

1 Wednesday, 19th January 2011

2 (10.00 am)

3 MR TOM MCKANE

4 SIR JOHN CHILCOT: Well, welcome, everyone, and welcome to
5 our witness this morning. Tom McKane is currently
6 Director General for Strategy at the Ministry of
7 Defence. We took evidence from him covering his role as
8 Director General Resource and Plans at MOD between 2002
9 and '06 but today we are covering your earlier post as
10 Deputy Head of the Overseas and Defence Secretariat in
11 the Cabinet Office from 1999 to September 2002.

12 Mr McKane has provided the Inquiry with a witness
13 statement covering his role in the Cabinet Office. This
14 statement is being published on the Inquiry's website to
15 coincide with this hearing and we are also publishing
16 a number of documents relevant to this session which
17 have been declassified.

18 The statement makes clear that for the period up to
19 autumn 2001 Mr McKane had responsibility for day-to-day
20 coordination of policy towards Iraq. For the remainder
21 of the period that passed to a colleague, although
22 Mr McKane remained engaged, including direct involvement
23 in work on the dossier, up to the beginning of September
24 2002.

25 As I say on each occasion, we recognise witnesses

1 are giving evidence based on their recollection of
2 events. We, of course, check what we hear against the
3 papers to which we have access, some of which we are
4 still receiving. I remind each witness on each occasion
5 he will later be asked to sign a transcript of his
6 evidence to the effect that the evidence given is
7 truthful, fair and accurate.

8 I'd like to start, if I may, with some machinery of
9 government context and background. Could you say
10 something about the organisation and allocation of
11 responsibility for policy work on Iraq in the Cabinet
12 Office at the time you were there?

13 MR TOM McKANE: Yes, certainly. When I arrived in the
14 Cabinet Office in September 1999 the Secretariat was,
15 I would say, about a dozen strong probably in all. It
16 consisted of the Head of the Secretariat, who at the
17 time was also the chairman of the Joint Intelligence
18 Committee, and I was the Deputy.

19 The way we organised matters meant that although
20 I was his deputy whenever he wasn't available, I did not
21 cover all the range of subjects; in other words, we
22 tended to divide the subjects out between us. He had
23 direct line management of one small team and I had the
24 management of the other team that existed in the
25 Secretariat.

1 At the time my responsibilities included Iraq, as
2 I say in my statement. I think you have to remember
3 that at that stage we had only recently concluded the
4 Kosovo conflict and Kosovo and Balkans really was
5 looming very large. That whole portfolio was being
6 managed by the head of the Secretariat at the time.
7 Iraq was one of mine amongst a number of other issues,
8 as I say in the statement. There was a lot of time
9 taken up with industrial policy questions, defence
10 industrial policy questions, questions around export
11 licensing and so on.

12 SIR JOHN CHILCOT: It will help us to understand the
13 relative weight and loading on that part of the system
14 as Iraq came to greater prominence, can you just say
15 a bit about how posts were ranked in the Secretariat.
16 The head was a director general.

17 MR TOM McKANE: In today's parlance he was a director
18 general. I was a director and underneath us there was
19 a deputy director working to the head of the Secretariat
20 on mainly Balkans, but some other questions, and he had
21 I think one or two people -- one supporting him. I had
22 a team of half a dozen I would say. It included
23 several -- a mixture of military and civilians, but at
24 around the grade 7 level in civil service parlance.

25 They divided the topics up. The person who was

1 leading working to me on Iraq at the time had other
2 responsibilities as well. So there wasn't from memory
3 anyone whose sole responsibility was Iraq.

4 SIR JOHN CHILCOT: Looking at the evolution of this part of
5 the organisation at the centre of government could you
6 say something about how Number 10 was set up and how you
7 interacted with the Number 10 machine?

8 MR TOM McKANE: Yes. The Secretariat naturally had close
9 working relationships with a number of departments
10 around Whitehall, and I can say a bit more about that in
11 a moment, if you like.

12 In relation to Number 10 there was a very close
13 working relationship. The Foreign Affairs Private
14 Secretary at the time was John Sawers, and he continued
15 to be the Private Secretary for the first two of my
16 years in the Cabinet Office.

17 We would be talking to each other every day probably
18 unless he was overseas or there was nothing particular
19 to talk about. So a close working relationship, but
20 a clear distinction between the role of the Cabinet
21 Office and the Secretariat, on the one hand, and the
22 Private Secretary to the Prime Minister, on the other.

23 SIR JOHN CHILCOT: Then in the summer of 2001, and I am just
24 pulling out this thread, there was a change in the
25 organisation structure whereby the head of the OD

1 Secretariat and the Prime Minister's Foreign Affairs
2 Adviser were merged under one person. What impact did
3 that have in terms of loading particularly at your own
4 level?

5 MR TOM MCKANE: Well, I should perhaps -- just to fill in
6 the picture completely, that was the second of the
7 changes that had taken place in the period.

8 SIR JOHN CHILCOT: Ah!

9 MR TOM MCKANE: Because at the end of my first year there it
10 was decided to divide, to split the role of the Chairman
11 of the JIC and head of the Secretariat. So from my
12 second year there I had a head of Secretariat who had no
13 other responsibilities other than the Secretariat.

14 Then, as you say, in the summer of 2001 the decision
15 was taken to merge the role of the head of the
16 Secretariat and the Prime Minister's foreign policy
17 adviser.

18 It did change the working arrangements certainly.
19 It was agreed that rather than simply being responsible
20 for one part of the Secretariat's business, as I had
21 been up until then, that given that the new head of the
22 Secretariat was based inside 10 Downing Street, and
23 although, you know, he came into the Cabinet Office at
24 70 Whitehall frequently, it would make sense if I was
25 the deputy across the full range of business and was

1 available inside 70 Whitehall as somebody who could be
2 contacted by the whole of the team at any stage.

3 There was no difficulty in terms of me having access
4 to my boss, if that's what you were trying to get at.
5 It meant there was much more toing and froing between
6 the Cabinet Office and Number 10 than there might have
7 been under the previous arrangements, simply because we
8 had to talk to each other a lot.

9 SIR JOHN CHILCOT: Apart from the intensity or frequency of
10 contact, I suppose the other question is the loading
11 effect. On the one hand, you take out the JIC
12 Chairman's role, which creates another counterparty you
13 have to deal with outside the Secretariat. On the other
14 hand, Number 10 and the OD Secretariat become, as it
15 were, merged for some purposes.

16 You took on a wider array of responsibilities right
17 across the OD Secretariat. Where does Iraq lie in all
18 that as time goes through? Does it get more, less
19 attention? Other great things are going on in the
20 world, aren't there, the Pakistan affair, Afghanistan?

21 MR TOM McKANE: In the year between the summer of 2001 and
22 the early autumn of 2002 the work of the team was
23 dominated by the events of 9/11 and its aftermath. It
24 is really not possible to exaggerate the extent to which
25 in that period, certainly the first three or four months

1 after 9/11, the extent to which the whole focus of not
2 all of the Secretariat, but a large part of it shifted
3 to the campaign in Afghanistan, the whole question of
4 what we were going to do about a new counter-terrorist
5 strategy.

6 There were new Cabinet committees set up.
7 I personally found myself involved in acting as the
8 secretary to committees that the Home Secretary was
9 chairing, which I had not previously had any
10 responsibility for.

11 SIR JOHN CHILCOT: This was all about counter-terrorism,
12 I suppose?

13 MR TOM McKANE: Yes. So there was a substantial -- a very
14 high workload.

15 I should say that that was recognised and at the
16 time of the reorganisation and certainly post-9/11
17 additional posts were added into the Secretariat.

18 I can't remember offhand now exactly how many, but there
19 were certainly a handful of new posts created.

20 SIR JOHN CHILCOT: Against that shifting organisational
21 background and the press of events coming in from
22 outside, you mentioned just now that the OD Secretariat
23 necessarily had contacts with other departments, your
24 own parent department, the MOD, FCO, DFID I dare say, as
25 well as the Home Office for counter-terrorism.

1 Can you say something about how policy towards Iraq
2 was generated through that period, the FCO being the
3 lead policy department I take it?

4 MR TOM McKANE: Yes. The FCO were the lead policy
5 department, and they would -- I should say that it had
6 been the practice to hold regular Cross-Whitehall
7 meetings, which I chaired for the first part of the
8 period that we are talking about, and then latterly
9 tended to be chaired by my colleague who I referred to,
10 although, as you will have seen from the papers, as
11 events back to shift in the course of 2002, I became
12 more involved again, but we had these regular what we
13 called stocktakes, where we would gather round the
14 table in 70 Whitehall officials from the Foreign Office,
15 from the Ministry of Defence, from the Department for
16 International Development and from the Cabinet Office
17 Assessments Staff and the intelligence agencies.

18 SIR JOHN CHILCOT: Thank you. Yes.

19 MR TOM McKANE: I mean, they would generally follow quite
20 a set format, where we would be looking at an assessment
21 of the latest position on the ground. We would review
22 activity on sanctions. We would review activity in the
23 No-Fly Zones and so on, and I would report the outcome
24 to Number 10 and the relevant Cabinet Ministers.

25 SIR JOHN CHILCOT: We shall be asking you in the course of

1 this session about the actual policy work that came out
2 of this. Could you, though, say something about the
3 ministerial level of addressing policy towards Iraq
4 through this period.

5 MR TOM McKANE: Well, there were no formal meetings of the
6 Defence and Overseas Policy Committee that dealt with
7 Iraq in the period that I was there. However, there was
8 frequent and regular exchange of correspondence between
9 the offices of the Cabinet Ministers concerned and
10 between the members of the Cabinet, and there would be
11 meetings of small groups of relevant Ministers as
12 required.

13 SIR JOHN CHILCOT: At which you or another member of the OD
14 Secretariat would be present to minute and brief.

15 MR TOM McKANE: Well, the two -- I think the answer to that
16 is no. That is true in relation to many of the topics
17 that we dealt with, but I can't recall any occasion when
18 there was a meeting certainly that I was present at that
19 involved that group of Ministers.

20 SIR JOHN CHILCOT: Thank you. Could you say something about
21 not only the policy that emerged through these processes
22 but the public communications dimension of this? You
23 mentioned this in your statement. How was policy and by
24 whom and through what department was public
25 communication effected?

1 MR TOM MCKANE: Well, until you get into the period when the
2 dossier was being assembled public communication of
3 policy was very much a matter for the Foreign Office to
4 lead on and for them to advise on. Clearly the Prime
5 Minister and others were making speeches through that
6 period that formed an element of that public
7 communication of policy, but it didn't feature highly in
8 the discussions of the group that I've mentioned just
9 a moment ago.

10 SIR JOHN CHILCOT: Thank you. We will come on a little
11 later I think to the dossier and your contribution in
12 that field, but I think I will turn now to Sir Martin
13 Gilbert and talk about strategy towards Iraq. Martin.

14 SIR MARTIN GILBERT: I'd like to look first at the UK
15 strategy towards Iraq in 2000, which was at the
16 beginning of our terms of reference as an inquiry.

17 Your statement briefly describes the UK strategy
18 towards Iraq at the time of the stocktake in the autumn
19 of 2000 as to limit Iraq's ability to rearm their
20 weapons of mass destruction and to reduce the threat
21 Iraq posed to its neighbours.

22 We have also published a declassified paper prepared
23 by the Foreign Office in October 2000. That paper
24 suggests that policy had been reviewed by Ministers in
25 the DOP in May 1999. Is that the case?

1 MR TOM MCKANE: That is certainly what the documents say and
2 it's my recollection, although it is before my time in
3 the Cabinet Office.

4 SIR MARTIN GILBERT: Could you tell us the process whereby
5 the stocktake proceeded, firstly, in the autumn 2000
6 stocktake?

7 MR TOM MCKANE: Well, it was -- I think I say in my
8 statement that we had in our minds at the time the fact
9 that the US elections were pending, that one way or
10 another whatever the outcome of that election, there was
11 likely to be a review of policy towards Iraq in the US
12 government and that we ourselves ought to be ready to
13 engage with the new US administration and should,
14 therefore, review our own position.

