



House of Commons
Foreign Affairs Committee

Foreign Policy Aspects of the War against Terrorism

Tenth Report of Session 2002–03



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*Report, together with formal minutes, oral and
written evidence*

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The Foreign Affairs Committee

The Foreign Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Office of the Foreign and Commonwealth Office and its associated public bodies.

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Conclusions and recommendations

1. We conclude that during January and February, it became increasingly clear that although they were making some progress, the weapons inspectors were not able to produce immediate and conclusive answers to questions about whether Iraq was co-operating immediately, actively and unconditionally with the inspectors, or about whether it was concealing prohibited weapons or weapons programmes. (Paragraph 21)
2. We conclude that by mid-February, some three months after the passage of UNSCR 1441, the Security Council had not been given any compelling evidence by UNMOVIC or the IAEA of Iraq's development of weapons of mass destruction. Information about Iraq's alleged development of prohibited weapons had been produced by the United States, the United Kingdom and some independent sources, but the weapons inspectors had not verified whether the allegations were true. In the case of uranium from Niger, they had verified that intelligence provided by at least one government source had proved false. (Paragraph 43)
3. We conclude that Iraq's co-operation with weapons inspectors was limited and insufficient, but that UNMOVIC and the IAEA were reporting improvements in Iraqi co-operation, and some evidence of actual disarmament by Iraq, by early March 2003. (Paragraph 49)
4. We conclude that, according to the timetable for UN weapons inspections agreed by the United Kingdom and other Security Council members in 1999, it would have taken inspectors longer to build up capacity and make clear judgements about Iraqi prohibited weapons and weapons programmes than they were permitted before the war in Iraq commenced. (Paragraph 55)
5. We conclude that it would have been highly desirable to obtain a further Security Council resolution before taking military action in Iraq. (Paragraph 75)
6. We further conclude that seeking a Security Council resolution and then failing to secure its adoption in the Council highlighted the profound disagreements that had emerged between its members by late February 2003. (Paragraph 76)
7. We note the Foreign Secretary's comment that the United Kingdom tends "not to put forward resolutions with the idea that they will be repudiated", and recommend that the Government in its response to this Report state whether the failure to secure a 'second resolution' on Iraq in February 2003 should have been anticipated. (Paragraph 77)
8. We conclude that the divisions that emerged among Security Council members between January and March 2003 over how to deal with the threat from Iraq are likely to have been a consequence of genuinely different assessments of the nature and extent of that threat. (Paragraph 82)

9. We conclude that the disagreements that surfaced within the EU over Iraq have raised serious questions about EU member states' capacities to resolve differences over matters of foreign policy and of the feasibility of a CFSP on matters of controversy among the members of the EU. (Paragraph 105)
10. We conclude that it is now more important than ever for the United Kingdom to work with partners in the European Union and the United States, and to demonstrate that there is no need to choose between these valued and long-standing partners. (Paragraph 106)
11. We conclude that relations between member states of NATO have been severely strained by the Iraq crisis. We are, however, encouraged by recent initiatives to develop new roles for NATO in the prosecuting the 'war against terrorism'. We recommend that the Government persist in its efforts to restore good relations among Alliance members, and to push for implementation of the important initiatives agreed at Prague in November 2002. (Paragraph 112)
12. We commend the British armed forces and their coalition allies for securing Iraq's oil fields and installations, and for protecting some government buildings in the capital. (Paragraph 128)
13. We recognise that a breakdown of law and order immediately following the fall of the regime was highly probable. We conclude, however, that the failure of the coalition to restore order more quickly was deeply regrettable, and hindered progress towards one of the central objectives of the intervention: to improve the lives of ordinary Iraqis. (Paragraph 129)
14. We recommend that the Government consider carefully the lessons from the immediate post-conflict period in Iraq, and specifically from the tragic deaths of the six Royal Military Police, who were killed in the village of Majar al-Kabir on 24 June. We further recommend that the Government consider whether the United Kingdom should further develop its capacity for post-conflict civil policing, and should encourage its allies to do likewise. (Paragraph 130)
15. We recommend that the Government now do its utmost, together with its partners in the Coalition, to ensure that the Coalition Provisional Authority maintains consistent policies and establishes transparent measures for the governance of Iraq, until more permanent Iraqi structures are created. (Paragraph 145)
16. We welcome the adoption by the UN Security Council of Resolution 1483, which permits the United States and United Kingdom to play a substantial role in the establishment of a transitional administration run by Iraqis. We recommend that, in its response to this Report, the Government supply us with a full statement of how, with partners in the US, it is discharging its responsibilities as set out in Security Council resolution 1483. (Paragraph 152)
17. We recommend that, in the rebuilding of Iraq, the Government maintain contact with, and—where possible—learn lessons from UN officials who have administered post-conflict reconstruction and peace-building, operations comparable to those currently being undertaken in Iraq. (Paragraph 154)

18. We commend the Government for its rapid establishment of a British Office in Iraq, and also for the appointment of a Special Representative to assist in political processes leading to the establishment of an Iraqi representative government. (Paragraph 157)
19. We commend the Government for its initiative in creating a 'flat pack embassy'. We recommend that the FCO supply us with a memorandum when the flat pack embassy is fully assembled, setting out how it has performed in its deployment to Iraq. (Paragraph 159)
20. We conclude that the level of resentment of the new US and United Kingdom presence in Iraq may well depend on the success or otherwise of efforts to improve the lives of Iraqi people and progress in the Middle East peace process. We therefore strongly recommend that the Government make a sustained commitment to the reconstruction of Iraq. (Paragraph 164)
21. We welcome the capture of a number of senior al Qaeda figures, in particular Khalid Sheikh Mohamed, Abu Zubaydah and Ali Abd al-Rahman al-Faqasi al-Ghamdi. We nonetheless conclude that those that remain at large—including Osama bin Laden—retain the capacity to lead and guide the organisation towards further atrocities. We further conclude that al Qaeda has dangerously large numbers of 'foot soldiers', and has demonstrated an alarming capacity to regenerate itself. (Paragraph 172)
22. We recommend that in its response to this Report the FCO set out its understanding of the extent to which the war in Iraq may have affected the fight against al Qaeda and associated terrorist organisations. (Paragraph 180)
23. We recommend that, in its response to this Report, the Government supply us with a memorandum detailing progress made by the United Kingdom's Provincial Reconstruction Team in Afghanistan. (Paragraph 182)
24. We conclude that Afghanistan, and now Iraq, demonstrate the profound difficulties inherent in post-conflict stabilisation and reconstruction operations. We conclude that the success of both operations is of central importance to the success of the 'war against terrorism'. We recommend that, in addition to devoting substantial resources to these specific operations, the Government review its overall capacity for post-conflict reconstruction and peace-building. (Paragraph 184)
25. We agree with Sir Jeremy Greenstock's assertion that no country can prevent terrorism in isolation. We recommend that the Government consider carefully Sir Jeremy's suggestion that the Counter-Terrorism Committee develop into a full-time body of terrorism experts, capable of providing support to member states over an extended period of time. (Paragraph 190)
26. We remain concerned that al Qaeda and associated organisations retain access to the funds necessary to carry out terror attacks. We recommend that the Government continue to sponsor projects to assist other states in their efforts to prevent terrorists from transferring and accessing funds, through the banking system and through charities—especially with states in the Arab world. We recommend that the

Government in its response to this Report provide us with an update of its action in this crucial area. (Paragraph 195)

27. We conclude that, in spite of some notable progress, al Qaeda continues to pose a substantial threat to British citizens in the United Kingdom and abroad. (Paragraph 197)
28. We commend the FCO's decision to increase staffing levels in the Counter-Terrorism Policy Department and the Consular Department, and recommend that the levels currently agreed are kept under review. (Paragraph 204)
29. We recommend that the Government inform us when the twenty-four hour situation centre in the FCO is up and running. (Paragraph 207)
30. We recommend that, in its response to this Report, the Government detail the FCO's progress towards ensuring that British citizens affected by terrorist attacks or other emergencies abroad will have access to adequate medical support, and how the FCO will ensure that they can be evacuated from the country in question. We further recommend that the FCO, in its response to this Report, describe how call centres will be established during emergencies to help inform concerned friends and relatives of the crisis situation. (Paragraph 208)
31. We conclude that the resolution of the Israeli-Palestinian conflict continues to be of central importance to the long term stabilisation of the Middle East region. We commend the Government's commitment to resolution of the conflict, and recommend that it persist in its commitment to implementation of the Quartet's Road Map. (Paragraph 216)
32. We recommend that the Government set out in its response to this Report progress on the promotion of human rights and civil society in the Arab world, and describe how its promotion of these objectives will be co-ordinated with its efforts to promote good governance in Iraq. (Paragraph 219)
33. We recommend that the Government inform this Committee, and likewise the House, of any new developments in United States nuclear weapons policy. (Paragraph 223)
34. We recommend that the Government inform us of any developments in its policy towards amending the status of incapacitants or calmativ agents under the Chemical Weapons Convention. (Paragraph 226)
35. We conclude that the restoration of good relations between allies—both bilaterally and in multilateral organisations—is important for the security of the United Kingdom, and for the success of the war against terrorism. (Paragraph 234)
36. We further conclude that it is in the interests of the United States and the United Kingdom to restore the effective functioning of the UN Security Council. We note that the United Kingdom has traditionally played an important role, often working alongside the US, in securing agreement in the Council; we conclude that careful and effective use of Security Council membership is especially crucial at this moment in the UN's history. (Paragraph 235)

37. We conclude that the Government must work with allies in NATO and the EU to ensure that these institutions evolve to meet new political opportunities and threats. Rebuilding relations with France is also extremely important. (Paragraph 236)
38. We reiterate our concerns, raised in December 2002, that British citizens are being held without trial at Guantánamo Bay, and recommend again that the Government press the US towards trial of all the detainees in accordance with international law. (Paragraph 244)
39. We recommend that the Government press the US to ensure that the forthcoming trials of the two British citizens detained at Guantánamo are conducted according to internationally recognised judicial standards and that, if sanctioned by the Crown Prosecution Service, those trials should take place in the United Kingdom. (Paragraph 246)
40. We conclude that in a number of areas—including ensuring the fair trial of prisoners detained at Guantánamo Bay—the Government must ensure that its close relationship with the US administration brings substantive benefits to the United Kingdom and its citizens. (Paragraph 247)
41. On 2 April, in response to questions about Rumsfeld’s comments, the Foreign Secretary replied that Britain would have “nothing whatever” to do with military action against Iran and Syria. We commend the position that the Foreign Secretary has taken in the present circumstances. (Paragraph 250)
42. We welcome the Government’s engagement, bilaterally and through multilateral initiatives, in efforts to resolve the crisis over North Korea. (Paragraph 253)
43. We commend the Government’s decision to provide substantial funds in support of the G8 Global Partnership for co-operative threat reduction, and welcome the agreement signed with the Russian Federation on 26 June regarding United Kingdom involvement in the disposal of Russian nuclear materials. (Paragraph 255)
44. We recommend that the Government consider carefully how it might control the proliferation of weapons of mass destruction through the internet. (Paragraph 256)
45. We welcome the outcome of the May 2003 Chemical Weapons Conference on challenge inspection, and recommend that the Government in its response to this Report provide us with an update on progress in implementing the measures agreed at this Conference. (Paragraph 257)
46. We recommend that the Government set out in detail the lessons that can be learnt from the experience of UN weapons inspections in Iraq for the future monitoring and verification of suspected biological weapons programmes. (Paragraph 259)
47. We recommend that the Government do its utmost to ensure that international co-operation to combat the proliferation of biological weapons is reinvigorated at the August 2003 Biological Weapons Convention Review Conference. (Paragraph 262)
48. The Government’s comments on non-proliferation reflect the complexity of security threats which face the United Kingdom, almost two years after the beginning of the

'war against terrorism'. We cannot conclude that these threats have diminished significantly, in spite of 'regime change' in Iraq and progress in capturing some of the leaders of al Qaeda. In the wake of the Iraq war, we recommend that the Government make it a priority to work towards restoring the cohesion of the United Kingdom's international partnerships, better to face the daunting challenges of the continuing 'war against terrorism'. (Paragraph 264)

Introduction

1. This is the third Report of the Foreign Affairs Committee in its Inquiry into the ‘Foreign Policy Aspects of the War against Terrorism’. The Inquiry began soon after the terrorist attacks of 11 September 2001, which resulted in the deaths of almost three thousand civilians. In recognition of the seriousness of the attacks, of the transformation they wrought on US and United Kingdom foreign policy, and of the ongoing war on terror, this Inquiry is a continuing one.

2. Our first Report on this subject, published in June 2002, set out the Government’s immediate response to the terrorist attacks and its role in mobilising a broad international coalition, in the United Nations and elsewhere, to address the terrorist threat. We examined Britain’s role in the overthrow of the Taliban in Afghanistan, and in the subsequent establishment of a new government in that war-torn country. Our Report also described the emergence of a heated debate, within this country and across the Atlantic, about how best to proceed against the terrorist threat. The relevance of the conflict in the Middle East, and the Iraqi regime’s development of weapons of mass destruction, were discussed at some length.

3. We published a second Report on the ‘War against Terrorism’ in December 2002. In that Report, we provided further analysis of international efforts to dismantle the al Qaeda network. We looked in detail at a number of aspects of US foreign policy, as set out in the US Government’s National Security Strategy, and examined in particular their legal implications. The question of Iraq’s continued defiance of UN Security Council resolutions—and the response of the US and United Kingdom governments to this defiance—also featured prominently in our Report.

4. In the conclusion to our first Report on the ‘Foreign Policy Aspects of the War against Terrorism’, we predicted that the military aspect of the ‘war against terrorism’ was “likely to be long and may spread beyond Afghanistan.”¹ On 19 March 2003, the United States, with strong backing from the United Kingdom, initiated military action against the Iraqi regime.

5. The war in Iraq ended 24 years of oppressive rule by Saddam Hussein. It also changed the international environment in which the ‘war against terrorism’ is being fought. In this Report, we examine the diplomatic initiatives of early 2003, which preceded the decision by the US and its coalition partners to initiate military action. We look at the consequences of the war for Iraq, for the wider Middle East region, and for the United States, the United Kingdom and their traditional allies. In another Report, published on 7 July, we have examined in detail the Government’s decision to go to war in Iraq, focusing on the information provided by the Government to Parliament and the public.²

6. Military action against states is only one aspect of the war against terrorism: the Iraq war, which has dominated international attention for much of this year, has been fought in

1 Second Report from the Foreign Affairs Committee, Session 2002–03, *Foreign Policy Aspects of the War against Terrorism*, HC 196, para 240

2 Ninth Report from the Foreign Affairs Committee, Session 2002–03, *The Decision to go to War in Iraq*, HC 813–I

parallel with another, largely invisible war against al Qaeda and associated terrorist organisations. In this Report, we examine the state of the al Qaeda network. We also analyse progress since December 2002 towards disabling al Qaeda, disrupting its funding, and apprehending its senior operatives and planners. Though these measures to counter terrorism have succeeded to some extent, the terrorist attacks perpetrated in Riyadh and Casablanca in early May 2003 were a stark reminder that al Qaeda and its associate organisations continue to pose a major threat to the United Kingdom's interests and citizens, both at home and abroad.

7. Our understanding of the fight against al Qaeda was enhanced considerably by the analysis of two prominent experts on terrorism, Professor Paul Wilkinson and Ms Jane Corbin, who gave oral evidence in early June. We also heard from Ms Corbin and Mr Fergal Keane on their recent visits to post-war Iraq. We are grateful to these witnesses for providing us with invaluable information and analysis.

8. In our December 2002 Report, we noted that "the relationship between the Government and the Bush administration is of central importance to any Inquiry into this subject". We examine further developments in the transatlantic relationship in this Report. In March 2003, we visited Brussels, and discussed matters arising from the Iraq crisis with a number of officials at NATO and the EU, including Lord Roberson and High Representative Javier Solana. In April 2003, we visited the UN in New York and met with the Secretary-General, UN officials, and representatives of the Security Council and other member states. We then proceeded to Washington DC, where we had a series of informative discussions with senior Bush administration officials, independent commentators, and colleagues on Capitol Hill. In May, we visited Paris, and held a series of meetings with Foreign Minister Dominique de Villepin and a number of other colleagues. We are grateful to those who gave us their time and confidence during these visits; they provided us with important information and analysis as we proceeded with our Inquiry.

9. In recognition of the importance of Iran in the Middle East region, and in prosecuting the war against terrorism, we had also planned to visit Tehran, Isfahan and Mashad during March 2003. We took evidence from Dr Ali Ansari, Dr Gary Samore, Steve Crawshaw and Ms Elahe Sharifpour-Hicks on Iran in February 2003. Unfortunately because of the deepening crisis in the region we were unable to go ahead with our visit to Iran in March. We are, however, most grateful to the Iranian authorities for their assistance in arranging this visit, and look forward to undertaking the visit to Iran later this year.

January-June 2003: addressing the threat from Iraq

10. In January 2002, President Bush warned that Iran, Iraq and North Korea “constitute an axis of evil, arming to threaten the peace of the world.” He claimed that these states have terrorist allies, and that they could arm terrorists with weapons of mass destruction “giving them the means to match their hatred.” Iran, Iraq and North Korea “could attack our allies or attempt to blackmail the United States. In any of these cases, the price of indifference would be catastrophic.”³ US policy towards these states was subsequently tied clearly to its “war against terrorism”; and from early in 2002, it was clear that Iraq would be the main focus of US attention and concern.

January–March 2003: the debate over Iraq in the UN Security Council

11. Throughout 2002, the US and United Kingdom steadily increased pressure on the Iraqi government to comply with disarmament obligations, set out by the United Nations Security Council after the 1991 Gulf War. Both governments believed that Iraq was developing prohibited weapons. In a dossier published by the Government in September 2002, the Prime Minister stated that

the assessed intelligence has established beyond doubt ... that Saddam has continued to produce chemical and biological weapons, that he continues in his efforts to develop nuclear weapons, and that he has been able to extend the range of his ballistic missile programme.⁴

12. Also in September 2002, in his address to the General Assembly of the United Nations, President Bush reiterated his belief that “Saddam Hussein’s regime is a grave and gathering danger.” He then called for the enforcement of Security Council resolutions relating to Iraq, promising that the United States would “work with the UN Security Council to meet our common challenge. If Iraq’s regime defies us again, the world must move deliberately, decisively to hold Iraq to account”.⁵

13. President Bush’s September 2002 UN speech initiated eight weeks of “intensive negotiations” in the Security Council over how to disarm Iraq.⁶ In our last report, we detailed these negotiations, which led up to the unanimous adoption by the Security Council of Resolution 1441, on 8 November 2002. In UNSCR 1441, the Council asserted that Iraq remained “in material breach of its obligations under relevant resolutions ... in particular though [its] failure to cooperate with the United Nations inspectors and the IAEA”, and to disarm according to its obligations in UNSCR 687 (1991).

3 President Delivers State of the Union Address, 29 January 2002, available at: <http://www.whitehouse.gov/news/releases/2002/01/20020129-11.html>

4 Foreword by the Prime Minister, the Right Honourable Tony Blair MP, ‘Iraq’s weapons of mass destruction: the assessment of the British Government’, September 2002

5 President Bush’s remarks at the United Nations General Assembly, New York, 12 September 2002, available at: <http://www.whitehouse.gov/news/releases>

6 HC Deb, 7 November 2002, col 431

14. The text afforded Iraq a final opportunity to comply with its disarmament obligations, established a reinforced UN weapons inspections regime (employing the UN Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency, (IAEA)), and set out specific obligations which Iraq must fulfil—including “immediate, unimpeded, unconditional, and unrestricted access” to all areas in Iraq and to all officials and other persons whom UNMOVIC or the IAEA wish to interview. Without co-operation in these areas, Iraq would be judged to be in further material breach of Security Council resolutions, and would “face serious consequences as a result of its continued violations of its obligations.”⁷

The weapons inspections process

15. When we made our last Report, the UN weapons inspectors had recently begun their operations inside Iraq. Security Council Resolution 1441 required the Government of Iraq to submit a “currently accurate, full, and complete declaration of all aspects” of its weapons programmes and delivery systems, and Iraq had delivered its declaration—a 12,000 page document—on 7 December 2002. Analysis of this document was under way when we published our December 2002 Report.

16. On 19 December, the chairman of UNMOVIC, Dr Hans Blix, provided the first of a series of briefings to the Security Council on Iraq’s declaration. On 9 and 27 January and on 14 February, Hans Blix provided the Security Council with further analyses of Iraq’s declaration and UNMOVIC’s inspection activities, as required by Security Council resolution 1441. Dr Mohamed ElBaradei, Executive Chairman of the International Atomic Energy Agency (IAEA), also briefed the Council on inspections regarding Iraqi attempts to develop nuclear weapons.

17. The inspectors’ reports, and Security Council members’ responses to them, focused quite substantially on whether or not Iraq was co-operating with the weapons inspectors. On this, the briefings were inconclusive. On 27 January, Dr Blix distinguished between co-operation on process and co-operation on substance. He noted that “Iraq has decided in principle to provide cooperation on process, notably access ... access has been provided to all sites we have wanted to inspect and with one exception it has been prompt”.⁸

Dr ElBaradei similarly noted that “the Iraqi authorities have provided access to all facilities visited—including presidential compounds and private residences—without conditions and without delay.”⁹

18. On substance, however, Dr Blix noted that Iraq’s weapons declaration, “most of which is a reprint of earlier documents, does not seem to contain any new evidence that would eliminate the questions [regarding Iraq’s weapons programme] or reduce their number”. He discussed possible efforts by the Iraqi government of concealment of incriminating

7 UN Security Council 1441 (2002), available at: <http://www.un.org/Docs/scres/2002/sc2002.htm>

8 Hans Blix, update on inspection to the Security Council, 27 January 2003, available at: <http://un.org/depts/unmovic/index.htm>

9 ‘The Status of Nuclear Inspections in Iraq’ by IAEA Director General Dr. Mohamed ElBaradei, 27 January 2003, available at: <http://www.iaea.org/worldatom/Press/Statements/2003/ebsp2003n003.shtml>

documents, found in the private home of an Iraqi scientist.¹⁰ He outlined issues relating to possible chemical, biological and missile programmes, and argued that “some of [these] disarmament issues ... remain open and ... need to be answered if dossiers are to be closed and confidence is to arise.” Dr ElBaradei told the Council that the IAEA had emphasized in recent discussions with Iraq

the need to shift from passive support—that is, responding as needed to inspectors’ requests—to proactive support—that is, voluntarily assisting inspectors by providing documentation, people and other evidence that will assist in filling in the remaining gaps in our information.¹¹

19. On 14 February, Dr Blix’s presentation to the Council was similarly inconclusive. On process, the Iraqis had continued to co-operate. UNMOVIC had not found any prohibited chemical, biological or nuclear weapons, “only a small number of empty chemical munitions, which should have been declared and destroyed.” Inspectors had, however, found that “two declared variants of the Al Samoud 2 missile were capable of exceeding 150 kilometres in range”—a breach of Security Council Resolution 687 (1991). Dr Blix also complained that “many proscribed weapons and items are not accounted for ... One must not jump to the conclusion that they exist. However, that possibility is also not excluded”. He also stated that the “declaration submitted by Iraq on 7 December last year, despite its large volume, missed the opportunity to provide the fresh material and evidence needed to respond to the open questions”. Dr Blix also discussed interviews with Iraqi scientists. He reported that “So far, we have only had interviews in Baghdad. A number of persons have declined to be interviewed, unless they were allowed to have an official present or were allowed to tape the interview... I hope this will change. We feel that interviews conducted without any third party present and without tape recording would provide the greatest credibility.”¹²

20. On the same occasion, Dr ElBaradei told the Council that IAEA inspectors had “to date found no evidence of ongoing prohibited nuclear or nuclear-related activities in Iraq”, although “a number of issues are still under investigation and we are not yet in a position to reach a conclusion about them, although we are moving forward with regard to some of them”. Dr ElBaradei continued:

The IAEA’s experience in nuclear verification shows that it is possible, particularly with an intrusive verification system, to assess the presence or absence of a nuclear weapons programme in a State even without the full co-operation of the inspected state. However, prompt, full and active co-operation by Iraq, as required under resolution 1441, will speed up the process ... It is my hope that the commitments

10 Dr Blix stated that: “The recent inspection find in the private home of a scientist of a box of some 3,000 pages of documents, much of it relating to the laser enrichment of uranium support a concern that has long existed that documents might be distributed to the homes of private individuals ... Any further sign of the concealment of documents would be serious.”

