secured.”

411. Secretary Powell stated that the Council should consider whether it was time to consider the serious consequences intended by resolution 1441.

412. The points made by Secretary Powell included:

- The inspectors had reported progress, but it was on process not substance, and tricks were being played by Iraq.
- Resolution 1441 was about disarmament, not inspections. It stated that Iraq was in material breach of its obligations and must now come into compliance.
- The requirement in the resolution for a full, complete and accurate declaration of its activities had been “an early test of Iraq’s seriousness; the answer in its declaration [of 7 December] was that it was not going to co-operate”.
- Connections between Iraq and terrorist organisations were “now emerging”. We could not wait for weapons of mass destruction to show up in our cities. The weapons “could kill tens of thousands of people” if they “got into the wrong hands”.
- If Iraq had been co-operating, documents would be flooding in and there would be a queue of interviewees.
- Iraq did not need time to decide to co-operate. Iraq’s recent actions were not responsible, they were “continued efforts to deceive, to deny, to divert, to throw us off the trail”.
- Resolution 1441 had anticipated Iraq’s response. The improvements in process, more inspections and a longer inspection period would not move the position that Iraq had “failed to comply”.
- The threat of force “should always be a last resort”, but it “must be a resort”. The process could not be “endlessly strung out”, as Iraq was trying to do, until the world’s attention moved in other directions.
- Iraq could not “be allowed to get away with it again”. The Council had to think through the consequences of walking away or the reality of facing

the problem and the choice of whether or not it was time to consider the serious consequences intended by 1441.

413. Secretary Powell concluded that:

“The security of the region, the hopes for the people of Iraq, and our security rest upon us meeting our responsibilities and, if it comes to it, invoking the serious consequences called for in resolution 1441 ...”

414. Mr Igor Ivanov stated that Iraq should be set clear tasks to provide objective criteria by which to assess progress and the threat posed by Iraq.

415. The debate in the Council demonstrated that remedies other than the use of force to achieve Iraq’s disarmament had not yet been exhausted.

416. Mr Igor Ivanov stated that the Council should be guided by the professional data provided by the inspectors to, “without making a mistake, come to the correct conclusion”.

417. Substantial progress had been made and could not be ignored. The Council should urge Baghdad to increase co-operation and the work of the inspectors “must be made more systematic and focused”. Iraq should be set clear tasks, including through the submission of the UNMOVIC and IAEA work programme and the list of key disarmament tasks required by resolution 1284 (1999). Adoption of such a programme would provide “objective criteria” to assess both the degree of Baghdad’s co-operation and whether Iraq was “a threat to international peace and security”.

418. Russia’s position, “shared by the overwhelming majority of States in the world, including within the Security Council”, was that inspections “must continue”. There was:

“... a unique opportunity to reach agreement on how to solve this ... problem through political means, in strict accordance with the UN Charter. This is a real opportunity, and it must not be missed. Force may be resorted to, but only when all other remedies have been exhausted. As may be seen from today’s discussion, we have not yet reached that point ...”

419. Other members of the Security Council emphasised the need for Iraq to co-operate actively and unconditionally to disarm; the need to exhaust the inspections route; and the importance of Council unity.

420. Mr Luiz Derbez, the Mexican Foreign Minister, stated that the Iraqi Government continued to evade its international responsibilities and the Council was united about the goal of disarmament. But the Council was “increasingly divided as [to] the most effective and least costly manner by which it may be achieved”. Mexico’s view was that the “Security Council’s primary task” was to ensure the inspectors fulfilled their mission.

421. Mr Mamady Traoré, Guinean Permanent Representative to the UN and President of the Council, advocated continued inspections although they “should not be continued indefinitely”. Guinea was “concerned at the abrupt rise in tension within the international community” over the Iraq crisis and appealed “for a swift beginning of direct and constructive dialogue among Security Council members so that we can move beyond this climate of tension which could deal a harsh blow to the United Nations system”. Iraq must “finally agree” to co-operate and end its delaying tactics.

422. Mr Munir Akram, Pakistani Permanent Representative to the UN, stated that it was “understandable that the patience of some important members of the Security Council is running out”. The call in resolution 1441 “was credible because it was unanimous”. Pakistan believed that the “Security Council must maintain this unity of purpose and action”. It could still unite around:

- “a general preference, even at this late stage, to secure the elimination of Iraq’s weapons of mass destruction through peaceful means”;
- Iraq’s “immediate, active and unconditional co-operation”; and
- “a readiness to allow more time”.

423. Mr Martin Belinga-Eboutou, Cameroonian Permanent Representative to the UN, stated that Cameroon wished to “emphasise ... the need for the Security Council to continue to safeguard ... its unity and cohesion”. He added: “The discord, the cacophony, indeed the confusion surrounding us in recent days can only harm our effectiveness.” Cameroon was “in favour of a peaceful settlement” and was “trying to take a pragmatic and realistic approach”. It had “raised the possibility of more robust inspections” which would require Iraq’s immediate, active and complete co-operation. It was “clear that further non-compliance by Iraq with the demands of the Security Council would be one violation too many”, which would leave the Council with “no other choice but to adopt, in unity and cohesion, appropriate measures to have its decisions respected within the provisions of the Charter”.

424. Referring to Mr Annan’s speech on 8 February, Mr Belinga-Eboutou appealed for unity and cohesion. He stated:

“The maintenance of peace and security is a very delicate and serious mission. It requires at all times those who are responsible for it [to] transcend their differences and act only in the interests of peace.”

425. Mr Ismael Gaspar Martins, Angolan Permanent Representative to the UN, stated that the Council was unable to say that Iraq was free from weapons of mass destruction, but:

“... we are equally unable to state unequivocally that Iraq is fully armed with weapons of mass destruction or other weapons that pose a clear and impending threat to international peace and security.”

426. Mr Gaspar Martins was “confident that the Council” represented “a unified coalition of the willing to secure international peace and security”. Whatever decision it reached, it was “pivotal” that it was “based on convincing and far-reaching information”. He warned that:

“Whatever decision we collectively take must be proportionate to the gravity of the issue before us. That decision need not be popular; but it must be justified. The consequences of a war clearly outweigh its benefits ...”

427. Mr Stefan Tafrov, Bulgarian Permanent Representative to the UN, stated that Bulgaria believed that Iraq’s co-operation was “unsatisfactory” and it was unfortunate, “as the statements made by the chief inspectors have confirmed”, that the Iraqi authorities were “still in material breach” of resolution 1441. Bulgaria hoped that France’s ideas would be one element of the overall Security Council strategy to disarm Iraq and believed that that goal could still be achieved through peaceful means. But the Council had repeatedly warned Iraq of serious consequences if it did not comply. Bulgaria appealed to the Council to “stand united”. That was “an essential condition for a peaceful outcome to the crisis and for averting future threats”.

428. Mr Fischer stated that Iraq “must not be allowed to possess any weapons of mass destruction and must disarm completely”. The inspectors had made “headway” and their presence had “substantially diminished the danger emanating from Iraq”. They “must be given the time to successfully complete their mission”. That required Iraq to co-operate fully, unconditionally and actively if a “looming tragedy” was to be averted.

429. Mr Fischer concluded:

“All possible means for resolving the Iraqi crisis by peaceful means must be thoroughly explored. Whatever decisions need to be made must be made by the Security Council alone. It remains the only body internationally authorised to do so.

“Military action against Iraq would, in addition to the terrible humanitarian consequences, above all endanger the stability of a tense and troubled region. The consequences for the Near and Middle East could be catastrophic. There should be no automatism leading to the use of military force. All possible alternatives need to be exhaustively explored.”

430. Iraq continued to state that it did not possess weapons of mass destruction.

431. Mr Aldouri stated that Iraq had agreed to act on resolution 1441 and had “provided everything that might fall within the concept of pro-active Iraqi co-operation”. The documents provided with the Iraqi declaration of 7 December 2002, required “in-depth study” because they contained “updated relevant information responding to many questions”. Iraq had “the right to wonder whether the declaration had been studied with due diligence and thoroughness”. Iraq had “begun to co-operate pro-actively”, and many speakers had called for that but there was a question about what that would mean.

432. Mr Aldouri pointed out that there was an “Arabic proverb that an empty hand has nothing to give. You cannot give what you do not have. If we do not possess such weapons, how can we disarm ourselves? How can such weapons be dismantled if they do not exist?”

433. Iraq agreed that the “best way to resolve these issues is through continuing pro-active co-operation with the inspectors”. Mr Aldouri stressed that Iraq had:

“... chosen the path of peace. We have opted for solutions that would satisfy the international community. We are prepared to provide all means to assist in making clear the true picture ...

“We hope the Security Council will heed the desire of the vast majority of States Members of the United Nations and allow the inspectors to fulfil their role ...”

434. In the subsequent private discussion, Mr Straw stated that there was overwhelming evidence that Iraq had had WMD; if there was no evidence to show that it had been destroyed, we had to work on the basis that it existed.

435. Sir Jeremy Greenstock reported that, in response to points raised during the private session of the Council:

- Dr Blix had clarified that it was too soon to say whether Iraq had come to a genuine acceptance of the disarmament required – there were some signs but no break through. Interviews were a mixed bag. In reality, the inspectors had had no one accept their conditions, though some people they had asked had subsequently come back and accepted. The Iraqi decree on WMD did not say anything about what Iraq would do in practice. UNMOVIC had expanded as much as it could; if it expanded too fast, there was a risk of mistakes.
- Dr ElBaradei had voiced concerns about Iraq’s approach to interviews and emphasised the importance of inspections as the cornerstone of the international disarmament regime. He had also questioned whether Iraq needed reassurance that a new item would not be regarded as a material breach.
- Mr Straw had stated that the reason that the Council had said Iraq’s WMD posed a threat was because there was overwhelming evidence that Iraq had had the material. If we had no evidence it had been destroyed, we had to work on the basis that it existed and that there was a danger to the region and to our national security. Oral cross-examination was the best way to get the truth. Interviewees were not saying anything and were insisting on tape recorders because they wanted to stay alive. Until Iraq allowed interviews outside Iraq and in free conditions, we would be naive to think that they were co-operating.

- Ms Palacio commented that “Iraqi progress had always been last minute and under pressure”. In her legal experience, she had “never seen a situation were [sic] witnesses did not speak freely unless they were threatened”.
- Secretary Powell questioned whether those who advocated reinforced inspections were serious or afraid to step up to the challenge of Iraq’s lack of compliance”.¹⁰⁹

436. Sir Jeremy commented that Dr Blix’s report was much more equivocal than that of 27 January. His, and Dr ElBaradei’s, answers in the closed session were:

“... more indicative of their underlying suspicions, as though they knew their prepared remarks had over-compensated. Tough exchanges with the Americans the day before may have made Blix more determined to assert his independence.

“We have to go on hammering away at the logic of SCR 1441: it is about Iraq’s approach, and not the inspections ... When the Council middle ground ... realise they have to face up to hard and final decisions, they may take more account of the responsibility they hold. So far, wishful procrastination continues to rule.”

437. Sir Jeremy Greenstock told the Inquiry that, following his report on 27 January, Dr Blix had “got a bit cross” with the US because they felt that might in itself amount to a material breach. As a result, in his report on 14 February, Dr Blix had:

“... within the scope that he felt he had for interpretation ... said, ‘They are actually beginning to cooperate ... So I feel I’m getting somewhere.’ The Americans were quite cross about that ...”¹¹⁰

438. Sir Jeremy added that, “in the lunch after”, Dr Blix “was tougher on the Iraqis and their lack of co-operation in private than he had been in public, and it was clear from my conversations with him ... that ... was affected by the reaction of the Americans to what he had said on 27 January”.

439. Asked if that was because Dr Blix did not want to provide an automatic trigger for action, Sir Jeremy replied: “Yes”.

440. Asked what Dr Blix had said about pressure from the US or UK, Sir Jeremy replied:

“Hans Blix complained more than once to me about the pressures from the Americans. ... [H]e felt the relationship with the British was much more reasonable and professional and we weren’t trying to distort the facts for political reasons.

“... I never heard a word of complaint from him about the pressure being put on him by the British ...”¹¹¹

¹⁰⁹ Telegram 266 UKMIS New York to FCO London, 15 February 2003, ‘Iraq: Blix and ElBaradei Presentations: Private Session’.

¹¹⁰ Public hearing, 27 January 2009, pages 70-71.

¹¹¹ Private hearing, 26 May 2010, pages 18-19.

441. Mr Annan concluded that there were real differences on strategy and timing in the Security Council. Iraq's non-co-operation was insufficient to bring members to agree that war was justified; they would only move if they came to their own judgement that inspections were pointless.

442. The UKMIS New York record of a meeting between Mr Straw and Mr Annan reported that they had discussed the fact that the majority of Council members remained unpersuaded by the US and UK arguments.¹¹² The strong probability of Iraqi non-co-operation was not sufficient to bring them to agree that war was justified. There were real differences on strategy and timing and Council members would only move if they came to their own judgement that inspections were pointless.

443. Mr Straw had commented that Saddam Hussein's behaviour would be quite different if he really had zero WMD. The UK and US would look at the timing of a second resolution. The Council was more likely to be brought to a decision if we stuck to the game plan, but we also had to do the political arithmetic. The Americans would find it difficult to move forward if the Council majority really believed the inspections were working.

444. A separate record produced by the FCO reported that Mr Straw had commented that the public saw 200,000 troops in the region and heard belligerent language and thought we were determined to go to war tomorrow without good reason.¹¹³ He and Mr Annan had discussed the need to keep the pressure on Saddam Hussein; and that the threat of force could be more effective than its use. There was a possibility of building a consensus with time but if the pace was forced there was a risk of one or more vetoes. The problem was that the burden of evidence had shifted to those who wanted military action. The fact that resolution 1441 required Iraqi compliance was lost. Time was needed to get people to look at things differently, but different countries faced different time pressures. American time was very expensive; others felt it was natural to ask for more time. When asked to define "a little time", Dr Blix had answered "one year".

445. Asked by the Inquiry whether, after the report on 27 January, he had expected Dr Blix to be firm in his determination of a material breach, Mr Blair stated:

"... the whole point was that his [Dr Blix's] view was that Iraq was complying somewhat, but not fully and unconditionally, and as time went on, I became increasingly alarmed ... that we were just back into a game-playing situation with Saddam ... I think it is very clear from what we now know that he never had any intention of his people co-operating fully with the inspectors."¹¹⁴

¹¹² Telegram 268 UKMIS New York to FCO London, 15 February 2003, 'Foreign Secretary's Meeting with the UN Secretary-General: 14 February'.

¹¹³ Telegram 92 FCO London to UKMIS New York, 15 February 2003, 'Foreign Secretary's Meeting with UN Secretary General, New York, 14 February'.

¹¹⁴ Public hearing, 29 January 2010, page 108.

446. Asked if he had been disappointed by Dr Blix's report of 14 February, Mr Blair replied:

"It wasn't that I was disappointed. I was getting confused as to what he was really trying to tell us ... what particularly struck me ... and this then had a huge significance in what I then tried ... to construct a final way of avoiding the war, is, on page 26 of his briefing, he deals with the issue of interviews and he says that the Iraqi side ... are starting to move on interviews ... they have made a commitment that they will allow it, but then, when he actually comes to the interviews themselves, people are reluctant ..."¹¹⁵

Mr Blair's speech to the Labour Party conference, 15 February 2003

447. Mr Blair used his speech to the Labour Party conference on 15 February to continue to link the timetable for decisions on Iraq to a judgement about whether Iraq had decided to co-operate as required by resolution 1441.

448. Mr Blair also continued to emphasise the moral case for removing Saddam Hussein.

449. On 15 February, as part of a weekend of worldwide protests against military action in Iraq, a march organised by the Stop the War Coalition, the Campaign for Nuclear Disarmament and the Muslim Association of Britain took place in London. The police described it as the UK's biggest ever demonstration, estimating that at least 750,000 people took part. The organisers put the figure closer to two million. There were also anti-war gatherings in Glasgow and Belfast.¹¹⁶

450. In the entry in his diaries for 13 February, Mr Campbell wrote that Mr Blair had decided to focus on a humanitarian theme to "at least give the marchers something to think about and something to put them on the defensive".¹¹⁷

451. Mr Campbell wrote the following day that Mr Blair had said Dr Blix's presentation was "a total disgrace, that he should have just told the truth, and the truth was Saddam was not co-operating". Mr Blair was in "a tough place", but "showed no signs of changing tack ... said we were doing the right thing. But whether we liked it or not, we were moving towards a regime change argument." Mr Blair "felt we had to make more of the moral case but we agreed we could not really set out the forward plan he had devised on the back of this, because it would look like weakness ..."

¹¹⁵ Public hearing, 29 January 2010, pages 110-111.

¹¹⁶ *BBC News*, 16 February 2003, "Million" march against Iraq war.

¹¹⁷ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

452. In the entry in his memoir for 14 February, Mr Cook wrote:

“The news from New York is electrifying. The latest report by Hans Blix registers a lot of progress in co-operation from Iraq, fails to identify any evidence of weapons of mass destruction and expresses confidence that with more time more progress can be made. What Hans Blix was in effect confirming was that the UK strategy of applying pressure on Saddam to co-operate on disarmament, through the dual track of inspectors on the ground and the threat of force across his border, is working rather well.”¹¹⁸

453. Mr Cook added his view that Mr Blair needed the inspectors:

“... to prove that Saddam will not co-operate and that he is therefore justified in going to war ... The ghastly dilemma he now faces is that without Hans Blix denouncing Saddam, there is little chance of getting a majority in the Security Council for military conflict, and therefore even less chance of getting a majority of the British people.”

454. In his speech to the Labour Party conference in Glasgow on 15 February, Mr Blair stated that the Labour Party would come through an uncertain time by holding firm to its beliefs and the United Nations was one of those beliefs. He wanted:

“... to solve the issue of Iraq and weapons of mass destruction through the UN. That is why last November we insisted on putting UN inspectors back into Iraq to disarm it.

“Dr Blix reported to the UN yesterday and there will be more time given to inspections. He will report again on 28 February. But let no one forget two things. To anyone familiar with Saddam’s tactics of deception and evasion, there is a weary sense of déjà vu. As ever, at the last minute concessions are made. And as ever it is the long finger that is directing them. The concessions are suspect. Unfortunately, the weapons are real.”¹¹⁹

455. Mr Blair continued that the inspections regime in resolution 1441 was tough because for 12 years Saddam Hussein had played a “game with the inspectors” and:

“The time needed is not the time it takes for the inspectors to discover the weapons. They are not a detective agency. We played that game for years in the 1990s. The time is the time necessary to make a judgement: is Saddam prepared to co-operate fully or not. If he is, the inspectors can take as much time as they want. If he is not, if this is a repeat of the 1990s – and I believe it is – then let us be in no doubt what is at stake.

¹¹⁸ Cook R. *The Point of Departure*. Simon & Schuster UK Ltd, 2003.

¹¹⁹ *Scoop World*, 15 February 2003, *Prime Minister Tony Blair’s Glasgow Party Speech*.

“By going down the UN route we gave the UN an extraordinary opportunity and a heavy responsibility. The opportunity is to show that we can meet the menace to our world together ... The responsibility, however, is indeed to deal with it.”

456. Referring to the failure of the League of Nations, Mr Blair stated:

“... Saddam would not be making a single concession without the knowledge that forces were gathering against him. I hope, even now, Iraq can be disarmed peacefully, with or without Saddam. But if we show weakness now, if we allow the plea for more time to become just an excuse for prevarication until the moment for action passes, then it will not only be Saddam who is repeating history. The menace, and not just from Saddam, will grow; the authority of the UN will be lost; and the conflict when it comes will be more bloody. Yes, let the United Nations be the way to deal with Saddam. But let the United Nations mean what it says; and do what it means.”

457. Referring to the threats posed by the proliferation of WMD and the threat from terrorism and their potential consequences, as well as Iraq's past behaviour, Mr Blair stated:

“That is why Saddam and Weapons of Mass Destruction are important.

“Every time I have asked us to go to war, I have hated it ...

“At every stage, we should seek to avoid war. But if the threat cannot be removed peacefully, please let us not fall for the delusion that it can be safely ignored. If we do not confront these twin menaces of weapons of mass destruction and terrorism, they will not disappear ...

“When people say if you act, you will provoke these people ... remember that Al Qaida attacked the US ...

“... Everyone agrees Saddam must be disarmed ...

“No-one seriously believes he is yet co-operating fully. In all honesty, most people don't really believe he ever will ... It's not really an issue of timing ... It is a moral purpose, and I respect that.

“... I abhor the consequences of war.”

458. Addressing the question of why he pressed “the case so insistently”, Mr Blair stated that he had set out:

“... the “geo political reason – the threat of Weapons of Mass Destruction and its link with terrorism. And I believe it.

“If I am honest about it there is another reason why I feel so strongly ...

“The moral case against war has a moral answer: it is the moral case for removing Saddam. It is not the reason we act. That must be according to the United Nations mandate on weapons of mass destruction. But it is the reason, frankly, why if we do have to act, we should do so with a clear conscience.

“Yes, there are consequences of war. If we remove Saddam by force, people will die and some will be innocent. And we must live with the consequences of our actions, even the unintended ones.

“But there are also consequences of ‘stop the war’.

“If I ... did not insist on disarmament ... there would be no war. But there would still be Saddam ... ruling the Iraqi people ...

“This isn’t a regime with weapons of mass destruction that is otherwise benign. This is a regime that contravenes every single principle or value anyone of our politics believes in.

“There will be no march for the victims of Saddam ...

“I rejoice that we live in a country where peaceful process is a natural part of the democratic process ...

“I do not seek unpopularity as a badge of honour. But sometimes it is the price of leadership. And the cost of conviction.”

459. Mr Campbell wrote that Mr Blair’s speech was heard “in near silence ... It was well received, not least because it was so serious”. Mr Blair had been “confident and felt we had the right argument and we now needed a big strategy to put the case properly”.¹²⁰

460. In his memoir, Mr Blair wrote that he had been determined that “people should not be able to hide from the ghastly reality of Saddam continuing in power”.¹²¹

Decisions on the way forward

461. After the discussions in the Security Council on 14 February, Dr Blix proposed consideration of a “benchmark approach” using “clusters” of issues being identified as part of the work programme required by resolution 1284.

462. Mr Straw spoke briefly to Dr Blix about the next steps after the presentation on 14 February. The report of the discussion stated that Dr Blix:

- had decided that Iraq had to destroy the (Volga) missile engines;
- did not think it worth pursuing any ultimatum which required Saddam to quit Iraq;

¹²⁰ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

¹²¹ Blair T. *A Journey*. Hutchinson, 2010.

- was compiling a list of explicit questions about outstanding issues to “pin the Iraqis down”;
- was looking at establishing a No-Fly Zone for the whole of Iraq; and
- was looking at freezing movements in certain areas to improve the chances of catching a mobile “bio-lab”.¹²²

463. Dr Blix recorded that he told both Mr Straw and Secretary Powell about the document being prepared by UNMOVIC, as required by resolution 1284 (1999), which “contained ‘clusters’ of unresolved issues and indicated precisely what was required of Iraq” that could be used “as a basis for selecting key disarmament tasks for the work programme” in a “‘benchmark’ approach”.¹²³ Mr Straw and Secretary Powell were both “most interested” in the idea.

464. Dr Blix discussed the idea with both Dr Rice and Secretary Powell over the next two days. When he asked whether a deadline of 15 April was acceptable, Secretary Powell said that was too late.

465. Dr Blix also wrote that there was a lack of smoking guns that would impress the public; and that the British “who were most fervently in favour of a resolution embodying an ultimatum” had felt the resistance stiffen and “came to think that a change of focus might help. The new resolution could demand a declaration by Saddam showing that he had had a change of heart.”

466. Mr Straw and Sir David Manning agreed with Secretary Powell and Dr Rice that, over the next few days, the US and UK should reflect on what the next steps should be.

467. Sir David Manning suggested that military action should not start before late March.

468. Discussing the next steps with Secretary Powell after the Council discussion, Mr Straw raised the possibility of issuing an ultimatum to Saddam Hussein and expressed caution on the timing of a second resolution. The US and UK had been on the back foot all day and needed to be clear about how they intended to play the end game before it began.¹²⁴

469. Sir David Manning and Dr Rice agreed on 14 February to reflect over the next two to three days on what the next move at the UN should be, including an ultimatum.¹²⁵ Stressing that he was speaking personally, Sir David suggested that one possibility

¹²² Telegram 89 FCO London to UKMIS New York, 15 February 2003, ‘Foreign Secretary’s Meeting with Executive Chairman of UNMOVIC, New York, 14 February’.

¹²³ Blix H. *The Search for Weapons of Mass Destruction: Disarming Iraq*. Bloomsbury Publishing Plc, 2005.

¹²⁴ Telegram 269 UKMIS New York to FCO London, 15 February 2003, ‘Foreign Secretary’s Meeting with Powell: 14 February’.

¹²⁵ Letter Manning to McDonald, 14 February 2003, ‘Iraq: Conversation with Condi Rice’.

would be to use the French demand for a further meeting in a month to ask for another report from Dr Blix. It would also be important to leave time for an initiative to persuade Saddam to leave. That would mean delaying the start of military action until late March.

470. The British Embassy Washington reported that the US Administration was disappointed with Dr Blix's less than categorical verdict on Iraqi compliance.¹²⁶ A White House spokesman had downplayed the importance of the new avenues of co-operation identified by Dr Blix. The meeting had made securing a second resolution more difficult, but the Administration was determined to press ahead.

471. In the light of the position in the Security Council and the perception that the US would push for a vote by the end of February, FCO and No.10 officials proposed using the French proposal for a Ministerial discussion on 14 March to provide a deadline for a report from the inspectors on whether Iraq was co-operating.

472. Mr Ricketts wrote to Mr Straw on 15 February stating: "I know you want to cogitate over the weekend about how we adjust strategy." He set out the FCO's thinking "about how we might rally opinion in the Council through some version of an ultimatum and more time to give it effect".¹²⁷

473. Mr Ricketts sent Mr Straw a minute from Mr Edward Chaplin, FCO Director Middle East and North Africa, of 13 February and a minute from Mr Stephen Pattison, FCO Head of the UN Department, which set out ways to make specific demands of Iraq.

474. Mr Chaplin had written that it was:

"... probably the last opportunity to reflect on whether we can extract ... a better outcome ... than at present looks likely.

"The mood in Washington points to early tabling of a second SCR and a quick drive to adoption. At best this will secure 9-10 positive votes and 5-6 abstentions. There is a substantial risk ... that the text will be vetoed, at which point the US ... will go for military action ... I cannot imagine the Prime Minister then refusing to follow.

"... No SCR and a feeble, at best, legal basis for military action is a nightmare scenario. The domestic consequences (and increased risk of terrorism to British citizens and staff) are daunting enough for Ministers. But the ... longer term damage to UK interests would be more severe because longer lasting. The image of the UK, lone ally [...] of a rampant US in its assault on Iraq, will be the touchstone for Arab and Muslim attitudes for a generation – this is the real Suez effect. A quick collapse of the Iraqi regime (quite likely); subsequent clear proof, because we

¹²⁶ Telegram 209 Washington to FCO London, 14 February 2003, 'Iraq: Initial US reactions to the Blix/EIBaradei Report'.

¹²⁷ Minute Ricketts to Secretary of State [FCO], 15 February 2003, 'Iraq: Rethinking Strategy'.

find the stuff, that we were right all along about the Iraqi WMD threat (questionable – what convinces the experts may not convince public opinion unless it is pretty spectacular); and a smooth transfer to a democratic and stable government (improbable, especially without UN cover) would reduce the damage. But this is a high risk route.

“Before we go down this route, we should have a last look at alternatives, as Jeremy Greenstock is urging.”¹²⁸

475. Mr Chaplin suggested that the UK should consider a deal with France, Germany and Russia, insisting on full Iraqi compliance with a short list of key disarmament tasks, backed by the maximum number of inspectors and increased air surveillance, with a short deadline (15 March). There should be a signal in advance that, short of full compliance, the five Permanent Members of the Security Council (P5) would vote for an “all necessary means” text. This would come into force 10 days after the passage of a Security Council resolution to give time for the Arabs to persuade Saddam Hussein to stand down. The “goal would be one more last chance for Saddam Hussein”.

476. Mr Chaplin and Mr Ricketts had agreed that the latter would discuss the idea with Mr Straw on their way to New York on 14 February.

477. Mr Pattison suggested two options to attract support from the “middle ground members”:

- encouraging Dr Blix to set specific tasks to demonstrate Iraqi compliance, building on his own ideas; or
- the Security Council to set specific tasks for Iraq with a deadline.¹²⁹

478. There would be difficulties with both approaches. The problem with the first option would lie in “getting the US to accept further delay and the likelihood that Iraq would do just enough to provoke future wrangling over the extent of their compliance”. In addition, the US might be hesitant about giving Dr Blix a greater role. The problem with the second option was that it “would create an expectation that the UNSC would need to take a further decision to authorise serious consequences and we would expect Iraq to do just enough to split the Council”.

479. Mr Ricketts advised Mr Straw:

“Each variant had pros and cons. The main difficulty could well be to bring the Americans to accept any specific ultimatum given the scope it would leave for Iraq to gain more time through minor concessions.”¹³⁰

¹²⁸ Minute Chaplin to Ricketts, 13 February 2003, ‘Iraq: The Endgame’.

¹²⁹ Minute Pattison to Ricketts, 15 February 2003, ‘Iraq: Options for UNSC Action’.

¹³⁰ Minute Ricketts to Secretary of State [FCO], 15 February 2003, ‘Iraq: Rethinking Strategy’.

480. Mr Ricketts wrote that he and Sir David Manning had discussed a variant of the approach Sir David had set out in his conversation with Dr Rice on 14 February. That was to use the French proposal for a ministerial discussion in the Security Council on 14 March to provide a deadline for asking Dr Blix and Dr ElBaradei to state whether Iraq was “in full and active co-operation”, including a demand that Iraq destroy its prohibited rocket motors, which would then be taken as the basis for a resolution. Dr Rice’s initial reaction had been maybe, but she had wanted a deadline of 28 February. Mr Ricketts and Sir David thought that was too soon and would not allow sufficient time to rally middle-ground opinion. A 14 March deadline “should still fit with other time lines and demonstrate that we are listening to those who call for more time”.

481. Mr Ricketts conceded that the proposal was “not a brilliant strategy” but it “might be a way forward avoiding signals of weakness”.

482. **Sir Jeremy Greenstock advised that more time would be needed and that the inspectors should be given the chance to deliver a judgement which would convince the Council.**

483. Sir Jeremy Greenstock advised that the UK could table a resolution the following week.¹³¹ The existing version would “not get nine votes, but it will signal the beginning of the end game and Council minds will have to concentrate within a harder context”. In his view, the “Best area for plan B options” was “some kind of loaded ultimatum”.

484. Sir Jeremy’s view was that postponing the discussion to 14 March would not be sufficient to secure support: “If the judgement is left to Blix, e.g. to say whether or not Iraq has co-operated ‘immediately, actively and unconditionally’”, he “may not be capable of taking the heat or Council members may try to alter the terms in their favour”.

485. There would also be a problem with the US. Sir Jeremy reported that Ambassador Negroponte had told him that President Bush would not agree to anything which changed the terms of 1441 (especially OP2), or altered their current legal foundation for action, or ensnared the Council in endless argument about interpretation. The current US thinking was to table their draft mid-week and to set a date (probably the end of February) for a vote.

486. Sir Jeremy reported that he had told Ambassador Negroponte “in general terms” that more would be needed:

“Ideally, we should not move to the use of force without a find, a smoking gun. We should maximise the possibilities for that. We should expose the French reinforcement proposals as clearly inadequate for the disarmament of Iraq: indeed, no proposition other than war has yet been made which will realistically achieve that – something I said in terms to EU HOMS [Heads of Mission] meeting this morning.”

¹³¹ Telegram 270 UKMIS New York to FCO London, 15 February 2003, ‘Personal Iraq Next Steps’.

487. Sir Jeremy suggested that elements in the ultimatum should “either test the French idea to destruction ... or give the inspectors a real chance to deliver a judgement which will convince six more Council members”. Dr Blix could play a role: “There should be room to move him to a firmer approach which raises the chances of the inspectors achieving more.” Sir Jeremy reported that Dr Blix was interested in ideas for more vigorous inspections “though downbeat about the amount of time available from the US”.

488. Sir Jeremy concluded:

“If we and the US are true to our pronouncements of force as a last resort, bringing the Americans back to their mid-September approach as a last gasp before pressing the plunger at least has a certain logical force.”

489. Sir David Manning proposed a resolution setting a deadline of 14 March for Saddam Hussein to demonstrate that he was complying fully with resolution 1441, after which he would be in further material breach.

490. Sir David envisaged that military action would not begin until late March, giving 10 days for Arab leaders to persuade Saddam Hussein to depart.

491. The resolution should specify what compliance meant. That would set the bar at a level it would be difficult for Saddam Hussein to reach and prevent equivocation in the inspectors’ reports.

492. France would seek to block the resolution and to string out inspections indefinitely.

493. Sir David Manning advised Mr Blair on 16 February that Dr Blix’s careful “fence sitting” in his report to the Security Council had:

“... encouraged the wishful thinkers and procrastinators. For the moment, there is almost certainly a Security Council majority for letting the inspections run, not for moving to early military action.”¹³²

494. Sir David advised that it would be necessary “to go on making the argument that the issue is compliance. Our best bet may be to concede a little more time while issuing an ultimatum.”

495. Sir David set out a proposal along the lines suggested by Mr Ricketts to Mr Straw, including a second resolution “stipulating that unless Blix reports on 14 March that Saddam is in full, unqualified, unequivocal compliance with 1441, he will be in further material breach”. There would then be an immediate vote after Dr Blix reported.

¹³² Minute Manning to Prime Minister, 16 February 2003, ‘Iraq: Way Forward’.

496. Sir David suggested that, subject to advice from Sir Jeremy Greenstock, the UK might “spell out, either in the resolution or orally ... that full compliance includes:

- explaining satisfactorily what happened to all the BW and CW unaccounted for when UNSCOM were forced out of Iraq in 1998;
- full and unfettered access to, and co-operation from [...] who were allegedly involved in the destruction of Iraq’s chemical stocks;
- full and unfettered access to, and co-operation from, all scientists UNMOVIC wished to interview both inside and outside Iraq, as provided for in UNSCR 1441.”

497. Sir David added that those “conditions set the bar too high for compliance, yet are fundamental to it”. Dr Blix would “find it hard to pretend otherwise, whatever marginal improvements Saddam may go on making on process as opposed to substance”.

498. In tabling the resolution, the UK:

“... should emphasise that we are giving the French the extra time they want; and we are taking Blix at his word ... ‘inspections could still be short if immediate, active and unconditional co-operation ... were to be forthcoming’.”

499. Sir David identified a number of disadvantages:

- “• The Americans will dislike it. As usual they are in a hurry. But the military timetable can be adjusted if necessary. It would probably mean action in the last few days of March i.e. after a vote on the second resolution on 15 March and a further 10 days for the Arabs to press Saddam to leave.
- Blix will dislike having to make a categorical judgement ... We must draft the resolution so that he cannot equivocate and cannot honestly give a verdict of full compliance.
- The French ... will work to block it. Their game is to string things out indefinitely ...”

500. Sir David also identified the advantages:

- “• It gives us another month to find our secure nine votes. We can claim that we have been reasonable; four months on from 1441 no-one should seriously argue that it is impossible to tell if Saddam is complying. A deadline will also focus minds ...
- We have another four weeks in which the inspectors just might get lucky. A real find would have a major impact on Security Council opinion ...
- It will give Saddam four more weeks to make a mistake. He may do so, perhaps reacting badly if Blix announces later this week that the Iraqis must destroy their Al Samoud 2 missiles with their costly engines. If Saddam refuses to co-operate, it will be a glaring example of Iraqi non-compliance.”

501. Sir David concluded that it was “impossible to be certain” that the strategy would work, “but it gives us a chance. The odds are against a successful second resolution at the end of February ... an extra couple of weeks could make the difference.”

502. Sir David advised “saying nothing” until after the European Council, allowing France a little more time, then hitting them with the draft resolution “probably in mid-week”. Before that, Mr Blair would “need to do a heavy selling job” with President Bush.

503. Mr Blair agreed the proposals were worth exploring and asked for advice, particularly on the proposed “tests” for Iraq’s compliance.

504. Mr Blair agreed that the ideas in Sir David Manning’s advice of 16 February were worth exploring.¹³³ That is addressed later in this Section.

505. Mr Straw was told that President Bush believed Mr Blair would commit troops if the US took unilateral action.

506. Mr Straw discussed developments with Secretary Powell twice on 16 February.

507. In the first conversation at 1pm, Mr Straw set out his “emerging thinking”, including the suggestion that a meeting might be held on 14 March at which Dr Blix and Dr ElBaradei would be asked to report if Iraq was “actively and fully co-operating, perhaps against a checklist”.¹³⁴ Mr Straw added that he thought that Dr Blix:

“... would try to avoid responsibility for this. But whilst a further material breach and what we did about it were matters for the Security Council, saying whether Iraq was or was not co-operating had initially to be a matter for the inspectors since the information ... was theirs. After all, it was Blix’s statement ... about further co-operation ... on process which had put us on the back foot.”

508. In a discussion about the content of any checklist, Mr Straw said that it was important it:

“... did not become a ‘tick in the box for compliance’, but rather good evidence of compliance and it had to be very comprehensive, so that if he [Saddam Hussein] did all these things he was complying in reality.”

509. Mr Straw and Secretary Powell agreed that if Saddam Hussein was faced with a choice, for example, of whether to destroy missile engines and the survival of his regime, he would choose the latter. Mr Straw added that:

“... since the objective of HMG’s policy was ... the disarmament of Iraq’s WMD if possible by peaceful means, clear and continuing evidence of Saddam’s compliance

¹³³ Letter Manning to McDonald, 17 February 2003, ‘Iraq: Way Forward’.

¹³⁴ Letter Straw to Manning, 17 February 2003, ‘Iraq: Telephone Conversation with Colin Powell, 16 February’.

on substance would be bound to negate the case for the UK's involvement in military action."

510. Secretary Powell was reported to have responded that he understood that:

"... but he was not sure that was where President Bush was. He might still be inclined to 'go it alone' for the removal of Saddam and the President believed that the Prime Minister would commit British troops in any event."

511. Mr Straw said that Mr Blair's "personal loyalty to the President was never in doubt; but that alone would not answer the question whether there was adequate legal and political justification for UK military involvement".

512. In response to Secretary Powell's comment that he assumed the demonstration on 15 February made a second resolution "even more necessary", Mr Straw replied:

"... yes. If there were nine votes or more in the Security Council for a second resolution, and this majority was subject to a veto by one only of the P5, I thought we could carry the day in the Commons and the country but there would have to be ... clear evidence of substantive non-compliance by Iraq of 1441. Without the latter, we could have no chance. Regime change per se had never been the objective of HMG's strategy however desirable it was."

513. Mr Straw added that:

"... even with a second resolution (or a majority and a veto but good case) the political and public order consequences of the early stages of military action on current plans would be hard to handle: without a very strong case, consistent with our clear, already stated objectives, they could become unmanageable. Unless we were very lucky, military action without an effective international consensus could severely damage US as well as UK interests."

514. In a discussion of the timing for a second resolution, Mr Powell said he was still thinking about tabling a resolution that week but stating that a vote was not being asked for immediately. Mr Straw pointed out the disadvantages for the UK while Parliament was in recess, adding that tabling a resolution without any commitment for an early vote would be seen as a sign of weakness. It might also make it harder to secure the votes of the elected members of the Council. It might also be seen as ignoring the outcome of the inspectors' reports on 28 February.

515. In their second conversation at 8.30pm, following a conversation between Dr Blix and Secretary Powell, Mr Straw and Secretary Powell considered a list of particular issues which could be used to judge compliance.¹³⁵ Those need not be specified in the resolution but could include:

- the destruction of the Al Samoud 2 missiles;
- a push on interviews;
- control of road traffic;
- control of the Syrian pipeline; and
- legitimisation of existing No-Fly Zones and their potential extension to cover all of Iraq.

516. The bar would need to be set high enough to ensure that there really was compliance. Dr Blix had suggested a deadline of 15 April, which Secretary Powell said “would be difficult for the US”, though it fitted with the deadline Mr Blair had “originally suggested”.

517. Secretary Powell also suggested that there would be a presentational problem for President Bush if Saddam complied, and that “He would be unhappy publicly, but almost certainly relieved in private.”

European Council, 17 February 2003

518. On behalf of the European Union, the Greek Presidency had delivered a demarche to Iraq on 4 February stating that it was “deeply concerned” about the crisis and that time was “running out”. It called on Iraq “fully, unconditionally and immediately” to comply with all resolutions and to co-operate pro-actively with the inspectors. If Iraq did not comply, it would “carry the responsibilities for all the consequences”.¹³⁶

519. Mr Blair wrote to Mr Simitis,¹³⁷ other EU Heads of State and Government, Mr Romano Prodi, the President of the European Commission, and Mr Javier Solana, the Secretary General of the Council of the European Union, on 12 February, welcoming the decision to call an extraordinary European Council on 17 February and proposing that the 10 new EU Accession Partners and three candidate countries should also be invited “given their interests”.¹³⁸

¹³⁵ Letter Straw to Manning, 17 February 2003, ‘Iraq: Second Telephone Conversation with Colin Powell, 16 February’.

¹³⁶ European Commission, ‘Demarche by the Presidency on behalf of the EU regarding Iraq (4 February 2003)’.

¹³⁷ Greece held the Presidency of the European Council at that time.

¹³⁸ Letter Blair to Simitis, 12 February 2003, [untitled].

520. Recognising that the debate would need to “take full account” of Dr Blix and Dr ElBaradei’s reports to the Security Council on 27 January and 14 February, Mr Blair set out a number of elements that “might form the basis for our debate and the conclusions we draw”. Those included:

- Reaffirming the EU position agreed at the 27 January meeting of the General Affairs and External Relations Committee (GAERC), “particularly the full implementation of UNSCR 1441 to achieve the objective of Iraqi disarmament of all its WMD. Iraq must comply fully, actively, immediately and unconditionally with its international obligations”.
- Clarity about the implications of resolution 1441. OP2 had given Iraq a final opportunity to comply: “But Saddam had not taken that opportunity. His false statements and omissions in the December declaration and failure to co-operate fully with the inspectors are a material breach of the resolution [OP4]”. So, as OP13 made “explicit”, Saddam faced “serious consequences”.
- Military action was a last resort, but the Council “must make it clear that no Member State rules it out if needed to uphold the authority of the Security Council. We should also be clear that in the absence of full and immediate co-operation, the UNSC should move quickly to a second resolution.”
- Maintaining and increasing the pressure on Saddam: “Time is now running very short. There is still a last opportunity for Saddam to co-operate unconditionally with the international community’s demands or to leave. But failing that, we should be clear Saddam faces immediate and serious consequences.”
- The EU should ensure it was ready to contribute to humanitarian and reconstruction issues.
- Addressing the regional implications of the crisis by “underlining ... the importance we attach to early progress towards a lasting settlement between Israelis and Palestinians on the basis of the Road Map”.

521. Mr Straw wrote to his Cabinet colleagues on 14 February, reiterating the point he had made in Cabinet on 6 February, about the importance of maintaining contacts with members of the Security Council in “the crucial period leading up to consideration of a new resolution on Iraq”.¹³⁹ The position of the 10 elected Members of the Security Council (the E10)¹⁴⁰ would be crucial.

522. Mr Blair discussed Iraq, including the different expectations of what would constitute a material breach and the time required to bring people together and avoid further polarisation, with Mr Annan on 16 February.¹⁴¹ Mr Blair said the time required was the time needed to “make a judgement on whether Iraq was co-operating”.

¹³⁹ Minute Straw to Prime Minister, 14 February 2003, ‘Iraq: Contacts with Members of the Security Council’.

¹⁴⁰ Angola, Bulgaria, Cameroon, Chile, Germany, Guinea, Mexico, Pakistan, Spain and Syria.

¹⁴¹ Letter Rycroft to Owen, 16 February 2003, ‘Iraq: Prime Minister’s Conversation with UN Secretary General, 16 February’.

523. Mr Campbell wrote in his diaries that, at the No.10 morning meeting on 17 February, Mr Blair “was keen on a major upgrade of our communications and believed we could win the argument as set out at the weekend”.¹⁴²

524. An extraordinary meeting of the European Council to discuss Iraq on 17 February pledged “full support” to Security Council efforts and to work with partners, “especially the United States”, to disarm Iraq.

525. Mr Annan appealed for transatlantic unity and patient persuasive diplomacy behind closed doors. The UN would be seriously weakened if action was taken without its authority.

526. The discussion of Foreign Ministers addressed the objective of disarmament rather than regime change, the need for a second resolution whilst the inspections were continuing, the consequences of military action, and the role of the EU, its relationship with the US and its credibility.¹⁴³

527. Mr Straw said:

“... what was at stake was the future of multilateralism in a unipolar world. France emphasised the power of words but not the power of action. Europe was very multilateralist in decision-making but not so when it came to action. There were essentially three fundamental issues involved: Iraq remained a threat to international security; the only reason that inspections were taking place was because of military pressure on Saddam; and Iraq was not complying. The EU would not be having this discussion unless the US and the UK were willing to pay for this military build up and put their troops on the line. They could not stay there forever but that did not mean that events were being driven by a military timetable.”

528. Mr Annan’s address to the Council was reported as “uncompromising in putting the onus on Saddam to implement resolution 1441; and to implement it swiftly”.¹⁴⁴ If the Security Council managed the current crisis successfully, it would emerge with its authority enhanced. But if it failed, and action was taken without its authority, the UN would be seriously weakened. If Iraq were allowed to defy the Security Council because the international community failed to impose itself, the foundations of collective security would be gravely undermined. An effective international security system depended on the Council and on its determination to take action in even the most difficult cases.

529. Mr Annan had appealed for transatlantic unity and patient persuasive diplomacy behind closed doors to build a common front. The greater the degree of consensus

¹⁴² Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

¹⁴³ Telegram [un-numbered] UKREP Brussels to FCO London, 17 February 2003, ‘Iraq: Special European Council, 17 February: Foreign Ministers Discussion’.

¹⁴⁴ Telegram 178 UKREP Brussels to FCO London, 18 February 2003, ‘Iraq: Special European Council, 17 February: Discussion with UNSG Annan’.

in dealing with Iraq, the greater the chance of resolving other crises, particularly Israel/Palestine.

530. In the discussion over dinner, Mr Blair said there were three issues at stake:

- **The authority of the UN.** That was set out in resolution 1441 passed after twelve years of Iraqi prevarication. The UN had made clear this was a final opportunity requiring full compliance. In neither the December declaration nor Dr Blix's reports to the Security Council in January and February was there any sign of full compliance on substance. If there were 100 percent Iraqi compliance, the inspectors could take as long as they needed. But the inspectors were not supposed to be a detective agency. Co-operation was key. If we were not careful we would be back in the situation we were in in the nineties.
- **Iraq's WMD.** There was no intelligence agency of any member state which did not know Iraq possessed these weapons. It was true that conflict meant bloodshed. But it was not true that the absence of conflict meant the absence of bloodshed. Thousands of Iraqis were dying under Saddam Hussein. Four million were in exile. The rate of Iraqi infant mortality in areas outside Saddam's control was a quarter of that in areas under Baghdad's rule.
- **EU/US relations.** Iraq had to be resolved in a way which met the objective of maintaining EU/US relations. That did not mean the EU had to do things simply because the US wanted. The way Europe handled Iraq would have profound implications for generations to come. The key was to ensure resolution 1441 was implemented. "The UN had to be the way of dealing with this issue, not a way of avoiding it."¹⁴⁵

531. The Council statement agreed at the dinner left the decision on inspectors' time and resources to the UN Security Council and made it clear that immediate action was needed by Iraq.¹⁴⁶ It was seen by the media as more robust than expected.

532. The statement said that the European Council was "determined to deal effectively with the threat of proliferation of weapons of mass destruction"; and that it was "committed to the United Nations remaining at the centre of the international order". The European Council recognised that "the primary responsibility for dealing with Iraqi disarmament lies with the Security Council"; and it pledged its "full support". It wanted to achieve disarmament peacefully, and that was what the people of Europe wanted: "War is not inevitable. Force should only be used as a last resort. It is for the Iraqi regime to end this crisis ..."

¹⁴⁵ Telegram 179 UKREP Brussels to FCO London, 18 February 2003, 'Iraq: Special European Council, 17 February: Dinner Discussion'.

¹⁴⁶ Council of the European Union, 21 February 2003, *Extraordinary European Council Brussels, 17 February 2003*.

533. The European Council reiterated its:

“... full support for the ... work of the UN inspectors. They must be given the time and resources that the UN Security Council believes they need. However, inspections cannot continue indefinitely in the absence of full Iraqi co-operation. This must include the provision of all the additional and specific information on the issues that have been raised in the inspector’s reports.

“Baghdad should have no illusions ... The Iraqi regime alone will be responsible for the consequences if it continues to flout the will of the international community and does not take this last chance.”

534. The European Council would “work with Arab countries and The League of Arab Nations ... to bring home to Saddam Hussein the extreme danger of miscalculation”. It also reiterated “its firm belief in the need to invigorate the peace process in the Middle East and to resolve the Israeli-Palestinian conflict”.

535. The European Council concluded:

“The unity of the international community is vital in dealing with these problems. We are committed to working with all our partners, especially the United States, for the disarmament of Iraq, for peace and stability in the region and for a decent future for all its people.”

536. The UK had argued that the extraordinary meeting of the Council should have been extended to include Accession Partners and candidates to allow them to contribute fully to the debate.

537. After the Council, Mr Blair wrote to the Heads of State and Government of the Accession Partners and candidates setting out his impressions of the meeting. The letter concluded:

“... it is essential that we keep the focus on Iraq and its obligation to disarm. This is a defining moment for the multilateral system. It calls for unity and unwavering determination on the part of the international community and, in particular, for solidarity between Europe and the United States ...”¹⁴⁷

538. The Partners and candidates subsequently agreed a statement supporting the outcome of the Council.¹⁴⁸

¹⁴⁷ Telegram 7 FCO London to Budapest, 18 February 2003, ‘Prime Minister’s Letter to Accession Partners and Candidates’.

¹⁴⁸ Telegram 181 UKREP Brussels to FCO London, 18 February 2003, ‘Special European Council: Accession Partners and Candidates’.

539. In his monthly press conference the following day, Mr Blair made an opening statement setting out the “basic case” for the international community’s response to Iraq.¹⁴⁹

540. The points made by Mr Blair included:

- Saddam Hussein was “a threat” whose actions over the last 12 years made him unique.
- The stance taken by the world against Saddam was “not just vital in its own right”, it was “a huge test of our seriousness in dealing with the twin threats of weapons of mass destruction and terrorism”.
- If the UN was “to keep credibility, it must act to implement its stated will”.
- It was “plain in our judgement that Saddam” continued to be “in breach”. No country at the European Council had disputed that his co-operation was “neither unconditional nor complete”.
- There was “no rush to war”. It was “over three months” since Saddam Hussein had been given a final opportunity to comply. But without a change of heart, the inspectors were “never going to be able to play detective to search out weapons hidden in a country” the size of Iraq.
- The basis for action was disarmament.
- The demonstrators on 15 February had “a rightful hatred of the consequences of war”, but they should “also listen to the voices of some of the four million Iraqi exiles”. The nature of the regime could not itself provide justification for war, it could “at least show why if we do have to take military action, we do so in the sure knowledge that we are removing one of the most barbarous and detestable regimes in modern political history”.
- People were against a war which they felt was “rushed or unnecessary” and wanted to know war was not inevitable. Saddam Hussein could avoid war if he co-operated fully and that was the “reasonable and easily delivered requirement” of the international community.

541. Asked if he reserved the right to go to war without a majority in the UN, Mr Blair stated that there were “certain situations in which you have simply got to say to people look this is what I believe and this is what I think is right”. He added that there were “certain issues, particularly where there are issues of life and death, where I think the job and duty of the Prime Minister is to say to people what you honestly think, and then they have got to make up their minds”.

542. Mr Blair subsequently stated that he did not believe that he would be in a position where there was no majority in the Security Council, and he did not want to indulge in speculation on that point.

¹⁴⁹ The National Archives, 19 February 2003, *PM press conference 18 February transcript*.

543. Asked about concerns that Washington was rushing unilaterally into action, Mr Blair responded that people who wanted “to pull Europe and America apart” were “playing the most dangerous game of international politics” he knew. That was “so dangerous for the security of the world”. The US had listened to its allies and agreed to go through the UN to give Saddam Hussein a final chance to disarm. But having done that, if Saddam did not disarm, Mr Blair asked, “what prospect is there of persuading America in the future to go down the multilateral route if having taken that route we then just shy away from the consequences”?

544. Asked why public opinion was moving against action, Mr Blair replied that in relation to Kosovo and Afghanistan, there had been “a very immediate casus belli”. It was “more difficult to persuade people of the link between a state like Iraq with chemical, or biological, or nuclear weapons and the link with international terrorism”. It was his job to try to “persuade people of that, and also to persuade people of the moral case for removing Saddam”.

545. Mr Campbell wrote in his diaries that “the plan was to consolidate” on the success at the European Council, and “restate the basic case and get going re Iraq exiles”. In his meeting of the Iraq communications group on 18 February there was:

“... a clear understanding that we were widening [the communications strategy] to take in the bigger dimension of the moral and humanitarian side, and we had to be clear about whether this was shifting to a regime change position. We had to be clear that it didn’t, that the basic rationale hadn’t changed, but equally we were entitled to make the case that the world would be better off without him [Saddam Hussein] in power.”¹⁵⁰

546. Mr Campbell also wrote:

“The US was still giving out the message that it was going to happen and the rest was just giving us cover, eg saying that a second resolution wasn’t absolutely necessary but they would try to get it. Maybe they were just getting irritated with us for having taken them down the UN route in the first place.”

UK proposals for a draft second resolution

547. On 17 February, Sir David Manning had sent his advice to Mr Blair, of 16 February, to Mr Straw’s Private Office and to Sir Michael Jay, FCO Permanent Under Secretary (PUS), Sir Jeremy Greenstock and Sir Richard Dearlove.¹⁵¹ He wrote that Mr Blair had asked if they “could look particularly at the tests” suggested for Iraqi compliance.

¹⁵⁰ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

¹⁵¹ Letter Manning to McDonald, 17 February 2003, ‘Iraq: Way Forward’ attaching Minute Manning to Prime Minister, 16 February 2003, ‘Iraq: Way Forward’.

548. Sir David asked:

- Were these the “right” tests?
- Were there others that could added?
- “Should the tests be included explicitly in a second resolution, or should this take the form of a short text simply stating that Saddam Hussein is in breach of 1441, while the conditions he must meet by 14 March are set out in an accompanying statement?”

549. Sir David asked for advice that day, stating that his letter and accompanying minute should be held “very tightly”, handled “on a strictly need to know basis” and the addressees should “keep the papers off main files”.

550. Sir David Manning spoke to Dr Rice before the EU Council on 17 February.¹⁵²

551. In response to Dr Rice’s report that, in a conversation with Dr Blix over the weekend, Dr Blix had “felt bad that he had given the Iraqis too much in his ... presentation to the Security Council”, Sir David said that Dr Blix had “overdone the course correction, worried by the reaction to his earlier presentation on 27 January”.

552. Sir David told Dr Rice that Dr Blix “had hinted” to Mr Straw “that he might be in the market for an ultimatum” and they discussed his report which would summarise the outstanding disarmament questions. They also discussed whether the Security Council should instruct Dr Blix to destroy the Al Samoud missiles. Sir David commented that he “strongly favoured” that: “Saddam would hate having to do it and might be provoked into making a mistake.”

553. Sir David said the UK was thinking about the shape and timing of an ultimatum:

“We did not have nine votes in the Security Council at present, and were very unlikely to get there by 28 February ... we needed time to shift three or four abstentions ... If it became clear that we could win, we could hope the French would decide to abstain rather than veto. It was going to be a tough sell ... Once the ultimatum was down, and the deadline was clear, the dynamics would change ... We must take more time if we needed it.”

554. In the subsequent discussion about how to increase the number of votes in favour of a resolution and whether, if there was a majority, France would abstain rather than veto, Dr Rice said that would be a “tough fight” in the US Administration about more time. She thought 8 March, “exactly four months” after the adoption of resolution 1441, might be better than 14 March as the French wanted. Sir David commented that he “saw the attraction”, but: “We must take more time if we need it.”

¹⁵² Letter Manning to McDonald, 17 February 2003, ‘Iraq: Conversation with Condi Rice’.

555. Sir David and Dr Rice discussed possible avenues to increase the diplomatic pressure on Saddam Hussein to leave. Dr Rice's view was that "there were still two possible outcomes to the crisis: Saddam could step down; or the Security Council would conclude that he was not complying with 1441 and that action must follow". They agreed it would be important to have a clear plan by the end of that week.

556. Sir David asked Sir Jeremy Greenstock to "sound out" Dr Blix about a possible visit to London "in the next few days" because Mr Blair "would like to see him, one on one, to discuss ideas about an ultimatum". He concluded that the evidence suggested Dr Rice's:

"... thinking on the way forward is similar to ours. We shall have to think hard about whether to press for 14 rather than 8 March as the date for a vote ... but at least Condi [Rice] has now moved away from 28 February. This is something the Prime Minister will want to discuss with Bush when they speak later this week."

557. Mr Blair spoke to Dr Blix on 20 February.

558. Separately, Mr Rycroft produced a list of possible elements for inclusion in an ultimatum, drawing on the provisions of resolution 1441:

- Full explanations of all the material unaccounted for in the last UNSCOM report, and answers to all of UNSCOM's questions.
- A full list of those involved in the destruction of old chemical weapons stocks, and full and unfettered access to them in interviews at the location of the inspectors' choice and without Iraqi government representatives.
- Similarly full co-operation over the interviews of any other witnesses called by the inspectors, inside or outside Iraq.
- Full co-operation over any exclusion zones declared by the inspectors.
- Full co-operation over the destruction of the Al Samoud rockets and all other material identified for destruction by the inspectors.¹⁵³

559. Sir Richard Dearlove counselled against specifying the points on which Saddam Hussein should comply; there was "ample evidence" that he was not, and had no intention of, complying. There was no guarantee that inspections would produce conclusive physical evidence.

560. Sir Richard Dearlove stated that, in his view, the best course would be to stick with a short text stating that Saddam Hussein was not complying with, and was therefore in breach of, resolution 1441, backed by the available evidence that that was the case.¹⁵⁴ Listing the points on which we wanted Saddam Hussein to comply would undermine the overarching argument of resolution 1441 that it was Saddam Hussein, not the international community, who must do the work of disarmament. The UK should avoid further moves which perpetuated an inversion of roles. Setting Saddam Hussein

¹⁵³ Minute Rycroft to Manning, 17 February 2003, 'Iraq: Specific Demands'.

¹⁵⁴ Letter Dearlove to Manning, 17 February 2003, 'Iraq: The Way Forward'.

an agenda would allow him to be seen to be making efforts to comply and therefore to be co-operating with the UN; and that it would be difficult to act on a deadline if Saddam Hussein was seen still to be co-operating.

561. Sir Richard also wrote that there was ample evidence, including from Dr Blix, that Iraq was not, and had no intention of, complying. Given the resources Saddam Hussein had available to thwart inspections, and the scale of the task of uncovering something “truly damning”, there was no guarantee that the inspections would produce conclusive physical evidence.

562. Sir Jeremy Greenstock advised that the US would have difficulty with any language which renegotiated resolution 1441 or changed the legal basis for the use of force; and that there were difficulties in identifying concrete tests which did not go beyond the resolution.

563. Sir Jeremy questioned whether the material was available to convince the majority of the Security Council that the end of the road had been reached.

564. Sir Jeremy Greenstock discussed the way ahead with Dr Blix and, separately, Ambassador Negroponte on 17 February, including informal ideas for an ultimatum.¹⁵⁵

565. Sir Jeremy told Dr Blix that the UK remained committed to disarmament by peaceful means and to a second resolution. But the UK “wanted to force the issue in the next four weeks”; and that there might be less time if the US “balked”.

566. Sir Jeremy reported that Dr Blix had “noted that it was amazing that, in all their inspections, UNMOVIC had found no WMD except the (empty) chemical warheads”. Dr Blix had also commented that nothing had been found in the sites suggested by the US: “If they had come close there would at least have been a denial of access.”

567. In response, the UK had “underlined the sophistication of the Iraqi deception regime – we were confident in our intelligence while some information, e.g. on BW production, was corroborated by a variety of sources”; and that “given the Iraq deception mechanism, the key thing was co-operation”.

568. Sir Jeremy also reported that Ambassador Negroponte “showed interest in an ultimatum process with concrete tests”, but he foresaw problems with Washington. The UK should not propose language which renegotiated 1441 or changed the legal basis for the use of force.

¹⁵⁵ Telegram 271 UKMIS New York to FCO London, 18 February 2003, ‘Personal Iraq: Meetings with Blix and Negroponte’.

569. Reflecting further discussions with the US Mission in New York on 17 February, Sir Jeremy subsequently reported that:

- It was proving difficult to define concrete disarmament tasks with the information available and which did not go further than the resolutions required.
- It would be better if the benchmarks came from Dr Blix. The “key” would be “that they forced either Iraq to reveal its lie or the Council to come to a conclusion that Iraq was failing to co-operate”.
- The US Mission still favoured a simple “serious consequences” resolution with a vote by a certain date (or abandon the exercise altogether) if Iraq had not radically changed its approach.¹⁵⁶

570. Sir Jeremy advised that he remained of the view that we should put forward a resolution sooner rather than later to move the debate on. That could include a list of benchmarks discussed with Dr Blix, but he could also see the attractions of tabling a resolution now which simply called for disarmament, leaving Dr Blix or the middle-ground members of the Council to seek to define concrete actions. That would tie the US into the process. Delay risked appearing to be on the back foot, “uncertainty about our/ the Council’s intentions, perhaps reducing the likelihood that Iraq will realise the game is up and surrender its WMD (or ditch Saddam)”.

571. The telegram also made clear that Sir Jeremy had commented to Ambassador Negroponte that “perhaps we just did not possess the material to convince others that we were right to claim it was the end of the road”.

572. The UK Mission in New York offered suggested elements for a resolution which reflected discussions with Dr Blix.

573. The UK Permanent Mission to the UN in New York provided a paper overnight on 17/18 February setting out possible elements for a new ultimatum strategy.¹⁵⁷ It pointed out that resolution 1441 had used words like “active” and “unconditional” without defining them, and referred to a “final opportunity” for “immediate” co-operation without specifying how long that should take.

574. Addressing whether co-operation had been immediate, the UK Mission stated:

- “On the whole there has been great promptness of response”, and co-operation on process had been “without delays or foot dragging”.
- Co-operation on substance could “hardly be said” to have been “active”, although “a few recent measures” could be, “provided their potential usefulness is borne out by real results”.

¹⁵⁶ Telegram 274 UKMIS New York to FCO London, 18 February 2003, ‘Personal Iraq: Discussion with Wolf’.

¹⁵⁷ Fax UKMIS New York [junior official] to Ricketts and Chaplin, 17 February 2003, attaching Paper [unattributed], ‘February resolution 2003’.

- Iraq had appointed two Commissions, one to look for any remaining proscribed items and one to look for any relevant documentation. A third Iraqi initiative had been the provision of a list of personnel who had taken part in the destruction of proscribed chemical items in 1991.
- The Iraqi papers presented at the meeting in Baghdad on 8 to 9 February were spontaneous and “focused on central issues, but without any new evidence”.
- Iraq claimed it was encouraging “persons to come for ‘private’ interviews In Baghdad”, but there was doubt that they “really feel they can talk freely”. Interviews outside Iraq were “certainly an option”, but raised “difficult issues”.

575. The UK Mission asked:

“If it seems clear that many governments feel that enough time has not yet been given for the option of disarmament through inspection, how much further time, would they ask for inspections ... before they give up on this option and how ‘active’ should Iraq be required to be?”

“It does not seem unreasonable to hold that **11 weeks of inspections**, which have barely come up to full strength, and which come after a period of eight years of inspections between 1991 and 1998 and four years of non-inspections between the end of 1998 and November 2002, **is a rather short** period to allow a final conclusion that the disarmament requirements cannot be fulfilled through this method. What is clear ... is that military and political pressure has been and remains indispensable to bring about compliance. A slackening of it would, in all likelihood, result in less co-operation.”

576. The UK Mission proposed that, in the circumstances, an “**explicit time line** within which satisfactory co-operation and the required resolution of unresolved disarmament issues (or ‘key remaining disarmament tasks’) would be demanded”, would “not seem unreasonable”. Addressing how long would be needed, it stated:

“Under resolution 1284 (1999) 120 days were thought to be a time frame within which ‘progress’ on key remaining disarmament tasks would be. It is evidently a question of **political judgement how much time should now be given under resolution 1441 (2002)**. However, a time frame should not be set without any regard to what may be achievable ...”

577. Addressing who would judge “**whether there has been co-operation and disarmament**”, the UK Mission stated:

“In the last resort the Security Council must provide the answer, but it seems likely that the Council would need to rely on a prior assessment by UNMOVIC and the IAEA.”

578. Both questions were “very broad” and judgements would be easier if there were “some particular actions” or “benchmarks” which could be identified as “indispensable

but not conclusive”. Similarly, the extent of disarmament “could perhaps be judged on the basis of progress noted on some key issues (as was specified in resolution 1284 (1999)) rather than the whole catalogue of issues”. Although some of the measures required might not be possible, because of lack of documents or witnesses, “it would probably be possible to see whether Iraq provided active, genuine co-operation to solve the issues rather than dragging its feet and be evasive”.

579. The UK Mission provided an illustrative text for a draft resolution, including a request that UMOVIC and the IAEA submit a list of unresolved disarmament issues and questions “by [1 March] ... indicating which, in their view are key points, and what ... Iraq should do to solve these issues and to answer these questions”. The draft left open the date by which UNMOVIC and the IAEA would be asked to submit a report with their judgement on whether the issues and questions had been resolved and Iraq had fulfilled its obligations.

Mr Blair’s conversation with President Bush, 19 February 2003

580. Mr Straw and Mr Blair discussed the way ahead before a telephone call with President Bush. As result, the FCO produced an illustrative list of benchmarks which Dr Blix could be encouraged to propose alongside a “simple draft resolution” declaring Saddam Hussein to be in breach of resolution 1441.

581. Sir David Manning told Dr Rice on 18 February that the European Council had “gone well” and that the “emphasis had been on the need for Saddam’s swift and full compliance” with resolution 1441: “Recourse to force, once other options were exhausted had been conceded albeit reluctantly in the usual quarters.”¹⁵⁸

582. Sir David and Dr Rice discussed the next steps, including the nature of a second resolution declaring simply that Saddam was in violation of resolution 1441; the possibility of a vote after Dr Blix’s next report to the Security Council and the advantages and risks of setting rigorous benchmarks requiring total compliance to judge Saddam’s performance.

583. Sir David told Dr Rice that Mr Blair’s preference was for a vote on 14 March. That:

“... had the advantage of playing to the date proposed by the French. But it also gave us a precious extra few days to secure nine votes. In the end this was what it was about. We had to fashion our ultimatum and choose our timing to give ourselves the very best chance of getting the necessary majority ... this was critically important for us politically.”

584. Mr Straw told Secretary Powell that the UK needed a second resolution, and that “everything now had to be subordinate to that”.¹⁵⁹ He suggested setting Iraq

¹⁵⁸ Letter Manning to McDonald, 18 February 2003, ‘Iraq: Conversation with Condi Rice’.

¹⁵⁹ Letter McDonald to Manning, 18 February 2003, ‘Iraq: Foreign Secretary’s Conversation with Colin Powell, 18 February 2003’.

“benchmarks” for co-operation by “filleting” Dr Blix’s paper. If the benchmarks were set high and Saddam Hussein co-operated, the US and UK would have “won by a different route”. Although Secretary Powell had reservations about including benchmarks in a second resolution, they agreed that Sir Jeremy Greenstock and Ambassador Negroponte should discuss a list with Dr Blix.

585. In response to a request for advice in preparation for Mr Blair’s discussion with President Bush, Sir David Manning wrote that:

- Mr Blair should seek to secure President Bush’s agreement to delay a vote in the Security Council until 14/15 March to provide “a few, precious extra days ... [which] might make the difference to securing the critical nine votes”.
- The second resolution should be “very simple, declaring Saddam in violation/ breach of [resolution] 1441 – without specifying what happens or when”. That should be accompanied by tough tests “agreed with Blix if possible” which Saddam Hussein would have to pass “in full”. Sir David wrote that Saddam Hussein “almost certainly won’t comply. If he does, we’ve won anyway”; the tests should “stick to what is stipulated in resolution 1441 and to the general disarmament categories, otherwise Saddam will play games”; and that the UK would be looking for “yes/no answers” from Dr Blix.
- There would also be a much better chance of gaining support for the resolution if it was clear that the UN would have a “key role” after any military action and that a “massive humanitarian aid programme” would be instituted; and by publishing and implementing the Road Map on Israel/Palestine before any military action. Sir David advised that both points would be a “tough sell” with President Bush, but “both are very important in helping us to win the argument”.¹⁶⁰

586. Following a discussion between Mr Blair and Mr Straw, Mr Ricketts sent Sir David Manning an illustrative list of benchmarks, which Dr Blix could be encouraged “to propose alongside a simple draft resolution”.¹⁶¹ Mr Straw recommended allowing a few days before tabling the draft resolution early the following week.

587. Mr Ricketts wrote that Dr Blix had “spoken about selecting benchmarks from the list of unresolved disarmament issues which UNMOVIC has drawn up (the cluster document)”; and that it would “not be easy to circulate the cluster document before 1 March”.

588. Mr Ricketts suggested the UK could propose its own benchmarks as a way to get Dr Blix to focus quickly. The illustrative list covered biological weapons, chemical weapons, ballistic missiles, documentation and unrestricted interviews with key personnel.

¹⁶⁰ Minute Manning to Prime Minister, 18 February 2003, ‘Iraq: Points for Bush’.

¹⁶¹ Letter Ricketts to Manning, 18 February 2003, ‘Iraq: The Way Forward in the Security Council’.

589. In his memoir, Dr Blix recorded that he had finalised his ideas about how UNMOVIC's work on clusters might be used on 17 February, producing both a draft resolution and a background paper which he gave to Sir Jeremy Greenstock.¹⁶² Sir Jeremy gave the documents to the Americans.

590. Explaining his thinking that inspections offered Iraq "an opportunity that was not open endlessly" and that it was "for the Council – but not individual members of it – to consider and decide on the alternative to inspections", Dr Blix wrote that military pressure "was and remained indispensable to bringing about Iraqi compliance" but:

"... many delegations felt that not enough time had yet been given to inspections; eleven weeks was rather a short time to allow the final conclusion that disarmament could not be achieved through the inspection path and would have to be abandoned. It would not seem unreasonable ... to set 'an explicit time line' within which satisfactory co-operation and resolution of unresolved disarmament issues and key remaining disarmament tasks would be demanded. It was a political judgement ... to decide how much time would be given.

"It would be for the Security Council to judge – after a report by the inspectors – whether there had been adequate co-operation and resulting disarmament ...

"My draft requested that UNMOVIC/IAEA submit by 1 March a list of 'key points' ... along with indications of what Iraq should do to resolve them (the benchmarks). It further spelled out a number of demands for Iraqi actions ... It requested UNMOVIC/IAEA to report to the Council before a specific date ... whether Iraq had done what was asked of it. Lastly, it stipulated that if the Security Council were to conclude that Iraq had not fulfilled what was demanded and thus had 'not made use of the inspection process,' the inspections would be terminated and the Council would 'consider other measures to solve the disarmament issue'."

591. Sir Christopher Meyer advised that there was no agreed position within the US Administration about how to work on a second resolution and UK views were best registered directly with President Bush.

592. Sir Christopher Meyer advised that the US Administration was still debating the timing and contents of a second resolution and that there was no agreed interagency position on how best to work with Dr Blix on a second resolution.¹⁶³

593. There was concern about Dr Blix's reluctance to press Iraq on mobile biological weapons facilities, because the "knowledge" of those facilities came from intelligence, which "appeared to put the onus on the US/UK to prove these existed rather than on Iraq to reassure the Council that they did not"; and that he might have lost sight of the fact that Iraq's co-operation on process was not synonymous with disarmament.

¹⁶² Blix H. *The Search for Weapons of Mass Destruction: Disarming Iraq*. Bloomsbury Publishing Plc, 2005.

¹⁶³ Telegram 219 Washington to FCO London, 19 February 2003, 'Iraq: US Thinking, 19 February'.

594. The US Principals were minded to see benchmarks as a record of what Iraq had not done, rather than a headline list of what Saddam Hussein should do.

595. Sir Christopher also advised that the UK's views were "best registered directly by the Prime Minister" with President Bush.

596. Mr Blair sent President Bush a six-page Note on 19 February.

597. Mr Blair proposed focusing on the absence of full co-operation and a "simple" resolution stating that Iraq had failed to take the final opportunity, with a side statement defining tough tests of co-operation and a vote on 14 March to provide a deadline for action.

598. Mr Hoon was not consulted about the approach to be adopted.

599. Mr Blair sent President Bush a six-page Note on 19 February.¹⁶⁴

600. Mr Blair stated that it was "a defining moment in EU/US relations and in the future direction of Europe". He wrote that it was "apparent to me from the EU summit that France wants to make this a crucial test: is Europe America's partner or competitor? ... For the first time ... a strong bloc prepared to challenge France and Germany" was emerging.

601. Mr Blair wrote that "European public opinion seemed to favour France" and that was being used "to embarrass the pro-US case, to inhibit the pro-US leaders". Those leaders had been:

"... remarkably firm in the face of really difficult polls and demonstrations.

"But the issue will be this: is it the US that is forced to go it alone with the UK, or is it France that is left isolated with a choice as to whether to use its veto?

"That is in turn a function of where public opinion is outside ... the US."

602. Mr Blair added that was "far more nuanced than people think". In his view, public opinion outside the US was:

"... not against conflict in all circumstances. What they fear is that we are hell bent on war, come what may, that we don't really want the UN to succeed."

603. Mr Blair wrote that fear was "absurd":

"The issue of time for the inspections has become vicariously, the focus for this sentiment. At the heart of this is a confusion between active and passive co-operation. The duty on Saddam is to co-operate fully; ie actively to help the Inspectors. If he isn't he's in breach. But the France/Germany view – too much shared by others on the Security Council – is that the inspectors should have

¹⁶⁴ Letter Manning to Rice, 19 February 2003, 'Iraq' attaching Note [Blair to Bush], [undated], 'Note'.

the time they need to “sniff out” the weapons ... and all Saddam needs to do is to offer passive co-operation, ie the absence of obstruction. Obviously if this is right, they could be there for months or years.”

604. Mr Blair added:

“Our view, which is correct is that time is irrelevant unless he [Saddam] is co-operating fully and actively. If he isn’t, the time needed is just the time necessary to make a judgement as to his co-operation: is it full or not? And actually, no one ... is seriously suggesting Saddam is co-operating fully.”

605. Mr Blair wrote that Dr Blix “unfortunately” embodied that confusion. His report to the Security Council on 14 February “never suggested there was full co-operation; indeed the opposite”. But the tone “seemed to imply that because Saddam was co-operating more on process, that was an improvement despite the fact that there was no co-operation on substance”.

606. Mr Blair reported that recent conversations with Dr Blix showed that he was “aware of this problem, and is prepared to countenance a definitive judgement and was shocked at how negatively for the US/UK his report was spun”. Mr Blair added: “My faith in Blix is somewhat shaken. But he remains key.”

607. Mr Blair suggested:

“... the trick we need to take is this: we have to find a way of re-focusing the issue on the absence of full co-operation ... and do so in a way that pulls public opinion and the UNSC waverers back to us by showing that we have indeed made every effort to avoid war.”

608. Mr Blair proposed that the US and UK should:

- Put down a new resolution “soon, probably early next week”. That resolution would be “simple and clear and as easy to vote for as we can make it”.
- Put the resolution “to a vote on 14 March, the date France has suggested for a [Security Council] meeting of Foreign Ministers”. That would then become “the deadline for action”.
- “At the same time” the resolution was tabled, there would be a side statement defining the categories of full co-operation: “full disclosure of the 1998 leftovers; witnesses interviewed outside Iraq; destruction of the rocket motors etc”. That should be “sufficient if he did it, to amount to a complete and total capitulation by Saddam”. That was “the ultimatum”.

609. Mr Blair wrote that he would be speaking to Dr Blix the following day to try to “tie” him in “to accept this is indeed what must happen”.

610. Mr Blair continued that the UK and US should say that:

“... failure in any respect to meet this test, will amount to non-co-operation; that this is a final attempt by us to disarm Saddam peacefully; that by 14 March it will be 4 months since 1441, quite long enough to assess whether he is co-operating or not.

“We work like crazy next week to get the UNSC members to agree or at least not oppose this strategy; and then build the support to carry a majority for 14 March.”

611. Mr Blair recognised that there were both advantages and disadvantages in his proposed approach. The disadvantages were identified as:

- The risk that Saddam Hussein “might conceivably comply fully – but the chances of this, according to all the intelligence are minimal”. If he did comply, “it would still amount to a huge humiliation [to Saddam Hussein]”.
- Saddam Hussein might “seem” to comply but that was “a risk in any event and by defining non-compliance so clearly” the “chances of ambiguity” would be minimised.
- The start of military action might be delayed by a week: “But this is not long and the blunt truth is that by next Friday i.e. 28 February or even a week later ... the chances of securing nine votes are very slim. A week’s wait is worth a resolution; or at least a majority on the UNSC.”

612. Mr Blair saw the advantages as:

- putting the US and UK “back in the driving seat, with a clear deadline and ultimatum”;
- re-focusing the “debate where it should be” on Iraq’s duty “fully to co-operate”;
- giving the “doubters a reason to sign up”;
- helping “the Arab world come on board”;
- accepting the French date;
- allowing the US and UK to “show the world we are going to war, not because we want to, but because we have to”; and
- “Above all”:
 - show “the US reaching out”;
 - set “the UN a fundamental test”;
 - give the Europeans something to rally round; and
 - “When we do act, it will show we went the last mile for peace.”

613. Mr Blair told President Bush:

“A successful second resolution would be an enormous success for your diplomacy over the last few months.

“I have never come across an issue in which the dividing line between overwhelming support and overwhelming opposition is so slender.”

614. Mr Blair added that, in the UK, which was “reasonably typical of European opinion”, “large majorities” believed:

- Saddam Hussein was “a threat and needs disarming”;
- “without the threat of action, he wouldn’t disarm”; and
- “in military action if there is a new UN resolution or even without a resolution if we had a majority of the UNSC ... ie France would veto and we could still do it.”

615. Mr Blair wrote: “Around 80 percent” in the UK supported an ultimatum and acknowledged that inspections could only work if Saddam co-operated. Yet a majority opposed action at that time. The “only explanation” was that:

“... they needed to be persuaded that the US and UK would prefer peaceful disarmament if that were possible. Proving it isn’t possible is the huge benefit of the ultimatum route.”

616. Finally, Mr Blair offered “two further thoughts”:

- “Publishing the MEPP Road Map would have a massive impact in Europe and the Arab world.”
- There was a “need to start firming up the humanitarian work for the aftermath of the conflict ... and show how we will protect and improve the lives of Iraqi people.”

617. Mr Campbell wrote that the Note had set out the basic strategy: “that we put down a UNSCR, not to push to a vote, instead use it like an ultimatum, give him two weeks or so to take us to the French date of 14 March.”¹⁶⁵

618. In their discussion at lunchtime on 19 February, Mr Straw and Secretary Powell discussed the fact that Dr Blix was “not yet ready to say that Iraq was not co-operating on substance” and the difficulties of agreeing a list of tests with him that “set the bar satisfactorily high”.¹⁶⁶

619. Sir David Manning spoke to Dr Rice before the phone call between Mr Blair and President Bush on 19 February to explain the UK’s thinking. He reported that he had “emphasised yet again that ... It was critical to give ourselves enough time to secure nine votes.”¹⁶⁷

¹⁶⁵ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

¹⁶⁶ Letter McDonald to Manning, 19 February 2003, ‘Iraq: Foreign Secretary’s Conversation with Colin Powell, 19 February’.

¹⁶⁷ Letter Manning to McDonald, 19 February 2003, ‘Iraq: Conversation with Condi Rice’.

620. Sir David had also addressed in some detail the importance of a US commitment to the Road Map, for the MEPP.

621. Mr Straw spoke twice to Secretary Powell on the evening of 19 February.¹⁶⁸

622. Mr Straw continued to press for the draft resolution to be tabled after the weekend, not before, and for a vote to take place on 14 March. He and Secretary Powell also discussed the text of the resolution, benchmarks and a possible ultimatum to Saddam Hussein telling him to leave. Mr Straw commended Sir Jeremy Greenstock's language in the draft resolution, stating that the Council "decides the final opportunity has not been taken" and talking more about Saddam Hussein's obligation for "voluntary disarmament".

623. In the context of conversations with Palestinian and Israeli representatives, Mr Straw repeated the imperative for publication of the Road Map to secure Arab support for action on Iraq.

624. President Bush and Mr Blair agreed to introduce a draft resolution at the UN the following week but its terms were subject to further discussion.

625. Mr Blair telephoned President Bush later on 19 February.¹⁶⁹ They discussed the positions of France, Germany and Russia and key regional countries. Mr Blair said it was "a defining moment".

626. Mr Blair repeated the arguments that the resolution and ultimatum route would help to demonstrate that the US and UK did not want war but were prepared to use force if that was the only way to disarm Saddam Hussein. Addressing the question of whether disarmament should be defined for Dr Blix and if identifying tasks for Saddam Hussein would allow Saddam Hussein to do some and try to show he was co-operating, Mr Blair said that, when the resolution was tabled, "we should set out the issues that were part of full co-operation".

627. Mr Blair and President Bush agreed the resolution would be introduced at the UN the following week.

628. Mr Blair also set out the reasons for a vote around 14 March. It would be important for No.10 and the White House to remain in close contact on communications. Mr Blair said that the resolution and ultimatum route would "help us to demonstrate that we did not want war but were prepared to use force if that was the only way to disarm Saddam".

629. Finally, Mr Blair underlined the importance of progress on the MEPP to help transform opinion in Europe and the Arab world.

¹⁶⁸ Letter Straw to Manning, 20 February 2003, 'Iraq: Foreign Secretary's Conversation with Colin Powell, 19 February 2003'.

¹⁶⁹ Letter Rycroft to McDonald, 19 February 2003, 'Iraq and MEPP: Prime Minister's Telephone Conversation with Bush, 19 February'.

630. Mr Campbell wrote that Mr Blair told President Bush that we couldn't dispute public opinion was against us but he strongly felt that the French and Germans were in the right place for public opinion but in the wrong place for the world.¹⁷⁰

631. President Bush wrote in his memoir that, in his Note of 19 February, Mr Blair had "urged that we forge ahead" and that he had written: "The stakes are now much higher". Mr Blair had also written that it was "apparent" to him "from the EU Summit that France wants to make this a crucial test: Is Europe America's partner or competitor?", and that there was support for the US from a strong European coalition.¹⁷¹

JIC Assessment, 19 February 2003: 'Southern Iraq: What's in store?'

At the request of the Cabinet Office Overseas and Defence Secretariat, the JIC produced an Assessment on 19 February of the situation in southern Iraq and what might happen there before, during and after any coalition military action.¹⁷²

The Assessment and Mr Blair's request for further advice are addressed in Sections 6.2 and 6.5.

Security Council open debate, 18 and 19 February 2003

632. An open debate of the Security Council requested by the Non-Aligned Movement (NAM) was held on 18 and 19 February.¹⁷³ The debate gave the Security Council the opportunity to hear the views of non-members.

633. Sixty UN Member States or Permanent Observers spoke in the debate, the overwhelming majority opposing the use of force. The members of the Security Council did not speak. Ms Louise Fréchette, UN Deputy Secretary-General, attended the debate, but did not speak.

634. Mr Dumisani Kumalo, South African Permanent Representative to the UN, speaking on behalf of the NAM, said that NAM members considered resolution 1441 to be "about ensuring that Iraq is peacefully disarmed". The Security Council was yet to "fully utilize the inspection mechanisms of resolution 1441".

635. Mr Aldouri stated that the United States had transformed a "technical and scientific issue" into a "political" one, and reaffirmed Iraq's commitment to "full and active co-operation with UNMOVIC and the IAEA".

¹⁷⁰ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

¹⁷¹ Bush GW. *Decision Points*. Virgin Books, 2010.

¹⁷² JIC Assessment, 19 February 2003, 'Southern Iraq: What's in Store?'.

¹⁷³ UN Security Council, '4709th Meeting Tuesday 18 February 2003' (S/PV.4709); UN Security Council, '4709th Meeting Wednesday 19 February 2003' (S/PV.4709, Resumption 1).

636. Mr Paul Heinbecker, Canadian Permanent Representative to the UN, stated that, since the withdrawal of inspectors in 1998, there had been “no proof” that Iraq had rid itself of WMD. There were reasons to believe the opposite was the case. Recent Iraqi co-operation had only come in response to intense international pressure. More time for inspectors could be useful, but only if Iraq decided to co-operate “fully, actively and transparently, beginning now”.

637. Sir Jeremy Greenstock reported that the debate had been a “necessary exercise” which had been organised by Germany (as President of the Council).¹⁷⁴ “Almost all” Member States who had spoken “expressed a preference for a peaceful outcome, but almost all stressed the need for better Iraqi compliance”.

Deployment of South African scientists to Baghdad

When Mr Blair met Mr Thabo Mbeki, the South African President, at Chequers on 1 February, they had three hours of private talks.¹⁷⁵

On Iraq, the readout from the discussions was that Mr Blair had “debriefed” Mr Mbeki on his talks with Washington and set out the UK position “in normal terms”. Mr Mbeki told Mr Blair that Mr Tariq Aziz, the Iraqi Deputy Prime Minister, “had asked South Africa to send a team to Iraq to advise on how disarmament should be done”. Mr Blair “commented that there was not much doubt about what Iraq should do”.

Mr Aziz Pahad, the South African Deputy Foreign Minister, told the British High Commission that, following his visit to Baghdad from 9 to 13 February, where he had had meetings with Saddam Hussein, Mr Tariq Aziz and others, South Africa would be sending a team of apartheid-era scientists to advise Iraq on disarmament.¹⁷⁶

Mr Pahad said that he had delivered the message that Iraq must comply fully with resolution 1441, and the time for compliance was running out. Subsequently he added that he had urged full rather than partial co-operation; this was “an all or nothing” decision.

Mr Pahad’s assessment was reported to be that:

- Iraqi attitudes were slowly shifting;
- the inspectors to whom he had spoken had noticed and reported this mood change;
- those in favour of co-operation might be “winning out”; and
- the resolution of the U2 over flights issue was “major progress”.

Mr Pahad said South Africa’s objective was to prevent war by ensuring the success of weapons inspections. A team of experts would be sent to Iraq “imminently”. They would not have direct contact with the UN inspectors, “but would be proactive in helping Iraq to co-operate and demonstrate this co-operation”.

¹⁷⁴ Telegram 280 UKMIS New York to FCO London, 20 February 2003, ‘Iraq: Security Council Open Debate, 18/19 February’.

¹⁷⁵ Letter Lloyd to Davies, 1 February 2003, ‘Prime Minister and President Mbeki at Chequers: 1 February 2003’.

¹⁷⁶ Telegram 42 Pretoria Capetown to FCO London, 18 February 2003, ‘South Africa/Iraq: Pahad Returns from Baghdad’.

Mr Pahad added that the initiative gave Iraq “the possibility of a face-saving climb-down ... if Saddam seriously rushed to comply”.

The British High Commission commented that Mr Pahad was “cautiously optimistic that South Africa might be able to help resolve the current stand-off in Iraq”, but was “realistic about the obstacles” that remained.

Mr Blair’s conversation with Dr Blix, 20 February 2003

638. Sir Jeremy Greenstock told Dr Blix that the Security Council had to realise that if it was not willing to authorise force if Iraq did not disarm, the issue would be taken out of its hands.

639. Sir Jeremy Greenstock told Dr Blix on 19 February that the UK was likely to go for an approach “signalling the end game on Iraq”.¹⁷⁷ The UK “would say that the Council had to realise that this would be out of the hands of the UN unless it decided that Iraq had to start the process of real disarmament and was willing to authorise force if it did not”. The UK “still hoped to avert the use of force – but we had to be realistic”.

640. Sir Jeremy reported that Dr Blix was not averse to a deadline but 15 March was “not theoretically doable”. He concluded that the “Blix benchmark possibilities” had been “tested” and “set aside as too risky”.

641. Sir Jeremy also reported that Dr Blix had said he would issue a decision on missiles to Iraq within 24 hours; and that UNMOVIC had “just received an ‘amazingly’ detailed document on the persons involved in the destruction of biological weapons which could be significant”. The meeting of the College of Commissioners for UNMOVIC on 24 and 25 February would discuss the “clusters” document. Dr Blix expected it to be finalised by 3 March, but he did not intend to submit it to the Security Council; it “was an exercise to help UNMOVIC define the key remaining disarmament tasks due under 1284 – but would do so if asked”.

