

IRAQ INQUIRY

Memorandum by the Rt Hon Jack Straw MP

1. I thought that the Inquiry might find helpful this memorandum in respect of some of “the issues to be covered” outlined in the Secretary’s letter of 22 December. The memorandum does not cover all the issues (for example, preparations for the reconstruction of Iraq, or legal advice); rather it is intended as an overview of some key aspects of my role up to the decision to take military action.

June – 11 September 2001

2. I had been in the House of Commons (in opposition) when the Gulf War took place, and had followed it closely.
3. Iraq came directly onto the Labour Government’s agenda, including the Cabinet’s, in the latter half of 1998, with the expulsion by Saddam Hussein of UNSCOM’s weapons inspectors in August, their readmission after US/UK pressure, the withdrawal of the inspectors in December 1998 because of Iraq’s obstruction, and then the US/UK airstrikes on Iraq’s military installations. The issue thereafter featured little in my work as a member of Cabinet as Home Secretary. In 1999 it was Kosovo and the crisis in the Balkans which was the dominant foreign and defence policy issue across Government.
4. Iraq was one of the matters flagged up to me in initial briefing when I took over as Foreign Secretary on 8 June 2001, but by no means the only one. Iraq was very much “work in progress.”¹

¹ The FCO has so far been unable to locate the formal briefing for incoming Ministers, so this is from my recollection and other records.

5. The key Iraq issue before 9/11, on which the Inquiry has already received extensive evidence (including the written statement by Sir Jeremy Greenstock), was the future of UNSCR 1284, originally agreed in December 1999, and the sanctions programmes based on it. My first operational involvement on Iraq was in respect of proposals in June and early July 2001 for a significant revision of UNSCR 1284, including the proposed new Goods Review List. In the event, these negotiations proved abortive, and, faute de mieux, at the beginning of July 2001 a roll-over of UNSCR 1284 was agreed for the following six months.
6. The fundamental problem with Iraq in this period was the absence of any international consensus. Sanctions, though effective in part, were repeatedly being questioned; the Oil-for-Food programme was proving defective in its implementation. The US and UK were on one side, Russia on the other. Though France had withdrawn from the northern No Fly Zone (NFZ) and was challenging the purpose of the southern NFZ, it, and China, did agree on the new Goods Review List: but Russia continued to oppose.

9/11

7. It is an obvious truism that the atrocities of 11 September 2001 “changed everything,” but in looking back at this period the scale and extent of the change produced by 9/11, especially on the psyche and politics of the American people, cannot be over-estimated. The atmosphere in the international community changed overnight. UNSCRs 1368, authorising military force in Afghanistan, and 1373, on counter-terrorist measures, were radical in their extent, and agreed with little argument.
8. Immediately after 9/11 the foreign policy priority for the UK was Afghanistan. Towards the close of the year, following the terrorist attack on the Indian Parliament on 13 December 2001, the possibility – verging it appeared at times on the probability – of a military

engagement between India and Pakistan became an added preoccupation for the UK government, and the US. The joint US/UK endeavour to avoid such a serious regional conflict was the foundation of the very close working relationship which I developed with the US Secretary of State, General Colin Powell.

9. In addition, in the immediate post-9/11 period, at the request of British Prime Minister Tony Blair, I sought actively to improve and deepen relations with Iran, making, in late September 2001, the first of five visits to Tehran (the last in October 2003).

10. We did of course become aware that, in the new post-9/11 environment, sections of the Bush administration in Washington, and sections of the Republican Party, were talking up the possibility of military action against Iraq to secure a change of régime. Sir David Manning's visit to Washington in early December 2001 therefore concentrated on this issue. I approved briefing for the Prime Minister and for Sir David on how we might influence the debate. The advice to the Prime Minister and Sir David reminded readers that the Joint Intelligence Committee (JIC) had concluded that Iraq had had no responsibility for the 11 September attacks and no significant links to Usama Bin Laden (UBL)/Al Qaida. On WMD, a number of proposals to strengthen the then policy of containment were made; on the possibility of military action to deal with Iraq's WMD, our advice was that a new SCR would almost certainly be needed for this clearly to be lawful.

11. Iraq rose further up the UK's public foreign policy and wider political agenda, following President Bush's State of the Union speech of late January 2002, in which he spoke of Iran, North Korea (DPRK) and Iraq as forming part of an "Axis of Evil."

12. As Iraq became such a live issue in the latter part of 2001, I briefed myself more intensively than I had needed to before 9/11. By happenchance one of my Private Secretaries had been a weapons

inspector of UNSCOM and therefore had direct experience on the ground of Iraq's Weapons of Mass Destruction (WMD) programmes, and of the behaviour of the Iraqi régime towards the UN and its weapons inspectors, and conversations with him added to my understanding.

