

Clear advice
from Attorney
in need for
further Resolution

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specifically said we did not
need further advice that well.

Prime Minister 10-31-03

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PRIME MINISTER

IRAQ

1. In view of your meeting with President Bush on Friday, I thought you might wish to know where I stand on the question of whether a further decision of the Security Council is legally required in order to authorise the use of force against Iraq.

2. Since we spoke on 14 January, when I passed you a note setting out my provisional views, I have had the benefit of a discussion with Sir Jeremy Greenstock. That meeting was extremely useful; it was in fact the first time that the arguments in support of the case that there is no need for a further Council decision had been put to me in detail. I was also able to obtain valuable background information on the history of the negotiations of resolution 1441. Sir Jeremy made some important points, which I have considered carefully. I am preparing a more detailed note of advice which will set out my conclusions in relation to these arguments.

3. I have also indicated to Sir David Manning that I would welcome the opportunity, if arrangements can be made in time, to hear the views of my US counterparts on the interpretation of resolution 1441. I am not convinced that this will make any difference to my view, but I remain ready to hear any arguments.

4. You should be aware that, notwithstanding the additional arguments put to me since our last discussion, I remain of the view that the correct legal interpretation of resolution 1441 is that it does not authorise the use of military force without a further determination by the Security Council, pursuant to paragraph 12 of the resolution, that Iraq's conduct indicates that it has failed to take the final opportunity granted by the Council. I recognise that arguments can be made to support the view that paragraph 12 of the resolution merely requires a Council discussion rather than a further decision. But having considered the arguments on both sides, my view remains that a further decision is required.

5. I have not copied this minute further.

Lord Goldsmith

The Rt Hon the Lord Goldsmith QC
30 January 2003