

SECTION 1.2

DEVELOPMENT OF UK STRATEGY AND OPTIONS, SEPTEMBER 2000 TO SEPTEMBER 2001

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Introduction

1. This Section addresses the discussions within the UK Government between September 2000 and September 2001 on the UK's Iraq strategy, in the light of questions over the sustainability of the existing policy of containing Iraq, the election of a new US Administration and concerns over the legal basis for the No-Fly Zones (NFZs).
2. The Section follows on from Section 1.1, which addresses the UK's Iraq strategy between 1990 and September 2000, and is followed by Section 3.1, which addresses the development of the UK's Iraq strategy from September 2001. Section 3.1 also summarises UK policy and thinking in September 2001.

Before September 2000

3. Iraq's failure to comply fully with UN Security Council resolutions over a period of 10 years, or with international treaties to prevent the proliferation of nuclear, chemical and biological weapons, was seen as a challenge to international order, the authority of the UN and the rule of law.
4. On the basis of its past behaviour, and the evidence found by UN and the International Atomic Energy Agency (IAEA) inspectors between 1991 and 1998, it was widely assumed that, although the inspections had been successful in dismantling and containing Iraq's capabilities, Saddam Hussein's regime had the intent and much of the knowledge to develop ballistic missiles and weapons of mass destruction if it had the opportunity to do so.
5. In addition, the UK Government and some others believed that, given the opportunity, Saddam Hussein aspired to exercise regional power through the threat or use of force, and would not be constrained by international law or decisions of the Security Council.
6. A policy of containing Iraq initially designed to meet short-term needs had been extended for over a decade. Sanctions were hurting the population of Iraq without having a significant effect on Saddam Hussein's regime. The Security Council was divided about the benefit of maintaining sanctions and the way ahead, and there were doubts about how long the existing policy could be sustained. Iraq was confident in continuing to resist the return of inspectors. Internal opposition had been suppressed and exile organisations had limited support. The strains within the international community were clear.
7. The *Review of Intelligence on Weapons of Mass Destruction*, the Butler Report, concluded in July 2004 that there was a "progressive reduction" in the Joint Intelligence Committee's (JIC's) estimates of Iraq's capabilities in the period to 1994/1995 but "growing suspicions and concerns" between 1995 and 1998.¹ Those suspicions and

¹ *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898.

concerns were “exacerbated and reinforced by Iraqi prevarication, concealment and deception”. The Butler Review detected “signs that this context led to the JIC making its estimates of Iraqi capabilities on an over-cautious or worst case basis (not always declared as such)”.

8. The Butler Report concluded that the JIC Assessments would have left the impression in the minds of readers “of suspicion and concern about Iraq’s break-out capability” coupled with “possible possession” of chemical and biological agent stockpiles in breach of Iraq’s obligations and “concern about the ability of Iraq to regenerate a small number of ballistic missiles”.

9. The UK’s assessment of Iraq’s continued possession of weapons of mass destruction (WMD) in defiance of the obligations imposed by the UN is set out in Sections 4.1 to 4.3. Those Sections also address the UK’s wider concerns about proliferation. The Butler Report is addressed in Section 4.4.

10. The framework in which the UK, and other states, viewed Iraq in 2000 was determined by their experience since 1990. That conditioned their positions and behaviour and provided the background to the UK review of policy in autumn 2000, which is the starting point of the Inquiry’s considerations.

The erosion of the sanctions regime

In his statement for the Inquiry, Sir Jeremy Greenstock, the UK Permanent Representative to the UN in New York from July 1998 to July 2003, wrote:

“In 2000, little new work was done on Iraq, with the Security Council largely exhausted with the subject ... Sanctions continued, but the [sanctions] regime remained vulnerable to Iraqi non-co-operation and deceit and the feeling that sanctions were gradually unravelling increasingly took hold internationally.”²

A number of reasons for the erosion of sanctions were offered to the Inquiry, including the lack of consensus within the Security Council, the loss of international public support and a decline in the willingness of many nations to enforce sanctions.

Sir Jeremy told the Inquiry:

“Of all the issues that I dealt with in the Security Council, Iraq produced the greatest divisions among the Permanent Five³...

...

“The United States was at one end of the spectrum in regarding Iraq as a threat and as regarding the United Nations as unable to deal with the threat in a way which was required.

² Statement, 20 November 2009, page 2.

³ The five Permanent Members of the UN Security Council – China, France, Russia, the UK and the US.

“The United Kingdom was sympathetic to that view, but wanted to see the United Nations operating successfully on Iraq because we regarded it as a collective problem. The French, Russians and Chinese had all abstained on [resolution] 1284, and were therefore not particularly on the side of just straight containment of Iraq, because they also wanted to see progress towards the end of sanctions.

“The other members of the Security Council were mainly of that view, that they did not see that the downsides of sanctions, as far as the humanitarian effects on the Iraqi people were concerned, were worth the degree of containment which they [sanctions] provided for an Iraq, the threat from which was not fully proven, in their view, in terms either of military capability or in terms of possession of weapons of mass destruction.

...

“I don’t think there was a single member of the Security Council who believed that Iraq was trying honestly and honourably to meet Security Council conditions. I don’t think there was a single member of [the] Security Council, throughout my period there, who supported Saddam Hussein or Iraq. I don’t think there was a single member of the Security Council who believed that Iraq was innocent, was not plotting to develop military capability, was not defying United Nations, was not cheating on sanctions but ... [there was a] spectrum of views about how intensely that was a problem and about how it should be dealt with.”⁴

Mr Geoff Hoon, FCO Minister of State responsible for the Middle East from May 1999 (and the Defence Secretary from October 1999), told the Inquiry that public leaders in the Middle East:

“... blamed us for ... starving the Iraqi people, for depriving them of medical supplies ... sanctions were failing ... they were not delivering the benefit that we anticipated politically and ... worse than that, we were getting the blame for things that were actually Saddam’s responsibility.”⁵

Sir William Patey, Head of the FCO’s Middle East Department from 1999 to March 2002, told the Inquiry that Saddam Hussein had been “very good” at manipulating the sanctions regime, to create sympathy within the Arab world and to preserve his own regime.⁶

Mr Jack Straw, the Foreign Secretary from 2001 to 2006, told the Inquiry that, without weapons inspectors on the ground in Iraq and “with a collapse in international will to enforce, or even merely to sustain, a sanctions regime, ‘containing’ the Iraqi regime became a challenge”.⁷

⁴ Public hearing, 27 November 2009, pages 4-7.

⁵ Public hearing, 19 January 2010, pages 6-7.

⁶ Public hearing, 24 November 2009, pages 18 and 160.

⁷ Statement, 4 May 2011, pages 1-2.

The Inquiry asked Sir William Patey why it appeared that the countries neighbouring Iraq were becoming less concerned about the threat from Iraq and more willing to allow trade to carry on in contravention of the sanctions regime.⁸ Sir William told the Inquiry that those countries' attitudes to Iraq varied:

“... the concern was greater in Kuwait and Saudi Arabia than it was in Syria and Turkey, and Jordan had a rather special relationship with Iraq, a dependency relationship, it was very worried about its economy and being cut off. So there were a complex set of relationships.

“I think I would describe the region as, if they had had faith in the policy, they would have supported it more, but if it was going to fail, they didn't want to be on the wrong side of Saddam ... I would say they were hedging their bets ... not that ... they were unaware of the threat.”

Sir William also told the Inquiry that the complexity of the sanctions regime itself, including the Oil-for-Food (OFF) programme, meant that Iraq was able to evade the controls.⁹

While sanctions on civilian trade were eroding, the UK assessed that the arms embargo on Iraq remained broadly effective.

Mr Simon Webb, MOD Director General Operational Policy from July 1999 to September 2001, told the Inquiry:

“... The general impression we had ... by the start of 2001 was that the arms embargo was, in general, holding up well ... almost all members of the United Nations were abiding by it, which was preventing the Iraqis from acquiring major new weapons systems ... but there was some leakage still of parts and components which allowed them [the Iraqi military] to be a bit more effective.”¹⁰

Mr Carne Ross, First Secretary responsible for the Middle East at the UK Permanent Mission to the United Nations in New York (UKMIS New York) from 1997 to 2002, told the Inquiry:

“While there were serious sanctions breaches, it was not the UK judgement that these permitted significant rearmament, which was our major concern.”¹¹

⁸ Public hearing, 24 November 2009, pages 42-43.

⁹ Public hearing, 24 November 2009, page 160.

¹⁰ Public hearing, 24 November 2009, page 19.

¹¹ Statement, 12 July 2010, page 2.

Review of the UK's strategy on Iraq, autumn 2000

11. Section 1.1 addresses the UK's review of its strategy on Iraq in May 1999.

The review concluded that, despite the difficulties in sustaining the strategy:

“Containment ... remains the only viable option for achieving our policy objectives.”¹²

12. In April 2000, the JIC judged that it was likely that Iraq was continuing to develop offensive biological and chemical warfare capabilities (see Section 4.1).¹³

13. In June 2000, as part of a “continuing series of papers addressing Iraqi issues”, the JIC assessed Iraq's response to the NFZs.¹⁴

14. The JIC stated that Iraq continued to challenge coalition patrols of the NFZs. In the preceding year, Iraq had concentrated on using anti-aircraft artillery and highly mobile surface-to-air missile systems and rockets to fire at US and UK aircraft “on most days they flew”. The capability of Iraq's air and air-defence forces was “limited” but there was a “continuing, albeit small, risk” of losing an aircraft.

15. The JIC judged that if Saddam Hussein decided to co-operate with UN Security Council resolution (UNSCR) 1284 (1999), he would, in return, seek the abolition of the NFZs.

16. On 22 September, a French civilian aircraft flew from Paris to Baghdad without the UN Sanctions Committee's approval.¹⁵ The Box below addresses the background to and implications of that flight.

17. The FCO set out the Government's position in a telegram to the British Embassy Moscow on 3 October:

“The legal position on flights is not clear but our position, based on past practice relating to SCRs 661 and 670, is that approval for all flights to Iraq must be sought from the Sanctions Committee and is granted on humanitarian grounds only ... EC [European Commission] Regulations prohibit flights from the EU [European Union] which do not have Security Council approval. Others challenge this legal interpretation and claim that the resolutions do not prohibit civilian flights. A number of countries led by France and Russia have recently allowed aircraft to fly to Baghdad without Committee approval (and in the case of France, in clear breach of the EC regulation). We are likely to begin discussion in the P5 soon on a revised Security Council position. It would strengthen our hand in the debate if we could stem the flow of non-approved flights to Iraq. Above all, we must resist a resumption of commercial flights which would be a far greater challenge to our position and to the sanctions regime than the present flurry of non-commercial flights.”¹⁶

¹² Joint Memorandum Secretary of State for Foreign and Commonwealth Affairs and the Secretary of State for Defence, 17 May 1999, ‘Iraq: Future Strategy’.

¹³ [JIC Assessment, 19 April 2000, ‘Iraq: Chemical and Biological Weapons Programmes’](#).

¹⁴ [JIC Assessment, 28 June 2000, ‘Iraq: No let up in the No-Fly Zones’](#).

¹⁵ Minute FCO [junior official] to PS [FCO], 22 September 2000, ‘Iraq: French Flight’.

¹⁶ Telegram FCO London to Moscow, 3 October 2000, ‘Iraq: Flights’.

Challenges to the ban on air travel

Throughout the 1990s, the UN Sanctions Committee and UN Member States had interpreted the provisions of resolution 670 (1990) to require the Sanctions Committee's approval for all civilian flights to Iraq.

Baghdad International Airport reopened in August 2000.¹⁷

An FCO official informed the Private Office of Mr Robin Cook, the Foreign Secretary, on 22 September 2000 that a French civilian aircraft had flown from Paris to Baghdad, without the Sanctions Committee's approval.¹⁸ Although the French Mission notified the Committee in advance, in doing so it stated that it was not seeking approval for the flight and it disregarded a request from the chairman of the Committee that the flight should be delayed so that the matter might be considered by Committee members.

The FCO official set out the background:

"The French and Russians have been pressing for some time for a relaxation on civilian flights to Baghdad, claiming it is time to end the cultural and intellectual isolation of the Iraqi people. They challenge our interpretation of the UNSCRs and claim there are no restrictions on flights which do not carry cargo, although they accept that SCR 661 prohibits the financial arrangements necessary for commercial flights to Iraq."

The media subsequently reported that Russia intended to resume scheduled flights to Baghdad.

The briefing for Mr Cook's meeting with the French Foreign Minister, at Cahors on 9 February 2001, stated that:

"Since Baghdad International Airport reopened in August 2000, there have been over 150 humanitarian flights into Iraq. Although the Iraq regime has tried to portray these as sanctions-breaking, all but a handful (including one French flight) have received advance approval from the UN Sanctions Committee."¹⁹

In his statement to the Inquiry, Mr Straw stated that as a result of the lack of action by the UN to censure the flight, Saddam Hussein demanded that other key international partners begin flights into Baghdad, leading to the "total collapse" of the travel ban.²⁰

18. With the containment policy under pressure, and in preparation for discussions with a new US Administration, the UK reviewed its policy on Iraq.

19. Mr Tom McKane, Deputy Head of the Overseas and Defence Secretariat (OD Sec) in the Cabinet Office from September 1999 to September 2002, described in his statement to the Inquiry how:

¹⁷ Minute FCO [junior official] to PS [FCO], 8 February 2001, 'Iraq: UK/French Summit: Briefing for Secretary of State'.

¹⁸ Minute FCO [junior official] to PS [FCO], 22 September 2000, 'Iraq: French Flight'.

¹⁹ Minute FCO [junior official] to PS [FCO], 8 February 2001, 'Iraq: UK/French Summit: Briefing for Secretary of State'.

²⁰ Statement, 4 May 2011, page 3.

“In Autumn 2000, ahead of the US Presidential election, the Government initiated a stock-take of Iraq policy in order to be ready to engage with a new US Administration, which was expected to undertake its own review, irrespective of who won the election.”²¹

20. Sir Peter Ricketts, Chairman of the JIC until September 2001 and subsequently FCO Political Director until July 2003, told the Inquiry that the Government’s view at this time was that “containment policy was failing and the rate of failure was accelerating”.²² Sir Peter set out the background to the review:

“We were very aware ... that international support for this structure of sanctions and deterrence was eroding, both in the region and in the Security Council.

“The net effect of that was that Saddam Hussein in Iraq was feeling pretty comfortable. He had substantial illegal revenues from which he could pursue patronage inside Iraq and continue the efforts to procure materials for his weapons of mass destruction programme. He was busy restoring his standing in the Arab world by very visible support for the Palestinian intifada, which was another major issue that was happening at that time.

“There were no inspectors in the country to inspect his weapons programme and the US/UK sanctions policy was ... unpopular. He was able to put the blame for the suffering of the Iraqi people on the West. So our review of the policy ... was really designed to try to regain the initiative ...”²³

21. The Inquiry heard different perspectives on the degree to which the policy of containment was sustainable.

22. Sir John Sawers, Mr Blair’s Private Secretary for Foreign Affairs from January 1999 to September 2001, told the Inquiry:

“... we [the UK Government] didn’t feel that our policy was failing; we felt that the policy of containment we had in place was having a significant effect. That there was still Iraqi activity, especially on chemical and biological elements, that was hard to explain. We couldn’t get our UN inspectors in place ... But the main concern was the costs of our policy in the wider Arab world and international opinion and the vulnerability we faced in terms of the monitoring of the No-Fly Zones.”²⁴

23. Mr Jonathan Powell, Mr Blair’s Chief of Staff from 1997 to 2007, told the Inquiry that “Containment was dying in 2001”, and that:

“The reason, in 2001, that people were looking at smart sanctions was because sanctions weren’t working. They were hurting the wrong people. People were really

²¹ Statement, 8 December 2010, page 2.

²² Public hearing, 24 November 2009, page 13.

²³ Public hearing, 24 November 2009, pages 14-15.

²⁴ Public hearing, 10 December 2009, page 22.

suffering in Iraq as a result. Saddam was cheating and getting what he needed out of it [the sanctions regime]. Support for sanctions was disappearing. There was no way we could continue containment on the same basis as we had before.”²⁵

24. On 29 September, Mr McKane commissioned the FCO to produce a paper which would:

- review progress in implementing the strategy on Iraq agreed by the Defence and Overseas Policy Committee of the Cabinet (DOP) in May 1999;
- weigh up the prospects for sustaining that strategy;
- assess the likely attitudes of the possible new US Administrations; and
- consider the issues that the UK would have to address with the US.²⁶

JIC Assessment, 11 October 2000: ‘Iraq after Saddam’

On 11 October, at No.10’s request, and in the context of (unsubstantiated) reports that Saddam Hussein was seriously ill, the JIC assessed the prospects for Iraq after Saddam’s death.²⁷

The JIC stated that any new regime was unlikely to be radically different. Strategic considerations and political, economic and commercial interests would produce strong pressure for an early and widespread end to Iraq’s isolation. Iraq’s political rehabilitation could be rapid, “overwhelming any voices of caution from London, Washington or elsewhere”.

25. Mr Alan Goulty, FCO Director Middle East and North Africa, sent a draft discussion paper, entitled ‘Iraq: Future Strategy’, to Mr McKane on 20 October.²⁸

26. The draft paper defined the UK’s objectives as “to limit Saddam’s ability to re-arm and develop WMD, and to reduce the threat Iraq poses to its neighbours”. Full implementation of resolution 1284 remained the best means to achieve that, but the resolution’s “shelf life” was limited. Without progress by summer 2001, it was likely to lose credibility. If Iraq was to be persuaded to comply with the resolution, it needed to be convinced that the resolution offered “something new” and that, if it complied, the UN would suspend and eventually lift sanctions.

27. The draft paper stated that the US had been “reluctant to contemplate lifting of sanctions as long as Saddam remains in power” and that there was a “perception that the US is less than wholly committed to implementation of SCR 1284 and the concept of suspension of sanctions, thus undermining the credibility of the approach”.

²⁵ Public hearing, 18 January 2010, page 21.

²⁶ Letter McKane to Goulty, 29 September 2000, ‘Iraq’.

²⁷ [JIC Assessment, 11 October 2000, ‘Iraq After Saddam’](#).

²⁸ [Letter Goulty to McKane, 20 October 2000, ‘Iraq’, attaching Paper \[draft\], \[undated\], ‘Iraq: Future Strategy’](#).

28. The draft paper recommended an early approach to a new US Administration. Both US Presidential candidates had limited their freedom of movement by stressing that they wanted to see sanctions tightened. The UK's "pitch" should be that implementation of resolution 1284 best served US and UK interests, and that the status quo was not sustainable:

"Support for the UK/US approach is diminishing. Our position in the Security Council is weakening over time ... UK/US policy remains deeply unpopular at street level. No matter how big the 'Oil-for-Food' programme may become, it is cumbersome and bureaucratic and will never be able to redress the deterioration of Iraq's infrastructure, the impoverishment of the middle classes and the stifling of normal economic activity. For as long as sanctions remain in place, responsibility for the humanitarian situation will be ascribed to the US and the UK."

29. The draft paper concluded:

"Containment, but a looser version, remains the best option for achieving our policy objectives towards Iraq. International support is vital if this is to be sustained. SCR 1284 delivered the balanced package envisaged in the May 1999 DOP paper. Need for some tactical adjustments to make policy sustainable in the medium term. Adjustments to the southern NFZ will be a key element. The US need to be convinced that we are better served with UNMOVIC [UN Monitoring, Verification and Inspection Commission] inside Iraq with sanctions suspended than by the status quo. Other alternatives remain unattractive at this stage."

30. The draft paper considered other strategic options, including "regime overthrow". It stated that this option "would command no useful international support" and commented:

"The US support for overthrow allows Iraq to claim with some justification that there is no point in complying with the SCRs as the US will never lift sanctions while Saddam remains in power."

31. The draft paper also set out the difficulties in sustaining the NFZs:

"Elements both here and in the US Government consider the zones largely ineffective, dangerous and presentationally damaging. Our legal basis is tenuous and we run the risk of a case against us at the ICJ [International Court of Justice]. It is also inconceivable that Iraq will accept UNMOVIC [inspections] without a deal on the NFZs.

"There are grounds unconnected with implementation of [resolution] 1284 to consider with the US withdrawing from the southern NFZ. But we could not avoid the charge that this was a retreat, unless it could be presented as being in response to a positive gesture from Iraq ... Otherwise, we would justify it on the grounds that UNMOVIC would not be able to operate safely and effectively in Iraq if the current level of confrontation was maintained; that we had other means of monitoring the

situation on the ground; and that, in the event of evidence of renewed oppression of the Shia, we would resume patrolling (although, in reality, this is most unlikely). We should maintain enforcement of the northern NFZ as a sign of our continued commitment to the Kurds ...

...

“Abandoning the SNFZ [southern NFZ] would be unpopular with the Kuwaitis who have come to regard it as vital for their defence. We would need to reassure them that we had other equally effective ways to fulfil our commitment to their defence and the containment of Iraq.”

32. Mr Simon Webb, MOD Director General Operational Policy, offered his comments on the draft paper in a letter to Mr McKane on 30 October.²⁹ He suggested that the Government needed to consider whether the conclusions agreed by DOP in 1999 “remained extant”. Mr Webb stated that he was “sceptical about Saddam’s susceptibility to inducements” and suggested that:

“A surer foundation would be to re-assess our strategic objectives for Iraq in a regional context, and then look imaginatively at the options – military but also others – for achieving them.”

33. The Cabinet Office chaired a meeting to discuss the draft paper on 31 October.³⁰ Officials concluded that the UK’s policy objectives had not changed but that a new US Administration was likely to review its position, starting from “a blank piece of paper”. In preparing to engage with the US, the UK should itself take a fresh look at possible approaches.