11 ‘The Status of Nuclear Inspections in Iraq’ by IAEA Director General Dr. Mohamed ElBaradei, 27 January 2003, available at: <http://www.iaea.org/worldatom/Press/Statements/2003/ebsp2003n003.shtml>

12 Hans Blix, Report to the Security Council, 14 February 2003, available at: <http://un.org/depts/unmovic/index.htm>

made recently in Baghdad [regarding increased co-operation] will continue to translate into concrete and sustained action.¹³

21. We conclude that during January and February, it became increasingly clear that although they were making some progress, the weapons inspectors were not able to produce immediate and conclusive answers to questions about whether Iraq was co-operating immediately, actively and unconditionally with the inspectors, or about whether it was concealing prohibited weapons or weapons programmes.

Reactions in the Security Council to the UN weapons inspections process

22. Even by mid-January, the limited consensus over how to deal with Iraq, established in the Security Council in late 2002, was breaking down.

23. The United States appeared to have very limited patience with the weapons inspections process. On 14 January, President Bush was asked for his reaction to reports that the inspectors might need until at least March to be able to verify Iraq's compliance with successive Security Council Resolutions. He replied that "Time is running out on Saddam Hussein. He must disarm. I'm sick and tired of games and deception. And that's my view of timetables."¹⁴

24. In contrast, France and Germany were critical of suggestions that it might be time to take military action against Iraq. On 21 January, in a celebration to mark the fortieth anniversary of the Elysée Treaty, President Chirac said that "War is always a proof of failure and the worst of solutions, so everything must be done to avoid it."¹⁵

25. These differences between states over how to proceed against the Iraqi government intensified during February, as the inspections process continued inside Iraq.

The response of the United States, United Kingdom and Spain

26. The United States, the United Kingdom and Spain argued that with less than complete co-operation by Iraq, the UN weapons inspectors would be unable to identify Iraq's weapons of mass destruction and disarm Iraq. On 21 January, Secretary of State Colin Powell said that "unless we see [substantial] change in attitude on the part of Iraq ... [UN weapons] Inspections will not work."¹⁶ On 5 February, the Foreign Secretary told the Security Council that

13 'The Status of Nuclear Inspections in Iraq' by IAEA Director General Dr. Mohamed ElBaradei, 14 February 2003, available at: <http://www.iaea.org/worldatom/Press/Statements/2003/ebsp2003n005.shtml>

14 'President Bush discusses Iraq', White House Press Office, 14 January 2003. Available at: <http://www.whitehouse.gov/news/releases/2003/01/20030114-2.html>

15 'Diplomatic rift over Iraq', BBC news, available at: <http://news.bbc.co.uk/1/hi/world/europe/2684953.stm>

16 US Secretary of State, interview with regional journalists, 21 January 2003, available at: <http://www.state.gov/secretary/rm/2003/16794.htm>

without that full and active co-operation, however strong the inspectors' powers, however good the inspectors, inspections in a country as huge as Iraq could never be sure of finding all Iraqi weapons of mass destruction.¹⁷

27. The United States and the United Kingdom stated that by 5 February, Iraq was in “further material breach” of its obligations as set out in Security Council resolution 1441. The Spanish foreign Minister, Ana Palacio, stated that Iraq was acting in “flagrant violation of the obligations established in resolution 1441.”¹⁸

28. The Foreign Secretary recalled that “Paragraph 4 of 1441 ... set two clear tests for a further material breach by Iraq. First that Iraq must not make ‘false statements’ or ‘omissions’ in its [weapons] declaration”, and “second ... that a ‘failure by Iraq at any time to comply with, and to co-operate fully in the implementation’ of Resolution 1441” would constitute “further material breach”. The Foreign Secretary argued that the Iraqi declaration of 7 December “was neither full, nor accurate, nor complete. And by anyone’s definition, it was a ‘false statement’. Its central premise—that Iraq possesses no weapons of mass destruction—is a lie”. The Foreign Secretary also argued that the inspectors’ reports

have confirmed ... that Iraq has no intention of relinquishing its weapons of mass destruction, no intention of following the path of peaceful disarmament set out in Security Council Resolution 1441. Instead of open admissions and transparency, we have a charade, where a veneer of superficial co-operation masks wilful concealment.¹⁹

The Spanish foreign minister likewise stated that “There is only one explanation for the lack of co-operation by Saddam Hussein’s regime with the work of verifying his programmes of weapons of mass destruction: the Saddam Hussein has not renounced his plan to use such weapons as he has undoubtedly used them in the past.”²⁰

29. On 14 February, the Foreign Secretary reiterated the Government’s belief that Iraq had not complied “fully and actively” with Resolution 1441. He told the Security Council that when Resolution 1441 was adopted, “the issue was not whether Iraq had [weapons of mass destruction], but whether Iraq was actively co-operating to get rid of them.” The Foreign Secretary recalled that under the previous inspections regime, it had taken “the defection of Saddam’s own son-in-law to uncover Saddam’s biological weapons programme.”²¹

30. In the Foreign Secretary’s view, the “most significant point made by Dr. Blix” on 14 February

was his closing remarks when he said, ‘Three months after the adoption of Resolution 1441, the period of disarmament through inspection could still be short if

17 Foreign Secretary’s Statement at the UN Security Council, 5 February 2003, reproduced in ‘Iraq’, Cm 5769, February 2003

18 Security Council 4701st meeting, 5 February 2003, provisional verbatim report S/PV.4701, available at: <http://ods-dds-ny.un.org/doc/UNDOC/PRO/N03/236/00/PDF/N0323600.pdf?OpenElement>

19 Foreign Secretary’s Statement at the UN Security Council, 5 February 2003, reproduced in ‘Iraq’, Cm 5769, February 2003

20 Security Council 4701st meeting, 5 February 2003, provisional verbatim report S/PV.4701, available at: <http://ods-dds-ny.un.org/doc/UNDOC/PRO/N03/236/00/PDF/N0323600.pdf?OpenElement>

21 Foreign Secretary’s Statement at the UN Security Council, 14 February 2003, reproduced in ‘Iraq’, Cm 5769, February 2003

the immediate, active and unconditional cooperation with UNMOVIC and the IAEA were to be forthcoming.’

The Foreign Secretary argued that “those words ... mean that Iraq has yet to be forthcoming with that immediate, active and unconditional cooperation,”²² and hence that it was in further material breach of 1441. This, he argued, would justify the use of force, because

if we decide to give unlimited time for little or no cooperation on substance, then the disarmament of Iraq and the peace and security of the international community, for which we are responsible, will not get any easier, but very much harder.

The issue under discussion by the Council was “not just about Iraq, it’s how we deal with proliferators elsewhere across the globe.”²³

31. The United States and United Kingdom also initiated their own efforts “to support the core assessments made by Dr. Blix and Dr. ElBaradei,”²⁴ and to demonstrate that Iraq was concealing an illicit weapons of mass destruction programme. On 3 February, the Government published a dossier entitled ‘Iraq: its infrastructure of concealment, deception and intimidation’, which outlined how Iraq sought to evade the investigations of UN weapons inspectors. This effort to make the case against Iraq backfired on 7 February, when the press reported that parts of the dossier were copied from public sources, rather than government intelligence; we have examined this issue at greater length in our Report on “The Decision to go to War in Iraq.”²⁵

32. On 5 February, US Secretary of State Colin Powell made a presentation to the UN Security Council, “to support the core assessments made by Dr. Blix and Dr. ElBaradei” and

to provide [the Council] with additional information, to share ... what the United States knows about Iraq’s weapons of mass destruction, as well as Iraq’s involvement in terrorism, which is also the subject of Resolution 1441 and other earlier resolutions.²⁶

33. In his presentation, Secretary Powell alleged that Iraqi government officials were concealing forbidden weapons from UN inspectors:

Everything we have seen and heard indicates that instead of cooperating actively with the inspectors to ensure the success of their mission, Saddam Hussein and his regime are busy doing all they possibly can to ensure that inspectors succeed in finding absolutely nothing.

22 Foreign Secretary’s Statement at the UN Security Council, 14 February 2003, reproduced in ‘Iraq’, Cm 5769, February 2003

23 *Ibid*

24 US Secretary of State, remarks to the Security Council, 5 February 2003, available at: <http://www.state.gov/secretary/rm/2003/17300pf.htm>

25 Ninth Report from the Foreign Affairs Committee, Session 2002–03, The Decision to go to War in Iraq, HC 813–I

26 US Secretary of State, remarks to the Security Council, 5 February 2003, available at: <http://www.state.gov/secretary/rm/2003/17300pf.htm>

Powell argued that human sources and satellite images “tell us that the Iraqis are moving not just documents and hard drives, but weapons of mass destruction, to keep them from being found by inspectors”. Detailed allegations were made about Iraq’s concealment of chemical and biological weapons, and forbidden attempts to develop ballistic missile systems, unmanned vehicles and nuclear weapons. Secretary Powell also warned the Council of a “sinister nexus between Iraq and the al Qaeda terrorist network, a nexus that combines classic terrorist organizations and modern methods of murder.” The Iraqi regime, he argued, “today harbours a deadly terrorist network headed by Abu Musab al-Zarqawi, an associate and collaborator of Osama bin Laden and his al Qaeda lieutenants”.²⁷

34. By mid-February, the Government and the United States were asserting that Iraq possessed weapons of mass destruction, but were arguing strongly that the UN weapons inspectors would be unable to monitor and verify Iraq’s weapons of mass destruction without a substantially increased level of co-operation by the Iraqi government. They argued that UNMOVIC were not meant to be detectives but to report on the nature of co-operation.

The response of France, Germany and Russia

35. France led opposition to the US and United Kingdom in the Security Council, though Germany and Russia remained highly sceptical of the case for early military action. Their scepticism rested on three questions: whether Iraq posed an immediate, pressing threat to international peace and security; whether weapons inspectors were producing results, but needed more time to make judgements about Iraq’s weapons programmes; and whether the threats posed by inaction were greater than the threat of action against Iraq.

36. The first question, concerning the threat currently posed by Iraq, was not answered by weapons inspectors in the period before war broke out in March. On 14 February, UNMOVIC had performed more than 400 inspections in Iraq covering more than 300 sites. Dr Blix reported that “inspections were performed without notice, and access was almost always provided promptly.” UNMOVIC had

obtained a good knowledge of the industrial and scientific landscape of Iraq, as well as of its missile capability ... Inspections are effectively helping to bridge the gap in knowledge that arose due to the absence of inspections between December 1998 and November 2002.²⁸

At this stage, Dr Blix asked “How much, if any, is left of Iraq’s weapons of mass destruction and related proscribed items and programmes?” UNMOVIC had, by mid-February, “not found any such weapons, only a small number of empty chemical munitions, which should have been declared and destroyed.” The inspections process was not over, because “many proscribed weapons and items are not accounted for.” However, “One must not jump to the conclusion that they exist [although] that possibility is also not excluded.”²⁹

27 Secretary Colin L. Powell, Remarks to the United Nations Security Council, New York City 5 February 2003, available at: <http://www.state.gov/secretary/rm/2003/17300.htm>

28 Hans Blix, Report to the Security Council, 14 February 2003, available at: <http://un.org/depts/unmovic/index.htm>

29 *Ibid*

37. By mid-February, then, the evidence that Iraq—through its development of illegal weapons programmes, and through sponsorship of terrorists—posed a threat to international peace and security was derived from intelligence, much of which was provided by the United States and United Kingdom, and from predecessor UN inspectors' reports.³⁰ Some of the weapons inspectors' comments about the intelligence material may have caused other Security Council members to doubt its reliability.

38. In his briefing of 14 February, Dr Blix acknowledged the importance to UNMOVIC of intelligence provided by governments to assist in the inspections process:

an international organization authorized to perform inspections anywhere on the ground could make good use of information obtained from governments with eyes in the sky, ears in the ether, access to defectors, and both eyes and ears on the market for weapons-related material.

He further acknowledged that “UNMOVIC has achieved good working relations with intelligence agencies and the amount of information provided has been gradually increasing.”³¹

39. Dr Blix then went on to say, however, that “we must recognize that there are limitations and that misinterpretations can occur.” Although intelligence material had, “in one case ... led us to a private home where documents mainly relating to laser enrichment of uranium were found”, in other cases it had “led to sites where no proscribed items were found”—although it had been

useful in proving the absence of such items and in some cases the presence of other items—conventional munitions. It showed that conventional arms are being moved around the country and that movements are not necessarily related to weapons of mass destruction.³²

Government intelligence regarding suspected WMD programmes had, when investigated further, been shown by UNMOVIC to reveal only permitted conventional weapons.

40. Dr Blix made one comment about US Secretary of State Colin Powell's 5 February presentation to the Security Council. Secretary Powell had suggested that Iraq had prepared for inspections by cleaning up sites, and removing evidence of proscribed weapons programmes. Dr Blix commented on one case, in which US analysts had identified what they claimed to be the suspicious movement of trucks for chemical decontamination at a munitions depot. UNMOVIC was familiar with this particular site, as it was a declared site, and “was certainly one of the sites Iraq would have expected us to inspect.” Dr Blix argued that the movements of trucks declared by the US to be suspicious

30 See, for example, Iraq's Weapons of Mass Destruction: the assessment of the British Government, September 2002, p 5

31 Hans Blix, Report to the Security Council, 14 February 2003, available at: <http://un.org/depts/unmovic/index.htm>

32 *Ibid*

were taken several weeks apart. The reported movement of munitions at the site could just as easily have been a routine activity as a movement of proscribed munitions in anticipation of imminent inspection.³³

41. The IAEA also questioned allegations by the United States and the United Kingdom that Iraq had sought to purchase “yellow cake” from Niger. On March 7, Dr. Mohammed ElBaradei told the UN Security Council that the Niger documents were forgeries.

Based on thorough analysis, the IAEA has concluded, with the concurrence of outside experts, that these documents—which formed the basis for reports of recent uranium transactions between Iraq and Niger—are in fact not authentic. We have therefore concluded that these specific allegations are unfounded.³⁴

42. Secretary Powell’s presentation to the Security Council on 5 February did not convince France of the need to take military action against Iraq. Russia, too, was unconvinced of the need to take military action against Iraq. In his response, Russian Foreign Minister Igor Ivanov argued that

The information provided today by [the] US Secretary of State once again convincingly indicates the fact that the activities of the international inspectors in Iraq must be continued. They alone can provide an answer to the question to what extent is Iraq complying with the demands of the Security Council. They alone can help the Security Council work out and adopt carefully balanced, best possible decisions.³⁵

43. We conclude that by mid-February, some three months after the passage of UNSCR 1441, the Security Council had not been given any compelling evidence by UNMOVIC or the IAEA of Iraq’s development of weapons of mass destruction. Information about Iraq’s alleged development of prohibited weapons had been produced by the United States, the United Kingdom and some independent sources, but the weapons inspectors had not verified whether the allegations were true. In the case of uranium from Niger, they had verified that intelligence provided by at least one government source had proved false.

44. Regarding the second question, the United States and the United Kingdom had argued that the Iraqis were not co-operating, and that therefore the inspections would fail. France’s response to this—given that, in their view, the regime was producing results was—that inspections must be given more time and greater capacity. On 5 February, Dominique de Villepin, the French Foreign Minister, argued that “there still exists an unused space in resolution 1441”, and called on the Council to

move on to a new stage and further strengthen the inspections. With the choice between military intervention and an inspections regime that is inadequate for lack

33 Hans Blix, Report to the Security Council, 14 February 2003, available at: <http://un.org/depts/unmovic/index.htm>

34 ‘The Status of Nuclear Inspections in Iraq’ by IAEA Director General Dr. Mohamed ElBaradei, 7 March 2003, available at: <http://www.iaea.org/worldatom/Press/Statements/2003/ebsp2003n003.shtml>

35 Russia’s response, translation provided by PBS News, 5 February 2003, available at: http://www.pbs.org/newshour/bb/middle_east/iraq/russia_2-5.html. Another translation is available at: <http://www.rus.co.nz/press/2003/february/11-3.html>

of cooperation on Iraq's part, we must choose to strengthen decisively the means of inspection.³⁶

45. This debate brought to light an apparent difference between France, Germany and Russia on the one hand, and the United Kingdom and the United States on the other, over whether the inspections process could produce results without full co-operation by Iraq. No member of the Security Council had argued that Iraq was co-operating fully with the inspections process. On 14 February, however, the United States and the United Kingdom argued that Iraq's co-operation was so limited that the inspections process could not work. Secretary Powell argued that "Resolution 1441 was not about inspections. Let me say that again. Resolution 1441 was not about inspections. Resolution 1441 was about the disarmament of Iraq".³⁷

46. France's approach to inspections was different. Dominique de Villepin stated that while "There are those who think that inspections, in their very essence, cannot be effective at all", in his recollection the restoration of effective inspections "was the very foundation of 1441." He further stated that while "each of us wants more", the inspections are "purchasing some results". On 28 January, he again argued that "If the inspections stop working, we shall assess things together to try and determine a common position."³⁸

47. Iraqi co-operation did appear to be improving during February, and the French government used this in support of their argument that inspections should be given more time. Dr Blix distinguished between co-operation by the Iraqis on process, and co-operation on substance. Iraq had been judged to be co-operative on process since the resumption of inspections on 27 November, but there had been difficulties regarding the substance of the work. On 9 February, Dr Blix described co-operation on substance as "less good ... The experience we've had is a mixed bag".³⁹ On 7 March, however, Dr Blix commented that "after a period of somewhat reluctant co-operation, there has been an acceleration of initiatives from the Iraqi side since the end of January".⁴⁰ He told the Council that "the Iraqi side seems to have encouraged interviewees not to request the presence of Iraqi officials (so-called minders) or the taping of the interviews," although "conditions ensuring the absence of undue influences are [still] difficult to attain inside Iraq."⁴¹ Evidence submitted in our Inquiry into 'Decision to go to war in Iraq' by the former Foreign Secretary, Robin Cook, is relevant here: Mr Cook argued that UNMOVIC "did get better cooperation, process and access than we were receiving in 1998."⁴²

48. Dr Blix also indicated that disarmament was actually taking place. UNMOVIC reported that by 7 March, Iraq was destroying Al Samoud 2 missiles under UN supervision. Dr Blix commented that

36 Iraq / Address by Dominique de Villepin, Minister of Foreign Affairs, at the United Nations Security Council, New York, 5 February, 2003, available at: http://www.ambafrance-us.org/news/statmnts/2003/un_villepin020503.asp

37 Secretary Colin L Powell, Remarks to the UN Security Council, 14 February 2003, available at: <http://www.state.gov/secretary/rm/2003/17763.htm>

38 Iraq interview given by M. Dominique de Villepin, Minister of Foreign Affairs, during *Les Quatre Verités* programme on France 2 (excerpts), Paris, 28 January 2003

39 Blix and ElBaradei, Transcript of press conference in Baghdad, 9 February 2003, available at: http://www.iaea.or.at/worldatom/Prev/Focus/laealraq/pressconf_09022003.pdf

40 Hans Blix, Report to the Security Council, 7 March 2003, available at <http://un.org/depts/unmovic/index.htm>

41 *Ibid*

42 Ninth Report from the Foreign Affairs Committee, Session 2002-03, The Decision to go to War in Iraq, HC 813-III

The destruction undertaken constitutes a substantial measure of disarmament—indeed, the first since the middle of the 1990s. We are not watching the breaking of toothpicks. Lethal weapons are being destroyed.⁴³

49. We conclude that Iraq’s co-operation with weapons inspectors was limited and insufficient, but that UNMOVIC and the IAEA were reporting improvements in Iraqi co-operation, and some evidence of actual disarmament by Iraq, by early March 2003.

50. The French government argued that inspectors needed more time to make assessments. This argument was supported by the text of the Security Council resolution that had originally created UNMOVIC—a resolution which the United Kingdom had sponsored in 1999.

51. The United Kingdom acknowledged in 1999 that inspections and disarmament would constitute a long and complex procedure, and in its 1999 resolution (Security Council Resolution 1284) it set out clear timetables according to which the weapons inspectors would operate. According to Resolution 1284, UNMOVIC and the IAEA were to establish a “reinforced system of ongoing monitoring and verification”, and simultaneously draw up a work programme for the discharge of their mandates “60 days after they have both started work in Iraq”. Resolution 1284 then specifies that UNMOVIC would report “progress” on key disarmament tasks 120 days after the agreement of the work programme.⁴⁴ This initial progress report, according to the timetable of 1284, would be made at least six months after the beginning of inspections in Iraq.⁴⁵

52. In 2002, UNMOVIC inspections resumed in Iraq on 27 November. Hans Blix and Mohamed ElBaradei presented an update of their operations to the Security Council on 27 January. Dr Blix told the Council that, sixty days after the arrival of the inspectors in Iraq, UNMOVIC had 260 staff members in Iraq and the operation had managed to inspect 230 sites. By this stage, however, UNMOVIC was not yet operating throughout Iraq. On 14 February, Dr Blix reported that “We have continued to build up our capabilities”, and that UNMOVIC had

obtained a good knowledge of the scientific and industrial landscape of Iraq ... Inspections are effectively helping to bridge the gap in knowledge that arose due to the absence of inspections between December 1998 and November 2002.⁴⁶

53. On 7 March, in his presentation to the Security Council, Dr Blix referred explicitly to Resolution 1284 which “not only created UNMOVIC but continues to guide much of our

43 Hans Blix, Report to the Security Council, 7 March 2003, available at <http://un.org/depts/unmovic/index.htm>

44 See UN Security Council Resolution 1284 (1999), available at: <http://ods-dds-ny.un.org/doc/UNDOC/GEN/N99/396/09/PDF/N9939609.pdf?OpenElement>

45 According to the provisions of 1284, the Security Council would not be able to make a judgement about whether “Iraq has co-operated in all respects with UNMOVIC and the IAEA” until UNMOVIC submitted its report on progress made by Iraq in fulfilling the work programme drawn up by inspectors. UNMOVIC was asked to submit such a report 120 days after the “reinforced system of ongoing monitoring and verification” had been fully established (para 33). At the time that resolution 1284 was drafted, it was estimated that it would take UNMOVIC some time – probably several months – to establish the reinforced system of ongoing monitoring and verification (a term which means the establishment of the full range of inspections and monitoring of all sites of potential WMD interest). According to resolution 1284, then, the Security Council would not be able to offer a judgement on progress made by Iraq on fulfilling the work programme, including a judgement on the cooperation given by Iraq, until ongoing monitoring and verification had been fully established and under way for a period of 120 days.

