SECTION 3.3

DEVELOPMENT OF UK STRATEGY AND OPTIONS, APRIL TO JULY 2002

Contents

Introduction and key findings

1. This Section addresses the development of UK policy on Iraq following Mr Blair's meeting with President Bush at Crawford on 5 and 6 April 2002, at which Mr Blair proposed a partnership between the US and UK urgently to deal with the threat posed by Saddam Hussein's regime, including Mr Blair's Note to President Bush at the end of July proposing that the US and UK should use the UN to build a coalition for action.

2. This Section does not address:

- the development of a dossier setting out the publishable evidence on Iraq's weapons of mass destruction (WMD), the history of weapons inspections and Iraq's human rights abuses, which is addressed in Section 4.1; or
- MOD work on possible options for a UK contribution to a future military operation, which is addressed in Section 6.1.

3. The roles and responsibilities of key individuals and bodies are described in Section 2.

Key findings

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

Development of UK policy, April to June 2002

A UK contribution to US-led military action

4. After Mr Blair's meeting with President Bush at Crawford, the MOD began seriously to consider what UK military contribution might be made to any US-led military action and the need for a plausible military plan for the overthrow of Saddam Hussein's regime.

5. In his letter to Mr Blair of 22 March 2002 (see Section 3.2), Mr Geoff Hoon, the Defence Secretary, had cautioned that, "before any decision to commit British forces,

we ought to know that the US has a militarily plausible plan with a reasonable prospect of success compared to the risks and within the framework of international law".[1]

6. Mr Hoon had also suggested UK involvement in US planning would "improve" the US process and enable Admiral Sir Michael Boyce, Chief of the Defence Staff (CDS) to either "reassure you that there is a sound military plan or give you a basis to hold back if the US cannot find a sensible scheme".

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

- There was no war plan for Iraq.
- Thinking so far had been on a broad, conceptual level.
- A very small cell in Central Command (CENTCOM) in Florida had recently been set up to do some planning and to think through the various options.
- When the US had done that, US and UK planners would be able to sit down together to examine the options.
- The US and UK would work through the issues together.

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

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

10. On 12 April, Mr Simon Webb, MOD Policy Director, sent Mr Hoon a "think piece" to give context to the work on Iraq.[4]

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

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

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[1] Minute Hoon to Prime Minister, 22 March 2002, 'Iraq'.
[2] Letter Manning to McDonald, 8 April 2002, 'Prime Minister's Visit to the United States: 5-7 April'.
[3] Minute Watkins to PSO/CDS and PS/PUS, 8 April 2002, 'Iraq'.
[4] Minute Webb to PS/Secretary of State [MOD], 12 April 2002, 'Bush and the War on Terrorism'.

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

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

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

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

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

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

14. Mr Webb concluded:

"Even these preparatory steps would properly need a Cabinet Committee decision, based on a minute from the Defence Secretary …"

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

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

[5] Minute Ricketts to Private Secretary [FCO], 25 April 2002, 'Iraq: Contingency Planning'.

JIC Assessment, 19 April 2002

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

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

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

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

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

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

23. The JIC's Key Judgements were:

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

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[6] JIC Assessment, 19 April 2002, 'Iraq: Regional Attitudes'.
[7] Minutes, 17 April 2002, JIC meeting.

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

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

JIC Assessment, 19 April 2002: 'Iraq: Regional Attitudes'

The Assessment stated:

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

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

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

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

Iraq's neighbours remained "suspicious of its intentions" and were "focused on economic gains".

[8] JIC Assessment, 19 April 2002, 'Iraq: Regional Attitudes'.

Addressing the longer term, the JIC stated:

> "… given real progress on Israel/Palestine, it might be possible to rebuild support for action against Iraq …"
>
> "… **Saudi Arabia** … has said it opposes an attack … **Turkey**, as a NATO ally, would probably provide basing if asked, despite its reservations […]."

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

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

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

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

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

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

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

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

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

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

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

Resolution 1409 (2002)

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

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

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

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

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

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

[9] *BBC News*, 21 April 2002, *BBC Breakfast with Frost Interview: Prime Minister Tony Blair*.
[10] Minute Straw to Prime Minister, 9 April 2002, 'Your Commons Statement'.

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

- whether the May resolution giving effect to the Goods Review List (GRL) agreed in November 2001 (resolution 1382) might "repeat in stronger terms the Council's demands for the unconditional return of the inspectors".[11]

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

35. Mr Gray also advised:

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

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

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

37. Cabinet was informed on 9 May that a revised system of sanctions was likely to be adopted by the UN.[13]

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

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[11] Minute Gray to Goulty and PS [FCO], 11 April 2002, 'Iraq: UN'.
[12] Public hearing, 27 November 2009, pages 19-20.
[13] Cabinet Conclusions, 9 May 2002.

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

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

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

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

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

43. There was no further discussion of the policy.

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

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

[14] UN Security Council, '4531st Meeting Tuesday 14 May 2002' (S/PV.4531).
[15] Cabinet Conclusions, 16 May 2002.

Iraq, but ignoring Israel's failure to implement resolutions demanding that it leave the occupied Palestinian territories."[16]

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

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

46. Mr Ross subsequently told the Inquiry:

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

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

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

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

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[16] Statement, 12 July 2010, pages 1-5.
[17] Public hearing, 12 July 2010, page 12.
[18] Public hearing, 12 July 2010, page 17.
[19] Public hearing, 12 July 2010, page 44.
[20] Public hearing, 27 November 2009, pages 23-24.

48. Subsequently, Sir Jeremy added:

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

49. Mr Blair told the Inquiry that the fact that the provisions to tighten the borders could not be agreed with Russia was important, and that, while the sanctions framework agreed in the resolution might have been successful, it was "at least as persuasive an argument that it wouldn't have been".[22]

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

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

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

52. Lord Wilson, told the Inquiry that the "Americans had got engaged in getting it [the resolution] through".[25]

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

> "… resolution 1409 was inadequate and stood no chance of plugging the gaping holes in the sanctions framework. This failure to get comprehensive and robust 'smart sanctions' effectively marked the end of the 'containment' policy, especially for those of us who regarded Iraq as a significant threat."[26]

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[21] Public hearing, 27 November 2009, pages 26-27.
[22] Public hearing, 29 January 2010, pages 15-16.
[23] Public hearing, 25 January 2011, pages 43-44.
[24] Public hearing, 25 January 2011, page 45.
[25] Public hearing, 25 January 2011, page 76.
[26] Straw J. *Last Man Standing: Memoirs of a Political Survivor.* Macmillan, 2012.

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

55. Lord Wilson told the Inquiry:

> "… The main thing in April, May, into June … was India, Pakistan. Can I impress on this Committee that was far more important than Iraq. The Middle East Peace Process was far more important than Iraq … Iraq was not the major thing in those months. The Queen Mother had died; Alastair Campbell was involved in a row with Black Rod; street crime … There were all sorts of issues around which engaged attention.
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> "If you had said to me 'Where are we on Iraq?' I would have said: 'Things are going on, No.10 has started talking to Washington.' But nothing major."[27]

Discussions with the US and France

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

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

58. Mr Blair had a meeting on Iraq with Mr Straw, Mr Hoon and Adm Boyce on 2 May but there is no record of the discussion.[28]

59. Iraq was not discussed at Cabinet that day.

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

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

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

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[27] Public hearing, 25 January 2011, pages 60-61.
[28] Internal No.10 note prepared for Mr Blair's appearance at the Butler Inquiry.
[29] Minute Straw to PUS [FCO], 9 May 2002, 'Powell/Straw Tete-a-Tete, 8 May 2002'.

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

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

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

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

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

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

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

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

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[30] Minute Manning to Prime Minister, 19 May 2002, 'Visit to Washington: 17 May'.
[31] Letter Meyer to Manning, 15 May 2002, 'Your Visit to Washington'.
[32] Public hearing, 26 November 2009, page 64.
[33] Letter Rycroft to McDonald, 18 May 2002, 'David Manning's Visit to Washington, 17 May; Iraq'.

"now simply ignore the conditions that you have stipulated".[34] Sir David reported that he had twice made very clear to Dr Rice that:

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

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

70. Asked about that meeting and the fact that Mr Armitage had been told that Mr Blair had discussed the question of a British armoured division taking part in the invasion with President Bush at Crawford, Sir David Manning told the Inquiry: "Yes I didn't know that."[36]

71. Sir David subsequently stated:

> "I think the message that he [Mr Blair] wanted to be with the Americans in the broad sense would be correct … throughout the crisis he felt if push came to shove, the Americans should not be left to do this on their own. But I think at this stage still he believes there may be a better way to do this, and I think his willingness to stay engaged will also have been a calculation that that would have improved the chances of persuading the Americans to go back to the UN.
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> "So I don't myself think … in April or May … he had made his mind up he was going to send troops. I think he was always ready to do it, but always hoped he wouldn't have to."[37]

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

> "… surprised they had said that because certainly later … when there is a request from the MOD to the Prime Minister to give an indication of what he would be willing to sign up for, he refuses. So it doesn't seem logical to me."[38]

73. A letter from Sir Christopher Meyer on 20 May following up Sir David's visit reported that "military planning was grinding on", and described the UK conditions as "preconditions for action against Saddam".[39]

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[34] Minute Manning to Prime Minister, 19 May 2002, 'Visit to Washington: 17 May'.
[35] Letter Rycroft to McDonald, 18 May 2002, 'David Manning's Visit to Washington, 17 May; Iraq'.
[36] Private hearing, 24 June 2010, page 38.
[37] Private hearing, 24 June 2010, page 39.
[38] Private hearing, 24 June 2010, page 40.
[39] Letter Meyer to Manning, 20 May 2002, 'Your Visit to Washington'.

