Monday, 31st January 2011

(10.00 am)

Evidence of MR STEPHEN PATTISON

SIR JOHN CHILCOT: Good morning, everyone, if everyone is not too large a word for this audience. This morning we welcome Stephen Pattison. Welcome. Mr Pattison was head of the United Nations department in the Foreign & Commonwealth Office from 2001-2003 where, amongst other things, he dealt with the negotiation of Resolution 1441, the draft second resolution, Resolution 1483 and the UK's discussions with the United Nations on the UN role in Iraq. Then from 2004-2007 Mr Pattison was Director of International Security at the FCO.

In both of these roles, Mr Pattison had responsibility for security sector reform and policing in Iraq. We will address these issues and one or two others this afternoon, when Mr Pattison will give evidence alongside John Buck, who was Director of the Iraq Directorate in the Foreign & Commonwealth Office, which incorporated the Iraq security sector reform unit.

Now, we recognise that witnesses give evidence based on their recollection of events and we, of course, check what we hear against the papers to which we have access and which we are still receiving and, finally, I remind each witness on every occasion, you will later be asked

to sign a transcript of evidence to the effect the evidence given is truthful, fair and accurate.

With these preliminaries out of the way, I will ask Sir Martin Gilbert to open the questions. Martin.

SIR MARTIN GILBERT: I'd like to begin by asking about your responsibilities in relation to Iraq, both from your time as head of the United Nations Department, UND, and also your time as Director of International Security, Foreign Office. You were head of the UND from 2000-2003. Can you tell us what your responsibilities were and how much of your time you spent dealing specifically with Iraq?

MR STEPHEN PATTISON: Yes. Thank you very much. As head of the United Nations Department, I spent quite a lot of time on Iraq. In particular I led the coordination of the instructions that went to New York on the negotiation of Security Council Resolutions 1441 and then 1483. This was consistent with the role the United Nations Department had played in other aspects of UN business.

Secondly, the United Nations Department had been and continued to be involved in the monitoring of sanctions in respect of Iraq and other targets of UN sanctions in the years prior to 2002 and throughout the whole period.

Thirdly, the United Nations Department was

responsible for peace-keeping and therefore understood the way in which the UN could design and operate international peace-keeping operations.

Third, we had a police unit, an international police unit in the United Nations Department, which was responsible for finding UK police to participate in international policing missions. This was something which I had brought into the United Nations Department earlier, when it seemed that the UK was beginning to do a bit of international policing in various UN missions, but that the Whitehall arrangements for staffing those missions were not working terribly effectively.

I thought if we established a little unit in the United Nations Department with the help of someone seconded from the police forces, we would be able to offer a more streamlined service to our volunteers.

SIR MARTIN GILBERT: In terms of the priority of Iraq, did this change during the time, and were there other priorities that impinged at different periods?

MR STEPHEN PATTISON: The short answer is yes. There were other priorities, of course, in the period prior to September 2002. There were many other priorities during my time, as I said, at UND. There were lots of issues at the Security Council. There were lots of issues which mattered deeply to the UK. There were lots of

peace-keeping operations all over the world.

When we began to work seriously on Iraq at the UN in September 2002, that became without doubt our number one priority. We devoted the bulk of our resources to it. In part that reflected the fact that it was the number one priority at the UN at the time too. So in a sense we were both proactive and reactive in determining that this should be our major priority.

SIR MARTIN GILBERT: In your statement you set out very helpfully for us the structure of the United Nations Department and explained how it took the lead in liaising with the United Kingdom mission in New York on the negotiation of the Security Council Resolutions on Iraq.

You explained how during the negotiations of UNSCR 1441, the key tactical decisions were taken at twice daily meetings shared by the then political director, Peter Ricketts, with input from the FCO and other departments and from other -- outside the FCO as necessary.

To what extent was the United Nations Department involved in formulating the policy of what the United Kingdom wanted to achieve at the UN, as opposed to advising on tactics and delivering that policy?

MR STEPHEN PATTISON: The policy objective of what we wanted

to achieve was clear to us from the start. That was we wanted a resolution which did a number of things: which brought the UN back into the picture; which moved the debate back on to disarmament; which gave a final opportunity to the international community to resolve this; but which at the same time contained authorisation to use force, if necessary.

In that broad parameter, I and others were contributing suggestions about exactly how we could achieve that broad policy outcome. There were a number of people contributing, as I have made clear. There were legal advisers. There were people from our Middle East department. There were people from our non-proliferation department. There was myself contributing on -- I wouldn't say just the tactics but also the interpretation and construction of a Security Council Resolution. So we had access to expertise in a number of areas.

I think when you look at 1441, there is quite a lot of expertise reflected in it. The inspection arrangements, for example, that 1441 outlines were the result of contributions from our non-proliferation department and our understanding of what UNSCOM --

SIR JOHN CHILCOT: Could you lift your voice a little?

MR STEPHEN PATTISON: What their understanding of UNSCOM and

the previous inspection regime wanted.

SIR MARTIN GILBERT: What was the division of responsibilities between the UND and the Iraq Planning Unit, later the Iraq Policy Unit?

MR STEPHEN PATTISON: The Iraq Planning Unit was set up in early February 2003. I was slightly surprised, if I am honest, when it was set up. The first I heard about it was when I was leading a UK delegation to Washington to talk about planning for post-conflict Iraq. Up until that point, I and United Nations Department had done quite a lot of work on the model of UN involvement in post-conflict Iraq. We had looked in fairness at what had happened elsewhere, at Japan and Germany after the second world war, at other examples of where the UN had intervened after a conflict, in the Balkans or in East Timor. There were a number of examples.

We had distilled what I regarded as the best option for Iraq, which was a role for the UN that was, broadly speaking, best described as an assistance mission, ie one that would not seek to replace an Iraqi bureaucracy, but would work alongside an Iraqi bureaucracy and alongside a coalition, in order to ensure the smooth administration of Iraq and the proper emergence of self-government for the new Iraq.

I put up several papers outlining quite what this

would look like. They were taken up by Edward Chaplin, the Director Middle East, in conversations he had with the Americans and others towards the end of 2002. As a result of that, I led a team to have a bilateral conversation with the Americans in February 2003. The person appointed to head the Iraq Policy Unit came with me on that trip, and it was actually during that trip I learned about the fact that he had just been appointed head of this unit.

So at any rate, I thought that this was reasonable handover, if you like, that it was clear Whitehall needed a unit that was going to focus intensively on these issues. I had done, I thought a lot of the groundwork, and it was right that someone else who was with me on that trip to Washington should take up the issues and pursue them further.

That was what I expected to happen, to be honest. The relationship between UND and the Iraq Planning Unit continued to be close, and it was close over a range of issues.

I mean, if I am honest, I did not see a lot of material coming out of that unit on post-conflict planninge worked very intensively together on the next major resolution, 1483, which did indeed set the scene for a UN presence in Iraq after the fall of

Saddam, and we worked on other issues related to that, the future of the Oil for Food Programme and so on.

Then later, a few weeks later, we worked with them on policing issues, where again, I think it's a similar sort of story. We in the United Nations department had done quite a lot of work on policing, and then when the Iraq Planning and then Policy Unit was established, it was only right they should pull that work together and make it more operational.

SIR MARTIN GILBERT: We will be coming on to policing later, of course.

We are also going to come on quite shortly to the arrangements for providing legal advice on UNSCR 1441, but can you tell us first in broad terms what the relationship was between the UN department and the FCO legal advisers, how it worked?

MR STEPHEN PATTISON: I would like to describe the relationship as very close. It is anecdotal, but on the day that Elizabeth Wilmshurst resigned from the Foreign Office, I took her out to lunch, a farewell lunch. Personal relations and professional relations were very close. I knew Michael Wood well and had known him for a long time and would talk to him in the corridor about these things as the negotiations developed.

We in the United Nations Department were very used

to working closely with lawyers. If you are negotiating Security Council Resolutions, even General Assembly resolutions, come to that, you need to make sure you have legal advice.

Most of the lawyers in the Foreign Office's legal division had spent time in New York working in our mission there, and I think it is true to say were very close to, very involved in and very knowledgeable about UN matters.

We also worked closely with the legal advisers on a range of other issues that the department dealt with. We dealt with the International Criminal Court, for example, which was established by the Treaty of Rome, on which Elizabeth spent a lot of time working on the working group dealing with the definition of aggression.

We had a number of issues where we worked very closely with them, and I would say our relations were indeed professionally very close and personally very amicable.

SIR MARTIN GILBERT: One last question from me. Can you tell us, was the United Nations Department involved in wider aspects of British policy towards Iraq that didn't directly involve the United Nations?

MR STEPHEN PATTISON: Well, there was policing, I suppose.

I don't know whether we regarded policing as being part of the post-conflict operation or not. There was certainly policing. There was certainly some work done on war crimes, because we dealt with war crimes and international humanitarian law. There was some work done on whether and how we would approach war crimes issues in post-conflict Iraq. There were questions of that sort.

If your question is about: were we involved in determining the extent to which Iraq had made a credible effort to address concerns about its WMD programme; we would not have done that, no. We would have relied on expert advice from other departments in the Foreign Office.

SIR MARTIN GILBERT: Thank you very much.

SIR JOHN CHILCOT: I will ask Sir Roderic Lyne now to pick up the questions.

SIR RODERIC LYNE: You set out a moment ago the policy objectives under which you were working, and I would like to ask a bit how this translated through Security Council Resolution 1441. You have put the same policy objectives in the written statement that you very helpfully gave us.

What was the relative weight attached to each of the three objectives that you identify in your statement?

MR STEPHEN PATTISON: I think they were all equally important. I think it was important to us to get the UN back in. It was important to us to address disarmament issues and it was important to us to secure a test that would give authority to use force, if necessary.

SIR RODERIC LYNE: Now these were all means towards an end. What was the intended end state? What was the strategic aim of the policy?

MR STEPHEN PATTISON: The aim of the policy was to try to bring about an Iraq about whom we had no questions concerning their weapons programmes.

SIR RODERIC LYNE: So was the aim to remove Iraq's weapons of mass destruction or was the aim to remove the Saddam Hussein regime in Iraq? What was the end state?

MR STEPHEN PATTISON: At the time I think many would have argued that it was inconceivable to do one without the other, but we were very conscious that our policy was not the policy which was sometimes described as regime change that the United States had. I think the British Government's position was much more nuanced than that phrase describes. I think it was in a sense a complicated position, partly because I think the British Government was acting out of almost idealistic motives, if I may say so.

The way in which I think this all started was after

9/11. After 9/11 there was obviously considerable concern about areas of the world which might pose a threat. There was a phrase that was current in the Foreign Office at that time which was "draining the swamp". "Draining the Swamp" was the title of a paper put up by our then planning department about how we could address areas of the world which post-9/11 might fit into the same pattern, ie areas like Afghanistan, which frankly we had not paid enough attention to before 9/11, and which had then resulted in an attack on the United States.

The "draining the swamp" line was a bit about: let's look around and see where there might be other places that could pose similar risks. The "draining the swamp" phrase, I have to say, was dropped from the debate on this, partly because I think it actually came from a published magazine article, but it was a phrase that encapsulated --

SIR RODERIC LYNE: Didn't it originally came from Chairman Mao?

MR STEPHEN PATTISON: I think it originally did but then I think it was taken up by The Economist in the context of the post-9/11 stuff. The thought behind it, I think, was the thought which drove the then British Government into focusing very hard on Iraq.

Now, the point about this -- this is why I think the position is complicated for the British Government -- I am sure you will understand that in foreign policy theory -- the members of the Inquiry will certainly understand this, and I will not be able to paraphrase the distinction as cleverly as you -- but there is a distinction between realists and idealists in foreign policy theory.

To put it crudely, realists are focused on the balance of power and the use of power and the role of states and idealists, to put it crudely, are focused on the international community and using the international community to achieve wider global objectives and usually focused on soft power.

I think the British Government's position was bizarrely, if you like -- it may be difficult to understand -- it was essentially idealistic motives that resulted in the end in this realists' argument for war.

So I think Tony Blair's view was always that -- the idealists' view that we were doing this to make the world a safer place. We were not doing this because there was a direct threat to the UK; we were doing this because it was in the interests of the international community, and because it was in the interests of the international community, he expected the international

community to step up to the plate and do it.

That was an entirely convincing, if you like, idealists' argument. Where Mr Blair lost the idealists was when he went the next stage and said, "But if the international community is not able to step up to the plate, we are actually going to have to find some other way of dealing with this".

You know, you can say that in adopting that, he was moving towards the spirit of the early UN, which was intended to be a much more muscular organisation than it has subsequently turned out to be, if you like, or you can accuse him of betraying the idealists' principles, but I think that was the background that he was coming at it from.