46 Hans Blix, , Report to the Security Council, 14 February 2003, available at <http://un.org/depts/unmovic/index.htm>

work.” He stated that UNMOVIC’s work programme would be ready for submission to the Security Council in March, as required by the timetable set out in Resolution 1284. According to the timetable of 1284, UNMOVIC’s work programme would have been submitted to the Council in March. If UNMOVIC adhered to the 1284 timetable, progress on Iraqi disarmament would then be assessed by the Council 120 days later, which would have been in July 2003.

54. Dr Blix referred to Resolution 1284 in his concluding remarks to the Security Council on 7 March. “How much time would it take to resolve the key remaining disarmament tasks?” he asked.

Even with a proactive Iraqi attitude, induced by continued outside pressure, it would still take some time to verify sites and items, analyse documents, interview relevant persons, and draw conclusions.

The inspections process “would not take years, nor weeks, but months.”⁴⁷

55. We conclude that, according to the timetable for UN weapons inspections agreed by the United Kingdom and other Security Council members in 1999, it would have taken inspectors longer to build up capacity and make clear judgements about Iraqi prohibited weapons and weapons programmes than they were permitted before the war in Iraq commenced.

56. The third question, of whether the threats posed by inaction were greater than the threat of action against Iraq, relates closely to the first question about the level of threat posed by Iraq. There were grave warnings of the US being drawn into a long, bloody war: in March 2002, Iraq’s deputy prime minister Tariq Aziz had warned that like the Vietnamese, “the Iraqi will fight in the streets and in each house ... Against the Americans, each village (in Iraq) will become for them another Vietnam.”⁴⁸ A UN report detailing potential humanitarian consequences of war with Iraq was leaked in December; the report stated that “a future confrontation is expected to develop beyond the preparatory, and relatively short, aerial bombardment of infrastructure, towns, and cities into potentially a large scale and protracted ground offensive, supported by aerial and conventional bombardment. The resultant devastation would undoubtedly be great.”⁴⁹ Likely damage to Iraq’s infrastructure and essential services was discussed, and were potential refugee flows out of Iraq. The press and commentators also raised the possibility of heavy civilian and military casualties, which might arise as a consequence of urban warfare in Baghdad and other Iraqi cities.⁵⁰

57. A number of Security Council members were not convinced that Iraq posed an immediate, compelling threat to international peace and security. They did, however, perceive grave threats to peace and security if military action were launched against Iraq.

47 Hans Blix, Report to the Security Council, 7 March 2003, available at <http://un.org/depts/unmovic/index.htm>

48 Interview in Le Figaro, cited at: <http://www.casi.org.uk/discuss/2002/msg00334.html>

49 The confidential report, ‘Likely Humanitarian Scenarios’, was dated 10 December 2002 and was published at: <http://www.casi.org.uk/info/undocs/war021210.html>

50 See, for example, ‘Iraq’s military capabilities in 2002’, Anthony Cordesman, Center for Strategic and International Studies, September 2002; ‘Iraq prepares for urban warfare’, Scott Peterson, Christian Science Monitor, 4 October 2002.

These threats were discussed on 20 January, at a ministerial level debate in the Security Council about international terrorism. In this debate, the German Foreign Minister Joschka Fisher told the Council that Germany was “greatly concerned that a military strike against the regime in Baghdad would involve considerable and unpredictable risks for the global fight against terrorism.”⁵¹ On 14 February, Dominique de Villepin suggested that intervention might “be liable to exacerbate the divisions between societies, cultures and peoples, divisions that nurture terrorism”.⁵² This question of the effect of the Iraq war on the broader ‘war against terrorism’ is discussed at greater length in paragraphs 173–180 below.

The decision to seek a ‘second resolution’

58. On 24 February, Britain, the United States and Spain circulated a new draft Security Council resolution relating to Iraq. The draft resolution recalled Iraq’s failure to comply with successive Security Council resolutions, noted Iraq’s “false statements and omissions” in its declaration to the Council, recognised that Iraq posed a threat to international peace and security, and decided that “Iraq has failed to take the final opportunity afforded to it in resolution 1441 (2002)”. The draft resolution was interpreted as an attempt by the US and the United Kingdom to secure Security Council backing for military action against Iraq.

59. The Government insisted that its objective in circulating the draft resolution was not to obtain legal authority for military action—which, in its view, had already been secured through successive Security Council resolutions since the 1991 Gulf War.⁵³ The Government was, instead, seeking a resolution “Because, politically, it is a better way of binding in the international community”.⁵⁴

60. In response to this initiative, the French government produced a memorandum, which was backed by Russia and Germany. It stated that “While suspicions remain, no evidence has been given that Iraq still possesses weapons of mass destruction or capabilities in this field.” It went on:

Inspections have just reached their full pace; they are functioning without hindrance; they have already produced results. While not yet fully satisfactory, Iraqi cooperation is improving, as mentioned by the Chief Inspectors in their last report.⁵⁵

61. The French memorandum called for a clear programme of action for the inspections; the adoption of further measures to strengthen inspectors; the implementation of a programme of work according to a realistic and rigorous timeline; and a report by UNMOVIC and IAEA to the Security Council 120 days after the adoption of the programme of work—an explicit reference to the timetable established by the Security Council in Resolution 1284.

51 Security Council ministerial level meeting on combating terrorism, 20 January 2003, transcript available at: <http://ods-dds-ny.un.org/doc/UNDOC/GEN/N03/215/25/PDF/N0321525.pdf?OpenElement>

52 Speech by Dominique de Villepin at the UN Security Council, 14 February 2003, available at: <http://www.france.diplomatie.fr/actu/impression.gb.asp?ART=32390>

53 The question of the legality of military action is discussed at 83–91 below

54 Foreign Secretary, 4 March 2003, Q 155

55 Iraq: French-German-Russian Memorandum, February 24th, 2003, available at: http://special.diplomatie.fr/article_gb134.html

62. The French government had insisted earlier in the month that the French and US governments “disagree on one issue, one issue only, what is the timing to decide to move from the inspections to the use of force.”⁵⁶ The 24 February memorandum stated that

inspections should be given the necessary time and resources. However, they cannot continue indefinitely. Iraq must disarm. Its full and active co-operation is necessary.⁵⁷

63. The Prime Minister’s argument with the French memorandum was that “the call is for more time—up to the end of July at least.” France, Germany and Russia “say the time is necessary ‘to search out’ the weapons.” However, “to sniff out” Saddam’s weapons

is emphatically not the inspectors’ job. They are not a detective agency ... The idea that the inspectors could conceivably sniff out the weapons and documentation relating to them without the help of the Iraqi authorities is absurd... The issue is not time. It is will.⁵⁸

The FCO spelled out this message again, in a memorandum to us on 28 April:

the French Government’s memorandum presented on 24 February, while no doubt well-intentioned, was misguided. The rationale it presented for reinforcing the UN inspections regime in Iraq was based on a fundamental misunderstanding of the nature of the inspections. The UN inspectors were never intended to be detectives; to uncover Iraq’s concealed WMD programmes through a massive search effort. Any such effort in a country the size of Iraq would be doomed to fail, however large the inspection teams.⁵⁹

64. The call for more time was strengthened, according to some commentators, by the argument that the Iraqi regime was being contained by the presence of inspectors.⁶⁰ Dr Blix had made this point on 19 December 2002, when he told the Security Council that

Inspections of sites have, as one important objective, the verification of industrial, military, research, and other current activities with a view to assuring that no proscribed programmes or activities are regenerated at an site in Iraq. This side of the inspection system can be characterised as a form of containment. Through the other side of the system of reinforced monitoring, there is a continuation of investigations to complete the requirement of disarmament.⁶¹

56 Address by Jean-David Levitte, Ambassador of France to the US, at the US Institute of Peace, Washington DC, 7 February 2003, available at: http://www.info-france-usa.org/news/statmnts/2003/levitte_iraq020703.asp

57 ‘Iraq: French-German-Russian memorandum’, 24 February 2003, available at: http://special.diplomatie.fr/article_gb134.html

58 HC Deb, 25 February, col 125

59 Ev 69

60 The Carnegie Endowment for International Peace, for example, argued that “With tens of thousands of troops around Iraq, an international coalition united in support of the inspection process, and now hundreds of inspectors able to go anywhere at any time, Saddam is unable to engage in any large-scale development or production of chemical, biological or nuclear weapons.” Carnegie Endowment for International Peace, Iraq: What next?, Washington DC, January 2003, p.12

61 Hans Blix, Briefing notes to the Security Council, 19 December 2002, available at: <http://un.org/depts/unmovic/index.htm>

65. On 7 March, Dr Blix spoke again of the possibility of containment. He discussed the authority given in “the governing resolutions”—i.e. 1284 and 1441—that

a sustained inspection and monitoring system is to remain in place after verified disarmament to give confidence and to strike an alarm, if signs were seen of the revival of any proscribed weapons programmes.⁶²

66. The Government continued to reject the containment option, however. On 26 February, the Foreign Secretary told the House that

Iraq used the four-year absence of inspectors—the so-called period of containment—to build a missile test stand capable of testing engines with over four times the thrust of the already prohibited al-Samoud 2 missile ... There is no steady state—the choice is between disarmament or rearmament.⁶³

67. The Prime Minister told the House on 26 February that any country that supported resolution 1441 should support a second resolution that flows from it, and that

It certainly would be an unreasonable veto if Iraq is in material breach and we do not pass a resolution, because resolution 1441 made it absolutely clear that Iraq had a final opportunity to comply. If it is not complying, it is in breach. Therefore, that is why I believe that a second resolution should issue and it is also why I believe that, in the end, it will issue.⁶⁴

68. On 4 March, the Foreign Secretary remained confident that the Government would secure the ‘second resolution’. He told us that “We tend not to put forward resolutions with the idea that they will be repudiated, and there are intensive discussions currently taking place.”⁶⁵ He also recalled that

we managed to gain unanimity in the international community by 8 November [when 1441 was passed]. I have to say, as one of the active participants of the negotiating process, it did not feel like that for a long time in the run-up to it, but we finally got there.⁶⁶

69. Less than a week later, however, the Government’s chances of securing its second resolution were dashed when President Chirac of France told a French television station that

whatever the circumstances may be, France will vote no, because it considers as of this evening that there are no grounds for making war to achieve the objective that we have set ourselves—namely, the disarmament of Iraq.⁶⁷

62 Hans Blix, Report to the Security Council, 7 March 2003, available at <http://un.org/depts/unmovic/index.htm>

63 HC Deb, 26 February, col 273

64 HC Deb, 26 February, col 251

65 Q 156

66 Q 172

67 President Chirac’s statement was: “Ma position, c’est que, quelles que soient les circonstances, la France votera non parce qu’elle considère ce soir qu’il n’y a pas lieu de faire une guerre pour atteindre l’objectif que nous nous sommes fixé, c’est-à-dire le désarmement de l’Iraq.” Transcript, ‘Le Président de la République sur TF1 et France 2’, 10 mars 2003, available at: <http://special.diplomatie.gouv.fr/article87.html>

70. On 12 March, in a final attempt to secure consensus in the Security Council, the Foreign Secretary announced that the Government was circulating “six tests by which Iraqi compliance would be measured.” He described these tests as “demanding but deliverable”. Iraq was asked to provide a statement by Saddam Hussein admitting that he had concealed weapons of mass destruction, but would no longer produce or retain weapons of mass destruction; to deliver at least 30 scientists for interview outside Iraq, with their families; to surrender all anthrax, or credible evidence of destruction; to complete the destruction of all Al Samoud missiles; to account for all unmanned aerial vehicles, including details of any testing of spraying devices for chemical and biological weapons; and to surrender all mobile chemical and biological production facilities.⁶⁸

71. This effort to secure consensus in the Council did not yield results. The Government did not table its draft resolution, and was thus not required to employ the argument, put forward by the Prime Minister on 26 February, that an “unreasonable veto” would not invalidate efforts to reach international agreement over Iraq. The Government may have concluded that it would not have obtained enough votes in the Council even to secure a majority.

72. On 14 March, in an interview published in *The Guardian*, the Foreign Secretary described President Chirac’s statement as

an announcement by France that they were abandoning enforcement of [UN Security Council resolution] 1441 ...Unfortunately, [the French] appear to have made the decision not to enforce 1441. That renders it less likely that we get a peaceful outcome.⁶⁹

73. Should the Government have predicted that France would refuse to support its ‘second resolution’? According to the French Ambassador to the United States, France had been warning for some time that it would not sign up to a second resolution. On 25 March, at a meeting at the Council on Foreign Relations in Washington, the French Ambassador said:

One word about the second resolution in the Security Council. I think I can say it now on the record, you have to know that weeks before it was tabled, I went to the State Department and to the White House to say, don’t do it. First, because you’ll split the Council and second, because you don’t need it. Let’s agree to disagree between gentlemen, as we did on Kosovo.⁷⁰

In an interview with *Time Magazine* on published on 16 February, President Chirac had made it clear that “nothing allows us to say that inspections don’t work”. He stated that “it’s up to the inspectors to say” if Iraqi non-cooperation was preventing them from finding WMD, and that in his view “there’s no need for a new resolution. We are in the framework of [UN Security Council Resolution] 1441, and let’s go on with it. I don’t see what any new resolution would add.”⁷¹

68 Statement by the Foreign Secretary, Jack Straw, at a news conference, London, Wednesday 12 March 2003, available at: <http://www.fco.gov.uk/servlet/>

69 *The Guardian*, 14 March 2003, available at: <http://politics.guardian.co.uk/Print/0,3858,4624831,00.html>

70 Council on Foreign Relations transcript, available at: http://www.cfr.org/publication_print.php?id=5774&content=

71 ‘France is not a pacifist country,’ *Time magazine*, 16 February 2003

74. On 29 April, we asked the Foreign Secretary why, despite indications from the French government that they would not support the second resolution, the Government decided to circulate such a resolution in late February. He replied that “until you put people to the test you do not know ... for certain” what they will do. He went on:

There were plenty of difficulties anticipated with 1441 which did not arise ... It was not until [10 March that] we had confirmation by the Head of State of Government in France that we knew that the second resolution was not going to be possible to get passed.⁷²

75. In our December 2002 Report, we commended the Government’s decision to work closely with the United States,

to produce a strong and unanimous Security Council Resolution establishing an unconstrained weapons inspections regime and demanding Iraq’s full disarmament of Weapons of Mass Destruction.⁷³

We conclude that it would have been highly desirable to obtain a further Security Council resolution before taking military action in Iraq.

76. We further conclude that seeking a Security Council resolution and then failing to secure its adoption in the Council highlighted the profound disagreements that had emerged between its members by late February 2003.

77. We note the Foreign Secretary’s comment that the United Kingdom tends “not to put forward resolutions with the idea that they will be repudiated”, and recommend that the Government in its response to this Report state whether the failure to secure a ‘second resolution’ on Iraq in February 2003 should have been anticipated.

The US and UK decision to go to war in March 2003

78. On 16 March, the Prime Minister met with his US and Spanish counterparts in the Azores. In a statement issued after their meeting, he declared that

we have reached the point of decision ... We will do all we can in the short time that remains to make a final round of contacts to see whether there is a way through this impasse. But we are in the final stages because after twelve years of failing to disarm him, now is the time when we have to decide.⁷⁴

The United Kingdom, the US and Spain stated that they “would undertake a solemn obligation to help the Iraqi people build a new Iraq at peace with itself and its neighbours.”⁷⁵ The following day, President Bush addressed the United States, calling for

72 Q 290

73 Second Report from the Foreign Affairs Committee, Session 2002–03, Foreign Policy Aspects of the War against Terrorism, HC 196, para 120

74 Statement by the Prime Minister, Tony Blair, at a UK/US/Spain summit in the Azores, Sunday 16 March 2003. Available at: <http://www.fco.gov.uk/servlet/Front>

75 ‘Statement of the Atlantic Summit: A Vision for Iraq and the Iraqi People’, 16 March 2003. Available at: <http://www.whitehouse.gov/news/releases/2003/03/20030316-1.html>

Saddam Hussein and his sons to leave Iraq within 48 hours. “Their refusal to do so will result in military conflict, commenced at a time of our choosing.”⁷⁶

79. On 18 March, the Government asked the House to consider whether the United Kingdom should join the United States in a war against the government of Iraq. In its motion, the Government stated that

Iraq’s weapons of mass destruction and long range missiles, and its continuing non-compliance with Security Council Resolutions, pose a threat to international peace and security; notes that in the 130 days since Resolution 1441 was adopted Iraq has not co-operated actively ... and is in further material breach of its obligations under successive mandatory UN Security Council Resolutions; regrets that ... it has not proved possible to secure a second Resolution in the UN because one Permanent Member of the Security Council made plain in public its intention to use its veto whatever the circumstances; notes the opinion of the Attorney General that ... the authority to use force under Resolution 678 has revived and so continues today and endorses the use of all means necessary to ensure the disarmament of Iraq’s weapons of mass destruction.

The House voted; 412 members supported the motion, and 149 opposed. Two days later, the war in Iraq began.

Why did such a deep split develop between Security Council members over the decision to go to war in March 2003?

80. Security Council members clearly differed in their assessments of the threat from Iraq. In our Inquiry into ‘The Decision to go to war in Iraq’, we concluded that the Government did believe that Iraq possessed weapons of mass destruction: “the threat posed to United Kingdom forces was genuinely perceived as a real and present danger and that the steps taken to protect them were justified by the information available at the time.”⁷⁷ However, the view—held by the French government—that the threat from Iraq was contained, rather than increasing, was supported by evidence from the former Foreign Secretary, Robin Cook, who also told us that “containment by sanctions ... worked”⁷⁸ between 1998 and 2003, and that “All we have learnt since we went into Iraq is actually it worked rather better than we had hoped.”⁷⁹ Mr Cook also told us that he had “seen nothing to suggest it was right to replace that policy of containment with a major armed invasion of the territory of another state.”⁸⁰

81. The Government also disagreed with France, Russia and other Security Council members over whether weapons inspectors would be unable to find and destroy these weapons without full and complete co-operation from Iraq. According to the reports of Dr

76 ‘President Says Saddam Hussein Must Leave Iraq Within 48 Hours’, 17 March 2003, available at: <http://www.whitehouse.gov/news/releases/2003/03/20030317-7.html>

77 Ninth Report from the Foreign Affairs Committee, Session 2002–03, *The Decision to go to War in Iraq*, HC 813–I, para 41

78 *Ibid.*, Q 46

79 *Ibid.*, Q 47

80 *Ibid.*, Q 36

Blix, the weapons inspectors were making progress.⁸¹ However, the Government's view was supported by evidence from the former chief of UN weapons inspections, Terence Taylor. We asked Mr Taylor whether the UNMOVIC inspections from November 2002 until the conflict started were "doomed to failure from the start." Mr Taylor replied that "Their chances of success were low. [Their success] would require a strategic decision by Saddam Hussein himself. On 7 December when they presented their so-called full, final and complete declaration, this was the last chance for immediate compliance and I registered with great disappointment that that declaration was well short ... my personal view was that, given the pattern of behaviour, inspections were very unlikely to succeed" after this point.⁸²

82. Before the war in Iraq, there was evidence from authoritative sources to support both sides to the argument about whether Iraq posed a grave threat to peace and security. In our Report on 'The Decision to go to war in Iraq', we discuss the difficulties inherent in determining the threat from Iraq, which arise from the limited access Western governments had to reliable human intelligence.⁸³ **We conclude that the divisions that emerged among Security Council members between January and March 2003 over how to deal with the threat from Iraq are likely to have been a consequence of genuinely different assessments of the nature and extent of that threat.**

Was the war lawful?

83. The United Nations Security Council is the only body able to provide a legal basis for the use of force in the maintenance of peace and security, beyond the circumstances described in the UN Charter.⁸⁴ The US government's decision to address the question of Iraq through the UN Security Council is widely considered to have been—at least in part—a consequence of pressure from the United Kingdom.⁸⁵ The Government has stressed

81 On 7 March, Dr Blix reported that "In matters relating to process, notably prompt access to sites, we have faced relatively few difficulties and certainly much less than those that were faced by UNSCOM in the period 1991 to 1998. Some practical matters, which were not settled by the talks Dr ElBaradei and I had with the Iraqi side in Vienna prior to inspections ... have been resolved at meetings, which we have had in Baghdad." He further reported that Iraq had undertaken the destruction of al Samoud 2 missiles, which "constitutes a substantial measure of disarmament", and that "There is a significant Iraqi effort under way to clarify a major source of uncertainty as to the quantities of biological and chemical weapons, which were unilaterally destroyed in 1991." Dr Hans Blix, Report to the Security Council, 7 March 2003, available at <http://un.org/depts/unmovic/index.htm>

82 Ninth Report from the Foreign Affairs Committee, Session 2002–03, *The Decision to go to War in Iraq*, HC 813–III, Q 292

83 *Ibid.*, paras 8–15

84 In Chapter VII, Article 41 of the UN Charter states that "The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations." If, however, the Council considers that "that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations." In Article 51, the Charter further states that: "Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security." See Charter of the United Nations, available at: <http://www.un.org/aboutun/charter/>. For a discussion of the provisions of the Charter in the context of the Iraq crisis, see Second Report, especially paragraphs 141–154.

85 Second report from the Foreign Affairs Committee, Session 2002–03, *Foreign Policy Aspects of the War against Terrorism*, HC 196, especially paras 118–19

repeatedly throughout the Iraq crisis that it intends to work within the boundaries of international law. While stressing that agreement in the Security Council was not necessary to ensure the legality of military action against Iraq, the Government made substantial efforts to secure agreement on the international response to the threat from Iraq in the Security Council during late 2002 and early 2003.

84. At the end of 2002, after the adoption of resolution 1441, the Government's policy appeared to be bearing fruit; in our last Report on this subject, we accordingly commended the Government's decision

to work closely with the United States, to produce a strong and unanimous Security Council Resolution establishing an unconstrained weapons inspections regime and demanding Iraq's full disarmament of Weapons of Mass Destruction.⁸⁶

85. As we note above, the United Kingdom undertook military action in March 2003 without obtaining explicit support from the Security Council. We note the Foreign Secretary's recollection that before the adoption of 1441, there had been a

very intense debate ... about whether the resolution that became 1441 should explicitly say, in terms, that military action to enforce this resolution could only be taken if there were a second resolution.

According to the Foreign Secretary, this proposition "was not acceptable to a majority of members of the Security Council [and] it was never put before the Security Council."⁸⁷

86. Instead, the Council agreed to "the scheme laid out in the operative paragraphs of 1441 which set very clear obligations on Iraq."⁸⁸ These included submission of a

currently accurate, full, and complete declaration of all aspects of its programmes to develop chemical, biological, and nuclear weapons, ballistic missiles, and other delivery systems,⁸⁹ and the compliance with the inspectors set out in paragraphs 5 through to 8 and so on, and then a definition in paragraph 4 of what is a further material breach.⁹⁰

The Foreign Secretary told us that "In ... circumstances where you have got a further material breach"—as defined by operative paragraph 4 of 1441⁹¹—

you then have the Council meeting for an assessment of the situation in accordance with paragraphs 11 and 12. But what the Council has to do under 12 is to consider the situation, not necessarily to pass a second resolution.⁹²

86 Second report from the Foreign Affairs Committee, Session 2002–03, Foreign Policy Aspects of the War against Terrorism, HC 196, para 120

87 Q 151

88 Q 151

89 UN Security Council Resolution 1441, operative paragraph 3, available at: <http://ods-dds-ny.un.org/doc/UNDOC/GEN/NO2/682/26/PDF/NO268226.pdf?OpenElement>

90 Q 151

91 Paragraph 4 states that "false statements or omissions in the declarations submitted by Iraq pursuant to this resolution and failure by Iraq at any time to comply with, and cooperate fully in the implementation of, this resolution shall constitute a further material breach of Iraq's obligations and will be reported to the Council for assessment in accordance with paragraphs 11 and 12 below."