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

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

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

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

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

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

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

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[40] Telegram 337 Paris to FCO London, 28 May 2002, 'Iraq: Quai's Views'.

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

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

79. A French official agreed, adding:

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

80. The personal view of the French official was:

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

81. The paragraph on France's views of the UN authority for military action was drawn to the attention of Lord Goldsmith, the Attorney General, with the comment that it was: "An important statement from a Permanent Member of the UNSC."[41]

Definition of the UK's objective

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

83. The first meeting of the Pigott Group in late April considered how to define the objective, or "end state" of a military operation.[42] Mr Ricketts advised Mr Straw:

> "As we found in the run-up to the Afghanistan operation, defining the objective of an operation is crucial … The MOD had tried their hand at a definition of the 'end-state' which was discussed at length, and I undertook to produce a further version.
>
> "I have now done so … it would be helpful to know whether the Foreign Secretary thinks we are on the right lines. At this stage, it is only to inform MOD contingency planning: at the right point, these issues would have to be negotiated carefully and at a high level with the Americans, who will have their own priorities. My proposal is as follows:
>
> – 'A stable and law-abiding Iraq, within its present borders, co-operating with the international community, no longer posing a threat to global security or to its neighbours, and abiding by its international obligations on control of its WMD.'"

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[41] Manuscript comment [Paul Berman] to AG, [undated], on Telegram 337 Paris to FCO London, 28 May 2002, 'Iraq: Quai's Views'.
[42] Minute Ricketts to Private Secretary [FCO], 25 April 2002, 'Iraq: Contingency Planning'.

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

> "… should there be specific reference to regime change, e.g. 'no longer governed by its current leadership'? My own view is that regime change would be a by-product of a military operation not its objective (indeed, I believe such an objective would be illegal);
>
> "… should the 'end state' be stated more explicitly as the removal of Iraqi WMD or (more achievable) the removal of the threat posed by Iraqi WMD? There is a serious issue here of the credibility of any objective we declare for a campaign, since any likely future Iraqi regime would presumably feel the same national security imperatives for pursuing WMD programmes as the current regime, given potential threats from Iran. My formula above concentrates on Iraq abiding by its UNSCR [UN Security Council resolution] undertakings. But as an alternative I think it would be credible to aim at an 'end state' in which the threat posed by Iraqi WMD was removed (i.e. behaviour change if not regime change);
>
> "… should there be anything more explicit about a future regime abiding by international norms on the treatment of its own population? I have got 'law abiding' which is designed to capture that. There is a risk of overloading a definition of the 'end state' with desirable outcomes which cannot be achieved by military means."

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

> "In the event of military action, we should need to be satisfied that there was a proper legal basis, and what we say publicly would need to be consistent with that legal basis."[43]

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

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

[43] Minute Wood to Ricketts, 29 April 2002, 'Iraq: Contingency Planning'.

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

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

The previous reference to "global security" was replaced by "international security".

88. Mr Ricketts added:

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

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

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

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

91. When Mr Webb visited Washington in mid-May, he discussed draft objectives with US officials.[46] His report of US views included:

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

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[44] Letter Ricketts to Webb, 3 May 2002, 'Iraq: Contingency planning'.
[45] Letter Webb to Ricketts, 10 May 2002, [untitled].
[46] Minute Webb to Ricketts, 16 May 2002, 'Iraq: Objectives'.

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

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

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

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

94. Sir Peter Ricketts told the Inquiry that it was "hard to imagine that an Iraq [as envisaged in the objective] … would still have Saddam Hussein in charge".[48]

Meeting with Secretary Rumsfeld, 5 June 2002

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

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

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

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

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[47] Minute Hoon to Prime Minister, 31 May 2002, 'Iraq'.
[48] Public hearing, 1 December 2009, pages 20-21.

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

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

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

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

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

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

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

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

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

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

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

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

[49] Minute Hoon to Prime Minister, 31 May 2002, 'Iraq'.

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

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

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

108. Mr Hoon added:

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

109. Mr Blair wrote alongside the last point: "No. That will send a wobbly message."[50]

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

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

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

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

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

"… We should say we'll be with you. Here's how to make it happen successfully; not: here are our conditions for being with you."[52]

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[50] Manuscript comment Blair on Minute Hoon to Prime Minister, 31 May 2002, 'Iraq'.
[51] Minute Rycroft to Prime Minister, 30 May 2002, 'Don Rumsfeld'.
[52] Manuscript comment Blair on Minute Rycroft to Prime Minister, 30 May 2002, 'Don Rumsfeld'.

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

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

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

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

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

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

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[53] Letter Rycroft to Watkins, 5 June 2002, 'Prime Minister's Meeting with Rumsfeld, 5 June: Iraq'.
[54] Telegram 778 Washington to FCO London, 7 June 2002, 'Iraq: US/UK Talks, 13 June'.

The need to address the legal basis for military action

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

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

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

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

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

123. Mr McKane added:

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

124. Sir David Manning asked Mr Jonathan Powell: "Are you content? We certainly need much greater precision from the MOD."[57]

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

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

127. The Inquiry has not seen any written response.

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[55] Letter Wood to Brenton, 30 May 2002, 'UK/US Legal Contacts'.
[56] Minute McKane to Manning, 18 June 2002, 'Iraq'.
[57] Manuscript comment Manning to Powell, 19 June 2002, on Minute McKane to Manning, 18 June 2002, 'Iraq'.
[58] Manuscript comment Powell to Manning on Minute McKane to Manning, 18 June 2002, 'Iraq'.
[59] Note (handwritten) Manning to McKane, 21 June 2002.

Cabinet, 20 June 2002

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

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

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

131. Iraq was discussed in Cabinet on 20 June.[60]

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

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

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

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

136. Lord Wilson subsequently stated:

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

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[60] Cabinet Conclusions, 20 June 2002.
[61] The statement was made on 20 June 2002.
[62] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[63] Public hearing, 25 January 2011, pages 76-77.
[64] Public hearing, 25 January 2011, page 94.

Development of UK policy, July 2002

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

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

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

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

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

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

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

"
- the removal of the Hussein regime;
- the neutralisation of WMD within Iraq;
- the elimination of a safe haven for terrorists;
- an acceptable new government."[66]

142. Mr Watkins stated that the US goals:

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

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[65] Letter Manning to Watkins, 25 June 2002, 'Iraq'.
[66] Letter Watkins to Manning, 26 June 2002, 'Iraq'.

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

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

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

Mr Hoon asks for a collective discussion on Iraq

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

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

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

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

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

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

[67] Letter Watkins to Manning, 2 July 2002, 'Iraq'.

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

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

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

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

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

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

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

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

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

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[68] Minute Manning to Prime Minister, 3 July 2002, 'Iraq'.
[69] Manuscript comments Powell on Minute Manning to Prime Minister, 3 July 2002, 'Iraq'.

> "The key thing was to get the right players together so you could have a proper, frank discussion and take the decisions necessary …"[70]

Sir Kevin Tebbit's advice, 3 July 2002

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

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

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

157. Having seen a draft of Mr Watkins' letter to No.10, Sir Kevin Tebbit wrote to Mr Hoon on 3 July setting out a number of concerns.[71]

158. Sir Kevin advised:

> "While I have no objection to … the course of action proposed I think we should be under no illusions about the extent of the stakes as presented, or the need to raise our Whitehall game, politically, diplomatically, financially as well as militarily if we are to proceed further. This is not to say that I do not support the idea of engaging in planning … nor even that we should not agree to participate in an operation against Iraq if the conditions are acceptable, but the task ahead is formidable.
>
> "… The picture … is of a military plan being worked up in a policy vacuum, with no strategic framework which paves the way; in terms of rationale, preparation of public opinion through threat assessments, WMD risks and the like, or creation of the legal base; and no clearly defined end state, in terms of successor government and relations with the Arab world. There will, I suspect, be a natural tendency for Ministerial colleagues … to run a mile from what may appear at first (and second) sight to be a harebrained scheme with all sorts of costs and risks attached.
>
> "Ministers will need to be helped over that hump. It may be that an Iraq campaign is unlikely to happen, given the problems … But we certainly cannot count on that or that we could avoid being linked to a US military campaign if it did happen … I do not think it is a responsible option for us to let matters run without greater active engagement designed seriously to influence US conceptual as well as operational thinking, albeit at the risk that we could end up converting an unviable plan into a credible one.

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[70] Public hearing, 29 January 2010, pages 224-226.
[71] Minute Tebbit to Secretary of State [MOD], 3 July 2002, 'Iraq'.

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

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

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

161. Mr Watkins marked the letter to Mr Hoon observing that the MOD did not know the views of Secretary Powell or Dr Rice; and there was a risk "that the PM's conditions will be simply sidelined".[72]

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

> "… it was clear … even at that stage, if one begins discussions with the United States on the military track, albeit without commitment, it becomes increasingly difficult to keep options open absolutely completely … [W]e made it clear to them that our participation … was purely to inform British Government thinking …
>
> "On the one hand, if one is drawn into discussion of timescales and details, we might give misleading signals of support for military action that was not present at that stage.
>
> "On the other hand, if we continued to stand aside, it might be too late for us to influence events or meet the political requirement which might be placed on us."[73]

JIC Assessment, 4 July 2002

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

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[72] Manuscript comment Watkins to Hoon, 3 July 2002, on Minute Tebbit to Secretary of State [MOD], 3 July 2002, 'Iraq'.
[73] Public hearing, 3 December 2009, pages 20-21.