So I think all these objectives were together in his and the British Government's mind. If we can do this through -- first of all, this is something that needs doing. Iraq needs sorting out. If we can do it through the UN, that is obviously the best way to handle an issue like this, because it's not an issue of self-defence. It's an issue that affects the stability of the international community. But if we can't do it through the UN, we will have to think of some other way.

I think if you look at the public lines that Mr Blair espoused over that period, you will see

fundamentally the idealist position which I just described, I think was his, and was his conviction, and he comes back to it right at the end in March 2003, but I think there were times, to be honest, when the British Government's direction tilted in the other direction towards a more realist view.

Some would say the interpretation of the dossier on weapons of mass destruction, where the press interpreted it as Brits being 45 minutes from doom and nothing was done to correct that, was a kind of tilting towards a more realist interpretation.

But I think the fundamental position that the government had was, as I say, an idealist one, that this was the international community's responsibility and the international community should do something about it.

SIR RODERIC LYNE: So you say the British Government's line was more sophisticated and more nuanced, say, than that of the Americans, and you have just set out a range of its sophistication, but if we come down to brass tacks, to mix the metaphors a little bit further, essentially draining the swamp, or whatever you call it, Iraq needs sorting out, leads one to the proposition that the strategy was that you needed to remove Saddam's regime.

Was that the strategy under which -- and Mr Blair

has described it quite pithily as change of heart or change of regime -- he quoted to us the other day from his interview with Jeremy Paxman, in which he said:

"In April of 2002 I certainly endorsed the policy of doing everything we can to get rid of Saddam Hussein if at all possible. Everything we can including military means."

Was that the understanding that you and the other people around Peter Ricketts' table at your regular meetings on Iraq understood to be the strategic objective of the British Government's policy?

MR STEPHEN PATTISON: No. The short answer is no. Our understanding of the objective was that we were trying to resolve the Iraq problems. We were trying to resolve the questions about weapons of mass destruction.

SIR RODERIC LYNE: There are two different problems when you say "the Iraq problems". Weapons of mass destruction is one aspect of the problem, but the regime, as the government made clear in its many statements including about human rights and its record and so on, its threat to external partners -- neighbours, was a wider problem. So what was the strategic aim?

MR STEPHEN PATTISON: I don't think we went to war because of Saddam's human rights record. That was never part of the legal justification for going to war or, if you

like, the policy justification for going to war.

SIR RODERIC LYNE: But you did talk about the idealistic idea of trying to make the world a better place, including Iraq, and that was very clearly set out in the argument for the action that was taken.

MR STEPHEN PATTISON: Yes, but the reason that Iraq was a problem for the international community was because of its defiance of the UN insistence that it give a credible account of its weapons programme. Yes, there were human rights issues, but those were not the issues that had dominated the UN's agenda with Iraq for the best part of eight or nine years.

The reason Iraq was a problem and Saddam was a problem was because of his defiance of the UN, because we did not feel we had any kind of certainty about exactly what his capabilities were, what his intentions were, where the regime was going in terms of developing its weapons programmes.

That was why as long ago as Blair's Chicago speech, he mentioned Saddam as a problem.

SIR RODERIC LYNE: So if you had to sum up the strategy in one sentence, how would you have summed it up, the strategic objective of the government's policy in 2002, autumn?

MR STEPHEN PATTISON: Was to resolve once and for all the

outstanding questions about Iraq's WMD programmes.

SIR RODERIC LYNE: Just the WMD programmes. So that's what you were working on?

MR STEPHEN PATTISON: Uh-huh.

SIR RODERIC LYNE: So the description Mr Blair was giving, of which I just quoted one bit from him that he requoted the other day, did not match what you thought you were working on in the Foreign Office?

MR STEPHEN PATTISON: I think the presentation that Mr Blair and others gave of Iraq during that period was indeed not focused solely on what we were working on in the Foreign Office, but the presentation was designed to get across to a wider public the nature of Saddam's regime and the sort of character of the regime we were dealing with.

SIR RODERIC LYNE: The Cabinet Office's paper, now declassified, of July 2002, entitled "Iraq: Conditions for Military Action, a Note by Officials", recorded that:

"The Prime Minister had told President Bush at Crawford in April that the UK would support military action to bring about regime change provided that certain conditions were met."

Three conditions were then listed:

"Efforts to construct a coalition and shape public

opinion."

That was the first. The Israel/Palestine crisis was quiescent was the second. The third, and the one obviously relating to your department was:

"The options for action to eliminate Iraq's WMD through the UN weapons inspectors have been exhausted."

Now, that makes it sound as if the United Nations was a way station along the route to regime change. Mr Blair told us in his evidence fairly recently, referring to Resolution 1441, that:

"From July onwards the approach was instead of action immediately, ultimatum with the UN sanction."

"ultimatum with the UN sanction" was the way he put it to us in direct quotation.

Was Resolution 1441 intended to be an ultimatum as a prelude to military action? Was that your understanding of what you were aiming for?

MR STEPHEN PATTISON: I think it was intended to be a strong signal that unless Iraq took the final opportunity to resolve the outstanding questions, force would be used, yes. I think over that period, summer 2002 until the adoption of 1441, I think the position evolved quite considerably. In the summer of 2002, there was talk about trying to get some sort of ultimatum to Iraq before force was used.

That changed really when during the summer there was a lot of talk in the United States about regime change. There was a lot of anxiety in British Government about it. Mr Blair persuaded Bush to go the UN route, and the Americans in a significant shift, I think, of policy agreed to go the UN route. Once they agreed to go the UN route, they were accepting that, if I may say so, the UN might not just be a way station on the way to removal of Saddam; that there was just an outside chance this might work.

Now I come back to the point. First of all, most people at the time thought it unconceivable that Saddam would survive the kind of transparency about his weapons programme which we were insisting on, but we did feel very strongly that if there was an outside chance of getting transparency about his programmes before the use of force, we should go the extra mile to do it, and we did it in the discussions over the second resolution and the lengths to which we were prepared to go to identify benchmarks that would determine whether Saddam was seriously interested in cooperating or not.

SIR RODERIC LYNE: So the UN route was intended to lay down an ultimatum, but there was, as you said, considered to be just a chance that he might back down under the force of that ultimatum, but it wasn't really intended the UN

route was likely to -- it wasn't thought the UN route, through a period of inspections and so on, was likely actually to resolve the problem. That was not our expectation?

MR STEPHEN PATTISON: We had had nearly ten years of trying to deal with Iraq through UN inspections.

SIR RODERIC LYNE: So that's why we didn't expect it?

MR STEPHEN PATTISON: You would be very optimistic if you thought it was going to work, but equally we had never got to the point before where we were so close to using force against Iraq and there had to be an outside chance --

SIR RODERIC LYNE: The point we were coming to and, of course, the build-up towards the use of force was now to some extent underway, particularly in the United States, did that affect thoughts about how much time he should be given to comply or not comply with the ultimatum?

MR STEPHEN PATTISON: I personally was not aware of that dimension. Of course I was aware of the fact that the Americans were building up their military force prior to an invasion, but that did not seem to me to be really driving our timetable.

Now, there is an issue over the moment when we gave up trying to get the second resolution. My view is that that second resolution would have been impossible to

obtain on the terms we wanted it. We can discuss this in more detail. At the time I do remember thinking maybe if we had gone on another couple of weeks, we would have reached the absolute end of the road, and I do remember being slightly surprised that we were not pursuing this right to the end of the road, but I have to say, the background to that was my sense that it was getting increasingly difficult, if not impossible, to secure the second resolution, but we were not aware -- I was not aware that the military timetable was what was dictating the pace of these things other than in the most general terms that we all knew there was an American build-up.

SIR RODERIC LYNE: We will come back to the second resolution a bit later on. I would just like to explore a little bit the process under which we handled the negotiations on 1441.

You have described the twice daily meetings chaired by Peter Ricketts on Iraq, and said that the output of those meetings was to agree on the advice to be given to the UK mission to the UN on how to handle that day's negotiations on the text that then became 1441. How did the outcome from the meeting, the instructions to New York, how was that communicated to UKMIS?

MR STEPHEN PATTISON: Almost always we would send written

instructions to them, mostly in the form of a telegram, what was then known as an e-gram. That would be backed up by various telephone conversations. Peter Ricketts, I think, was on the telephone probably to Sir Jeremy Greenstock every day talking more about the background to the kinds of instructions we were sending. There would be correspondence with other members of the mission in New York. There was a desk officer who was handling Iraq in New York who would be in touch with me for background information about what lay behind the instructions they were receiving.

SIR RODERIC LYNE: So you had a sort of a written instruction but a lot of oral elaboration on the telephone, toing and froing.

Did you have a consistent group of people who were copied in on the written instructions? Presumably the oral conversations would not all have been written down. There wasn't time. Was it the same group of people copied in?

MR STEPHEN PATTISON: The short answer is yes. The process for drafting instructions would normally be at the end of the meeting, I would do the first draft of the instructions. I would then clear them with all of those who had been at the meeting, and then when the instructions were finally cleared and sent off, they

would have been subsequently distributed the final instructions to a whole range of other departments, including across Whitehall as well.

SIR RODERIC LYNE: Are you surprised that only one telegram of instructions during these negotiations from the records shown to us appears to contain legal advice explicitly?

MR STEPHEN PATTISON: Well, I think it depends what you mean by "explicitly". I think there is only one which says "the legal view is such and such", but legal advice was incorporated into all the instructions we sent. We did not normally practise making a distinction between legal and, if you like, policy advice. That would have been totally inappropriate. We tried to put together instructions which contained within them legal advice. There is indeed one which says explicitly, "the legal view is this", and that was, as you will appreciate, a very important part of our legal adviser's concerns. So I think that is why that highlights the legal view.

SIR RODERIC LYNE: So when you drafted the telegram of instructions, you drafted it within the framework of the legal advice, having had a legal adviser, I think normally John Grainger, around the table in the Peter Ricketts' meeting?

MR STEPHEN PATTISON: Yes, and I would show John Grainger

the draft of the telegram before it went to make sure he was content with it.

SIR RODERIC LYNE: He would sometimes send you written advice?

MR STEPHEN PATTISON: Yes, yes.

SIR RODERIC LYNE: We have seen a number of notes of those written advice from him to you. In none of those notes does he advise that the draft then in contemplation, for example, 23rd September or 31st October, would authorise the use of force. In his later notes to you, he clearly advises that the draft does not authorise the use of force.

Was that advice reflected in the instructions that you then drafted to New York? Were you telling them they were working on a draft that didn't achieve one of the three objectives that you had set out?

MR STEPHEN PATTISON: The short answer is yes, but when John Granger and others were saying the text does not authorise the use of force, the standard position on the interpretation of 1441 has been the resolution itself did not authorise the use of force without the issue coming back to the Security Council. We could have a long debate about the precise terms in which it was supposed to come back and what the Council was supposed to do, but the standard view was that certainly there

had to be further action at the UN before force was authorised.

SIR RODERIC LYNE: What were the legal advisers telling you about the nature of that further action at the UN? Were they telling you that there had to be a Security Council decision on the determination of a further material breach?

MR STEPHEN PATTISON: One of the corridor conversations I had with Michael Wood, I remember during this period, resulted in Michael Wood telling me he didn't understand the resolution. It was unclear. It was complex. His view, I think, was, as I have said, that the material breach finding in the first paragraph was overtaken by the rest of the resolution, that the issue had to come back to the Council, and that when the resolution said "comes back to the Council for consideration", it was unclear what that meant.

The view I was getting mostly from John Grainger was that whilst that was the standard legal adviser's approach, all of this was ad referendum to whatever the Security Council decided to do with the draft text when it was put to them and then, of course, also ad referendum to the view of the Attorney General when the text was put to him to determine the legality or otherwise of British participation in military action.

So Granger's view, I think, was -- I really shouldn't be speaking for him -- my understanding was he was trying to help us prepare the best possible text within the constraints of what he knew was Michael Wood's position, but deferring final judgment until the Security Council had opined on adoption and subsequently the Attorney General had expressed his view, once the text was finalised.

SIR RODERIC LYNE: But he didn't at any point advise you before the adoption of 1441 that the draft did authorise the use of force?

MR STEPHEN PATTISON: Well, not in the sense I have described. The issue had to come back to the Council. Now there was and is a debate about whether if the issue came back to the Council, would 1441 be sufficient authorisation for the use of force? John Grainger's view on that was never entirely clear to me. I am not aware of him ever saying that there would have to be a subsequent Security Council Resolution as such.

SIR RODERIC LYNE: But Michael Wood was saying that?

MR STEPHEN PATTISON: Michael Wood's view was certainly clear on that, yes, yes.

SIR RODERIC LYNE: He was the Foreign Office legal adviser, the highest legal authority in the Foreign Office.

MR STEPHEN PATTISON: Yes, yes.

SIR RODERIC LYNE: I just want to come back to that in a minute, but before I do, just a question about what we were seeking in the resolution.

As the drafts were being developed, were we seeking a freestanding authorisation for the use, if it became necessary, of force, or were we seeking to draft a resolution with the objective of reviving the authorisation from previous resolutions?