642. Sir Jeremy commented that the UK was “likely to say that, if Iraq did not rapidly demonstrate it was engaging in voluntary disarmament, this document was academic”.

643. Mr Blair told Dr Blix that he wanted to offer the US an alternative strategy which included a deadline and tests for compliance. He did not think Saddam would co-operate but he would try to get Dr Blix as much time as possible.

644. Dr Blix stated that full co-operation was a nebulous concept; and a deadline of 15 April would be too early.

645. Mr Blair telephoned Dr Blix on 20 February.¹⁷⁸ They spoke for 45 minutes.

¹⁷⁷ Telegram 287 UKMIS New York to FCO London, 20 February 2003, ‘Iraq: 19 February’.

¹⁷⁸ Letter Cannon to Owen, 20 February 2003, ‘Iraq: Prime Minister’s Conversation with Blix’.

646. The record of the discussion stated that Mr Blair referred to US disappointment with Dr Blix's report of 14 February and that it was "now difficult to dissuade the Americans from going down the military route". Mr Blair told Dr Blix that he was concerned about the risk of the UN being marginalised and of a split in the international community; and that he wanted to offer the US "an alternative strategy".

647. Mr Blair outlined the need to devise an ultimatum including a deadline and imposing a duty on Saddam Hussein to co-operate actively; and that failure to do so would be a breach of resolution 1441. That would accompany a "simple" resolution that would be Saddam Hussein's "final final" warning. There were "some indications" that, with a second resolution, "the Arabs might be able to lever Saddam out of power". Mr Blair added that co-operation would need to be defined and Saddam Hussein would need to comply in full.

648. Dr Blix was attracted by timelines but commented that "full co-operation was a nebulous concept". Later he stated that demands for co-operation had to be related to what was "realistically do-able".

649. Dr Blix told Mr Blair that the UN should have a catalogue of the action required on disarmament by the end of the following week. He should be able to share the "clusters" of unanswered questions with the UNMOVIC College of Commissioners by 24 February. The intelligence he had received was "not all that compelling". While he still tended to think that Iraq was concealing some WMD, he needed evidence to put to the Security Council. He was receiving "a flow of half promises" on Iraqi co-operation and needed more time.

650. Mr Blair said that the Iraqis could have signalled a change of heart in the December declaration. The Americans did not think that Saddam Hussein was going to co-operate: "Nor did he. But we needed to keep the international community together."

651. Dr Blix suggested that "key disarmament tasks" could be selected from resolution 1284 as it would be easier to judge compliance on those. They discussed the difficulties with interviewing Iraqis, which Dr Blix said he would be working on the following week. It was important to keep the pressure on Iraq.

652. Dr Blix confirmed that he had suggested a deadline of 15 April to the US, which they thought was too late. He thought it was too early. The threat of war was making it difficult to recruit and retain inspectors.

653. Mr Blair told Dr Blix that he would pursue the ultimatum route and try to get Dr Blix as much time as possible.

654. Dr Blix commented that "perhaps there was not much WMD in Iraq after all". Mr Blair responded that "even German and French intelligence were sure that there was WMD in Iraq". Dr Blix said they seemed "unsure" about mobile BW production facilities:

“It would be paradoxical and absurd if 250,000 men were to invade Iraq and find very little.”

655. Mr Blair responded: “our intelligence was clear that Saddam had reconstituted his WMD programme”.

656. The record stated that Dr Blix had “concluded that he accepted the need for timelines and benchmarks”.

657. In his account of the conversation, Dr Blix wrote that he had said:

“Only at three sites to which we had gone on the basis of intelligence had there been any result at all.

“Personally I tended to think that Iraq still concealed weapons of mass destruction, but I needed evidence. Perhaps there were not many such weapons in Iraq after all.”¹⁷⁹

658. After the conversation between Mr Blair and Dr Blix, Sir David Manning told Dr Rice that while Dr Blix had understood the key point that Iraq was not co-operating fully with the UN, it was “equally clear that he was not ready to say so to the Security Council”.¹⁸⁰ The need was therefore to keep him focused on this question of co-operation and “persuade him that the logic of the situation was that we should now issue an ultimatum”. Dr Blix would need to decide whether “he was going to be a party to the pretence that Iraq was co-operating with the UN system when, in fact, Saddam’s defiance risked wrecking it”.

659. Sir David also recorded US/UK agreement to table a second resolution on 24 February and the UK’s preference for the “very light” resolution proposed by Sir Jeremy Greenstock. There would be a need to prepare the launch carefully with members of the E10 and potential allies in the Security Council.

660. Asked about his response to Dr Blix’s comment about the implications of invading Iraq and finding “very little”, Mr Blair told the Inquiry that he had told Dr Blix: “What you have to tell us is ... whether he is complying with the resolution. Is he giving immediate compliance and full compliance or not?” Dr Blix’s answer was: “No, but, you never know, it may be that, if we are given more time, he will.”¹⁸¹

661. Mr Blair added that the conversation had led to him working with Dr Blix “to try and get a fresh ... resolution. I kept working on that right up until the last moment.”

¹⁷⁹ Blix H. *The Search for Weapons of Mass Destruction: Disarming Iraq*. Bloomsbury Publishing Plc, 2005.

¹⁸⁰ Letter Manning to McDonald, 20 February 2003, ‘Iraq: Conversation with Condi Rice’.

¹⁸¹ Public hearing, 29 January 2010, pages 112-113.

662. Sir Richard Dearlove's Private Secretary advised Sir David Manning on 20 February that the "chances of a successful inspection are increasingly slim".¹⁸² SIS had sent messages to its best placed sources "emphasising the utmost importance of a major find in the next two weeks, and asking them to do everything possible to try and identify where materials or papers being hidden". The chances of a potential defector were "not encouraging".

663. An internal FCO minute of the Iraq morning meeting on 20 February recorded that the UK was "now moving away from the idea of benchmarks from Dr Blix, given US concerns ... and the difficulty of coming up with anything specific enough".¹⁸³

664. The FCO instructions for Dr Bryan Wells, MOD Director Counter-Proliferation and Arms Control and UK representative on the UNMOVIC College of Commissioners, for the discussion of the "clusters document", stated that it was important that he did:

"... nothing which suggests the UK endorses the document, or even accepts the validity of proceeding with work against the SCR 1284 timetable in present circumstances. That is not to say that we regard ... 1284 as invalid. But it must now be viewed in the light of SCR 1441, which requires Iraq to co-operate 'immediately, unconditionally and actively' with the inspectors. We see no point in proceeding with work mandated by ... 1284 so long as such co-operation is lacking."¹⁸⁴

665. The FCO added: "We realise that this will not be an easy line to take. It may in the event be best simply to say that the paper appears irrelevant in present circumstances of Iraqi non-co-operation, and then decline to engage on the substance."

666. The FCO also wrote that it realised the position might "annoy" Dr Blix, and UKMIS New York was asked to forewarn him of the UK's likely approach, and to:

"... explain our concern that the ... document may be exploited by some countries as an excuse to postpone a further decision on the fundamental issue of Iraqi co-operation ... thereby undermining the pressure on Baghdad."

667. The letter showed that the initial view of officials had been that the document "could be played into the long grass" as "no more than an internal piece of UNMOVIC work-in-progress"; and that "As such there should be no question of it being presented to the Security Council." But there were suggestions that others might present it "as a set of benchmarks" which could be used to "focus the Council's attention on the middle distance – well past the mid-March date we and the US are looking at for a decision".

¹⁸² Letter PS/C to Manning, 20 February 2003, 'Iraq: UNMOVIC Inspections and Defectors'.

¹⁸³ Minute Tanfield to PS/PUS [FCO], 20 February 2003, 'Iraq Morning Meeting: Key Points'.

¹⁸⁴ Letter Dowse to Wells, 20 February 2003, 'UNMOVIC Commissioners' Meeting: "Clusters Document"'.

Agreement on the text of a second resolution

668. Mr Straw and Secretary Powell reached agreement on the text of the draft resolution on 20 February.

669. Sir Jeremy Greenstock gave Ambassador Negroponte a revised “light draft resolution” on 19 February which:

- noted (draft preambular paragraph 5) that Iraq had “submitted a declaration ... containing false statements and omissions and has failed to comply with and co-operate fully in the implementation of that resolution [1441]”; and
- decided (draft OP1) that Iraq had “failed to take the final opportunity afforded to it in resolution 1441 (2002)”.¹⁸⁵

670. Sir Jeremy reported that he had told Ambassador Negroponte that the draft “was thin on anything with which Council members could argue and would be less frightening to the middle ground”. It did not refer to “serious consequences” and that “instead of relying on OP4 of 1441”, the draft resolution “relied on OP1 of 1441, re-establishing the material breach suspended in OP2”.¹⁸⁶

671. Sir Jeremy added that issuing the draft would signal the intent to move to a final debate, which they should seek to focus “not on individual elements of co-operation but on the failure by Iraq to voluntarily disarm” and being “thrown off course by individual benchmarks or judgement by Blix”. It should be accompanied by a “powerful statement about what 1441 had asked for” which had “been twisted into partial, procedural, and grudging co-operation from Iraq”; and that “substantive, active and voluntary co-operation was not happening”.

672. In response to a question from the US about whether the “central premise”, that the final opportunity was “now over”, would be disputed, Sir Jeremy said that: “was where we would have to define our terms carefully: voluntary disarmament was not happening.”

673. The US and UK agreed they should co-sponsor the resolution with Spain and that the UK would “lead in explaining it to the Council”.

674. Lord Goldsmith’s response to Sir Jeremy Greenstock’s rationale for the second resolution is addressed in Section 5.

675. Mr Straw had two conversations with Secretary Powell on 20 February. In the first, they discussed UK and US drafts for a second resolution. Mr Straw said that he had “no firm view about which one was best”.¹⁸⁷ Sir Jeremy Greenstock’s view was that the lighter the language the more likely the UK was to attract the support needed

¹⁸⁵ Telegram 288 UKMIS New York to FCO London, 20 February 2003, ‘Iraq: 19 February: Draft Resolution’.

¹⁸⁶ Telegram 287 UKMIS New York to FCO London, 20 February 2003, ‘Iraq: 19 February’.

¹⁸⁷ Letter McDonald to Manning, 20 February 2003, ‘Iraq: Conversation with Colin Powell, 20 February’.

from “swing countries”. Mr Blair wanted a report to the Council on 7 March but there were indications that Dr Blix might want longer. If a majority in the Security Council supported more time, Mr Blair would be in “a very difficult position”. Mr Straw told Secretary Powell that an agreed strategy was needed, including tabling a side document with the resolution “containing our list of demands”.

676. Concluding the conversation, Mr Straw stated that if “extraordinarily Iraq complied, the UK could not go to war”. Secretary Powell was reported to have replied that “in the end, there was only one difference between us: President Bush had already made his decision”. If Mr Blair’s “efforts did not permit the UK to be there, Bush would still go alone”.

677. Following the first conversation with Secretary Powell, Mr Ricketts advised Mr Straw that the US draft would be “much more difficult for middle ground opinion” to accept.¹⁸⁸ Mr Ricketts wrote that it was the UK, not the Americans, which needed the resolution; and that the Greenstock text delivered what the UK needed and would be more difficult to oppose. It was “more compatible with building a case in the Security Council that the issue is a simple one of whether or not Iraq is in compliance”.

678. Mr Ricketts advised Mr Straw to go back to Secretary Powell to press the UK view.

679. Mr Ricketts suggested that the UK might also “move away from the concept of tabling lists of benchmarks”. He wrote that the work with the US delegation in New York had “shown up how difficult it is to isolate questions which are susceptible [to] yes/no answers in the time-frame we need”; and that there was a risk that it would “play into the hands of the ‘more time’ merchants”. Mr Ricketts suggested that it might be better to draw on the work that had been done to “set out in a co-ordinated way some illustrative tests such as the destruction of rocket motors or producing specified people for interview in acceptable conditions”.

680. Mr Ricketts concluded that would be “more compatible with the approach in the Jeremy Greenstock draft resolution of making our case on the basis of whether Iraq was in full co-operation or not”.

681. In his second conversation with Secretary Powell on 20 February, Mr Straw stated that the UK Government “was signed up to the Greenstock language. If countries voted for that ... they would ... be voting to let us go to war.”¹⁸⁹

682. In response to questioning from Secretary Powell about whether he was sure that was the right call, Mr Straw said that “we were sure that the Greenstock language would do the trick”.

¹⁸⁸ Minute Ricketts to Private Secretary, 20 February 2003, ‘Iraq: UN Tactics’.

¹⁸⁹ Letter McDonald to Manning, 20 February 2003, ‘Iraq: Conversation with Colin Powell, 20 February’.

683. The British Embassy Washington reported overnight that, subject to a final word from President Bush, the US was prepared to “go with” the UK draft and was gearing up for a major lobbying exercise.¹⁹⁰

684. Mr Blair spoke to President Bush, Mr Berlusconi and Mr Aznar about tabling the resolution in a conference call on 22 February.¹⁹¹

685. In a conversation with Prime Minister Aznar, Mr Blair agreed that the resolution should be tabled late on Monday 24 February, after the meeting of the General Affairs and External Relations Council of the EU.¹⁹²

Presentation of the UK’s strategy

686. In response to the level of concern in the UK, Mr Blair asked for a communications strategy based on the theme of a “last push for peace”.

687. Mr Campbell wrote that, on the morning of 20 February, Mr Blair “was getting more and more worried about Iraq, and with good reason”. He had asked for a strategy on the theme of “the last push for peace”, with a strong media plan to underpin it. Mr Campbell had emphasised the need for a sense that “we were trying to avoid war, not rush towards it”.¹⁹³

688. Dr Rowan Williams, the Archbishop of Canterbury, and Cardinal Cormac Murphy O’Connor, the Archbishop of Westminster, issued a joint statement on 20 February about “the crisis involving Iraq”.¹⁹⁴ Recognising the “huge burden of responsibility carried by those who must make the ultimate decision”, the statement said:

“The events of recent days show that doubts still persist about the moral legitimacy as well as the unpredictable humanitarian consequences of a war with Iraq.

“We recognise that the moral alternative to military action cannot be inaction ... It is vital therefore that all sides ... engage through the United Nations fully and urgently in a process, including continued weapons inspections, that could and should render the trauma and tragedy of war unnecessary.

“We strongly urge the Government of Iraq to demonstrate forthwith its unequivocal compliance with UN resolutions on weapons of mass destruction.

“... We must hope and pray ... an outcome that brings peace with justice to Iraq and the Middle East may yet be found.”

¹⁹⁰ Washington Telegram 222 to FCO London, 21 February 2003, ‘Iraq: US Thinking, 20 February’.

¹⁹¹ Letter Hallam to McDonald, 22 February 2003, ‘Iraq: Prime Minister’s Conversation with President Bush and Prime Ministers Aznar and Berlusconi’.

¹⁹² Letter Hallam to McDonald, 23 February 2003, ‘Iraq: Prime Minister’s Conversation with Aznar’.

¹⁹³ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

¹⁹⁴ The Church of England News Release, 20 February 2003, *Joint statement from Archbishop and Cardinal*.

689. In a speech on reintegrating Iraq into the international community at Chatham House on 21 February, Mr Straw focused on the threat which Saddam Hussein posed to the people of Iraq and the moral case for action.¹⁹⁵

690. Mr Straw stated that there was international unity about the objective of disarming Saddam Hussein who posed “a unique threat to international peace and security”. But “with each passing year” of Iraq’s defiance, there had “been a growing awareness of the immense consequences of a failure to match our words with actions”, and:

“The stakes could not be higher. If the UN proves unable to act on the spirit and the letter of mandatory Chapter VII resolutions when faced with the most egregious non-compliance it risks joining its predecessor, the League of Nations, as a footnote in history.”

691. Mr Straw said that, without military pressure on Iraq, there would be “no co-operation; no inspections”. Mr Straw also stated that the threat of military action was “and always has been, about pressuring Saddam Hussein to comply with resolution 1441”.

692. In preparation for visits to key capitals to pursue support for the UK’s position, Mr Julian Miller, Chief of the Assessments Staff, informed Sir David Manning that a script was being prepared which would:

“... briefly summarise evidence and judgements on Saddam’s WMD, describe the effect of some of the agents; set out the Iraqi response to UNSCR 1441, including the flaws in the 7 December declaration; and cover what we know of concealment, intimidation of witnesses and other aspects of non-co-operation. It will also provide supporting material on Saddam’s regime and – briefly – on links with terrorism. We will update the pack as new material becomes available.”¹⁹⁶

693. Sir Jeremy Greenstock reported that, during a briefing for E10 representatives in New York on 21 February, he had made clear that the UK viewed war as a last resort, but the objective of disarming Iraq had to be achieved and the threat could not be allowed to continue for much longer. Verified disarmament had not happened; and no-one had explained how inspections could work without Iraq’s co-operation. The UK supported the UN as a relevant international body, and did not favour unilateral action. Sir Jeremy stated:

“We had to factor in the US determination to deal with Iraq ... [The UK was] prepared to work with the E10 members to achieve a unified Council keeping the pressure on Saddam and perhaps allowing him to crack.”¹⁹⁷

¹⁹⁵ The National Archives, 21 February 2003, *Reintegrating Iraq into the International Community – A cause with ‘compelling moral force’*.

¹⁹⁶ Minute Miller to Manning, 21 February 2003, ‘Iraq: Briefing Foreign Government’.

¹⁹⁷ Telegram 294 UKMIS New York to FCO London, 21 February 2003, ‘Iraq: 21 February’.

694. The UK strategy was set out in a telegram from Mr Ricketts to diplomatic posts on the evening of 21 February.¹⁹⁸ The key points were:

“The present plan is to table a simple draft resolution in the Security Council, probably on 24 February. This would provide the ... legal authority for military action if necessary. We would make clear that it was part of a strategy to give Iraq another short period in which to demonstrate finally and fully whether it was co-operating in order to achieve voluntary disarmament of its WMD. We would ... not be seeking a vote ... for another two weeks or so, but were not prepared for the process to string out in the absence of a clear will by Iraq to comply with 1441.

“... we would expect several further rounds of discussion in the Security Council ... culminating in a report by the inspectors to a meeting on or around 7 March, probably attended by Foreign Ministers.”

695. Mr Ricketts advised that there would be an intensive lobbying campaign of the elected members of the Security Council with a “good deal of travel by Ministers”. The campaign would be co-ordinated with the US and Spain. The FCO would be setting up a system to “provide an up-date at least twice a week while the crisis remains at its present pitch”, and was producing a daily “core script” for media purposes.

696. In a letter to Mr Campbell about statements over the weekend of 22 and 23 February, Mr Straw advised against any reference to either an “ultimatum” or to “benchmarks”.¹⁹⁹ Mr Straw explained that the US was hostile to the use of the former term because “it would cut across a real ultimatum which President Bush had in mind to issue at about the time the resolution was voted – to Saddam to ‘get out of town’”.

697. On benchmarks, there was:

“... a trap here for us to avoid. If we are too specific about how we judge Saddam’s compliance, we set ourselves up as a target, both from Saddam but also from Blix. Saddam will know what he appears to have to do to get ticks in the right boxes. Judging from the Prime Minister’s conversation with Blix yesterday, I think Blix is also in the mood to say if he possibly can that Iraq has passed any benchmarks that we offer. Most of the members of the Security Council will look to Blix for their judgement.”

698. In his diaries, Mr Campbell wrote that, on 21 February, Mr Blair, who was on his way to Rome, had called him to say that “everything now had to be set in the context of pushing for peace, that we wanted to resolve it peacefully”. Mr Campbell had worked with the White House on a briefing note. Mr Blair and Mr Straw had been happy to include a reference to an ultimatum until Mr Straw spoke to Secretary Powell “who

¹⁹⁸ Telegram 16 FCO London to UKREP Brussels, 21 February 2003, ‘Iraq: Next Steps at the UN’.

¹⁹⁹ Letter Straw to Campbell, 21 February 2003, ‘Choreography of Statements over the Weekend’.

said the real ultimatum would be made just before action when we tell Saddam to get out of town”.²⁰⁰

699. In his press conference with Mr Berlusconi on 21 February, Mr Blair warned that military action on Iraq could not be avoided unless Saddam Hussein chose “the route of peaceful disarmament”.²⁰¹ Mr Blair emphasised that no one wanted war. That was why:

“... last summer, instead of starting a war, we went to the UN ...

“But there is a moral dimension to this question too. If we fail to disarm Saddam peacefully, then where does that leave the authority of the UN?

“And if we leave Saddam in charge of Iraq with his weapons of mass destruction, where does that leave the Iraqi people who are the principal victims of Saddam?”

700. Asked about the opposition to conflict expressed by church leaders, Mr Blair replied:

“I don’t pretend to have a monopoly of wisdom ... and I totally understand why people don’t want war ...

“That’s the very reason why we have given every single opportunity for this to be resolved peacefully. All I ask people to do is understand that however sincerely they hold their view, I hold my view sincerely too. And there is another side to this argument.

“I understand exactly why people feel so strongly, but in the end, I have got to make a decision and that’s the difference between leadership and commentary.

“I have got to make a decision. If we cannot disarm him peacefully, are we just going to ignore the issue and hope it will go away?”

701. Late that evening, there was a conference call, including Dr Rice, Mr Stephen Hadley (US Deputy National Security Advisor), Sir David Manning and Mr Powell as well as Mr Campbell.²⁰² The US was worried about the text, which included “a side statement directly challenging Saddam”. In his diaries, Mr Campbell wrote that Dr Rice:

“... feared that setting it out as a final chance – again – or a challenge to Saddam, suggested there was something here beyond 1441. She said 1441 was all that we needed. We tried to use the call to get over the need for a different sort of language on this, but they really didn’t get it.”

²⁰⁰ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

²⁰¹ *The Guardian*, 21 February 2003, *Blair: war difficult to avoid*.

²⁰² Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

702. Mr Campbell added that despite five phone calls including the conference call, the US and UK:

“... were not really in the same place. I could sense that Condi thought we were weakening. She really didn’t like the final, final opportunity line, couldn’t see it was simply a way of trying to show we preferred peace to war ...”

703. Mr Campbell told Dr Rice that she had to understand “we were hit hard here because people felt we were rushing to a timetable set by others”.

704. On 23 February, Mr Blair spoke to President Putin who was prepared to work on a second resolution which put tougher requirements on Saddam Hussein, but President Putin did not think it should provide an automatic start to hostilities.²⁰³

705. Mr Blair also spoke to Mr Vicente Fox, the Mexican President,²⁰⁴ and Mr Ricardo Lagos, the Chilean President.²⁰⁵

706. Mr Straw and Sir David Manning also made a number of telephone calls.

707. Mr Straw spoke to Mr de Villepin on 23 February about French concerns that pushing for a second resolution was premature and indicated that the US and the UK had no faith in the inspection process.²⁰⁶

708. On 24 February, Mr Campbell wrote that “Iraq was totally dominating” and he had suggested in Mr Blair’s morning meeting that “something concrete, like signs of Arab pressure, or a new diplomatic effort that meant something” was “needed to add some substance to the ‘last push for peace’, which at the moment just sounded vacuous”.²⁰⁷ Mr Blair “said the last push WAS the pressure being applied, or the pressure was the last push”, which Mr Campbell “still felt looked like we were trying to meet a US timetable, not genuinely trying to avoid war. But all the US politicians did was communicate an impatience to get to war.”

Response to the draft resolution of 24 February 2003

709. The UK, US and Spain tabled a draft resolution on 24 February stating simply that Iraq had failed to take the final opportunity offered by resolution 1441 and that the Security Council had decided to remain seized of the matter.

²⁰³ Letter Hallam to McDonald, 23 February 2003, ‘Iraq: Prime Minister’s Conversation with Putin’.

²⁰⁴ Letter Hallam to McDonald, 23 February 2003, ‘Iraq: Prime Minister’s Conversation with President Fox of Mexico’.

²⁰⁵ Letter Hallam to McDonald, 23 February 2003, ‘Iraq: Prime Minister’s Conversation with President Lagos of Chile’.

²⁰⁶ Telegram 40 FCO London to Paris, 23 February 2003, ‘Iraq: Foreign Secretary’s Telephone Call with French Foreign Minister, 23 February’.

²⁰⁷ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

710. Sir Jeremy Greenstock stated that resolution 1441 required Iraq “visibly and unmistakably to divest itself of weapons of mass destruction immediately, unconditionally and actively”; that had not happened and the US and UK had concluded that Iraq had decided to defy the international community.

711. A meeting of the Security Council was held on 24 February at the request of the UK.²⁰⁸

712. A draft of a second resolution was tabled by the UK, US and Spain. The draft operative paragraphs stated simply that the Security Council:

- “Decides that Iraq has failed to take the final opportunity afforded to it by resolution 1441”; and
- “Decides to remain seized of the matter.”²⁰⁹

713. Sir Jeremy Greenstock told the Security Council that:

“The co-sponsors are convinced that Iraq is not achieving, nor intending to achieve, the objective of SCR 1441 ... its unanimous message represented a powerful signal that the UN was in control. The Security Council was challenged by the US President to raise its game on its most difficult agenda item ... The resolution set out the most stringent terms ever decided upon by the United Nations for the process of disarmament. But there was also an olive branch ... Iraq was given every incentive to repair its documented non-compliance.

“Today, 15 weeks on ... we are no further advanced towards that objective of complete disarmament. Indeed, nor is Iraq taking adequate steps to correct its wider breaches of 687, including its support for terrorism. The terms of resolution 1441 are not being respected ...”²¹⁰

714. Sir Jeremy stated:

“What we all asked of Iraq was, first, a marked change from its denial and deception of 1991 to 2002, which had already placed it in material breach of relevant resolutions; and second, full compliance with and co-operation with the implementation of 1441. In other words, a decision by Iraq visibly and unmistakably to divest itself of weapons of mass destruction immediately, unconditionally and actively. That means bringing proscribed materials or programmes to the notice of inspectors and providing a full and credible account of Iraq’s WMD activity backed up by documentary evidence and testimony from personnel.

²⁰⁸ Telegram 301 UKMIS New York to FCO London, 25 February 2003, ‘Iraq: Tabling of US/UK/Spanish Draft Resolution: Draft Resolution’.

²⁰⁹ Telegram 302 UKMIS New York to FCO London, 25 February 2003, ‘Iraq: Tabling of US/UK/Spanish Draft Resolution: Draft Resolution’.

²¹⁰ Telegram 303 UKMIS New York to FCO London, 25 February 2003, ‘Iraq: Tabling of US/UK/Spanish Draft Resolution: UK Statement’.

“What 1441 was not was the establishment of a detective or a containment exercise ... The final opportunity afforded in SCR 1441 was not for the Council to slide back into process, but for Iraq to recognise a new determination in the Security Council to complete the business in a way which represented a complete change of attitude in Baghdad.

“That has not happened.”

715. Sir Jeremy said that the UK was “convinced” that Iraq had “decided to remain in defiance of the UN”. The reasons included:

- Iraq had “only agreed to inspections” after President Bush’s speech on 12 September 2002 “in a cynical attempt to scupper any new resolution strengthening them”.
- The Iraqi letter of 13 November 2002 was “full of tirades and complaints”, “grudgingly accepting that it would ‘deal with’ the resolution”. That was “way short of the wholehearted commitment to voluntary disarmament we had hoped for”.
- Iraq’s 12,000 page declaration was “indisputably inadequate”.
- Iraq had “done everything possible to prevent unrestricted interviews”.
- Iraq had “dragged its feet on as many other elements of procedural co-operation as possible. Instead of serious collaboration with the inspectors, Iraq has tried to make the process into a tightly monitored media circus ...”
- “Iraq’s co-operation on substance has been non-existent ... UNMOVIC have not been able to close a single outstanding issue ... And there are now even more unresolved questions ...”
- “This continues ... an all too familiar pattern of Iraq trying to get us to focus on small concessions of process, rather than on the big picture ... there is no semblance of whole-hearted co-operation ... nothing like a regime with nothing to hide ...”

716. Sir Jeremy concluded that the UK was seeking:

“... to keep the Council in control of the process and to build renewed Council consensus ... that Iraq has made the wrong choice: the choice not to take ... the final opportunity voluntarily to disarm ... We shall, in detailed discussions, set out further the argument that this choice has been made, that the choice is a defiance of 1441 and the available remedies are fast disappearing.”

717. The UK was “not asking for any instant judgements”: there was “time still ... for Iraq to make the right choice”. The UK would not “call for a vote ... until a proper debate has been held”. There was:

“... still an opportunity to avert conflict. But the Council’s judgement that Iraq has made the wrong choice should be clear and consensual. The last chance for peace

is that the Council should say this together and formally, confront Baghdad with the stark implications, and trust ... the response will be complete disarmament which we demanded ... in SCR 687 [1991] ...”

718. Mr Sergei Lavrov, Russian Permanent Representative to the UN, asked Sir Jeremy for the “additional facts justifying” his reference to Iraq’s support for terrorism. Sir Jeremy reported that Mr Lavrov also stated that the “allegations being levelled against Iraq” addressed the process of disarmament, not the substance.²¹¹

719. In subsequent remarks to the press, Sir Jeremy stated that resolution 1441 “had set out the terms. Iraq had failed to co-operate. The draft resolution was about taking the hard decisions that followed.”²¹²

720. Asked by the Inquiry why the UK had tabled that draft resolution when, unlike UNSCOM in December 1998, Dr Blix had stated he was getting co-operation on process, Mr Blair replied:

“Whether he thought the action was justified or not, his reports were clear that the compliance was not immediate and the co-operation unconditional. It plainly wasn’t.”²¹³

721. Mr Blair added that he did not believe that “if Dr Blix had another six months, it would have come out any differently”. Saddam Hussein “was definitely in material breach” of resolution 1441; Mr Blair “had to decide” whether his (Saddam Hussein’s) behaviour “really” indicated that he was “someone who had had a change of heart”.

722. Asked if there was a risk in tabling the resolution that it would appear that the UK was trying to curtail the process because of the demands of military planning, Mr Blair replied:

“It was more, actually ... the other way round ... what we were trying to do was to say: how do you resolve what, on any basis, is a somewhat indistinct picture being painted by Dr Blix ...

“... I think we [Mr Blair and Dr Blix] ... had a long conversation on the phone. I remember Jack Straw was very much involved in this. Jeremy Greenstock, I think, at the UN, was very much involved in this. We tried to construct these tests, and the most important one, to me, was this ability to get the scientists out of the country.”²¹⁴

²¹¹ Telegram 301 UKMIS New York to FCO London, 25 February 2003, ‘Iraq: Tabling of US/UK/Spanish Draft Resolution: Draft Resolution’.

²¹² Telegram 301 UKMIS New York to FCO London, 25 February 2003, ‘Iraq: Tabling of US/UK/Spanish Draft Resolution: Draft Resolution’.

²¹³ Public hearing, 29 June 2010, pages 113-114.

²¹⁴ Public hearing, 29 January 2010, page 116.

723. France, Germany and Russia responded by tabling a memorandum which proposed strengthening inspections and bringing forward the work programme specified in resolution 1284 and accelerating its timetable.

724. France, Germany and Russia responded to the draft resolution by tabling a memorandum, building on the earlier tripartite declaration of 10 February, stating that “full and effective disarmament” remained “the imperative objective of the international community”.²¹⁵ That “should be achieved peacefully through the inspection regime”. The “conditions for using force” had “not been fulfilled”. The memorandum stated that the Security Council “must step up its efforts to give a real chance to the peaceful settlement of the crisis”. A “combination of a clear programme of action, reinforced inspections, a clear timeline and the military build-up” provided “a realistic means to unite the Security Council and to exert maximum pressure on Iraq”.

725. Canada also circulated ideas for a process based on key tasks identified by UNMOVIC.

726. In a “non-paper” circulated on 24 February, Canada set out its ideas on establishing “a defined process for a specific period of time to address the Iraq situation”.²¹⁶

727. The document stated that the Security Council divisions on Iraq “could have serious long-term implications for the UN and for international peace and stability”; and that both sides of the division had a point:

- “• An open-ended inspection process would relieve the pressure on the Iraqis to disarm.
- A truncated process would leave doubt that war was a last resort.”

728. Canada suggested that the inspectors should bring forward their “clusters” document “early” on 28 February and provide the Council with a prioritised list of key substantive tasks for Iraq to accomplish. The inspectors would then provide four, weekly, reports on the substance with a final report on 28 March for discussion at a Ministerial-level meeting of the Security Council on 31 March.

729. If the 28 March report indicated that Iraq had not complied, “all necessary means could be used to force them to disarm”. If Iraq co-operated “an enhanced inspection, verification and monitoring system would be implemented”.

730. Mr Rycroft commented to Mr Blair on 26 February that the paper was “unhelpful”.

²¹⁵ UN Security Council, 24 February 2003, ‘Letter dated 24 February 2003 from the Permanent Representatives of France, Germany and the Russian Federation to the United Nations addressed to the President of the Security Council’ (S/2003/214).

²¹⁶ Letter Wright to Colleagues, 24 February 2003, [untitled], attaching ‘Non-paper: Ideas on Bridging the Divide’.

731. The UK began an intense and determined effort to secure support for the draft resolution.

732. Between the discussion in the Security Council on 24 February and the reports to the Security Council from Dr Blix and Dr ElBaradei on 7 March, the UK, US and Spain began an intense and determined effort to try to persuade the members of the Council, and other allies, to support the draft resolution.

733. The campaign included letters from Mr Blair, telephone calls, meetings and visits by Ministers and Sir David Manning, as well as discussions in New York and capitals and public statements in the US and UK.

734. Mr Straw and Secretary Powell discussed developments on 25 February and the “troublesome” implications of the request for more time. Mr Straw commented that “everyone was running for cover, finding any reason not to take action”. In the tea room of the House of Commons, he had “found much support for continued containment as the best way of avoiding unintended consequences”.²¹⁷

735. Iraq was reported to have “dominated” the discussion during a meeting and lunch between Mr Straw and Mr Fischer on 25 February.²¹⁸

736. The record stated that “there was no meeting of minds”. Mr Fischer had:

- made it clear that Germany could not vote for the UK/US/Spanish resolution, which in “German eyes would lead directly to war”;
- questioned why the inspections should stop now;
- suggested that destruction of Al Samoud 2 missiles would “prove resolution 1441 was working”, and that there were “other hopeful signs”;
- stated that the German/French/Russian joint memorandum set out the only process that would lead to peace; containment was working; and
- stated that “war would lead to serious repercussions; increased terrorism; insecurity in the Middle East”.

737. Mr Straw was reported to have argued that the problem with Saddam Hussein was that: “he had history of ‘stringing it out’. He only made concessions which represented the bare minimum, under the threat of force, and at the last minute.” The joint memorandum “made the error of putting the burden on the inspectors to find Iraq’s weapons of mass destruction”; and that it “would merely lead to loose containment not disarmament”. The burden should be on Saddam Hussein; he “could comply quickly” and, as Mr Blair had said, “if Saddam complied, then he could stay in power”. The joint

²¹⁷ Telegram 87 FCO London to Washington, 25 February 2003, ‘Iraq: Foreign Secretary’s Conversation with US Secretary of State, 25 February’.

²¹⁸ Telegram 33 FCO London to Berlin, 25 February 2003, ‘Iraq: Foreign Secretary’s Lunch with German Foreign Minister, 25 February’.

memorandum “simply created the message that Saddam wanted to hear; that the international community was divided”.

738. In a letter to Sir David Manning on 25 February, Mr Straw’s Private Office identified the core arguments for the UK to use in persuading other members of the Security Council to support the resolution as:

- “• There is an objective case against Iraq. We have given inspections 12 years already. SCR 1441 (2002) set clear benchmarks – immediate, unconditional and active co-operation. Iraqi co-operation has not been forthcoming.
- More time will make no difference. Inspections are not a detective agency. How many last chances can you have?
- The authority of the UN is at stake. Collective threats in a globalised world means taking on threats where they emerge ...
- It is in no-one’s interest to see the US go unilateral. We need to show the US that the UN can play a constructive role.”²¹⁹

739. Following their discussion of the next steps on 25 February, Sir David reported that Dr Rice thought there would be no vetoes of the resolution.²²⁰

740. President Chirac’s position was identified as important but Mr Blair decided to wait for “the right moment” to resume their dialogue.

741. Sir John Holmes wrote to Sir David Manning on 24 February offering advice on the way ahead.²²¹ He recommended that it remained important that Mr Blair continued to talk to President Chirac, “even if there is at present no chance of changing his mind”. There would be “the usual problems about who picks up the phone first” but it would be “much easier to attempt any final persuasion if we have kept up a dialogue”.

742. Recognising that it was “outside my province, and very much for” Sir Jeremy Greenstock, Sir John also wrote:

“... the assumption here is that the French will not have to veto if we cannot assemble nine positive votes ... But have we thought about going ahead with a vote even if we know we cannot get nine positive votes? Might there not be value in a vote with six or seven positive votes and everyone else abstaining – it would be a diplomatic failure in one sense, but if no-one had voted against, perhaps more of a political mandate than otherwise? There might of course still be the risk of a French vote against, but would they really want to do it in these circumstances? It is obviously too soon to know how all this will play out in the end, but it might be worth keeping the thought in mind.”

²¹⁹ Minute Owen to Manning, 25 February 2003, ‘Iraq: Second Resolution: Positions of E10’.

²²⁰ Letter Manning to McDonald, 25 February 2003, ‘Iraq: Conversation with Condi Rice’.

²²¹ Letter Holmes to Manning, 24 February 2003, ‘Iraq: France’.

743. Sir David Manning commented that he was not sure Mr Blair would have much enthusiasm for Sir John's first recommendation, but it was worth "bearing the argument in mind".²²² Sir David agreed with Sir John's second point.

744. Mr Blair replied: "We sh[oul]d wait 'til the right moment."²²³

745. Sir Jeremy Greenstock remained concerned about the lack of support in the Security Council and the implications, including the legal implications, of putting the resolution to a vote and failing to get it adopted.

746. Sir Jeremy Greenstock advised that in the circumstances Sir John Holmes had identified (fewer than nine positive votes but everyone else abstaining), the resolution would not be adopted and it would have no legal effect.²²⁴ He found it:

"... hard to see how we could draw much legal comfort from such an outcome; but an authoritative determination would be a matter for the Law Officers. (Kosovo was different: in that case a Russian draft condemning the NATO action as illegal was heavily defeated, leaving open the claim that the action was lawful ... (or at least was so regarded by the majority of the Council).)

"Furthermore, in the current climate ... the political mandate to be drawn from a draft which failed to achieve nine positive votes seems to me likely to be (at best) weak ... The stark reality would remain that the US and UK had tried and failed to persuade the Council to endorse the use of force against Iraq. And the French (and the Russians and Chinese) would no doubt be sitting comfortably among the abstainers ...

"My feeling ... is that our interests are better served by not putting a draft to a vote unless we were sure that it had sufficient votes to be adopted ... But we should revisit this issue later – a lot still had still to be played out in the Council."

747. Following discussions with the US and Spanish Missions in New York on 25 February, Sir Jeremy Greenstock reported that the "key arguments" in relation to Canadian and other benchmarking proposals were:

- “• it was impossible accurately to define key remaining disarmament tasks, or other benchmarks, in the absence of Iraqi co-operation ...
- the Council had to accept there would never be total clarity ...
- 1441 set the benchmarks for Iraqi co-operation, benchmarks it had manifestly failed; and
- the big picture was that we were being taken for a ride ...”²²⁵

²²² Manuscript comment Manning to Prime Minister, 25 February 2003, on Letter Holmes to Manning, 24 February 2003, 'Iraq: France'.

²²³ Manuscript comment Blair on Letter Holmes to Manning, 24 February 2003, 'Iraq: France'.

²²⁴ Letter Greenstock to Manning, 25 February 2003, [untitled].

²²⁵ Telegram 309 UKMIS New York to FCO London, 26 February 2003, 'Iraq: 25 February'.

748. Mexico had raised questions about the legal effect of the UK draft and whether it signalled that peaceful means had been exhausted and whether a third Council decision would be needed for the use of force.

749. Sir Jeremy suggested that “consistent with being legally accurate”, the “most persuasive answers” might be along the lines that:

- “• the resolution itself asked the Council to conclude that Iraq had failed to take its final opportunity to comply. This was something on which, given Iraq’s pattern of non co-operation, the Council should be able to unite;
- the consequence of that judgement, deriving from 1441 and previous resolutions, was that force would be authorised;
- this did not mean that the resolution would lead to the use of force or that peaceful means were exhausted. Rather, with a clear Council decision ... there was still a chance of last minute radical moves by the Iraqis. We recognised that the probability of Iraq taking that chance ... was low, but it was perhaps the only route by which we could secure disarmament and a peaceful outcome.”

750. Sir Jeremy also reported that Mr Lavrov had suggested the inspectors had said that there were no false statements and Iraq’s submission of 30 documents might have rectified the omissions in the declaration.

751. Sir Jeremy emphasised the importance of the Council meeting on 27 February and asked for “additional detailed punchy arguments” he could deploy.

752. Reporting discussions in New York on 26 February, Sir Jeremy Greenstock wrote:

- There remained “a general antipathy to having now to take decisions on this issue, and a wariness about what our underlying motives are behind the resolution”.
- The German position was that the process of inspections had not been exhausted; the work programme and key tasks envisaged in resolution 1284, which had not been revoked, had not begun; it had good reason to suspect that that Iraq had WMD, but there was no proof and it could turn out that Saddam Hussein was telling the truth.
- The US position was that resolution 1441 had found Iraq in material breach and partial compliance would not do. Continued inspections was, in effect, an argument for containment; and “Business as usual” would not produce the radical Iraqi transformation needed. The US was willing to ensure disarmament by itself if necessary and the Council had to factor that into its decisions.²²⁶

753. Sir Jeremy reported that he had argued that the UK had not given up on a peaceful outcome. The second resolution would maximise pressure on Saddam Hussein and

²²⁶ Telegram 314 UKMIS New York to FCO London, 27 February 2003, ‘Iraq: 26 February’.

there was still a chance for him to make a last minute decision to leave or genuinely yield all his WMD. The UK:

“... wanted a further Council decision because we wanted it to stay in control of this issue. Saddam’s assertion that he had no WMD made benchmarks a pipe-dream – how could we benchmark something the Iraqis said did not exist? Having unanimously adopted 1441, we could not go back to extended inspections under 1284 ... The fact ... that Iraq was not fully co-operating – was the point. If colleagues believed that Iraq was co-operating fully, then it was justified to vote against the text or amend it. If they voted against the text for any other reason, they were denying what was unanimously agreed in resolution 1441.”

754. Sir Jeremy concluded that the US was focused on preserving its room for manoeuvre while he was “concentrating on trying to win votes”. It was the “middle ground” that mattered. They “resent[ed] being forced to choose” between the P5 and wanted “to come to an objective judgement”. Mexico and Chile were the “pivotal sceptics”; and “effective arguments (and intelligence evidence) to show that Iraq’s zero is a huge lie are going to be more productive ... in bringing them over”.

755. Sir Jeremy also reported that an UNMOVIC contact regarded letters received from the Iraqis in the last few days, which included names of people involved in the destruction of VX, as showing that the Iraqis were trying to be active.

756. The UK considered that the Franco/German/Russian proposals were “misconceived”.

757. The UK viewed the Franco/German/Russian approach as “misconceived”. A telegram to posts setting out the UK position on 26 February:

- Questioned the assertion that there was no evidence that Iraq still possessed WMD. That was a “Fundamental misunderstanding of the inspections process”, which had “to date left very large questions unanswered – particularly about Iraqi chemical and biological programmes”. It was “not for others to prove that Iraq has got WMD, but for Iraq to prove that it has not, through full, immediate and active co-operation with the inspectors as required by resolution 1441”. It was “an extraordinary statement”. “Substantial evidence”, including the September dossier, had been presented “of continuing Iraqi programmes and capabilities”.
- Described Secretary Powell’s presentation to the Security Council on 5 February as having “offered extensive evidence of Iraqi activities to hinder inspections”. In addition, in relation to specific provisions in resolution 1441, “no interviews have taken place with individuals ... under the conditions requested”; the Iraqis had complied with the requirement to provide names of personnel “partially, belatedly, and under pressure”; and the inspectors had faced “obstruction and delay in attempting to search sites”. For example, on 16 January they were obstructed by Iraqi officials when they attempted to enter a scientist’s

private home. After insisting on their rights, the inspectors discovered a cache of documents on nuclear enrichment.

- Asserted that the proposals put the onus on the Security Council, not “where it should be – on Iraq”.
- Asked how offering more time would increase the pressure on Iraq.
- Questioned how identifying key tasks would oblige Iraq to co-operate as “even when requirements are stated very clearly”, as in resolution 1441, Iraq complied “belatedly, grudgingly, partially or not at all”.
- Stated that none of the proposals for strengthening inspections could be implemented quickly.
- Questioned the need to allow 120 days for a report on progress in completing key tasks: “we already have ample evidence to the contrary”.
- Stated that it was: “Disingenuous to express support (indeed encouragement) for the military build-up while at the same time making proposals which would require forces to be held at a high state of readiness for a wholly unrealistic period.”²²⁷

Parliament, 25 and 26 February 2003

758. Mr Straw published key documents on Iraq on 25 February.

759. Mr Straw stated that Iraq continued to pose the clearest possible threat to international peace and security. He still hoped that Iraq would comply, but if it did not, he hoped the international community would recognise its responsibilities.

760. During Oral Questions to the Foreign Secretary on 25 February, Mr Straw announced the publication of a Command Paper on Iraq.²²⁸

761. The Command Paper was “intended to bring together in an easily accessible form some of the key international documents relevant to the Iraq crisis”. It comprised:

- key Security Council resolutions;
- the report of the Amorim Panel in 1999;
- the briefings to the Security Council by Dr Blix and Dr ElBaradei on 27 January and 14 February 2003;
- statements by the European Union on 13 December 2002 and 27 January and 17 February 2003;
- the NATO Summit statement of 21 November 2002; and

²²⁷ Telegram 103 FCO London to UKMIS New York, 26 February 2003, ‘Iraq: French/Russian/German proposals’.

²²⁸ House of Commons, *Official Report*, 25 February 2003, column 109.

- Mr Straw's statements to the Security Council of 20 January, 5 February and 14 February 2003.²²⁹

762. Mr Straw told Ms Annabelle Ewing (Scottish National Party):

"... Iraq has been, and remains in material breach of a string of very clear obligations that have been imposed on it. It has had a final opportunity to deal with those violations ... but continues to pose the clearest possible threat to international peace and security through its possession of weapons of mass destruction and long-range missiles, and its defiance of international law. I hope that the whole of the international community will recognise the responsibilities borne by it and by individual members of the Security Council to ensure that international law means what it says. I still hope that we can gain enforcement by peaceful means but, if we cannot, the serious consequences ... we spelled out in ... resolution 1441 will have to follow through."²³⁰

763. Subsequently, in response to Ms Joan Ruddock (Labour), Mr Straw stated:

"I continue to hope that a vote [on the draft resolution] can be avoided because the purpose of the resolution is to serve very clear notice on Saddam ... that the final opportunity has nearly passed."²³¹

764. In a statement on 25 February, Mr Blair rehearsed the Government's strategy.

765. On 25 February, Mr Blair made a statement in the House of Commons on Iraq.²³²

766. Mr Blair provided a brief history of the crisis in which he emphasised Saddam Hussein's concealment of his biological and nuclear weapons programmes from the inspectors and his continued deception.

767. Mr Blair stated that the intelligence was "clear" that Saddam Hussein continued "to believe that his weapons of mass destruction programme is essential both for internal repression and for external aggression". It was also "essential to his regional power". "Prior to the inspectors coming back in", Saddam Hussein "was engaged in a systematic exercise in concealment of those weapons". The inspectors had reported some co-operation on process, but had "denied progress on substance".

768. Mr Blair said that the UK, US and Spain had introduced a resolution deciding that Iraq had "failed to take the final opportunity", but would "not put the resolution to a vote immediately" to "give Saddam one further final chance to disarm voluntarily". The UN inspectors would have a further report to make in March but the time had come for Saddam Hussein to decide. Peaceful disarmament required active co-operation.

²²⁹ FCO, *Iraq*, 25 February 2003, Cm 5769.

²³⁰ House of Commons, *Official Report*, 25 February 2003, column 110.

²³¹ House of Commons, *Official Report*, 25 February 2003, column 113.

²³² House of Commons, *Official Report*, 25 February 2003, columns 123-139.

769. Mr Blair said that the memorandum put forward by France, Germany and Russia called “for more time – up to the end of July at least”. But the issue was not time but will. The risk was that Saddam Hussein wanted to drag the process out until the attention of the international community waned.

770. Mr Blair emphasised that the objective was disarmament but “the nature of Saddam’s regime was relevant”, first because “weapons of mass destruction in the hands of a regime of this brutality” were “especially dangerous, in particular because Saddam has chosen his willingness to use them”. Secondly, the innocent were dying in Iraq every day.

771. Mr Blair concluded that the authority of the United Nations and the international community was at stake. If that was not upheld, the consequences would “stretch far beyond Iraq”.

772. In response to questions about the threat posed by Iraq, Mr Blair stated that that the “whole basis of resolution 1441” was that Saddam Hussein constituted a threat, adding:

“Moreover, there is a whole set of related dangers to do with unstable states developing or proliferating such material and with potential links to terrorism. That is why, in the end, the world has to take a very strong view of the matter and deal with it.”

773. Mr Campbell wrote in his diaries that Mr Blair had called him later and said:

“... it was going to be really tough from now on in. The truth was we may well have to go without a second UNSCR, or even without a majority on the UNSC. The Bush poodle problem would get bigger ... but he was adamant it was the right thing to do, and worth the political consequences.”²³³

774. Mr Campbell added that “an awful lot” of Labour MPs were “committed to rebellion” and were asking if Iraq was a threat “to us, and now”? Mr Blair was “dismissive” of Dr Blix; he had “said his job was to set out the facts, but he now saw his mission as to stop war”.

775. In his memoir, Mr Cook wrote that Mr Blair had been:

“... at his most effective. He was convincing and passionate about his own belief in the correctness of his course of action ...

“However, no amount of skilled presentation could conceal the immense confusion that we are in over the role of the UN. Tony knows that he desperately needs the blessing of the UN if he is to have any chance of carrying domestic opinion with him,

²³³ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

but since he knows that Bush will go to war whatever the UN says, Tony's attempt to wrap himself in the UN flag is fatally hobbled by his inability to say that the UN will have the last word."²³⁴

776. Mr Cook added that Mr Blair's exchanges with backbenchers had "clearly laid out the nexus of issues which have brought him to his present conviction". That was that "proliferation, plus unstable states plus terrorism adds up to a new and serious threat". That was:

"... a way of linking action against Saddam to the response to 9/11, and avoids the irritating evidence that Saddam has no link whatsoever to 9/11 and has no link with Al Qaida. But it does still leave unanswered why Iraq is the focus of so much effort. Whatever else we may say about the Iraqi regime, it is not unstable ..."

777. Asked by Mr Duncan Smith during PMQs on 26 February whether he would support action in the absence of a majority in the Security Council, Mr Blair responded that he believed that there would be support for a second resolution.²³⁵

778. Mr Blair subsequently stated that he was "working flat out" to achieve a second resolution, and that the best way to do that was "to hold firm to the terms of resolution 1441". That required "full, unconditional and immediate compliance" from Iraq, and was intended "genuinely to be the final opportunity" for Saddam Hussein.²³⁶

779. The House of Commons was asked on 26 February to reaffirm its endorsement of resolution 1441, to support the Government's continuing efforts to disarm Iraq, and to call upon Iraq to recognise that this was its final opportunity to comply with its obligations.

780. The Government motion was approved by 434 votes to 124; 199 MPs voted for an amendment which invited the House to "find the case for military action against Iraq as yet unproven".

781. The Government motion tabled for debate on 26 February invited the House of Commons to:

"Take note of Command Paper Cm 5769 on Iraq; reaffirm its endorsement of United Nations Security Council resolution 1441, as expressed in its resolution of 25 November 2002; support the Government's continuing efforts in the United Nations to disarm Iraq of its weapons of mass destruction; and call upon Iraq to recognise this is its final opportunity to comply with its disarmament obligations."²³⁷

²³⁴ Cook R. *The Point of Departure*. Simon & Schuster UK Ltd, 2003.

²³⁵ House of Commons, *Official Report*, 25 February 2003, column 251.

²³⁶ House of Commons, *Official Report*, 25 February 2003, column 258.

²³⁷ House of Commons, *Official Report*, 26 February 2003, column 265.

782. In his statement opening the debate, Mr Straw said that the motion meant what it said. It was “not an endorsement of military action” and no decision “to deploy British forces in action” had “yet been taken”.²³⁸ Any decision on military action would be put to the House and “subject only to the usual caveat about the safety of our forces”. It was “as much in the Government’s interest as it is in the paramount interest of the House, that we should do so before the start of hostilities”. The House would be kept informed on the business of the Security Council and have “a full opportunity to debate and vote on the outcome of proceedings on any second resolution”.

783. Stating that he intended to answer the “central and continuing question in people’s minds”, Mr Straw said that the 13 Security Council resolutions in the Command Paper provided the best answer to the question “Why Iraq?” They showed “paragraph by paragraph, the exceptional danger posed by Iraq, and its continued defiance of the United Nations”. Iraq had “flatly and completely” refused to comply with resolution 1284 (1999). Resolution 1441 gave Iraq its “final opportunity”. Iraq was the “only country in such serious and multiple breach of mandatory UN obligations”.

784. In response to the question “Why now?”, Mr Straw stated that Saddam Hussein’s aim was that “now” should never arrive. His tactics were to “prevaricate in the hope that by exploiting people’s natural anxieties” he could “string out the process forever and keep his arsenal”. Since the inspectors’ return to Iraq, Saddam Hussein had not provided new evidence and there were concerted Iraqi efforts to prevent unrestricted interviews with scientists. The inspectors had not been able to close a single outstanding issue.

785. In response to calls for “more time and more inspections”, Mr Straw said that in the absence of active and immediate Iraqi co-operation, more time would not achieve anything of substance. The disarmament of South Africa had taken nine inspectors and three years. The “grudging concessions on process” from Saddam Hussein had been “secured only because of the military build up”. Saddam Hussein “must either embark immediately on voluntary and full disarmament or the Security Council must face up to its responsibility to see that he is disarmed by force”.

786. Iraq had made “a string of cynically timed concessions” that were “calculated to divide and delay”. A second resolution was needed to “bring this game to a halt”. If the words “final opportunity” in resolution 1441 were to have any meaning, it was that Saddam Hussein should not be allowed to “lure the international community into endless indecision”. Saddam Hussein:

“... would use a further 120 days to bring the authority of the United Nations lower week by week, to tie the weapons inspectors in knots, and create further divisions within the international community.”

²³⁸ House of Commons, *Official Report*, 26 February 2003, columns 265-276.

787. Mr Straw added:

“Worse, this delay would send Saddam the clearest possible signal that his strategy is succeeding. It would tell him that the international community lacked the will to disarm him, and it would tell all those who threaten our security that Saddam Hussein has broken the United Nations as an instrument for defending peace through the force of international law.”

788. Mr Straw argued against persisting with a policy of containment. That was “not the policy of disarmament as set out in resolution 1441 or any of the preceding resolutions”. There could be “no stable, steady state for Iraq unless it is properly disarmed”. Nor could there be stability for the region and the international community: “What may appear to be containment to others is rearmament for Saddam.” “Far from keeping a lid on Saddam’s ambitions”, the policy of containment between 1998 and 2002 had “allowed him to rebuild his horrific arsenal, his chemical and biological weapons, and the means of delivering them”. Mr Straw cited Iraq’s refurbishment of prohibited equipment and the building of a missile test stand as proof of that activity. Containment required “a degree of trust in Saddam that we cannot risk and which runs contrary to all the evidence”.

789. In relation to questions about double standards, especially in relation to Israel and Palestine, Mr Straw said that he and Mr Blair accepted that there had been a “considerable amount to that charge” but the way to deal with that was “not by ignoring outstanding UN obligations, but by working even harder to see all of them implemented”. The UK was “working actively to implement” UN policy on Israel/Palestine “including the early publication of the Road Map”.

790. Mr Straw stated:

“International terrorism and the proliferation of weapons of mass destruction are the crucial strategic questions of our time. Our answer to the threats will determine the stability of the world for decades to come. This is an awesome responsibility. It calls for courageous leadership and it requires a vision and foresight to act decisively and, if necessary, with military force.”

791. Mr Straw concluded that a “moment of choice” had been reached for Saddam Hussein and for the Iraqi regime, and for the United Nations. The:

“... issue of what we do about tyrannical states with poison gases, nerve agents, viruses and nuclear ambitions, and which defy international law and the principles of the UN, will not go away. We have to face the issue. We have to give Saddam Hussein a categorical choice, and after 12 long years he has to give us his answer now.”

Points made during the debate

The debate that followed Mr Straw's statement returned repeatedly to the question of whether the inspectors should be given more time, and whether the case had yet been made that military action was necessary.²³⁹ A number of MPs referred to the need for an authorising UN resolution if action was to go ahead, and for plans for the delivery of humanitarian aid to Iraq.

Mr Chris Smith (Labour) told the House that there must be "the clearest possible reasons" for going to war and risking thousands of lives, and added "I do not believe those reasons are there".

Mr Kenneth Clarke (Conservative) said: "I cannot rid myself of doubts that the course to war upon which we are now embarked was decided on many months ago, primarily in Washington, and there has been a fairly remorseless unfolding of events since that time."

That point was echoed by Mr John Gummer (Conservative), who said: "There is no Member of Parliament who does not know that this war is war by timetable, and the timetable was laid before the United States had any intention of going to the United Nations."

792. After the debate, 199 MPs voted for an amendment to the Government motion which invited the House to "find the case for military action against Iraq as yet unproven".

793. The Government motion was approved by 434 votes to 124.

794. Sir David Manning spoke to Dr Rice on 27 February to explain the political difficulties in the UK:

"Yesterday's outcome [in the House of Commons] emphasised in stark terms that a second resolution was absolutely vital ..."²⁴⁰

795. Mr Cook wrote that it was the largest rebellion against the Government in his 30 years in Parliament, and that the newspapers the following morning had described it as the "biggest government rebellion since Gladstone introduced the Home Rule Bill".²⁴¹

President Bush's speech, 26 February 2003

796. In a speech on 26 February intended to make the case for action against Iraq, President Bush stated that the safety of the American people depended on ending the direct and growing threat from Iraq.

797. President Bush also set out his hopes for the future of Iraq.

²³⁹ House of Commons, *Official Report*, 26 February 2003, columns 265-371.

²⁴⁰ Letter Manning to McDonald, 27 February 2003, 'Iraq: Conversation with Condi Rice'.

²⁴¹ Cook R. *The Point of Departure*. Simon & Schuster UK Ltd, 2003.

798. In a speech at the American Enterprise Institute on 26 February, President Bush stated that Saddam Hussein was “building and hiding weapons that could enable him to dominate the Middle East and intimidate the civilized world”; and that the US would “not allow it”.²⁴² In addition, Saddam Hussein had “close ties to terrorist organizations, and could supply them with terrible means to strike” the US. The danger that posed “could not be ignored or wished away” and “must be confronted”. The US hoped:

“... that the Iraqi regime will meet the demands of the United Nations and disarm, fully and peacefully. If it does not, we are prepared to disarm Iraq by force. Either way, this danger will be removed.

“The safety of the American people depends on ending this direct and growing threat. Acting ... will also contribute greatly to the long-term safety and stability of our world ... A liberated Iraq can show the power of freedom to transform this vital region, by bringing hope and progress into the lives of millions.”

799. If it “must use force”, the United States and “our coalition” stood ready to: “help the citizens of a liberated Iraq”; “lead in carrying out the urgent and dangerous work of destroying chemical and biological weapons”; “provide security against those who try to spread chaos, or settle scores, or threaten the territorial integrity of Iraq”; and “protect Iraq’s natural resources from sabotage ... and ensure those resources are used for the benefit of the owners – the Iraqi people”.

800. The US had “no intention of determining the precise form of Iraq’s new government”; that choice belonged to the Iraqi people. But the US would “ensure that one brutal dictator is not replaced by another”:

“All Iraqis must have a voice in the new government and all citizens must have their rights protected.

“Rebuilding Iraq will require a sustained commitment from many nations ... we will remain in Iraq as long as necessary, and not a day more ... in the peace that followed a world war ... we did not leave behind occupying armies, we left constitutions and parliaments. We established an atmosphere of safety, in which responsible, reform-minded local leaders could build lasting institutions of freedom ...

“... The nation of Iraq – with its proud heritage, abundant resources and skilled and educated people – is fully capable of moving towards democracy and living in freedom.”

801. A new regime in Iraq would:

“... serve as dramatic and inspiring example of freedom for other nations in the region ...

²⁴² The White House, 26 February 2003, *President discusses the future of Iraq*.

“Success in Iraq could also begin a new stage for Middle Eastern peace and set in motion progress towards a truly democratic Palestinian state. The passing of Saddam Hussein’s regime will deprive terrorist networks ... of a wealthy patron ... And other regimes will be given a clear warning that support for terror would not be tolerated.”

802. President Bush also stated that a future Palestinian state must abandon for ever the use of terror and that, as the threat of terror receded, Israel must support efforts to create a viable state. He reiterated his personal commitment to implement the Road Map, but without setting a timetable.

803. President Bush said that confronting Iraq showed the US “commitment to effective international institutions”; and that he wanted the words of the Security Council to have meaning. The world needed:

“... international bodies with the authority and will to stop the spread of terror and chemical and biological weapons ... High-minded pronouncements against proliferation mean little unless the strongest nations are willing to stand behind them – and use force if necessary ... the United Nations was created, as Winston Churchill said, ‘to make sure that the force of right will, in the ultimate issue, be protected by the right of force’.”

804. In her memoir, Dr Rice wrote that the speech was made after she and Mr Hadley had “realized belatedly” in late February “that the President had not made the broader arguments” for action in Iraq. She also commented: “But the die had been cast. This was a war that had been justified by an intelligence judgement, not a strategic one.”²⁴³

805. Following the speech, Mr Straw asked for further work on the draft vision for the Iraqi people, which had first been produced in 2001, on the grounds that a “public commitment on the lines of the draft could have a powerful impact in Iraq and the region as well as on the British domestic debate”.²⁴⁴ It would not be launched or trailed until after the UN had voted on the second resolution because of the risk that it would be presented as “discounting the role” of the Security Council. Care would also be needed to avoid confusing the message that the justification for military action rested firmly on disarmament of WMD.

806. Mr Straw thought it essential that the UK, US and “other coalition members” were speaking to a common script. That underlined the importance of making progress with the US on post-conflict planning; and although there was nothing in the UK draft that “could not be squared with US policy” as set out in President Bush’s speech, “elements ... go further than the US has so far done in public or, on some issues including UN involvement, in private”.

²⁴³ Rice C. *No Higher Honour: A Memoir of My Years in Washington*. Simon & Schuster, 2011.

²⁴⁴ Letter Owen to Rycroft, 28 February 2003, ‘A Vision for Iraq and the Iraqi People’.

807. A ‘Vision for Iraq and the Iraqi People’ was eventually agreed, and issued at the Azores Summit on 16 March 2003 (see Section 3.8).

JIC Assessment, 26 February 2003: ‘Iraq: Prospects in the North’

At the request of the FCO the JIC produced an Assessment on 26 February of how the Iraqi regime would respond in northern Iraq to a Coalition attack; the likely attitudes and actions of Turkey and the Iraqi Kurds; and the prospects for northern Iraq post-Saddam Hussein.²⁴⁵ The Assessment highlighted the short and longer-term risks of action in northern Iraq.

The JIC specifically asked Mr John Scarlett, the Chairman, to draw the Assessment to the attention of Mr Blair, Mr Straw and Mr Hoon.²⁴⁶ He wrote that it noted:

- “The continued presence of significant military forces in the North and the possibility that they were equipped with WMD.”
- “The potential for fighting between Turkish and Kurdish forces.”
- “The potential for Iranian involvement”.

Mr Blair commented: “I need to talk on this.”²⁴⁷

Cabinet, 27 February 2003

808. Mr Blair told Cabinet on 27 February that:

- he would continue to push for a further Security Council resolution;
- humanitarian and reconstruction planning needed to take “centre stage”, and he would pursue that with President Bush in the coming days;
- decisions had to be made; and
- failure to achieve a second resolution would reinforce the unilateralists in the US Administration.

809. Mr Campbell wrote in his diaries that Mr Blair had held a meeting with Mr John Prescott, the Deputy Prime Minister, and Mr Straw, “at which we went over the distinct possibility of no second resolution because the majority was not there for it”.²⁴⁸ Mr Blair “knew that meant real problems, but he remained determined on this, and convinced it was the right course”.

810. Mr Straw told Cabinet that the draft resolution could be put to the vote in the week after the 7 March discussion of Dr Blix’s and Dr ElBaradei’s reports in the Security

²⁴⁵ JIC Assessment, 26 February 2003, ‘Iraq: Prospects in the North’.

²⁴⁶ Minute Scarlett to Rycroft, 27 February 2003, ‘JIC Assessment: Iraq: Prospects in the North’.

²⁴⁷ Manuscript comment Blair to Rycroft on Minute Scarlett to Rycroft, 27 February 2003, ‘JIC Assessment: Iraq: Prospects in the North’.

²⁴⁸ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

Council, which was likely to be at Foreign Minister level.²⁴⁹ There had been considerable diplomatic activity to win the votes of the 10 non-permanent members of the Council. He thought that Spain and Bulgaria would support; and Syria and Germany would vote against or abstain. Angola, Cameroon, Chile, Guinea, Mexico and Pakistan were being encouraged to vote for the resolution. France and Russia would need to “think through their responsibilities”.

811. Reporting on his visit to Bahrain, Kuwait and Qatar, Mr Hoon said that they were supportive of “our approach”. The Royal Navy Task Force and about half the total British military commitment of 45,000 service men and women was in the region. He was “confident that the troops and their equipment would arrive in place as planned”.

812. Mr Hoon had “one particular concern” which he had discussed with General Tommy Franks, Commander in Chief US Central Command (CENTCOM), that:

“Not enough planning had been done on the post-conflict phase of operations, including humanitarian relief. British forces could find themselves in charge of a portion of Iraq quite quickly if resistance to Coalition military action collapsed. It would be helpful if experts from the Department for International Development could work with military planners in the region and consider pre-positioning humanitarian supplies so that there was no hiatus in the event that military action took place.”

813. Ms Short said that experts had been involved in talks in the Pentagon. Preparations were “just beginning and needed to be expedited”. A UN legal mandate was “essential” for the humanitarian and reconstruction tasks that lay ahead. Without that, “proper preparation was impossible”. That matter “needed to become a priority for the Coalition”. It would be “difficult” to accommodate action in Iraq within her department’s contingency reserve: “Greater resources were likely to be needed.”

814. The points made in discussion included:

- The MEPP needed to be revived quickly. That was the focus of much Arab frustration.
- Unity inside Europe needed to be restored “as soon as possible after any military action”.
- Keeping to the UN route and winning support for a new Security Council resolution would garner support in the UK.
- In the event of a veto, gaining a preponderance of votes for a new resolution could still be important.
- Insufficient credit had been given to the value of the No-Fly Zones and the difference between life in northern Iraq, which was beyond Saddam Hussein’s direct control, and that elsewhere in Iraq.

²⁴⁹ Cabinet Conclusions, 27 February 2003.

- There had been “sharp differences of view” in the debate in Parliament on 26 February, the tone was not “unpleasant, but the issues were difficult, and views could still be swayed”. The commitment to a further debate had been “wise”.

815. Mr Blair said that he would continue to push for a further Security Council resolution. President Bush’s commitments the previous day in respect of the MEPP were “helpful”. Looking beyond the current divisions in the international community it would be “important to seek unity of purpose through the humanitarian and reconstruction work which would follow any military action”. Planning in this field “needed to take centre stage”. He would pursue that with President Bush “in the coming days”. The “transitional civil administration in Iraq should have a United Nations mandate, although the scale of United Nations involvement should balance the administrative effectiveness with the necessity for proper authority”.

816. Mr Blair described the debate in the UK and Parliament as “open”:

“Feelings were running high and the concerns expressed were genuine. But decisions had to be made. The central arguments remained the threat posed by weapons of mass destruction in the hands of Iraq; the brutal nature of the Iraqi regime; and the importance of maintaining the authority of the UN in the international order. Failure to achieve a further Security Council resolution would reinforce the hand of the unilateralists in the American Administration.”

817. Mr Campbell wrote:

“At Cabinet, things were pretty much rock solid ... I could sense a few of them only fully realising ... the enormity of the decisions, the enormity of the responsibility involved. Robin [Cook] was the trickiest ... Clare [Short] was doing her usual ... and for her was relatively onside. She wanted to do a big number on aftermath preparations but TB was there ahead of her. He was very calm, matter of fact, just went through where we were on all the main aspects of this. Margaret Beckett [Secretary of State for Environment, Food and Rural Affairs] ... made a very strong intervention. She was a really useful barometer and she was very supportive. Nobody was really looking to make TB’s position more difficult ... with the possible exception of Robin.”²⁵⁰

818. Mr Campbell added that Mr Blair had:

“... said later that he felt only now was [President] Bush really aware of the full extent of the stakes here. This had the potential to transform for good America’s relations with Europe and the rest of the world, and in a worst-case scenario was a disaster

²⁵⁰ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

for everyone. He wanted to get the thing done quickly, but he also wanted them to understand better the broader agenda. He felt Bush had moved a good deal on that but was less convinced it permeated through the rest of the Administration.”

LORD GOLDSMITH'S MEETING WITH NO.10 OFFICIALS, 27 FEBRUARY 2003

819. When Lord Goldsmith met No.10 officials on 27 February he advised that the safest legal course would be to secure a further Security Council resolution.

820. Lord Goldsmith told them, however, that he had reached the view that a “reasonable case” could be made that resolution 1441 was capable of reviving the authorisation to use force in resolution 678 (1990) without a further resolution, if there were strong factual grounds for concluding that Iraq had failed to take the final opportunity offered by resolution 1441.

821. Lord Goldsmith advised that, to avoid undermining the case for reliance on resolution 1441, it would be important to avoid giving any impression that the UK believed a second resolution was legally required.

822. At the request of No.10, Lord Goldsmith met Mr Powell, Baroness Morgan (Mr Blair’s Director of Political and Government Relations) and Sir David Manning on 27 February.²⁵¹ The discussion, and Mr Powell’s request that Lord Goldsmith’s advice should not “become public”, are addressed in Section 5.

Discussions at the UN, 27 and 28 February 2003

823. Informal consultations in the Security Council on 27 February showed there was little support for the UK/US/Spanish draft resolution.

824. The Security Council held “informal consultations” on the UK/US/Spanish proposal on 27 February.²⁵²

825. Mr Miller provided a brief for Sir Jeremy Greenstock to use in the Council discussion, setting out the UK assessment of Iraq’s WMD and its response to resolution 1441.²⁵³ That is addressed in Section 4.3.

826. Sir Jeremy Greenstock reported:

- Ambassador Negroponte had said he “hoped for a decision on the resolution in the not too distant future”; and that it “asked only if Iraq had complied with its final opportunity”. “The Council should judge the facts on the basis of what had happened over the last 108 days.” He would be “concerned” about the

²⁵¹ Minute Adams to Attorney General, 26 February 2003, ‘Iraq: Meeting at No.10, 27 February’.

²⁵² Telegram 318 UKMIS New York to FCO London, 28 February 2003, ‘Iraq: 27 February Consultations and Missiles’.

²⁵³ Letter Miller to Greenstock, 26 February 2003, ‘Iraq: WMD Brief’.

message to Iraq “if the Council were not able to pass this straightforward justified resolution”.

- Mr Lavrov had said implementation of 1441 and 1284 should continue “until the inspectors encountered impediments and obstacles”. Iraq was “not blocking the work of [the] inspectors and was more and more actively co-operating on substance”. That was “the result” of “continuing pressure” from a “unified” Council “and the strong inspection mandate which could, if necessary, be made more effective”. Facts were needed “to close this issue”. He suggested distribution of UNMOVIC’s “clusters” document to provide the basis for discussion.
- Mr Aguilar Zinser, Mexican Permanent representative to the UN, said Mexico “still wanted: disarmament; a peaceful solution; inspections ... and multilateral consideration of this issue” and, unusually, asked the UK, US and Spain a series of questions about the proposal.
- Mr Juan Gabriel Valdés, Chilean Permanent Representative to the UN “urged the P5 to find a solution”. He “did not reject the use of force but it must only be once all peaceful means had been exhausted”. He “wanted the continuation of inspections for some time before a definitive report”.
- Mr Inocencio Arias, Spanish Permanent Representative to the UN, had said the draft was “one more step in imposing serious diplomatic pressure”. Saddam Hussein co-operated only under pressure. The more time was given, “the less pressure he would face”.²⁵⁴

827. Sir Jeremy reported that the points he had made included:

- We were not getting Iraqi co-operation because “the ‘zero’ Iraq had declared was a lie”.
- Iraq was “trickling out concessions to divide the Council, buy time and avert military action while continuing concealment”.
- It was “very probable that Iraq would decide to destroy the Al Samoud missiles. In addition they might also start trickling out what they claimed to be newly discovered documents and announce ‘private’ interviews which would in reality still be monitored and taped.”
- He “recognised” that he was “saying things that could not be confirmed by the inspectors”, but the UK had “invested in facilities not available to other member states or the inspectors because our national interest was at stake and the UN was being defied. We were providing detailed intelligence to the inspectors”.
- It was “our word against Saddam’s – but Council members had to choose whom they believed”.

²⁵⁴ Telegram 318 UKMIS New York to FCO London, 28 February 2003, ‘Iraq: 27 February Consultations and Missiles’.

828. Sir Jeremy reported that he had used “the points provided by the Assessments Staff”, including Iraq’s:

“... capacity to produce chemical and biological weapons; its delivery mechanisms; the efforts the regime had taken to conceal WMD; the fact that the regime had considered whether to declare some weapons but concluded it was too risky; plans to obstruct ... [the inspectors] if they got too close; and the intimidation to prevent private interviews which Iraq saw as the weak link that could expose their WMD”.

829. In addition, he stated that “UNMOVIC had been tagging proscribed equipment that had been repaired by the Iraqis”.

830. Directly challenging the French/German/Russian proposal, Sir Jeremy reported that he had said it “wrongly claimed inspections were not being hindered” and “wrongly suggested” a number of other proposals to strengthen inspections and allow more time. It “did not add up to a solution delivering disarmament, but at best temporary containment while Iraq continued to exploit major holes in sanctions to develop WMD”.

831. Addressing the legal arguments “using the lines agreed with London”, Sir Jeremy said that the “new draft, if adopted, would confirm the authorisation of the use of force inherent in resolutions 678, 687 and 1441”. It would increase the pressure on Iraq; but it:

“... did not necessarily mean that its adoption would in practice lead to immediate use of force. There was still a chance that at the last minute Iraq would take radical action to disarm. The UK hoped that would be the result. This was the only remaining route to secure disarmament and a peaceful outcome.”

832. Sir Jeremy stated that he “recognised that [resolution] 1441 set an awkwardly high standard. But we had adopted it and at no point had inspectors reported the immediate, active and unconditional co-operation demanded”. He “accepted delay was more comfortable and that there were downsides to the action ... proposed”. But colleagues should read the relevant provisions of resolution 687 (1991). Iraq “continued to cheat the UN”.

833. Mr Jean-Marc de La Sablière, French Permanent Representative to the UN, had responded that Sir Jeremy’s statement showed that the resolution “was not about increased pressure but about force”. He questioned whether the Council “would be strengthened by supporting a war against which so many objected”. He set out the French/German/Russian proposal “in standard terms”. There was “no reason to resort to force in the current circumstances nor to discuss a resolution to legitimise it”.

834. Mr Wang Yingfan, Chinese Permanent Representative to the UN, said that “the road of peaceful inspections had not run its course”.

835. Dr Gunter Pleuger, German Permanent Representative to the UN, said “the resolution was about war”. The goal was “peaceful disarmament – if we went to war we would have failed”.

836. Sir Jeremy commented that: “Positions remain generally unchanged” but the co-sponsors had produced a “more effective line of argument than the opposition”.

837. Following the meeting, details emerged of a letter from Iraq to Dr Blix confirming “agreement ‘in principle’ to the destruction of Al Samoud 2 missiles”. Sir Jeremy reported that he had “tried to discount it in advance with the Council”. If Iraq’s “acceptance ‘in principle’” did not turn into concrete destruction before 1 March, which Sir Jeremy thought “unlikely”, that would be “a bonus”.

838. Dr Blix told the UK Mission that he could and would make the “clusters” document available for the Council meeting on 7 March. But preparation of the work programme and key remaining tasks would not be ready by then.

839. Dr Blix lunched with EU Heads of Mission in New York on 28 February.²⁵⁵

840. The UK Mission reported that Dr Blix had made a number of points including:

- Iraq “had not actively co-operated until recently”. It was now producing documents, a list of participants in destruction activities in 1991, and digging up R-400 bombs. But Iraq had not started to disarm, the picture on interviews was “disappointing”, and the flow of documents was “limited”.
- He shared the US view that it “was for Iraq to declare its WMD holdings and show how it was disarming”. UNMOVIC was not a detective agency. There was plenty Iraq could do to address allegations which were well known to Baghdad, such as checkpoints for trucks and an inventory of underground facilities.
- Iraq could have acted earlier. Iraq was not co-operating fully and actively. Full co-operation should not take a long time. If UNMOVIC secured full co-operation, “verification would take neither years nor weeks but months”.
- There had been no change of heart, just more activity. Iraq had attempted to conceal things.
- The debate was “somewhat over-focused on the outstanding questions identified by UNSCOM”. It was not possible to prove a negative (Iraq’s claim that it had not resumed any WMD programmes): “But Iraq could certainly make the negative plausible (e.g. producing documents; opening underground facilities).” It could “certainly do more on interviews”.
- He thought there was increasing acceptance in the Council that he should circulate UNMOVIC’s clusters of unresolved questions. But UNMOVIC should not “grade” Iraq’s co-operation; that was “the responsibility of the Council”. But producing the document would facilitate Iraq’s task.
- He did not think he was bound to deliver the work programme required by resolution 1284 “only on 27 March”. It would be “fairly short”, but the Commissioners had still to take a view.

²⁵⁵ Email Thomson to Greenstock, 1 March 2003, ‘Iraq: Blix’.

- It would “make sense for UNMOVIC to identify some priorities” within the clusters. He suggested VX, anthrax and SCUD missiles.
- “... just three months of inspections was ‘not fully satisfactory’ as a decent amount of time to give the inspections effort. But that was a Council decision.”
- If the Council voted for war, there would be a long term monitoring requirement. It would be for the Council to decide whether UNMOVIC should go back and on what terms.

841. Dr Blix subsequently told the UK Mission that he could and would make the clusters document available for the Security Council meeting on 7 March. But preparation of the work programme and key remaining tasks would not be ready by then.

842. The UK Mission also reported that Ambassador James Cunningham, US Deputy Permanent Representative to the UN, had:

- said he was “not opposed to surfacing the clusters document ... provided it was not accompanied by the list of key remaining tasks”; and
- agreed that, “after any conflict, US forces should certainly be accompanied by UNMOVIC inspectors to witness the uncovering of WMD and missiles. But there was Pentagon resistance ... and, if the resolution failed to pass, giving UNMOVIC a role could be a difficult argument.”

843. The UK continued to provide information to UNMOVIC on potential targets for inspection but, by late February, it was “less confident about these than some of the previous targets”.²⁵⁶

UNMOVIC report, 28 February 2003

UNMOVIC issued its quarterly report to the Security Council on 28 February.²⁵⁷

The UK Permanent Mission to the UN in New York reported that UNMOVIC had concluded that Iraq had been helpful on process but there was no explicit conclusion on substance.²⁵⁸

Other points included:

- The “clusters” document could serve as an important source for the selection of key remaining tasks.
- Verified disarmament would be “problematic” without co-operation and even with co-operation it would take some time.
- Results in terms of disarmament had been very limited so far.

²⁵⁶ Minute DI ACR [junior official] to DDI CPSG et al, 25 February 2003, ‘Proposed Targets for UNMOVIC Briefing – 26/27 February 2003’.

²⁵⁷ UN Security Council, 28 February 2003, ‘Note by the Secretary General’ (S/2003/232).

²⁵⁸ Telegram 323 UKMIS New York to FCO London, 28 February 2003, ‘Iraq: UNMOVIC Quarterly Report’.

- Iraq could have made a greater effort in the period and it was hard to understand why some measures which might achieve results had not been taken earlier.
- It was only after mid-January that Iraq took a number of steps that had the potential to result in the presentation of either proscribed items or of relevant evidence.

The report was discussed in the Security Council on 7 March.

UK attempts to secure support for the draft resolution

844. In meetings in Madrid on 27 and 28 February, Mr Blair and Mr Aznar discussed the need for a second resolution and the positions of other members of the Security Council, including:

- Mr Aznar's concerns following his meeting with President Bush that the US might be over-confident.
- Doubt that France would actually veto a resolution although it was attempting to prevent nine positive votes.
- The need for the US to "win" the Mexican vote given its "history of non-intervention ... strong anti-US nationalism, and [President] Fox's lack of a majority in Congress".
- President Lagos' understanding "that military action would go ahead", his view that "it would be better for it to do so in the UN context", his wish not to have the "decisive vote", and the need "to find something to help Mexico and Chile".
- Pressure from, for example, Brazil for a common Mexican/Chilean position.
- The outcome of the visit to Africa by Baroness Amos, FCO Parliamentary Under Secretary of State.
- Hopes that Pakistan could be persuaded to vote in favour of the resolution.
- Uncertainty about President Putin's position.
- That it was "unlikely that the Arab idea of exile for Saddam would work, but it was worth a try".²⁵⁹

845. Mr Blair focused on:

- the importance of keeping close to Dr Blix, who "must not be taken in by the likely Iraqi destruction of the Al Samoud missiles";
- the UK's assessment of Iraq's concealment of its WMD;
- the need to focus on the "1999 left-overs" and interviews;

²⁵⁹ Letter Rycroft to McDonald, 28 February 2003, 'UK/Spanish Summit, Madrid, 27-28 February: Iraq'.

- the need to show “as quickly as possible that military action had brought the Iraqi people a humanitarian benefit”; and
- the need to press the US that the UN “had to be centrally involved, legitimising the international presence”.

846. To address the difficulties created by “the impression that the US was determined to go to war come what may”, Mr Blair and Mr Aznar agreed the need to pursue a communications strategy showing that they “were doing everything possible to avoid war”. Mr Blair would also seek more public support from Denmark and the Netherlands.

847. Mr Campbell wrote in his diaries:

“Blix was now causing us significant problems. He was talking now about Saddam’s line on [potential decommissioning of] Al Samoud missiles being a significant piece of disarmament. TB was raging again, said the man was supposed to be a civil servant, but had decided to behave like a politician. He is just desperate not to be seen as the person who allowed a war to start, but his job is to present the facts. He felt Blix was being bullied successfully by the French who, he was now convinced, wanted as their main foreign policy objective to build Europe as a power rival to the US, and determined to shaft TB ...”

“He was also worried that Kofi [Annan] ... was getting closer to the Franco-German position ...”²⁶⁰

848. At the end of February, a senior official in the US Administration sought the UK’s views on whether the resolution should be put to a vote or withdrawn if it was judged that there was insufficient support for its adoption.

849. No.10 took the view that it would want a vote.

850. Following his farewell calls in Washington, Sir Christopher Meyer reported that Mr Richard Haass, the Director of Policy Planning in the State Department, had produced a memorandum which challenged the conventional wisdom by suggesting that the second resolution should be withdrawn if it was likely that it would not be adopted; and that Secretary Powell would be interested in Mr Straw’s views.²⁶¹

851. Sir Christopher’s letter was also copied to Sir David Manning, Sir Michael Jay, and Sir Jeremy Greenstock.

852. Mr Powell sought Mr Blair’s views, commenting that he had told Mr Haass on 28 February that the UK “would prefer to put the resolution to a vote and that, “having thought about it”, that was “even more strongly” his view: “Refusing to put this to the vote and claiming we had nine votes would hole us below the waterline.” In addition,

²⁶⁰ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

²⁶¹ Letter Meyer to McDonald, 28 February 2002 [sic], ‘Iraq: Confronting a French Veto’.

Mr Powell commented, “how do we know if the French will veto if we don’t put it to the test”.²⁶²

853. Mr Powell also recorded that Mr Blair was very opposed to the idea.

854. Sir David Manning commented “Me too”.²⁶³

855. In his memoir, *War of Necessity War of Choice*, Mr Haass described a “mini-debate” within the US Administration:

“... about whether to press for a second resolution despite its poor prospects. Some ... favored doing so as a means of pressurising others to stand up and declare themselves against going to war, even if it did not appear that we had the votes to win. I never understood this logic and thought this approach misguided, and instead argued that the worst of all outcomes would be to lose a vote and then go to war. This would be widely viewed as ... arrogant ... and raise even more fundamental questions concerning the legitimacy and legality of what the US was contemplating. I also thought it would do real and lasting damage to the United Nations. Far better to explore getting a second resolution and then pull back if consultations demonstrated that it was likely that we could not prevail ... I argued all this out in a memorandum that Powell distributed to the [NSC] Principals. Fortunately, this position carried the day, and the Administration decided to pull back if and when it became obvious that no international consensus favoring war would emerge.”²⁶⁴

856. An Arab League Summit on 1 March concluded that the crisis in Iraq must be resolved by peaceful means and in the framework of international legitimacy.

Arab League Summit, 1 March 2003

An Arab League Summit meeting, held in Sharm al-Sheikh on 1 March, discussed the “serious developments in the crisis over Iraq”. The communiqué recorded that the Summit had resolved:

- “To reaffirm its absolute rejection of a strike on Iraq ... The Iraqi crisis must be resolved by peaceful means and in the framework of international legitimacy.”
- “To demand that the inspection teams should be given enough time to complete their mission ... and to call upon them to continue to observe objectivity ...”
- “To emphasise the UNSC’s responsibility to ensure that Iraq and its people are not harmed, and to protect Iraq’s independence and the integrity and unity of its territories ...”

²⁶² Manuscript comment Powell on Letter Meyer to McDonald, 28 February 2002 [sic], ‘Iraq: Confronting a French Veto’.

²⁶³ Manuscript comment Manning on Letter Meyer to McDonald, 28 February 2002 [sic], ‘Iraq: Confronting a French Veto’.

²⁶⁴ Haass RN. *War of Necessity War of Choice: A Memoir of two Iraqi War*. Simon & Schuster, 2009.

- “To re-affirm that their countries should refrain from taking part in any military action targeting the security, territorial integrity and unity of Iraq or any other Arab country.”
- “To emphasise solidarity with the Iraqi people ... and to stress that it is time to lift the sanctions imposed ...”
- “The Kingdom of Bahrain to form a Presidential Committee ...”
- “The affairs of the Arab world and development of its regimes are a thing decided by the peoples in the region in [a] way that suits their national interests, not by foreign interference. In this context the leaders denounce reported attempts to impose changes on the region, interfere in its internal affairs or ignore its interests and just causes.”
- “To consider the disarmament of WMDs in Iraq an inseparable part of the WMD disarmament of the region, including Israel ...”²⁶⁵

Mr John Sawers, British Ambassador to Egypt, reported that the proceedings had been broadcast live on Egyptian television and that the statements by Arab leaders had “displayed a more balanced approach than was evident from the communiqué”.²⁶⁶ Mr Hosni Mubarak, the Egyptian President, had said that the best way to solve the crisis would be for Iraq to comply with international law represented by the UN; and to co-operate fully with the inspectors. Mr Bashar al-Assad, the Syrian President, had said that war was inevitable and the region should focus on the aftermath of war. Sheikh Zayed, the Emir of Qatar, had tabled a written suggestion that Saddam Hussein should be given an amnesty and step down.

857. Sir David Manning and Mr Scarlett visited Mexico and Chile on 1 and 2 March to explain the UK’s position to Presidents Fox and Lagos and to seek their support.

858. On 27 February, Mr Gregory Faulkner, British Ambassador to Chile, reported Chilean concerns that the Permanent Members of the Security Council were not seeking to resolve their differences on Iraq.²⁶⁷ The Chileans thought that passed the buck for decision-taking to the non-permanent members, which was unfair. Chile wanted an amendment to the draft resolution asking the inspectors to produce a conclusive report within a specific deadline of a week to 10 days. This would also help Mexico.

859. Sir David Manning was reported to have told President Fox on 1 March that Mr Blair believed that matters had come to a head, UN credibility was eroding and containment was not sustainable.²⁶⁸ Iraq must come clean now or face the consequences. Mr Blair was convinced that Iraq’s WMD had to be dealt with now or we would face a worse situation later. The Iraqi declaration of 7 December 2002 had been a disappointment which did not address vital issues such as the whereabouts of anthrax

²⁶⁵ Telegram 68 Cairo to FCO London, 2 March 2003, ‘Arab League Summit: Final Communique’.

²⁶⁶ Telegram 67 Cairo to FCO London, 2 March 2003, ‘Arab League Summit’.

²⁶⁷ Telegram 31 Santiago to FCO London, 27 February 2003, ‘Chile/Iraq’.