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

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

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

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

> "… an important paper with a specific focus. It would be of interest to Ministers more because of its context, with decisions yet to be taken about what to do with Iraq, than because of its analysis, which was familiar rather than novel.
>
> "Its key message was that although Saddam Hussein's regime was remarkably resilient to pressure … the demonstration of a real and overwhelming international determination and ability to remove the regime through military force was the likeliest way to bring it down …
>
> "Experience in Afghanistan had shown that generating expectations and influencing people's perceptions of what might happen had considerable capacity to effect real and rapid change …
>
> "… the paper needed to analyse … in more detail the nature of Saddam's support … The motives for each set of supporters were different … These mattered because under pressure the different groups would behave differently.
>
> "UK policy makers, and military planners, would be keen before too long to identify the point at which self-interested loyalty for Saddam might turn into disillusionment, fragility and fragmentation."[75]

168. The Key Judgements from the Assessment are set out in the Box below.[76]

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

Key Judgements

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

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[74] JIC Assessment, 4 July 2002, 'Iraq: Regime Cohesion'.
[75] Minutes, 3 July 2002, JIC meeting.
[76] JIC Assessment, 4 July 2002, 'Iraq: Regime Cohesion'.

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

169. The Assessment also stated:

"Saddam and his regime have proved durable …

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

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

The Treasury's concerns

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

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

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[77] Minute Nye to Bowman, 5 July 2002, 'Iraq'.

173. The Treasury told the Inquiry that Mr Brown decided not to write to the MOD.[78]

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

Mr Straw's advice, 8 July 2002

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

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

177. Mr Straw wrote to Mr Blair on 8 July supporting Mr Hoon's suggestion for an early Ministerial meeting.[79]

178. Mr Straw wrote:

> "We are all agreed that we must act to remove the threat posed by Iraqi WMD. If the US decide that to do so requires military action then the UK will want to support them. But this will be harder for us to do without serious US action to address some of the lacunae in their plan, notably:
>
> - … no strategic concept for the military plan and, in particular, no thought apparently given to 'day after' scenarios … US military planning so far has taken place in a vacuum;
> - weak intelligence analysis and a quite unrealistic assumption that Iraqi WMD would be easy to identify and destroy;
> - an assumption that Kuwait would host a large scale US military effort for the 1-2 years probably necessary, that other Gulf states would provide necessary support, and that Syria and Iran would sit quietly on the sidelines;
> - no mention of your three conditions for UK involvement, nor of the legal base."

179. Mr Straw commented:

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

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[78] Email Treasury to Inquiry, 26 February 2010, [untitled].
[79] Minute Straw to Prime Minister, 8 July 2002, 'Iraq: Contingency Planning'.

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

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

180. Mr Straw concluded:

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

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

Sir Christopher Meyer's advice, 9 July 2002

182. Sir Christopher Meyer reported speculation in the US media and a number of recent discussions in Washington on 9 July.[80]

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

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

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[80] Telegram 926 Washington to FCO London, 9 July 2002, 'Iraq: US views'.

Lord Goldsmith's request for information

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

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

187. Mr Brummell replied that Lord Goldsmith had "noted the contents" of Mr McKane's letter and was "grateful" for his confirmation of the position.[83]

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

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

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

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

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

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

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[81] Letter Brummell to Wood, 11 July 2002, 'Iraq: US views – FCO Telegram No. 926'.
[82] Letter McKane to Brummell, 12 July 2002, 'Iraq: US views – FCO telegram No. 926'.
[83] Letter Brummell to McKane, 17 July 2002, 'Iraq: US views – FCO Telegram No. 926'.
[84] Public hearing, 27 January 2010, pages 16-17.
[85] Minute Berman to Attorney General, 11 March 2002, 'Iraq'.
[86] Letter Goldsmith to Hoon, 28 March 2002, [untitled].

Crawford meeting, but he had remained in contact with the Legal Secretary to the Law Officers over the following months.[87]

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

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

Liaison Committee, 16 July 2002

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

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

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

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

> "Absolutely no decisions have been taken by the British Government in relation to operations in Iraq or anywhere near Iraq … I can assure the House that any such decision would be properly reported to the House."[90]

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

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

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[87] Public hearing, 19 January 2011, page 44.
[88] Public hearing, 19 January 2011, page 47.
[89] Public hearing, 25 January 2011, pages 60-61.
[90] House of Commons, *Official Report*, 15 July 2002, column 10.
[91] House of Commons, *Official Report*, 15 July 2002, column 11.

200. President Bush telephoned Mr Blair on 15 July.[92] In relation to issues like Iraq, Mr Blair told President Bush that it was "absolutely right that the US and UK should stand together".

201. Mr Campbell recorded that President Bush had telephoned to say that he understood Mr Blair "was taking a fair bit of stick for being supportive, and he was grateful".[93] That is confirmed by the record of the telephone call.

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

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

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

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

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

> "No, there are no decisions which have been taken about military action."[95]

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

> "No … That is not to say it is not important that we look at all the various options that we may have … and if the situation changes in any serious or dramatic way we will tell them."[96]

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[92] Letter Wechsburg to McDonald, 16 July 2002, 'US: Prime Minister's Telephone Conversation with President Bush'.
[93] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[94] Minutes, Liaison Committee (House of Commons), 16 July 2002, [Evidence Session], Q 93.
[95] Minutes, Liaison Committee (House of Commons), 16 July 2002, [Evidence Session], Q 94.
[96] Minutes, Liaison Committee (House of Commons), 16 July 2002, [Evidence Session], Q 95.

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

> "Yes, certainly I agree we should act, as I hope this country always does, in accordance with international law."[97]

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

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

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

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

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

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

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

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[97] Minutes, Liaison Committee (House of Commons), 16 July 2002, [Evidence Session], Q 96.
[98] Minutes, Liaison Committee (House of Commons), 16 July 2002, [Evidence Session], Q 97-98.
[99] Minutes, Liaison Committee (House of Commons), 16 July 2002, [Evidence Session], Q 99-100.
[100] Minutes, Liaison Committee (House of Commons), 16 July 2002, [Evidence Session], Q 87-88.

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

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

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

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

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

> "We had not decided we would take military action at that point. On the other hand you couldn't say it wasn't a possibility … I chose the words quite carefully … the trouble was people kept writing, 'They have decided. They are off on a military campaign and nothing is going to stop them.'
>
> "… had I said – and maybe, in retrospect, it is better just to say it … 'Yes, we are doing military planning, our fear was people would push you into a position where you appeared to be on a kind of irreversible path to military action, and this wasn't our position …"[103]

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

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

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

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[101] Minutes, Liaison Committee (House of Commons), 16 July 2002, [Evidence Session], Q 101.
[102] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[103] Public hearing, 29 January 2010, page 93.

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

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

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

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

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

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

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

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

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[104] Manuscript comment Blair on Minute Hoon to Prime Minister, 31 May 2002, 'Iraq'.
[105] Minute McKane to Chaplin, 10 July 2002, 'Iraq'.
[106] Minute Chaplin to Private Secretary [FCO], 12 July 2002, 'Iraq: Military Action'.

223. The key risks identified by Mr Chaplin were:

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

224. Mr Chaplin advised:

> "These risks can be reduced significantly by careful preparation. The three conditions spelled out to the Americans by the Prime Minister are interrelated. To build a coalition for military action and get domestic and international opinion on side we need:
>
> - clear and publicly usable evidence that the Iraq WMD threat is real …;
> - a clear effort to exhaust all other avenues, principally the UN route. This is likely to be necessary for us to establish a legal base for military action;
> - visible improvement in the Israel/Palestine situation to give us some protection against the arguments of double standards.
>
> "These … will … increase the chances of Saddam Hussein finally backing down on inspections, which I believe is possible once he sees no alternative."

225. Mr Chaplin concluded:

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

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

227. The Cabinet Office paper invited Ministers to agree:

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

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

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

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

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

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

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

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

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

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[107] Paper Cabinet Office, 19 July 2002, 'Iraq: Conditions for Military Action'.

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

> "… said that the UK would support military action to bring about regime change, provided that certain conditions were met:
>
> - efforts had been made to construct a coalition/shape public opinion,
> - the Israel-Palestine Crisis was quiescent, and
> - the options for action to eliminate Iraq's WMD through the UN weapons inspectors had been exhausted."

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

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

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

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

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

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

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

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

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

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

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

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

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

246. Mr McKane advised Sir David Manning separately that the Cabinet Office paper covered US military plans "only in headline form" on the grounds that Mr Blair would "wish to receive a short oral brief from CDS".[108]

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

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

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

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

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

[108] Minute McKane to Manning, 19 July 2002, 'Iraq'.

change per se" was "not a proper basis for international action", it could "result from action which is otherwise lawful".[109]

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

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

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

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

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

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

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

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

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

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[109] Paper Cabinet Office, 19 July 2002, 'Iraq: Conditions for Military Action'.

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

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

259. The Cabinet Office paper stated:

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

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

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

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

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

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

264. The Cabinet Office paper stated that an international coalition would be necessary to provide a military platform and would be desirable for political purposes.[114] The "greater the international support, the greater the prospects of success".

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

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[110] Paper [draft] Cabinet Office, 'Iraq: Conditions for Military Action' attached to Minute McKane to Bowen, 16 July 2002, 'Iraq'.
[111] Paper Cabinet Office, 19 July 2002, 'Iraq: Conditions for Military Action'.
[112] Paper FCO, [undated], 'Iraq: Legal Background' attached to Paper Cabinet Office, 8 March 2002, 'Iraq: Options Paper'.
[113] Minute McKane to Manning, 19 July 2002, 'Iraq'.
[114] Paper Cabinet Office, 19 July 2002, 'Iraq: Conditions for Military Action'.