34. Officials commissioned a revised paper covering the wider context and the different options, including their military dimensions, setting out their advantages, disadvantages, opportunities and risks. The revised paper would inform discussions with the US.

JIC Assessment, 1 November 2000: ‘Iraq: Prospects for Co-operation’

35. On 1 November, with the US Presidential elections imminent, the JIC assessed the prospects for Iraq co-operating with resolution 1284.³¹ The JIC had judged in early 2000 that Saddam Hussein was unlikely to co-operate with resolution 1284 and allow inspectors back into Iraq until after those elections.

36. The JIC stated that the elements of resolution 1284 which were favourable to Iraq, such as abolishing the ceiling on approved oil exports and increasing the humanitarian programme, had been implemented. But Iraq continued publicly to reject the resolution and UNMOVIC. Unless UNMOVIC inspectors were allowed into Iraq, there could be no

²⁹ Letter Webb to McKane, 30 October 2000, ‘Iraq’.

³⁰ Letter McKane to Gouly, 31 October 2000, ‘Iraq: Future Strategy’.

³¹ [JIC Assessment, 1 November 2000, ‘Iraq: Prospects for Co-operation with UNSCR 1284’.](#)

progress towards lifting UN sanctions. The JIC stated that it had little direct intelligence on Saddam Hussein's thinking. It assessed that Saddam Hussein was "content to drag out any decision for as long as possible – at least until after the US election – he wants to see if the West will make a better offer".

37. The JIC stated that Saddam had "**good reason to remain intransigent in 2001**".

38. The JIC's Key Judgements included:

- Saddam Hussein felt "**little pressure to negotiate**", because the proceeds of oil smuggling and illegal trade had "increased significantly this year" and more countries were "increasing diplomatic contacts and trade".
- Saddam Hussein still wanted "UN sanctions lifted in due course, especially to reverse the decline in Iraq's military capability".
- A message from Mr Cook on 1 September to his Arab counterparts, which reminded them that if inspectors were allowed into Iraq sanctions could be suspended within six months, had been interpreted by Iraqi and other officials, and the UN Secretary General, "as a potential precursor to the **UK offering fresh ideas** which could be put to the US after the Presidential election. Even if this came to nought, Saddam would hope to see a gap open up between Washington and London."
- Saddam Hussein would "only contemplate co-operation with [resolution] 1284, and the return of inspectors to Iraq, if it could be portrayed as a victory". He would not agree to co-operate unless:
 - there was a "**UN-agreed timetable for the lifting of sanctions**. Saddam suspects that the US would not agree to sanctions lift while he remained in power";
 - he was "**able to negotiate with the UN in advance to weaken the inspection provisions**. His ambitions to rebuild Iraq's weapons of mass destruction programmes makes him hostile to intrusive inspections or any other constraints likely to be effective."
- Before accepting resolution 1284, Saddam Hussein would "try to obtain the **abolition of the No-Fly Zones**. He is also likely to demand that the US should abandon its stated aim to topple the Iraqi Government."

39. Mr Blair told Parliament on 1 November:

"We believe that the sanctions regime has effectively contained Saddam Hussein in the last 10 years. During this time he has not attacked his neighbours, nor used chemical weapons against his own people."³²

40. The US Presidential election was held on 7 November. The result was not declared until 12 December, after a recount in Florida.

³² House of Commons, *Official Report*, 1 November 2000, column 511W.

41. Mr Goulty sent a revised paper, entitled 'Iraq: Options Paper', to Mr McKane on 15 November.³³

42. The paper stated that sanctions were "fraying at the edges". Since the breach of the embargo on civilian flights on 22 September, over 40 civilian flights had landed in Baghdad "signalling to some the end of Saddam's isolation". Saddam Hussein's income from "sanctions busting" was "an all-time high" of around US\$1.5bn a year. Saddam believed that the situation was developing in his favour and was under no immediate pressure to resume co-operation with the UN.

43. The paper considered the advantages and disadvantages of seven policy options:

- regime overthrow by supporting external and internal Iraqi opposition groups;
- "Hard" containment;
- continuing with the present policy;
- "Soft" containment (a range of possibilities such as suspending sanctions and abandoning the southern NFZ);
- lifting sanctions (except those relating to arms and WMD);
- lifting sanctions plus regime overthrow by supporting external and internal Iraqi opposition groups; and
- "Military action/lift sanctions"; the US and UK would conduct a bombing campaign, "declare that this has achieved our disarmament objectives", then lift sanctions.

44. Mr Goulty advised that the paper contained no conclusions, given its primary purpose of providing background for discussions with the US.

45. The Cabinet Office chaired a meeting to discuss the revised paper.³⁴ Summarising the main points of the discussion in a letter to Mr Goulty, Mr McKane stated that, with regard to Iraqi WMD:

"Our current objective is to eliminate Saddam's existing capabilities, and constrain his ability to reconstitute them. Although this appears anomalous in the context of our approach to other proliferators in the region, Iraq merits special treatment both because of its proven willingness to use WMD, and because of the requirement that the UN has placed upon it. This is the answer to the accusation of double standards.

...

"If UNMOVIC ever gets back into Iraq, that will not be the end of the story. If UNMOVIC does its job properly, Iraq will presumably try to obstruct it and sooner or later there will be an UNSCOM-style [UN Special Commission] confrontation. Unless we want to leave Saddam's finger on the trigger, we should not regard UNMOVIC as a long-term solution."

³³ [Letter Goulty to McKane, 15 November 2000, 'Iraq' attaching Paper, \[undated\], 'Iraq: Options Paper'](#).

³⁴ [Letter McKane to Goulty, 20 November 2000, 'Iraq: Future Strategy'](#).

46. Mr McKane also reported that the term “overthrow” was being interpreted in different ways. The “more muscular variants” appeared impractical. At the other end of the spectrum could be a “more rhetorical approach”, focusing international attention on the behaviour of Saddam Hussein’s regime.

47. Mr McKane set out the actions agreed at the meeting, including:

- the MOD would look at “military alternatives to the NFZs that still meet our fundamental objectives”;
- the FCO would prepare briefing for Ministers and senior officials for initial contacts with the new US team. That should not “prescribe options, but stress that we remain shoulder to shoulder with the US in tackling the problem and are willing to discuss with an open mind how best to achieve our objectives”; and
- no further drafts of the options paper were required.

JIC Assessment, 23 November 2000: ‘Iraq: Regional Rapprochement’

48. The JIC judged that Iraq’s relations with the Arab and Islamic world continued to improve, driven by trade and political factors.

49. On 23 November, at No.10’s request, the JIC assessed developments in Iraq’s regional relations.³⁵

50. The JIC’s Key Judgements included:

- Saddam Hussein was “**exploiting the crisis in Israel** and the Occupied Territories **to improve Iraq’s relations with the Arab and Islamic world** ... many Arab leaders now see revived relations with Iraq as a justified response to **perceived bias by Washington towards Israel and double standards on UN resolution**”.
- Most Arab countries now believed that “**economic sanctions against Iraq should be lifted**. But the Gulf States in particular are afraid of Saddam’s ambitions and will want military sanctions to continue while he remains in power.”
- Commercial ties between Syria and Iraq had “gathered pace this year. Oil smuggling and illegal trade is likely to increase further.” Syria would “remain cautious about forging closer political and military ties with Saddam”.
- Jordan and Egypt believed that “Iraq’s isolation ... is at an end” and both were “**likely to increase contacts and trade with Iraq**”.
- **Kuwait** would “not revive its relations with Baghdad while Saddam remains in power”. With the exception of Kuwait, all Gulf states were “likely to face **pressure for a further warming of relations with Baghdad**, especially if the crisis in Israel continues ...”
- Relations between Iraq and Iran were “**unlikely to change dramatically**”.

³⁵ [JIC Assessment, 23 November 2000, ‘Iraq: Regional Rapprochement’](#).

51. The JIC stated that “Arab rapprochement with Iraq” was “being driven by trade and political factors over which the UK has little or no control”. The implication of that rapprochement was that there was less pressure on Iraq to comply with UN resolutions.

52. Mr Blair told officials that his preference was to link a shift on sanctions with the return of inspectors to Iraq, and asked Mr Robin Cook, the Foreign Secretary, for his advice on the approach to adopt with the US.

53. On 24 November, Mr Sawers wrote to Mr Blair advising:

“We face problems ahead on Iraq. Among the Arabs, only Kuwait sees Saddam as a real threat. Support for economic sanctions is weakening: many Arab countries see it as ‘punishment’ and think ten years is enough. And Arab perceptions of US and British support for Israel in the Palestinian crisis is accelerating the breakdown of the sanctions regime. We have been looking at the policy options, but there are no easy alternatives.”³⁶

54. Mr Sawers listed examples of “sanctions fatigue” and stated:

“Whether it is Bush or Gore, the incoming US Administration will look again at Iraq policy. Their first instinct will be to toughen, not weaken, the US approach and seek Saddam’s ouster. But short of invading Iraq, that is unlikely ... The US may also choose to view Iraq in the wider proliferation context, thus linking it with Iran, rather than as sui generis.”

55. Mr Sawers identified the issues the UK should consider:

- i. What is our view on continuing economic sanctions?
- ii. Should a shift on sanctions be linked with a return of the inspectors? ... But if UNMOVIC ever gets into Iraq, we will be back to the confrontations we faced with UNSCOM, and Saddam’s finger will remain on the trigger.
- iii. Should we continue with the No-Fly Zones? ... There is a tricky balance here.
- iv. What posture should we adopt on these issues with the incoming American Administration? ... I am inclined to raise these as questions, and include other alternatives such as stepping up our efforts to overthrow Saddam. We should go with ideas and concerns, not with a settled, revised policy. That way we can take the Americans through the pros and cons of all the options.”

56. Mr Sawers continued:

“My own view is that we ought to use the arrival of a new Administration to put Iraq policy on a more sustainable footing. We do not want Saddam to develop WMD or

³⁶ [Minute Sawers to Prime Minister, 24 November 2000, ‘Iraq’.](#)

threaten his neighbours. But nor do we want sanctions to just erode away, or allow Saddam to trigger recurring crises over the next five years. That argues for scaling back to targeted sanctions, while suspending broader economic sanctions; keeping control of oil revenues; and finding a way out of patrolling the southern NFZ.”

57. Mr Sawers also sent Mr Blair the JIC Assessment on developments in Iraq’s regional relations. Mr Sawers described it as providing “useful background” on how events were “combining to ease the pressure on Iraq and make it more difficult for us”.

58. Sir John Sawers told the Inquiry:

“It wasn’t absolutely clear whether UNMOVIC’s return to Iraq was desirable because it could have provoked another confrontation ... there wasn’t any great confidence that UNMOVIC would be any more successful than UNSCOM had been.

...

“There was no change in Iraqi attitudes, there was no readiness, really, on the Iraqi side to co-operate with the United Nations and we didn’t think that we could force Saddam through military action to accept an inspections regime.”³⁷

59. Mr Blair commented on Mr Sawers’ minute:

“My firm view is option (ii) [linking a shift on sanctions with the return of inspectors]. It puts sanctions to rest; gets inspectors back in and even if he [Saddam Hussein] plays around, at least it’s obvious. But Iraq policy is going nowhere at present and I am genuinely appalled by the human consequences.”³⁸

60. Mr McKane responded to Mr Sawers’ minute on 27 November, asking if there was “one further policy option”, of “dismissing” any thought of moving UNMOVIC into Iraq and instead working to enforce sanctions.³⁹ On the question of whether a shift on sanctions should be linked with the return of inspectors, Mr McKane commented that an inspection regime would not be a stable, long-term solution but it would help to justify publicly the suspension of sanctions.

61. Mr Sawers recorded Mr Blair’s views in a letter to Mr Cook’s Principal Private Secretary, Mr Sherard Cowper-Coles, on 27 November.⁴⁰ Copies of the letter were sent to the Private Offices of Mr Geoff Hoon, the Defence Secretary, and Sir Richard Wilson, the Cabinet Secretary, and to Mr McKane.

62. Mr Sawers described Mr Blair as feeling “uncomfortably positioned on Iraq policy at present”, and continued:

³⁷ [Public hearing, 10 December 2009, page 16.](#)

³⁸ Manuscript comment Blair on Minute Sawers to Prime Minister, 24 November 2000, ‘Iraq’.

³⁹ [Minute McKane to Sawers, 27 November 2000, ‘Iraq’.](#)

⁴⁰ [Letter Sawers to Cowper-Coles, 27 November 2000, ‘Iraq’.](#)

“The preferred option by far would be to implement SCR 1284, enabling the inspectors to return and sanctions to be suspended. But there does not seem to be much prospect of that happening any time soon. Meanwhile the human consequences of economic sanctions are pretty appalling, which is bad in itself and it gives critics an easy point of attack; and the pressures on Saddam are not that great.”

63. Mr Sawers stated that work was under way to review the policy options, in advance of discussions with the new US Administration. Mr Blair would welcome:

“... the Foreign Secretary’s views on the approach we should adopt, bearing in mind that the first instinct of a new [US] Administration will be to seek ways to unseat Saddam rather than to accommodate him”.

JIC Assessment, 1 December 2000: ‘Iraq’s Military Capabilities’

On 1 December, at the request of the Overseas and Defence Secretariat (OD Sec) and in response to the inter-departmental policy review on Iraq, the JIC assessed Iraq’s military capabilities.⁴¹

The JIC Assessment of Iraq’s ballistic missile and WMD capabilities, including whether they constituted a residual threat, is set out in Section 4.1. The JIC Assessment of the threat that Iraq posed to its neighbours is set out below.

The JIC stated that Iraq had lost nearly half its military strength as a result of the Gulf Conflict and the capability of what remains had “declined since 1991”. UN sanctions had “**successfully prevented the procurement of new weapons systems**” and had constrained equipment maintenance and repair.

The JIC’s Key Judgements included:

- A “**military offensive outside Iraq’s borders would be limited** by shortfalls in equipment and logistics”.
- “While **US/UK forces remain** deployed in the region and prepared to intervene militarily, **an attack on Kuwait is very unlikely**. But **if the southern No-Fly Zone and no-drive zone became defunct**, warning time for an attack would shorten ... Should deterrence fail, US/UK forces currently in the region might be insufficient to defeat an Iraqi attack.”
- “**If US and UK forces were withdrawn from the Gulf, and Saddam perceived that the west was no longer prepared to intervene militarily, he could try to re-take Kuwait**. In such circumstances he would succeed, **even with his current force levels**.”
- “**To rebuild its Armed Forces, Iraq would need military sanctions lifted**. This is unlikely while Saddam remains in power. But if it happened, it would take several years at least before Iraq’s capabilities increased to a level which would alter significantly the military balance in the region.”

⁴¹ [JIC Assessment, 1 December 2000, ‘Iraq’s Military Capabilities’.](#)

The JIC stated that, while there would be competing demands for resources if sanctions were lifted, “Saddam and any likely successor are likely to give **high priority**” to “**restoring military capability**”. The JIC continued:

“It would take comparatively less investment to revive some of Iraq’s WMD programmes. Although Saddam is unlikely to use such weapons, their development as a means of coercive diplomacy would give him an additional political tool to use in his attempts to re-establish his regional and international standing.”

64. Sir Christopher Meyer, British Ambassador to the US from 1997 to 2003, told the Inquiry that, on 6 December 2000, he met Dr Condoleezza Rice and, separately, Mr Karl Rove to discuss the priorities of the new US Administration.⁴² Dr Rice would become President Bush’s National Security Advisor and Mr Rove would become one of President Bush’s Senior Advisors.

65. Sir Christopher told the Inquiry that nuclear missile defence was at the top of the US list of priorities, with Iraq and the wider Middle East some way down. Sir Christopher described the US position on Iraq as:

“We need to look at this. Things aren’t going well. The policy of sanctions is in tatters, the smuggling, Saddam is getting away with blue murder. We need to do something ...”

66. Mr Cook agreed with Mr Blair that full implementation of resolution 1284 remained the UK’s best option and suggested that the UK should support efforts to clarify the ambiguities in the resolution concerning the process for lifting sanctions.

67. Mr Cook’s Private Secretary wrote to Mr Sawers on 15 December, setting out Mr Cook’s views.⁴³ Mr Cook agreed that full implementation of resolution 1284 remained “the best means of pursuing the UK’s policy objectives”. It would restore in-country control over Iraq’s WMD programmes, “get us off the hook of responsibility for the humanitarian situation”, and provide Iraq and the UK with an exit route from sanctions.

68. The “shelf life” of the resolution, however, was limited.

69. If Iraq was to be persuaded to comply with resolution 1284, it was “now clear that this will require the elaboration of a package of measures which is sufficiently attractive to lure the Iraqis in”. France had recently proposed that the P5 should begin to clarify the “ambiguities” in resolution 1284, in particular those concerning the process for lifting sanctions. The timing was not ideal (between US Administrations), but a package that had the support of the P5 would be hard for Iraq to ignore. Reaching agreement

⁴² Public hearing, 26 November 2009, pages 4-5.

⁴³ [Letter Barrow to Sawers, 15 December 2000, ‘Iraq’](#).

within the P5 on a package of measures would “require some painful adjustments for ourselves and, even more so, for the Americans”.

70. The new US Administration was expected to carry out a full policy review.

Mr Cook advised:

“We need to get in early and be prepared to press them hard. Their first instincts will be to look at tougher measures e.g. tighter sanctions, military action, greater emphasis on regime overthrow. None of these will have any credible support. Our pitch should be to persuade the US of the unattractiveness of these options and then convince them that SCR 1284 best serves our interests.”

71. On Mr Blair’s concerns over the humanitarian situation, Mr Cook advised:

“With the ‘Oil-for-Food’ programme likely to be worth US\$16bn this year, the situation on the ground is starting to improve. This has taken some of the sting out of the anti-sanctions campaign. But no matter how big the ‘Oil-for-Food’ programme may become, it is cumbersome and bureaucratic and relies on Iraqi co-operation. It will never be able to redress the deterioration of Iraq’s infrastructure, the impoverishment of the middle classes, and the stifling of normal economic activity.”

72. Mr Cook concluded:

“Containment through implementation of SCR 1284 remains the best option for now. To make this achievable we will need to convince the US that this best serves our objectives and that we should work to agree an implementation package which will unite the P5. The status quo is unsustainable and other options are unattractive.”

73. Mr Ross told the Inquiry that the “ambiguities” referred to by Mr Cook related to the final operative paragraphs of resolution 1284, which were “very complicated and ... set out a really tortuous route of how the inspectors go back in”.⁴⁴

74. Mr Ross commented that, although the UK was “quite happy with that rather tortured route”, it wanted P5 unity and “if the Russians and French said they wanted ... clarification, then we were prepared to have that discussion”.

Initial discussions with the new US Administration

75. According to published US accounts, Iraq was not seen as one of the highest priorities for the incoming Bush Administration.⁴⁵

76. As Section 1.1 describes, a number of senior US politicians had been calling for tougher action on Iraq since 1998. Some of those politicians became senior members of President Bush’s team.

⁴⁴ Public hearing, 12 July 2010, pages 35-36.

⁴⁵ Woodward B. *Plan of Attack*. Simon & Schuster UK, 2004; Haass RN. *War of Necessity, War of Choice: A Memoir of two Iraqi Wars*. Simon & Schuster, 2009.

77. Sir William Patey, Head of the FCO's Middle East Department from 1999 to March 2002, told the Inquiry that he was aware of "drumbeats" from voices in Washington who were talking about the possibility of regime change and arming Iraqi opposition groups, but that the UK's policy was "to stay away from that end of the spectrum".⁴⁶

78. Mr Webb told the Inquiry that "regime overthrow was ... mentioned [by US interlocutors] but it was quite clear that there was no proposition being put in our direction ... about regime change".⁴⁷

79. Sir Jeremy Greenstock, the UK Permanent Representative to the UN in New York from 1998 to July 2003, wrote in his statement to the Inquiry:

"For all the rumbling in the background, Iraq did not appear to be at the top end of the new Administration's list of priorities in those early Bush months."⁴⁸

80. Mr Jonathan Powell and Mr Sawers visited Washington on 14 January, where they met several members of President Bush's team, including Dr Rice.⁴⁹

81. Sir John Sawers told the Inquiry that Dr Rice had been "critical of the Clinton Administration's policy of talking tough but actually acting rather weakly and she included Iraq in that criticism".⁵⁰ His impression was of a US Administration which would "take a hard edged approach but would nonetheless want to work with the United Kingdom", and whose main concerns would be domestic:

"The issues about tax cuts and prescription drugs and social security reform were very much uppermost in the minds at the top of the [US] Administration rather than any specific foreign policy issue, apart from missile defence."

82. President Bush was inaugurated on 20 January.

83. In late January, the FCO's Middle East Department produced a paper which reassessed the UK's "fundamental interests" in relation to Iraq and recommended a new approach to promoting them.⁵¹ The UK's interests included:

- regional stability, including through the non-proliferation of WMD;
- preserving the credibility and authority of the Security Council;
- maintaining the coherence of UK policy, including on human rights, adherence to resolutions and non-proliferation;
- improving the humanitarian and human rights situation in Iraq;
- avoiding a US/UK split; and
- reducing the UK's isolation in the EU.

⁴⁶ Public hearing, 24 November 2009, pages 26-27.

⁴⁷ Public hearing, 24 November 2009, page 28.

⁴⁸ Statement, 27 November 2009, page 4.

⁴⁹ Meyer C. *DC Confidential: The Controversial Memoirs of Britain's Ambassador to the US at the Time of 9/11 and the Run-up to the Iraq War*. Phoenix, 2006.

⁵⁰ Public hearing, 10 December 2009, pages 5-6.

⁵¹ Paper FCO, January 2001, 'Iraq: A Fresh Look at UK Interests'.

84. The paper identified the UK's aims for Iraq and the Gulf Region and concluded that a number of them were "unachievable" while Saddam Hussein's regime remained in power.