²⁶⁸ Telegram 1 Mexico City to Cabinet Office, 1 March 2003, ‘Iraq: Mexico’.

and VX. Since then, the inspectors had been prevented from doing their job properly. War must be a last resort but the international community could not allow Saddam Hussein to play games and spin things out. Proper access to scientists was one key to progress.

860. Mr Scarlett was reported to have told President Fox that the UK had developed:

“... a range of sources, some inside Iraq, that had proven reliability. We had built up a consistent picture in which we had confidence. Our allies, including Europeans, had no serious differences of substance with us ...

“While we believed that UNSCOM had been able to disarticulate Iraq’s nuclear programme it had not been able to account for a wide range of chemical and biological materials – we were particularly worried about VX and anthrax. Even conservative estimates of material Iraq still held indicated the capacity to assemble thousands of WMD artillery shells. Since 1998 Iraq had continued to produce new agents, develop its missile capability and, with less success, reconstitute its nuclear programme.

“In 2002 a conscious decision was taken to deny possession of WMD to frustrate a renewed and strengthened inspection programme. We had watched a policy of concealment and intimidation develop. Evidence had been dispersed, factories cleaned up and scientists cowed.

“... Some UNMOVIC successes in January resulted in further efforts to hide evidence and deceive inspectors. Continued small successes forced Iraq to move to a policy of slow, small concessions to give the impression of movement (eg on missiles). For the UK, the litmus test would be interviews with scientists. Iraq realised their knowledge was their Achilles heel, hence the intimidation.”

861. President Fox was reported to have listened carefully and with an open mind. Mexico wanted to continue to seek consensus. It did not like talk of action “with or without the UN”; overriding international institutions had grave internal consequences for countries nurturing fragile newly created institutions. He was attracted to the Canadian idea of benchmarking Iraqi co-operation.

862. Sir David Manning had concluded that Mexican support for a second resolution was “not impossible, but would not be easy and would almost certainly require some movement”.

863. In a telephone conversation with Mr Blair on 2 March, before his meeting with Sir David Manning and Mr Scarlett, President Lagos wondered if there was room for clarification of what the Security Council was trying to achieve.²⁶⁹ He was worried that talk of regime change was overshadowing the issue of disarmament in the media.

²⁶⁹ Letter Cannon to Owen, 3 March 2003, ‘Iraq: Prime Minister’s Conversation with President of Chile, 2 March’.

He wondered if the Council could set benchmarks and mentioned interviews with scientists. He understood UNMOVIC had interviewed only seven scientists. “Setting benchmarks ... looked better than going to war over a few missiles.”

864. President Lagos said that he was calling on other P5 states to assume responsibility for what was going on. It was not acceptable for them to say: “We’ll abstain, it’s not our war”. He had told President Chirac that was not good enough; if he did not agree with the resolution, he should veto rather than shift the responsibility on to others. President Chirac had sent an emissary to try to win him [Lagos] over, but he thought it would be possible to work out a compromise in the Security Council “during the week” and he wanted to talk through the benchmarks idea with Sir David Manning.

865. Mr Blair recommended that Chile should look again at the 1999 UNSCOM report which made clear the scale of outstanding material and the extent of Iraqi deceit. The issues were the “unaccounted for WMD and the need for real co-operation”. The missiles were “a side issue”. Saddam Hussein “had admitted their existence thinking they were not in breach of sanctions”, and he “had had little choice but to destroy them when UNMOVIC decided that they were”.

866. Mr Blair stated that he:

“... took [President] Lagos’ point about the need to be precise and specific about what the Security Council wanted. Otherwise people interpreted the destruction of the missiles as real progress and said that we should leave the inspectors in longer.”

867. President Lagos agreed. The real issue was CBW not missiles, and that should be put to the international community. Mr Blair was right that Saddam Hussein was only co-operating because of the pressure on him, but he wanted the P5 to “participate and assume their responsibilities”.

868. President Lagos added that the French political system seemed to be divided on a veto: “There was an internal discourse ... But the French were not producing alternative ideas, they were just playing for time.” President Chirac had told him that he was against any deadline at all, not just that suggested by Canada.

869. Mr Blair stated that he was “in no doubt that Saddam had CBW and was concealing it”, but he “accepted the need to think about how to present the case”.

870. In his subsequent meeting with President Lagos, Sir David Manning was reported to have set out the need to act on Iraq to prevent other potential proliferators; the importance of the UN delivering after President Bush had been persuaded to go down the UN route; and Saddam Hussein’s failure to take his opportunity and the continued pattern of obstruction.²⁷⁰ Sir David “regretted” the split in the Security Council; without it, Saddam Hussein might have cracked. The UK saw war as a last resort and “needed a

²⁷⁰ Telegram 34 from Santiago to FCO London, 2 March 2003, ‘Chile/Iraq: Visit by Manning and Scarlett’.

second resolution because of public pressures”; it liked the Canadian idea of a deadline. Resolution 1441 already contained benchmarks, but they might have to be presented in a different way. Sir David had also said that, if it came to war, it would have to be “through the UN and with the UN heavily involved in the aftermath”.

871. Mr Scarlett was reported to have described the intelligence assessment and, in response to a specific question, informed President Lagos that “although there were some differences of detail e.g. over the degree to which Saddam could weaponise, the French assessment was similar” to the UK’s.

872. President Lagos repeated his concerns, including the difficulty of securing nine votes or winning the presentational battle without further clarification of Iraq’s non-compliance, and his suggestions to identify benchmarks with a short deadline. Sir David Manning agreed to report the conversation to Mr Blair.

873. Mr Blair wrote in his memoir that, during February, “despite his best endeavours”, divisions in the Security Council had grown not reduced; and that the “dynamics of disagreement” was producing new alliances. France, Germany and Russia were moving to create an alternative pole of power and influence.

874. Mr Blair thought that was “highly damaging” but “inevitable”: “They felt as strongly as I did; and they weren’t prepared to indulge the US, as they saw it.”

875. Mr Blair concluded that for moral and strategic reasons the UK should be with the US.

876. Mr Campbell wrote that Mr Blair had called him on 1 March “for a chat re Blix”: “A combination of Blix and the recent moves by the Iraqis had got us on the back foot again.” Mr Blair:

“... felt it was all now about the politics of the UNSC, and would come down to a hard-headed argument for votes. It was all going to ebb and flow but we just had to keep going. He was clear that the consequences of not being with the US now were incalculable.

“I said I felt there had been various points where we could have done something different vis-a-vis the US. He said no, the only way to have had influence with them was to be clear from the start that we would be with them when things got really tough. He was clear that our interests were aligned.”²⁷¹

877. In his memoir, Mr Blair wrote that, “politically, as well as to put the issue beyond any legal claim to the contrary, a second resolution was certainly desirable”.²⁷² During

²⁷¹ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

²⁷² Blair T. *A Journey*. Hutchinson, 2010.

February 2003, “despite his best endeavours”, divisions in the international community had grown not reduced:

“The ten new accession countries [in the EU] came out strongly for the US position ... Spain and Italy both supported action. Allies of the US outside Europe such as Japan and South Korea also rallied. So did many of the applicant countries for NATO. Australia gave unstinting and determined support.

“But public opinion in many traditionally supportive countries, like Turkey was strongly anti. Canada decided they couldn’t support without a new resolution, as did Mexico ...

“Basically, there were nations for whom the American alliance was a fundamental part of their foreign policy. They tended to back the US. Then there were those for whom the alliance was important, but not fundamental. They backed off ... the dynamics of disagreement then started to fashion new alliances, with France, Germany and Russia, in particular, moving to create an alternative pole of power and influence.”

878. Mr Blair added:

“I thought this was highly damaging; but I also understood it was inevitable. They felt as strongly as I did; and they weren’t prepared to indulge the US, as they saw it. They thought conflict would harm relations between the West and Islam, and of course the more they said this, the more they rather played into that analysis and strengthened it.

“... I agreed with the basic US analysis of Saddam as a threat; I thought he was a monster; and to break the US partnership in such circumstances, when America’s key allies were all rallying round, would in my view, then (and now) have done major long-term damage to that relationship.

“I had one last throw of the dice. The problem which sensible opinion had with it all was the feeling that it was a rush to war ... the US position was that this was all very well but ... they couldn’t simply wait until a diplomatic dance, which they had fair evidence for thinking would be interminable, was played out. Their position was: resolution 1441 was a final chance; if he didn’t take it; if we give him time, we just allow him to mess us around as he has before; he won’t reform; we’re kidding ourselves if we think he will; so let’s go and get the job done.

“The inspectors’ reports were at best inconclusive, but they certainly weren’t evidence of ‘immediate, unconditional and active compliance’. The US was champing at the bit. President Bush was actually losing support by waiting. The international community was split. The party was split. I was between numerous rocks and hard places.

“The strain on everyone around me was almost unbearable ...

“Gradually I did deal with it. I sat and reasoned it all through. I knew in the final analysis I would be with the US, because it was right morally and strategically. But we should make a last ditch attempt for a peaceful solution. First to make the moral case for removing Saddam ... Second, to try one more time to reunite the international community behind a clear base for action in the event of a continuing breach.”

879. Mr Campbell wrote that Mr Blair had telephoned him at 7:45am on 3 March and was:

“... even more worried than he had been on Friday. He felt things were just not where they needed to be. David M[anning] and John Scarlett came back from their weekend trip ... both countries were very firmly on the fence and could see no reason to come off it. TB said it was still possible we could get a majority on the UNSC but if it was in circumstances where people felt we bullied and arm-twisted, the French would be less worried about putting down a veto. The Americans were frankly alienating people by their tactics. David M said the message these smaller countries got was the basic assumption from the Americans that they would come over in the end.

“I said ... that our problem on the communications front was largely caused by US friendly fire ... They looked the whole time like they were desperate for war. We at least didn’t look like we were desperate for war, but we did look like we were desperate to be with them ... TB said he would have to tell Bush that it was not possible to get the votes at the moment. It was totally what they didn’t want to hear but they had to hear it from someone. He was very down on the Americans ... I sensed they were becoming irritated with us ...”²⁷³

880. Mr Campbell added that the destruction of missiles had “tipped the balance” of public opinion “towards giving the inspectors more time”. Mr Blair was “moving to the Canadian position of a bit more time to get the questions finally answered”.

881. Mr Straw proposed an offer of safety and immunity if Saddam Hussein would go into exile and returned to the earlier idea of setting out publicly some key benchmarks against which Iraq’s “full and active” compliance could be judged.

882. Mr Straw spoke twice to Secretary Powell on 2 March to discuss progress in securing support for the UK/US/Spanish draft resolution and possible ideas for addressing the concerns that had been raised by other members of the Security Council.²⁷⁴

²⁷³ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

²⁷⁴ Letter Straw to Manning, 3 March 2003, ‘Iraq: Conversations with Colin Powell, 2 March’.

883. In a discussion on the position of Russia, Secretary Powell said that Mr Ivanov had stated that there was nothing in it for Russia to vote for the second resolution. It meant an end to inspections and Iraq's neighbours were not threatened by Saddam Hussein.

884. In the context of remarks reported to have been made during a visit to China, Secretary Powell had asked Mr Ivanov if Russia would veto the second resolution. Mr Ivanov had responded, "You know me better than that"; he had simply been explaining that, under the UN Charter, Russia had the right of veto but he had avoided getting drawn into whether it would be used. Secretary Powell would be urging President Bush to speak to President Putin.

885. Mr Straw reported that he had told Secretary Powell that the level of support in the UK for military action without a second resolution was palpably "very low". In that circumstance, even if a majority in the Security Council had voted for the resolution with only France exercising its veto, he was "increasingly pessimistic about whether we could carry the Party" to support military action.

886. Mr Straw added that the debate in the UK was:

"... significantly defined by the tone of the debate in Washington and particularly remarks made by the President and others to the right of him, which suggested that the US would go to war whatever and was not bothered about a second resolution one way or another."

887. Mr Straw had proposed consideration of additional language in the second resolution "pledging immunity to Saddam and entourage if he were to leave Iraq by a specific date". Secretary Powell had declined, commenting that he did not think Saddam Hussein would agree.

888. Mr Straw sought Mr Blair's agreement to adding an ultimatum to the draft resolution.²⁷⁵

889. Mr Straw wrote: "Things may be moving towards a majority but I will not believe it until it happens", There were concerns that the draft resolution looked like a "fait accompli" and a "blank cheque for war". Key potential allies "needed a better reason" for supporting the resolution.

890. Mr Straw's view was that the language in the resolution on performance targets and deadlines would not be acceptable "to either US or UK for obvious reasons", but he had "two thoughts":

- an offer, subject to legal advice, of safety and immunity if Saddam Hussein would go into exile; and
- returning to the earlier idea of setting out publicly some key benchmarks against which Iraq's "full and active" compliance could be judged.

²⁷⁵ Minute Straw to Prime Minister, 3 March 2003, 'Iraq: Second Resolution'.

891. Mr Straw thought that an ultimatum had “significant” advantages: “It would indicate that we still wanted a peaceful outcome to the crisis; help get the moderate Arabs on board; help our friends on the Security Council; and put France especially on the spot.” It might make France “think twice about a veto”; “they knew as well as we did that he [Saddam Hussein] was only likely to take it [the final opportunity offered in resolution 1441] when he knew for certain there was no other way out”.

892. Mr Straw suggested that the “clusters” document could be turned to the UK’s advantage by “setting out a few carefully selected tests” and pointing to the document for further amplification. There was a risk that Saddam Hussein might produce “thousands of pages of commentary” and the UK would need to keep the emphasis on the need for “compelling evidence that he was now committed to full and active compliance”.

893. Mr Straw advised that, to “be credible with the middle ground”, his proposals would need “another week or two” to “convince some of the crucial swing voters”. In his view, that might “be possible without disrupting the military plan”.

894. On 3 March, Mr Blair proposed an approach focused on setting a deadline of 17 March for Iraq to disclose evidence relating to the destruction of prohibited items and interviews; and an amnesty if Saddam Hussein left by 21 March.

895. In a conversation with Mr Jan Peter Balkenende, the Dutch Prime Minister, Mr Blair commented that “Saddam was still playing around”; and that he was “struck by the parallels with 1997-98”.²⁷⁶ The “situation would be clearer by the middle of the week”; the UK was “working flat out to get the votes in the Security Council”. Mr Blair stated that “a majority in the Security Council with a French veto would be almost as good as a SCR”. He hoped the French were carefully considering the implications of a veto. “Unless Saddam co-operated in full, the inspectors would never find all the WMD: the history of UNSCOM showed a pattern of Iraqi concealment and deceit.”

896. In a conversation with Mr Anders Fogh Rasmussen, the Danish Prime Minister, Mr Blair stated that “the ‘middle group’ in the Security Council was moving in the right direction. We needed to focus on the facts that Saddam had still not accounted for the WMD identified by UNSCOM up to 1998 and no real interviews of scientists had taken place.”²⁷⁷

897. Mr Blair also told Mr Rasmussen that he thought the timing “would move pretty quickly – days rather than weeks” after Dr Blix’s report on 7 March; and that the Americans would take action if there was no further resolution.

898. Mr Rycroft sought Mr Blair’s agreement to a strategy to secure the Chilean vote, adding that if that was obtained, “we will probably also get the Mexicans”. President

²⁷⁶ Letter Cannon to Owen, 3 March 2003, ‘Iraq: Prime Minister’s Conversation with Dutch Prime Minister, 2 March’.

²⁷⁷ Letter Cannon to Owen, 3 March 2003, ‘Iraq: Prime Minister’s Conversation with Danish Prime Minister, 2 March’.

Lagos was “In particular ... looking for a little more time and a report from Blix judging Saddam’s compliance against specific benchmarks”.

899. Mr Rycroft suggested that the three main elements of a strategy could be:

- **“A slight change to the draft resolution.”** We could add in explicit references to the reports from Dr Blix and Dr ElBaradei, concluding that they confirmed either that Saddam Hussein had “failed to comply with, and co-operate fully in the implementation” of resolution 1441, or that Iraq had “failed to take the final opportunity” afforded by the resolution.
- **“Benchmarks.”** Making public “in the next day or so what is required of Saddam in one or more key areas”. The benchmarks would not be set out in the resolution but the date of the vote would provide a deadline for compliance. That would allow Chile to say that “as there is not full compliance”, it would vote for the resolution.
- **“Offer of exile/amnesty to Saddam.”** Making “clear publicly again that we are not intent on war come what may, and that we are determined to explore every last avenue for peace. This includes making clear that we support Arab attempts to get Saddam to leave Iraq and go into exile in exchange for an amnesty.”²⁷⁸

900. Mr Blair produced a handwritten note on 3 March setting out a list of potential actions, including;

- Setting Saddam Hussein a deadline of 17 March for disclosure of documentation and proof of destruction.
- Presenting the “20 best” scientists for interview outside Iraq, with their families identified and their safety guaranteed.
- If Saddam Hussein failed, giving him until 21 March to leave Iraq with an agreed amnesty.
- A declaration “by the nine/ten [non-permanent members of the Security Council]” endorsed by Canada.
- A “launch” following Dr Blix’s report to the Security Council on 7 March in Chile or Mexico.
- “... trying to persuade Russia”.
- Agreeing a:
 - UN role in post-conflict Iraq;
 - broad-based government; and
 - humanitarian effort.
- Making “a last plea to France not to veto but to help”.
- Publishing an “analysis of Saddam’s deception alongside the ... declaration”.²⁷⁹

²⁷⁸ Minute Rycroft to Prime Minister, 3 March 2003, ‘Iraq: Securing the Chilean Vote’.

²⁷⁹ Note (handwritten) [Blair], 3 March 2003, [untitled].

901. A typed version of Mr Blair’s note, with Mr Rycroft’s comments, is published with this report.²⁸⁰

902. A separate minute from Mr Rycroft, stating “You asked for a plan we could work up with the Mexicans and Chileans, as a way of bringing them to vote for the second resolution”, elaborated on the suggestion of identifying benchmarks to define “full co-operation”, making clear that judgements were for the Security Council; and that Dr Blix’s reports “would form an important basis for the facts underpinning the judgements”.²⁸¹

903. Mr Rycroft added that that differed from previous work on benchmarks because it was “us” not Dr Blix “putting forward the benchmarks and answering the questions on Iraqi compliance”.

904. The minute set out the key demands in resolution 1441 and a note listing benchmarks on biological weapons, chemical weapons, missiles, documentation and personnel. On tactics and timing, Mr Rycroft advised Mr Blair:

- “we face an uphill struggle securing US agreement to any further time”.
- The judgements on Iraqi performance “must not” be tied to Dr Blix’s report to the Security Council on 7 March, and the UK should not “seek or encourage a further Blix report after 7 March”.
- The UK “must avoid at all costs a further Council decision after our second resolution”.
- The UK “could be vague publicly about when we would judge Iraqi behaviour”.
- The UK “would have to make clear privately to the US that we were talking about making those judgements at some point next week or at the latest early in the week of 17 March”.

905. Mr Rycroft also wrote:

- Sir David Manning had not seen the proposals.
- Mr Straw wanted to talk to Mr Blair “as soon as possible”.
- The FCO opposed benchmarks on the grounds that Saddam Hussein would fulfil a few of them.
- The UK needed to make clear that “full, positive answers to all of the questions” would be needed to demonstrate full co-operation – “destruction of a handful of Al Samouds is a small part of the picture”.
- Sir Jeremy Greenstock should advise on the tactics: “His advice so far is that we should not respond to the Chilean concerns until after 7 March, because it may be unnecessary if by then the Chileans intend to vote for our resolution and because it would cause a split with the US ...”

²⁸⁰ Note, [undated], ‘Iraq: PM’s note of 3 March, with MR comments in italics’.

²⁸¹ Minute Rycroft to Prime Minister, 3 March 2003, ‘Iraq, Blix, Benchmarks and More Time?’

906. Following a discussion with Mr Blair, Mr Straw told Secretary Powell that Mr Blair:

“... was concerned that, having shifted world (and British) public opinion over the months, it had now been seriously set back in recent days. We were not in the right position. The Prime Minister was considering a number of ideas which he might well put to the President.”²⁸²

907. Mr Straw recorded that Secretary Powell had advised that if Mr Blair wanted to make proposals, he should do so quickly.

908. Mr Straw also recorded that the US was not enthusiastic about the inclusion of an immunity clause for Saddam Hussein in the resolution. He had told Secretary Powell that Mr Blair had thought that “might be seen as premature”; and that “if necessary” it might be done “at the appropriate time in a separate resolution”.

909. Mr Straw reported that he and Secretary Powell had discussed the problems in the UK. Secretary Powell had told President Bush that he judged a vetoed resolution would no longer be possible for the UK. Mr Straw said that he had been told that, without a second resolution, only 100 Conservative MPs would vote with the Government. In those circumstances, approval for military action would be “beyond reach”.

910. In the context of a discussion about the lack of real serious US planning for post-conflict, the number of troops that might be required to secure the ground behind the US advance to Baghdad, and the role envisaged for the UN, Mr Straw recorded that he had told Secretary Powell that, “whilst the US Administration had to be the best judge of its long term interests”, he “thought that it would reap a whirlwind if it failed to secure legitimacy for what it was doing in respect of Iraq. We were not there yet.”

911. Sir Jeremy Greenstock reported that Dr Blix continued to see attractions in the Canadian proposal but was talking about a deadline of 1 May or 1 June.

912. Sir Jeremy Greenstock’s report of discussions in New York on 3 March, included:

- Discussion with the US delegation about:
 - US thinking that a French veto would not severely undercut the legitimacy of military action and Ambassador Negroponte’s “guess” that France was “talking up the veto to deter us from putting the resolution to a vote”.
 - Setting Iraq a deadline for Iraq to be “unconditionally disarmed” by 17 or 21 March with the UK suggesting a variant setting a deadline by which Iraq would have “failed to take its final opportunity”.
- In response to a suggestion from Sir Jeremy Greenstock that it might make more sense for UNMOVIC temporarily to withdraw before any vote on a resolution, Dr Blix said he would discuss that with Mr Annan, but “he would not want to be accused of playing to a minority in the Council”.

²⁸² Letter Straw to Manning, 4 March 2003, ‘Iraq: Conversation with Colin Powell, 3 March’.

- Dr Blix would circulate the “clusters” document to the Security Council on 7 March, but the work programme would not be ready.
- Dr Blix was concerned that while it was possible to establish material balances up to 1998, it was less clear how Iraq’s flat denial of any activity since then should be treated.
- Iraq was being “hyper-active”; there has been some private interviews over the previous weekend, one of which – on UAVs – had been “informative”. In response to UK questions reflecting concerns that interviews would still be monitored, Dr Blix said that interviewees had not been searched and “there could of course be bugs in the room”.
- Dr Blix saw attractions in the Canadian proposal, which would help to unite the Council around key tests, which were becoming evident from the “clusters” document, and a deadline; and had mentioned possible deadlines of 1 May or 1 June.
- The UK had argued that the risk was that “we would simply end up back at square one a couple of months hence”.
- In a separate E10 discussion of the Canadian proposal, Germany had declared it could not countenance an ultimatum and others “had not seemed particularly interested, perhaps as it brought the Council back to the same place in the end”.
- The majority of the E10 were more concerned about US statements the previous weekend that the aim of US action was regime change.²⁸³

913. In separate advice “on the end game options”, Sir Jeremy Greenstock stated that there was little chance of bridging the gap with the French – “senior politicians were dug in too deep”; and that a French veto appeared “more of a danger than failure to get nine votes”.²⁸⁴

914. Sir Jeremy had told Mr Annan that “the UK would not give up on finding a non-war route if we possibly could”; and that “the French/German/Russian proposal ... merely diminished the pressure on Saddam”.

915. Sir Jeremy identified the options as:

- “... stay firm ... and go with the US military campaign in the second half of March with the best arguments we can muster ... if a second resolution ... is unobtainable, we fall back on 1441 and regret that the UN was not up to it ...”;
- “... make some small concessions that might just be enough to get, e.g. Chile and Mexico on board”. The “most obvious step” might be “ultimatum language” making military action the default if the Council did not agree that Iraq had come into compliance with resolution 1441;

²⁸³ Telegram 338 UKMIS New York to FCO London, 4 March 2003, ‘Iraq: 3 March’.

²⁸⁴ Telegram 339 UKMIS New York to FCO London, 4 March 2003, ‘Personal Iraq: End Game Options’.

- “... try something on benchmarks, probably building on Blix’s cluster document”. That “would be better done outside the draft resolution” to “avoid diluting 1441 (and avoid placing too much weight on Blix’s shoulders)”;
- “... putting forward a second resolution not authorising force”, although it was clear that Sir Jeremy envisaged there would be an “eventual use of force”;
- “... a peaceful introduction of forces into Iraq for the purposes of complete disarmament”. That would be a “genuine last resort”, which would “cut across the short-term timetable of the Americans and could only be feasible if there was a genuine wish to avoid an international bust-up.” As Saddam Hussein would be unlikely to co-operate, it would be a longer route to military action.

916. Commenting that the talk of vetoes “may be as much to scare us off as an indication of genuine voting intentions”, Sir Jeremy concluded:

“We will need to:

- remain robust that disarmament must be achieved, that there is very little time left, and that we are willing to contemplate military action without a further resolution if necessary;
- keep up the lobbying with key swing voters, but also with Russia (... even if the noises right now are negative), so that France increasingly faces the prospect of an isolated veto;
- work on a sample ultimatum that could be proposed by Chile or Mexico ...;
- continue to reflect internally on whether we would rather:
 - force a vote ...;
 - not force a vote ...”

917. Sir Jeremy concluded: “So long as we have enough swing votes, the simplest route may just be to force our (slightly amended) resolution to a vote, and test the French to veto or not.”

918. Mr Ricketts told Mr Straw that he and Sir David Manning had discussed Sir Jeremy’s telegrams and believed that the “best package” might comprise:

- Adding a deadline to the draft resolution requiring “a bit more time”. A US suggestion “that Iraq should have ‘unconditionally disarmed’ in ten days” would be “seen as unreasonable”.
- A small number of carefully chosen benchmarks “set out separately from the resolution, ideally by the Chileans and Mexicans ... We could then use the clusters document to illustrate how little compliance there had been across the board.”
- The US to make clear that it “accepted a significant UN role in post-conflict Iraq”.²⁸⁵

²⁸⁵ Minute Ricketts to Private Secretary [FCO], 4 March 2003, ‘Iraq: UN Tactics’.

919. On 4 March, Sir David Manning and Dr Rice discussed progress in securing support for the resolution, including the desire of some members of the Security Council for clear evidence of Saddam's failure to comply to justify a vote for a second resolution and possible amendments.²⁸⁶ Sir David said that "interviews were a litmus test of Saddam's intentions"; UNMOVIC "would be having no difficulties ... if Saddam had nothing to hide". He also suggested pre-empting the argument that Dr Blix's "clusters" document might provide the benchmark needed for full Iraqi disarmament: "Instead we should emphasise that Blix was producing a list ... of all the disarmament tasks that Saddam had failed to undertake ..."

920. Sir David told Dr Rice that the vote on the resolution should not take place until "we knew we could get nine votes".

921. Mr Straw told the Foreign Affairs Committee on 4 March that it was "a matter of fact" that Iraq had been in material breach "for some weeks" and resolution 1441 provided sufficient legal authority to justify military action against Iraq if it was "in further material breach". He emphasised Iraq's attempts to conceal its capabilities and deceive the inspectors.

922. Mr Straw also stated that a majority of members of the Security Council had been opposed to the suggestion that resolution 1441 should state explicitly that military action could be taken only if there were a second resolution.

923. Mr Straw gave evidence to the Foreign Affairs Committee on 4 March.²⁸⁷

924. In an opening statement setting out the UK Government's position on Iraq's failure to comply with resolution 1441, Mr Straw said that Saddam Hussein's tactics had been:

"... to deny the existence of weapons of mass destruction and, if caught out, to offer the smallest concession possible in order to work for delay ... We can expect more concessions right up to the point at which Saddam Hussein concludes that the international community has, once again, been lured into doing exactly what he wants. Then the concessions will stop, and Saddam Hussein will be left in possession of an arsenal of deadly weapons."

925. Mr Straw stated that it was assessed that Iraq had the capability to produce a range of chemical and biological agents and:

"The Iraqi regime has put up an elaborate screen of concealment based on intimidation and deception to cover this capability ... [W]e know that sensitive materials and documents have been hidden in the homes of employees and hidden too in hospitals, farms and other sites. Intelligence also suggests that WMD-related items may have been buried and others were being kept on the move every 12 hours using trucks and trains. Throughout the period of inspection

²⁸⁶ Letter Manning to McDonald, 4 March 2003, 'Iraq: Conversation with Condi Rice'.

²⁸⁷ Minutes, Foreign Affairs Committee (House of Commons), 4 March 2003, [Evidence Session].

Iraq's security and intelligence agencies have been monitoring UNMOVIC and the IAEA and plans are available to obstruct them if they come close to WMD itself ... Iraq is particularly concerned about ... interviews of scientists and others because if they were carried out as mandated by [resolution] 1441 they would unquestionably expose the regime's deception and its stockpile of weapons ... In early December we know that Saddam Hussein issued instructions that scientists were to be threatened with serious consequences for themselves and their families if they revealed any sensitive information to UNMOVIC. They were ordered not to agree to any interviews taking place outside Iraq ... The potential witnesses have been coached in the answers they have to give. Some of them have been removed from their homes and places of work and detained to prevent them from being interviewed."

926. Mr Straw added:

"... we can expect Iraq will continue trickling out so-called concessions, one at a time, at the last minute to split the Security Council and buy more time while continuing an active policy of concealment; to start trickling out 'newly discovered' documents as part of a co-ordinated plan to tie down UNMOVIC on what the regime considers to be expendable parts of its WMD programme. We can also expect Iraq soon to announce that interviews may take place unaccompanied ..."

927. Mr Straw concluded that it was clear that:

"... Saddam Hussein believes he can once again divide and outwit the international community through a pretence of co-operation. We cannot afford to send him ... any signal, that he is close to success ... He is also hoping that he final opportunity, which was originally afforded to him 12 years ago and then repeated by 1441, was not final at all ..."

928. Mr Straw was asked a series of questions by Mr Donald Anderson, the Chairman of the Committee, about the legality of military action without a second resolution.

929. Asked about Mr Blair's "escape clause" and whether the Government "would not feel bound to await" a second resolution "or to abide by it if it were to be vetoed unreasonably", Mr Straw replied:

"The reason why we have drawn a parallel with Kosovo is ... it was not possible to get a direct Security Council resolution and instead the Government and those that participated in the action had to fall back on previous ... resolutions and general international law ... to justify the action that was taken ... We are satisfied that we have sufficient legal authority in 1441 back to the originating resolution 660 [1990] ... to justify military action against Iraq if they are in further material breach."

930. Mr Straw added that was "clearly laid down and it was anticipated when we put 1441 together". The Government would "much prefer" military action, if that proved

necessary, “to be backed by a second resolution”, but it had had to reserve its options if such a second resolution did not prove possible. That was what Mr Blair had “spelt out”.

931. Asked if the Government should proceed without the express authority of the UN, Mr Straw replied:

“We believe there is express authority ... There was a ... a very intensive debate – about whether ... 1441 should say explicitly ... that military action to enforce this resolution could only be taken if there were a second resolution. That ... was not acceptable to a majority of members of the Security Council, it was never put before the ... Council. Instead ... what the Council has to do ... is to consider the situation ...”

932. Mr Straw told Sir Patrick Cormack (Conservative) that Iraq had “been in material breach as a matter of fact for some weeks now because they were told they had to co-operate immediately, unconditionally and actively”. He added:

“... we are anxious to gain a political consensus, if that can be achieved ... which recognises the state of Iraq’s flagrant violation of its obligations. As far as ... the British Government is concerned, that is a matter of fact; the facts speak for themselves.”

933. Mr Straw also stated:

“What we also believe, because we want this crisis resolved peacefully, is that the only way you are going to get this active, immediate and full co-operation by Saddam Hussein, even at this late stage, is if he realises fully what the alternative is ... [F]or all the suggestions that it is diplomacy that has brought about what co-operation there has been ... it has come about ... above all, by the fact that there are now a large number of US and UK troops stationed on Saddam’s doorstep concentrating his mind.”

934. Asked by Mr Andrew MacKinlay (Labour) how there was going to be “proper conscious decision-making” about whether Iraq was complying, Mr Straw replied:

“... we make our judgement on the basis of the best evidence. I have to say it was on the basis of the best evidence that the international community made its judgement on 8 November. They had hundreds of pages of reports ...”

935. Mr Straw also told Mr Mackinley that:

- “by simply passing ... 1441” Saddam Hussein “readmitted the inspectors having said he would not”.
- “I have seen nothing at all which says we have to take action immediately because of military planning necessities. The point we are making ... is that the reason we want immediate compliance is because that is what the

Security Council said ... 110 days ... is stretching the meaning of the word 'immediate' to breaking point."

- France took "the view that it was possible by continuous diplomacy to secure Saddam Hussein's compliance. We take a different view. I think the facts and history are with us."

IAEA position on Iraq's nuclear programme

The FCO advised No.10 on 4 March that the UK Mission in Vienna had confirmed that the IAEA was on the verge of closing the file on nuclear issues in Iraq, despite information from the UK that had "still not been followed up".²⁸⁸ The IAEA had apparently concluded that:

- There was "no significant evidence that Iraq had attempted to procure uranium from Niger". The documents the IAEA had seen "that formed the basis of such an allegation appeared to be forgeries".
- Aluminium tubes, "although imported illegally", were "not connected with a gas centrifuge programme". The Iraqis had "satisfactorily explained the use of the tubes, and the reasons for their various fine tolerances". The Iraqis "were no longer (if ever) in a position to manufacture a gas centrifuge, especially without foreign assistance".
- There was "no evidence to link the magnets with a covert nuclear programme"; the IAEA had found the part in the guidance system of a missile.
- The IAEA had evidence that a significant amount of the missing 32 tonnes of HMX (a high explosive used to help trigger nuclear fission), had been used for commercial purposes, as the Iraqis had claimed".

The positions of other members of the Security Council

936. Sir John Holmes advised on 4 March that France was intent on preventing the US and UK mustering the nine positive votes required for a majority in the Security Council.

937. Sir John Holmes confirmed on 4 March that France's main aim was to "avoid being put on the spot" by influencing the undecided, preventing the US and UK mustering nine votes, and keeping alongside the Russians and Chinese; and that there was "nothing that we can now do to dissuade them from this course".²⁸⁹ He advised that "nothing the French say at this stage, even privately, should be taken at face value".

938. If the French strategy failed, Sir John advised that "a lone French veto remains hard to imagine but is by no means out of the question".

²⁸⁸ Letter Owen to Rycroft, 4 March 2003, 'Iraq Weapons Inspections: IAEA Line on 7 March'.

²⁸⁹ Telegram 110 Paris to FCO London, 4 March 2003, 'Iraq: Avoiding a French Veto'.

939. Sir John repeated his advice of 24 February that Mr Blair (and President Bush) should, “if and when it becomes clear that we have the votes, and that the Russians and Chinese will not veto”, attempt to dissuade President Chirac.

940. A subsequent telegram set out the key elements of the French position and the suggestions for arguments the UK might use.²⁹⁰ They included:

- France had repeatedly said that war was the worst of all possible solutions, but “war had been made more likely by Saddam’s ability to exploit differences in the international community”. The chances of Saddam Hussein taking the opportunity to avoid war looked “slim”. A veto would not help and “the only conceivable way of achieving a peaceful solution now is to increase the pressure on Saddam by re-establishing the maximum degree of consensus in the UN”.
- France had argued that war was a disproportionate response to the threat posed by Saddam Hussein’s WMD, but the point had been reached where failure to act firmly caused “disproportionate damage to the credibility of the will of the international community and to wider efforts to limit the proliferation of WMD”.
- If war became inevitable, it would be easier to “limit the destabilising effect elsewhere in the region, about which France has rightly been concerned, if military intervention is seen to be taken with the authority of the international community”.
- Weakening UN credibility would make it more difficult “to re-establish the clear and authoritative UN-backed administration and the rapid transition to a civil regime in Iraq ... and more difficult for Europe to play the role the region and the world will need at that point”.

941. Separately, Dr Michael Williams, Mr Straw’s Special Adviser, sent Mr Straw an analysis of the use of the veto by France.²⁹¹ He did not think France would veto on its own; but if it believed Moscow would veto, the second resolution would be lost. It was “perhaps most likely, if the yes votes creep up to nine and beyond”, that France would “back down and say it accepts a majority verdict”. But the UK could not rely on that. Dr Williams advised that a strategy was needed which reminded France “of the dangers and consequences of its present course of action”; and that would need Mr Blair’s engagement.

942. The analysis was sent to Sir David Manning and was seen by Mr Blair.

943. Sir Roderic Lyne, British Ambassador to Russia, had reported on 27 February that Russia’s position was hardening and it largely agreed with President Chirac. President Putin would find it hard to vote in favour of military action without a “smoking gun” or near-consensus in the Security Council.

²⁹⁰ Telegram 111 Paris to FCO London, 4 March 2003, ‘Iraq: Avoiding a French Veto – Arguments to Use with the French’.

²⁹¹ Minute Williams to Secretary of State [FCO], 4 March 2003, ‘France and the Security Council’.

944. Sir Roderic had reported on 27 February that: “Influenced by Paris and Berlin”, Russia’s position was hardening and it “largely agreed with” President Chirac. The policy was “to stay with (and behind) the French and Germans while trying not to antagonise the Americans”. Russia recognised that US action was “not far off”: “Their preferred option is to prevent nine positive votes and thus avoid an awkward choice on the veto.” Russia was “unlikely to be the first to break ranks”, and it seemed “far-fetched” to conceive of Russia “helping the UK to get the swing votes [in the Security Council]”.²⁹²

945. Sir Roderic wrote:

“In the political class, almost everyone would vote for endless containment rather than conflict. US arguments for bringing this to a head are not accepted. There is nervousness about the wider consequences. US policy is seen as potentially dangerous, and part of a right wing ‘axis-of-evil’ agenda ... no-one to the right of the Communists is arguing that Russia should obstruct the Americans. The prevailing mood is that Russia should not endorse the war, but should stand to one side ...”

946. President Putin “would find it very hard to justify internally a vote in favour of war, absent a smoking gun or a Security Council near-consensus”. The Russians did “worry about the UN’s authority”; but they did not “buy our argument that this obliges them to support the US regardless”. They would “prefer it if we were forced not to put our resolution to the vote”.

947. Sir Roderic concluded:

“The best, and probably the only, chance of getting the Russians onside without a smoking gun would be for [President] Bush to spell out personally to [President] Putin that support for the resolution will determine the future of the US/Russian relationship.”

948. Mr Ivanov told Mr Straw on 4 March that Russia had failed in an attempt to persuade Saddam Hussein to leave and it would veto a resolution based on the draft circulated on 24 February. President Bush had already decided to go to war.

949. Mr Straw reported that he had told Mr Ivanov that the international community had no choice but to pay attention to President Bush’s priorities.

950. During his visit to London on 4 and 5 March, Mr Ivanov informed Mr Straw that Mr Yevgeny Primakov, the former Russian Prime Minister, had just visited Baghdad in a failed attempt to persuade Saddam Hussein to leave.²⁹³ Russia, and others, would veto the resolution tabled on 24 February. Mr Ivanov also expressed doubts about claims that military action in Iraq would be quick.

²⁹² Telegram 68 Moscow to FCO London, 27 February 2003, ‘Ivanov’s Visit to London: Iraq’.

²⁹³ Telegram 37 FCO London to Moscow, 3 [sic] March 2003, ‘Iraq: Foreign Secretary’s Meetings with Russian Foreign Minister, 4 March’.

951. In response to a comment from Mr Ivanov that President Bush had already decided to go to war, Mr Straw responded that President Bush “would go to war unless – and the unless had to be big and happen quickly”.

952. In a discussion on the draft resolution, Mr Straw stated that the UK had never taken the position that draft text was “take it or leave it”. He had no problem in principle with tough benchmarks and a very tight timeline; but if an initial 120 days was followed by another 120 days, “momentum would dribble away. Saddam Hussein only responded because of military pressure and that could not be sustained for ever.

953. Mr Straw proposed additional language for the draft resolution setting a deadline for a Security Council decision on whether Iraq had “clearly begun the process of full active disarmament as provided by [resolutions 1441 and 687]”, together with a “private understanding about the targets Iraq had to reach”. Mr Straw was reported to have said that he was “very allergic to timelines and public benchmarks” which “could lead to a tick in the box mentality by Saddam and good opportunities for further game playing”.

954. In his subsequent discussion with Secretary Powell, Mr Straw said that he had told Mr Ivanov that he thought war could be avoided if Saddam went into exile and there was real evidence that Iraq was co-operating in its own disarmament.²⁹⁴

955. Later in the conversation, in response to a question about why Iraq was being targeted, Mr Straw had replied that “Iraq was President Bush’s No.1 priority; the international community had no choice but to pay attention to Bush’s priorities”.

956. Mr Ivanov told Mr Blair that Russia was looking for concrete demands and a decision on how much time was needed to resolve the issues.

957. In his meeting with Mr Ivanov on 5 March, Mr Blair explained that the threat from terrorist groups and unstable states meant that Iraq must be dealt with firmly.²⁹⁵ The issue was whether Iraq was co-operating to the extent required by resolution 1441. If the UN route did not work on this occasion, the US would not use it for a very long time. If Saddam Hussein made a genuine change, the inspectors could have as much time as they liked.

958. Mr Ivanov had made it clear that Russia was looking for concrete demands and a decision on how much time was needed to resolve all the issues; and that Russia would not be able to support any decision that ran counter to its principles.

959. The record described the meeting as “constructive”, but that “everything that Ivanov said was consistent with his public threat of the use of a Russian veto of our current draft”.

²⁹⁴ Letter McDonald to Manning, 4 March 2003, ‘Foreign Secretary’s Conversation with Colin Powell, 4 March’.

²⁹⁵ Letter Rycroft to Sinclair, 5 March 2003, ‘Iraq/Russia’.

960. Mr Straw agreed after the meeting with Mr Blair that Mr Ivanov could share Mr Straw's proposals with Mr de Villepin and Mr Fischer.²⁹⁶

961. France, Germany and Russia stated on 5 March that they would not let a resolution pass that authorised the use of force.

962. Mr de Villepin, Mr Ivanov and Mr Fischer met in Paris on 5 March.

963. In a press conference after the meeting the Foreign Ministers declared that they would "not allow a resolution to pass that authorises resorting to force".²⁹⁷ Russia and France, "as Permanent Members of the Security Council, will assume all their responsibilities on this point".

964. Sir Christopher Hum, British Ambassador to China, advised on 4 March that if the resolution was put to a vote that day, China would abstain.

965. Mr William Ehrman, FCO Director General Defence and Intelligence and Mr Straw's Special Envoy, met the Chinese Vice Foreign Minister, Mr Wang Guangya, and a senior official from the Ministry of Foreign Affairs (MFA), on 4 March.²⁹⁸

966. The report of the meeting with Mr Wang records that, following a briefing on the UK's assessment of Iraq's non-co-operation and the need for a second resolution, China's view was that Iraq must bear the major responsibility for failing to co-operate fully, but believed inspections should be given more time. Although it might take longer to resolve the issue by peaceful means, the time taken would be worth it. There was a common desire amongst the international community to avoid war. Unanimity was important for upholding the authority of the UN. China was still studying the draft resolution. Pressing for a vote now would split the Council and harm its authority.

967. Mr Ehrman had referred to the points emphasised by Mr Blair in his speech to Parliament on 25 February. He told Mr Wang that Saddam Hussein's behaviour since the middle of 2002, when he had directed the implementation of a concealment policy, had been "instructive"; and Saddam's aim was to buy time. Mr Ehrman described key elements of the concealment policy and stated that much of the evidence in the UK's September 2002 dossier "had been supported or confirmed subsequently by UNMOVIC (for example the range of the Al Samoud 2 rockets)". Despite Iraq's efforts, the UN inspectors had found a number of undeclared items and "Iraq itself had 'found' four empty chemical warheads and one aerial bomb containing biological agent". Iraq was particularly concerned about interviews with scientists because "if carried out as mandated they would expose Iraq's WMD programme" and had obstructed the process. The UK "judged it unlikely that Saddam would leave" and "faced with military defeat,

²⁹⁶ Telegram 37 FCO London to Moscow, 5 March 2003, 'Iraq: Foreign Secretary's Meetings with Russian Foreign Minister, 4 March'.

²⁹⁷ *The Guardian*, 5 March 2003, *UN war doubters unite against resolution*. *The Guardian*, 6 March 2003, *Full text of Joint declaration*.

²⁹⁸ Telegram 89 Beijing to FCO London, 4 March 2003, 'Iraq: Lobbying the Chinese'.

Saddam would be prepared to use CBW". Saddam "had not taken the final opportunity afforded to him by ... 1441".

968. Mr Ehrman set out the UK difficulties with the tripartite French/German/Russian proposal and stated that the UK/US/Spanish resolution "would increase pressure on Iraq". There was still a chance for Iraq to take radical action to disarm and the resolution "was the only remaining route to peaceful disarmament".

969. In the separate meeting with a senior MFA official, Mr Ehrman had repeated the briefing and emphasised the importance of preserving international order and international law. The UK had made great efforts in persuading the US that it should use the UN route; that "should not now be lost".²⁹⁹

970. Mr Hum advised that China had "appreciated" the UK's willingness to share its assessments; but that "if a vote occurred today, I have little doubt they would abstain".

971. Baroness Amos advised on 4 March that Angola, Cameroon and Guinea were not yet ready to commit to a "yes vote" and had emphasised the need for P5 unity.

972. Following a visit for discussions with the Presidents of Angola, Cameroon and Guinea, Baroness Amos reported to Mr Straw that:

"... our approach to the visits was right with a focus on our strong relationship with Africa ... our desire to work with each of the countries in partnership and to share intelligence information available to us about the situation in Iraq ...

"All three listened carefully to our arguments, in particular the need to keep the UN in control of events, to keep the US engaged in multilateral fora and that the harassment and intimidation faced by the weapons inspectors made a nonsense of a longer inspection regime."³⁰⁰

973. Baroness Amos wrote: "I think we won the argument"; and that:

"... it might be possible to secure the votes. But – as expected – none of the three were prepared to commit themselves explicitly to a yes vote ... They would all much prefer to abstain than have to choose between us and the US on the one hand and France and Africa on the other. I was struck by the same argument from all three, the importance of unity amongst the P5 ... and the need for a majority in the Security Council ..."

974. Baroness Amos cautioned that the UK and US would need to stay in close touch to ensure that lobbying was complementary and to avoid being perceived to be harassing the African members of the Security Council. In addition, "some of what is

²⁹⁹ Telegram 90 Beijing to FCO London, 4 March 2003, 'Iraq: Lobbying the Chinese'.

³⁰⁰ Minute Amos to Foreign Secretary, 4 March 2003, [untitled].

appearing in the press about ‘inducements’ to secure votes only makes it harder for the Africans to come on board”.

975. The report was sent to Sir Michael Jay, Sir Jeremy Greenstock and Sir Richard Dearlove. It was also widely circulated within No.10.

976. Mr Rycroft commented to Mr Blair: “An effective visit, but the three votes are not yet in the bag.”

The UK position, 5 and 6 March 2003

977. Mr Blair was informed on the evening of 4 March that US military planners were looking at 12 March as the possible start date for the military campaign; and that Mr Hoon was concerned about the “apparent disconnect” with activity in the UN.

978. Mr Hoon’s Private Secretary informed Sir David Manning on the evening of 4 March that Adm Boyce had reported indications of growing pressure from US military commanders, for force posture and other reasons, to take early military action: and that 12 March had emerged as a possible start date for the military campaign.³⁰¹

979. Mr Hoon was “concerned by the apparent disconnect between US military planning and continuing diplomatic activity in the UN” and thought that Sir David “might wish to ensure that Condi Rice is alive to the continuing need to keep the diplomatic and military tracks aligned”.

980. Sir Kevin Tebbit, the MOD Permanent Under Secretary, wrote to Sir Andrew Turnbull, the Cabinet Secretary, on 5 March about the need for an agreed legal basis for military action.³⁰² That is addressed in Section 5.

981. In Prime Minister’s Questions on 5 March, Mr Blair expressed confidence in the prospects for securing a second resolution.

982. In response to a question from Ms Lynne Jones (Labour) asking whether nine affirmative votes would provide “clear” legal authority “for war”, Mr Blair responded that the Government would “always act in accordance with international law” and that “we are confident of securing the votes for that resolution and we will carry on working for that end”. He added:

“... I know that we both agree the authority of the UN is important. If that authority is to be upheld, it is important that what we said last November is implemented. If it is not, the effect on the UN ... would be disastrous.”³⁰³

³⁰¹ Letter Watkins to Manning, 4 March 2003, ‘Iraq: Timing of Military Action’.

³⁰² Letter Tebbit to Turnbull, 5 March 2003, [untitled].

³⁰³ House of Commons, *Official Report*, 5 March 2003, column 817.

983. Asked by Mr Andrew Selous (Conservative) about the direct threat and risks to the UK, Mr Blair replied:

“... I think that the threat of leaving Saddam Hussein armed with weapons of mass destruction is two fold. First, it is that he begins another conflict in his region, into which Britain ... would inevitably be sucked ... Alternatively – and I think this is a powerful and developing threat that the world must face – the risk is that states such as Iraq, which are proliferating these chemical and biological weapons of mass destruction, will combine in a way that is devastating for the world with terrorists who are desperate to get their hands on those weapons to wreak maximum destruction.

“... If we do not stand firm over Iraq now, we will never be able to deal with the next threat that encompasses us.”³⁰⁴

984. In the entry in his diary for 5 March, Mr Cook wrote that PMQs “was notable for the confidence” Mr Blair had “expressed about getting a second resolution”.³⁰⁵ He added:

“I don’t know whether this is calculated bravado to keep Saddam wary, or whether he is in a state of denial about the mounting evidence that they can’t get a second resolution on the present terms.”

985. Mr Cook told Mr Blair that he would be unable to carry public opinion if he sidelined the inspectors; if Dr Blix needed months, he should be given until the autumn.

986. In a meeting in the House of Commons shortly after PMQs, Mr Cook told Mr Blair that he had “gone out on a limb” and he should “stop climbing further”.³⁰⁶ The UK had “to be seen on the side” of Dr Blix. Mr Blair would “never carry British opinion” if the UK was “seen to be sidelining the work of the inspectors”.

987. Mr Cook also wrote that when Mr Blair had told him that Britain might propose a new deadline on 7 March, he had said it had to be “seen logically to arise from what Blix said. If he needed months, we should be prepared to give him until the autumn.” Mr Blair had replied that he could not deliver that, adding:

“Left to himself, Bush would have gone to war in January. No, not January, September.”

988. Mr Cook subsequently wrote that the conversation “was an honest exchange between two colleagues who were both open about the gulf widening between them”: and that Mr Blair had “always [been] candid about his intention to be with Bush when the war began”. Mr Cook had been “deeply troubled” by “two distinct elements” of that conversation. First, that “the timetable for war was plainly not driven by the progress

³⁰⁴ House of Commons, *Official Report*, 5 March 2003, column 818.

³⁰⁵ Cook R. *The Point of Departure*. Simon & Schuster UK Ltd, 2003.

³⁰⁶ Cook R. *The Point of Departure*. Simon & Schuster UK Ltd, 2003.

of the UN weapons inspections”. Mr Blair had “made no attempt to pretend” that what Dr Blix might report “would make any difference to the countdown to invasion”. In his speech in Glasgow on 15 February, Mr Blair had said that he wanted to “solve the issue” through the UN: “Today he was telling me that the solution was not going to be disarmament through the UN, but regime change through war.”

989. Secondly, Mr Blair “did not try to argue” Mr Cook out of the view that “Saddam did not have any real weapons of mass destruction that were designed for strategic use against city populations and capable of being delivered with reliability over long distances”.

990. Mr Straw told Mr Blair that the Labour Party would not support action beginning the following week.

991. Mr Blair wrote in his memoir that Mr Straw had:

“... come over after PMQs. He was genuinely alarmed and worried about the political fallout. ‘If you go next Wednesday with Bush and without a second resolution, the only regime change that will be happening is in this room.’ He said it as a friend and colleague, and he meant it.”³⁰⁷

992. In his memoir, Mr Straw gave a similar account of that discussion, explaining that his warning “was not about what I would do. I’d support him. But I felt ... we would not muster the numbers when it came to the vote in the Commons.”³⁰⁸

993. Mr Blair and President Bush discussed developments on 5 March.

994. Mr Blair proposed amending the draft resolution by adding a deadline for a decision by the Security Council.

995. On 5 March, Sir David Manning agreed with Dr Rice that Mr Blair and President Bush should speak later that day to discuss possible amendments to the resolution, including the question of a deadline, and to review the lobbying campaign.³⁰⁹ Sir David told Dr Rice that Chile and Mexico would need “something on timing, and meeting their need for some sort of benchmarking”. His preference was to focus on the issue of interviews. Sir David suggested welcoming Dr Blix’s “clusters” document on 7 March as “graphic proof” of Saddam Hussein’s failure to disarm over the last 12 years.

996. Sir David also said that the UK was looking at ways of trying to discount Dr ElBaradei’s decision to close the nuclear file by asking detailed questions.

³⁰⁷ Blair T. *A Journey*. Hutchinson, 2010.

³⁰⁸ Straw J. *Last Man Standing: Memoirs of a Political Survivor*. Macmillan, 2012.

³⁰⁹ Letter Manning to McDonald, 5 March 2003, ‘Iraq: Conversation with Condi Rice’.

997. Sir David advised Mr Blair that he should suggest a “package deal” to President Bush.³¹⁰ That should include a deadline in an amended resolution, which would “probably have to give us an extra week to ten days”, and an “accompanying declaration (either written or oral)” to meet the Chilean and Mexican need for benchmarks and calling on Saddam Hussein to go into exile if he were unwilling to co-operate with the UN.

998. Sir David said he had told Dr Rice that Mr Blair might travel to Chile and Mexico to show we were taking account of their concerns. That might be followed by a “carefully orchestrated” meeting with President Bush to demonstrate his (President Bush’s) willingness to listen to partners and allies and that he was still, “even at the eleventh hour”, hoping that Saddam Hussein would disarm. Mr Blair and President Bush might then consult President Putin. Even if that did not persuade President Putin to support the resolution, it might ensure a Russian abstention rather than a veto, leaving President Chirac isolated.

999. Sir David said he had made it very clear to Dr Rice that the proposals were his idea and that they had not yet been agreed by Mr Blair.

1000. Mr Rycroft advised Mr Blair that the key points he should make to President Bush were:

- The second resolution was “absolutely vital”.
- The UK needed “at least nine positive votes and no Russian veto”.
- “If the French veto alone, it would be just about manageable.”
- The UK thought Russia intended to veto, but “would be moved” by President Bush.
- Angola, Cameroon, Chile, Guinea, Mexico and Pakistan were “moving in the right direction”; but they were “not in the bag yet”. Mexico and Chile were “interested in more time, a deadline, and benchmarks”.
- Adding an ultimatum into the resolution the UK which identified a “set date (e.g. 17 or 21 March)” for Iraqi compliance.
- It was: “Important that it would take a positive decision by the Security Council to decide that Iraq had taken the required step – so we have the initiative and lock on the process.”
- The need to “define some benchmarks to show what we mean by full co-operation”.
- The “clusters” document provided “ample evidence on non-co-operation” and “must” be used to extract benchmarks on BW, CW and missiles.

³¹⁰ Minute Manning to Prime Minister, 5 March 2003, ‘Iraq Strategy: Conversation with Condi Rice: 5 March’.

- We should “add our own benchmark on interviews ... immediate access to a large number of key people”. That was “where Saddam is really vulnerable” and “could change overnight”.
- A “little more time” would be required and there could be a need for further meetings and discussions.
- It was: “Crucial to have [a] UN role post-conflict.”
- The importance of progress on MEPP.³¹¹

1001. Mr Blair spoke to President Bush proposing a further amendment to the draft resolution.³¹²

1002. Mr Blair said that an ultimatum should include a deadline of 10 days from the date of the resolution for the Security Council to decide that “Unless ... Iraq is complying by [³¹³], then Iraq is in material breach”.

1003. Mr Blair stated that if there were nine votes but a French veto, he thought that “politically and legally” UK participation in military action would be acceptable. “But if we did not get nine votes, such participation might be legal”, but he would face major obstacles. It would be “touch and go”.

1004. Mr Blair and President Bush also briefly discussed the military plan.

1005. Mr Campbell wrote that he had only heard Mr Blair’s side of the call “saying we had a real problem with world opinion, that these countries need a reason to come round, that he wanted to go to Chile and set out the outlines of an amended resolution with a deadline”.³¹⁴ Mr Blair had also told President Bush that he “needed to work more on Putin”.

1006. The record of the discussion broadly confirms Mr Campbell’s account.³¹⁵

1007. Mr Campbell also wrote that Dr Blix “was out again today, as much commentator as civil servant”.³¹⁶ Mr Blair “felt the UNSC had to take control of this now, not Blix”. Mr Powell had reported that the US and UK “seemed far apart” but Mr Blair “said it was not as bad as that” he had told President Bush “we would be with them come what may” but it was “other countries” who “needed help to come over”. The US had “claimed they had already slowed down as a result of TB, that Bush had wanted to go as early as yesterday but TB made sure they didn’t. It was a pretty grim scene, and no matter, how grim, TB was still saying constantly that it was the right thing to do.”

³¹¹ Minute Rycroft to Prime Minister, 5 March 2003, ‘Bush Call’.

³¹² Letter Rycroft to McDonald, ‘Iraq: Prime Minister’s Conversation with Bush, 5 March’.

³¹³ No date specified.

³¹⁴ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

³¹⁵ Letter Rycroft to McDonald, ‘Iraq: Prime Minister’s Conversation with Bush, 5 March’.

³¹⁶ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

1008. In their subsequent discussion, President Lagos agreed to consider Mr Blair's proposals and to discuss them with President Fox.

1009. Mr Blair spoke to President Lagos on 5 March about rallying international support and making public opinion understand why he thought Saddam Hussein was not co-operating.³¹⁷

1010. Mr Blair wanted President Lagos' view on:

“... setting a deadline for full co-operation, and saying that if the Iraqis did not co-operate ... they would be in breach. In parallel, we would set out our criteria for co-operation. This would face Saddam with the decision: co-operate, leave the scene or face the use of force. It would make clear that force was our last resort.”

1011. President Lagos agreed to consider the proposal and Mr Blair's suggestion of a meeting in Chile, to discuss it with President Fox and others, and to respond the following day.

1012. Mr Campbell wrote that Mr Blair wanted to go to Moscow and the US as well as Chile: “We are in this and nobody must think we would ever wobble.”³¹⁸ Mr Campbell's view was that the idea of a visit to Chile “was clearly not on as things stood” and Mr Blair would need a purpose for a meeting with President Bush.

1013. Mr Campbell added that Mr Blair described the purpose of a visit to the US as “to get them to do the right thing”. Mr Campbell had responded that the US was “already very clear about their purpose, which was to go for it”. He had also asked Mr Blair “Are you not sure that your frustration at the way others are dealing with it is just producing a kind of wanderlust?” Mr Blair had replied that there was no substitute for face-to-face meetings. Asked if he was sure the issue was really worth “sacrificing everything”, Mr Blair had replied that it was:

“... always worth doing what you think is the right thing ... Iraq is a real problem, Saddam is a real problem, for us as much as anyone, and it's been ignored too long.”

1014. The British Embassy Washington reported overnight on 5/6 March that the US was now “firmly on track for military action” and would deal firmly with any efforts in the UN to slow down the timetable.

1015. The only event which might significantly affect their timetable would be problems for the UK and the US was therefore pulling out all the stops at the UN.

³¹⁷ Letter Cannon to Owen, 5 March 2003, ‘Iraq: Prime Minister's Conversation with President of Chile, 5 March’.

³¹⁸ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

1016. Mr Tony Brenton, Chargé d’Affaires at the British Embassy Washington, reported overnight on 5/6 March that “barring a highly improbable volte face by Saddam”, the US was “now firmly on track for military action – with or without a second ... resolution”; and that the “only event which might significantly affect their timetable would be problems for the UK”.³¹⁹ That had been described as “huge – like trying to play football without the quarterback”. The US was “therefore pulling out all the stops at the UN”.

1017. Mr Brenton reported that the US fully understood the importance of the second resolution for the UK and he had explained the Parliamentary arithmetic. He also reported that the US had “gained the impression that we need the resolution for legal reasons” and that he had “explained the real situation”.

1018. Mr Brenton advised that the US was “reasonably hopeful of getting the nine votes (although a little disturbed that the Mexicans have not yet come back to them on our suggested amendment)”. The US was “sanguine” about Russia, and thought China would not veto “unless, at least, the French and Russians do”. The US could not “call” France.

1019. The US would discuss tactics with Mr Straw in New York. The US intention remained “to go for a vote next week, perhaps with ... a very short ultimatum tagged on”. He had told one of his contacts that “it was not helpful for the US to refer to the possibility of not going for a vote”.

1020. Mr Brenton concluded:

“... the military clock is now audibly ticking and only a major shock to our (ie UK) plans is likely to jolt it substantially. The US can be expected to deal quite firmly with any efforts in the UN to slow things down.”

1021. Sir Jeremy Greenstock advised that the US would not countenance the use of benchmarks. That would delay the military timetable.

1022. Reporting discussions in New York on 5 March, Sir Jeremy Greenstock wrote that the US would not countenance benchmarks; that “simply risked delaying the military timetable”.³²⁰

1023. Sir Jeremy and Ambassador Negroponte had agreed on the need to avoid the risk that Dr Blix would say that Iraq was demonstrating “unconditional, active and full co-operation”. Sir Jeremy had agreed with Ambassador Negroponte and Mr Arias that wording was needed “on Iraq demonstrating a genuine change of heart”: “But this had to be something that could not be played back at us, e.g. in a statement by Saddam saying he had taken an ‘unconditional and irreversible decision’.” One key test was Iraq yielding its WMD.

³¹⁹ Telegram 294 Washington to FCO London, 6 March 2003, ‘Personal Iraq: UN Endgame’.

³²⁰ Telegram 353 UKMIS New York to FCO London, 6 March 2003, ‘Iraq: 5 March’.

1024. Discussions between experts on the tactics for the Security Council discussion on 7 March had agreed the need to pose questions to Dr Blix and that “more material drawing out key points from the clusters document” was needed:

“We could and should use it to illustrate just how much the Iraq has not done with respect to inspections. We should also highlight the huge gaps in knowledge as an illustration that we could not benchmark, nor define key tasks, without Iraqi co-operation.”

1025. Sir Jeremy provided two alternative formulations for the draft resolution in a separate telegram.³²¹

1026. Mr Blair and Mr Straw agreed that, in the Security Council meeting on 7 March, the UK would:

- explore additions to the draft resolution;
- express outrage over the lack of Iraqi co-operation;
- pose tough questions to Dr Blix; and
- demand the publication of the UNMOVIC “clusters” document.

1027. In a meeting on the morning of 6 March, Mr Blair agreed that Mr Straw should explore additions to the draft resolution, including ultimatum language, exile and the UN role in post-conflict humanitarian assistance, with Secretary Powell and others in New York later that day.³²²

1028. Mr Rycroft recorded that:

- Subject to the views of Chile and Mexico, Mr Straw “should stick to our preference for a period of ten days between the passage of the resolution and the expiry of the ultimatum”.
- Mr Straw should see Dr Blix to “insist that the clusters document is published on 7 March”.
- The UK “should express outrage over the lack of Iraqi co-operation”.
- Mr Straw would “put tough questions” to Dr Blix.
- Mr Straw would warn Mr Annan “of the consequences for the UN if our draft resolution is not passed”.
- Mr Blair would speak to Presidents Lagos and Putin later that day; and to President Chirac after the Security Council debate.

1029. Mr Campbell wrote: “we needed to get out the idea that we wanted the clusters document out there, also the sense that Blix was just inhaling the politics in all this. We agreed we needed to publish a version of the clusters document which would help

³²¹ Telegram 354 UKMIS New York to FCO London, 6 March 2003, ‘Iraq: 5 March’.

³²² Letter Rycroft to McDonald, 6 March 2003, ‘Iraq’.

turn round the arguments.” Mr Straw was to go to New York “with the message from TB that we needed to turn the clusters document to our advantage”.³²³

CABINET, 6 MARCH 2003

1030. Mr Blair told Cabinet that the argument boiled down to the question of whether Saddam Hussein would ever voluntarily co-operate with the UN to disarm Iraq.

1031. Mr Blair concluded that it was for the Security Council to determine whether Iraq was co-operating fully.

1032. Mr Blair explained to Cabinet on 6 March that Dr Blix and Dr ElBaradei would be reporting to the Security Council the following day.³²⁴

1033. Dr Blix was proposing to put forward a document which analysed the outstanding disarmament issues. It was important that the facts should be made public.

1034. The UK was discussing an amendment to the draft resolution – “to encourage support from those members who remained undecided” – with some Security Council members. The support of Mexico and Chile “could be critical to the vote”. It was not clear what Russia and France would do. The “argument boiled down to whether” Saddam Hussein “would ever voluntarily co-operate with the United Nations to disarm Iraq. Members of the Security Council needed to be persuaded on this point.”

1035. Mr Blair also said that he had agreed with President Bush on the need for the UN to be “heavily involved” in “the post-conflict situation, in the event that military action was necessary”. They had also discussed the importance of moving the Middle East Peace Process forward on the basis of a “Road Map”.

1036. The points made in discussion included:

- the amendment of the draft Security Council resolution should incorporate a deadline “since the public attached importance to the inspection work”;
- the “integrity and dignity” of the UN process was being “diminished” by the “political arm-twisting” by some members;
- reconstruction of Iraq would require a UN mandate, not just their involvement; otherwise the right of Coalition forces to engage in reconstruction work would be limited by their status as an occupation force;
- the focus on Iraq’s WMD should be maintained, not “diverted to discovery and destruction of ballistic missiles, albeit the latter could deliver toxic material in their warheads”; and

³²³ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

³²⁴ Cabinet Conclusions, 6 March 2003.

- the British media operating in Baghdad did not adequately acknowledge the restrictions under which they were working.

1037. Summing up the discussion, Mr Blair said it was “the responsibility of the Chief Inspectors to present the truth about Saddam Hussein’s co-operation with the United Nations, so that the Security Council could discharge its responsibilities in making the necessary political decisions”. The UK was “lobbying hard in favour of the draft Security Council resolution”. It was the duty of Saddam Hussein to co-operate fully, “and it was for the Security Council to determine whether that had been the case”.

1038. Mr Cook wrote that Mr Blair had been “surprisingly upbeat about the prospects of getting the six swing votes on the Security Council” and “even expressed a hope that Russia might abstain and France might not veto”. That was “not just surprising, but manifestly unrealistic”.³²⁵

1039. Ms Short wrote that her diary entry for that meeting recorded that she had said she regretted:

“... we couldn’t use our leverage to get publication of the Road Map. Arm twisting members of the Security Council looks bad and diminishes the UN. Can’t we let the Blix process have integrity. Have to have UN mandate for reconstruction, otherwise occupied territory.”³²⁶

1040. Ms Short added that, in a meeting before Cabinet, Mr Blair had said that he might need to go to see President Bush again which was the “only way he can get him [President Bush] to listen”. Ms Short asked Mr Blair to see Mr Annan too.

1041. Mr Campbell described the meeting as “scratchy”. Both Mr Cook and Ms Short had been “a bit bolder in setting out their concerns”. Ms Short had said the “idea of horse trading and bullying was bad for the authority of the UN”. Mr Blair had “hit back quite hard” saying “it was not just the US who were bullying and intimidating”; France was making threats too.³²⁷

1042. After Cabinet on 6 March, Mr Blair chaired a meeting on post-conflict issues with Mr Brown, Mr Hoon, Ms Short, Baroness Symons of Vernham Dean (the joint FCO/Department of Trade and Industry (DTI) Minister for Trade and Investment), Sir Michael Jay and “other officials”.³²⁸ That meeting is addressed in Section 6.5.

³²⁵ Cook R. *The Point of Departure*. Simon & Schuster UK Ltd, 2003.

³²⁶ Short C. *An Honourable Deception: New Labour, Iraq and the Misuse of Power*. The Free Press, 2004.

³²⁷ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

³²⁸ Letter Cannon to Owen, 7 March 2003, ‘Iraq: Post-Conflict Issues’.

USING THE “CLUSTERS” DOCUMENT

1043. Since 3 March, No.10 and the FCO had been discussing how to use the UNMOVIC “clusters” document to the UK’s advantage.

1044. Officials recognised that the document was largely historical and a list of things Iraq should have done; UNMOVIC was not due to present its analysis of “Key Disarmament Tasks” required by resolution 1284 to the Security Council until 27 March. The document was described as a “167 page-long catalogue of Iraqi intransigence”.

1045. At No.10’s request, the FCO analysis of the document was sent to all Cabinet Ministers on 6 March.

1046. Mr Rycroft advised Mr Blair on 4 March:

“Our best guess is that ... we have a reasonable chance of securing ten positive votes ... But we are also faced with an increasingly likely French veto.

“To increase the chances of securing nine or ten votes, we should take on board Chilean/Mexican concerns.”³²⁹

1047. Mr Rycroft identified Chile and Mexico as the least likely of the 10 possible positive votes. He set out options identified by Sir Jeremy Greenstock, of which “the most promising” was “a combination of an ultimatum and benchmarks”.

1048. Setting out a spectrum of options for the language of an ultimatum setting out actions Iraq would need to have taken “by [17 March]”, Mr Rycroft wrote:

“There are mixed signs as to whether the US would accept any of these approaches. But our instinct is to press on hard, and to try to persuade the Chileans/Mexicans themselves to table this amendment, after Blix’s 7 March report.”

1049. Mr Rycroft added:

“In parallel ... but outside the resolution, we should set out what we mean by full compliance by picking out benchmarks based on Blix’s clusters document ... [I]f we end up with ultimatum language at the soft end of the spectrum, we shall need to say what we mean [by the language of the resolution] ...”

1050. Mr Rycroft advised:

“There is no guarantee that these moves would help prevent a French veto. But they should help ensure a Russian abstention and increase France’s isolation. We shall have to decide, at the last minute, whether the costs of a French veto outweigh the advantages of a vote showing majority Security Council support. At present, our view

³²⁹ Minute Rycroft to Prime Minister, 4 March 2003, ‘Iraq: A Strategy’.

is that we must test the French veto threat to destruction and put our resolution to the vote ... Certainly we should give no hint to the French of looking at options short of putting our text to a vote.

“It is possible that a find by the inspectors would be what it takes to move [President] Chirac away from a veto. If there were a find (see separate note), it would be well worth your talking to Chirac to see if it will do the trick.”

1051. On the timing for a vote, the “preference, shared by the US,” was to seek a vote “as soon after 7 March as we are confident that we have nine positive votes”. With the planned ultimatum, there would then be “a week or so before the start of military action to work on public opinion, rather than attempting to do this before the vote”.

1052. Mr Rycroft concluded:

“On 7 March, we need to turn Blix’s ‘clusters’ document to our advantage. We need to stress that it is not exhaustive, yet it still offers a damning indictment of Iraq’s failure to co-operate. It comprises sections on 29 different weapons/agents ... for each of which Blix includes outstanding questions for Iraq to answer. (I am sending you the complete list ...) At 167 pages, it shows not only what Iraq would have to do in the future to give full co-operation, but also what Iraq should have done over the last 12 years. This is further compelling evidence, if any were needed, of Iraq’s failure to co-operate fully.”

1053. Responding to a request from Mr Blair for further information on the UNMOVIC “clusters” document; a minute from Mr Nicholas Cannon, Mr Blair’s Assistant Private Secretary for Foreign Affairs, described it as “rather historical” and that most of the information was drawn from UNSCOM’s work.³³⁰ The UK had “urged” Dr Blix to “give appropriate weight to post-1998 unresolved issues”. He had “promised to try”, but argued that while it was “possible to establish material balances for the earlier period”, it was “less clear what one could do with the flat Iraqi denial of any activity in the latter period”; and it was “unclear whether all gaps could be resolved”.

1054. Mr Cannon reported that France, Germany and Russia had pressed for the “clusters” document and the UNMOVIC work programme, to be released to the Security Council. The UK thought that they intended:

“... to distil ... a few benchmarks to assess Iraqi compliance. We doubt whether it would be possible to define ‘key tests’ that did not allow Iraq room to fudge compliance or Security Council members room for debate about whether Iraq was meeting the criteria or not. Saddam would be encouraged to continue to dribble out concessions piecemeal rather than offer a step change on co-operation. So far we have argued that without full co-operation from Iraq, specific disarmament tasks are at best irrelevant and at worst allow Saddam off the hook.”

³³⁰ Minute Cannon to Prime Minister, 4 March 2003, ‘Iraq: “Clusters” Document’.

1055. Addressing two questions, Mr Cannon advised that the document:

- Exposed the “scale and range” of Iraq’s WMD and the “long-term pattern of concealment and deceit”. It flagged up “recent examples of Iraqi deception”. It could be used as “evidence of Iraq’s failure to co-operate” and its UN provenance “gave it more credibility than products of potential belligerents”.
- Could be used after publication as a quarry for benchmarks, but it “tended to focus on hardware rather than interviews” and the “sheer number of outstanding questions” made it possible for the Iraqis reasonably to ask for more time. Boiling down the list might open the way to suggestions that Iraq had partially complied.

1056. Mr Cannon concluded:

“But we can draw on the ‘clusters’ in drawing up our own ‘benchmarks’ ... We need to ensure that on balance it is seen as a list of the things that Iraq should have done, not a list of things for Iraq to do in the future.”

1057. FCO analysis of the draft “clusters” document sent to No.10 on 5 March explained that the document was “intended to form the basis for UNMOVIC’s determination of the ‘Key Disarmament Tasks’”, which the terms of resolution 1284 (1999) stipulated were to be submitted to the Security Council for discussion by 27 March. A revised draft would be submitted to the Council on 7 March.³³¹

1058. The FCO suggested that France, Germany and Russia would “try to use the document to draw up a ‘leisurely’ timetable for those issues to be addressed”. The UK position had been that “without full and active Iraqi co-operation, it is not possible to draw up a comprehensive list of disarmament tasks”; and that: “In any case, the requirements of resolution 1441 take precedence.”

1059. The FCO drew attention to a number of points in the draft document, including:

- Iraq had “admitted refurbishing some equipment previously destroyed by UNSCOM, in particular some chemical facilities”.
- There had been “a modest expansion of biological industries ... UNMOVIC also acknowledge that there have been a number of intelligence reports concerning bio-weapon production facilities.”
- There had “been ‘a surge of activity’ in missile technology over the past four years”.

1060. The FCO commented that the draft document was “not exhaustive” but did reveal “the enormous amount of Iraqi non-co-operation over the years; a 167 page-long catalogue of Iraqi intransigence”.

³³¹ Fax Owen to Rycroft to, 5 March 2003, attaching Papers prepared by Patrick Davies (MED) for Peter Ricketts, ‘Iraq: Key Papers’.

1061. The FCO identified a number of “key points”, including:

- The report was “inevitably not comprehensive”. It was: “Impossible to provide a comprehensive list of disarmament tasks without Iraqi co-operation and given the inspectors were out of Iraq for four years.”
- A “huge number of questions remain unanswered”. More than 100 specific actions had been identified which Iraq “must take”. Those were “not difficult, mostly concerning the need to present documents, evidence and more coherent accounts of Iraq’s work”. Iraq “could have provided this at any time”.
- Iraq could “give no credible account of the surge of activity in the missile technology field over the last four years”.
- Destruction of the Al Samoud 2 missiles had begun by the UNMOVIC set deadline of 1 March and 28 had been destroyed by 5 March: “No end-date has been set for the process.”
- There were “uncertainties about Iraq’s use of mobile ‘factories’”.
- Iraq’s failure to co-operate over private interviews raised “further suspicions that Iraq has something to hide”.
- UNSCOM had a list of 3,500 names of those it might wish to interview.

1062. At No.10’s request, the FCO analysis was sent to all Cabinet Ministers on 6 March.³³²

1063. A further analysis of the “clusters” document by Downing Street officials on 6 March picked out the areas which demonstrated Iraqi non-co-operation. As there was only limited material on ongoing production programmes (other than ballistic missiles), the two key sets of concerns related to leftover questions from UNSCOM on chemical and biological weapons, and evidence of a “systematic pattern of deceit and concealment”.³³³

1064. In his discussions with President Lagos on 6 March, Mr Blair stated that the US would go ahead without the UN if asked to delay military action until April or May.

1065. In his discussion with President Lagos on 6 March, Mr Blair was reported to have stated that:

- Saddam Hussein would not make concessions unless he was under pressure.
- If the US was asked to delay action until April or May, “they would simply go ahead without the UN”; we could not expect President Bush to wait after the end of March.

³³² Letter Owen to Prout, 6 March 2003. ‘Iraq: Report from UNMOVIC Chairman, Hans Blix’.

³³³ Minute Cannon to Prime Minister, 6 March 2003, ‘Iraq: “Clusters” Document’.

- If “Saddam co-operated, war could even now be averted”, but Mr Blair now “did not think” that Saddam Hussein would co-operate.
- He was “prepared to sign up to a statement that war was avoidable if Saddam co-operated ... if Saddam really co-operated he could have more time to complete disarmament. But the Security Council had to be the judge of co-operation”.
- He “needed to know whether he had Chilean and Mexican support”.³³⁴

1066. Mr Rycroft reported that President Lagos was opposed to a short deadline and had decided to wait to see what happened at the Security Council the following day.

ASSESSMENT OF IRAQ’S INTENTIONS, 6 MARCH 2003

1067. An assessment of Iraq’s intentions on 6 March concluded that the strategy was to play for time, and Iraq thought that strategy was working.

1068. The Assessments Staff was confident that Saddam Hussein’s aim would be the eventual re-creation of his WMD capability.

1069. Mr Miller provided an assessment of ‘Saddam’s possible next moves’ for Sir David Manning on 6 March.³³⁵ The document was also sent to officials in the FCO, the MOD and the Cabinet Office.

1070. Mr Miller described Saddam Hussein’s strategy as “to play for time, gradually releasing limited information on Iraq’s terms or when there is no other option”. Iraq thought its strategy was working. Mr Miller stated: “Even if he [Saddam Hussein] does opt for a declaration of WMD, we are confident that his aim would be the eventual re-creation of his capability.”

1071. Mr Miller advised that the decision to destroy the Al Samoud 2 missiles was “indicative of Saddam’s strategy: a drawn out debate with UNMOVIC over legality; an offer to form a ‘technical committee’ to review the weapon; compliance; and an attempt to portray compliance as a major concession”. Mr Miller predicted that Iraq would “draw out the destruction process”, which might take “as long as two months to complete”.

1072. Other points made by Mr Miller included:

- Iraq was “likely to follow a pattern of a drip feed of information to UNMOVIC”.
- Passing over documents only in Arabic might be a deliberate tactic to delay verification.
- It could take two to three weeks to validate any documentation to back up Iraq’s claims to have destroyed VX.

³³⁴ Letter Cannon to Owen, 6 March 2003, ‘Iraq: Prime Minister’s Conversation with President of Chile, 6 March’.

³³⁵ Minute Miller to Manning, 6 March 2003, Iraq: Potential Compliance with UNMOVIC’.

- Progress with interviews continued to be “unsatisfactory”, although there had been “some improvement”. Iraq was likely to continue attempts to monitor interviews and to resist interviews outside Iraq.
- Iraq was likely to support proposals – for more time for inspections or an agreed timetable or checklist – put forward by those in the UN reluctant to authorise a resolution permitting war.

1073. Mr Miller concluded:

“In short, we have seen no indication that there will be a change in Iraq’s strategy ... Iraq will continue to put the onus on the inspectors to set out what they want rather than pro-actively provide information ... Saddam will be prepared to offer further concessions – or at least to say he is ready to. But based on current behaviour any information will be incomplete, will be difficult to interpret and will not represent a full declaration of Iraq’s capability. On overseas interviews and any proposal for a substantial UN military force, agreement is likely only in the face of imminent military action.”

MR STRAW’S MEETINGS IN NEW YORK, 6 MARCH 2003

1074. In a meeting with Mr Annan, Mr Straw set out the thinking on revising the second resolution.³³⁶

1075. Mr Straw told Mr Annan that military considerations could not be allowed “to dictate policy”, but the military build-up “could not be maintained for ever”, and:

“... the more he had looked into the Iraq dossier the more convinced he had become of the need for action. Reading the clusters document made his hair stand on end.”

1076. Mr Straw set out the UK thinking on a deadline, stating this was “Iraq’s last chance”, but the objective was disarmament and, if Saddam Hussein did what was demanded, “he could stay”. In those circumstances, a “permanent and toughened inspections regime” would be needed, possibly “picking up some earlier ideas for an all-Iraq NFZ [No-Fly Zone]”.

1077. Other points in the discussion included:

- Mr Kieran Prendergast, UN Under Secretary-General for Political Affairs, pointed out that the UK was “reversing the veto: if there were no positive finding, then there would be war”.
- Mr Ricketts stated that “it had to be this way round if there were to be a clear deadline”.

³³⁶ Telegram 366 UKMIS New York to FCO London, 7 March 2003, ‘Iraq: Foreign Secretary’s Meeting with UN Secretary-General, New York, 6 March’.

- It had been decided not to include a provision about exile, but “we were telling our Arab friends that we had got exile language”.
- Mr Prendergast stated that giving Saddam Hussein impunity would cause a “big public problem: how could we ignore the ICC [International Criminal Court]”.
- Mr Straw responded that “if the choice was between war or immunity”, he had the sense that “people would breathe a sigh of relief”.
- If there were to be a conflict, “the UN had a role in humanitarian aid and reconstruction, and only the UN could give legal authority for any post-Saddam government”.
- Mr Annan was reported to be “disturbed” by the American position that everyone had to vote for the resolution “or else the UN would be irrelevant”. The US knew it needed the UN on a range of issues. The UN was “bigger than Iraq”.
- Mr Straw responded that “if we failed the cohesion of the Security Council would be weakened”.

1078. Sir Jeremy Greenstock reported that Mr Annan had approved.

1079. In a meeting with Dr Blix on 6 March, Mr Straw had “acknowledged” that the draft resolution:

“... missed out a necessary intermediate step. We now proposed to offer Saddam an opportunity to show full compliance accompanied by a slightly longer time frame ...

“... [the Government’s] agenda was disarmament and not regime change. The Prime Minister had told Ivanov that if Saddam gave up his WMD he could stay. President Bush could not say this publicly, but he too would prefer peaceful voluntary disarmament to war. If Dr Blix, as the most important witness in the whole process, reported to the Security Council that Iraq was co-operating then the bunting would go up in London.”³³⁷

1080. Mr Straw had also “stressed that the underlying intelligence picture which was agreed by a number of services from several countries was clear – Saddam was not complying and was misleading the inspectors”.

1081. Dr Blix told Mr Straw that he would report that the Iraqis had made “some progress but they still had a long way to go”. Dr Blix “did not personally doubt that the Iraqis were self sufficient in precursors and had the capability to jump start production of a range of agents. But the inspectors had found little ... although the Iraqis had been ‘hyperactive’ of late in handing over documents and making other gestures, overall they were not co-operating fully.” Dr Blix had agreed with Mr Straw that “while difficult to define we would all soon realise what constituted compliance when the Iraqis started co-operating fully”.

³³⁷ Telegram 373 UKMIS New York to FCO London, 7 March 2003, ‘Iraq: Your Meeting with Blix: 6 March’.

1082. Sir Jeremy Greenstock reported that Mr Fischer had told Mr Straw that: the problem was the US agenda of regime change and the timelines created by the military build-up.³³⁸ He could not accept a resolution with language setting an ultimatum plus a trigger because it would lead directly to war.

AGREEMENT ON A REVISED DRAFT RESOLUTION

1083. The UK, US and Spain agreed a revised resolution to be tabled in the Security Council on 7 March.

1084. Following a telephone call between Mr Straw and Secretary Powell, Sir Jeremy Greenstock reported that the US was “relaxed about the exact language in the second resolution; they will agree to what works for us”.³³⁹

1085. The key elements of the draft are set out in the Box below.³⁴⁰

UK/US/Spanish draft resolution, 7 March 2003

The draft resolution recalled the provisions of previous Security Council resolutions on Iraq and noted that:

- the Council had “repeatedly warned Iraq that it will face serious consequences as a result of its continued violations of its obligations”; and
- Iraq had “submitted a declaration ... containing false statements and omissions and has failed to comply with, and co-operate fully in the implementation of, that resolution”.

The draft stated that the Council:

“Mindful of its primary responsibility under the Charter ... for the maintenance of international peace and stability;

“Recognising the threat Iraq’s non-compliance with Council resolutions and proliferation of weapons of mass destruction and long-range missiles poses to international peace and security;

“Determined to secure full compliance with its decisions and to restore international peace and security in the area;

“Acting under Chapter VII ...;

“Reaffirms the need for full implementation of resolution 1441 (2002);

“Calls on Iraq immediately to take the decisions necessary in the interests of its people and the region;

³³⁸ Telegram 377 UKMIS New York to FCO London, 7 March 2003, ‘Iraq: Foreign Secretary’s Meeting with German Foreign Minister, 6 March’.

³³⁹ Telegram 360 UKMIS New York to FCO London, 7 March 2003, ‘Iraq: Foreign Secretary’s Meeting [sic] with US Secretary of State, New York, 6 March’.

³⁴⁰ Telegram 378 UKMIS New York to FCO London, 7 March 2003, ‘Iraq: Draft Resolution’.

“Decides that Iraq will have failed to take the final opportunity afforded by resolution 1441 (2002) unless, on or before 17 March 2003, the Council concludes that Iraq has demonstrated full, unconditional, immediate and active co-operation in accordance with its disarmament obligations under resolution 1441 (2002) and previous relevant resolutions, and is yielding possession to UNMOVIC and the IAEA of all weapons, weapon delivery and support systems and structures, prohibited by resolution 687 (1991) and all subsequent resolutions, and all information regarding prior destruction of such items;

“Decides to remain seized of the matter.”

7 March 2003

Security Council, 7 March 2003

DR BLIX’S REPORT TO THE SECURITY COUNCIL, 7 MARCH 2003

1086. In his report to the Security Council on 7 March, Dr Blix stated that there had been an acceleration of initiatives from Iraq since the end of January, but they could not be said to constitute immediate co-operation. Nor did they necessarily cover all areas of relevance; but they were nevertheless welcome.

1087. As required by resolution 1284 (1999) UNMOVIC was drawing up a work programme of key disarmament tasks for approval by the Security Council which would be ready later that month.

1088. It would take “months” to complete the task.

1089. Introducing UNMOVIC’s 12th quarterly report of activity to 28 February 2003, as required by resolution 1284 (1999), which had already been circulated to the Security Council, Dr Blix stated that, when the report had been finalised, there had still been “relatively little tangible progress to note” and the report had been “cautious”. By 7 March, there had been a number of relevant events on which he would bring the Council up to date.³⁴¹

1090. The key points from Dr Blix’s report are set out in the Box below.

Dr Blix’s report, 7 March 2003

Inspections process

Inspections had begun on 27 November 2002, and “faced relatively few difficulties”. Initial difficulties about helicopters and aerial surveillance had “been overcome”. While there were “frictions”, “at this juncture”, UNMOVIC was “able to perform professional no-notice

³⁴¹ UN Security Council, ‘4714th Meeting Friday 7 March 2003’ (S/PV.4714).

inspections all over Iraq and to increase aerial surveillance” and its capabilities were being increased.

Documents and interviews

Iraq, “with a highly developed administrative system”, should have been “able to provide more documentary evidence”.

It was “a disappointment” that Iraq’s declaration of 7 December 2002 “did not bring new documentary evidence”. Dr Blix hoped that “efforts ... including the appointment of a governmental commission” would “give significant results”:

“When proscribed items are deemed unaccounted for, it is, above all, credible accounts that are needed – or the proscribed items, if they exist.”

Where “authentic documents” did not become available, interviews “may be another way of obtaining evidence”. Iraq’s provision of “many names” had prompted two reflections:

“... with such detailed information existing regarding those who took part in the unilateral destruction, surely there must also remain records regarding quantities and other data concerning the various items destroyed.

“... with relevant witnesses available it becomes even more important to be able to conduct interviews in modes and locations, which will allow us to be confident that the testimony is given without outside influence.”

Iraq seemed “to have encouraged interviewees not to request the presence of Iraq officials ... or the taping of interviews” but “conditions ensuring the absence of undue influence were difficult to attain inside Iraq. Interviews outside Iraq might provide such assurance. It is our intention to request such interviews shortly.”

Thirty-eight individuals had been asked for interviews and 10 had accepted UNMOVIC’s terms, seven during the last week.

Inspections

Iraq had denied the existence of mobile production units for biological weapons and that proscribed activities were being conducted underground. Inspections had taken place at declared and undeclared sites but no evidence of proscribed activities had “so far been found”. Iraq was “expected to assist in the development of credible ways to conduct random checks of ground transportation”.

Inspectors were examining Iraq’s programmes for remotely piloted vehicles and data was being collected to assess the range and other capabilities of the models found.

In relation to “reports of proscribed activity conducted underground”, which Iraq had denied, Dr Blix stated that “no facilities for chemical or biological production or storage have been found so far”. Iraq should provide information on any underground facilities that were suitable for the production or storage of weapons of mass destruction.