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

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

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

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

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

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

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

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

273. The Cabinet Office paper identified the need for:

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

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

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

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

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

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

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

279. Mr Blair commented on the Cabinet Office paper that: "The legal advice is, as ever, far too narrow."[116]

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

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

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

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

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[115] Note Manning to Prime Minister, 19 July 2002, [untitled].
[116] Manuscript comment Blair on Note Manning to Prime Minister, 19 July 2002, [untitled].
[117] Minute McKane to Manning, 19 July 2002, 'Iraq'.

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

284. The elements of Mr Powell's "road map" were similar to the proposals in the Cabinet Office paper.

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

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

287. Mr Powell advised:

> "I think we need a road map to getting rid of Saddam, drawing parallels as far as possible with his [President Bush's] success in Afghanistan, including the following elements:
>
> a. We will be there when the US takes the decision to act, but …
> b. We need to set an ultimatum as we did to the Taliban in Afghanistan. At a certain point we need to make it clear that unless Saddam agrees to inspectors on our terms – anyone, any time, anywhere – by a certain date we will act.
> c. We need to establish a legal basis. More difficult for us than for them. It needs to be based on WMD rather than terrorism or regime change.
> d. We need at least neutrality in the region before we can act … If we want to base our troops in the region this will mean a real effort on the MEPP …
> e. We need to make the case. We need a plan and a timetable for releasing the papers we have prepared on human rights abuses, WMD etc. We need to have the sort of Rolls Royce information campaign we had at the end of Afghanistan before we start in Iraq.
> f. We need a convincing military plan. What we know about so far is not convincing …
> g. And we need a plan for the day after … We need to be working on this now …
>
> "Lastly, we should not rush this. We must do it right. If we are not ready in January 2003 then we may need to wait for autumn 2003. Of course Saddam may give us a break before then that we can exploit, but slow deliberate planning like your father in the Gulf war is the best bet."

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[118] Minute Powell to Prime Minister, 19 July 2002, 'Iraq'.

288. Mr Blair responded to Mr Powell: "I agree with this entirely".[119]

Sir Jeremy Greenstock's advice to Mr Straw

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

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

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

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

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

292. Addressing Mr Ricketts' questions, Sir Jeremy advised:

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

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[119] Manuscript comment Blair on Minute Powell to Prime Minister, 19 July 2002, 'Iraq'.
[120] Letter Greenstock to Ricketts, 19 July 2002, 'Iraq at the UN'.

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

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

294. The UK would also need:

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

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

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

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

297. The letter was also seen by Lord Goldsmith.[121]

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[121] Manuscript comments Goldsmith on Letter Greenstock to Ricketts, 19 July 2002, 'Iraq at the UN'.

The mood in Washington

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

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

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

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

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

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

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

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

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[122] Telegram 970 Washington to FCO London, 20 July 2002, 'Iraq: Sir K Tebbit's Visit to Washington, 18-19 July'.

305. Sir Kevin concluded:

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

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

307. The letter was seen by Mr Blair[124] and Lord Goldsmith.[125]

308. Sir Kevin Tebbit told the Inquiry that, at that stage, he and "a lot of other officials" were concerned to ensure that the UK's conditions "were … seriously being pursued", rather than (the UK) simply being invited to participate in detailed military planning albeit as a contingency.[126]

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

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

311. Sir Richard Dearlove discussed policy towards Iraq in a meeting with Dr Rice in Washington on 19 July.[128]

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

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

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[123] Letter Tebbit to Manning, 22 July 2002, 'Iraq'.
[124] Manuscript comment Manning on Letter Tebbit to Manning, 22 July 2002, 'Iraq'.
[125] Manuscript comment Goldsmith on Letter Tebbit to Manning, 22 July 2002, 'Iraq'.
[126] Public hearing, 3 December 2009, page 28.
[127] Public hearing, 3 December 2009, page 57.
[128] Report, 22 July 2002, 'Iraq [C's account of discussions with Dr Rice]'.

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

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

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

> "Not much doubt here that the Administration is bent on action soon, and convincing itself that it has strong strategic, as well as a historical duty to act.
>
> "Our views on links between Iraq, terrorism and development of WMD are different from Condi's: not proven at best …
>
> …
>
> "C [Sir Richard Dearlove] will be able to give the full picture tomorrow."[129]

316. Mr Powell commented: "Strengthens the need for and urgency of your note to Bush."[130]

MOD advice to Mr Hoon

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

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

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

- US planning and timescales;
- the objectives of any military action;
- the strategic policy framework;
- the potential UK contribution; and
- an information campaign.[131]

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

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[129] Minute Manning to Prime Minister, 22 July 2002, 'Iraq'.
[130] Manuscript comment Powell on Minute Manning to Prime Minister, 22 July 2002, 'Iraq'.
[131] Minute Bowen to PS/Secretary of State [MOD], 22 July 2002, 'Iraq: Meeting with the Prime Minister'.

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

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

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

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

324. The "Line to Take" offered to Mr Hoon included:

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

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

326. Mr Watkins also offered Mr Hoon a "Private Office distillation of where we think most of your key advisers – Chiefs, PUS etc (with possible exception of Simon Webb) – are coming from".[132]

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[132] Note (handwritten) Watkins to SofS [MOD], 22 July 2002, attaching 'Iraq: Summary'.

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

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

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

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

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

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

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

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

331. The advice concluded:

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

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

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

Mr Blair's meeting, 23 July 2002

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

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

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

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

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

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

[133] Minute Manning to Prime Minister, 22 July 2002, 'Iraq Meeting: 23 July: Annotated Agenda'.

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

336. Sir David Manning concluded:

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

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

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

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

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

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

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

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

[134] Minute Rycroft to Manning, 23 July 2002, 'Iraq: Prime Minister's Meeting, 23 July'.

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

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

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

343. Mr Rycroft wrote that the meeting concluded:

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

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

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

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

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

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

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

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[135] Letter Rycroft to McDonald, 23 July 2002, 'Iraq Prime Minister's Meeting, 23 July: Follow Up'.

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

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

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

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

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

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

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

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

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

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

349. Mr Tenet added that Sir Richard:

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

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[136] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.
[137] Blair T. *A Journey*. Hutchinson, 2010.
[138] Tenet G & Harlow B. *At the Center of the Storm: My Years at the CIA*. HarperPress, 2007.

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

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

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

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

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

353. Sir Richard added that he sought an amendment to Mr Rycroft's record of the meeting on 23 July to clarify the meaning of his remarks.[141]

354. The Inquiry has seen that document.

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

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

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[139] Private hearing, 16 June 2010, pages 34-35.
[140] Private hearing, 16 June 2010, pages 39-40.
[141] Private hearing, 16 June 2010, page 42.
[142] Private hearing, 16 June 2010, page 70.
[143] Private hearing, 10 September 2010, pages 27-30.

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

357. Mr Hoon told the Inquiry that he did not have a specific recollection of the meeting but he did not recall it as a key meeting, rather it was part of an "iterative process".[144]

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

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

359. Lord Wilson told the Inquiry that he didn't think the meeting on 23 July had "decided on much". It had been a "taking stock" meeting, but what had struck him "was that some of the language used implied that we were closer to military action than I had imagined that we were".[146]

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

361. Second, Lord Wilson remembered "quite vividly" that Lord Goldsmith:

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

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

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[144] Public hearing, 19 January 2010, pages 20-21.
[145] Statement, 2 April 2015, paragraph 13.
[146] Public hearing, 25 January 2011, pages 37-38.
[147] Public hearing, 25 January 2011, page 38.
[148] Public hearing, 25 January 2011, page 35.

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

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

364. Lord Wilson stated:

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

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

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

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

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

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

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

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[149] Public hearing, 25 January 2011, page 42.
[150] Public hearing, 25 January 2011, page 49.
[151] Straw J. *Last Man Standing: Memoirs of a Political Survivor.* Macmillan, 2012.
[152] Minute Manning to Prime Minister, 24 July 2002, 'Iraq'.

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

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

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

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

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

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

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

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

Sir Christopher Meyer's view

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

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

375. In Sir David Manning's view, President Bush was "impatient to move".

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

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

"
- … a rapid and successful conclusion – a prolonged war would be very dangerous …;
- that the US 'got the diplomacy right' …; and
- that the US arrived in Baghdad with a clear plan for who and what should replace Saddam …"

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

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

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

381. Sir David Manning commented to Mr Blair that these were: "Further signs that Bush is impatient to move. Little reassurance on the political context."[154]

Mr Blair's press conference, 25 July 2002

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

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

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[153] Letter Meyer to Manning, 24 July 2002, 'Iraq'.
[154] Manuscript comment Manning to Prime Minister, 25 July 2002, on Letter Meyer to Manning, 24 July 2002, 'Iraq'.

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

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

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

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

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

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

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

FCO advice, 26 July 2002

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

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[155] House of Commons, *Official Report*, 24 July 2002, column 975.
[156] The National Archives, *Prime Minister's Press Conference, 25 July 2002*.

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

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

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

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

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

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

395. The letter stated:

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

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

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

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

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

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

399. It was not sent to Lord Goldsmith.

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

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

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

403. Mr Straw spoke to Secretary Powell on 26 July to seek a one-to one discussion on Iraq in late August.[158]

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

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

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

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

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

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

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

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

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[158] Minute McDonald to Ricketts, 26 July 2002, 'Iraq'.
[159] Letter (handwritten) Straw to Blair, 26 July 2002, 'Iraq'.