87. The Government stated consistently that it sought a ‘second resolution’ for political reasons, but that such a resolution was not legally necessary.⁹³ On 17 March, when it was clear that efforts to convince the Security Council to adopt such a resolution had failed, the Attorney General, Lord Goldsmith, set out his views of the legal basis for the use of force against Iraq. He stated that

Authority to use force against Iraq exists from the combined effect of resolutions 678, 687 and 1441. All of these resolutions were adopted under Chapter VII of the UN Charter which allows the use of force for the express purpose of restoring international peace and security.⁹⁴

88. Professor Sir Adam Roberts wrote to us that although the

legal justification for the US-led military action initiated in March 2003 would have been significantly simpler if the US and UK had succeeded in their efforts to persuade the UN Security Council to follow up with a so-called ‘second resolution’,

there is “some substance” to the argument put forward by the Attorney General that that “past Security Council resolutions provide a continuing, or revived, authority to use force, in a different situation and a dozen years after they were passed”.⁹⁵ In his memorandum, Professor Roberts outlines a “concept of what I term a ‘continuing authority’ given by the UN Security Council to certain states to take military action in respect of Iraq.” He considers “that this concept constitutes the strongest available basis for justifying the US-led use of force against Iraq.”⁹⁶

89. Professor Roberts examines the resolutions adopted by the Security Council during the crisis following Iraq’s invasion of Kuwait. Resolution 678 of 29 November 1990 authorises UN member states to use force not just to expel Iraqi forces from Kuwait, but also “to secure international peace and security in the area”. Resolution 687, adopted after the expulsion of Iraq from Kuwait, set out the terms of the cease-fire in some detail. Thereafter, numerous Security Council resolutions—many of them passed unanimously—found Iraq to be in breach of these cease-fire commitments.⁹⁷

92 Q 151

93 On 4 March, the Foreign Secretary told us that the Government was seeking a second Security Council resolution because “politically, it is a better way of binding in the international community” (Q155). In November 2002, the Foreign Secretary had stated that if the Iraqi government were to commit a further ‘material breach’ of relevant UN Security Council Resolutions—for example, “action ... seriously to obstruct or to impede the inspectors, to intimidate witnesses, or a pattern of behaviour ... that shows Iraq’s intention not to comply”—then “action will follow.” The “preference of the Government in the event of any material breach is that there should be a second Security Council Resolution authorising military action”. However, the United Kingdom “must reserve [its] position in the event that [the Security Council] does not [adopt a further resolution]. That is the reason why the language of ‘serious consequences’ is used in paragraph 13 in the event of [Saddam Hussein’s] non-compliance.” HC Deb, 25 November 2002, col 51–54.

94 Ev 64

95 Ev 159

96 *Ibid*

97 “For example, Resolution 707 of 15 August 1991 condemned Iraq’s violations of 687 and proclaimed Iraq to be in ‘material breach’ of that resolution that had established the basis of the cease-fire.5 In 1998, when Iraq ceased cooperation, Resolution 1205 of 5 November 1998 condemned Iraq as ‘in flagrant violation’ of its commitments. Resolution 1441 of 8 November 2002 proclaimed Iraq to be in ‘material breach of its obligations under relevant resolutions’; recalled that in its Resolution 687 ‘the Council declared that a ceasefire would be based on acceptance by Iraq of the provisions of that resolution’; and offered Iraq ‘a final opportunity to comply with its disarmament obligations’.” Ev 159

90. According to Professor Roberts, a provision in the chapter on armistices in the 1907 Hague Regulations suggests that the violation of certain terms of a cease-fire can constitute a justification for an eventual use of force against the violator.⁹⁸ He further notes that

The argument that there can be a continuity and resumption of the authority to use force contained in previous UN Security Council resolutions was asserted repeatedly in crises over Iraq in the 1990s,

including that concerning weapons inspections in Iraq in 1998, when the US and the United Kingdom launched *Operation Desert Fox*. The conclusion Professor Roberts draws is that

the strongest case for the legality of military action against Iraq in 2003 rested, not on any general propositions about preventive defence, nor on Resolution 1441 taken in isolation, but upon Iraq's violations of specific UN resolutions and on the continuing authority contained in certain resolutions.⁹⁹

91. Professor Roberts points out that the “concept of ‘continuing authority’ on which this paper focuses has not been widely accepted.” He also notes that

The greatest difficulty with ‘continuing authority’ in the light of events in Iraq in 2003 concerns not so much the proposition itself which is fundamentally strong, but its particular invocation in this crisis.¹⁰⁰

There is nothing in his memorandum, however, that contradicts the Attorney General's assertion that the United States and the United Kingdom had legal authority to use force in March 2003 on the basis of Iraq's violation of Security Council resolutions 678, 687 and 1441.

The debate over Iraq in other international organisations

92. The international debate over Iraq, and failure to reach agreement over how to address the threat it posed, was addressed most prominently in the UN Security Council. During the first half of this year, the Iraq crisis also had a profound effect on the United Kingdom's relations with its allies in the European Union and NATO.

98 The relevant provision reads: ‘Any serious violation of the armistice by one of the parties gives the other party the right of denouncing it, and even, in cases of urgency, of recommencing hostilities immediately’)

99 Ev 159

100 Professor Roberts notes: “Problems that have emerged have included the question of what consequences flowed from the Iraq breaches: in particular, even if the US and partners have continuing authority to use force, it remained a question whether that entitles them to launch a full-scale attack to achieve regime change. In addition the notion of ‘continuing authority’ might seem to be undermined by the doubtful quality of the evidence that Iraq still possessed weapons of mass destruction in significant quantities. Some unconvincing US and UK reports and presentations before the war weakened the case. There was, inevitably, scope for disagreement as to whether the UN verification system operating under Resolution 1441 should have been set aside in favour of a use of force when the inspectors were able to visit sites throughout Iraq and the disarmament process had produced at least some results. As circumstances change after the war, it is possible that ex post facto other justifications for resort to force will look more convincing.”

The debate within the European Union

93. In our December 2002 Report, we noted that differences had emerged between some EU leaders and the United States over the overall conduct of the war against terrorism. These differences, we argued,

amount to far more than disagreements over the details of judicial and intelligence co-operation, going to the heart of how to deal with the threats of international terrorism and weapons of mass destruction.

We noted that during his re-election campaign, German Chancellor Gerhard Schröder had publicly ruled out Germany's participation in any US-led "adventure" in Iraq. We also noted France's opposition to US policies towards Iraq, in the United Nations Security Council and elsewhere.¹⁰¹

94. On 10 December 2002, we asked Dr Denis MacShane, Minister for Europe, whether he believed that the EU would produce a united front in dealing with Saddam Hussein. He replied "I am sure the EU will provide a united front."¹⁰²

95. Dr MacShane's optimism proved unfounded: by the end of January, deep divisions were emerging within the European Union. In the Government's view, the breakdown of consensus in Europe was initiated by France and Germany, on the occasion of the fortieth anniversary of the Elysée Treaty on 22 January 2003. At a press conference in Paris to mark this event, President Chirac declared that France and Germany have "the same point of view" on the Iraqi crisis. The French president said their mutual stance was based on two ideas:

The first is that any decision belongs to the Security Council and the Security Council alone, which will address the issue after having examined the latest inspectors' report ... Secondly, as far as we're concerned, war always means failure. Everything must be done to avoid war.

Chancellor Schröder, standing beside President Chirac, said he had nothing to add to these comments.¹⁰³

96. Dr MacShane argued that by acting in this way, France and Germany were declaring unilaterally "what they thought the position of Europe would be, which clearly was not acceptable to a number of other European countries."¹⁰⁴

97. Five days later, on 27 January 2002, the EU General Affairs Council agreed to send "an unambiguous message that the Iraqi Government has a final opportunity to resolve the crisis peacefully" and reiterated

101 Second report from the Foreign Affairs Committee, Session 2002–03, *Foreign Policy Aspects of the War against Terrorism*, HC 196, para 30

102 Minutes of Evidence from the Foreign Affairs Committee, *The Copenhagen European Council*, 10 December 2002, HC 176–i, Q 8, available on the Committee's website at: <http://www.publications.parliament.uk/pa/cm/cmfaaff.htm>

103 'France, Germany stand firm on Iraq', CNN, Wednesday, January 22, 2003, available at: <http://edition.cnn.com/2003/WORLD/meast/01/22/sproject.irq.schroeder.chirac/>

104 Minutes of Evidence from the Foreign Affairs Committee, *Developments in the European Union*, 1 April 2003, HC 607–i, Q 3 (yet to be published), available on the Committee's website at: <http://www.publications.parliament.uk/pa/cm/cmfaaff.htm>

its confidence and full support for Dr. Blix and Dr. El Baradei to complete their mission in accordance with UNSCR 1441 [and] underlines the fundamental importance of preventing the proliferation of weapons of mass destruction in accordance with the relevant international instruments.

It further concluded that “The responsibility of the UN Security Council in maintaining international peace and security must be respected.”¹⁰⁵

98. On 30 January, however, the leaders of eight European countries—Britain, Spain, Italy, Portugal and Denmark, with Poland, Hungary and the Czech Republic—published an appeal to European governments to support the United States, and reminded Jacques Chirac and Gerhard Schröder that they had also signed up to UN resolution 1441—itself a victory for European attempts to keep the crisis on the multilateral track. Jan Peter Balkenende, the Netherlands prime minister, was asked but refused to sign; a number of other leaders were neither invited to sign, nor informed of the initiative.¹⁰⁶

99. The message of this ‘Gang of Eight’ was that, despite strains, Europe and America have to continue to work together. “The transatlantic relationship must not become a casualty of the current Iraqi regime’s persistent attempts to threaten world security,” they wrote.¹⁰⁷ The letter divided the eight from France and Germany, however. Dr MacShane described the initiative as direct response the Franco-German statement of 22 January: “a Newtonian diplomatic process in action, to every statement there comes an equal and, in this case, opposite reaction.”¹⁰⁸

100. The ‘Gang of Eight’ initiative disrupted the weak but unified position established on 27 January. The Greek Presidency then called an extraordinary General Affairs Council meeting to discuss the question of Iraq. The meeting was held on 17 February.

101. At the 17 February meeting, EU Foreign Ministers asserted their determination “to deal effectively with the threat of proliferation of weapons of mass destruction.” They expressed commitment to ensure that the United Nations remained “at the centre of the international order”, and recognised “that the primary responsibility for dealing with Iraqi disarmament lies with the Security Council.” They further agreed that UN inspectors “must be given the time and resources that the UN Security Council believes they need. However, inspections cannot continue indefinitely in the absence of full Iraqi co-operation”.

102. In the 17 February conclusions, the General Affairs Council also recognised the role that the US was playing in pushing the Iraqi government towards compliance. They stated

that the unity and firmness of the international community, as expressed in the unanimous adoption of resolution 1441, and the military build up have been

105 General Affairs Council conclusions, 17 February 2003, available at <http://ue.eu.int/pressData/eu/ec/74554.pdf>

106 ‘European leaders rally behind US’, BBC 30th January 2003, available at: <http://news.bbc.co.uk/1/hi/world/Europe/2708023.stm>

107 Leaders statement on Iraq: Full text’, BBC 30th January 2003, available at: <http://news.bbc.co.uk/1/hi/world/Europe/2708877.stm>

108 Minutes of Evidence from the Foreign Affairs Committee, *Developments in the European Union*, 1 April 2003, HC 607–i, Q 2 (yet to be published), available on the Committee’s website at: <http://www.publications.parliament.uk/pa/cm/cmfaff.htm>

essential in obtaining the return of the inspectors. These factors will remain essential if we are to achieve the full cooperation we seek.

The 17 February statement concluded:

The unity of the international community is vital in dealing with these problems. We are committed to working with all our partners, especially the United States, for the disarmament of Iraq, for peace and stability in the region and for a decent future for all its people.¹⁰⁹

103. The row also affected the candidate countries due to be admitted in 2004. On 18 February, French President Jacques Chirac attacked Eastern European states for their “childish” support for Britain and the US, and warned ten states due to join the EU in 2004 that their stance could be “dangerous”, as the decision to admit them had not yet been ratified.¹¹⁰

104. In December 2002, we concluded that

Britain can work constructively with European Union partners on some areas of foreign policy—such as development, the ICC and Iran—while aligning itself more closely to the United States on policy towards Iraq.

We recommended that,

in the war against terrorism and elsewhere, the Government continue to judge each of its major partners’ policies on their own merits: the experience of the past year has demonstrated the extent to which Britain can work with both the EU and the US, without damaging its relationship with either.¹¹¹

105. We conclude that the disagreements that surfaced within the EU over Iraq have raised serious questions about EU member states’ capacities to resolve differences over matters of foreign policy and of the feasibility of a CFSP on matters of controversy among the members of the EU.

106. We conclude that it is now more important than ever for the United Kingdom to work with partners in the European Union and the United States, and to demonstrate that there is no need to chose between these valued and long-standing partners.

109 General Affairs Council conclusions, 17 February 2003, available at <http://ue.eu.int/pressData/eu/ec/74554.pdf>

110 Romanian Prime Minister Adrian Nastase played down Chirac’s remarks, saying the French president’s real target was the United States. Polish Foreign Minister Włodzimierz Cimoszewicz expressed the hope that Chirac’s comments were not meant to “mix” enlargement with differences of opinion between the candidates and some EU member states. Slovenian officials described Chirac’s comments as “unusual”. Slovenia regretted Chirac’s comments, but put them down to the wider tensions within the EU. Estonian Foreign Minister Kristiina Ojuland adopted one of the toughest stances, saying Estonia should not be seen as a “punching bag,” and asserting that, although the country aims at EU membership, it also proceeds from its own national interests, one of the most important of which is the preservation of transatlantic ties.

111 Second Report from the Foreign Affairs Committee, Session 2002–03, *Foreign Policy Aspects of the War against Terrorism*, HC 196, para 36

The debate within NATO

107. The Iraq question also provoked one of the most severe crises in the history of NATO. In January, the United States asked NATO to provide Patriot missile batteries and airborne warning and control system (AWACS) aircraft to protect Turkey in the event of a possible attack from Iraq, in the event of war. It also requested that forces from other European nations replace US troops, currently committed in the Balkans and around the Mediterranean, to free them for military action the Gulf. France, supported by Belgium and Germany, objected to this move. They used their vetoes in the North Atlantic Council to block any such deployment, arguing that such moves would lock the Alliance into a “logic of war”, at a time when the UN was still seeking a peaceful resolution to the crisis.¹¹² To impose a preliminary condition to any request for military assistance from a NATO member strikes at the very heart of the key aim of NATO to provide collective defence.¹¹³

108. The crisis was eventually resolved when the wording of the resolution was amended slightly and the decision moved to the Military Planning Committee, in which France is not represented. On 20 February, three Patriot batteries and two AWACS planes were despatched to Turkey.¹¹⁴

109. The US Permanent Representative at NATO, Ambassador Burns, described the behaviour of the three nations as “inexcusable” and of having created a “crisis of confidence” in NATO.¹¹⁵ After the resolution of the crisis, Lord Robertson admitted that “Damage has been done to our credibility and to relations between the US and other countries they see as having blocked the process.”¹¹⁶

110. Despite the ill-will between Alliance members earlier this year, substantial progress has been achieved in the evolution of NATO structures. The Military Committee has now endorsed the military concept of the new NATO Response Force (NRF), in accordance with United Kingdom objectives. This will now be submitted to the North Atlantic Council for approval. The Government has informed us that “Work on a comprehensive concept of the NRF, including political-military issues is making good progress.” The new NRF

will significantly enhance the Alliance’s ability to act quickly; it will improve interoperability and it will provide a further stimulus to the current work to reform the NATO Command Structure.¹¹⁷

NATO leaders have also endorsed an outline of the Minimum Military Requirements for the new NATO Command structure.

112 ‘Split looms for Nato over Iraq’, BBC 10th March, 2003, available at: <http://news.bbc.co.uk/1/hi/world/Europe/2743433.stm>

113 *Ibid*

114 ‘Nato approves Turkey Mission’, BBC 19th February 2003, available at: http://news.bbc.co.uk/1/hi/world/middle_east/2776277.stm

115 Nato crisis over veto on plans to defend Turkey. The Guardian, 11th February 2003, available at <http://www.guardian.co.uk/international/story/0,3604,893069,00.html>

116 Nato damaged by row with US, admits Robertson, The Guardian 19th February 2003, available at: <http://www.guardian.co.uk/international/story/0,3604,898318,00.html>

117 Ev 69

111. Work is also under way to increase NATO's ability to prevent or respond to a terrorist attack in the Prague Capabilities Commitment. Five Nuclear, Biological and Chemical (NBC) Defence Initiatives are under development; and the preparation of both the military and comprehensive concepts for the NATO Response Force should also prepare the Alliance for more effective responses to terrorist attacks.¹¹⁸

112. We conclude that relations between member states of NATO have been severely strained by the Iraq crisis. We are, however, encouraged by recent initiatives to develop new roles for NATO in the prosecuting the 'war against terrorism'. We recommend that the Government persist in its efforts to restore good relations among Alliance members, and to push for implementation of the important initiatives agreed at Prague in November 2002.

Post-war Iraq

The immediate post-war period

113. On 9 April, the US achieved its long-planned objective of regime change in Iraq. In Baghdad, statues of Saddam Hussein were pulled down, and scenes of excitement and chaos on the streets were broadcast around the world. Mohammed Aldouri, Iraq's ambassador to the UN, admitted that he had lost contact with Saddam Hussein's regime.

114. Relief at the overthrow of Saddam Hussein soon developed into looting and chaos, however. In addition to the widespread theft of commercial goods, other private property and hospital equipment, it was reported that Baghdad's museums and the national library had been stripped bare, and centuries of Mesopotamian cultural heritage lost.

115. Some of the cultural artefacts reported stolen have since been found, hidden in bank vaults and other safe hiding places. Others remain missing, perhaps irretrievably. Hospitals, schools and other public buildings have been gutted. In Basra, one of the worst effects of the looting has been the destruction of the water and the electricity system: copper wiring within the electricity system has been stolen, and will take time and money to replace.¹¹⁹ Countless individuals—many of them already impoverished—have suffered loss of private property.

116. Jane Corbin told us that she had found, on visiting Basra, that “the British were unable to control” the looting.

British troops told me very freely they were frightened by the way in which the scale of the looting threatened to overwhelm what had been a victorious entry in to the city ... it was impossible for that number of British troops to effectively police the city.

She argued that

One of the reasons this had not been given adequate thought beforehand was there was a hope right up to the last minute that there would be an uprising from within,

¹¹⁸ Ev 69

¹¹⁹ Q 343 [Jane Corbin]

both in Basra but also in other major cities, like Baghdad. Perhaps there was a forlorn hope that somehow a strong regime would arise from within that would extend outwards so that the troops could come in and would then find some degree of control within the city, that did not happen, there was a vacuum. The regime fled, the Americans and the British had not quite reached the centre and looting was the end result of that.¹²⁰

117. In our December 2002 Report on this subject, we analysed the possible outcomes of war in Iraq and concluded that

the establishment of the rule of law ... in Iraq after a war would pose formidable challenges ... We recommend that, in its considerations, the Government bear in mind the necessity for country-wide peacekeeping, civil policing [and] transitional justice.¹²¹

118. We note that Amnesty International, in a report published shortly after the end of the conflict, pointed out that although

Much planning and resources seem to have been devoted to securing Iraqi oil fields ... there is scarce evidence of similar levels of planning and allocation of resources for securing public and other institutions essential for the survival and well-being of the population. The response to disorder has been shockingly inadequate.¹²²

119. Jane Corbin described to us how the looting had affected Basra, “a city which has been systematically starved by the regime of infrastructure” during the years of Baathist rule. The looting was

a pathetic and sad sight [which] will set that city even further back because they had nothing to start with and now they have less than nothing. It will take some time for it to be built up.¹²³

120. Fergal Keane, who arrived in Baghdad soon after the Saddam statues were pulled down, has been “in many, many wars and [has] seen worse looting.” The difference with the situation in Baghdad was that

the most modern military force and the most powerful military force in the world had arrived in a relatively sophisticated city and that under the noses of this powerful force the city had been reduced to the most extraordinary scenes: we witnessed heart monitors being ripped out of hospitals; hospitals being stripped bare; patients being turned away; nurses carrying assault rifles to keep the looters away from hospitals, everything that could be taken being taken.¹²⁴

121. The post-war destruction in Iraq could, of course, have been far worse. Large scale urban warfare, widely predicted before the conflict, did not materialise. Fergal Keane said

120 Q 342

121 Second report from the Foreign Affairs Committee, Session 2002–03, *Foreign Policy Aspects of the War against Terrorism*, HC 196, para 191

122 ‘Iraq: Responsibilities of the Occupying Powers’, Amnesty International, April 2003

123 Q 343

124 Q 341

that he had “been in many cities which were bombed in a much more severe way than Baghdad was [and] have seen a great many more civilian casualties.”¹²⁵ Coalition forces managed to secure Iraq’s oil fields from possible sabotage by Saddam Hussein’s retreating troops. Furthermore, some public buildings in Baghdad—notably the oil ministry—were carefully guarded by US forces as soon as the regime fell.

122. The looting was significant, according to Mr Keane, because it

had two very, very profound impacts, one was clearly a physical one, the population was left in a situation where all essential and vital services has disappeared ... There was a second psychological consequence, which was certainly unintended from the American point of view, people watched American troops at checkpoints looking very frightened a great deal of the time, unable, in most cases that I came across, to speak the local language because they did not have interpreters with them. The message a lot of people I suspect took from that, because they said it to us, was that this army was in some way scared, it was not going after the looters, it was not going after the armed gangs because it was frightened.¹²⁶

Mr Keane argued that

When people look back at the history of this time they will regard those [five or six days after the fall of Baghdad] as one of the great missed opportunities... there was a real opportunity missed in those days to stabilise the situation and to allow people the thing they have wanted to feel all of their lives, and that is to feel safe.¹²⁷

123. We asked the Foreign Secretary to explain why such extensive looting had occurred after the fall of the Iraqi regime. He explained that some looting had been expected, but that the coalition had been surprised by the speed at which the Iraqi regime had collapsed:

The working assumption had been that the Iraqi Government, particularly their regular forces, the revolutionary guard and the special revolutionary guard, would be better organised, have better command and control and put up much more of a fight than they did.¹²⁸

124. According to the Foreign Secretary, “No one is at fault” for failing to prevent the looting;

it is just an inevitable consequence of that kind of warfare. ... If anybody is at fault, it was the fault of the Saddam regime for there being so little consent and natural law and order in the country. You smile at this but it happens to be true because the reason we are, as were other Western democracies, able to police ourselves with such a light touch is because people on the whole police themselves.¹²⁹

125 Q 341

126 Q 341

127 Q 342

128 Q 227

129 Q 228

125. The Ministry of Defence noted in its 7 July report *Operations in Iraq: first reflections* that “Although the regime’s power has been swept away, pockets of resistance remain in some areas.”¹³⁰ On 24 June, six Royal Military Police officers, who had been training Iraqi police officers, were killed in the village of Majar al-Kabir, 25 kilometres (16 miles) south of Amara in South Eastern Iraq. According to the Ministry of Defence, these “tragic incidents ... have underlined the continuing risk of localised violence.”¹³¹

126. Policing in the immediate post-conflict period is undoubtedly very difficult, and the deaths of these Military Police indicate that problems are likely to persist. We note the Ministry of Defence’s statement that “calls for coalition forces to do more to protect Iraqi civilians, keep order and prevent looting had to be weighed against the demands of continuing operations to overcome resistance to Iraqi forces, both regular and irregular.”¹³² However, much time and goodwill may have been lost by the coalition’s failure to re-establish order in the immediate post-conflict period, and this may have made the task of occupation more difficult in the medium term. Lessons should be sought from this experience: the military campaign in Iraq had been planned over a long period, and was expected to end in regime change. The more rapid establishment of law and order after the end of armed conflict would have improved material conditions for the Iraqi people, and would also have ensured that the US-led intervention was perceived more positively among Iraqis and elsewhere in the Arab world.