Dr Blix stated that UNMOVIC would need some more staff to monitor ground transportation and to inspect underground facilities, but he:

“... would rather have twice the amount of high quality information about sites to inspect than twice the number of expert inspectors to send.”

Recent developments

Dr Blix stressed the importance of Iraq's acceptance of the destruction of Al Samoud 2 missiles and associated items, which constituted a "substantial measure of disarmament ... the first since the middle 1990s".

Other points covered by Dr Blix included:

- UNMOVIC was reviewing the legality of the Al Fatah missile.
- Papers on anthrax, VX and missiles had recently been provided. Many re-stated what Iraq had already declared, but some required further study and discussion.
- There was "a significant Iraqi effort under way to clarify a major source of uncertainty" about the "quantities of biological and chemical weapons" that had been "unilaterally destroyed in 1991", by excavating a site that was formerly "deemed too dangerous". Eight intact bombs had been unearthed, two of which had a "liquid fill". That "should be followed by a serious and credible effort to determine" how many R-400 bombs had been produced.
- Iraq had informed UNMOVIC that there would be further legislation on prohibiting work on weapons of mass destruction.

Dr Blix stated that, in relation to Iraq's recent initiatives:

"One can hardly avoid the impression that, after a period of somewhat reluctant co-operation, there has been an acceleration of initiatives from the Iraqi side since the end of January. This is welcome, but the value of these measures must be soberly judged by how many question marks they actually succeed in straightening out. This is not yet clear."

Dr Blix stated that the question which was being asked was "whether Iraq has co-operated 'immediately, unconditionally and actively' with UNMOVIC, as required" by resolution 1441.

Dr Blix stated: "The answers can be seen from the factual descriptions I have provided." He added that, "if more direct answers are desired":

- Iraq had not "persisted" in attaching conditions on the exercise of the inspectors rights.
- The recent Iraqi initiatives to address long-standing issues could be "seen as active or even proactive". But "three to four months into the new resolution" they could not be said "to constitute 'immediate' co-operation. Nor do they necessarily cover all areas of relevance. They are nevertheless welcome, and UNMOVIC is responding to them in the hope of solving presently unresolved disarmament issues."

Key disarmament tasks

Dr Blix stated that UNMOVIC was working under several resolutions and that resolution 1284 (1999) instructed "UNMOVIC to 'address unresolved disarmament issues' and to identify 'key remaining disarmament tasks' ... to be submitted for approval by the Council in the context of a work programme". UNMOVIC was required to submit only the work programme to the Council, and the draft would be ready "this month as required".

Dr Blix added that, as he understood “several Council members are interested in the working document with the complete clusters of disarmament issues, we have declassified it and are ready to make it available to members of the Council on request”. It provided “a more up-to-date review of the outstanding issues”; and each cluster ended “with a number of points indicating what Iraq could do to solve the issue. Hence, Iraq’s co-operation could be measured against the successful resolution of issues.”

1091. Dr Blix concluded that “co-operation can and is to be immediate”, but “disarmament and ... verification ... cannot be instant”. “Even with a pro-active Iraqi attitude” it would still take “months” to “verify sites and items, analyse documents, interview relevant persons and draw conclusions”.

DR ELBARADEI’S REPORT, 7 MARCH 2003

1092. Dr ElBaradei reported that there were no indications that Iraq had resumed nuclear activities since the inspectors left in December 1998 and the recently increased level of Iraqi co-operation should allow the IAEA to provide the Security Council with an assessment of Iraq’s nuclear capabilities in the near future.

1093. Dr ElBaradei reported that the IAEA was focused on the “central question” of “whether Iraq has revived, or attempted to revive, its defunct nuclear weapons programme over the last four years”.³⁴² Dr ElBaradei noted that:

“... in the past three weeks, possibly as a result of ever-increasing pressure by the international community, Iraq has been forthcoming in its co-operation, particularly with regard to the conduct of private interviews and in making available evidence that could contribute to the resolution of matters of IAEA concern.”

1094. That “should enable” the IAEA “in the very near future to provide the Security Council with an objective and thorough assessment of Iraq’s nuclear-related capabilities”.

1095. The key points made by Dr ElBaradei are set out in the Box below.

Dr ElBaradei’s report, 7 March 2003

Iraq’s industrial capacity had deteriorated sharply, including through the departure of foreign support present in the 1980s and large numbers of skilled Iraqi personnel in the preceding decade.

Interviews were continuing, including two “private interviews in the last 10 days”. Interviews outside Iraq might be the best way to ensure that interviews were “free”, and the IAEA intended to request such interviews “shortly”.

³⁴² UN Security Council, ‘4714th Meeting Friday 7 March 2003’ (S/PV.4714).

The primary technical focus of the IAEA in the field had been on the possible resumption of Iraq's efforts to enrich uranium. In relation to the three key issues, the IAEA had:

- Failed to uncover any evidence that Iraq's attempts to purchase high strength aluminium tubes was for "any project other than ... rockets". The documents provided and interviews had allowed the IAEA "to develop a coherent picture of attempted purchases and intended usage".
- Verified that none of the magnets Iraq had declared could be used directly for the magnetic bearings in centrifuges. It was likely that Iraq possessed the expertise to manufacture such magnets and the IAEA would continue to monitor and inspect equipment and materials.
- Stated that documents relating to the reports of possible acquisition of uranium from Niger were not authentic, but it would continue to follow up any additional evidence.

Dr ElBaradei concluded that there was no indication:

- "of resumed nuclear activities" in buildings identified as new or reconstructed since 1998";
- "of nuclear-related prohibited activities at any inspected sites";
- "that Iraq has attempted to import uranium since 1990";
- "that Iraq has attempted to import aluminium tubes for use in centrifuge enrichment";
- "to date that Iraq imported magnets to use in a centrifuge enrichment programme".

Dr ElBaradei stated that Iraq's procurement efforts, including those in relation to magnets and aluminium tubes, had been conducted "in contravention of the sanctions controls" imposed by the Security Council. The IAEA would continue to scrutinise and investigate those issues and hoped "to continue to receive from States actionable information relevant to our mandate".

SECURITY COUNCIL DISCUSSIONS, 7 MARCH 2003

1096. In the discussion, there was unanimity in calls for Iraq to increase its co-operation.

1097. But there was a clear division between the US, UK, Spain and Bulgaria who spoke in favour of a further resolution, and China, France, Germany and Russia and most other Member States who spoke in favour of continuing to pursue disarmament through strengthened inspections.

1098. The UK, US and Spain circulated a draft resolution deciding that Iraq would have failed to take the final opportunity offered by resolution 1441 (2002) unless the Security Council concluded, on or before 17 March 2003, that Iraq

had demonstrated full, unconditional, immediate and active co-operation in accordance with its disarmament obligations and was yielding possession of all weapons and proscribed material to UNMOVIC and the IAEA.

1099. Mr Fischer stated that the international community was united in its condemnation of the Iraqi regime but had different views about how to achieve that “common goal”.³⁴³ He added that the briefings from Dr Blix and Dr ElBaradei made clear that Iraq’s co-operation did “not yet fully meet” the UN’s demands. Iraq “could have taken many of its recent steps earlier and more willingly”, but co-operation had “notably improved”. That was “a positive development” which made it “all the less comprehensible why that development should now be abandoned”.

1100. In line with the French/German/Russian joint memorandum presented to the Security Council on 24 February, Mr Fischer called for a “tough regime of intensive inspections” with “a time frame for every single problem”. Dr Blix and Dr ElBaradei should present the Security Council “with a detailed, comprehensive working programme ... without delay”.

1101. Mr Fischer added that the disarmament of Iraq had to be “pursued energetically and systematically” and the Iraqi Government had to co-operate fully with the inspectors. But there was “no need for a second resolution” and the use of force: peaceful means were “very far from having been exhausted”. Progress in recent days showed that there were “efficient alternatives to war”. Taking that path would “strengthen the relevance of the United Nations and the Security Council”.

1102. Mr Farouk al-Sharaa, the Syrian Deputy Prime Minister and Minister for Foreign Affairs, reminded the Council of calls by the Non-Aligned Movement, the Arab Summit and others for the inspectors to be given time to complete their work. Syria was “confident” that the United Nations, which represented the “will of the international community”, would opt for peace.

1103. Mr Derbez expressed concern about the “lack of active, immediate and effective co-operation” from the Iraqi regime. But Mexico was “greatly distressed” by the erosion of relationships and common values caused by different visions of how to disarm Iraq and “worried by the distance” between members of the Council. Mr Derbez called on members to “avoid taking up inflexible positions”.

1104. Mr Derbez stated that Mexico:

- called on the Iraqi Government “radically [to] change its attitude” to “carry out immediately clear and unequivocal actions” to demonstrate it had chosen the path of disarmament;
- was “convinced that we have to explore all options and take advantage of all opportunities to resolve this issue in a peaceful manner”;

³⁴³ UN Security Council, ‘4714th Meeting Friday 7 March 2003’ (S/PV.4714).

- insisted “on the importance of working towards a consensus position” on future action with respect to Iraq; and
- urged members of the Security Council “to work with greater creativity” on the issue.

1105. Secretary Powell stated that the Security Council had “one very, very important question” of intent to address: “Has the Iraqi regime made the fundamental strategic and political decision to comply with United Nations Security Council resolutions and to rid itself of all of its weapons of mass destruction and the infrastructure for the development of weapons of mass destruction?” It was not a question of “clusters of unanswered questions” or benchmarks, but of whether Iraq had made the choice actively to co-operate. In his view, the presentations by Dr Blix and Dr ElBaradei had been “a catalogue of non-co-operation”. Iraq’s “initiatives” were only small steps, which had been “taken only grudgingly; rarely unconditionally; and primarily under the threat of force”.

1106. Secretary Powell argued that the inspectors should not need more resources to look for prohibited facilities. That showed Iraq was not co-operating. The Council “must not allow Iraq to shift the burden of proof onto the inspectors”. Nor could the Council “return to the failed bargain of resolution 1284 (1999), which offered partial relief for partial disclosure”. Iraq had to be held to the terms of resolution 1441, which required “full and immediate compliance”.

1107. Secretary Powell stated that progress was “often more apparent than real”. Missiles were being destroyed but Iraq had the infrastructure to make more, which had not yet been identified and destroyed.

1108. In the light of events in 1991, when the IAEA had mistakenly been about to determine Iraq did not have a nuclear programme, Secretary Powell urged caution in relation to Dr ElBaradei’s report, citing further information calling into question the conclusion that the aluminium tubes were for unguided rockets.

1109. Secretary Powell welcomed UNMOVIC’s “compilation of outstanding issues” which added up to “a damning record of 12 years of lies, deception and failure to come clean on the part of Iraq”. Iraq had lied to previous inspectors and planted false evidence. The US view was that those activities were “still ongoing”. In 1998, when faced with the threat of military action, Iraq had made promises, but had not delivered. In Secretary Powell’s view, that position had not changed and the UNMOVIC document revealed:

“... a strategic decision to delay, to deceive, to try to throw us off the trail ... to hope that the will of the international community will be fractured ...”

1110. Secretary Powell stated that the Iraqi regime had not taken the decision to disarm. The Security Council “must not walk away”. If it failed to meet its responsibilities, “the credibility of the Council and its ability to deal with all the critical challenges we face will

suffer". It was time for the Council to send a "clear message" to Saddam Hussein about the political will of the Council and its willingness to use force, if necessary, to achieve the disarmament of Iraq.

1111. Secretary Powell concluded that the draft resolution for action by the Council was appropriate, and that it should be put to a vote "in the very near future". He added: "The clock continues to tick and the consequences of Saddam Hussein's continued refusal to disarm will be very, very real."

1112. Mr Ivanov stated that the Council's "united, energetic efforts" and the pressure on Iraq "from all sides, including the build up of a military presence" had produced progress in implementing resolution 1441. There was "a real disarmament process in Iraq for the first time in many years".

1113. Mr Ivanov said that he "agreed in principle" with Dr Blix that if the latest steps taken by Baghdad had been taken earlier, "the results could be more convincing". But they opened the way to resolving outstanding problems. In those circumstances, Mr Ivanov questioned whether it was "now reasonable to halt inspections" and resort to force. Russia was "firmly in favour of continuing and strengthening inspection activities and making them more focused". The UNMOVIC work programme should include a list of key disarmament tasks which should be "formulated with utmost clarity" and be realisable: "That would allow us to evaluate objectively Iraq's level of co-operation and, most importantly, to provide an exhaustive answer to all the remaining open questions regarding banned Iraqi military programmes."

1114. Mr Ivanov concluded with a plea that the differences in the Security Council should not produce a rift, and that:

"Only by acting in solidarity will we effectively face up to new global threats and challenges. We are certain that the Security Council has to emerge united and strong from the Iraq crisis, not weakened and divided. Russia will continue to work towards that goal."

1115. Mr de Villepin stated that the inspectors had revealed that Iraq had been actively co-operating for a month. He asked why, in those circumstances, the Security Council should engage in a war with Iraq and "smash instruments that have just proved their effectiveness". It was "clear to all that in Iraq, we are resolutely moving towards the complete elimination of weapons of mass destruction programmes".

1116. Mr de Villepin argued that the Council should proceed "with information, verification, destruction"; and Iraq had to provide "further information in a timely fashion". Iraq was less of a danger than in 1991. Diplomatic action was bearing fruit and the American and British presence in the region lent support to the international community's collective resolve.

1117. Mr de Villepin proposed that the pace of inspections should be stepped up on the basis of:

- a hierarchy of key disarmament tasks drawn from UNMOVIC's work programme;
- a progress report from the inspectors every three weeks to maintain the pressure on the Iraqi authorities; and
- a schedule for assessing implementation: France was willing to shorten the time-frame of 120 days set out in resolution 1284 if the inspectors thought that was feasible.

1118. Mr de Villepin stated that the "military agenda must not dictate the calendar of inspections". France could not "accept an ultimatum as long as the inspectors are reporting progress". He asked whether "by imposing a deadline of a few days", that would be "merely seeking a pretext for war". Some countries might believe that problems could be solved by force, but not France. It believed that the use of force could "give rise to resentment and to hatred, and fuel a clash of identities and civilisations – something that our generation has a prime responsibility to avert".

1119. Mr de Villepin stated:

"To those who believe that war would be the quickest way to disarm Iraq, I can reply that it would create divisions and cause wounds that would be long in the healing ...

"... force is certainly not the best way of bringing about democracy. In this case and in others, it would encourage a dangerous instability.

"... War would only increase it [terrorism], and we could then be faced with a new wave of violence. Let us beware of playing into the hands of those who want a clash of civilisations or a clash of religions."

1120. Mr de Villepin stated that France understood the "profound sense of insecurity with which the American people had been living since the tragedy of 11 September 2001", but there was nothing to indicate a link between the Iraq regime and Al Qaida and the world would not be a safer place after a military intervention in Iraq.

1121. Mr de Villepin argued for priority to be given to addressing the crisis in the Middle East, which represented "our greatest challenge in terms of security and justice".

1122. Mr de Villepin concluded that the Council would face a choice of disarming Iraq through war or peace, and that to make that choice heads of State and Government should meet.

1123. Mr Tang stated that resolution 1441 had been "widely welcomed and supported" because it manifested the determination of the Council to destroy Iraq's WMD and "truly reflected the desire of the international community for a political settlement". There had been "much progress" on inspections. It was "true" that there were "problems and difficulties", but that was "exactly why" it was "necessary to continue the inspections".

1124. China believed that a political settlement could still attain the goal of destroying Iraq's WMD. That would "need resolve and determination and, more importantly, patience and wisdom". China was "not in favour of a new resolution, particularly one authorising the use of force". The power of the Security Council was derived from all UN member states and it had "no reason to remain indifferent" to the calls for "peace not war" from the peoples of many countries. The Chinese Government strongly appealed "to the Council to shoulder its responsibility and to do all it can to avoid war and to maintain its efforts to achieve a political settlement".

1125. Mrs Alvear stated that the reports by Dr Blix and Dr ElBaradei allowed Chile "to infer" that Iraq's co-operation was "inadequate" and the signs of progress in specific areas did not detract from that conclusion. Chile reaffirmed the need for the "immediate, full and effective disarmament of Iraq" and reiterated its "urgent appeal to Iraq" to co-operate. Chile supported "a solution in keeping with international law and with the purposes and principles of the United Nations Charter", which was the only source of legitimacy for the Council's decisions.

1126. Chile appealed to the five Permanent Members of the Council to find a point of convergence and "advocated the continuation of rigorous inspections subject to a time limit". The use of force under Chapter VII of the Charter could be invoked "only when all peaceful means of disarming Iraq have been exhausted". Chile believed a solution was possible through a "strengthening of inspections ... with clear deadlines and concrete demands".

1127. Ms Palacio stated that the Council had "been marking time for 12 years" and that the Council found itself in the "same situation as in 1991". Saddam Hussein's strategy remained to deceive. She questioned how much time was necessary to take the strategic decision to collaborate. Saddam Hussein had managed to divide the international community and to reverse the burden of proof. Only maximum pressure and the credible threat of force could make an impression on the Iraqi regime. Why should the international community believe Saddam Hussein's claims that he had destroyed all his weapons without being able to detect a "genuine will to disarm".

1128. Ms Palacio stated that the Security Council should send clear messages to Iraq about its determination to achieve complete disarmament and that the Council should assume its responsibilities to respond. A strategy of more inspectors or more time was "merely the strategy of impotence". It was possible to envisage results with respect to nuclear material and missiles without Iraq's pro-active collaboration, but that was "not true for chemical or bacteriological weapons". Spain wanted a peace that was "safe and that ensures that those weapons will not be used by Iraq and that they will not fall into the hands of terrorist groups".

1129. In his speech to the Security Council, Mr Straw stated that everyone agreed Iraq must be fully disarmed and that "Iraq's failure to co-operate immediately, unconditionally

and actively with the inspectors” had to be “dealt with”.³⁴⁴ The first question for the Council was, “has Iraq taken this final opportunity”? His answer was that, as no-one had said Iraq was “now fully, actively and immediately in compliance”, it had “not so far taken this final opportunity”.

1130. Dr Blix’s “clusters” document to the Council was a “chilling” account of Iraq’s non-compliance over 12 years and there had “not been active co-operation in the areas which matter”. The examples cited by Mr Straw included:

- Iraq had “dragged its feet on as many elements of procedural and substantive co-operation as possible”.
- Iraq was still refusing to pass a law prohibiting State authorities from engaging on work relating to weapons of mass destruction.
- Iraq had “done everything possible to prevent unrestricted, unrecorded interviews”. Of the 3,500 people on UNSCOM’s lists, “just twelve private interviews had been allowed”, and “all of those ... were threatened and intimidated beforehand”. He understood that “the scientists most likely to have the most incriminating evidence have been locked away”. There had been no interviews outside Iraq. Mr Straw stated: “The restrictions placed on [these] interviews is itself the most incriminating evidence that Saddam has something to hide.”
- Under-reporting of the import of Al Samoud 2 missile engines and the missile’s range were examples of Iraq’s “calculation that it can satisfy the Council with a partial response”.

1131. Addressing the memorandum produced by France, Germany and Russia, Mr Straw stated that “it defies experience to believe that continuing inspections with no firm end date” would achieve complete disarmament “if Iraq’s full and active co-operation” was not “immediately forthcoming”. The memorandum was “not even a formula for containment, given Iraq’s proven ability to develop weapons of mass destruction”.

1132. Mr Straw welcomed the progress the inspectors had reported. His “earnest wish”, and that of the UK Government, was to achieve Iraq’s disarmament, “if possible by peaceful means”. But it was necessary to recognise that “the progress that has been reported represents only the tip of a very large iceberg of huge unfinished business required of Iraq”. He also welcomed the diplomatic pressure on Iraq but suggested it was the presence of US and UK troops in the region which had influenced the recent increase in Iraq’s co-operation.

1133. Addressing Mr de Villepin’s statement that “the choice before us was disarmament by peace or disarmament by war”, Mr Straw pointed out that that was

³⁴⁴ UN Security Council, ‘4714th Meeting Friday 7 March 2003’ (S/PV.4714).

“a false choice”. The paradox was that diplomacy had to be backed by a credible threat of force to achieve Iraq’s disarmament by peaceful means. He wished:

“... we lived in a different world where this was not necessary, but ... the choice is not ours as to how this disarmament takes place – the choice is Saddam Hussein’s ... he can act with astonishing speed when he chooses to ... It may take time to fabricate falsehoods but the truth takes only seconds to tell.”

1134. In response to Mr de Villepin’s concerns about automaticity, Mr Straw added that the threat of force or its use had:

“... always been conditional. It would be utterly irresponsible and in defiance of our solemn duties to the Council for us to walk into a situation where force was used automatically ...”

1135. In conclusion, Mr Straw stated that the UK remained “committed to exploring every reasonable option for a peaceful outcome and every prospect of a Council consensus”. He asked, on behalf of the UK, US and Spain as co-sponsors, for a revised draft of the second resolution to be circulated.

1136. In his memoir, Mr Straw wrote that he had deliberately picked up Mr de Villepin’s words and “There was not a word in my speech about the intelligence. It was the indisputable facts of Saddam’s behaviour that convinced me we had to act.”³⁴⁵

1137. Mr Georges Chikoti, the Angolan Deputy Minister for Foreign Affairs, stated that the reports from Dr Blix and Dr ElBaradei showed that Iraq’s co-operation was “relatively insufficient” and called on Iraq to take a more energetic and pro-active role.³⁴⁶ He suggested that the progress made was associated with specific benchmarks and dates. That might be a model for strengthening the scope and intrusiveness of inspections.

1138. Mr Chikoti noted that international community, regional and sub-regional organisations and international public opinion had been calling for the peaceful disarmament. Those were “valid and legitimate concerns” but they could not be “interpreted or transformed into an unwillingness to act”. The responsibilities of the Council included “exhausting all diplomatic and peaceful means to achieve such disarmament”.

1139. Mr Belinga-Eboutou stated that Cameroon was pleased to note the momentum of inspections was “well established”. UNMOVIC’s report from the inspectors showed real progress but also made clear that the results had “been very limited so far”. Cameroon did not believe that Iraq had “yet taken the final opportunity afforded by ... resolution 1441”. It was in favour of inspections but they should not go on “indefinitely”. The Council should “together seek, in good faith, a credible alternative to war and to endless inspections”.

³⁴⁵ Straw J. *Last Man Standing: Memoirs of a Political Survivor*. Macmillan, 2012.

³⁴⁶ UN Security Council, ‘4714th Meeting Friday 7 March 2003’ (S/PV.4714).

1140. Mr Belinga-Eboutou identified the “major and central problem” was to “induce the Iraqi authorities to co-operate actively, fully and unconditionally”. The “gravity of the situation and the need for effectiveness” required the Council to “harmonise viewpoints through mutual concessions” to find a solution based on consensus. Council members should build a common position to make it clear to Iraq that if it wanted peaceful disarmament it had “no alternative but to abide by the decisions of the international community”.

1141. Mr Tafrov stated that Dr Blix’s report was nuanced. Results to date had been “modest”. Co-operation was “insufficient” and Bulgaria’s view was that Iraq was still in material breach of resolution 1441.

1142. Mr Tafrov thought that the tripartite memorandum and the draft resolution submitted by Spain, the US and the UK were “not incompatible”. Bulgaria agreed with France, Germany and Russia that the pressure on Iraq must be increased and the draft resolution was an effective means to do so. Its adoption would be “a logical continuation of the efforts of the Security Council to make Iraq understand that patience has its limits”. Bulgaria called for unity of the Council to preserve the credibility of the United Nations and a means to achieve Iraq’s disarmament, and for an additional effort for peaceful disarmament.

1143. Mr Akram stated that, if war was to be avoided, the Council must impress on Iraq that it must comply “fully and faithfully”. It was “unfortunate” that “divergent approaches” had emerged within the Council. Pakistan believed that “an agreed approach can and must be evolved”. He stated: “Once we establish the ways to credibly achieve the disarmament of Iraq ... we can also agree on a relatively short time frame.” That proposition “would be better than propositions that could result in the early use of force”. Pakistan did not believe there was an “imminent threat to international peace and security” and the “cost of delay” would be “much less than the cost of war”. War would “have grave consequences for the Iraqi people, for peace and stability in our fragile region, for international security and for a world order based on the principles of the United Nations Charter and the rule of law”.

1144. Mr François Lourency Fall, the President of the Council and the Guinean Foreign Minister, stated that Guinea “remained convinced” that “while the opportunity for a peaceful solution still exists”, it could “be seized only if the Iraqi authorities co-operate sincerely”. Guinea was “in favour of continued inspections” but believed they could not “go on indefinitely”. A more unified approach from the Council was the “only course” that could give the Council’s actions “the necessary authority and legitimacy”.

1145. Mr Aldouri underlined Iraq’s “pledge to continue pro-active co-operation” with UNMOVIC and the IAEA. He drew attention to the position of France, Germany, Russia and China who had demanded that the work of the inspectors should continue and that they should “be given enough time to complete their tasks by peaceful means”.

1146. Responding to Secretary Powell’s statement that there was a lack of a strategic political decision by Iraq to demonstrate its commitment to comply with the UN resolutions, Mr Aldouri stated that Iraq had taken “the strategic decision to rid itself of weapons of mass destruction” in 1991. He added that:

“All weapons that have been proscribed fall into one of two categories: they have been either declared or unilaterally destroyed by Iraq. All the declarations that Iraq has been repeatedly asked to present concerned the details and verification of that unilateral destruction and nothing ... else. It is for the accusers to prove otherwise, if they possess any evidence.”

1147. Mr Aldouri stated that Iraq had no VX programme.

1148. Mr Aldouri stated that the issues of concern identified by the US and UK were “an attempt to confuse the issue” and mask their real agenda to take over Iraq’s oil and the political and economic domination of the region. Iraq continued to hope for justice from the Security Council and called on the Council to thwart aggression and prevent “a crime whose impact would far surpass that of any crime of the past century”. He concluded:

“... war against Iraq will wreak destruction, but it will not unearth any weapons of mass destruction, for one very simple reason: there are no such weapons, except in the imagination of some ...”

1149. Sir Jeremy Greenstock reported that questions had been raised about what would demonstrate that Iraq had taken the strategic decision to disarm. There was no visible indication of additional votes.

1150. A “side statement” including benchmarks could be needed to bring Chile and Mexico on board.

1151. Sir Jeremy Greenstock reported that, during the lunch for Foreign Ministers hosted by Mr Annan:

- Mr Annan had appealed for Council unity and for UN responsibility post-conflict on humanitarian relief and administrative matters.
- Mr Straw had “defended the ultimatum idea and focused it on Iraqi co-operation, which needed no time at all to signal convincingly”.
- Secretary Powell had said the “US would not have come to the UN unless it believed in collective action” and that the US “would want the UN in Iraq as soon as circumstances allowed”.
- Dr Blix had said that the “months he needed were for verification with a compliant Iraq ... if Saddam could turn out 13,000 pages in a month, he could manage one and a half pages of a convincing commitment to compliance in a very short time”.³⁴⁷

³⁴⁷ Telegram 389 UKMIS New York to FCO London, 8 March 2003, ‘Iraq: 7 March Open Debate and Lunch’.

1152. Sir Jeremy Greenstock reported that “no votes were visibly harvested”. The “body language” of African members “much improved” over the two days Mr Straw had been in New York; but:

“We have not yet avoided the benchmarks problem ... what would demonstrate that Iraq had taken the strategic decision to disarm... We could well need a side statement to bring the Latins on board.”

1153. The Council was followed by “a long session of informal consultations”.³⁴⁸

1154. Sir Jeremy Greenstock reported that discussion had centred on three questions raised by Mr Zinser:

- “What did the Security Council have to do to avoid the use of force?”
- “What did Saddam Hussein have to do?”
- “How long did the Council have to address these issues?”

1155. The points made by Sir Jeremy included:

- The core issue was making “best use of the limited time left”.
- The Security Council “could not, in the light of existing resolutions ... set itself the aim of ‘avoiding war’ ... The real question was how the Council could ensure full implementation of the relevant resolutions (ie complete disarmament without resort to force.”
- The Council “should unite in exerting the heaviest pressure on Iraq so that Saddam Hussein embarked on the road to peace before the road to war was authorised”.
- “Indefinite delay was an abdication of the Council’s responsibilities. Time would be needed to reach ‘full and verified disarmament’; but the alternative was not an open-ended invitation to conduct investigations”.
- Saddam Hussein “had to convince the co-sponsors and the Council that he and his regime had indeed changed their attitude and taken a strategic decision to disarm voluntarily”.
- There was “no real evidence of non-compliance on the nuclear weapons file”.
- The “key question” was whether Iraq had WMD: “The UK was sure they did. But the WMD could not be located because Iraq had hidden them, and they would not be found without unconditional and immediate Iraqi co-operation.”
- The US and UK “had invested time and money in finding out the truth. So we knew that WMD were being moved every 12 hours; that mobile weapons facilities existed; and that documents and materials were being moved around.”

³⁴⁸ Telegram 388 UKMIS New York to FCO London, 8 March 2003, ‘Iraq: 7 March 2003: Informal Consultations’.

- The Council “had not made the best use of its time since adoption of [resolution] 1441. In an understandable wish to avoid war, colleagues had perhaps not really believed the UK/US warnings: but we had taken a decision to put our need for long term security over our wish to avoid war.”

1156. Sir Jeremy reported that he had asked Dr Blix and Dr ElBaradei a series of questions:

- “How could they be sure the interviewees were not being bugged or threatened?”
- “What real chance was there of UNMOVIC resolving the mobile biological facilities issues without Iraqi co-operation?”
- “Was there any evidence of Iraqi procurement and sites associated with this programme?”
- What was UNMOVIC’s “assessment of Iraq’s declaration in relation to UAVs”?

1157. Ambassador Cunningham stated that the French and German proposals assumed Iraqi co-operation, but “it was hard, reading the UNMOVIC cluster document, to conclude that verifiable disarmament could happen in the near future or was ever feasible”. Iraq was “behaving now as it had always done”. Subsequently, he stated that if the Council “spent the next 10 days dreaming about benchmarks it would miss its final opportunity to secure a peaceful outcome”. The Council “could assist by bringing maximum pressure to bear”; but since 20 January, “Baghdad had felt under no pressure”.

1158. Mr de La Sablière was reported to be “troubled that the Council’s timetable was being fixed by the US military agenda, and by having to discuss the choice between war and peace when inspections still offered a real chance of peaceful disarmament”. The “clusters” document gave the Council an objective basis to address the state of Iraqi disarmament and: “Only a few questions were left to be addressed: Iraq was ‘largely disarmed’ ...” The inspectors “should list the priority issues to be addressed and the key remaining disarmament tasks”.

1159. Sir Jeremy reported that:

- Spain questioned Mr de La Sablière’s comments and whether the Council was “really being asked to believe that Saddam Hussein had complied fully with resolution 1441”.
- Russia said it was clear that, to avoid war the Council had to continue inspections. It also asked whether any of the intelligence received had helped the inspectors to find anything.
- China said the inspections were working and producing results; they should continue. The draft resolution would “strangle the 1441 system in its infancy”.

- Germany stated that it made no sense to break off inspections, especially when the process was delivering results. The only way forward was for UNMOVIC and the IAEA to produce objective criteria.
- Cameroon stated that the threat of force had been a key element in the progress so far and military forces could not be left in place indefinitely, but 17 March might be too soon.
- Bulgaria had been ready to support the previous draft and “was studying the latest proposal positively”.
- Syria said there had to be a peaceful resolution of the issue and the inspectors should produce a specific work programme.
- Chile agreed that the Council should work for a consensus; the inspection process must be allowed to mature; and Iraq must comply immediately. But he questioned how Saddam Hussein was to be judged. The real question was “whether the threat posed by Iraq was such that there had to be an end now to inspections”.
- The US responded to Chile that the Council should judge Iraq on the basis of its experience. Iraqi co-operation over the years was grudging at best.
- For the UK, Sir Jeremy Greenstock said that, if Saddam Hussein admitted he had lied about Iraq’s WMD over the years, “that would go a long way to convincing us that he had had a real change of heart. If he came forward with the truth; that would be respected. If he lied, he would be dealt with.”

1160. In response to the points raised, Dr Blix stated that UNMOVIC worked under resolutions 1284 (1999) and 1441 (2002). The former asked for “a work programme and key disarmament tasks”. UNMOVIC “did not yet know which of the many issues ... were the key remaining tasks”; it “aimed to submit a list to the Council in the week beginning 19 [sic] March”. The Council had asked UNMOVIC to “complete” the “remaining” disarmament tasks. Resolution 1441:

“... imposed a greater sense of urgency on the inspection and disarmament process, but he did not think the Council’s resolutions necessarily led to the conclusion that UNMOVIC’s activities should cease as soon as next week. The resolutions did not demand ‘immediate disarmament’ but ‘immediate co-operation’ ...”

1161. Dr Blix was also reported to have stated:

- Iraqi co-operation “sometimes seemed grudging”, but “only if UNMOVIC found that Iraq was concealing things could one say that there was a real lack of co-operation”.
- With the Al Samoud missiles and UAVs, Iraq was “trying to push to the boundaries of what was permissible”. On the former, Iraq had arguably “trespassed over the border”; the resolution did not prohibit UAVs, but they were “on the border of what was allowed”. UNMOVIC was “still investigating”.

- Iraq “seemed to be trying to find ways of assisting UNMOVIC” on mobile BW facilities.
- Walls “might contain eavesdropping devices, but even taking witnesses to Cyprus might not necessarily guarantee truthful evidence”.
- UNMOVIC “could be expected to deal with the key remaining disarmament tasks in a matter of months”. The timetable proposed in the draft resolution “could not conceivably allow completion”.
- Iraq was “frantic” but “selective” in its co-operation.
- A “strategic decision” by Iraq to co-operate would be easily recognised.
- “Various intelligence agencies were sure Iraq had retained ‘a jumpstart’ capacity, but UNMOVIC had seen no hard evidence.”
- Not all the evidence the inspectors had been given “was convincing, and some of it was not even trustworthy”.

1162. Dr ElBaradei stated that the IAEA had nearly reached a satisfactory outcome and two to three more months would lead to a conclusion. The test applied to Iraq had to be “an objective results oriented one”.

1163. Sir Jeremy reported that initial reactions to the revised draft resolution had focused on “the short time offered to Iraq to comply and on the ultimatum”.

1164. Following a meeting between Mr Straw and Mr Tang, Sir Jeremy Greenstock reported that China did not want a second resolution “now”; was concerned about the economic, political and humanitarian consequences of a conflict; and the consequences for the UN of a public split amongst the P5.³⁴⁹

1165. Dr Blix recorded that the US and UK had made pre-emptive use of the “clusters” document before it was formally circulated after the Security Council meeting on 7 March.

1166. Dr Blix wrote that although the members of the Security Council knew of the existence of the draft, they were not aware of its contents before finalised copies of the text were presented on 7 March.³⁵⁰ The German and Russian Foreign Ministers had been:

“... keen that it should become public to show that precise requirements could be placed on Iraq, rather than nebulous demands for a ‘strategic decision’ or a ‘change of heart’ ... neither the US nor the UK was opposed to a declassification of what was still an internal document. As it turned out, both the US and the UK Foreign Ministers

³⁴⁹ Telegram 379 UKMIS New York to FCO London, 7 March 2003, ‘Iraq: Foreign Secretary’s Meeting with Chinese Foreign Minister, 7 March’.

³⁵⁰ Blix H. *The Search for Weapons of Mass Destruction: Disarming Iraq*. Bloomsbury Publishing Plc, 2005.

got copies of the not yet declassified draft, presumably through the American and British members of our College [of Commissioners].

“The German and French foreign ministers, who had been eager to make use of the document but did not have such a channel of quick provision ... could not make use of it to show what concrete benchmarks might look like. Their US and UK colleagues, by contrast, were therefore able to make extensive and preemptive use of the draft to show how unreliable Iraqi declarations and conduct had been in the past.”

1167. Dr Blix added that Mr John Wolf, the US Commissioner, had been critical of the relevance of the draft “clusters” document, which provided “only a readable historical account testifying to Iraq’s deception” and had only a few pages on what had happened after 1998. The US was interested in whether Iraq had taken “a strategic decision”, and that “was all that mattered”. The US “did not afford the smallest window to the benchmark approach that Washington saw London working on”. The US “disdain” had “shocked and surprised the other members of the College”.

Mr Blair’s conversation with President Putin, 7 March 2003

1168. President Putin told Mr Blair on 7 March that Russia would oppose military action.

1169. Following the discussions with Mr Ivanov on 4 and 5 March and the observation in Mr Brenton’s telegram of 6 March, that the Americans were sanguine about avoiding a Russian veto, Sir Roderic Lyne wrote to Mr Ricketts on 6 March with advice, including for Mr Blair’s planned telephone conversation with President Putin.³⁵¹ The letter was copied to Sir David Manning.

1170. Sir Roderic wrote that he was “less sanguine” about avoiding a Russian veto unless the French position changed. Mr Ivanov’s aim was to help deny nine positive votes for the resolution and thereby avoid the need to take a definitive decision. He would have reported to President Putin that the UK was not totally confident of success and was looking at concessions over language.

1171. Sir Roderic suggested that when Mr Blair spoke to President Putin, he should repeat and reinforce the message that he had given to Mr Ivanov, and argue that the issue was about two fundamental questions of principle:

- The need to deal with the problem of proliferation. That was: “big ... and ... getting worse ... The international community had let this drift ... We have to work together on this. We can’t go around attacking everyone; but if Iraq gets away with it, it’s open house for everyone ... we’ve got to send the message

³⁵¹ Letter Lyne to Ricketts, 6 March 2003, ‘Iraq/Russia: Ivanov’s Visit, the End Game, and the Prime Minister’s Call to Putin this Evening’.

that the Iraqi threat is over. Dealing with it ... will help us stabilise the Middle East (it's what moderate Arabs privately want). And, with this behind us, we can get together to bring the full range of diplomatic pressures to bear on those who proliferate or support terrorism."

- A multilateral approach to the problem was "hanging in the balance". Mr Blair had "persuaded" President Bush to go through the UN because he wanted to "preserve the Security Council" and wanted "the UN – and all of us, Russia included – to have a say in what happens thereafter in and around Iraq". That was "as much in Russia's interest as the UK's".

1172. The conversation with President Putin lasted over an hour. Mr Blair emphasised the importance of working with Russia as a partner and the need to stand firm in dealing with the threat of terrorism and WMD.³⁵² The record stated that Mr Blair had told President Putin that resolution 1441 had given Saddam Hussein a final opportunity:

"He had made some concessions with troops on his doorstep, but he was not co-operating fully and had no intention of disarming. We must carry out what we had said we would do to uphold UN authority and avoid unilateral action. So we would put the second resolution to a vote, with terms to be discussed. We would have nine or ten votes."

1173. During the conversation – and in response to a suggestion that Iraq was currently co-operating, presented no threat to its close neighbours or to the US or UK, had nothing to do with fundamentalist terrorists, and that inspections should continue on the basis of the disarmament tasks based on resolution 1284 (1999) – Mr Blair argued that the time required was that needed to make a judgement about whether there was full Iraqi co-operation; and that Dr Blix's "clusters" document would set out the outstanding items. In his view:

"In the absence of full co-operation, Iraq was in breach ... we must explore every possibility to resolve the issue peacefully, including through forcing Saddam into exile. Saddam would only do so if he thought the alternative was force."

1174. Mr Rycroft recorded that President Putin thought military action would be a mistake which Russia would oppose. He commented that President Putin had been:

"... unyielding, but at pains to spell out his reasoning in great detail ... On the face of it, a clear intention to veto. But there may have been just a hint that if negotiations begin in New York, and engage Moscow, that he will at least be ready to listen."

³⁵² Letter Rycroft to McDonald, 7 March 2003, 'Iraq: Prime Minister's Conversation with President Putin, 7 March'.

Lord Goldsmith's advice, 7 March 2003

1175. Lord Goldsmith wrote to Mr Blair on 7 March, recording that he had been asked for advice on the legality of military action against Iraq without another resolution of the Security Council.³⁵³

1176. That is addressed in Section 5.

Mr Blair's conversation with President Bush, 7 March 2003

1177. When Mr Blair spoke to President Bush at 1800 on 7 March, he emphasised the importance of securing nine positive votes in the Security Council for Parliamentary approval for UK military action.

1178. Mr Blair argued that while the 17 March deadline in the draft resolution was not sufficient for Iraq to disarm fully, it was sufficient to make a judgement on whether Saddam Hussein had had a change of heart. If Iraq started to co-operate, the inspectors could have as much time as they liked.

1179. Sir David Manning discussed the response to French and Russian tactics to try to prevent a vote on the draft resolution with Dr Rice on 7 March.³⁵⁴ Sir David told Dr Rice that the UK “had to have” a vote: that it “had to have one that was understood to be an ultimatum”; and that it “had to have nine votes”. The UK “could probably manage the political fall-out if there were a veto, or perhaps even two vetoes”, but the UK “could not take part in military campaign if they did not reach the nine vote threshold. We would not be able to get the necessary Parliamentary support.”

1180. Sir David Manning subsequently told Dr Rice that President Putin was opposed to the resolution and would reject it. There was also a further discussion of the political position in the UK: Sir David “repeated at length” the point he had made that morning and said that “we had to do whatever it took to secure nine votes”. That “might mean adjusting the wording of the second resolution; it might mean time; or it might mean some sort of benchmarking”.

1181. Sir David reported that Dr Rice had assured him that President Bush was determined to deliver nine votes. Sir David also commented: “But although the Administration is clearly pulling out all the stops, there is still no sign of willingness to accept that this may mean extending the time lines.”

1182. Mr Campbell wrote in his diaries:

“Condi [Rice] had told David [Manning] overnight that Putin had been clear with Bush that they would veto a second resolution. Also we still didn’t have a clue as to whether Chile and Mexico would come over. The mood was gloomier than ever.

³⁵³ Minute Goldsmith to Prime Minister, 7 March 2003, ‘Iraq: Resolution 1441’.

³⁵⁴ Letter Manning to McDonald, 7 March 2003, ‘Iraq: Conversations with Condi Rice’.

TB was keen to get up the clusters document and also move towards the sense of an ultimatum. He and David were both now expressing their irritation at the US. David was even of the view that we should be pushing the US to a version of the Franco-German idea of inspections with force, a blue beret [UN] force involved on disarmament.”³⁵⁵

1183. When Mr Blair spoke to President Bush, they discussed progress and further lobbying.³⁵⁶

1184. Mr Blair emphasised again the importance of securing nine positive votes for Parliamentary approval for military action.

1185. Mr Blair stated:

“... there remained a confusion in many minds ... about time. If Saddam had decided to co-operate fully, the inspectors could have as much time as they wanted. But he had not – no-one believed he was co-operating unconditionally and fully. Ten days was of course not enough for him to disarm fully, but it was enough to make a judgement on whether there was a change of heart. In 1441 we had all agreed to full, immediate and unconditional co-operation, not concessions dribbled out under the threat of force.”

1186. Mr Campbell wrote that Mr Blair had:

“... wanted to give him [President Bush] a clear message about the political realities, namely that we couldn’t do this without a Commons vote and it was not going to be easy without a second resolution, or with a resolution that was vetoed. The Russian veto was a new element ... Putin’s position had clearly hardened. During their call Putin was very clear that he felt taken for granted by the Americans ...”³⁵⁷

1187. Mr Campbell also wrote that President Bush:

- was agreeing to a slightly later deadline, 17 March;
- had told Mr Blair that he would “certainly go for a vote on the second resolution”, although he was “still making clear he didn’t feel he needed a UNSCR”;
- “was at least conscious of the difficulties they gave us”; and
- had said to Mr Blair, “don’t worry, I’ll be more subtle than you fear ...”

1188. Mr Blair had a meeting with Mr Powell, Baroness Morgan, Mr Campbell and Mr Pat McFadden, Mr Blair’s Deputy Chief of Staff, to discuss the “what-ifs”, including

³⁵⁵ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

³⁵⁶ Letter Rycroft to McDonald, 7 March 2003, ‘Iraq: Prime Minister’s Conversation with Bush, 7 March’.

³⁵⁷ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

if he lost the vote in the House of Commons.³⁵⁸ Mr Campbell wrote that Mr Blair “still felt we were doing the right thing. He said even though we were all rightly irritated by the Americans, it was the French we should be really angry with.”

1189. Mr Campbell added:

“We were all outraged at the Blix report. TB said it was political and dishonest ... Scarlett said he was wrong in saying the Iraqis were trying to co-operate more ... TB was very philosophic about it all. As I sat listening to him on the phone, I lost count of how many times he said: 1. we are right on the issue; 2. we have to see it through; 3, I’m philosophical about what it means for me and whether I survive or not. TB was keen to push the idea that the only reason the concessions were coming was because of the pressure we were applying. But there were very real divisions and dangers and the UN was on dangerous terrain. There was a very clear picture, clearer than ever, of the US in one place, us in another, the French in another, the Russians in another, and the UN as an organisation really worried about where it was heading.”

1190. Mr Campbell wrote that on 8 March: “Blix didn’t come out as badly as it might have done. In a sense he was almost irrelevant now.”³⁵⁹ He had agreed with Mr Blair “the lines to push for the Sundays [Sunday newspapers] – namely there are two routes by which he can avoid conflict: 1. he disarms, or 2. he goes.” The key was winning the necessary votes at the UN. Mr Blair “was clear we just had to keep our nerve and keep striving to get their votes”.

1191. Mr Cook wrote that Dr Blix’s report was “carefully balanced” and “painfully honest”, which was not what the US and UK needed: “No.10 desperately wanted Blix to lay into Saddam and to report no progress, in order that they could mobilise the Security Council for war.”³⁶⁰

1192. In his evidence to the Inquiry, Mr Blair drew attention to the passage in Dr Blix’s report which stated:

“It is obvious that while the numerous initiatives which are now taken by the Iraqi side with a view to resolving some longstanding, open disarmament issues can be seen as active or even proactive. These initiatives three or four months into the new resolution, cannot be said to constitute immediate co-operation. Nor do they necessarily cover all areas of relevance. They are nonetheless welcome.”³⁶¹

³⁵⁸ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

³⁵⁹ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

³⁶⁰ Cook R. *The Point of Departure*. Simon & Schuster UK Ltd, 2003.

³⁶¹ Public hearing, 29 January 2010, page 114.

1193. In his memoir, Mr Blair subsequently wrote:

“Having stated that it [co-operation] was increasing, which as he [Dr Blix] put it in somewhat of an understatement, ‘may well be due to outside pressure’, he then addressed the matter of interviews and documents:

‘It is obvious that, while the numerous initiatives, which are now taken by the Iraqi side with a view to resolving some long-standing open disarmament issues, can be seen as ‘active’ or even ‘pro-active’, these initiatives some 3-4 months into the new resolution cannot be said to constitute ‘immediate co-operation.’

“Most of all, on the crucial matter of interviews, Blix was never going to get co-operation. That only came after March 2003 with the ISG [Iraq Survey Group, see Section 4.4] ...”³⁶²

1194. The development of UK strategy and options from 8 March is addressed in Section 3.8.

³⁶² Blair T. *A Journey*. Hutchinson, 2010.

SECTION 3.8

DEVELOPMENT OF UK STRATEGY AND OPTIONS, 8 TO 20 MARCH 2003

Contents

| | |
|--|-----|
| Introduction | 402 |
| The end of the UN route | 402 |
| Mr Straw's statement, 10 March 2003 | 412 |
| Informal consultations in New York | 416 |
| President Chirac's interview, 10 March 2003 | 421 |
| Events of 11 March 2003 | 426 |
| Mr Straw's minute to Mr Blair | 426 |
| Ministerial meeting to discuss legal issues and the military plan | 429 |
| Telephone diplomacy, 11 March 2003 | 432 |
| Consultations in New York | 442 |
| Events of 12 March 2003 | 446 |
| Mr Straw's meeting with Mr Blair | 446 |
| Prime Minister's Questions, 12 March 2003 | 449 |
| Sir Jeremy Greenstock's proposal to revise the draft resolution of 7 March ... | 452 |
| Sir Jeremy Greenstock's meeting with Mr Annan | 453 |
| Mr Straw's conversation with Mr Igor Ivanov | 454 |
| Mr Blair's conversation with President Bush, 12 March 2003 | 455 |
| US concerns about UK diplomatic activity | 459 |
| Security Council open debate, 11 and 12 March 2003 | 460 |
| Presentation of the UK's position | 461 |
| Consultations on UK proposals to identify key tests for Iraq | 463 |
| French concerns about the UK presentation of President Chirac's remarks ... | 467 |
| JIC Assessment, 12 March 2003 | 468 |
| Events of 13 March 2003 | 470 |
| Cabinet, 13 March 2003 | 472 |
| France's position | 477 |
| Ministerial meeting to discuss the military plan | 481 |
| Mr Blair's conversation with President Bush, 13 March 2003 | 482 |
| Developments in New York, 13 March 2003 | 484 |
| The divisions in the Security Council | 486 |

| | |
|---|-----|
| Events of 14 March 2003 | 490 |
| President Chirac's conversation with Mr Blair | 490 |
| Mr Blair's conversation with President Bush | 493 |
| Mr Blair's conversations with President Lagos | 494 |
| Developments in New York, 14 March 2003 | 496 |
| The UK decision that Iraq had committed further material breaches | 497 |
| The exchange of letters of 14 and 15 March 2003 | 497 |
| The FCO paper of 15 March, 'Iraqi Non-Compliance with UNSCR 1441' | 499 |
| Events of 15 and 16 March 2003 | 505 |
| The FCO game plan | 506 |
| Mr Blair's conversation with President Bush, 15 March 2003 | 507 |
| Mr Blair's contacts with other leaders | 510 |
| Tripartite declaration, 15 March 2003 | 512 |
| Ministerial statements, 16 March 2003 | 513 |
| Mr Blair's conversation with Prime Minister Balkenende | 514 |
| Mr Blair's conversation with Mr Annan, 16 March 2003 | 515 |
| The Azores Summit, 16 March 2003 | 517 |
| President Chirac's interview with <i>CNN</i> , 16 March 2003 | 524 |
| The end of activity on the second resolution | 526 |
| Mr Blair's conversation with President Bush, 17 March 2003 | 527 |
| Russia's position | 527 |
| Sir Jeremy Greenstock's announcement, 17 March 2003 | 528 |
| Mr Ivanov's statement, 17 March 2003 | 533 |
| Impact of the US military timetable | 534 |
| The decision to take military action | 537 |
| The military plan | 539 |
| Mr Scarlett's advice, 17 March 2003 | 539 |
| Cabinet, 17 March 2003 | 539 |
| Statements to Parliament, 17 March 2003 | 544 |
| Mr Straw's statement, 17 March 2003 | 544 |
| Mr Cook's resignation statement, 17 March 2003 | 550 |
| President Bush's ultimatum to Saddam Hussein, 17 March 2003 | 552 |
| Events of 18 March 2003 | 556 |
| Australia commits troops | 556 |
| President Chirac's statement | 557 |
| Mr Blair's conversation with President Bush, 18 March 2003 | 559 |
| CDS' Directive for military operations | 559 |

| | |
|---|-----|
| Parliamentary approval for military action | 559 |
| Debate in the House of Commons, 18 March 2003 | 559 |
| Debate in the House of Lords, 18 March 2003 | 570 |
| Events of 19 and 20 March 2003 | 572 |
| Security Council debate, 19 March 2003 | 574 |
| Military operations begin | 586 |

Introduction

1. This Section addresses the final attempts to secure support for the UK, US and Spanish draft resolution tabled in the Security Council on 7 March 2003 and, when that failed, the UK Government's decision to take military action without the support of the majority of the Security Council.

2. Other key developments during that time are addressed elsewhere in the Report, including:

- provision of advice by Lord Goldsmith, the Attorney General, on the legal basis for military action to secure Iraq's compliance with its disarmament obligations, which is addressed in Section 5;
- planning for military operations in southern Iraq, which is addressed in Section 6.2;
- UK planning and preparations for a post-Saddam Hussein Iraq, which are addressed in Section 6.5; and
- assessments and advice on Iraq's chemical, biological, nuclear and ballistic missile capabilities, its intention to conceal them from inspections and its intentions for their use in response to a military attack, which are addressed in Section 4.3. That Section also addresses the withdrawal after the conflict of three streams of intelligence reporting which had influenced judgements about Iraq's capabilities and intentions.

3. The Inquiry's conclusions in relation to the development of the UK Government's strategy and options on Iraq before the invasion began, including the way in which the policy was developed and decisions were taken, are contained in Section 7.

The end of the UN route

4. In an attempt to secure support in the Security Council for the second resolution, Mr Blair decided on 8 March to propose delaying a decision and identifying specific tests as the basis to determine whether Saddam Hussein intended to co-operate.

5. Mr Blair began by consulting Mr Ricardo Lagos, the Chilean President, who agreed the proposal was worth exploring, although he thought more time would be needed.

6. The UK's attempts, during February and early March 2003, to reach agreement with the US on the text of a draft resolution stating that Iraq had failed to take the final opportunity to comply with its obligations and to secure international support for that position, and the opposition of France, Russia and others, are set out in Section 3.7.

7. The text of the UK, US and Spanish draft resolution tabled in the Security Council on 7 March called on Iraq “to take the decisions necessary in the interests of its people and the region”, which was characterised as a strategic decision by Iraq to disarm.

8. The draft resolution also set a deadline of 17 March for Iraq to demonstrate its “full, unconditional, immediate and active co-operation” in accordance with its obligations and to yield possession of all prohibited items to the UN Monitoring, Verification and Inspection Commission (UNMOVIC) or the International Atomic Energy Agency (IAEA).

9. In the discussions in New York on 7 March, questions were raised about how the judgement would be made that Iraq had taken a strategic decision to disarm.¹ Sir Jeremy Greenstock, UK Permanent Representative to the UN in New York, also advised that benchmarks for Iraqi compliance would need to be agreed to secure the support of Chile and Mexico for the UK’s proposals.

10. In his conversation with President Bush on 7 March, Mr Blair emphasised the importance of securing nine positive votes in the Security Council for Parliamentary approval for UK military action.² While the 17 March deadline in the draft resolution was not sufficient for Iraq to disarm fully, it was sufficient to make a judgement on whether Saddam Hussein had had a change of heart. Mr Blair argued that if Iraq started to co-operate, the inspectors could have as much time as they liked.

11. Following up their conversations in the previous week, Mr Blair spoke to President Lagos on 8 March.³

12. The draft speaking note produced by Mr Matthew Rycroft, Mr Blair’s Private Secretary for Foreign Affairs, suggested that Mr Blair could tell President Lagos that, after the report to the Security Council on 7 March by Dr Hans Blix, the Executive Chairman of UNMOVIC:

“... no one believes that Saddam has given immediate, unconditional or full co-operation and intelligence shows that he has no intention of doing so, but that he will continue to dribble out concessions under pressure from our military build-up in order to fool some people and divide international opinion.

“We must not allow ourselves to be fooled. Equally we need to be fair, so that Saddam genuinely does have a chance for a change of heart to avert military action. So I have taken on board your point that you need some concrete tests to judge Saddam by.”

¹ Telegram 389 UKMIS New York to FCO London, 8 March 2003, ‘Iraq: 7 March Open Debate and Lunch’.

² Letter Rycroft to McDonald, 7 March 2003, ‘Iraq: Prime Minister’s Conversation with Bush, 7 March’.

³ Minute Rycroft to Prime Minister, 8 March 2003, ‘Iraq: Chile’.

13. The points in the speaking note also included:

- A description of “five key areas and one key test in each area, for Saddam to meet by 17 March”, which had been “picked out” from the draft “clusters” document produced by UNMOVIC.⁴
- If Saddam Hussein “had any intention of complying, he would be able to do these. If he were to do all of them, it would show that he has had a change of heart, though even then it would not add up to full disarmament.”
- The tests were designed to be “as straightforward and concrete as possible”.
- The “onus” was “on Saddam to prove his innocence, not on us to prove his guilt”.

14. It was clear in Mr Blair’s discussion with President Lagos on 8 March that Chile did not support the approach in the draft resolution.⁵

15. Mr Blair stated that he had worked out five specific tests. He would send them to President Lagos, who agreed to discuss the proposals with Mr Vicente Fox, the Mexican President.

16. Mr Blair told President Lagos that China would not veto the resolution but France would; and that he had not given up on persuading Russia to abstain. A “further reason to want a second resolution, with a gap before the start of military action, was to give the Arabs a chance to press Saddam to go into exile”.

17. Sir David Manning, Mr Blair’s Foreign Policy Adviser and Head of the Cabinet Office Overseas and Defence Secretariat (OD Sec), subsequently wrote to President Lagos setting out five tests.⁶

18. The first test would be to insist on interviews outside Iraq as specified in resolution 1441. The remaining four tests were “based on” the UNMOVIC “clusters” document and would require Saddam Hussein “to provide either the material that is unaccounted for, or to produce full documentation proving its destruction” in respect of:

- chemical weapons – “specifically VX”;
- biological weapons – “specifically anthrax”;
- missiles – “specifically SCUDS”; and
- remotely piloted vehicles (RPVs) – “specifically their possible adaptation to deliver CW [chemical weapons]”.

⁴ UNMOVIC Working Document, 6 March 2003, *Unresolved Disarmament Issues: Iraq’s Proscribed Weapons Programmes*.

⁵ Letter Rycroft to Owen, 8 March 2003, ‘Iraq: Prime Minister’s Conversation with Chilean President, 8 March’.

⁶ Letter Manning to Lagos, 8 March 2003, [untitled].

19. Sir David stated that Mr Blair believed:

“... that if Saddam Hussein intends to disarm voluntarily, and comply with successive UN resolutions, he should be ready to co-operate fully in each of these categories. The Prime Minister also believes that public opinion would see these five demands as clear and fair tests of Saddam Hussein’s intentions, and ones that can quickly be met.”

20. In a further conversation late on 9 March, President Lagos and Mr Blair discussed the proposed tests.⁷

21. Mr Blair agreed that they should check that Dr Blix “did not think the tests were unreasonable”. If the tests showed that Saddam Hussein was serious about co-operation, the tests could be followed by a timetable leading to disarmament. The proposal was “halfway between setting out a detailed time schedule now, which the US would not agree, and the current situation with its lack of definition of full co-operation”.

22. Mr Blair also raised the possibility of pushing back the deadline to 24 March, “though he had not raised this with the US”.

23. Mr Blair told President Lagos that:

“... he thought we had eight votes. If Mexico and Chile could support the resolution on the basis of these proposals there would be enormous pressure on Saddam, and it would be possible that France/Russia would not veto.”

24. President Lagos agreed the approach was worth exploring, but he would want to see changes to the wording of the draft ultimatum and an additional week.

25. On 9 March, Ms Clare Short, the International Development Secretary, declared she would resign if the UK took military action against Iraq without UN authority.

26. In an interview for *BBC Radio 4’s Westminster Hour* broadcast on 9 March, Ms Clare Short said she would resign from the Government if the UK took military action against Iraq without UN authority.⁸

27. Asked whether she thought Mr Blair had acted “recklessly”, Ms Short described the situation as “extraordinarily reckless”.

28. In response to further questions Ms Short said:

- “... what worries me is that we’ve got the old spin back and we have detailed discussions either personally or in the Cabinet and then the spin the next day is: ‘we’re ready for war’.”

⁷ Letter Rycroft to Owen, 9 March 2003, ‘Iraq: Prime Minister’s Conversation with Lagos, 9 March’.

⁸ *BBC News*, 10 March 2003, *Clare Short interview [extracts]*. [Link to full interview no longer available.]

- “If it takes another month or so, that is fine ...”
- “... I think you could get a world where we see the UN in authority ... proper care for the people of Iraq, because at the moment the preparations to care for the humanitarian aftermath of any military conflict are not properly in place.”
- “And there’s another major legal point – if there isn’t a UN mandate for the reconstruction of Iraq ... It will in international law be an occupying army and won’t have the authority to make changes in the administrative arrangements in Iraq.”

29. Ms Short informed Mr Alastair Campbell, Mr Blair’s Director of Communications and Strategy, and Mr Suma Chakrabarti, the Department for International Development (DFID) Permanent Secretary, of her action as soon as the interview had been recorded.⁹

30. Ms Short wrote in her memoir that she:

“... had decided war was unstoppable. I had experienced enough wars to know that it was too late to criticise when our troops were on the ground ...”¹⁰

31. Ms Short also wrote that her diary entry for 9 March read:

“TB [Mr Blair] rang, furious. Said I am undermining his delicate negotiations ...

“... I said sorry to upset but doing what I think right, no good resigning after war started. He said 7 days yet, can’t leave that man there.”

32. Mr Robin Cook, who in March 2003 was Leader of the House of Commons, wrote that on 10 March he had agreed with Ms Hilary Armstrong, the Chief Whip, that, on 13 March, he would announce a debate on Iraq for the following week.¹¹

33. No.10 officials emphasised to their counterparts in the White House the crucial importance of securing nine votes in support of a resolution in the Security Council.

34. The UK thought that more time, possibly until the end of March, could be needed to build support.

35. Sir David Manning told Dr Condoleezza Rice, the US National Security Advisor, that he thought they were “still short of nine votes” for the draft resolution.¹² Chile and Mexico “would probably abstain” and China “might veto in French and Russian company”. There was “an increasingly difficult domestic political background”, which “re-emphasised how crucial it was to secure nine votes”. Time would be a factor in that.

⁹ Letter Chakrabarti to Turnbull, 11 March 2003, ‘Iraq’.

¹⁰ Short C. *An Honourable Deception: New Labour, Iraq and the Misuse of Power*. The Free Press, 2004.

¹¹ Cook R. *The Point of Departure*. Simon & Schuster UK Ltd, 2003.

¹² Letter Manning to McDonald, 9 March 2003, ‘Iraq: Conversation with Condi Rice’.

36. Sir David argued that the US and UK “should be ready to oblige if what they wanted was another ten days, or the end of the month”. That would be:

“... a small price to pay for securing the nine votes that were needed if UK forces were to participate in military action, and if we were to be sure that the Prime Minister could survive a vote in the House of Commons. Obviously these were our priorities ... It did not make sense to give the military timetable precedence over the political realities ... I could not believe that the military planning could not be massaged to allow more time if there was a chance that this would make the difference.”

37. Sir David commented that he had:

“... laid it on the line this evening. I left Condi [Dr Rice] in no doubt about our political difficulties; and ... that the Administration should be ready to make concessions on test/benchmarks and on timing if that was what it took to get nine votes ...”

38. The timing of the vote on a second a resolution and for a Parliamentary debate in the UK, and the potential difficulties of securing nine votes in the Security Council and a majority in Parliament, were discussed in a subsequent conference call between Mr Jonathan Powell, Mr Blair’s Chief of Staff, Mr Campbell and Sir David Manning and the White House.¹³

39. In his diaries, Mr Campbell wrote that the White House had said that:

“... if we got a majority with vetoes, Bush wanted to go straight in, within days, even short of the March 17 deadline, would say the UN had failed to act, and get going, on the basis of 1441. We made the point that we needed a second resolution. Without it we had real problems in Parliament. They said continually that they wanted to help us but of course what they really wanted was the use of our forces.

“Jonathan and I continually emphasised we needed the second resolution. We had seven definite votes still, but Condi was less confident re Chile and Mexico ... They [the US] basically wanted by Tuesday/Wednesday to say we had exhausted every effort and now the diplomatic window had closed. We said that if we got the majority for a second resolution, even with vetoes we would have to go through with it, including the timetable. Andy Card [President Bush’s Chief of Staff] said he feared the President’s response would be ‘Here we go, another final opportunity, a final final opportunity and this time we really mean it.’ I said TB’s job was on the line and we did not want to lose him. ‘No, nor do we’, said Condi. I think our concern was probably deeper.”¹⁴

¹³ Letter Rycroft to McDonald, 9 March 2003, ‘Iraq: US/UK Conference Call, 9 March’.

¹⁴ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

40. Mr Blair left President Bush in no doubt that he needed a second resolution to secure Parliamentary support for UK involvement in military action and sought support for his initiative of setting out tests in a side statement, including that the vote in the Security Council might have to be delayed “by a couple of days”.

41. Offered the opportunity not to take military action, Mr Blair assured President Bush the UK would be with the US “if he possibly could be”.

42. President Bush was evidently unwilling to countenance delay and was reported to have told Mr Blair that, if the second resolution failed, he would find another way to involve the UK.

43. Mr Blair and President Bush discussed the position late on 9 March, including the positions of Mexico and Chile.¹⁵

44. Mr Blair told President Bush that he was working with President Lagos on identifying tests for compliance in five specific areas and suggested that they (the US and the UK) should consider delaying the vote by a couple of days.

45. Mr Blair told President Bush that “he [Mr Blair] would be with the US if he possibly could be”.

46. Mr Rycroft recorded that President Bush responded that if the second resolution failed, he would find another way to involve the UK. He would “rather go alone militarily than have the British Government fall”.

47. President Bush wrote in his memoir that he told Mr Blair he would “rather have him drop out of the Coalition and keep his government than try to stay in and lose it”; and that Mr Blair said, “I’m with you ... I absolutely believe in this. I will take it up to the very last”.¹⁶

48. Mr Campbell wrote:

“TB started by saying he was ‘fighting on all fronts’. ‘Attaboy’ came the reply, a bit too patronisingly for my tastes. TB said one of his Ministers was threatening to resign, also that Chirac [Mr Jacques Chirac, the French President] told Lagos that the Africans were ‘in the bag’ ... TB had spoken to four of the leaders who made up the 8 plus 1. Musharraf [Mr Pervez Musharraf, the Pakistani President] was with us but it was difficult for him. Cameroon said absolutely. Guinea’s Foreign Minister coming tomorrow. Dos Santos [Mr José Eduardo Dos Santos, the Angolan President] solid.

“TB was doing most of the talking ... He felt Bush needed to work some more on Fox. He felt if we could get them to accept the idea of the tests, other countries

¹⁵ Letter Rycroft to McDonald, 9 March 2003, ‘Iraq: Prime Minister’s Conversation with Bush, 9 March’.

¹⁶ Bush GW. *Decision Points*. Virgin Books, 2010.

would also come with us. But Bush said he was already putting enormous pressure on Mexico. He said he had also been twisting Lagos' arm ...

"Bush not happy. Bush said Saddam was very adept at exploiting weakness and Blix was weak. These countries need to see that we want to do this peacefully. He wants the vote to go through but not on an unreasonable basis.

"TB said the public opinion problem stemmed from people feeling the US wanted a war. We have to put up the genuine tests of disarmament, show the determination to try to do this peacefully.

"Bush said he had never come across a situation where the dividing line between success and failure was so narrow. He said he wanted it done peacefully, or any other way. His tone was very different to TB's. Bush was talking the diplomatic talk while clearly very irritated by the whole thing. His worry was that we were negotiating with ourselves, that we got a resolution with a timeframe, everything we want, and we get nothing for it. He said he couldn't believe Chirac said he had the Africans in the bag. 'I can', said TB. 'I have a lot of experience of them.'

"He [Bush] was clearly aware of how tough things were getting for TB. He said if the swing countries didn't vote with us 'my last choice is for your Government to go down. That is the absolute last thing I want to have happen. I would rather go it alone than have your Government fall.' 'I appreciate that', said TB. 'I really mean that' said Bush. TB said it was also important that he understood that he really believed in what they were trying to do. Bush – 'I know that but I am not going to see your Government fall on this.'

"TB said 'I've got our troops there too. If I can't get this through Parliament, we fall, and that's not exactly the regime change I want. We have to work out what Chile and Mexico need.'

"They agreed to speak again to Lagos and to Fox. TB said we were in high-risk, high-reward territory. Bush said he was being eroded domestically by inactivity. He also said he felt the hardest part would be after Saddam. Then Bush did a number on the changes in the Arab world that could follow.

"TB said the biggest concern in not going with the UN was the lack of support if things went wrong. Tommy Franks [General Franks, Commander in Chief US Central Command (CENTCOM)] had said ninety per cent of precision bombs are precise. That leaves ten per cent.

"But Bush was left in no doubt TB would be with him when the time came.

"Bush said 'I'm not going to let you down. Hang on in there buddy. You are doing great.'

“What had been interesting was that Bush listened far more intently to TB. TB did not make too much of his own problems, and was stressing he thought we were doing the right thing.”¹⁷

49. Sir Jeremy Greenstock reported that Dr Blix was prepared to work with the UK on identifying tests “as long as the bar was not out of reach of a complying Iraq”.

50. Dr Blix had reminded Sir Jeremy that UNMOVIC still lacked clear evidence that Iraq possessed any weapons of mass destruction (WMD).

51. Sir Jeremy Greenstock met Dr Blix late on 9 March to explore whether the various ideas for an ultimatum combined with specific tests for Iraq could be made part of a new UN resolution.¹⁸

52. Sir Jeremy told Dr Blix that the “risk of failure on our current draft was high enough for another way forward to be contemplated”. The UK might now be prepared “to set Saddam a series of tests, with dates set for him to meet specific requirements. If he failed at any stage, the final opportunity would be lost”. It would be important to devise tests that set the bar high, and not to lower them “in the face of Iraqi bluster”. The UK needed a professional judgement from Dr Blix on which areas should be set as tests.

53. Sir Jeremy reported that Dr Blix was prepared to work with the UK on a series of tests over timed periods “as long as the bar was not out of reach of a complying Iraq”; and that he had assured Dr Blix that that was not the UK’s objective. The US still had to be persuaded, “but that was our job”.

54. Dr Blix had also reminded Sir Jeremy “that UNMOVIC still lacked clear evidence that Iraq possessed any WMD at all”.

55. Following discussion of the details, Sir Jeremy commented that:

“... subject to further thoughts from UNMOVIC ... a convincing test by, say 21 March would comprise:

- Interviews [outside Iraq], accepting UNMOVIC’s lower number, with a venue of either Larnaca or Bahrain, and adding a warning about intimidation.
- RPVs and spray tanks [for possible delivery of chemical or biological agent]: full documentation and explanations.
- Completion of the Al Samoud destruction (since they are obviously keeping some for a conflict).
- A convincing public statement by Saddam.”

56. The FCO suggested some changes to the tests identified by No.10.

¹⁷ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

¹⁸ Telegram 391 UKMIS New York to FCO London, 10 March 2003, ‘Iraq: Second Resolution’.

57. Mr Tim Dowse, Head of the FCO Non-Proliferation Department, wrote to Mr Peter Ricketts, FCO Political Director, on 10 March, commenting that the No.10 benchmarks “more or less” overlapped with a version he had produced, but cautioning against setting a figure on the number of scientists to be interviewed outside Iraq.¹⁹ In Mr Dowse’s view there was “no magic in 150”; UNMOVIC could not handle that number.

58. Mr Dowse also commented that:

- The tests on biological programmes might include growth media as well as anthrax. Iraq had admitted possessing material “as recently as 1999” and it was “simply not credible that all documentation has disappeared in such a short space of time”.
- He had “included the mobile bio-labs mainly because they’ve had so much publicity”, and there was “fairly firm intelligence about them”; but if Iraq refused to admit their existence, the UK was “in a bind, because we are unlikely to be able to prove they do exist. So perhaps we should drop them.”
- He had included bombs and shells because they were “concrete things, more easily visualised than VX”, and there was “less room for argument over whether they have been destroyed or not” in the light of the “scope for Iraqi obfuscation over destruction of VX”.
- The problem with “almost any benchmark relating to SCUD-type missiles” was that Iraq had claimed they were destroyed and “we can’t prove the contrary”. Demands for the 50 SCUD warheads which were “unaccounted-for” faced the same problem.
- He thought accelerated destruction of the Al Samoud 2 missiles and the associated production equipment, including “the test stand [at al-Rafah] if Blix agrees”, would be a better test.
- The No.10 benchmark on Unmanned Aerial Vehicles (UAVs) was “a poor one” referring to a programme in the 1990s. It would be better “to use the ‘drone with a wingspan of 7.45 metres’ which UNMOVIC have just discovered” which had not been declared by Iraq and which the US was “pretty confident” was an illegal system which they thought they had tracked “flying over 500km”.
- His preference was to pitch the test more widely for the destruction of “all UAVs with CBW applications”.

59. Mr Ricketts sent the comments to Mr Rycroft, observing that there were some good comments and Mr Dowse was available to be used for further drafting.²⁰

60. In his discussion with Mr Blair, Dr Blix appears to have been ambivalent about the specifics of the UK’s proposed tests.

¹⁹ Email Dowse to Ricketts, 10 March 2003, ‘Benchmarks – No 10 Version’.

²⁰ Manuscript comment Ricketts to Rycroft on Email Dowse [NPD FCO] to Ricketts, 10 March 2003, ‘Benchmarks – No 10 Version’.

61. In preparation for a telephone call to Dr Blix on 10 March, Mr Rycroft advised Mr Blair that he could not allow the proposals for tests to be watered down and that initial tests would show whether there was a change of heart to allow full co-operation.²¹ Mr Blair might need to remind Dr Blix that his 7 March report had noted that Iraq should be able to provide more documentary evidence; and that where documents were not available, interviews could be another way to obtain evidence.

62. Mr Blair told Dr Blix that “the only way to avoid immediate conflict and allow more time for inspections was to lay down a set of tests ... If these were met, we could establish a future work programme.”²² He did not know if the US would agree the approach and could try to “extend the 17 March deadline a bit”.

63. In the discussion of the possible tests, Dr Blix noted that it would not be possible for Iraq to “yield up” all its WMD by 17 March, as proposed in the draft resolution. The proposed test on anthrax would also be difficult. He suggested the addition of the complete destruction of Al Samoud missiles.

64. Dr Blix wrote that he had been invited to the UK Permanent Mission to the UN in New York to take a call from Mr Blair at 1.30pm London time.²³ Mr Blair had said “they needed five or six items on which the Iraqis would demonstrate their compliance with UNMOVIC’s work programme”. The items the UK had been considering “included accounting for anthrax, the chemical agents VX and mustard, SCUD missiles and remotely piloted vehicles: and promising genuine co-operation with UNMOVIC’s plans to take scientists (along with their families) for interviews outside Iraq”.

65. Dr Blix wrote that: “The process could not go on until April/May but perhaps it could extend a few days beyond March 17.”

66. Dr Blix added that he had told Mr Blair that all the “items” he had mentioned would fall within the list of unresolved disarmament issues, but: “Whether they would all be among the key issues we would select, I could not yet say with certainty.”

67. Dr Blix commented that he had “sensed” that Mr Blair had “found it hard to persuade the US to go along”.

Mr Straw’s statement, 10 March 2003

68. Mr Jack Straw, the Foreign Secretary, told the House of Commons on 10 March that the choice lay between standing firm and giving Saddam Hussein a deadline for compliance or a return to the “failed policy” of containment.

69. Mr Straw made an oral statement to the House of Commons on 10 March in which he described the reports to the Security Council on 7 March by Dr Blix and

²¹ Minute Rycroft to Prime Minister, 10 March 2003, ‘Blix Call’.

²² Letter Rycroft to Owen, 10 March 2003, ‘Iraq: Blix, 10 March’.

²³ Blix H. *The Search for Weapons of Mass Destruction: Disarming Iraq*. Bloomsbury Publishing Plc, 2005.

Dr Mohamed ElBaradei, the Director General of the IAEA, and the provisions of the revised draft resolution, tabled by the UK, US and Spain on 7 March, giving the Iraqi regime a deadline by which it was required to demonstrate that it was prepared to disarm peacefully.²⁴

70. Mr Straw emphasised that resolution 1441, giving “Iraq a ‘final opportunity’ to comply with a series of disarmament obligations” had been adopted four months previously; and that, during the debate in the Security Council:

“... not a single speaker claimed that Iraq was in compliance with those obligations; neither did a single speaker deny that Iraq has been in flagrant breach of international law for the past 12 years.”

71. Mr Straw welcomed Dr ElBaradei’s report that “the IAEA had found no evidence or plausible indication of the revival of a nuclear weapons programme in Iraq”.

72. Dr Blix, “on the other hand”, had “reported movement in some limited areas: for example the partial destruction of prohibited Al Samoud missiles”. But that was “only the tip of the iceberg of Iraq’s illegal weapons programme”, and the “full extent of the iceberg was revealed” in an UNMOVIC document, *Unresolved Disarmament Issues: Iraq’s Proscribed weapons Programmes*, which had now been made public.²⁵ Mr Straw described the document as setting out, in “173 pages of painstaking detail, the terrible nature of the weapons Saddam has sought with such determination to develop”. It was “a catalogue of evasion, deceit and feigning co-operation while in reality pursuing concealment”. The “sheer scale of Iraq’s efforts to develop and hide” its weapons could “be grasped only by reading the whole document”.

73. Citing the potential impact of “tiny amounts” of anthrax, Mr Straw stated that: “Contrary to Iraqi assertions”, the inspectors found evidence of anthrax where Iraq had declared there was none. There was “a strong presumption that some 10,000 litres of anthrax” had not been destroyed and “may still exist”, and Iraq possessed “the technology and materials to allow it to return swiftly to the pre-1991 production levels”.

74. Addressing the suggestions that inspections should be given more time, and specifically the memorandum produced by France, Germany and Russia on 5 March, Mr Straw said that Saddam Hussein was “a master at playing for time” and that continuing inspections “with no firm end date” would “not achieve the disarmament required by the Security Council”.

²⁴ House of Commons, *Official Report*, 10 March 2003, columns 21-39.

²⁵ UNMOVIC Working Document, 6 March 2003, *Unresolved Disarmament Issues: Iraq’s Proscribed Weapons Programmes*.

75. Challenging Iraq's claim that it had no weapons of mass destruction, Mr Straw said it was:

"... the same old refrain that we have heard ... for the past 12 years. Yet whenever the inspectors have caught the regime out, it has first protested, then conceded that narrow point, but then mendaciously claimed that there are no more."

76. Characterising the choice to be made as whether to "stand firm" in pursuing the objective of disarmament or settling for a policy which would "in truth" allow Saddam Hussein to:

"... rebuild his arsenal under cover of just enough co-operation to keep the inspectors tied down for years to come. We should not deceive ourselves. The alternative proposals before the Security Council amount to a return to the failed policy of so-called containment. But the truth is that containment can never bring disarmament, nor is it the policy of the United Nations as expressed in resolution 1441 and in all the preceding resolutions going back to 1991."

77. Stating that the reality was that Saddam Hussein only responded to pressure, and therefore that that pressure should be increased, Mr Straw said that Saddam Hussein had to be put to the test. The initiative to produce the revised resolution tabled in the Security Council on 7 March stemmed from the Government's "desire to secure a peaceful outcome". Negotiations on the detail were continuing and the UK was "examining whether a list of defined tests for Iraqi compliance would be useful in helping the Security Council to come to a judgement".

78. Mr Straw said that he profoundly hoped that the Iraqi regime would "even at this late stage, seize the chance to disarm peacefully". He added: "The only other peaceful alternative would be for Saddam Hussein to heed the calls of a number of other Arab leaders for him to go into exile and to hand over to a new leadership prepared to conform with the Council's demands." If Saddam Hussein refused to co-operate, the Security Council "had to face up to its clear responsibilities" under the UN Charter.

79. Addressing the potential consequences of military action, Mr Straw stated that the international community would have "a duty to build a secure, prosperous future for the Iraqi people". In his meeting with Mr Kofi Annan, the UN Secretary-General, on 6 March, he had proposed "that the UN should take the lead role in co-ordinating international efforts to rebuild Iraq, and that they should be underpinned by a clear UN mandate".

80. Mr Straw acknowledged the fear that action on Iraq might "exacerbate tensions elsewhere in the region", and emphasised the need for progress in restoring a meaningful peace process between Israel and the Palestinian Authority. He concluded:

"A lasting settlement in the Middle East will remove one great threat to security ... In confronting the danger from Iraq's weapons, the UN can remove another great threat. We must not let Saddam turn his 'final opportunity' to disarm ... into endless

opportunities to delay. The future not only of the region but of UN authority is at stake.”

81. Mr Michael Ancram (Conservative), described the Iraq situation as outlined by Mr Straw as “grim” and encouraged the Government, in response to the serious questions and doubts about whether the case for action had been made, to “ensure that the case for action continues to be made and strongly”, and to produce more of the information it had for the British people to absorb.

82. Asked by Mr Ancram what the Government’s position would be in the event that three Permanent Members of the Security Council vetoed a second resolution, Mr Straw replied:

“We have made it clear throughout that we want a second resolution for political reasons, because a consensus is required, if we can achieve it, for any military action. On the legal basis for that, it should be pointed out that resolution 1441 does not require a second resolution ...”

83. Mr Michael Moore (Liberal Democrat) asked Mr Straw to accept that there were “still diplomatic and political options open to the international community and that the military agenda must not dictate the calendar for inspections”; and if he believed that “war should be the last resort”. Threatening to ignore the United Nations undermined the principles of international law.

84. Mr Straw responded that war was and “should always be a last resort”. The UK was not ignoring the UN. Mr Blair had “moved heaven and earth to ensure that the whole issue of Iraq” was “dealt with through the United Nations”.

85. Asked by Mr Simon Thomas (Plaid Cymru) to remind the House “exactly ... which part of resolution 1441 authorises war”, Mr Straw said:

“I am delighted to do so. We start with paragraph 1, which says that the Security Council ‘Decides that Iraq has been and remains in material breach of its obligations under relevant resolutions, including resolution 687 ... in particular through Iraq’s failure to co-operate with United Nations inspectors and the IAEA, and to complete the actions required under paragraph 8 to 13 of resolution 687’.

“We then go to paragraph 4, in which the Security Council ‘Decides that false statements or omissions in the declarations submitted by Iraq pursuant to this resolution 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’ – obligations of which it is now in breach. We turn to operative paragraph 13, in which the Security Council ‘Recalls, in that context, that the Council has repeatedly warned Iraq that it will face serious consequences as a result of its continued violations of its obligations’.”

INFORMAL CONSULTATIONS IN NEW YORK

86. Reporting informal consultations in New York on 10 March, Sir Jeremy Greenstock said that he had drawn the attention of the Security Council to Mr Straw's statement and the reference to work on a list of defined tests.²⁶ That had "caused a fair bit of interest".

87. Sir Jeremy also reported that, in response to questions, the points made by Dr Blix included:

- 40 interviews had been requested and 15 had been conducted "to UNMOVIC's modalities".
- The RPV UNMOVIC had discovered was important and should have been declared. UNMOVIC was examining whether it was proscribed.
- 52 Al Samoud 2 missiles had been destroyed.
- It was difficult for him to assess the regional threat posed by WMD. There were no confirmed cases of its existence and UNMOVIC had never maintained Iraq had them. But the clusters document recorded Iraqi deceit; repeated Full, Final and Complete Disclosures (FFCDs); hide and seek and cheating in the past. There were a lot of accounting problems.
- UNMOVIC was not expressing any low regard for intelligence agencies but no WMD had been found as a result of tips on location. Part of the reason might be that intelligence was gathered at levels which did not deal with actual storage.
- Experience showed that it was possible that Iraq could have mobile biological facilities.

88. Mr Blair failed to secure unqualified support from President Lagos for his approach.

89. Mr Blair spoke twice to President Lagos on 10 March in an attempt to find a path both President Lagos and President Fox could support.

90. In the first telephone call, before a conversation with Dr Blix, Mr Blair reported Dr Blix's response to Sir Jeremy Greenstock on the draft tests.²⁷

91. In the second conversation, Mr Blair reported progress on the three areas President Lagos had raised:

- Sir Jeremy Greenstock had worked up an agreed text with UNMOVIC identifying a set of concrete tests on which to judge Iraqi compliance.
- Mr Blair thought it "would be possible to find different wording" on the ultimatum to Iraq.

²⁶ Telegram 403 UKMIS New York to FCO London, 11 March 2003, 'Iraq: 10 March Council Consultations'.

²⁷ Letter Rycroft to Owen, 10 March 2003, 'Iraq: Chile, 10 March'.

- Timing “would be difficult, but he would try to get some flexibility” if the first two issues “fell into place”.²⁸

92. If Mr Blair knew he had Chilean and Mexican support, the UK would share the ideas with France and Russia.

93. President Lagos’ response was positive although he did not agree to support the resolution. Mr Blair offered to visit Chile if that would be helpful.

94. Mr Campbell wrote that President Lagos had said he was “eighty per cent there but worried about France and Russia”.²⁹

95. By 10 March, President Bush’s position was hardening. He was very reluctant to delay action.

96. Reporting a conversation at 9.30pm on 10 March, Mr Straw told Sir David Manning that Mr Colin Powell, the US Secretary of State, thought that there were seven solid votes, and uncertainty about Mexico, Chile and Pakistan.³⁰ If there were fewer than nine, the second resolution should not be put to the vote.

97. Mr Straw had responded that “he was increasingly coming to the view that we should not push the matter to a vote if we were going to be vetoed”; but that had not yet been agreed by Mr Blair.

98. When Mr Blair spoke to President Bush, they discussed the “seven solid votes” for the resolution.³¹ Mr Blair planned to speak to President Musharraf the following day. Mr Blair outlined the tests and his efforts to secure support from Chile and Mexico. They would not support a Spanish proposal simply to affirm resolution 1441.

99. In his account of the conversation, Mr Campbell wrote that Mr Blair had done most of the talking.³² President Bush thought that there were “seven votes solid ‘locked up’, but Pakistan and the Latins were difficult”; and that President Chirac was “trying to get us to the stage where we would not put [the resolution] to a vote because we would be so worried about losing”. Mr Campbell added that he “could sense in his voice and the manner of the discussion that [President] Bush was less emollient than yesterday”.

100. In answer to a question from President Bush about the timeframe for his proposal, Mr Blair had “said they [Chile and Mexico] would want to kick us back a few days as a way of showing they got something out of this”. Mr Blair had argued that if Chile and

²⁸ Letter Rycroft to McDonald, 10 March 2003, ‘Iraq: Prime Minister’s Phone Calls with Lagos, Bush and Aznar, 10 March’.

²⁹ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

³⁰ Letter Straw to Manning, 11 March 2003, ‘Conversation with US Secretary of State, 10 March’.

³¹ Letter Rycroft to McDonald, 10 March 2003, ‘Iraq: Prime Minister’s Phone Calls with Lagos, Bush and Aznar, 10 March’.

³² Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

Mexico could be shifted, that would “change the weather”. If France and Russia then vetoed the resolution but the “numbers were right on the UN”, Mr Blair thought that he would “have a fighting chance of getting it through the Commons”. Subsequently, Mr Blair had suggested that a change in Chile and Mexico’s position might be used to influence Mr Vladimir Putin, the Russian President.

101. President Bush was “worried about rolling in more time” but Mr Blair had “held his ground”, arguing that Chile and Mexico would “need to be able to point to something that they won last minute that explains why they finally supported us”. President Bush “said ‘Let me be frank. The second resolution is for the benefit of Great Britain. We would want it so we can go ahead together.’” President Bush’s position was that the US and the UK “must not retreat from 1441 and we cannot keep giving them more time”; it was “time to do this” and there should be “no more deals”.

102. Mr Campbell wrote that Mr Blair concluded the conversation by saying “he was sure we were doing the right thing and we had to see it through, but it was going to be tough”. President Bush had replied: “Hang on in there friend.”

103. Mr Campbell wrote that he “felt a bit sick” about “the extent to which our problems were US-created, and our politics now so dominated by their approach”.

104. Sir David Manning sent the UK’s proposals for a revised deadline and a side statement identifying six tests on which Saddam Hussein’s intentions would be judged to Dr Rice and to President Lagos.

105. Reflecting some of the comments from Dr Blix and Mr Dowse, Sir David Manning wrote to Dr Rice setting out six proposed tests, with additional details in a “draft side statement”, which Mr Blair had “briefly described” to President Bush:

- a public statement in Arabic by Saddam Hussein announcing that:
 - Iraq had in the past sought to conceal its WMD and other proscribed activities but had taken a strategic decision not to produce or retain them;
 - Iraq would immediately yield all prohibited and proscribed material to the weapons inspectors;
 - Iraq would co-operate fully with UNMOVIC and the IAEA in immediately addressing and resolving all outstanding questions; and
 - all government personnel and citizens would cease any proscribed activity and provide items, documentation and information to the inspectors;
- undertakings to:
 - make at least 30 Iraqi scientists available for interview outside Iraq;
 - surrender all remaining anthrax and anthrax production capability (including growth media) and provide credible evidence to account for outstanding questions on production and destruction;
 - surrender all mobile bio-production laboratories for destruction;

- destroy all Al Samoud 2 missiles and components; and
- account for the purpose of all UAV and RPV programmes.³³

106. The draft side statement was also sent to President Lagos.

107. Sir David informed Dr Rice that Mr Blair was willing to consider a redraft of operative paragraph (OP) 3 of the draft resolution (tabled by the UK, US and Spain on 7 March), which “might read”:

“decides that Iraq will have failed to take the final opportunity unless by X date it shows that it has demonstrated that it is co-operating fully, unconditionally and immediately with its disarmament obligations under UNSCR 1441.”

108. The decision on Iraq’s co-operation would be taken on the basis of Iraq’s response to the six tests.

109. Mr Blair wrote in his memoir that President Bush and his military were concerned about delay:

“It [the proposal for tests/more time] was indeed a hard sell to George. His system was completely against it. His military were, not unreasonably, fearing that delay gave the enemy time – and time could mean a tougher struggle and more lives lost. This was also troubling my military. We had all sorts of contingency plans in place for what Saddam might do. He might set the oilfields on fire, release chemical, or worse, biological material, or attack Israel. His past record gave us no confidence in his trustworthiness or his humanity. There was both UK and US intelligence warning us of the risk.