13. The Butler Report (chapter 5) contains detailed summaries of the JIC and other intelligence assessments available to Ministers, and there is no need for me to repeat them here.
14. There were, as Butler records and the Committee is well aware, other "countries of concern" in respect of WMD. These included Libya, Iran and North Korea. It is worth noting that in respect of each of these, the principal sources of information were from secret intelligence and, as subsequently transpired, this intelligence proved highly accurate. Each of these countries publicly denied the existence of WMD programmes.
15. Our assessment at this stage was that these three countries may have posed a greater threat in some respects than Iraq. But all four – Iraq included – were well above the line as countries of concern. Having a strategy to deal with one was not an alternative to a strategy to deal with the others. The objective in each case was the same – the reduction of the potential threat they posed. But the methods used were bound to be different. The DPRK's nuclear weapons and missile systems have long been on a separate track. But Iraq did have an indirect influence on both Iran, and Libya. On Iran, the divisions inside the European Union on Iraq led to a common agreement by the Foreign Ministers of France, Germany and me that we should work together on its nuclear dossier, as indeed we did. On Libya, I am in little doubt that the successful US/UK démarche of Libya about its nuclear weapons programme – more extensive than the intelligence had suggested – which led to the announcement of 19 December 2003, would have been less likely but for Iraq.

16. In any event, the Iraqi régime was different. Its behaviour had been different. It had engaged in attacks on its neighbours, and on its own civilians. The fact that it had had extensive nuclear, chemical and biological weapons programmes was publicly known, and had been ever since the Gulf War. It had used chemical weapons. It had a series of Chapter VII UNSCRs against it. Iraq's failure to cooperate with the weapons inspectors and the inspectors' judgements over what WMD remained was on the public record, in a series of reports. The most significant of these was the last UNSCOM report, of late January 1999, with their assessment of the situation at the time that the UNSCOM inspectors had been forced (in their view) to abandon the inspection process through lack of cooperation from the Iraqi authorities.

17. I read this report, which runs to nearly 200 pages, with great care. It, in a sense, became one of my "baselines" against which I measured other available information, including that from the JIC etc intelligence reports. In stark contrast to the sources of information available (as mentioned above) in respect of the other "countries of concern," we started on Iraq with two categorical "known knowns":

- a) the scale of Iraq's programmes immediately after the Gulf War;
- b) what had been identified and destroyed;

and one "known unknown" – the question, in the event at the core of the case for military action, as to what had happened to the large remainder of the programmes – alongside what the Iraqi régime had done, if anything, further to develop their capabilities.

18. Iraq ratcheted up a further gear in terms of its public profile with Prime Minister Blair's visit to Crawford in April 2002, where both it and the Middle East were the major issues.

19. As the issue of military action by the United States became live, one of the arguments Government faced was whether the UK should detach itself from the prospect of any active military alliance with the United States. Parallels were being drawn with Vietnam, on which the Wilson Government had given moral (and some practical) support to the United States, but had resolutely refused to make any military contribution to the United States' military action on the ground in Vietnam.
20. But circumstances in 2002 were very different from those in the late 1960's. Then, with rare exceptions, the Cold War had effectively paralysed the authority of the United Nations and its Security Council. The Labour Party would have viscerally split if the Wilson Government had sought to go further. Even the tacit, nuanced, non-active support for the US Administration was the cause of huge controversy within the Labour movement.
21. In contrast, in the post-Cold War environment, following the fall of the Berlin Wall and the disintegration of the Soviet Union, the UNSC had begun to function somewhat better on Iraq. UNSCR 678 (29 November 1990) had provided Chapter VII authorisation of military action by the coalition. Altogether the Security Council had passed 12 key UNSCRs on Iraq between 1990 and December 1999. So the authority of the UNSC and its continued utility was at stake if a country flouted its will so blatantly.
22. There was also the enduring spectre of Suez over British foreign policy, which led to an all-pervasive view that the United Kingdom should so far as possible seek to "stay close" to the United States. I shared with the Prime Minister the view that the best approach for the UK was indeed to "stay close" to the US administration and to seek to persuade them that any action against Iraq had to be through the United Nations.

23. The Prime Minister gave a detailed speech about his position while he was in Crawford. The Committee has already taken extensive evidence about this.
24. So my preoccupation post-Crawford was to do everything I could to ensure that the United States agreed that central to their strategy as well as ours was a fresh mandate from the UNSC. In addition to serious questions about the legality of any UK involvement in military action without a refreshed UNSC mandate, there was no prospect of agreement within the British Cabinet or the Parliamentary party without one. I had earlier advised the Prime Minister that should military action become a prospect it was essential that the House of Commons made any decision to authorise such UK military action on a substantive resolution, which in the event was what happened.
25. There was then an intensive period of negotiations, first with the United States, and then with the Security Council, to secure what became UNSCR 1441 (8 November 2002). At the Prime Minister's request, in mid August 2002 I made a private, unpublicised visit to see Secretary Powell whilst he was on holiday to discuss with him a strategy for a further UNSC mandate. Internal debate in the US system and lobbying by the UK culminated in the decision the US President to seek such a further UNSC Resolution. President Bush announced this decision in his address to the UN General Assembly on 12 September 2002, speaking in the plural of "resolutions." However, whilst the US President used this language and the US had never, so far as I am aware, explicitly ruled out the possibility of a "second resolution" (indeed they supported UK efforts in March 2003 to secure one), their hard policy commitment was for one resolution only. An objective of the negotiations on the "first" UNSCR was therefore that it should be self-contained, and not legally contingent on a second resolution.
26. I was struck throughout my period as Foreign Secretary (and as Home Secretary when I was involved in international negotiations) that the UK Government machinery, and culture, made it much easier to agree a