15 The other factor which I didn't mention in the
16 statement, but which was a feature, was the fact that we
17 were coming up to the anniversary of the date of the UN
18 Security Council Resolution 1284, and the Foreign Office
19 believed it was right we should take stock around that
20 point about progress in implementing that resolution.

21 SIR MARTIN GILBERT: Were there differences between
22 departments?

23 MR TOM MCKANE: Well, there are always differences between
24 departments on I think every subject that I dealt with
25 at the time in the Cabinet Office, but the draft paper

1 that you refer to, which is being published in
2 a redacted form, was very much a Foreign Office draft.
3 It was -- it focused very much on the -- on
4 implementation of UN Security Council Resolution 1284.
5 It was expressing concern that if we could not shift the
6 agenda on, that the bringing together of the Security
7 Council in December 1999 that was represented by 1284
8 would begin to fray, and we ought to do something about
9 it, but it was focused very much on the sanctions and on
10 the inspection, the inspectors and how to get the
11 inspectors back into Iraq.

12 It was a paper which went through at least two
13 drafts, and was in the end set to one side. It never
14 really -- it never came to the point where it was
15 formally considered by Ministers. At least that's my
16 recollection of events at the time.

17 One area where there were certainly differences of
18 opinion was in just how useful it would be to get the
19 weapons inspectors back into Iraq. There was a range of
20 opinion and concerns about the extent to which the
21 weapons inspectors simply became a pawn or a tool to be
22 used by Saddam Hussein and his regime. So that was one
23 area where there was a range of views.

24 There was always a range of views about the -- about
25 how precisely to operate in the No-Fly Zones. That

1 issue then became the topic of much more study over the
2 coming months as well as the issue which I remember as
3 being central in the run-up to the minute from -- or the
4 letter from John Sawers to the Foreign Secretary's
5 office on 7th March, the following year, which was the
6 question of narrower but deeper sanctions.

7 SIR MARTIN GILBERT: In the stocktaking was a view take
8 about the option of some form of military action or land
9 invasion.

10 MR TOM MCKANE: No is the answer to that. I mean, there was
11 a reference -- the paper that you refer to, as I say,
12 was set to one side around about the end of the year in
13 my memory, and then a different paper but covering the
14 same kind of ground was produced by the Cabinet Office
15 in February I think of 2001, which was then sent to
16 Ministers, and there were references to the fact that
17 there were some particularly in the United States who
18 were calling for a more robust and tougher approach,
19 including regime change, but the focus of the review at
20 the time was very much on how to create a more stable
21 and enduring approach to dealing with Iraq, including
22 through the implementation of 1284.

23 SIR JOHN CHILCOT: I think Sir Lawrence would like to ask
24 a supplementary question.

25 SIR LAWRENCE FREEDMAN: You mentioned the inspections issue

1 and 1284 was seen to be a bit weaker than we thought,
2 but was the problem seen at the time the powers that the
3 inspectors had under 1284 and the way some of it had
4 been set up or a generic problem with inspections that
5 there were just inherent limits on what they might do
6 and find?

7 MR TOM MCKANE: It was more the latter than the former.
8 There was a difference of view between the Foreign
9 Office, who certainly at official level stressed
10 throughout this period the arms control importance of
11 getting the weapons inspectors back into Iraq, whereas
12 others I think were more concerned about whether
13 concessions that might have to be made in order to get
14 the weapons inspectors back into Iraq would mean that it
15 wouldn't be -- it wouldn't be worthwhile.

16 Also a general concern about the extent to which
17 their efforts would simply be blocked and frustrated and
18 wouldn't serve the full purpose that was intended for
19 them.

20 SIR LAWRENCE FREEDMAN: Was that sort of considered by the
21 special arrangements that Kofi Annan had negotiated with
22 Iraq in 1998? If you did that sort of thing, that would
23 neutralise the impact?

24 MR TOM MCKANE: I can't really remember whether that was the
25 origin of the concern, but it might have been.

1 SIR LAWRENCE FREEDMAN: Thanks very much.

2 SIR JOHN CHILCOT: Martin.

3 SIR MARTIN GILBERT: In February 2001 on the eve of the
4 first meeting between the Prime Minister and the newly
5 elected President Bush you were asked to produce a note
6 by officials to highlight the key issues.

7 MR TOM McKANE: Yes.

8 SIR MARTIN GILBERT: That were going to be settled in the
9 course of the review of Iraq policy in order to
10 basically inform the Prime Minister for the meeting.
11 That note has been published today. Can you tell us who
12 contributed to.

13 MR TOM McKANE: It was the same group of people who had been
14 engaged in the discussions on the Foreign Office's draft
15 paper the previous autumn. So it would have been pulled
16 together and coordinated in the Secretariat, but it
17 would have included contributions from the Foreign
18 Office and from the Ministry of Defence principally, but
19 others would have seen the draft, other departments
20 around Whitehall.

21 SIR MARTIN GILBERT: Were suggestions being put forward by
22 Number 10?

23 MR TOM McKANE: There was a sense in Number 10 I think that
24 the official machine was running too much along
25 well-worn tracks and that it needed a bit of a jolt,

1 that, you know, there was -- that the way the options
2 had been reviewed in the first draft of the paper looked
3 too much like a regurgitation of what we'd been doing up
4 until then.

5 So the paper was sharpened up at the request of
6 Number 10, although my memory is that they were not the
7 only people who thought the first draft was deficient,
8 and it was quite frequent in that job to find quite
9 a lot of competitive drafting going on, departments
10 offering their version of the paper that you were trying
11 to produce. That was a perfectly normal part of the way
12 we did our business, but the end result, which I suppose
13 is then encapsulated in the 7th March note, still is
14 focusing on a policy of containment, not a policy of
15 regime change.

16 SIR MARTIN GILBERT: In terms of this question of sharpening
17 up, what did you see as the objective of our policy with
18 regard to weapons of mass destruction? Was it to
19 destroy them or was it to prevent Saddam from building
20 them up?

21 MR TOM McKANE: I don't know if at the time I distinguished
22 very clearly in my mind between those two things. The
23 objective was to make sure that Saddam did not represent
24 a threat to his neighbours or the international
25 community and the fact it was assessed that he still

1 possessed some weapons of mass destruction and the
2 capacity to rebuild were both matters of concern, and
3 they were both things that we wanted to deal with.

4 SIR MARTIN GILBERT: In terms of the knowledge that he and
5 his scientists had in a sense that knowledge could not
6 be destroyed.

7 MR TOM MCKANE: That's true.

8 SIR MARTIN GILBERT: So did this create a tension at all in
9 the objective?

10 MR TOM MCKANE: Well, I don't believe that we had any
11 discussion at the time about that particular point. The
12 objective always seemed pretty clear to me. It was to
13 make sure that we were able to prevent the threat of
14 these weapons being used or rebuilt materialising. The
15 ways in which that could be done were partly through
16 weapons inspections leading to destruction of weapons
17 and partly through the policy of containment, which
18 included a military element in it.

19 SIR MARTIN GILBERT: In your witness statement you tell us
20 that the outcome of the review was set out in the letter
21 of 7th March, I believe, from John Sawers to Sherard
22 Cowper-Coles, which was classified and published last
23 year. Why were the conclusions of this review
24 disseminated by Number 10 rather than by the Cabinet
25 Office?

1 MR TOM MCKANE: I can't honestly tell you the answer to
2 that. What that letter says is "here is a new policy
3 framework which is drawn from the work done in the
4 paper" you have just referred to. The letter does
5 specifically ask the Defence Secretary's office and the
6 Foreign Secretary's office to put the paper to those two
7 Secretaries of State.

8 So from, I think from a constitutional point of view
9 it was different from how would you normally have dealt
10 with a Cabinet Office paper.

11 SIR JOHN CHILCOT: Was it also different in content? The
12 drafts that had gone forward through the process you
13 have just described, was what came back down, if you
14 like, from Number 10 in John Sawers' letter, was that
15 distinctly different in content in any respect?

16 MR TOM MCKANE: It was -- well, I think the paper that had
17 been put together set out a number -- a menu of options,
18 ways of approaching this, and there was -- what there
19 was, and there was agreement across the community who
20 were looking at this, was a strong sense that we should
21 narrow and deepen the sanctions regime, that we should
22 make a move to turn the regime on its head, if you like,
23 so that rather than it being a question of everything is
24 prohibited unless it is specifically approved, we would
25 move to a more conventional arms control regime, where

1 those items which were set out as being prohibited would
2 be prohibited and other forms of trade would become --
3 would become freer, though still controlled in ways that
4 I can go into if you want.

5 So that was the fundamental change, allied to that
6 being a tightening of the border controls around Iraq to
7 try to prevent arms or WMD precursors or whatever from
8 being traded illegally, and also a tightening of the
9 controls on the illegal oil flows across the borders
10 into neighbouring countries.

11 So that was the -- and there was a, you know, pretty
12 broad consensus that that was a sensible package, and it
13 did two things. If it could be put into place it would
14 help to deal with the criticism that the government and
15 the US government was suffering that the sanctions
16 regime and the way it was being implemented was causing
17 humanitarian distress and suffering in Iraq, and as
18 a consequence of that the sanctions regime was in danger
19 of eroding, and in order to shore that up we needed to
20 tighten the focus of the regime in the way that
21 I described.

22 SIR MARTIN GILBERT: In the declassified letter of
23 20th February from the Foreign and Commonwealth
24 Secretary's office setting out Mr Cook's views, can you
25 tell us was he advocating stopping, patrolling Southern

1 No-Fly Zone and did other Ministers have views on the
2 efficacy and maintenance of the Southern No-Fly Zone?

3 MR TOM MCKANE: I have already referred to the fact that
4 there was a debate about the value of the Southern
5 No-Fly Zone. It served a humanitarian purpose. That
6 was its legal basis, one that was tested throughout the
7 period that we're talking about periodically.

8 The question here, though, was to the extent that it
9 became necessary to make a concession in order to secure
10 progress with the sanctions regime, should the No-Fly
11 Zones form part of such a concession. There were
12 differences of views about that. There were differences
13 of views about the utility of the Southern No-Fly Zone
14 in respect of the defence of Kuwait, and there was quite
15 a detailed examination of that issue was done in the
16 spring of that year.

17 I think that there was also a difference of view
18 about the damage, the relative weight that you should
19 attach to the damage to the UK and US position generally
20 that was caused by reporting of bombings inside the
21 No-Fly Zone, on the one hand, and the need, on the other
22 hand, to ensure that Saddam was not infringing on his
23 responsibilities in relation to the No-Fly Zones, and
24 that our pilots were as safe as they could be.

25 SIR MARTIN GILBERT: How --

1 MR TOM MCKANE: That was the debate. I think the letter
2 from the Foreign Secretary's Office expresses some
3 scepticism about the utility of the No-Fly Zones.

4 SIR MARTIN GILBERT: At the time of the conclusion of the
5 review how closely would you say the US and UK objectives
6 were aligned and how much was that alignment a policy
7 objective?

8 MR TOM MCKANE: They were aligned up to a point. You have
9 to remember that at that stage below the top level of
10 the US government there was still -- the new
11 administration was still moving in, and so it wasn't
12 until later in the year I think that all the positions
13 had been filled.

14 There were discussions, very detailed and lengthy
15 discussions, between the UK government and the US
16 government on that set of issues around narrower but
17 deeper sanctions, and I think it's true to say that it
18 wasn't, you know, a uniquely British idea, this. There
19 were those in America who had been thinking about the
20 same sort of approach.

21 We had one meeting that I can remember clearly where
22 a delegation from the UK went to Washington to discuss
23 this with the US administration in the spring of 2001,
24 and I think it's fair to say that there was more
25 scepticism on the US side about this proposal than there

1 was on the British side, and there was concern that it
2 would appear to be weakening the regime surrounding
3 Saddam Hussein.