“Nonetheless I thought it was worth a try ...

“I set out my case for delay in a Note to George. We then had a call. It was tricky but I laid it on the line and reluctantly he agreed. We got the document prepared with the Blix people. It had five crucial tests in it. It would, especially on the interview, have flushed out the regime thoroughly on what they were hiding and on whether they had any good faith.

“Chile and Mexico were prepared to go along, but only up to a point. Ricardo made it clear that if there was heavy opposition from France, it would be tough for them to participate in what would then be a token vote, incapable of being passed because of a veto – and what’s more, a veto not by Russia, but by France.

“Unfortunately, the French position had, if anything, got harder not softer. They were starting to say they would not support military action in any circumstances, irrespective of what the inspectors found ...”³⁴

³³ Letter Manning to Rice, 10 March 2003, [untitled].

³⁴ Blair T. *A Journey*. Hutchinson, 2010.

110. In a press conference on 10 March, Mr Annan reiterated the Security Council's determination to disarm Iraq, but said that every avenue for a peaceful resolution of the crisis had to be exhausted before force should be used.

111. Mr Annan also warned that if the Security Council failed to agree on a common position, and action was taken without the authority of the Council, the legitimacy and support for any such action would be seriously impaired.

112. During a press conference in The Hague on 10 March, Mr Annan made a short statement on the position on Iraq.³⁵

113. Mr Annan warned that the "atmosphere of crisis and great anxiety" was "affecting the whole world", and that:

"The question of Iraq's disarmament has brought the international community to a dangerous point of division and discord ...

"... the threat of weapons of mass destruction. It is an issue of the utmost gravity – by no means confined to Iraq. The whole international community needs to act together to curb the proliferation of these terrible weapons, wherever it is happening.

"The determination of the Security Council to disarm Iraq of such weapons is the most urgent issue – because Iraq has actually used such weapons in the past, and because it has twice committed aggression against its neighbours ... On this critical question, there are no divisions, no grounds for doubt, dispute or delay.

"... people want to see this crisis resolved peacefully. There is widespread concern about the long term consequences of war in Iraq for the fight against terrorism; for the Middle East Peace Process [MEPP]; and for the world's ability to address common concerns in the future if deep divisions are sowed today between nations and between people of different religions.

"Indeed, one must have no illusions about what war means. In certain circumstances the use of force may be necessary to secure a lasting peace. But the reality is that it would cause great human suffering, whether it is long or short; that it may lead to regional instability and economic crises; and it can ... lead to unintended consequences producing new threats and new dangers.

"War must always be a last resort – arrived at only if and when every reasonable avenue of achieving Iraq's disarmament by peaceful means has been exhausted. The United Nations ... has a duty to search till the very end for the peaceful resolution of conflicts."

³⁵ United Nations, 10 March 2003, *Secretary-General's press conference (unofficial transcript)*.

114. Mr Annan added:

“The members of the Security Council now face a great choice. If they fail to agree on a common position, and action is taken without the authority of the Security Council, the legitimacy and support for any such action will be seriously impaired. If, on the other hand, they can ... address this threat in a united manner and ensure compliance with their previous resolutions, then the Security Council’s authority will be enhanced, and the world will be a safer place.

“... Iraq does not exist in a vacuum. What happens there will have profound implications ... for other issues of great importance ... The broader the consensus on Iraq, the better the chance that we can come together again and deal effectively with other burning conflicts, starting with the one between Israelis and Palestinians. Only a just resolution of that conflict can bring peace and stability in the region.

“... the success or failure of the international community in dealing with Iraq will crucially affect its ability to deal with ... conflicts ...”

115. Mr Annan concluded:

“However this conflict is resolved, the United Nations will remain as important as it is today.

“We have seen in recent months what an immense significance States and people around the world attach to the legitimacy provided by the ... Security Council, and the United Nations, as the common framework for securing the peace. As they approach their grave decision, I must solemnly urge all members of the ... Council to keep this in mind, and to be worthy of the trust in them that the world’s peoples have shown.”

116. Asked whether an attack on Iraq without a second resolution would be a breach of the UN Charter, Mr Annan responded:

“... the Charter is very clear on circumstances under which force can be used. I think the discussion ... is to ensure that the ... Council, which is the master of its own deliberations, is able to pronounce itself on what happens. If the US and others were to go outside the Council and take military action it would not be in conformity with the Charter.”

President Chirac’s interview, 10 March 2003

117. Sir John Holmes, the British Ambassador to France, reported on 10 March that, after the debate in the Security Council on 7 March, France believed it had the momentum.³⁶ The press and public were firmly behind President Chirac. France was

³⁶ Telegram 123 Paris to FCO London, 10 March 2003, ‘Iraq: French Reaction to 7 March Debate’.

“impervious” to the UK’s arguments, although that “could still change if it looks as if we might secure the nine votes and avoid Russian and Chinese vetoes”.

118. Sir John reported that France’s strategy remained:

“(a) to persuade us not to go for a vote, (b) if this did not work, to stop us from securing nine votes, and (c) if there are nine votes, to ensure that they have Russian and Chinese company in vetoing.”

119. France was “on the diplomatic offensive”. Mr Dominique de Villepin, the French Foreign Minister, was visiting Angola, Cameroon and Guinea and President Chirac was “canvassing support” for a Security Council meeting at Head of State level for a vote on Iraq.

120. Sir John commented:

“Although the French have still so far steered clear of saying in so many words that they will veto, it is hard to interpret their comments and approach in any other way ... It is getting increasingly difficult for the French to backtrack now, having built up so many expectations domestically and internationally. Whilst we are both fully engaged in our respective lobbying campaigns there is little we can say to them likely to have much impact ...

“I doubt that benchmarks and a little more time will do the trick ... That said, the dynamics may yet change this week ... In any case, going to a vote without at least some Prime Ministerial contact with Chirac would ... be odd. If it looks as though we have the nine votes and might persuade Russia and China not to vote, a serious phone call would be well worth a try – if only to ease the way for co-operation in the aftermath.”

121. In a television interview on the evening of 10 March, President Chirac made clear that France did not consider that the UN inspections had reached a “dead end” and warned of the adverse consequences of unilateral US military action.

122. Addressing the “most probable” scenario that evening, President Chirac said that the revised resolution tabled by the UK, US and Spain on 7 March would not secure the support of nine members of the Council. If, however, there was a majority, France would “vote no”.

123. Asked about his position, President Chirac replied that “regardless of the circumstances”, France would vote “no” because “this evening” there were no grounds for waging war to disarm Iraq.

124. President Chirac also stated that if the inspectors reported that they were not in a position to guarantee Iraq’s disarmament, war would become inevitable.

125. In a television interview on the evening of 10 March, President Chirac argued that a country with Iraq’s past and political structure was always dangerous, but it

was “genuinely dangerous only if it has the capabilities to commit aggression, if it has the capabilities to attack”.³⁷ The “problem was to make sure it no longer had those capabilities or ... that those capabilities could be controlled and destroyed”. The inspections regime between 1991 and 1998 had destroyed more weapons than the Gulf Conflict in 1991, and “resulted in the complete, almost complete eradication in all likelihood ... of Iraq’s nuclear programmes”. Iraq’s (Al Samoud 2) missiles with a longer than permitted range were “being destroyed”.

126. President Chirac acknowledged that there were “probably other weapons” but Dr Blix had told the Security Council that if Iraq stepped up co-operation, which was “never sufficient but which has improved”, weapons of mass destruction could be eliminated. It was for the inspectors to advise whether they could complete their task. If they reported that they were not in a position to guarantee Iraq’s disarmament, it would be:

“... for the Security Council alone to decide the right thing to do. But in that case ... regrettably, the war would become inevitable. It isn’t today.”

127. President Chirac stated that other regimes, such as North Korea, had nuclear weapons which were “not hypothetical”, but definitely existed.

128. President Chirac stated that the international community had unanimously chosen the path of disarming Iraq; it had not decided the objective was to change the Iraqi regime; and that:

“Today nothing tells us that this path is a dead end and, consequently, it must be pursued since war is always a final resort, always an acknowledgement of failure, always the worse solution ... And we don’t consider we are at that point. That is why we are refusing to embark on a path automatically leading to war so long as the inspectors haven’t told us: ‘we can’t do any more’ ... they are telling us the opposite.”

129. President Chirac argued that the “new resolution setting an ultimatum” represented a move from a course of action involving the pursuit of inspections in order to disarm Iraq to “a different one consisting of saying: ‘in so many days, we go to war’”. France would not accept “that solution”.

130. In response to a series of questions, President Chirac stated:

- “So the first scenario which is today, this evening, the most probable, is that this resolution won’t get a majority of nine members ...”
- “There will be nations who will vote ‘no’, including France ... But ... there won’t be a majority. So there won’t be a veto problem.”

³⁷ The Élysée, *Interview télévisé de Jacques Chirac, le 10 mars 2003*. A translation for HMG was produced in a Note [unattributed], [undated], ‘Iraq – Interview given by M. Jacques Chirac, President of the Republic, to French TV (10 March 2003)’.

- "... the second scenario ... the views of a number of people change ... there may indeed be a majority ... in favour of the new resolution ... If that happens, France will vote 'no' ... when one of the five Permanent Members ... votes 'no', and even if there is a majority in favour ... the resolution isn't adopted. That's what's called exercising a veto."

131. Asked: "And, this evening, this is your position in principle?", President Chirac responded:

"My position is that, regardless of the circumstances, France will vote 'no' because she considers this evening that there are no grounds for waging war in order to achieve the goal we have set ourselves, ie to disarm Iraq."

132. Asked whether France would use its veto regardless of the position of China and Russia, President Chirac replied that if there was a resolution authorising war, they would adopt the same attitude as France.

133. President Chirac stated that it was possible to have a difference of view with the US. Principles and values should not be sacrificed because there was a crisis. France had warned the US that it could not:

"... be a standard bearer for democracy and dialogue and not use every possible method to avoid a war ... [I]f the international community didn't give its approval, a dangerous precedent would be set if the United States bypassed the UN."

134. President Chirac added that he had told President Bush that the US had "already won". It was "highly probable" that "Iraq wouldn't have provided the more active co-operation the inspectors demanded", if the US and the UK had not deployed such significant forces.

135. President Chirac made clear that although France disagreed with military action, it would remain an ally of the US. It would not stop US overflights. But he warned that the consequences of war would be unpredictable. Reconstruction would be required which could only be done through the UN. The responsibility of restoring a viable situation in Iraq and the region could not be taken on by one country alone. France would have a part to play.

136. In response to a question about whether war would lead to a resurgence of terrorism and clashes between the different communities in France, President Chirac replied:

"It's certain that, if there's war, the first victors will probably be those seeking confrontation, the clash of civilisations, cultures and religions. In my opinion, a war of this nature can lead only to increased terrorism."

137. President Chirac stated:

“... it seems to me that war is something which will break up the world coalition against terrorism ... we mustn't forget that a very great majority of the world's countries and peoples are against this war ... France isn't isolated ... So if there is a war there is indeed a risk of a new upsurge in terrorism.”

138. The headline in *Le Monde* the following day was “*Quelles que soient les circonstances, la France votera non*”.³⁸

139. Commenting on the interview the following day, Sir John Holmes wrote that, “Even if only in response to a question”, President Chirac had gone “out of his way to make his position categoric”.³⁹ He added:

“The French calculation is presumably that this makes it as hard as possible for the Russians and Chinese not to follow, and as easy as possible for the swing six to abstain, as an obvious middle course between the two opposing blocs. The only glimmer of encouragement that I can see for us is that he may have played this card too soon, apparently ruling out any flexibility even if the text of a resolution is amended ... We may be able to use this against the French in arguing with others. I suppose it is possible in theory that ... Chirac could change to an abstention. But this is clutching at straws, such is the limb he has deliberately put himself on.”

140. Sir John Holmes told the Inquiry that President Chirac had prepared his remarks and had decided at that stage that he was “fully in opposition to ... the invasion of Iraq”.⁴⁰

141. Sir John thought President Chirac had been saying: “The text, as we have it at this moment, is not one we can support and we will vote against it.”⁴¹

142. Sir John stated, “There was genuine ambiguity” about what President Chirac had meant: “There was scope for interpretation.”⁴²

143. Sir Jeremy Greenstock also told the Inquiry:

“The fact was that, although the words didn't surprise us, the fact that Chirac said it at that time, in that way, was politically aggressive by the French. That was the point.”⁴³

³⁸ *Le Monde*, 11 March 2003. [Taken from *Le Monde (international)*, 22 March 2003.]

³⁹ Telegram 124 Paris to FCO London, 11 March 2003, ‘Iraq: Chirac's TV Interview – France's Veto’.

⁴⁰ Public hearing, 29 June 2010, page 40.

⁴¹ Public hearing, 29 June 2010, pages 43-44.

⁴² Public hearing, 29 June 2010, page 49.

⁴³ Private hearing, 26 May 2010, page 35.

Events of 11 March 2003

144. In a press conference, Mr Blair stated that he hoped that France and Russia would not talk about vetoes but try to find common ground.

145. In a press conference following a meeting with Mr José Manuel Durao Barroso, the Portuguese Prime Minister, Mr Blair set out that there had been an attempt to unify people around a common position based on resolution 1441 to try to disarm Iraq peacefully, but if that became impossible, the international community had to be “prepared to take action”.⁴⁴ He also said that divisions between Europe and the US would be “very damaging” and that he was:

“... prepared to try and find common ground, but we need others to be equally willing to do so.”

146. In response to a question about what more could be given to find common ground with France and Russia, Mr Blair replied:

“... if France or any other country is simply going to say we will veto, no matter what, that is obviously a very difficult position ... [E]verybody, including France and Russia, accepts there is not full co-operation ... So I hope we won’t talk about vetoes in any set of circumstances or in all sets of circumstances, but rather we will try and find the common ground that allows us a way through here ... And what we are trying to do in the Security Council now is to offer very, very clear ideas as to what Iraq has to do in order to demonstrate it is prepared to disarm voluntarily.

“But let us not be under any illusion, there is no way that Iraq will make any concession or co-operate in any way without the threat of force being there ... [M]y concern is that if countries talk about using a veto in all sets of circumstances, the message that sends to Saddam is you are off the hook ...”

MR STRAW’S MINUTE TO MR BLAIR

147. Mr Straw advised Mr Blair that the UK and the US should not push the second resolution to a vote if they could not secure nine votes and be certain of avoiding any vetoes.

148. Mr Straw suggested that the UK should adopt a strategy based on the argument that Iraq had failed to take the final opportunity offered by resolution 1441, and that the last three meetings of the Security Council “more than fulfil the requirement” for Security Council consideration of reports of non-compliance.

149. Mr Straw also identified the need for a “Plan B” in the event that the Government failed to secure a majority in the Parliamentary Labour Party for military action.

⁴⁴ The National Archives, 11 March 2003, *Press Conference: PM Blair and Portuguese PM Barroso*.

150. Mr Straw wrote to Mr Blair on 11 March setting out his conclusion that:

“If we cannot gain nine votes and be sure of no veto, we should not push our second resolution to a vote. The political and diplomatic consequences for the UK would be significantly worse to have our ... resolution defeated (even by just a French veto alone) than if we camp on 1441. Kofi Annan’s comments last evening have strengthened my already strong view on this. Getting Parliamentary approval for UK military action will be difficult if there is no second resolution: but in my view marginally easier by the strategy I propose.

“We also need to start working up a Plan B for our armed forces if we cannot be sure of Commons’ approval for their inclusion in the initial invasion of Iraq.”⁴⁵

151. Mr Straw set out his reasoning in some detail, making clear that it was predicated on a veto only by France. That was “in practice less likely than two or even three vetoes”. The points made included:

- The “upsides of defying a veto” had been “well aired”, including that it would “show at least we had the ‘moral majority’ with us”.
- In public comments, he and Mr Blair had kept their “options open on what we should do in the event that the resolution does not carry within the terms of the [UN] Charter”. That had “been the correct thing to do”. “In private” they had “speculated on what to do if we are likely to get nine votes, but be vetoed” by one or more of the five Permanent Members (P5).
- Although in earlier discussion he had “warmed to the idea” that it was worth pushing the issue to a vote “if we had nine votes and faced only a French veto”; the more he “thought about this, the worse an idea it becomes”.
- The intensive debate over Iraq in the past five months had shown “how much faith” people had in the UN as an institution; and that “far from having the ‘moral majority’ with us ... we will lose the moral high ground if we are seen to defy the very rules and Charter of the UN on which we have lectured others and from which the UK has disproportionately benefitted”.
- The “best, least risky way to gain a moral majority” was “by the ‘Kosovo route’ – essentially what I am recommending. The key to our moral legitimacy then was the matter never went to a vote – but everyone knew the reason for this was that Russia would have vetoed. (Then, we had no resolution to fall back on, just customary international law on humanitarianism; here we can fall back on 1441.)”
- The veto had been included in the UN Charter “for a purpose – to achieve a consensus”. The UK could not “sustain an argument (politically, leave aside legally) that a distinction can be made between a ‘reasonable’ and an ‘unreasonable’ veto”. That was “a completely subjective matter”.

⁴⁵ Minute Straw to Prime Minister, 11 March 2003, ‘Iraq: What if We Cannot Win the Second Resolution?’

- The “three recent meetings of the Council more than fulfil the requirement for immediate consideration of reports of non-compliance. So we can say convincingly that the process set out in 1441 is complete. If we push a second resolution to a veto, then the last word on the Security Council record is a formal rejection of a proposal that Iraq has failed to take its final opportunity.”

152. Mr Straw advised that it would be “more compelling in Parliament and with public opinion to take our stand on the basis of [resolution] 1441, and the overwhelming evidence that Iraq has not used the four months since then to co-operate ‘immediately, unconditionally and actively’”. The UNMOVIC “clusters” document would be “a material help in making that case”.

153. Mr Straw advised Mr Blair that he interpreted Mr Annan’s “important” statement on 10 March:

“... essentially as a gypsies’ warning not to try and then fail with a second resolution. If the last current act of the Security Council on Iraq is 1441, we can genuinely claim that we have met Kofi’s call for unity and for acting within (our interpretation of) the authority of the Security Council.”

154. There was no reference in Mr Straw’s minute to President Chirac’s remarks the previous evening.

155. Mr Straw advised Mr Blair that it would not be possible to decide what the Parliamentary Labour Party and the House of Commons would agree until deliberations in the Security Council had concluded. If a second resolution was agreed, it would be “fine”, but that was “unlikely”. He added:

“I sensed yesterday that sentiment might be shifting our way; but we would need to be very clear of the result before putting down a resolution approving military action. We could not possibly countenance the risk of a defeat ...

“But it need not be a disaster for you, the Government, and even more important for our troops, if we cannot take an active part in the initial invasion, provided we get on the front foot with our strategy.

“I am aware of all the difficulties of the UK standing aside from invasion operations, not least given the level of integration of our forces with those of the US. But I understand that the US could if necessary adjust their plan rapidly to cope without us ... [W]e could nevertheless offer them a major UK contribution to the overall campaign. In addition to staunch political support, this would include:

- intelligence co-operation;
- use of Diego Garcia, Fairford and Cyprus, subject to the usual consultation on targeting; and

- as soon as combat operations are over, full UK participation in the military and civilian tasks, including taking responsibility for a sector and for humanitarian and reconstruction work. We could also take the lead in the UN on securing the ... resolution to authorise the reconstruction effort and the UN role in it which the US now agree is necessary.”

156. Mr Straw concluded:

“We will obviously need to discuss all this, but I thought it best to put it in your mind as event[s] could move fast. And what I propose is a great deal better than the alternatives. When Bush graciously accepted your offer to be with him all the way, he wanted you alive not dead!”

157. Mr Straw’s minute was not sent to Lord Goldsmith or to Mr Geoff Hoon, the Defence Secretary.

158. Mr Straw’s Private Office replied separately on 11 March to a request from Sir David Manning for advice on the implications of the argument that a French veto would be unreasonable.⁴⁶

159. The FCO advised that there was “no recognised concept of an ‘unreasonable veto’”; and warned that: “In describing a French veto as ‘unreasonable’ we would therefore be inviting others to describe any future vetoes as ‘unreasonable’ too.” That could have implications in other areas “such as the Middle East”. In addition, “describing the veto as unreasonable would make no difference to the legal position”. There was “no implied condition” in the UN Charter that a veto was valid “only” if it was reasonable. There was “already pressure at the UN to abolish veto rights”. And pressure could be expected to increase “if the argument that certain vetoes were ‘unreasonable’ – and could therefore be ignored – gained ground”.

160. The UK was “on record as saying that the veto should only be used with restraint and in a manner consistent with the principles of the Charter”.

MINISTERIAL MEETING TO DISCUSS LEGAL ISSUES AND THE MILITARY PLAN

161. Ministers discussed legal issues, including holding the response to a US request for the use of UK bases for a few days, on 11 March.

162. They also discussed the viability of the military plan.

163. Mr Blair held a meeting to discuss the military plan and legal issues with Mr John Prescott (Deputy Prime Minister), Mr Hoon, Lord Goldsmith and Admiral Sir Michael Boyce (Chief of the Defence Staff (CDS)).⁴⁷ Mr Straw attended part of the meeting.

⁴⁶ Letter Owen to Manning, 11 March 2003, ‘Iraq: Security Council: Use of Vetoes’.

⁴⁷ Minute Rycroft to Prime Minister, 11 March 2003, ‘Iraq Military: 1300 Meeting’.

Sir Andrew Turnbull (Cabinet Secretary), Mr Powell, Mr Campbell, Baroness Morgan (Mr Blair's Director of Political and Government Relations), Sir David Manning and Mr Rycroft were also present.

164. Mr Blair had already had a bilateral discussion with Lord Goldsmith on 11 March on the legal basis for the use of military force early. That is addressed in Section 5.

165. Mr Straw's Private Office wrote to No.10 on 11 March, reporting that the US was pressing for a response "as soon as possible" to the letter delivered by the US Ambassador to London to Mr Straw on 5 March.⁴⁸ That had formally requested the British Government's agreement to the use of RAF Fairford, Diego Garcia and, possibly, other British bases for military operations against Iraq.

166. The FCO advised that "under international law, the UK would be responsible for any US action in breach of international law in which the UK knowingly assisted". The draft response was "premised on a decision that UNSCR [UN Security Council resolution] 1441 and other relevant resolutions" provided "the authority for action".

167. A minute from Mr Desmond Bowen, the Deputy Head of OD Sec, advised Sir David Manning that the request was to be discussed at Mr Blair's meeting with Lord Goldsmith, Mr Straw and Mr Hoon on 11 March.⁴⁹ He understood that Mr Straw and Mr Hoon had copies of Lord Goldsmith's advice of 7 March.

168. The briefing note for Mr Blair described confirmation of the viability of the overall military plan as the "main purpose of the meeting".⁵⁰

169. The record of the meeting on 11 March stated that Mr Blair had started by addressing the legal base for military action.⁵¹ He stated that Lord Goldsmith's "advice made it clear that a reasonable case could be made" that resolution 1441 was "capable of reviving" the authorisation of resolution 678, "although of course a second resolution would be preferable".

170. Other points recorded by Mr Rycroft included:

- Adm Boyce said he "would need to put a short paragraph [on the legal basis] in his directive to members of the Armed Forces".
- That "should be cleared with the Attorney General".
- The UK would send the US a positive reply on its request to use Diego Garcia and RAF Fairford "in a day or two, with the usual conditions attached".
- Mr Hoon and Adm Boyce advised that "once we had given our approval, the US might give very little notice before the start of the campaign".

⁴⁸ Letter Sinclair to Rycroft, 11 March 2003, 'US Request to use Diego Garcia and RAF Fairford for Possible Operations Against Iraq'.

⁴⁹ Minute Bowen to Manning, 11 March 2003, 'US use of British Bases'.

⁵⁰ Minute Rycroft to Prime Minister, 11 March 2003, 'Iraq Military: 1300 Meeting'.

⁵¹ Letter Rycroft to McDonald, 11 March 2003, 'Iraq: Legal and Military Aspects'.

- Sir Andrew Turnbull asked whether a legal basis for military action was required for civil servants, as well as for members of the Armed Forces.
- Mr Hoon asked whether the Attorney General's legal advice was ever disclosed.
- Mr Blair asked for a quick study into the precedents for that.
- Adm Boyce told the meeting that he was "confident that the battle plan would work".
- Mr Blair stated that "we must concentrate on averting unintended consequences of military action. On targeting, we must minimise the risks to civilians."

171. In his diaries, Mr Campbell wrote that:

- Mr Hoon had "said he would be happier with a clearer green light from the AG [Attorney General]".
- Mr Blair had been "really irritated" when Sir Andrew Turnbull had "said he would need something to put round the Civil Service that what they were engaged in was legal". Mr Blair was "clear we would do nothing that wasn't legal".
- Lord Goldsmith had provided "a version of the arguments he had put to TB, on the one hand, on the other, reasonable case".
- Mr Hoon had advised that the response to the "US request for the use of Diego Garcia and [RAF] Fairford" should be that it was "not ... automatic but had to go round the system". Mr Blair had said he "did not want to send a signal that we would not do it".
- Mr Hoon and Mr Straw were telling Mr Blair that the US could act as early as that weekend, and "some of our forces would have to be in before".⁵²

172. Following the meeting, Mr Peter Watkins, Mr Hoon's Principal Private Secretary, provided an outline of the military plan for Iraq and the need for decisions on the development of the UK's role to Sir David Manning.⁵³ That is addressed in Section 6.2.

173. Ms Short recorded that she had spoken to Mr Blair on the evening of 11 March about the fact that DFID had not been invited to attend the meeting "on the legality of military action", which she understood was about "the use of UK bases by the US in war, but the fundamental question on whether there was legal authority for military action was presumably the same".⁵⁴ Mr Blair had said she would "see all" and that it had been decided to defer the decision on basing. He was: "Hopeful on a second resolution." Lord Goldsmith had "said 1441 enough. A bit later, 1441 enough if detail available to show SH [Saddam Hussein] had not complied."

⁵² Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

⁵³ Letter Watkins to Manning, 11 March 2003, 'Iraq: The Military Plan'.

⁵⁴ Short C. *An Honourable Deception: New Labour, Iraq and the Misuse of Power*. The Free Press, 2004.

Secretary Rumsfeld's remarks, 11 March 2003

In a telephone call to Mr Donald Rumsfeld, the US Secretary of Defense, on 11 March about the timing of military action, Mr Hoon emphasised the importance of a few extra days to win over Chile and Mexico and the domestic politics in the UK.⁵⁵

The MOD reported that Secretary Rumsfeld had said Gen Franks was looking at how to “work around” a position in which the UK could not participate in military action which assumed that the UK would be available for post-conflict activities. Mr Hoon had responded that the UK would not want to be in that position and reiterated the case for waiting a few more days.

In a subsequent press briefing, Secretary Rumsfeld said that it was unclear what the UK role would be in the event that a decision was made to use force:

“... until we know what the resolution is, we won't know the answer to what their role will be ...”⁵⁶

Secretary Rumsfeld subsequently clarified his comments, saying he had “no doubt of the full support of the United Kingdom for the international community's efforts to disarm Iraq”.⁵⁷ Obtaining a second resolution was important to the UK, and the US was “working to achieve that”. He added:

“In the event that a decision to use force is made, we have every reason to believe that there will be a significant military contribution from the United Kingdom.”

In his memoir Mr Blair wrote that Secretary Rumsfeld had been “trying to be helpful”, but it had not helped and “by then the military were absolutely determined, rightly, that they would be part of the action from the outset, and took amiss any sense that we might be in the second rank”.⁵⁸

In the entry for 11 March in the edition of his diaries published in 2012, Mr Campbell wrote that the incident was “indicative of the difficulties” of working with the US.⁵⁹ Secretary Rumsfeld's clarification was the result of a further telephone call from Mr Hoon “making it clear that we were with them”.

TELEPHONE DIPLOMACY, 11 MARCH 2003

174. Mr Blair and Mr Straw met early on 11 March to take stock and agree a plan to make telephone calls lobbying contacts for support for the UK approach.⁶⁰

175. President Putin told Mr Blair that there were grounds for believing that Saddam Hussein understood the need for disarmament and had opted for

⁵⁵ Letter Watkins to Manning, 11 March 2003, ‘Iraq: Call to Donald Rumsfeld’.

⁵⁶ US Department of Defense, 11 March 2003, *DoD News Briefing – Secretary Rumsfeld and Gen. Myers*.

⁵⁷ *BBC News*, 12 March 2003, *Text of Donald Rumsfeld remarks*.

⁵⁸ Blair T. *A Journey*. Hutchinson, 2010.

⁵⁹ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

⁶⁰ Letter Rycroft to McDonald, 11 March 2003, ‘Iraq: Gameplan for 11 March’.

maximum co-operation with the inspectors. Russia could not accept a proposition giving a green light to war.

176. President Putin also warned of the risks of military action.

177. Following Mr Blair's discussion with President Putin on 7 March (see Section 3.7), Sir Roderic Lyne, British Ambassador to Russia, had advised Mr Ricketts on 10 March that he had been considering whether there was "anything to be done at the 11th hour to turn the Russians on our current text".⁶¹ He had concluded that Russia would "only move if":

- “• the French moved;
- and/or major amendments were made to the resolution;
- or if the Americans had brokered a bilateral deal so heavily weighted towards Russian interests that it outweighed the downside of splitting from the French position.”

178. Sir Roderic added that “the Americans have now left it too late”. President Putin did not “want a breach with the Americans, for well known reasons; and this explains the repeated Russian encouragement ... to just go ahead and do it in a way which does not involve Russia in approving war”.

179. Stating that he was “deliberately over-simplifying”, Sir Roderic advised that President Putin was not now going to “put himself out” or “take risks”, because:

- The Americans had “not picked up Russian hints from mid-2001 onwards that there is a price tag attached”.
- The Americans “... did not cut the Russians in on the discussion. They proclaimed the ‘axis of evil’, which worries the Russians mightily; they deployed their forces; they then demanded acceptance of their resolution within a tight time-frame and without a smoking gun or trigger. If the Russians buy into this, what else are they buying into? War on N. Korea or Iran? (It’s not impossible that the Russians could be brought to subscribe to a tougher approach to proliferation, but they would need to be carried along stage by stage.) So the Russians are very susceptible to the French line of argument that the Americans are trying to drag us down a very dangerous road ... and the time to make a stand is now.”
- Russia had “not been given its due reward for supporting the Americans on various issues, or for not opposing them on others”.
- Russia wanted freedom to act on Chechnya.
- Russian domestic opinion thought France and Germany were right to stand firm against the US.

⁶¹ Email Lyne to Ricketts, 10 March 2003, ‘Iraq/Russia’.

180. In Sir Roderic's view, the "only way we are now likely to get them [the Russians] on board would be to drop the authorisation for war". The Russians were "convinced that the Americans are going to attack, come what may".

181. Sir David Manning put the email to Mr Blair on 11 March, commenting: "Good Rod Lyne analysis on Putin/Iraq."⁶²

182. Mr Blair spoke to President Putin who was ready to look for a way forward but made it clear that Russia could not accept any proposition which looked like a "green light for war".⁶³

183. President Putin told Mr Blair that, following the visit to Baghdad by the Speaker of the Russian Parliament, there were grounds to believe that Saddam Hussein understood the necessity for disarmament, and had opted for the maximum co-operation with the UN inspectors.

184. President Putin also said that the Iraqis had been robust and confident and were prepared to resist the Coalition; and that an initial military action might be over quickly but Iraq was a big country and guerrilla warfare could continue for some time.

185. Mr José Maria Aznar, the Spanish Prime Minister, told Mr Blair that he would not favour putting the resolution to a vote without a guarantee of success.

186. In a conversation with Mr Aznar, Mr Blair argued that the Spanish proposal for a simple resolution needed to be combined with tests for Saddam Hussein.⁶⁴

187. Mr Aznar identified a number of concerns about the risks with the approach, but he agreed to try. He was also reported to have said that without a guaranteed win, he would not favour putting the resolution to a vote.

188. Mr Blair also spoke to:

- President Musharraf,⁶⁵
- Mr Silvio Berlusconi, the Italian Prime Minister,⁶⁶ and
- Mr Göran Persson, the Swedish Prime Minister,⁶⁷

to seek support for his approach.

189. Mr Blair warned Mr Annan that the US timeframe was "days not weeks" and it was in "no mood to negotiate further".

⁶² Manuscript comment Manning to PM, 11 March 2003, on Email Lyne to Ricketts, 10 March 2003, 'Iraq/Russia'.

⁶³ Letter Cannon to Owen, 11 March 2003, 'Iraq: Prime Minister's Conversation with Putin, 11 March'.

⁶⁴ Letter Cannon to Owen, 11 March 2003, 'Iraq: Prime Minister's Conversation with Aznar, 11 March'.

⁶⁵ Letter Cannon to Owen, 11 March 2003, 'Iraq: Prime Minister's Conversation with President of Pakistan, 11 March'.

⁶⁶ Letter Rycroft to Owen, 'Prime Minister's Conversation with Berlusconi, 11 March'.

⁶⁷ Letter Lloyd to Owen, 11 March 2003, 'Iraq: Prime Minister's Conversation with Persson'.

190. Mr Blair sought Mr Annan's support for the proposals he was discussing with Chile, and through them Mexico, to construct "clear and specific tests that would allow us to assess whether Saddam was going to come fully into compliance and had genuinely changed his mind".⁶⁸

191. Mr Blair stated that the tests would be tough but achievable and the timeframe could be short: "The US were only prepared to accept a timeframe of days not weeks. If Saddam did demonstrate his seriousness by complying with the tests then a full work programme would ensue."

192. Mr Blair added that President Chirac's comments "that he would veto a second resolution in any circumstances would cause a real difficulty if they were proved true. If the UN could not reach an agreement and military action took place the UN would be seriously weakened." It would be hard to achieve a compromise and the US "were in no mood to negotiate further".

193. Mr Straw told Secretary Powell that, if Iraq delivered, the UK and US "might have to take 'yes' for an answer", and that he was reviewing whether to push for a vote if it would be unsuccessful.

194. Secretary Powell expressed concern about the perceived shift in the UK's position given Mr Blair's assurances that the UK would proceed if there were nine votes for a resolution but a French veto.

195. In the first of six conversations with Secretary Powell on 11 March, Mr Straw said that he had sent him the latest version of the UK's six tests, and that Mr Blair thought there was a chance it would secure votes.⁶⁹ He and Mr Blair would be making a series of phone calls making the point that: "We've moved twice and won't move again."

196. Secretary Powell was reported to have said that Ms Ana Palacio, the Spanish Foreign Minister, "was concerned that the Iraqis could do something with the tests: they could, for example, produce 30 scientists". Mr Straw responded that if Iraq delivered "we might have to take 'yes' for an answer". Secretary Powell said that "was easier for ... [Mr Straw] to say than for him to accept".

197. Mr Straw said Mr Blair's plan was to get President Lagos "in the bag then get him to sell the latest draft to Fox".

198. Raising the question of pushing for a vote "if we knew that would not get a result", Mr Straw warned Secretary Powell that he was "increasingly of the view that ... would not be in the interests of international solidarity and respect for the UN".

⁶⁸ Letter Lloyd to Owen, 11 March 2003, 'Iraq: Prime Minister's Conversation with Kofi Annan'.

⁶⁹ Letter McDonald to Manning, 11 March 2003, 'Foreign Secretary's Conversation with US Secretary of State, 11 March'.

199. Secretary Powell responded that that would be “a brand new element”: Mr Blair had “always said that if we had nine votes but a French veto he could work with it”.

200. Mr Straw reminded Secretary Powell of their conversation the previous day, adding that “he was not at all sure that there would be only one veto: two vetoes would be heavy; it was better not to vote”. Mr Blair had not yet made up his mind, but his “concern was which course of action would be easier to get through the House of Commons: no resolution because of a veto, or no resolution because of an expected veto”.

201. President Lagos told Mr Blair he needed more time to think about the proposals.

202. In the first of three conversations on 11 March, President Lagos confirmed that Mr Blair’s proposed approach could work but he wanted more time and was still thinking about the precise terms.⁷⁰ Mr Blair emphasised US concerns about delay and the risk of an unworkable compromise. They agreed to talk again later that day.

203. Mr Straw told Secretary Powell that Mr Blair had made clear that the proposal was the UK’s “bottom line”, and there was little flexibility in timing.

204. Ms Palacio expressed scepticism about any French suggestion that with more time it could be supportive.

205. In a conference call with Secretary Powell and Ms Palacio, Mr Straw reported that Mr Blair thought President Lagos had “bought the language on tests” in the proposed “Side statement”, but “might try to share the language with President Chirac”.⁷¹ Mr Blair had made clear that the proposal “was our bottom line and also that there was no flexibility on timing of the deadline (beyond 24 hours or so)”. Neither Mr Blair nor Mr Straw expected any Chilean approach to France “to bring acceptable results”. Secretary Powell and Ms Palacio had agreed.

206. Ms Palacio was reported to have said that France had been working on the assumption that nine votes would not be achieved. If that looked closer, the French would “change tack and instead play for time they knew the UK, US and Spain didn’t have”. Chile was convinced it “could bridge the gap” and was “likely to come back ... with a French offer”. France would probably try to persuade Chile (and Mexico) that it “might be able to sign up to our approach, providing” there was “a little more time”. But France had “absolutely no intention of signing up to anything we produced”. Any French “offer” to Lagos was “highly unlikely to be anything useful”. Mr Straw and Secretary Powell had agreed.

⁷⁰ Letter Cannon to Owen, 11 March 2003, ‘Iraq: Prime Minister’s Conversation with President of Chile, 11 March’.

⁷¹ Telegram 112 FCO London to Washington, ‘Iraq: Foreign Secretary’s Conference Call with US Secretary of State and Spanish Foreign Minister, 11 March’.

207. Secretary Powell told Mr Straw that the US message to President Fox would be that it was “not interested in another series of negotiations”.

208. In a subsequent bilateral conversation, Secretary Powell and Mr Straw discussed the position of Mexico and Chile.⁷²

209. Secretary Powell told Mr Straw that President Lagos had not yet spoken to President Chirac. President Bush would tell President Fox that Mr Blair’s “offer was all he was going to get”. The US was “not interested in another series of negotiations. Any modifications would have to be made tomorrow for a vote on Thursday.”

210. Reporting that Dr Rice was “showing some interest in ditching OP3” (the provision that Iraq had to demonstrate it was co-operating by a defined date), Secretary Powell stated that he had pointed out that President Chirac would “veto anything, explaining that the simplest language was being used as a pretext for war”.

211. The FCO asked Ambassadors in Arab countries to make clear that little time was left to persuade Saddam Hussein to stand down.

212. In a telegram on the afternoon of 11 March, the FCO stated:

“If the Arabs are still serious about pressing Saddam to stand aside, they need to get going now without waiting for a second UN SCR. If they delay there may not be time for Arab diplomacy.”⁷³

213. The FCO added:

“We are now approaching the end game on Iraq. A vote on the current draft Security Council resolution is now likely this week. If this includes, as at present, a deadline for Iraqi action, our assumption is that that is the end point for Arab efforts. If the resolution does not pass, the window for Arab action may be very short, and might not be explicit.”

214. Mr Straw told Secretary Powell that they should not put the draft resolution to a vote if there would be a French veto. He was considering whether the UK strategy needed to be adapted, but had not yet agreed that with Mr Blair.

215. Secretary Powell suggested that Mr Blair should make plain to President Bush the UK’s problems if the second resolution failed.

216. Mr Straw and Secretary Powell spoke again at 6.45pm to discuss the difficulties with securing nine votes in the Security Council and the timing of military action.⁷⁴

⁷² Letter McDonald to Manning, 11 March 2003, Foreign Secretary’s Conversation with US Secretary of State, 11 March’.

⁷³ Telegram 31 FCO London to Riyadh, 11 March 2003, ‘Iraq – Pressure on Saddam from other Arab Governments’.

⁷⁴ Letter McDonald to Manning, 12 March 2003, ‘Foreign Secretary’s Conversation with US Secretary of State, 11 March’.

217. Discussing whether it would be wise to go ahead with a vote without the support of Mexico and Chile, and the different views within the US Administration, Mr Straw told Secretary Powell that:

“... he was clear that if we did not have nine votes we should go nowhere near the Security Council. Even if we did have nine votes we should not go if we knew the French would veto. Annan had signalled yesterday his unhappiness with the possibility of the last act of the Security Council showing it divided and fractured ... [H]e knew that some people in the [US] Administration did not give a fig for the UN, but the US and President Bush needed the UN across a range of subjects. The President could make a better speech about the negotiating history of 1441 and French failure to insert a provision for a second resolution than about why we were ignoring a Security Council veto.”

218. Secretary Powell asked that Mr Blair should make plain to President Bush the UK's problems with a failed second resolution.

219. Mr Straw said that in his opinion we would “need to adapt our strategy” and that the “Kosovo model might be useful. In some ways our position was now stronger: in Kosovo we had relied on customary international law, whereas here we had a string of resolutions culminating in 1441”. Mr Straw stressed that was his opinion and had not yet been agreed with Mr Blair.

220. In a conversation with Mr Blair that evening, President Lagos confirmed he was still working on a draft resolution.

221. When Mr Blair and President Lagos spoke for a second time, President Lagos confirmed that he was still working on a draft Mexican/Chilean resolution.⁷⁵

222. In response to a warning from Mr Blair that President Bush would not agree a deadline “beyond 24 March”, President Lagos was reported to have commented that he would put his preferred deadline in the draft and there could then be a negotiation.

223. In the absence of nine votes for the resolution, Mr Straw and Secretary Powell discussed not putting the resolution to a vote. They agreed the decision to pull out of a vote could be explained by blaming France.

224. Mr Straw stated that in four successive meetings of the UN, no-one had said Iraq had fully complied. “Iraq was therefore in material breach.”

225. When Mr Straw and Secretary Powell spoke again at 9pm, Secretary Powell stated that the US and UK had “just about convinced President Lagos and President Fox; their objections were fading away.”⁷⁶ Mr Straw said that President Lagos “seemed to be biting”.

⁷⁵ Letter Rycroft to Owen, 11 March 2003, ‘Iraq: Chile, 11 March’.

⁷⁶ Letter Sinclair to Manning, 12 March 2003, ‘Foreign Secretary’s Conversation with US Secretary of State, 11 March’.

226. Mr Straw told Secretary Powell that Mr Blair was “coming round to the view that if the nine votes weren’t there, then we should not push it to a vote”. Secretary Powell responded that President Bush was on the same wave-length.

227. Mr Straw added that “the situation was less clear if we had nine votes but faced a veto”. Secretary Powell suggested that his answer to the question of how to explain pulling out of a vote in that situation would be to “blame Paris and leave”.

228. Mr Straw agreed, stating they could:

“... point to France signing [resolution] 1441. That resolution had demanded ‘immediate’ co-operation, but here we were four months later. The resolution had demanded ‘active’ co-operation, but Blix could not confirm that. And, in four successive meetings at the UN, not one of the 15 ... members had said that Iraq had fully complied. Iraq was therefore in material breach.”

229. Secretary Powell added that the US and UK “had worked hard to obtain a second resolution, but Chirac had clearly said on 10 March that he would veto a resolution in any circumstances”. Mr Straw said they could also point to Mr Annan’s statement.

230. In a subsequent conversation at 10.45pm, Mr Straw and Secretary Powell discussed the indications that Chile and Mexico were thinking about a timeline of 45 days and the remarks made earlier that day by Secretary Rumsfeld.⁷⁷

231. When Mr Blair and President Bush discussed the position late on 11 March, it was clear that President Bush was determined not to postpone the start of military action.

232. Mr Blair stated that President Chirac’s remarks gave “some cover” for ending the UN route.

233. Mr Blair spoke to President Bush late on 11 March.⁷⁸

234. They discussed Secretary Rumsfeld’s comments about the UK, the continuing problems in securing support for the resolution and the impact of President Chirac’s “veto threats”. Mr Blair considered that President Chirac’s remarks “gave some cover” for ending the UN route.

235. President Bush wrote in his memoir that, at Mr Blair’s request, he “had made one last effort to persuade Mexico and Chile ... to support the second resolution”.⁷⁹ President Fox did not give him an answer. President Lagos had “talked about giving Saddam an additional two to three weeks”. President Bush “told him a few more weeks would make

⁷⁷ Letter Straw to Manning, 12 March 2003, ‘Conversation with US Secretary of State, 11 March’.

⁷⁸ Letter Cannon to McDonald, 11 March 2003, ‘Iraq: Prime Minister’s Conversations with Bush and Lagos, 11 March’.

⁷⁹ Bush GW. *Decision Points*. Virgin Books, 2010.

no difference. Saddam had already had years to comply.” Asked “one last time how he planned to vote”, President Lagos had “said no”.

236. Mr Campbell wrote that President Bush had apologised for Secretary Rumsfeld’s comments, describing them as “one of those attempts to be helpful that wasn’t very helpful”.⁸⁰

237. Mr Campbell added that President Bush had described his latest telephone calls with President Fox and President Lagos as “difficult”; that they “had to give us their votes”; and that “we had to get this over with”. President Bush was “determined we could not let the date slip”.

238. The record of the conversation confirms Mr Campbell’s account.⁸¹

239. Mr Campbell also wrote:

- When Mr Blair had “said we needed to hold their feet to the fire”, President Bush had responded that he was “waiting your instructions. If it falls apart I’m going to make a speech to the American people saying I tried, and now Saddam has forty-eight hours to leave the country.”
- Mr Blair “still felt Chile would come round and not walk away”.
- President Bush “felt seven days was too big a stretch to give them ... Congress was getting restless and all the polls were showing criticism of the UN for inaction. ‘We just got to go.’”
- Mr Blair had “said we had to do something to change the diplomatic weather and get on the front foot but if we can’t get anything, we’re in real trouble and there is no point in pushing the UN beyond what it will take”.
- President Bush said “We know he’s not going to disarm. We already had benchmarks.” He had told President Lagos “it was time to stand up and be counted. I want your vote. He said no.”
- Mr Blair said he would speak to President Lagos again, and that “a week’s delay was the top end for us”. If we were “on the front foot” it would be possible to gain altitude again.
- President Bush “said these guys [Presidents Fox and Lagos] were just playing for time. He felt maybe we stand up on Thursday [13 March] and say there could be no new UNSCR, that it had failed in its mission ...”

⁸⁰ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

⁸¹ Letter Cannon to McDonald, 11 March 2003, ‘Iraq: Prime Minister’s Conversations with Bush and Lagos, 11 March’.

- Mr Blair felt that there had been “a bit more give” from President Putin in their last call; and that “the problem was that the Chiles and Mexicos were not used to making decisions as big as these ...”⁸²

240. Mr Campbell commented that President Bush “did not feel the need to buy more time” and that he was “more impatient than ever”. He was “not really listening”.

241. Mr Tony Brenton, Chargé d’Affaires at the British Embassy Washington, reported that Mr Richard Armitage, the US Deputy Secretary of State, told him on 11 March, before Mr Blair’s conversation with President Bush, that he was “unsure whether Chile and Mexico were moving in the right direction”.⁸³ President Bush had spoken to President Fox, who had “bid for a 45-day deadline”. When President Bush had “said no way”, President Fox “had retreated, saying he would study the papers further”. President Bush “was still trying to speak” to President Lagos.

242. In response to a question from Mr Armitage about whether if it looked as though there would be nine positive votes but “one or two vetoes” the UK would want to go for a Security Council vote “or pull the resolution”, Mr Brenton had said that “would depend crucially on calculations of how it would play in Parliament”. Mr Armitage “thought that President Bush’s instinct would be to go for a vote, though the impact on the UK would weigh heavily with him”.

243. Mr Stephen Hadley, the US Deputy National Security Advisor, had been “more direct”. President Bush’s “instinct would be to go for a vote on 12 March, or 13 March at the latest, whatever the situation”.

244. Mr Kurt Volker, the US National Security Council (NSC) Director for NATO and West Europe, had separately told UK officials that President Bush had rejected a suggestion from Mr Aznar that the resolution might be pulled; he wanted, and had promised the American people, a vote. Mr Aznar had also proposed that those supporting the resolution might be asked to co-sponsor it “to act as a disincentive to France and Russia to veto”. Mr Brenton and Mr Volker “agreed co-sponsorship seemed a bridge too far right now”.

245. Mr Brenton reported that he had also been asked by both Mr Armitage and Mr Hadley whether Mr Hoon’s comments to Secretary Rumsfeld meant that the UK’s “determination to go in alongside the US was diminishing”. He had said “not”; the UK “remained confident that we would go alongside the US” and he “assumed” that Mr Hoon “had simply been setting out the Parliamentary realities” to Secretary Rumsfeld.

⁸² Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

⁸³ Telegram 325 Washington to FCO London, 11 March 2003, ‘Iraq: US views, 11 March’. [Contents suggest that date of telegram should be 12 March.]

246. Following three conversations with Mr Blair, President Lagos remained adamant that more time was needed and that nobody would view a deadline of 24 March as serious.

247. After his conversation with President Bush, Mr Blair spoke again to President Lagos to say that one last effort was needed to get Saddam Hussein to comply: “Ten days was adequate for him [Saddam Hussein] to make the right statements, get the interviews going and produce the hidden anthrax.”⁸⁴

248. President Lagos was not convinced; in his view, even 24 March looked too short a deadline, and that nobody would believe it was serious. He wanted to talk to other Security Council members.

CONSULTATIONS IN NEW YORK

249. After consultations on 11 March, Sir Jeremy Greenstock reported that the draft resolution tabled by the UK, US and Spain on 7 March had “no chance of adoption” and that avoiding providing the US “with a new basis for the use of force” was “a major criterion for most members of the Council”. The UK now faced “a choice between a number of hard options”.

250. Dr Blix had questioned whether it was right to describe failure to co-operate, and in particular to take part in interviews, as “a very serious crime”.

251. Sir Jeremy Greenstock was given authority to circulate the UK’s “language” to Security Council colleagues.⁸⁵ A decision on whether to speak to the French would be subject to consultation with Sir Jeremy and a conversation should take place “only at the end of the New York day”.

252. Reporting discussions in New York on 11 March on the draft resolution and details of a possible “side statement”, Sir Jeremy Greenstock advised that he had discussed the proposed tests with Dr Blix and Dr Dimitri Perricos, the UNMOVIC Director of Planning and Operations.⁸⁶

253. They had raised a number of questions about the tests, the timelines for assessing Iraqi actions and who would judge compliance. Dr Blix was:

- “concerned” about the statement that Iraq should yield proscribed items “immediately” for destruction, “without delay” would be “more realistic”. In addition “he wondered whether it was right to refer to a failure to co-operate with UNMOVIC/IAEA, and in particular to take part in interviews, as a ‘very serious’ crime”; and

⁸⁴ Letter Cannon to McDonald, 11 March 2003, ‘Iraq: Prime Minister’s Conversations with Bush and Lagos, 11 March’.

⁸⁵ Letter Rycroft to McDonald, 11 March 2003, ‘Iraq: Gameplan for 11 March’.

⁸⁶ Telegram 417 UKMIS New York to FCO London, 12 March 2003, ‘Personal Iraq: Side Statement and End Game Options’.

- “nervous about the concept of requiring interviewees and their families to leave Iraq, but equally recognised the dangers – in terms of undue pressure – of letting families remain in Iraq. He seemed to realise there was little way round this, and said he would say in the Council only that this was a dilemma.”

254. Dr Perricos:

- “was not keen on London’s suggestion of asking for the list of all personnel currently and formerly associated with Iraq’s WMD programmes ... Iraq had provided names and had said they were willing to provide more in particular areas on request”. While it would be “possible to get the interviewees out of Iraq in the timescale we envisaged, it would be difficult to interview them as well”;
- “did not expect anything new to arise” from the test on anthrax;
- “was nervous” that the inclusion of mobile laboratories “made the whole package a bit too heavy for the envisaged 7-10 day timetable” and “thought little would come of it – i.e. Iraq would present legitimate facilities”. He thought that if the test was kept, “it should also refer to chemical facilities and to the sites that could support such mobile facilities”;
- “preferred to stick with the language” in Dr Blix’s letter to Dr Amir al-Sa’adi, the Scientific Adviser to the Iraqi Presidency, on missile destruction, which he “thought would cover all Volga engines” and “agreed our inclusion of the destruction of equipment designed for the production and testing of the Al Samoud 2”;
- “wondered whether the benchmarks would lead to a strategic shift in Iraq’s behaviour though they would certainly ‘burn’ Iraq”;
- “underlined that while action in the time period proposed was possible, there would need to be some time afterwards to assess the action taken”; and
- “asked a number of pertinent questions” including: “Who would judge compliance? Would we want to specify whether the information should go to UNMOVIC and/or the Council? What would we do if Iraq gave straight denials?”

255. Sir Jeremy had discussed the draft with Mr Inocencio Arias, the Spanish Permanent Representative to the UN, who made “few comments”, and Ambassador John Negroponte, US Permanent Representative to the UN, who was “very concerned that the statement should not be part of the resolution”. Another US official had commented that Washington was “intensively discussing the benchmarks ideas, but he had heard no one in State or the NSC who favoured them”, thought that “it would be relatively easy for the Iraqis to satisfy the tests”, and they “would not lead to the US feeling any safer”.

256. Sir Jeremy had also briefed Ambassador Negroponte “in general terms” on possible fallback options. Ambassador Negroponte thought the side statement “would not go anywhere. Mexico and Chile were asking for a lot more than we had in mind,

including on time.” He subsequently told Sir Jeremy that President Lagos had told President Bush that “he wanted 45 days and a second Council decision”.

257. Sir Jeremy concluded that the draft resolution tabled by the UK, US and Spain on 7 March had “no chance ... of adoption”. The UK now faced “a choice between a number of hard options”:

- A “light” resolution without the deadline for a decision on whether Iraq had failed to take the final opportunity and no benchmarks. That would “allow each Council member to interpret the text as they see fit” but had “considerable legal risks ... as well as appearing too obviously as cover for US military action”.
- A “light” resolution accompanied by “Blix-cleared benchmarks” while saying “we were going the last mile for peace”. But Dr Blix and Dr Perricos “did not think the benchmarks would necessarily be strong enough to amount to a ‘strategic change’ by Iraq”. There would be a “difficult choice of what to do if the benchmarks were met ... especially if we believed ... that Iraq was still not serious about complete disarmament”.
- A “light” resolution accompanied by “stronger benchmarks”. Sir Jeremy thought that Dr Blix might regard the UK list as “unreasonable for completion in the timescale that we envisage”. He was inclined to choose a “Blix-approved version if (if) we can bring the US along”.
- No resolution with or without national benchmarks.

258. Sir Jeremy commented that the FCO would:

“... wish to consider the legal implications of each of these options. If we won an adopted resolution under [the second or third] options ... we would have to live with the (improbable?) consequences of Saddam meeting the requirements, even if the US was not in the same position.”

259. Sir Jeremy added:

“If we do not look like winning adoption, it might be easier to make our legal case if no resolution is put to the vote ... we could presumably still argue that 1441 had found Iraq to be in material breach and offered it a final opportunity; that it was now objectively clear on the basis of the Blix reports and other emerging evidence, that Iraq had failed to take the final opportunity; and that therefore the authorisation in 678 [1990] was revived.

“To the objection that we should have tested the Council we would reply (a) that a Council decision was not needed under 1441 ... and (b) that putting the text to the vote would have been futile in the circumstances, in particular because of publicly stated French intransigence.

“If a resolution was put to the vote and defeated, or adopted with a majority of antagonistic EOVs [Explanations of Vote], it would seem harder (than it already

is) to assert plausibly that our intended action carried, in any sense, the implicit authorisation of the UN on the basis of the revival doctrine.”

260. Sir Jeremy suggested that “it was difficult to gauge, with all the fluid dynamic of current telephone calls, where anyone might be on a new proposal”. The “middle ground [countries]” were “constantly cross-checking with each other”. His “best judgement” was that it would be worth trying the second and third options during informal discussions the following afternoon. Avoiding providing the US “with a new basis for the use of force” was a “major criterion for most members of the Council, and he would need to make clear that the options proposed did not do that. If that revealed opposition which could not be overcome, that would leave the fourth option “leaving our benchmarks out there if this has better political resonance”.

261. The open debate on Iraq in the Security Council on 11 and 12 March is addressed later in this Section.

262. By the end of 11 March, it was clear that Mr Blair’s efforts to persuade President Bush to extend the deadline for military action, while he tried to secure support from other members of the Security Council for a second resolution determining that Iraq had failed to take the final opportunity offered by resolution 1441, had almost reached the end of the road.

263. There were also concerns that if a majority in the Council supported the resolution, France, Russia and China might all exercise their veto.

264. Mr Campbell wrote that on 11 March there was a “Growing sense of crisis”, and that:

“We desperately need some change in the diplomatic weather. The best thing may in the end be to go in without a vote because of the timings, and that once troops are in there the mood changes. But short of that, which was risky enough, it was hard to see how the dynamic changed.”⁸⁷

265. Mr Cook wrote that on 11 March he had asked Mr Powell to press on Mr Blair his view that, without a second resolution, Mr Blair could not have military action.⁸⁸ If Mr Blair went “to the House with no UN resolution he may well be defeated if he persists in going to war”.

⁸⁷ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

⁸⁸ Cook R. *The Point of Departure*. Simon & Schuster UK Ltd, 2003.

266. Mr Cook also wrote that Mr Straw had been “genuinely worried” when they had discussed possible dates for the debate on Iraq. When asked if Mr Blair understood that he could not go for military action without a second resolution, Mr Straw had replied:

“Tony is just focused on getting a second resolution. He is not thinking about what we do if it fails.”

267. Mr Campbell also recorded that Mr Blair had taken a telephone call on 11 March from Mr Rupert Murdoch “who was pressing on timings, saying how News International would support us, etc”.⁸⁹ Mr Campbell and Mr Powell “felt it was prompted by Washington, and another example of their over-crude diplomacy. Murdoch was pushing all the Republican buttons, how the longer we waited, the harder it got.”

268. The Government has been unable to find any records in the No.10 files of conversations between Mr Blair and Mr Rupert Murdoch, Chairman and CEO of News Corporation, Mr James Murdoch, Director/CEO BSkyB, or Lord Black of Crossharbour (Chairman of The Daily Telegraph) in early 2003.⁹⁰

Events of 12 March 2003

MR STRAW’S MEETING WITH MR BLAIR

269. When he discussed the options with Mr Straw early on 12 March, Mr Blair decided that the UK would continue to support the US.

270. Mr Straw agreed.

271. In response to a question about consideration of alternative options on the eve of conflict, Mr Straw initially told the Inquiry that he had:

“... submitted formal minutes to him [Mr Blair]. This was far too serious to make suggestions to him. So I thought about this a very great deal. I talked to my officials and advisers in the Foreign Office and the agencies about this. I prepared a paper for Mr Blair. I talked to him about it.”⁹¹

272. The Inquiry was told by a witness it agreed not to identify that, in a meeting on 12 March, with officials from No.10 present, Mr Straw had advised Mr Blair that he had “the final opportunity to decide on a different track”.⁹² Mr Straw had suggested to Mr Blair that he had a “way out and why don’t you take it”. The witness had been “struck” by “the speed” and the “absolute insistence” of Mr Blair’s response: “he had got his arguments all marshalled and all laid out”. The witness did not think there was a risk of Mr Straw resigning.

⁸⁹ Blair T. *A Journey*. Hutchinson, 2010.

⁹⁰ Minute Cabinet Office [junior official] to Iraq Inquiry, 13 October 2014, ‘Records of Conversations between Mr Blair and Mr Rupert Murdoch; and Mr Blair and Mr Conrad Black’.

⁹¹ Public hearing, 21 January 2010, page 105.

⁹² Evidence given to the Inquiry on condition of anonymity.

273. Officials in No.10 “decided, after careful consideration, that the meeting should not be recorded because it didn’t change anything ... it was a very personal meeting and a very personal discussion and that in operational terms ... the track ... was unchanged”.⁹³

274. Asked specifically in the light of that evidence if he had discussed whether Mr Blair should go ahead with committing British troops to military action when the second resolution failed, Mr Straw told the Inquiry that his minute of 11 March “set out for Mr Blair the different routes open to him in the event of us not getting the second UNSCR and my judgements on those various courses of action”.⁹⁴ In the meeting on 12 March, he had “made clear” to Mr Blair that he “had options other than committing to the invasion, and that these were still open to him, should he want to take them”.

275. The Inquiry asked Mr Blair if Mr Straw or any of his Cabinet colleagues had tried to dissuade Mr Blair from taking military action in Iraq, and, if so, when.⁹⁵

276. In his statement Mr Blair wrote:

“It was clear following 1441 that if Saddam did not comply fully and unconditionally, military action was likely. No-one tried to persuade me not to take this course, other than those who publicly and openly declared themselves, like Robin Cook and certain ministers, who later resigned over the absence of a second resolution.

“It is correct that Jack, shortly before we were due to go in, warned me of the political perils of doing so. I was well aware of them. But for me the issue was straightforward: we had got the US to go down the UN route and give Saddam a final chance; he had not taken it; such co-operation as there was, was under the duress of military action; if we backed away now, it would have disastrous consequences for a tough stance on WMD and its proliferation; and for our strategic relationship with the US, our key ally.”⁹⁶

277. Asked whether his position was one of advocating to Mr Blair that he should not commit British troops to military action, Mr Straw told the Inquiry that was “probably putting it too strongly”.⁹⁷

278. Mr Straw added that he:

- had “never wanted to give the false impression that when it came to it over the weekend [of 15 to 16 March] and then the decision on 17 [March] my position was anything [other] than thoroughly to endorse the decision we did come to, which was in favour of military action”;

⁹³ Evidence given to the Inquiry on condition of anonymity.

⁹⁴ Statement, 19 January 2011, page 17.

⁹⁵ Inquiry request for a witness statement, 13 December 2010, Qs11a and 11b, page 7.

⁹⁶ Statement, 14 January 2011, page 16.

⁹⁷ Public hearing, 2 February 2011, page 105.

- was certainly aware by 12 March that there was a “clear prospect” [of military action] and he did not “think anybody was keen on military action”;
- was “anxious that we should explore all possible alternatives”; and
- “owed” Mr Blair the “best and most robust advice I could give him”.

279. Mr Straw confirmed that the anonymous witness had given “a fair summary” of both his and Mr Blair’s positions.

280. Mr Straw also stated:

“The interesting thing ... was that from an early stage it was the Chief of the Defence Staff who had argued very strongly that if we were going to get involved in the military action, the Army had to be there, because they would be unhappy and cross if they weren’t. I don’t trivialise the way it was put across ... So we could have provided facilitation and then go[ne] in afterwards ... which would not have meant standing down the troops we had in theatre and it was essentially what the Spanish and the Italians did.”⁹⁸

281. Section 6.1 concludes that none of the key decision-takers regarded the question of whether the Army would be unhappy if it did not participate in combat operations as a decisive factor in the decision on 31 October 2002 to offer ground forces to the US for planning purposes.

282. Describing the circumstances in which he had sent the minute of 11 March, Mr Straw wrote in his memoir, that, after his speech in the Security Council on 7 March, he had been:

“... convinced that unless there was a last-minute change of attitude by Saddam, for which I hoped and prayed, war was inevitable. Whether the UK would be part of the invasion was still unclear though ... it was still far from certain that we could win a vote on war in the Commons.”⁹⁹

283. Mr Campbell recorded the concerns about the US approach which were discussed in the meeting.

284. Describing the discussion with Mr Straw in the edition of his diaries published in 2012, Mr Campbell wrote that he and Mr Powell had concluded that Mr Rumsfeld’s comments and the telephone call from Mr Murdoch on 11 March had “effectively been a pincer movement”. The former had “forced” the UK “to come out strong” in support of the US in the event of military action.¹⁰⁰

⁹⁸ Public hearing, 2 February 2011, pages 105-106.

⁹⁹ Straw J. *Last Man Standing: Memoirs of a Political Survivor*. Macmillan, 2012.

¹⁰⁰ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

285. Mr Campbell added that:

- Mr Straw had said “we were victims of hopeless bullying and arrogant diplomacy” and that the UK “was being driven by the US political strategy”.
- Sir David Manning also thought the actions had been “a rather crude attempt to shaft us” and had “felt we should say to the Americans they could only use our troops after the first effort and also on humanitarian duties”.
- Mr Blair “did not want to go down that route, no matter how much he agreed the Americans were not being helpful”.

286. In his daily conference call with the White House, Mr Campbell told the US that it should not comment on UK politics and, in a later call he told Mr Dan Bartlett, President Bush’s Communications Director, that the US was doing real damage.

PRIME MINISTER’S QUESTIONS, 12 MARCH 2003

287. In Prime Minister’s Questions (PMQs) on 12 March, Mr Blair focused on efforts to secure a second resolution and the importance for the UN of being seen to act in response to Saddam Hussein’s failure to co-operate as required by resolution 1441 and of achieving unity in the international community.

288. In a clear reference to President Chirac’s statement on 10 March but without naming France, Mr Blair drew attention to the difficulties created by countries saying that they would veto a resolution “whatever the circumstances”.

289. Mr Blair also stated that:

- the UK would not do anything which did not have a proper legal basis; and
- it was the Government’s intention to seek a vote on a second resolution “in a way that most upholds the authority of the UN”.

290. Mr Rycroft sent an urgent email to Mr Powell, Sir David Manning and other No.10 officials at 11.48am, informing them that the French Ambassador to the UK (Mr Gérard Errera) had called “on the instructions of the Elysée”.¹⁰¹

291. Mr Rycroft reported that Mr Errera had told him that President Chirac’s comment about a veto:

“... needed to be read in the context of what had been said immediately before about two hypotheses – either our resolution gets nine votes or it doesn’t. In other words, the Ambassador claims that it is not the case that he [President Chirac] said that he would vote no against any resolution.”

292. Most of the questions raised during PMQs on 12 March related to Iraq.¹⁰²

¹⁰¹ Email Rycroft to No.10 officials, 12 March 2003, ‘French veto – urgent’.

¹⁰² House of Commons, *Official Report*, 12 March 2003, columns 280-290.

293. In relation to the policy the questions included:

- Mr Peter Bradley (Labour) asked Mr Blair which was the lesser evil, allowing more time for disarmament or dividing the international community “particularly in view of the French President’s commitment to exercise his veto”. He also asked for an assurance that he would resist US pressure while there was a prospect of rebuilding the international coalition under the authority of the UN.
- Mr Iain Duncan Smith, Leader of the Opposition, asked whether there would be a vote in the UN and whether the US would go to war without the UK if there was no second resolution.
- Mr Barry Sheerman (Labour) asked Mr Blair to use all his efforts to tell President Bush that we needed another UN resolution and that there was “no need for an unseemly haste to war”.

294. The points made by Mr Blair included:

- He was doing “everything” he could “to make sure that the international community stays united and that we achieve a second resolution”.
- Although he had not complied for “many months”, there was still time for Saddam Hussein to avert conflict.
- The “worst thing that could happen” was for Saddam Hussein to defy the clearly expressed will of the UN and for no action to follow.
- It was the Government’s intention to seek a UN vote on a second resolution “in a way that most upholds the authority of the UN”.
- The UK “should not take military action unless it is in our interests to do so. It is the British national interest that must be upheld at all times.”
- In working “flat out” for a second resolution, Mr Blair said the UK was “looking at whether we can set out a clear set of tests for Iraq ... to demonstrate that it is still in compliance – not partial compliance ...”
- “... not one Iraqi scientist has been interviewed outside Iraq”.
- “Iraq should produce the unmanned aerial vehicles, which can spray chemical and biological poison ...”
- “If we set out those conditions clearly, and back them with a will of a united UN, we have a chance even now of averting conflict. What we must show, however, is the determination to act if Saddam will not comply fully.”
- Military action had been “delayed precisely in order to bring the international community back round the position ... set out in 1441”.
- The “heart of the agreement” of the US “to take the multilateral path of the United Nations” was that the “other partners inside the United Nations agreed that, if Saddam did not fully comply and was in material breach, serious consequences and actions would follow”.
- It would “be a tragedy for the UN” if it failed “to meet the challenge”.

- Everyone accepted that Saddam Hussein was not co-operating fully with the United Nations: “[N]ot a single person ... in Europe; not a single person in the rest of the world – believes that he is co-operating either fully or unconditionally, and certainly not immediately.”

295. Mr Charles Kennedy, Leader of the Liberal Democrats, asked if the Attorney General had advised that a war in Iraq would be legal in the absence of a second resolution authorising force; Mr Richard Shepherd (Conservative) asked why a UN resolution was required; and Mr John Randall (Conservative) asked if Mr Blair would publish the legal advice.

296. In response, the points made by Mr Blair included:

- As he had “said on many occasions ... we ... would not do anything that did not have a proper legal basis”.
- Resolution 1441 provided the legal basis and the second resolution was “highly desirable to demonstrate the will of the international community”.
- It was not the convention to publish legal advice but it was “the convention to state clearly that we have a legal base for whatever action we take, and ... we must have such a base”.

297. In response to a question from Mr Kennedy about whether Mr Annan had said that action without a second resolution would breach the UN Charter, Mr Blair stated that Mr Annan had said that it was “important that the UN comes together”. Mr Blair added that it was:

“... complicated to get that agreement ... when one nation is saying that whatever the circumstances it will veto a resolution.”

298. Mr Alan Howarth (Conservative) asked whether Mr Blair agreed that:

- divisions in the international community only gave “comfort and opportunity to Saddam Hussein”;
- that “a deadline receding into the summer haze was not a serious interpretation of ‘serious consequences’” as the Security Council had unanimously agreed in November 2002; and
- given Saddam Hussein’s motive and capacity to equip terrorists with chemical and biological weapons, there was an urgent necessity to disarm him whether there was a second resolution or not.

299. Mr Blair replied that Mr Howarth had set out “precisely why we need to take action”. Leaving troops in the region “for months on an indefinite time scale, without insisting that Saddam disarms, would send not only a message of weakness ... to Saddam, but a message of weakness throughout the world”.

300. Mr Blair added:

“I hope that even now those countries that are saying they would use their veto no matter what the circumstances will reconsider and realise that by doing so they put at risk not just the disarmament of Saddam, but the unity of the United Nations.”

301. Mr Duncan Smith also asked, in the light of Ms Short’s comments on 9 March, whether the doctrine of Cabinet responsibility applied to the option of committing British forces without a second resolution. Mr Blair replied: “Yes of course it does.”

302. In response to a question from Mr Elfyn Llwyd (Plaid Cymru), about whether the House of Commons would have a vote on whether to commit troops, Mr Blair replied that it was:

“... subject to the security and safety of our troops ... it is right that this House has a say on this issue. People will then be able to see the stand that we take, and people will then have to make up their minds as to the stand that they take.”

303. In response to a question from Mr James Gray (Conservative) asking if Mr Blair felt he needed the support of the Parliamentary Labour Party, the House of Commons and the country as a whole, as well as the majority support he commanded in Cabinet, before committing the UK to war, Mr Blair replied that as well as a vote in the House of Commons it was:

“... important that I set out, as Prime Minister, what I believe to be right in this country’s national interest. I have tried to do that over the past few months ...”

SIR JEREMY GREENSTOCK’S PROPOSAL TO REVISE THE DRAFT RESOLUTION OF 7 MARCH

304. Sir Jeremy Greenstock suggested early on the afternoon of 12 March that in the Security Council that day the UK should:

- table a revised draft resolution explaining that the UK was “setting aside the ultimatum concept” in operative paragraph 3 of the draft of 7 March “because it had not attracted Council support”;
- distribute the side statement with tests for Saddam Hussein, “explaining that the text was a national position to which the UK wanted as many Council Members as possible to adhere to maintain the pressure on Saddam”; and
- state that the 17 March date was “being reviewed”.¹⁰³

305. Sir Jeremy favoured using the open debate in the Security Council later that day to explain the UK move, adding: “At no point will I signal, in public or in private, that there is any UK fallback from putting this new text to a vote within 24-36 hours.”

¹⁰³ Telegram 419 UKMIS New York to FCO London, 12 March 2003, ‘Iraq: Second Resolution’.

306. Sir Jeremy reported that he had explained the gist of the plan to Ambassador Negroponte who was briefing Secretary Powell for a conversation with President Bush.

SIR JEREMY GREENSTOCK'S MEETING WITH MR ANNAN

307. Sir Jeremy reported that Mr Annan had asked how it could be right, when the Council had not yet reached a decision to authorise force, for some Member States to take the right to use force into their own hands.

308. At Mr Annan's request, Sir Jeremy Greenstock called on him on 12 March.¹⁰⁴

309. Mr Annan was reported to have told Sir Jeremy that he had an idea from his telephone calls with Mr Blair about the UK efforts to unite the Security Council around compromise text (for a resolution), but how would France and Russia react? Sir Jeremy explained the UK concept of a side statement and tests which Saddam Hussein could meet "within the tight deadline we would offer (ideally 10 days)" if he "was serious about disarming". Council members "should be able to agree the concept we were offering as a way out of the current impasse".

310. Sir Jeremy reported that he had stressed that the UK's objective "was the disarmament of Iraq by peaceful means if possible". The "aim was to keep a united Security Council at the centre of attempts to disarm Iraq", but calls for "grace period for Iraq" of 45 days or longer were "out of the question". The UK would not amend the draft resolution tabled on 7 March:

"... until it was clear that the new concept had a chance of succeeding. If the Council was interested, we might be able to move forward in the next day or so; if not, we would be back on the 7 March text and my instructions were to take a vote soon."

311. Sir Jeremy and Mr Annan had also discussed press reporting, on 11 March, of Mr Annan's comments, "to the effect that military action without a Council authorisation would violate the UN Charter". Mr Annan said that he had been:

"... misquoted: he had not been attempting an interpretation of 1441 but merely offering, in answer to a specific question, obvious thoughts about the basic structure of the Charter. Nevertheless the Council was seized of the Iraq problem and working actively on it. It had not yet reached a decision to authorise force; how ... could it be right for some Member States to take the right to use force into their own hands?"

312. Sir Jeremy reported that he had "remonstrated that the Council was in paralysis: at least one Permanent Member had threatened to veto 'in any circumstances'. The Council was not shouldering its responsibilities."

¹⁰⁴ Telegram 427 UKMIS New York to FCO London, 13 March 2003, 'Iraq: Call on the Secretary-General, 12 March'.

313. Mr Annan “had agreed ruefully”, but asked what the UK would do if we failed to get even nine votes. Sir Jeremy said:

“... we would have to consider the next steps; but we believed we had a basis for the use of force in existing resolutions (based on the revival of the 678 authorisation by the material breach finding in OP1 of 1441, coupled with Iraq’s manifest failure to take the final opportunity offered to it in that resolution) ... OP12 ... did not in terms require another decision. This was not an accidental oversight: it had been the basis of the compromise that led to the adoption of the resolution.”

314. Sir Jeremy reported that he had “urged” Mr Annan “to be cautious about allowing his name to be associated too closely with one legal view of a complicated and difficult issue”.

315. At Mr Annan’s suggestion, Sir Jeremy subsequently gave the UN Office of Legal Affairs a copy of Professor Christopher Greenwood’s (Professor of International Law, London School of Economics) memorandum to the Foreign Affairs Committee (FAC) of October 2002 and Mr Straw’s evidence to the FAC on 4 March 2003.

316. Sir Jeremy concluded that Mr Annan had said “several times” that he “understood” what Mr Straw and Mr Blair “were trying to do, and expressed sympathy for the tough situation you found yourselves in”. Mr Aznar was “in a similar predicament”. The “US did not always realise how comments intended by US politicians for US domestic audiences seriously damaged the position of their friends in other countries”.

317. Sir Jeremy also reported that, in a conversation with President Chirac on 12 March, Mr Annan had “found him ‘tough but not closed’ to possible compromises”.

MR STRAW'S CONVERSATION WITH MR IGOR IVANOV

318. Mr Straw informed Mr Igor Ivanov, the Russian Foreign Minister, that the UK was about to table a revised resolution, omitting the paragraph from the 7 March draft which contained the deadline of 17 March for Iraq to demonstrate that it had taken the final opportunity offered in resolution 1441 to comply with its obligations.

319. Mr Straw telephoned Mr Ivanov to inform him that Sir Jeremy Greenstock was about to table a “much lighter draft second resolution”, which omitted the third operative paragraph from the draft of 7 March.¹⁰⁵ Mr Straw explained that the UK “did not want the last act of the UN on Iraq to be a deeply divided one”; the “imperatives” in resolution 1441 had not been met; and that neither Mr Blair nor Mr Straw “wanted military action, nor did Powell or Bush”. The US and the UN inspectors had “agreed” the tests the UK would propose in a side statement. The format of the tests would be for the UN to decide.

¹⁰⁵ Telegram 46 FCO London to Moscow, 12 March 2003, ‘Iraq: Foreign Secretary’s Conversation with Russian Foreign Minister, 12 March’.

320. Mr Ivanov agreed to analyse the proposals and respond.

MR BLAIR'S CONVERSATION WITH PRESIDENT BUSH, 12 MARCH 2003

321. Mr Blair decided not to seek to extend the deadline of 17 March. In a telephone call with President Bush on 12 March, he proposed only that the US and UK should continue to seek a compromise in the UN, while confirming that he knew it would not happen. He would say publicly that France had prevented a resolution.

322. Mr Blair sought President Bush's help in handling the debate in the House of Commons planned for Tuesday 18 March, where he would face a major challenge to win a vote supporting military action.

323. Mr Blair wanted:

- to avoid a gap between the end of the negotiating process and the Parliamentary vote in which France or another member of the Security Council might table a resolution that attracted support from the majority of the Council; and
- US statements on the publication of a Road Map on the MEPP and the need for a further resolution on a post-conflict Iraq.

324. On the afternoon of 12 March, Mr Blair and President Bush discussed the latest position and the difficulties with Chile and Mexico.¹⁰⁶

325. In preparation for the call, Mr Rycroft advised Mr Blair that he needed "to decide if you want to ask for the further week".¹⁰⁷ If he did, Mr Blair could "make the case for trying over the next 24 hours to secure a UN resolution based on the Blix agreed tests with the revised deadline of 24 March (or whatever he [President Bush] accepts)".

326. If Mr Blair decided not to make the case for more time or it was rejected by President Bush, Mr Rycroft advised Mr Blair to set out a "fallback":

- He had "not given up hope of trying to secure a second resolution" and he knew that President Bush "wanted to get out of the UN morass", but he needed "a further 24 hours" to see if he could "get the Chileans to put forward a serious proposal".
- It was "important" that the US did not "publicly lose interest in the UN route" because of concerns that an alternative resolution with a "long, e.g. 45-day, time-line" could be put forward which "could attract 11 votes".

¹⁰⁶ Letter Rycroft to McDonald, 12 March 2003, 'Iraq: Prime Minister's Telephone Conversation with President Bush, 12 March'.

¹⁰⁷ Minute Rycroft to Prime Minister, 12 March 2003, 'Bush Call'.

- He had publicly set out the “Blix-agreed tests” and “also argued that because of President Chirac’s threat of a veto in any circumstances, it is difficult to see how the UN can uphold 1441”.
- He planned to put the issue to a vote in Parliament.

327. Mr Rycroft suggested that Mr Blair should ask President Bush for help to win the vote in Parliament by stating publicly that he would publish the Road Map for the Middle East and make a commitment to further UN resolutions, establishing a UN role in reconstruction and humanitarian issues and in running the Oil-for-Food programme post-conflict.

328. In the discussion with President Bush, Mr Blair argued that the US and UK should continue to seek a compromise in the UN and show that they were reasonable by setting out the tests, but he knew it would not happen.¹⁰⁸ Mr Blair would say publicly that the French had prevented them from securing a resolution, so there would not be one.

329. Mr Blair and President Bush discussed continuing the diplomatic route until Sunday, 16 March and then closing it down.

330. Mr Blair said he wanted to avoid a gap between the end of the negotiating process and the House of Commons vote planned for the following week; and to minimise the risk of an unhelpful French initiative. He would “have to pull out all the stops to win the vote”.

331. Mr Blair and President Bush also discussed:

- a US ultimatum to Saddam to leave;
- the military timetable;
- the need for a communications strategy with an initiative each day before the start of military action;
- the need for initiatives on the Road Map; and
- a US statement on the need for a further UN resolution on post-conflict Iraq.

332. Sir David Manning would pursue the details with Dr Rice.

333. Mr Campbell wrote in his diaries:

“Bush said his people had watched TB at PMQs and said he was brilliant. TB said he had spoken to Lagos and the Chileans ... Bush said Fox had told him he would get back to him within an hour and then went off to hospital ... TB laid it on the line that we had to have a vote in the Commons. He said we couldn’t pull the plug on UN negotiating because the bigger the gap between the end of the negotiation and the Commons motion, the worse it was for us. We had to keep trying.

¹⁰⁸ Letter Rycroft to McDonald, 12 March 2003, ‘Iraq: Prime Minister’s Telephone Conversation with President Bush, 12 March’.

“Bush said when do you anticipate a vote? TB said we had pencilled in next Tuesday. Bush: ‘Erm.’ Long pause. TB: ‘You want to go on Monday?’ Correct. TB: ‘My military have given me formal advice re the full moon.’ It’s not a problem, said Bush ... TB said he would have to check it out. There was a clear tension between Bush wanting sooner and TB wanting later.

“Bush was clear that the French position meant no UNSCR. But we were still trying to be reasonable. He felt that on withdrawal of the resolution he would give a speech saying the diplomatic phase is over, issue a 48-hour ultimatum to Saddam, say late Friday, which takes us to Sunday.

“TB went over the politics here, how we were pulling out every stop. TB said the Tories would see this as their chance to get rid of him, support us on a war motion, but not a confidence motion.

“Bush said they would make it clear to the Tories that if they moved to get rid of TB ‘we will get rid of them’...

“The French had definitely allowed themselves to be presented as the unreasonable ones, which was probably swinging opinion our way a bit, but it was still very difficult. TB said it was important we still showed we were trying to be reasonable. But he said if Bush could delay his broadcast till after our Commons vote, it would help. Sunday, say you’ve tried, the French are being impossible, we are working the phones. Monday, we take it to Parliament and say we must bring this to a conclusion. Vote Tuesday. Forty-eight hours you go to their people and say war. The best argument we had is that we don’t want our foreign policy decided by the French, though TB was clear again that Rumsfeld’s comments had given us a problem.

“He [Mr Blair] then started to press on the Middle East and said if Bush would commit to publishing the Road Map, that would be a big breakthrough. We needed a fresh UNSCR on the humanitarian situation post-conflict. Nobody doubts us on the tough side of things, but it’s Middle East, humanitarian, democracy in Iraq, that people want to hear about.

“TB spelled out the symbolism in the Road Map. Bush didn’t quite get it but he was willing to do it ... But TB really pressed on him and he got it in the end. Bush said that we had to watch out for the French, that they would be worried they had got themselves into a ridiculous position.”¹⁰⁹

334. Sir David Manning and Mr Campbell discussed the next steps and news management with their counterparts in the White House.

¹⁰⁹ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

335. A meeting on 15 March was proposed before the UK withdrew the draft resolution on 17 March. The US would issue a 48-hour ultimatum to Saddam Hussein to leave.

336. After the conversation between President Bush and Mr Blair, Mr Campbell and Sir David Manning each spoke to the White House.

337. Reporting his conversation with Mr Bartlett, Mr Campbell advised that the US would need to respond quickly with a “we’re going in” message once it was clear that the UN process had collapsed.¹¹⁰ Given the potential impact on opinion in the Parliamentary Labour Party, Mr Campbell asked that the UK should be consulted about the US message.

338. Mr Campbell also reported a suggestion for a meeting on neutral territory on Saturday (15 March) to “show continued efforts on the diplomatic front, and tactically, to forestall any French ruse. The plan would be to indicate continued strategising around the draft UNSCR.” That would “fill the void” and “would mean that any UN talks collapse would be delayed to Monday”.

339. Mr Campbell’s view was that the perception that Mr Blair and President Bush were “making a ‘last push for peace’ was fine; ‘Council of War’ was less so”. He feared it would be seen as the latter. Dr Rice would discuss the idea with Sir David Manning. Ending the process on 14 March, with a debate in the House of Commons on 15 March, was also a possibility.

340. Sir David Manning told Dr Rice that publishing the Road Map that weekend was “critical” for the UK; “it had huge symbolic significance in the Middle East” and in the UK.¹¹¹ “It might be worth 50 votes to the Government” which “could make all the difference” in the Parliamentary debate.

341. Sir David and Dr Rice discussed the UK intention to withdraw its draft resolution on Monday, 17 March; “news management would be critical in the next four or five days”.

342. Sir David told Dr Rice that:

“... we could fill a lot of column inches in the next 36 hours with the activity at the UN. Jeremy Greenstock would be making great play today with our six tests ... This should get us through today, and with any luck comment and follow-up would carry us through tomorrow. Friday might be a short day at the UN anyway. But it would be good to publish the Road Map then.”

343. The US proposed a meeting. Sir David and Dr Rice also discussed the timings of a US ultimatum to Saddam Hussein to leave, the UK Parliamentary debate and the beginning of military action.

¹¹⁰ Minute Campbell to Manning, 12 March 2003, ‘Re Dan Bartlett Call’.

¹¹¹ Letter Manning to McDonald, 12 March 2003, ‘Iraq: Conversation with Condi Rice’.

344. The record of the discussion was sent to Mr Straw's and Mr Hoon's Private Secretaries.

US CONCERNS ABOUT UK DIPLOMATIC ACTIVITY

345. Secretary Powell subsequently contacted Mr Straw to express concerns about the UK's activity in New York.

346. Mr Straw told Sir Jeremy Greenstock not to table the UK's revised draft resolution, only a "non-paper" setting out "six tests".

347. After Mr Blair's conversation with President Bush, Mr Straw spoke three times to Secretary Powell.

348. In their first conversation at 4.30pm, Secretary Powell asked for clarification of Sir Jeremy Greenstock's instructions in the light of his activity on a new resolution. Mr Straw explained that Secretary Rumsfeld's intervention had "complicated matters" in the UK:

"We now had to go even further to show we were pursuing an alternative to automatic war. Greenstock's instructions came from himself and the Prime Minister. He had already spoken to Ivanov and Alvear [Mrs Soledad Alvear, the Chilean Foreign Minister] about the new draft."¹¹²

349. Following further discussion about the US position that the UN route was exhausted and their concerns about the UK activity in the UN, Mr Straw told Secretary Powell that "nonetheless it was important to go through the motions". The chance of success was "one per cent" but "if Jeremy succeeded we would have to go for it". Mr Straw added: "But there was a ninety nine per cent chance that this would simply be for PR."

350. The letter reporting the conversation was sent to Sir David Manning and copied to Sir Jeremy Greenstock, Mr Brenton, Sir Michael Jay, FCO Permanent Under Secretary (PUS), and Mr Ricketts.

351. The Government has been unable to find any record of the second conversation.¹¹³

352. In a third conversation at 6pm, Secretary Powell reiterated concern about Sir Jeremy Greenstock's activity at the UN and the risks if people thought a real effort was under way which was then brought to an abrupt end on 17 March.¹¹⁴

¹¹² Letter McDonald to Manning, 12 March 2003, 'Foreign Secretary's Conversation with US Secretary of State 12 March'.

¹¹³ Minute Cabinet Office to Iraq Inquiry, 14 March 2014, 'Declassification: 3.6B-MA-4'.

¹¹⁴ Letter McDonald to Manning, 12 March 2003, 'Foreign Secretary's Conversation with US Secretary of State 12 March'.

353. Mr Straw reassured Secretary Powell that, since their first conversation, Mr Simon McDonald, his Principal Private Secretary, had spoken to Sir Jeremy “to ask him to push but not too hard”. In the light of Secretary Powell’s continuing concern, Mr Straw “repeated that there was only a one percent chance of success but it gave us room to make the case here”.

354. Separately, Mr Straw spoke to Sir Jeremy Greenstock, who was with Ambassador Negroponte, to ask him “not formally to introduce anything this afternoon but to say that we were consulting about the six tests which had already been made public”.

355. Mr Brenton reported that the US Administration’s “impatience” was “growing over the delay at the UN”, and that:

- “However much they want to help us obtain UN backing, they are equally determined to get on with the job of tackling Saddam. Minds are increasingly moving in the direction of abandoning the diplomatic pursuit of the ‘undecided six’, and focusing instead on firming up a coalition of the willing.”
- The latest opinion polls showed “increased impatience with the UN process, with some 55 percent ... prepared to support a war without a new UNSCR. Chirac in particular is seen as the villain of the piece for threatening an unreasonable veto under all circumstances.”
- A White House spokesman had told the daily press conference that President Bush “was confident that the UK would be with the US in the endeavour to disarm Saddam from a military point of view”.¹¹⁵

356. Mr Brenton had been told by senior US officials that President Bush would have washed his hands of the Security Council long ago, but he was determined that, whatever, “within reason”, Mr Blair needed, he should get. That included the possibility of UN discussions continuing into the following week if necessary. It did not, however, extend to movement on the operational timetable. He had been advised that there was no US willingness to shift the dates to assist a process which seemed to be going nowhere.