MR STEPHEN PATTISON: Well, I think, if I may say so, the two are the same, because the only basis on which we could conceivably have got authorisation to use force was on the basis of the so-called revival argument.

So the resolution sought to make clear that Iraq was in material breach of the ceasefire terms and that, as had been accepted in previous cases, if Iraq was in material breach of the ceasefire terms, those terms no long applied, and the original authorisation to use force following Iraq's invasion of Kuwait still stood.

So yes, the resolution was seeking, if you like, to get or to provide fresh authorisation for the use of force, but it was doing so in terms of the revival argument.

SIR RODERIC LYNE: So the Ricketts' group was clear all along it was the revival argument we were working on?

MR STEPHEN PATTISON: Yes.

SIR RODERIC LYNE: Wouldn't the revival argument have been strengthened if the resolution had included in its preamble references to Security Council Resolutions 1154 and 1205, and precisely for the reasons that you have yourself given in the last sentence of paragraph 24 of your witness statement?

MR STEPHEN PATTISON: I think the issue of putting those two resolutions in this has come before the Inquiry before. My view is that 1441 was self-standing in the sense that 1441 explained the revival argument. 1154 and 1205 had not been uncontroversial resolutions, and the feeling was if we sought to put in the revival argument, in a sense from scratch in this text, we were laying before the Council exactly what the arguments were.

SIR RODERIC LYNE: We were trying to conceal our argument from the Council whilst slipping it into the resolution?

MR STEPHEN PATTISON: I don't think there's any question of concealing it from the Council. I think every member of the Council understood perfectly well what was going on.

SIR RODERIC LYNE: Then why didn't we put those references in if they knew it perfectly well?

MR STEPHEN PATTISON: As I say, I think the references would have been unnecessary, because the text itself explains the revival argument.

SIR RODERIC LYNE: We were not trying to defer to Russian

pressure not to have what they called, I think, hidden triggers in the resolution?

MR STEPHEN PATTISON: No, we were not trying to defer to Russian pressure not to have hidden triggers, certainly not in respect of this, if you see what I mean. The resolution in the end in our view did authorise the use of force. I don't know whether the Russians would describe that as a hidden trigger. I think it would be unreasonable of them to do so. In terms of the decisions whether to include these references to earlier resolutions, we were not trying to sidestep Russian concerns about hidden triggers.

SIR RODERIC LYNE: If I can come back to Michael Wood's view, at the end or -- yes, at the end of the process on 6th November, Michael Wood wrote a minute to the Foreign Secretary, copied to you and to Iain Macleod in New York, which said that:

"Resolution 1441 does not itself authorise the use of force or revive the authorisation to use force given in Security Council Resolution 678."

He goes on to say:

"If the Council is unable to take a decision at the second stage, whether because there are insufficient votes for another resolution or a resolution is vetoed, there will be nothing to point to by way of revival of

the authorisation to use force given in 678."

So he's effectively saying there very clearly that there has to be a further decision to make the revival argument stand up.

Did that reflect the position that you had understood it up to this point, and was it clear to Iain Macleod and Jeremy Greenstock in New York that this was the firm position of the Foreign Office's legal adviser?

MR STEPHEN PATTISON: I certainly understood that to be his position and had done for some time. I am reasonably confident that both Iain Macleod and Jeremy Greenstock would have understood that to be the legal adviser's opinion. Iain Macleod had a different opinion on the interpretation of the text, as, of course, did United States' lawyers. My view at the time was that having got this resolution adopted, the final arbiter would be the Attorney General.

SIR RODERIC LYNE: The Attorney General had already started giving some views. On 18th October -- this is well before the resolution was adopted -- he telephoned the Foreign Secretary and he told him that the latest draft, which was, broadly speaking, the draft that was subsequently adopted, did not provide authorisation for the use of force. You saw a copy of the record of that conversation.

Was that a bit of a bombshell, if not for you, then at least for Iain Macleod in New York, who you were saying held a different view? What discussions took place after the Attorney General had intervened and said very clearly, "You are not going to achieve what you are seeking to achieve"?

MR STEPHEN PATTISON: I don't know whether this was a bombshell for Iain Macleod. I had no discussion with Iain Macleod about his view on this. His contacts with the Foreign Office were entirely with legal advisers, as was proper and appropriate at the time.

SIR RODERIC LYNE: So you assumed that he was debating this issue directly from New York, legal adviser to legal adviser.

MR STEPHEN PATTISON: Yes, yes.

SIR RODERIC LYNE: They have told us otherwise. They have told us that the channel for instructions came through the telegrams, and Jeremy Greenstock also said his instructions came in the form of telegrams signed "Straw", which you said were drafted by you, and that the legal advisers were not having a direct negotiation about this. You assumed they were.

MR STEPHEN PATTISON: I did assume they were. It is certainly true to say the instructions to New York came on a different channel, but I assumed that the legal

advisers were talking to each other offline, privately, in telephone conversations. Grainger's minutes -- at least one of Grainger's minutes was copied directly to Jeremy Greenstock. There is, as you said earlier, at least one telegram which says "the legal adviser's view is such and such". Jeremy was in regular contact with people in the Foreign Office. I am surprised if the mission in New York wasn't aware that Iain Macleod's views were not endorsed by the Foreign Office legal adviser.

SIR RODERIC LYNE: He told us in evidence that he was not aware of that particular bit of advice from the Attorney General and that it would have had an impact:

"There would have had to have been some quite serious analysis with London but also with Washington of where we were going."

MR STEPHEN PATTISON: Well, I am surprised that -- Jeremy must have had regular conversations with Peter Ricketts. I can't tell you what happened in those conversations, but I would have thought that the evolution of the Attorney General's view was a subject in them, but I can't prove it, obviously.

SIR RODERIC LYNE: Just so we can be completely clear about this, if the Attorney General and the Foreign Office legal advisers take a position and the legal adviser in

the mission in New York takes a different position, which position predominates? Which is the British Government's policy?

MR STEPHEN PATTISON: Obviously it is the Attorney General's view.

SIR RODERIC LYNE: Obviously the Attorney General's.

MR STEPHEN PATTISON: Yes.

SIR RODERIC LYNE: Is it not strange, therefore, that the mission in New York were finalising this negotiation in ignorance of the Attorney General's position on this, and thought they had achieved an outcome which the Attorney General said they hadn't achieved?

MR STEPHEN PATTISON: Yes, I agree with you, that's strange.

SIR RODERIC LYNE: This is a point that we are obviously seeking to clarify. It is one of the gaps or the discrepancies in evidence, which is why I am seeking your assistance on it.

Lord Goldsmith in his witness statement also told us that if he had been asked about the addition of the words "for assessment" to operative paragraph 4, he would have said they were problematic. He would have argued for their removal. He said this gave him a real difficulty.

Do you recall what legal advice was sought about the insertion of the words "for assessment" into operative

paragraph 4?

MR STEPHEN PATTISON: No, I don't, and the words -- if I were to identify some of the -- "ambiguity" isn't quite the word -- but some of the ambiguities in the text of 1441, obviously that word "assessment" would be one of them.

I cannot now recall, to be honest, whether our legal advisers had made an issue of that prior to the adoption of the text.

One thing I would say about it is that whatever it means, the finding that a subsequent lack of cooperation by Iraq would be a further material breach is already contained in this resolution. So whatever "assessment" meant, it presumably would not have meant the question of whether a further lack of cooperation from Iraq constituted a material breach, because it says:

"... omissions in the declaration and lack of cooperation shall constitute a further material breach and will be reported to the Council for assessment."

So whatever the word "assessment" meant, it presumably did not mean an assessment of whether this was a material breach.

SIR RODERIC LYNE: It seems to take us into areas of deep ambiguity, and indeed, one of the points that witnesses have made to us is precisely how ambiguous the

resolution was. I'd like to clarify what your understanding was of the position that 1441 left us in.

Was it your belief that by adopting 1441, the Security Council had established a position whereby force was from that point authorised, or was it still a question of whether 1441 authorised the use of force, depending on what happened when the Security Council met to "consider", is the word in the text under "operative 12".

MR STEPHEN PATTISON: My view was that the resolution itself authorised the use of force. What was necessary for that authorisation to come into effect was failure by Iraq to cooperate and comply and subsequent consideration in the Council.

When those two events had taken place, the authorisation contained in this resolution could be invoked.

SIR RODERIC LYNE: The subsequent discussions in the Council in your view then did constitute that degree of consideration?

MR STEPHEN PATTISON: This is one of the areas where we were in wholly uncharted territory as to what the nature of those discussions ought to be. When you look at the text, the text envisages, if I may say so, a quite different sequence of events from what took place in

some ways. It envisages a report by Blix, by UNMOVIC of lack of cooperation. It envisages a situation, for example, where inspectors could not get in or there was something that was seriously hampering the inspectors' effort. It also envisages a situation where the inspectors are in, but actually there is not full cooperation designed to clarify the outstanding WMD issues.

Blix and the IA inspector are invited to report to the Council on these things. Their reports, of course, actually did not say categorically under the terms of OP4 or OP11, whatever it is, "I am making a report that addresses precisely those things". None of their reports ever said that.

So in a sense this resolution envisaged a situation which actually did not arise in the Council. What we had instead were reports from Blix and others and those reports made quite clear the lack of cooperation we were getting from Iraq. I don't think there was a single member of the Council who disputed that. I think even when the hostilities started there wasn't a single member of the Council who said, "but Iraq is in compliance with this text".

So though in a sense no-one ever came to the Council and said, "I am making a report under OP11 or under OP4

and this is what I am saying", it was widely understood at the Council that these reports did not paint a picture of cooperation required under the terms of this resolution and that, therefore, the situation envisaged in OP4 or OP11, a report of non-cooperation was, in effect, happening.

SIR RODERIC LYNE: They too were ambiguous. I think we will come back to that later on, because they also did not reach a definitive point where they were reporting a final report of having concluded their work and found non-cooperation. They gave a signal somewhere along the middle. We will come back to that, I think, later on.

In your statement you say that everyone was aware that alternative legal interpretations were possible. The evidence that we have had is that during the negotiation of the resolution, you didn't have alternative legal interpretations within the corpus of the Foreign Office legal advisers. All of the senior London-based lawyers, and, of course, including the Attorney General, were giving the same interpretation, which was that the resolution per se did not authorise the use of force.

Have we missed something here? Were you actually being given different views from different quarters?

MR STEPHEN PATTISON: Well, there were certainly alternative

views held by Iain Macleod we have mentioned. There were alternative views held by the United States and there was, of course, an alternative view held by the Foreign Secretary.

SIR RODERIC LYNE: But the legal advisers and the Foreign Office were all of one view on this at the time and the Attorney General was taking the same view.

MR STEPHEN PATTISON: I think, broadly speaking, that is right. As I have said, I do think John Grainger's view was slightly more measured in the sense that he was saying, "This is what I think probably is the case, but this will have to be ad referendum to the Attorney General".

SIR RODERIC LYNE: I quoted earlier from the advice that he was minuting to you, which seems fairly clear.

Iain Macleod told us that it was puzzling that people had decided just to continue allowing UKMIS to negotiate a text which was unfit for purpose, given that it was a key criterion for the resolution that there should not need to be a further decision in the Security Council.

Of course, the Attorney General and Michael Wood were taking the view that a further decision was needed. Also, he was surprised that as we were negotiating side by side with the United States, that this discrepancy of

views hadn't been fed into every conversation between the Foreign Secretary and Colin Powell, who had many conversations about the resolution.

Cathy Adams, who was working at the time for the Attorney General, told us that in her view definitive legal advice from the Attorney General could at least have influenced the explanation of vote in a way that reinforced the UK's position.

What consequence do you feel that the failure to resolve the legal position during the negotiation of 1441 had?

MR STEPHEN PATTISON: Well, I think it would have been better, as I say in my advice, if there had been much closer contact with the Attorney General during the course of the negotiation, including not only with lawyers but also with policy officials, which I think would have helped.

I think what you describe as a failure to resolve the legal position is, if I may say so, a slightly odd point, because eventually, of course, the Attorney General's view was that 1441 could provide a legal basis for the use of force. I think there were always people in the office who thought that that interpretation was a possible interpretation, as it were, despite what Michael Wood and the Attorney General's early view was

on the text. I have alluded to people, mentioned people who I think had an alternative view.

Now, once we had adopted 1441, I think the way into your question is what did we think we had achieved? Certainly we had achieved an awful lot in terms of getting the UN back and getting disarmament back as the main issue in this saga, but once we had adopted 1441, most of us did think we would be heading for a second resolution, and that with the unanimous support that 1441 had given us, we would follow, if you like, the procedures set out here to a conclusion that would lead in a resolution by the Council.

I think we always understood that the resolution was important, but may not be essential in our legal case, but once we had got this text, we expected to be able to get a second text -- a second resolution adopted unless there was a very significant change of heart on the part of Iraq.