4 SIR MARTIN GILBERT: If I could look at a specific sanctions
5 aspect, on 9th April 2001 the Prime Minister's Private
6 Secretary wrote to you saying:

7 "He", the Prime Minister, "commented getting a deal
8 under which Iraq's neighbours agreed to bring all Iraq's
9 oil revenues under UN control is essential quid pro quo
10 for better targeted sanctions."

11 What were you advised about whether Iraq's
12 neighbours could be persuaded fully to enforce the
13 sanctions regime?

14 MR TOM McKANE: Well, we knew that this was not going to be
15 a straightforward matter, and we knew that it was
16 something that could only be done if the United States
17 Government were to put its full weight behind the policy
18 and to use its influence to persuade those countries
19 that we are talking about to bring the oil that they
20 were buying under the UN controls.

21 So I don't think any of us were under any illusion
22 about just how difficult that would be. Equally, we
23 weren't under any illusion about how difficult it would
24 be to persuade those countries to put in tighter border
25 controls, though we invested a lot of effort in working

1 out what that might look like.

2 So it was never going to be straightforward. It was
3 always going to be very difficult, but at the time
4 I certainly felt that it was my job and other people's
5 jobs to try to do everything we could to make that work.

6 SIR MARTIN GILBERT: What was your role in putting forward
7 the new strategy?

8 MR TOM MCKANE: The spring of 2001?

9 SIR MARTIN GILBERT: Right.

10 MR TOM MCKANE: Well, I was the Cabinet Office official
11 responsible for coordinating the views of the other
12 government departments and the meetings that we had I
13 have already described. They would have included Number
14 10 as well around the table.

15 So the job was to try to make sure that we produced
16 a position which was one that was accepted across the
17 government and would be endorsed by Ministers and could
18 be pursued as vigorously as possible.

19 SIR MARTIN GILBERT: Thank you very much. That's most
20 helpful.

21 SIR JOHN CHILCOT: I will turn now to Sir Roderic Lyne.

22 SIR RODERIC LYNE: I want to look in a moment at the way
23 that 9/11 changed the picture, but just reviewing where
24 we got to before 9/11 happened, you have described in
25 your statement and in answer to the questions we have

1 just had the process of policy debate in the year before
2 9/11, and you said that this was never formally
3 considered by Ministers in this period. Ministers
4 indeed appear not to have met formally perhaps since May
5 of 1999, when they looked at the DOP paper.

6 Am I right in understanding that?

7 MR TOM MCKANE: That's right.

8 SIR RODERIC LYNE: Now what does that say about the degree
9 to which in that period the Saddam Hussein regime in
10 Iraq was seen as a serious threat which required some
11 urgent attention?

12 MR TOM MCKANE: I don't think that it necessarily sheds
13 a great deal of light on that question. You would need
14 to -- you would need to consider the extent to which
15 a range of other topics which were important topics in
16 their own right were being tackled in the Defence and
17 Overseas Policy Committee.

18 The arrangements that were in place were ones that
19 enabled those key Ministers, the Ministers chiefly
20 concerned about that particular policy, to engage with
21 each other, whether in correspondence or in more
22 informal meetings.

23 So I wouldn't -- you know, I wouldn't draw
24 a conclusion that it meant it wasn't being treated
25 seriously.

1 SIR RODERIC LYNE: My question wasn't about whether it was
2 being treated seriously. It was about the perception of
3 the degree of urgency.

4 If there was felt to be an urgent need to deal with
5 a threat from Saddam Hussein's regime, would it not have
6 been the case that the process of drafting papers in
7 autumn of 2000, February of 2001, March of 2001, would
8 have happened at a faster pace? Would it not have been
9 the case that at some stage in this process Ministers
10 would have met and really looked at it?

11 If it was going at the pace that you have described,
12 that certainly would imply to a layman that this is not
13 seen as one of the highest priority issues that have to
14 be dealt with pretty soon?

15 MR TOM McKANE: Well, I think that it is probably the case
16 that across the whole range of issues that the
17 government was dealing with in that period between 2000
18 and 2001 it was not at the top of the pile. There were
19 other foreign policy defence questions which were more
20 urgent during that period.

21 I mean, if you go back to 2000, certainly the whole
22 Sierra Leone episode attracted at the time and, you
23 know, for a relatively short period intense ministerial
24 interest including collective consideration by
25 Ministers.

1 So I think it is true that after the events of
2 December 1998 and Desert Fox and then the putting
3 together of the consensus in the Security Council on
4 1284 there may have been a sense that Iraq was in at
5 least a more manageable state as a subject, that it
6 didn't need urgent day-to-day attention, that this
7 whole -- after all, those dealing with it had in their
8 minds the fact that we had been managing the issue of
9 weapons inspections and sanctions and the No-Fly zones
10 and so on over a period of many years, and that I think
11 may explain what you've spotted as being perhaps a lack
12 of urgency.

13 SIR RODERIC LYNE: Well, a measured normal pace of policy
14 making but rather not perceiving that this, as you say,
15 is a question at the top of the heap.

16 MR TOM McKANE: Contrast -- apologies -- if I contrast the
17 atmosphere in dealing with something like the Iraq
18 subject during that period and post-9/11 or even, you
19 know, post the hostage takings in Sierra Leone, it's
20 just a completely different feel.

21 SIR RODERIC LYNE: And in this pre-9/11 period were the
22 Americans arguing to us that Iraq was a question that
23 was of a scale of threat that required more urgent
24 attention, that we needed to deal with it sooner rather
25 than later?

1 MR TOM McKANE: I think that there was a sense that then
2 gets accentuated hugely post-9/11, but perhaps a sense
3 over that period of people beginning to -- and in a way
4 this is what inspired the outcome of the review in the
5 spring of 2001, that we couldn't just let things go on
6 forever, that at some point things had to change.

7 Looking back on it, I think perhaps that was, you
8 know, just a growing realisation over that period, but
9 I didn't in that period before 9/11 myself have any
10 sense of real pressure to say "we have to deal with this
11 and deal with it straightaway".

12 SIR RODERIC LYNE: Okay. Let's now turn to the way 9/11
13 changed the picture. As you say in paragraph 9 of your
14 statement:

15 "The focus of Iraq policy shifted after 9/11 and had
16 certainly shifted by May 2002."

17 Now very soon after 9/11, on 18th September 2001,
18 you chaired a meeting to review progress on the Iraq
19 policy and the record of that meeting has been published
20 today.

21 How at that point, September, 18th, 2001, in broad
22 terms would you describe the UK's policy towards Iraq?

23 MR TOM McKANE: Well, I think at that stage we are still
24 pursuing the policy that had been set out the previous
25 spring. The volume of work that was being done in the

1 Cabinet Office, which reached quite a peak in the spring
2 of 2001 on the whole question of what became the goods
3 review list and some of the other -- and the border
4 controls and so on and so forth, that had moved, that
5 had passed as far as we in the Secretariat were
6 concerned, but there were still strenuous efforts being
7 made by the Foreign Office to implement the new smarter
8 sanctions.

9 I think I would say it was going slowly, but at that
10 point there was still -- nobody had given up hope of
11 putting the new arrangements into place.

12 SIR RODERIC LYNE: I would like to quote now from some
13 evidence that we had in a private hearing from Matthew
14 Rycroft, who at the time was the Private Secretary in
15 Number 10 Downing Street. In fact, he was just coming
16 into that job in this period. This is evidence that's
17 going to be published later today.

18 What he says here is that, and I quote:

19 "From my recollection by the time I joined Downing
20 Street", which is in February 2002, "the British
21 Government had essentially decided that continued
22 containment was not going to work, and I would place the
23 change of the realisation of that judgment as the weeks
24 following 9/11 for obvious reasons. By the time I then
25 arrived, February '02, we were on a track of, as I said,

1 dealing with Iraq's WMD and what dealing meant was to be
2 determined by the policy over the coming months."

3 Does that mesh with your own recollections of
4 changes in our approach to Iraq in the early months
5 of -- well, in the months following 9/11 through the end
6 of 2001, into early 2002?

7 MR TOM McKANE: Not entirely. I mean, I wouldn't sharply
8 disagree with that, but, as I said a moment ago, when
9 I look back on it, I see that policy towards Iraq was
10 almost evolving slowly over quite a long period of time,
11 and certainly as far as I was concerned while it is true
12 that there was increasingly a sense, as I said, that we
13 couldn't just go on forever as we had been, that in
14 a way was also one of the motivations for the 2000/2001
15 review after all. It was saying we couldn't just let
16 this thing drift. We have to try to find new ways to
17 deal with this situation, but one that was based still
18 on a policy of containment.

19 From my point of view the policy of containment
20 remained the policy of the government until the point
21 when a decision was taken to move towards military
22 intervention.

23 Now at what point does that shift in approach, you
24 know, tip over from being one that is principally based
25 on the policy of containment into one which is to do

1 with preparing the ground for military intervention is
2 quite a difficult thing to put your finger on, but from
3 the point of view of somebody in the Secretariat in the
4 Cabinet Office, we were still in the autumn of 2001
5 pursuing the policy that had been agreed earlier in the
6 year, which was to put in place the narrower but deeper
7 sanctions and try to put in the other elements of the
8 policy.

9 I think what became clear and absolutely clear after
10 9/11 was that the chances of getting the neighbouring
11 countries to tighten up the oil -- bring the oil under
12 UN controls dissipated and there was really no
13 enthusiasm, no will to apply pressure on those countries
14 who after all the coalition on Afghanistan was trying
15 very hard to bring inside a new broader
16 counter-terrorism coalition.

17 So I think that is an important factor.

18 SIR RODERIC LYNE: I think you have made two very important
19 points there. In fact, just to go back to the first
20 one, you said it is very difficult to put your finger on
21 the point when the decision was taken to move from the
22 policy of containment towards a policy of preparing for
23 military intervention.

24 Can I ask you to try to put your finger on when that
25 change happened?

1 MR TOM MCKANE: Well, I would repeat what I have just said,
2 that formally from my position in the Cabinet Office
3 there wasn't a change. The policy of containment wasn't
4 abandoned until the point when the government decided
5 that it would make -- that it would prepare for military
6 intervention and --

7 SIR RODERIC LYNE: When did the government take that
8 decision?

9 MR TOM MCKANE: I think that too is a difficult question to
10 answer in a precise way, because there was certainly
11 right through to the point where I left the Cabinet
12 Office -- there were still a number of points that would
13 have had to have been resolved before any decision would
14 have been taken to --

15 SIR RODERIC LYNE: You left the Cabinet Office in?

16 MR TOM MCKANE: The beginning of September 2002. So my time
17 there covers the meeting on 23rd July 2002, although
18 I was on leave at the time and wasn't present at the
19 meeting, although I was involved in the preparation of
20 the paperwork for the meeting, and clearly that paper
21 marks a shift from the options paper that had been
22 produced for March 2002.

23 SIR RODERIC LYNE: I'd like to come on to that in a couple
24 of minutes. Just before we do move from March to July
25 just a couple of questions about the -- this evolving

1 process that you describe. Was thinking evolving at
2 a uniform rate across Whitehall or did you have
3 a situation in which different departments, including
4 for the sake of this question Number 10 as a department,
5 Cabinet Office, Foreign Office, Ministry of Defence,
6 intelligence agencies perhaps were moving at slightly
7 different speeds in their appreciation of where our
8 strategy was going.

9 MR TOM McKANE: The first thing to say is that all the
10 departments that you mention were discussing these
11 issues amongst them. So there isn't any question of
12 there being different speeds that people aren't aware
13 of.

14 I think that at official level there would have been
15 different emphases placed. I think that quite
16 understandably as soon as the question of any possible
17 military engagement arises people inside the Ministry of
18 Defence begin to think through how this would actually
19 be done and what were the practicalities, whereas those
20 officials in the Foreign Office responsible for policy
21 are still more focused on the diplomatic efforts to get
22 the changes in the sanctions regime put in place.