common position for the Government as a whole than was the case with some other governments. Nowhere was this distinction more marked than in respect of negotiations with the United States. Strong and distinctive inter-agency positions (very apparent within the Bush Administration, but a systematic and timeless feature of the US system), plus the active responsibilities for foreign relations of the US Senate, inevitably meant that the UK Government, if it wanted to achieve its objectives, got drawn heavily into the inner workings of the US government, some parts of which were instinctively hostile to the United Nations and its institutions. A key part of my strategy, and of our diplomatic missions especially the UK's Mission to the UN (UKMis) in New York, was therefore to ensure the maximum support for those who were committed to the UN route – especially Secretary Powell and Ambassador Negroponte.

27. Broad parameters of a draft resolution were agreed between the US and UK by late September/early October. There then followed an extraordinary five-week period in which not just every phrase, but every word, and even the punctuation, was the subject of the closest debate and argument. This took place in New York, and between capitals. In that period I often spent hours each day in telephone calls with Secretary Powell, French Foreign Minister Dominique de Villepin and Russian Foreign Minister Igor Ivanov, as well as with the Chinese Foreign Minister Tang Jiaxuan and the Foreign Ministers of the non-permanent members of the Security Council. The Prime Minister was heavily involved. Whilst responsibility for the UK's positions properly rested with Ministers, I'd like gently to take issue with Sir Jeremy Greenstock's comment (written statement p9), that his role was "tactical and subordinate." As a constitutional statement, it is impeccable. But without the skill, diligence and judgement of Sir Jeremy, of Sir David Manning, of senior ambassadors in the major capitals, of Sir Peter Ricketts and UK diplomatic staff in London and abroad, I do not believe that the success (as I believe it was) of UNSCR 1441 could have been achieved. Their work in this period was remarkable, even by the very high standards of UK diplomacy.

28. We worked hard during this period to secure agreement for a robust text which provided terms for the readmission of inspectors to Iraq, and their unfettered operation, which were tough but not so tough that the Saddam Hussein régime could plausibly reject them altogether. Every analysis of Iraq's behaviour from mid-1990 to then, showed that the Saddam Hussein only responded to pressure (on 10 September 2002, for example, the Government of Iraq had said that inspectors would never go back into Iraq).
29. Military preparations by the United States for a possible invasion of Iraq were a fact of life. Whilst I never ruled out the possibility that the United Kingdom might be involved too, if this were lawful and justified, my overriding interest was that, through the success of the UN route UK involvement in military action, and if possible any such action at all, would be avoided. Although the political and legal environment in the United States was very different from that of the United Kingdom, if the "UN route" to which the US had now committed itself proved successful in securing Iraqi compliance there would be no case for UK military involvement, and it might also make unilateral military action by the United States much less likely.
30. From the early months of 2002 there was no secret whatever that military action by the US against Iraq, and our participation in this if it happened was a possibility. It was the subject of significant debate throughout 2002 including in the weeks before Crawford.
31. Sir Jeremy Greenstock, in his written memorandum, has helpfully underlined the approach which I sought consistently to deploy in this period, what he described as my "paradox argument." I did so, eg as Sir Jeremy records, in discussion with Foreign Ministers in mid September; and again in the Commons debate on 24 September. Then I said "Diplomacy, of course, should always be tried first, but the paradox of some situations — Iraq is pre-eminently one — is that diplomacy has a chance of success only if it is combined with the

clearest possible prospect that force of arms will be used if diplomacy fails. As the Secretary General of the United Nations, Kofi Annan, has said,

“We have learned that sensitive diplomacy must be backed by the threat of military force if it is to succeed.

We have used all the diplomatic instruments at the disposal of the United Nations, but, so far, Saddam has rendered them unworkable.”

[Commons, 24 September 2002, Col 33].

32. I am happy of course to go into detail about the terms of 1441, and its negotiating history, should the Inquiry wish it. In the event, UNSCR 1441 was agreed unanimously on 8 November.² A full Commons debate followed on 25 November 2002. In the course of that, I said:

“That brings me to the next question I posed: will there be a second Security Council resolution if military action proves necessary? Resolution 1441 does not stipulate that there has to be a second Security Council resolution to authorise military action in the event of a further material breach by Iraq. The idea that there should be a second Security Council resolution was an alternative discussed informally among members of the P5 of the Security Council and the elected 10 during the weeks of negotiation, but no draft to that effect was ever tabled by any member of Security Council, nor put to the vote. Instead, every member of the Security Council voted for and accepted this text.