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

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

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

> "I entirely agree with all this. But it is hard to see the way through, unless we just don't do it. But I think it's right to do it."[161]

Mr Blair's Note to President Bush, 28 July 2002

415. Mr Blair sent President Bush a "Note on Iraq" on 28 July.[162]

416. The Note began:

> "I will be with you, whatever. But this is the moment to assess bluntly the difficulties. The planning on this and the strategy are the toughest yet. This is not Kosovo. This is not Afghanistan. It is not even the Gulf War.
>
> "The military part of this is hazardous but I will concentrate mainly on the political context for success."

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

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

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

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

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[160] Straw J. *Last Man Standing: Memoirs of a Political Survivor.* Macmillan, 2012.
[161] Manuscript comment Blair to Powell on Letter (handwritten) Straw to Blair, 26 July 2002, 'Iraq'.
[162] Note Blair [to Bush], 28 July 2002, 'Note on Iraq'.

real Iraqis … decide to offer resistance. Suppose … that any difficulties, without a coalition, are magnified and seized on by a hostile international opinion. If we win quickly, everyone will be our friend. If we don't … recriminations will start fast.

"None of these things might happen. But they might … And there is one other point. We will need to commit to Iraq for the long term. Bedding down a new regime will take time. So, without support, the possibility of unintended consequences will persist through and beyond the military phase."

419. Mr Blair stated that he was "keen on a coalition, not necessarily military but politically".

420. Addressing the nature of a coalition, Mr Blair wrote that he was "a little alarmed" about the reports he had been given of US optimism about support from Arab nations and Europe. That was not his reading, and:

"The trouble is, everyone says: they will support action, but they add a rider … [which] is not always sufficiently heard or spoken."

421. Mr Blair identified three key areas where, in his view, changes would be needed before there would be support for action on Iraq:

- the Middle East Peace Process would need to be in a different place;
- specific UN authority; and
- public opinion in the UK, Europe and the Arab world was "quite simply on a different planet" from opinion in the US.

422. Mr Blair added that "right now", he "couldn't be sure of support from Parliament, Party, public or even some of the Cabinet"; and that, "oddly", Russia might be their "best ally".

423. Mr Blair set out six elements for "A Strategy for Achieving a Coalition".

424. Addressing "**The UN**", Mr Blair wrote:

"We don't want to be mucked around by Saddam … and the danger is he drags us into negotiation. But we need, as with Afghanistan and the ultimatum to the Taliban, to encapsulate our casus belli in some defining way. This is certainly the simplest. We could, in October as the build up starts, state that he must let the inspectors back in unconditionally and do so now, ie set a 7-day deadline. It might be backed by a UNSCR or not, depending on what support there was (and I am not sure anyone, at present, would veto it if Russia was on board). There would be no negotiation. There would be no new talks with Annan. It would be: take it or leave it."

425. Mr Blair added that he knew there would be "reluctance" to that approach:

"But it would neutralise opposition … If he did say yes, we continue the build-up and we send teams over and the moment he obstructs, we say: he's back to his games.

That's it. In any event, he probably would screw it up and not meet the deadline, and if he came forward after the deadline, we could just refuse to deal."

426. "**The Evidence**": Mr Blair wrote that he had been told that the US thought evidence was unnecessary but his view was "we still need to make the case". He suggested:

"If we recapitulate all the WMD evidence; add his attempts to secure nuclear capability; and, as seems possible, add on the Al Qaida link, it will be hugely persuasive over here. Plus … the abhorrent nature of the regime. It could be done simultaneously with the deadline."

427. "**MEPP**": Mr Blair wrote that it would be "essential" for Arab support for negotiation to have started "in earnest". It was "worth a real effort to get a proper negotiation going", and that wouldn't start unless someone took charge of the detail.

428. Addressing Iraq "**Post Saddam**", Mr Blair wrote:

"Suppose we were able to say … Regime change is vital and, in the first instance, it must be one that protects Iraq's territorial integrity and provides stability; and hence might involve another key military figure. But it should lead in time to a democratic Iraq governed by the people. This would be very powerful. I need advice on whether it's feasible. But just swapping one dictator for another seems inconsistent with our values."

429. Mr Blair suggested that some in the "**Arab/Moslem World**" would "fall into line", but others would not; and Syria and Iran "might be actively hostile or use it as a means to support terrorism in Israel". A "dedicated effort" was needed "to woo the Arab world", and "to offer hardliners a very hard-headed partnership or put them on the 'axis of evil' list".

430. Mr Blair wrote that "**Afghanistan**" had to be "going right, not wrong". It was "our one act of regime change so far, so it had better be a good advertisement", and his "hunch" was that it needed "renewed focus and effort".

431. Mr Blair wrote that both Turkey and the Kurds would "need to be OK". They might be the "easiest" [members of a coalition]: "They both want our help badly and will play ball if offered enough."

432. Mr Blair told President Bush that he would be "happy to try to pull this [the strategy] together; ie to dedicate myself to getting all these [six] elements … sorted, including involving myself in the MEPP". But it would need "a huge commitment in time and energy", and was "only really worth doing if we are all on the same page".

433. In a final section on "**The Military Plan**", Mr Blair wrote:

"Finally, obviously, we must have a workable military plan. I don't know the details yet, so this is first blush.

"The two options are running start and generated start.

"The first has the advantage of surprise; the second of overwhelming force. My military tell me the risks of heavy losses on the running start make it very risky. Apparently it involves around 15-20,000 troops striking inside Iraq, with heavy air support. The idea would be to catch the regime off balance, strike hard and quickly and get it to collapse. The obvious danger is [that] it doesn't collapse. And there is the risk of CW being used.

"For that reason, a generated start seems better. It could always be translated into a more immediate option, should Saddam do something stupid. Also, the build-up of forces in such numbers will be a big signal of serious intent to the region and help to pull people towards us and demoralise the Iraqis. This option allows us to hammer his air defences and infrastructure; to invade from the South and take the oilfields; to secure the North and protect/stabilise the Kurds. Then effectively with huge force we go on to Baghdad."

434. Mr Blair concluded:

"We would support in any way we can.

"On timing, we could start building up after the break. A strike date could be Jan/Feb next year. But the crucial issue is not when, but how."

435. Mr Powell told the Inquiry that Mr Blair was seeking a partnership with President Bush and seeking to persuade him to move in a particular direction by providing a framework for action.

436. Mr Powell told the Inquiry that the Note was "a very important one … trying to make it clear the basis on which we thought it would be sensible to go ahead", and the basis on which the US should go to the UN. Mr Blair was "talking about … the danger of unintended consequences".[163]

437. Addressing what was meant by the reference to unintended consequences, Mr Powell stated that the Iraqis would "feel ambivalent about being invaded. If we win quickly everyone will be our friend. If we don't, and they haven't been bound in beforehand, the recriminations will start fast." Mr Blair was "arguing to put this [action against Iraq] in a political context and to do it in a way that would win support of a wide coalition as with Afghanistan".

438. Asked if Mr Blair was trying to offer Britain's support in return for influence over the means for taking action, Mr Powell replied:

"Obviously, there is a trade-off between convincing someone that you are with them, that you believe what they are trying to do and you are going to try to help them and

[163] Public hearing, 18 January 2010, pages 38-39.

getting some influence. If you just go to someone and say, 'You're completely wrong. Forget it', the amount of influence you are likely to have … is less.

"So … there is a trade-off between indicating you are with someone and then persuading them to move down a particular route."[164]

439. Asked whether the elements that would be essential for success were red lines for the UK and absolutely essential or whether they were things that would be nice to have but the UK would go along with the policy whatever happened, Mr Powell said that Mr Blair was not setting conditions for UK participation in military action:

"The point of these Notes is to try and set out the right way to do it … [T]hinking of them in terms of conditions is the wrong way to look at it. We weren't trying to say 'If you tick off all these boxes, then we will be with you'. We were saying 'We are with you in terms of what you are trying to do, but this is the sensible way to do it. We are offering you a partnership to try to get to a wide coalition'.

"But being with the Americans didn't necessarily mean going to war. The Prime Minister said repeatedly to President Bush that if Saddam complied with the UN Resolutions, then there would not be any invasion and President Bush agreed with him on that.

"… So the Prime Minister was saying, 'We are with you. We need to go down the UN route, but that does not necessarily mean war. It may well be that Saddam could comply well short of war.'"[165]

440. Mr Powell emphasised that telling the US there were "pre-conditions" would have been a mistake; the UK was "setting out a framework" and "trying to persuade them to move in a particular direction".[166]

441. Sir David Manning confirmed that Mr Blair himself had written the Note he sent to President Bush on 28 July.

442. Sir David Manning told the Inquiry that Mr Blair had drafted the Note to President Bush himself. Sir David had tried to take the first sentence out because it was "too sweeping", it seemed to him "to close off options", and he did not think that that was "a sensible place to be".[167]

443. Asked who else had seen the Note in draft, Sir David Manning stated:

"The only other person I'm aware of who saw the Note in draft was Jonathan Powell … I went to Jonathan and said, 'The Prime Minister should not say this', and we went up to the flat. We talked through with him [Mr Blair], and I said that the first

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[164] Public hearing, 18 January 2010, pages 39-40.
[165] Public hearing, 18 January 2010, pages 40-41.
[166] Public hearing, 18 January 2010, pages 77-78.
[167] Private hearing, 24 June 2010, pages 49-50.

sentence should come out and Jonathan agreed, but the Prime Minister decided to leave it.