23 There would have been communications taking place
24 which I wasn't privy to I have no doubt. So I can't say
25 anything other than that the sense that things couldn't go

1 on as they had been going was growing more strongly as
2 you go through that period from the autumn of 2001 into
3 2002 and particularly in 2002, because if I'm -- my
4 recollection of the autumn of 2001 is that it was so
5 dominated by post-9/11 and the focus was, as I've said
6 before, so much on Afghanistan that there wasn't really
7 a great deal of capacity certainly inside the
8 Secretariat to think seriously about Iraq.

9 Of course, there is a debate about when there are
10 some who suggest that are links between Al Qaeda and
11 Iraq and, you know, that was an issue which had to be
12 looked at.

13 SIR RODERIC LYNE: Okay. Just, therefore to locate us
14 chronologically, we have now, as it were, been through
15 the autumn of 2001 and, as you say, after 9/11 the focus
16 was very much on Afghanistan.

17 As you get into 2002, you have a period in which the
18 government is approaching the Prime Minister's visit to
19 the United States in April of 2002, and before that Iraq
20 is one of the subjects that certainly has come high on
21 to the agenda. The options paper of March 2002 is
22 written by the Cabinet Office and sets out alternative
23 strategies of, on the one hand, continuing containment,
24 and, on the other hand, regime change.

25 Now a version of that paper is in the public domain.

1 You say in your statement that you played a part in the
2 collation of background papers for the Prime Minister's
3 visit to the United States in April 2002, although, of
4 course, at this stage your own responsibilities within
5 the Cabinet Office have shifted a bit.

6 Why was this exercise of producing the options paper
7 carried out at that time, in March of 2002?

8 MR TOM MCKANE: Well, as you have said, in preparing for the
9 Prime Minister's meeting with President Bush in the
10 spring of that year, there was a large number of papers which
11 were prepared and commissioned following a meeting that
12 took place in 10 Downing Street.

13 The fact that we were producing a paper on options
14 for Iraq reflects both the fact that by this stage it
15 becomes -- it has become clear that the US government is
16 shifting its sights towards Iraq and that the policy
17 that we had adopted in the spring of the previous year
18 is not really producing the results that had been hoped
19 for it.

20 So an options paper is produced and it is indeed
21 an options paper. It doesn't express an opinion on
22 whether we should stick with containment or a tougher
23 form of containment or should start to shift more
24 towards looking at regime change and military
25 intervention.

1 SIR RODERIC LYNE: Was this the first paper of its kind that
2 looked in detail at options for regime change?

3 MR TOM MCKANE: From my recollection yes, it was.

4 SIR RODERIC LYNE: And in that respect and against the
5 American background that you describe it represents part
6 of this evolving process.

7 MR TOM MCKANE: Yes.

8 SIR RODERIC LYNE: Though you didn't write the options
9 paper, are you able to tell us who was the main drafter
10 of the paper?

11 MR TOM MCKANE: Well, the paper was prepared by two other --
12 two of my colleagues in the Secretariat at the time.
13 From what I saw at the time, and I have refreshed my
14 memory since, it was prepared in the same kind of way as
15 the previous one, that is a framework for the paper was
16 produced and different elements were commissioned from
17 different Whitehall departments and then it was drawn
18 together.

19 It went through a number of drafts and was finalised
20 in early March.

21 SIR RODERIC LYNE: When --

22 MR TOM MCKANE: So it was a collective exercise.

23 SIR RODERIC LYNE: It was a collective exercise.

24 The paper considered that containment had been
25 partially successful, but it noted that the US has lost

1 confidence in containment.

2 Was that by now also the UK's view?

3 MR TOM MCKANE: I don't think it was a universally held view
4 across Whitehall, at least at official level. There
5 were still debates about whether or not it was something
6 which had failed.

7 I think everybody agreed -- and the papers bear this
8 out -- that the sanctions were fraying and eroding, and
9 it therefore become a matter of judgment about the
10 extent to which that erosion was something that could be
11 tolerated and, if so, for how long, and whether efforts
12 to shore up the sanctions regime, which is, after all,
13 what the 2001 review was all about, represented a safer,
14 better option than the alternative.

15 So there was a -- you know, there was a range of
16 views and that paper did not seek to come down on one
17 side or the other of this argument.

18 SIR RODERIC LYNE: If I can just ask about one detail in the
19 paper, where it turns to the regime change set of
20 options in paragraph 11, it looks at two possibilities
21 for what it calls the sort of Iraq we want. The first
22 is described as a "Sunni military strongman" and the
23 second is described as a "a representative broadly
24 democratic government. This would be Sunni-led, but
25 within a Federal structure".

1 Just on that last small point can you say why it was
2 the assumption that a representative broadly democratic
3 government would be Sunni-led, given that the Sunni were
4 not in a majority in Iraq?

5 MR TOM McKANE: I'm afraid I can't.

6 SIR RODERIC LYNE: You can't.

7 MR TOM McKANE: I wasn't close enough to the preparation of
8 the paper to know why. I mean, it's an interesting -- I
9 agree it's an interesting question.

10 SIR RODERIC LYNE: Does it strike you as curious?

11 MR TOM McKANE: It's an interesting question.

12 SIR RODERIC LYNE: Yes, yes.

13 MR TOM McKANE: It may -- I really don't know whether to
14 place any great significance on the point now or not,
15 but it is curious.

16 SIR RODERIC LYNE: At this point, as you say, containment is
17 still our official policy. Had we made any progress in
18 tightening up illegal oil flows out of Iraq?

19 MR TOM McKANE: No.

20 SIR RODERIC LYNE: No.

21 MR TOM McKANE: So that was the -- as I said, you know, it
22 was always, as I said to Sir Martin, going to be
23 a difficult task to get the illegal oil flows contained,
24 but we knew it was the key issue, because it was the
25 illegal oil flows that were financing Saddam Hussein's

1 purchase of weapons and other things.

2 We thought in 2001 that it was something which was
3 possible to do. It would have involved a lot of
4 diplomacy and some pretty difficult deals I have no
5 doubt.

6 After 9/11 it became increasingly unlikely that that
7 was going to be achieved, and I think that by the --
8 although I can't remember precisely, I think that by the
9 time of the writing of that options paper it wasn't
10 something that people were counting on.

11 SIR RODERIC LYNE: I note also that among the options for
12 regime change, between them the paper concludes that:

13 "In some, despite the considerable difficulties, the
14 use of overriding force and ground campaign is the only
15 option that we can be confident will remove Saddam and
16 bring Iraq back into the international community."

17 So these are the options that the paper puts
18 forward.

19 Now what then happens to that paper? Was it
20 available before the Cabinet discussed Iraq on 7th March
21 2002?

22 MR TOM MCKANE: I don't believe so. I can't -- there was no
23 Cabinet Office-arranged meeting to discuss the paper at
24 ministerial level. What discussions took place that
25 were arranged by Number 10 I wasn't party to.

1 SIR RODERIC LYNE: Neither you nor your Cabinet Office
2 colleagues were party to them?

3 MR TOM MCKANE: Well, nobody in the Secretariat as far as
4 I can remember.

5 SIR RODERIC LYNE: So the Secretariat has produced this very
6 important paper. There was no formal meeting of
7 Ministers to discuss it, but Ministers may have
8 discussed it, but you don't know even from the vantage
9 point of the Cabinet Office whether they have or they
10 haven't or to what effect?

11 MR TOM MCKANE: Well, I think what you have to remember is
12 this was part of a pack of papers that had been prepared
13 specifically in preparation for the Prime Minister's
14 visit to the United States. That was the context in
15 which it had been prepared. It was prepared at the
16 request of Number 10 for that purpose.

17 SIR RODERIC LYNE: Do you know which Cabinet Ministers
18 received this part of the pack, this particular paper.

19 MR TOM MCKANE: Well, I haven't been able to check exactly
20 which ones received this, but it would have gone
21 certainly to the Prime Minister and the Foreign
22 Secretary and the Defence Secretary. Beyond that
23 I couldn't be -- couldn't be certain.

24 SIR RODERIC LYNE: And have you ever seen a record of
25 a discussion about this paper?

1 MR TOM MCKANE: No. I should -- there is one important
2 point that I should have made. Apologies.

3 By that stage, of course, my boss, as the head of
4 the Secretariat, is also the foreign policy adviser in
5 Number 10.

6 SIR RODERIC LYNE: So wearing his other hat --

7 MR TOM MCKANE: So wearing his other hat I expect he was
8 involved in -- I am sure he would have been involved in
9 discussions.

10 SIR JOHN CHILCOT: So it was not in the summer of 2002 that
11 amalgamation took place but in the spring. I think we
12 had misunderstood that.

13 MR TOM MCKANE: No. The amalgamation of roles took place in
14 the summer of 2001.

15 SIR JOHN CHILCOT: Sorry. Thank you. We have 2002 in your
16 statement, but it's a misprint.

17 MR TOM MCKANE: Oh, apologies.

18 SIR RODERIC LYNE: So just to make this absolutely clear,
19 the Cabinet Office Secretariat, having put this paper
20 upward to the Prime Minister, you never had sight of
21 what happened to it afterwards. You never saw
22 a discussion. You didn't see any decisions from the
23 Prime Minister or Cabinet Ministers flowing from it or
24 instructions to work further on a particular direction
25 based on that paper. It sort of disappears from your

1 sight officially at this point.

2 MR TOM MCKANE: Yes. You have to remember the point that
3 I make in my statement, that I didn't have day-to-day
4 responsibility for Iraq at the time.

5 At that stage from memory my working life was
6 dominated by work on the counter-terrorist strategy and
7 India/Pakistan was becoming a big issue at that point.

8 So the fact that I don't remember seeing any
9 instructions coming back isn't --

10 SIR RODERIC LYNE: Conclusive.

11 MR TOM MCKANE: -- isn't conclusive, but I don't remember
12 seeing any instructions coming back.

13 However, I am quite sure that there would have been
14 communications, there would have been discussions
15 between the Secretariat and the head of the Secretariat
16 about the next steps.

17 SIR JOHN CHILCOT: Just to be clear, you told us I think
18 must now that the purpose of that exercise was
19 essentially to brief the Prime Minister for his visit to
20 see President Bush in April.

21 Would it be fair to say that the purpose of the
22 options paper was not so much to lead to the formation
23 of policy and decision taking but rather it was
24 an analytic, descriptive briefing. Is that right?

25 MR TOM MCKANE: Yes, I think that is right.

1 SIR RODERIC LYNE: Although it is not explicitly written as
2 a briefing paper; it is written as an options paper, so
3 it is somehow between the two.

4 MR TOM MCKANE: Well, it was part of a briefing pack.

5 SIR RODERIC LYNE: Okay. I think my final question in this
6 run, you say in your statement that preparatory work was
7 undertaken during 2002 so that the UK would be able to
8 join the US in military action if it became necessary.

9 Can you recall who took the decision to undertake
10 that work, and when and how such a decision was made?

11 MR TOM MCKANE: Well, in the period between March 2002 or
12 the period following the meeting of the Prime Minister
13 and the American President at the beginning of April,
14 between that point and the meeting that takes place in
15 July, there was activity on a number of fronts. The
16 Ministry of Defence were increasingly in dialogue with
17 the US Defense Department, and they were beginning to
18 think through what the options were for a UK
19 contribution should it come to it, but they were also
20 thinking through how you placed any military action
21 within a broader strategic context, and there are
22 letters exchanged during that period, which you will
23 have read, between the Defence Secretary, on the one
24 hand, or his office and Number 10 and the Foreign
25 Office, and Foreign Secretary's office.

1 thinking about Iraq as policy was being formulated
2 rather than being consulted formally at the end of the
3 process.

4 What was your response?

5 MR TOM MCKANE: My response was that there was no question
6 at that stage of any military engagement, that it was
7 absolutely in my mind that we would need to engage the
8 Attorney when that became a more imminent prospect, and
9 that I would stay in contact with the Legal Secretary to the
10 Law Officers, over the coming months, which we did, and
11 we continued to talk on the phone or exchange letters
12 throughout that period.

13 SIR MARTIN GILBERT: The papers suggest that bringing the
14 Attorney into the discussions after Crawford was
15 an option. Can you explain why that didn't happen?