I should make it clear, as I did on 7 November, that the preference of the Government in the event of any material breach is that there should be a second Security Council resolution authorising military action. However, the faith now being placed in the Security Council by all members of the United Nations, including the United States, requires the Council to show a corresponding level of responsibility. So far, it

² The full text of 1441, the relevant UNSCRs, Inspectors’ reports and my speeches to the UN Security Council, were published in Iraq, Cm 5769, February 2003, to the Commons. This was supplemented by Iraq, Cm 5785, March 2003. Subsequent references are to these documents, where relevant.

has done so and I believe that it will do so in the future, but we must reserve our position in the event that it does not. In any event, Saddam Hussein needs to be in no doubt of the resolve of the United Nations to require him to comply. That is the reason why the language of “serious consequences” is used in paragraph 13 in the event of his non-compliance. So the discussion that will take place in the Security Council, in the event of material breach, will be on the understanding that action will follow.” [Commons, 25 November 2002, Col 53].

33. Iraq complied with the first deadline of 1441, for a declaration of aspects of its WMD programmes, and on time – 9 December. It was 12,000 pages long. It was not to be until late January 2003 that the Inspectors were able to report to the Security Council on it. Early on in the New Year, however, I began to be more optimistic that with more pressure Iraq might cooperate fully with the inspectors, and be subsequently given a clean bill of health by the Inspectors, and that the case for military action would then fall away.

34. In very early January, during the parliamentary recess, I bumped into two senior journalists from News International whilst walking through Portcullis House. They asked me what I thought were the odds of avoiding war, and I replied “60/40” (see “The Times” of 4 January 2003). Although this exchange had been on “lobby terms,” it found its way into the newspapers. I mention it as an indication of my thinking at that time.

35. I had formed this provisional judgement not least from my own reading of the Iraqi régime’s behaviour. It was, for sure, an odious, brutal régime: but by its own terms it acted with some rationality. I could not believe that, faced with the near certainty of military action if it failed to comply with 1441, the régime could fail to appreciate that its very survival depended on full compliance, and that this would be relatively straightforward for them to prove – unless they had something absolutely terrifying to hide. In the event, however, my optimism proved unfounded.

36. The inspectors, Dr Mohammed El Baradei (IAEA) and Dr Hans Blix (UNMOVIC) issued their first reports under UNSCR 1441 on 27 January 2003. Dr El Baradei concluded that “to date we have found no evidence that Iraq has revived its nuclear weapons programme since the elimination of the programme in the 1990s...with our verification in place, barring exceptional circumstances, and provided there is sustained active cooperation by Iraq we should be able within the next few months to provide credible assurances that Iraq has no nuclear weapons programmes. These few months would be a valuable investment in peace as they could help us avoid a war” (emphasis added). [Cm 5769, pp75-78].

37. Dr Blix reported that Iraq had cooperated “rather well so far” on process, but went on to list a number of areas of deficiency in respect of “cooperation on substance.” Iraq was reminded that 1441 required that “cooperation should be ‘active’.” It is not enough to open doors. Inspection is not a game of “catch as catch can.”

38. UNMOVIC was preparing its own lists of current “unresolved disarmament issues” and “key remaining disarmament tasks.” In response to the requirements of UNSCR 1284 (1999), Dr Blix continued “we find the issues listed in [these] two reports as unresolved,...These reports do not contend that weapons of mass destruction remain in Iraq, but nor do they exclude that possibility. They point to lack of evidence and inconsistency which raise question marks, which must be straightened out, if weapons’ dossiers are to be closed and confidence is to arise. They deserve to be taken seriously by Iraq rather than being brushed aside as evil machinations of UNSCOM. Regrettably, the 12,000 page document, most of which is a reprint of earlier documents, does not seem to contain any new evidence that would eliminate the questions or reduce their number. Even Iraq’s letter sent in response to our recent discussions in Baghdad to the President of the Security Council on 24 January does not lead us to the resolution of these issues.”

[Cm 5769, pp69-70].

39. Dr Blix then gave detailed comments on chemical weapons, biological weapons, and missiles and went on to say “Evidence and full transparency [from Iraq] may help.” He said that UNMOVIC was not “presuming that there are prohibited items and activities in Iraq but nor is it [UNMOVIC] - or I think anyone else after the inspections between 1991 and 1998 – presuming the opposite; that no such items exist.”

[Cm 5769, pp67-74].

40. There had been one Ministerial Meeting of the Security Council preceding the 27 January Inspectors’ report. This took place on 20 January. It had been called by the French Presidency, ostensibly to discuss an international counter-terrorism strategy in the light of UNSCR 1373, but the focus rather quickly moved to Iraq. Although the meeting was equable, relations, especially between France and the US, became strained following remarks by the French Foreign Minister at a lunchtime press conference which were considered hostile by the United States.