"I have always assumed, incidentally, because he saw it as a rhetorical flourish, not because at that stage he was thinking anything in terms of what the scale of commitments might be. But it was a sort of emotional statement, I think. But it seemed to me that it went further than we should have gone."[168]

444. Asked if he thought it "was heard" in the sense Mr Blair intended, Sir David replied:

"… I just don't know. I thought there was a risk it would be taken at face value. I can't tell you whether it actually was …"

445. Asked how often his advice was declined on a matter like this, Sir David replied that there were:

"… not many such moments … he [Mr Blair] was willing to listen to advice, but he was absolutely happy to pursue his own course … he was elected and it was [for] him to decide.

"But the Prime Minister had strong views about things. He was absolutely open to debate, but on a lot of things, if he'd made up his mind, he'd made up his mind."[169]

446. In his evidence to the Inquiry, Mr Blair offered further insights into his thinking.

447. In his memoir, Mr Blair wrote:

"So it's impossible not to read the accounts of the meetings during that time without an assumption of a decision already taken.

"But here is the difference between everyone else and the final decision taker. Everyone can debate and assume; only one person decides. I knew at that moment that George had not decided. He had … a conceptual framework in which the pivotal concept was that Saddam had to come fully into compliance and disarm but he had taken no final decision on the way to make him.

"In late July, I sent George another personal, private note …"[170]

448. Mr Blair described the Note to President Bush as "setting the case for going the UN route; and stressing again the Middle East Peace Process". Following the Note he had:

"… reflected with the closest team on the different strands of the challenge. If it came to war, how did we do it with [the] least bloodshed? That was the military question. On the basis that we did it, how did we maximise the coalition? That was

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[168] Private hearing, 24 June 2010, page 50.
[169] Private hearing, 24 June 2010, page 51.
[170] Blair T. *A Journey*. Hutchinson, 2010.

the UN question. And how did we do it without provoking uproar across the Middle East? That was the Arab question."

449. The Inquiry asked Mr Blair to address in a written statement how the US Administration would have interpreted the opening sentence of his Note and whether that corresponded with the degree of the commitment he wanted to give.[171]

450. Mr Blair did not respond directly. In the context of a section of his statement addressing the fact that the US had no need of a further UN resolution before acting, Mr Blair wrote that the Note had:

"… set out … the strong reason why, politically, I thought a UN resolution was necessary, primarily to build a broad coalition against Saddam and to show we were prepared to disarm him peacefully."[172]

451. Mr Blair also wrote:

"I could not and did not offer some kind of 'blank cheque' in how we accomplished our shared objectives."[173]

452. Asked subsequently to tell the Inquiry what was in the Note, Mr Blair said that he thought he had amended the opening sentence and commented: "Frankly I think he [Sir David Manning] would have preferred me not to have given any undertaking at all."[174]

453. Mr Blair stated:

"What I was saying to President Bush was very clear and simple. It is: You can count on us. We are going to be with you in tackling this, but here are the difficulties."

454. The Note had been "about all the issues and difficulties". In Mr Blair's view, there was "a very clear and simple decision to take". America was "going to tackle this issue". His first question for President Bush was "do we want it to be a coalition?" His "belief was it was extremely important for the international community to hold together at this point". He did not see 11 September "as an attack on America". It was "an attack on us … the West".[175]

455. Mr Blair added:

"America could do it unilaterally. Of course they could, but I would prefer them to do it multilaterally. So in a sense what I was saying to America was … 'Whatever the political heat, if I think this is the right thing to do I am going to be with you. I am not

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[171] Inquiry request for a written statement, 13 December 2010, Qs 2e and 2f, page 1.
[172] Statement, 14 January 2011, page 5.
[173] Statement, 14 January 2011, page 4.
[174] Public hearing, 21 January 2011, page 47.
[175] Public hearing, 21 January 2011, pages 47-48.

going to back out because the going gets tough. On the other hand, here are the difficulties and this is why I think the UN route is the right way to go'."

456. Mr Blair was "absolutely sure" that was how President Bush had interpreted the Note.[176]

457. Asked whether the language he had used in his Note was wholly consistent with his statement for the Inquiry, in which he had written that he had not offered the US a blank cheque, Mr Blair told the Inquiry that he "did not think the Americans were in any doubt at all about what was being said".[177] He could not recall all the precise conversations, but "this [the Note] was entirely consistent also" with what he was saying publicly.

458. Mr Blair told the Inquiry that he was:

> "… trying to get them very substantially to change their position. Their position had been 'we are going to do it'. Then their position had been because I had asked them 'Okay with an ultimatum.' Now their position with huge opposition within his system was going to be 'We are going to put this back in the lap of the United Nations'.
>
> "Some of the people in his Administration were saying 'You are crazy. You are going to put it back into the bureaucracy of the UN they will swallow it up. You will be back to all this playing around. In the meantime you have this guy doing what he is doing, sitting there and nothing happening.'
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> "So I was having to persuade him to take a view radically different from any of the people in his Administration so what I was saying to him is 'I am going to be with you in handling it this way. I am not going to push you down this path and then back out when it gets too hot politically, because it is going to get hot for me politically, very, very much so.'
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> "I did this because I believed in it. I thought it was the right thing to do … frankly, whatever phrasing I used, I accept entirely I was saying 'I am going to be with America in handling this. However, we should handle it this way'. That was in the end what they agreed to do. The single thing that is most important over anything else in this whole business … is that [resolution] 1441 [agreed in November 2002] represented a huge compromise on his part and a huge opportunity for the international community to get its act together."[178]

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[176] Public hearing, 21 January 2011, page 48.
[177] Public hearing, 21 January 2011, page 49.
[178] Public hearing, 21 January 2011, pages 49-51.

SIR DAVID MANNING'S VISIT TO WASHINGTON

459. Before his visit to Washington, Mr Scarlett provided Sir David with a list of points where more information was needed about Iraq and its intentions, for his "back pocket", including:

"
- Iraq's CBW and ballistic missile capability …
- Saddam's 'red lines' which would provoke him to use CBW against coalition forces or his neighbours.
- What Saddam plans to do if there is a credible military force being prepared … Does he [Saddam] consider pre-emption a possibility?
- Will he fully accept inspectors if the US threat seems imminent? If he does accept (likely …), how open is he willing to be?
- The cohesion of key military and security organisations … At what point will they desert/stop doing their duty?
- Who might act against Saddam and would they act before Baghdad is occupied by coalition forces?
- The prospects for an uprising of the civil populace in Shia cities and what the [Iraqi] security forces' response would be.
- The likely popular attitude to a US invasion and the arrival of US or allied troops on their territory.
- What would be the Israeli response to an Iraqi CBW attack?"[179]

460. Sir David Manning had a "pre-meeting" with Mr Armitage.[180]

461. Mr Rycroft's record of the meeting stated that Sir David and Mr Armitage discussed the US and UK positions.[181]

462. The US focus was on the disarmament of Iraq, not the re-admittance of inspectors. Sir David had raised questions about Saddam Hussein's capabilities and intentions and the importance of the UN route with an ultimatum for political and "optical" reasons, not just legal reasons, to change the international context. It would have to be a tough ultimatum with a short timeframe and no wriggle-room which shifted the onus onto Saddam Hussein.

463. Sir David told the Inquiry that he had raised a number of detailed points with Mr Armitage:

> "… Why now? What if Saddam Hussein were to use weapons of mass destruction during a military campaign? What would follow military action? What role … would

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[179] Minute Scarlett to Manning, 26 July 2002, 'Iraq: We do not know enough about …'.
[180] Public hearing, 30 November 2009, page 16.
[181] Minute Rycroft to Manning, 31 July 2002, 'Iraq: Armitage'.

the United States see the United Nations playing, and what was the United States planning to do about the Middle East Peace Process?"[182]

464. Sir David said he had told Mr Armitage that he "didn't think we had answers to those questions". Mr Armitage had replied that he thought they needed a lot more work and that: "It was better to be right than to hurry."[183]

465. During his visit to Washington, Sir David Manning told President Bush that Mr Blair agreed Saddam Hussein had to go, but it would be impossible for the UK to take part in any action against Iraq unless it went through the UN.

466. Sir David reported that President Bush had been "very struck" by Mr Blair's emphasis on an ultimatum; and that he had not yet made up his mind. Mr Blair should push the need for action through the UN and an ultimatum "very hard" in his telephone call with President Bush on 31 July.

467. Sir David Manning delivered the Note from Mr Blair to President Bush to Dr Rice on 29 July.[184] Sir David told the Inquiry that he and Dr Rice had discussed the Note during dinner. He had told her that, as the Note made clear:

- "Britain could only take part in any policy if it was part of a coalition which went through the United Nations."
- The "Middle East Peace Process was absolutely critical".
- "[S]o was the effort … to explain why Iraq was an issue and why we felt we had to tackle it."

468. Sir David told the Inquiry that he had also set out the questions he had raised with Mr Armitage.

469. Sir David Manning's record of his discussion with Dr Rice for Mr Blair advised that he had indicated that the Note was sent personally to the President and not intended for wider circulation.[185] Sir David had concluded President Bush wanted the UK to be involved. There was some reluctance in the US Administration (to involve the UN), but Mr Blair "just might persuade" President Bush. If he did, that would "transform the public relations campaign and make action much easier to manage".

470. A meeting in early September had also been discussed which would allow President Bush to hear "directly" what Mr Blair had to say.