So in that sense, I think we wanted a second text to reinforce our position politically and, if you like, legally, but that we understood that maybe a reasonable case could be made for relying on 1441 if we couldn't get a second text.

SIR RODERIC LYNE: So assuming you would go for a second resolution, but, as you said, it would not be essential,

were you therefore assuming that the Attorney General and Michael Wood would change their position, because if they didn't change their position, it would be essential?

MR STEPHEN PATTISON: I think we were assuming a variety of things could happen. One is that Iraq wouldn't comply at all, in which case there would be an absolutely clear material breach. Then what if we couldn't get a resolution in the Security Council, a second one? What if a resolution was vetoed? What if for whatever reason, despite a clear material breach, we couldn't get one? Then we would have to go back to this text and see whether this did give us sufficient legal authority. That was the sort of thing.

SIR RODERIC LYNE: To use your "what if?", what if when you went back to it the Attorney General and Michael Wood stuck to their interpretation of it? Where would that have left you?

MR STEPHEN PATTISON: I think there would have been no question but that the UK would not have participated in the use of force had the Attorney General said that this text did not give us the authority.

SIR RODERIC LYNE: But we continued driving towards that objective, building up our forces and so on. So there seems to have been an assumption that we were going to

be able to resolve this legal conundrum, that it was not going to stand in the way. We had not sorted it out at this stage, but we went on in the direction that led to military action. So you must have been working under an assumption that the problem one way or another was going to get sorted?

MR STEPHEN PATTISON: Well --

SIR RODERIC LYNE: You collectively, the government.

MR STEPHEN PATTISON: The short answer is yes. There are two things about the build-up of force though. One is, of course, our hope remained that the show of force would turn Iraq back even at this last stage. I don't think at any time did we assume that what we were going through was a cynical process.

SIR RODERIC LYNE: There was a hope that Saddam would have a change of heart.

MR STEPHEN PATTISON: Yes.

SIR RODERIC LYNE: But not an expectation.

MR STEPHEN PATTISON: Yes, I think that's probably right.

SIR RODERIC LYNE: I am more or less paraphrasing what Tony Blair has said to us more than once.

MR STEPHEN PATTISON: I think that's probably right.

I think some of us, certainly I, thought it quite likely he wouldn't want to stand up to the forces being arranged against him and that he would seek some way

out.

SIR RODERIC LYNE: If he didn't have a change of heart, our assumption was we would go ahead and deal with him through military force, but at the conclusion of 1441 and indeed for two months beyond that, you had a situation in which you didn't have a clear legal path to do so unless the Attorney General and Michael Wood's position somehow was either changed or stepped around.

MR STEPHEN PATTISON: Yes. That's absolutely true. The "but" is this: When I first joined the Foreign Office, the general view under international law was that the use of force was illegal except in two circumstances. One was in self-defence and one was when authorised by the Security Council. That position pertained for a very long time. To that quite simple position was added a complicating factor in respect of the intervention in Kosovo, where the British Government argued that customary international humanitarian law could be invoked to justify the use of force in circumstances where it was not in self-defence and had not been authorised by the Security Council.

My point about making that is that even in an area as fundamental as the use of force, we had seen in the last few years prior to 2002-2003 a shift, if you like, a new paradigm, a sort of, let me call it flexibility in

the way in which we were interpreting international law.

That was what Mr Blair was building on in his Chicago speech, when he was trying to establish a position which would have required the Council to authorise the use of force, again, in circumstances other than self-defence, and in circumstances other than envisaged hitherto in the Council, in circumstances in which we needed to take action to deal with overwhelming humanitarian crises or recalcitrants like Saddam Hussein.

So we were operating against the background of, I think, slightly more uncertainty even in this area about the use of force than the British Government had ever been used to in the last, as I say, 20 or 30 years. Certainly Mr Blair's strong position, as we discussed earlier, was that if the Security Council was unable to take what seemed to him its proper responsibilities, that should not be used as an excuse for people to do nothing.

Now, I admit this was taking us into uncharted territory --

SIR RODERIC LYNE: Territory for which you didn't have cover from your legal advisers.

MR STEPHEN PATTISON: Territory for which we didn't have cover from our legal advisers but none of us knew --

SIR RODERIC LYNE: That's the point I was seeking to be clear about, and you knew that at the time.

MR STEPHEN PATTISON: Yes.

SIR RODERIC LYNE: In our explanation of vote we didn't make it explicit that in our view 1441 itself authorised the use of force and that there wasn't a need for a further resolution.

Why did we decide not to do so?

MR STEPHEN PATTISON: The short answer is: this was not, to my recollection, the subject of any discussion with me at all, and I remember seeing Jeremy Greenstock's remarks, and I will be frank. I thought at the time that Negroponte, the American, had done a better job of conveying his position.

SIR RODERIC LYNE: So Jeremy's EOV was not based on instructions from London?

MR STEPHEN PATTISON: I don't know the answer to that. I don't recall drafting any instructions or sending him instructions. Whether they were based on conversations on material which I have forgotten and have not been able to find, I can't tell you for sure, but I will say I do remember being slightly surprised by them, and I thought at the time that actually Jeremy was being politically very adroit, because the role we had played at the Council, and I think we hoped to continue to

play, was as a bridge between the United States and the rest of the Council, particularly the European members of the Council. That was a traditional UK role at the UN Security Council. There was nothing unusual about that.

I think what Jeremy Greenstock was trying to do was, if you like, to maintain sufficient distance between us and the United States for him to remain a credible interlocutor with other members of the Council as this debate was going to unfold over the next few months.

SIR RODERIC LYNE: Final little remark from me. When I quoted from the Cabinet Office document of July 2002, I was quoting from a document, not a declassified document, a document, a version of which has appeared in the public domain. It is important that I read that into the record.

SIR JOHN CHILCOT: Thank you. I think we are about due for a break. We'd like to turn to the second resolution in a moment. I think this is a good moment to break for ten minutes. Thank you.

(A short break)

SIR JOHN CHILCOT: We would like to turn now to the second resolution. Could I start by asking how the drafting process went on for the letter from Michael Wood to Lord Goldsmith of 9th December, which contained his

formal instructions and which you refer to in your statement? You saw the letter in draft. Can you say a little about the drafting process that was involved in it, the policy people and the legal people?

MR STEPHEN PATTISON: Yes. I think from recollection, all of those people involved in what I have described as the Peter Ricketts' core group were shown the letter in draft that Michael Wood wanted to send to the Attorney General. The Foreign Secretary certainly saw the letter. I think that's probably all who saw it.

Of those who saw it, very few of us officials commented at all on it.

SIR JOHN CHILCOT: The first draft came from Michael Wood?

MR STEPHEN PATTISON: Yes. Well, the first draft I saw came from Michael Wood. I don't know whether he had, as it were, done everything himself from the beginning.

The Foreign Secretary certainly commented. I think the Foreign Secretary made -- how can I put it -- a few minor but actually quite important comments on the text, but did not seek to change the basic thrust of the argument. As I say, as far as I remember, no other official commented other than on the most trivial aspects.

I think that was out of a genuine sense that we wanted the lawyers to sort this out and that this was

not something where we wanted to give the impression that officials were trying to interfere with what the legal view was. We had negotiated this text 1441. We had involved legal advice at every stage and in all the instructions that went to New York, if there was uncertainty about it, we needed the lawyers to find a way through.

That was the letter that was sent. As I have said, I think with hindsight that letter, while it describes an alternative reading of 1441, I think the way in which the letter is drafted, it is absolutely clear that Michael Wood's view was that 1441 was not sufficient.

SIR JOHN CHILCOT: But the comments that came in after that initial draft circulated sought to achieve a more even balance between competing interpretations --

MR STEPHEN PATTISON: I would say very slightly. I would say only very slightly. I am trying to recall now. I just can't recall them without the manuscript version in front of me, but there is a version with the Foreign Secretary's comments on it, and he makes one or two points which are, I think, designed to play up the authority given under 1441, but no-one sought, if you like, to redress the balance of the letter and say "Actually, there are two equally valid views", or whatever, or "The United States have a totally different

view of this". No one sought to make dramatic changes to its argument of that sort.

SIR JOHN CHILCOT: Looking at the text of the letter as it was sent to the Attorney General, would you have expected it to influence his mind in terms of whether or not there was sufficient authority for 1441?

MR STEPHEN PATTISON: Yes, yes.

SIR JOHN CHILCOT: In the direction of doubt?

MR STEPHEN PATTISON: Absolutely, yes.

SIR JOHN CHILCOT: I think that's probably enough on that. We want to get to the meat of it. I will turn to Sir Lawrence Freedman.

SIR LAWRENCE FREEDMAN: Thank you. I'd like to go back to something that's not in 1441 but which you sought to include in the second resolution. You say in your statement that by January 24th, when you were looking at the second resolution, this would (a) either set a date by which the final opportunity afforded Iraq under 1441 would expire or (b) set a date by which Iraq must complete specified tasks.

Now, it is quite normal for UN resolutions to include timetables. For example, 1284, which set up UNMOVIC, did include a timetable. Was there any discussion in 1441 of a timetable?

MR STEPHEN PATTISON: I am trying to think. I don't

remember. There may have been, to be absolutely honest. There may have been, but I do remember quite clearly the arguments against timetables. The arguments against a timetable were always that in the past what we had seen were timetables, as you say, in 1284, and then Saddam doing just enough to persuade some members of the Council that actually he was sort of trying a bit harder, but in the end the main purposes of the resolution, including 1284, were not fulfilled.

So there was some wariness about putting in timetables, because that, the fear was, would give Saddam more opportunity to manipulate the Council.

SIR LAWRENCE FREEDMAN: When you describe this view, was this a view within the UK or was it a discussion with the United States?

MR STEPHEN PATTISON: I think it was certainly a view within the UK. I would imagine the US shared it, because this is the sort of thing on which they were even more hawkish than we.

SIR LAWRENCE FREEDMAN: You described before the break the expectations that were around about how things would develop, including that a second resolution would come almost naturally as part of the sequence of events, and, therefore, the statements about how we understood the resolution and the necessity for a second resolution was

more about preserving an option in case we didn't go through the expected sequence of events. Is that fair?

MR STEPHEN PATTISON: Yes.

SIR LAWRENCE FREEDMAN: You have also indicated that the sequence of events included quite strong statements to be expected from UNMOVIC, from Dr Blix, about anticipated Iraqi non-cooperation.

MR STEPHEN PATTISON: Yes.

SIR LAWRENCE FREEDMAN: So you are assuming to some extent at this point that history would almost repeat itself, that what had been Saddam's past practice would in all probability follow this time round as well?

MR STEPHEN PATTISON: The short answer is yes. I mean, it is the hope versus expectation argument, I think. Although we hoped it would be different this time, no-one could be confident that it would be.

SIR LAWRENCE FREEDMAN: Of course, in December 1998, the head of UNSCOM, Richard Butler, had given such a determination of Iraqi non-cooperation which led to Desert Fox. So that was the sort of model in your mind?

MR STEPHEN PATTISON: In a sense, yes. I don't think anybody thought Hans Blix was a Richard Butler, if I can say that. I mean, Richard Butler was a very different character from Hans Blix.

The point about Hans Blix, he was very thoughtful --

sorry. I don't want it to be misinterpreted as saying Richard Butler was not this at all. But Blix was very thoughtful, neutral country, long experience of looking certainly at atomic weapons programmes and how they could be concealed. He had less experience of biological and chemical, but certainly had a lot of experience in this area.

I think if you look at certainly his first reports to the Council and subsequent reports to the Council in 2003, actually, they are pretty clear that he was not getting the cooperation he expected, and, then, of course, he finds the Al Samoud missiles.

I think we thought that Blix was a very good, reliable, objective person you could have reporting back on what was happening and the problems he was encountering.

SIR LAWRENCE FREEDMAN: Jumping ahead a bit, but if you look at the reports from Blix, 27th January, 14th February, 7th March, in a sense there's more cooperation coming each time from Saddam. So as a backdrop to the discussions on the second resolution, this was clearly going to change the atmospherics within the Security Council?

MR STEPHEN PATTISON: It clearly did. It absolutely did. I think the atmospherics between the adoption of 1441

and our efforts to get a second resolution were changed by the changing tone of Blix's presentations to the Council. I mean, the first one is pretty hard-hitting. The others recognise that there has been some progress.

I think at the end, of course, Blix still had a whole list of unanswered questions, the unanswered questions we all had. I do come back to the point that no-one on the Council thought Iraq was in compliance with the terms of 1441.

I also come back to the point I did just make. You know, the problem with dealing with Saddam was this history of his manipulation of the Council and the fact that if Blix was coming back reporting, "Yes, there's been a little bit more here", members of the Council would seize on that, as they did, to argue that more time should be given. Our experience of previous attempts to deal with Saddam suggested that actually if you gave him more time, there was very little chance of his ever fully complying with the Council's demands.