41. The next Ministerial Meeting of the Security Council took place on 5 February. It is best remembered for the presentation by the US Secretary of State, General Colin Powell, about Iraq’s WMD. In my remarks to the Council I said that the “briefings had confirmed our worst fears – that Iraq has no intention of relinquishing its WMD, no intention of following the path of peaceful disarmament set out in UNSCR 1441.” I went on to say that “Saddam should be left in no doubt as to the serious consequences and serious situation he now faces. The United Kingdom does not want war. We want the UN system to be upheld. But the logic of [UNSCR] 1441 is inescapable. The Council will have further reports from the Inspectors on Friday week, 14 February. If non-cooperation continues, this Council must meet its responsibilities.” [Cm 5769, pp95-96].

42. Dr El Baradei and Dr Blix both duly gave further reports to the Ministerial Meeting of the Security Council on 14 February 2003. Dr El Baradei concluded “We have to date found no evidence that Iraq has revived its nuclear weapons programme since the elimination of the programme in the 1990s. However our work is steadily progressing and should be allowed to run its natural course.” [Cm 5769, p78].
43. Dr Blix’s report and conclusions were, in contrast, more qualified. He said that so far UNMOVIC had not found any WMD or related prohibited items and programmes – only a small number of empty chemical munitions...”Another matter - and one of great significance - is that many proscribed weapons and items are not accounted for...If they do exist they should be presented for destruction. If they do not exist, credible evidence to that effect should be provided.”
44. A section in this report dealt with the Al-Samoud II and Al Fatah missile systems and associated material. These had been declared to UNMOVIC by Iraq in their 9 December 2002 declaration, as Dr Blix had reported on 27 January 2003. But Iraq had told the Inspectors that the final range for both systems would be less than the maximum permitted range of 150 km [Ibid, p71]. In his 14 February report Dr Blix said that his experts had unanimously concluded that these systems had ranges exceeding 150 km, with the reconstituted casting chambers capable of producing engines with ranges “significantly greater than 150 km” [Ibid, p81]. Accordingly, all of these items were proscribed, and would be destroyed. “It is clear,” said Dr Blix in his 27 January report, that these systems “were illegally brought into Iraq, that is Iraq, or some company in Iraq, circumvented the restrictions imposed by various resolutions.” [Ibid, p72].
45. Dr Blix had referred in his 27 January report to the need to “find persons to give credible information – a list of personnel,” and to “allow information through credible interviews.” 400 names had originally been provided, supplemented by a further 80 – compared with 3500 names given to, or identified by, UNSCOM in the 1990s. Dr Blix

expressed the hope that “knowledgeable individuals will accept private interviews, in Baghdad or abroad” [Ibid, p73]. Despite this, Dr Blix reported that a number had declined to be interviewed or had insisted that an [Iraqi] official be present. Interviews with just three persons had been conducted, “no further interviews have since been accepted on our terms. I hope this will change.” Interviews without a third party or tape recording “would provide greater credibility.”

46. This report had a section devoted to “Intelligence.” “...with the closed society of today and the history of inspections there, other sources of information, such as defectors and government intelligence agencies are required to aid the inspection process” [Ibid, p82]. “Intelligence information has proved useful for UNMOVIC. In one case it led us to a home where documents relating to laser enrichment of uranium were found. In other cases, intelligence has led us to sites where no proscribed items were found. Even in such cases, however, inspection of these sites was useful...” [Ibid, p82].

47. In his closing paragraph Dr Blix said that if “Iraq had provided the necessary cooperation in 1991, the phase of disarmament [under UNSCR 687] could have been short lived and a decade of sanctions could have been avoided. Today, three months after the adoption of resolution 1441 (2002), the period of disarmament through inspection could still be short if ‘immediate, active and unconditional’ cooperation with UNMOVIC and the IAEA were to be forthcoming.” [Ibid, p83 – emphasis added]

48. In my remarks I quoted the passage above. I drew attention to the fact that no-one who had spoken [nor who was to speak] had at any time suggested that Iraq was fully complying with its obligations under 1441, and I said that it remained in material breach.

49. Four members of the Security Council were members of the European Union – France, Germany, Spain and the United Kingdom. On the issue of US-led military action, the four split two:two. The agreed

conclusions of the European Council (EU Heads of Government and Foreign Ministers) which met three days later, on 17 February 2003, are therefore of particular significance in three respects:

- (i) that there was no argument that Iraq had WMD in breach of UNSC resolutions. “The Union’s objective for Iraq remains full and effective cooperation in accordance with the relevant UNSC resolutions, in particular resolution 1441;”
- (ii) in its recognition of where the responsibility lay – “We want to achieve this [Iraq’s disarmament] peacefully. War is not inevitable. Force should only be used as a last resort. It is for the Iraqi régime to end this crisis by complying with the demands of the security Council.”
- (iii) in its recognition that “whilst the Inspectors should be given the time and resources which the UN Security Council believes they need...inspections cannot continue indefinitely in the absence of full Iraqi cooperation.” (Cm 5769, p91) [Emphasis added].