471. Sir David cautioned that, until then, Mr Blair should "not … commit" himself "formally and finally to anything, except moral support … Leaving things open may

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[182] Public hearing, 30 November 2009, pages 16-17.
[183] Public hearing, 30 November 2009, pages 16-17.
[184] Public hearing, 30 November 2009, pages 17-18.
[185] Minute Manning to Prime Minister, 31 July 2002, 'Iraq: Conversation with Condi Rice'.

increase the chance that he [President Bush] will take heed of the arguments in your Note and adjust his policy."

472. Sir David Manning told the Inquiry that he had expected a further meeting with Dr Rice and others in the NSC the following morning.[186] To his surprise, he was instead invited to meet President Bush, and he and Dr Rice had a discussion with President Bush which lasted 30 or 40 minutes. President Bush had been briefed on the discussion the previous evening and had "clearly read and studied the Prime Minister's Note". Sir David had been asked to "go over [it] again"; and he had "repeated that it was impossible for the United Kingdom to take part in any action against Iraq unless it were through the United Nations. This was our preference but it was also the political reality."

473. In his record of the discussion with President Bush, Sir David Manning wrote that he had said that Mr Blair agreed Saddam Hussein had to go:

> "There was no difference about ends [regime change], but means was an issue. Iraq was politically very difficult … We were not bidding for a role. We knew that the US could do the job alone. That would be fine by you if that was the President's preference, in which case we would lend moral support. But if he wanted more … from us, he had to understand the politics from your perspective."[187]

474. Sir David Manning reported that President Bush had been "struck by your [Mr Blair's] emphasis on the need for an ultimatum" which the Administration would need to think through.

475. Sir David told President Bush that if he:

> "… preferred to work with a coalition, the UN route was the way to construct it. A tough, time-bound, ultimatum to Saddam at the end of the process would put him at a serious disadvantage while rallying the International community for action … I thought you had no difficulty with the idea of pre-emption … It was entirely understandable that we should try to pre-empt him. But it was vital to make the public case … Awkward and time-consuming though it might be, this was the route calculated to help European leaders bring their publics and parliaments in support … [President] Bush should be trying to catch all our fingers in the UN mangle."

476. Sir David reported that President Bush had understood the point and the "issue he had to reflect on now was 'how to set the stage' so that we could pursue the goal together of getting rid of Saddam".

477. Sir David's report concluded that President Bush was keen to discuss the Note with Mr Blair on the telephone on 31 July; and that Mr Blair should go to Washington in September. Sir David advised: "I do not think this [the UN and an ultimatum] is yet a lost cause. My advice is that you should push it very hard." President Bush "might decide

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[186] Public hearing, 30 November 2009, pages 18-19.
[187] Minute Manning to Prime Minister, 31 July 2002, 'Iraq: Conversation with President Bush'.

to go this route if he thinks it is the key to your active support. If he does, it will transform the domestic and wider international context."

478. Sir David recorded the conversations with both Dr Rice and President Bush in full.

479. Sir David discussed the record of his conversation with President Bush with Mr Blair at Chequers on 31 July. He told the Inquiry:

> "… I saw the Prime Minister … at Chequers, and I said to him that I did not think a return to the UN route was a lost cause and it was worth his while to continue to press the President to go down the UN route. Provisionally an agreement was reached … for the Prime Minister to go and see the President as soon as the summer holidays were over, and this is what indeed he did."[188]

480. Sir David Manning told the Inquiry that he felt his meetings with Dr Rice and President Bush in Washington at the end of July, when he delivered Mr Blair's Note, had reopened a debate in the US that might have been closed.

481. Sir David Manning told the Inquiry:

> "… I was quite clear, when I was sent to Washington at the end of July to talk about the state of the debate in America, that … the United States could take military action if it wished to, but we could not do so unless the United States decided to go back to the United Nations."[189]

482. Subsequently, Sir David Manning told the Inquiry that he had thought "at the end of July" that "[President] Bush had probably made up his mind he was just going to go and attack Iraq at some point over the next few months … and that he had probably subscribed … to the view that the UN was a distraction".[190] President Bush had asked to see him because of the point he had made to Dr Rice that the UK could not participate without going back to the UN. While he was "wary about making this claim", he had returned from Washington "feeling that it had reopened a debate that might have been pretty much closed".

483. Sir David drew attention to the emphasis he had put on the need for a new UN resolution in his discussions.

484. Sir David stated:

> "It was quite clear to me in the summer of 2002 that the only way we could accompany the Americans in a shift in policy that might conceivably lead to regime change was if they opted to go through the United Nations and if there were a new Security Council resolution …

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[188] Public hearing, 30 November 2009, pages 22-23.
[189] Public hearing, 30 November 2009, pages 40-41.
[190] Private hearing, 24 June 2010, pages 55-56.

> "… it would not have been possible to have softened those conditions, and so it was absolutely essential, as far as the British Government was concerned."[191]

Lord Goldsmith's minute, 30 July 2002

485. Lord Goldsmith advised Mr Blair on 30 July that military action would be unlawful without a new determination by the Security Council of a material and flagrant breach by Iraq of its obligations. A new Security Council resolution explicitly authorising the use of force would be the most secure and preferred legal basis for the use of force.

486. A report that Mr Blair had been told "by the Government's lawyers that British participation in an invasion of Iraq would be illegal" appeared in *The Independent* on 29 July.[192] The article also stated that senior government sources had said that Mr Blair had "also received conflicting legal opinion from law officers that current UN resolutions could offer sufficient cover for any military action".

487. Lord Goldsmith sent Mr Blair a 16-paragraph minute on 30 July.[193] He wrote that, as the record of the 23 July meeting set out his views "only in summary form", and "given the importance of this matter", he had thought he should set out his advice "more fully".

488. Lord Goldsmith recapitulated the advice he had given at the 23 July meeting and stated:

> "A new Security Council resolution explicitly authorising the use of force under Chapter VII would plainly be the most secure, and preferred, legal basis for military action in the current situation. The question is whether anything less than this would make military action lawful."

489. Addressing that question, Lord Goldsmith quoted the advice provided by Mr John Morris (Attorney General 1997 to 1999), supported by Lord Falconer (as Solicitor General), to Mr Blair in November 1997:

> "Charles [Lord Falconer] and I remain of the view that, in the circumstances presently prevailing, an essential precondition of the renewed use of force to compel compliance with the cease-fire conditions is that the Security Council has, in whatever language – whether expressly or impliedly – stated that there has been a breach of the cease-fire conditions and that the Council considers the breach sufficiently grave to undermine the basis or effective operation of the cease-fire."

490. Lord Goldsmith advised that reliance on the "revival" of the authorisation for the use of force in resolution 678 (1990) had been controversial when it was invoked by the

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[191] Public hearing, 30 November 2009, page 56.
[192] *The Independent*, 29 July 2002, *Blair is warned assault on Iraq would be 'illegal'*.
[193] Minute Goldsmith to Prime Minister, 30 July 2002, 'Iraq'.

UK in 1998 (Operation Desert Fox), because resolution 1205 (1998) did not itself contain any explicit authority to use force.

491. Lord Goldsmith wrote: "I believe that it is essential to show at least some determination by the Security Council itself that there has been a sufficiently significant violation of the cease-fire conditions." Given the time that had elapsed and the impact of events, he did not "consider it legally possible to rely today on resolution 1205".

492. Lord Goldsmith concluded:

> "My view therefore is that in the absence of a fresh resolution by the Security Council which would at least involve a new determination of a material and flagrant breach [by Iraq of its obligations], military action would be unlawful. Even if there were such a resolution, but one which did not explicitly authorise the use of force, it would remain highly debatable whether it legitimised military action – but without it the position is, in my view, clear.
>
> "The issuing of an ultimatum to Iraq may be helpful in delivering a clear political message to Iraq and ensuring that all possible steps have been taken to ensure Iraqi compliance before force is used. However an ultimatum, whether issued unilaterally or by the Security Council, would not in itself provide a separate legal base for the use of force."

493. Copies of Lord Goldsmith's minute were sent to Mr Straw and Mr Hoon.

494. Mr Powell recorded that Mr Blair and Lord Goldsmith would "discuss further" in September.

495. A note for the No.10 file written by Mr Powell on 31 July recorded that the:

> "PM has seen [Lord Goldsmith's minute], as has David Manning.
>
> "I phoned Private Offices in FCO and MOD on 30/7, at the request of the AG [Attorney General] (and in his presence) to ask them to destroy their copies to avoid further leaks. PM to discuss further with AG in September."[194]

496. Mr Blair told the Inquiry that Lord Goldsmith's advice of 30 July had convinced him that a new resolution was necessary, and that it needed to be the right resolution.

497. Addressing the reference in his minute to reliance on previous resolutions, Lord Goldsmith told the Inquiry:

> "… the revival argument depends on two things. It depends … on the fact that resolution 678 authorised the use of force and that resolution 687 suspended it on conditions, but didn't, in fact, cancel it …

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[194] Note (handwritten) Powell, 31 July 2002, 'File'.

"… the second requirement that someone has to make a determination of material breach. In 1998 a determination had been made by the Security Council in resolution 1205, actually not that there was a material breach, but that there was a flagrant violation. It sounds worse, actually it is not a legal term at all, and so it creates confusion … in any event, there was a question whether … in 2002 [you could], rely upon the fact that, in 1998, the Security Council had said that Iraq was in flagrant violation?

"My view was … no, you couldn't, because a lot had happened since then and the Security Council might take a different view today.