16 MR TOM MCKANE: I saw that when I was reminding myself of
17 the papers, and I can't now say why it wasn't done
18 straight after the Crawford meeting. I can only surmise
19 that I had a discussion with Sir David Manning after the
20 Crawford events and we agreed that it wasn't necessary
21 at that point.

22 SIR MARTIN GILBERT: Can you remember generally discussions
23 within the Cabinet Office or with Number 10 on the need
24 to involve the Attorney or was this a subject of
25 on-going discussions?

1 MR TOM MCKANE: Well, as I said, there was nothing unusual
2 about the fact that we would absolutely need to engage
3 the Attorney if there was any question of military
4 engagement by the -- by the British Government.

5 The normal conventions would be that the Attorney's
6 staff would be engaged in dialogue either by the legal
7 advisers in the Foreign and Commonwealth Office or in
8 relation to specific military operations by the legal
9 advisers in the Ministry of Defence.

10 So I don't think the Cabinet Office would have
11 regarded itself as being the first port of call for the
12 Law Officers.

13 SIR MARTIN GILBERT: We have seen further correspondence
14 which shows on 11th July 2002 the Attorney General wrote
15 to the Foreign Office -- this was copied to you --
16 asking for clarification of British and American plans
17 for military action in relation to Iraq. Does this
18 indicate the Attorney General had not been involved in
19 policy discussions since his letter of 8th March, that
20 there had been that hiatus, that gap?

21 MR TOM MCKANE: Well, I mean, I can't say what papers the
22 Attorney General may or may not have seen throughout
23 that period between April and early July.

24 From my perspective we knew we had to engage the
25 Attorney. There are I think on the files a number of

1 exchanges between me and the Attorney General's people
2 and me and Number 10 or the head of the Secretariat on
3 this point.

4 In June I think I wrote saying that I would provide
5 some further advice on how we should engage the
6 Attorney.

7 By the beginning of July or by 11th I think you
8 said, we are getting so close to the point when there's
9 going to be a meeting to discuss the paper that by then
10 was in preparation, a meeting to which the Attorney was
11 being invited, that it had become I think for me
12 a slightly academic question. I don't mean academic in
13 the sense that it was of academic interest whether he
14 was engaged, but I knew that he was being invited to
15 this meeting that was taking place later in the month,
16 and therefore we were making sure that he was engaged
17 and indeed, you know, he saw the paper that went to
18 that -- that was prepared for that meeting.

19 SIR MARTIN GILBERT: So in this period between March and
20 July when all sorts of thoughts and discussions are
21 going on with regard to military action, did you feel
22 that the absence of the Attorney General in these
23 discussions affected the debate on the question of
24 military action?

25 MR TOM MCKANE: No, I don't think it did. I remember

1 thinking and I think noting somewhere at the time that
2 it was always going to be difficult to seek formal
3 advice from the Attorney when there wasn't a specific
4 proposition to put before him. As you can see, the
5 legal considerations are set out at great length in the
6 attachment to the paper that was -- the options paper
7 that was prepared that Sir Roderic was asking me about
8 before the break.

9 So I didn't feel that the legal aspects were being
10 ignored in any sense.

11 SIR MARTIN GILBERT: Thank you.

12 SIR JOHN CHILCOT: Right. Moving on then, Rod, over to you.

13 SIR RODERIC LYNE: I'd like to turn now to the July paper
14 and meeting that we were starting to discuss earlier.
15 You will be aware that versions of the July 2002 paper,
16 which was entitled "Iraq: conditions for military
17 action", and the Number 10 record of a ministerial
18 meeting of 23rd July at which it was discussed are in
19 the public domain.

20 If I can just look at paragraph 2 of the version of
21 Iraq conditions for military action that is in the
22 public domain, this paragraph encapsulates the position
23 that had been taken by the Prime Minister at Crawford,
24 presumably therefore in a way that is by now agreed
25 lore, L-O-R-E, in Whitehall, and it says as follows:

1 "When the Prime Minister discussed Iraq with
2 President Bush at Crawford in April he said the UK would
3 support military action to bring about regime change,
4 provided that certain conditions were met."

5 This is quoting the conditions:

6 "Efforts had been made to construct
7 a coalition/shape public opinion, the Israel/Palestine
8 crisis was quiescent, and the options for action to
9 eliminate Iraq's WMD through the UN weapons inspectors
10 had been exhausted."

11 That paragraph implies that by April the Crawford
12 meeting, the process of policy formation in Whitehall
13 had moved some way beyond the options paper of March.
14 Is that a correct interpretation?

15 MR TOM McKANE: Well, I think that what it shows is it's
16 recording what the Prime Minister had said following the
17 Crawford meeting, and I think it reinforces the point
18 that I was making earlier, that policy is evolving
19 throughout this period, and yes, I think it does
20 represent a further shift towards the point when the
21 government might decide to take military action in
22 relation to Iraq, but it doesn't represent a decision to
23 do so.

24 SIR RODERIC LYNE: No, but the Prime Minister, having said
25 to the American President that the UK would support

1 military action to bring about regime change, provided
2 that certain conditions were met, represents at this
3 stage the British Government's policy, but, as you told
4 us earlier, the official policy at this stage is still
5 containment of Iraq. It hasn't been formally abandoned.

6 MR TOM MCKANE: Yes.

7 SIR RODERIC LYNE: You circulated a first draft of this
8 paper on 10th July following a meeting on the previous
9 day and the papers we have seen suggest there was some
10 urgency about producing the paper.

11 Can you recall why there was this degree of urgency?

12 MR TOM MCKANE: I think that it was driven by diaries. We
13 would have been getting towards the end of the
14 Parliamentary session by then, and the -- I have no
15 doubt that all of the relevant Ministers' diaries were
16 extremely crowded. It is normally the case at that time
17 of year that there's a lot of businesses trying to be
18 contracted, and we would have been told that there was
19 a date when this meeting was going to take place and we
20 needed to have the paper ready for it, but, I mean, in
21 addition to that, there is, as I think the papers show,
22 in that period moving from April through May into June
23 a growing sense that the United States Government is set
24 on a particular course, and in order to keep the British
25 Government's options open, as it were, we needed to make

1 sure that we were properly prepared, and part of that
2 preparation was the understanding the US military plans,
3 beginning to formulate possible British plans, but also
4 ensuring that all the other aspects which are
5 encompassed by the Prime Minister's conditions are being
6 attended to.

7 After all, they are pretty tough conditions.

8 SIR RODERIC LYNE: Yes. I mean, the paper says that US
9 government military planning for action against Iraq is
10 proceeding apace but as yet it lacks a political
11 framework.

12 It talks about the need to encourage the US
13 government to place its military planning within
14 a political framework, partly to forestall the risk that
15 military action is precipitated in an unplanned way.

16 So quite apart from diaries the actual dynamic of
17 American policy means that if we are going to take
18 a position, we need to decide it fairly soon presumably?

19 MR TOM McKANE: Absolutely, and I am sure there was a sense
20 that we ought to be getting a shift on before the end of
21 July when it would have been more difficult to pull the
22 relevant Ministers and others together.

23 SIR RODERIC LYNE: One of the points that the papers
24 incorporates is advice it would take UNMOVIC at least
25 six months after entering Iraq to establish the

1 monitoring and verification system under US Security
2 Council Resolution 1284 necessary to assess whether Iraq
3 is meeting its obligations and that by January 2003 --
4 that's presumably if you started at that point, which
5 you didn't -- they would at best only be completing
6 setting up.

7 Do you recall where that very specific advice came
8 from?

9 MR TOM McKANE: Well, it would have come from the Foreign
10 Office, and it wasn't new advice as far as I was
11 concerned. This was simply a setting out of what had
12 been understood to be the position ever since 1284 had
13 been put in place, that it would take time for UNMOVIC
14 to set up and then a further period of time before it
15 would be in a position to report. So this wasn't
16 a shift in approach.

17 SIR RODERIC LYNE: No, but the standing assessment at the
18 time was they would need a period for setting up, which
19 this implies would be some months?

20 MR TOM McKANE: Yes.

21 SIR RODERIC LYNE: And then at least six months to assess
22 whether Iraq was meeting its obligations?

23 MR TOM McKANE: I stand to be corrected, but my recollection
24 is that it's six months to get into a position inside
25 Iraq where you have got a new baseline that you can

1 do -- and you have put in place such technical measures
2 as were necessary, and then a period beyond that during
3 which you would do the measurement, but at any rate it's
4 quite a few months, whatever the precise amount is.

5 SIR RODERIC LYNE: In the light of subsequent events it is
6 a pretty important point, the question of the time from
7 when you fire the starting gun if you are doing
8 a serious inspections exercise how much time you need to
9 assume you have to allow for it, and the implication of
10 what you just said and what the paper says is six months
11 plus.

12 MR TOM MCKANE: Yes. That was the advice at the time.

13 SIR RODERIC LYNE: Yes. The paper invites Ministers to
14 agree that the UK should engage the US on a realistic
15 political strategy, which includes identifying the
16 succession to Saddam Hussein and creating the conditions
17 necessary to justify government military action, which
18 might include an ultimatum for the return of UN weapons
19 inspectors to Iraq.

20 What did the paper mean by the need to create the
21 conditions necessary to justify military action?

22 MR TOM MCKANE: I think that -- it's always a little bit
23 difficult to parse sentences ten years later, but
24 I think what it was saying was, as the Prime Minister
25 had said, we needed to exhaust the UN process, and so we

1 needed to be able to demonstrate that that had been
2 done, and that unless one had gone through that step it
3 would not be possible to say that one had created the
4 conditions necessary.

5 It may have covered other aspects such as preparing
6 public opinion, but I think that the key thing in the
7 sentence is this question of how the UN process was
8 going to be handled.

9 SIR RODERIC LYNE: And I suppose this raises the question as
10 to whether the UN process is intended to lead towards
11 an end which is inspections that constrain or limit
12 Saddam's assumed programmes for weapons of mass
13 destruction or whether the UN process is seen as a means
14 towards an end, the end actually intended to be military
15 action.

16 Now what do you think was in Ministers' minds at
17 this point?

18 MR TOM McKANE: Well, I can only speculate as to what was in
19 Ministers' minds. I think I can say what was in my mind
20 and what I felt was the collective view, and that is
21 that we were going to use the UN process and use it in
22 a serious way.

23 In the event that that resulted in our achieving our
24 policy objectives, then they would have been achieved.
25 In the event that it didn't result in compliance with

1 the UN resolutions, then it would, if it had been shown
2 to have exhausted all the possibilities at the UN, have
3 created the conditions that are talked about in that
4 paper where military action might be justified.

5 So I don't think it -- at least for me -- implies
6 a pre-determination that this would end up one way
7 rather than another, though clearly, as the papers show,
8 it's a further ratcheting up of the step towards the
9 point where the government decides that it is going to
10 commit British troops.

11 SIR RODERIC LYNE: Now you weren't at the meeting on
12 23rd July, for which this paper had been prepared,
13 because you were on leave I think?

14 MR TOM McKANE: Yes.

15 SIR RODERIC LYNE: But you will have seen the record of that
16 meeting?

17 MR TOM McKANE: Yes.

18 SIR RODERIC LYNE: That wasn't a formal meeting of the
19 Cabinet committee, but it was a meeting of relevant
20 Ministers and senior advisers?

21 MR TOM McKANE: Yes.

22 SIR RODERIC LYNE: And was formally minuted out.

23 Was that the first such discussion of the policy in
24 the course of the year?

25 MR TOM McKANE: Well, you asked me earlier about what

1 discussions had taken place around the time of the March
2 options meeting.

3 SIR RODERIC LYNE: Yes.

4 MR TOM MCKANE: And I believe that there was discussion,
5 though I have never seen a record of it.

6 SIR RODERIC LYNE: You are referring to the Chequers ...

7 MR TOM MCKANE: The Chequers ... but aside from that --

8 SIR RODERIC LYNE: But that wasn't minuted out; this one
9 was?

10 MR TOM MCKANE: This one was. So it is the first I am aware
11 of.

12 SIR RODERIC LYNE: Yes?

13 MR TOM MCKANE: Because from my understanding we produced
14 the options paper in the spring and the next -- the next
15 paper dealing with the subject in the round is this July
16 paper, which is succeeded by the discussion.