SIR LAWRENCE FREEDMAN: The difficulty with that argument was that in process terms, if not necessarily substantively, there was more than trivial progress. You were having inspections -- you were having interviews without minders being there by the end. You were having the reconnaissance aircraft in place. There

was quite a lot going on, and of course the Al Samoud missiles as well, which suggested actually the progress was more significant than had been possible in the past, so that doing enough by Saddam seemed to be much more than he had done in the past?

MR STEPHEN PATTISON: Well, he hadn't done anything like enough in the past. So the short answer is doing enough, yes, it was going to be much more than in the past. What we were looking for, if you like, was that complete change of heart. This is why we had marshalled military force and were serious about a credible threat of force on this occasion. We weren't going to do that ever again. So this was really his last opportunity.

The strong feeling was that whatever he was doing, it was not enough in the sense that we were not having access to all the people we wanted. We weren't seeing all the documents, particularly documents relating to destruction, that we wanted. We were not interviewing people in Cyprus and places like that that we wanted. You know, the list of the six benchmarks we had in the end were things that we felt would have genuinely changed the equation if suddenly Saddam had delivered on them.

SIR LAWRENCE FREEDMAN: I want to come back to that in a moment, because, as you say, what's interesting is

there was not at the end an agreement between us and Dr Blix about how this could be taken through.

Can we just go back to the actual decision-making on the second resolution? What you have described is an assumption that there would be a second resolution. Did this assumption turn into preparation without there being much of an actual decision that we should go for one?

MR STEPHEN PATTISON: I wouldn't have put it like that. I mean, I think it was clear by the end of January that we were going to give serious consideration to a second resolution. We began to look at various options. You know, the first option was to reaffirm the material breach finding. We rapidly concluded that that was more than the Council would bear and was not necessary, because we thought we'd had that finding already in 1441.

So we then began to look at options broadly around the formula saying that Saddam had failed to take the last opportunity. Then there were various variations of that formula, you know, that Saddam would have failed to take the last opportunity if he didn't do certain things, or the Council would be prepared to conclude that he had failed to take the last opportunity unless certain things happened. There were various options

around that.

The texts we put out with the US and the Spanish -- the first one was the simple one, "You failed to take the last opportunity", and then there were these various other variants of it.

SIR LAWRENCE FREEDMAN: Before we go to other texts, can we just be clear, who was "we" in this context? Was this the Ricketts' group as before?

MR STEPHEN PATTISON: Essentially, yes, it was the Ricketts group. I think on the second resolution, there was a distinct difference in that people from Number 10 were playing a much larger part in all of this than they had in 1441.

SIR LAWRENCE FREEDMAN: Would that be David Manning mainly?

MR STEPHEN PATTISON: David Manning, yes, but mostly, I think, Matthew Rycroft.

SIR LAWRENCE FREEDMAN: It is still not clear to us from the papers when actually a formal decision was taken, which was the purpose of my question. Can you pinpoint a date when, "Ah, now, we will definitely go for a second resolution"?

MR STEPHEN PATTISON: "I can't" is the short answer. It was not clear to me from my looking at the papers either exactly when we decided to go for a second resolution. As I say, by the end of January, by 24th January, we are

looking at texts, and at that stage I think we are looking at texts with UKMIS New York and we are just exploring various formulae, but I cannot now remember precisely the date on which we decided to go for this and make public the fact that we were going for a second resolution.

SIR LAWRENCE FREEDMAN: When did you get a sense of the American administration were formally committed to a second resolution?

MR STEPHEN PATTISON: I am not sure that the American administration was ever formally committed to a second resolution, to be honest. I think they were -- they were willing to let us have a go at trying to get a second resolution. They certainly did not see a legal necessity for it and they, I think, obviously feared that it would only result in more complication at the UN Security Council.

SIR LAWRENCE FREEDMAN: Did you see a report of the meeting between President Bush and Prime Minister Blair at the end of January when this issue was discussed?

MR STEPHEN PATTISON: I can't honestly remember, I am sorry to say.

SIR LAWRENCE FREEDMAN: I mention it because that appears to be the point at which there was an understanding, though, as you suggest, the Americans weren't

particularly enthusiastic, they would go along for the sake of Prime Minister Blair. Maybe that was the point at which a decision was taken, but you don't have any recollection of the turn of the month as being a critical point in this?

MR STEPHEN PATTISON: No, I don't, and my perception -- my observation that the Americans weren't really interested in this - doesn't derive from anything I read that the Americans had said, or that Bush had said to Mr Blair. It derives simply from my pretty rapid realisation that the Americans just weren't pulling their weight on this any more. It was absolutely clear, because, you know, absent American involvement in some of this, it was going to be very hard to get a second resolution at the Council and that was my concern.

SIR LAWRENCE FREEDMAN: From the documents we see, there is certainly a suggestion by the Americans that they would take quite strong positions with members of the Security Council to get them on line. Were you aware of those promises and suggestions?

MR STEPHEN PATTISON: Yes, yes. The sort of -- yes, offline deals and arrangements. When I talk about effort, it is not that I really mean. There was talk of that. I didn't think that would ever deliver what we wanted, to be absolutely honest. You can have

a slightly cynical view of the way in which the UN works, but this was one of the major issues of principle and some of the countries on the Council were countries that were famous for taking positions of principle at the UN. Mexico in particular is a country that -- whatever its relations with the United States, has always put very high value on maintaining what it describes as a fairly principled position at the UN.

So there was this talk of other deals, but what we weren't seeing, I don't think, was serious American engagement in the negotiation in trying to find a formula that would work. As I have said, and as I think is clear, Security Council Resolutions are often incredibly complicated, because they do reflect different points of view. But they need someone to be there distilling that complexity into a text that everyone can live with, and we didn't see the Americans involved in that at all.

SIR LAWRENCE FREEDMAN: Do you think that could have resulted from a sort of general American attitude to the UN itself, and I believe perhaps going back to November 1990, UN Resolution 678, that a muscular approach by the United States could deliver votes and that is all that would be necessary? They didn't really have to get into the nuances and subtleties of

a resolution?

MR STEPHEN PATTISON: That may be. I think they had got into the nuances and subtleties of 1441, you know, right up to their necks, actually. I think that whole process had been enervating and exhausting for them. We know, I think, that Secretary Powell had expended a lot of his own personal and political capital trying to get that far. He was up against very strongly held different views in the US administration.

As I say, I think the US conclusion was they saw no legal reason for it. I think when they came round, if you like, to trying to do what they could, it was because they saw the political reason for it in the UK. I think they felt eventually that the political dynamics here were such that, you know, they were prepared to do something to try to get a second resolution, but I don't think they were ever 100 per cent committed to try to negotiate it.

SIR LAWRENCE FREEDMAN: You say in your statement that HMG's motives were primarily political to shore up flagging political support in the UK:

"At the same time we knew that a second resolution would achieve wider foreign policy goals, namely of keeping the international community together, of keeping the UN centre stage and of increasing the last minute

pressure on Saddam."

Now, whatever might have been achieved if we had got a second resolution, the effort which obviously didn't succeed in the end, certainly kept the UN centre stage, but it hardly kept the international community together. In fact it turned out to be extremely divisive.

When you were discussing how to take this forward, were you aware that the risk that this would aggravate differences in the Security Council rather than reconcile them was quite serious?

MR STEPHEN PATTISON: Let me say a couple of things about that. I think I contest the view that our willingness to negotiate the second resolution was likely to aggravate the differences of view in the Council. Actually, I think the UK got some credit from other members of the Council for being willing to have a go at this. It is the point I was making earlier about the UK being seen to be different from the US in all of this. Our willingness to negotiate, have a look at a second resolution, and our willingness to keep the focus on disarmament tasks, I think was quite widely respected and seen as something very different from the US's approach.

Don't forget it is only -- it is very shortly after the war in May that we do manage to bring the UN back

together again in 1483, which, considering how controversial the intervention in Iraq was, was actually quite an achievement. I think the UK can take some credit for that by having been seen to have gone the extra mile to keep the UN involved.

The dynamics at the Council over the second resolution did turn - ugly is not really the word -- one of the key things we had not reckoned on was the strength of French opposition, what would be French opposition to what we were doing. I think this was something we had not estimated at all, if I am frank. In fact, my recollection is that right up until close to the end, our expectation was that France, for all the trouble we had had negotiating 1441, would actually be with us, and we were surprised by the strength of French reaction when it came to the second resolution.

You know, we can talk about the French veto a bit if you like, but what seems to have happened is that -- I am sure Jeremy has told you this -- my understanding is that he was told by his French opposite number at the very beginning of March that they were likely to veto the resolution. That's before we had even put in the benchmarks.

The text they were talking about then, I think I am right in saying, was the UK/US/Spanish text. It was

a very short statement that Iraq had failed to take the final opportunity afforded by 1441. The French were reporting that their opposition was so strong, they would veto. In fact Jeremy reported from New York at that time that he thought a French veto was more likely than failure to get nine votes, nine votes needed to adopt a Security Council resolution. That was 1st March.

Then we changed the text and we put in benchmarks and we looked at alternative formulae. Then, of course, you get the well-known Chirac press conference where he talks about voting no and all the ambiguities over that and in what circumstances, but I think that Chirac comment has to be seen against the background that we had already had a strong signal from France at the beginning of the month that a veto was on the cards. That was not something we had reckoned with, to be honest.

SIR LAWRENCE FREEDMAN: I would like to follow through on this French issue.

Jack Straw told us the division with the French was evident on 20th January. There was a quite famous meeting in New York called by the French presidency when the divisions between the United States and France on whether there should be war over this issue became apparent.

So whereas it is true that the readiness of France to veto may only became apparent later on, the fact that this could lead to a big argument within the Security Council, one would thought was evident even as you were starting to draft initially on 24th January?

MR STEPHEN PATTISON: I think this is the point, if I may say so, of Security Council drafting. You try to find a text that brings people together. The whole point about the complexity of Security Council documents is that they are documents that try to preserve the integrity of countries that have taken quite strong positions, but, nevertheless, agree that by adopting this resolution you can move the process forward a bit.

So I don't think the fact that -- I think it was Villepin on 20th January -- what he was saying, it was pretty strong. But I think what that would have registered with us at the time was, "We need to be quite clever in how we put this text together", not, "We had better back off immediately", because backing off immediately for all sorts of reasons would not have been tactically sensible. We still thought, I think, there was a good chance of getting a second resolution.

SIR LAWRENCE FREEDMAN: Did you have any discussions with French opposite numbers about how a second resolution acceptable to the French government might be put

together?

MR STEPHEN PATTISON: No. I don't recall personally having any of those discussions. The discussions with the French were primarily in New York and, in my view, primarily between Jeremy Greenstock and the French Ambassador to the United Nations, and then, of course, between the Foreign Secretary and Villepin personally. Obviously there was a little bit between political directors but not much, I don't think.

SIR LAWRENCE FREEDMAN: You don't recall any instructions going from London to New York suggesting that Jeremy Greenstock might explore in New York what a second resolution acceptable to France might look like?

MR STEPHEN PATTISON: I don't recall any, no, and I think it would have been unusual for us to have handled it in that way, to be honest, partly because, as I'm sure you know, the French had been very difficult over 1441. There were all sorts of moments when the French wanted changes that we resisted. They wanted to put OP1 of 1441 in the past tense. They wanted to say, "The Council must come back to consider measures, to consider next steps". There were various -- there were lots of things where at every twist the French were trying to push their position a little bit further forward.

So I don't think we would have tactically thought it

right to go to France and say, "What will you accept?" at this stage. I think our tactics were right in the circumstances to produce a text ourselves, to indicate that we were open to suggestions, but that this was, if you like, the bottom line. The bottom line was that the Council must be willing to accept that Saddam had missed his final opportunity.

The French -- the point about the French veto was actually that the French turned out to be unwilling to enter into negotiations on that basis. That, I think, was something we had not reckoned with and was disappointing.

SIR LAWRENCE FREEDMAN: You say in your statement:

"However, we have heard that Ambassador Levitte, the French ambassador to the UN, during the negotiations told us in the course of our efforts to get a second resolution that we did not need one. 1441 provided sufficient legal authority. He made the same point in public to the US Council on Foreign Relations in March 2003."

I just want to unpack this a little bit as to what the French position here was. One interpretation is what the French did not want to do was to give the Americans the authority of the Security Council to go to war, but that was not the same as saying that going to

law would be illegal because of what you referred to earlier, with the Kosovo precedent, that as a great power, France also could see how it might be important to maintain the ability to act without Security Council approval. Do you accept that there is a difference here in what they might have been after?

MR STEPHEN PATTISON: No, I do understand. I don't think that -- that wasn't my impression of the French position. I think my impression of the French position was they were concerned that 1441 provided legal authority for intervention. I think -- it is very instructive to look at other people's explanations and votes on adoption. You know, France did not say that any military activity subsequent to this resolution would be illegal or, on the basis of this resolution, would be illegal. They were very careful to chose their words, as you would expect, very carefully.