50. The final Ministerial Meeting of the Security Council took place on 7 March. In the three weeks between the 14 February meeting and this meeting there were intensive diplomatic efforts in respect of a second resolution. I was clear, as I had publicly stated, that UNSCR 1441 did not require a second resolution for military action to be authorised. As Sir Jeremy Greenstock has stated in his written memorandum, “to have conceded the legal necessity for a second resolution “would have been to reject the basis under which military action was taken in December 1998 and to have denied the legal logic of SCRs 678 and 687, which was refreshed and renewed in SCR 1441 but not replaced [by it]” (p11). I had become so familiar with the negotiations on the drafts of 1441, and the final text, that I could almost recite its terms in my sleep. OP12 of 1441 used the verb “consider”, and rather than “decide”, quite deliberately, and with a full understanding by other members of the Security Council that it meant what it said. It is worth adding that had we been ready to embed into the text of 1441 a requirement for a

second resolution before any military action, negotiations would have been swift and painless.

51. But I was equally in no doubt that a second resolution was an objective for which we should strain every sinew to obtain. What we finally put forward was a draft resolution which contained six “benchmarks” against which Iraq’s compliance with 1441 could be assessed. These six in draft were:

- a statement by Saddam Hussein undertaking to cooperate fully with UNMOVIC and the IAEA in immediately addressing and resolving all outstanding questions;
- an undertaking to make 30 Iraqi scientists available for interview outside Iraq;
- an undertaking to surrender all remaining anthrax and anthrax production capability;
- an undertaking to surrender all mobile bio-production laboratories for destruction;
- an undertaking to destroy Al-Samoud II missiles and components;
- an undertaking to account for Unmanned Aerial Vehicles and Remotely Piloted Vehicles.

52. These had been drawn up after discussions with the Inspectors. (I had at least one direct conversation with Dr Blix about the components of the resolution in the margins of a Security Council meeting). They were designed to be capable of achievement by the Iraqi régime – not as some kind of device to trip the régime up. If Iraq had complied with them, the UK could not and would not have been involved in any military action. Whether the United States would have gone ahead in these circumstances is a matter of conjecture, but the American domestic climate for war would have been much more hostile. I said often enough in this period that “the United Kingdom will take ‘yes’ for an answer”. The Prime Minister made similar statements. Our foreign policy objective was the disarmament of Iraq and its compliance with 1441, not military action against Iraq, nor régime change.

53. The centrepiece of my speech to the Security Council on 7 March [Cm 5785, pp12-14], was again the presentation of the acute paradox we had to face – that “the only way we are going to achieve disarmament by peace of a rogue régime ...is by backing our diplomacy with the credible use of force.”
54. Just before I left London on 6 March I was given a copy of the draft UNMOVIC Working Document – “Unresolved Disarmament Issues. Iraq’s Proscribed Weapons Programmes” [Cm 5785, p25 – end]. (We were members of the UNMOVIC Commission, and therefore entitled to see the document in draft). At that stage it ran to 167 pages (the final published version extended to 173 pages). I read it on the plane journey to New York. It was by far the most detailed and contemporary assessment by the Inspectors of – as they entitled their report – “unresolved disarmament issues”. It made an indelible impression on me, and convinced me that Iraq’s non-compliance with Security Council requirements going back to 1991 was profound, and that the international community had to take action to deal with this and the threat that otherwise was posed to international peace and security.
55. I had a meeting with Dr Blix in the early evening of my arrival in New York on 6 March. Also present were Sir Jeremy Greenstock and my Principal Private Secretary Simon McDonald. I told Dr Blix of my view of the UNMOVIC draft report, adding that I had read carefully “each of its 167 pages.” I asked about Dr Blix’s plans to make the report available to members of the Security Council. He referred to this in his remarks on 7 March saying that “we are ready to make it available to members of the Council on request”. It was in fact published on 7 March but my clear recollection (and that of others with me) is that this was after the Ministerial Security Council Meeting had finished. I remain perplexed as to why this document was not made available to members of the Security Council in advance of this crucial meeting, not as it finished. It was after all reasonable to assume that it had been

prepared for the purpose of better informing the Council, to which the UNMOVIC Commission and its officials were responsible.

56. Drafts of the second resolution were modified to take account of this document. Negotiations continued in the days following the Ministerial Meeting, but any prospect of a consensus rapidly unravelled. The situation effectively became terminal once President Chirac had announced on television on 10 March that “whatever the circumstances, France will veto” [a second resolution].