"… you couldn't rely on 1205 in my judgement in 2002, and you would therefore need to have at least a new determination by the Security Council … that there was a material breach."[195]

498. Lord Goldsmith told the Inquiry that he had sent his minute of 30 July because he did not want Mr Blair to be in any doubt that he could not agree with President Bush to use force without going back to the United Nations:

"I wasn't asked for it. I don't, frankly, think it was terribly welcome. I do believe that it may well have been one of the contributing factors to the Prime Minister, to his great credit, persuading President Bush that he must go down the United Nations route."[196]

499. Mr Blair acknowledged that Lord Goldsmith's advice had had an effect:

"… one of the things that was most important in us going down the UN route was precisely the legal advice we got."[197]

500. Mr Blair stated:

"… what I took from the advice … was that we needed a fresh resolution. I do point out that – because this was why at a later stage, I became concerned as to what the legal problem was, because, of course, we got a further resolution."[198]

501. Asked whether Lord Goldsmith's advice had been unwelcome, Mr Blair replied:

"It wasn't that it was not particularly welcome … I was dealing with what was already a difficult situation, and now I became aware we had to take a whole new dimension into account."[199]

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[195] Public hearing, 27 January 2010, pages 21-22.
[196] Public hearing, 27 January 2010, page 23.
[197] Public hearing, 29 January 2010, page 143.
[198] Public hearing, 29 January 2010, pages 144-145.
[199] Public hearing, 29 January 2010, page 147.

502. Mr Blair added:

> "… it actually then was very helpful for him to do this, because he focused our minds, quite rightly, on the need to get the right resolution in 1441 … He wanted to make it absolutely clear that it wasn't merely … going down the UN route, it is getting the right resolution that will be important."[200]

Mr Blair's conversation with President Bush, 31 July 2002

503. When Mr Blair spoke to President Bush on 31 July, the "central issue of a casus belli" and the need for further work on the optimal route to achieve that, was discussed.

504. Mr Blair said that he wanted to explore whether the UN was the right route to set an ultimatum or whether it would be an obstacle.

505. Mr Blair did not tell President Bush that he had been advised that the UK would need a new UN resolution to provide legal authority for military action.

506. Mr Blair spoke to President Bush on 31 July.[201] Mr Rycroft's letter recording the conversation stated that it had become clear during Sir David Manning's visit to Washington that the US was not about to take imminent action in Iraq and was focusing on the political context.

507. In his conversation with President Bush, Mr Blair had made clear that there was "no doubt that the UK would be with the US on Iraq". He wanted to explore whether the UN route was the right way of setting an ultimatum or whether it would be an obstacle and further work on whether we should go for a UNSCR to address "how we could ensure that Saddam did not play us around". There were many parts of Iraq into which Saddam Hussein could not allow the inspectors. It could be possible to construct a quick and neat ultimatum but, "If this route were not to produce the right result, we should not go down it."

508. Mr Blair added that he had an "open mind":

> "If the ultimatum were too difficult or if it complicated the task, we should not do it. But, if we could, it would be the simplest way of building the coalition and weakening the opposition to military action. Focusing on the end-state of a democratic Iraq would give us the moral high ground."

509. Mr Blair had also discussed the importance of moving forward the MEPP, including to secure the support of Arab leaders, and the possibility of a visit to the US in the autumn.

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[200] Public hearing, 29 January 2010, page 148.
[201] Letter Rycroft to McDonald, 31 July 2002, 'Iraq: Prime Minister's Phone Call with President Bush, 31 July'.

510. Copies of Mr Rycroft's letter were sent to Mr Hoon's Private Secretary, and to Sir Richard Dearlove, Mr Scarlett, Sir Jeremy Greenstock and Sir Christopher Meyer.

511. A separate, fuller record of the discussion was prepared for Sir David Manning and Mr Powell.[202] It focused on the "central issue of a casus belli" and the need for further work on the optimal route to achieving that. Sir David should work with the White House on the possibility of a Security Council resolution and how an ultimatum might be fashioned.

512. Mr Blair told President Bush that he was not yet fully abreast of all the military options.

513. Mr Rycroft commented that the UK now had "an opening to explore … precisely how the ultimatum would be framed, and how we would pursue it".

514. In preparation for a meeting with President Bush in early September, No.10 commissioned further advice for Mr Blair. But Mr Blair was adamant that knowledge of the substance of his proposals to President Bush should be limited.

515. Mr Rycroft commissioned more detailed advice from the FCO on a UN ultimatum, "both on what it would look like and on how we would achieve it", for Mr Blair's return to work in late August.[203]

516. Sir David Manning sent the records of his conversations with Dr Rice and President Bush and No.10's internal note of Mr Blair's telephone call with President Bush to the FCO on 1 August, for Mr Straw "to pick up on 19 August" before the possible meeting with Secretary Powell.[204]

517. In his minute to Mr Straw, Sir David wrote:

> "The Prime Minister is adamant that they [the papers] must be seen by no-one but you. They are not being copied anywhere else in Whitehall. Only you and he are therefore fully aware of what was said and what has now been decided on follow up."

518. In a separate letter to Mr Brenton at the British Embassy Washington on 2 August, Sir David Manning sent a copy of the records of the discussions with Dr Rice and President Bush, with an instruction that they were to be seen by Mr Brenton and Sir Christopher Meyer only. They were not to be mentioned to anyone else in Whitehall "including the FCO".[205]

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[202] Minute Rycroft to Manning, 31 July 2002, 'Iraq: Prime Minister's Phone Call with President Bush, 31 July'.
[203] Letter Rycroft to McDonald, 31 July 2002, 'Iraq: Prime Minister's Phone Call with President Bush, 31 July'.
[204] Minute Manning to Secretary of State [FCO], 1 August 2002, 'Iraq'.
[205] Letter Manning to Brenton, 2 August 2002, 'Iraq'.

519. Sir David wrote:

> "The Prime Minister is adamant that they [the records] should not be circulated to anyone except the Foreign Secretary.
>
> "Nevertheless I am clear that you and Christopher must have sight of them. I therefore enclose a set, together with the Note for No.10's internal consumption of the Prime Minister's call to the President on Wednesday. Please hold all very tightly."

520. In a discussion with Mr Straw on 5 August, Secretary Powell informed him that he had seen Mr Blair's Note to President Bush.[206]

521. Sir David Manning sent copies of Mr Blair's Note to President Bush and the records of his own conversations in Washington to Sir Michael Jay on 7 August.[207] Sir David informed Sir Michael that copies had already been sent on a personal basis to Mr Straw, Sir Christopher Meyer and Sir Richard Dearlove. Mr Blair was "adamant that these papers should not be circulated" although he had agreed that Mr Straw and Sir Michael should have a set. Copies should be held "very tightly". Mr Ricketts had seen the documents but did not have a copy: "Absolutely no reference should be made to them to anyone else in Whitehall."

522. Sir David informed Sir Michael Jay that Mr Blair and Mr Bush had agreed to set up small working groups "to examine the feasibility of the UN/ultimatum route" and report by the end of August. Mr Ricketts had agreed that Mr Chaplin would take that forward. Sir David wrote that he had "explained, in general terms" what was happening to Sir Jeremy Greenstock, but Sir Jeremy had "not seen the records". A meeting between Mr Blair and President Bush was being planned for early September.

523. There is no evidence that Mr Hoon, Lord Goldsmith or the Cabinet Secretary were informed of the Note from Mr Blair to President Bush or the subsequent discussions.

Conclusions

524. Although Mr Blair had proposed a strategy based on an ultimatum calling on Iraq to permit the return of inspectors or face the consequences to President Bush at Crawford, by mid-July 2002 little progress had been made.

525. By July, the UK Government had concluded that President Bush was impatient to move on Iraq. It was concerned that the US Administration was contemplating military action in circumstances where it would be very difficult for the UK to participate in or, conceivably, to support that action.

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[206] Letter Davies to Manning, 5 August 2002, 'Iraq'.
[207] Letter Manning to Jay, 7 August 2002, 'Iraq'.

526. Mr Blair continued to offer the US support for its goal of regime change in Iraq but was concerned about the impact of unilateral US military action on the UK's strategic interests across a wide range of issues.

527. Mr Blair's meeting with Ministerial colleagues on 23 July was not seen by those involved as having taken decisions.

528. Further advice and background material was commissioned, including on the possibility of a UN ultimatum to Iraq and the legal basis for action, on the assumption that the UK would take part in any military action.

529. Mr Blair was advised that there would be "formidable obstacles" to securing a new UN resolution incorporating an ultimatum without convincing evidence of a greatly increased threat from Iraq. A great deal more work would be needed to clarify what the UK was seeking and how that objective might best be achieved.

530. Mr Blair's Note to President Bush of 28 July sought to persuade President Bush to use the UN to build a coalition for action by seeking a partnership with the US and setting out a framework for action.

531. Mr Blair told President Bush that the UN was the simplest way to encapsulate a "casus belli" in some defining way, with an ultimatum to Iraq once military forces started to build up in October. That might be backed by a UN resolution.

532. Mr Blair thought it unlikely that Saddam Hussein intended to allow inspectors to return. If he did, the JIC had advised that Iraq would obstruct the work of the inspectors. That could result in a material breach of the obligations imposed by the UN.

533. The Note reflected Mr Blair's own views. The proposals had not been discussed or agreed with his colleagues.

534. Sir David Manning told President Bush that Mr Blair agreed Saddam Hussein had to go, but it would be impossible for the UK to take part in any action against Iraq unless it went through the UN.

535. Mr Blair's initiative had the effect of setting the UK on a path leading to diplomatic activity in the UN and the possibility of participation in military action in a way that would make it very difficult for the UK subsequently to withdraw its support for the US.