17 SIR RODERIC LYNE: Were you then commissioned to take some
18 further action following the July meeting?

19 MR TOM MCKANE: Well, there's a number of actions flow from
20 the July meeting and the Secretariat would have been
21 involved in ensuring that they were -- in helping to
22 ensure they were followed up, although, as you say, it
23 wasn't a formal Cabinet Committee meeting with the
24 Secretariat in a formal role, but given that we were
25 also -- that the head of the Secretariat was also the

1 Prime Minister's Foreign Policy Adviser, these
2 distinctions are sometimes a little bit blurred.

3 So yes, specifically the Foreign Office were
4 following up the whole question of what is called the
5 ultimatum in that paper; in other words, how to take
6 forward all of this at the UN.

7 The Ministry of Defence are doing further work to
8 refine military options, and I think there was also to
9 be some work on an information campaign, which
10 I followed up at the end of August.

11 SIR RODERIC LYNE: Would it be a reasonable description to
12 say that after that meeting we had effectively embraced
13 a policy of coercive diplomacy towards Iraq with the
14 ultimatum that you just referred to?

15 MR TOM McKANE: I think it would be fair to say that we were
16 moving closer to military action and that the diplomacy
17 associated with it was much tougher than we had had up
18 until that point, but that -- and that, therefore, we
19 were moving much more into a period when this certainly
20 will not be allowed to run on ad infinitum. Something
21 is going to have to change dramatically, whether it's
22 a change in the attitude of Saddam Hussein, which leads
23 to a resolution of the crisis, or it leads to some form
24 of military action.

25 SIR RODERIC LYNE: Where did that leave containment?

1 MR TOM McKANE: Well, as I said in my statement, certainly
2 containment -- on this march from a policy of
3 containment towards one of intervention we are now
4 getting much further down that path, but I would say
5 that until the point when it was decided that we were
6 going to intervene we are still working through the process of
7 the United Nations and through the activity in the
8 No-Fly Zones, not at the point where we have abandoned it
9 completely.

10 SIR RODERIC LYNE: So on this continuum, whether it be at
11 Crawford where the Prime Minister tells President Bush
12 that the UK would support the US in military action to
13 bring about regime change provided certain conditions
14 are met, through July when we are embracing this much
15 stronger policy and thereafter, what you have described
16 earlier as a sort of evolutionary process.

17 MR TOM McKANE: Uh-huh.

18 SIR RODERIC LYNE: A number of decisions are being taken and
19 continue to be taken beyond the stage at which you have
20 actually left that particular job that lead us
21 eventually in the following spring to military action?

22 MR TOM McKANE: Yes.

23 SIR RODERIC LYNE: Now as our options narrow through these
24 decisions being taken, have Ministers and relevant
25 senior advisers, relevant Ministers and senior advisers

1 at Cabinet or the equivalent had a real debate about
2 this policy, stress tested it, challenged it, looked at
3 possible options, looked at some of the downsides and
4 debated how they should be dealt with? Were you
5 conscious -- that's very much the business of the
6 Cabinet Office -- that this had happened through this
7 evolution of policy?

8 MR TOM McKANE: Well, the meeting that took place on the
9 23rd had the relevant people present in the form of the
10 Defence Secretary, Foreign Secretary, Attorney General
11 and the Prime Minister. So it was my view that they had
12 had an opportunity to have that sort of serious
13 discussion because after all --

14 SIR RODERIC LYNE: Had they taken that opportunity?

15 MR TOM McKANE: Well, I wasn't present at the meeting.

16 SIR RODERIC LYNE: You saw the record?

17 MR TOM McKANE: I saw the record. It is not -- I don't
18 think it's possible to tell from the record exactly what
19 the discussion consisted of in its entirety, because
20 it's quite a brief record and it's quite
21 action-orientated rather than setting out all the
22 arguments that were made at the meeting.

23 SIR RODERIC LYNE: So that's one meeting in this long march.
24 Are you aware of other occasions on which this sort of
25 challenge and stress testing that has been very much

1 part of the policy making process took place?

2 MR TOM MCKANE: I'm not aware of another meeting of
3 Ministers where that kind of stress testing, as you
4 describe it, took place, although there would have been
5 I'm sure bilateral discussions, discussions involving
6 the Prime Minister, the Foreign Secretary and Defence
7 Secretary during that period of a more informal nature
8 which would have been seriously considering the options
9 that were available.

10 The options were being stress tested, if you like,
11 in some of the official level discussions that had been
12 taking place during that period, and that's why I was
13 saying earlier that there was always a range of opinion
14 across Whitehall about precisely what the best policy
15 was.

16 SIR RODERIC LYNE: Thank you.

17 SIR JOHN CHILCOT: Thank you. Baroness Prashar will pick up
18 the questions now.

19 BARONESS USHA PRASHAR: Can we move now to the planning for
20 Phase 4 or the aftermath. In your statement in
21 paragraph 10 you say you attended meetings of a group
22 convened by the Deputy Chief of Defence Staff
23 responsible for commitments to discuss how any military
24 intervention would unfold?

25 MR TOM MCKANE: Uh-huh.

1 BARONESS USHA PRASHAR: Did the scope of this group also
2 cover potential UK involvement in Iraq after
3 intervention?

4 MR TOM McKANE: The focus of that group, which met a number
5 of times in the early summer of that year, was much
6 more -- and I'm speaking from memory, because these were
7 not minuted, these meetings; they were very informal
8 gatherings of military officers and officials -- but the
9 focus was on precisely what was the US emerging plan,
10 what was the military plan, and there was great
11 uncertainty about that at that stage, as I recollect.
12 It was still developing and we had some access, but
13 pretty limited access, and it was later in the summer
14 that we got more closely engaged and had people embedded
15 with the Americans.

16 So there was -- that was one focus, and the other
17 was on what it was that we expected to be in place as
18 a government after any intervention. So there was a lot
19 of discussion of this point that is mentioned in one of
20 the papers about, you know, Iraqi strongman versus
21 democratic elections.

22 BARONESS USHA PRASHAR: Indeed.

23 MR TOM McKANE: And the fact that the more -- the closer you
24 were towards the second of these two options, the bigger
25 the commitment it implied in terms of being there to

1 hold the ring, whereas if the outcome was transfer of
2 power to some other individual or group of individuals,
3 then it might imply a much smaller post-conflict
4 commitment.

5 There wasn't from my recollection much, if any,
6 discussion about the aftermath in terms of the
7 infrastructure of the country, the security of the
8 country, or humanitarian or development assistance.
9 That wasn't the focus of these meetings, and I think
10 that it's not really surprising, given that they were
11 meetings that were being convened in the Ministry of
12 Defence and had quite a defence focus.

13 BARONESS USHA PRASHAR: You said there were two scenarios
14 being considered, that if you replaced with a strongman
15 or you had a democratic government, if you went for the
16 second option, it would be a long haul.

17 Were the implications of this discussed with anybody
18 or drawn to anybody's attention?

19 MR TOM McKANE: I think because the focus of everyone at
20 that point was more on if we are going to be involved
21 militarily, which we don't know for sure at that stage,
22 what is the military plan going to be? What is the form
23 of the UK contribution likely to be?

24 In a sense until one had addressed those points and
25 got some resolution on those points the question of

1 precisely what the aftermath was going to be was not
2 something that could be settled.

3 So I think all I can do is repeat that it wasn't
4 a central feature of those discussions. I know, though,
5 I wasn't directly involved, that as things unfolded the
6 British side had to engage with the American government
7 on this question and it was not a straightforward matter
8 to do so.

9 BARONESS USHA PRASHAR: So it wasn't a feature of these
10 meetings convened by the Deputy Chief of Defence Staff?

11 MR TOM MCKANE: No.

12 BARONESS USHA PRASHAR: But are you aware of anybody else --
13 were there any other parallel groups which were
14 considering UK involvement in Iraq after military
15 action?

16 MR TOM MCKANE: There was in the Cabinet Office in August of
17 that year --

18 BARONESS USHA PRASHAR: This is 2002?

19 MR TOM MCKANE: 2002 -- this was some work done on what the
20 consequences might be of military action, which was
21 going to look at a range of questions, not all solely to
22 do with Iraq, but more to do with, you know, what the
23 impact would be on the region more generally and on oil
24 supplies and so on and so forth.

25 BARONESS USHA PRASHAR: So this was on the consequences

1 which are wider in terms of impact on the region,
2 humanitarian?

3 MR TOM MCKANE: I can't honestly recall. You have to
4 remember that the piece of work I am talking about now
5 was something that was just beginning to get developed
6 just as I left the job.

7 BARONESS USHA PRASHAR: Can you recollect if there was any
8 work being done on what they might find in Iraq, the
9 infrastructure, the state of the civil service and so
10 on?

11 MR TOM MCKANE: Well, the military planners would naturally
12 have been very focused on what the infrastructure inside
13 the country was. There was I think -- I think it's
14 generally agreed that there was a limited amount of
15 information available to the government at this point,
16 because the access to Iraq had been so constrained.

17 BARONESS USHA PRASHAR: Was the dialogue with the United
18 States on military matters, was it with the state
19 department. Was our planning of the aftermath
20 adequately coordinated? Did you get any sense of that?

21 MR TOM MCKANE: Well, at the period we are talking about,
22 which is the period between April and July 2002, you've
23 got to remember that the question of discussion and
24 discussions between the US and the UK on military plans
25 was a very sensitive matter, and it was being largely

1 confined to these military to military contacts that
2 were authorised in June of that year.

3 So I was not aware of wider discussions taking place
4 about that subject.

5 BARONESS USHA PRASHAR: Whose responsibility do you think it
6 should have been to coordinate the question about the
7 aftermath planning in the Cabinet Office, should it have
8 been the Overseas and Defence Secretariat in particular?

9 MR TOM McKANE: Well, the Overseas and Defence Secretariat would
10 have been the natural place to act as a focus for that kind
11 of work. It would have had to have involved the
12 Department for International Development, and at that
13 stage in the development of policy the Department for
14 International Development was not closely engaged.

15 BARONESS USHA PRASHAR: Because in the private evidence
16 given to us by Matthew Rycroft which was mentioned
17 earlier, which we are going to publish this afternoon,
18 he said and I quote:

19 "undoubtedly the thought was in the Prime Minister's
20 mind that if at the end of this we were going to go down
21 the military intervention route then Phase IV, as it was
22 called, aftermath would be many years ".

23 So there was awareness this would be a long-term
24 involvement.

25 Was this communicated to you? Were you aware of

1 this?

2 MR TOM MCKANE: Well, I knew, because we had prepared
3 a paper that indicated that, depending on precisely what
4 form of transfer of power took place under regime
5 change, that it could involve a substantial commitment
6 of forces and other types of assistance by the countries
7 involved in the campaign, but that was -- for me at any
8 rate that was a factor that needed to be taken into
9 account in thinking about this subject, and that's why
10 it features in the paperwork in July.

11 We had not got to the point at that stage of
12 planning for an aftermath, because there wasn't yet
13 an aftermath to be planned for.

14 I don't -- I certainly wouldn't disagree with
15 Matthew Rycroft's evidence to you, but it wasn't
16 something that we were actively planning on at that
17 point.

18 BARONESS USHA PRASHAR: So would it be fair to say that
19 there was awareness that this would be something you
20 would have to pay attention to but no systematic work
21 was done?

22 MR TOM MCKANE: I think that's a fair assessment.

23 BARONESS USHA PRASHAR: When you left the Cabinet Office,
24 who did you understand to be taking this responsibility
25 forward? Was anybody allocated to take this

1 responsibility forward?