127. We are relieved to learn that the US and the United Kingdom are now working to establish a “multinational stabilisation force in Iraq”, with US command in Baghdad and the central sector and the United Kingdom command in the south,¹³³ and we hope that this will help to increase the security of the country for its inhabitants and for British personnel serving in Iraq.

128. We commend the British armed forces and their coalition allies for securing Iraq’s oil fields and installations, and for protecting some government buildings in the capital.

129. We recognise that a breakdown of law and order immediately following the fall of the regime was highly probable. We conclude, however, that the failure of the coalition to restore order more quickly was deeply regrettable, and hindered progress towards one of the central objectives of the intervention: to improve the lives of ordinary Iraqis.

130. We recommend that the Government consider carefully the lessons from the immediate post-conflict period in Iraq, and specifically from the tragic deaths of the six Royal Military Police, who were killed in the village of Majar al-Kabir on 24 June. We further recommend that the Government consider whether the United Kingdom should further develop its capacity for post-conflict civil policing, and should encourage its allies to do likewise.

130 *Operations in Iraq: first reflections*, Ministry of Defence, 7 July 2003, available at: http://www.mod.uk/linked_files/publications/iraq2003operations.pdf

131 *Ibid*

132 *Ibid*

133 Ev 124

Civil administration and political developments in post-war Iraq

Planning for new political and administrative structures

131. The US has been considering the how to handle the post-war period for some time. In March 2002—a full year before the war—the Bush administration initiated the “Future of Iraq Project”. This was a series of

consultations with Iraqis in the United States, Iraqis in Europe, Iraqis outside of Iraq ... the purpose of [which was] to begin practical planning for what might happen in Iraq after regime change.¹³⁴

132. On 11 February, US government officials Marc Grossman and Douglas Feith appeared before the Senate Foreign Relations Committee to discuss US plans for post-war Iraq. They said that the Pentagon envisaged a three-stage process:

- Stabilization, in which an interim coalition or military government focuses on security, stability and order;
- Transition, during which Iraqi institutions gradually take over as part of the development of a democratic Iraq;
- Transformation, after Iraqis draft, debate and approve a new constitution and hold free and fair elections.¹³⁵

133. Marc Grossman and Douglas Feith laid out plans for a two-year military occupation of Iraq, and said that the military and civilian administrators after a US invasion would report to General Tommy Franks, commander of US forces in the Middle East. They said that no detailed plans existed at that stage for management the Iraqi oil industry, or how they would install a democratic government. Grossman admitted that

How exactly this transition will take place is, as you say, perhaps opaque at the moment, but what we’re planning for is ... that there will be people who will come up and want to participate in the future of their government.¹³⁶

134. The United Kingdom Government’s engagement with exiled Iraqi opposition groups in advance of the war was far less extensive. We noted in our last Report on this subject the Foreign Secretary’s comment that

to say we are working with exiled groups would give a wrong impression. There have been I think talks at official level with the Iraqi opposition groups which are based here, but to suggest that we are working with them would be over-egging the situation.¹³⁷

134 Senate Foreign Relations Committee: Chairman holds hearing to discuss post-Saddam Iraq, Washington, DC, 11 February 2003. Witnesses: Marc Grossman, Undersecretary of State for Political Affairs; Douglas Feith, Undersecretary of Defense for Policy, Department of Defense.

135 *Ibid*

136 *Ibid*

137 Second Report from the Foreign Affairs Committee, Session 2002–03, *Foreign Policy Aspects of the War against Terrorism*, HC 196, Q 173

135. The Government became closely involved in meetings with Iraqi political figures immediately after the war, however. The US initiated a number of “opposition” meetings in Iraq, as the country was freed from Saddam Hussein’s control. The US State Department has described these as “meetings to form a new political system for the Iraqi people”. Secretary of State Colin Powell said before the first of the meetings, held in Nasiriyah on 15 March, that

These conversations ... will be able to take into account the interests and equities of all the people of Iraq and give an opportunity to participate in the political process, both for those who have been outside of Iraq struggling for these many long years to bring about this change, as well as those inside Iraq who are now free of this dictatorial regime.¹³⁸

136. The Foreign Secretary told the House on 28 April about a second meeting, held in Baghdad on that day, which was part of a process aimed at the establishment of

a national conference of Iraqi representatives. This would, firstly, set up an Iraqi Interim Authority to take over progressively responsibility for the administration of Iraq. Secondly, it would create a constitutional framework to prepare the ground for the election of a democratic government run by the Iraqi people themselves.¹³⁹

137. We met with the Foreign Secretary the day after this Baghdad conference. He described to us a meeting of 250 Iraqi delegates, which was attended by then Parliamentary Under Secretary of State Mike O’Brien and a senior FCO official. Delegates “were generally regarded as second tier representatives because a deliberate decision was made by the US-UK to try and not have the conference dominated by ‘names’”.¹⁴⁰ The conference “brought together a broader range of Iraqi participants including opposition exile groups and those who were newly liberated.” Although the meeting was part of “the process of the formation of an interim administration and then a government,”¹⁴¹ it “did not set up—there was suggestions that it might do but we certainly thought this would have been premature—an interim Iraqi authority.”¹⁴²

The establishment of a Coalition Provisional Authority in Iraq

138. Before the war, the Bush administration established an Office of Reconstruction and Humanitarian Assistance (ORHA) in the US Department of Defence. ORHA was to administer Iraq on an interim basis and to provide humanitarian aid, rebuild damaged infrastructure and help establish a representative government.

139. The head of ORHA, retired Lieutenant General Jay Garner, arrived in Iraq on 21 April. The first weeks of the administration were plagued with difficulties, however, and plans and personnel were changed. On 13 May, Jay Garner was replaced by a senior State Department official, L. Paul Bremer III. Other significant personnel changes were made

138 ‘Powell says meetings on Iraq’s future will be forum for all Iraqis’, State Department Press Release, 14 April 2003

139 HC Deb, 28 April 2003, col 22

140 Q 226

141 Q 235

142 Q 226

soon after the establishment of a US-led administration in Iraq: one of the most prominent was the replacement of Barbara Bodine, a State Department official appointed to administer the city of Baghdad, less than a month after her initial arrival in Iraq. The name of the US-led operation also changed in early June, to the Coalition Provisional Authority (CPA).¹⁴³

140. Originally, US officials proposed putting Iraqis in charge of the governance of the country in an interim authority in mid-May. Now that date has been pushed back to mid-August,¹⁴⁴ and Paul Bremer has said that when Iraqi leaders are given authority they will have far more modest powers than originally expected.

141. During our visits to Washington, we have witnessed some differences of opinion between the State Department and the Pentagon over planning for post-war Iraq. These differences may account for difficulties experienced in Iraq in the immediate post-war period. We have noted with concern the comments of Sir Jeremy Greenstock, the United Kingdom's ambassador to the UN, who warned on 2 May that "If the Pentagon runs the peace [in Iraq], we're in trouble." When asked how he would advise the US President on the management of post-war Iraq, he replied "I would say: 'Listen to Colin Powell, not Donald Rumsfeld.'"¹⁴⁵

142. A number of organisations have expressed concern that the US-led administration in Iraq has taken so long to establish itself and gain the confidence of Iraqis.¹⁴⁶ The International Crisis Group, for example, notes in a recent report that

Even senior American civilians in Baghdad express consternation at the near-total absence of advance preparations for dealing with post-war needs. They are among the first to acknowledge that they are virtually cut off from the society they have been charged with helping back to its feet. Concerned about their personal safety, permitted to move about the city only with a military escort, preoccupied with turf battles, and largely unknowing of Iraq and Iraqis, they venture from the grounds of the former Saddam Hussein palace that is their main headquarters only infrequently and have minimal interaction with the population. This disconnect is compounded by the delay in restoring broadcasting facilities that has deprived the administration of the ability to communicate its plans and even its achievements to ordinary Iraqis.¹⁴⁷

143 Ev 124

144 On 2 June, Paul Bremer told a press conference that "Our plan is to ... establish an interim Iraqi administration. Our view is that that administration will involve intensive discussions setting up that administration will involve continuing intensive consultations with a variety of Iraqi leaders from all around the country from the various strands of Iraqi society, Arab, Kurd, Christian, Turkmen, male, female, Shia and Sunni and we are in the process of trying to establish the best way to arrive at a fully representative interim administration. This we expect will take place over the next 5 to 6 weeks as we settle along and I anticipate that the pace of our discussion with various Iraqis will pick up within the next couple of weeks so that we can meet our goal of trying to establish that administration in the next 5 or 6 weeks." Transcript of Coalition Provisional Authority Press Conference, 2 June 2003, available at: <http://www.centcom.mil/CENTCOMNews/transcripts/20030601.htm>.

145 'British envoy sees risk in Pentagon-led Iraq', Reuters, 2 May 2003

146 See, for example, Oxfam GB 'Baghdad Diary', 21 May 2003, available at: http://www.oxfam.org/eng/story_iraq_bagh_diary.htm,

147 International Crisis Group, 'Baghdad: A Race Against the Clock', 11 June 2003, available at: <http://www.crisisweb.org/projects/showreport.cfm?reportid=1000>

143. The FCO explains that

Intensive consultations are taking place in Iraq between Coalition representatives, including the United Kingdom Special Representative for Iraq, and representatives of Iraqi interest groups and political parties,

and that the CPA is already “working closely with Iraqis to restore normal functioning to Iraqi ministries and regions.”¹⁴⁸ A group of Iraqi political leaders have constituted themselves as a “Leadership Group”, to work with the Coalition to carry forward the political process. Interim political structures and processes will, according to the FCO perform a number of distinct functions:

Iraqi involvement in the day to day civil administration of Iraq in co-operation with the CPA; paving the way for the establishment of a viable Iraqi government to replace the CPA; [and] carrying out essential political functions in the interim such as reform of the Constitution.¹⁴⁹

144. On 20 June, the FCO expected “a political process to be launched in the coming days” to establish a “Political Council, to assist the CPA in the immediate tasks of running the civil administration” and a “Constitutional Conference”. A ‘Governing Council’ was launched in Baghdad on 13 July. The Council comprises 25 representatives from across Iraq, and is intended to

“represent the interests of the Iraqi people to the CPA [Coalition Provisional Authority], and to the international community, during Iraq’s transition to a sovereign, democratic, and representative government.”¹⁵⁰

The Council will have the power to name interim Ministers to head each Ministry, and the interim Ministers will report to it. According to the FCO, “It will also play a key role in determining the process for drawing up a new constitution and proceeding to democratic national elections.”¹⁵¹ The Constitutional Conference, which will have a larger membership, should be in place “by mid-July.” The Constitutional Conference “will draft and debate a new Iraqi constitution”, which will be approved by referendum.

145. We recognise the difficulties inherent in the establishment of a transitional administration in Iraq after years of oppressive rule by Saddam Hussein. However, we have been concerned by the apparent confusion and instability of the US-led Authority in the immediate post-war period. **We recommend that the Government now do its utmost, together with its partners in the Coalition, to ensure that the Coalition Provisional Authority maintains consistent policies and establishes transparent measures for the governance of Iraq, until more permanent Iraqi structures are created.**

148 Ev 124

149 *Ibid*

150 ‘Foreign Secretary welcomes the launch of the Governing Council for Iraq’, FCO press release, 13 July 2003, available at: <http://www.fco.gov.uk/servlet/>

151 *Ibid*

The role of the UN in post-war Iraq

146. The FCO stated in its 22 April memorandum that

The United Nations has a vital role to play in the reconstruction of Iraq. We plan to seek the adoption of new United Nations Security Council Resolutions that would affirm Iraq's territorial integrity, ensure rapid delivery of humanitarian relief and endorse an appropriate post-conflict administration for Iraq.

147. In a further memorandum sent to us in June, the FCO acknowledged that the US-led coalition currently occupying Iraq would not have been able to help establish the political structures described above without prior endorsement by the UN Security Council. The coalition is governed by the 1907 Hague Regulations and the 1949 Fourth Geneva Convention, which set out the rights and responsibilities of Occupying Powers. Article 64.2 of the Fourth Geneva Convention states that the occupying power may

subject the population of the occupied territory to provisions which are essential to enable the Occupying Power to fulfil its obligations under the present Convention, to maintain the orderly government of the territory, and to ensure the security of the Occupying Power, of the members and property of the occupying forces or administration, and likewise of the establishments and lines of communication used by them.

Also relevant is Article 43 of the 1907 Hague Regulations, which specifies that an Occupying Power

shall take all the measures in its power to restore and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.

148. The FCO interprets these regulations to mean that

while changes to the legislative and administrative structures of Iraq are permissible if they are necessary for security or public order reasons, or in order to further humanitarian objectives, the occupant should not undertake more wide ranging reforms of governmental and administrative structures.¹⁵²

149. This situation changed on 22 May 2003, when the UN Security Council adopted a new Resolution, 1483. In Resolution 1483, the Security Council recognised the

specific authorities, responsibilities, and obligations under applicable international law of [the United States and United Kingdom] as occupying powers under unified command (the "Authority")

and supported the formation, by the people of Iraq with the help of the Authority and working with the Special Representative, of an Iraqi interim administration as a transitional administration run by Iraqis, until an internationally recognized,

representative government is established by the people of Iraq and assumes the responsibilities of the Authority.¹⁵³ Specifically, the Resolution

Calls upon the Authority, consistent with the Charter of the United Nations and other relevant international law, to promote the welfare of the Iraqi people through the effective administration of the territory, including in particular working towards the restoration of conditions of security and stability and the creation of conditions in which the Iraqi people can freely determine their own political future.¹⁵⁴

The FCO states that

Since the passing of United Nations Security Council Resolution 1483, the question of the UK's responsibilities in respect of political reform is no longer governed solely by the law of occupation.¹⁵⁵

150. Resolution 1483 does not clearly define the mandate of the UN in post-war Iraq. In the Resolution, the Council

Requests the Secretary-General to appoint a Special Representative for Iraq whose independent responsibilities shall involve reporting regularly to the Council on his activities under this resolution, coordinating activities of the United Nations in post-conflict processes in Iraq, coordinating among United Nations and international agencies engaged in humanitarian assistance and reconstruction activities in Iraq, and, in coordination with the Authority, assisting the people of Iraq

in a number of ways. None of the verbs used to describe the responsibilities of the UN Special Representative in the Resolution—"coordinating", "promoting", "facilitating", "encouraging"—endows him with executive capacity in Iraq.

151. The Government states that it expects the United Nations Special Representative Sergio Vieira de Mello "to play a central role in the political process."¹⁵⁶ It is not yet clear, however, what precisely this role will be.

152. We welcome the adoption by the UN Security Council of Resolution 1483, which permits the United States and United Kingdom to play a substantial role in the establishment of a transitional administration run by Iraqis. We recommend that, in its response to this Report, the Government supply us with a full statement of how, with partners in the US, it is discharging its responsibilities as set out in Security Council resolution 1483.

153. We note that the United Nations has been responsible, during the past two decades, for peace operations in many post-conflict societies. The UN currently administers thirteen political and peace-building missions around the world, including the UN Assistance

153 UN Security Council 1483, available at: <http://ods-dds-ny.un.org/doc/UNDOC/GEN/N03/368/53/PDF/N0336853.pdf?OpenElement>

154 UN Security Council 1483, available at: <http://ods-dds-ny.un.org/doc/UNDOC/GEN/N03/368/53/PDF/N0336853.pdf?OpenElement>

155 Ev 124

156 *Ibid*

Mission in Afghanistan, and fifteen peacekeeping operations.¹⁵⁷ UN peace operations have, of course, had shortcomings. However, many of the issues which Coalition Provisional Authority staff will face in undertaking the US-led ‘nation-building’ project in Iraq—from the establishment of new judicial systems and the determination of property rights to the supervision of elections—have been addressed before by the international staff of the UN, and by their counterparts in organisations such as the Organisation for Security and Co-operation in Europe.

154. The UN will not be responsible for administration of Iraq during the transitional period. **We recommend that, in the rebuilding of Iraq, the Government maintain contact with, and—where possible—learn lessons from UN officials who have administered post-conflict reconstruction and peace-building, operations comparable to those currently being undertaken in Iraq.**

British diplomatic presence in post-war Iraq

155. The FCO opened a British Office in Baghdad in May. A “containerised embassy” was sent to Baghdad immediately after the end of the conflict, so—as Sir Michael Jay, Permanent Under-Secretary at the FCO explained—“that our own team was there ... before anybody else was there.” The containerised embassy enabled diplomatic staff “to live and work in fully-equipped conditions, with proper communications.”¹⁵⁸

156. The Office was headed by Christopher Segar, and staffed by four UK based staff. The Head of the British Office in Baghdad is responsible for promoting the UK’s bilateral interests in Iraq. The Government has also appointed a Special Representative for Iraq. The role of the Special Representative

is to work with Iraqis, with Coalition partners and with other representatives of the international community to help and guide the political processes leading to the establishment of an interim administration.

John Sawers was appointed as the first Special Representative. He will be replaced in September by Sir Jeremy Greenstock, who is currently the United Kingdom’s Ambassador to the United Nations.

157. We commend the Government for its rapid establishment of a British Office in Iraq, and also for the appointment of a Special Representative to assist in political processes leading to the establishment of an Iraqi representative government.

158. On 22 June, the first containers of Britain’s first ‘flat pack embassy’ arrived in Baghdad. The FCO spokesman described it as

157 See ‘United Nations Peace-Building and other Political Missions’, available at: <http://www.un.org/Depts/dpko/yir/english/page8.html>. For details of current UN peacekeeping operations, see the website of the UN Department of Peacekeeping Operations, available at: <http://www.un.org/Depts/dpko/dpko/home.shtml>.

158 Q 16 [Sir Michael Jay], HC 859 (yet to be published)

the latest example of the FCO's new rapid response capability. The flat pack embassy, delivered in 80 containers, consists of prefabricated office and accommodation units that will be assembled on site into an Embassy village over the next 12 weeks.

The embassy, which is “fully self-supporting in terms of electrical and water supply” will house up to 40 staff—a dramatic increase from the four officials based until 22 June. The flat pack embassy should allow the FCO

to offer virtually the full range of embassy services in Baghdad within a remarkably short period of time. And the smaller containerised embassy will then be held ready for deployment elsewhere in the world at a moment's notice.¹⁵⁹

Sir Michael Jay explained to us on 24 June that when the flat pack embassy is fully assembled—from the middle of August—the “FCO and other government departments [would] be properly represented in the compound there.” In his view, “both the instant [containerised] Embassy and the slightly more complicated [flat pack] Embassy” are examples of the FCO's “ability to respond more quickly to crises”; so far, they “have worked well.”¹⁶⁰

159. We commend the Government for its initiative in creating a ‘flat pack embassy’. We recommend that the FCO supply us with a memorandum when the flat pack embassy is fully assembled, setting out how it has performed in its deployment to Iraq.

The Middle East region in the immediate aftermath of the war

160. In our December 2002 Report, we discussed the possibility that a war with Iraq might ignite instability in the wider Middle East region. We were reminded by the former diplomat Sir Harold Walker that “Arab leaders have used pretty powerful language in forecasting disaster” in the event of a war. Another former diplomat, Lord Wright, told us that public reactions to a war with Iraq would depend substantially on the length of the campaign: “if it is a quick, clean action—and I have no idea how that can be achieved—then I believe that the regional response can probably be held under control”.¹⁶¹

161. Last year, we noted Egyptian President Hosni Mubarak comments of 27 August that “If you strike Iraq ... while Palestinians are being killed by Israel ... not one Arab leader will be able to control the angry outburst of the masses.”¹⁶² On 31 March 2003, President Mubarak warned further that the US-led war on Iraq would produce “one hundred new bin Ladens,” driving more Muslims to anti-Western militancy: “When it is over, if it is over, this war will have horrible consequences,” he told Egyptian soldiers in a speech in Suez.¹⁶³

159 FCO press release: ‘Britain's first flat-pack embassy heads for Baghdad’, 20 June 2003, available at: <http://www.fco.gov.uk>

160 Q 16 [Sir Michael Jay], HC 859 (yet to be published)

161 Second Report from the Foreign Affairs Committee, Session 2002–03, *Foreign Policy Aspects of the War against Terrorism*, HC 196, para 194

162 *Ibid.*, para 193

163 ‘Mubarak warns of 100 bin Ladens’, CNN, 1 April 2003, available at: <http://edition.cnn.com/2003/WORLD/meast/03/31/iraq.egypt.mubarak.reut/>

162. Yet widespread unrest on the ‘Arab street’ did not materialise during the war. Jane Corbin reminded us that

King Abdullah has suffered a lot of public disquiet, riots and demonstrations on the streets of Jordan for the stance that he has taken because there has long been natural sympathies between the Iraqis and the Jordanians.

However, she had

detected a real ambivalence in the Middle East on this whole question of Iraq, at street level people were angry at American intervention, angry that their rulers had not stood up against it. In the middle-classes, many of whom were business people who understood what the regime had done and knew about human rights abuses and had lost family members there was a feeling they wanted him out but they did not want to say so openly.¹⁶⁴

163. Despite the multiple warnings, the Middle East region has not erupted into chaos; but the transformation wrought by regime change in Iraq may still be very substantial. As Jane Corbin argued, the “big question is whether this makes the whole region any more stable or safe.” In her view, “it is far too early to tell.”¹⁶⁵

164. We conclude that the level of resentment of the new US and United Kingdom presence in Iraq may well depend on the success or otherwise of efforts to improve the lives of Iraqi people and progress in the Middle East peace process. We therefore strongly recommend that the Government make a sustained commitment to the reconstruction of Iraq.

164 Q 365

165 Q 366

January-June 2003: the FCO's response to international terrorism

Efforts to disable al Qaeda and associated terrorist networks

165. In late 2002, before our last Report in this Inquiry was published, a series of deadly terrorist attacks had taken place in Kuwait, Indonesia, Kenya, Russia and Jordan. Those who perpetrated these attacks seemed likely to have had some connection to the al Qaeda network.¹⁶⁶ In our last Report, we analysed the state of al Qaeda, and concluded that

despite over a year of vigorous international efforts to disrupt the network, al Qaeda and associated organisations continue to pose a grave threat to the United Kingdom and its interests abroad.¹⁶⁷

166. In May this year, the US administration—perhaps buoyed by its successful removal of the Iraqi regime—was upbeat about progress in combating al Qaeda. On 5 May, President Bush said in a speech in Arkansas that

Al Qaeda is on the run. That group of terrorists who attacked our country is slowly, but surely being decimated. Right now, about half of all the top al Qaeda operatives are either jailed or dead. In either case, they're not a problem anymore.¹⁶⁸

167. A week after President Bush's Arkansas speech, terrorists drove a truck bomb into a residential compound in Riyadh, Saudi Arabia, killing 34 people. Then four days later, on 16 May, suicide bombers attacked five targets in Casablanca, Morocco; all twelve bombers and 29 victims died. In the assessment of US Secretary of State Colin Powell, the Saudi attack bore "all the fingerprints of an al Qaeda operation."¹⁶⁹

The capture of al Qaeda operatives

168. There have been a number of recent successes in the war against al Qaeda. Early in 2003, the US government succeeded in apprehending a number of senior al Qaeda planners and operatives. Khalid Sheikh Mohamed, a senior al Qaeda figure who had played a central role in planning the 11 September attacks, was arrested in Pakistan on 28 February. Abu Zubaydah, who ranked third on the US government's list of wanted al Qaeda suspects, and who was implicated in the 1998 US embassy bombings in East Africa and other al Qaeda plots, was apprehended in late March. On 26 June, Ali Abd al-Rahman al-Faqasi al-Ghamdi, who was thought to be responsible for masterminding the 12 May Riyadh bombings, was captured in Saudi Arabia.