57. I considered that those opposing a second resolution, like France, were making a profound strategic error in their approach to Iraq’s defiance of the United Nations, and more generally to reducing the threat of proliferation. I believed that Iraq did pose a threat to international peace and security. I was in no doubt about that – nor had the Security Council been, and no-one was gainsaying this. Iraq’s open defiance of the authority of the United Nations over a dozen years was clear for all to see. Their behaviour since 1441 had been entirely consistent with that ever since the Gulf War. They were practised at playing the system, only moving under pressure, and only then just far enough to split the international community. There might just have been a plausible explanation for Iraq’s failure to produce documentation which could satisfactorily have closed various of UNMOVIC’s dossiers, though – as Dr Blix had made clear – Iraq was a country with a sophisticated system of public administration. But it was their refusal to cooperate with the Inspectors over site visits and the provision of names and, still more, their continuous wilful disruption of the Inspectors’ ability to conduct interviews confidentially, and without Iraqi officials or bugging, that spoke volumes that they must have something serious to hide.

58. There was then this issue of time. “More time” was the call. Although Iraq could easily have complied fully with the relevant benchmarks in 1441 within the timescales set, we were ready to allow more time, but with a clear deadline and ultimatum. There was no purpose whatever

in a deadline without a sanction. We would then have been in a worse position than had existed pre-9/11. UNSCR 1284. The authority of the United Nations would have been gravely damaged. Sanctions on Iraq would have fallen apart; and other proliferators, like Libya, would have received entirely the wrong message: that the injunctions of the United Nations could be ignored.

59. I had never wanted war. But the strategy we had adopted to secure Iraq's disarmament was diplomacy backed by the threat of force. Reluctantly but firmly, I came to the view that to enforce Iraq's disarmament obligations we had no option but to proceed with military action if Saddam Hussein did not respond to a final ultimatum which would be part of the decision to take this action.

60. On 15 March 2003 I published a detailed briefing on "Iraq's non-compliance with UNSCR 1441" [reproduced in full in Butler, pp188-196].

61. The British Cabinet met in the afternoon of 17 March and decided to take part in military action against Iraq. We announced this to the House of Commons in an oral statement I made that evening. The Attorney General gave a written answer which explained his view that military action by the UK in the circumstances would be lawful; and I supplemented this by a more detailed memorandum (approved by the Attorney General) sent to the Chair of the Foreign Affairs Committee, and published. The day after, 18 March, the House of Commons approved a resolution to this effect. I made the closing speech for the Government commending this resolution to the House.

Reflections

62. In late April 2003 it became apparent that no WMD was likely to be found – subsequently confirmed publicly. That, together with allegations that the 24 September 2002 dossier had been "sexed up" has led to the widespread view that the whole basis of our military

action had been founded on a fraud based on intelligence alone, and that we had either been negligent in our assessment of the intelligence and the case for military action, or consciously deceitful, involved in a terrible conspiracy with the administration of the United States.

63. None of this was ever the case.

64. I do not wish to play down the role of intelligence. It was in significant part from intelligence that we gained the understanding we had as to the Iraqis' WMD programmes and intentions, especially in the period in late 1998 after the UNSCOM Inspectors had left. Butler dealt comprehensively with how the intelligence was assessed, and used, and made a number of recommendations, since implemented, for improvement.

65. But intelligence alone was never the basis for my judgement about the nature of the threat which Iraq posed. My starting point on the assessment of the threat was what was publicly known about Iraq's WMD programmes, and its behaviour going back more than a dozen years. It was that judgement – not intelligence - which lay at the heart of the UK Government's strategy for disarming Iraq, by diplomacy backed by the potential use of force.

66. This included the fact that it had:

- a) invaded two of its neighbours;
- b) launched missile attacks on five of its neighbours;
- c) used chemical weapons on its own population;

and that its behaviour towards the international community and the United Nations Inspectors and resolutions was one of defiance, concealment, and deceit. This was a consistent pattern. Dr Blix made the point (quoted above, Cm 5769, p83) that Iraq could have avoided continuing sanctions if they had complied in the timescales specified by UNSCRs 678 and 687 (1990). But eight years later, as the UNSCOM

early 1999 final report spelt out, a large number of disarmament issues remained unresolved.

67. Intelligence gathering in any environment is by its nature difficult. The picture presented is inevitably going to be partial and incomplete. This is true in any circumstances, but was especially true for closed authoritarian societies, with ruthless systems of enforcement, like Iraq. The caveats in the JIC assessments and other intelligence about its coverage therefore came as no surprise. After all, the Iraqi régime had for four years following the Gulf War, and notwithstanding the best efforts of UNSCOM Inspectors and intelligence agencies, been successful in wholly concealing an extensive biological weapons programme (including anthrax bacillus, smallpox virus, VX nerve agent). All that Iraq had admitted was “small scale, defensive” research. It was not until the lucky break of the defection of Saddam Hussein’s son-in-law that even the fact of this programme was revealed. Kamil was the year after his defection lured back to Iraq, where he was brutally murdered. This was an obvious lesson for any scientist thinking of cooperating with the Inspectors.