85. The paper recommended that "Plan A" should be to persuade the US that full implementation of resolution 1284 best served US/UK interests.

86. If Iraq rejected that, the medium-term "Plan B" should be to restrict sanctions to arms, persuade Iraq's neighbours to enforce them more rigorously, end the Oil-for-Food (OFF) programme in "Baghdad-controlled Iraq", increase support to the Iraqi opposition, impose a travel ban and assets freeze on Saddam Hussein and his regime, and pursue the indictment of Saddam Hussein for war crimes. That would be presented as targeting policy more directly at his regime.

87. Sir Jeremy Greenstock called on Mr Cook on 29 January.⁵² On Iraq, Mr Cook stated that:

"... we were at stalemate, and the situation was deteriorating ... We had to find a means of sustaining our policy on WMD, but in a way that had a degree of international support and would be adhered to in the region ... A more focused form of sanctions was needed."

88. Mr Cook said that he would discuss Iraq with Mr Colin Powell, the new US Secretary of State, during his forthcoming visit to Washington.

89. Sir Jeremy responded that the UK should try to get the US to focus on stopping oil smuggling from Iraq. Mr Cook agreed.

90. Mr Cook visited Washington from 5 to 7 February.

91. In a briefing telegram for the visit, officials at the British Embassy Washington advised that the new US Administration believed the current position on Iraq was "unsustainable".⁵³ It wanted a "new approach to more effective containment which can be sold in the region as enlightened and at home as tougher".

92. The Embassy also advised that Iraq had been "at the top of [Secretary] Powell's pile"; the State Department, Department of Defense and the White House had been working intensively to put up advice on policy options.⁵⁴ Mr Donald Rumsfeld, the US Defense Secretary, and his Deputy, Mr Paul Wolfowitz, would incline towards more vigorous action to topple Saddam Hussein.

⁵² Letter FCO [junior official] to Pattison, 29 January 2001, 'UN Issues: Sir Jeremy Greenstock's Call on the Secretary of State: 29 January'.

⁵³ Telegram 115 Washington to FCO London, 2 February 2001, 'Your Visit to Washington: Key Issues'.

⁵⁴ Telegram 117 Washington to FCO London, 1 February 2001, 'Your Visit to Washington: Iraq'.

93. The Embassy highlighted the scale of US scepticism about the effectiveness of weapons inspectors and the concept of “narrower and deeper” sanctions.⁵⁵ Any agreement on easing sanctions would need to retain essential controls. The UK should persuade the US to agree to elaborate those controls “now, in a package that will bring the P5 back on board, and thus increase pressure on Saddam”. Simultaneously cracking down on smuggling would “tighten sanctions and squeeze the regime”. That would “require a lot of political will and creative solutions”, but would show that the UK was serious.

94. The FCO’s briefing for Mr Cook stated that the objectives of the visit were:

- “to reach broad UK/US agreement on a new joint approach and agree to early talks at official level before an inter-agency approach has been agreed in Washington”; and
- “to underline the importance of reaching P5 agreement on Iraq and broadening regional support for UK/US policy.”⁵⁶

95. The FCO advised:

“International support for our approach is fading fast. Divisions in the P5 and the collapse of the MEPP [Middle East Peace Process] have made key regional allies more uncomfortable with our current policy. We are increasingly isolated in the EU. We are held responsible for the suffering in Iraq, while memories of Saddam’s brutality fade ...

...

“Until Saddam goes we need to work for sustainable containment, focusing on WMD, through implementation of SCR 1284. This means a mixture of stick and carrot ...”

96. On 5 February, Mr Peter Westmacott, FCO Deputy Under Secretary (Wider World), sent Mr Cook a paper on the UK’s policy objectives and the emerging US position.⁵⁷ Mr Westmacott proposed that the UK’s aim should be to reach agreement on a “new, integrated approach” which offered “additional lures to Iraq to comply with [resolution] 1284”, but also increased “the cost to the regime of not doing so”, while “getting the Security Council back on the moral high ground”.

⁵⁵ Telegram 121 Washington to FCO London, 3 February 2001, ‘Your Visit to Washington: Iraq’; Telegram 117 Washington to FCO London, 1 February 2001, ‘Your Visit to Washington: Iraq’.

⁵⁶ [Minute FCO \[junior official\] to PS \[FCO\], 2 February 2001, ‘Iraq: Secretary of State’s Visit to Washington: 5-7 February 2001’ attaching Brief FCO, \[undated\], ‘Iraq: Secretary of State’s Visit to Washington: 5-7 February 2001’.](#)

⁵⁷ [Minute Westmacott to Private Secretary \[FCO\], 5 February 2001, ‘Visit to Washington: Iraq’, attaching Paper, 5 February 2001, ‘Iraq: Talking to the Americans’.](#)

97. Devising such a package should allow P5 unity to be restored, but was likely to mean persuading the US “that some of their ideas for punishing/over-throwing Saddam will have to be kept in reserve for now”.

98. Mr Westmacott offered a number of detailed suggestions for this package, including:

- a new, concerted effort to address oil smuggling;
- elaboration of how controls over oil revenues and imports could be relaxed after the suspension of sanctions;
- narrower and deeper sanctions, for as long as Iraq did not comply with resolution 1284; and
- incorporation of the NFZs into the package “on the basis of regional security needs ... as well as humanitarian protection”. That would be useful “given the problems at the London end over the maintenance of NFZ aerial patrols”.

99. Mr Westmacott stated that such a package would require a new resolution, and commented:

“But the best chance of getting agreement to a new resolution would lie in retaining [resolution] 1284 as the basis of the revised approach. The package itself nonetheless needs to be crafted in the expectation that Saddam will not comply. So it needs to be forthcoming enough to command P5 support but firm enough to remain relevant in the likely event that the carrots it contains fail to deliver Iraqi compliance.”

100. Mr Peter Gooderham, Counsellor in the British Embassy Washington, wrote to Mr Westmacott on 5 February to report on Mr Cook’s “briefing supper” in Washington.⁵⁸ Mr Cook had told officials that:

“... [resolution] 1284 was no longer sustainable. It made sense, not least in UNSC-handling terms, to keep it on the table ... we should accept that Saddam had no intention of complying with it. We should give up, therefore, the effort to get inspectors back into Iraq, and embark instead on a set of policies which did not depend on Iraqi co-operation for their sustainability.”

101. Mr Cook had outlined a new package, comprising:

- targeting sanctions at military and dual-use items: that would mean the US taking a less restrictive approach on contract “holds”;
- keeping financial controls in place, but seeking ways of facilitating the reconstruction of Iraqi infrastructure, in particular the oil industry;
- clamping down on smuggling;

⁵⁸ [Letter Gooderham to Westmacott, 5 February 2001, ‘Iraq: Policy Review: Foreign Secretary’s Visit’.](#)

- spelling out red lines in relation to Iraqi moves against Kuwait or the Kurds;
- setting out a “Contract for the Iraqi People (cf the FRY/Milosevic), offering a vision for Iraq post-Saddam”. The activities of the Iraqi opposition should be rolled into that;
- selling the OFF programme more convincingly as a humanitarian programme; and
- dispensing with the southern NFZ patrols.

102. Mr Cook also wanted to confront Secretary Powell on the scale of Iraq’s illegal oil trade.

103. In a manuscript comment on Mr Gooderham’s letter, Sir John Kerr, FCO Permanent Under Secretary, suggested to Mr Westmacott that the policy outlined by Mr Cook was unlikely to “survive in the cold light of a Washington morning”.⁵⁹ It seemed a recipe for infuriating allies in the Gulf (due to the proposal to dispense with the southern NFZ patrols) and would mean abandoning hope of P5 unity (because the ‘Contract with the Iraqi People’ suggested that the target was no longer the suspension of sanctions if Iraq stopped developing WMD, but Saddam Hussein himself). Sir John continued: “I much preferred the policy in your [Mr Westmacott’s] note. I wonder if he [Mr Cook] read it?”

104. Sir William Patey told the Inquiry that the ‘Contract with the Iraqi People’ had been developed in response to the US “drumbeats” for regime change in Iraq, and was:

“... our way in the Foreign Office of trying to signal that we didn’t think Saddam was a good thing and it would be great if he went, but we didn’t have an explicit policy for trying get rid of him.”⁶⁰

105. Mr Cook and Secretary Powell met on 6 February.⁶¹ The British Embassy Washington reported that they had discussed the need to regain the initiative on Iraq through a radical new approach to secure common objectives and to get the public emphasis back on Iraq’s WMD, including by moving from a sanctions debate to an arms control debate and narrowing the definition of dual-use items.

106. Mr Cook suggested working on a ‘Contract with the Iraqi People’ and that: “In return, we must bring smuggling under control, in particular by bringing the Turkish trade within Oil-for-Food.” Mr Cook pointed out that the US would have to “reduce drastically” the number of holds it had placed on Iraqi contracts.

⁵⁹ [Manuscript comment Kerr on Letter Gooderham to Westmacott, 5 February 2001, ‘Iraq: Policy Review: Foreign Secretary’s Visit’.](#)

⁶⁰ Public hearing, 24 November 2009, page 27.

⁶¹ Telegram 126 Washington to FCO London, 7 February 2001, ‘Foreign Secretary’s Meeting with Colin Powell: Iraq’.

107. Mr Cook stated that re-establishing inspections “should not be a test of the success of our policy, as this would require Saddam’s agreement”.

108. Mr Cook and Secretary Powell also discussed NFZs and agreed that US and UK “officials should meet very soon”. Secretary Powell planned to visit the region at the end of February.

109. In a subsequent meeting with US Vice President Dick Cheney, Mr Cook said that he had agreed with Secretary Powell that the focus should be put back on Saddam Hussein’s responsibility for the suffering of the Iraqi people, and his interest in acquiring WMD.⁶²

110. Reporting on his visit to Washington to Cabinet on 8 February, Mr Cook stated that the new foreign policy team in the US was “prepared to explore new ideas on Iraq, where they understood the need to regain the moral high ground”.⁶³

111. In the subsequent discussion, it was pointed out that it was a good time to review policy on Iraq because the UK Government was “losing the propaganda battle”.

112. In advance of Mr Blair’s meeting with Mr Jacques Chirac, the French President, at the UK/French Summit on 9 February, the FCO advised Mr Sawers that:

“The French have long argued that the key to enticing Iraq into co-operation and moving forward on sanctions is through ‘clarification’ of SCR 1284. An important element of this would be elaboration of the post-suspension modalities. The French are keen to revive bilateral talks on this topic which started promisingly 18 months ago but which tailed off as the US election approached and Iraq was put on the back burner.”⁶⁴

113. The FCO advised that Mr Blair should take a fairly non-committal line at the Summit.

114. The Inquiry has not seen a record of Mr Blair’s discussions with President Chirac at the Summit.

115. The FCO’s briefing for Mr Cook’s meeting with Mr Hubert Vedrine, the French Foreign Minister, at the Summit stated that Mr Vedrine was openly hostile to sanctions, which he had described as “cruel and ineffective”, and that he regarded the NFZs as “useless”.⁶⁵

116. In their meeting, Mr Cook encouraged Mr Vedrine to work with the US and the UK on Iraq.⁶⁶

⁶² Telegram 135 Washington to FCO London, 7 February 2001, ‘Meeting with Vice President Cheney, 6 February’.

⁶³ Cabinet Conclusions, 8 February 2001.

⁶⁴ Letter Sedwill to Sawers, 8 February 2001, ‘UK/French Summit, Cahors: Iraq’.

⁶⁵ Minute FCO [junior official] to PS [FCO], 8 February 2001, ‘Iraq: UK/French Summit: Briefing for Secretary of State’ attaching Briefing, [undated], ‘Iraq: UK/French Summit: Briefing for Secretary of State: 9 February’.

⁶⁶ Telegram 036 FCO London to Paris, 9 February 2001, ‘Foreign Secretary’s Tete-a-Tete with French Foreign Minister, 9 February’.

117. Mr Cook subsequently told Secretary Powell that he had suggested to Mr Vedrine that: “The aim should be to establish a common front between the Iraqi people and the West against Saddam.”⁶⁷

Review of the No-Fly Zones (NFZs)

118. Section 1.1 addresses the legal basis advanced by the UK for the creation and continued operation of the NFZs in northern and southern Iraq, and for the response to Iraqi attacks on aircraft enforcing the NFZs.

119. Operations in the NFZs and the targets which UK aircraft were permitted to attack were regularly reviewed and approved by Ministers.

Response Options (ROs)

The coalition established NFZs in the north and south of Iraq in 1991 and 1992 respectively (see Section 1.1).

With the agreement of Ministers, operational commanders were allowed discretion to respond in self-defence within the parameters of a number of graduated “Response Options” (ROs) defined as:

- RO1 – immediate self-defence. An aircraft in the air responding immediately to an Iraqi threat to it, or to another coalition asset, although not necessarily against the specific system directly causing the threat.
- RO2 – a coalition response against a pre-planned target to a threat during the course of a subsequent patrol on the same day.
- RO3 – a coalition response against a pre-planned target on the next patrolling day.⁶⁸

ROs 1 to 3 were dependent on there being a “triggering threat” in the form of a weapon fired or a radar illumination.

- RO5 – pre-emptive self-defence on the basis of demonstrated Iraqi hostile intent, such as a pre-emptive operation against mobile surface-to-air missile (SAM) assets. RO5 was introduced to counter Iraqi tactics of threatening coalition aircraft and then moving assets before coalition aircraft could respond.

Any proposal to carry out an attack that did not fall within the parameters defined within ROs 1 to 3 and RO5 was classified RO4 and required Ministerial approval.

The agreed rules placed a limit on the number of targets that could be attacked in any single response (six); and on the number of attacks that could be carried out within any seven-day period (four).

From November 2000, the UK Commander was not authorised to commit to an RO attack where civilian casualties were expected.⁶⁹ By March 2001, UK forces no longer relied on delegated authority in cases where the risk of collateral damage to civilian buildings was considered higher than “low”.⁷⁰

⁶⁷ Telegram 69 FCO London to Washington, 12 February 2001, ‘Foreign Secretary’s Telephone Conversation with Secretary Powell, 11 February’.

⁶⁸ Email SEC(O)1-S to PS/Hd of MoDLA-S, 9 July 2001, ‘ROs’.

⁶⁹ Letter Hemming to Brummell, 19 December 2001, ‘Iraq NFZs: Response Option Triggers’.

⁷⁰ Letter Hemming to Berman, 6 March 2001, ‘Iraq – RO5 Target’.

120. Sir Christopher Meyer told the Inquiry that, throughout 2000, concern grew about how long the NFZs could legally be sustained and about how to respond if an aircraft was shot down.⁷¹ Those concerns were greater in the UK than in the US.

JIC Assessment, 13 December 2000: 'Impact of the NFZs on Iraqi Persecution'

121. On 13 December 2000, at the request of Lord Williams of Mostyn, Attorney General from 1999 to June 2001, and the FCO, the JIC assessed the persecution of ethnic and religious communities in Iraq and how it was constrained by the NFZs.⁷²

122. The JIC's Key Judgements were:

- Saddam Hussein's regime saw Iraq's Kurds and Shia as a threat and discriminated against them politically and in the allocation of resources. Human rights abuses had extended to the use of military force. "Since 1991, **international monitoring and coalition enforcement of the NFZs had constrained but not prevented this persecution**".
- In the north, Saddam Hussein wanted to regain full control of the Kurdish Autonomous Zone. Iraq's military forces were positioned to re-take the territory.
- Abolition of the northern NFZ would weaken the US "red line" and have a major impact on Kurdish confidence. "**Any resistance** [to a military assault by Saddam Hussein] **would be put down brutally and scores settled, inducing a refugee crisis comparable to 1996**". If the Kurds united to resist Saddam Hussein, a full-scale attack to re-take the north would lead to a "**major humanitarian crisis comparable to 1991**".
- In the south, Saddam used his security forces "to destroy villages, assassinate Shia clerics and execute suspects and their families".
- If the southern NFZ were withdrawn, Iraqi air power would be used "to enhance operations now conducted by ground forces". Such attacks would give Saddam Hussein more military options and "**add to Shia misery**". But Saddam did not need to kill or injure more Shia to achieve his current objectives.
- "Wide international support at the creation of the NFZs in 1991-92 has faded, especially since 1998. The NFZs are increasingly seen as an obstacle to progress on Iraq at the UN. Iraqi propaganda is effective in falsifying and exaggerating civilian casualties and collateral damage."

123. The JIC Assessment did not satisfactorily address all Lord Williams' questions.

124. On 21 December, Lord Williams' Private Office wrote to Mr Patey asking for further information and clarification on a number of points relating to the situation in the areas

⁷¹ Public hearing, 26 November 2009, pages 19-20.

⁷² [JIC Assessment, 13 December 2000, 'Impact of the NFZs on Iraqi Persecution'](#).

covered by the two NFZs.⁷³ This was to be in the form of a joint FCO/MOD response “agreed, as appropriate, with the Assessments Staff”.

125. On 12 January 2001, in response to the November 2000 commission to look at military alternatives to the NFZ (described earlier in this Section), Mr Webb wrote to Mr McKane advising that:

- The elimination of Saddam Hussein’s WMD capabilities could not be achieved without inspections. Air power alone would not be sufficient.
- There might be scope for adjusting the northern NFZ, to limit patrolling to the Kurdish Autonomous Zone only or to rely on patrolling within Turkish air space.
- The picture was “rather different” in the South. The southern NFZ remained justified on humanitarian grounds. More importantly, it was essential to the UK’s objective of preventing Saddam Hussein from endangering regional stability by threatening his southern neighbours.⁷⁴

126. On 17 January, Mr McKane chaired a meeting to discuss Iraq.⁷⁵ Officials agreed that the MOD should look at “possible options” for the southern NFZ with the US, including reduced coalition patrols and responses and reliance on some form of “active deterrence”. Officials also noted that Lord Williams was reviewing the legal justification for the NFZs.

127. Officials agreed that it would be necessary to draw together for Ministers the various threads relating to Iraq, after progress had been made in discussions with the US. A further meeting was envisaged in “a month or so, subject to developments”.

128. On 29 January, Mr Patey responded to the Attorney General’s request of 21 December 2000 for further information relating to the NFZs.⁷⁶ Mr Patey advised that the letter had been agreed with the MOD and the Cabinet Office.

129. Mr Patey advised:

“Both the UK and US have made it clear to Iraq and publicly that we will take military action if Iraq moves to reconstitute its WMD capability or threaten its neighbours. The US has in addition stated that they would take action if Iraq moved to attack the Kurds. While we have not made the same explicit commitment, any Iraqi attack on the Kurdish area ... would be very difficult for the British Government to ignore. Our interests ... are likely to argue strongly in favour of a response. This would however depend to a large extent on the circumstances ...”

⁷³ Letter Berman to Patey, 21 December 2000, ‘Iraq: No Fly Zones’.

⁷⁴ [Letter Webb to McKane, 11 January 2001, ‘Iraq: Future Military Options’ attaching Paper MOD, 11 January 2001, ‘Containing Iraq: Future Military Options’.](#)

⁷⁵ [Letter McKane to Goulty, 17 January 2001, ‘Iraq’; Brummell to McKane, 22 January 2001, ‘Iraq’.](#)

⁷⁶ Letter Patey to Berman, 29 January 2001, ‘Iraq: No-Fly Zones’.

130. The detailed work on whether there were alternative means of achieving UK objectives in the NFZs, which had been undertaken in early 2000 and endorsed by Ministers (see Section 1.1), had concluded that regular patrols of the NFZs:

“... afforded the most effective means of performing the mission at the lowest risk. Work conducted in the context of the current review exercise has indicated that in relation to the south this remains the case.”

131. There might be scope for adjustment in the north but the “full implications” of the options for that would “require further study”. Human rights monitors might provide a means to monitor the situation on the ground. Successive resolutions had called on Iraq to allow them entry but Iraq had refused. Mr Patey advised:

“In the longer term the best guarantee against attacks on the civilian population is a change of regime and the establishment of a democratic government ... It is difficult, however, to envisage measures which directly lead to the overthrow of the current regime which would also be consistent with international or domestic law.”

132. It was “extremely difficult to verify” Iraqi claims that civilians had been killed or injured as a result of coalition action in either NFZ. The UK could not “make any sensible estimate of the number of people ... who have been killed or injured as a result of coalition action in self-defence since January 1999. What we do know is that the vast majority of Iraqi claims are spurious, and that the actual number of civilians who have been affected by coalition action is likely to be very much smaller than Baghdad would have the world believe.”

133. There was nothing to alter the JIC Assessment of 13 December 2000. Officials were looking separately at whether there might be a justification for the existence of the southern NFZ in terms of the defence of Kuwait.

134. US proposals for a response to Iraqi military activity against aircraft patrolling the southern NFZ highlighted the urgency of resolving the legal basis for the NFZs.

135. On 30 January, an FCO official invited Mr Cook to agree that the RAF should participate in a US-led attack on five targets north of the 33rd parallel, outside the southern NFZ, and a further target within the southern NFZ.⁷⁷ UK aircraft were to attack the target within the NFZ and provide cover for US aircraft involved in the attacks further north. A UK tanker would be used to refuel US aircraft.

136. The official reported the MOD’s assessment: improvements to the Iraqi air-defence system (IADS), to provide secure links between early warning radars outside the southern NFZ and missile and anti-aircraft artillery batteries within the NFZ, could

⁷⁷ Minute FCO [junior official] to PS [FCO], 30 January 2001, ‘Iraq: No Fly Zones; Proposed RO 4’.

“in a worst case scenario” reduce the warning of an approaching Iraqi missile to “as little as five or six seconds”.

137. Mr Webb told the Inquiry why the proposed attack was necessary.⁷⁸ Iraqi surface-to-air missiles and anti-aircraft artillery contesting the NFZs had previously been controlled by radars close to those weapon systems:

“What they [the Iraqi military] perfected was to move the radars back north of 33 degrees north ... up around Baghdad, and then to provide information to the surface-to-air missiles and the anti-aircraft artillery by fibre-optic links ...