My reading of the negotiation of 1441 is that the French accepted in the course of the negotiations that this resolution would be sufficient to authorise the use of force. Even very early negotiations with them on 1441, the French would not accept a material breach finding at all, because they well understood that this code, if you like, the material breach finding with serious consequences could be interpreted as the legal

basis for war. So they were very concerned about that. They didn't succeed in getting those key things out of the text. So I think they thought that 1441 contained all the legal authority that was needed to justify use of force.

When we began to run a second resolution, they worried that the second resolution would somehow associate them, I think, not the UN -- I don't think they were particularly concerned with the UN -- but them, France, much more closely with the decision to use force. That was something they were not prepared to endorse.

One can speculate as to the reasons why. France's position on Iraq in the years before this at the Council had always been distinctly different from the position that we and the United States took. They were more difficult over streamlining the sanctions regime. You know, they had their own interests in Iraq, I think it is fair to say, and they did not want to be pushed into a position of getting any closer to endorsing it than they had in 1441.

They were very concerned about the Germans, who had come out very strongly in the German elections in September 2002, come out very strongly against the United States' regime change position. The French were

very concerned, I think, not to get too far away from the Germans as well, and they were looking to the future. They were looking to the future of their relationship with Iraq. French foreign policy quite often looks at countries rather than governments. They say, "Yes, we hate Saddam as much as you do, but actually our main concern is to preserve a basis for our future relationship with a new Iraq".

SIR LAWRENCE FREEDMAN: That's very interesting. Whether or not the French were concerned to associate themselves or the Security Council more generally with American action, indicates that bringing the issue to a head through a second resolution would put them on the spot?

MR STEPHEN PATTISON: Yes.

SIR LAWRENCE FREEDMAN: The evidence seems to be that that's what they wished to avoid. Their warning at least to the Americans was, "If you put us on the spot, we will have to say no". That was there some time before March.

MR STEPHEN PATTISON: I am sorry. I am only aware of them actually saying they would veto at the very beginning of March, but I don't know whether they had said it before.

SIR LAWRENCE FREEDMAN: The spectacles at the Security Council each time Blix gave a report indicated that they were hardly acting in sympathy with the line that we were taking in the search for a second resolution well

before the start of March.

MR STEPHEN PATTISON: Yes, that's true, but one of the dynamics of the Security Council is that sometimes you bring people to a decision point and you ask them to really face up to the consequences of the position they are taking. What we would have needed from France, assuming we had got nine positive votes, would have been an abstention. If they felt strongly, they could have abstained with a strong explanation of vote. They could have made that position clear and we could still have got a resolution with nine votes.

My argument is that actually once it became clear that the Security Council, or the permanent members of the Security Council were very divided on this, the chances of getting nine votes from the non-permanent members diminished immediately.

SIR LAWRENCE FREEDMAN: When would you date that from?

MR STEPHEN PATTISON: It's hard to date it. I mean, I think when we launched the -- when did we launch -- we launched the UK/Spanish/US text towards the end of February. I think we still thought there was a chance, but a week later, to be honest, if Levitte is telling us -- sorry -- the French Ambassador at the UN is telling us that he has it on high authority that France would veto, he is probably saying the same to other

members of the Council as well. So by 1st March, word is clearly going round that the Council is very seriously divided on this issue.

SIR LAWRENCE FREEDMAN: In terms of the timetable you have indicated, the start of March you are getting a clear indication. 10th March, you have the famous Chirac statement. Yet it was only on 17th March that we announced that we are not going to carry on pursuit of the second resolution and a vote. So when did we actually decide to abandon this? Why didn't we carry on pursuing the draft resolution after 17th March?

MR STEPHEN PATTISON: I don't know the answer to that, to be honest. To be honest, I was slightly surprised when we decided not to pursue the resolution. Despite what the French had said, my personal view was that we should have given a bit more time to try to work out whether a second resolution was at all possible on the lines we were then exploring. I was slightly surprised at the decision that we were not going to pursue it any further.

I say that; I was not optimistic that we were ever going to get this resolution, but I did think there was a bit more life left in the negotiations. A number of outcomes were possible: we might have got nine votes and the French might have vetoed. Now, the legal

consequences of that would have been again subject to the most careful scrutiny, but in a sense, that was always part of the Blair position. If someone vetoes a resolution which otherwise has nine positive votes, you are in a slightly different position than if you haven't gone through that process.

So I will be honest, I had an open mind and I thought we should have continued a little bit along...

SIR LAWRENCE FREEDMAN: Presumably you are aware of the discussion that the Attorney General had had over the issue of an unreasonable veto, the concept of an unreasonable veto, which is what you are suggesting might have been the outcome of pushing the issue to a vote?

MR STEPHEN PATTISON: Let me say this. I think the government would have wanted to argue this was an unreasonable veto. I am not saying whether that argument would have been justified, but in circumstances where we put a resolution to the vote, and it had been vetoed by France, I am sure that's what the government would have wanted to argue.

SIR LAWRENCE FREEDMAN: You have a lot of experience of the UN. Are you aware of the general difficulty with the argument of an unreasonable veto? In a sense, to the majority of the members of the Security Council, any

1 veto is unreasonable.
2 MR STEPHEN PATTISON: I know. It is an untested argument.
3 Well, it is a completely untested argument, but it was
4 something that was being talked about.
5 SIR LAWRENCE FREEDMAN: But were you aware of the Attorney
6 General's view, which was a constant, that
7 an unreasonable -- that a resolution vetoed would not
8 provide authorisation to go to war.
9 MR STEPHEN PATTISON: Yes, of course. There is no question
10 of that. A vetoed resolution would not provide
11 authorisation to go to war. Absolutely right.
12 SIR LAWRENCE FREEDMAN: So we would have been in even more
13 uncharted waters if we pushed the issue to a vote and it
14 had been vetoed, even if we had got nine votes?
15 MR STEPHEN PATTISON: The short answer is yes. The legal
16 position would have been subject to much more careful
17 scrutiny, had we done that.
18 SIR JOHN CHILCOT: But the veto would not, of course, have
19 applied retrospectively to 1441, whatever the effect of
20 1441 on its own was?
21 MR STEPHEN PATTISON: Yes, but you run the risk, if you put
22 it to veto, of giving the impression that you thought
23 1441 was insufficient, and that the second resolution,
24 which you had implied was necessary to give
25 authorisation to war, had been vetoed and had failed. Of

course, much of that crucially depended on what the second resolution would have said, and this was partly why we were so careful to have formulae which did not, in our view, detract from the legal authority under 1441. So the resolution, as I say, the basic thrust of it would have said simply, "Iraq has failed to take the final opportunity afforded under 1441". It would have said nothing more about the legality of the use of force.

SIR LAWRENCE FREEDMAN: One of the issues, and you alluded to this earlier, was time. The clusters document did represent a way forward. Dr Blix has told us that. It is possible to see how this would be a way of resolving the issue. How it would have worked out in practice, of course, is now hard to know. When this was discussed, say, with the Chileans, they couldn't see how a week was long enough.

We also know, and Mr Blair confirmed when we saw him recently, that they had asked for a lot more time from the Americans, but this wasn't available. So how critical do you think that particular issue, that it might have been possible if a few months rather than a week had been on offer?

MR STEPHEN PATTISON: Do you mean it might have been possible to avoid hostilities?

SIR LAWRENCE FREEDMAN: Yes, or you would have at least got a second resolution -- you would have at least got, say, Chilean and Mexican support.

MR STEPHEN PATTISON: I come back to the point I made earlier, that the history of dealing with Iraq at the UN has been a history of Iraq manipulating the Council and getting off the hook of the Council's demands. I am not sure there was any reason to believe in 2003 that more time would have changed that traditional Iraqi behaviour.

SIR LAWRENCE FREEDMAN: Would more time have given them a chance to forge more of a consensus within the Security Council behind a second resolution with the benchmarks and with a deadline.

MR STEPHEN PATTISON: I'm not sure, to be honest. When I say I am not sure, I don't think so is what I am trying to say, because I think the positions of those countries that were leading, if you like, the opposition to a second resolution, I don't think really depended on more time, frankly. I think for various reasons, let's say France, let's say Mexico certainly, would have always been very reluctant to have endorsed more explicitly than in 1441 the use of force.

Again, my strong suspicion is that Saddam would have done just enough to give them the arguments not to do

so.

SIR LAWRENCE FREEDMAN: I'm trying to reconcile this with the possibility of getting the nine votes, because you would certainly have needed Mexico and Chile if you were going to do that. So, as Jeremy, of course, told us, he never thought we ever had nine votes in the bag. I am not quite clear what you thought then was the state of play in March. You don't think it would have made any difference to our attempts to get nine votes if the Americans had offered extra time.

MR STEPHEN PATTISON: Well, you couldn't be confident that it would. That's my point. You couldn't be confident that it would. In my view the most likely outcome would have been Saddam would have done a few more things and we would have come back and the Mexicans and others would have said, "Well, there's been a little bit more progress. Maybe we should give even more time".

SIR LAWRENCE FREEDMAN: Just finally, we asked Sir Jeremy Greenstock about his public statement at the end of the process:

"One country in particular has underlined its intention to veto any ultimatum, no matter what the circumstances."

In his report in a telegram that he had agreed with Negroponte, the US Ambassador, and later with the

Spanish:

"... that we will tell the press during the morning of 17th March that we have concluded that there is no prospect of putting our resolution to the vote, casting heavy blame on the French."

We asked Sir Jeremy whether the agreed line, to cast heavy blame on the French, had been a Greenstock/Negroponte idea, or whether he was acting on instructions and he replied he was acting on instructions.

What's your understanding of HMG's instructions on this point?

MR STEPHEN PATTISON: I don't recall us sending him specific instructions on this, but it is certainly the case that there was a feeling in Whitehall that certainly the Chirac press conference had, if you like, clarified the position in that it was absolutely -- it seemed increasingly clear after that that there was very little prospect of being able to get a second resolution. Prior to that, we were still looking at maybe we could get nine votes. As I say, I think on 1st March, Jeremy was reporting a French veto seemed more likely than a failure to get nine votes. Prior to the French statements, we still thought there was a chance of getting nine votes. The French statement in a sense

pulled the rug from under us on all of that.

To that extent, it meant that it was pointless going on with further efforts. So to that extent, we highlighted the French statement as a reason why we should -- we could not sensibly pursue these negotiations.

SIR LAWRENCE FREEDMAN: Where did the inspiration for that come from?

MR STEPHEN PATTISON: I don't know where that came from.

SIR LAWRENCE FREEDMAN: Okay. Thanks very much.

SIR JOHN CHILCOT: I think we'd like to turn to the aftermath now. I will ask Baroness Prashar to pick this one up.

BARONESS USHA PRASHAR: Thank you. Can we begin by looking at some of the assumptions that underpinned the aftermath planning? In your statement you say that:

"The preferred option was a light UN administration and this was based on the view generally held at the time that Iraq was in many ways an efficiently run state with a functioning civil service. My belief was that the technocrats who had served Saddam would switch easily into serving a new administration."

What evidence did you have to substantiate the assumption that Iraq was an efficiently run state with a functioning civil service?

MR STEPHEN PATTISON: Well, as you know, we had no embassy there. So we were not getting ambassadorial reports, but I think that view that Iraq was an efficiently run state was widely held. I mean, it is something that was subsequently echoed by Mark Malloch Brown in spring of 2003 when he was the head of UNDP.

Our view generally was that, you know, this was a regime that was in very tight control of its people, its information, its procedures. It had used that control to terrible effect on a number of occasions, but there was in that sense a functioning civil service.

I compare it with countries that we described as failed or failing states at the time that were a big part of our concern, countries at the time certainly which included Sierra Leone, would have included East Timor when we first managed to secure independence for East Timor. These were countries where the state functions did not work well. We did not think Iraq was in that category at all. We thought Iraq, as I say, had a reasonably well functioning state bureaucracy. That's not to say that it wouldn't need changing. Of course it would need changing. It would need changing in a whole variety of ways.

First of all, we would need to make absolutely certain that it functioned in a way which avoided

discrimination between different ethnic groups, that it functioned in a way that re-addressed human rights issues, that it functioned in a way that gave us clarity over what had happened over WMD. All those things would need to be addressed but the assumption was there were people who were there who could make it function.

BARONESS USHA PRASHAR: Are you suggesting that that information came mainly from the United Nations? You said that Mark Malloch Brown told you that. Did you yourselves have any information in the Foreign Office itself --

MR STEPHEN PATTISON: Our Middle East department researchers had tried to follow Iraq as best they could during the years when we didn't have an embassy there. I don't know, to be honest, how accurate or reliable their information was, but insofar as we could form our own view from a distance with no-one there, we did have researchers in the Foreign Office who would do that for us.