68. What the intelligence overall provided to me was important, but it was complementary to what was known anyway. I also tried to cross-check the overall assessment of Saddam’s programmes and the scale of the Iraqi threat. So, for example, when the late Dr David Kelly attended a pre-brief for our joint appearance before the Foreign Affairs Committee in late September 2002, I asked him his view about this. He appeared to have no doubt in his mind about the threat from Iraq. This was confirmed publicly in the Hutton Report, which quotes from a letter he wrote on 30 June 2003: “...I was personally sympathetic to the war because I recognised from a decade’s work [as a weapons inspector] the menace of Iraq’s ability to further develop its non-conventional weapons programmes.” [Hutton, p26].

69. Dr Blix was consulted on part of the draft of the September 2002 dossier, and made helpful suggestions on what he saw to UKMis New

York staff, considering that it did not exaggerate nor resort to rhetoric. I am not clear which drafts he saw, and he did not see the whole of the document. He has subsequently said (July 2004) that he was looking at the document “not as testimony by a witness but as a prosecutor presenting a case”, and that it relied on intelligence the UK produced. That view, however, was 15 months after the invasion. Even so, as the Butler Committee noted, Dr Blix commented in his book [Disarming Iraq, 2004, p112] that “My gut feeling, which I kept to myself, suggested that Iraq still engaged in prohibited activities and retained prohibited items, and that it had the documents to prove it”. [Butler, para 457].

70. Butler, in the same paragraph, said that the Committee had noted “in the papers we have read that the broad conclusions of the UK intelligence community (although not some particular details) were widely shared by other countries...” (Their emphasis).

71. This is of profound importance in understanding how I, and I believe everyone else involved in the UK system, viewed the UK intelligence and made its overall judgement. What was contained in our intelligence went with the grain of almost all other information, and the judgement of other nations. We had no reason to disbelieve the intelligence. There have probably been very few Security Council resolutions so crawled over in draft as 1441. Members knew of its significance. All 15 members signed up to the statement in the preambular paragraphs “Recognising the threat Iraq’s non-compliance with Council resolutions and proliferation of weapons of mass destruction and long-range missiles poses to international peace and security”, and agreed that the Council would act under Chapter VII of its Charter (that part which provides, inter alia, for the authorisation of the use of force).

72. There were palpable disagreements about whether, and if so in what circumstances, military action would be justified, but it was striking that in discussions with fellow Foreign Ministers and their officials who took

a different view from us that they nonetheless appeared to share our view of the threat and of Iraq's non-compliance. As I reminded the Council on 7 March, no member, even then, was claiming that Iraq had complied. The issue by this stage was not the contents of any secret intelligence, but the very public defiance of the authority of the United Nations.

The decision to go to war

73. My decision to support military action in respect of Iraq was the most difficult decision I have ever faced in my life. I had actively supported the military action in the Falklands, and the first Gulf War, whilst in opposition. I had agreed as a member of the Cabinet the action over Kosovo and Sierra Leone. As Foreign Secretary I had been directly involved in the post-9/11 strategy which had led to the invasion of Afghanistan. But those choices were much easier. Iraq was very different, and the moral as well as political dilemma were profoundly difficult. I was also fully aware that my support for military action was critical. If I had refused that, the UK's participation in the military action would not in practice have been possible. There almost certainly would have been no majority either in Cabinet or in the Commons.

74. It is also the case that during the fifteen months between the beginning of 2002 and the decision to take military action my assessment of the threat from Iraq did evolve. It would have been extraordinary if it had not. In my case the more I learnt and observed about the régime's behaviour, the more I became convinced about the seriousness of the threat to international peace and security which it posed.

75. But because no WMD were in the event found, I have of course thought greatly whether we could or should have acted differently. But we did not know then what we know now; nor in my judgement could we have done. And one of the dreadful ironies is that we would never have known if inspections had continued without an ultimatum and the short time scale as our draft second resolution proposed. All that would

have happened is that the inspections process would have petered out; the unresolved disarmament questions would have remained unresolved, and the Iraqi régime would have been re-emboldened.

76. The question of whether to go to war has also been one of the most divisive, certainly in my political lifetime. It made many people very angry at the time, and subsequently. That and the failure to find any WMD has undermined trust. Above all, there has been the grave loss of life – of our military personnel and civilians, others in the coalition, and the many thousands of Iraqis. I deeply regret this.

77. But, to paraphrase Kierkegaard, whilst life can only be understood backwards, it has to be lived forward. We did not have the benefit of hindsight. I have gone over again and again the judgements we made at the time. Many were widely shared. “It is for the Iraqi régime to end this crisis by complying with the demands of the Security Council” was the view of the European Union, France and Germany included (see para 49 above). It was my profound view too.

78. I made my choice. I have never backed away from it, and I do not intend to do so, and fully accept the responsibilities which flow from that. I believed at the time, and I still believe, that we made the best judgements we could have done in the circumstances; we did so assiduously and on the best evidence we had available at the time.

JACK STRAW

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