...

“What that meant was that there was a risk that the aircraft would find themselves patrolling, and suddenly, instead of being illuminated by a radar close to them that they could identify, something much further back would be controlling a missile which would suddenly come their way.

“This made the operation of considerably more risk ...

“That target set was very, very carefully considered for, not only the basic legality, but there were also questions about proportionality and risk to civilian casualties ...”

138. Lord Williams was briefed on the proposed attack by MOD and FCO officials on 30 January.⁷⁹

139. Later that day, Mr David Brummell, the Legal Secretary to the Law Officers, wrote to Mr Martin Hemmings, the MOD Legal Adviser, recording that Lord Williams was “satisfied that a proportionate attack on the target could ... be justified in the context of allied operations in the southern No-Fly Zone”.⁸⁰ Mr Brummell wrote that Lord Williams noted the:

“... assurance provided by FCO officials at today’s briefing meeting that without the No-Fly Zones, they would be confident that further oppression would result on a scale comparable to that which led to the grave humanitarian crisis and the establishment of the Zones in 1991 and 1992. **In the absence of that categorical assurance, the Attorney General would not have felt able to advise as ... above. If that assurance no longer holds firm, he declines to approve the target.**”

⁷⁸ Public hearing, 24 November 2009, page 141.

⁷⁹ Letter Brummell to Hemming, 30 January 2001, ‘Iraq: Target’.

⁸⁰ Letter Brummell to Hemming, 30 January 2001, ‘Iraq: Target’.

140. Mr Patey responded to Mr Brummell the following day, stating:

“Underlying this assessment there are different shades of view as to the likelihood of a grave humanitarian crisis ... We are urgently consulting Ministers on this question.”⁸¹

141. On 1 February, Mr Goulty advised the Private Offices of Mr Cook and Sir John Kerr:

“The Attorney General has said he approves the target of a proposed US/UK attack north of the southern No-Fly Zone ... but only on the basis of a specific assurance from the FCO, which we cannot honestly give. The JIC assessment of 13 December 2000 reflects our views, but the Attorney General regards this as insufficient. Our failure to join in this attack would risk a major disagreement with the US on the eve of the Foreign Secretary’s visit to Washington, and increase the threat to our pilots in the SNFZ.

“The Attorney General’s position on the target reflects his long-standing concerns about the continued legality of the SNFZ, and his wish to revisit this question as soon as possible.”⁸²

142. Emphasising the urgency of the issue, Mr Goulty recommended:

“... that the Foreign Secretary speak to the Defence Secretary with the aim of a joint approach to the Attorney General to persuade him to approve this target on political and military grounds, without prejudice to his urgent re-examination of the legal basis of the SNFZ. Legal Advisers concur.”

143. Mr Goulty also advised that the Cabinet Office had been asked “to convene urgently the official committee on Iraq to review what assessment might properly be given to the Attorney General”.

144. Sir John Kerr wrote to Mr Cook’s Private Office, endorsing Mr Goulty’s proposal and commenting:

“I think the Dep[artmen]t, and the Legal Advisers, are right, on the wider issue of the legality of the SNFZ, that we cannot allow the Attorney to put in our mouths a ‘categorical assurance’ ... about which we can’t honestly be categorical. But he knows what he’s doing: his motive is his concern to secure a real review of the basis of the SNFZ. So I agree with the proposal for a Hoon/Cook approach, from which he would get an undertaking that such a review would start forthwith, Hoon would in exchange get the removal of an impossible condition on the AG’s authorisation of the target, and the SofS [Secretary of State] would get the removal of the risk that, just as he has his first meeting with [Secretary] Powell, politico-military Washington believes the UK has gone soft on Iraq.”

⁸¹ Letter Patey to Brummell, 31 January 2001, [untitled].

⁸² [Minute Goulty to PS/PUS \[FCO\] and PS \[FCO\], 1 February 2001, ‘Iraq: Southern No Fly Zone’.](#)

145. Mr Brummell responded to Mr Patey's letter of 31 January on 2 February, stating that Lord Williams had "repeatedly underlined the need" to keep the lawfulness of activities in the NFZs "under review" and had "requested an update of the humanitarian situation in both the north and the south of Iraq".⁸³

146. Mr Brummell pointed out that Lord Williams had "not however received ... a clear and definitive assessment of whether, in the event UK and US operations in the southern No-Fly Zones were to cease, extreme humanitarian distress would result on a scale comparable to that which led to grave humanitarian crisis and to the establishment of the zones in 1991 and 1992".

147. Mr Brummell concluded:

"The Attorney is profoundly concerned that, in the absence of a clear and definitive assessment, he is not in a position to take a view as to the legal arguments regarding the continuing operations by UK forces in the No-Fly Zones. He stresses that in these circumstances it is absolutely imperative that he receives **at the very earliest opportunity** a clear and definitive view, endorsed at the highest level, as to the assessment of the humanitarian consequences that will ensue in the event that such operations cease."

148. Mr Sawers showed Mr Brummell's letter to Mr Blair.⁸⁴ In an accompanying note he wrote:

"Jonathan [Powell] mentioned this to you. Gareth [Lord Williams] is demanding unreasonable assurances, and if he persists will force us to stop enforcing/patrolling the southern NFZ.

"Geoff [Hoon] will see Gareth on Monday and has asked me or Jonathan to go with him. I have told him you would be furious if we end up having to stop working with the Americans, whilst we and they are reviewing policy, and just before your first meeting with Bush."

149. Mr Sawers wrote in manuscript on Mr Brummell's letter: "Utterly unreasonable letter."⁸⁵ Against Mr Brummell's reference to a humanitarian crisis comparable to the scale of 1991 and 1992, Mr Sawers wrote: "Ludicrously high standard."

150. Mr Blair replied: "Unbelievable."⁸⁶

151. Officials from the Cabinet Office, the MOD and the FCO made strenuous efforts in the days immediately following the receipt of Mr Brummell's letter to agree the terms of

⁸³ [Letter Brummell to Patey, 2 February 2001, 'Iraq'](#).

⁸⁴ Note (handwritten) Sawers to Blair, [undated], [untitled].

⁸⁵ Manuscript comment Sawers on Letter Brummell to Patey, 2 February 2001, 'Iraq'.

⁸⁶ Manuscript comment Blair on Note Sawers to Blair, [undated], [untitled].

a joint response. Officials met on 2 and 5 February and draft responses were prepared and circulated.⁸⁷

152. Mr McKane judged that the difficulty in providing the Attorney General with the “clear and definitive assessment” he had requested was sufficiently important to bring to the attention of the Cabinet Secretary.

153. On 2 February, Mr McKane advised Sir Richard Wilson’s Private Office that it was proving extremely difficult to provide the Attorney General with the “clear and definitive assessment” that he had requested of the consequences of ceasing operations in the southern NFZ.⁸⁸

154. Mr McKane stated that the consequences of having to cease operations would be “very serious and far reaching, not only for the defence of Kuwait and Saudi Arabia but also the transatlantic relationship”.

155. Mr Hoon and Mr Brian Wilson, the newly appointed FCO Minister of State for the Middle East, met Lord Williams on 5 February to discuss the issue.

156. Mr Sawers advised Mr Blair on 7 February:

“We (including Geoff Hoon, and FCO and MOD officials) were close to satisfying the Attorney’s concerns with a letter which showed that the northern and southern NFZs were linked – if we stopped in the South, we would have difficulty persuading Turkey to agree to continued patrols in the North; and that there was an unacceptably high risk of humanitarian crisis (i.e. somewhere in Iraq) if we stopped patrolling the southern NFZ. But Robin [Cook] has refused to endorse the argumentation, and if the link between the two NFZs is removed, as he wishes, we are unlikely to persuade Gareth [Lord Williams]. Our planes would then have to stop patrols [of the southern NFZ] forthwith.”⁸⁹

157. A meeting with Mr Cook and Mr Hoon had been arranged for the following day. In the meantime “enforcement action is on hold, and an already once-delayed strike has been put back a second time”.

158. The Inquiry has not seen a record of that meeting.

159. Mr McKane wrote to Mr Brummell on 8 February, in response to his letter to Mr Patey of 2 February.⁹⁰ Mr McKane advised that the response had been “endorsed by the Foreign and Defence Secretaries”, and stated that:

⁸⁷ Letter McKane to Goulty, 2 February 2001, ‘Iraq’; Letter McKane to Webb, 2 February 2001, ‘Iraq’; [Letter McKane to Cowper-Coles, 6 February 2001, ‘Iraq’](#).

⁸⁸ [Minute McKane to Abel, 2 February 2001, ‘Iraq’](#).

⁸⁹ Minute Sawers to Prime Minister, 7 February 2001, ‘Iraq’.

⁹⁰ [Letter McKane to Brummell, 8 February 2001, ‘Iraq’](#).

“Given the demonstrated unpredictability of Saddam Hussein’s regime, it is impossible to make definitive judgements capable of being ascribed [with] absolute certainty when considering what might occur in any given hypothetical situation. The recent JIC paper ... [of 13 December 2000] reflects this uncertainty. But we can, based on past experience and informed assessment of the nature of that regime, arrive at assessments to which we attach a high degree of confidence.”

160. Mr McKane repeated the JIC’s Assessment of the risks of withdrawing both the southern and northern NFZs, and added:

“In the event that UK and US operations in the southern No-Fly Zone were to cease, no one can predict with absolute certainty how Saddam Hussein would act or what the consequences would be for the Shia population. Air power would give Saddam more military options. He used air power, including helicopter gunships, against the Shia population in 1991 and 1992. If the southern No-Fly Zone were lifted, he would do so again. More effective persecution of the Shia would add to their misery, and would risk provoking another cycle of uprising and brutal repression. A grave humanitarian crisis would result ...

“In addition, any judgement on the utility of the southern No-Fly Zone in preventing a humanitarian disaster must take into account the likely impact on our ability to prevent one in the north. We believe that, if UK and US operations in the southern No-Fly Zone were to cease, it would be more difficult to sustain the necessary political support for the northern No-Fly Zone ...

“Our overall judgement remains that there is an unacceptably high risk that, in the event that we cease patrolling the southern No-Fly Zone, extreme humanitarian distress would result on a scale comparable to that which led to grave humanitarian crisis and the establishment of the Zones in 1991 and 1992.

“This assessment will be kept under review. The judgement it contains could change if alternative arrangements for preventing further humanitarian catastrophe in Iraq emerge from the review of policy ... on which we and the US Government are now embarked.”

161. Lord Williams asked to see earlier drafts of the letter before responding.⁹¹

162. **The Attorney General concluded that it was still possible on balance to argue that the maintenance of the NFZs was justified, although that argument was now more questionable.**

163. Mr Brummell replied to Mr McKane on 12 February, setting out Lord Williams’ views.⁹² Mr Brummell reiterated a number of points made in previous letters. He also wrote:

⁹¹ [Letter McKane to Cowper-Coles, 6 February 2001, ‘Iraq’.](#)

⁹² [Letter Brummell to McKane, 12 February 2001, ‘Iraq: No Fly Zones \(NFZs\)’.](#)

“... the Law Officers have previously accepted that a respectable legal argument that force is justified on grounds of overwhelming humanitarian necessity can be made if:

(a) there is convincing evidence, generally accepted by the international community as a whole, of extreme humanitarian distress on a large scale, requiring immediate and urgent relief;

(b) it is objectively clear that there is, in all the circumstances, no practicable alternative to the use of force if lives are to be saved; and

(c) the proposed use of force is both necessary and proportionate to the aim being pursued (i.e. the relief of humanitarian need) and is strictly limited in time and scope to that aim: that is to say, that it is the minimum necessary to achieve that end.”

164. Mr Brummell stated that Lord Williams had:

- noted the assessments in the letters from Mr Patey and Mr McKane;
- noted that the assessment in relation to the southern NFZ appeared “weaker than that provided in ... January 2000”;
- noted the statement in Mr McKane’s letter of 8 February, that “if UK and US operations in the No-Fly Zones were to cease, it would be more difficult to sustain the necessary political support for the northern No-Fly Zone”, but considered it “questionable whether any weight may be attached to this in considering the legal justification for the southern No-Fly Zone”;
- stressed that “every effort must be made to avoid incidental loss of civilian life, injury to civilians and damage to civilian objects”. Given the difficulties in assessing casualties, Lord Williams stressed that it was possible for him to take a view on the legal justification of the NFZs only “on the understanding that Ministers are satisfied that every effort is indeed made to avoid civilian casualties”; and
- noted the “significant diminution of international support for the Zones, and indeed in some cases overt criticism ... in contrast to the wider consensus in favour of the establishment of the Zones in 1991 and 1992”.

165. Mr Brummell continued:

“Having regard to the above points the Attorney considers that it is now more questionable whether a respectable legal argument can be maintained that force is justified on grounds of overwhelming humanitarian necessity. However, on the basis of the assurances set out in your [Mr McKane’s] letter of 8 February the Attorney accepts that it is still **possible** on balance to argue that the maintenance of the No-Fly Zones is justified as a necessary and proportionate use of force to prevent a humanitarian crisis. He stresses that the judgement as to whether such an argument can still be advanced is a very fine one.

“The Attorney reiterates that such a legal basis for the existence of the Zones cannot justify military action for other, ulterior motives such as action to punish Saddam Hussein, or to enforce other UK or US objectives such as the maintenance of the security of neighbouring states.

“The Attorney also emphasises that it is vitally important to keep constantly in view the precarious nature of the legal basis for UK and US action in the No-Fly Zones. It was not yet generally accepted that there is a right in international law to prevent or avert a humanitarian catastrophe ... there is a considerable body of legal opinion which holds that such a right was not at present clearly established in international law.”

166. Mr Brummell stated that Lord Williams “would be grateful for a further update of the situation in the north and south of Iraq, consideration of alternatives to the maintenance of the Zones, and information on any civilian casualties associated with UK and US operations in relation to the Zones”, by the end of May 2001.

167. Mr Sawers showed Mr Brummell’s letter to Mr Blair, and in a handwritten note which accompanied it he wrote:

“The Attorney has finally backed down, at least for now ... But it is going to be difficult to sustain at least the southern NFZ for much longer – it scarcely meets the criteria.”⁹³

168. UK and US attacks on targets north of the southern NFZ took place on 16 February. The effect of the attacks is considered later in this Section.

Mr Blair’s meeting with President Bush, 23 February 2001

169. On 9 February, the JIC assessed that Iraq was covertly working on long-range missile systems, but would be unable to achieve an operational capability while sanctions remained effective (see Section 4.1).⁹⁴

Cabinet Office advice

170. Following Mr Cook’s visit to the US in early February 2001, Mr Sawers wrote to Mr Emyr Jones Parry, FCO Political Director, emphasising the need to have:

“... an agreed HMG [Her Majesty’s Government] approach, approved by the Prime Minister before we go too far down the road of UK/US consultations ... we need to have a clear sense of what we want if we are to shape US thinking.”⁹⁵

171. There appeared to be three important issues “on which to clear our minds”:

- The objective of the policy. Mr Jones Parry’s recent talks in Washington had identified “Saddam and weapons of mass destruction as the main issues ...

⁹³ Note (handwritten) Sawers to Prime Minister, [undated], ‘Iraq: NFZ’.

⁹⁴ JIC Assessment, 9 February 2001, ‘Long Range Ballistic Missile Threat’.

⁹⁵ Letter Sawers to Jones Parry, 8 February 2001, ‘Iraq: UK/US Talks’.

Containing the threat against Iraq's neighbours, seen from here, should be at least as important as the WMD factor. That was the original casus belli ...”

- “What do we mean by ‘narrower and deeper’ sanctions?” Mr Jones Parry’s talks appeared to conceive of a two-phase approach, first focusing on enforcing essential sanctions only and then (after the implementation of resolution 1284), the suspension of sanctions. But what sanctions would there be left to suspend if sanctions were narrowed before resolution 1284 was implemented?
- How UNMOVIC inspections fitted into the policy.

172. Mr Sawers stated that the Cabinet Office was in the lead in ensuring that the issues he had raised, and other issues, were “worked through inter-departmentally”, and suggested that a paper should be put to Ministers before the end of the month.

173. On 12 February, Mr McKane circulated a draft ‘Note by Officials’ highlighting the key issues on Iraq that “needed to be settled in the course of the review of Iraq policy”.⁹⁶

174. The draft note stated that UK policy objectives and containment strategy remained valid. The UK’s main aims were to get the US to accept that:

- “Even if we were to conclude that it is preferable not to deploy UNMOVIC, we need to be seen to be working through the UN rather than unilaterally, and with the support of the P5 and the rest of the UNSC [UN Security Council] if possible ...
- We need to neutralise the sanctions issue and win back the moral high ground ... To achieve this, we need a much more targeted sanctions regime, which does not affect ordinary people. We should move in this direction now, and not wait for Saddam to sign up to UNSCR 1284.”

175. Mr Sawers responded to Mr McKane, commenting that the approach set out in the note was:

“... too status-quo oriented. Our shared concern is that the present policy is crumbling, but the only proposal for adjusting it is to restrict the scope of sanctions. The Americans are in the market for something much more radical ... to sustain a containment strategy, if necessary for the next eight years.”⁹⁷

176. Mr Sawers’ view was that Ministers, including Mr Blair, would want to consider a much more radical transformation of Iraqi policy. He suggested focusing on “our three key objectives”:

- i) The defence of Kuwait and Iraq’s neighbours from Iraqi aggression ...
- ii) Blocking WMD build-up ... either an inspection regime along SCR 1284 lines ... or a monitoring regime based outside Iraq ...
- iii) Humanitarian relief ...”

⁹⁶ [Letter McKane to Gouly, 12 February 2001, ‘Iraq’ attaching Note \[draft\], \[undated\], ‘Iraq \(A Note by Officials\)’.](#)

⁹⁷ [Minute Sawers to McKane, 12 February 2001, ‘Iraq’.](#)

177. Such an approach would allow the US and UK “to agree to end purely economic sanctions and to stop patrolling the southern NFZ without the requirement for a quid pro quo from Saddam Hussein”. It would give the US and UK (rather than Iraq) sustained control over the policy and address the threat of Iraqi aggression and the plight of the Iraqi people. It was likely to entail some additional costs, possible including the deployment of additional troops to the region.

178. Mr Jon Day, Chief of the Assessments Staff, responded to Mr McKane questioning whether the draft note overstated the Iraqi threat to Kuwait: “The JIC has judged that Iraq would not move against Kuwait while the West maintains substantial forces in the region.”⁹⁸

JIC Assessment, 14 February 2001: ‘Iraq: Economic Sanctions Eroding’

On 14 February, at the request of the FCO, the JIC provided an updated assessment on the erosion of economic sanctions against Iraq.⁹⁹

The JIC’s Key Judgements included:

- Saddam Hussein faced “**no economic pressure to accept UNSCR 1284**” because he was “**successfully undermining the economic sanctions regime**”.
- Through “abuse of the Oil-for-Food programme and smuggling of oil and other goods”, Saddam Hussein would “**be able to appropriate in the region of US\$1.5bn to US\$1.8bn in cash and goods in 2001, slightly up on 2000**”. There was scope for earning even more “if new surcharges, and commissions [on contracts] became the accepted norm”.
- “**Iranian interdiction efforts**” had “**significantly reduced smuggling**” in the Gulf but Saddam had “compensated by **exploiting land routes**”.
- The “apparent **success of the ... border trade agreement**” had “encouraged other **front-line states** to respond to Baghdad’s initiatives to improve economic ties”. Those states were “**in the fore-front of efforts to test the enforceability of the sanction regime**”.
- “**Most countries believe that economic sanctions on Iraq are ineffective, counterproductive and should now be lifted**. Without active enforcement, the **economic sanctions regime will continue to erode** as the front-line states increase their trade links with Iraq and as Saddam’s officials devise more ways to capture the revenue from OFF [programme] oil sales.”

The JIC assessed that, encouraged by the success of the Iraq/Turkey border agreement, there had been a “significant increase in the erosion of sanctions over the last six months”.

The JIC estimated that, in 2001, oil smuggling could generate up to US\$650m and abuse of the OFF programme through bribes, surcharges and “commissions” up to US\$600m.

⁹⁸ Minute Day to McKane, 15 February 2001, ‘Iraq’.

⁹⁹ [JIC Assessment, 14 February 2001, ‘Iraq: Economic Sanctions Eroding’](#).

The Jordan/Iraq trade protocol was worth around US\$400m. Smuggling of non-oil goods could produce up to US\$150m.

The JIC stated that, since December 2000, OFF programme exports had halved as Baghdad tried to force oil buyers to pay surcharges of up to US\$0.5 a barrel into unsupervised accounts. Most oil companies had refused to pay. The surcharge had then been halved and oil sales had increased.

The JIC stated that the Iraqi leadership believed that the new US Administration would be “unable to prevent further deterioration” of the UN embargo.

The JIC stated that there was “broad international consensus to **maintain the arms embargo** at least as long as he [Saddam Hussein] remains in power”. While there had been “some leakage” of air-defence equipment, spares for military equipment and armoured vehicles and dual-use goods, there was “no evidence that major equipment, such as complete weapon systems” had been imported. Saddam Hussein wanted “sanctions lifted because the UN arms embargo has severely limited Iraq’s capacity to re-build and re-equip its military”.

179. Mr McKane sent a final version of the note to Mr Sawers on 15 February.¹⁰⁰

180. The note stated that, since the 1991 Gulf Conflict, the UK’s policy objectives towards Iraq had been “in the short term to reduce the threat Saddam poses to the region, including by eliminating his WMD programmes; and, in the longer term, to reintegrate a territorially intact Iraq as a law abiding member of the international community”. Those objectives remained valid, although the UK “should recognise that we are unlikely to rid Iraq completely of WMD and avoid presenting this as our main aim”.