166 Second Report from the Foreign Affairs Committee, Session 2002–03, *Foreign Policy Aspects of the War against Terrorism*, HC 196, paras 63–76

167 *Ibid.*, para 76

168 Remarks by the President on the Jobs and Growth Plan, Robinson Center, Little Rock, Arkansas, 5 May 2003, available at: <http://www.whitehouse.gov/news/releases/2003/05/20030505-4.html>

169 'US worried about more al Qaeda attacks', CNN, 14 May 2003, available at: <http://edition.cnn.com/2003/WORLD/meast/05/13/saudi.blast/>.

169. These arrests are likely to have provided the US with valuable information, and to have damaged al Qaeda’s capacity to plan major attacks. In spite of these major successes, however, Jane Corbin—who has studied al Qaeda for a number of years—assesses that the network is showing “an ability to regenerate and to pass on responsibilities and for new groups and new individuals to rise through the ranks.”¹⁷⁰ Al Qaeda has been damaged by arrests of senior figures, but “it does seem to have the ability to find new fanatical groups and individuals.” It also has a “department of martyrs”—undoubtedly “an indication of the strength of the recruitment that they have of people willing to give up their lives for the organisation.”¹⁷¹

170. The most important al Qaeda figure, Osama bin Laden, is likely still to be alive. Jane Corbin believes that “the importance of bin Laden himself as a figurehead and as a charismatic leader obviously should not be underestimated ... until he is apprehended or until he is shown to be dead, he will remain a charismatic figurehead and he will presumably continue to put out his messages, his tapes, his writings and he will act as a rallying point.”¹⁷² Osama bin Laden does not need to co-ordinate the network or to give directions for terrorist attacks; “his importance is and always has been as the figurehead at the top of it, the man who inspires, the man who gives, if you like, the inspiration for the acts.”¹⁷³ In terms of the command and control of al Qaeda, Ayman al-Zawahiri is thought to be far more important. However, the capture of bin Laden is, in Jane Corbin’s view, “absolutely essential for the war on terror to be judged a success and to have a real impact on the continued ability of al-Qaeda to recruit.”¹⁷⁴

171. Apprehending al Qaeda ‘foot soldiers’ is also crucial to the defeat of the network. The scale of this task is daunting. Professor Paul Wilkinson, an expert in international terrorism from the University of St Andrews, warned us that al Qaeda “has more actual trained militants with expertise that can be used in terrorist operations than any previous international terrorist movement that we have known.” About 17,000 individuals have been through various al Qaeda training processes.¹⁷⁵ Professor Wilkinson further estimates that al Qaeda operates in between 50 and 60 countries: “That is a terrifically high number compared to the geographical dispersal of any previous international terrorist organisation.”¹⁷⁶

172. We welcome the capture of a number of senior al Qaeda figures, in particular Khalid Sheikh Mohamed, Abu Zubaydah and Ali Abd al-Rahman al-Faqasi al-Ghamdi. We nonetheless conclude that those that remain at large—including Osama bin Laden—retain the capacity to lead and guide the organisation towards further atrocities. We further conclude that al Qaeda has dangerously large numbers of ‘foot soldiers’, and has demonstrated an alarming capacity to regenerate itself.

170 Q 330

171 Q 330

172 Q 320

173 Q 320

174 Q 320

175 Q 331

176 Q 331

The Iraq war and al Qaeda

173. The war in Iraq was justified in part by the United Kingdom and United States on grounds of the risk that terrorists might obtain weapons of mass destruction from the Iraqi regime. On 8 March, President Bush stated in a radio address that terrorists would lose a “wealthy patron and protector” if Saddam Hussein were “fully and finally disarmed.”¹⁷⁷

174. In late March, US special forces and Iraqi Kurdish militias destroyed the camps of the terrorist group Ansar al-Islam in Northern Iraq. According to the US government, Ansar al-Islam has links with al Qaeda.¹⁷⁸

175. In our December 2002 Report, we recommended that the Government “treat seriously the possibility that a war with Iraq could trigger instability in the Arab and Islamic world, and could increase the pool of recruits for al Qaeda and associated terrorist organisations there and in Western Europe.”¹⁷⁹ In March 2003, we asked the FCO for an assessment of the short term effects of military action against Iraq on recruitment for, and the threat from, al Qaeda and associated terrorist groups, both in the Islamic world and in Western Europe.

176. The FCO replied that “It is clear that Al Qaeda is trying to exploit events in Iraq for its own purposes. Bin Laden’s message of 11 February urged Muslims to unite in support of the Iraqi people in what he characterised as a war against Islam. He welcomed martyrdom operations against the US and Israel. We assess that, in the short term, Al Qaeda’s stance on Iraq may encourage some misguided individuals or small groups to try to commit terrorist acts, including against coalition forces in Iraq, and elsewhere in the region or further away.”¹⁸⁰

177. However, the FCO estimated in late April that “In the longer term ... al Qaeda’s stance on Iraq will be undermined by the benefits of disarming Iraq of weapons of mass destruction, the removal of the current Iraqi regime and evidence that the international community is making a renewed effort to advance the Middle East Peace process.”¹⁸¹

178. Professor Wilkinson is more sceptical about the possibility that the Iraq war has contributed to the broader war against terrorism. He had found “no substance” to allegations that there had been collaboration between Saddam Hussein’s government and al Qaeda.¹⁸² Jane Corbin had likewise “never been able to find any concrete evidence of links between al Qaeda and the Iraqi regime, certainly not organisational links.”¹⁸³

177 President Bush’s radio address, 8 March 2003, available at: <http://www.whitehouse.gov/news/releases/2003/03/20030308-1.html>

178 See US Secretary of State Colin L Powell, ‘Remarks to the United Nations Security Council’, 5 February 2003, available at: <http://www.state.gov/secretary/rm/2003/17300.htm>

179 Second Report from the Foreign Affairs Committee, Session 2002–03, *Foreign Policy Aspects of the War against Terrorism*, HC 196, para 200

180 Ev 69

181 *Ibid*

182 Q 318

183 *Ibid*

179. The war in Iraq might in fact have impeded the war against al Qaeda. Our witnesses were concerned that it might have enhanced the appeal of al Qaeda to Muslims living the Gulf region and elsewhere. Professor Wilkinson told us that

most observers on counter-terrorism would accept that there was a very serious downside to the war in Iraq as far as counter-terrorism against al-Qaeda is concerned because al-Qaeda was able to use the invasion of Iraq as a propaganda weapon... They have always wanted to latch on to issues that could be exploited in very dramatic terms, and the proximity of American forces to the holy places on the Arabian Peninsula seemed to be a very early issue that they were exploiting to the full.¹⁸⁴

180. **We recommend that in its response to this Report the FCO set out its understanding of the extent to which the war in Iraq may have affected the fight against al Qaeda and associated terrorist organisations.**

Afghanistan and the 'war against terrorism'

181. Both Jane Corbin and Paul Wilkinson stressed to us the importance of stabilising Afghanistan. Jane Corbin told us that, in her view, Osama bin Laden was likely to be in Afghanistan, "in the southern or eastern portion of the country or perhaps just over the border in what are known as the tribal territories in Pakistan."¹⁸⁵ She added that a

little more than a year after the war against terror in Afghanistan we have not seen successful nation-building there and we have not seen security extended. This is the kind of environment in which al-Qaeda thrives and this is the kind of place that, if bin Laden were alive, he would wish to be.¹⁸⁶

Our witnesses were concerned that the measures taken since the end of the war in Afghanistan to remove the conditions in which terrorists thrive were insufficient. Paul Wilkinson argued that

if we were looking at it from the point of view of defeating al-Qaeda as a network, then money spent on stabilising Afghanistan would have been, in my view, far more wisely spent

than money spent on the war in Iraq. Afghanistan

is in a very serious state. Warlords are becoming deeply entrenched and are siding with Taliban and al-Qaeda residues and making it far more difficult for the Karzai Government to maintain credible authority, so I think the challenge to the Afghan Interim Government is really very serious.¹⁸⁷

182. The Government has now decided to deploy a Provincial Reconstruction Team (PRT) to Afghanistan. The role of the PRTs is "to aid the extension of the ATA [Afghan

184 Q 315

185 Q 319

186 Q 319

187 Q 319

Transitional Authority]’s capacity, the development of a stable and secure environment in the Afghan regions and to stimulate security sector reform and reconstruction.” The PRT “will initially be military-led and deploy for up to two years. It will initially comprise some 50 troops who will liaise with Afghan military forces in the region and provide the team’s support and protection.” However, the PRT will also include civilian staff from the Foreign and Commonwealth Office and the Department for International Development, who “will be responsible for providing political and development advice respectively.”¹⁸⁸ **We recommend that, in its response to this Report, the Government supply us with a memorandum detailing progress made by the United Kingdom’s Provincial Reconstruction Team in Afghanistan.**

183. Afghanistan was the first case of ‘regime change’ in the war against terrorism; Iraq is the second. The United Nations plays the leading role in the reconstruction of Afghanistan, as it did in many post-conflict situations in the 1990s. The US, with its coalition partners, is leading the operation in Iraq.

184. We conclude that Afghanistan, and now Iraq, demonstrate the profound difficulties inherent in post-conflict stabilisation and reconstruction operations. We conclude that the success of both operations is of central importance to the success of the ‘war against terrorism’. We recommend that, in addition to devoting substantial resources to these specific operations, the Government review its overall capacity for post-conflict reconstruction and peace-building.

The United Nations and action to counter international terrorism

185. On 4 April 2003, Sir Jeremy Greenstock, Britain’s ambassador to the United Nations, briefed the Security Council on the organisation’s efforts to counter international terrorism. He argued that no country could prevent terrorism in isolation: only governments working together could raise global counter-terrorism capacity. Sir Jeremy reminded that Council that “It took a horrific terrorist act less than five miles from this Council Chamber to shake the international community into adopting 1373’s legally binding and global standards.” The vigour of a central, catalytic body could make a huge difference to the maintenance of global law and order. The UN’s Counter-Terrorism Committee had become that.¹⁸⁹

186. Our previous two Reports on the ‘war against terrorism’ have described the establishment of the UN Counter-Terrorism Committee (CTC), and its progress in monitoring UN member states’ actions to counter terrorism and in co-ordinating international assistance against this threat. We have commended the Government’s “high

188 HL Deb, 14 May 2003, col 36–37WA

189 UN Press Release SC/7718: Summaries of statements at 4 April 2003 Security Council meeting on Terrorism, available at: <http://www.un.org/News/Press/docs/2003/sc7718.p2.doc.htm>

level of commitment” towards the CTC,¹⁹⁰ and have praised Sir Jeremy Greenstock, for his skilful and sensitive chairmanship of the Committee.¹⁹¹

187. In January 2003, the Security Council adopted two resolutions relating to the international campaign against terrorism. On 17 January, in Resolution 1455 (2003), the Council decided—acting under Chapter VII of the UN Charter—to improve the implementation of previous resolutions concerned with freezing the assets of Osama bin Laden and al Qaeda, and to enhance co-ordination and information exchange between Council members in addressing this threat.¹⁹² On 20 January, the Council met at the level of Ministers of Foreign Affairs for a meeting on Counter Terrorism, which had been called by the French presidency. After a vigorous debate, the Council adopted resolution 1456 (2003), calling on member states to “take urgent action to prevent and suppress all active and passive support to terrorism”, and to bring to justice those who finance, plan, support or commit terrorist acts or provide safe havens. It called upon the CTC to “intensify its efforts to promote the implementation by member states of all aspects of resolution 1373 (2001)”, and noted that co-operation between member states “will help facilitate the full and timely implementation of resolution 1373”. International organisations were asked to “evaluate ways in which they can enhance the effectiveness of their actions against terrorism.”¹⁹³

188. The CTC has been active in a number of areas. On 6 March, it brought together a huge range of experts, professionals and representatives of States and regional organisations to establish a structured framework for dealing with terrorism.¹⁹⁴ Sir Jeremy Greenstock described the event as important for establishing a global structure in concrete terms—and especially in enhancing the flow of information between organisations.¹⁹⁵ The CTC has also met with representatives of the International Atomic Energy Agency (IAEA), the Organization for the Prohibition of Chemical Weapons, the World Customs Organization and the International Criminal Police Organization (Interpol), in order to develop better means of ensuring that terrorists do not obtain weapons of mass destruction.¹⁹⁶

189. Sir Jeremy Greenstock has now handed over chairmanship of the CTC to his Spanish counterpart. At the conclusion of his presentation to the Security Council on 4 April, Sir Jeremy suggested that the Counter-Terrorism Committee might perhaps, one day, become something more than it is now: a full-time, professional and global body of experts,

190 Second Report from the Foreign Affairs Committee, Session 2002–03, *Foreign Policy Aspects of the War against Terrorism*, HC 196, para 17

191 Seventh Report from the Foreign Affairs Committee, Session 2001–02, *Foreign Policy Aspects of the War against Terrorism*, HC 384, para 69; and Second Report from the Foreign Affairs Committee, Session 2002–03, *Foreign Policy Aspects of the War against Terrorism*, HC 196, para 16

192 The relevant measures are listed in paragraph 4 (b) of resolution 1267 (1999), paragraph 8 (c) of resolution 1333 (2000), and paragraphs 1 and 2 of resolution 1390 (2002). Resolution 1455 is available at: <http://ods-dds-ny.un.org/doc/UNDOC/GEN/N03/214/07/PDF/N0321407.pdf>

193 UN Security Council Resolution 1456 (2003), available at: <http://ods-dds-ny.un.org/doc/UNDOC/GEN/N03/216/05/PDF/N0321605.pdf?OpenElement>

194 Special meeting of Security Council’s Counter-Terrorism Committee hears call for systematic international, regional cooperation, UN press release SC/7679, 6 March 2003, available at: <http://www.un.org/News/Press/docs/2003/SC7679.doc.htm>

195 UN Press Release SC/7718, 4 April 2003

196 *Ibid*

working with the Council, but following up all avenues which resolution 1373 had opened.¹⁹⁷

190. We agree with Sir Jeremy Greenstock’s assertion that no country can prevent terrorism in isolation. We recommend that the Government consider carefully Sir Jeremy’s suggestion that the Counter-Terrorism Committee develop into a full-time body of terrorism experts, capable of providing support to member states over an extended period of time.

Tackling the financing of terrorist organisations

191. In its response to our last report, the Government informed us that it was “looking to deliver a range of technical assistance programmes to help states with implementing their international obligations” regarding terrorist financing.¹⁹⁸ The FCO is currently funding the Commonwealth Secretariat to assist states in implementing the 12 existing UN counter terrorism conventions, and in drafting domestic counter-terrorism legislation. The FCO is also funding a Charity Commission programme to help charities to ensure they are neither knowingly nor unknowingly misused to support terrorist activities, primarily through financing activities.¹⁹⁹

192. We welcome these efforts to counter terrorist financing. Progress has undoubtedly been made: Professor Wilkinson told us that \$121.5 million in financing for terrorists has been now blocked in Western banks.²⁰⁰

193. However, much work remains to be done in stopping terrorists’ access to funds. Professor Wilkinson explained that terrorists can avoid Western banks by sending money “through the informal system of transfers in the Middle Eastern banking system”. Professor Wilkinson describes this as “a big loophole” in efforts to stop terrorists from obtaining funds.²⁰¹

194. We also heard in evidence from Professor Wilkinson and Jane Corbin that terrorists are using organised crime—“things like credit card fraud, using front companies and then establishing the smuggling of various commodities as another lucrative means of bringing in money.” Professor Wilkinson argued that

with all these other sources, bearing in mind that a terrorist organisation does not need as much money as a state, it does not have the same costs as a state, al-Qaeda is still far and away the best resourced terrorist organisation in the world today.²⁰²

195. We remain concerned that al Qaeda and associated organisations retain access to the funds necessary to carry out terror attacks. We recommend that the Government

197 UN Press Release SC/7718: Summaries of statements at 4 April 2003 Security Council meeting on Terrorism, available at: <http://www.un.org/News/Press/docs/2003/sc7718.p2.doc.htm>

198 Government Response to the Second Report of the Foreign Affairs Committee, Session 2002–03, *Foreign Policy Aspects of the War against Terrorism*, Cm 5739

199 Ev 69

200 Q 330

201 *Ibid*

202 *Ibid*

continue to sponsor projects to assist other states in their efforts to prevent terrorists from transferring and accessing funds, through the banking system and through charities—especially with states in the Arab world. We recommend that the Government in its response to this Report provide us with an update of its action in this crucial area.

An overall assessment of al Qaeda

196. Our witnesses felt that progress in addressing the threat from al Qaeda had been exaggerated by the Bush administration. Professor Wilkinson told us that

I do not think that serious observers of al-Qaeda’s activities really did believe that the organisation was a finished organisation or that it was in such a very serious state of disarray that one could really talk about it being on the run. The implication was that it was really falling apart. I do not think that that would be an accurate description.²⁰³

Jane Corbin, who has also studied al Qaeda for several years, agreed that although “in the immediate months after the Americans began their war against terror in Afghanistan, there was a huge effect on al-Qaeda,”²⁰⁴ the network has now been able to regroup. Jane Corbin told us that the waves of al Qaeda operatives who had been trained in Afghanistan went back to the regions from which they came—the Philippines, the Far East, North Africa and the Gulf—and formed “a second drive”.²⁰⁵

197. **We conclude that, in spite of some notable progress, al Qaeda continues to pose a substantial threat to British citizens in the United Kingdom and abroad.**

Protecting British citizens from international terrorism

Travel Advice

198. On 12 October 2002, explosive devices were detonated outside a packed nightclub in Kuta Beach, Bali. 24 Britons were among the 190 people killed. On 21 October, the Foreign Secretary launched a review of the FCO’s travel advice system. He announced that “all intelligence” relating to the Bali attack would be made to the Intelligence and Security Committee (ISC), which would “consider this and then reach their own conclusions upon it.”²⁰⁶ On 28 November, while the Travel Advice review was under way, another terrorist attack occurred at a hotel popular with Israelis in Mombasa, Kenya.

199. The ISC Report was published on 11 December 2002. It concluded that, prior to the Bali bomb attack, FCO Travel Advice “did not accurately reflect the threat or recent developments, although it was proportional to the then current Security Service assessment.” The ISC further stated that “FCO Travel Advice is not well formulated and consequently it does not highlight the key points, particularly risks—they get lost in the

203 Q 312

204 Q 313

205 Q 314

206 HC Deb, 21 October 2002, col 23

complexity of the document... the whole issue of FCO Travel Advice, its purpose, target audience and presentation needs to be examined by the FCO as a matter of urgency.”²⁰⁷

200. We looked at Travel Advice in our own December 2002 Report, and noted that

No specific warning was issued by the FCO in advance of the Bali attack, nor were British citizens warned of a potential attack in Kenya—despite the fact that the German and Australian governments issued public warnings in mid-November that militants were planning to attack Western targets specifically in Mombasa.

We recommended that the Government publish and implement the results of its review of the travel advice system at the earliest opportunity, and also that it supply us with a full description of the process according to which travel advice is agreed among Government departments and issued to the public.²⁰⁸

201. On 3 February, we held an evidence session with Sir Michael Jay, Permanent Under-Secretary of State, Mr Dickie Stagg, Director, Information, Mr Rob Macaire, head of the Counter-Terrorism Policy Department, and Mr Edward Chaplin, Director, Middle East and North Africa Department. The purpose of our session was to discuss the FCO’s Travel Advice system, and progress with reform of the system since the Bali bombing.

202. Our discussions with the FCO officials, and evidence submitted in writing to the Committee, have highlighted the great difficulties inherent in the provision of sound travel advice. While Posts are responsible for recommending changes to Travel Advice, they are also responsible for maintaining good relations with their host country, and for promoting British commercial interests abroad. Both of the latter responsibilities might discourage Posts from recommending changes to Travel Advice.

203. The FCO states that changes to Travel Advice are prompted in two ways: first, for non-intelligence related changes, the British post in the country concerned will, on the basis of its own knowledge and its network of contacts, recommend changes. Secondly, however, the FCO receives reports and assessments from the intelligence agencies, which may be the basis for changes to our Travel Advice. Posts are required to reconsider their Travel Advice every month, and if they believe a change is needed, they should recommend this immediately.