2 MR TOM MCKANE: Well, my successor at the Cabinet Office
3 would have had some responsibility for this, and I think
4 in his evidence to you he has described his engagement
5 and the setting up of -- just as I was leaving there was
6 new, revised Cabinet Office machinery was being put in
7 place and the subject in a sense was being put on to
8 a more formal footing. It had been, as a number of you
9 have observed, conducted on a somewhat informal footing
10 for a number of months, and as part of that there was
11 work put in place I believe on this question of the
12 aftermath.

13 BARONESS USHA PRASHAR: Looking back, do you think -- what
14 should have been done differently, if you look back now?

15 MR TOM MCKANE: I'm always wary of indulging in the benefit
16 of hindsight. What we were doing at the time we were
17 doing to the best of our ability, and we were working to
18 the agenda that was being set for us by Ministers.

19 BARONESS USHA PRASHAR: We are lessons learned inquiry. Do
20 you have any thoughts what could have been done
21 differently?

22 MR TOM MCKANE: Well, we could have had more work done at
23 that stage on aftermath, and if we had done, it's
24 really -- one can only speculate what impact it might
25 have had.

1 I think you do have to keep very much at the front
2 of your minds that the main player in all of this was
3 the United States Government. They were going to be in
4 the lead in whatever planning was being done, whether it
5 was for the military operation itself or the
6 arrangements that would come after.

7 So to quite a large extent the pace at which we
8 could move was dictated by the way in which the subjects
9 were being handled in Washington and bilaterally between
10 us.

11 BARONESS USHA PRASHAR: But if that was the assumption that
12 they will be the lead partner, did we make enough
13 efforts to get insights into the planning being done by
14 the United States in this area?

15 MR TOM McKANE: Well, I need to repeat what I have already
16 said, that by this period we had barely opened up the
17 discussion on the military plans. So, you know, it's
18 not as though we were in a very close detailed set of
19 planning discussions with them throughout this period
20 which completely ignored the question of aftermath.
21 It's more that we were in some pretty tentative early
22 discussions that were being conducted on a military to
23 military net.

24 I am leaving to one side obviously exchanges that
25 were taking place at ministerial level between the Prime

1 Minister and the President or the Foreign Secretary and
2 the Secretary of State, but at the official level with
3 the benefit of hindsight one might say we could have
4 been doing more on that front, but there were some
5 pretty severe and real constraints on what it was
6 possible to do.

7 BARONESS USHA PRASHAR: Thank you.

8 SIR JOHN CHILCOT: Lawrence, over to you.

9 SIR LAWRENCE FREEDMAN: I want to talk about the dossier.
10 Beforehand can I just follow up some of the things you
11 said about inspections? You said a couple of things.

12 First, as things were understood, there were limits
13 to what inspectors might be able to achieve, UNMOVIC
14 might be able to achieve.

15 Secondly, whatever we were going to achieve, it
16 would take quite a long time to do it.

17 Yet we have also heard an ultimatum was being
18 developed which revolved around the return of the
19 inspectors.

20 Do you think there was much understanding within
21 government of exactly what would have happened if Saddam
22 had acceded, especially before 1441, to the request?

23 MR TOM McKANE: I think that it was understood that one
24 possible outcome to the policy that we were now embarked
25 on was that he would comply. I think the assessment was

1 that he would comply at the point when he felt that the
2 alternative to doing so was military attack, and that in
3 complying to the extent of letting the inspectors in, it
4 was likely, based on past experience, that he would seek
5 to obstruct their work, but I don't think -- I mean, the
6 feeling at the time amongst those who were involved with
7 this subject was that we were going to try something and
8 if he did comply, if he did comply with the UN Security
9 Council Resolutions, then we would be in such
10 a completely different space that everything that had
11 gone before would have to be looked at afresh.

12 If he had complied, I think some people at the time
13 said if he had gone so far as to comply with everything
14 that had been demanded of him, it would have amounted to
15 a regime change of sorts.

16 SIR LAWRENCE FREEDMAN: And also potentially led to the
17 lifting of sanctions?

18 MR TOM McKANE: Yes, it would potentially lead to
19 the lifting of sanctions, but not the arms embargo or
20 the embargo on dual use goods.

21 SIR LAWRENCE FREEDMAN: It is an interesting question as to
22 --

23 MR TOM McKANE: I suppose -- it is an interesting question
24 and there is related to it the question of well, you
25 know, what would have happened to the in-place forces in

1 the region and the No-Fly Zones and so on and so forth,
2 but most people I think, if you'd asked them at the
3 time, would have said they thought it was highly
4 unlikely that he would comply to that extent.

5 SIR LAWRENCE FREEDMAN: That was the assumption. Can I move
6 on to the question of the public presentation of the
7 policy? There's obviously been a number of enquiries
8 that have explored the process of drafting the dossier
9 and this was published -- the one that was published in
10 September 2002, material it contained. We have heard
11 evidence from this from a number of witnesses public and
12 private and received a number of statements, including
13 those from Lord Williams of Baglan and John Williams -- they
14 are not related -- which we have published this morning.

15 So I just want to focus on some aspects of your
16 involvement this morning.

17 Now in February 2002 you commissioned the
18 preparation of a paper for public release dealing with
19 four countries of concern, weapons of mass destruction,
20 North Korea, Iran, Libya and Iraq. Do you recall that
21 paper?

22 MR TOM MCKANE: Yes. That was part of the package of
23 briefs. It came out -- I think the commissioning was
24 done at the same time as the briefing for the ...

25 SIR LAWRENCE FREEDMAN: So this was with Crawford in mind.

1 How much was it influenced by President Bush's "Axis of
2 Evil" speech and the state of the union address?

3 MR TOM MCKANE: I don't remember precisely the sequence of
4 events but it must have been influenced by the "Axis of
5 Evil" speech, and there was even in the absence of that
6 speech a real concern about WMD proliferation. It had
7 been a subject of concern for governments for some time.

8 SIR LAWRENCE FREEDMAN: If you sort of go back to that
9 paper, a version of which was going to be -- considered
10 to be planned for publication, how would you weigh the
11 relative threat posed by the different countries
12 concerned, Iran, North Korea and Libya as well as Iraq?

13 MR TOM MCKANE: Well, this was obviously a subject of
14 discussion. The distinguishing feature of Iraq and the
15 Saddam Hussein government was that he had -- he had
16 a track record. He had a record of using chemical
17 weapons in both his own country and in the war with
18 Iran. He was, therefore -- he was distinguished in that
19 way from the other group.

20 SIR LAWRENCE FREEDMAN: In terms of the most dangerous of
21 these types of weapons, nuclear weapons, how would you
22 place Iraq?

23 MR TOM MCKANE: Well, I had to go on the assessments of the
24 experts in this field. The paper that we are talking
25 about let's not forget was -- yes, it was commissioned

1 by me, but not put together by me. It was a paper that
2 was prepared by the Cabinet Office Assessments Staff in
3 conjunction with others around Whitehall.

4 I didn't have any independent means of assessing the
5 relative risks posed by one or the other.

6 SIR LAWRENCE FREEDMAN: In terms of the discussions around
7 this paper were you aware of an argument that one of the
8 consequences of publication of this paper might be to
9 suggest that Iraq was not as threatening as the other
10 countries?

11 MR TOM MCKANE: I don't remember that. I mean, I should say
12 that my engagement with the -- although I commissioned
13 this, it was really -- I commissioned it and then took
14 receipt of it and we included it in the pack that went
15 to the Prime Minister before Crawford, and then I became
16 much more closely engaged thereafter.

17 I mean, what I do remember is that there was
18 certainly a debate, as you implied, about whether Iraq
19 represented a greater threat than the other countries
20 that were included in this group, but the distinguishing
21 feature of Iraq, as I've said, was that they had
22 actually used these weapons.

23 So I was aware that there were differences of view
24 within Whitehall about whether it was a sensible
25 document to publish at that stage and, of course, in the

1 event it was decided not to publish the paper relating
2 to the four countries, but to focus in on Iraq, and that
3 was a decision that was taken around -- in the immediate
4 aftermath of the Crawford meeting.

5 SIR LAWRENCE FREEDMAN: Do you recall again discussion about
6 the comparative quality of information available about
7 each of these countries? Obviously empirically you have
8 the evidence of Iraq's actual use of chemical weapons,
9 but in terms of where they were with their programmes do
10 you recall a discussion about where the evidence -- how
11 the evidence on Iraq compared?

12 MR TOM McKANE: I wasn't engaged in discussions of that
13 nature. As I say, my direct involvement with this work
14 came much more once we were focusing on papers for
15 dealing with Iraq on its own.

16 SIR LAWRENCE FREEDMAN: Were you involved in the decision to
17 focus solely on Iraq rather than to --

18 MR TOM McKANE: I think I took delivery of the decision. It
19 was a decision that was reached by -- from memory it was
20 a decision reached by the Prime Minister and the Foreign
21 Secretary.

22 SIR LAWRENCE FREEDMAN: Do you recall why they decided not
23 to do formations but only to concentrate --

24 MR TOM McKANE: I don't remember. I do remember in relation
25 to the subsequent piece of work -- there was a concern

1 to ensure that the way that this document was handled
2 didn't have the effect of unsettling the process that
3 was being pursued at the UN on the goods review list and
4 so on.

5 SIR LAWRENCE FREEDMAN: I think that was related to the
6 April.

7 MR TOM MCKANE: Yes.

8 SIR LAWRENCE FREEDMAN: So you were then in April involved
9 in producing and chairing a meeting of the Departmental
10 Group, producing this collection of papers?

11 MR TOM MCKANE: Yes. In April it was decided that we should
12 work on a group of papers. So it turned from being
13 simply a document about weapons of mass destruction into
14 a little collection of documents which included that but
15 also included the humanitarian record of the Saddam
16 Hussein regime and the history of the arms control
17 inspections.

18 We worked on those documents from April through to
19 about June, when it was decided to put them on ice.

20 There were several exchanges between -- either
21 exchanges of minutes or discussions between me and
22 Sir David Manning about the -- or Matthew Rycroft, but
23 people who were based inside Number 10, about both the
24 right timing of publication of these documents or
25 whether indeed they should be published, and the

1 question of discussing them and sharing them with the
2 US.

3 SIR LAWRENCE FREEDMAN: Just before we get to that, what
4 exactly was your remit on these papers?

5 MR TOM MCKANE: The remit was initially to take the work
6 that had been done up until then on WMD, to continue to
7 refine that and to add to it these other two areas of
8 work that I've described.

9 To begin with I remember being -- I remember asking
10 what the timescale we should operate to was, and we were
11 told -- I was told we should have something available by
12 the end of April.

13 It may be at that point that the exchange that I got
14 the date wrong on took place, and it was decided that
15 that wasn't the time to do anything because of the
16 impact it might have on the process at the UN.

17 So we continued to work on these documents. I had
18 a small group, including officials from the Foreign
19 Office and from the assessments -- Cabinet Office
20 Assessments Staff, and possibly one or two of the
21 intelligence agencies. The Ministry of Defence were not
22 so directly involved in that work.

23 SIR LAWRENCE FREEDMAN: What about DIS?

24 MR TOM MCKANE: DIS, I believe that they were. What I can't
25 remember exactly is whether they were involved directly

1 with me or were involved as sub-contractors, as it were,
2 to the Assessments Staff.

3 SIR LAWRENCE FREEDMAN: Right. What about the Coalition
4 Information Centre, if that's what CIC stands for? What
5 was their role in drafting?

6 MR TOM McKANE: I can't now recall when that centre was set
7 up. I'm pretty certain that it didn't exist in April,
8 that it was something that had been set up later in the
9 summer, and it would have been set up by -- at the
10 request of 10 Downing Street.

11 They did become involved in the work that we were
12 doing, but my memory is that that was at a much later
13 stage, and it was as we were getting to the point where
14 the work was transferring back from my Secretariat to
15 the Cabinet Office Assessments Staff, but their role was
16 to help to sharpen up the product, if I can put it that
17 way, to make the language clearer, to make it language
18 that would be more readily understood by the public.

19 SIR LAWRENCE FREEDMAN: Do you recall how well they
20 succeeded in that?

21 MR TOM McKANE: Well, my recollection is that as far as
22 I was concerned they appeared quite late in the day. So
23 I don't really have much memory of their contribution.