181. The note summarised the key elements of the policy of containment as:

- “• **WMD disarmament**, through inspections and monitoring. Since Operation Desert Fox and the withdrawal of UNSCOM, this has been on ice ...
- **Sanctions**, which have become increasingly controversial. There is still widespread support for the arms embargo, and for controls on dual use materials with plausible application to WMD programmes ... But there is an increasing sense that economic sanctions are unfair to the Iraqi people, ineffective as a means of pressuring the regime, and indeed counter-productive because Saddam and his cronies benefit disproportionately from the smuggling which undermines the sanctions ...
- **Controls on Iraq’s oil revenues**, through the UN escrow account and the Oil-for-Food (OFF) programme. These are important in preventing Saddam from diverting revenue to conventional or WMD re-armament ...
- **Military containment**, including through the No-Fly Zones (NFZs).”

¹⁰⁰ [Minute McKane to Sawers, 15 February 2001, ‘Iraq’, attaching Note Cabinet Office, 15 February 2001, ‘Iraq’.](#)

182. On WMD, the note stated that:

“Neither UNMOVIC nor any other arrangement (including bombing) will provide a guaranteed way of ridding Iraq completely of WMD. A robust UNMOVIC presence in-country would undoubtedly constrain Iraqi WMD activity but not prevent it ...

“... Departments do not agree whether UNMOVIC entry [in]to Iraq would be, on balance, desirable or undesirable.”

183. On the outcome of the review of the military need for the NFZs, the note stated that they had become a “target for criticism” and a “double-edged weapon”, and that:

“The humanitarian role for the NFZs remains valid but this is increasingly disputed. The southern NFZ also plays a key role in current contingency plans for the defence of Kuwait, providing tactical intelligence of Iraqi moves and a chance to counter them from the air, buying time to reinforce Kuwait itself ... Some are tempted to cease patrolling the NFZs and focus more on other means of deterring Iraq and defending its neighbours. Departments disagree on the implications of this. But the UK and US military assessment is that – **if Ministers still wanted to defend Kuwait rather than planning on ejecting an Iraqi force which had succeeded in occupying it – without the southern NFZ, the US and UK collectively would need to station up to three additional armoured brigades in Kuwait**, and augment the current land- and sea-based strike capability (i.e. aircraft and cruise missiles).”

184. On the possibility of regime change, the note stated that:

“Most US officials, to widely varying degrees, believe that their Iraq policy should include the promotion of change in the country’s Government ...

“... aggressive rhetoric on this subject tends to be counter-productive in the region, particularly when it cannot be backed up by practical success.

“But there is a case for including the promotion of change as part of our policy rather than simply assuming an indefinite stalemate. Some movement in this direction is likely to be essential to keep the US on board. We could certainly do more to hold out to the Iraqi people the prospect of a brighter future post-Saddam – a sort of contract with Iraq. This could include a better co-ordinated US/UK information campaign, and more work with the Iraqi opposition in exile (though there is some scepticism over their credibility and usefulness). We could also consider more support for INDICT’s campaign¹⁰¹ to bring Saddam and some of his cronies to justice for war crimes.”

¹⁰¹ INDICT was established in 1996 to campaign for the creation of an ad hoc International Criminal Tribunal – similar to those established for the former Yugoslavia and Rwanda – to try leading members of Saddam Hussein’s regime on charges of war crimes and crimes against humanity, including genocide and torture.

185. The note concluded:

“Whatever we do, we need to move to ‘smarter’ (but better enforced) sanctions and recapture the moral high ground. We cannot achieve complete WMD disarmament, but we should aim to contain Iraqi activity: UNMOVIC may be the best way of doing this, but there are downsides to having UNMOVIC in Iraq and, anyway, Saddam is unlikely to agree to their presence on Iraqi territory.”

186. Sir John Sawers told the Inquiry that, in relation to regime change:

“A lot of these ideas were modelled on the successful policy that we had been pursuing in relation to Serbia and President Milosevic. All these elements, a contract with the Serbian people, information flows, indictments of the leader and support for the opposition had brought down President Milosevic a few months earlier, it was successful regime change policy.”¹⁰²

187. Mr Cook’s Private Office wrote to No.10 on 20 February, advising that Mr Cook agreed with much of the Cabinet Office note of 15 February but that he was “concerned that it reflected military priorities at the expense of broader diplomatic and political issues”.¹⁰³ In his view, the Iraqi risk to Kuwait if patrolling ceased in the southern NFZ was overstated: “Saddam should be in no doubt that should he move against Kuwait, the US/UK response would be massive.” Mr Cook also questioned the suggestion in the note that the alternative to the southern NFZ would be a need to station up to three additional armoured brigades in Kuwait. He believed the UK should strongly discourage the US from more active patrolling and advised that the UK should keep its distance from the US policy of supporting Iraqi opposition groups in exile.

188. Mr Cook concluded: “Ultimately, however robust our military planning, our policy can succeed only if there is a degree of international consensus.”

189. Mr Cook also asked to speak to Mr Blair to discuss the line he would take at Camp David.

190. The Inquiry has not seen a record of a conversation between Mr Blair and Mr Cook on Iraq at this time.

No.10’s advice

191. Mr Sawers advised Mr Blair on 16 February that there was “one piece of hard policy to discuss with President Bush and Colin Powell”: Iraq.¹⁰⁴ The US had started a policy review and wanted to “get a new policy in place in the next month”. No decisions were yet needed, but Mr Sawers suggested Mr Blair would want to familiarise himself with the subject as President Bush would ask for his views.

¹⁰² Public hearing, 10 December 2009, page 11.

¹⁰³ [Letter Sedwill to Sawers, 20 February 2001, ‘Iraq: Policy Review’.](#)

¹⁰⁴ [Minute Sawers to Prime Minister, 16 February 2001, ‘Iraq: Policy Review’.](#)

192. Mr Sawers set out the main issues and posed a number of questions, including:

- “Do we really want UN inspectors to go back into Iraq while Saddam remains in power?” They might constrain Iraq’s WMD programme but their presence would allow Saddam Hussein to provoke regular crises.
- “Could we stop enforcing the southern NFZ?” Military views differed, and it was not just a military judgement.
- “How can we play up the prospects for Iraq once they get rid of Saddam?” Mr Sawers advised that: “A Contract with Iraq (like the one we offered to Serbia) is possible. But I think we have to resist those Americans who want to fund a 1980s Afghanistan-style insurgency, as that will only trigger a humanitarian catastrophe through Iraqi repression.”

193. Mr Sawers advised that, in his view, the Security Council should maintain a strong grip on Iraqi oil revenues while moving to substantially lighter sanctions, ease up on the pressure to get inspections back into Iraq, while making it “more explicit” that there would be a military response if Iraq attacked a neighbour or reconstituted its WMD.

Attacks by coalition aircraft north of the southern NFZ, 16 February 2001

194. On 16 February, US and UK aircraft attacked elements of the Iraqi air-defence system. Six targets were engaged; five were north of the boundary of the southern NFZ.

195. The attacks were controversial. Mr Tony Benn, in his capacity as President of Labour Action for Peace, wrote to Mr Blair seeking the recall of Parliament.¹⁰⁵

196. There was a strong reaction in the Arab world.

Government statements on the 16 February attacks

On 16 February 2001, US and UK aircraft attacked elements of the Iraqi air-defence system. Six targets were engaged; five were north of the boundary of the southern NFZ.

Mr Blair issued a statement on the attacks the following day.¹⁰⁶ He stated that Saddam Hussein was pursuing a policy of “total control” over the people of Iraq, and was “ready to engage in systematic repression”, in particular of the Kurds in the north of Iraq and the Shia in the south. The NFZs were part of a wider effort to contain the threat posed by Saddam Hussein. Without them, he would be able to move his troops freely and “repress his own people mercilessly, including by using helicopter gunships as he did in 1991 and 1992”. The attack by coalition aircraft had been “a limited operation” with the sole purpose of defending the aircrew patrolling the NFZs.

¹⁰⁵ Letter Benn to Blair, 16 February 2001, [untitled].

¹⁰⁶ Gov.uk, 17 February 2001, *Statement by the Prime Minister, Tony Blair, London, Saturday 17 February 2001*.

An MOD press statement on the same day stated that the attacks were conducted in self-defence in response to repeated Iraqi threats to coalition aircraft.¹⁰⁷ Iraqi air defences had been increasing the frequency of their attacks using sophisticated command and control arrangements, posing an increasing threat to coalition aircraft.

Mr Hoon told the House of Commons on 26 February:

“Since January 1999, Saddam’s air defence units have made sustained and concerted efforts to shoot down United Kingdom and United States aircraft. During that period there have been more than 1,200 attempts to target them, using surface-to-air missiles and anti-aircraft artillery. Coalition aircraft are legally authorised to respond to those attacks in self-defence. They do so entirely in accordance with international law, attacking only those military facilities that contribute, as part of the Iraqi integrated air defence system, to the threat to coalition aircraft ... Over recent weeks, the Iraqis have significantly increased their efforts, amounting to a qualitative and quantitative increase in the threat. In January, there were more surface-to-air missile attacks than in the whole of 2000. The Iraqis have used new tactics, including the use of radars and command centres located outside the southern zone to cue offensive systems within it. That threat to our Service Personnel is real and present. The operation on the evening of 16 February was therefore planned and carried out against that background. It was a proportionate response in self-defence, taken solely to reduce the risk to our aircrew carrying out routine humanitarian patrols of the southern No-Fly Zone.”¹⁰⁸

197. Mr Sawers advised Mr Blair that as a result of the attacks there was now more attention on Iraq, and that having to defend the NFZs so publicly made it more difficult to move back from them.¹⁰⁹

198. Mr Sawers proposed developing benchmarks against which to gauge the present policy. Those were:

- “• Effectiveness, in containing the threat from Iraq against its neighbours; in preventing Saddam building up his WMD; and in preventing a new humanitarian crisis;
- Sustainability, so that we have a policy which we can keep going for as long as Saddam remains in power, if necessary the next six to eight years. That entails having and retaining the support of both the countries of the region and our own public. A new P5 consensus would also help; and
- Control, so that Saddam cannot dictate each step. We have had better control in the last two years than we had before, and we should be careful not to give it up.”

199. An internal FCO minute on the 16 February attack, which was produced later that month, stated that the Pentagon’s decision to play up the operation was a serious

¹⁰⁷ Gov.uk, 17 February 2001, *Air attacks on Iraq: Statement by the Ministry of Defence*.

¹⁰⁸ House of Commons, *Official Report*, 26 February 2001, column 620.

¹⁰⁹ Minute Sawers to Prime Minister, 20 February 2001, ‘Iraq: After the Bombing’.

misjudgement that had fuelled international criticism, particularly from key allies such as Turkey and Saudi Arabia:

“By trailing a full-scale live briefing once the operation was under way, they [the Pentagon] fuelled media hype and speculation that this was a major change in our military posture and, possibly, a repeat of Operation Desert Fox ... The Foreign Secretary [Mr Cook] is also concerned that while we have emphasised that the operation had been solely to protect our pilots, President Bush took the line that the primary aim of the attack was to send a message to the Iraqi regime. This is unhelpful from both a presentational and legal point of view.”¹¹⁰

200. In her memoir, Dr Rice wrote that, although she had been briefed on the operation in advance, she had not appreciated the scale and nature of the attack.¹¹¹ The operation had coincided with – and disrupted – President Bush’s first meeting with President Vicente Fox of Mexico. Dr Rice wrote that the reaction to the attack in the US media had been positive, including comments that the attacks had “sent a timely signal” to Iraq that the new US Administration would “not shy away from using force to contain any new Iraqi military threat”.

201. Mr Webb told the Inquiry:

“I don’t think we [the UK Government] did a very good job of explaining what was going on, in public. We certainly probably didn’t help ... the new US Administration to do a very good job of explaining it ...

“... what it looked like from the point of view of people ... particularly in the region, was that suddenly, we [the US and UK] pushed the campaign north, we were up around Baghdad and it appeared something had happened and was that presaging something they ... had been reading about, regime change.”¹¹²

202. Sir William Patey accepted that there was a risk of misinterpretation:

“I think when the MOD first proposed this operation, there was really the odd frisson in the Foreign Office, not because of its legality ... We were worried [that] ... the scale of the operation could be misinterpreted. Here we had a new American Administration coming in that at least had a history of a more aggressive stance towards [Iraq] ...

“So I think in the Foreign Office we were worried that this might be misinterpreted as a sort of military assault on Iraq, and that was not the intention.”¹¹³

¹¹⁰ Minute FCO [junior official] to Patey, 27 February 2001, ‘Iraq: NFZs: RO4’.

¹¹¹ Rice C. *No Higher Honour: A Memoir of My Years in Washington*. Simon & Schuster, 2011.

¹¹² Public hearing, 24 November 2009, page 142.

¹¹³ Public hearing, 24 November 2009, pages 143-144.

203. Sir John Sawers told the Inquiry that No.10 had, perhaps, not been as involved as it might have been in discussion of the 16 February attack:

“This was briefed to the Prime Minister but both we and the White House were a bit surprised ... because we weren’t fully involved in the discussions of the timing and it happened at short notice on a Friday night ... a week or so before the Prime Minister went off to Camp David.

“The timing was coincidental ... It did in many ways serve to underline the difficulty of maintaining the policy on No-Fly Zones.”¹¹⁴

204. Sir John Sawers agreed with the Inquiry that there had been uproar in the Middle East about the intensity and location of the attacks. He continued:

“And I think that was very much on Vice President Cheney and President Bush’s minds, that there had been a sharp reaction. And in a sense it gave force to the argument that we needed to move to a better targeted policy.”

205. Lord Williams of Baglan, a Special Adviser to Mr Cook from 2000 to 2001 (and subsequently to Mr Straw until July 2005), told the Inquiry that Mr Cook had been “concerned that the attack had not merited Ministerial authorisation”; and that he feared “it was the harbinger of a more assertive US stance on Iraq”.¹¹⁵

Mr Blair’s meeting with President Bush at Camp David

206. At his first White House press conference in February 2001, President Bush said that he would “review options as to how to make the sanctions work”.¹¹⁶

207. On 23 February, before travelling to Camp David, Mr Blair met Vice President Cheney in Washington.¹¹⁷ Mr Blair argued that the sanctions regime was not perfect, but that it had restrained Saddam Hussein.

208. Mr Blair told the Inquiry that Iraq was not a top priority for his meeting with President Bush at Camp David.¹¹⁸

209. Sir Christopher Meyer told the Inquiry that the two foreign policy issues at the top of the agenda were the anti-ballistic missile treaty and nuclear missile defence.¹¹⁹

210. Sir John Sawers told the Inquiry that Iraq had been the first subject discussed at Camp David:

“... not because it was the most important but because Colin Powell ... was about to depart for the region and ... he [President Bush] wanted to deal with Iraq first so

¹¹⁴ Public hearing, 15 December 2009, page 48.

¹¹⁵ Statement, 9 January 2011, page 3.

¹¹⁶ The White House Archive, 22 February 2001, Press Conference by the President.

¹¹⁷ Letter Sawers to Cowper-Coles, 24 February 2001, ‘Prime Minister’s Meeting with Vice President Cheney, Washington, 23 February 2001’.

¹¹⁸ Public hearing, 29 January 2010, page 8.

¹¹⁹ Public hearing, 26 November 2009, pages 11-12.

that Colin Powell who was in charge of reviewing policy could be there and take part in discussions. President Bush ... was concerned about our policy, that we had sanctions that the regime was evading but which were impacting on Iraqi children. He was concerned about the vulnerability of US pilots monitoring the No-Fly Zones and he wanted to get to a more realistic policy, as he described it. And Colin Powell set out some elements which were very close to our own thinking, that the widespread sanctions should be replaced by controls on weapons, [and] that we should tighten the border monitoring around Iraq with a view to ensuring that those controls we retained were effective. But once we were confident that they were effective ... the wider sanctions could be suspended and in due course lifted.

“There was a debate about the No-Fly Zones that he wanted to pursue, and some of the Condoleezza Rice ideas on regime change, i.e. political elements, not military elements, also featured in the discussion, but the fundamental one was to narrow down sanctions to those that were most important.

“... Prime Minister Blair welcomed these thoughts and this approach, agreed that we should retain control on Iraq’s oil revenues, but that our broad approach should be to narrow the scope of sanctions to those elements which were really most important to us and at the same time ensure that information about what life would be like – if Saddam were to be removed by the Iraqi people – what would that look like, [was available] ...

“So actually that was quite close alignment of thinking between President Bush and Prime Minister Blair. They agreed that the Foreign Ministers should work more closely together ... and that they would stay in touch on the development of policy thinking but there was broad common ground established on Iraq at the meeting. There were very few issues of difference at Camp David and that certainly wasn’t one of them.”¹²⁰

211. Sir John went on to clarify his reference to “controls on weapons”:

“... what the Americans were thinking which was in line with our own thinking ... was that sanctions should be narrowed to an arms embargo and dual-use goods that could be used in a weapons of mass destruction programme. [Secretary] Powell made clear that he was most concerned about Iraq’s activities on chemical and biological weapons and that there was a range of dual use goods here that should be properly controlled and should be subject to sanctions but the wider range of trade sanctions should be removed.”¹²¹

212. The Inquiry asked Sir John whether the policy that developed later, to threaten the use of force to secure entry for UNMOVIC inspection teams, was a “gleam in anybody’s eye” at this time. Sir John told the Inquiry:

¹²⁰ Public hearing, 10 December 2009, pages 13-15.

¹²¹ Public hearing, 10 December 2009, pages 15-16.

“Not really because there wasn’t any great confidence that UNMOVIC would be any more successful than UNSCOM had been ... and we didn’t think that we could force Saddam through military action to accept an inspections regime.”¹²²

213. The record of the Camp David meeting, produced by Mr Sawers, stated that the US and UK agreed on the need for a policy on Iraq which was more widely supported in the Middle East region.¹²³

214. As a result of the policy of the previous 10 years, Iraq was not as large a threat as it could have been (including to Kuwait); but Saddam Hussein was still pursuing WMD (he had done little on the nuclear side).

215. In Mr Blair’s view, the approach should be to:

- refocus sanctions on those items which Saddam Hussein really needed;
- control his money supply but allow him to use it for non-military economic advancement; and
- retain the capacity for military action.

216. Mr Blair stated that we should not say that we were relaxing our policy because sanctions had not worked.

217. Mr Blair concluded that we must improve our public presentation. He suggested that the approach should be presented as a “deal” comprising four elements:

- do the right thing by the Iraqi people, with whom we have no quarrel;
- tighten weapons controls on Saddam Hussein;
- retain financial control on Saddam Hussein; and
- retain our ability to strike.

218. The record also reported a subsequent conversation between Mr Sawers and Dr Rice. Dr Rice had agreed with Mr Sawers’ assessment that “we were still a long way from having a new policy on Iraq”. Mr Sawers commended the work of INDICT and stated that the UK favoured charging Saddam Hussein and a few others with war crimes; but the indictments should not go too wide as others needed an incentive to move against Saddam Hussein. Mr Sawers also set out Mr Cook’s idea of a ‘Contract with the Iraqi People’, in which there was some interest.

219. On the follow-up to the talks, Mr Sawers suggested:

“... we need to start doing more detailed work on the sanctions aspects ... perhaps we should now produce our own detailed paper on what steps to take ... We are

¹²² Public hearing, 10 December 2009, pages 16-17.

¹²³ Letter Sawers to Cowper-Coles, 24 February 2001, ‘Prime Minister’s Talks with President Bush, Camp David, 23 February 2001’.

likely to receive clear American proposals on the military aspects ... We should try to do the work for them on sanctions.”

220. Mr Blair told Cabinet on 1 March that the visit had gone well and that a number of issues, including Iraq, had been discussed.¹²⁴

221. Mr Blair gave no detail of the discussion at Camp David in his memoir but he wrote that:

“In the months that followed the visit ... I probably thought more about Iraq than he [President Bush] did.”¹²⁵

Developing a new policy on Iraq, spring 2001

222. MOD and Cabinet Office officials met on 23 February to probe the assumptions underlying the military assessment of the additional forces required to defend Kuwait in the absence of the southern NFZ.¹²⁶

223. Mr McKane reported the conclusions of the meeting:

“The message for Ministers which comes out of all of this is that, provided US and UK forces remain in theatre, it is unlikely that Saddam would seek to exploit the abolition of the southern No-Fly Zone by attacking Kuwait. However, there remains a slight possibility that Saddam would order an attack and the southern No-Fly Zone plays an important part in our plans for defending Kuwait in such circumstances ...

“In judging whether the risk of an attack by Saddam would be so small that we could afford to abolish the southern No-Fly Zone, Ministers would have to keep in mind that, in the absence of the No-Fly Zone, it might be impracticable to maintain our existing air forces in the region.”

224. Mr Webb told the Inquiry that the MOD was concerned about the greater cost of alternative methods to protect Kuwait:

“... the No-Fly Zones ... had a side benefit of risk reduction. Because we were flying over southern Iraq most of the time, we knew what the military situation was on the ground, and that gave us some time, if there had started to be a build-up of another repeated attack on Kuwait ... it would have given us the opportunity to interdict any ground force movements which were the start of an attack on Kuwait and some time to reinforce, but those two things together actually allowed us to be in the rather comfortable position of having a not very expensive military operation ... It allowed us to manage without big ground force deployments ...”¹²⁷

¹²⁴ Cabinet Conclusions, 1 March 2001.

¹²⁵ Blair T. *A Journey*. Hutchinson, 2010.

¹²⁶ Letter McKane to Webb, 28 February 2001, ‘Iraq’.

¹²⁷ Public hearing, 24 November 2009, pages 49-50.