It is for the Posts concerned to make a judgement on changes in the local environment which need to be translated into changes in the Travel Advice; and for the Counter-Terrorism Policy Department [CTPD]... to prompt consideration when intelligence reports appear significant and credible enough to require changes to Travel Advice.²⁰⁹

207 Intelligence and Security Committee, *Inquiry into Intelligence, Assessments and Advice prior to the Terrorist Bombings on Bali 12 October 2002*, Cm 5724, December 2002, para 11

208 Second Report from the Foreign Affairs Committee, Session 2002–03, *Foreign Policy Aspects of the War against Terrorism*, HC 196, paras 240–49

209 Ev 3

204. The ISC reported in December that

the volume of intelligence available [to United Kingdom Agencies] since 11 September has increased by a factor of at least ten. During the period [leading up to the Bali bomb attack], they received at least 150 separate reports a day relating to terrorist activity in more than twenty different countries, including Indonesia.²¹⁰

The FCO, as the customer of the intelligence agencies, needs to be able to process this increased amount intelligence material; accordingly it is increasing staffing levels “all the way down the chain” in the Counter-Terrorism Policy Department. The Consular Department is also being expanded to help the FCO “to cope with what is going inevitably an inexorable growth of cases.”²¹¹ **We commend the FCO’s decision to increase staffing levels in the Counter-Terrorism Policy Department and the Consular Department, and recommend that the levels currently agreed are kept under review.**

205. The FCO had, by February, already made a number of changes to its communication of travel advice. All 209 travel advisories on the FCO website have now been revised “to give a higher profile to the question of terrorism and the likelihood of terrorist attacks”²¹² and “to make the travel advice more user friendly, more readily understandable, to try and make certain that it is in better English.”²¹³ The Plain English Association had been consulted to help ensure that travel advisories were readily comprehensible to the public. The FCO is also looking at the travel advice of other countries, and adding hyperlinks from its own website to the foreign ministries of other countries. This means that

If a traveller is going to a French African country where we are not accredited, gets through to our advice and thinks, ‘I would quite like to know what the French are saying about this because they know more about the country’ they get through automatically and get further advice that way.²¹⁴

206. We discussed the FCO’s capacity to deploy staff quickly to support posts in case of emergency. Forty eight FCO staff are currently on standby to go, at 24 hours’ notice, to provide additional support to posts around the world in case of emergency. Sir Michael Jay told us that the FCO will be financing these rapid deployment teams

from re-prioritisation of our resources because ... it is clear to us that the ability to respond rapidly either to consular emergencies or to the need to set up an embassy somewhere is going to be a pretty constant part of our life in the future and we need to be able to fund that as best we can.²¹⁵

In June, we heard that an FCO Rapid Deployment Team had been sent to Riyadh to support the Embassy there in the wake of the terrorist attack. The team “supported the Embassy for a period of some 72 hours, working around the clock, and the Embassy were

210 Intelligence and Security Committee, *Inquiry into Intelligence, Assessments and Advice prior to the Terrorist Bombings on Bali 12 October 2002, Cm 5724, December 2002*, para 11

211 Q 16

212 Q 2, [Sir Michael Jay], HC 859 (yet to be published)

213 *Ibid*

214 Q 22

215 Q 47

extremely grateful for the support they had.”²¹⁶ The deployment of this team was, according to Sir Michael Jay, a result of a “lesson we learned from Bali, because in Bali we did not respond quickly and substantially enough” after the terrorist attack of October 2002.²¹⁷

207. The FCO is establishing a twenty four hour ‘situation centre’ within the building, to bring the resident office clerks (who operate outside of office hours), press office staff and consular staff into one location and to ‘streamline’ their respective tasks. Sir Michael Jay told us that the FCO

aim here ... bring them together into one situation centre and also have somebody who would be working there during working hours as well so you do have continuity particularly in how you would initially handle a crisis as it arose either out of hours or within hours.²¹⁸

In February, we were told that the situation centre would be ready by the summer. In June, however, Sir Michael Jay, Permanent Under-Secretary at the FCO, told us that the situation centre had been “one of the casualties of the Iraq conflict, in that we had to put 5 per cent of our total London-based resources into the Iraq emergency units, and inevitably that meant that certain things could not be done ... one of the things which we could not do was put the 24-hour/seven Situation Centre into place as soon as we would have liked.”²¹⁹ The plan is now to have the situation centre running “by the end of August.”²²⁰ **We recommend that the Government inform us when the twenty-four hour situation centre in the FCO is up and running.**

208. A number of further developments were under consideration when we discussed this matter with Sir Michael Jay and his colleagues in February, including the provision of medical support to British citizens in emergencies, measures for evacuation of British citizens, and the establishment of call centres to inform and support concerned relatives in the United Kingdom. In June, we heard from Sir Michael Jay that the Rapid Deployment Team sent to Riyadh did not have a medical component, but others might: “we will make a decision case by case as to whether we think there is a case for one.”²²¹ **We recommend that, in its response to this Report, the Government detail the FCO’s progress towards ensuring that British citizens affected by terrorist attacks or other emergencies abroad will have access to adequate medical support, and how the FCO will ensure that they can be evacuated from the country in question. We further recommend that the FCO, in its response to this Report, describe how call centres will be established during emergencies to help inform concerned friends and relatives of the crisis situation.**

216 Q 19, [Sir Michael Jay], HC 859 (yet to be published)

217 Q 19, [Sir Michael Jay], HC 859 (yet to be published)

218 Q 52

219 Q 23, [Sir Michael Jay], HC 859 (yet to be published)

220 *Ibid*

221 Q21 [Sir Michael Jay], HC 859 (yet to be published)

209. Sir Michael Jay told us that

the consular protection services that we provide are going to become more important over the next two or three years, higher profile and present us with new, different and quite difficult challenges.²²²

We agree with his comments, and we are likewise convinced that the provision of advice and protection to British citizens travelling abroad will continue to be a very important aspect of the FCO's work.

Taking forward the war against terrorism

The Israeli-Palestinian conflict

210. In our last Report on this subject, we stressed the importance of engaging the leaders of Israel and the Palestinian Authority in an effort to revive the Middle East peace process. We argued that “this policy must be pursued in parallel with international efforts to address threats from al Qaeda and from the Iraqi regime.”²²³

211. The relationship between the Israeli-Palestinian conflict and the ‘war against terrorism’ is complex. Osama bin Laden and other al Qaeda figures have sought to link their campaign with the Israeli-Palestinian issue.²²⁴ We have, throughout this Inquiry, discussed the possibility of linkages between al Qaeda and Palestinian terrorist organisations; however, none of our witnesses has found substantial evidence of such links.²²⁵ In June, Professor Wilkinson argued that

[Chairman] Arafat’s rather angry assertion that al-Qaeda had been trying to hijack the Palestinian cause was interesting because it suggests that he was irritated at possible interference by al-Qaeda with the Palestinian movement in general.²²⁶

However, it is clear that the Israeli-Palestinian conflict, and the relationship between the US and Israel, is one of the causes of resentment of the US in the Arab world—and thus one of the factors contributing to the appeal of organisations such as al Qaeda.²²⁷

212. To its credit, the Government has continued to devote substantial resources and commitment towards the resolution of the Israeli-Palestinian conflict. On 14 January the Government hosted a meeting on Palestinian reform. It has also hosted meetings of the Ad Hoc Liaison Committee (AHLC)—the international donor co-ordination mechanism for the region—and of the Task Force on Reform.²²⁸

213. The Government may also have pushed the Bush administration towards more active engagement in the Israeli-Palestinian conflict. The Prime Minister is considered by many to have encouraged President Bush to promise, at the Hillsborough summit, that he would “expend the same amount of energy on the Middle East” peace process as Tony Blair had on Northern Ireland.²²⁹

223 Second Report from the Foreign Affairs Committee, Session 2002–03, *Foreign Policy Aspects of the War against Terrorism*, HC 196, para 220

224 In his ‘Declaration of the World Islamic Front for Jihad against the Jews and the Crusaders’, published in the London-based newspaper *Al-Quds al-Arabi* on 23 February 1998, Osama bin Laden wrote that “While the purposes of the Americans [in the Middle East] are religious and economic, they also serve the petty state of the Jews, to divert attention from their occupation of Jerusalem and their killing of Muslims in it.” Cit. Bernard Lewis, ‘License to Kill’, *Foreign Affairs*, November/December 1998.

225 Qq 238–30; also Seventh Report from the Foreign Affairs Committee, Session 2001–02, *Foreign Policy Aspects of the War against Terrorism*, HC 384, paras 155–56

226 Q 330

227 Seventh Report from the Foreign Affairs Committee, Session 2001–02, *Foreign Policy Aspects of the War against Terrorism*, HC 384, para 161

228 Ev 69

229 Bush urges Northern Ireland peace moves, CNN, 8 April 2003. Available at: <http://edition.cnn.com/2003/WORLD/europe/04/08/n.ireland.bush.blair/>

214. Since the conclusion of the Iraq war, the Israeli-Palestinian situation has taken a number of positive steps, in spite of continuing violence. The appointment of a Palestinian Prime Minister, Mahmoud Abbas, and the subsequent publication of the Quartet Road Map, offer hope of progress towards a two-state solution to the crisis. Israeli Prime Minister Ariel Sharon met Mahmoud Abbas on 3 June in Aqaba, Jordan, at a summit attended by US Secretary of State Colin Powell and National Security Adviser Condoleezza Rice. Secretary Powell said after the meeting that “a degree of trust was built up” between Prime Ministers Sharon and Abbas.²³⁰ Prime Ministers Abbas and Sharon met again on 1 July, shortly after the conclusion of an agreement between the parties to the conflict, according to which the Palestinian Authority was to assume “security responsibility” for the Gaza Strip, and after the declaration by Hamas and Islamic Jihad of “suspension of the military operations against the Zionist enemy for three months”.²³¹ Violence continues, but there are also signs of progress.

215. Jane Corbin argued that the US-led war in Iraq has had a substantial effect on the Israeli-Palestinian conflict, mainly because it has increased “the willingness of the Bush administration to now engage with the Peace Process”. This is clearly a positive consequence of the Iraq war; however, “It is early days and we await the outcome and there are lots of pitfalls on the way.”²³² Both Fergal Keane and Jane Corbin were cautious in their optimism about the prospect for peace, via the Quartet Road Map. Fergal Keane reminded us that the plan “is hugely problematic in terms of how it will be made to stick on the Palestinian side in particular.”²³³

216. We conclude that the resolution of the Israeli-Palestinian conflict continues to be of central importance to the long term stabilisation of the Middle East region. We commend the Government’s commitment to resolution of the conflict, and recommend that it persist in its commitment to implementation of the Quartet’s Road Map.

Reform in the Arab world

217. In our December 2002 Report, we discussed troubling socio-economic trends in the Arab world, and argued that political discontent, combined with lack of economic opportunities, foster Islamic extremism.²³⁴

218. In its response to our Report, the Government

We are keen to see in the Arab world, as elsewhere, the application of democratic values and good governance, in particular the rule of law, transparency and accountability. We encourage this through dialogue with governments in the region and with a wide range of others in civil society, based on equality and respect.

230 ‘Powell: Meetings Built ‘Degree of Trust’ Between Sharon and Abbas’, 4 June 2003, available at: <http://usinfo.state.gov/topical/pol/terror/texts/03060407.htm>

231 *The Economist*, 5 July 2003

232 Q 365

233 Q 367

234 Second Report from the Foreign Affairs Committee, Session 2002–03, *Foreign Policy Aspects of the War against Terrorism*, HC 196, paras 201–10. For a thorough analysis of these issues see also *Arab Human Development Report 2002*, United Nations Development Programme available at: www.un.org/publications.

It also outlined “initiatives designed to promote dialogue with Arab countries on human rights and civil society”, and stated that the FCO is “in close touch with other government departments engaged in complementary activity, for example, with DFID on the promotion of good governance and the rule of law and the British Council on educational reform and contacts between young people. We are currently considering how to take forward this objective most effectively in a comprehensive and co-ordinated way.”²³⁵

219. Since we made our last Report to the House on this subject, the Government has become an Occupying Power in Iraq. Its capacity to encourage good governance, respect for human rights, and strong civil society in Iraq is therefore considerable. **We recommend that the Government set out in its response to this Report progress on the promotion of human rights and civil society in the Arab world, and describe how its promotion of these objectives will be co-ordinated with its efforts to promote good governance in Iraq.**

New military strategies

220. In July 2002, we noted that the Bush administration was reassessing its nuclear posture, and would consider their use

against targets able to withstand nuclear attack; in retaliation for attack with nuclear, biological, or chemical weapons; or ‘in the event of surprising military developments.’

We also noted numerous press reports indicating that the United States is developing a new generation of tactical nuclear weapons in response to the terrorist threat. In our view, this would have significant implications for arms control policy.

221. We asked Foreign Office Minister Mike O’Brien to comment on this matter, and in our December 2002 Report we noted Mr O’Brien’s reply that the US has emphasised that there is no such programme. Mr O’Brien quoted US Secretary of State Colin Powell, who said on 10 March that

What we are looking at, and what we have asked the Pentagon to do, is to see whether or not within our lowered inventory levels we might want to modify or update or change some of the weapons in our inventory to make them more effective. But we are not developing brand new nuclear weapons, and we are not planning to undergo any testing.²³⁶

222. We note that in its budget request for 2003, the United States Department of Defense asked Congress to rescind 1994 legislation prohibiting US research and development of low-yield nuclear weapons. This request was denied. The Department of Defense has repeated this request in its 2004 budget request, and the process of Congressional consideration of this request is under way. The US government has, however, stated in a May 2003 paper that it “is not developing, testing or producing any nuclear warheads and

²³⁵ Government Response to the Second Report of the Foreign Affairs Committee, Session 2002–03, *Foreign Policy Aspects of the War against Terrorism*, Cm 5739

²³⁶ Second Report from the Foreign Affairs Committee, Session 2002–03, *Foreign Policy Aspects of the War against Terrorism*, HC 196, para 61

has not done so in more than a decade. There is no current requirement for a new nuclear warhead.”²³⁷

223. We recommend that the Government inform this Committee, and likewise the House, of any new developments in United States nuclear weapons policy.

224. In advance of the war in Iraq, US Defence Secretary Donald Rumsfeld announced his wish to use chemical agents in a comment to the House of Representatives Armed Services Committee on 5 February 2003.²³⁸ The Defence Secretary attacked the ‘straitjacket’ imposed by bans in international treaties on using the weapons in warfare. Professor Julian Perry Robinson of Sussex University said that the use of such chemical incapacitants would constitute a violation of the Chemical Weapons Convention (CWC), and that “Legally speaking, Iraq would be totally justified in releasing chemical weapons over the UK if the alliance uses them in Baghdad.”²³⁹

225. We asked the Government about the status of non-lethal chemical incapacitants under the CWC, whether the use of so-called caltivate is chemicals prohibited, and whether the CWC requires amendment in order to deal with this point. The Government replied that under the definition in Article 11(2) of the Chemical Weapons Convention (CWC), ‘toxic chemicals’ might include lethal, non-lethal, incapacitating or caltivate agents, and therefore the use of any such toxic chemical as a means of warfare is prohibited under the CWC. The Government is not seeking amendments to the CWC at present, although it

believes that it would be prudent for States Parties [to the CWC] to examine this problem with a view to developing common understandings in relation to research, development and production of non-lethal chemicals for either riot control or other law enforcement purposes.²⁴⁰

226. We recommend that the Government inform us of any developments in its policy towards amending the status of incapacitants or caltivate agents under the Chemical Weapons Convention.

Rebuilding consensus among allies

227. We noted in paragraph 190 above that no country can prevent terrorism in isolation, and described the important role played by the UN Counter-Terrorism Committee in the co-ordination of counter terrorism activities between UN member states. We noted also that, without agreement by the UN Security Council of a new resolution, the United Kingdom and United States would have been prohibited by the international conventions governing Occupation from playing a substantial role in the political reconstruction of Iraq. In previous Reports, we have described important steps taken by the European Union

237 Ev 93

238 *Independent on Sunday*, 2 March 2003

239 *Ibid*

240 Ev 93

and NATO in promoting co-operation against terrorist activities, both among their members and with third countries.²⁴¹

228. Co-operation between members of the United Nations Security Council, NATO and the European Union has contributed greatly to the prosecution of the 'war against terrorism' since its inception in 2001. In the early months of this year, sharp divisions emerged between member states of these organisations over how best to address the threat from Iraq.

229. In the immediate aftermath of the war, the US administration appeared unwilling to mend these differences. The US National Security Adviser, Condoleezza Rice, reportedly threatened that the US would "Punish France, ignore Germany, and forgive Russia."²⁴² On 23 April, when asked whether France would face consequences for its anti-war stance over Iraq, Secretary of State Colin Powell said "yes... We have to look at all aspects of our relationship with France in light of this."²⁴³ In April, US State Department officials also said that a range of possible steps to exclude France from key decision-making within NATO, including ensuring that NATO decisions are made by the organisation's Defence Planning Committee, which does not include France. On the other side of the Atlantic, Germany, France, Belgium and Luxembourg held a 'mini-summit' on European defence, prompting speculation about a growing divide between Atlanticist, pro-NATO Europeans and those who wished to create a completely separate and European defence identity.²⁴⁴

230. We asked the FCO whether international co-operation against terrorism has been disrupted by the substantial international divisions over how to address the threat from Iraq. The FCO replied that

There is no evidence that international co-operation against terrorism has been disrupted by disagreement over Iraq. There is continuing widespread and close international co-operation on the security, intelligence, law enforcement, military, and diplomatic fronts which is severely disrupting terrorist operations and leading to further arrests. This includes continuing close and useful co-operation with countries that have been critical of Coalition action in Iraq. The effectiveness of counter-terrorism work in the UN and in other multilateral fora such as the EU and G8 has similarly been unaffected by disagreement over Iraq. We believe that the strength of the international community's collective interest in defeating terrorism will ensure that such efforts are not derailed by short-term political differences. In the medium and longer term, disarming Iraq of weapons of mass destruction should help to reduce the threat from international terrorism.²⁴⁵

231. We are relieved by this response. We are also relieved by the tone taken by the US National Security Adviser, Condoleezza Rice, in a speech delivered in London on 26 June

241 Second Report from the Foreign Affairs Committee, Session 2002–03, *Foreign Policy Aspects of the War against Terrorism*, HC 196, paras 23–43; and Seventh Report from the Foreign Affairs Committee, Session 2001–02, *Foreign Policy Aspects of the War against Terrorism*, HC 384, paras 47–60.

242 Jim Hoagland, 'Three miscreants', *Washington Post*, 13 April 2003.

243 'US signals action against France', BBC news, 23 April 2003, available at: <http://news.bbc.co.uk/1/hi/world/americas/2968775.stm>

244 "'Euro-defence' plans under fire', BBC news, 30 April 2003, available at: <http://news.bbc.co.uk/1/hi/world/europe/2987167.stm>

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2003. Dr Rice reminded her audience that the US National Security Strategy states that “there is little of lasting consequence that the United States can accomplish in the world without the sustained co-operation of allies and friends.” She argued that “we have important work to do ... work that cannot be done by any of us alone ... and cannot be done well if we are working at cross purposes.”²⁴⁶

232. These are conciliatory words, which will help to restore good transatlantic relations. Progress was also made at an EU-US summit on 25 June. President Bush announced after the summit that “the United States and the EU have ... taken new steps to help stop the gravest threat to our security: the proliferation of nuclear, biological and chemical weapons. We have ... agreed to work together and with others to strengthen export controls on dangerous materials. We also seek new methods, including active interdiction, to stop illicit trade in weapons of mass destruction.”²⁴⁷ Greek Prime Minister Simitis pointed out that this was the EU troika’s first meeting with President Bush since the crisis in Iraq. Prime Minister Simitis stressed “because many people said that there was a serious period of strain, that the transatlantic relationship does work, it produces results and it is important for both of us.”²⁴⁸

233. We welcome the Italian government’s statement that “As regards relations between Europe and the United States, re-establishing a climate of dialogue, trust and full co-operation will be a top priority for the Italian Presidency.”²⁴⁹ We are also encouraged by the decision by EU member states to develop a security strategy. The outline of such a strategy has been drawn up by the EU High Representative, Javier Solana, and was considered by EU leaders at the Thessaloniki summit on 19 and 20 June 2003. In December, the European Council is expected to adopt the EU Security Strategy, which will “encapsulate Member States’ interests and citizens’ priorities and constitute a living document subject to public debate and to review as necessary.”²⁵⁰

234. Despite recent progress, however, we remain concerned that the ill-will that developed in the first half of this year may persist for some time. **We conclude that the restoration of good relations between allies—both bilaterally and in multilateral organisations—is important for the security of the United Kingdom, and for the success of the war against terrorism.**

235. **We further conclude that it is in the interests of the United States and the United Kingdom to restore the effective functioning of the UN Security Council. We note that the United Kingdom has traditionally played an important role, often working alongside the US, in securing agreement in the Council; we conclude that careful and effective use of Security Council membership is especially crucial at this moment in the UN’s history.**

246 Remarks by Dr Condoleezza Rice at the International Institute for Strategic Studies, London, 26 June 2003

247 Remarks by President Bush, Prime Minister Simitis and President Prodi, 25 June 2003, available at: <http://www.whitehouse.gov/news/releases/2003/06/20030625-12.html>

248 *Ibid*

249 The Italian Presidency of the Council of the European Union: calendar and programme, July 2003

250 European Union Presidency Conclusions—Thessaloniki, 19 and 20 June 2003, available at: http://europa.eu.int/futurum/documents/other/oth200603_en.pdf

236. We conclude that the Government must work with allies in NATO and the EU to ensure that these institutions evolve to meet new political opportunities and threats. Rebuilding relations with France is also extremely important.

The United Kingdom's relations with the United States

237. In December 2002, we expressed our strong support for the Government's decision to align itself closely with the United States in the war against terrorism. We concluded that this policy has enhanced Britain's influence over policy decisions in Washington, and helped to foster the 'special relationship' in the long run.²⁵¹

238. In the past six months, the Government has maintained its very close links with the Bush administration. The Prime Minister and President Bush held bilateral meetings on 31 January, 27 March and 8 April, and met with the Spanish premier on the Azores on 16 March.

239. During the Iraq war and in the wake of the war, some differences emerged between the United Kingdom and US governments. The most substantial of these may have been over the role of the UN in post-war Iraq, in the reconstruction process and in the search for Iraq's weapons of mass destruction. At the Hillsborough Summit on 8 April, the Prime Minister and President George Bush insisted that the UN would play a 'vital role' in post-war Iraq. When asked to clarify the UN's role more precisely at the press conference following the summit, the Prime Minister stated that the "important thing is to not get into some battle over a word here or there, but for the international community to come together ... rather than endless diplomatic wrangles."²⁵²

240. We set out the UN's role in post-war Iraq above, as set out in Resolution 1483. The role of the UN in Iraq is loosely defined, in comparison to the major responsibilities assigned to the organisation in post-war Afghanistan. Initially it appeared that the Government sought a major and specific role for the UN in verifying Iraq's WMD after the war: on 28 April, the FCO stated in its memorandum to us that

Immediately after the conflict the first task of the coalition will be to continue to stabilise the country and, working with the UN inspectors, to find and secure Iraq's weapons of mass destruction.²⁵³

On 22 April, however, the White House spokesman Ari Fleischer was asked: "Do you see no role for the United Nations weapons inspection teams in a postwar Iraq?" Mr Fleischer replied that

the President is looking forward, not backward ... make no mistake about it; the United States and the coalition have taken on the responsibility for dismantling Iraq's WMD ... we have a coalition that is working on the ground to dismantle Iraq's WMD programs, and we think that's going to be effective. We think it will get the

251 Second Report from the Foreign Affairs Committee, Session 2002–03, *Foreign Policy Aspects of the War against Terrorism*, HC 196, para 46

252 UN postwar role remains uncertain, *The Guardian*, 8 April, available at: <http://politics.guardian.co.uk/foreignaffairs/story/0,11538,932332,00.html>

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job done, and the bottom line is the President wants to focus things on the most effective way to get the job done.²⁵⁴

241. In his press conference on 28 April, the Prime Minister insisted that there would be some sort of “independent verification” of any finds of WMD in Iraq, although he refused to be drawn on what that would constitute.

242. On the following day, we asked the Foreign Secretary about the role of UN inspectors in verifying WMD in post-war Iraq. He told us that “I am quite clear that President Bush and our own Prime Minister Blair meant what they said when they said at Hillsborough that they wanted a vital role for the UN.” On verification, however,

in practice, regardless of where UNMOVIC are sited, the initial finds of any WMD, either direct evidence of chemical biological weapons or materials or evidence of documentation or interviews, will come from the coalition forces [although] I understand the case, of course I do, for having UNMOVIC involved. Of course I understand it.²⁵⁵

243. The FCO may have made its judgements about verification of Iraq’s WMD in April before the conditions in Iraq were fully understood. The reversal of the Government’s policy on independent verification of Iraq’s WMD could also be evidence of resistance by the US to further UN involvement in Iraq, however. In this case, US policy may have prevailed over that of the United Kingdom.