BARONESS USHA PRASHAR: You were also given that understanding by the United Nations who you were talking to.

MR STEPHEN PATTISON: Yes. That was a --

BARONESS USHA PRASHAR: That was on the assumption of comparing with other countries. Is that right?

MR STEPHEN PATTISON: Yes. We never explicitly said, "Can you compare Iraq with Sierra Leone on the scale of its ability to function properly?" but much of the debate at the time at the UN was about failed states and what on earth we could do to do more to secure and prop up failed states, particularly failed states that have been in conflict, like Sierra Leone.

So when we went to the UN, and there was a sense that the UN was doing some under-the-radar planning, and we talked to the UN about the kind of UN mission we envisaged post-conflict, which was a very light mission, an assistance mission, designed to assist rather than run a country, we found that the UN were very much on the same page.

BARONESS USHA PRASHAR: I mean, my understanding is that planning for the aftermath was based on an assumption that there will be sort of three stages: military government, transition to a civilian-led administration, and then a proper Iraqi administration.

Was this assumption shared by the United States? Is that what they were thinking of?

MR STEPHEN PATTISON: I think the short answer is yes, although I think the assumption that post-conflict Iraq would go through three stages is an assumption that was not there at the very beginning.

When I first started to look at these issues in autumn 2002, I was certainly not aware of anyone having done any thinking of that sort. Even right through until, you know, 2003, May 2003, our hope was very much for a UN personality to head the interim arrangements in Iraq.

The basic choice we faced, even as late as May 2003, was whether the coalition was going to run Iraq and set up -- sorry.

BARONESS USHA PRASHAR: We will come to that. I really want to talk about early on.

MR STEPHEN PATTISON: Very early on, there was no awareness that there was going to be these three stages, no.

BARONESS USHA PRASHAR: In the discussion you were having with the United States, were you able to identify what their assumptions were, because you did visit the United States in February.

MR STEPHEN PATTISON: I went there in February. The short answer is no, but the focus of my discussion was on a UN role. Now, the Americans were implacably hostile at that stage to the sort of UN role which I was advocating for post-conflict Iraq. They, in my view, seemed to rely very much on the coalition and the Iraqis themselves being able to continue the smooth functioning of the country. They had not --

BARONESS USHA PRASHAR: You were aware of the fact that the United States did not want the UN to have a prominent role, but you still continued to plan on the assumption that they would want the United Nations to have a prominent role. Is that fair?

MR STEPHEN PATTISON: The question resolves itself around the meaning of the word "prominent", to be perfectly honest. There are various ways in which the UN could have been usefully involved in post-conflict Iraq from the beginning. If you map out what had happened in UN operations across the world, there were all sorts of models. You know, in East Timor the UN had essentially been running the country. In Kosovo it was very similar.

None of the models are exactly identical, but in both of those essentially you have a UN administration.

In Bosnia you had a different administration under the high representative, with a lot of UN involvement in the peace-keeping and security sector reform side. In Afghanistan you had, I think, probably quite a light UN involvement, the UN assistance mission in Afghanistan and the word "assistance mission" was chosen quite carefully, but even in Afghanistan you had at the top of it at the very beginning a figure, Brahimi, who played a strong role in the emergence of the Afghan government

post-conflict.

So you have these models, and I think we were never talking to the Americans about the UN taking on the whole of the administration of Iraq, but we were talking to them about a range of other possibilities. What we really wanted in the end was a UN role in the political process, which seemed to us absolutely crucial, to make sure that the emerging Iraqi interim authority wasn't seen as a coalition stooge. We wanted a commitment that the UN would be involved in the subsequent development of self-governing arrangements for Iraq. We wanted the UN to be involved in administering certain activities. The Oil for Food Programme was absolutely key. We wanted international oversight of the use to which the oil money was put. We could have gone on.

We also wanted an international peacekeeping presence if we could have got it. We thought it desirable for the UN to have more direct involvement in, let's say, the ministries of justice or defence and security than in, let's say, the ministry of health.

So there were various models. The question of prominence -- sorry -- can I just say that we always thought despite the fact that the US were very hostile to the UN, I think we still thought and I think we were proved right by 1483, that it was worth arguing for a UN

role in some of the most prominent bits of what was going to happen in Iraq post-conflict.

BARONESS USHA PRASHAR: In developing these models, were you doing this in consultation with the UN? Was it something you were doing on your own, in consultation with USC? Can you just tell me how the dynamics were working?

MR STEPHEN PATTISON: We did this entirely in-house. We did this sort of thing entirely in the United Nations Department with the assistance of a few departments in the Foreign Office. We did it very much in a sense from scratch. As I said, I looked at what had happened in Germany and Japan at the end of the Second World War. We looked at what had happened in other UN operations.

We, the United Nations Department, began to feed those ideas into the Foreign Office in the autumn of 2002. As I said, they were taken up by Edward Chaplin. He started to have some discussions. Then I had some discussions with the Americans. Then we established the Iraq Planning Unit.

BARONESS USHA PRASHAR: What was the response of the United Nations to your thinking? What were they telling you? Were they keen to take on this role? I mean, what was their response to your advice?

MR STEPHEN PATTISON: The short answer is they were very

receptive to our talking about these issues with them. I should be clear: we didn't have a very extensive dialogue with the UN Secretariat on this, because the fact that the UN was doing any post-conflict planning was immensely sensitive, particularly when they first started to look at it in late September I think it was 2002.

So it was very much one of those conversations where we would go in and check that the UN was doing some thinking and that that thinking was on sensible lines. It seemed clear that their thinking was on the same sort of lines.

Since I have drafted my statement, I have come across another reference to a conversation we had with the UN in I think February 2003. They, the UN, were coming at it -- the UN Secretariat -- I need to be careful who we are talking about here -- the UN Secretariat -- not the member states obviously -- the UN Secretariat were coming at it, if I may say so, from exactly the same point of view that I was coming at it from, from essentially the experience of other UN operations; the realisation that if we did not need a very heavy UN presence, let's not plan for it, because these things are very difficult to arrange, organise and resource-intensive.

Our model was the experience of Afghanistan, where we had set up a UN mission alongside a military coalition, the NATO coalition, had been endorsed by the UN Council at the same time as the Council established the UN mission that ran alongside it and alongside the Afghan government.

So I was not surprised when the UN Secretariat's people's views were coming out in very much the same place as ours.

BARONESS USHA PRASHAR: What about the United States, because, you know, they were reluctant, but you still developed these models? Did you still think they could be persuaded at that stage?

MR STEPHEN PATTISON: The short answer is yes. I thought they could be persuaded to go for a UN involvement that would, as I say, give the UN some sort of role in the political process and some of the other things I've mentioned even if they, the US minds, were closed to planning for it in February.

The US view -- and this will come as no surprise -- the US, of course, has traditionally been very hostile to the United Nations. I think from the conversation I had with them in Washington in February their position on the UN was very ideologically driven. Yes, they were able to point out some of the UN's inefficiencies in

running operations. No-one would dispute that there are inefficiencies around UN operations. Of course there are. You don't get the UN in in a sense to do it more efficiently. You get the UN in to do it differently. That's what I was trying to argue.

My view, following the conversations I had had in Washington, was that we needed to take this to a much higher level if we were going to get anywhere with the Americans. The next stage was meant to be -- well, the Americans in fairness then took it to Condoleezza Rice, who was then at the NSC, and she reported back to us -- it was reported back to us there remained misgivings about too big a UN role.

Then my advice was that this needed to be raised at a much higher level and we needed to think very carefully about how we were going to influence the US on this. I am not going to say that would have been easy. It is not easy to change the minds of a superpower when the superpower's mind is made up on something as ideologically sensitive as this, but my belief is I think there was a chance that we could have persuaded them and in the end we did in 1483.

BARONESS USHA PRASHAR: Given that we knew the United States wasn't very keen and, of course, you hoped to influence them, did we not have a plan B in case the United States

didn't want the United Nations to have a role? Did we think of having a plan B for reconstruction?

MR STEPHEN PATTISON: Here I think I am afraid we have to face the fact that if the US didn't want the UN, we, the UK, were a very small part of the US effort. I think our view was the US would have to sort this out somehow themselves. If we were not going to use the UN, there was no other multilateral route link we were ever going to use to do this.

This goes on to the summer when it came to policing. There was a suggestion from the United States that we use I think an organisation called the OSCE, the Organisation for Security and Cooperation in Europe, to do policing, or even the EU actually at one point. This gets on to policing, which we are coming on to later.

It was obviously completely ridiculous to think these organisations would touch it. Only the UN could have done this. The EU, NATO, these other organisations, forget it. None of them could have gone anywhere near it. So if we weren't going to use the UN, it would have had to have been a US operation with a bit of UK input.

BARONESS USHA PRASHAR: In other words, what you are telling me is, "We didn't think it was worth having a plan B, but our assumption was if the UN did not get involved,

it would have to be the US who would sort it out"?

MR STEPHEN PATTISON: I think what I'm saying is that the US sorting it out was plan B. I don't think there was any alternative. We couldn't have worked up anything cleverer than those two alternatives.

BARONESS USHA PRASHAR: Okay. Can I now move on to Security Council Resolution 1483? What I really want to establish is what discussion, if any, was there before the UK agreed to be named a joint occupying power?

Before I get into that I'd just like to ask one question first. On 7th April 2003, following a discussion with the Attorney General, Jack Straw wrote to the Prime Minister suggesting that UK agree a formal memorandum of understanding with the US specifying the need for consultation and joint decision-making.

At that stage is it right that Australia were also seeking to be parties to the memorandum of understanding?

MR STEPHEN PATTISON: This is something in which I was not personally closely involved, I'm afraid.

BARONESS USHA PRASHAR: So you wouldn't deal with it?

MR STEPHEN PATTISON: I think this would have been dealt with by the Iraq Planning Unit and our legal advisers. I have a recollection that Australia was interested at some stage in this, but that is only my recollection

years after the event.

BARONESS USHA PRASHAR: Okay. As you are well aware, the US refused to sign the MOU and that was clear by 15th May. The UK went on to be named as a joint occupying power with the United States, which was adopted on 22nd May, and Australia didn't become a joint occupying power.

What discussion took place on whether the US (sic) should be named as a joint occupying power?

SIR JOHN CHILCOT: The UK.

MR STEPHEN PATTISON: The UK. I'll be honest. I don't remember any. That doesn't mean it didn't happen, but I don't remember.

BARONESS USHA PRASHAR: You said earlier that you got involved in 1483.

MR STEPHEN PATTISON: Yes, yes, but 1483 --

BARONESS USHA PRASHAR: But you're not aware of what discussion --

MR STEPHEN PATTISON: Yes, but I will be honest. I don't remember any discussion about linking the UK to the US as joint occupying powers.

Now I was quite involved in 1483, but 1483 is a vast resolution and it covers a whole range of issues, as you can see. What we did was to draw on expertise from a whole range of people.

So, for example, on that issue if the text had come

in saying "UK/US", it would almost certainly have been sent to the Ministry of Defence and to our lawyers, I am sure the Ministry of Defence lawyers and the Iraq Planning Unit for their views on it. I don't remember it being an issue in my involvement with that resolution, to be honest.

BARONESS USHA PRASHAR: So you can't remember when the decision was actually taken for us to become a joint occupying power?

MR STEPHEN PATTISON: No, I can't remember that. I have to say in the research I have tried to do subsequently to prepare for this I have come across no reference to that discussion in the papers I have unearthed in the Foreign Office.

SIR JOHN CHILCOT: 1483 itself notes the letter of 8th May from the United States to the United Kingdom.

MR STEPHEN PATTISON: Yes, yes.

SIR JOHN CHILCOT: So it was before that.

MR STEPHEN PATTISON: Yes, yes.

BARONESS USHA PRASHAR: So was there ever any discussion the UK should not be named as occupying power or to confirm that we should only be an occupying power in the south of Iraq?

MR STEPHEN PATTISON: I am sorry. I can't answer that for you.

BARONESS USHA PRASHAR: You have no idea about that at all?
MR STEPHEN PATTISON: I can't answer that for you adequately.
BARONESS USHA PRASHAR: Can we then move on to the question of the negotiations and the impact, because several witnesses have told the Inquiry how the lack of clarity over the legality of possible UK and US engagement had undermined aftermath planning.

Carolyn Miller told us that this was a greater constraint than the lack of clarity over the United Nations' role.

Were you aware that this legal ambiguity was a major constraint on planning?
MR STEPHEN PATTISON: How can I put it? I think my own view was that there was not enough planning for the aftermath. I have said in my statement I think the Iraq Planning Unit was too little, too late. I felt that in my department we had actually done quite a lot within the constraints of trying to work out what a UN system would be like, but in terms of looking at, you know, what we might find when we got there, what bits of Iraq might be functioning or might not be functioning, which turned out to be absolutely key issues, I will be honest, I did not see a lot of thought given to that prior to the conflict.