24 SIR LAWRENCE FREEDMAN: How much were you discussing this or
25 what role did Alistair Campbell play in development of

1 the dossier at this stage?

2 MR TOM MCKANE: He was obviously aware that the dossier was
3 being worked on. He took an interest in it, but it
4 wasn't until the period right at the end of my time in
5 the Cabinet Office that I can recall direct involvement
6 with him on the dossier.

7 So I expect the answer is that he or his team saw
8 drafts of the dossier as it was developing, but because
9 it never got to the -- never seemed to get to the point
10 where it was going to be published, some of the impulse
11 behind it faded around about June.

12 You know, here we had a piece of work. We had done
13 as much as we thought we could sensibly do on it. It
14 was ready and I had an exchange with Sir David Manning
15 in which we agreed that we should keep it ready, be
16 ready to dust it off and use it at short notice, if
17 necessary, and between that point and the end of August,
18 beginning of September I don't really remember very much
19 being done on the dossier.

20 In fact, I think when I was looking back at the
21 papers I noticed that the version which I circulated for
22 a meeting at the beginning of September has a June date
23 on it, which indicates that nothing had been done in
24 that intervening period.

25 SIR LAWRENCE FREEDMAN: When -- there's a minute -- meeting

1 in the middle of July, which I presume is the one you
2 are referring to, with David Manning and I think
3 Jonathan Powell was also present, when you decided, as
4 you say, not to publish the document. You gave us an
5 indication to the background. Do you know what
6 involvement Ministers had had in that decision? Had it
7 been discussed with, say, Jack Straw?

8 MR TOM MCKANE: I don't know what involvement they had.

9 I know that the Foreign Secretary was obviously aware of
10 the work that was being done. I had no direct contact
11 with him. It's quite possible and probably likely that
12 the Foreign Office officials who were contributing to
13 this work were keeping the Foreign Secretary or his
14 office informed of progress with it, but the -- and I
15 have no doubt that the Number 10 staff would have had
16 some exchanges with the Prime Minister about what was
17 being done.

18 SIR LAWRENCE FREEDMAN: The minutes of this meeting also
19 indicated, as you say, the need to move in the light of
20 changing circumstances and the possibility of a forward
21 to be signed by the Foreign and Defence Secretaries or
22 the Prime Minister.

23 Then about the same time you were preparing the note
24 on the conditions for military action, a version of
25 which is in the public domain, but recommended the

1 establishment of an ad hoc group of officials under
2 Cabinet Office chairmanship to consider the development
3 of an information campaign to be agreed with the
4 Americans?

5 MR TOM MCKANE: Yes.

6 SIR LAWRENCE FREEDMAN: Do you recall what happened to that?

7 MR TOM MCKANE: I do. That was the thing I was referring to
8 a little while back when Sir Roderic was asking me about
9 the follow-up from the meeting -- or perhaps Sir John --
10 on the 23rd.

11 This was a proposal which had come from the Ministry
12 of Defence, and it was -- the idea behind it was that if
13 indeed we were going to find ourselves involved in
14 a military operation, and if we were going to create the
15 conditions for success in that operation, there needed
16 to be some form of strategic communications, some form
17 of strategic communications plan and the group met under
18 my chairmanship for the first time in late August, but
19 it was pretty much a throat clearing meeting I think at
20 that stage where the Ministry of Defence would have
21 explained exactly what it was they had in mind, and
22 there was a discussion of what might be done next.

23 I don't know what that happened to that group
24 thereafter.

25 SIR LAWRENCE FREEDMAN: Was the dossier discussed at that

1 meeting?

2 MR TOM MCKANE: It may have been touched on, but it felt
3 like two related but separate pieces of activity.

4 The dossier it always seemed to me was about putting
5 the fact before the British public in a way that would
6 explain why this was a problem and a problem that had to
7 be dealt with.

8 So, if you like, it might have formed an element of
9 a broader information campaign.

10 I don't even know whether that group did survive or
11 more likely it was an effort that was then managed and
12 coordinated by Alistair Campbell in Downing Street.

13 SIR LAWRENCE FREEDMAN: We've published John Williams'
14 witness statement and he was Foreign Office dealing with
15 these issues of communications and he was quite opposed
16 to the idea of the dossier being taken forward. If
17 I can quote just a bit of his evidence:

18 "The burden of my argument was not about the quality
19 of specific intelligence, which I never dreamed of
20 judging, but my strong sense that we should not take on
21 ourselves the burden of proof when all the US
22 resolutions put the burden on Saddam Hussein to show he
23 had destroyed his weapons. We couldn't prove it if the
24 inspectors couldn't."

25 Was this argument taken on board at all?

1 MR TOM MCKANE: The only recollection that I have of an exchange
2 with John Williams on the subject of the dossier is when
3 he wrote commenting on the draft capping note which
4 I produced at the end of August/beginning of September,
5 and he gave me comments which were designed to make
6 the -- to improve the draft and make it something that
7 would read better.

8 He may have made some of these points at meetings
9 with me in the course of the preparation of the work,
10 but I can't honestly remember it, and the Foreign Office
11 officials who I remember being at the group that was
12 discussing the preparation of the dossier in the period
13 between April and June were generally people from the
14 relevant expert departments. So there would have been
15 staff from the Middle East Department and staff from the
16 Non-Proliferation and Disarmament Department, but
17 I don't remember at that point there being information
18 specialists. You know, my memory may be defective.

19 SIR LAWRENCE FREEDMAN: Were you involved at all or asked
20 your advice on the Prime Minister's decision to go ahead
21 and announce essentially at the start of September that
22 the dossier was going to be published? Were you given
23 any advance warning of that?

24 MR TOM MCKANE: No, not that I can remember. I was told
25 that he had -- there had been this long period in which

1 it was -- the initial dossier was ready for publication
2 at around Easter time. Then we had had the material
3 ready at the end of April. We worked on it further. It
4 was ready in June. You know, it wasn't something that
5 I was consulted on, nor would I necessarily have
6 expected to be consulted on. We knew that we would not
7 go to publication until a decision had been taken by the
8 Prime Minister that we would do that.

9 SIR LAWRENCE FREEDMAN: Were you surprised?

10 MR TOM McKANE: I don't think I was either surprised or -- I
11 don't remember having any particular emotions about it.
12 What it meant was that we now had to engage in it in
13 a much more energetic way than we had been doing for the
14 previous couple of months, and it did take on
15 a completely -- this was in the days just before I left
16 the job, and at that stage Alistair Campbell does chair
17 a meeting and want to discuss exactly what the dossier
18 is going to consist of, at which point it is decided
19 that it will be a much more -- that it will be more
20 overtly an intelligence-based document and
21 responsibility passes back from the Overseas and Defence
22 Secretariat to the Assessments Staff.

23 SIR LAWRENCE FREEDMAN: Just one final question. You
24 mentioned the capping piece, as you put it?

25 MR TOM McKANE: Yes.

1 SIR LAWRENCE FREEDMAN: That you produced on 2nd September.
2 Can you give us some idea of the origins of that? Was
3 it your own initiative?

4 MR TOM MCKANE: I believe it was -- it followed an exchange
5 with either Sir David Manning or Matthew Rycroft in
6 which we agreed that the draft as it stood needed
7 something to be put at the front of it which would
8 encapsulate the main points, and I offered to do the
9 draft and did so and circulated it to Whitehall
10 departments for comment, got some comments, but then it
11 was overtaken by the decision to move responsibility for
12 the document.

13 SIR LAWRENCE FREEDMAN: But your assumption would be that
14 that was something that would go under the signatures of
15 Secretaries of State of Defence and Foreign Affairs?

16 MR TOM MCKANE: Yes, I think you referred earlier to
17 an exchange where I had -- earlier in the summer where
18 I had I think referred to the need for some preface or
19 which would be signed, and I had asked whether it would
20 be signed by the Prime Minister or the Defence
21 Secretary, Foreign Secretary, and I think I even asked
22 a question whether it should be the International
23 Development Secretary as well.

24 So that would have been what I had in my mind as
25 I drafted it, that it would be used by Ministers, but

1 I also knew that it would be just the first cut of
2 a pretty lengthy process if it was going to be used in
3 practice.

4 SIR LAWRENCE FREEDMAN: It set out a case for taking
5 effective action against Saddam?

6 MR TOM McKANE: I suppose what it was doing was trying to
7 answer the question: why would we take action now? So
8 it is related to the shift in approach that was marked
9 by the meeting on 23rd July and the greater sense of
10 pace and urgency I think that was injected thereafter.

11 SIR LAWRENCE FREEDMAN: So we can take it as sort of
12 a summation of the state of policy as you saw it from
13 your vantage point at the start of September 2002?

14 MR TOM McKANE: Yes. Yes.

15 SIR LAWRENCE FREEDMAN: Thank you.

16 SIR JOHN CHILCOT: Nearly at the end, I'd like to ask one
17 general question and then invite you to comment if there
18 are any lessons that you would like to draw to our
19 attention.

20 The first is throughout this period that you have
21 been describing to us this morning you have great events
22 going on in the world and increasing press, urgency,
23 a range of crises.

24 At the same time the Secretariat reduces in effect
25 from three very senior staff to two over the period

1 where people work ever longer hours and you have also
2 drawn attention to prioritising and having to focus on
3 the most important or urgent at the time. Against that
4 background, and with no imputation either way, what's
5 your assessment of the effectiveness of the OD
6 Secretariat over that period of time both in
7 coordinating the formation of policy and then in
8 supporting its delivery insofar as that arose?

9 MR TOM McKANE: In relation to Iraq?

10 SIR JOHN CHILCOT: Yes.

11 MR TOM McKANE: I think that the Secretariat performed the
12 job that was expected of it. I think that it's
13 perfectly possible to say that had we been larger we
14 would have devoted more resource to the subject, but
15 equally I think it's possible that had we been larger we
16 would have put that extra resource into Afghanistan and
17 counter-terrorism. So it's quite -- it's quite
18 difficult to make that judgment now about what we would
19 have done then.

20 I wasn't aware during the period that we're talking
21 about of any dissatisfaction on the part of the
22 Whitehall machine about the way that policy on Iraq was
23 coordinated.

24 So I would say that those who were engaged in that
25 work were all extremely able, dedicated people, and they

1 were producing a service which was generally regarded as
2 being what was needed.

3 SIR JOHN CHILCOT: Thank you. Do you draw any lessons,
4 given that we are a lessons learned inquiry, from that
5 whole experience that we haven't already drawn out this
6 morning?

7 MR TOM MCKANE: I think that it's possible with the --
8 looking back on it, to say that we might have had more
9 formal meetings of Ministers. Whether that would have
10 changed the outcome I rather doubt actually, and I would
11 still say that the -- that those who needed to be
12 closely engaged in the decisions and the policy making
13 process at the time were engaged.

14 SIR JOHN CHILCOT: Just one supplementary then, if I may.
15 You mentioned in the course of your evidence this
16 morning and reminded us the preponderant role of the
17 United States in this whole Iraq affair, hugely larger in
18 scale and to some degree setting the pace.

19 Was there a full awareness of that at all the
20 relevant levels in the British system that this was not
21 a partnership between near equals even, but one of
22 a huge superpower and a medium sized European power?
23 Was that fully realised?

24 MR TOM MCKANE: I believe so, certainly by all those who
25 were closely involved in the Iraq issue.

1 I mean, if you are asking whether other members of
2 the Cabinet or other parts of the Whitehall machine
3 would all have been as aware of that, I find that quite
4 a difficult question to answer. I would have thought
5 that anybody who thought about these things would
6 recognise that in any relationship between the United
7 Kingdom and the US the US was going to be by far and
8 away the dominant partner.

9 SIR JOHN CHILCOT: Thank you. I think with that I'll close
10 this session.

11 We will resume again at 2 o'clock this afternoon,
12 when our witness will be Sir Stephen Wall.

13 I thank our witness. Thank you very much, and to
14 those in the room thank you.

15 (1.00 pm)

16 (Hearing concluded)

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