SECURITY COUNCIL OPEN DEBATE, 11 AND 12 MARCH 2003

357. At the request of Malaysia, representing the Non-Aligned Movement (NAM), the Security Council held an open debate on the “situation between Iraq and Kuwait” on 11 and 12 March.¹¹⁶ More than 50 speakers contributed to the debate, but no member of the Council spoke.

¹¹⁵ Telegram 328 Washington to FCO London, 12 March 2003, ‘US/Iraq’.

¹¹⁶ UN Security Council, ‘4717th Meeting Tuesday 11 March 2003’ (S/PV.4717).

358. Mr Mohamed Aldouri, Iraqi Permanent Representative to the UN, who spoke at the beginning and end of the debate, stated that:

- The US and UK had propagated “falsehoods and untrue allegations” about “Iraq’s compliance and implementation of the relevant Security Council resolutions”.
- Ninety-five percent of the disarmament tasks had been completed between 1991 and 1994.
- Dr Blix had reported on 7 March that Iraq was “proactively co-operating”.
- There were “no obstacles” to inspections, which were “serious, effective and immediate”.
- Iraq had recently unilaterally declared its missile programme and was destroying the Al Samoud 2 missiles which UNMOVIC had deemed to be proscribed.
- None of the “allegations” presented to the Council by Secretary Powell on 5 February had “proved to be true”.
- The most recent “intelligence report produced by the UK” (the No.10 dossier ‘Iraq – Its Infrastructure of Concealment, Deception and Intimidation’ – see Section 4.3), contained previously published information.
- It was important for Iraq to view the “clusters” document presented on 7 March “in order to implement” the main tasks required “as soon as possible and to study such questions and answer them”.
- Recent allegations about RPVs were unfounded. They were small experimental aircraft which had been examined by the inspectors.

359. In both his opening and closing statements, Mr Aldouri stated that Iraq had “taken the strategic decision” to rid itself of weapons of mass destruction. In his concluding statement, he warned that war would bring “incalculable catastrophe”, and asked for time to provide what evidence Iraq could to the international community to prove it had no weapons of mass destruction. He appealed to the Security Council not to “stand idly by” in the face of the “clear, present and serious” threat to Iraq.

360. A number of states supported the draft resolution tabled by the US, UK and Spain, giving Iraq a deadline, including Kuwait, Australia and Japan. The majority, however, argued that inspections should be given more time in an effort to avoid war.

PRESENTATION OF THE UK’S POSITION

361. UK diplomatic posts were informed that the UK was “working flat out for a second resolution”, and there was a possibility of a short extension of the deadline of 17 March.

362. On the evening of 12 March, Mr Edward Chaplin, FCO Director Middle East and North Africa, sent out a personal telegram to Heads of UK Missions, informing them that:

“All efforts from the Prime Minister downwards are focused on securing at least nine positive votes for a second SCR. To help the middle ground of the Council, we have amended our original draft [resolution] to include an ultimatum (currently 17 March, with a possibility of further softening) and are discussing some tests designed to show whether Iraq is prepared to make a strategic decision to comply fully with the Security Council’s demands.”¹¹⁷

363. The telegram summarised the tests and stated:

“The hope is that these objective tests, plus a short extension of the 17 March deadline, might deliver positive votes from Mexico and Chile. With their support, plus positive votes from Bulgaria (certain), the three Africans (reasonably secure), Pakistan (not so certain) we would have the nine positive votes required ...

“The threat of vetoes by France, Russia and perhaps even China is real. It remains to be seen if they will take this step if they are convinced that nine positive votes are in the bag. But Chirac has virtually committed himself to a veto in any circumstances, and the Russian line is firmly against any automatic recourse to force. The final denouement in New York will be before the end of the week ...”

364. The telegram stated that decisions on UK participation in military action would “depend on the outcome in New York and a debate and vote in the House of Commons, likely to be on 17 March”.

365. Heads of Mission were told that the telegram was for “background”; and that:

“... in any private conversation, even with trusted interlocutors, you should not speculate but rest for the moment on the fact that we are working flat out for a second resolution which reunites the Council and puts the pressure back where it belongs, on Iraq.”

366. Mr Chaplin added that if the resolution passed “and assuming the Iraqi regime fails the tests set for it (there is absolutely no sign of Saddam Hussein preparing a U-turn), we can assume military action would follow quickly after the expiry of the ultimatum”. If the resolution did not pass, the timetable was “much more uncertain”. The Americans would “not want to delay long”. Mr Straw had decided that the UK “would not want to get ahead of US travel advice” which would “squeeze the time available for UK citizens [in the region] who want to get out”.

367. Mr Chaplin commented that Heads of Mission had been receiving “plenty of guidance in the form of ministerial statements and reports from UKMIS New York on

¹¹⁷ Telegram 33 FCO London to Riyadh, 12 March 2003, ‘Personal for Heads of Mission: Iraq: The Endgame’.

the negotiations” on the second resolution, but they “might like a bit more of the flavour as we enter the end game”. Events were “moving pretty fast” and they should not be “surprised” if the guidance was “a little out of date by the time you read it”.

CONSULTATIONS ON UK PROPOSALS TO IDENTIFY KEY TESTS FOR IRAQ

368. As agreed by Mr Blair and Mr Straw, the UK’s draft tests were circulated in a meeting of Security Council members late on 12 March where they attracted a mixed response. It was recognised that the UK was making “a real effort” to find a way forward; but there was “no breakthrough”.

369. France, Germany and Russia focused on UNMOVIC’s identification of key disarmament tasks and a work programme, as required by resolution 1284 (1999).

370. Dr Blix said UNMOVIC would be seeking comments on its proposals on 14 March.

371. The UK circulated its draft side statement setting out the six tests to a meeting of Security Council members in New York on the evening of 12 March.¹¹⁸ The draft omitted an identified date for a deadline and included the addition of a final clause stating that:

“The United Kingdom reserves its position if Iraq fails to take the steps required of it.”

372. Sir Jeremy Greenstock told Council members that the UK “non-paper”, setting out six tasks to be achieved in a 10-day timeline, responded to an approach from the undecided six (U-6) looking for a way forward.¹¹⁹

373. Sir Jeremy said he had consulted Dr Blix and Dr Perricos, but the list was the responsibility of the UK, which was:

“... anxious to preserve the possibility of a peaceful solution and had been distressed by the failure of the Security Council to find a formula around which the Council could group without vetoes.

“I was asking all Council members without exception if this was an opportunity we could take. If there was traction we would be willing to consider dropping OP3 of our draft resolution. But if the Council did not see this as a way through, the co-sponsors would stick with the current draft and the package was null and void.

“There was a placeholder in the non-paper for a date – 17 March remained and I had no other date to offer. But clearly 17 March was approaching fast and was not consistent with a 10 day timeline for the tests if the idea was taken up. The discussion of dates would have to be set against the realities – there was no great scope for moving to the right.

¹¹⁸ Telegram 429 UKMIS New York to FCO London, 13 March 2003, ‘Iraq: UK Side-Statement’.

¹¹⁹ Telegram 428 UKMIS New York to FCO London, 13 March 2003, ‘Iraq: UK Circulates Side-Statement’.

“I suggested a further session the following day to get more considered reactions.”

374. Sir Jeremy reported that the points made by the representatives of the other Permanent Members of the Council were:

- Mr Sergei Lavrov, Russian Permanent Representative to the UN, said that “Russia had not changed its position: they could not accept automaticity or ultimata” and the “10-day deadline was too short”. He “questioned how the UK’s tasks” related to the “key remaining disarmament tasks and the work programme” required by resolution 1284 which would be issued the following week.
- Ambassador Negroponte “said it was clear the UK was going the extra mile to find a basis for an agreed approach. The proposal should be seriously considered especially if it strengthened the prospects for Council unity.”
- Mr Wang Yingfan, Chinese Permanent Representative to the UN, “felt confused”. Would the UK approach “wipe the slate – and material breach – clean for Iraq?” He “doubted the timeline was feasible”.
- Mr Jean-Marc de La Sablière, French Permanent Representative to the UN, “said France had always been interested in an approach based on benchmarks – but this had to be in the context of the work programme and key remaining tasks” required by resolution 1284. “Benchmarks also had to be completely separate from any ultimatum.” He “thought we could have disarmament in a limited time without inspections” but “the UK approach did not allow” Council unity to be preserved.

375. Points raised by the representatives of other members of the Council included:

- Mr Gunter Pleuger, German Permanent Representative to the UN, “pleaded for time to discuss the proposal in detail”, and asked about the status of the paper, what would be the purpose of the draft resolution without OP3 and whether it “made sense to set some tasks now when the 1284 key remaining tasks would be issued soon and subsume them”.
- Mr Aguilar Zinser, Mexican Permanent Representative to the UN, was “effusive” about the initiative. He said that the Council “would have to devote time to studying the proposal”. He questioned the “relationship with the 1284 tasks; the timeframe ... proposed; the role of UNMOVIC and IAEA in verifying compliance; whether the tests would be collectively assessed; the connection with the resolution; and whether the use of force would be conditioned”. He had been asked to set out his Government’s reservations. “They still did not see a way out of the difficulties in the Council nor elements allowing consensus and understanding. They still did not have a final position on the draft resolution.”
- Mr Mamady Traoré, Guinean Permanent Representative to the UN and President of the Council, was “happy” that the UK “had made this attempt to reach consensus”.

- Mr Mikhail Wehbe, Syrian Permanent Representative to the UN, said the UK's "non-paper made matters even worse as it included warnings over and above those in 1441 as well as multiple ultimata".
- Mr Stefan Tafrov, Bulgarian Permanent Representative to the UN, "felt this was a genuine effort at consensus that would need some time to digest".
- Mr Martin Belinga Eboutou, Cameroonian Permanent Representative to the UN, "thought this might open a path to bringing forward the different viewpoints".
- Mr Munir Akram, Pakistani Permanent Representative to the UN, asked "a host of questions" and said "he had always envisaged a 'credibility test' that would show peaceful disarmament was possible"; but Pakistan had seen that as the "first instalment and as deriving from the 1284 key tasks".
- Mr Ismael Gaspar Martins, Angolan Permanent Representative to the UN, "saw value in the paper and liked the idea of disarmament in instalments".
- Mr Juan Gabriel Valdés, Chilean Permanent Representative to the UN, "welcomed this effort addressing the concerns many had recently expressed". He would divulge his country's views the following day.
- Mr Arias said the approach "was a positive way of achieving consensus". He "supported the concept and content".

376. Dr Blix said UNMOVIC would be sending its draft of the key tasks required by resolution 1284 to the College of Commissioners that evening for comment by 14 March. The tasks would be ready the following week. It was for the Council to decide whether it agreed with the tasks selected.

377. Sir Jeremy reported that Dr Blix had:

"... said there had been recent discussion of how to continue exerting pressure, of which military pressure was the most important element. There was the concept of a "strategic decision" by Iraq ...

"He understood the UK was asking for a commitment from Iraq along with a down-payment. While they might not be formulated identically, all the questions raised by the UK figured in the key remaining disarmament tasks ... The statement by Saddam Hussein was none of UNMOVIC's business while interviews outside Iraq was an element of the work programme. Progress on missiles could be speeded up.

"How far Iraq would be able to do the rest, he did not know. UNMOVIC's judgement was that these tasks were doable. This was not possible in two days. As for 10 days, he did not think he could guarantee Iraq would do it but UNMOVIC would report on what had been done in the time set by the Council but not offering a judgement.

"As we reached the end of the period, there might be another batch of tests so to continue and renew the pressure on Iraq to deliver the fastest disarmament possible."

378. Sir Jeremy stated that the Council “had to be clear that the ship of the Security Council was heading for an iceberg”. The UK’s proposal:

“... was a repair job ... The whole point was to avoid military action. We could not go blindly on with 1284 without the crucial missing ingredient – Iraq’s full and willing co-operation.”

379. Addressing specific questions that had been raised, the points made by Sir Jeremy included:

- “The UK would take yes for an answer if the tests were completed in their totality. The tests were not impossible and would make it blindingly obvious if Iraq had taken a strategic decision to disarm ...”
- “[W]e might not have to vote as early as 14 March if there was traction ... If there was no traction we would likely vote on 14 March on the current text.”
- “The co-sponsors ... had agreed on the package and wanted to see the Council’s response.”
- “[T]he more people who joined us the more the judgement of compliance would be a collective one. We valued the judgement of the inspectors, but it was for the members who signed up to the statement ... to assess whether the tests had been satisfied. 1441 did not specify who would make the judgement on compliance – that was one of its ambiguities – but if the tests were collective, the UK had no problem with the judgement being collective”.
- “[W]ithout OP3 our resolution would not be an ultimatum ...”
- “[I]f there was traction on this idea, the UK would be committed to getting maximum time. But it was not possible at this stage to give a firm date and the flexibility for extra time was very limited ...”

380. France, Germany and Russia had all responded that the draft resolution, “even without OP3”, would still authorise force. Sir Jeremy replied that:

“... without OP3, the resolution would be a restatement of resolution 1441 ... There was no way out of the dilemma ... unless we delivered Iraqi co-operation. We were trying to offer a means of doing that. We had to rally, not to camp on national positions.”

381. Sir Jeremy commented that the initiative had resulted in:

- genuine expressions of warmth from the U-6 for taking them seriously;
- recognition that the UK had made a real effort to find a way through for the Council;
- discomfiture of the negative forces, who sounded plaintive and inflexible in their questioning;
- reasonable support from Blix, who did more than not disown us (though he could have been more helpful on the timeline); and

- finally, a bit of time. I can keep this going at least until the weekend.”

But:

- the UK had not achieved “any kind of breakthrough. The French, Germans and Russians will undoubtedly home in on the preambular section of the draft resolution and on the whiff of ultimatum in the side statement”; and
- there were “serious questions about the available time”, which the US would “not help us to satisfy”.

382. Sir Jeremy concluded that informal consultations would resume the following afternoon. He did “not think he needed detailed instructions if we continue down this track for a further day or two, but grateful for comments and telling arguments on where we have reached so far”.

FRENCH CONCERNS ABOUT THE UK PRESENTATION OF PRESIDENT CHIRAC’S REMARKS

383. France registered its concerns about the way in which the UK Government was describing President Chirac’s comment about a veto.

384. In addition to his conversation with Mr Rycroft that morning (described earlier in this Section), Mr Errera called on Mr Ricketts on the evening of 12 March for “a private talk on where things stood” between the UK and France on Iraq.¹²⁰

385. Mr Ricketts reported to Sir John Holmes that Mr Errera had remonstrated “about how British Ministers had misconstrued President Chirac’s comments”, and that he [Ricketts] had responded by pointing out the prominence of the quote on the front page of *Le Monde*. He and Mr Errera had:

“... agreed fairly quickly that the immediate crisis would play out with France and the UK on different positions, and that the more productive thing was to look ahead, and consider what lessons we should learn from recent events ...”

386. Mr Errera had assumed “that the UK would not want to go through again what we had been put through in recent weeks by the Americans”; “nor would it be so easy for the UK to claim that our policy of close alliance gave us real traction over US policy”.

387. Mr Ricketts responded that Iraq had shown up:

“... very starkly a difference of threat perception, with the UK, Spain, Italy and some others ... genuinely believing that the threat of WMD in the hands of a regime like Iraq, in a world inhabited by the likes of Al Qaida, was a worse prospect than the risks of military action to deal with it ... Ministers were genuinely convinced of the rightness of the policy, it was not poodleism ...”

¹²⁰ Letter Ricketts to Holmes, 13 March 2003, ‘France and Iraq’.

388. In response to Mr Ricketts' attempt to focus on issues after the conflict and wider US/European relations, Mr Errera stated that "the Americans were determined to divide and rule"; and that they expected "unquestioning support for whatever was their policy objective of the moment".

389. Mr Ricketts "disputed the model", commenting that "a bit more modesty" in European ambitions for a common foreign and security policy "might not be a bad thing". Mr Errera "did not have any new thoughts on how a different transatlantic relationship could be constructed in the light of Iraq beyond the need to strengthen Europe".

390. Mr Ricketts concluded that Mr Errera was "keen to keep channels open despite the difficulties"; and that he had given the same message.

391. A copy of the letter from Mr Ricketts was sent to Sir David Manning.

JIC ASSESSMENT, 12 MARCH 2003

392. The Joint Intelligence Committee (JIC) continued to warn in March that the threat from Al Qaida would increase at the onset of military action against Iraq.

393. The JIC also warned that:

- **Al Qaida activity in northern Iraq continued; and**
- **Al Qaida might have established sleeper cells in Baghdad, to be activated during a US occupation.**

394. On 12 March, the JIC produced a further update on the implications for international terrorism of military action in Iraq.¹²¹

395. In its Key Judgements, the JIC stated:

- “• The threat from Al Qaida will increase at the onset of military action against Iraq. Attack plans in the time-frame of a potential conflict are probably now going ahead under the control of lower-level operational leaders, but Khalid Sheikh Muhammad's capture may lead to postponement or abandonment of at least some terrorist plans.
- The greatest threat to Western interests from Islamist terrorists is in the Middle East. South-East Asia and East Africa are the most likely regions for attack outside the Middle East, although Al Qaida retains a strong determination to mount attacks in the US and UK.
- Al Qaida and sympathisers may well attempt chemical or biological terrorist attacks in the Gulf, including against UK civilian targets there, in the event of war with Iraq.

¹²¹ JIC Assessment, 12 March 2003, 'International Terrorism: War with Iraq: Update'.

- Al Qaida terrorists in the Kurdish Autonomous Zone (KAZ) previously noted testing and producing chemical and biological substances remain active and are likely to attack Coalition forces.
- Senior Al Qaida associated terrorists may have established sleeper cells in Iraq, to be activated during a Coalition occupation.
- Iraq continues to prepare for terrorist attacks against Western interests in the Middle East, Europe, South-East Asia and elsewhere, although the regime's capability remains limited, especially beyond the Middle East."

396. Other key elements from the Assessment are set out in the Box below.

JIC Assessment, 12 March 2003: 'International Terrorism: War with Iraq: Update'

Islamist terrorists

- There was "a substantial body of reporting of plans by Al Qaida and other Islamist terrorists for attacks in the Middle East".
- "Arrests of extremists involved in chemical/biological (CB) attack plans in Bahrain may have reduced the threat of an attack there linked to conflict with Iraq. But the full distribution of instructions for making CB devices has yet to be uncovered [...]"
- "A substantial body of reporting (much of which is also uncorroborated) suggests targeting against UK and US interests."
- Al Qaida retained "a strong determination to mount attacks in both countries".

Islamist terrorists in Iraq

- Reporting since 10 February had suggested that the senior Al Qaida associate, Abu Musab al-Zarqawi, had "established sleeper cells in Baghdad, to be activated during a US occupation of the city".
- It was "possible" that the sleeper cells had "received CB materials from terrorists in the KAZ".
- "Whatever the precise relationship between al-Zarqawi and his DGI [Directorate of General Intelligence] contacts", it was "unlikely that he could conduct activities in Iraq without the knowledge (and probably the support) of the regime".

Conclusion

- "Despite serious setbacks for Al Qaida, and some disruption of terrorist activity, especially in the Middle East, the threat from Islamist terrorism in the event of war with Iraq remains high, with continuing evidence of attack planning. We can expect Al Qaida to persist with plans for at least one major attack to coincide with an outbreak of hostilities, as well as widespread attempts at low-level attacks by extremist groups and individuals worldwide, especially in the Middle East, Africa and South-East Asia."
- The JIC judged that the threat from Al Qaida remained "greater than any terrorist threat from Iraq".

Events of 13 March 2003

397. Mr Blair saw both Mr Cook and Ms Short before Cabinet on 13 March to discuss their concerns.

398. Mr Campbell wrote in his diaries that, in the context of preparations for meetings with Mr Cook and Ms Short:

“JP [John Prescott] emphasised how important it was to make clear today was not the final Cabinet before any action, that there would be another one if the UN process collapsed. The political argument that we needed now was that the French had made it more not less likely that there would be conflict. This was the way some of our MPs could come back ... Jack [Straw] agreed to go out and do clips [for the media] on the French.”¹²²

399. Mr Cook wrote in his memoir that he told Mr Blair before Cabinet on 13 March that his mind was made up (to resign if the UK went ahead without a second resolution), but he would not make a public move while Blair was “still working for a result at the UN”.¹²³

400. Mr Cook wrote that his impression was that Mr Blair was “mystified as to quite how he had got into such a hole and baffled as to whether there was any way out other than persisting in the strategy that has created his present difficulties”.

401. In relation to press reports that Mr Blair had told Mr Duncan Smith that he now thought a second resolution “very unlikely”, Mr Cook also wrote:

“Since the fiction that Tony still hopes to get a second resolution is central to his strategy for keeping the Labour Party in check, it is not welcome news that IDS has told the world that not even Tony believes this.”

402. Following Ms Short’s interview with the BBC’s *Westminster Hour* on 9 March, Mr Chakrabarti had written to Sir Andrew Turnbull on 11 March to explain Ms Short’s position.¹²⁴

403. Mr Chakrabarti described Ms Short’s concerns as:

- The process of trying to obtain the second resolution “prior to military action should be fair and transparent”. “That would include no undue pressure on the smaller SC members; allowing enough time (perhaps until the end of March) after voting on a new resolution for the process of an ultimatum to run its course; an objective judgment about whether Iraq had complied with any ultimatum

¹²² Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

¹²³ Cook R. *The Point of Departure*. Simon & Schuster UK Ltd, 2003.

¹²⁴ Letter Chakrabarti to Turnbull, 11 March 2003, ‘Iraq’.

(which the proposed tests would help with); and a clear legal opinion about the circumstances under which military action without a further resolution could meet the UK Government's commitment to respect international law."

- "Early and public agreement with the USA on a UN SC mandate for the civil administration and reconstruction of Iraq", which would "almost certainly require" Mr Blair's personal involvement with President Bush. DFID understood that "it would be illegal for us, the UN and many other donors to get involved in the reform of Iraqi institutions and reconstruction of the country (beyond what is needed for the delivery of immediate humanitarian assistance under our Hague and Geneva Convention obligations) without a further ... UNSC mandate. The absence of agreement with the US on this is holding up international planning and the prospects of burden sharing."
- It would be "highly desirable" for Mr Blair to meet Mr Annan "soon and more often". That "would send a clearer signal of the certainty we attach to the UN role".
- The Quartet Road Map "should be published before any military action". Ms Short felt "strongly that now is the time" for Mr Blair to get President Bush to "sign up" to publication. Progress would "reduce the hostility to the West and tensions in the Arab world which our actions in Iraq risk provoking".

404. In relation to the need for a legal opinion, Mr Chakrabarti added:

"I know DFID is not alone in wanting to see written advice from the Attorney General and/or Ministerial discussion about the legality of military action without the second UNSCR. It would be strongly desirable for the legal opinion, to cover the range of possible voting outcomes, to be put to Ministers before the end of the week. If that legal opinion gave backing to US/UK military intervention in the absence of a second resolution, Clare believes the Government would still need a discussion on the political merits of taking that course of action."

405. Mr Chakrabarti suggested that the Government's communications strategy might "make clearer the UK's concerns for the Iraqi people and the centrality of the UN in resolving the crisis, including through a strong role for the UN after any conflict".

406. Mr Chakrabarti also suggested that "more frequent and systematic discussion of these issues between senior ministers would be helpful". He understood that Mr Blair might ask senior ministers to meet more regularly if conflict started, but advised starting sooner, "given the scale and significance of the decisions being taken". In addition, Mr Blair and Ms Short needed "to talk more often, probably on a daily basis until negotiations on the second resolution are concluded". "Most of her concerns" were "agreed government policy", but she needed to be reassured that they would be "taken fully into account".

407. In her memoir, Ms Short wrote that when she arrived in her office on 11 March, Mr Chakrabarti and senior officials had “obviously been instructed by No.10 to try to get me in line”.¹²⁵ They had also “been asked to find out what it would take to make me stay”. After discussion, they agreed that the conditions were:

- “1. Publish Road Map [for the Middle East]
2. Absolute requirement UN mandate for reconstruction
3. UN mandate for military action.”

408. Ms Short added that her diary also recorded:

“Briefing from No.10 I had not raised these issues before. Shocking! Raised at every Cabinet and at a series of private meetings with TB.”

409. Mr Blair told Ms Short that President Bush had “promised a UN mandate for reconstruction” and that her position on the Road Map might help him with President Bush. In response to a request from Ms Short that he should “try a process at UN that treats UN with respect not just forcing US timelines”, Mr Blair “said he could get more time”.

CABINET, 13 MARCH 2003

410. Mr Blair told Cabinet on 13 March that work continued in the UN to obtain a second resolution and, following the French decision to veto, the outcome remained open.

411. Mr Blair indicated that difficult decisions might be required and promised a further meeting at which Lord Goldsmith would be present.

412. Mr Straw told Cabinet that Iraq continued to be in material breach of resolution 1441 and set out his view of the legal position.

413. Mr Straw told Cabinet that there was “good progress” in gaining support in the Security Council and described President Chirac’s position as “irresponsible”.

414. The position presented to Cabinet by Mr Blair and Mr Straw did not acknowledge the reservations expressed by the non-permanent members of the Council. The limited time available for a decision, dictated by US decisions on the military timetable, meant that it would be very difficult to secure nine votes in support of the UK proposals.

415. Nor did Mr Blair and Mr Straw acknowledge the concern that, if there were nine votes in support of the resolution, China and Russia, as well as France, might exercise their vetoes.

¹²⁵ Short C. *An Honourable Deception: New Labour, Iraq and the Misuse of Power*. The Free Press, 2004.

416. Cabinet was not informed of the strategy Mr Blair had agreed with President Bush to manage the issue until 17 March.

417. There was no discussion of the options available to the UK if the attempt to secure a second resolution failed.

418. Mr Gordon Brown, the Chancellor of the Exchequer, and Ms Short, whose responsibilities were directly engaged, had not seen Lord Goldsmith's legal advice of 7 March.

419. Mr Blair told Cabinet on 13 March that work continued in the UN to obtain a second resolution.¹²⁶ The UK had presented proposals for six “tests”, “endorsed by Dr Blix”, to judge whether Saddam Hussein had decided to commit himself to disarmament. Satisfying those tests would not mean that disarmament was complete, but that the first steps had been taken. The non-permanent members of the Security Council were uncomfortable with a situation where “following the French decision to veto”, the Permanent Members were “not shouldering their responsibilities properly”. The “outcome in the Security Council remained open”. If the United Nations process broke down, difficult decisions would be required and there would be another Cabinet meeting at which the Attorney General would be present.

420. Mr Blair also stated that the MEPP needed to be “revived”; and that “the reconstruction of Iraq after a conflict would need a United Nations Security Council resolution”. The US had “now agreed” to that, which would “help to bring countries with divergent views on military action back together again”.

421. Mr Straw said that although there were differences between members of the Security Council, “none was saying that Iraq was complying with its international obligations”; and that it “followed that Iraq continued to be in material breach” of those obligations.

422. On the legal basis for military action, Mr Straw said that he “was already on record setting out the position to the Foreign Affairs Committee” on 4 March. Mr Straw rehearsed the negotiating history of resolution 1441 (2002), stating that:

- “the French and Russians had wanted a definition of what would constitute a material breach, but had settled for the facts being presented to the Security Council”;
- “they had also wanted a statement that explicit authorisation was required for military action and instead had settled for further consideration by the Security Council ...”; and
- failure by Iraq to comply with resolution 1441 “revived the authorisations existing” in resolutions 678 (1990) and 687 (1991).

¹²⁶ Cabinet Conclusions, 13 March 2003.

423. Mr Straw noted that the Government's supporters had "a clear preference" for a second resolution but that "had not been seen as an absolute necessity". There had been "good progress" in New York in "gaining the support of uncertain non-permanent members of the Security Council, including Mexico and Chile".

424. Mr Straw described Mr Chirac's public assertion that "France would veto in any circumstances" as "utterly irresponsible"; and that Mr Annan was "equally unhappy" with that development.

425. Mr Straw's sense was that there was "growing understanding for the Government's case" in the House of Commons.

426. In the discussion, the points made included:

- the integrity of the UN process should be respected and enough time allowed for Saddam Hussein to meet the tests;
- the French veto was significant because "it implied that France would never be prepared to use force"; its approach "amounted to dismissing the evidence and insisting on indefinite delay". The French position had "undermined the unity" of the Security Council;
- a majority of the members of the European Union supported the UK line;
- a "balance had to be struck between striving" for a second resolution and "being prepared to do without it if that was the outcome of negotiations". It would be "easier" to make the "political, moral and legal case" if such a resolution could be achieved;
- although the rhetoric used by the US leadership was "sometimes unpopular", that "did not mean that their policy was wrong". President Bush had made more use of the UN than his predecessor and he had publicly committed the US to a two-state solution in the Middle East;
- the "atmosphere in the Middle East and more generally would be transformed for the better" if the United States could be persuaded to publish the Road Map for the MEPP; and
- UN authority for the reconstruction of Iraq was "essential so that all countries and international institutions could contribute".

427. Summing up the discussion, Mr Blair said that there had been welcome progress in the Middle East with the appointment of a Palestinian Prime Minister. That called for a positive response by the US. The French position "looked to be based on a calculation of strategic benefit". It was "in contradiction of the Security Council's earlier view that military action would follow if Iraq did not fully and unconditionally co-operate with the inspectors". The UK would "continue to show flexibility" in its efforts to achieve a second resolution and, "if France could be shown to be intransigent, the mood of the Security Council could change towards support for the British draft".

428. Cabinet: “Took note.”

429. Mr Cook wrote in his memoir:

“When we began, Gordon launched a long and passionate statement of support for Tony’s strategy. The contribution was rather marred by an outspoken attack on France: ‘the message that must go out from this Cabinet is that we pin the blame on France for its isolated refusal to agree in the Security Council’.”¹²⁷

430. Mr Cook added that he had reminded colleagues that “when this is over, the first priority must be to repair the divisions in Europe” and that the Government should not make that job more difficult by sending out messages that attack France or any other European country”. He had “applauded” the “ingenuity” of Mr Blair, Mr Straw and Sir Jeremy Greenstock in finding new initiatives but stated that “the intensity of our efforts to get agreement in the Security Council means that we cannot now pretend that it does not really matter if we fail to get agreement”. Mr Cook had warned that the Government “should avoid saying that we will take military action even if we fail to get a resolution, as we need some flexibility to consider what we do if we find ourselves in that position”.

431. Ms Short wrote that she had asked for “a special Cabinet with the Attorney General present” and that had been agreed.¹²⁸ She had also said, “if we have UN mandate, possible progress on Palestine /Israel and try with the second resolution process, it would make a big difference”. She was “hopeful of progress”.

432. Ms Short added:

- “GB spoke animatedly about what France was saying – no to everything.”
- “Jack Straw also anti-France.”
- “David Blunkett [the Home Secretary] said we must stand by the PM and Chirac was reckless ...”

433. Ms Short had been advised by Mr Chakrabarti that she should focus her intervention in Cabinet on the need for “a proper decision making process”, which would be “important both in substance and ... for the politics”. In his view, there were two key points to make:

- “Cabinet needs to discuss now the legal opinion of the Attorney General and how to make it public. This is vital for Ministers, our armed services and the civil service.”

¹²⁷ Cook R. *The Point of Departure*. Simon & Schuster UK Ltd, 2003.

¹²⁸ Short C. *An Honourable Deception: New Labour, Iraq and the Misuse of Power*. The Free Press, 2004.

- “As soon as we are clear on the second resolution (whether it fails to get the necessary votes or is not put to a vote), Cabinet should meet again for a discussion on the politics and to put a proposition to Parliament for immediate debate.”¹²⁹

434. Mr Campbell wrote in his diaries that:

- Lord Williams of Mostyn, the Leader of the House of Lords and Attorney General from 1999 to 2001, had “said there would be a debate [in Cabinet] on the legality”, and Ms Short had said Lord Goldsmith should be present. Mr Blair had “said of course he would”.
- Mr Blair “said that the French had exposed fully how intransigent they were. Chirac’s ‘whatever the circumstances’ was a mistake, and the wrong approach, and people were angry about it. They had also now rejected the basis of the tests we were proposing without any discussion or consideration. He felt Chirac’s desire for a ‘bipolar world’ was leading him to turn away from discussion of any kind on this. He promised another discussion before a vote.”
- Mr Brown “came in very strongly later on, on the French in particular”.
- Mr Cook “said we should not ‘burn our bridges’ with the French, made clear that there must be a legal base for action, there was no political case without a second resolution and we must keep working for it”.
- Ms Short “said we needed the Road Map published, lambasted the ‘megaphone diplomacy’ but as ever gave the impression that it was just us and the Americans who engaged in it. She said the world community was split because the Americans were rushing. We should not be attacking the French but coming up with a different kind of process. ‘If we can get the Road Map, we can get the world reunited behind it.’”¹³⁰

435. Mr Campbell commented that Mr Cook had spoken “very deliberately” and his intervention was “a very clear marker” that he would resign “if there was action without a second resolution. He felt we did not have the moral, diplomatic or humanitarian cover.”

436. Ms Short told the Inquiry that the “strategy was: blame the French and claim that they’d said they would veto anything. And they said it at the Cabinet ...”¹³¹

437. Sir Stephen Wall, Mr Blair’s Adviser on European Issues and Head of the Cabinet Office European Secretariat 2000 to 2004, told the Inquiry that at Cabinet on 13 March:

“As Tony Blair came into the room John Prescott stood up and saluted. It was a sort of funny moment but in I think in a rather characteristic way John Prescott was doing something quite clever. He was saying ‘You are the Commander in Chief and

¹²⁹ Minute Chakrabarti to Secretary of State [DFID], 12 March 2003, ‘Cabinet 13 March 2003: Iraq’.

¹³⁰ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

¹³¹ Public hearing, 2 February 2010, page 103.

this is the time to rally to the flag'. People laughed but interestingly the atmosphere changed. Sitting at the back I had thought to myself 'This is going to be a difficult Cabinet', and it wasn't."¹³²

438. Asked by the Inquiry why he had decided to continue the negotiations and whether that was "not in particularly good faith", Mr Blair replied:

"No. It was very simply this, that obviously this was a second best thing now ... but what we decided was ... even if you can't get the resolution because they have said they will veto, nonetheless you would have some greater, if you like, political authority if you could at least get a majority of members of the Security Council to say they would agree such a resolution even vetoed."¹³³

439. Asked whether a vetoed resolution would have undermined the authority for military action in resolution 1441, Mr Blair said:

"No, it would not have undermined that because we were saying that we accept that we believed we had authority in 1441, but it would have allowed us politically to say we had the majority of the Security Council. So had we ended up in a situation where Chile and Mexico had said 'We are with you'. We would probably have put this resolution down, had it vetoed."¹³⁴

FRANCE'S POSITION

440. In a statement on 13 March, Mr de Villepin rejected the UK's tests.

441. In a statement issued on 13 March, Mr de Villepin said that the UK proposals did "not address the issues raised by the international community".¹³⁵ The aim was "not to grant Iraq a few extra days before embarking on a path leading to the use of force, but to move resolutely forward on the peaceful disarmament route". Inspections were "a credible alternative to war" and were "producing results" as Dr Blix and Dr ElBaradei had "pointed out in the 7 March report". In the "spirit" of resolution 1441, France wanted "a realistic timeframe in which to achieve effective disarmament". Success would "demand" Iraq's "full and wholehearted co-operation".

442. In subsequent interviews for French media, Mr de Villepin stated that the UK proposal embraced "the idea of an ultimatum, of the automaticity of the recourse to force" which for France "was unacceptable".¹³⁶ He pointed out that the US had "a determining role" as it was "maintaining that the die is cast" and was "intent on moving towards a military intervention".

¹³² Public hearing, 19 January 2011, page 25.

¹³³ Public hearing, 21 January 2011, page 106.

¹³⁴ Public hearing, 21 January 2011, pages 106-107.

¹³⁵ Embassy of the Republic of France in the UK, *Iraq – Statement by M. Dominique de Villepin, Minister of Foreign Affairs, Paris 13.03.2003*.

¹³⁶ Embassy of the Republic of France in the UK, *Iraq – Interview given by M. Dominique de Villepin, Minister of Foreign Affairs, to French radio stations, Paris 13.03.2003*.

443. Mr Straw characterised France’s position as “extraordinary”.

444. In remarks to the press in Downing Street, Mr Straw said that he found it “extraordinary” that France had rejected the UK’s proposals “without even proper consideration”.¹³⁷ That made a peaceful resolution of the crisis “more difficult”.

445. On 13 March, Sir David Manning asked Mr Rycroft for the full text of President Chirac’s remarks of 10 March, which was circulated within No.10.¹³⁸

446. President Chirac’s Diplomatic Adviser, Mr Maurice Gourdault-Montagne, complained about the UK Government’s “increasingly polemical approach”, its interpretation of President Chirac’s remarks out of context, and the difficulties with the UK tests.

447. Sir John Holmes robustly defended the UK position.

448. Mr Gourdault-Montagne telephoned Sir John Holmes at lunch time on 13 March “to complain about the increasingly polemical approach” the UK was taking.¹³⁹

449. Mr Gourdault-Montagne stated that the UK approach “ran counter to the understanding hitherto that we should try to minimise the bilateral fall-out and avoid mutual or personalised criticism”. France was “particularly upset by our repeated taking out of context ... the President’s remarks on the veto in all circumstances”. The UK “must be well aware that he had been talking about the particular circumstances that evening ... It was not reasonable to distort what he had said in this way.” Mr Straw’s reaction to Mr de Villepin’s statement “had also seemed excessively sharp”.

450. Sir John Holmes reported that he had responded that France:

“... could hardly be surprised if it became harder to avoid criticism of the French position when they had spelled out their intention to veto the draft of their allies, apparently whatever it said. The French were doing everything they could to block us, not least in our attempt to give a last chance to Saddam to disarm peacefully and to achieve the second resolution which would reunite the international community and make international participation in the next stage easier. Villepin’s statement ... this morning attacking our proposals had been particularly hard to take.”

451. Sir John stated that the UK “conditions” were taken from the UNMOVIC report and “were precisely the questions which needed answering if we were to conclude that Saddam Hussein had taken a strategic decision to disarm”.

452. Mr Gourdault-Montagne responded by saying that the requirement that Saddam Hussein should appear on TV to apologise was “a nonsense”. The UK “knew the Arab

¹³⁷ *The Independent*, 13 March 2003, *Britain furious at ‘extraordinary’ French statement*.

¹³⁸ Manuscript comments Manning to Rycroft, 13 March 2003, on Email Rycroft to No.10 officials, 12 March 2003, ‘French veto – urgent’.

¹³⁹ Telegram 127 Paris to FCO London, 13 March 2003, ‘France: Iraq’.

world better than that”; and the UK was “still on the line of an ultimatum with an absurdly short deadline”. France’s position had been “consistent and coherent throughout”, and it had “warned” the UK “not to underestimate” its “determination to carry this position to its logical conclusion”.

453. Sir John stated that he “respected the French right to have a different position, but there had been no need to go as far as a veto, and a deliberate move to declare it in advance to try to influence others against our ideas”. He added that:

“France seemed to be forgetting what was in 1441 – Saddam had to make an immediate and accurate declaration and co-operate fully and immediately ... or face the consequences. He had done neither of these things. We could not simply let things drift.”

454. Mr Gourdault-Montagne replied that “the inspectors had made clear that the process was working, even if co-operation was not total. In these circumstances, it was not right to rush to war.” He repeated “in a spirit of friendship” that what the UK was doing “was against what the French had ... thought was agreed between us. The French had been very careful to avoid any such thing ...”

455. Sir John concluded that Mr Gourdault-Montagne “should appreciate the extent to which France had pushed her position against her closest allies was hard to understand”. The UK “had offered to try to find common ground several times but to no avail”.

456. Sir John also recorded that he had been told by the US Ambassador to France that “he had seen Mr de Villepin the previous evening to enquire what lay behind the President’s words on the veto”. Mr de Villepin “had claimed US and French positions were really quite close, but the problem was the lack of flexibility in the US stance”. The Ambassador had advised him to speak to Secretary Powell and they had subsequently “spoken at length” but their “positions were too far apart ... on timescale and automaticity” to reach agreement: “Like us, the Americans judged that Chirac was not really looking for a way out.”

457. Sir John commented that it was:

“Predictable that the French would react in this way. There is a clear danger of an upward spiral of polemics which could make working together afterwards harder. But our position can hardly surprise the French, nor the fact that we are using Chirac’s words against him when the stakes are so high – he did say them, even if he may not have meant to express quite what we have chosen to interpret.”

458. Mr de Villepin told Mr Straw that France was willing to look at an ultimatum as long as the Security Council was responsible for the final decision on action.

459. Mr Straw responded that France had made life very difficult for the UK.

460. In response to a suggestion that France and the UK should look for a point of compromise, Mr Straw replied that “the key decision had to be made in the Security Council” and “no one on 10 March had said that Saddam Hussein was complying with his obligations. He was therefore in further material breach.”

461. Mr de Villepin also telephoned Mr Straw on 13 March. The record stated that he:

“... said France was still willing to consider any new proposals ... ready to discuss any solution based on benchmarks ... [and] any timetable, even a reduced one, if that was ‘satisfactory for you and the US’. His bottom line focused on automaticity. France could work on any mechanism which contained an ultimatum as long as it was the Security Council which took full responsibility at the end of any deadline.”¹⁴⁰

462. Mr Straw said that President Chirac’s statement on 10 March that “France would vote against a second resolution ‘whatever the circumstances’ had caused great difficulties. It was clear that France would veto.”

463. Mr de Villepin responded that President Chirac had “never said that”; he “had not meant that France would not try to find common ground”; nor “that, whatever happened, France would vote no”. His comments had been “only in the context of text [of the draft resolution] on the table” on 10 March.

464. Mr Straw replied that:

“... he had read the comments differently. It had made life very difficult in the US. They had assumed France would vote no in any circumstances. As a result they were now falling back on UNSCR 1441. The UK had, however, managed to keep dialogue going through the weekend. The UK had never said that 1441 contained automaticity ... But the UK did not want Iraq stringing things out. If things went on too long, the military threat was degraded.”

465. In response to a request from Mr de Villepin that they should look for “a point of compromise” with a meeting of the Security Council following a further report from the inspectors “perhaps in one month, two months or perhaps just three weeks”, Mr Straw pointed out:

“The key decision had to be made by the Security Council. The inspectors’ role was to provide evidence, although others could too. It was clear that Iraq was in material breach. Though there were many different positions in the Security Council, no one on 10 March had said that Saddam Hussein was complying with his obligations. He was therefore in further material breach.”

¹⁴⁰ Telegram 53 FCO London to Paris, 13 March 2003, ‘Iraq: Foreign Secretary’s Conversation with French Foreign Minister, 13 March’.

466. Later in the conversation, Mr Straw:

“... briefly described the importance of the UK’s new benchmarks. Unless Iraq realised it was facing its final, final chance, the international community would not get Iraq to face reality. Put bluntly, delay played into the hands of those in the US who said we should not go down the UN route. That said, he was happy to see new propositions at any time.”

467. Mr de Villepin concluded that “a way forward could be found”. Mr Straw replied that “there would have to be discussion of these issues at Heads of Government level, though not in New York”.

468. The UK Embassy in Paris reported that Mr de Villepin had followed his rejection of the UK’s proposals on 13 March with a briefing emphasising France’s wish to find a solution leading to consensus in the Security Council and referring to his conversation with Mr Straw.¹⁴¹

469. Asked to confirm that France did not exclude an ultimatum, a senior French Foreign Ministry official had, however, been “adamant: any ultimatum that did not leave the final decision to the Security Council constituted a red line ... The French were open to any solution that enabled inspections to continue.” The official had claimed that a failed attempt to get a second resolution would annul the effects of the first resolution; the Council would have refused to authorise military intervention and any intervention would be outside the Charter and “at the limit of aggression”.

470. The Embassy concluded that Mr de Villepin’s position was “a tactical move intended to deflect criticism” of President Chirac’s announcement of a veto “whatever the circumstances”: “It was too little, too late – and the French know it.”

MINISTERIAL MEETING TO DISCUSS THE MILITARY PLAN

471. Mr Blair agreed the military plan later on 13 March.

472. On 13 March, Mr Blair held a meeting, with Mr Prescott, Mr Straw, Mr Hoon and Adm Boyce to discuss the timing of the start of the military campaign and formal approval of the military plan set out in Mr Watkins’ letter of 11 March (see Section 6.2).¹⁴² There was “a discussion about the timing of the end of the UN process ... and the start of military action”. It was agreed that Mr Blair would pursue the timing issues with President Bush.

¹⁴¹ Telegram 130 Paris to FCO London, 14 March 2003, ‘Iraq: Quai Views’.

¹⁴² Letter Rycroft to Watkins, 13 March 2003, ‘Iraq: Military Planning’.

473. Adm Boyce advised that:

“... the full moon meant that a later start date [...] would certainly be preferable, but that the projected date was not a show stopper. The US military shared the preference for a later date, but had been told to accept the earlier date.”

474. Sir David Manning confirmed Mr Blair’s approval for the plan in a letter to Mr Watkins the following day.¹⁴³

475. Reflecting discussion at the JIC on 12 March, the Assessments Staff produced a JIC Note on Saddam Hussein’s plan to defend Baghdad, on 13 March.¹⁴⁴ The detail of the JIC Note is addressed in Section 6.2.

MR BLAIR’S CONVERSATION WITH PRESIDENT BUSH, 13 MARCH 2003

476. Mr Blair and President Bush discussed withdrawing the resolution on 17 March followed by a US ultimatum to Saddam Hussein to leave within 48 hours. There would be no US military action until after the vote in the House of Commons on 18 March.

477. Mr Blair continued to press President Bush to publish the Road Map because of its impact on domestic opinion in the UK as well as its strategic impact.

478. Mr Blair also suggested their meeting in the next few days should produce “something” on the UN “angle” addressing post-conflict issues.

479. Mr Campbell spoke to Mr Bartlett about the proposed meeting between President Bush and Mr Blair.¹⁴⁵ President Bush was prepared to come to London but Mr Campbell (and Mr Blair) considered that was “not what we needed”.

480. Sir David Manning told Dr Rice that Mr Blair was keen to have a meeting with President Bush and Mr Aznar but the weekend might be very difficult. The political situation in the UK:

“... remained extremely tense ... Condi [Dr Rice] should not underestimate the political pressure we were now under. There might be resignations from the Cabinet ... We had a huge fight on our hands. We needed all the help we could get.”¹⁴⁶

Sir David emphasised the importance of the US publishing the Road Map to influence opinion in the UK.

481. Sir David and Dr Rice also agreed the need for experts to discuss the UK’s proposals for the role of the UN in a post-conflict Iraq. The main area of debate was

¹⁴³ Letter Manning to Watkins, 14 March 2003, ‘Iraq: The Military Plan’.

¹⁴⁴ Note JIC, 13 March 2003, ‘Saddam’s Plan for Baghdad’.

¹⁴⁵ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

¹⁴⁶ Letter Manning to McDonald, 13 March 2003, ‘Iraq: Conversation with Condi Rice’.

likely to be the relationship between a UN Co-ordinator and the military authorities. Sir David reported that “Washington wanted something that was more or less the reverse of the situation in Afghanistan where Brahimi [Mr Lakhdar Brahimi, Special Representative of the UN Secretary-General for Afghanistan and Head of the UN Assistance Mission in Afghanistan, October 2001 to December 2004] was pre-eminent and the military were subordinate”.

482. Mr Blair and President Bush discussed the prospects for a vote in the House of Commons and a Road Map for the Middle East.¹⁴⁷ Mr Blair said that it would have considerable impact on political opinion in the UK. Later he commented on its “totemic significance” in the Middle East.

483. On the UN, Mr Blair commented that the “haggling over texts in New York was frustrating and muddled the waters. But it was buying the vital time we needed this weekend.”

484. Mr Blair and President Bush also discussed the possibility of a meeting in the next few days. Mr Blair said that it would be useful if something on aftermath issues could emerge from that meeting “with a UN angle”.

485. A discussion on the military timetable was reported separately.¹⁴⁸ That envisaged the withdrawal of the resolution on 17 March followed by a speech from President Bush which would give Saddam Hussein an ultimatum to leave within 48 hours. He (President Bush) would call for freedom for the Iraqi people and outline the legal base for military action.

486. There would be no military action before a vote in the UK Parliament on 18 March. President Bush would announce the following day that military action had begun. The main air campaign was planned to begin on 22 March.

487. In a conversation after the telephone call between Mr Blair and President Bush, Mr Bartlett advised Mr Campbell that the meeting had been postponed to 16 March, and they had agreed on the Azores as the venue.¹⁴⁹

488. Mr Campbell wrote:

“Bush said they could do the Road Map, give it to the Israelis and Palestinians once Abu Mazen [about to become Palestinian Prime Minister] accepts the position.

“TB said that would make a big difference, anything up to fifty votes. ‘It’ll cost me 50,000’, said Bush. TB said he had seen a group of ‘wobbly MPs’ who were all clear the Road Map would help. TB said it might also help him hang on to a couple of

¹⁴⁷ Letter Cannon to McDonald, 13 March 2003, ‘Iraq and MEPP: Prime Minister’s Conversation with Bush, 13 March’.

¹⁴⁸ Letter Cannon to McDonald, 13 March 2003, ‘Iraq: Military Timetable’.

¹⁴⁹ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

Cabinet Ministers. GWB [President Bush] suggested he might be better off without them. He clearly could not fathom why the Road Map mattered so much. He had been reluctant because of Arafat. He then said ‘Tell Alastair, like I’m telling my boys, that I don’t want to read a word about this until I’ve said it. It is in our interests that I come out and say this, and it’s clear I mean it.’

“TB said the French thought they had lost the initiative and were getting worried. He felt we had to keep in very close touch with Mexico and Chile over the weekend. He was worried the French would come up with a counter-proposal and win them over.”

489. Mr Campbell wrote:

“They kept going back to the Parliamentary arithmetic. TB said it was knife edge ... He said I know you think I have gone mad about the Road Map but it really will help.

“Bush said that Rumsfeld had asked him to apologise to TB.

“He [Bush] said ... After our vote, if we win, the order goes to Rumsfeld to get their troops to move. Ops begin. He said he would not be doing a declaration of war. Wednesday 8pm in the region ... ‘They go ...’ He intended to wait as long as possible before saying the troops were in action.”¹⁵⁰

490. In his memoir, Mr Blair wrote that he and President Bush were due to meet in the Azores on 16 March “partly to bind in Spain and Portugal who were both supportive and both of whose Prime Ministers were under enormous heat from hostile parliamentary and public opinion”, and that:

“It was clear now that action was inevitable barring Saddam’s voluntary departure. George had agreed to give him an ultimatum to quit. There was no expectation he would, however.”¹⁵¹

DEVELOPMENTS IN NEW YORK, 13 MARCH 2003

491. Reporting developments in New York on 13 March, Sir Jeremy Greenstock warned that the UK tests had attracted no support, and that the US might be ready to call a halt to the UN process on 15 March.

492. Sir Jeremy Greenstock reported overnight on 13/14 March that:

- In a meeting with the “undecided six” he had hosted, the “Latins [had] come down hard against the UK compromise package”. The main objections had included the “perceived authorisation of force in the draft resolution” and a desire to wait for UNMOVIC’s own list of key tasks which would issue early the following week.

¹⁵⁰ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

¹⁵¹ Blair T. *A Journey*. Hutchinson, 2010.

- Mr Lavrov had argued that the resolution was not necessary given that the inspections were making progress; the side statement was based on an unproven premise that Iraq had WMD; contained an arbitrary timeframe (shorter than Blix's months); and unacceptably left the decision on whether Iraq fulfilled the tests with the member states. The Council should wait until the inspectors submitted the list of key tasks the following week.
- Mr de La Sablière had taken a similar position. France had "suspicions" that Iraq had WMD but it could not hand over weapons that did not exist.¹⁵²

493. Sir Jeremy reported that he had "explained again":

"There had to be a test of Iraqi willingness to comply. I did not think anyone thought that Iraqi compliance had been immediate, unconditional and active. We therefore needed a 'downpayment' or the contract of inspections could not continue. We were trying to create an alternative to the 'serious consequences' in 1441 ... In the next 24 hours I would wish to discuss with all members of the Council ... We had to maintain the two essential elements of 1441: pressure and the effective use of inspections. The pendulum had swung too far to inspections only. The intention of the draft was not to provide authorisation for the use of force. We already had sufficient authorisation in 1441 and related resolutions provided the conditions in 1441 were met."

494. In subsequent discussion, Sir Jeremy stated:

- the "tests were a 'downpayment' on whether Iraqi co-operation would be forthcoming";
- resolution "1441 was deliberately ambiguous on whether the Council or Member States would judge Iraqi compliance. We would want the inspectors to report on the facts"; and
- "the timeframe had to reflect the realities on the ground and the need for pressure on Iraq ..."

495. In comments to the press after the meeting, Sir Jeremy emphasised the need for a strong signal of strategic change from Iraq and strict time limits based on resolution 1441 not resolution 1284.

496. In a subsequent telegram, Sir Jeremy commented that the US thought the benchmark process was "running out of steam", and that support from London would be needed. That:

"... might take us through to the end of Friday. But by 15 March (if not before), I suspect that Washington will be ready to call a halt to the UN process, no doubt with some strong words about France and Russia."¹⁵³

¹⁵² Telegram 438 UKMIS New York to FCO London, 14 March 2003, 'Iraq: 13 March'.

¹⁵³ Telegram 439 UKMIS New York to FCO London, 14 March 2003, 'Iraq: 13 March'.

497. Dr Blix wrote that on 13 March Sir Jeremy had:

“... tried desperately to win support for the British benchmark paper. If he got ‘traction’ on it, he could be flexible on a number of points, even altogether dropping the draft operative paragraph 3 or, indeed the whole draft resolution, which looked like an ultimatum. Although this step was presented as a last concession, the political signal of the benchmark paper standing alone would probably be seen as an ultimatum. It would be understood that if the declaration was not made and/or the benchmarks not attained, serious consequences could be expected.”¹⁵⁴

498. Asked by the Inquiry if he was aware in the second half of the week beginning 10 March that the Prime Minister and the President had decided on 12 March that the game was up; and that the UK would, for appearances’ sake, continue negotiations in New York for a couple more days, and then withdraw the resolution, Sir Jeremy Greenstock replied “No”.¹⁵⁵

499. Sir Jeremy added that activity had “really stopped after Wednesday [12 March]” and that:

“On Thursday morning, which was probably my most difficult day, I suspected that somebody would put down an alternative resolution, saying that the use of force should not be allowed, because we knew that the Mexicans and the Chileans were beginning to draft that ...

“... By Friday morning there was an eerie silence. Nothing was happening. We were not negotiating. Nobody was putting down anything against us. We knew that the allies were going to meet ... at the weekend, and there was no negotiating going on in New York.”

THE DIVISIONS IN THE SECURITY COUNCIL

500. Although there had been unanimous support for a rigorous inspections and monitoring regime backed by the threat of military force as the means to disarm Iraq when resolution 1441 was adopted, there was no such consensus in the Security Council in March 2003.

501. Although the Security Council had unanimously agreed resolution 1441 on 8 November, there were marked differences in the positions of the members of the Council, particularly between the five Permanent Members – China, France, Russia, the US and the UK, reflecting the history of the Security Council’s role in relation to Iraq since 1991.

¹⁵⁴ Blix H. *The Search for Weapons of Mass Destruction: Disarming Iraq*. Bloomsbury Publishing Plc, 2005.

¹⁵⁵ Private hearing, 26 May 2010, pages 35-36.

502. As the preceding Sections of the Report show:

- France and Russia had consistently expressed reservations about US and UK policy on Iraq and the consequences of military action. In particular, they were concerned about the use of force without clear evidence that Iraq had weapons of mass destruction and without an explicit authorisation by the Security Council.
- Members of the Security Council had differing views of Iraq's position and whether or not its actions indicated a strategic decision to co-operate with the requirements of resolution 1441.

503. In his statement for the Inquiry, Sir Jeremy Greenstock wrote that:

- he had been in no doubt that France and Russia, accompanied consistently by Germany, would be fighting the UK all the way on the proposed second resolution;
- the US, the UK, Spain and Bulgaria were a “reasonably solid quartet”;
- China and Syria “could not be expected to support the UK”; and
- much of the resistance in the Security Council to the UK's arguments revolved around the question “What is the hurry when the inspectors are just getting down to business again?”¹⁵⁶

504. Sir Jeremy judged “with hindsight that most members of the Security Council would have opposed the use of force ... on almost any timing unless the inspectors had succeeded in exposing Iraq's deception with the discovery of an active chemical or biological weapon”.

505. Sir Jeremy told the Inquiry, “I never felt that we got close to having nine positive votes in the bag” and that when he was asked by London how many votes he felt were sure, he would say four:

“I would never report it back to London that I had more than four sure votes.”¹⁵⁷

506. Sir Jeremy said that President Chirac's remarks on 10 March:

“... made my life more difficult, because it made the ‘undecided six’, for instance, believe that we were now going through the motions of something that was not going to produce a result; therefore why should they do something unpopular with their public opinions at home in siding with the United States on attacking an Islamic country like Iraq, or whatever the reasons were domestically, when clearly the Security Council was not going to reach anything if a Permanent Member had pre-declared a veto?

“So it did rather undercut the ground that we were on, yes.”¹⁵⁸

¹⁵⁶ Statement, November 2009, pages 14-15.

¹⁵⁷ Public hearing, 27 November 2009, page 71.

¹⁵⁸ Public hearing, 27 November 2009, page 88.

507. Asked whether President Chirac's statement was "simply saying what everybody already knew, and what to a degree had already been said by the French in public", Sir Jeremy replied:

"Yes, but saying it at Presidential level very publicly changed the political effect of the French position on the rest of the Security Council."¹⁵⁹

508. Sir Jeremy subsequently told the Inquiry that the effect of the statement had "considerably lessened" the chances of turning the middle-ground six round and "therefore it was quite an important turning point in the public politics".¹⁶⁰ President Chirac's statement had an impact "on the little tiny bit of momentum we still had in the Security Council with the middle ground".

509. Sir Jeremy stated that:

"... we knew we had only a minority chance of achieving a second resolution ... but with the United States in the game pulling out all the stops, you never quite know when countries opposing them may be pulled into another position."¹⁶¹

510. Asked what, at the beginning of the negotiation, he had thought the chances of success in the second resolution were, Sir Jeremy Greenstock told the Inquiry: "Less than 50 percent."¹⁶² Sir Jeremy added that hindsight discoloured his recollection but, "in my mind, between a quarter and a third of a chance that we might do this". He "wasn't advising London that we were likely to succeed".

511. Asked about his statement that the UK never had more than four firm votes, Sir Jeremy Greenstock replied:

"Right at the end. We knew we had four. We were after those six to make it ten, the middle-ground members. Each of those six at some point during February, as they were being chased round by Baroness Amos and others, trying to persuade them in their capitals to follow us, said that they might do it or were going to follow us, and then backed off when they saw that the others weren't following. So we were herding cats unsuccessfully in that respect, and never got all six together to have confidence in each other's preparedness to do it."¹⁶³

512. Sir David Manning did not think that the middle-ground six would have supported action in the timeframe that was under discussion:

"... if there had been more time, I think that the six in the UN – their minds weren't necessarily closed ... if you had got a different dynamic going in February, March, April between the leaders on the basis of whatever Blix was saying, and there

¹⁵⁹ Private hearing, 26 May 2010, page 33.

¹⁶⁰ Private hearing, 26 May 2010, page 34.

¹⁶¹ Private hearing, 26 May 2010, page 30.

¹⁶² Private hearing, 26 May 2010, page 32.

¹⁶³ Private hearing, 26 May 2010, page 32.

seemed to be more common ground, then it was possible that you could have found some kind of common resolution.”¹⁶⁴

513. Asked whether Ministers had been over-optimistic in tabling the second resolution, thinking that France and Russia would agree to it, Sir John Holmes told the Inquiry:

“It was always an optimistic approach to think you would get a second resolution and you would get nine votes for it, as the struggle to get those votes demonstrated very clearly in the weeks that followed.”¹⁶⁵

514. Sir John Holmes stated that France thought the timelines and tests in the draft resolution were “deliberately impossible” for Saddam Hussein to pass and were “not a way of actually avoiding war but was simply a way of legitimising it”.¹⁶⁶ That was why it was “so strongly opposed”.

515. Asked if there were any circumstances in which France might have supported a second resolution authorising the use of force, Sir John said that, by that stage, “it would have taken something pretty dramatic”, such as a find by the inspectors or reckless behaviour by Saddam Hussein, to change the mind of France.¹⁶⁷

516. Mr Straw told the Inquiry that, before President Chirac’s statement of 10 March, the UK had “got the three African states on board, we thought we had the Chileans and the Mexicans” although the negotiations were finely balanced.¹⁶⁸ The moment when he did not think it would be possible to achieve a second resolution was when he had “turned on the television” and seen “President Chirac saying that, whatever the circumstances, France would veto a second resolution”.

517. Later, Mr Straw took a more qualified view:

“... our judgement was that we thought that the three African states were highly likely to support a resolution. The problem was between ... Chile and Mexico and President Fox and President Lagos [each] looking over [his] ... shoulder at the other one. My own view is – not that – in the absence of the Chirac ‘veto’ statement on 10 March, we would have got their support, but it would have been much more probable.”¹⁶⁹

518. Mr Straw also stated:

“... the great danger, which we felt we faced, was that, if you didn’t bring this to a conclusion one way or the other quite quickly, then the whole strategy of diplomacy

¹⁶⁴ Private hearing, 24 June 2010, page 86.

¹⁶⁵ Public hearing, 29 June 2010, page 38.

¹⁶⁶ Public hearing, 29 June 2010, pages 42–43.

¹⁶⁷ Public hearing, 29 June 2010, pages 43–44.

¹⁶⁸ Public hearing, 21 January 2010, page 83.

¹⁶⁹ Public hearing, 8 February 2010, page 88.

backed by the threat, and if necessary, the use of force, would fall away and that's what Saddam wanted."¹⁷⁰

519. Mr Stephen Pattison, Head of the FCO UN Department, told the Inquiry:

"I am not sure that the American Administration was ever formally committed to a second resolution ... I think ... they were willing to let us have a go at trying ... They certainly did not see a legal necessity for it and they, I think, obviously feared that it could only result in more complication at the UN Security Council."¹⁷¹

520. Asked whether that was his understanding, Mr Straw replied:

"That was, of course, the downside. That it might expose divisions rather than resolve them. I still with the benefit of hindsight think it was worth attempting the second resolution. We were elusively close, in my judgement, to getting those magic nine votes and no veto but it didn't happen. That was their concern. That said, the Americans, certainly Secretary Powell, were very assiduous in seeking to build up support for the second resolution. There are records that you will have seen where he reports he worked the phones with various people."¹⁷²

521. In his memoir, Mr Straw wrote that the leaders of the African nations, Chile and Mexico "would not put their heads above the parapet knowing that France would veto 'whatever the circumstances'. The resolution was dying."¹⁷³

522. Mr Blair told the Inquiry that the UK had come "pretty close" to a majority of votes; and that, "we could have got Chile and Mexico actually if the French position had been less emphatic".¹⁷⁴

Events of 14 March 2003

523. In a minute of 14 March, Mr Jonathan Powell recorded that Mr Blair had agreed that he would start holding meetings of a "War Cabinet" from 19 March.¹⁷⁵

524. The composition of the War Cabinet is addressed in Section 2.

PRESIDENT CHIRAC'S CONVERSATION WITH MR BLAIR

525. President Chirac asked Mr Blair on 14 March if Mr Straw and Mr de Villepin could discuss whether there was sufficient flexibility to find an agreed way forward. Mr Blair agreed.

¹⁷⁰ Public hearing, 8 February 2010, pages 72-73.

¹⁷¹ Public hearing, 31 January 2010, page 58.

¹⁷² Public hearing, 2 February 2011, pages 92-93.

¹⁷³ Straw J. *Last Man Standing: Memoirs of a Political Survivor*. Macmillan, 2012.

¹⁷⁴ Public hearing, 21 January 2011, pages 94-95.

¹⁷⁵ Minute Powell to Prime Minister, 14 March 2003, 'War Cabinet'.

526. Mr Blair had “insisted that it must be the Security Council” which decided whether Saddam Hussein had co-operated, not the inspectors.

527. President Chirac asked to speak to Mr Blair on 14 March.¹⁷⁶

528. Drawing the report of Mr Straw’s conversation with Mr de Villepin on 13 March to Mr Blair’s attention before the telephone call with President Chirac, Sir David Manning wrote:

“No surprises: will probably complain we are misrepresenting him; will offer new effort based on the shorter time line but no automaticity. You can certainly point to his frenetic efforts to block us at every turn.”¹⁷⁷

529. President Chirac told Mr Blair that France was “content to proceed ‘in the logic of UNSCR 1441’; but it could not accept an ultimatum or any ‘automaticity’ of recourse to force”.¹⁷⁸ He proposed looking at a new resolution in line with resolution 1441, “provided that it excluded these options”.

530. Mr Blair “said that we needed clear, specific ‘tests’ to measure whether Saddam was co-operating”. Of the six tests proposed by the UK, “five were from the Blix ‘clusters’ report and the sixth had been proposed by the inspectors and was intended to provide a mechanism for junior Iraqi officials and scientists to co-operate with the inspectors”.

531. President Chirac “suggested that the UNMOVIC work programme might provide a way forward. France was prepared to look at reducing the 120 day timeframe it envisaged.”

532. Mr Blair responded that “still did not get round the problem that if Saddam was found to be in breach, all the [sic] followed was more discussion and we were back where we started. It must be clear that ... action would ensue.”

533. In response to a question from President Chirac about whether it would be the inspectors or the Security Council who decided whether Saddam had co-operated, Mr Blair “insisted that it must be the Security Council”.

534. President Chirac agreed, “although the Security Council should make its judgement on the basis of the inspectors’ report”. He “wondered whether it would be worth” Mr Straw and Mr de Villepin “discussing the situation to see if we could find some flexibility”; or was it “too late”?

535. Mr Blair said “every avenue must be explored”.

¹⁷⁶ Letter Cannon to Owen, 14 March 2003, ‘Iraq: Prime Minister’s Conversation with President Chirac, 14 March’.

¹⁷⁷ Manuscript comment Manning to Prime Minister on Telegram 53 FCO London to Paris, 13 March 2003, ‘Iraq: Foreign Secretary’s Conversation with French Foreign Minister, 13 March’.

¹⁷⁸ Letter Cannon to Owen, 14 March 2003, ‘Iraq: Prime Minister’s Conversation with President Chirac, 14 March’.

536. President Chirac concluded that “talking direct was better than via TV and radio broadcasts”. He had told Mr Blair that he did not want “disagreements over Iraq to have an impact on the UK and France’s joint interests in Europe” and they should talk before the European Council on 20 March.

537. Mr Blair “said that he too did not want things to become more difficult”. He “wanted to ensure the strength of the UK/France relationship was not affected”.

538. Mr Campbell suggested that Mr Straw was “instructed” to “concede nothing” when he spoke to Mr de Villepin.

539. Mr Campbell wrote that the discussion was “a lot friendlier than it might have been” but President Chirac had been:

“... straight on to the point TB expected, namely he could see a way of co-operating on the tests but it must be the inspectors who decide if Saddam is co-operating. He said he could not support an ultimatum or anything taken as a support for military action.

“TB said the problem with that was that it meant he could have as many last chances and as much time as he [Saddam] wanted. There had to be automaticity [trigger for attack].

“Chirac said there could not be automaticity.”¹⁷⁹

540. Mr Campbell added that Mr Blair and President Chirac had agreed Mr Straw and Mr de Villepin should talk, but Mr Blair “issued instructions” to Mr Straw “to concede nothing. There was intelligence suggesting the French were seeking to get the undecided six to go for tests plus more time.” Mr Blair suspected President Chirac “would move to a position of automaticity but inspectors are the sole judges of compliance”.

541. Asked whether the UK had been told by France that it was misrepresenting President Chirac’s position, Mr Blair told the Inquiry that he had spoken to President Chirac on 14 March and:

“The French position was very, very clear. It wasn’t that they would veto any resolution, it is that they would veto a resolution that authorised force in the event of breach.”¹⁸⁰

542. Mr de Villepin stated that no country had shown any support for the UK proposals.

¹⁷⁹ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

¹⁸⁰ Public hearing, 29 January 2010, pages 124-125.

543. In an interview with *BBC Newsnight* on 14 March, Mr de Villepin asked what game was being played and whether there was a search for a “scapegoat in order to accuse one country of being irresponsible”.¹⁸¹ He stated that: “We should present the real position of both countries.”

544. Mr de Villepin pointed out that “no country ... had shown any support” for the UK proposals tabled in the Security Council late on 12 March.

MR BLAIR’S CONVERSATION WITH PRESIDENT BUSH

545. In a conversation with President Bush about the French position and what to say when the resolution was pulled, Mr Blair proposed that they would need to show that France would not authorise the use of force in any circumstances.

546. When Mr Blair and President Bush spoke on 14 March they discussed the French position and what to say about the French position when the decision was taken to pull the resolution.¹⁸²

547. Mr Blair stated that:

“... we would need to do so as the reasonable party, showing that France would not authorise the use of force in any circumstances, and demonstrating that we were sticking to 1441.”

548. Mr Blair said that at some point we needed to set out our views on post-conflict, including humanitarian issues; a joint statement at the Azores Summit would be welcome.

549. Mr Campbell wrote:

“Bush said he was predicting a ‘landslide, baby!’

“TB said it was too close to call.

“Bush ... The Azores was on.

“TB said we had to be seen striving all the way even if we felt the French made it impossible.

“Bush said it was a ‘moment of truth’ meeting ...

“TB said we must not let it be built up as a council of war. The more we talk about the UN and the aftermath the better ...

¹⁸¹ Embassy of the Republic of France in the UK, *Interview given by M. Dominique de Villepin, Minister of Foreign Affairs, to BBC Newsnight, Paris 14.03.2003.*

¹⁸² Letter Rycroft to McDonald, 14 March 2003, ‘Iraq: Prime Minister’s Conversation with Bush, 14 March’.

“TB briefed on the Chirac call, said the divide was between those prepared to consider military action and those who were not, who would give him [Saddam?] as much time as he wanted.

“Bush said that he did not trust the French but we had to do a slow waltz with them in the next few days. He felt they thought America was more guilty than Saddam.

“TB said that the French appearing to be so unreasonable had been a big mistake by Chirac.”¹⁸³

550. Asked whether he had agreed with President Bush on 14 March that “the game was up”, Mr Blair said:

“The game was up in the sense that we were not going to get a resolution. This was the second best ... Our preference was to have got a resolution that passed the Security Council ... I was very conscious that I had Cabinet members who were unhappy about this ... that it might give us some political weight, I mean not much frankly, but some if we could say at least we have a majority of members on our side, even though we knew we were not going to get the resolution.”¹⁸⁴

551. Mr Blair added:

“It is simply a political point. If you can say, ‘Well we didn’t get the resolution because France vetoed but nonetheless we got the majority of the Security Council in our favour,’ it would allow us to say that ... It would have helped me. I would have definitely used this in terms of the presentation of the case ...”

MR BLAIR’S CONVERSATIONS WITH PRESIDENT LAGOS

552. President Lagos initially informed Mr Blair on 14 March that the UK proposals did not have Chile’s support and that he was working on other ideas.

553. Later President Lagos informed Mr Blair that he would not pursue his proposals unless Mr Blair or President Bush asked him to.

554. No.10 reported that President Lagos told Mr Blair on 14 March that the “elected six” had been working on some ideas which they planned to announce at “noon” (New York time).¹⁸⁵ Those ideas were “based on reasonable benchmarks and timing, but also the use of force if Saddam did not comply”.

555. President Lagos also told Mr Blair that the draft resolution tabled on 7 March did not have Chile’s support and he “had the impression that France and Russia were now

¹⁸³ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

¹⁸⁴ Public hearing, 21 January 2011, pages 107-108.

¹⁸⁵ Letter [Francis] Campbell to Owen, 14 March 2003, ‘Iraq: Prime Minister’s Conversation with President Lagos of Chile, 14 March’.

looking for a real solution” in the Security Council. There was “a slim chance that war could be avoided within the next 3-4 days”. He would be holding a press conference in three hours.

556. Mr Blair had responded that it was not clear how things would develop. The Security Council “did not want to vote on a resolution that would be vetoed. Both France and Russia were very clear that they would not allow a resolution which authorised the use of force.”

557. Sir Jeremy Greenstock reported at 5.50pm on 14 March that the US, UK and Spanish Permanent Representatives had met early that morning to discuss how to react to the new proposal forming amongst the “middle-ground six (U-6)”. They had agreed:

- the proposal that “the Council would meet at the end of an ultimatum period to decide on Iraq’s co-operation towards compliance with the tests was completely unacceptable”; and
- to “major on the primacy of 1441” and tell contacts that “if any of the U-6 abandoned that baseline, they would do huge damage to the Security Council”.¹⁸⁶

558. President Lagos telephoned No.10 that evening and, in the absence of Mr Blair, spoke to Mr Rycroft to draw attention to the key points in his statement, including the benchmarks proposed by the UK and a deadline of three weeks, not longer, reflecting Mr Blair’s advice.¹⁸⁷

559. Mr Rycroft also reported that President Lagos would not push the proposal further unless President Bush or Mr Blair wanted him to; and that he [Lagos] had not received any reaction from other Security Council members.

560. An unofficial translation of President Lagos’ statement produced by the British Embassy Santiago reported that it expressed “full understanding of the United States concern for the threats posed to its security”, which were “also threats to world security”.¹⁸⁸ It also stated that Chile continued to make “best efforts to avert war” while fully supporting the “UN decision aimed at bringing to full and verified compliance the Iraqi disarmament process” mandated in resolution 1441. President Lagos referred to “a special co-operative bond”, which Chile had established with the UK.

561. The proposal was “for the Security Council to impose ... five critical conditions” derived from the inspection process which should be fulfilled “within a realistic time period not later than three weeks as from the date on which they are approved by the Security Council”. Verification of compliance was to be reported by inspectors with the Security Council controlling the decisions that followed.

¹⁸⁶ Telegram 441 UKMIS New York to FCO London, 14 March 2003, ‘Iraq: End Game’.

¹⁸⁷ Letter Rycroft to Owen, 14 March 2003, ‘Iraq: Chile: 14 March’.

¹⁸⁸ Letter British Embassy Santiago to No.10, 14 March 2003, ‘Statements by President Lagos’.

562. The Chilean proposal omitted the demand for a public statement by Saddam Hussein but repeated the UK proposal for interviews outside Iraq. The remaining tests were a subset of the UK proposals, requiring Iraq to:

- disclose any remaining warhead with mustard gas or mustard gas bombs or any documentation to prove their destruction;
- disclose the 10,000 litres of anthrax or account for its destruction;
- destroy any Al Samoud 2 missiles and their components; and
- disclose any information stating that “Remote Control” vehicles do not carry chemical weapons.

563. President Lagos also stated that the “great powers” had “unfortunately failed to include” the “delicate equilibrium” between “reasonable goals and realistic deadlines” in their proposed resolutions. Chile would “not concur with a resolution” that failed “to exhaust all the means available to complete Iraqi disarmament and preserve world peace”. It was “still possible to reach an understanding and strengthen international unity”; and that unity would be “the only guarantee of a stable, fair peace”. Chile believed that Iraqi disarmament could “still be done while preserving and strengthening the international institutional framework afforded by the United Nations and its Charter, and seeking any other alternative for the rule of law to prevail over force”.

564. Dr Blix wrote that the Chilean proposal replaced the requirement for a televised speech from Saddam Hussein with a less humiliating letter from the Iraqi leadership and extended the time given for attainment of the benchmarks to three weeks or 30 days and for Council collectively to assess if Iraq had attained the benchmarks and to decide on further action.¹⁸⁹ Chile was “not willing to let the Council abdicate this prerogative. The US on the other hand were not ready to drop the claim of a right to go it alone.”

DEVELOPMENTS IN NEW YORK, 14 MARCH 2003

565. Sir Jeremy Greenstock reported that US pressure on Chile had contributed to its decision to stop work on its proposal.

566. Sir Jeremy told his colleagues in New York that the UK would continue to look for agreement on its proposals. Key decisions would be made at the Azores Summit.

567. Reporting on developments on 14 March, Sir Jeremy Greenstock wrote that the U-6 had “made no further efforts to achieve consensus” and their proposal had been “confirmed dead”.¹⁹⁰

¹⁸⁹ Blix H. *The Search for Weapons of Mass Destruction: Disarming Iraq*. Bloomsbury Publishing Plc, 2005.

¹⁹⁰ Telegram 451 UKMIS New York to FCO London, 15 March 2003, ‘Iraq: 14 March’.

568. Sir Jeremy commented that the process had “ground to a halt” because the text leaked and the leaked version did not resemble the final draft and because President Lagos had spoken out too soon, “alerting the US who then put on great pressure to kill it”. A Chilean official had told the UK Mission that the US pressure on Chile in particular had been “more ... than that put on them to support the UK/US/Spain resolution”.

569. When the EU Heads of Mission met to take stock on 14 March, Sir Jeremy Greenstock told them “discussions were continuing” and he had made clear to the African and Latin American members of the Council that he was “ready to talk at any stage. But there remained differences on substance and procedure.” In response to a comment from the German Ambassador that “both the British and U-6 proposals were dead in the water”, Sir Jeremy replied that the UK “would keep going”; the Azores Summit “represented a final opportunity”.

570. A scheduled meeting of the P5 was cancelled because there was “little to talk about”.

571. Sir Jeremy also spoke to Dr Blix, and to Mr Annan about “the leading role” he (Mr Annan) could play in the event of conflict “in healing wounds and reinserting the UN into the post-conflict situation”.

572. Sir Jeremy concluded:

“The fact of the Azores Summit, the collapse of the U-6 compromise under our combined pressure and general exhaustion here in New York, have all added up to a less troublesome day than we might have expected.

“Clearly key decisions on the resolution will be made at the Summit. In addition to any other instructions, grateful if you could consider whether it is worth giving UNMOVIC/IAEA and the UN advance notice of any announcement on next steps so that they can make the earliest possible preparations to evacuate staff from Iraq ...”

573. Mr Campbell wrote that on 14 March “the diplomatic scene was going nowhere but we kept going with the line we were working flat out for a second resolution”.¹⁹¹

The UK decision that Iraq had committed further material breaches

THE EXCHANGE OF LETTERS OF 14 AND 15 MARCH 2003

574. Resolution 1441 decided:

- that Iraq had been and remained “in material breach of its obligations under relevant resolutions”, in particular through its “failure to co-operate” with the

¹⁹¹ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

UN inspectors and the IAEA and to complete the actions required by operative paragraphs 8 to 13 of resolution 687 (OP1);

- to afford Iraq “a final opportunity” to comply with its obligations (OP2);
- that Iraq should provide “a currently accurate, full, and complete declaration of all aspects of its programmes” within 30 days of the resolution (OP3); and
- “that false statements or omissions in the declarations submitted by Iraq pursuant to this resolution 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 and will be reported to the Council for assessment ...” (OP4).

575. On 14 March, Lord Goldsmith asked for confirmation of Mr Blair’s view that Iraq had “committed further material breaches as specified in [operative] paragraph 4 of resolution 1441”.¹⁹²

576. Mr David Brummell, Legal Secretary to the Law Officers, wrote to Mr Rycroft on 14 March:

“It is an essential part of the legal basis for military action without a further resolution of the Security Council that there is strong evidence that Iraq has failed to comply with and co-operate fully in the implementation of resolution 1441 and has thus failed to take the final opportunity offered by the Security Council in that resolution. The Attorney General understands that it is unequivocally the Prime Minister’s view that Iraq has committed further material breaches as specified in [operative] paragraph 4 of resolution 1441, but as this is a judgment for the Prime Minister, the Attorney would be grateful for confirmation that this is the case.”

577. Mr Rycroft replied to Mr Brummell’s letter the following day, stating:

“This is to confirm that it is indeed the Prime Minister’s unequivocal view that Iraq is in further material breach of its obligations, as in OP4 of UNSCR 1441, because of ‘false statements or omissions in the declarations submitted by Iraq pursuant to this resolution and failure to comply with, and co-operate fully in the implementation of, this resolution’.”¹⁹³

578. It is unclear what specific grounds Mr Blair relied upon in reaching his view.

579. Following receipt of Mr Brummell’s letter of 14 March, Mr Blair neither requested nor received considered advice addressing the evidence on which he expressed his “unequivocal view” that Iraq was “in further material breach of its obligations”.

580. The significance of Lord Goldsmith’s request and Mr Blair’s response are addressed in Section 5.

¹⁹² Letter Brummell to Rycroft, 14 March 2003, ‘Iraq’.

¹⁹³ Letter Rycroft to Brummell, 15 March 2003, ‘Iraq’.

581. The preparation of a Written Answer on 17 March, setting out Lord Goldsmith's view of the legal basis for military action, is also addressed in Section 5.

THE FCO PAPER OF 15 MARCH, 'IRAQI NON-COMPLIANCE WITH UNSCR 1441'

582. A paper for publication providing examples of Iraq's failure to comply with the obligations imposed by the UN was produced by the FCO on 15 March.

583. The question of what would constitute a further material breach as specified in OP4 of resolution 1441 (2002) was the subject of considerable debate within the UK Government in late 2002 (see Section 3.6).

584. In January 2003, Mr Blair said that, if the inspectors' reports established a pattern of non-compliance, they would, in the absence of other evidence that Iraq had concealed WMD (a "smoking gun"), be sufficient to secure Security Council support for a second resolution stating that Iraq was in further material breach of resolution 1441.¹⁹⁴

585. Mr Blair proposed that the US and UK should seek to persuade others, including Dr Blix, that this was the "true view" of resolution 1441.

586. By the end of January, Mr Blair had taken a public position that Iraq was failing fully to comply with resolution 1441, and that that was a further material breach (see Section 3.6).

587. In his advice of 7 March, Lord Goldsmith said that the views of UNMOVIC and the IAEA would be highly significant in demonstrating hard evidence of non-compliance and non-co-operation.¹⁹⁵

588. In his minute to Mr Blair of 11 March, Mr Straw wrote that the:

"... three recent meetings of the [Security] Council more than fulfil the requirement for immediate consideration of reports of non-compliance. So we can say convincingly that the process set out in resolution 1441 is complete."¹⁹⁶

589. Mr Straw suggested that the UK Government should use "the overwhelming evidence that Iraq has not used the four months" since the adoption of resolution 1441 "to co-operate 'immediately, unconditionally and actively'" to make a "more compelling" case to Parliament and public opinion. The UNMOVIC "clusters" document would be a material help in making that case".

590. A draft of the FCO paper on Iraq's failure to comply with resolution 1441, intended to "demonstrate clearly the extent of Iraqi intransigence" was sent to Mr Straw's Private

¹⁹⁴ Letter Manning to Rice, 24 January 2003, [untitled] attaching Note [Blair to Bush], [undated], 'Note'.

¹⁹⁵ Minute Goldsmith to Prime Minister, 7 March 2003, 'Iraq: Resolution 1441'.

¹⁹⁶ Minute Straw to Prime Minister, 11 March 2003, 'Iraq: What if We Cannot Win the Second Resolution?'

Office and other FCO addressees on 13 March.¹⁹⁷ It was agreed with the MOD, Defence Intelligence Staff (DIS) and the Cabinet Office Assessments Staff.

591. The paper was referred to in a note on the Attorney General's file, in relation to the need for "further material to be assembled" as discussed by Lord Goldsmith and Mr Straw, in their meeting late on 13 March, to provide "evidence showing" that Iraq was "in further material breach". That listed a need for:

- Any examples of false statements/omissions and (significant) non-co-operation reported to Security Council pursuant to OP4 of SCR 1441.
- Any examples of Iraqi interference reported by Blix or ElBaradei to the Council pursuant to OP11.
- For these purposes, we need to trawl through statements from the draft Command Paper on Iraqi non-compliance which is to be published.
- See attached FCO paper Iraqi non-compliance with UNSCR 1441 of 13 March 2003."¹⁹⁸

592. A note of a conversation with Ms Kara Owen in Mr Straw's Private Office, on 14 March, recorded that Mr Brummell had made the following points on Lord Goldsmith's behalf:

- "Demonstration of breaches of UNSCR 1441 are critical to our legal case. Therefore we must be scrupulously careful to ensure that the best examples of non-compliance are referred to."
- "It would be distinctly unhelpful to our legal case if the examples of non compliance ... were weak or inadequate; and it would be difficult – indeed it would be too late – to seek to add further (better) examples 'after the event'."
- The FCO needed to check the document they were preparing "very carefully" and subject it to "the tightest scrutiny".
- The document should include "a caveat ... acknowledging that the examples of non-compliance ... were not exhaustive but illustrative".
- The submission to Mr Straw should reflect those points.¹⁹⁹

593. Mr Brummell's record of his conversation with Ms Owen on 14 March also stated that he had been informed that the FCO paper would be sent out with a letter from Mr Blair to Ministerial colleagues on 17 March, "after Cabinet". Mr Blair's letter would also contain a "one page" summary of the legal position, which was "news" to Mr Brummell. A subsequent conversation with Mr Rycroft had "confirmed that it would be helpful if" Lord Goldsmith's staff would draft that summary.

¹⁹⁷ Minute [FCO junior official] NPD to PS [FCO], 13 March 2003, 'Iraq: Compliance with UNSCR 1441'.

¹⁹⁸ Note [on Attorney General's files], [undated], 'Iraq Further Material to be Assembled (as discussed by the Attorney General and Foreign Secretary on 13 March 2003)'.

¹⁹⁹ Note Brummell, 14 March 2003, 'Iraqi Non-Compliance with UNSCR 1441: Note of Telephone Conversation with Kara Owen'.

594. The FCO paper was finalised on 15 March.²⁰⁰ It was produced by officials in the FCO but drawn largely from official reports and statements by UN inspectors. It drew heavily on UNMOVIC's report, 'Unresolved Disarmament Issues – Iraq's Proscribed Weapons Programmes', the "clusters" document, which it characterised as "a 173 page-long catalogue of Iraqi intransigence since 1991".

595. The paper examined the extent of Iraq's non-compliance with the obligations placed upon it by the UN Security Council in resolution 1441, which it stated was "unambiguous". Resolution 1441:

- recognised the threat which Iraq's non-compliance "and proliferation of weapons of mass destruction and long-range missiles" posed to international peace and security (preamble paragraph (PP) 3);
- decided that Iraq had been and remained "in material breach of its obligations under relevant resolutions" (OP1);
- decided to "afford Iraq ... a final opportunity to comply" (OP2); and
- decided that "false statements or omissions in the declarations submitted by Iraq ... and failure by Iraq at any time to comply with, and co-operate fully in the implementation of, this resolution shall constitute a further material breach of Iraq's obligations" (OP4).

596. Assessing Iraq's "progress in complying with relevant provisions of UNSCR 1441", the paper stated that Iraq had "Not met" the requirement in five areas and had only "Partially met" or "Not yet met" other demands.

597. The FCO paper stated:

- Iraq had "Not met" the requirement for a "currently accurate, full, and complete declaration of all aspects of its programmes". The Iraqi declaration, of 7 December, "did not contain any new information to answer any of the outstanding questions", and there were "significant falsehoods".
- Iraq had not provided UNMOVIC and the IAEA with "immediate, unimpeded, unrestricted, and private access to all officials and other persons whom UNMOVIC or the IAEA wish to interview". Only 16 interviews had taken place and there was "reason to believe" that the Iraqi authorities had intimidated interviewees.
- No interviews had taken place outside Iraq. The paper cited "evidence that Iraqi scientists have been intimidated into refusing interviews ... They – and their families – have been threatened with execution if they deviate from the official line."

²⁰⁰ Paper FCO, 15 March 2003, 'Iraqi Non-Compliance with UNSCR 1441' attached to Letter Straw to Colleagues, 17 March 2003, [untitled].

- Iraq had not provided UNMOVIC and the IAEA with “the names of all personnel currently and formerly associated with Iraq’s chemical, biological, nuclear, and ballistic missile programmes and the associated ... facilities”.
- Iraq was not co-operating “immediately, unconditionally, and actively with UNMOVIC and the IAEA”. It had not answered the outstanding questions raised by UNSCOM when it was forced to withdraw or by the 1999 Amorim panel (see Section 1.1).

598. The list of unresolved “outstanding issues” included:

- “Failure to account adequately for SCUD-type missiles and components ‘suggests that these items may have been retained for a prohibited missile force’.”
- “Failure to explain why Iraq has built a missile test stand at al-Rafah that can accommodate missiles with over four times the thrust of the prohibited Al Samoud missile.”
- “[A]t least 80 tonnes (in 550 shells and 450 aerial bombs)” of “unaccounted for” mustard gas, and that quantity “could be substantially higher”.
- Whether Iraq had retained “some capability with regard to VX”.
- Whether Iraq’s claimed destruction of bulk agent, including anthrax, in 1991 had occurred.
- Failure to account for the aircraft associated with the L-29 RPV programme.

599. The FCO paper also stated that Iraq had only:

- “Partially met” the requirement for free and unrestricted use of aircraft “belatedly and under pressure”.
- “Not yet met” the requirement to destroy Al Samoud missiles and associated equipment. It stated that the programme of destruction had started by the deadline set by UNMOVIC, but suggested it could be stopped “at any time”.
- “Partially met” the requirement not to “take or threaten hostile acts”, although it stated “inspections had been largely incident-free”.