Defining the new UK policy framework

225. According to published US accounts, on 1 March Secretary Powell was “given the task of devising a plan and strategy to refocus the UN economic sanctions on weapons control” at a meeting of National Security Council “Principals”.¹²⁸ President Bush also asked for “a better military plan in the event that a pilot was shot down” over Iraq.

The National Security Council and Principals Committee

The US National Security Council (NSC) was established in accordance with the provisions of the National Security Act of 1947 to “advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security so as to enable the military services and the other departments and agencies of the Government to cooperate more effectively in matters involving the national security.”¹²⁹

In March 2001, President Bush directed that attendees should include the President, the Vice President, the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, and the National Security Advisor.¹³⁰ The Director of Central Intelligence and the Chairman of the Joint Chiefs of Staff were required to attend as statutory advisers.

Others who were directed to attend, as required, included: the Chief of Staff to the President; the Assistant to the President for Economic Policy; Counsel to the President; the Attorney General; the Director of the Office of Management and Budget; and the heads and senior officials of other executive departments and agencies.

The NSC Principals Committee was established in 1989 as a forum for consideration of policy issues affecting national security. President Bush directed that its membership should have as regular attendees the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Chief of Staff to the President, and the National Security Advisor.

The Chief of Staff and National Security Advisor to the Vice President, the National Security Advisor and the Deputy National Security Advisor were required to attend all meetings of the NSC/PC.

Others who were directed to attend, as required, included: the Director of Central Intelligence; the Chairman of the Joint Chiefs of Staff; the Attorney General; the Director of the Office of Management and Budget; Counsel to the President; the Secretary of Commerce; the United States Trade Representative; the Assistant to the President for Economic Policy; the Secretary of Agriculture; and the heads and senior officials of other executive departments and agencies.

226. In parallel, the UK began to define a new policy framework for Iraq.

227. The new framework sought to contain more effectively the military threat from Iraq by introducing a revised set of controls focusing on military

¹²⁸ Woodward B. *Plan of Attack*. Simon & Schuster UK, 2004.

¹²⁹ Section 101, National Security Act of 1947 (PL 235 – 61 Stat. 496; U.S.C. 402), amended by the National Security Act Amendments of 1949 (63 Stat. 579; 50 U.S.C. 401 et seq.).

¹³⁰ National Security Presidential Directive (NSPD-1) 13 February 2001 (approved for release 13 March 2001).

programmes and oil revenues, while lifting sanctions on civilian trade. It also sought to build a wider consensus for “fundamental change inside Iraq, while respecting Iraq’s territorial integrity”.

228. The new framework would require a new UN resolution.

229. Sir Jeremy Greenstock told the Inquiry that:

“The US and the UK ... began to revise their policy approach to concentrate on four elements: narrowing and deepening sanctions so that they applied much more directly to weapons systems; making it clear publicly that WMD were the priority and that inspectors needed to return (but with sufficient powers to avoid Iraqi manipulation of them); tightening controls on Iraqi oil revenues; and otherwise ensuring the best possible containment of Iraq through the No-Fly Zones, control of smuggling and eventually the full implementation of SCR 1284.”¹³¹

230. On 7 March, Mr Sawers sent out a revised version of “the proposed new policy framework on Iraq”, incorporating comments from the FCO, the MOD and the Cabinet Office.¹³² Mr Sawers advised that the paper should be submitted to Mr Cook, Mr Hoon and Mr Blair in advance of discussions between US and UK officials in Washington.

231. Mr Sawers’ covering letter highlighted the fact that the paper included a number of “implicit deals”:

- sanctions on civilian trade would be ended in return for co-operation from Iraq’s neighbours to bring all Iraqi oil revenues under UN control;
- France and Russia would secure more efficient approval procedures, with the Iraqi Government having more freedom to buy civilian goods, in return for agreement on continued UN control of oil revenues;
- civilian flights would be regularised in return for UN inspection of cargoes at the borders;
- assets of “non-regime” Iraqis would be unfrozen and private sector trade permitted in return for targeted sanctions on those around Saddam Hussein;
- a new consensus would be sought on the need for fundamental change inside Iraq, while respecting Iraq’s territorial integrity; “pending such change, military measures (including the No-Fly Zones) would have to be at least tolerated”; and
- resolution 1284 would remain part of the policy and “many of the benefits for Iraq would be brought forward without the need for Iraqi compliance”.

232. The paper set out a number of “headlines”:

“A revised set of controls would be introduced as soon as possible, focused on Iraq’s WMD and military programmes. Purely economic sanctions would cease. In return,

¹³¹ Statement, 27 November 2009, page 2.

¹³² [Letter Sawers to Cowper-Coles, 7 March 2001, ‘Iraq: New Policy Framework’ attaching Paper, \[undated\], ‘Iraq: New Policy Framework’.](#)

Iraq's neighbours would bring an end to illegal oil exports and give practical support to enforce the revised controls. UN control of oil revenues would be retained. SCR 1284 would remain on the table with modest incentives for Iraqi compliance. Meanwhile, UNMOVIC would retain a role outside Iraq.

"The NFZs would continue with patrolling patterns that minimise risk and possibly a smaller area of coverage ... We will work for fundamental change in Iraq, and will issue a 'Contract with the Iraqi People'. A renewed effort would be made to secure regional acceptance of this framework."

233. The paper did not repeat the advice in the 15 February version of the paper that departments did not agree on whether UNMOVIC's entry into Iraq would be desirable or undesirable but advised that, if Iraq complied with resolution 1284, UNMOVIC would operate inside Iraq.

234. The paper set out the "New arrangements to be introduced straight away", including:

- "Replace sanctions with controls ... to focus on military and dual-use goods, as listed in a revised Controlled Goods List";
- improved border monitoring; and
- Iraqi oil revenues to remain under UN control and illegal trade to be brought within the scheme.

235. Those arrangements would require a new resolution.

236. On "regime change", the paper stated:

"The US and UK would re-make the case against Saddam Hussein. We would issue a Contract with the Iraqi People, setting out our goal of a peaceful law-abiding Iraq, fully reintegrated into the international community, with its people free to live in a society based on the rule of law, respect for human rights and economic freedom, and without threat of repression, torture and arbitrary arrest. The Contract would make clear that the Iraqi regime's record and behaviour made it impossible for Iraq to meet the criteria for rejoining the international community without fundamental change ..."

237. On "military measures", the paper stated:

"(i) We would be prepared to reduce the territory covered by the NFZs, e.g. by restricting the Northern NFZ to the Kurdish controlled areas and removing low priority areas from the Southern NFZ;

(ii) Red lines would be set out and if Iraq were in material breach of them, e.g. by reconstituting its military capacity to threaten its neighbours, or developing its WMD/missile capabilities, it would be clear that we would take direct action, at a time of our choosing, once the necessary regional support and legal base were in place."

JIC Assessment, 8 March 2001: 'Impact of Smarter Sanctions'

238. On 8 March, the JIC reviewed existing sanctions on Iraq and assessed the likely impact of “smarter sanctions”.¹³³

239. The review of existing sanctions covered much the same ground as the February assessment.

240. On smarter sanctions, the JIC’s Key Judgements included:

- It was envisaged that smarter sanctions would:
 - focus on military and dual-use items, and allow all civil trade;
 - retain UN control over oil revenue and bring oil smuggling under those controls; and
 - enhance border controls against prohibited trade.
- “By allowing all civil trade, smarter sanctions would give the US and UK the opportunity to **shift the political debate** away from the humanitarian issue.” Iraq argued for “control of revenues as an issue of sovereignty”. Saddam Hussein would “still seek to blame sanctions [for humanitarian problems] and popular Arab opinion will remain susceptible to his propaganda. But he will find it **harder to persuade Arab governments and the wider international community that smarter sanctions are to blame for the suffering of the Iraqi people.**”
- “The **greatest potential gains** in terms of cutting Saddam’s illicit revenue would come from **curbing oil smuggling.**” Neighbouring states would be likely to demand compensation for bringing trade under UN control. The income lost could be in excess of US\$1bn per year. Unless all routes were closed off, a reduction in oil smuggling via one route was likely to be made up, at least in part, via another.
- Governments in the region were “**likely to agree in principle to inspection of border crossings** and trade in return for free civil trade”. But this would be “hard to sell” and border controls would be difficult to implement effectively.

241. The JIC stated that, if a smarter sanctions policy was adopted, Iraq would still try to smuggle oil, evade the controls on military and dual-use imports, and abuse the OFF programme. The “**key battle would be over political perceptions** and hence the willingness of regional governments to co-operate with other aspects of a revised policy”.

242. The JIC stated that whatever agreements on inspections of border crossings and trade were reached in principle, it was:

“... **unlikely that border controls would be effective in practice.**
A comprehensive international border monitoring presence would be required ... such monitoring **would be heavy on manpower and resources,**

¹³³ [JIC Assessment, 8 March 2001, 'Iraq: Impact of Smarter Sanctions'](#).

and frontline states would be reluctant to agree an intrusive regime. Moreover as general trade increased, there would be a growing risk that military components and WMD dual-use items would be smuggled to Iraq.”

243. The arms embargo remained “largely intact”. Some dual use goods had “slipped through the net”. The introduction of a more widely accepted sanctions regime would enhance the prospects of the arms embargo holding.

244. If Saddam Hussein judged that he could no longer deflect blame for Iraq’s humanitarian plight or maintain his sources of income, he might be forced to reassess his policy of non-co-operation with resolution 1284. The JIC judged that “the effect of smart sanctions is likely to fall short of this”. There were indications that Russia, France and China would feel obliged to welcome the concept of smarter sanctions, but would take account of Iraqi pressure and other political factors. Rebuilding P5 consensus would be difficult; but a resolution passed with P5 unanimity would significantly increase pressure on Iraq, and help rebuild UK public support for the UK’s policy.

245. Saddam Hussein was “more likely for now to use **renewed discussions at the UN** as a means **to delay both progress on UNSCR 1284 and the introduction of smarter sanctions**. If Saddam were forced to consider re-admitting UN weapons inspectors, he would still seek to weaken the inspections provisions, an agreed timetable for the lifting of sanctions and abolition of the NFZs.”

246. Mr Ricketts wrote to Mr Sawers on 9 March, identifying the “main implications for policy” of the analysis:

- ... the **arms embargo** remains crucial. It has stopped Saddam getting new major weapons systems. We judge that state suppliers will continue to deny Iraq such systems whilst Saddam remains in power ... There is some leaking of dual use items and spare parts. This would probably grow if all civil trade was freed up ...;
- ... **ending sanctions on civil trade** would give us and the US an opportunity to change perceptions in the Arab world and beyond on humanitarian issues ...;
- ... **bringing the revenues from oil smuggling back under UN control** would have the biggest impact on the cash reaching Saddam’s pocket ...;
- ... **on inspection of border crossings**, we judged that neighbouring states would be likely to agree in principle, although getting them to implement them effectively will be much more difficult; and
- ... the neighbours would want guarantees of compensation for income they lost as a result of their co-operation on smuggling/border trade.”¹³⁴

¹³⁴ Minute Ricketts to Sawers, 9 March 2001, ‘Iraq: Impact of Smarter Sanctions’.

247. Mr Blair wrote on the minute from Mr Ricketts: “We must press on.”¹³⁵

248. In response to the policy framework circulated by Mr Sawers on 7 March, FCO officials prepared a draft letter for Mr Cook to send to Mr Blair.¹³⁶ The draft letter stated: “The key to progress is smarter sanctions, which focus on tougher controls on military and dual-use goods, while improving the scope for normal civilian economic activity.” Resolution 1284 would “remain on the table and we can offer some further modest concessions along the lines discussed by officials ... should Iraq comply (most unlikely)”.

249. Implementation of those measures would require a new resolution: “We should pursue a technical resolution which rebalances the controls on Iraq but does not alter the central provisions of existing SCRs.”

250. The draft letter stated that the UK should continue to steer clear of “the various American projects to overthrow Saddam”.

251. The letter was not sent by Mr Cook.

252. Senior US and UK officials met in Washington on 12 March to discuss Iraq.¹³⁷ Mr Westmacott advised Mr Cook’s Private Secretary the following day that the talks had been “pretty discouraging”. Mr Westmacott’s “tentative conclusions” from the talks were:

- on sanctions, there appeared to be “some backtracking” within the State Department from the “near identity” of views articulated by Secretary Powell and Mr Cook at their recent meeting. On both oil smuggling and border controls, the US appeared to favour “bilateral fixes” with the countries neighbouring Iraq rather than action in the UN;
- the US appeared to be “a good deal more relaxed” than the UK about the need to restore P5 unity; and
- despite showing some interest in the idea of a ‘Contract with the Iraqi People’, the State Department appeared to be more relaxed than the UK on the presentational aspects of policy.

253. Mr Sawers briefly discussed Iraq with a senior US official on 14 March.¹³⁸ Mr Sawers advised that US officials appeared to be retreating from the broad policy goals set out by Secretary Powell. Mr Sawers stated that although negotiations on smarter sanctions in the Security Council would be tricky, “it would be difficult to re-establish political consensus on Iraq without it”.

254. Ms Clare Short, the International Development Secretary, and the Department for International Development (DFID), were not included in the policy review and were not sent a copy of Mr Sawers’ letter of 7 March.

¹³⁵ Manuscript comment Blair on Minute Ricketts to Sawers, 9 March 2001, ‘Iraq: Impact of Smarter Sanctions’.

¹³⁶ Letter Cook to Prime Minister, 9 March 2001, ‘Iraq: Future Policy Framework’.

¹³⁷ Minute Westmacott to PS [FCO], 13 March 2001, ‘Iraq’.

¹³⁸ Letter Sawers to Cowper-Coles, 14 March 2001, ‘Iraq’.

255. Ms Short's Private Office wrote to Mr Sawers on 15 March recording that Ms Short "regrets that DFID was not included".¹³⁹ She welcomed the thrust of the new policy, but remained "concerned that insufficient weight had been given to ... humanitarian needs". She also asked that, if the sanctions regime changed, any revised strategy should take into account that: the UK could not "shrug off... responsibility" to relieve the suffering that Saddam Hussein had caused; the UN might continue to have "an important role"; and that provisions should be made for humanitarian assistance for the Kurds.

256. Ms Short wrote to the Prime Minister on 1 April welcoming the review of the "old sanctions policy which is widely discredited and is steadily eroding", the proposed refocusing on military controls, and that the OFF programme should end "except for Kurds in northern Iraq".¹⁴⁰ Ms Short stated that:

"To counter [the] real risk that Saddam will neglect his people's needs we should promote openness and active role for UN agencies, Red Cross and NGOs [non-governmental organisations] in reporting on humanitarian situation. [The] UK should be ready to play a leading role in holding Saddam to account."

Activity in the No-Fly Zones

257. Following the attacks on 16 February, US and UK aircraft carried out no further attacks in the NFZs until 30 March.

258. Mr Julian Miller, Mr Hoon's Private Secretary from September 1999 to September 2001, wrote to Mr Sawers on 30 March:

"Although the operation of 16 February helped to reduce the qualitative threat level, coalition aircraft have been threatened by AAA [anti-aircraft artillery] (and less often, SAMs [surface-to-air missiles]) on almost every occasion that they have taken to the air. It was against this background that US aircraft responded to Iraqi AAA this morning. They released two weapons aimed at an air defence site in the southern No-Fly Zone. Both missed their intended targets, landing in open ground without causing collateral damage.

"The Defence Secretary is satisfied that action remains necessary to ensure that the threat to our aircrew remains acceptable. Given that Saddam's intent to attack our aircraft appears unchanged, we can expect – provided that targets can be identified and that the weather permits their engagement – to see further coalition bombing activity. Any such action will, of course, be conducted within the existing RO framework, with the authority for UK participation – within the carefully defined parameters approved collectively by Ministers – delegated to military commanders.

¹³⁹ [Letter DFID \[junior official\] to Sawers, 15 March 2001, 'Iraq: New Policy Framework'](#).

¹⁴⁰ [Letter Short to Prime Minister, 1 April 2001, 'Iraq Policy Review'](#).

Any proposal for an operation which breached those parameters (which is not currently in the offing) would be subject to the usual Ministerial consideration.”¹⁴¹

259. Mr Webb told the Inquiry that, with regard to planned action to degrade Iraq’s air-defence system:

“... a degree of caution ... set in during the spring of 2001 ... sensing that there had been this reaction in the region, I think the senior commanders didn’t want to propose more of that if they didn’t have to. As a result, some of the patrolling reduced; in other words, a decision was taken that if we didn’t know where we might face this risk over part of the southern No-Fly Zone, we wouldn’t patrol there for a while.

“So the operational commanders reduced the scope of the operation under their discretionary authority and with our support, rather than proposing a repeat of those situations. And that went on for a few months.”¹⁴²

Discussions with the US

260. The Cabinet Office took the lead in co-ordinating inter-departmental efforts to define the nature of future sanctions arrangements.

261. Papers were produced on:

- how a more focused sanctions regime could be established (‘Iraq: Handling the Sanctions Issue’);
- how controls to prevent Iraq re-arming would operate after the suspension of sanctions;¹⁴³
- establishing better border controls;¹⁴⁴ and
- the application of financial sanctions against Iraq.¹⁴⁵

262. On 16 March, Mr Sawers sent Dr Rice a copy of the UK’s draft ‘Contract with the Iraqi People’ and a paper entitled ‘Iraq: Handling the Sanctions Issue’.¹⁴⁶

263. The paper on sanctions highlighted the danger that the forthcoming resolution on rolling over the OFF programme would “present the friends of Iraq in the P5 with an

¹⁴¹ Letter Miller to Sawers, 30 March 2001, ‘Iraq’.

¹⁴² Public hearing, 24 November 2009, page 147.

¹⁴³ Letter Ross to McKane 16 March 2001, ‘Iraq Post Suspension Controls’ attaching Paper UKMIS New York, 16 March 2001, ‘Iraq Sanctions Suspension UK Discussion Paper’; Letter Patey to Macaire, 28 March 2001, ‘Iraq: Sanctions Suspension’, attaching Paper, [undated], ‘Iraq Sanctions Suspension UK Discussion Paper’.

¹⁴⁴ Letter McKane to Macaire, 30 March 2001, ‘Iraq: Better Border Controls’ attaching Paper Cabinet Office, March 2001, ‘Iraq: Better Border Controls’.

¹⁴⁵ Letter Casale to Marriott, 2 April 2001, ‘UK’s Application of Financial Sanctions Against Iraq’ attaching Paper, [undated], ‘Iraqi Financial Sanctions: Options for Change’.

¹⁴⁶ Letter Sawers to Rice, 16 March 2001, ‘Iraq’ attaching Paper, [undated], ‘Contract with the Iraqi People’ and Paper, [undated], ‘Iraq: Handling the Sanctions Issue’.

opportunity to come forward with their own proposals for unilateral easing of sanctions”, set out parameters for a new “Controlled Goods List”, and described in broad terms the arrangements by which it would be enforced.

264. In his covering letter, Mr Sawers stated that:

- There was common ground between the US and UK on the NFZs.
- The UK had suggested that the question of regime change should be addressed through a ‘Contract with the Iraqi People’.
- Efforts to chart a way forward on sanctions at a working level had got “bogged down”. Sticking to the present arrangements while loosening some of the holds that the US and UK had placed on OFF programme contracts, combined with a renewed diplomatic effort, would be an advance but would “fall a good way short of the goals the Prime Minister and President agreed”. Mr Sawers concluded: “So our strong preference is to be more ambitious, and be prepared to agree changes to the sanctions regime in the Security Council, and put real pressure on Iraq’s neighbours to implement the agreed controls vigorously.”

265. Mr McKane reported to Mr Sawers on 6 April that useful progress was being made “to put flesh on the bones” of the policy framework attached to Mr Sawers’ letter of 7 March.¹⁴⁷ The UK and the US appeared “to be in agreement on the broad direction, but there is still some way to go not least in working out the details of a deal under which Iraq’s neighbours would agree to bring all Iraqi oil revenues under UN control”.

266. On sanctions, Mr McKane advised that the UK and US agreed on the case for moving towards a single list of goods subject to UN controls (thereby freeing up the import of other goods). Discussions still had to take place on the composition of that list. Further talks with US State Department officials on 17 April would be followed by talks with the French and “in due course” the Russians. The aim was to obtain UN endorsement of a more targeted sanctions package in the OFF roll-over resolution due in June.

267. On bringing illegal Iraqi oil exports under UN control, Mr McKane advised that it was “not yet clear what concessions might have to be offered to the neighbouring states to persuade them to co-operate”. Increased investment in border controls would “only make sense if Iraq’s neighbours can be persuaded to co-operate – enforcement would be carried out by their customs personnel”. The UK paper on border controls had been passed to the US.

268. Mr McKane advised that the UK paper on the controls that should remain in place after the suspension of sanctions had been passed to the US. An essential feature was maintaining the UN escrow account (see Section 1.1) “so that Iraq’s oil revenue (or other significant sources of foreign exchange revenue) cannot be used to purchase either conventional or unconventional arms or dual use items”.

¹⁴⁷ [Minute McKane to Sawers, 6 April 2001, ‘Iraq’.](#)

269. Mr McKane reported that there had been several discussions with the US on the NFZs, and that:

“We are agreed that we need to retain the No-Fly Zones. Not only do they serve a humanitarian purpose, but the southern No-Fly Zone is also necessary for the defence of Kuwait and Saudi Arabia ... We think it may be possible to reduce the size of the No-Fly Zones ... there has not been a positive US reaction. Defence officials continue to discuss the scope for adjusting the pattern of patrolling but the military advice, which the Defence Secretary has endorsed, is that there is only modest scope to do so without placing our air crew at greater risk. We need to keep the legal position under review (the Attorney General has asked for a further report by the end of May) but any deterrent option which did not rely on the Southern No-Fly Zone would entail a greater risk that Kuwait could be overrun before an effective military response could be put in place.”