244. A further area of difference between the US administration and the Government is the continued detention of prisoners—including nine Britons—at Guantánamo Bay, Cuba. We have discussed the detention of these prisoners in our previous two Reports in the Inquiry; in our December 2002 Report, we expressed concern “that the US government continues to detain many of these prisoners without trial”, and recommended “that the Government continue to press the US government to move rapidly towards the trial of these alleged terrorists, in accordance with international law.”²⁵⁶ Seven months have passed since we made this recommendation. **We reiterate our concerns, raised in December 2002, that British citizens are being held without trial at Guantánamo Bay, and recommend again that the Government press the US towards trial of all the detainees in accordance with international law.**

245. On 7 July, 2003, the Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs, Chris Mullin, told the House that “the United States designated six detainees including two British nationals held at Guantánamo Bay, as eligible for trial under a military commission.” The Government has “strong reservations about the military commission”, which it has “raised, and will continue to raise ... energetically with the US ... So far, neither of the detainees has been charged. However, we have made it clear to the US that we expect the US to fulfil internationally accepted standards of a fair trial.” Chris Mullin stated that “If there is any suggestion that the death penalty might be sought

254 White House press briefing by Ari Fleischer, 22 April 2003, available at: <http://www.whitehouse.gov/news/releases/2003/04/20030422-5.html>

255 Q 266

256 Second Report from the Foreign Affairs Committee, Session 2002–03, *Foreign Policy Aspects of the War against Terrorism*, HC 196, para 238

in these cases, we would raise the strongest possible objections.”²⁵⁷ He also made it clear that “frankly, we disagree” with the United States’ view that the Geneva Conventions do not apply to the prisoners held at Guantánamo Bay.²⁵⁸ However, the Government believes that “it is probably not to the advantage of these defendants—or to that of any others—that we engage in megaphone diplomacy with the United States. This is a delicate and sensitive issue that has to be pursued in a delicate and sensitive way”.²⁵⁹

246. In our December 2003 Report, we stated that we “understand that the US government has obtained valuable intelligence from prisoners detained at Guantánamo Bay”. However, it is the Government’s responsibility to do all it can to ensure that the rights of British citizens are upheld. We also agree with the Government’s view, expressed by Chris Mullin on 7 July, that “it is strongly in the interests of the United States that these trials be conducted in a credible and transparent fashion, because that obviously will affect the respect in which the United States is held throughout the world.”²⁶⁰ **We recommend that the Government press the US to ensure that the forthcoming trials of the two British citizens detained at Guantánamo are conducted according to internationally recognised judicial standards and that, if sanctioned by the Crown Prosecution Service, those trials should take place in the United Kingdom.**

247. Judging the extent of the United Kingdom’s influence over the US is, of course, very difficult. It seems clear that, in the wake of the Iraq war, the United Kingdom has emerged from the Iraq war as America’s closest ally. **We conclude that in a number of areas—including ensuring the fair trial of prisoners detained at Guantánamo Bay—the Government must ensure that its close relationship with the US administration brings substantive benefits to the United Kingdom and its citizens.**

Developing alternatives to regime change

248. In our December 2002 Report, we noted that

senior [Bush] administration figures have ... suggested that the United States has a right to change the Iraqi regime—or other threatening states—in self-defence ... United States policy is now to ‘forestall or prevent ... hostile acts’ by adversaries, because ‘in an age when the enemies of civilisation openly and actively seek the world’s most destructive technologies, the United States cannot remain idle while dangers gather.’²⁶¹

We expressed anxiety about the development by the US of “an expanded doctrine of ‘pre-emptive self-defence,’” because of the “serious risk that this will be taken as legitimising the aggressive use of force by other, less law-abiding states.”²⁶²

257 HC Deb, 7 July 2003, col 751

258 *Ibid.*, col 754

259 *Ibid.*, col 754

260 *Ibid.*, col 752

261 Second Report from the Foreign Affairs Committee, Session 2002–03, *Foreign Policy Aspects of the War against Terrorism*, HC 196, para 141

262 *Ibid.*, para 154

249. On 28 March 2003, US Secretary of Defence Donald Rumsfeld issued warnings that “We have information that shipments of military supplies have been crossing the border from Syria into Iraq, including night-vision goggles. These deliveries pose a direct threat to the lives of coalition forces. We consider such trafficking as hostile acts and will hold the Syrian government accountable for such shipments.” Secretary Rumsfeld also warned that the Badr Corps, the “military wing of the Supreme Council on Islamic Revolution in Iraq”, was operating in Iraq from its base in Iran. “The Badr Corps is trained, equipped and directed by Iran’s Islamic Revolutionary Guard”, Rumsfeld stated, “and we will hold the Iranian government responsible for their actions.” When asked if the United States was threatening military action against Syria, he replied: “I’m saying exactly what I’m saying. It was carefully phrased.”²⁶³

250. Secretary Rumsfeld’s comments added to widespread concern that the US was planning a rolling programme of ‘regime change’.²⁶⁴ **On 2 April, in response to questions about Rumsfeld’s comments, the Foreign Secretary replied that Britain would have “nothing whatever” to do with military action against Iran and Syria.²⁶⁵ We commend the position that the Foreign Secretary has taken in the present circumstances.**

251. In this and earlier Reports, we have set out in some detail the months of diplomatic wrangling that this Government expended on addressing the threat from Iraq. We have described in this Report how the United Kingdom’s participation in a military operation to secure ‘regime change’ in Iraq has divided us from some of our closest allies, and may even have weakened the intergovernmental organisations that have for decades helped to foster British and international security. The military operation in Iraq resulted in the deaths of British service personnel and many Iraqi civilians; and after the conflict, British troops and officials remain engaged in a deeply complex and dangerous operation to stabilise and reconstruct post-war Iraq. The Government’s rationale for undertaking the operation—to end the threat posed by Iraq’s weapons of mass destruction—is, as we make this Report to the House, still in doubt.

252. In its response to our December 2002 Report, the Government stated that “Disarming Iraq removes the very real and catastrophic threat of international terrorists getting hold of weapons of mass destruction”. In a later memorandum, sent to the Committee in April, the Government made a correction to its earlier statement: “The Government’s response to the Committee ... should have referred to the removal of ‘a’ rather than ‘the’ threat of terrorist access to WMD.”²⁶⁶ Terrorists might still obtain weapons of mass destruction from a number of state sources, either through official state sponsorship of these groups or through poor controls over dangerous materials. Controlling the development of weapons of mass destruction by proliferating states must remain a high priority for the Government, as must securing nuclear materials and other dangerous substances in the former Soviet Union and elsewhere. We are especially concerned about developments in North Korea

263 ‘DoD News Briefing - Secretary Rumsfeld and Gen. Myers’, 28 March 2003, available at: http://www.defenselink.mil/news/Mar2003/t03282003_t0328sd.html

264 See ‘US: Washington Piles Pressure On Syria, Sparking French, Arab Reaction’, Radio Free Europe, 14 April 2003, available at: <http://www.rferl.org/nca/features/2003/04/14042003155824.asp>.

265 ‘Straw: UK will not attack Syria or Iran’, *The Guardian*, 2 April 2003, available at: <http://politics.guardian.co.uk/iraq/story/0,12956,928010,00.html>

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since it conceded, in October 2002, that it was pursuing a clandestine Highly Enriched Uranium nuclear weapons programme in breach of the Nuclear Non-Proliferation Treaty, the Framework Agreement made with the United States in 1994 and other international obligations. We hope that the current efforts to secure a formula for progress with North Korea in a regional context will have positive results, but remain deeply concerned by the dangers posed by this ‘arch proliferator’.

253. The Government has diplomatic relations with North Korea, and has made representations about its nuclear activities to the North Koreans on a number of occasions, both in London and Pyongyang. **We welcome the Government’s engagement, bilaterally and through multilateral initiatives, in efforts to resolve the crisis over North Korea.**

254. In addition to engagement in the resolution of specific proliferation problems, the Government argues that strengthening international counter-proliferation regimes is important, and worthwhile: “The multilateral treaty regimes raise the political cost of pursuing WMD. When underpinned by effective inspection regimes, such as those of the International Atomic Energy Agency (IAEA) and Organisation for the Prevention of Chemical Weapons (OPCW), they also raise the economic cost.”²⁶⁷ The United Kingdom is an active member of the Nuclear Suppliers’ Group, the Australia Group and the Missile Technology Control Regime, which focus on improving national and multilateral export controls on sensitive materials, technology and expertise.

255. The Government has also agreed to provide US\$750 million over the next ten years to support the G8 Global Partnership for co-operative threat reduction programmes. The Global Partnership supports projects to prevent the spread of weapons of mass destruction, providing for chemical weapons destruction, safe disposition of weapons-usable plutonium, dismantlement of submarines and secure storage of nuclear fuel in the former Soviet Union. It also supports the retraining and employment for former Soviet nuclear scientists. On 26 June 2003, the Government signed a “landmark agreement” to enable the United Kingdom to start spending £30m tackling Russia’s nuclear Cold War legacy. According to this agreement, the United Kingdom will initiate projects to dismantle decommissioned nuclear submarines and safely store tonnes of spent nuclear fuel. The Government is also committing £10m to the Northern Dimension Environmental Programme, which is managed by the European Bank for Reconstruction and Development and which “will include several major projects to deal with spent nuclear fuel and other nuclear waste, all of which will complement the UK’s bilateral activities.”²⁶⁸ **We commend the Government’s decision to provide substantial funds in support of the G8 Global Partnership for co-operative threat reduction, and welcome the agreement signed with the Russian Federation on 26 June regarding United Kingdom involvement in the disposal of Russian nuclear materials.**

256. We hope that these measures will help ensure that dangerous technology and materials do not fall into the hands of terrorists. We further note, however, that the sale or supply of information and materials through the internet is crucial but very difficult to for

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268 ‘UK launches major work with Russia to prevent proliferation of WMD’, 26 June 2003, available at: <http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c>

governments control. **We recommend that the Government consider carefully how it might control the proliferation of weapons of mass destruction through the internet.**

257. We were pleased to read that the United Kingdom's objectives at the Chemical Weapons Convention Review Conference had largely been achieved—in particular, those ensuring agreement to proposed measures to “reinforce commitment to the challenge inspection mechanism as an important and accepted part of the verification system”, to

promote acceptance of the need for verification practice and coverage to adjust so as take account of changes in industry, and in particular the need for more thorough inspection of declared facilities dealing with non-Scheduled chemicals.²⁶⁹

We welcome the outcome of the May 2003 Chemical Weapons Conference on challenge inspection, and recommend that the Government in its response to this Report provide us with an update on progress in implementing the measures agreed at this Conference.

258. We believe that inspections mechanisms may have an important role to play in international non-proliferation regimes. However, we recall the Foreign Secretary's comments to the UN Security Council in February, that

without that full and active co-operation, however strong the inspectors' powers, however good the inspectors, inspections in a country as huge as Iraq could never be sure of finding all Iraqi weapons of mass destruction.²⁷⁰

The Foreign Secretary recalled in February that under the previous UN inspections regime in Iraq, the inspectors had found no trace of Iraq's biological weapons programme and it had taken “the defection of Saddam's own son-in-law to uncover” the programme.²⁷¹ The Prime Minister told the House on 26 February that “The idea that the inspectors could conceivably sniff out the weapons and documentation relating to them without the help of the Iraqi authorities is absurd.”²⁷² These comments suggest that the Government has little confidence in the capacity of international weapons inspections regimes to uncover biological weapon programmes, except in cases where suspected governments comply fully and actively with inspectors.

259. The Foreign Secretary argued in his statement to the Security Council on 14 February that “this issue is not just about Iraq, it's how we deal with proliferators elsewhere across the globe.”²⁷³ **We recommend that the Government set out in detail the lessons that can be learnt from the experience of UN weapons inspections in Iraq for the future monitoring and verification of suspected biological weapons programmes.**

260. We have examined the prospects for a verification Protocol to the Biological and Toxin Weapons Convention at some length, in a Report published in December 2002, and

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270 Foreign Secretary's Statement at the UN Security Council, 5 February 2003, reproduced in 'Iraq', Cm 5769, February 2003

271 Foreign Secretary's Statement at the UN Security Council, 14 February 2003, reproduced in 'Iraq', Cm 5769, February 2003

272 HC Deb, 25 February, col 125

273 Foreign Secretary's Statement at the UN Security Council, 14 February 2003, reproduced in 'Iraq', Cm 5769, February 2003

then in a further Report published in May 2003.²⁷⁴ The US government has opposed the establishment of such a Protocol, and in our May 2003 Report, we asked the Government to clarify whether or not it would support a verification Protocol to the Biological and Toxin Weapons Convention only if the Protocol in question were agreed by the US. The Government replied that “For the Protocol to be meaningful, it would have to ensure the participation of other States Parties that are important in global and regional terms, or in the scale of their biodefence or industrial activities.” To achieve a broad-based agreement on such a Protocol, “US support remains critical.” Clearly US support is not forthcoming—in fact “For the US the very concept [of a verification Protocol] was fatally flawed.”²⁷⁵

261. The Government’s approach is that while it “continues to support the principle of the need to strengthen the BWC through detailed implementation/verification arrangements ... as long as there is no prospect of the US Administration accepting the need for such a Protocol, the UK will not support its establishment; such a Protocol would be meaningless, create a false sense of security and impose an unfair burden on our industry and biodefence programmes which would not be borne elsewhere.”²⁷⁶ The Government also states that its “efforts and political capital are better targeted towards securing a productive outcome in the BWC Review Conference’s work programme for 2003–2005, which will involve all State Parties”, than in efforts to try to resurrect the BTWC draft Protocol. It states that “Both the UK and US are already playing an active role in the preparations for this first Experts’ meeting in August. Incremental efforts in the areas identified by the work programme will, in the Government’s view, lead to a re-engagement by the international community in cooperative efforts to combat BW proliferation.”²⁷⁷

262. We recommend that the Government do its utmost to ensure that international co-operation to combat the proliferation of biological weapons is reinvigorated at the August 2003 Biological Weapons Convention Review Conference.

263. In its April memorandum to us, the Government states that “All elements of the counter-proliferation ‘toolbox’ are necessary; none is sufficient in itself.” It points out “Proliferation poses a global challenge and requires a collective international response”—accordingly “the Government is working with partners and allies bilaterally, in the EU, the G8, NATO, and through the United Nations Security Council.” It further argues that

WMD programmes are justified by security concerns however misconceived these may be. In addition to raising the costs of such programmes, it is also possible to reduce the perceived benefits. In that respect, the Government’s actions to revitalise the Middle East Peace Process, to encourage India and Pakistan to resolve their differences, to bring lasting stability to the Korean Peninsula and to eliminate the threats posed by Iraq to its neighbours also further non-proliferation objectives.²⁷⁸

274 Fifth Report of the Foreign Affairs Committee, Session 2002-03, *The Biological Weapons Green Paper*, 6 May 2003; First Report of the Foreign Affairs Committee, Session 2002-03, *The Biological Weapons Green Paper*, 11 December 2003.

275 Government Response to the Fifth Report of the Foreign Affairs Committee, Session 2002–03, *Biological Weapons Green Paper*, Cm 5857

276 *Ibid*

277 *Ibid*

278 Ev 69

264. The Government's comments on non-proliferation reflect the complexity of security threats which face the United Kingdom, almost two years after the beginning of the 'war against terrorism'. We cannot conclude that these threats have diminished significantly, in spite of 'regime change' in Iraq and progress in capturing some of the leaders of al Qaeda. In the wake of the Iraq war, we recommend that the Government make it a priority to work towards restoring the cohesion of the United Kingdom's international partnerships, better to face the daunting challenges of the continuing 'war against terrorism'.

Formal minutes

Tuesday 15 July 2003

Members present:

Mr Donald Anderson, in the Chair

Mr David Chidgey	Mr Richard Ottaway
Mr Fabian Hamilton	Mr Greg Pope
Andrew Mackinlay	Sir John Stanley
Mr John Maples	Ms Gisela Stuart
Mr Bill Olnier	

The Committee deliberated.

Draft Report (Foreign Policy Aspects of the War against Terrorism), proposed by the Chairman, brought up and read.

Ordered, That the Chairman's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 20 read and agreed to.

Paragraph 21 read, amended and agreed to.

Paragraphs 22 to 42 read and agreed to.

Paragraph 43 read, amended and agreed to.

Paragraphs 44 to 50 read and agreed to.

Paragraph 51 read, amended and agreed to.

Paragraphs 52 to 54 read and agreed to.

Paragraph 55 read, amended and agreed to.

Paragraphs 56 to 76 read and agreed to.

Paragraph 77 read, amended and agreed to.

Paragraphs 78 to 81 read and agreed to.

Paragraph 82 read, amended and agreed to.

Paragraphs 83 to 91 read and agreed to.

Paragraph 92 read, as follows:

“We conclude that in the course of this Inquiry, we have seen no evidence to contradict the Attorney General’s view that the military action against Iraq was in conformity with international law.”

Paragraph disagreed to.

Paragraphs 93 to 129 (now paragraphs 92 to 128) read and agreed to.

Paragraph 130 (now paragraph 129) read, amended and agreed to.

Paragraphs 131 to 144 (now paragraphs 130 to 143) read and agreed to.

Paragraph 145 (now paragraph 144) read, amended and agreed to.

Paragraphs 146 to 152 (now paragraphs 145 to 151) read and agreed to.

Paragraph 153 (now paragraph 152) read, amended and agreed to.

Paragraph 154 (now paragraph 153) read and agreed to.

Paragraph 155 (now paragraph 154) read, amended and agreed to.

Paragraphs 156 to 195 (now paragraphs 155 to 194) read and agreed to.

Paragraph 196 (now paragraph 195) read, amended and agreed to.

Paragraphs 197 to 208 (now paragraphs 196 to 207) read and agreed to.

Paragraph 209 (now paragraph 208) read, amended and agreed to.

Paragraphs 210 to 246 (now paragraphs 209 to 245) read and agreed to.

Paragraph 247 (now paragraph 246) read, amended and agreed to.

Paragraphs 248 to 250 (now paragraphs 247 to 249) read and agreed to.

Paragraph 251 (now paragraph 250) read, amended and agreed to.

Paragraphs 252 (now paragraphs 251) read and agreed to.

Paragraph 253 read, as follows:

“For all of these reasons, we commend the Foreign Secretary for distancing the United Kingdom from suggestions that ‘regime change’ in Iraq might be followed by similar operations in other countries. We further conclude that ‘regime change’ is an unsustainable policy for dealing with proliferation of WMD, and that other strategies must be developed.”

Paragraph disagreed to.

Paragraphs 254 to 258 (now paragraphs 252 to 256) read and agreed to.

Paragraph 259 (now paragraph 257) read, amended and agreed to.

Paragraphs 260 to 266 (now paragraphs 258 to 264) read and agreed to.

Resolved, That the Report, as amended, be the Tenth Report of the Committee to the House.

Ordered, That the Chairman do make the Report to the House.

Ordered, That the provisions of Standing Order No. 134 (Select committees (reports)) be applied to the Report.

Several Papers were ordered to be appended to the Minutes of Evidence.

Ordered, That the Appendices to the Minutes of Evidence taken before the Committee be reported to the House.—(*The Chairman.*)

[Adjourned till Thursday 17 July at 2.45 pm

Witnesses

Tuesday 4 February 2003

Sir Michael Jay KCMG, Permanent Under-Secretary of State, **Mr Dickie Stagg CMG**, Director, Information, **Mr Rob Macaire**, Head, Counter Terrorism Policy Department, **Mr Edward Chaplin CMG**, Middle East/North Africa, Foreign and Commonwealth Office Ev 15

Tuesday 11 February 2003

Dr Ali Ansari, Lecturer in the political history of the Middle East, University of Durham Ev 29

Mr Steve Crawshaw, Director, and **Ms Elahe Sharifpour-Hicks**, Research on Iran, Human Rights Watch Ev 37

Dr Gary Samore, Director of Studies, International Institute for Strategic Studies Ev 42

Tuesday 4 March 2003

Rt Hon Jack Straw, a Member of the House, Secretary of State, **Mr Peter Ricketts CMG**, Director General, Political, and **Mr Rob Macaire**, Head, Counter Terrorism Policy Department, Foreign and Commonwealth Office Ev 50

Tuesday 29 April 2003

Rt Hon Jack Straw, a Member of the House, Secretary of State, **Mr Peter Ricketts CMG**, Director General, Political, **Mr Edward Oakden CMG**, Director, International Security, Foreign and Commonwealth Office Ev 78

Tuesday 3 June 2003

Professor Paul Wilkinson, Professor of International Relations and Chairman, Centre for the Study of Terrorism and Political Violence, University of St Andrews, and **Ms Jane Corbin**, Journalist Ev 101

Ms Jane Corbin, Journalist, and **Mr Fergal Keane OBE**, BBC Special Correspondent Ev 111

List of written evidence

1	Foreign and Commonwealth Office	Ev 1, Ev 7, Ev 8, Ev 9, Ev 26, Ev 64, Ev 67, Ev 69, Ev 92, Ev 93, Ev 121, Ev 124, Ev 162, Ev 163
2	Dr Gary Samore, International Institute for Strategic Studies (IISS)	Ev 47
3	Professor Paul Wilkinson	Ev 96
4	John Courtneidge	Ev 121
5	Bahá'í Community of the United Kingdom	Ev 132, Ev 133
6	Dunira Strategy	Ev 136
7	Mauritius High Commission	Ev 137
8	Foreign Policy Centre	Ev 138
9	Iran–Interlink	Ev 142
10	Balochistan United Front	Ev 145
11	Dr Phyllis Starkey MP	Ev 145
12	Board of Deputies of British Jews	Ev 147, Ev 148
13	Association of Iranian Women in the UK	Ev 151
14	Margaret Hodge MP	Ev 153
15	Shelagh Simmons	Ev 154
16	The Ambassador, The Embassy of the Islamic Republic of Iran	Ev 154
17	Sir Archie Lamb	Ev 158
18	Sir Adam Roberts	Ev 159

Reports and Evidence from the Foreign Affairs Committee since 2001

The following reports and evidence have been produced in the present Parliament.

Session 2002–03

REPORTS

Ninth Report	The Decision to go to War in Iraq	HC 813
Eighth Report	Zimbabwe	HC 339 (<i>Cm 5869</i>)
Seventh Report	Strategic Export Controls: Annual Report for 2001, Licensing Policy and Parliamentary Scrutiny	HC 474
Sixth Report	The Government's proposals for secondary legislation under the Export Control Act	HC 620
Fifth Report	The Biological Weapons Green Paper	HC 671 (<i>Cm 5857</i>)
Fourth Report	Human Rights Annual Report 2002	HC 257 (<i>Cm 5320</i>)
Third Report	Foreign Affairs Committee Annual Report 2002	HC 404
Second Report	Foreign Policy Aspects of the War against Terrorism	HC 196 (<i>Cm 5739</i>)
First Report	The Biological Weapons Green Paper	HC 150 (<i>Cm 5713</i>)

MINUTES OF EVIDENCE

Evidence	The Copenhagen European Council	HC 176–i
Evidence	The Prague NATO Summit	HC 66–i

Session 2001–02

REPORTS

Twelfth Report	FCO Annual Report 2002	HC 826 (<i>Cm 5712</i>)
Eleventh Report	Gibraltar	HC 973 (<i>Cm 5714</i>)
Tenth Report	Zimbabwe	HC 813 (<i>Cm 5608</i>)
Ninth Report	Private Military Companies	HC 922 (<i>Cm 5642</i>)
Eighth Report	Strategic Export Controls: Annual Report for 2000, Licensing Policy and Prior Parliamentary Scrutiny (Quadripartite Committee)	HC 718 (<i>Cm 5629</i>)
Seventh Report	Foreign Policy Aspects of the War against Terrorism	HC 384 (<i>Cm 5589</i>)
Sixth Report	Turkey	HC 606 (<i>Cm 5529</i>)
Fifth Report	Human Rights Annual Report 2001	HC 589 (<i>Cm 5509</i>)
Fourth Report	Zimbabwe	HC 456
Third Report	Laeken European Council	HC 435
Second Report	British-US Relations	HC 327 (<i>Cm 5372</i>)
First Report	Gibraltar	HC 413
First Special Report	Appointment of Parliamentary Representatives to the Convention on the Future of Europe	HC 509

MINUTES OF EVIDENCE

Evidence	The Inter-Governmental Conference 2004: The Convention on the Future of Europe	HC 965–i
Evidence	The Barcelona European Council	HC 698–i

The reference to the Government response to the report is printed in brackets after the HC printing number