I am not convinced that was because of the uncertainty of the legal position. Some of it may have been because of the uncertainty over whether in the end there would be conflict, but my own view is that, as I was doing in the United Nations Department, it was perfectly sensible for officials to plan on the strong likelihood there would be conflict. That is what I think officials should be doing.

I know there is a view that DFID, the Department for International Development, was not, if I can put it this way, pulling their weight in this area because of their misgivings about what was happening in various ways. I will be honest. I am not sure that criticism is entirely fair.

First, I am personally not sure that it was the role of DFID to plan for the administration of Iraq post-conflict. Secondly, I think DFID did do quite a lot, an awful lot actually, in an area which then turned out to be of less concern, the immediate humanitarian relief of the Iraqi population post-conflict.

So although I am saying I don't think enough was done in this area, I am not convinced that was because people thought about it and then thought, "Well, this is legally rather questionable. We had better not do anything more". I don't think -- I am not aware of any

debate along those lines.

BARONESS USHA PRASHAR: So you think there were other constraints other than the legal situation?

MR STEPHEN PATTISON: Well, other reasons I think.

BARONESS USHA PRASHAR: Other reasons?

MR STEPHEN PATTISON: Yes, yes, yes.

BARONESS USHA PRASHAR: Do you think it would have helped if the Security Council Resolution 1483 had been passed earlier?

MR STEPHEN PATTISON: Well, the short answer is no, I don't think it would have helped. I personally think 1483 was passed about as fast as it could have been passed, given the range and complexity of the issues it dealt with. I don't think that the failure to pass 1483 earlier necessarily can be used as, if you like, an excuse for not having planned for the aftermath better.

BARONESS USHA PRASHAR: Can I just ask another question? It is about how it worked in practice. There was an expectation after the resolution was passed that the UK and USA would work with the United Nations and the Iraqi interim administration.

What discussions were there during the negotiations regarding how these responsibilities would be discharged in practice?

MR STEPHEN PATTISON: You mean the different

responsibilities between the coalition and the Iraqi --

BARONESS USHA PRASHAR: And the United Nations and the Iraqi interim administration, because there was an expectation there would be consultation and so on. Was there any discussion how that would work in practice?

MR STEPHEN PATTISON: The short answer is there was not much detailed discussion. The idea we had was there would be a sort of consultative group involving all those parties that would try to work out policy on certain key issues. This was broadly speaking the model we had had elsewhere, that there would be a sort of, if you like, a cabinet that consisted of coalition representatives, Iraqi technocrats and the UN that would oversee major policy decisions, but the negotiations we had on this got into no further detail than that broad outline.

BARONESS USHA PRASHAR: No discussions about the practicalities?

MR STEPHEN PATTISON: No.

BARONESS USHA PRASHAR: Can you recall who was actually responsible for ensuring that the UK delivered its responsibilities?

MR STEPHEN PATTISON: In Iraq?

BARONESS USHA PRASHAR: Uh-huh, in the context of the Security Council Resolution.

MR STEPHEN PATTISON: Well, I think we would have looked to

our representative in Iraq who had been appointed immediately after the conflict as the focal point for ensuring that the UK's views were fully represented in discussions between the coalition and the Iraqi interim authority and the UN.

BARONESS USHA PRASHAR: Did you play any role in your team ensuring that the UK reported back to the United Nations Security Council, because this was a requirement? Were you part of the team that had the responsibility?

MR STEPHEN PATTISON: No. I think at that stage we would have expected what was then called the -- by then called the Iraq Policy Unit, which was actually running our Iraq policy, we would have expected them to have taken on responsibility of ensuring that any obligations under this resolution were fulfilled.

BARONESS USHA PRASHAR: But you yourself had no responsibility for that?

MR STEPHEN PATTISON: No.

BARONESS USHA PRASHAR: Clare Short in her resignation letter said that the negotiations for the Security Council Resolution 1483 had been conducted in a secret way. Do you recognise that description?

MR STEPHEN PATTISON: As I have said in my statement, at the beginning of the negotiations DFID officials were involved. As the negotiations progressed, the view was

that if we were going to reach an agreement with the United States on some of the key issues, we would not be able to obtain in the text everything which I think DFID wanted. Eventually DFID were not involved in the final negotiations.

BARONESS USHA PRASHAR: They were not involved simply because they were not getting all they wanted as part of the negotiations?

MR STEPHEN PATTISON: I wouldn't put it as "simply because", to be honest. I think the relations between -- this is an issue which affects relations between members of the Cabinet I think and was obviously a very key issue at the time, and my impression is that Clare Short's position in the Cabinet was increasingly uncomfortable, and it was primarily as a result of that that the decision was taken to proceed to the final stage of negotiations without close DFID involvement.

BARONESS USHA PRASHAR: So you are saying that the DFID officials were not involved either?

MR STEPHEN PATTISON: They were involved at an earlier stage, but not at the very end.

BARONESS USHA PRASHAR: So they would not have been fully aware of what the responsibilities were going to be, because they were not involved?

MR STEPHEN PATTISON: I don't think that's necessarily the

case. I think once the resolution was adopted it would have been well-known to DFID and it would have been the blueprint, if you like, for what we were going to do in Iraq across a whole host of areas after May 22nd.

BARONESS USHA PRASHAR: So, just to get the picture clear, there was involvement at the early stages, and when disagreements began to emerge, then they were not kept informed?

MR STEPHEN PATTISON: I wouldn't put it like that. I would put it there was involvement at the early stages. When it was clear that Clare Short's position in Cabinet was I think more uncomfortable than one might have expected, which was towards the end of the negotiation of this resolution, a decision was taken not to involve them.

BARONESS USHA PRASHAR: Once we got the resolution who was responsible for ensuring the staff deployed to Iraq understood the responsibilities and all the implications of the resolution?

MR STEPHEN PATTISON: That would have been primarily the Iraq Policy Unit, which I think spent quite a lot of its early days briefing and making the arrangements for UK staff to be deployed to Iraq. UND continued for a while at least to work on policing, and we continued to try to make sure that the police we sent to Iraq understood their roles and responsibilities among a whole lot of

other things.

BARONESS USHA PRASHAR: IPU would have also been briefing staff going out from DFID and MoD and so on?

MR STEPHEN PATTISON: Yes, yes.

BARONESS USHA PRASHAR: So they had responsibility across Whitehall?

MR STEPHEN PATTISON: I can't promise they briefed everyone who went out from the MoD, but that was their general purpose and I know they spent an awful lot of time working with people who were going to go out there.

BARONESS USHA PRASHAR: Okay. Thank you.

SIR JOHN CHILCOT: I'd like before we close -- and I will invite you to say if you have any other reflections on this morning's subject matter before we do close -- I have one question on international humanitarian law.

You mentioned earlier this morning that your UN Department was also responsible for some aspects of international humanitarian law, and I wonder what the main issues in that field especially concerning Iraq were at the time you were dealing with it?

MR STEPHEN PATTISON: Well, I think there were a number. One was, of course, the Geneva conventions and Hague regulations. We were in that sense responsible for the Geneva conventions and responsible for trying to ensure that what we, the UK, did and our troops did was

consistent with those regulations.

The other was the whole question of the possibility of war crimes trials in Iraq where -- I mean, there were two issues I remember. One was we addressed the question of were we going to set up some kind of tribunal to try senior Iraqis for let's call it war crimes, although there is a big debate about exactly what they might have been, and what format that tribunal might have taken.

There were certain issues that, if you like, flowed from that. I mean, there was a moment when -- I think it was a hope; again it falls into the area of hope rather than expectation -- there was a hope that Saddam would go into exile and there was a moment when I think the Foreign Secretary had said on a radio programme that Saddam's going to exile -- I am not quoting him now -- he had sort of said that would be a welcome thing and may draw a line under the whole activity.

We looked quite hard at the implications of his going into exile and whether we could actually just let him walk away from this or whether there were international humanitarian law issues related to acts he'd done in the past, genocidal acts or whatever, that we would want to continue to pursue him for. So those were the sorts of issues we dealt with on international

humanitarian law related to Iraq, yes.

SIR JOHN CHILCOT: You mentioned the Hague regulation and Geneva convention. What kind of issues were in your mind looking ahead to the possibility of armed intervention in that sphere?

MR STEPHEN PATTISON: Well, I think we were very aware and our legal advisers made us very aware of both the limits and responsibilities of occupying powers under the Geneva convention and the Hague regulations.

I mean again, as you would expect, there was some difference between us and the Americans on some of this. We took a very clear view about the nature of our responsibilities and their limitations. The Americans, as you would expect, were slightly more flexible. I remember them saying at one stage that they thought -- because there was an issue of whether an occupying power can change the government of a country it is occupying. The Americans at one stage -- I am not going to say this was their considered opinion, but they were certainly flirting with it -- they were saying, "If the Iraqis choose themselves to change the government while we are there, that's okay". They were taking a much more flexible view of it. We were saying, "No, we can't do that. We have to hold the fort until a proper act of self-governance can take place".

SIR JOHN CHILCOT: Did this set of considerations lead to active instructions or advice, and I am thinking, for example, of the role the Ministry of Defence and the armed services had to play on the ground, looking ahead to that?

MR STEPHEN PATTISON: Certainly not from us. I certainly don't think we would have regarded it as our job to be advising the Ministry of Defence on the international obligations of their troops.

SIR JOHN CHILCOT: So essentially it was a matter of reflecting what the United Kingdom's obligations would be as an occupying power and later under 1483 as a joint occupying power --

MR STEPHEN PATTISON: Yes.

SIR JOHN CHILCOT: -- and how we would discharge those. In practice did that generate any real difficulties?

MR STEPHEN PATTISON: No, I'm not aware of any real difficulties. I think our view and the view of the Foreign Office generally was if this was what the Geneva conventions and Hague regulations said, this is what we could do and no other.

SIR JOHN CHILCOT: There was a sufficiently wide, deep understanding across the British governmental system of what those responsibilities were, that it didn't require, as it were, formal statements of the duties and

obligations?

MR STEPHEN PATTISON: I can't really speak for across the British governmental system. I think, if I'm honest, there were -- let me put it this way. I do not remember much effort by the Cabinet Office to consolidate positions across the British government system.

I remember thinking this was actually a bit unusual, because in most of the crises and other issues in which I had been involved by and large the Cabinet Office would be at the centre of it. There would be meetings. There would be papers.

Yes, we saw a couple of papers from the Cabinet Office, not on this issue I hasten to add, but on day after planning issues. They were not terribly well thought out. We submitted amendments and nothing more was heard.

So I think there is a bit of a gap in how some of these threads were pulled together across Whitehall. I can't tell you whether people in the Ministry of Defence were fully aware of the rights and responsibilities under Geneva conventions.

Certainly the people in the Foreign Office, including the people in the Iraq Policy Unit, that were responsible for running at least the policy and briefing people going out to Iraq, they were fully aware of it.

SIR JOHN CHILCOT: You mentioned the Cabinet Office's actual or potential role at the centre, but the Foreign Office is throughout this period the lead department in Whitehall.

MR STEPHEN PATTISON: Yes, I suppose that's true. I mean, I don't think we lead on military planning. Someone else was doing that, but we were leading certainly on all the areas we talked about today.

SIR JOHN CHILCOT: Thank you. I will just ask my colleagues if they have any final questions to put. Lawrie?

SIR LAWRENCE FREEDMAN: Just one. You mentioned in the late stages of 1483 the decision was taken to exclude DFID. I just want to check where that came from. Was it from the Foreign Secretary?

MR STEPHEN PATTISON: Yes.

SIR JOHN CHILCOT: Thank you. Martin?

SIR MARTIN GILBERT: No.

SIR JOHN CHILCOT: Well, can I ask if you have any further reflections on this morning's tract of territory that we have covered, because there will be another opportunity at the end of the afternoon?

MR STEPHEN PATTISON: I think I've said everything I wanted to say.

I might just go back to some of the issues around legality and to emphasise a point I tried to make

earlier, that in all the instructions that went to New York, our legal adviser in the Foreign Office had seen them, and if they made comments, those comments were incorporated.

I'd like to make a second point, which is that in a blizzard of negotiations New York was on the phone to various people in London very regularly. My hunch is they knew more about what was happening in Whitehall than many of us in Whitehall actually did.

I suppose finally I hope I have managed to convey the impression which I think the families deserve to hear that this was not something that was entered into lightly, that there was an awful lot of work going on in preparation for this conflict.

SIR JOHN CHILCOT: Thank you. With that, my thanks to our witness this morning and for your statement, which has, of course, been published.

We will resume this afternoon at 2 o'clock, when Mr Pattison will continue to evidence, but in company with John Buck from the Foreign Office as the Director of Iraq.

Thanks to those who have sat here this morning. Thank you.

(12.45 pm)

(Hearing concluded)

--ooOoo--