270. Mr McKane reported that a draft ‘Contract with the Iraqi People’, which reflected Ms Short’s concerns about a continuing key role for international agencies, had been shared with the US.

271. Mr Blair responded that getting a deal under which Iraq’s neighbours agreed to bring all Iraqi oil revenues under UN control was the “essential quid pro quo” for better targeted sanctions.¹⁴⁸

272. In response to a number of diplomatic telegrams which had described the NFZs as necessary for the defence of Kuwait, Mr Iain Macleod, FCO Legal Counsellor, asked colleagues on 6 April to remind diplomatic posts “of the need to ensure that the legal justification for the zones (the prevention of a humanitarian catastrophe) is kept distinct from other policy advantages which they may bring”.¹⁴⁹

273. Reviewing the Treasury/Bank of England paper on the options for amending financial sanctions in early May, Mr McKane concluded that there were options for easing sanctions without legislation, but that should be kept under review “until we have thought through the full implications and seen the effect of other changes under consideration”.¹⁵⁰ The possibility of replacing the comprehensive regime with a targeted asset freeze would require amendment to resolution 661(1990). That was not seen as a “near-term option”.

274. An Assessment issued on 10 May marked a shift in the JIC’s perception of Iraq’s intentions and activities in relation to WMD.

¹⁴⁸ [Minute Wechsberg to McKane, 9 April 2001, ‘Iraq’.](#)

¹⁴⁹ Minute Macleod to Patey, 6 April 2001, ‘Iraq: No Fly Zones’.

¹⁵⁰ Letter McKane to Goulty, 11 May 2001, ‘Iraq: Financial Sanctions’.

275. On 10 May, at the request of the MOD, the JIC assessed “what we know of Iraq’s WMD programmes, their future direction, our level of confidence in the intelligence, our confidence in being able to identify the location of Iraq’s WMD facilities accurately and the potential impact of direct military action against them”.¹⁵¹ The Assessment is considered in detail in Section 4.1.

276. The JIC stated that its “**knowledge of developments**” in Iraq’s WMD and ballistic missile programmes since December 1998 was “**patchy**”, but judged that “**intelligence gives grounds for concern** and suggests that Iraq is becoming bolder in conducting activities prohibited by UNSCR 687”.

277. The JIC knew most about Iraq’s ballistic missile programme, where there had been a step change in progress over the previous two years.

278. The JIC continued to “assess that while sanctions remain in place, Iraq cannot indigenously develop and produce nuclear weapons. Were sanctions lifted, it would **take Iraq at least five years to produce a nuclear device and a further two to produce a warhead.**”

279. The JIC assessed the vulnerability of Iraq’s WMD programmes, and judged that:

“Although some WMD facilities could be destroyed by direct military action, this would be **unlikely to have a significant impact on Iraq’s WMD programmes ...**”

280. The JIC stated:

“... **our ability to constrain Iraqi development of its WMD through other means** [other than military action] **is limited.** The development of Iraq’s WMD has been helped in recent years by **the absence of UN inspectors, the increase in illegal border trade and hard currency available to Iraq.** There have been an increasing number of [...] reports on orders for illegal imports of missile related components and materials [...] Because of the need for raw materials and components from abroad, sanctions remain an obstacle to the development of all Iraq’s WMD programmes.”

281. Under the heading “Implications”, the JIC stated:

“This assessment underlines the importance of pursuing vigorously work on the proposed UN controlled goods list, which would help sustain effective controls on Iraqi WMD development.”

282. Mr Cook reported that there had been good progress in agreeing a proposal for a new sanctions regime with the US, but less on securing an agreement with regional states to reduce oil smuggling.

283. Mr Cook repeated his view that the UK should consider ending patrols of the southern NFZ.

¹⁵¹ [JIC Assessment, 10 May 2001, ‘Iraqi WMD Programmes: Status and Vulnerability’.](#)

284. On 4 May, Mr Cook wrote to Mr Blair reporting that:

“We have made good progress on the review of sanctions, with UK/US now in agreement on a new approach with the objective of turning the focus away from sanctions and onto controls on WMD. Work is in hand to tie down the detail and build up support in the region and in the P5, but we need to move quickly if we are to meet our deadline of 4 June, the date of the next ‘Oil-for-Food’ resolution.”¹⁵²

285. Mr Cook reported on the debate within the US Administration.

286. Mr Cook detailed the progress that had been made on sanctions:

“... we have now persuaded the US that, while the UN will continue to control Iraq’s oil revenue, procedures should be adjusted so that only contracts containing items on an agreed list of controlled goods require scrutiny by the Sanctions Committee. This relaxation of UN controls will be balanced by new measures to reduce sanctions-breaking and tighten up on dual-use goods. The new approach will reduce the role of the UN, enable the US to vastly reduce the number of contracts on hold, and allow us to deflect responsibility for the humanitarian situation away from us and on to the Iraqi government. At the same time, by reducing the regime’s access to hard cash, it will reduce Iraq’s room for manoeuvre.”

287. Progress on confirming arrangements with “front-line states” to reduce oil smuggling had been “slow”.

288. There had been “less progress” on the US review of operations in the NFZs. Mr Cook advised that:

“I believe we should look again at options for reducing patrols in the southern NFZ, or even ending them. The legal difficulties remain, and I am also concerned that operations in the southern NFZ will undo the advances we achieve through making changes on sanctions and undermine hard won P5 and regional backing for our new approach.”

289. On regime change, Mr Cook reported that: “No one in the [US] Administration believes they can deliver Saddam’s overthrow”. The UK’s ‘Contract with the Iraqi People’ fell short of calling for Saddam Hussein’s departure but set out the steps that the international community would take to restore and rehabilitate Iraq in the event of his departure. As regime change moved up the US agenda, the UK should encourage the US to “sign up to this more credible and defensible approach”. There might soon be an opportunity to garner wider international support for the idea of the contract, capitalising on Iraq’s mishandling of the recent Arab Summit.

¹⁵² [Minute Cook to Prime Minister, 4 May 2001, ‘Iraq: US/UK Policy Review’.](#)

290. Mr Hoon responded to Mr Cook's letter on 14 May, stating that the:

“Proposed strategy [of 7 March] offers best prospect of retaining maximum control over Iraqi revenues, impeding Baghdad's ability to threaten its neighbours, and regaining international support. But need to be realistic about chances of speedy implementation. Difficulties of winning Russian and French support, and that of front line states, very real.”¹⁵³

291. Mr Hoon stated that there were only “limited grounds for optimism” that front line states would implement new measures to clamp down on oil smuggling, particularly in the context of regional attitudes to the intifada in the Palestinian Occupied Territories.

292. Mr Hoon recognised Mr Cook's “frustration with the No-Fly Zones”, but disagreed with his position. In Mr Hoon's view, the arguments for the NFZs, both humanitarian and defensive, remained powerful and no less risky means of achieving those objectives had been identified:

“Military commanders are already charged with conducting the mission we have laid upon them with minimum profile and risk. We have made progress over the past two years bearing down on patrolling rates, reducing responses to Iraqi threats, and making increased use of UAVs (Unmanned Aerial Vehicles) for tactical reconnaissance. But I do not think that looking yet again at patrolling, with a view to reducing or even ending it, would be productive. The arguments for maintaining the No-Fly Zones are based on the assessed continued humanitarian requirement, the importance of the southern Zone for the defence of Kuwait, and the desire to avoid handing Saddam a victory which might undermine containment. These remain powerful. While I accept that our view is not universally shared, it remains that the Zones continue to be legally justified. We have asked officials to identify a better (and less risky) means of achieving our objectives. Despite exhaustive scrutiny, they have not found one: their consistent advice is that regular patrols are required both to achieve the task and in order effectively – and safely – to monitor the threat. Decisions about patrolling rates must remain the preserve of the military commander, who must balance risk against exposure to the threat.”

293. Mr Hoon expressed his concern that the US Administration might pick up “mixed messages about our commitment to continued military co-operation in this area”, which he believed would be “very damaging” to the UK's ability to influence US thinking and “unhelpful” if it encouraged other P5 members to “introduce the future of the Zones into the package”.

¹⁵³ [Letter Hoon to Prime Minister, 14 May 2001, 'Iraq'](#).

Early negotiations on a smarter sanctions resolution

294. UK officials continued to work on a draft resolution (known informally as the “Smart Sanctions” resolution) to reflect the new policy framework, based on a new Goods Review List.

295. The UK prepared a draft resolution for the P5 Political Directors meeting in New York on 21 May.¹⁵⁴ The UK intended that the draft resolution would:

- allow the export to Iraq of all goods other than WMD and military items through fast-track procedures;
- introduce more tightly focused controls on “Iraq weapons” through agreement on a “Controlled Goods List” of arms and items of WMD concern: the UK was pressing the US not to insist on an “unreasonably long list”;
- through agreement with Iraq’s neighbours, bring Iraq’s illegal oil exports within the OFF programme; and
- introduce strengthened monitoring of Iraq’s land, sea and air borders.

296. Sir Jeremy Greenstock told the Inquiry that:

“The Council remained deeply divided between those states which remained highly suspicious of Iraqi activity, with intelligence showing evidence of continued Iraqi interest in materials for sophisticated weapons programmes (the US, the UK and one or two other western or western-oriented members of the Security Council), and Russia, France, China and many developing world or middle-ground members of the Council, who opposed the continuation of sanctions short of convincing evidence that Iraq was continuing to breach Security Council resolutions in a way which threatened international peace and security.”¹⁵⁵

297. It proved impossible to reach agreement in the Security Council by the deadline of 4 June.

298. Mr Sawers advised Mr Blair at the end of May that there remained “big arguments ahead” on the detail of any new arrangement, within the US Administration, the P5 and the region.¹⁵⁶ It would be surprising if an agreement could be reached in the Security Council by early June. Mr Sawers asked: “Do you anyway want this to come to a head in late May/early June? Wouldn’t it be better to let it slip a month or two?”¹⁵⁷

299. Mr Sawers also reported that there was a difference of view between Mr Cook and the MOD on the utility of the NFZs, and suggested asking the MOD for a considered view on the alternatives.

¹⁵⁴ [Minute Tanfield to Goulty, 18 May 2001, ‘Iraq Policy Review: Draft Rollover Resolution’.](#)

¹⁵⁵ Statement, 27 November 2009, pages 2-3.

¹⁵⁶ Note Sawers to Prime Minister, [undated], [untitled].

¹⁵⁷ As the June 2001 UK General Election would have prevented UK Ministers from taking an active role in lobbying for the change.

300. Mr Blair indicated his agreement on both points.¹⁵⁸

301. Resolution 1352, adopted on 1 June, extended the period for negotiation by a month with the “intention to consider new arrangements for the sale or supply of commodities and products to Iraq ... in civilian sectors” while improving “the controls to prevent the sale or supply of items prohibited or unauthorised by the Council”.¹⁵⁹

302. After the General Election of 7 June 2001, Mr Jack Straw was appointed as the Foreign Secretary. Mr Straw told the Inquiry that Iraq was one of the issues flagged up in his initial briefing, but very much as “work in progress”.¹⁶⁰ He was briefed on the problems with existing sanctions, on the negotiations already under way to introduce “smarter sanctions”, and on the question of what to do about the NFZs.

303. Mr Straw was briefed on progress on Iraq for a Cabinet meeting on 28 June.¹⁶¹

304. There was no discussion in Cabinet on this or any other aspect of Iraq policy during 2001.

305. Negotiations on the “Smart Sanctions” resolution, incorporating a revised Goods Review List (GRL), resumed in New York. The UK tabled a revised draft on 8 June.¹⁶²

306. It proved impossible to achieve agreement within the Security Council on a new resolution. In his statement to the Inquiry, Sir Jeremy Greenstock wrote:

“Russia in particular was virulently opposed to the recasting of the sanctions regime lists, more because they were trying to bring the whole sanctions regime to an end, as they believed it was no longer justified, than because they disagreed with the idea of focusing on ‘dual-use’ items ... when this came to a head in June and July, the Russians remained adamant and nothing new was achieved.

“... the French, who often sided with the Russians on Iraq, were quite constructive in their support for these revisions, with the French Government telling us at a very senior level that they believed that Saddam Hussein was continuing to develop his chemical and biological capabilities (end-June 2001). France and China told the US and the UK at that time that they could agree on the new Goods Review List. This isolated Russia, but Moscow remained defiant. The US, in frustration, began to sound increasingly belligerent about using the No-Fly Zones to deliver sharper attacks on Iraqi military installations. The UK, alongside the US, sought to address the Russian opposition with rational argument about the benefits to the Iraqi people of a narrower list and about the good sense of concentrating on dangerous weaponry. But the Russians, who were in close consultation with the Iraqis

¹⁵⁸ Manuscript comment Blair on Note Sawers to Prime Minister, [undated], [untitled].

¹⁵⁹ UN Security Council Resolution 1352 (2001).

¹⁶⁰ Public hearing, 21 January 2010, pages 4-5.

¹⁶¹ Minute Stephens to Herrigan, 27 June 2001, ‘Iraq: Briefing for Cabinet Meeting, 28 June’.

¹⁶² Minute McKane to Sawers, 12 June 2001, ‘Iraq’.

throughout this period, believed the Iraqi line that the United States in particular was trying to impose a punishment on Iraq by any means possible, that this continued punishment was unjustified in the absence of clear evidence that WMD programmes were being pursued and that the whole sanctions regime could be knocked aside, under the force of international concern about the humanitarian situation, if the Russians persisted with their tactics.”¹⁶³

307. Sir Jeremy told the Inquiry:

“The Russians were just not prepared, I think, in mid-2001 with a new American administration, to be carried along into a recasting of the sanctions regime on Iraq which would extend it without any clear measures, stepping stones, if you like, for how Iraq could get out of the sanctions regime. They regarded it as one-sided in that respect, whereas [resolution] 1284 had been comprehensive.”¹⁶⁴

308. Sir Jeremy continued:

“They [the Russians] held out in July, they held out in November, and we wondered whether we would ever get a sanctions regime.”

309. Sir John Sawers told the Inquiry why he thought the Russians had maintained their opposition to a “Smart Sanctions” regime:

“The real reason ... conveyed ... by senior Russians authoritatively, was that they were concerned about their commercial position in Iraq and the Iraqis actually didn’t want any change to the sanctions regime. The Iraqi regime was comfortable ... we understood that the Iraqis actually threatened to cut off all Russia’s contracts if they agreed to the modification of sanctions, and the Russians were fairly open with us about that.”¹⁶⁵

310. The Inquiry asked Mr Ross if the Russian attitude had affected US policy.¹⁶⁶ He told the Inquiry:

“I think it did ... I think it built US suspicions of the Security Council as a place to do business ... which undermined at a critical period the US intention to use the Council and to use UNMOVIC as an avenue for its policy of containing Iraq.

“I think they [the US] felt that ... even when they were easing sanctions, they hit a Russian blockage in the Security Council and that caused considerable frustration in Washington, but also provided a lot of ammunition to the neo-cons and other people who said, you know, ‘You can’t do anything through the UN, it is just a kind of joke, that place, just forget it’ ...”

¹⁶³ Statement, 27 November 2009, page 3.

¹⁶⁴ Public hearing, 27 November 2009, pages 12-13.

¹⁶⁵ Public hearing, 10 December 2009, page 32.

¹⁶⁶ Public hearing, 12 July 2010, pages 30-31.

311. Mr Blair spoke to President Vladimir Putin on 27 June, but without reaching agreement on the UK proposals.¹⁶⁷

312. Mr Blair spoke separately to Presidents Chirac and Bush on 29 June. The record confirms Sir Jeremy's account of the French position.¹⁶⁸

313. The UN Security Council adopted resolution 1360 on 3 July 2001, extending the OFF programme by five months.

314. An FCO briefing for Mr Straw stated that the UK would use the time to work on the Russians, who were seen as isolated.¹⁶⁹

315. In his statement in the Security Council of the UK position after the vote on resolution 1360, Sir Jeremy Greenstock said that there was:

“... now a wide sense across the United Nations that it is the right time for new arrangements, such as those we have proposed ... There is no good reason for delay.

“... We remain ready to engage in discussion of the implementation of resolution 1284 ... But there is as yet no sign of a willingness by Iraq even to begin to co-operate in meeting its obligations under that resolution or, indeed, under other resolutions. Iraq consistently refuses to contemplate the return of United Nations disarmament inspectors. Why, then, delay the adoption of improvements in the humanitarian programme?”¹⁷⁰

316. The US representative stated that a GRL, which was central to the new approach, had been produced the previous week. It would have been adopted that day “save for the threat of a veto. But a veto would bring our work to a halt and thus would be a victory for Iraq.”

317. Syria stated that there was a need to take “a comprehensive approach ... leading to a resolution of the humanitarian issues facing Iraq and neighbouring countries”.

318. Mr Straw visited Washington from 10 to 11 July.

319. Briefings for the visit from the British Embassy Washington and the FCO reflected concerns that, following the failed attempts to secure a new resolution, the US Administration could shift its policy away from diplomatic containment and towards regime overthrow.¹⁷¹

¹⁶⁷ Letter Sawers to McDonald, 27 June 2001, ‘Telephone Conversation with Russian President: Iraq’.

¹⁶⁸ Letter Sawers to McDonald, 29 June 2001, ‘Prime Minister’s Telephone Calls to President Chirac and President Bush Iraq’.

¹⁶⁹ Briefing FCO, [undated], ‘Secretary of State’s visit to the United States: 10-11 July 2001 Iraq’.

¹⁷⁰ UN Security Council, ‘4344th Meeting Tuesday 3 July 2001’ (S/PV.4344).

¹⁷¹ Telegram 765 Washington to FCO London, 5 July 2001, ‘Your Visit to Washington: Foreign Policy Issues’; Briefing FCO, [undated], ‘Secretary of State’s Visit to the United States: 10-11 July 2001 Iraq’.

320. The FCO briefing advised that gaining the co-operation of some of Iraq's neighbours, and providing a safety net for others, were important steps in making progress on a new sanctions regime.¹⁷²

321. During his visit, Mr Straw discussed progress on securing "Smart Sanctions" and the importance of winning over the front line states.¹⁷³

322. Sir Peter Ricketts told the Inquiry that he had believed in July 2001 that "a growing majority on the Security Council" could "see that the current sanctions regime was not working ... and should be replaced", and that there was momentum behind the policy.¹⁷⁴

323. Sir Jeremy Greenstock gave the Inquiry a more pessimistic view:

"The Oil-for-Food regime was ... rolled over for six months at the beginning of July 2001 with no prospect of this stalemate being ended even in the following six-month period.

"... this was quite a low point in the saga of the Security Council's activities on Iraq, since it seemed that there was no way forward on any of the potential tracks.

"The UK concluded from this experience that it was going to be extremely difficult to end the fundamental stalemate at the Security Council over Iraqi sanctions ... with the failure of the Security Council to reach any form of agreement on Iraq's future, we were looking at the prospect of a continued unravelling of the sanctions regime, of growing confidence in Baghdad that they could outwit the international community and of a real prospect that, over time, Iraq would be able to reconstitute some of the programmes which had been destroyed after 1991. In the summer of 2001, we and the Americans had no clear ideas on how we could successfully get out of this logjam."¹⁷⁵

324. Russia's attitude towards Iraq was discussed on 19 July during President Bush's visit to the UK. Mr Blair highlighted the need to persuade President Putin to engage on Iraq.¹⁷⁶

325. Mr Blair's memoir recorded that President Putin had joked that he was "all in favour" of sanctions "provided we compensated him for the US\$8bn that Iraq owed Russia".¹⁷⁷

¹⁷² Briefing FCO, [undated], 'Secretary of State's Visit to the United States: 10-11 July 2001 Iraq'.

¹⁷³ [Telegram 793 Washington to FCO London, 12 July 2001, 'Your Visit to Washington, 10-11 July: Talks with Colin Powell: Iraq'](#).

¹⁷⁴ Public hearing, 24 November 2009, pages 74-75.

¹⁷⁵ Statement, 27 November 2009, pages 3-4.

¹⁷⁶ Letter Sawers to Cowper-Coles, 20 July 2001, 'Prime Minister's Talks with President Bush, Chequers, 19 July'.

¹⁷⁷ Blair T. *A Journey*. Hutchinson, 2010.

326. The record of Mr Blair’s discussions with President Putin in the margins of the G8 meeting in Genoa on 21 July verifies Mr Blair’s and Mr Sawers’ accounts.¹⁷⁸ The priority was to stop Iraq acquiring nuclear weapons. Mr Blair observed that Iraq had rejected proposals to allow UN observers to return as a first step to lifting sanctions, and that the proposals on the table were to move to interim arrangements before UN inspectors returned and sanctions were lifted. In addition, the issue of whether an “outside enemy” led to people “rallying round and allowed Saddam to justify his strict internal regime” was raised. Mr Blair was concerned about the humanitarian impact of sanctions; and that the situation in Iraq made stabilising the Middle East more difficult. Mr Sawers concluded that Russia was looking for a way out of the impasse.

JIC Assessment, 25 July 2001

327. On 25 May, the JIC assessed Saddam Hussein’s strategy and “the continuing erosion of sanctions”.¹⁷⁹ That Assessment is addressed in the Box below.

JIC Assessment, 25 July 2001: ‘Iraq: Continuing Erosion of Sanctions’

The JIC assumed, for the purposes of its Assessment, that there would be no change to the existing sanctions regime until the end of the year. It did not assess the prospects for achieving P5 unity and the UK’s “new approach” in that timescale.