600. The paper also identified Iraqi “gestures” which it characterised as examples of a “pretence of co-operation”.

601. The paper was sent to all Members of Parliament on 17 March.²⁰¹

602. The statements in the FCO paper about Iraq’s approach to interviews and its intimidation of personnel were based on the UK’s interpretation of the intelligence reporting it had received that Iraq was actively and successfully pursuing a policy of concealing its programmes and deceiving and obstructing the inspectors.

²⁰¹ Letter Straw to Colleagues, 17 March 2003, [untitled] attaching Paper FCO, 15 March 2003, ‘Iraqi Non-Compliance with UNSCR 1441’.

603. The FCO paper did not evaluate the seriousness of either the five requirements which Iraq had “Not met” or the other areas where Iraq had only “Partially met” or “Not yet met” the requirement.

604. The way in which that intelligence was drawn on in briefings for and statements by Ministers, and the withdrawal of some of the reporting in September 2004, is addressed in Section 4.3.

605. OP11 of resolution 1441 (2002) directed 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”.

606. OP12 recorded that the Security Council had decided “to convene immediately upon receipt of a report in accordance with paragraphs 4 or 11 ... in order to consider the situation and the need for full compliance with all of the relevant Council resolutions in order to secure international peace and security”.

607. The FCO paper did not mention that OP4 of resolution 1441 required a further material breach to be “reported to the Council for assessment in accordance with paragraphs 11 and 12” of the resolution. Nor did it contain any reference to the Security Council having done so.

608. In setting out the analysis, there were a number of salient points the FCO paper did not make, including:

- Dr Blix had reminded Mr Blair on 6 February that the material described as “unaccounted for” in UNSCOM’s report of 1999 was not necessarily present in Iraq; and that it would be “paradoxical to go to war for something that might turn out to be very little”.²⁰²
- Dr Blix made a similar point in his report to the Security Council on 7 March.²⁰³
- The quantities of material described as “unaccounted for” were estimates extrapolated from data in UNSCOM official records.
- Dr Blix had not at that point requested any interviews outside Iraq. He told the Security Council on 7 March that he would be requesting such interviews “shortly”.
- There had been no problems once aircraft flights over Iraq started.
- UNMOVIC had not reached a conclusion on the purpose of the test stand at al-Rafah or the L-29 RPV programme.
- Iraq had already destroyed 65 of the 120 short-range Al Samoud 2 missiles it was estimated to possess.

²⁰² Letter Rycroft to Owen, 6 February 2003, ‘Iraq: Prime Minister’s Meetings with Blix and El-Baradei, 6 February’.

²⁰³ UN Security Council, ‘4714th Meeting Friday 7 March 2003’ (S/PV.4714).

609. UNMOVIC had informed Sir Jeremy Greenstock on 11 March that Iraq had provided names of personnel currently and formerly associated with Iraq's WMD programmes and had said "they were willing to provide more in particular areas on request".²⁰⁴

610. Dr Blix's reports to the Security Council presented a nuanced picture. He did not say that Iraq was complying, but neither he nor Dr ElBaradei had reported to the Security Council that Iraq was not complying or that the inspectors could not complete their tasks.

611. In his report of 7 March, Dr Blix stated that, when the quarterly report had been finalised, there had still been "relatively little tangible progress to note" and the report had been "cautious".²⁰⁵ By 7 March, however, there was more. Iraq had accepted the destruction of Al Samoud 2 missiles and associated items and that constituted a "substantial measure of disarmament ... the first since the middle 1990s".

612. In relation to other recent Iraqi initiatives, Dr Blix stated:

"One can hardly avoid the impression that, after a period of somewhat reluctant co-operation, there has been an acceleration of initiatives from the Iraqi side since the end of January. This is welcome, but the value of these measures must be soberly judged by how many question marks they actually succeed in straightening out. This is not yet clear."

613. Dr Blix added that Iraq had not "persisted" in attaching conditions to inspections. Recent Iraqi initiatives could not be said "to constitute 'immediate' co-operation. Nor do they necessarily cover all areas of relevance"; but they were "nevertheless welcome".

614. Dr Blix was not reporting that he was unable to carry out inspections. He stated that "Even with a pro-active Iraqi attitude" it would still take "months" to "verify sites and items, analyse documents, interview relevant persons and draw conclusions". A document addressing unresolved disarmament issues and to identify key remaining disarmament tasks, as required by resolution 1284 (1999), would be submitted later that month.

615. Dr ElBaradei reported that there were no indications that Iraq had resumed nuclear activities since the inspectors left in December 1998, and the recently increased level of Iraqi co-operation should allow the IAEA to provide the Security Council with an assessment of Iraq's nuclear capabilities in the near future.²⁰⁶

²⁰⁴ Telegram 417 UKMIS New York to FCO London, 12 March 2003, 'Personal Iraq: Side Statement and End Game Options'.

²⁰⁵ UNMOVIC Briefing of the Security Council, 7 March 2003, 'Oral introduction of the 12th quarterly report of UNMOVIC'.

²⁰⁶ UN Security Council, '4714th meeting Friday 7 March 2003' (S/PV.4714).

616. Dr Blix told the Inquiry that he had been “pushed very hard” to conduct interviews abroad.²⁰⁷ Resolution 1441 had provided for such interviews but did not say they were mandatory. He:

“... never thought that you would get much out of it. It would only have been trouble, but we would have been driven to it in the end. I think the push was so hard, so we would have persuaded the Iraqis ...”

617. Dr Blix added that he did not think interviews outside Iraq were realistic but he would have pursued them if there had been more time: “The pressure from the British was also strong. [Mr] Blair felt very strongly about it.”²⁰⁸

Events of 15 and 16 March 2003

618. In the entry in his diaries for 15 March, Mr Campbell wrote that there was a meeting with Mr Blair at 8.30am. He was “clear now what the French would try – yes to the tests, even to the possibility of military action, but they would push for a later date”.²⁰⁹

619. That had been followed by a pre-meeting with Mr Prescott, Mr Brown and Mr Douglas Alexander, Minister of State at the Cabinet Office. Mr Campbell commented:

“GB [Gordon Brown] was beginning to motor a bit, firing with good media and political lines. He also felt we needed to explain more clearly why we had been so keen to get the second resolution when now we were saying we didn’t need one. The answer lay in the pressure we had been putting on the Iraqis, through the building of international support. He also felt that we should be pressing publicly over some of the questions he felt Blix had not fully answered.

“Goldsmith was happy for us to brief that in the coming days he would make clear there was a legal base for action. We now had to build up the Azores as a genuine diplomatic effort, which was not going to be easy ...

“John Scarlett [Chairman of the JIC] joined us, reported signs of the Iraqis really hunkering down, said there were reports of summary executions ...

“Godric [Smith – Mr Blair’s Official Spokesman] and I were briefing Ministers and then the media re the forthcoming AG [Attorney General] advice. A few decisions having been taken, the travel of direction clear, we felt in a stronger position.”²¹⁰

²⁰⁷ Public hearing, 27 July 2010, page 57.

²⁰⁸ Public hearing, 27 July 2010, page 58.

²⁰⁹ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

²¹⁰ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

THE FCO GAME PLAN

620. A Note for the Record written by Mr McDonald on 15 March reported that Cabinet on 17 March would need:

“... to be choreographed with the Security Council meeting where Jeremy Greenstock would announce that we were pulling our resolution.

“The Foreign Secretary assumed the Cabinet would meet sometime in the morning. It will need specifically to approve the course of action proposed and to have passed across the terms of the Commons motion for Tuesday.

“... it might be a good idea for him [Mr Straw] to do a statement on Monday to inform colleagues of the decision to withdraw ... A statement ... might give us a better chance of assessing from where the strongest arguments would come.”²¹¹

621. The FCO advised No.10 that the UK’s “aim should be to leave the current diplomatic process in a way that helps ensure that we can return to the Council shortly for action on other important areas, such as amending the Iraq sanctions regime and obtaining UN authorisation of post conflict arrangements”.²¹² That could best be done by a “short statement” by Sir Jeremy Greenstock in informal Council consultations, making clear that the UK “regretted that it had proved impossible to make progress on our text and that we were not taking any further action on it”: “Ideally this should coincide with any US announcement of a short final ultimatum to Iraq.”

622. The FCO also identified the risk of a resolution being tabled in the Security Council or the UN General Assembly criticising the use of force; the need to address travel advice and the safety of UK nationals in the region; and the reaction to the US announcement about publishing a Road Map on the MEPP.

623. Mr Ricketts subsequently advised that Sir Jeremy Greenstock had pointed out “that we should try to keep the issue open in the Security Council for as long as possible in order to minimise the risk of rival initiatives”; and that “a key element” of that strategy would be “to ensure that we do not say we are closing down or giving up on the Security Council route”.²¹³

624. Sir David Manning recorded that Mr Blair had made those points “strongly” at the Azores Summit.²¹⁴

²¹¹ Note, McDonald, 17 March 2003, ‘Iraq: Meeting with the Attorney General’.

²¹² Letter Owen to Rycroft, 15 March 2003, ‘Azores Summit’.

²¹³ Letter Ricketts to Manning, 16 March 2003, ‘Iraq: Azores’.

²¹⁴ Manuscript comment Manning, 17 March 2003, on Letter Ricketts to Manning, 16 March 2003, ‘Iraq: Azores’.

625. Sir Jeremy Greenstock told the Inquiry that it was his “responsibility not to be caught having allowed somebody to put down a resolution against us because I had lost the initiative. I would have been criticised for that.”²¹⁵

626. The FCO advice on setting out a “Vision” for Iraq after the conflict at the Azores Summit is addressed in Section 6.5.

MR BLAIR’S CONVERSATION WITH PRESIDENT BUSH, 15 MARCH 2003

627. In his discussion with President Bush on 15 March, Mr Blair proposed that the main message from the Azores Summit should be that it was the final chance for Saddam Hussein to demonstrate that he had taken the strategic decision to avert war; and that members of the Security Council should be able to sanction the use of force as Iraq was in material breach of its obligations.

628. The UK would take the decision on the timing for bringing the UN process to an end on 17 March.

629. President Bush was trying to help Mr Blair achieve a majority for military action in the Parliamentary Labour Party before the House of Commons vote on 18 March.

630. When Mr Blair spoke to President Bush on 15 March, he thanked him for the announcement on the MEPP.²¹⁶

631. Mr Blair said that the main message for the Azores Summit should be that this was a final chance for the UN to deliver, and that countries should be able to sanction the use of force as Iraq was in material breach. They discussed the positions of various countries and Mr Blair underlined the importance of appearing as reasonable as possible when we pulled the UN resolution. The timing of that decision would be for the UK.

632. Mr Blair and President Bush also discussed the role of the UN post-conflict, the need to have a post-conflict strategy to deal with the opponents of military action, and the consequences of the experience on Iraq for the UN in the longer term.

633. Mr Blair’s attempts to agree the role of the UN post-conflict with the US are addressed in Section 6.5.

634. In his diaries, Mr Campbell provided a long account of the conversation, including:

“He [President Bush] accepted that we had done the right thing on the Road Map. ‘Good advice and it has helped a lot.’ ...

²¹⁵ Private hearing, 26 May 2010, page 30.

²¹⁶ Letter Rycroft to McDonald, 15 March 2003, ‘Iraq and Middle East: Prime Minister’s Telephone Conversation with President Bush, 15 March’.

“Bush was pretty vile about Fox, Chirac and Schröder [Mr Gerhard Schröder, the German Chancellor] and to a lesser extent Lagos. He wanted to go for a ‘coalition of the willing’ meeting next week ...

“TB said it was time for the UN to show it could do its job.

“Bush said that anything that weakened 1441 was not on. His plan now was:
1. get through Monday, 2. get through our vote; then 3. Coalition of the willing.

“He and TB then came up with the idea of doing the press conference before rather than after the meeting in the Azores. I was opposed, felt it would fuel the idea it was all a charade ...

“His [Bush’s] main line was that anything that takes us back from 1441 was not enough. This was the final stage of the diplomacy.

“TB said the UN had to be seen to do its job.

“Bush felt the TB lines re the divisions being between those prepared to use force and those who were not would come best from TB not him ... He said we have to come to a conclusion at the UN. If we issue an ultimatum and the prospect of force, and France says no, it becomes impossible.

“TB said he still thought Chirac might say yes, but with a delay.

“Bush said that if he went for yes with twenty-one days, he would reject it. They are the ones being unreasonable, not us.

“TB said he would definitely lose ... RC [Robin Cook] ...

“TB said he was not sure where Kofi [Annan] was.

“Bush said he had totally different problems to us re the UN ... the pressure in the States was to bury it. Then ‘I told Fox he has seriously messed up. He has really let me down on this.’ ...”²¹⁷

635. Mr Brenton reported that President Bush was determined to remove Saddam Hussein and to stick to the US timetable for action.

636. The UK’s “steadfastness” had been “invaluable” in bringing in other countries in support of action. Helping Mr Blair to make the transition from the UN process to military action was in the US’s own interests.

²¹⁷ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

637. Advising on the perspective from Washington, Mr Brenton reported that President Bush was:

“... utterly determined to get Saddam out. In retrospect it looks as if he finally and firmly reached that conclusion in early December at the time of the false Iraqi declaration. The entire subsequent action has been driven by it. This is a President who sets targets and expects his subordinates to deliver. Hence the ironclad determination of the timetable (which has hardly budged in three months) and the occasionally visible uneasiness about focusing exclusively on disarmament and sticking to the UN route (in case we got the answer ‘yes’). This does not mean that Bush wants to go to war, but the bottom line is that Saddam must go.”²¹⁸

638. Mr Brenton added that President Bush “had every reason to feel confident” about military action:

“The chief current nightmare in the Pentagon and intelligence community is ‘catastrophic success’ – a collapse of resistance in Iraq which moves too fast for us instantly to establish order in its wake. Of course nothing is certain and there are downside scenarios ... But the high probability projection is for a quick and relatively clean victory.

“As you know, the US are ready to start the (short) countdown to military action next week.”

639. President Bush also had domestic political grounds for confidence as the conviction that war is inevitable “had taken hold”. Liberal politicians had “kept their heads down”, and conservative commentators had “grown increasingly impatient with the UN’s delays”.

640. Mr Brenton wrote that the US Administration had, however, “been shocked” at their “inability” to get Turkey on board and the “failure, despite what they see as vigorous arm twisting, to get a majority for a second ... resolution”. The State Department was “concerned at images of US unilateralism” and was:

“... working hard at giving the ‘coalition’ of supportive countries a more visible presence. In this optic, the steadfastness of UK support, bringing with it other key players ... had been invaluable to them. The President is thus concerned about the Prime Minister’s present political difficulties not only out of fellow feeling (... a genuinely significant factor ...) but also out of self interest. It would be massively damaging for US interests for the British Government to fall because of our support in Iraq. The US will go to great lengths to help it not happen (as indeed they have started to do with their announcement on the Road Map).”

²¹⁸ Telegram 350 Washington to FCO London, 15 March 2003, ‘Iraq’.

641. Mr Brenton concluded:

“At the Azores Summit ... Bush will be looking for a way of making the transition from the UN process to the military countdown in a manner maximally helpful to the Prime Minister. A key component of this will be the announcement of our intentions for a post-Saddam Iraq, and in particular the level of UN involvement in administering. [...] and there is a clear US red line on fighting to liberate Iraq and then handing the governance over to the UN. Extensive UN involvement short of this ought to be achievable, and is a prize worth fighting for.”

642. Mr Blair saw the telegram on the way to the Azores Summit.

643. Mr Sherard Cowper-Coles, the British Ambassador to Israel, subsequently reported that there were some suggestions that the announcement of the Road Map had been a gesture to help Mr Blair; and that “as such it should not be taken too seriously by Israel”.²¹⁹

MR BLAIR’S CONTACTS WITH OTHER LEADERS

644. Mr Blair contacted a number of leaders to prepare the ground for the announcement that the UK would be taking no further action on the draft resolution.

645. Mr Rycroft recorded that in the conversation with Mr John Howard, the Australian Prime Minister, on 15 March, Mr Howard asked “if the diplomatic process was dead”.²²⁰ Mr Blair replied that it had “reached an impasse. The process would struggle on until Monday. Even the Russian position was making things difficult.”

646. Mr Blair added that “a way forward could have been found” if everyone had supported the proposals tabled by the UK the previous week; the “US had not been eager about the proposals, but they were prepared to go along with them. The tests had been taken from the Inspectors’ own reports – they were perfectly reasonable.” Saddam Hussein was “now busy hiding material around Iraq”.

647. Mr Blair and Mr Howard also discussed the effect of the French veto which the “elected six” were “hiding behind”. The implication would be that the US, UK and Australian troops should stay in the region indefinitely; without forces in the region the inspectors would be “kicked out”. If it was clear the diplomatic process was not going to proceed, there was little point in putting the resolution to a vote.

648. Mr Blair and Mr Howard also discussed the role of the UN and international financial institutions after conflict and the importance of a Road Map for the MEPP.

²¹⁹ Telegram 109 Tel Aviv to FCO London, 17 March 2003, ‘MEPP/Iraq: Local US View’.

²²⁰ Letter [Francis] Campbell to Owen, 15 March 2003, ‘Iraq: Australia, 15 March’.

649. In response to a letter from Mr Atal Vajpayee, the Prime Minister of India, proposing a summit-level meeting of the leaders of the five Permanent Members of the Security Council about the situation in Iraq, Mr Blair wrote:

“... the current situation in Iraq poses many challenges for the international community. How we handle this issue will have wide-ranging global implications for many years to come. It is for this reason that we and other UNSC members are working so hard to secure a peaceful resolution.

“I am conscious that all P5 members have a duty to do everything within their power to resolve this issue without eroding the authority of the UN system. I am meeting my US and Spanish counterparts on 16 March in the hope that a way can be found to bridge the differences within the Security Council. I hope that the UK and India will keep in very close touch as the situation develops.”²²¹

650. In a discussion with President Lagos about the Chilean proposal, the position of the “elected six” and the position of the US and other members of the Security Council, Mr Blair said that there were concerns that the “elected six” document would be “used by the French to cause further delay”.²²² Time was running out. It was clear from his conversation with President Chirac the previous day that France “would still not accept the automatic use of force or an ultimatum in the event of non-compliance”.

651. President Lagos stated that benchmarks without a timeline would result in endless discussion, but it was not clear what the Security Council could do and time was running out. Secretary Powell had told the Mexican Foreign Minister that the US did not want any further movement at the UN.

652. President Lagos was reported to have stated that he:

“... had acted in good faith, but he would not do anything further. He was very mad with the US response. They had assumed motives that were not true.”

653. Mr Blair said he would have further discussions with the US and “there could be a chance to squeeze things through”; and that “he thought there was still time and he would keep trying until the last minute”.

654. President Lagos responded that Mr Blair “knew where Chile stood and he was sorry that they had not been able to achieve a successful outcome last week”.

655. Mr Blair wrote in his memoir that the six tests tabled by the UK on 12 March:

“... were immediately rejected by France. Jacques Chirac gave a very strong statement saying he would not support military action whatever the circumstances. Dominique de Villepin ... also then rejected the tests per se. This was before

²²¹ Letter Blair to Vajpayee, 15 March 2003, [untitled].

²²² Letter [Francis] Campbell to McDonald, 15 March 2003, ‘Iraq: Chile, 15 March’.

the Iraqis even responded. Ricardo [Lagos] then explained that, in this case, he couldn't really participate in an obviously futile charade at the UNSC. The UN route was blocked."²²³

656. In his statement for the Inquiry, Mr Blair wrote:

"... the strength of the French statements of opposition and his internal politics made President Lagos say, reasonably enough, that he could not support what was going to be not only a resolution doomed to a veto, but one strongly attacked by certain P5 members."²²⁴

TRIPARTITE DECLARATION, 15 MARCH 2003

657. In a declaration on 15 March, France, with Germany and Russia, attempted to secure support in the Security Council for continued inspections.

658. In a declaration late on 15 March, France, Germany and Russia appealed to Security Council members to "make every effort to ensure" that a peaceful approach prevailed to meet the shared goal of the international community for the disarmament of Iraq.²²⁵ The points made in the declaration included:

- The inspections regime in resolution 1441 was "unprecedented".
- A reaffirmation that "nothing in current circumstances justifies abandoning the inspections process or resorting to force".
- The "successive reports" to the Security Council by Dr Blix and Dr ElBaradei had shown that inspections were "producing results" and that disarmament of Iraq had begun. There was "every reason to believe that it can be completed rapidly and in accordance with the rules set out by the Council. Iraq, for its part, must co-operate actively and unconditionally."
- "France, Russia and Germany, supported by China" had "submitted proposals" to achieve disarmament "by defining key disarmament tasks and establishing a rigorous timetable".
- "Suggestions in the same spirit" had "been put forward by other members of the Council".
- The unity of the Security Council could be preserved, and all members bore "a particular responsibility for ensuring" it was "not divided at this crucial time".
- When UNMOVIC's work programme was submitted to the Security Council, the Council should meet "immediately thereafter at the ministerial level to approve key disarmament tasks and establish an implementation timetable" which was "both demanding and realistic".

²²³ Blair T. *A Journey*. Hutchinson, 2010.

²²⁴ Statement, 14 January 2011, page 9.

²²⁵ UN Security Council, 18 March 2003, 'Letter dated 15 March 2003 from the Permanent Representative of Germany to the United Nations addressed to the President of the Security Council' (S/2003/320).

- The use of force could only be “a last resort”.
- A “peaceful approach” was “supported by the immense majority of the international community”.

659. President Chirac’s interview with *CNN*, which was broadcast on 16 March, is addressed later in this Section.

MINISTERIAL STATEMENTS, 16 MARCH 2003

660. Mr Blair and other Ministers continued on 16 March to insist that there was still time for a peaceful solution. They also drew attention to difficulties created by President Chirac’s stance on a veto and dismissed the tripartite proposal to extend the inspections process.

661. In his interview on the *BBC’s Breakfast with Frost* programme on 16 March, Mr Brown focused on the Government’s wish to avoid military action.²²⁶ He stated that “obviously we don’t want war, we want peace, we want the diplomatic process to work”. The UK was not seeking military action: “Even now ... Saddam Hussein could announce that he would comply and he would co-operate ...” The “purpose of the second resolution was to put the maximum pressure on Saddam Hussein ... that he had to disarm immediately and that he could not get off the hook”.

662. Mr Brown stated:

“My view ... and I think this is the view of Tony Blair, is that we should continue to try, even now, even in these difficult times, to secure international agreement ... to a resolution that would involve international co-operation and force Saddam Hussein to disarm. It is unfortunate that we have both got non-compliance on the part of Iraq ...

“And of course the other issue that makes it difficult is that at least one country has said that although it has supported the resolutions that imply the use of force, that they would not support a resolution now on the use of force, at this stage, whatever the circumstances ...

“... even today the focus is on seeing if we can move the diplomatic process forward ... even at this stage there are initiatives that can be taken that would move it forward. I would like every one of the Security Council members to be in a position to say that they would support the disarmament of Saddam Hussein.”

663. Mr Brown added:

“This is about our national interests, this is our role in the international community. Tony Blair has tried to bring Europe and America together. He’s trying to find a

²²⁶ *BBC News*, 16 March 2003, *BBC Breakfast with Frost Interview: Gordon Brown, MP, Chancellor of the Exchequer*.

diplomatic way forward ... I believe there are options still available to us and these will be discussed today with President Bush ... the important thing to recognise is that when the international community passes its resolutions ... it has got to show that it's got a mechanism for enforcing its will. And that was, of course, the purpose of the second resolution, but ... that could form initiatives that could be taken this afternoon and later, to see if we can resolve this issue without military action.

"... Even now there are initiatives on the table that have been put forward by us and others that may help us resolve the question of whether there can be international co-operation but the blockage is the non-compliance of Saddam Hussein and ... at least one country saying ... in what I think is unreasonable terms, that whatever the circumstances ... they would not consider the use of force. And that really deprives us of a mechanism for action ..."

664. Mr Brown also stated that the Government would not be acting in the way it was "unless it was satisfied that there was a legal basis for its actions".

665. In his diaries, Mr Campbell described a "long meeting" in Sir David Manning's office before leaving for the Azores, with Sir David, Baroness Morgan and Mr Rycroft, who were joined by Mr Brown, Dr John Reid, Minister without Portfolio and Labour Party Chairman, and Ms Armstrong.²²⁷

666. The meeting had tried:

"... to boil down the central arguments and dividing lines now. I suggested we say we intend to go back to the French and test their position – do they support any element of what we are saying? Are they really saying there are no circumstances in which they would support anything seen as a threat of military action. If they are, we go. If not, we have to look again.

"David M said there was no indication the French intended to shift.

"GB did *Frost* and came back saying the really tough questions were in the field of legality. GB also said if we are saying this is the final shot at diplomacy, what are we actually saying we are going to do after today? Bush didn't want a process story but I suggested one, namely a last round of contacts at the UN post the Azores meeting."

MR BLAIR'S CONVERSATION WITH PRIME MINISTER BALKENENDE

667. Mr Rycroft recorded that in a conversation with Mr Jan Peter Balkenende, Prime Minister of the Netherlands, Mr Blair had said, in reply to a question about

²²⁷ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

whether Mr de Villepin and President Chirac's recent telephone calls signalled a "willingness to be more co-operative", that France:

"... would still not accept a resolution that contained an ultimatum or the automatic use of force. They were only prepared to look at timing and benchmarks. An impasse had been reached."²²⁸

668. Subsequently, Mr Blair stated that:

- "... the UN track was now quite difficult. The 'elected six' had been close to agreement last week but were frightened off by pressure from Russia and France."
- There was a "slim chance" of a majority in favour of a second resolution, "but only with a big push": "The problem was that once it became clear ... France was going to veto the elected six saw little point in putting the resolution to the vote."
- The ideas put forward by Mr de Villepin were "yet another way of creating further delays. The process was going round in circles."
- "... France, Germany and Russia had made an agreement that they would act together. Russia would not countenance anything other than a peaceful solution ... France and Russia were prepared to veto a resolution containing an ultimatum or the automatic use of force."
- "China was one step removed ... they would not use their veto."
- "... French and Russian statements that disarmament was happening went against reality. Had the international community presented Saddam with a strong ultimatum then he would probably have complied."
- At the Azores Summit "they would try to give the UN one last chance".
- "... it had to be made clear – compliance or military action would follow".

MR BLAIR'S CONVERSATION WITH MR ANNAN, 16 MARCH 2003

669. Mr Blair told Mr Annan, who wanted to explore the scope for compromise before the Azores Summit, that an impasse had been reached with France, and Saddam Hussein would comply only if there was a clear threat of force.

670. Ms Short spoke to Mr Annan on 15 March. She recorded that he had:

"... said he had talked to every member of the Security Council and governments across the world were ringing him saying surely one more effort at compromise was possible ... all agree time too short and should not be automatic trigger to war."²²⁹

²²⁸ Letter [Francis] Campbell to Owen, 16 March 2003, 'Iraq: Netherlands, 16 March'.

²²⁹ Short C. *An Honourable Deception: New Labour, Iraq and the Misuse of Power*. The Free Press, 2004.

671. Ms Short also recorded that she had subsequently spoken to both Mr Brown and Mr Blair. She had told Mr Brown, who “kept on about French” that he should speak to Mr Annan. In response to a request for her view on announcing a UN lead on reconstruction in the Azores, she told Mr Blair that if war was inevitable that was all he had got. Mr Blair had said he would “still be open to other possibilities”.

672. The FCO suggested that Mr Blair should talk to Mr Annan from the Azores with key messages including:

- Exploring the scope for any remaining diplomacy (if relevant), including the possibility of a final ultimatum to Saddam Hussein as the last window for a peaceful solution.
- Discouraging any further visits to Baghdad (as suggested by Iraq – see Box below), “whose only purpose would be to buy more time”.
- Looking forward to the UN having “a significant role after any conflict in helping Iraq move quickly towards new prosperity and stability”.
- Hoping that Mr Annan could “work to improve the atmosphere in the Council and keeping the UN steady”.²³⁰

Iraqi actions

Iraq also sought to deflect military action.

Dr Blix wrote that a letter from Dr al-Sa’adi, Scientific Adviser to the Iraq Presidency who represented Iraq in its negotiations with the UN, inviting Dr Blix and Dr ElBaradei to visit Baghdad to try to accelerate the inspections process and take note of the progress achieved, was received on 15 March.²³¹

Dr Blix and Dr ElBaradei had earlier concluded that any visit would need to be preceded by a declaration from Saddam Hussein and that they would come to discuss its implementation. Dr Blix informed Mr Annan, Ambassador Negroponte and Sir Jeremy Greenstock.

Dr Blix wrote that:

- Sir Jeremy responded quickly; the UK Foreign Office urged caution. The bars for a visit should be set high with the need not only for a declaration but also some “down payment”.
- Ambassador Negroponte “discouraged” a visit.
- Mr Annan advised that Dr al-Sa’adi should be asked to clarify more precisely what he thought could be attained; and that the President of the Council should be informed.

On 16 March, Saddam Hussein was reported to have said that Iraq used to have weapons of mass destruction to defend itself against Iran and Israel, and that when he (Saddam) said he had no weapons “he means what he says”.²³²

²³⁰ Letter Owen to Rycroft, 15 March 2003, ‘Azores Summit’.

²³¹ Blix H. *The Search for Weapons of Mass Destruction: Disarming Iraq*. Bloomsbury Publishing Plc, 2005.

²³² *The Independent*, 17 March 2003, *Saddam acknowledges Iraq had weapons of mass destruction*.

673. Mr Blair spoke to Mr Annan, who wanted to explore the scope for compromise, before the Azores Summit.²³³

674. Mr Blair reiterated his comment that an impasse had been reached:

“There was no point in passing a resolution, which was not backed by force because Saddam would just ignore it. France had also rejected the tests Britain had put forward last week. The problem with the latest French proposal was that after allowing a further month of inspections, there would be yet another discussion and we would be back to where we started. Clear tests were needed ... but the French would not accept that. It was very difficult to see a way through.”

675. Mr Blair added that: “Saddam would only comply if there was a clear threat of force.”

676. Mr Blair and Mr Annan also discussed the importance of a strong UN role in post-conflict Iraq, the need for a relationship between the UN and “whoever was occupying Iraq” and a resolution establishing the relationship between the occupying force and occupied Iraq.

THE AZORES SUMMIT, 16 MARCH 2003

677. At the Azores Summit it was agreed that unless there was a fundamental change in the next 24 hours, the UN process would end.

678. In public the focus was on a “last chance for peace”. The joint communiqué contained a final appeal to Saddam Hussein to comply with his obligations and to the Security Council to back a second resolution containing an ultimatum.

679. When President Bush, Mr Blair, Mr Aznar and Mr Barroso met in the Azores, Mr Blair stated that the meeting:

“... had to send a message that this was the final appeal to Saddam to comply, and to the Security Council to back a second resolution containing an ultimatum.”²³⁴

680. They also discussed:

- The need to avoid an alternative resolution which might secure enough support to delay action.
- The likelihood that the invasion would be welcomed but the risk that there would be communal violence.
- The role the UN should play, including that it would not be able to deal with communal violence. That would need to be “handled rapidly by the military”.
- The importance of pushing the peace process in the Middle East.
- The document on transatlantic security which they would issue.

²³³ Letter [Francis] Campbell to Owen, 16 March 2003, ‘Iraq: Kofi Annan, 16 March’.

²³⁴ Letter Manning to McDonald, 16 March 2003, ‘Iraq: Summit Meeting in the Azores: 16 March’.

681. Mr Blair said that:

“The point of decision had arrived. It had been an agonising process going through the UN. But the justification had been that we had to look at every alternative before turning to military action. We should now be prepared to explain that continued non-compliance by Saddam Hussein could not be met by another discussion. We had made every effort ... We had to explain yet again that unless there was effective pressure on Saddam, he would never comply. Yet the French and Russians made it impossible to bring that pressure to bear. We should now engage in a last round of final contacts, and appeal to the Security Council to take its responsibilities seriously.”

682. Mr Blair added there was “24 hours to assess whether there had been a fundamental change ... If not ... we should be ready for military action”. He would be content to ask Sir Jeremy Greenstock to take the draft resolution off the table “tomorrow morning ‘if there had been no lightning strike’”. He would do so on behalf of the three co-sponsors.”

683. Mr Blair stated that the role of the UN in post-conflict Iraq must be defined very carefully:

“We must give the impression that the administration was under UN authority. The clearer the UN role, the better. It was vital that UK public opinion understood that we were not taking possession of Iraq’s oil.”

684. Mr Blair also stated that the UN should be seen to give overall authorisation but it could certainly not run everything. He wanted the UN Security Council to remain seized of the Iraqi issue.

685. The record of the discussion was to be seen by Mr Straw and Mr Hoon and their Principal Private Secretaries.

686. Mr Campbell wrote:

- “Bush talked about it being a last effort. But he said it was important the world saw we were making every effort to enforce 1441. He said everyone had to be able to say we did everything we could to avoid war. But this was the final moment, the moment of truth, which was the line most of the media ran with. He stressed he wanted the UN to play an important role in the post-Saddam era. He was clear we had to emphasise Iraq’s territorial integrity. He was emphasising he really would move on MEPP. He said again TB had been right to push him on the Road Map, and said he intended to spend a lot of time on this. He said re Chirac ‘I don’t want to provoke him into unreasonableness.’ He was however keen to say he wanted the UN properly involved in the post-Saddam era ...”

- “TB said we had reached the point of decision for people. We had been there before but there really had to be a decision. How many times could there be a last chance, serious consequences for material breach? He reported that Kofi [Annan] had said the French and Russians would not rule out force but would not agree to an ultimatum, which was an odd position. He really hit the UN buttons post-Saddam, and was trying to force Bush to go further on that. ‘It has to be a UN-authorized government.’ He was also hammering home the advantages on MEPP, but I wasn’t convinced it would happen.”
- “We needed some kind of process story so I suggested to TB they all instruct their ambassadors at the UN to have one last go, see if the position of the others had changed.”
- “TB was constantly emphasising final appeal, final opportunity.”
- “Bush was scathing re the Turks ... He was pretty keen to get on with things now, wanted to pull down the SCR now. He then said he would address the American people tomorrow – say diplomacy had failed, issue the ultimatum. He said to TB we should say we were issuing one last set of instructions to UN ambassadors to have a go at securing agreement.”
- “Aznar was really pushing the importance of the transatlantic alliance, but he was in even more political hot water on this than we were.”²³⁵

687. The ‘Vision for Iraq and the Iraqi People’, issued at the Summit, and outlining the challenge Saddam Hussein posed to the world, stated:

- “Iraq’s talented people, rich culture, and tremendous potential had been hijacked by Saddam Hussein”, whose “brutal regime had reduced” Iraq “to an international pariah” that oppressed “its citizens, started two wars of aggression against its neighbours” and still posed “a grave threat to the security of the region and the world”.
- “Saddam’s defiance” of Security Council resolutions demanding disarmament had “undermined the authority of the UN”. The international community had “tried to persuade him to disarm and thereby avoid military conflict, most recently through the unanimous adoption of resolution 1441”. If he refused “even now to co-operate fully” with the UN, he brought “on himself the serious consequences foreseen in resolution 1441 and previous resolutions”.
- “In these circumstances, we would undertake a solemn obligation to help the Iraqi people build a new Iraq at peace with itself and its neighbours. The Iraqi people deserve to be lifted from insecurity and tyranny, and freed to determine for themselves the future of their country. We envisage a unified Iraq with its territorial integrity respected. All the Iraqi people – its rich mix ... should enjoy freedom, prosperity, and equality in a united country. We will support the Iraqi

²³⁵ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

people's aspirations for a representative government that upholds human rights and the rule of law as cornerstones of democracy."

- "We will work to prevent and repair damage by Saddam Hussein's regime to the natural resources of Iraq and pledge to protect them as a national asset of and for the Iraqi people. All Iraqis should share the wealth generated by their national economy. We will seek a swift end to international sanctions, and support an international reconstruction program ..."
- "We will fight terrorism in all its forms. Iraq must never again be a haven for terrorists any kind."
- "In achieving this vision, we plan to work in close partnership with international institutions, including the UN; our Allies and partners; and bilateral donors."
- "If conflict occurs we plan to seek ... new ... resolutions that would affirm Iraq's territorial integrity, ensure rapid delivery of humanitarian relief, and endorse an appropriate post-conflict administration for Iraq. We will also propose that the Secretary-General be given authority', on an interim basis, to ensure that the humanitarian needs of the Iraqi people continue to be met through the Oil-for-Food program."
- "Any military presence, should it be necessary, will be temporary and intended to promote security and elimination of weapons of mass destruction; the delivery of humanitarian aid; and the conditions for the reconstruction of Iraq. Our commitment to support the people of Iraq will be for the long term."
- "We call upon the international community to join with us in helping to realize a better future for the Iraqi people."²³⁶

Azores communiqué on Transatlantic Solidarity

The communiqué on transatlantic solidarity stated that:

- The Summit had been held "at a time of great challenge"; and that the four leaders faced "painful choices".
- They had reaffirmed their "commitment to our core values and the Transatlantic Alliance", which rested on "a common commitment to democracy, freedom and the rule of law". They were "bound by a solemn commitment to defend one another"; and they would "face and overcome together the twin threats of the 21st century: terrorism and the spread of weapons of mass destruction".
- Security was "tied to peace and security throughout the world".
- They were "working together to bring security to Afghanistan".
- They had affirmed "a vision of a Middle East peace in which two states, Israel and Palestine, will live side by side in peace, security, and freedom"; and they welcomed "the fact that the Road Map designed to implement this vision will soon be delivered ..."

²³⁶ The White House, 16 March 2003, *Statement of the Atlantic Summit: A Vision for Iraq and the Iraqi People*.

- They urged “friends and allies to put aside differences, and work together for peace, freedom and security”. The “friendship and solidarity between Europe and the United States” was “strong” and would “continue to grow in years to come”.²³⁷

688. In the press conference following the Summit, President Bush said that the following day would be the “moment of truth for the world”.²³⁸ Nations had “voiced a commitment to peace and security” and now needed to demonstrate that “in the only effective way, by supporting the immediate and unconditional disarmament of Iraq”.

689. In response to questions, President Bush added:

- Saddam Hussein could “leave the country if he’s interested in peace ... the decision is his to make”.
- His speech of 12 September 2002 had “called the UN into account” because he understood the “wars of the 21st century” were “going to require incredible international co-operation”. He hoped that the following day the UN would “do its job”.

690. Mr Blair emphasised the “key point” was “our responsibility to uphold the will of the United Nations set out in resolution 1441”, which had provided the final opportunity for Saddam Hussein to disarm and for “serious consequences” to follow if he failed to do so.

691. In an oblique reference to France, Mr Blair stated that there was an “impasse” where “some say there should be no ultimatum, no authorisation of force in any new resolution”. He added:

“... without a credible ultimatum authorising force in the event of non-compliance, then more discussion is just more delay, with Saddam remaining armed with weapons of mass destruction ...”

692. Mr Blair warned that Saddam Hussein was still playing “a game he has played over the last 12 years” and:

“Disarmament never happens ... instead the international community is drawn into some perpetual negotiation ... but never real and concrete progress leading to disarmament.”

693. Mr Blair stated that “Nobody” was prepared to say there was “full co-operation” and drew attention to the absence of interviews outside Iraq and Iraq’s failure to provide evidence of the destruction of 10,000 litres of anthrax as the reason why the

²³⁷ The White House, 16 March 2003, *Statement of the Atlantic Summit: Commitment to Transatlantic Solidarity*.

²³⁸ The White House, 16 March 2003, *President Bush: Monday “Moment of Truth” for World on Iraq*.

international community needed to give a “strong and unified message” that the “games had to stop”. The UK would do all it could:

“... in the short time that remains to make a final round of contacts to see if there is a way through this impasse. But ... now is the time when we have to decide.”

694. In response to a question, Mr Blair added:

“So when people say we haven’t exhausted all the diplomatic avenues, we tried ... But ... from our perspective and from the perspective of the security of the world, we cannot simply go back to the Security Council, for this discussion to be superseded by another discussion. That’s what happened for 12 years ...”

695. Dr Blix wrote that it seemed to him that there was a difference in tone between President Bush and Mr Blair.²³⁹ The former had talked about “what a bright future Iraq would have if Saddam was taken out”. Mr Blair had talked about “going the last mile for peace and the need for the UN to stop a proliferator”. Dr Blix wrote: “Perhaps Blair still had some hope that Saddam would crack ... if he was faced with a unanimous Council resolution.”

696. Dr Blix recorded that Sir Jeremy Greenstock had “ventured” that the Azores Summit was “about peace rather than about war”; but that the declaration seemed to him to be “more belligerent than peaceful”. Dr Blix commented that:

“... the statement from the one-hour meeting was at this late stage perhaps less of an ultimatum to Saddam than one to the members of the Security Council – to support the resolution or be bypassed. The game was over ... later that Sunday afternoon I got the call from ... Washington saying that it was time to withdraw our inspectors from Iraq.”

697. In his memoir, President Bush described the meeting as a “last-minute summit on diplomatic strategy” where they had “all agreed the diplomatic track had reached its end. We planned to withdraw the second resolution Monday morning.”²⁴⁰

698. President Bush wrote:

“I was deeply disappointed that diplomacy had failed but I had promised the American people, our allies and the world that we would enforce the UN resolutions. I was not going to break my word.

“For months I had solicited advice ... Some believed we could contain Iraq by keeping the inspectors in Iraq. But I didn’t see how. If we were to tell Saddam he had another chance – after declaring this was his last chance – we would shatter our credibility and embolden him.

²³⁹ Blix H. *The Search for Weapons of Mass Destruction: Disarming Iraq*. Bloomsbury Publishing Plc, 2005.

²⁴⁰ Bush GW. *Decision Points*. Virgin Books, 2010.

“Others suggested that the threat wasn’t as serious as we thought ... we had a warning like a blaring siren. Years of intelligence pointed overwhelmingly to the conclusion that Saddam had WMD. He had used them in the past. He had not met his responsibility to prove their destruction. He had refused to co-operate with the inspectors ... The only logical conclusion was that he was hiding WMD. And given his support of terror and his sworn hatred of America, there was no way to know where those weapons would end up.

“Others alleged that America’s real intent was to control Iraq’s oil and satisfy Israel. Those theories were false. I was sending our troops into combat to protect the American people.

“I knew the cost would be high, but inaction had a cost, too. Given everything we knew, allowing Saddam to remain in power would have amounted to an enormous gamble. I would have had to bet that every major intelligence agency was wrong or that Saddam would have a change of heart. After seeing the horror of 9/11, that was not a chance I was willing to take. Military action was my last resort. But I believed it was necessary.”²⁴¹

699. Mr Blair described the Summit in his memoir as a:

“... slightly surreal event. On the face of it we were still pushing for a political solution. There were some last minute hopes of an Arab initiative to get Saddam out; or of a Saddam capitulation. George was content to adopt the line that we were going to hold out every last hope for peace ...

“We rehearsed again the main arguments. He was completely calm. He thought we had to send out a message of total clarity to the world: have anything to do with WMD and we are going to come after you. More even than me, he was focused on the possibility of terrorist groups getting hold of WMD material: ‘I am just not going to be the president on whose watch it happens’ ...”²⁴²

700. Mr Blair concluded:

“So when I look back ... I know there was never any way Britain was not going to be with the US at that moment, once we went down the UN route and Saddam was in breach. Of course such a statement is always subject to *in extremis* correction. A crazy act of aggression? No, we would not have supported that. But given the history, you couldn’t call Saddam a crazy target.

“Personally I have little doubt that at some point we would have to have dealt with him. But throughout I comforted myself, as I put it in the Glasgow speech, that if we were wrong, we would have removed a tyrant; and as a matter of general principle, I was in favour of doing that.

²⁴¹ Bush GW. *Decision Points*. Virgin Books, 2010.

²⁴² Blair T. *A Journey*. Hutchinson, 2010.

“Nonetheless, I was also aware that the very split in international opinion meant that we were absolutely at the mercy of events ... So as we left the Azores, I knew the die was cast. I was aware of my isolation ... my total dependence on things going right not wrong ... What’s more this was the first time I would be committing troops to an action to topple a regime where we would be the junior partner, where we would not be in charge of the arrangements ...

“... I was calm ... I was doing what I thought was right. But ... I wished I wasn’t doing it.”

701. Mr Campbell wrote in his diaries that, on the way to the Azores, Mr Blair was “still angry at the way the US had handled it” and that he had said: “If we had been totally in charge of this, I am absolutely sure we could have won the French round.” Mr Campbell “felt the US and France both, for different reasons did not want to meet on this”.²⁴³

702. Commenting on the Summit, Mr Campbell wrote:

“Everyone kept going on about it being ‘the last effort for a political solution’. But there was more than a slight feeling of going through the motions.”

703. Mr Campbell also wrote that Mr Blair “was still saying it was the right thing to do” and that he “had lost count of how many times” he “had heard those same words”.

PRESIDENT CHIRAC’S INTERVIEW WITH CNN, 16 MARCH 2003

704. In an interview broadcast on CNN on 16 March, during the Azores Summit, President Chirac said that he hoped the Summit would recognise that inspections provided an effective system “to achieve our common goal ... the disarmament of Iraq, elimination and destruction of her weapons of mass destruction”.²⁴⁴

705. Asked about his bottom line for a compromise, President Chirac replied that was a matter for the inspectors. In his view, the Security Council had unanimously:

“... decided to disarm Iraq peacefully through inspections for as long as the inspectors consider this possible.”

“We see today ... that a lot of progress has been achieved ... admittedly we haven’t reached the goal, but the inspectors consider ... that we have the possibility of reaching our goal without waging war. That is the goal I am seeking. I am totally ready to accept all the practical arrangements that the inspectors will suggest ...”

²⁴³ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

²⁴⁴ Embassy of the Republic of France in the UK, *Interview given by M. Jacques Chirac to CNN and CBS, Paris 16.03.2003*.

706. Asked if he would be prepared to accept a 30- or 60-day deadline, President Chirac stated that the inspectors' advice must be accepted:

"We have given them a mission and we have a moral and political obligation to accept their advice or else explain why we are not following it. But if we don't follow their advice, then only the Security Council can decide not to."

707. President Chirac added that it was in that spirit that France, Germany and Russia, "supported today by China", had proposed a Ministerial meeting of the Security Council to discuss the inspectors' proposed work programme.

708. President Chirac accepted that US and British military pressure had achieved a shift in Iraq's position, adding that he considered:

"... the Americans have already won ... without firing a shot... we should be thankful to them for exercising that effective pressure. But that doesn't mean that we have to wage war if it isn't necessary. And today, I don't think it's necessary."

709. Asked if it would have sent a stronger signal if France had also sent troops, President Chirac replied that "from the very beginning" France felt that the process of resolution 1441 "didn't embrace the possibility of war". That was why France was "refusing today, and I mean today, the prospect of war". If the strategy (of inspections) failed, France would "refuse no solution, including war".

710. Asked if his repeated vow to veto had strengthened and emboldened Saddam Hussein, President Chirac replied:

"I don't think so at all and, in any case, it isn't a relevant problem today ... there isn't a majority on the Security Council for war ..."

711. Asked if he believed Iraq had chemical or biological weapons, President Chirac replied: "I don't know ... we have no proof", but that was the task for the inspectors.

712. Asked in conclusion again why France hadn't sent troops to exert pressure on Saddam Hussein, President Chirac replied that the US on its own was "exerting all the pressure"; the British were "just making an additional contribution". He wanted to "limit the risks of war as far as possible". He was "not a pacifist", but "simply saying that war is the last resort when everything else has been done. And we are not in that situation."

713. Mr Campbell wrote that Mr Blair said: "It was clear now ... that the French did not intend to move."²⁴⁵

714. Mr Campbell also wrote that the briefing to the press on the aircraft on the way back from the Azores made "clear that the French had to come back and say whether there were any circumstances at all in which they might support military action".

²⁴⁵ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

The end of activity on the second resolution

715. Sir Jeremy Greenstock reported that he had agreed with his US and Spanish colleagues to tell the press “late the following morning” that there was no prospect of putting the resolution to a vote, and blaming France.

716. After the Azores Summit, Sir David Manning spoke to Sir Jeremy Greenstock to ask him to phone his Security Council colleagues that evening to establish whether there had been any change in their positions on the draft resolution.²⁴⁶

717. Sir Jeremy Greenstock subsequently reported that the UK Mission in New York had spoken to all Security Council colleagues with the message that:

“... there was now a short time left to consider whether the Council could agree at last on an ultimatum to Saddam which, if he did not fulfil it, would result in serious consequences. If their respective governments were in a position to engage in such a discussion, I would need to hear it as early as possible on 17 March. When asked (as the majority did), I said that I had no (no) instructions as to whether to put the text ... to a vote ...”²⁴⁷

718. Sir Jeremy commented that the French and Russians did not like the message. Mr de La Sablière had claimed that the French had moved significantly over the last two days as President Chirac’s interview would show. The “undecided 6” were “only slightly more positive”.

719. Sir Jeremy also reported that he had agreed with his American and Spanish counterparts to tell the press during the “late morning” of 17 March that there was “no prospect of putting our resolution to the vote, casting heavy blame on the French”. The key elements of the statement should be:

- “(a) the Azores Summit had called for a last effort to see if the Council could unite around an ultimatum;
- (b) having contacted every member it was clear that Council consensus was not possible within the terms of 1441, given the determination of one country in particular to block any ultimatum;
- (c) we would therefore not be pursuing a vote;
- (d) the Azores communiqué had made clear the positions of our governments on the way forward.”

720. Sir Jeremy informed Mr Annan and Dr Blix that he would be receiving final instructions “eg on whether to stop pursuing the resolution on the morning [Eastern Standard Time] of 17 March”.

²⁴⁶ Letter Manning to McDonald, 16 March 2014, ‘Iraq: Summit Meeting in the Azores: 16 March’.

²⁴⁷ Telegram 452 UKMIS New York to FCO London, 17 March 2003, ‘Iraq: Developments on 16 March’.

721. Sir Jeremy asked for instructions and comments on a draft statement, writing: “I have assumed you will want to be fairly strong on the French.”

722. Mr Campbell wrote that a meeting on 17 March between Mr Blair, Mr Prescott, Mr Brown, Mr Straw, Dr Reid and Ms Armstrong had:

“... agreed Greenstock would put down the SCR at 10.15 New York time, that we would say at the 11[am briefing for the media] there would be a Cabinet at 4, Jack’s statement later and also that the Attorney General would publish his view that there was a solid legal base for action. Jack would go through the motions of chatting to his opposite numbers but basically the game was up.”²⁴⁸

723. Mr Straw spoke to Secretary Powell at lunchtime to brief him on the timetable for Sir Jeremy Greenstock’s announcement of the end of the diplomatic route, Cabinet and his Parliamentary Statement.²⁴⁹ Mr Straw also informed Secretary Powell that Lord Goldsmith had issued legal advice to the effect that a second resolution was not necessary for military operations.

MR BLAIR’S CONVERSATION WITH PRESIDENT BUSH, 17 MARCH 2003

724. Mr Blair discussed his efforts to rally political support in the UK with President Bush at 12.45pm on 17 March.²⁵⁰ The publication of the Road Map and the public airing of the UN role post-conflict had had a positive effect. They also discussed the positions of Dr Blix and other members of the Security Council.

725. Mr Blair commented that: “It should not be forgotten how many times Saddam had given the UN supposed full and final declarations of his WMD.” Keeping the UN “in play” was “a high priority with British opinion”.

RUSSIA’S POSITION

726. Sir Roderic Lyne reported that President Putin had stated earlier that day that “a possible war in Iraq is a mistake fraught with the gravest consequences, which may result in casualties and destabilise the international system in general”.²⁵¹

727. Mr Straw telephoned Mr Ivanov at lunchtime to confirm that he was anxious that the UK and Russia should maintain good relations despite “current difficulties” and his hope that:

“... even if military action appeared necessary, the UK and US could still make good use of the UN, especially on post-conflict reconstruction and relief.”²⁵²

²⁴⁸ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

²⁴⁹ Note McDonald, 18 March 2003, ‘Iraq: Conversation with US Secretary of State, 17 March’.

²⁵⁰ Letter Cannon to McDonald, 17 March 2003, ‘Iraq: Prime Minister’s Conversation with Bush, 17 March’.

²⁵¹ Telegram 87 Moscow to FCO London, 17 March 2003, ‘Russia/Iraq’.

²⁵² Telegram 48 FCO London to Moscow, 17 March 2003, ‘Iraq: Foreign Secretary’s Conversation with Russian Foreign Minister, 17 March’.

728. The FCO reported that Mr Ivanov had stated that Russia wanted to continue working under the aegis of the Security Council. The Council should discuss Dr Blix's report, which constituted a real action plan for Iraq's disarmament, in its meeting on 19 March. He would attend that meeting. The Azores meeting represented the views of only three states; it could not replace a Security Council meeting. No single country had the right to stop the work of the weapons inspectors, whose authority came from the UN. Recalling an assurance from Mr Blair to President Putin before the adoption of resolution 1441 that it did not imply the automatic use of force, Mr Ivanov stated that Russia's main condition remained that the Security Council should vote on any resolution sanctioning military action.

SIR JEREMY GREENSTOCK'S ANNOUNCEMENT, 17 MARCH 2003

729. At "about 3.15pm UK time" on 17 March, Sir Jeremy Greenstock announced that the resolution would not be put to a vote, stating that the co-sponsors reserved the right to take their own steps to secure the disarmament of Iraq.

730. At "about 3.15pm UK time",²⁵³ Sir Jeremy Greenstock made a statement announcing that the UK, the US and Spain, as co-sponsors of the draft resolution, would not be pursuing a vote on it.²⁵⁴

731. Sir Jeremy stated:

"... we have worked very hard in the last few days in a final effort to seek a Council consensus on Iraq. In an effort to reunite the Council the United Kingdom proposed last week an ultimatum which would challenge Iraq to take a strategic decision to disarm.

"There were three key elements to the compromise we proposed ...

"Having held further discussions with Council Members over the weekend and in the last few hours, we have had to conclude that Council consensus will not be possible ... One country in particular has underlined its intention to veto any ultimatum 'no matter what the circumstances'. That country rejected our proposed compromise before even the Iraqi government itself and has put forward suggestions that would row back on the unanimous agreement of the Council in 1441 – those suggestions would amount to no ultimatum/no pressure/and no disarmament.

"The communiqués and press statements that issued at the Azores Summit explain the positions of our governments ... The co-sponsors reserve their right to take their own steps to secure the disarmament of Iraq."

²⁵³ House of Commons, *Official Report*, 17 March 2003, column 703.

²⁵⁴ Telegram 465 UKMIS New York to FCO London, 18 March 2003, 'Iraq: Resolution: Statement'.

732. The subsequent discussion in the Council suggested that only the UK, the US and Spain took the view that all options other than the use of military force had been exhausted.

733. Sir Jeremy reported that he had “highlighted the particular role played by France – without naming her – in making agreement impossible”. Mr de La Sablière had said shortly afterwards that the French position reflected the majority view in the Council.

734. In the subsequent Council meeting, which Sir Jeremy Green stock described as a “downbeat and rather surreal affair”, France Germany and Russia continued to push for an open Council meeting at Ministerial level to consider and approve the work programme for the inspectors.²⁵⁵

735. Mr Lavrov said the statement by France, Russia and Germany on 15 March spoke for itself: “Inspections were actively under way and yielding results.” He wanted to hear more from Dr Blix about recent steps by Iraq “on substance”. The Council should meet at Ministerial level on 18 or 19 March to consider the work programme. Russia “took a different approach based on the concrete facts that disarmament was working”.

736. Sir Jeremy reported that he had “regretted that it was not possible to find a way forward on an ultimatum that would both put pressure on Iraq to take the strategic decision to disarm and maintain inspections as the tool”; and stated that the UK:

“... reserved the right to take steps that would deliver disarmament. While the prospects for peace were very slim, it was still possible even at this late hour for Saddam to take a strategic decision and the actions that would prove such a decision. In the circumstances, our national advice to UNMOVIC/IAEA and UN staff was that it would be prudent to suspend inspections and for staff to withdraw immediately ... we remained interested in the 1284 work programme against the background of the slim possibility of a strategic decision by Iraq.”

737. Sir Jeremy reported that Ambassador Negroponte told the Council that, given the threat of a veto, there had been no purpose in pursuing the resolution any further. The US had warned UNMOVIC and the IAEA the previous evening that it would be necessary to evacuate their personnel: “War was not imminent but it would not be possible to give further notice.”

738. Mr de La Sablière was reported to have told the Council that:

“At a time when inspections were making progress and peaceful disarmament in a limited time seems possible his delegation had indeed made clear that it would oppose a resolution authorising force. But it was not a veto when the co-sponsors did not have a majority – it was a straight no. The situation was serious but we

²⁵⁵ Telegram 464 UKMIS New York to FCO London, 18 March 2003, ‘Iraq: Resolution’.

should continue to work for even the slightest likelihood of a peaceful outcome ... the Council should consider and approve the work programme and key tasks ... It was up to the inspectors to set the timetable ... if they said a month was necessary, France could live with that. In accordance with 1441 the Council would then evaluate the situation. Automaticity was difficult for the French, as for the majority, as it allowed for the use of force without a Council decision. We should continue to work for peaceful disarmament – the basis supported by the majority of the delegations and of the world.”

739. Sir Jeremy also reported:

- Germany wanted the work programme to be discussed and approved: “As there was not much difference between the UK proposal and the key tasks, it could, even at this late hour, lead to consensus.”
- Spain had “concurred” with Sir Jeremy’s intervention.
- Syria had argued that there was another course which would have led to peaceful disarmament and supported the Russian position.
- China stated that if “withdrawing the resolution signalled a push for war, this was very regrettable. Avoiding war was in the interest of all sides.”
- Chile “continued to believe that inspections and the persistent threat of force could have achieved peaceful disarmament”. It had made a proposal “along the lines in the UK compromise and designed to bridge the gap between the different parties”, but it had been “rejected within half an hour”.
- Mexico stated that there was “no justification or implicit authorisation for the use of force”.
- Bulgaria was “open to any initiative that might restore unity”.
- Angola stated that it had “always believed that all alternatives should be exhausted before war. Unfortunately, this now appeared to be the case.” If the proposed ministerial meeting “was just one more meeting we should let things calm down first. If it could help to find a way forward, even at this late hour, that was another matter.”
- Cameroon appealed for dialogue, stating that the “failure to agree was a disservice to multilateralism and the Council”. The draft Presidential statement from the “undecided six” would have been “a platform for compromise”.
- Guinea “hoped for a miracle”.
- Pakistan said that members should “continue to explore all possible approaches for a unified Council. The Council should accept the work programme and continue to appeal for a positive response from Iraq, even at this late stage.”

740. In the light of misunderstandings in the Council, Sir Jeremy explained that the co-sponsors:

“... were not withdrawing the resolution but, instead, not putting it to a vote. The key to any chance for diplomacy lay in our being convinced that Iraq would co-operate within the terms of 1441. The Council had failed to find that key and unlock the possibility of further inspections. On the authorisation for force ... I would be circulating the view our Attorney General had given earlier that day.”

741. Dr Blix told the Council that the UNMOVIC draft programme identifying key tasks would be available that afternoon, and that with a pro-active attitude it would take Iraq “months” to complete.

742. Sir Jeremy Greenstock reported that Dr Blix had told the Council that:

- UNMOVIC’s draft work programme would be available that afternoon. It identified 12 key tasks. With a pro-active Iraqi attitude, all disarmament tasks would take months to complete.
- The UK had set out a smaller group of tasks and UNMOVIC would accept a time set down by the Council and then report for it to judge compliance. Some issues would take little time with Iraqi co-operation (eg interviews, missile destruction and UAVs). But others – anthrax and mobile labs – were more difficult: it would not take long to present materials if they existed, but it could take longer to prove their non-existence.
- While there had been pro-active Iraqi co-operation in recent days (including further efforts to convince UNMOVIC that anthrax/VX had been destroyed and footage of mobile sites), Dr Blix could not offer conclusions until he had a view from his experts.
- It was not clear whether the pro-active Iraqi co-operation covered all areas.²⁵⁶

743. Mr Annan announced the withdrawal of the inspectors.

744. Mr Annan told the Security Council that, following the US call to evacuate personnel, he had decided to withdraw:

- all UN humanitarian personnel from Iraq, which could lead to the suspension of the Oil-for-Food programme;
- UNMOVIC and IAEA inspectors; and
- troops and personnel in the UN Iraq-Kuwait Observation Mission (UNIKOM).²⁵⁷

745. Sir Jeremy commented that delegations would be waiting for President Bush’s speech, but the “danger of blow-back in the Security Council and General Assembly”

²⁵⁶ Telegram 464 UKMIS New York to FCO London, 18 March 2003, ‘Iraq: Resolution’.

²⁵⁷ Telegram 464 UKMIS New York to FCO London, 18 March 2003, ‘Iraq: Resolution’.

remained. He suggested that “it would be helpful to neutralise work programme arguments – e.g. by pointing to a post-conflict UNMOVIC/IAEA disarmament role”.

746. In a press conference after the meeting, Mr Annan announced that he was withdrawing staff from Iraq following a warning from the US authorities the previous day “that it would be prudent not to leave our staff in the region”.²⁵⁸ Mr Annan also announced that several UN mandates, such as the Oil-for-Food programme, would be suspended, but the UN would “find a way of resuming our humanitarian activities” and to do “whatever we can to give them [the Iraqi population] assistance and support”. Regardless of how the issue was resolved, the Security Council would have a role to play in post-conflict Iraq.

747. Mr Annan stated:

“I have made it very clear that in my judgement if the Council were to be able to manage this process successfully and most of [sic] the collective will to handle this operation, its own reputation and credibility would have been enhanced. And I have also said if the action is to take place without the support of the Council, its legitimacy will be questioned and the support for it will be diminished.”

748. In response to questions, Mr Annan stated that war was “always a catastrophe” and would lead to “major human tragedy”:

“... nobody wanted that and this was why we had hoped that the Iraqi leadership would have co-operated fully and would have been able to do this [disarm] without resort to the use of force. But the little window that we seem to have seems to be closing very, very fast. I am not sure at this stage the Council can do anything in the next couple of hours.”

749. Sir Jeremy Greenstock’s proposal to cast “heavy blame on the French” for the failure to reach agreement and his draft statement to the Security Council on 17 March were sent to No.10 and the FCO for clearance.

750. The terms of Sir Jeremy’s statement about the position of France were almost unchanged from the draft text he had sent to London earlier that day asking for instructions and comments.²⁵⁹

751. Sir Jeremy subsequently told the Inquiry that, in making his statement to the Security Council on 17 March, casting blame on France, he “was acting under instructions”.²⁶⁰ The “basic telegram” drafting his statement had gone “backwards and forwards [between London and New York]”, but he had spoken to Mr Straw by telephone on 16 March.

²⁵⁸ United Nations, 17 March 2003, *Press Encounter with the Secretary-General at the Security Council Stakeout (unofficial transcript)*.

²⁵⁹ Telegram 453 UKMIS New York to FCO London, 17 March 2003, ‘Elements of Statement on Iraq’.

²⁶⁰ Private hearing, 26 May 2010, pages 37-38.

752. Having been notified of this point, Mr Straw told the Inquiry that he had:

“... had the record checked. No-one can find any telegram of instructions to New York to say ‘Blame the French’. None exist.”²⁶¹

753. Mr Straw added that he spoke frequently to Sir Jeremy on the telephone but Sir Jeremy did not “need instructions”.²⁶² President Chirac’s intervention spoke “for itself”; he had been “absolutely categorically saying” that, “the position of France this evening is that we will vote no”. President Chirac’s statement had undermined the UK’s efforts.

MR IVANOV’S STATEMENT, 17 MARCH 2003

754. A statement issued on 17 March by Mr Ivanov said that:

- Russia had “firmly adhered” to an agreement made in a telephone call between President Putin and President Bush on 6 September 2002, to “jointly seek the unconditional return of inspectors to Iraq in accordance with UN Security Council resolutions mandating Iraq’s disarmament”.
- Russia had taken “a step towards Washington” by helping to pass resolution 1441 unanimously, and sought Iraq’s “full co-operation and the meeting of all demands” made by UNMOVIC and the IAEA.
- Russia’s position, which was “shared by most members of the Security Council and by other states, allowed the establishment of a reliable mechanism of inspections that would be able to disarm Iraq”; and: “Because of this pressure from the international community, disarmament is under way”.
- In that context, “the idea of an imminent war against Iraq does not appear to be valid”. It would involve “serious risks to all nations”. “In speaking out for a political solution”, Russia was “striving not only to overcome this particular crisis [Iraq] but also to push for continued joint efforts to solve other international problems that are no less acute”.
- The relationship between Russia and the US was “marked by growing mutual trust and the spirit of co-operation”; including “an open and honest dialogue over the most complex issues”. If Russia believed “that war against Iraq” would “lead to harsh consequences”, it should “talk about it openly” with its partners in Washington. Eliminating the threat of Iraq’s weapons of mass destruction by working with the US and other countries “and using political means” would be “true partnership”.
- “The value of partners and allies” was “not that they automatically agree with one another but that they search together for solutions to solve problems in

²⁶¹ Public hearing, 8 February 2010, page 95.

²⁶² Public hearing, 2 February 2011, pages 95-96.

common interests". Striving for a political solution on Iraq was "in the best interests" of Russia, the US and the rest of the world.²⁶³

755. Separately, Sir Roderic Lyne reported that Mr Ivanov's statement was:

"... claiming that Iraq 'no longer presents a threat to international peace and security' and that 'under these conditions, the use of force against Iraq, particularly with references to the previous UNSC resolutions has absolutely no grounds, including legal'."²⁶⁴

756. Mr Ivanov had stressed that resolution 1441 gave "no one the right to an automatic use of force" and said that Russia wanted to ensure that the Security Council retained control of the situation.

IMPACT OF THE US MILITARY TIMETABLE

757. The US decision on the timing of military action determined the time available for diplomatic negotiations.

758. As the evidence in this and preceding Sections of the Report shows, the timetable available for diplomatic negotiations on the second resolution was determined by President Bush's decisions on the timing of military action.

759. Sir Jeremy Greenstock identified President Bush's decision on the timing of military preparations as the main factor leading to the end of the attempt to secure a second resolution.²⁶⁵

760. Sir Christopher Meyer, the British Ambassador to Washington from 1997 to February 2003, told the Inquiry that "when you looked at the timetable for the inspections, it was impossible to see how Blix could bring the inspection process to a conclusion for better or for worse by March".²⁶⁶

761. Sir Christopher added that had the effect of turning resolution 1441, which had been a challenge to Saddam Hussein, "on its head". The military timetable meant that the UK found itself "scrabbling for the smoking gun" to prove that Saddam Hussein was guilty.

762. Mr Jonathan Powell told the Inquiry that, from January 2003, the UK had repeatedly asked for, and been given, more time by President Bush; but by mid-March "he wasn't going to give us more time".²⁶⁷

²⁶³ Ministry of Foreign Affairs of the Russian Federation, 17 March 2003, *A Russian Resolve for Peace and Partnership by Igor Ivanov*.

²⁶⁴ Telegram 89 Moscow to FCO London, 18 March 2003, 'Iraq: Russian Reactions'.

²⁶⁵ Public hearing, 27 November 2009, pages 76-79.

²⁶⁶ Public hearing, 26 November 2009, page 52.

²⁶⁷ Public hearing, 18 January 2010, page 82.

763. Asked whether it was the need for the Armed Forces to move which set the deadline, Mr Powell replied: “Yes”.²⁶⁸

764. Asked whether the approaches from France following President Chirac’s remarks had made clear that it was not closed to the idea of continuing the inspections negotiation and, if this led to a particular result, voting for a resolution further down the track, Sir Jeremy Greenstock replied:

“Yes, that’s probably true. But we knew by 10 March, because we had been talking with the Americans all along about how much time we had for the benchmarks, that we didn’t have time for that sort of escape route from what Chirac said.”²⁶⁹

765. Asked about Mr Annan’s report on 12 March that President Chirac was not closed to compromise, Sir Jeremy stated: “The Americans were closed to compromise.”

766. Sir John Holmes told the Inquiry that the dialogue with France about a second resolution had continued after President Chirac’s statement:

“... but ... it was becoming increasingly clear that this was a game without meaning at that point, because the military timetable was so close to fruition ...”²⁷⁰

767. If the matter had been left to the Security Council to decide, military action might have been postponed.

768. In his statement for the Inquiry, Sir Jeremy Greenstock said that, “[I]t would have been in our interests to give the inspectors more time to find a smoking gun”, and that the second resolution might have taken on a different shape or character on a different timing.²⁷¹

769. Sir Jeremy thought it was “more than a 50 per cent chance that, if we had waited until October, the inspectors would not have found a satisfactory solution and that military force might well have been used at that point, the difference being the legitimacy involved in giving the inspectors the greater time”.

770. Sir David Manning told the Inquiry that he believed “letting the inspections run longer ... would have been a useful thing to do”. He:

“... regretted that this process ended when it did, but ... by this stage, the United States was convinced these provisions were not working and it was also convinced that a second resolution was impossible because of the political backdrop, not

²⁶⁸ Public hearing, 18 January 2010, page 98.

²⁶⁹ Private hearing, 26 May 2010, page 35.

²⁷⁰ Public hearing, 29 June 2010, page 50.

²⁷¹ Statement, November 2009, page 15.

least the suggestion that the French made that they would not approve any second resolution, so I think you get into a situation where there is impatience in Washington with the process and a determination to bring it to an end.”²⁷²

771. Asked whether the suggestion by France and others to extend the period of inspections was “for real” or “purely tactical to hold off the invasion”, Sir David responded:

“I don’t know that I can be sure ... there was an element of tactics and I think it is important to recall how bad political relationships were at the top among different governments at this time.

“One of the difficulties I felt ... was the lack of communication between those who were on different sides of the argument and I think there was undoubtedly a tactical perception ...

“I am not sure it was entirely tactical ...”²⁷³

772. Sir David Manning subsequently told the Inquiry:

“It became clear in January and February that it was very, very tough. This is a period when relationships between leaders become very strained, and to a certain extent just break down, to be honest.

“The French sort of go into overdrive against the idea of the second resolution in February. The Americans tell us, well, we will get you the second resolution, we know the Prime Minister needs one, and are, I think, considerably surprised when they find actually they can’t deliver a second resolution.

“And I think the degree to which emotion and anger are affecting the argument at the very top of Government during this period is very considerable.

“So it looked pretty bleak, to be honest. On the other hand, it seemed to me tempers might cool. It would have been dramatically changed, the whole tempo of the crisis, if Hans Blix had had a serious find, and initially it didn’t look impossible.”²⁷⁴

773. Sir David added:

“... if over a series of months we didn’t find anything, then the mood would have changed anyway, and whether we needed to get a second resolution or rethink the whole crisis, at least you had a shot at that.”

²⁷² Public hearing, 30 November 2009, page 81.

²⁷³ Public hearing, 30 November 2009, page 82.

²⁷⁴ Private hearing, 24 June 2010, pages 83-84.

774. Asked if France would have been prepared to vote for a resolution authorising force if the process had been pursued to the point where Dr Blix might have reported that the process was exhausted, Mr Blair replied that in his judgement:

“... it was very, very clear ... the French, the Germans and the Russians had decided they weren’t going to be in favour of this and there was a straightforward division ... I don’t think it would have mattered how much time we had taken, they weren’t going to agree that force should be used.”²⁷⁵

775. Mr Blair added that, if the inspectors had uncovered something “absolutely dramatic”, that “might have made a difference” to France’s position, but “there was by then a political divide on this, of a pretty fundamental nature”.

776. Mr Blair told the Inquiry:

“We never misrepresented the French view. The French view was perfectly clear. It wasn’t that they were against any second resolution. They would perfectly happily have agreed a second resolution provided it meant a third resolution and they would have agreed a third resolution provided it meant a fourth one.

“What they were not prepared to do in any set of circumstances, never mind ce soir, was that they were not prepared to agree to a resolution with an ultimatum.”²⁷⁶

777. Mr Blair added that the UK was “caught” in a situation where the US was “quite rightly” saying that what France was “prepared to agree” was “basically a rerun of 1441 except possibly weaker”; and that was “useless”.

778. Mr Blair stated that President Chirac’s view was that inspections were working and that was the route to deal with Saddam Hussein; “we should not deal with him by force, whatever the circumstances”. President Chirac’s “point was not time”, “His point was if it has an ultimatum in it, I don’t want it.”²⁷⁷ Mr Blair added: “Anything with an ultimatum, they were going to veto.”

The decision to take military action

779. On the morning of Monday 17 March, preparations for Cabinet later that day and Parliamentary debates the following day were put in place.

780. Mr Straw wrote to Parliamentary colleagues drawing their attention to the documents being published, the statements issued at the Azores Summit the previous day, and an FCO paper assessing Iraq’s progress in meeting the provisions of resolution 1441.

²⁷⁵ Public hearing, 29 January 2010, pages 125-126.

²⁷⁶ Public hearing, 21 January 2011, page 100.

²⁷⁷ Public hearing, 21 January 2011, pages 100-101.

781. Lord Goldsmith replied on the morning of Monday 17 March to a Written Question tabled by Baroness Ramsey of Cartvale (Labour):

“To ask Her Majesty’s Government what is the Attorney General’s view of the legal basis for the use of force against Iraq.”²⁷⁸

782. Mr Straw sent a copy of Lord Goldsmith’s Written Answer to Mr Donald Anderson, Chairman of the Foreign Affairs Committee (FAC), on the morning of 17 March, together with an FCO paper giving “the legal background in more detail”.²⁷⁹

783. Lord Goldsmith’s Written Answer and Mr Straw’s letter to the Chairman of the FAC, with a copy of Lord Goldsmith’s Answer and a FCO paper which addressed the legal background, are addressed in Section 5.

784. To supplement the Command Paper of UN documents published in February (Cm 5769), Mr Straw published a further Command Paper (Cm 5785) with UN documents from early March.²⁸⁰

785. That comprised:

- Dr Blix and Dr ElBaradei’s statements to the Security Council on 7 March;
- Mr Straw’s statement to the Security Council on 7 March;
- UNMOVIC’s 12th quarterly report to the Security Council: and
- UNMOVIC’s working document of “unresolved disarmament issues”, the “clusters” document of 6 March 2003.

786. Mr Straw wrote to all Parliamentary colleagues with a copy of the FCO paper of 15 March on Iraq’s non-compliance (considered earlier in this Section), a copy of his letter to the Chairman of the FAC, and copies of the statements made at the Azores Summit the previous day.²⁸¹

787. Mr Straw wrote that the FCO paper, ‘Iraqi Non-Compliance with UNSCR 1441’, stated that Iraq had “failed to comply fully with 14 previous UN resolutions related to WMD” and assessed Iraq’s “progress in complying with relevant provisions of UNSCR 1441 with illustrative examples”.

²⁷⁸ House of Lords, *Official Report*, 17 March 2003, column 2WA.

²⁷⁹ Letter Straw to Anderson, 17 March 2003, ‘Iraq: Legal Position Concerning the Use of Force’ attaching PQ and Paper FCO, 17 March 2003, ‘Iraq: Legal Basis for the Use of Force’.

²⁸⁰ Foreign and Commonwealth Office, 17 March 2003, *Iraq – UN Documents of early March 2003*, Cm 5785.

²⁸¹ Letter Straw to Parliamentary colleagues, 17 March 2003.

THE MILITARY PLAN

788. A letter from Mr Hoon's Private Office to Sir David Manning on 17 March confirmed that the military plan took full account of the risks and problems identified by the JIC Note of 13 March, 'Saddam's Plan for Baghdad'.²⁸²

789. The MOD's objectives and plans for the military campaign, and the JIC's assessments of Iraq's capabilities and intent, and are addressed in Sections 6.2 and 8.

MR SCARLETT'S ADVICE, 17 MARCH 2003

790. In response to a request from Sir David Manning, Mr Scarlett provided advice on "the strength of evidence showing Saddam's possession of WMD".²⁸³

791. In relation to Iraq's chemical and biological weapons capability, Mr Scarlett concluded that the JIC view was clear: Iraq possessed chemical and biological weapons, the means to deliver them, and the capacity to produce them.

792. Mr Scarlett attributed the failure to find any significant evidence of chemical and biological weapons to Iraq's ability to conceal its activities and deceive the inspectors.

793. Mr Scarlett's advice is addressed in more detail in Section 4.3.

794. A draft of the document held by the MOD, also dated 17 March 2003, shows Sir David Omand, Cabinet Office Permanent Secretary and Security and Intelligence Co-ordinator, Sir Richard Dearlove, Chief of the Secret Intelligence Service (SIS), Sir Francis Richards, Director, Government Communications Headquarters (GCHQ) and senior officials in the MOD, the FCO and the Cabinet Office as copy recipients.²⁸⁴

795. The Government was unable to find any evidence that the final version of Mr Scarlett's minute to Sir David Manning was sent to anyone outside No.10.²⁸⁵

Cabinet, 17 March 2003

796. A specially convened Cabinet at 1600 on 17 March 2003 endorsed the decision to give Saddam Hussein an ultimatum to leave Iraq and to ask the House of Commons to endorse the use of military action against Iraq to enforce compliance, if necessary.

797. Mr Blair told his colleagues that he had called the Cabinet because "an impasse" had been reached at the UN.²⁸⁶

²⁸² Letter Watkins to Manning, 17 March 2003, 'JIC Paper: 'Saddam's Plan for Baghdad'.

²⁸³ Minute Scarlett to Manning, 17 March 2003, 'Iraqi WMD: Evidence of Possession'.

²⁸⁴ Minute [unsigned draft] Scarlett to Manning, 17 March 2003, 'Iraqi WMD: Evidence of Possession'.

²⁸⁵ Letter Cabinet Office to Iraq Inquiry, 19 March 2014, 'Declassification'.

²⁸⁶ Cabinet Conclusions, 17 March 2003.

798. The Government had tried its “utmost”, and had “tabled a draft ... resolution, amended it, and then been prepared to apply tests against which Iraq’s co-operation ... could be judged”. Although the UK had been “gathering increasing support from members of the Security Council”, the French statement “that they would veto a resolution in all circumstances had made it impossible to achieve a new ... resolution”. France, with Russia in support, “were not prepared to accept” that if Saddam Hussein “did not comply with the United Nations obligations, military action should follow”. The UK was in a situation it had “striven to avoid”: “There would be no second resolution and military action was likely to be necessary ... to enforce compliance by Saddam Hussein with Iraq’s obligations.”

799. Mr Blair stated that the US “had now undertaken to produce a ‘Road Map’ for the Middle East Peace Process, once the new Palestinian Prime Minister’s appointment had been confirmed”. That would “open the way to a full and final settlement within three years”. The US “had also confirmed” that it “would seek a UN mandate for the post-conflict reconstruction of Iraq”, and: “Oil revenues would be administered under the UN’s authority.”

800. Mr Blair stated:

“A lot of work was needed to repair the strains which had arisen internationally over the past few weeks. He regretted that the international community had sent mixed messages to Saddam Hussein, whose regime could have been disarmed peacefully if confronted by international solidarity. The blockage we had encountered in the United Nations impeded any progress.”

801. Mr Straw said that Mr Blair:

“... had persuaded President Bush ... to go down the United Nations route in order to achieve the maximum authority for the disarmament of Iraq, but the diplomatic process was now at an end.”

802. Mr Straw added:

“Progress had been made towards forging a consensus before the French and Russians had indicated their intention to veto any Security Council resolution proposed which indicated that military action would follow Saddam Hussein’s failure to comply. His assessment was that President Chirac of France had decided to open up a strategic divide between France and the United Kingdom; the row in Brussels in late 2002 had been manufactured. Effectively, one member of the Security Council had torpedoed the whole process.”

803. Mr Straw concluded:

“... the one chance now remaining to Saddam Hussein was to seek exile. If that course failed, the Government would seek the support of the House of Commons

for military action against Iraq. There would be a substantive motion in a debate now scheduled for Tuesday [18 March].”

804. Lord Goldsmith told Cabinet that he had answered a Parliamentary Question in the House of Lords that day “on the authority for the use of force against Iraq”; and that Mr Straw had also sent a document “on the legal basis” to the FAC.

805. The minutes record that Lord Goldsmith informed Cabinet that:

“Authority existed from the combined effect of United Nations Security Council resolutions 678, 687 and 1441, all of which were adopted under Chapter VII of the United Nations Charter. The latter allowed the use of force for the express purpose of restoring international peace and security ... resolution 1441 determined that Iraq had been and remained in material breach of ... resolution 687 and gave Iraq a final opportunity to comply with its disarmament obligations, warning of serious consequences if it did not do so. It was plain that Iraq had failed so to comply and therefore continued to be in material breach. The authority to use force under ... resolution 678 was revived as a result ... [R]esolution 1441 did not contain a requirement for a further ... resolution to authorise the use of force.”

806. The points made during discussion included:

- the attitude of France “had undermined the mechanism of the United Nations to enforce the will of the international community”;
- with the removal of a tyrant and the new initiative on the MEPP, “a different Middle East was in prospect”;
- “after the strenuous efforts to find a diplomatic solution”, the Government “had enhanced its credibility by the integrity and consistency of its position on Iraq”;
- the Government’s supporters “needed a comprehensive statement to explain the position”: a second resolution “had been politically desirable but not legally essential”;
- “it was important to focus on Saddam’s failure to comply, and to avoid the impression that the failure to gain a further ... resolution was the issue”;
- within the UK the views of all citizens had to be respected and a dialogue with the Muslim community maintained, “while setting out clearly the case for military action in the current circumstances”;
- failure to disarm Iraq “risked sending a message of encouragement to dictators and countries illegally holding weapons of mass destruction”;
- in conducting military operations, it would be important to show “we wished to protect civilians, seek the surrender of Iraqi conscripts, and protect religious and cultural sites”;
- the Government’s commitment to the UN was to make “its writ run” and to encourage its members to work within that framework;

- the “stalemate” in the UN “should prompt a new look at the international security architecture whose modernisation needed to be addressed”;
- as occupation forces would be “restricted” in the action they could take, there was a legal necessity for a UN mandate for the reconstruction of Iraq;
- the “real test of the Government’s credibility” would be the extent to which the MEPP was driven forward “and the manner in which the Iraqi people were cared for after the conflict”; and
- the Government “was motivated by a world view which promoted justice, good governance and pluralism and this set it apart from other governments of the industrialised world”.

807. Mr Prescott stated that Mr Blair:

“... had played a major role in upholding the credibility of the United Nations. French intransigence had thwarted success in taking the United Nations process to its logical conclusion. Nevertheless, the use of force against Iraq was authorised by existing ... resolutions.”

808. Mr Blair concluded that:

“... the diplomatic process was now at an end. Saddam Hussein would be given an ultimatum to leave Iraq; and the House of Commons would be asked to endorse the use of military action against Iraq to enforce compliance, if necessary.”

809. Cabinet: “Took note.”

810. Mr Cook’s decision to resign from the Government was announced during Cabinet, which he did not attend.²⁸⁷

811. Cabinet was provided with the text of Lord Goldsmith’s Written Answer to Baroness Ramsey setting out the legal basis for military action.

812. That document represented a statement of the Government’s legal position – it did not explain the legal basis of the conclusion that Iraq had failed to take “the final opportunity” to comply with its disarmament obligations offered by resolution 1441.

813. Cabinet was not provided with written advice which set out, as Lord Goldsmith’s advice of 7 March had done, the conflicting arguments regarding the legal effect of resolution 1441 and whether, in particular, it authorised military action without a further resolution of the Security Council.

²⁸⁷ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

814. Cabinet was not provided with, or informed of, Mr Brummell’s letter to Mr Rycroft of 14 March; or Mr Rycroft’s response of 15 March. Cabinet was not told how Mr Blair had reached the view recorded in Mr Rycroft’s letter.

815. The consideration of the legal basis for military action and the evidence from those present on the discussion of the legal issues in Cabinet is addressed in Section 5.

816. The majority of Cabinet members who gave evidence to the Inquiry took the position that the role of the Attorney General on 17 March was, simply, to tell Cabinet whether or not there was a legal basis for military action.

817. None of those Ministers who had read Lord Goldsmith’s 7 March advice asked for an explanation as to why his legal view of resolution 1441 had changed.

818. There was little appetite to question Lord Goldsmith about his advice, and no substantive discussion of the legal issues was recorded.

819. Cabinet was, however, being asked to confirm the decision that the diplomatic process was at an end and that the House of Commons should be asked to endorse the use of military action to enforce Iraq’s compliance. Given the gravity of this decision, Cabinet should have been made aware of the legal uncertainties.

820. Lord Goldsmith should have been asked to provide written advice which fully reflected the position on 17 March, explained the legal basis on which the UK could take military action, and set out the risks of legal challenge.

821. Mr Blair and Mr Straw continued to attribute the primary responsibility for the failure to secure support in the Security Council to France’s statements that it would veto a resolution setting an ultimatum for Iraq to demonstrate that it was co-operating as required by resolution 1441.

822. As the evidence in this Section shows, the Security Council was deeply divided and China, France and Russia, and others, took the view that options other than the use of military force had not yet been exhausted.

823. Mr Campbell wrote in his diaries that Mr Blair had told Cabinet that “an impasse was an impasse” and that the “French block” was “not conditional but absolute”.²⁸⁸

824. In his memoir, Mr Blair wrote:

“Apart from Clare Short, the Cabinet were supportive. All my most loyal people weighed in. As ever on these occasions, John Prescott was a rock. Derry Irvine [Lord Irvine of Lairg, the Lord Chancellor] came in with a very helpful intervention

²⁸⁸ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

saying that if France had not threatened to veto any resolution authorising action, we could probably have got a second resolution and the problem was that we had tried so hard to get a second resolution that people assumed, wrongly, that we needed one legally.”²⁸⁹

825. In his memoir, Mr Prescott wrote that:

“Apart from Clare and Robin, everyone understood and accepted what was happening. Although we all had worries, we tended to go along with the feeling that we were stuck with Bush. Tony couldn’t walk away. We were blaming the French, for backing out of supporting an invasion, but we knew the Americans would go in whatever happened, so the French didn’t really matter.

“Our relationship with the US had always been fundamental. All British prime ministers have to decide whether we’re with the US or not. And Tony had decided we were. Most of us agreed with that, deep down. During the run-up to the invasion, we all had our own reservations, and we were genuinely trying to delay an actual invasion, and go the UN route, if not stop it altogether, for as long as possible. But once it was inevitable we felt that was it.

“My attitude was that Tony, having made up his mind, should be supported. I took one of the Cabinet meetings on Iraq and got quite carried away, saying it was vital to stick together. We should do the brave thing, not be cowards.”²⁹⁰

826. Lord Boateng, Chief Secretary to the Treasury from 2002 to 2005, told the Inquiry that he had been “governed by a desire” that he sensed was shared with colleagues that “military action should be a last resort” and that it was not until Cabinet on 17 March:

“... when it was clear that all other options had been exhausted and where we had the benefit of legal opinion ... that I formed the firm view that it was now inevitable.”²⁹¹

Statements to Parliament, 17 March 2003

MR STRAW’S STATEMENT, 17 MARCH 2003

827. In his Statement to the House of Commons that evening, Mr Straw said the Government had reluctantly concluded that France’s actions had put a consensus in the Security Council on a further resolution “beyond reach”.

828. As a result of Saddam Hussein’s persistent refusal to meet the UN’s demands, Cabinet had decided to ask the House of Commons to support the UK’s participation in military action should that be necessary to achieve the

²⁸⁹ Blair T. *A Journey*. Hutchinson, 2010.

²⁹⁰ Prescott J. *Docks to Downing Street: My Story*. Headline Review, 2009.

²⁹¹ Public hearing, 14 July 2010, page 9.

disarmament of Iraq “and thereby the maintenance of the authority of the United Nations”.

829. Mr Straw stated that Lord Goldsmith’s Written Answer “set out the legal basis for the use of force”.

830. Mr Straw drew attention to the significance of the fact that no one “in discussions in the Security Council and outside” had claimed that Iraq was in full compliance with its obligations.

831. Mr Straw made a statement to the House of Commons at 8.24pm.²⁹²

832. Referring to the statement issued at the Azores Summit calling on all members of the Security Council to adopt a resolution challenging Saddam Hussein to take a strategic decision to disarm, Mr Straw told the House of Commons:

“Such a resolution has never been needed legally, but we have long had a preference for it politically.”

833. Mr Straw stated that there had been “intense diplomatic activity to secure that end over many months, culminating in the last 24 hours”. Despite “final efforts” by Sir Jeremy Greenstock the previous evening and his own conversations with his “Spanish, American, Russian and Chinese counterparts that morning”, the Government had:

“... reluctantly concluded that a Security Council consensus on a new resolution would not be possible. On my instructions, Sir Jeremy Greenstock made a public announcement to that effect at the United Nations at about 3.15pm UK time today.”

834. Mr Straw continued that, since the adoption of resolution 1441 in November 2002, he, Mr Blair and Sir Jeremy Greenstock had “strained every nerve” in search of a consensus “which could finally persuade Iraq by peaceful means, to provide the full and immediate co-operation demanded by the Security Council”.

835. Mr Straw stated that it was significant that “in all the discussions in the Security Council and outside” no-one had claimed that Iraq was “in full compliance with the obligations placed on it”; and:

“Given that, it was my belief, up to about a week ago, that we were close to achieving a consensus that we sought on the further resolution. Sadly, one country then ensured that the Security Council could not act. President Chirac’s unequivocal announcement last Monday that France would veto a second resolution containing that or any ultimatum ‘whatever the circumstances’ inevitably created a sense of paralysis in our negotiations. I deeply regret that France has thereby put a Security Council consensus beyond reach.”

²⁹² House of Commons, *Official Report*, 17 March 2003, columns 703-705.

836. Mr Straw told the House of Commons that the proposals submitted by France, Germany and Russia for “more time and more inspections” sought to “rewrite” resolution 1441. They “would have allowed Saddam to continue stringing out inspections indefinitely, and he would rightly have drawn the lesson that the Security Council was simply not prepared to enforce the ultimatum ... at the heart of resolution 1441”.

837. Mr Straw pointed out that “in the event of non-compliance” Iraq should, as OP13 of resolution 1441 spelled out, expect “serious consequences”. Mr Straw stated:

“As a result of Saddam Hussein’s persistent refusal to meet the UN’s demands, and the inability of the Security Council to adopt a further resolution, the Cabinet has decided to ask the House to support the United Kingdom’s participation in military operations, should they be necessary, with the objective of ensuring the disarmament of Iraq’s weapons of mass destruction, and thereby the maintenance of the authority of the United Nations.”

838. Mr Straw confirmed that Parliament “would have an opportunity to debate our involvement in military action prior to hostilities” the following day; and that the debate would be on a substantive motion “proposed by the Prime Minister and Cabinet colleagues”. He also drew the attention of the House to Lord Goldsmith’s Written Answer, which “set out the legal basis for the use of force against Iraq” and the documents provided earlier that day.

839. Mr Straw concluded:

“Some say that Iraq can be disarmed without an ultimatum, without the threat or the use of force, but simply by more time and more inspections. That approach is defied by all our experience over 12 weary years. It cannot produce the disarmament of Iraq; it cannot rid the world of the danger of the Iraq regime. It can only bring comfort to tyrants and emasculate the authority of the United Nations ...”

840. Mr Ancram responded that diplomacy was “at an end” and there was the “grim prospect of war ... because Saddam Hussein has contemptuously failed to take the final opportunity ... offered him”. There had been “a chance that a clear, unequivocal and united voice from the international community might ... have persuaded him to disarm or to go. France put paid to that. I hope that in Paris they will reflect tonight on what they have achieved.”²⁹³

841. Mr Ancram stated: “Saddam Hussein, in possession of weapons of mass destruction, is a threat to international peace and security... including ourselves. That is why we believe that action to disarm him can no longer be delayed.”

²⁹³ House of Commons, *Official Report*, 17 March 2003, columns 705-706.

842. Mr Ancram concluded:

“Our thoughts tonight must be with our Armed Forces ... they have our unqualified support. We will offer the Government our support in the decisions that must now be made. We will do so because they have reached the same conclusions as us on the threat posed by Saddam Hussein and the legality of taking action. We believe they are acting in the national interest and as long as that is the case we will continue to support them. Her Majesty’s Opposition will do what in our hearts we know for our country to be right.”

843. In response to a question from Mr Moore about the implications of taking action without the backing of the Security Council and allowing inspections to continue, Mr Straw agreed that it would have been better to achieve a consensus in the UN. He also stated that France and Russia had agreed the process in resolution 1441:

“... if Iraq was in further material breach, which it has been for weeks, setting out further discussions in the Security Council, which have already taken place; and ... if Iraq failed to comply, serious consequences would follow.”²⁹⁴

844. The provisions required by resolution 1441 were examined in depth by Lord Goldsmith in his advice of 7 March, which is addressed in Section 5.

845. Asked about his statement to the House of Commons on 17 March that it was his “belief, up to about a week ago, that we were close to achieving a consensus that we sought on the further resolution”, Mr Straw told the Inquiry:

“My point ... was accurate. I didn’t say we had a consensus. I said we were close to it.”²⁹⁵

846. Mr Straw’s statement was repeated in the House of Lords by Baroness Symons of Vernham Dean, the joint FCO/Department of Trade and Industry (DTI) Minister for Trade and Investment.²⁹⁶

847. In reply to the points made in response to her statement, Baroness Symons made a number of comments, including:

“... I believe that the legality of the position is indeed settled. I do not think we have ever had such a clear statement from the Attorney General at a juncture like this.”²⁹⁷

848. Subsequently, Baroness Symons stated that the Government “had gone further than any Government” to put the “advice” into the public arena, and that Lord Goldsmith had “given a clear statement of his opinion”.²⁹⁸

²⁹⁴ House of Commons, *Official Report*, 17 March 2003, column 708.

²⁹⁵ Public hearing, 8 February 2010, page 96.

²⁹⁶ House of Lords, *Official Report*, 17 March 2003, columns 97-98.

²⁹⁷ House of Lords, *Official Report*, 17 March 2003, column 101.

²⁹⁸ House of Lords, *Official Report*, 17 March 2003, column 102.

849. Baroness Symons' statement took place during a debate on the legality of the use of armed force. In closing the debate, Baroness Symons again stated that Lord Goldsmith had published his "advice".²⁹⁹

850. As Section 5 explains, the Written Answer was not Lord Goldsmith's advice or his legal opinion.

851. Other points raised during the debate on the legality of the use of armed force are set out in the Box below.

House of Lords debate on the legality of the use of armed force, 17 March 2003

The House of Lords debated the legality of the use of armed force on the evening of 17 March.

Opening the debate, Lord Goodhart (Liberal Democrat) set out his view of the legality of the use of force in Iraq without the specific authority of a further resolution of the Security Council. Commenting on the summary of Lord Goldsmith's legal advice to the Government he stated:

"... we should have liked to see much more detail of what must have been a lengthy opinion ... All we have seen is the baldly stated summary. We also regret that the ... Attorney General has not given us the opportunity to ask questions and to hear his answers.

"The Attorney General's opinion reaches a highly questionable conclusion, which is based on a dubious interpretation of deliberately ambiguous wording.

...

"Both the United States and British Ambassadors to the United Nations when resolution 1441 was adopted said that it contained no automaticity. I believe that there was a clear understanding that resolution 1441 did not confer a right of action without referring back to the Security Council. Unless there had been such an understanding, it would have been difficult if not impossible to get resolution 1441 through the Security Council.

"A final decision on the use of armed force requires judgement as to the seriousness of the breaches by Iraq, the effectiveness of the inspection system and whether the breaches could be corrected by means short of war. Those are difficult decisions. The Attorney General is arguing that the Security Council has delegated those decisions to the United Kingdom and the United States of America – in effect, to the US alone. I do not believe that that is the kind of decision that the Security Council could, or would, delegate to any one member, however powerful. A decision to use armed force under Article 42 in full scale war is the most solemn decision that the Security Council can ever take. The idea that vague and ambiguous words in those

²⁹⁹ House of Lords, *Official Report*, 17 March 2003, column 1117.

resolutions can be read as implying a delegation to the United States, with or without the United Kingdom, to take these decisions verges on the absurd.”³⁰⁰

A range of views was expressed by speakers during the ensuing debate.

Lord Mayhew (Conservative) described the United Nations as “a relatively new jurisdiction”.³⁰¹ The world was far from having “an article or precedent” for every situation it faced. As a result, there would often be arguments “which it would take years to litigate in any international court to an authoritative conclusion”. He concluded that UN member states “must sometimes have the courage to act when the law may not be explicitly cut and dried and to bear the heavy duty themselves for doing what they conscientiously believe to be necessary and lawful.”

Lord Mayhew stated that, because the cease-fire established under resolution 687 was conditional, it had left resolution 678 undischarged: “in force, but ... placed in abeyance or suspension provided Iraq fulfilled its obligations and continued to fulfil the conditions”. Because Iraq had never complied with those conditions, resolution 678 was no longer in abeyance, but available. Those who refused to agree a further resolution were entitled to make that choice, but it could not have the effect of a veto on the operation of resolution 678.

Lord Hannay, a former UK Permanent Representative to the United Nations, stated that resolution 1441 had not, on its own, provided authority for the use of force in the event of non-compliance because it had not needed to.³⁰² The authority already existed in resolution 687. That there had been Iraqi non-compliance since resolution 687 was “surely not seriously in doubt”. That there had been some limited compliance was not the point. Unfortunately, the Security Council had “fallen prey to divided counsels”. The purpose of the draft second resolution had been political, not legal: “to draw a line under the phase on non-compliance with Security Council resolution 1441 and to signal that serious consequences were now imminent.”

Lord Hannay concluded that military action by the UK, the US and other allies:

“... does not herald either a new doctrine bypassing the system laid down in the UN Charter, nor the flouting of international law. In fact, it is far less daring than was the decision by NATO to use force against Yugoslavia in the case of Kosovo ...”

Lord Howell (Conservative) stated that the question of legality “ought to have been settled long before we reached the point at which the troops are going into action”.³⁰³ There was “no doubt” that the case for intervention had been “poorly put forward”, adding greatly to tensions.

Lord Lloyd of Berwick, a former Law Lord, stated that he found it “impossible as presently advised” to accept the argument offered by Lord Goldsmith in his Written Answer to Baroness Ramsey.³⁰⁴

³⁰⁰ House of Lords, *Official Report*, 17 March 2003, columns 69-71.

³⁰¹ House of Lords, *Official Report*, 17 March 2003, columns 74-76.

³⁰² House of Lords, *Official Report*, 17 March 2003, columns 80-83.

³⁰³ House of Lords, *Official Report*, 17 March 2003, column 99.

³⁰⁴ House of Lords, *Official Report*, 17 March 2003, column 108.

Responding to points raised during the debate, Baroness Symons set out the Government's position, including by reference to previous occasions since 1991 when force had been used in Iraq.³⁰⁵ She stated that resolution 1441:

“... provided for any failure by Iraq to be ‘considered’ by the Security Council under paragraph 12. That consideration has taken place regularly since the adoption of resolution 1441. It is plain from UNMOVIC statements ... that Iraq has not complied, as required, with its disarmament obligations. Whatever other differences there may be on the Security Council, no member of the Council has questioned that conclusion. It follows that Iraq has not taken the final opportunity offered and remains in material breach ...”

MR COOK'S RESIGNATION STATEMENT, 17 MARCH 2003

852. In a statement later that evening, Mr Cook set out his doubts about the degree to which Saddam Hussein posed a “clear and present danger” and his concerns that the UK was being “pushed too quickly into conflict” by the US without the support of the UN and in the face of hostility from many of the UK's traditional allies.

853. Mr Cook set out the reasons why he could not “support a war without international agreement or domestic support” and why, in order to vote against military action in the House of Commons the following day, he had resigned from the Government.³⁰⁶

854. Mr Cook applauded the “heroic efforts” of Mr Blair and those of Mr Straw in seeking to secure a second resolution, but pointed out:

“... the very intensity of those attempts underlines how important it was to succeed. Now that those attempts have failed, we cannot pretend that getting a second resolution was of no importance.

“France has been at the receiving end of bucket-loads of commentary in recent days. It is not France alone that wants more time for inspections ... We delude ourselves if we think that the degree of international hostility is all the result of President Chirac. The reality is that Britain is being asked to embark on a war without agreement in any of the international bodies of which we are a leading partner ...

“To end up in such diplomatic weakness is a serious reverse. Only a year ago, we and the United States were part of a coalition against terrorism that was wider and more diverse than I would ever have imagined possible. History will be astonished at the diplomatic miscalculations that led so quickly to the disintegration of that powerful coalition. The US can afford to go it alone ... Our interests are best protected not by

³⁰⁵ House of Lords, *Official Report*, 17 March 2003, columns 117-121.

³⁰⁶ House of Commons, *Official Report*, 17 March 2003, columns 726-728.

unilateral action but by multilateral agreement and a world governed by rules. Yet tonight the international partnerships most important to us are weakened ... Those are heavy casualties in a war in which a shot has yet to be fired.”

855. Dismissing any parallels with the action in Kosovo in 1999, where there had been multilateral support and the need to respond to an urgent and compelling humanitarian crisis, Mr Cook stated:

“Our difficulty in getting support this time is that neither the international community nor the British public is persuaded that there is an urgent and compelling reason for this military action in Iraq.

“The threshold for war should always be high. None of us can predict the death toll of civilians ...”

856. Mr Cook continued:

“Nor is it fair to accuse those of us who want longer for inspections of not having an alternative strategy ... Over the past decade that strategy [of containment] had destroyed more weapons than in the Gulf War, dismantled Iraq’s nuclear weapons programme and halted Saddam’s medium and long range missile programmes.”

Iraq’s military strength was now less than half its size in 1991; and, “Ironically” it was “only because Iraq’s military forces” were “so weak that we can even contemplate its invasion”.

857. Mr Cook questioned the threat posed by Iraq:

“Iraq probably has no weapons of mass destruction in the commonly understood sense of the term – namely a credible device capable of being delivered against a strategic city target. It probably ... has biological toxins and battlefield chemical munitions, but it has had them since the 1980s when US companies sold Saddam anthrax agents and the then British government approved chemical and munitions factories. Why is it now so urgent that we should take military action to disarm a military capacity that has been there for twenty years, and which we helped to create? Why is it necessary to resort to war this week, while Saddam’s ambition to complete his weapons programme is blocked by the presence of UN inspectors?”

858. Drawing attention to the lack of action in the face of Israel’s refusal to comply with resolution 242 (1967) demanding its withdrawal from the Occupied Territories, Mr Cook warned of the “strong sense of injustice throughout the Muslim world” as a result of the perception that there was “one rule for the allies of the US and another rule for the rest”. He added:

“Nor is our credibility helped by the appearance that our partners in Washington are less interested in disarmament than they are in regime change in Iraq. That

explains why any evidence that inspections may be showing progress is greeted in Washington not with satisfaction but with consternation: it reduces the case for war.”

859. Mr Cook concluded that the British people:

“... do not doubt that Saddam is a brutal dictator, but they are not persuaded that he is a clear and present danger to Britain. They want inspections to be given a chance, and they suspect that they are being pushed too quickly into conflict by a US Administration with an agenda of its own. Above all they are uneasy at Britain going out on a limb on a military adventure without a broader international coalition and against the hostility of many of our traditional allies.”

860. Mr Cook’s account of his view of the September dossier and the briefing he was given in February 2003 by Mr Scarlett are addressed in Sections 4.2 and 4.3 respectively.

Ms Short’s letter, 18 March 2003

Ms Short sent a letter to colleagues in the Parliamentary Labour Party the following morning, explaining her reasons for deciding to support the Government.³⁰⁷ She wrote that there had been “a number of important developments over the last week”, including:

“Firstly, the Attorney General has made clear that military action would be legal under international law. Other lawyers have expressed contrary opinions. But for the UK Government, the civil service and the military, it is the view of the Attorney General that matters and this is unequivocal.”

President Bush’s ultimatum to Saddam Hussein, 17 March 2003

861. President Bush issued an ultimatum giving Saddam Hussein 48 hours to leave Iraq.

862. The British Embassy Washington reported that the US media had:

“... recognised the Azores outcome as the beginning of the end game, and declared the diplomatic process dead even before we announced the end in the Security Council ... Both the *Washington Post* and the *New York Times* referred to the US and its allies ‘going through the motions’.”³⁰⁸

863. The Embassy wrote that US commentators were:

“... already apportioning blame for the Administration’s failure to muster international support ...

“The longer-term fallout from almost six months of activity at the UN would probably only be clear once the war is over. But the media has already gone into analysis

³⁰⁷ Short C. *An Honourable Deception: New Labour, Iraq and the Misuse of Power*. The Free Press, 2004.

³⁰⁸ Telegram 354 Washington to FCO London, 18 March 2003, ‘US/Iraq: Update’.

mode. One of the larger issues is whether US/UN relations. Powell said today that the UN would survive, but was equally clear that the UNSC had failed a crucial test ... the Administration hawks who cautioned Bush against the UN route last summer are sourcing stories making their opposition at that time clear.”

864. The Embassy also reported that US public support for war had risen to its highest level since November 2001, “though support would drop to 47 percent without a second resolution”. Mr Blair’s role had “won fulsome praise from some unexpected quarters”.

865. Secretary Powell announced in his morning press conference on 17 March that President Bush would issue an ultimatum during his address to the nation that evening calling for Saddam and his cohorts to leave Iraq.³⁰⁹

866. In an “Address to the Nation” at 8pm Eastern Standard Time on 17 March, President Bush stated that “the final days of decision” had been reached and issued an ultimatum giving Saddam Hussein and his sons 48 hours to leave Iraq.³¹⁰

867. President Bush stated that the world had “engaged in 12 years of diplomacy” and “sent hundreds of weapons inspectors to oversee the disarmament of Iraq” but:

“Our good faith has not been returned.

“The Iraqi regime has used diplomacy as a ploy to gain time and advantage ... Peaceful efforts to disarm the Iraqi regime have failed ... because we are not dealing with peaceful men.

“Intelligence gathered by this and other governments leaves no doubt that the Iraqi regime continues to possess and conceal some of the most lethal weapons ever devised ...

“The regime has a history of reckless aggression ... It has a deep hatred of America and our friends. And it has aided, trained and harbored terrorists, including operatives of Al Qaida.

“The danger is clear: using chemical, biological or, one day, nuclear weapons, obtained with the help of Iraq, the terrorists could fulfill their stated ambitions and kill hundreds of thousands of innocent people ...

“... Before the day of horror can come, before it is too late to act, this danger will be removed.

“The United States of America has the sovereign authority to use force in assuring its own national security. That duty falls to me ...

³⁰⁹ Telegram 354 Washington to FCO London, 18 March 2003, ‘US/Iraq: Update’.

³¹⁰ The White House, 17 March 2003, *President says Saddam Hussein must leave within 48 hours*.

“Recognizing the threat to our country, the United States Congress voted overwhelmingly last year to support the use of force against Iraq. America tried to work with the United Nations to address this threat because we wanted to resolve this issue peacefully. We believe in the mission of the United Nations. One reason the UN was founded ... was to confront aggressive dictators, actively and early ...

“In the case of Iraq, the Security Council did act, in the early 1990s. Under resolutions 678 and 687 – both still in effect – the United States and our allies are authorized to use force in ridding Iraq of weapons of mass destruction. This is not a question of authority, it is a question of will.”

868. President Bush continued that he had “urged the nations of the world to unite and bring an end to this danger” and the Security Council had unanimously passed resolution 1441. But:

“... no nation could possibly claim that Iraq has disarmed. And it will not disarm as long as Saddam holds power as required ... some permanent members of the Security Council have publicly announced that they will veto any resolution that compels the disarmament of Iraq. These governments share our assessment of the danger, but not our resolve to meet it. Many nations ... do have the resolve and fortitude to act against this threat to peace ... The United Nations Security Council has not lived up to its responsibilities, so we will rise to ours.”

869. Issuing the ultimatum, President Bush stated:

“In recent days, some governments in the Middle East have been doing their part. They have delivered public and private messages urging the dictator to leave Iraq, so that disarmament can proceed peacefully. He has thus far refused. All the decades of deceit and cruelty have now reached an end. Saddam Hussein and his sons must leave Iraq within 48 hours. Their refusal to do so will result in military conflict ...”

870. In a message to Iraqis, President Bush stated:

“If we must begin a military campaign, it will be directed against the lawless men who rule your country and not against you ... The day of your liberation is near.

“... It is not too late for the Iraqi military to act with honor and protect your country by permitting the peaceful entry of Coalition forces to eliminate weapons of mass destruction ...”

871. President Bush explicitly warned all Iraqis against destroying oil wells or using weapons of mass destruction: “War crimes will be prosecuted. War criminals will be punished.”

872. President Bush acknowledged that military action could expose the US and its allies to an increased possibility of attack and that additional security measures had been put in place. He concluded:

“We are now acting because the risk of inaction would be greater ... Saddam Hussein and his terrorist allies could choose the moment of deadly conflict when they are strongest. We choose to meet that threat now ...

“... a policy of appeasement could bring destruction of a kind never before seen on this earth.

“... responding to such enemies only after they have struck first is not self-defense, it is suicide. The security of the world requires disarming Saddam Hussein now.

“As we enforce the just demands of the world, we will also honor the deepest commitments of our country. Unlike Saddam Hussein, we believe the Iraqi people are deserving and capable of human liberty. And when the dictator has departed, they can set an example to all the Middle East of a vital and peaceful and self-governing nation.

“The United States, with other countries, will work to advance liberty and peace in that region. Our goal will not be achieved overnight, but it can come over time. The power and appeal of human liberty is felt in every life and every land. And the greatest power of freedom is to overcome hatred and violence and turn ... to the pursuits of peace.

“That is the future we choose. Free nations have a duty to defend our people by uniting against the violent. And tonight, as we have done before, America and our allies accept that responsibility.”

873. The British Embassy Washington reported that President Bush “looked nervous but the message was uncompromising. Only a complete climb down by Saddam can now prevent war.”³¹¹

874. A later telegram reported that a White House spokesman had “amplified” the President’s statement and said that, if Saddam Hussein were to comply with the deadline and go into exile, US troops would still enter Iraq in order to pursue and disarm WMD; and that he hoped the international community would consider prosecuting Saddam Hussein for war crimes even in the case of exile.³¹²

875. The Embassy also reported that “some 66 percent of Americans told Gallup that they supported Bush’s intention to attack if Saddam did not leave within 48 hours”; and that “around 68 percent ... agreed that the US had done everything possible to solve the

³¹¹ Telegram 355 Washington to FCO London, 18 March 2003, ‘Iraq: US Ultimatum’.

³¹² Telegram 359 Washington to FCO London, 19 March 2003, ‘US/Iraq: Update, 18 March’.

crisis diplomatically". A "vocal minority, including the Democratic ... leadership" did not support President Bush.

876. Separately, the Embassy reported that President Bush had decided to publish the names of nine Iraqis who were regarded as either war criminals or having decisive command and control responsibilities.³¹³

877. Mr Naji Sabri, the Iraqi Foreign Minister, rejected the US ultimatum.³¹⁴

878. On the morning of 17 March, Mr Campbell had written to Mr Bartlett setting out the planned timetable for announcements, and commenting that: "By tonight, things will be pretty febrile."³¹⁵

879. Mr Campbell predicted that the debate in Parliament the following day would be difficult: "the rebellion looks bigger than last time". He warned Mr Bartlett of the potential that:

"If our MPs wake up to 'Bush tells Saddam: go into exile or face war' we'll hold most of our people. If they wake up to 'Bush: we're at war' with the ultimatum drowned out, with no mention of humanitarian, or MEPP etc, we'll be in trouble. It'll be hard for the President to win people back for us, but he could push some of our wobblers over the edge."

880. Mr Blair wrote in his memoir that the ultimatum had the UK's "changes all taken on board", and that it was "balanced not bellicose", "strongly supportive of the Iraqi people"; "And, critically for me, it played up the Middle East Peace Process."³¹⁶

Events of 18 March 2003

AUSTRALIA COMMITS TROOPS

881. In response to a formal request from President Bush, "shortly after 0600 local time", for Australia to participate in any military intervention in Iraq should Saddam Hussein not respond to the ultimatum and an "immediate" meeting of the Australian Cabinet, Mr Howard announced that a decision had been taken to commit Australian troops, and that:

"... the Government strongly believed the decision taken was right, it was legal, it was directed towards the protection of the Australian national interest."³¹⁷

882. Mr Howard also stated that the Iraq issue was one of morality and not just legality. He agreed to table immediately in Parliament the text of the legal advice to the

³¹³ Telegram 353 Washington to FCO London, 18 March 2003, 'Iraq: Top Crooks'.

³¹⁴ *BBC News*, 17 March 2003, *Iraq crisis hour-by-hour: 16-17 March*.

³¹⁵ Letter Campbell to Bartlett, 17 March 2003, [untitled].

³¹⁶ Blair T. *A Journey*. Hutchinson, 2010.

³¹⁷ Telegram 34 Canberra to FCO London, 18 March 2003, 'Iraq: Australia Commits'.

Australian Government which he said was consistent with the advice given to the British Government by Lord Goldsmith.

PRESIDENT CHIRAC'S STATEMENT

883. President Chirac maintained his position that the UN route had not been exhausted and the Security Council should explicitly authorise the use of force. The US was taking unilateral action against the will of the international community.

884. Sir John Holmes reported on 17 March that France was taking UK "criticism on the chin for the moment", and was saying that it would be ready to help in the post-conflict period, "but the greater the UN role, the easier it will be for them".³¹⁸ Senior advisers to Mr de Villepin and Mr Jean-Pierre Raffarin, the French Prime Minister, understood the UK position but had "made clear that they regretted nothing, and believed that they had acted perfectly consistently throughout". Mr de Villepin's "clear view was that France should not stoop to respond to our criticism, but the Elysée were less calm".

885. Sir John concluded:

"The French shifted a little as we approached the wire. Villepin's acceptance of our six tests when he spoke to you [Straw] ... was particularly interesting, given his previous sharp public rejection. But all this was far too little, far too late: positioning rather than a genuine effort at agreement. The French know they are now cast as scapegoats but, at least for the time being, seem to be determined to maintain a dignified silence, on the assumption that once war begins we will all have an interest in coming together at the UN to handle the aftermath."

886. The Elysée issued a statement early on 18 March stating that the US ultimatum was a unilateral decision going against the will of the international community who wanted to pursue Iraqi disarmament in accordance with resolution 1441.³¹⁹ It stated:

"... only the Security Council is authorised to legitimise the use of force. France appeals to the responsibility of all to see that international legality is respected. To disregard the legitimacy of the UN, to favour force over the law, would be to take on a heavy responsibility."

887. President Chirac issued a recorded speech later that morning which reiterated that statement and made a number of other comments, including:

"France's action has been inspired by the primacy of international law ...

"... France considers the use of force is a last resort when all other options have been exhausted. France's stance is shared by the great majority of the international community.

³¹⁸ Telegram 132 Paris to FCO London, 17 March 2003, 'France: Iraq'.

³¹⁹ Telegram 135 Paris to FCO London, 18 March 2003, 'Iraq: Chirac's Reaction to Ultimatum'.

“The latest discussions clearly showed that the Security Council was not disposed in the current circumstances to sanction a rush to war.

“The United States has just given Iraq an ultimatum. Whether it is a question ... of the necessary disarming of Iraq or the desirable change of regime in that country, there is no justification here for a unilateral decision to resort to war.

“However events develop in the near future, this ultimatum calls into question the notion we have of international relations. It commits the future of a people, the future of a region, and the stability of the world.

“It is a grave decision at a time when the disarmament of Iraq is under way and the inspections have proved they were a credible alternative for disarming that country.

“It is also a decision which compromises – for the future – the methods of peacefully resolving crises linked to the proliferation of weapons of mass destruction. Iraq does not today represent an immediate threat such as to justify an immediate war.”³²⁰

888. Sir John Holmes commented that President Chirac’s statement continued to emphasise France’s position “as on the side of the majority”, but that his description of regime change as “desirable” might be “significant”.³²¹ President Chirac “could have been more categorical on the legal authority and used the language of condemnation”. Sir John concluded that President Chirac had “kept his options open for co-operation over the day after”.

889. Reporting after the start of the conflict, Sir John Holmes offered the view that President Chirac had consistently disagreed with UK policy on Iraq on sanctions and military action.³²² French policy had been driven by his personal convictions. President Chirac had never believed that Saddam Hussein was “really a danger to us” and France had disagreed with UK policy on sanctions and military action. France had:

“... only ever agreed with great reluctance to each step to ratchet up the pressure on Saddam while accepting that only our military pressure had made him [Saddam] co-operate ... [T]hey believe they have been consistent and that their opposition to the use of force will in the end be vindicated.”

890. Sir John wrote that it was hard to be sure of the exact moment when France resolved to take on some of their closest allies and veto action if necessary. The “present hard line was inherent in the Franco-German position in late January” but Sir John’s view was that President Chirac had begun to see the attractions of a veto during February and his confidence in a Russian veto increased after Mr Ivanov’s visit to Paris on 5 March. The crucial element had been the realisation shortly after that

³²⁰ *BBC News*, 18 March 2003, *Chirac and Schroeder on US ultimatum*.

³²¹ Telegram 135 Paris to FCO London, 18 March 2003, ‘Iraq: Chirac’s Reaction to Ultimatum’.

³²² Telegram 147 Paris to FCO London, 24 March 2003, ‘France/Iraq: How did Chirac Finish Up Where he did and What Does it Mean?’.

visit, “under pressure from the Chileans and Mexicans”, that there was little chance of persuading the “swing six” to abstain “unless France was ... ready to say she would veto”.

MR BLAIR’S CONVERSATION WITH PRESIDENT BUSH, 18 MARCH 2003

891. Mr Blair spoke to President Bush at 1830 on 18 March.³²³ Mr Blair said that he was starting to win the political argument in the UK; and that the opinion polls were moving in his favour. They agreed to keep in touch “on a daily basis” and considered meeting in Washington the following week. Mr Blair said that he was “keen to follow up in some detail some of the issues raised in the Azores”.

892. On 18 March, Sir David Manning wrote to Dr Rice, formally confirming the UK’s agreement to US use of Diego Garcia and RAF Fairford for “operations to enforce compliance by Iraq with the obligations on Weapons of Mass Destruction laid down in UNSCR 1441 and previous relevant resolutions”.³²⁴

CDS’ DIRECTIVE FOR MILITARY OPERATIONS

893. Adm Boyce’s Directive to Lieutenant General John Reith, the UK Commander Joint Operations for Operation TELIC, was issued at 2300 on 18 March. Operations would not begin before 1800 the following day.³²⁵

894. The military plan and arrangements for the command and control of the military operation are addressed in Sections 6.2 and 8.

Parliamentary approval for military action

DEBATE IN THE HOUSE OF COMMONS, 18 MARCH 2003

895. Debates on Iraq took place in both the House of Commons and the House of Lords on 18 March 2003.

896. The Government tabled a motion inviting the House of Commons to:

- “• note its decisions of 25 November 2002 and 26 February 2003;
- recognise that Iraq’s weapons of mass destruction and long-range missiles, and its continuing non-compliance with Security Council resolutions, pose a threat to international peace and security;
- note that in the 130 days since resolution 1441 was adopted Iraq had not co-operated actively, unconditionally and immediately with the weapons inspectors, and had rejected the final opportunity to comply and is in further

³²³ Letter Cannon to McDonald, 18 March 2003, ‘Iraq: Prime Minister’s Conversation with Bush, 18 March’.

³²⁴ Letter Manning to Rice, 18 March 2003, [untitled].

³²⁵ Letter Watkins to Manning, 18 March 2003, ‘Iraq: Military operations’.

material breach of its obligations under successive mandatory UN Security Council resolutions;

- regret that despite a sustained diplomatic effort by Her Majesty's Government it had not proved possible to secure a second resolution in the UN because one Permanent Member of the Security Council made plain in public its intention to use its veto whatever the circumstances;
- note the opinion of the Attorney General that, Iraq having failed to comply and Iraq being at the time of resolution 1441 and continuing to be in material breach, the authority to use force under resolution 1441 has revived and so continued that day;
- believe that the United Kingdom must uphold the authority of the United Nations as set out in resolution 1441 and many resolutions preceding it, and therefore support the decision of Her Majesty's Government that the United Kingdom should use all means necessary to ensure the disarmament of Iraq's weapons of mass destruction;
- offer wholehearted support to the men and women of Her Majesty's Armed Forces on duty in the Middle East;
- in the event of military action require that, on an urgent basis, the United Kingdom should seek a new Security Council resolution that would affirm Iraq's territorial integrity, ensure rapid delivery of humanitarian relief, allow for the earliest possible lifting of UN sanctions, an international reconstruction programme, and the use of all oil revenues for the benefit of the Iraqi people and endorse an appropriate post-conflict administration for Iraq, leading to a representative government which upholds human rights and the rule of law for all Iraqis;
- welcome the imminent publication of the Quartet's Road Map as a significant step to bringing a just and lasting peace settlement between Israelis and Palestinians and for the wider Middle East region, and endorse the role of Her Majesty's Government in actively working for peace between Israel and Palestine."³²⁶

897. In his statement opening the debate, Mr Blair set out his position on the need for military action.³²⁷

898. Mr Blair told the House it faced a "tough choice" between standing down British troops and turning back, and holding firm to "the course we have set"; and that he believed "passionately" in the latter. That mattered because the outcome would not just determine the fate of the Iraqi regime and the Iraqi people, but would:

"... determine the way in which Britain and the world confront the central security threat of the 21st century, the development of the United Nations, the relationship

³²⁶ House of Commons, *Official Report*, 18 March 2003, column 760.

³²⁷ House of Commons, *Official Report*, 18 March 2003, columns 760-774.

between Europe and the United States, the relations within the European Union and the way in which the United States engages with the rest of the world. So it could hardly be more important. It will determine the pattern of international politics for the next generation.”

899. Mr Blair rehearsed the Government’s position on Iraq’s past pursuit and use of weapons of mass destruction; its failures to comply with the obligations imposed by the UN Security Council between 1991 and 1998; Iraq’s repeated declarations which proved to be false; and the “large quantities of weapons of mass destruction” which were “unaccounted for”. He described UNSCOM’s final report (in January 1999) as “a withering indictment of Saddam’s lies, deception and obstruction” in which “large quantities of weapons of mass destruction” were “unaccounted for”.

900. Addressing Saddam Hussein’s claims that Iraq had no weapons of mass destruction, Mr Blair stated that “after seven years of obstruction and non-compliance” before the inspectors left in 1998, “we are asked to believe” he had “voluntarily decided to do what he had consistently refused to do under coercion”. Mr Blair also stated:

“We are asked now seriously to accept that in the last few years – contrary to all history, contrary to all intelligence – Saddam decided unilaterally to destroy those weapons. I say that such a claim is palpably absurd.”

901. Resolution 1441 required “full, unconditional and immediate compliance”. The first step was a full and final declaration of all Iraq’s weapons of mass destruction. Mr Blair stated that he would not address the events that had taken place since the declaration “as the House is familiar with them”, but “all members” of the Security Council “accepted” that the Iraq declaration (of 7 December 2002) was false. That was:

“... in itself ... a material breach. Iraq has taken some steps in co-operation but no one disputes that it is not fully co-operating. Iraq continues to deny that it has any weapons of mass destruction, although no serious intelligence service anywhere in the world believes it.”

902. Mr Blair cited the UNMOVIC “clusters” document issued on 7 March as “a remarkable document”, detailing “all the unanswered questions about Iraq’s weapons of mass destruction”, listing “29 different areas in which the inspectors have been unable to obtain information”.

903. Describing the activity in the Security Council since 7 March, Mr Blair argued that, “had we meant what we said in resolution 1441”, the Security Council should have convened when UNMOVIC published the “clusters” document on 7 March, and “condemned Iraq as in material breach”. Saddam Hussein was “playing the same old games in the same old way”. There were “minor concessions”, but there had been “no fundamental change of heart or mind”.

904. Referring to the draft resolution tabled by the UK, US and France on 7 March, Mr Blair added:

“... we could have asked for the second resolution then and there, because it was justified. Instead, we laid down an ultimatum calling on Saddam to come into line with resolution 1441, or be in material breach.”

905. That was “not an unreasonable proposition, but still countries hesitated”, asking how full co-operation would be judged. The UK had “worked on a further compromise”, consulting the inspectors to draw up “five tests, based on” the “clusters” document. The inspectors had “added another test: that Saddam should publicly call on the Iraqis to co-operate with them”. Saddam would have been given a specified time to fulfil all six tests to show full co-operation. If he did so, “the inspectors could then set out a forward work programme that would extend over a period of time to make sure that disarmament happened”. If, however, Saddam had failed to meet the tests, “action would follow”.

906. Mr Blair told the House of Commons that:

“Last Monday [10 March], we were getting very close ... We very nearly had the majority agreement ...

“... there were debates about the length of the ultimatum, but the basic construct was gathering support. Then ... France said it would veto a second resolution whatever the circumstances. Then France denounced the six tests. Later that day, Iraq rejected them. Still we continued to negotiate ...

“Last Friday, France said it could not accept any resolution with an ultimatum in it. On Monday [17 March], we made final efforts to secure agreement. However, the fact is that France remains utterly opposed to anything which lays down an ultimatum authorising action in the event of non-compliance by Saddam.”

907. Mr Blair added:

“Those on the Security Council opposed to us say that they want Saddam to disarm but they will not countenance any new resolution which authorises force in the event of non-compliance. That is their position – no to any ultimatum and no to any resolution that stipulates that failure to comply will lead to military action. So we must demand that Saddam disarms, but relinquish any concept of a threat if he does not.”

908. Mr Blair stated that Saddam Hussein had allowed the inspectors into Iraq after four years of refusal because of:

“... the threat of force ... It is the imminence of force. The only persuasive power to which he responds is 250,000 allied troops on his doorstep. However when that fact is so obvious, we are told that any resolution that authorises force in the event of non-compliance will be vetoed – not just opposed, but vetoed and blocked.”

909. Mr Blair added:

“The tragedy is that had such a resolution ensued and had the UN come together and united – and if other troops had gone there, not just British and American troops – Saddam Hussein might have complied. But the moment we proposed the benchmarks and canvassed support for an ultimatum, there was immediate recourse to the language of the veto. The choice was not action now or a postponement of action; the choice was action or no action at all.”

910. Asked what he meant by an unreasonable veto, Mr Blair responded:

“In resolution 1441, we said that it was Saddam’s final opportunity and that he had to comply. That was agreed by all members of the Security Council. What is surely unreasonable is for a country to come forward now, at the very point when we might reach agreement and when we are – not unreasonably – saying that he must comply with the UN, after all these months ... on the basis of six tests or action will follow. For that country to say that it will veto such a resolution in all circumstances is what I would call unreasonable.”

911. Mr Blair stated:

“The tragedy is that the world has to learn the lesson all over again that weakness in the face of a threat from a tyrant is the surest way not to peace but ... to conflict ... we have been victims of our own desire to placate the implacable, to persuade towards reason the utterly unreasonable, and to hope that there was some genuine intent to do good in a regime whose mind is in fact evil.”

912. In response to a suggestion that the diplomatic process should be continued for a little longer, Mr Blair responded:

“We could have had more time if the compromise proposal that we put forward had been accepted ... unless the threat of action was made, it was unlikely that Saddam would meet the tests.

“... the problem with diplomacy was that it came to an end after the position of France was made public – and repeated in a private conversation – and it said it would block, by veto, any resolution that contained an ultimatum ... the French were not prepared to change their position. I am not prepared to carry on waiting and delaying, with our troops in place in difficult circumstances, when that country has made it clear it has a fixed position and will not change.”

913. Questioned whether it was he, not the French, Russians and Chinese, who had changed position and about his statement – that the only circumstances in which he would go to war without a second resolution was if the inspectors concluded that there had been no more progress, which they had not; if there were a majority on the Security

Council, which there was not; and if there was an unreasonable veto from one country, when three Permanent Members were opposed to his policy – Mr Blair replied:

“... resolution 1441 ... stated in terms ... that if Iraq continued in material breach, defined as not co-operating fully, immediately and unconditionally, serious consequences would follow. All we are asking for in the second resolution is the clear ultimatum that if Saddam continues to fail to co-operate, force would be used. The French position is that France will vote no, whatever the circumstances. Those are not my words, but those of the French President. I find it sad that at this point in time he cannot support us in the position we have set out, which is the only sure way to disarm Saddam.”

914. Addressing the conclusion which “any tyrannical regime” might take from the “world’s diplomatic dance with Saddam Hussein” over the previous 12 years, Mr Blair stated that such a conclusion would be:

“That our capacity to pass firm resolutions was only matched by our feebleness in implementing them. That is why this indulgence has to stop – because it is dangerous: dangerous if such regimes disbelieve us; dangerous if they think they can use our weakness ... and dangerous because one day they will mistake our innate revulsion against war for permanent incapacity, when in fact, if pushed to the limit, we will act. But when we act, after years of pretence, the action will have to be harder, bigger, more total in its impact. It is true that Iraq is not the only country with weapons of mass destruction, but ... to back away from this confrontation now, and future conflicts will be infinitely worse and more devastating in their effects.

“... any fair observer does not really dispute that Iraq is in breach of resolution 1441 or that it implies action in such circumstances. The real problem is that, underneath, people dispute that Iraq is a threat, dispute the link between terrorism and weapons of mass destruction, and dispute, in other words, the whole basis of our assertion that the two together constitute a fundamental assault on our way of life.”

915. Arguing that the time had come to act, Mr Blair set out why he believed, in the context of “an ever more interdependent” world where the threat was “chaos and disorder”, Iraq posed a threat that was “so serious and why we must tackle it”.

916. In his view, there were:

“... two begetters of chaos: tyrannical regimes with weapons of mass destruction and extreme terrorist groups who profess a perverted and false sense of Islam.”

917. Mr Blair set out his concerns about:

- proliferators of nuclear equipment or expertise;
- “dictatorships with highly repressive regimes” who were “desperately trying to acquire” chemical, biological or “particularly, nuclear weapons capability”; some

of those were “a short time away from having a serviceable nuclear weapon”, and that activity was increasing, not diminishing; and

- the possibility of terrorist groups obtaining and using weapons of mass destruction, including a “radiological bomb”.

918. Mr Blair stated that tyrannical regimes with weapons of mass destruction and terrorist groups had very different motives and different origins and he accepted “fully” that the association between the two was:

“... loose – but it is hardening. The possibility of the two coming together – of terrorist groups in possession of weapons of mass destruction or even of a so-called dirty radiological bomb – is now in my judgement, a real and present danger to Britain and its national security.”

919. Addressing the effects of chemical and biological agents, Mr Blair stated that Iraq was “not the only part of this threat”. But it was “the test of whether we treat the threat seriously”. Mr Blair added that, faced with the threat:

“... the world should unite. The UN should be the focus both of diplomacy and of action. That is what [resolution] 1441 said ... to break it now, and to will the ends but not the means, would do more damage in the long term to the UN than any other single course that we could pursue. To fall back into the lassitude of the last 12 years; to talk, to discuss, to debate but never to act; to declare our will but not to enforce it; and to continue with strong language but with weak intentions – that is the worst course imaginable. If we pursue that course, when the threat returns, from Iraq or elsewhere, who will then believe us? What price our credibility with the next tyrant?”

920. Mr Blair stated:

“... there will in any event be no sound future for the United Nations – no guarantee against the repetition of these events – unless we recognise the urgent need for a political agenda we can unite upon.

“What we have witnessed here is the consequence of Europe and the United States dividing from each other ... the paralysis of the UN has been born out of the division that there is.”

921. Mr Blair stated that there was a risk of the world being divided into rival poles of power “with the US and its allies in one corner and France, Germany, Russia and their allies in the other”. That would be “profoundly dangerous”. There was “resentment of US dominance” and “fear of US unilateralism”.

922. Reflecting the strategy he had adopted, Mr Blair stated that the way to deal with the US was “not rivalry, but partnership”. Europe should have said to the US in September 2002:

“We understand your strategic anxiety over terrorism and weapons of mass destruction and we will help you meet it. We will mean what we say in any resolution we pass and will back it with action if Saddam fails to disarm voluntarily.”

923. In return, Europe should have asked:

“... that the US should indeed choose the UN path and you [the US] should recognise the fundamental overriding importance of restarting the Middle East Peace Process, which we will hold you to.

“That would have been the right and responsible way for Europe and America to treat each other ... and it is a tragedy that it has not happened ...”

924. Mr Blair stated that “what happens after any conflict in Iraq” was of “critical significance”. There was a chance to unify around the United Nations and a UN resolution:

“... should provide for the proper governance of Iraq ... protect totally the territorial integrity of Iraq. And that ... oil revenues ... should be put in a trust fund for the Iraqi people administered through the UN.”

925. Mr Blair set out the abuses of Saddam Hussein’s regime and stated that his removal was the “only true hope” for the Iraqi people.

926. Concluding his speech, Mr Blair stated:

“If this House now demands that ... British troops are pulled back ... what then? ... Saddam ... will feel strengthened beyond measure ... other states ... will take it that the will confronting them is decaying and feeble ...

...

“... In this dilemma, no choice is perfect, no choice is ideal, but on this decision hangs the fate of many things ... To retreat now ... would put at hazard all that we hold dearest. To turn the United Nations back into a talking shop; to stifle the first steps of progress in the Middle East; to leave the Iraqi people to the mercy of events over which we would have relinquished all power to influence for the better ...

“This is not the time to falter. This is the time ... to give a lead: to show that we will stand up for what we know to be right; to show that we will confront the tyrannies and dictatorships ... to show, at the moment of decision that we have the courage to do the right thing.”

927. In his speech, Mr Duncan Smith stated that the official Opposition would support the Government because it was acting “in the national interest”.³²⁸ Iraq posed a threat to the safety and stability of the Middle East and Saddam Hussein had “the means, the mentality and the motive to pose a direct threat to our national security”.

928. Other points made by Mr Duncan Smith included:

- Saddam Hussein was “in complete breach of all his obligations to the United Kingdom and to the international community”.
- He had “absolutely no intention whatsoever of relinquishing the weapons” he had developed.
- The threat from Iraq’s “arsenal to British citizens at home and abroad” could not “simply be contained. Whether in the hands of his regime or in the hands of the terrorists to whom he would give his weapons, they pose a clear danger to British citizens.”
- Saddam Hussein’s “last hope” was “to string along the international community for as long as possible”, and to delay action until the autumn, and, “in the meantime”, his “prevarication and games” would “split the international community and wreck the UN”.
- There were “pressing questions” about the arrangements for dealing with the humanitarian consequences of military action.
- If “decisive action” had been taken earlier, “we would not now stand on the verge of war”.

929. Mr Duncan Smith concluded that, if the House of Commons voted to give Saddam Hussein:

“... yet another chance, the moment will pass, our concentration will falter, our energy and focus will disperse and our nerve will fail, with disastrous consequences ...

“... We should stand firm, act and show that we have learned from past failures ...”

930. The Speaker selected a cross-party amendment to the Government motion, moved by Mr Peter Kilfoyle (Labour), which stated that the House:

“... believes that the case for war against Iraq has not yet been established, especially given the absence of specific United Nations authorisation; but, in the event that hostilities do commence, pledges its total support for the British forces engaged in the Middle East ...”³²⁹

931. In his speech supporting the amendment, Mr Kilfoyle argued that military action would be “illegal, immoral and illogical”. Saddam Hussein had been contained; there was

³²⁸ House of Commons, *Official Report*, 18 March 2003, columns 774-779.

³²⁹ House of Commons, *Official Report*, 18 March 2003, column 779.

no evidence provided of links with Al Qaida; he did not have the wherewithal to attack the UK directly; and there had been “an awful lot of scaremongering”. The Government’s “impatience” would “reap a whirlwind”.³³⁰

932. In his speech, Mr Kennedy stated that he did “not believe that the case for war” had been established, but he acknowledged that the Government deserved credit for persuading a “reluctant” US “to go down the UN route” and for emphasising the primary need for a “meaningful” MEPP.³³¹ He also drew attention to Mr Annan’s remarks the previous day, expressing concern about the legitimacy of action without the support of the Security Council.

933. Mr Kennedy concluded by drawing attention to the number of people who had expressed concern about the “doctrine of regime change”, were “wary of the motives” of the US Administration, and “did not like to see Britain separated from its natural international allies”.

934. More than fifty backbench MPs spoke in the debate, offering a wide range of views about the prospect of military action.

935. In his speech closing the debate, Mr Straw drew attention to the importance of a just and lasting settlement of the dispute between Israel and Palestine, which was, “as important for the future stability of the region as the disarmament of Iraq’s weapons of mass destruction”.³³²

936. In relation to Iraq, Mr Straw drew attention to the recommendations of the Select Committee on International Development, including the need for a new UN Security Council resolution “to provide proper authority for reconstruction and redevelopment work, and, in addition, a proper mandate for any Government who are to operate within the territory of Iraq once Saddam Hussein is removed”.

937. Mr Straw stated that the House of Commons had never before had the opportunity to vote on a substantive motion for its explicit support for the use of the Armed Forces. That placed “a heavy responsibility” on each member of the House.

938. Mr Straw added that the choice was “not easy”. He had “worked for months for a peaceful resolution of the crisis”, and he was as certain as he could be “that the Government’s course of action was right”.

939. Mr Straw also stated:

- “... no one, either today or in New York in the four Security Council meetings that I attended, has ... claim[ed] that Saddam Hussein has fulfilled the full and immediate compliance that was required of him.”

³³⁰ House of Commons, *Official Report*, 18 March 2003, columns 779-781.

³³¹ House of Commons, *Official Report*, 18 March 2003, columns 781-787.

³³² House of Commons, *Official Report*, 18 March 2003, columns 896-902.

- There was “no other alternative” to seeking the exile of Saddam Hussein and, if that failed, “his disarmament by force”.
- Containment “failed when the inspectors had to leave in 1998”. Three Permanent Members of the Security Council had failed to support resolution 1284 (1999) which had been an attempt to offer Iraq “a new way to peaceful disarmament while containing the threat”. Iraq had said no. The inspectors were not allowed to return; sanctions were eroded, “and containment was left weaker than ever”.
- The strategy encapsulated in resolution 1441 (2002) was “for the active disarmament of the regime, backed by a credible threat of force”.
- There was “no automaticity about the use of force”; “it was entirely conditional on Saddam Hussein’s compliance or otherwise with the resolution”.
- “We also said – to our five permanent colleagues that if the only issue between us and them over the ultimatum was more time than the 10 days we had allowed, of course we could negotiate more time. But no country ... has been prepared to say how much more time should be allowed before time runs out. None of them is prepared to issue an ultimatum. In reality, they are not asking for more time. They are asking for time without end.”
- Saddam Hussein would not disarm peacefully, so the choice was “either to leave Saddam where he is, armed and emboldened, an even bigger threat to his country, his region and international peace and security, or we disarm him by force”.

940. Mr Straw concluded:

“... of course there will be consequences if the House approves the Government motion. Our forces will almost certainly be involved in military action. Some will be killed; so, too, will innocent Iraqi civilians, but far fewer Iraqis in the future will be maimed, tortured or killed by the Saddam regime. The Iraqi people will begin to enjoy the freedom and prosperity that should be theirs. The world will become a safer place, and, above all, the essential authority of the United Nations will have been upheld.”

941. The amendment to the Government motion was defeated by 396 to 217 votes.

942. The Government motion was approved by 412 to 149 votes.

943. Mr Blair did not argue that Iraq posed an imminent threat. He stated that the threat which Saddam Hussein’s arsenal posed to “British citizens at home and abroad” could not be contained, and that in the hands of the Iraqi regime or in the hands of the terrorists to whom Saddam Hussein “would give his weapons”, they posed “a clear danger to British citizens”.

944. It was the ingrained belief of the UK Government and the intelligence community that Saddam Hussein’s regime retained chemical and biological

warfare capabilities, was determined to preserve and if possible enhance its capabilities, including at some point in the future a nuclear capability, and was pursuing an active and successful policy of deception and concealment. That, and the JIC Assessments of whether and in what circumstances Iraq might use those capabilities, is addressed in Section 4.

945. Iraq's capability was judged to be limited and its chemical and biological weapons did not pose a direct or imminent threat to the UK. Iraq was judged to be most likely to use its weapons as a last resort in response to a military attack which threatened the survival of the regime.

946. Mr Blair's statements on the risk of terrorists willing and able to use weapons of mass destruction being able to obtain them from Iraq are addressed in Section 7.

947. Saddam Hussein's regime had the potential to proliferate material and know-how to terrorist groups, but it was not judged likely to do so.

948. Mr Blair's and Mr Straw's statements claimed that the UK Government was acting on behalf of the international community "to uphold the authority of the Security Council".

949. The Charter of the United Nations vests responsibility for the maintenance of peace and security in the Security Council.

950. On 18 March, the majority of the Security Council's members were not persuaded that the inspections process, and the diplomatic efforts surrounding it, had reached the end of the road. They did not agree that the time had come to terminate inspections and resort to force.

951. In the absence of a majority in the Security Council in support of military action at that point, the UK was undermining the authority of the Security Council.

DEBATE IN THE HOUSE OF LORDS, 18 MARCH 2003

952. Lord Williams of Mostyn set out the Government's position in the House of Lords, stating: "Ours is a stark choice: we stand our troops down and turn back or we hold firm to the course that we have set. We must hold firm."³³³

953. Lord Strathclyde (Conservative) agreed that "to turn about now would be to court incalculable future danger in the face of the greater emerging threat to our future security".³³⁴

954. Baroness Williams (Liberal Democrat), referring to Mr Cook's resignation statement on 17 March, commented that there was "more than one set of opinions about how

³³³ House of Lords, *Official Report*, 18 March 2003, columns 138-142.

³³⁴ House of Lords, *Official Report*, 18 March 2003, column 146.

effective are the weapons of mass destruction in Iraq ... As so often in this argument, we look at a profound ambiguity, which people interpret in different ways.”³³⁵

955. Addressing the failure to secure a second resolution, Baroness Williams added:

“Much of the blame has been passed over to France. France has been seriously misinterpreted, not least by our own tabloid newspapers ... I am told by the French Embassy ... that France indicated it would veto a second resolution even if there were nine members of the Security Council supporting it, but made absolutely plain this was a judgement about timelines, not about Iraq failing to comply with Security Council resolutions. In other words – surely, it is not too complex a thought for us to understand – France believes that timelines for the inspectors were unacceptably short ... [and] would have supported the resolution if in its view the inspectors indicated that there was no longer sufficient compliance with their work to enable them to complete it in a satisfactory manner.

“Without the second resolution the legitimacy of our actions will continue to be disputed.”

956. In her concluding remarks, Baroness Symons highlighted “the breadth of agreement [during the debate] that the Iraqi regime is evil, cruel and has palpably failed to disarm and meet a series of UN obligations placed on it”.³³⁶

957. Baroness Symons responded to a number of questions raised during the debate, including on:

- The threat from WMD. Iraq had “thousands of chemical and biological bombs”. The 150 weapons inspectors “simply will not find the weapons of mass destruction in a country the size of France”.
- The exhaustion of possibilities for a negotiated solution. France’s position on the second resolution meant that negotiation was now “beyond our reach”.
- The legality of military action. Divisions of legal opinion in international law were “nothing new”. The Attorney General had had access to all information and had delivered a clear view.
- The legal position of those engaged in conflict. Military action would take full account of requirements and obligations of international law.
- Whether military action was the right response. The Iraqi people would be liberated from a life of tyranny and repression and it was necessary for the UN to face up to its responsibilities. It was the mission of the UK’s Armed Forces to “enforce the will of the United Nations and the international community”.

³³⁵ House of Lords, *Official Report*, 18 March 2003, column 147.

³³⁶ House of Lords, *Official Report*, 18 March 2003, columns 223-232.

Events of 19 and 20 March 2003

958. Mr de Villepin telephoned Mr Straw on 19 March with a message for Mr Blair from President Chirac.³³⁷ The President had been “shocked and hurt” by Mr Blair’s statements to Parliament. They had been unnecessary. President Chirac understood the pressures that the UK Government was under, but such statements were not acceptable from an ally and an EU partner. Nor were they in accordance with reality.

959. Mr Straw rebutted the comments. He and Mr Blair had felt their comments were justified by the circumstances; not to solve domestic problems but to explain the reality of the situation to which France had contributed. The UK felt that, after resolution 1441, “France had made a strategic choice not to follow through”.

960. Mr de Villepin responded that what he had heard from London and Washington did not “link with the truth”. He concluded that the statements from the UK Government had shown no courage.

961. Mr Straw concluded that “he knew a great deal about courage: the Prime Minister had shown great courage”.

962. The first Ad Hoc Meeting on Iraq (also known as the “War Cabinet”) took place at 8.30am on 19 March.

963. Mr Straw informed the meeting that he had received “an official complaint” from Mr de Villepin “about the British representation of the French position in respect of Iraq”. He also set out the need to explain the UK’s position to other countries and to publicise the international support for the Coalition.³³⁸

964. The discussion on the importance of a UN resolution covering the post-conflict phase is addressed in Section 6.5.

965. Advice on military issues is addressed in Section 8.

966. Subsequently, Mr Hoon and Adm Boyce briefed Mr Blair on the military preparations.³³⁹

967. A JIC Note issued on 19 March, ‘Saddam: the Beginning of the End’, stated that intelligence showed the Iraqi regime was making final preparations for war.³⁴⁰ Saddam Hussein had rejected US demands for his exile and the US had:

“... now made clear that even a last-minute change of mind by Saddam would not stop the Coalition from moving against Iraq’s WMD.”

³³⁷ Telegram [unnumbered] FCO London to Paris, 19 March 2003, ‘Iraq: Foreign Secretary’s Conversation with French Foreign Minister, 19 March’.

³³⁸ Minutes, 19 March 2003, Ad Hoc Meeting on Iraq.

³³⁹ Manuscript comment Manning on Letter Watkins to Manning, 18 March 2003, ‘Iraq: Military operations’.

³⁴⁰ Note JIC, 19 March 2003, ‘Saddam: The Beginning of the End’.

968. The Note added that the JIC continued to judge that Saddam Hussein's scope for "extreme and unpredictable action is increasing as the prospect of an attack approaches". The JIC view on the possible use of CBW is set out in Section 4.3.

969. Sir David Manning spoke to Dr Rice at noon.³⁴¹

970. Sir David told Dr Rice that the French had "launched a fierce public attack" on the UK.

971. Sir David and Dr Rice also discussed the meeting of the Security Council and the need to rebuild relationships. Sir David said that Dr Blix's work programme provided "further confirmation of how little Saddam had done to fulfil his disarmament obligations". The UK was in favour of a continuing role for UNMOVIC; it would be "important to have UNMOVIC available to provide independent verification when we found WMD".

972. Mr Blair and President Bush spoke at 12.40pm on 19 March.³⁴² They discussed the military plans and timetable. Mr Blair said that he had "reviewed the military plans and was confident that they would work". Post-conflict issues would be the focus of conversation when they met. A full-day meeting was envisaged to cover the ground. Mr Blair suggested that the discussions might include bringing in allies who had opposed military action and co-ordinating a communications strategy.

973. Mr Campbell wrote in his diaries:

"As Bush said ... other leaders would look at what he [Blair] did, and the power with which he did it, and really learn lessons from it. 'Landslide' he [Bush] said, referring to the Road Map publication as 'genius'. He referred back to what he called 'the *cojones* conference' at Camp David. 'You showed *cojones*, you never blinked. A leader who leads will win and you are a real leader.' He said the object is regime change ... TB felt that the next stage after winning the war would be to work out the geopolitical fallout and repair some of the divisions. Bush said Condi had this line that we should 'punish the French, ignore the Germans and forgive the Russians', which was pretty glib. TB didn't comment at the time but later said he didn't agree. We should try to build bridges with all of them. We finally got Bush to agree there was no point TB going to the US at the moment, that we should wait until the fighting starts ...

"... Bush said that the Iraqis would now be 'shredding documents like crazy'... the Road Map would be published today when Abu Mazen was confirmed ..." ³⁴³

³⁴¹ Letter Manning to McDonald, 19 March 2003, 'Iraq: Conversation with Condi Rice'.

³⁴² Letter Cannon to McDonald, 19 March 2003, 'Iraq: Prime Minister's Conversation with Bush, 19 March'.

³⁴³ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

974. President Bush wrote in his memoir that he convened “the entire National Security Council” on the morning of 19 March where he “gave the order to launch Operation Iraqi Freedom”.³⁴⁴

SECURITY COUNCIL DEBATE, 19 MARCH 2003

975. Although there had been unanimous support for a rigorous inspections and monitoring regime backed by the threat of military force as the means to disarm Iraq when resolution 1441 was adopted, there was no such consensus in the Security Council in March 2003.

976. In the Security Council debate on 19 March, the majority of members of the Security Council, including China, France and Russia, made clear that they thought the goal of disarming Iraq could be achieved by peaceful means and emphasised the primary responsibility of the Security Council for the maintenance of international peace and security.

977. The Security Council held an open debate on Iraq on 19 March. The Foreign Ministers of France, Germany, Guinea, Russia and Syria attended.³⁴⁵

978. Dr Blix stated that UNMOVIC’s draft work programme had been presented to the Security Council on 17 March in response to the wishes of its members, but, “on the very same day”, UNMOVIC had been “constrained together with other United Nations units to order the withdrawal of all our inspectors and other international staff from Iraq”.

979. Dr Blix stated that he felt:

“... sadness that three and a half months of work ... have not brought the assurances needed about the absence of weapons of mass destruction or other proscribed items in Iraq, that no more time is available for inspections and that armed action now seems imminent.”

He was relieved that there had been full Iraqi co-operation on the withdrawal of UN staff.

980. Dr Blix stated that the inspectors had “worked broadly” but it was “evidently possible for the Council to single out a few issues for resolution within a specific time”. The draft programme selected “12 key tasks” where progress “could have an impact on the Council’s assessment of co-operation of Iraq under resolution 1284 (1999)”. But, whatever approach was followed, the results would depend on Iraq’s active co-operation. Since his last report to the Security Council [on 7 March], Iraq had sent several more letters on unresolved issues. Those efforts by Iraq “should be acknowledged”, but UNMOVIC’s experts had “found, so far, that, in substance, only limited new information has been provided that will help to resolve remaining questions”.

³⁴⁴ Bush GW. *Decision Points*. Virgin Books, 2010.

³⁴⁵ UN Security Council, ‘4721st Meeting Wednesday 19 March 2003’ (S/PV.4721).

981. Dr Blix said that the draft work programme “would seem to have only limited practical relevance in the current situation”. It was “evidently for the Council to consider the next steps”. He hoped the Council would “be aware” that it had “in UNMOVIC staff a unique body of international experts”; that “no other international organisation has trained inspectors in the field of biological weapons and missiles”; and that, “With increasing attention being devoted to proliferation of these weapons [of mass destruction], this capability may be valuable to the Council”.

982. Mr Gustavo Zlauvinen, International Atomic Energy Agency representative to the UN, said that the Agency had transmitted its work programme, which was “self-explanatory”, to the Council that morning. Dr ElBaradei would be “available any time in the future to discuss ... the work programme should the Council decide to do so”.

983. Mr Joschka Fischer, the German Vice Chancellor and Foreign Minister, stated that the world was “facing an imminent war in Iraq”. The Security Council could not “remain silent” and its task “must be to safeguard its function and preserve its relevance”. Developments had “brought the work of the United Nations on the ground to a standstill” and were “cause for the deepest concern”. The draft work programme “with its realistic description of unresolved disarmament issues” provided “clear and convincing guidelines on how to disarm Iraq peacefully within a short space of time”. He wanted “to stress” that it was “possible to disarm Iraq peacefully by upholding those demands with tight deadlines”. Peaceful means had “not been exhausted” and Germany “emphatically rejects the impending war”.

984. Mr Fischer deeply regretted that “considerable efforts to disarm Iraq using peaceful means” seemed to have little chance of success. France, Germany and Russia had “put forward proposals for a more efficient inspections regime consisting of clear disarmament steps with deadlines, most recently on 15 March”, and other members of the Council had also “submitted constructive proposals until the final hours of the negotiations”.

985. Mr Fischer stated:

“During the last few days, we have moved significantly closer to our common objective: that of effectively countering the risk posed by Iraqi weapons of mass destruction with complete and comprehensive arms control. Especially in recent weeks, substantial progress was made in disarmament. The scrapping of the Al Samoud missiles made headway ... And the regime in Baghdad is beginning, under pressure, to clear up the unanswered questions on VX and anthrax.”

986. Mr Fischer continued:

“Iraq’s readiness to co-operate was unsatisfactory. It was hesitant and slow. The Council agrees on that. But can this seriously be regarded as grounds for war...?”

“There is no doubt that, particularly in recent weeks, Baghdad has begun to co-operate more. The information Iraq has provided ... are steps in the right direction. Baghdad is meeting more and more of the demands contained in the Security Council resolutions. But why should we ... especially now – abandon our plans to disarm Iraq by peaceful means?”

“The majority of Security Council members believe that there are no grounds now for breaking off the disarmament process ...”

987. Mr Fischer made three points:

- The “myth” that the Security Council had “failed” must be countered. It had “made available the instruments to disarm Iraq peacefully”. The Security Council was “not responsible” for what happened outside the United Nations.
- “... clearly, under the current circumstances the policy of military intervention has no credibility. It does not have the support of our people. It would not have taken much to safeguard the unity of the Security Council. There is no basis in the United Nations Charter for regime change by military means.”
- The inspection regime should be preserved and the work programme endorsed because both would be needed after military action.

988. Mr Fischer concluded that Germany was “convinced that the United Nations and the Security Council must continue to play the central role in the Iraq conflict”. That was “crucial to world order and must continue to be the case in the future”. The United Nations was “the key institution for the preservation of peace and stability and for the peaceful reconciliation of interests”. There was “no substitute for its functions as a guardian of peace”.

989. Mr Fischer also argued that an “effective international non-proliferation and disarmament regime” continued to be needed. The instruments developed in the Iraq process could be used to make the world a safer place. But the UN was the “only appropriate framework” for that: “No one can seriously believe that disarmament wars are the way forward.” Europe had experienced the horrors of war “too often”: “It can only be the very last resort when all peaceful alternatives really have been exhausted.” Germany had:

“... accepted the necessity of war on two occasions ... because all peaceful alternatives had proved unsuccessful.

“Germany fought side by side with its allies in Kosovo. It did likewise in Afghanistan.

“Today, however, we in Germany do not believe that there is no alternative to military force. To the contrary, we feel that Iraq can be disarmed using peaceful means.”

990. Mr de Villepin said that for France “war can only be a last resort”. He stated that the inspectors’ work programmes reminded the Council that there was “still a clear and

credible prospect for disarming Iraq peacefully” with a “realistic timetable”. Inspections were “producing tangible results”.

991. Mr de Villepin stated that a choice was being made “between two visions of the world”; between “those who choose to use force and think that they can resolve the world’s complexity through swift preventive action”; and those who choose “resolute action and a long-term approach”. He warned:

“... in today’s world, to ensure our security, we must take into account the manifold crises and many dimensions, including the cultural and religious ones. Nothing enduring in international relations can be built without dialogue and respect for the other, without strictly abiding by principles, especially for democracies that must set the example. To ignore that is to run the risk of misunderstanding, radicalisation and spiralling violence. That is especially true in the Middle East, an area of fractures and ancient conflicts, where stability must be a major objective for us.”

992. Mr de Villepin added:

“To those who think that the scourge of terrorism will be eradicated through what is done in Iraq, we say that they run the risk of failing ... An outbreak of force in such an unstable area can only exacerbate the tensions and fractures on which terrorists feed.”

993. Subsequently, Mr de Villepin stated:

“... terrorism is fuelled by organised crime networks; it cleaves to the contours of lawless areas; it thrives on regional crises; it garners support from the divisions in the world; and it uses all available resources, from the most rudimentary ... to whatever weapons of mass destruction it can manage to acquire.”

994. Mr de Villepin called for the international community to “intensify” the fight against terrorism; for a “new impetus” in the fight against proliferation of weapons of mass destruction; and to “recover the initiative in regional conflicts” and in particular the Israeli-Palestinian conflict.

995. In Iraq, the international community should “remain mobilised” to “dress the wounds of war” and to “build peace”. No State could “claim the necessary legitimacy” for the latter; the “legal and moral authority” could “stem only from the United Nations”, which should also “establish a framework for the country’s economic reconstruction”. Action should be guided by “respect for the unity and territorial integrity of Iraq, and the preservation of its sovereignty”.

996. Mr de Villepin concluded:

“In a world where the threats are asymmetrical, where the weak defy the strong, the power of conviction, the capacity to persuade and the ability to change hearts counts as much as the number of military divisions ...

“Given this new world, it is imperative that the international community’s action be guided by principles.

“The first is respect for law. The keystone of international order, it must apply under all circumstances, but even more so when it is a question of taking the gravest decision: to use force. Only on that condition can force be legitimate, and only on that condition can it restore order and peace.

“Next is the defence of freedom and justice. We must not compromise on what is at the core of our values. We shall be listened to and heeded only if we are inspired by the very ideals of the United Nations.

“Last is the spirit of dialogue and tolerance ...

“... Never has the United Nations been so necessary. It is up to this body to muster the resolve to meet these challenges, because the United Nations is the place where international law and legitimacy are founded and because it speaks on behalf of peoples.

“To the clash of arms ... the international community ... must respond ...”

997. Mr Ivanov stated that, by unanimously adopting resolution 1441 (2002), the Security Council had taken upon itself “the serious responsibility of completing the process of Iraq’s disarmament”. The reports from UNMOVIC and the IAEA showed “convincingly that the international inspectors have succeeded in achieving tangible results”. As a result of the unity of the international community and the joint pressure on the Iraqi authorities, “including a military presence in the region”, Baghdad had “fulfilled virtually every condition set by the inspectors” and had “not put up any kind of serious obstacle to their activities”. If the international inspectors were “given the opportunity to continue their work”, they had “everything they need to complete the process of Baghdad’s peaceful disarmament”.

998. Mr Ivanov questioned the “the right to use force against Iraq outside the Charter of the United Nations” and the authority for “the violent overthrow of the leadership of a sovereign State”.

999. Mr Ivanov concluded that President Putin had extended “solidarity and support” to President Bush after the attacks on 11 September 2001, and:

“If today we really had indisputable facts demonstrating that there was a direct threat from the territory of Iraq to the security of the United States of America, then Russia, without any hesitation, would be prepared to use the entire arsenal of measures provided under the United Nations Charter to eliminate such a threat. However, the Security Council today is not in possession of such facts. That is why we prefer a political settlement, relying on the activities of UNMOVIC and the IAEA, which enjoy the full trust of the international community.”

1000. Mr Farouk al-Sharaa, the Syrian Foreign Minister, reminded the Council of the “most important commitment” in the United Nations Charter “to practice tolerance and live together in peace with one another as good neighbours, and to unite our strength to maintain international peace and security”. He questioned whether the US “and its ally, the United Kingdom” could absolve themselves of the responsibility for the difficulties of finding constructive solutions for the problems in Iraq and Palestine. He suggested that a “war of aggression” was about to be unleashed which was “unfair and unjustified” and would “come back to haunt those who have advocated and promoted it, instead of enhancing their status in history”.

1001. Drawing attention to Israel’s rejection of international inspection and supervision, Mr al-Shara’ stated that Syria had supported resolution 1441 because of its:

“... belief in supporting the international will to find a peaceful solution to the Iraqi crisis and to eliminate Iraqi weapons of mass destruction through peaceful means.”

1002. Mr al-Shara’ said that “the majority of the members of the Council rejected the idea of adopting a draft resolution authorising the use of force”. He expressed “extreme regret and concern at attempts by some to call into question the role of the Security Council in particular, and the United Nations in general, simply because they did not succeed in imposing their will and positions on the Council and the United Nations”. He was highly critical of those who had “reneged” on resolution 1441, alleging that the objective was not to disarm Iraq “but to occupy it and usurp its natural resources”. He questioned whether Iraq represented a threat to the US, pointing out that Al Qaida had active or sleeper cells in more than 150 countries.

1003. Mr al-Shara’ concluded that the “letter and the spirit” of the ultimatum issued by the US led Syria to conclude that the objective was “the removal or the bringing to justice of an individual or a group of individuals”. Syria urged “those concerned to shut down the machinery of war” and to spare the lives of:

“... millions of innocent Iraqis as well as the lives of their new oppressors who are marching thousands of miles ... holding up the banner of liberation like a myth. Many people – including many Americans – have stood against the foreign occupier in defence of liberty and independence. That is the logic of history ... that will continue ...”

1004. Mr Akram stated that Pakistan had “consistently advocated a peaceful solution”. He stressed “that every possible avenue should be exhausted to secure a peaceful solution, and that the use of force must be the very last resort”. Pakistan believed that the programme of work identified by Dr Blix “could have provided a useful basis for the completion of the disarmament process ... if Iraq’s full and unconditional co-operation

could have been assured and obtained in time". Members of the Security Council had been separated by "honest differences". Once military action began, the duties:

"... of the Security Council to restore peace and security, to contain conflict, to prevent the suffering of the Iraqi people and others in the region, to ensure the territorial integrity of Iraq and its neighbours and to ensure the stability of this sensitive region ... will not end; they will become more acute."

1005. Mr Zinser deplored "the path of war", referring to the UN Charter and the "principles" which Mexico had learned from history for the "peaceful settlement of disputes and disarmament". He described the inspections regime for Iraq as "the most robust, dynamic and effective effort at peaceful disarmament that has ever been attempted" and stated that Mexico was "convinced that ... the United Nations could have brought about the peaceful disarmament of Iraq".

1006. Ambassador Negroponte stated that the consideration of the draft programmes was "incompatible with Iraq's non-compliance with resolution 1441 (2002) and the current reality on the ground"; the work programme was "predicated on the assumption that Iraq will provide immediate, unconditional and active co-operation". That had:

"... been manifestly lacking. No realistic programme of work or outline of key unresolved issues can be developed ... while Iraq fails to co-operate fully, actively and unconditionally, nor can it be developed absent sound information on Iraqi programmes since 1998 and all other information that is lacking."

1007. Ambassador Negroponte added that the draft work programmes and:

"... the paper on key remaining disarmament tasks make clear the multitude of important issues that Iraq has avoided addressing. These are the kinds of documents that we would have been able to discuss if Iraq had met the requirements of resolution 1441 (2002), but they cannot now lead us to the results that this Council demanded: the immediate peaceful disarmament of Iraq.

"Under current circumstances we have no choice but to set this work aside for the time being ... we do not exclude the possibility that it may prove useful to return to these documents at some point in the future."

1008. Ambassador Negroponte stated that the US had committed "significant resources ... across all relevant United States Government agencies and in support of United Nations efforts to anticipate likely requirements and to be prepared to administer necessary relief as quickly as possible".

1009. Mr Belinga Eboutou stated that "the peaceful disarmament of Iraq by means of inspections" had ended. The UNMOVIC draft work programme "would have been a good basis for work" but "much remained to be done" and his delegation did "not see how the inspectors would have achieved their heavy task in the absence of full, active and unconditional co-operation".

1010. Mr Arias said Saddam Hussein was responsible for the suspension of inspections:

“Through his ongoing policy of deceit, concealment and delaying tactics, he has decided to openly opt for the path of confrontation, contravening the interests of his people and the demands of the Security Council.”

The draft resolution tabled by the US, UK and Spain was “designed to ratchet up the pressure on the Iraqi regime” and had “in fact, offered Saddam Hussein another opportunity”.

1011. Mr Arias stated that resolution 1441 recognised that Iraq’s non-compliance with the Council’s resolutions constituted a threat to international peace and security; that the Council had met “many times to examine successive reports of the inspectors”. Iraq had “still not complied with the will of the international community as had been demanded ... Therefore, peace and security continue unassured.”

1012. Mr Juan Gabriel Valdés, Chilean Permanent Representative to the UN, stated that Chile had been convinced that “the inspections programme – strengthened, zealous and investigative, carried to its logical conclusion and accompanied by growing and persistent military pressure – was capable of achieving ... the peaceful disarmament of Iraq.” The Council:

“... needed to make clear to the regime of Saddam Hussein that the United Nations would move towards the disarmament of Iraq at any cost. The Council should have cultivated its internal unity ...

“That was not possible. We fear that the consequences will be serious for humanity. The Iraqi regime never understood the dimension of its lethargy and did not appreciate the gravity of the punishment to which it was exposing its own people ... the Council was unable to find ... the flexibility needed to set deadlines and to define a path of collective action that would have enabled it to shoulder the responsibilities entrusted to it by the Charter of the United Nations. Today, every one of us must assume his part of the responsibility.”

1013. Mr Valdés continued that it was “not the time for recriminations”; and that nothing could be more serious than suspending the inspections process which “could create doubts concerning the validity of this instrument”. He concluded:

“The Security Council ... must now work tirelessly, inspired by the objective of preserving life and restoring peace. Perhaps if we do everything that we can and save as many lives as we can, the millions of people in the world who have now lost faith in our capacity to make the world a civilised place may again lend their inspiration to our tasks.”

1014. Mr Helder Lucas, Angolan Deputy Permanent Representative to the UN, deplored the “fact that the inspectors were unable to complete their task of disarming Iraq of its weapons of mass destruction. Angola also deplored the “fact that Iraq was

unable to seize the last opportunity afforded to it by the Security Council". Angola [had] made repeated pleas to Iraq to co-operate fully and honestly with the United Nations in complying with the Council resolutions relating to its unconditional disarmament – particularly resolution 1441 (2002) – and to convince the international community as a whole that it was making genuine and determined efforts to disarm. The use of force should be a last resort; and that the decision "should be within the United Nations framework in order to count on the international community's full support"; that Angola had "advocated the principle of safeguarding the Security Council's primacy as the most appropriate mechanism for regulating crisis situations and for imposing international law through compliance with its resolutions"; and that it had "defended the necessity" of Council unity.

1015. Mr Wang stated that the work programme, "if implemented" would "surely make the inspections more organised, and more targeted" and would "help enhance" their effectiveness. He added that:

"In the light of recent progress made in the inspections, we believe that it is possible to achieve the goal of disarming Iraq through peaceful means. We should not put an end to the road to peaceful disarmament."

He expressed China's "utmost regret and disappointment" about a situation where war might break out at any minute. China would do all it could to avert war.

1016. Mr Wang concluded:

"The Council bears the primary responsibility for the maintenance of international peace and security. No matter what the circumstances may be, the Council must shoulder its responsibility ..."

1017. Mr Tafrov stated that inspections were "truly effective only with ... full and active co-operation on the part of the country and Government concerned". He stated that Bulgaria sincerely regretted that efforts to disarm Iraq peacefully had "not yielded the desired results"; and confirmed that "since all the political possibilities" had "been exhausted", Bulgaria's position was that Iraq had "failed to seize its last chance".

1018. Sir Jeremy Greenstock underlined:

"... the United Kingdom's deep regret that it has not been possible for the Council to find an agreed way forward on Iraq. The United Kingdom tried as hard as any member of the Security Council to achieve that.

"... we should not forget what brought us to this point: the fundamental failure of Iraq to disarm in the face of 12 years of demands, pressure and pleas from the Security Council and ... virtually the whole international community. If Iraq had made a genuine effort ... to close outstanding issues of substance at any time in the past decade, particularly after resolution 1441 (2002) afforded it the final opportunity to do so, and if Iraq had respected the United Nations, we would not be where we are.

“I repeat what British Ministers have made clear: any action which the United Kingdom has to take in this matter will be in accordance with international law and based on relevant resolutions of the Security Council.”

1019. Sir Jeremy stated that the UN had a central role to play “on Iraq and on the wider issues associated with it” and he hoped that “with the active contribution of the Secretary-General”, rapid progress could be made “on this crucial area”. Ms Short was in New York to discuss humanitarian issues.

1020. Sir Jeremy concluded that the UK continued “to see an important role” for UNMOVIC and the IAEA “in verifying the disarmament of Iraq and in carrying out longer term monitoring”. He commended the inspectors for their “professional work” and noted the work programmes and key tasks, but: “Equally” he noted that “without a co-operating Iraqi government ... it would never be possible to be confident of the key tasks or of making progress against them”. The programmes should be kept under review but a “more definitive” programme would be “possible when there is an administration in Iraq which is prepared to co-operate fully, actively and unconditionally and when there is a secure situation on the ground”.

1021. Mr François Lounceny Fall, President of the Security Council and the Guinean Foreign Minister, deeply regretted that the Security Council had not been able to arrive at a common position. Guinea believed “in the possibility of safeguarding peace and attaining our common objective: the complete disarmament of Iraq”. If armed conflict was “inevitable”, “appropriate steps ... to spare the civilian population and limit the destruction of the economic and social infrastructure” were “desirable”. He was determined “to work together with other members to continue dialogue” which was “the only way to restore unity”. That was “the very basis of the credibility of the Security Council” and was “more than ever necessary in order to enable it effectively to carry out its mission of preserving international peace and security”.

1022. Mr Aldouri expressed his “appreciation” for the efforts made by Council members to find a peaceful solution to the “current crisis”, which had been “created by the United States, the United Kingdom and Spain, with the intention of launching a hostile war against Iraq and occupying it under the pretext of the presence in Iraq of weapons of mass destruction”. There had been “three or four discordant voices calling for war”. Many other voices “responding to the international community and human conscience, as well as to the principles of truth, justice and the Charter of the United Nations” had called for peace.

1023. Mr Aldouri continued:

“For the record, and for the sake of historical accuracy, as well as to reassure every State that has recently made active efforts to maintain peace and to prevent war, we would like to reiterate that Iraq no longer possesses weapons of mass destruction. The presence of such weapons has been relegated to the past. Iraq decided in 1991 to destroy the weapons it had produced. That action stemmed from the conviction

underlying Iraq's policy to rid itself of such weapons. Proof of this ... lies in the failure by the United States and Britain to prove any allegation that Iraq has possessed such weapons in recent years, and especially during the period following the adoption of resolution 1441 (2002)."

1024. Mr Aldouri stated that the inspectors had "refuted all the misleading information that was presented" by the US and UK; and that the inspectors had "proved that information to be false", including the information that Secretary Powell had "worked so arduously to put before the Council as damning evidence". The US and the UK had failed to "provide even a shred of evidence".

1025. Mr Aldouri added that, when the US and the UK:

"... realised that the world was beginning to understand the truth, namely, that Iraq was free of weapons of mass destruction, those countries decided to expose their real goals and intentions ... to occupy Iraq and to control its oil wells ... The coming days will prove the reality of that truth. But by then it will be too late."

1026. Mr Aldouri stated that Iraq welcomed the work programme presented by Dr Blix and would "do its utmost to complete those tasks as soon as possible and to answer every question raised in the report". Iraq had finalised two "important" reports, on anthrax and unmanned planes, which would be handed over to UNMOVIC. He warned that the already "dire humanitarian situation", which was "due to an unjust embargo", would deteriorate further:

"Electricity, potable water, sewage treatment, communications and other essential needs ... will be affected or, as was the case in 1991, destroyed. That will lead to a real humanitarian catastrophe ...

"The direct humanitarian effects of the military attack will mean tens of thousands of casualties and the complete destruction of the country's infrastructure."

1027. Mr Aldouri dismissed the offers of millions of dollars of aid from the US and the UK and the commitment to rebuild the infrastructure that would be destroyed. He regretted the withdrawal of all UN agencies, the suspension of the Oil-for-Food programme and the withdrawal of its entire international staff "in record time". That was "truly astonishing"; and the "decision to withdraw the inspectors so swiftly" paved the way for the US and UK to "carry out acts of military aggression ... much faster than was expected".

1028. Mr Aldouri concluded by reaffirming that Iraq would "continue to work with the Security Council to make the truth known" that Iraq was "free of weapons of mass destruction". Iraq hoped that the Council would "continue to search for a peaceful solution to the crisis, ensure that the work of the inspectors continues and resume the Oil-for-Food programme".

1029. Sir Jeremy Greenstock reported:

“Even at the precipice of war, Aldouri maintains Iraq has no WMD.”³⁴⁶

1030. Mr Annan stated that he shared “the regrets expressed by many members of the Council” that it had “not been possible to reach a common position”.³⁴⁷ It was “a sad day for the United Nations and the international community”. He knew that “millions of people around the world” shared that “sense of disappointment” and were “deeply alarmed by the prospect of imminent war”.

1031. Mr Annan added that it was the “plight of the Iraqi people” that was now his “most immediate concern”. In the short term, a conflict could “make things worse – perhaps much worse”. The members of the Council should agree to “do everything we can to mitigate this imminent disaster”.

1032. Mr Annan explicitly pointed out that:

“Under international law, the responsibility for protecting civilians in conflict falls on the ‘belligerents’. In any area under military occupation, responsibility for the welfare of the population falls on the Occupying Power.”

1033. Mr Annan added that: “Without in any way assuming or diminishing that ultimate responsibility”, the UN would do “whatever we can to help”. There would be an appeal for more funds to finance relief operations and decisions by the Council would be needed to adjust the Oil-for-Food programme.

1034. Mr Annan concluded by expressing:

“... the hope that the effort to relieve the sufferings of the Iraqi people and to rehabilitate their society after so much destruction may yet be the task around which the unity of the Council can be rebuilt.”

1035. Sir Jeremy Greenstock commented that France, Russia, Germany and Syria had been “most forthright in underlining that peaceful disarmament would have been possible”; and that most delegations had underlined “the importance of re-establishing Council unity”. He concluded:

“The day went as well as could have been expected with no real recrimination. While there was a lot of regret and gloom about the political state we had reached, there was just as much focus on the way forward and humanitarian efforts. Many will have wondered why Ministers were there at all.”³⁴⁸

³⁴⁶ Telegram 492 UKMIS New York to FCO London, 20 March 2003, ‘Iraq: 19 March Open Debate’.

³⁴⁷ UN Security Council, ‘4721st Meeting Wednesday 19 March 2003’ (S/PV.4721).

³⁴⁸ Telegram 492 UKMIS New York to FCO London, 20 March 2003, ‘Iraq: 19 March Open Debate’.

1036. In his memoir, Mr Annan wrote:

“The decision by the United States and its allies to proceed with the invasion of Iraq without Security Council authorisation was a defeat for all of us who had sought to ensure that Iraq’s defiance of the United Nations was met by a unified and effective response. But it was a vindication, too, of principle over power. Members of the Council, including close allies and neighbours of the United States, had insisted on the prerogative of the United Nations Security Council to decide under international law whether a member state was in material breach of the Council’s resolutions, and what the consequences should be.”³⁴⁹

MILITARY OPERATIONS BEGIN

1037. Shortly before midnight on 19 March, the US informed Sir David Manning that there was to be a change to the plan and US air strikes would be launched at 0300 GMT on 20 March.³⁵⁰

1038. Early on the morning of 20 March, US forces crossed into Iraq and seized the port area of Umm Qasr.³⁵¹

1039. Mr Straw told the Cabinet on 20 March that inspections had not produced the disarmament of Iraq and that Dr Blix had told the Security Council on 19 March that Iraq had “failed to produce assurance of its disarmament”.³⁵²

1040. Mr Blair concluded that the Government:

“... should lose no opportunity to propagate the reason, at every level and as widely as possible, why we had arrived at a diplomatic impasse, and why it was necessary to take action against Iraq. France had not been prepared to accept that Iraq’s failure to comply with its obligations should lead to the use of force to achieve compliance.”³⁵³

1041. The invasion of Iraq is addressed in Section 8. The continuing discussions about the planning and preparations for a post-conflict Iraq and the UK’s role in that are addressed in Section 6.5.

³⁴⁹ Annan, K. *Interventions: A Life In War And Peace*. Allen Lane, 2012.

³⁵⁰ Letter Manning to McDonald, 20 March 2003, ‘Iraq’.

³⁵¹ Ministry of Defence, *Operations in Iraq: Lessons for the Future*, December 2003, page 12.

³⁵² Cabinet Conclusions, 20 March 2003.

³⁵³ Cabinet Conclusions, 20 March 2003.

Mr Blair's "Address to the Nation", 20 March 2003

In an "Address to the Nation" on 20 March, announcing that UK forces were taking part in military action, Mr Blair stated that the world faced a:

"... new threat: of disorder and chaos born either of brutal states like Iraq, armed with weapons of mass destruction; or of extreme terrorist groups. Both hate our way of life, our freedom, our democracy.

"My fear, deeply held, based in part on the intelligence that I see is that these threats come together and deliver catastrophe to our country and world.

"Some say if we act, we become a target. The truth is all nations are targets ...

"Should terrorists obtain these weapons now being manufactured and traded round the world, the damage they could inflict to our economies, our security, to world peace, would be beyond our most vivid imagination.

"My judgement, as Prime Minister, is that this threat is real, growing and of an entirely different nature to any conventional threat to our security that Britain has faced before.

"For 12 years, the world has tried to disarm Saddam ... UN weapons inspectors say vast amounts of chemical and biological poisons, such as anthrax, VX nerve agent, and mustard gas remain unaccounted for in Iraq.

"So our choice is clear: back down and leave Saddam hugely strengthened; or proceed to disarm him by force. Retreat might give us a moment of respite but years of repentance at our weakness would I believe follow.

"It is true that Saddam is not the only threat. But it is true also ... that the best way to deal with future threats peacefully, is to deal with present threats with resolve.

"Removing Saddam will be a blessing to the Iraqi people ...

"Our commitment to the post-Saddam humanitarian effort will be total. We shall help Iraq move towards democracy ...

...

"But these challenges and others that confront us ... require a world of order and stability. Dictators like Saddam, terrorist groups like Al Qaida threaten the very existence of such a world.

"That is why I have asked our troops to go into action tonight ..."³⁵⁴

³⁵⁴ The National Archives, 20 March 2003, *Prime Minister's Address to the Nation*.

1042. On 20 March, Ambassador William S. Farish, the US Ambassador to the UK, sent a letter congratulating Mr Blair on his success in the House of Commons debate and vote on 18 March.³⁵⁵

1043. Thanking Ambassador Farish, Mr Blair responded that he believed:

“... the action the American and British Armed Forces are taking in Iraq will make our two countries safer and Iraq a better place for its people. I think this view is increasingly supported by British and international opinion. It is the right thing to do. I am pleased to be working so closely with President Bush on this ...”³⁵⁶

³⁵⁵ Letter Farish to Prime Minister, 20 March 2003, [untitled].

³⁵⁶ Letter Blair to Farish, 21 March 2003, [untitled].