The JIC’s Key Judgements included:

- **“Most Governments around the world still respect UN sanctions.** Around 80 percent of Iraq’s overall revenues are controlled through [the] Oil-for-Food [programme] ... There is broad international consensus to maintain the **arms embargo** at least as long as Saddam [Hussein] remains in power. This severely limits Iraq’s ability to re-build its military threat.”
- **“Nevertheless, the effectiveness of sanctions continues to erode ...** Iraq’s illicit earnings are likely to exceed US\$3bn this year ...”
- Syria, Jordan and Turkey benefited “from cheap Iraqi oil and associated trade with Iraq. In the absence of compensation or P5 unity, they will remain **reluctant to support revised sanctions or allow closer monitoring of trade.**” Regional support for revising sanctions would be “increasingly difficult to achieve” as Iraq extended “trade benefits to more Arab states” and the Palestinian crisis continued.
- **“... Russia** blocked a revised UN sanctions regime because it believed its trade prospects would be severely curtailed. But Russia may not feel able to stand in the way of a further resolution on sanctions.”
- **“Iraq’s isolation has diminished ...** Wider Arab sympathy for Iraq is bolstered by Saddam’s championing of Palestinian rights, the widespread Arab perception

¹⁷⁸ Letter Sawers to McDonald, 21 July 2001, ‘Prime Minister’s bilateral with President Putin, Genoa, 21 July – Iraq’.

¹⁷⁹ [JIC Assessment, 25 July 2001, ‘Iraq: Continuing Erosion of Sanctions’.](#)

that the US is compromised by its support for Israel, and false propaganda about incidents in the No-Fly Zones.”

- “Saddam would only accept the return of UN weapons inspectors if it were accompanied by the **immediate suspension of sanctions**, with a clear timetable for their lift. He would also demand access to oil revenues and try to obtain abolition of the No-Fly Zones.”
- “For now, Saddam will avoid measures that would unite the wider Arab world against him and undermine his efforts to build regional economic ties. This will further reduce the risk of military threats to Kuwait or Saudi Arabia. But he will seek to shoot down coalition aircraft in the No-Fly Zones.”

The JIC stated that while Iraq’s illegal income was increasing, its income under the OFF programme was likely to fall from US\$17bn in 2000 to US\$14bn in 2001, largely as a result of Iraq’s temporary suspension of oil deliveries under the OFF programme.

Syria was now “**the largest purchaser of illicit Iraqi oil**” and was “becoming a more favoured route for the supply of military spare parts, telecommunications equipment and chemicals to Iraq”. There was “scope for the illegal trade ... to grow further ... in the medium term there are plans for a new pipeline and additional road and rail links”.

Most of those who dealt with Iraq had not changed their minds about Saddam Hussein. He had “no friends in Saudi Arabia or Kuwait” and he distrusted “both King Abdullah of Jordan and President Bashar [al-Assad] of Syria”. But his strategy was “**to place Syria and Jordan under greater obligation than the west or Gulf States will be willing to buy out**”.

The “widespread renewal of Iraq’s diplomatic contacts” in 2000 had been extended in 2001 “by a variety of bilateral and multilateral meetings mainly to develop economic relations”. International flights were continuing with Iraq-based civil aircraft flying between Baghdad and Damascus “three or four times a week” with “a similar number of foreign aircraft” flying “into Baghdad mainly from Russia, Turkey and other Arab countries”. “Three ferries a week” operated “between the UAE, Bahrain and Iraq” which were “largely unregulated”.

The JIC stated that:

“The regime feels stronger for having an external enemy and the elite is profiting. All of Saddam’s close associates have become \$ millionaires through sanctions breaking trade ...

“... Saddam judges his position to be the strongest since the Gulf War. Although much of this is based on regional dependence on illicit oil, the regime is secure ...”

328. Iranian support for the British position provided the opportunity for Mr Blair to maintain contacts with President Mohammad Khatami of Iran.¹⁸⁰

329. Mr Blair wrote to President Khatami on 30 July, thanking him for Iran’s public support for the UK proposals which Mr Blair “... firmly believe[d] ... are necessary to

¹⁸⁰ Letter McDonald to Wechsberg, 24 July 2001, ‘Iran: Letter from the Prime Minister to President Khatami on Iraq’.

contain the threat that Iraq poses to its neighbours ... while at the same time addressing the humanitarian needs of the Iraqi people”.¹⁸¹

Continuing concerns about the NFZs

330. On 12 February 2001, Mr Brummell had written to Mr McKane:

- confirming that Lord Williams accepted “that it is still **possible** on balance to argue that the maintenance of the No-Fly Zones is justified as a necessary and proportionate use of force to prevent a humanitarian crisis”;
- emphasising “that it is vitally important to keep constantly in view the precarious nature of the legal basis for UK and US action in the No-Fly Zones”; and
- asking for an “update of the situation in the north and south of Iraq, consideration of alternatives to the maintenance of the Zones, and information on any civilian casualties associated with UK and US operations in relation to the Zones”, by the end of May 2001.

331. That letter is described earlier in this Section.

332. The production of the update was delayed by the UK General Election in June 2001. After the election, Lord Goldsmith of Allerton became the Attorney General.

333. Mr McKane wrote to Mr Brummell on 28 June, to provide the update.¹⁸² He advised that there was no evidence that would entail a revision of the assessment that he had provided on 8 February (and which had been endorsed by Mr Cook and Mr Straw), but offered an update on the points made in that letter:

“Although we cannot predict with absolute certainty how Saddam would react in the event of a cessation of coalition operations in the southern No-Fly Zone, our judgement remains that he would revert to the use of air power against the Shia population ...

“... more effective persecution of the Shia would add to their misery and would risk provoking another cycle of uprising and brutal repression. A grave humanitarian crisis would result ...

“There is no reason to call into question the JIC judgement ... that abolition of the northern No-Fly Zone would be likely to lead to a refugee crisis at least comparable to 1996 (nor that, in the event that Saddam faced widespread opposition to an assault to recover the north, a humanitarian refugee crisis similar to that in 1991 would follow).

¹⁸¹ Letter Prime Minister to Khatami, 30 July 2001, [untitled].

¹⁸² [Letter McKane to Brummell, 28 June 2001, 'Iraq'](#).

“Our judgement in February was that a decision to move away from patrolling the south would make it more difficult to sustain the necessary political support for the northern No-Fly Zone. That remains our view.

“Overall, our continued collective judgement is that there remains an unacceptably high risk that, in the event that we ceased patrolling the southern No-Fly Zone, extreme humanitarian distress would result on a scale comparable to that which led to a grave humanitarian crisis and the establishment of the Zones in 1991 and 1992.”

334. Addressing Lord Williams’ request that officials “should continue to seek to establish whether alternatives methods [to the NFZs] to achieve our objectives could be identified”, Mr McKane stated:

“... the MOD has conducted a comprehensive review to inform the policy dialogue we have been engaged in with the new US Administration. After our own careful and detailed scrutiny, no other arrangements that would obviate the need to conduct regular patrols over Iraqi territory have been identified.”

335. Mr McKane confirmed that the need “to avoid incidental loss of civilian life, injury to civilians and damage to civilian objects” remained a key concern for coalition commanders in the planning and implementation of attacks.

336. Mr Brummell responded on 25 July.¹⁸³ Noting that there was no change to the assessment of 8 June, he wrote:

“As discussed, the new Attorney General will wish to consider in the near future the issues relating to the legal basis for the conduct of operations in the NFZs, having regard in particular to your update ... I shall revert to you as soon as he has done so.”

337. The following day, Mr Hoon received advice on a possible large-scale attack by US forces on the Iraqi air-defence system, in response to continuing Iraqi attacks on coalition aircraft in the NFZs.¹⁸⁴ The advice stated that the MOD was not yet in a position to consult Law Officers, but “there were strong grounds for believing that they would have difficulty with an attack of this scale”. A manuscript comment to Mr Hoon from his Private Office in the margin of the advice stated that the FCO and No.10 were “both in the picture”.

338. It is not clear whether Mr Brummell was aware that the US was considering those strikes when he wrote to Mr McKane.

¹⁸³ Letter Brummell to McKane, 25 July 2001, ‘Iraq’.

¹⁸⁴ Minute Palmer to APS/Secretary of State [MOD], 26 July 200, ‘Iraq: Possible RO4’.

339. Reports of a “planned large-scale military response to recent events in the southern No-Fly Zone”, “sourced to the Pentagon”, appeared in the media on 27 July.¹⁸⁵

340. Mr McKane wrote to No.10 on 1 August, advising that military planners within the Pentagon and the MOD had discussed options. The Pentagon option was for a raid involving attacks on 30 targets, two-thirds of which were north of the southern No-Fly Zone and within 20 miles of Baghdad. The UK preference was to attack 20 targets, 12 of which lay within 20 miles of Baghdad. Each of the proposed targets was connected with the Iraqi air-defence system though two were in the vicinity of the civilian airports at Baghdad and Basra which had civilian as well as military roles.¹⁸⁶

341. Lord Goldsmith was provided with written briefing on the US proposals and met MOD officials on 1 and 8 August.¹⁸⁷

342. An official in Mr Hoon’s Private Office wrote to No.10 on 2 August setting out the issues:

“Whilst coalition aircraft have continued to come under regular attack by the Iraqi air defences, the military assessment was until very recently that the overall risk remained manageable. Events over recent weeks have, however, brought this into question, with July seeing an alarming increase in the number of occasions on which coalition aircraft have narrowly avoided being shot down (ten separate incidents in the south alone, compared to eleven in the previous four months combined).”¹⁸⁸

343. The increased risk reflected greater Iraqi capability and “coalition restraint over the past three months”.

344. Decisions on the operation were likely to be delayed by US concern about the reaction of “moderate Arab governments” which were “already under pressure as a result of developments in Israel and Palestine”, and by the US appreciation of the likely propaganda benefits to Saddam Hussein from such attacks. The debate within the US Administration on how to respond to the attacks on coalition aircraft had broadened into a wider one about the direction of US policy, “with advocates of hitting Saddam harder using this as an opportunity to move the argument in that direction”.

345. Mr Hoon’s Private Office concluded:

“The Defence Secretary is convinced of the need, in the face of the substantially increased threat, to take action to reduce the risk to the Service Personnel conducting this task [patrolling the Zones]. Whilst he understands the political and presentational arguments for delay, his preference would have been for a

¹⁸⁵ Minute Tanfield to PS/Straw, 27 July 2001, ‘Secretary of State’s Conversation with Colin Powell, 27 July: Iraq NFZs’.

¹⁸⁶ Letter McKane to Tatham, 1 August 2001, ‘Iraq: No-Fly Zones’.

¹⁸⁷ Letter Brummell to Nash, 9 August 2001, ‘Iraq: No-Fly Zones (NFZs) – Target Clearance’.

¹⁸⁸ [Letter Moffatt to Tatham, 2 August 2001, ‘Iraq: RO4’](#).

substantial operation designed to achieve this (indeed, he has asked for the views of the Attorney General on a UK-prepared plan to attack 21 targets). He accepts the military advice that only by conducting such an operation, including against targets north of the 33rd parallel, can we expect to reduce the threat substantially in the medium term. But he accepts that, just as in the US, time will be required to afford collective consideration of such a proposal. He believes that this is an issue to which we will need to return in the future.

“In the meantime, he is clear that the status quo is not an option, and that a robust return to the existing agreed concept of operations is essential ... to enable the coalition to manage the enhanced risk in the immediate term.”

346. Mr Patey reported on 3 August that the US had decided not to carry out the proposed operation, pending consideration of its wider implications.¹⁸⁹ He described it as “welcome news”.

347. The MOD proposed to return to the level of operations within the NFZs before the constraints imposed following the February attack. That would raise the profile of the NFZs, but the FCO believed that the UK should be able to portray that as a legitimate and proportionate response to the increased threat to air crew.

348. Mr Straw’s Private Office wrote to No.10 later that day, acknowledging the increase in the threat and that military commanders should use their delegated authority to take actions within the NFZs to minimise the risk to air crews.¹⁹⁰ Mr Straw was concerned that a major attack should not be initiated:

“... without considering carefully the implications for our wider interests.

“... A more substantial operation ... would bring into stark relief arguments about double standards and inflame Arab public opinion. We might face attacks on UK ... Embassies and other interests in the region. We owe a duty of care to our staff and to British citizens in the region, as well as to our aircrews.

“Politically, a major operation north of the southern NFZ would play straight into Saddam’s hands ... UK domestic and international reaction following the February attacks was hostile ...

“Such an operation could also prove fatal to our current Iraq policy ... a major operation would be interpreted as a get-tough policy by the US in frustration at the failure to get our revised sanctions approach agreed ... The collapse of our current policy, which has been carefully considered and agreed in Whitehall and with the US, would leave us in a policy vacuum in which we would risk getting sucked into adopting a more militaristic posture.

¹⁸⁹ Minute Patey to PS [FCO], 3 August 2001, ‘Iraq: NFZs’.

¹⁹⁰ [Letter Sedwill to Tatham, 3 August 2001, ‘Iraq: RO4’.](#)

“... the balance of advantage to maintaining the NFZs would require the most careful consideration.”

349. On 3 August, an official in the British Embassy Washington reported that one senior US official had said that the debate over the proposed attacks had “given greater impetus” to the need to develop the overall US strategy on Iraq; and that substantive outcomes were “unlikely in days, but possible in weeks”.¹⁹¹

350. Mr Brummell wrote to the MOD on 9 August, setting out Lord Goldsmith’s views.¹⁹² Lord Goldsmith had concluded “that proportionate attacks by UK forces on the ... two targets could be justified in the context of Allied operations in the southern No-Fly Zone”.

351. Mr Brummell also set out Lord Goldsmith’s views on proposed attacks by US forces. Referring to earlier correspondence with the FCO, Mr Brummell noted the UK’s “potential international legal responsibility” for attacks carried out by the US in the NFZs, and, with regard to the planned action, “the assurances provided by the US that, in relation to all three proposed targets, no civilian casualties may be expected to result from the attacks and that there may be expected no more than minor damage to civilian buildings and facilities”. On that basis, the Attorney General had advised: “Provided the responsible senior Ministers are satisfied that these US projections are reliable, and that the US Government are satisfied as to the lawfulness of the proposed attacks”, he saw no reason to question that “proportionate attacks by US forces on the ... targets ... could be justified in the context of Allied operations in the southern No-Fly Zone”.

352. A number of attacks were carried out on 10 August, including an attack by the US on a target previously assigned to UK forces. That attack was carried out during daylight hours.

353. Mr Brummell wrote to the MOD on 15 August referring to the concerns the Attorney General had expressed in giving his consent, regarding the importance he had attached to the MOD’s assurance that the attack would be carried out at night to avoid the risk of harm to people working in the vicinity of the buildings.¹⁹³ MOD officials had also made clear that any change in circumstances would be brought to the Attorney General’s attention. Mr Brummell recorded that Lord Goldsmith had asked that the written report on the attacks should address the points he had raised; and that his concerns should be drawn to Mr Hoon’s attention.

354. Mr Hoon’s Private Office replied to Mr Brummell on 3 September.¹⁹⁴ The letter stressed the importance that Mr Hoon attached to the Law Officers’ advice and that he was fully aware of the need to ensure that the actions of coalition partners were “governed by similar principles”. Mr Hoon was “confident that US commanders are very

¹⁹¹ Telegram 886 Washington to FCO London, 3 August 2001, ‘Iraq’.

¹⁹² Letter Brummell to Nash, 9 August 2001 ‘Iraq: No Fly Zones (NFZs) – Target Clearance’.

¹⁹³ Letter Brummell to Nash, 15 August 2001, ‘Iraq Targeting’.

¹⁹⁴ Letter Moffatt to Brummell, 3 September 2001, [untitled].

much aware of their obligation to minimise the risk of civilian casualties and collateral damage”. US assessments in respect of targets were based “on more sophisticated modelling and have the benefit of a much greater range of weaponising solutions than assessments made by the UK targeting staff in respect of RAF targets”. The letter concluded that: “In circumstances ... where there is ... no clear reason to challenge US targeting judgements, he [Mr Hoon] takes the view that we should take on trust assurances provided by ... our closest ally.”

Lord Goldsmith’s review

355. Mr Brummell wrote to Mr McKane on 24 August informing him that Lord Goldsmith intended to carry out his review of the legal justification for the maintenance of the NFZs during September; and that he had asked whether there was any additional information which departments wished to draw to his attention, and whether there were any developments subsequent to Mr McKane’s update of 28 June.¹⁹⁵ Copies of the letter were sent to the MOD, the FCO and No.10 officials.

356. Mr Brummell also asked for clarification on a number of specific points:

- Whether departments could “expand on the assessment that a decision to move away from patrolling the south would make it more difficult to sustain the necessary political support for the northern No-Fly Zone”.
- Whether it was possible to expand the assessment of the “*likelihood*” of a “grave humanitarian crisis” occurring as a result of persecution of the Shia.
- Whether departments could direct him “to the precise materials and/or passages” in “the MOD’s comprehensive review of the Zones” on which the conclusion that “no other arrangements have been identified which would obviate the need to conduct regular patrols over Iraqi territory” had been based.
- Whether the assessment in Mr Patey’s letter of 29 January that there might be “scope for adjustment” in relation to the northern NFZ remained valid, and if it did whether it affected “the assessment of whether there are any practical alternatives to patrolling the northern No-Fly Zone if lives are to be saved”.

357. Mr McKane forwarded a copy of the letter to Sir David Manning, Mr Blair’s Foreign Policy Adviser, with the comment:

“You need to be aware of this correspondence. I’ve got the matter in hand – I’ll probably ask the MOD to produce a draft reply for discussion with them and FCO – but I may need to ask you to weigh in if the Attorney is unconvinced by our arguments.”¹⁹⁶

358. Copies of the letter were circulated widely within the MOD, and to Mr Hoon.

¹⁹⁵ [Letter Brummell to McKane, 24 August 2001, ‘Iraq’.](#)

¹⁹⁶ [Manuscript comment McKane to Manning, 3 September 2001, on Letter Brummell to McKane, 24 August 2001, ‘Iraq’.](#)

359. Mr McKane responded to Mr Brummell's letter on 16 October (see Section 3.1).

Discussions on a new contingency plan for the loss of an aircraft in Iraq

360. Mr Webb told the Inquiry that, in the event of a coalition plane being shot down in the NFZs:

"We had a contingency plan ... which was run from the joint headquarters in Saudi Arabia. The objective would have been the safety of the air crew ... to basically go and get them back if wounded on the ground inside Iraq, whether or not the Iraqis tried to stop us doing it ... it is called 'combat search and rescue' ... it was on stand by all the time these [NFZ] operations were being flown and it didn't need Ministerial authorisation to go out and do that, and, as I'm implying, as well as just getting in there and picking up the air crew and looking after them medically, if necessary, we would have kept the Iraqi forces away ... there was a debate to be had ... of what's necessary to keep the – if I might put it like this – Iraqi forces' head[s] down while we went and recovered the crew, as opposed to also signalling that we wished they would not do it again."¹⁹⁷

361. In late summer 2001, reports on US contingency planning for the loss of aircraft caused concern within the UK Government.

362. On 29 August, Mr Webb advised Mr Robert Cooper, Head of the Overseas and Defence Secretariat in the Cabinet Office, that the US Central Command (CENTCOM) had reviewed its contingency plans for the loss of a coalition aircraft in the NFZs.¹⁹⁸ The revised plan, understood to have been endorsed in principle, "provides for a major offensive operation, distinct from measures taken to recover downed aircrew, against a wide range of targets across Iraq within four hours of a shoot-down being confirmed".

363. Mr Webb described the US proposals as "of a piece with DoD [US Department of Defense] ideas on future responses to Iraqi threats ('more savage, less often')". The main legal concern was the breadth of the list of targets within Baghdad included in the revised plan.

364. In a manuscript note on his copy of Mr Webb's letter, Mr Stephen Wright, FCO Deputy Under Secretary of State (Defence and Intelligence), asked Mr Patey for advice, adding:

"On the substance, I think we should strongly advise the US against their proposed strategy: it is politically and legally all wrong for both the US and the UK."¹⁹⁹

¹⁹⁷ Public hearing, 24 November 2009, pages 148-149.

¹⁹⁸ Letter Webb to Cooper, 29 August 2001, 'Iraq: US Contingency Planning for the Loss of an Aircraft'.

¹⁹⁹ Manuscript comment Wright on Letter Webb to Cooper, 29 August 2001, 'Iraq: US Contingency Planning for the Loss of an Aircraft'.

365. Mr Wright responded to Mr Webb's letter on 5 September, emphasising the importance of understanding how any operation "might impact not only on our Iraq policy but on the region as a whole".²⁰⁰

366. Discussions between the UK and US on the proposed contingency plans continued for some months, and at the highest levels. The UK's objective was to moderate the US proposals.

367. The matter was not resolved until July 2002.

368. Mr Hoon's Private Secretary reported to Sir David Manning on 22 July 2002 that Lord Goldsmith had agreed to UK participation in attacking the target set, with the exception of three regime targets which would be attacked by the US.²⁰¹ In the event of a legal challenge, the Attorney General had advised that there would be a need for the UK to disassociate itself from that part of the action. That could damage US/UK bilateral relations. Mr Hoon proposed that the UK should agree a joint US/UK plan on that basis.

369. Mr Blair agreed.²⁰²

370. The circumstances in which the plan needed to be implemented did not arise.

Developments in the US

371. In early August, the British Embassy Washington reported that it appeared that a debate was heating up in Washington on the balance between different strands of US policy (sanctions, military containment and regime change).²⁰³

372. In a discussion with Mr Webb in mid-August, a senior Pentagon official stated that regime change was needed to prevent Iraq from acquiring a credible WMD capacity and becoming the dominant regional power.²⁰⁴

373. In early September, a senior State Department official advised the British Embassy Washington that activity on ideas for regime change was "much ado about nothing".²⁰⁵

374. Published American accounts described this debate. On 1 August, a paper entitled 'A Liberation Strategy' was presented to the National Security Council.²⁰⁶ It proposed phased pressure on Saddam Hussein and support for the Iraqi opposition; no policy recommendation was made to the President.

²⁰⁰ Letter Wright to Webb, 5 September 2001, 'Iraq: US Contingency Planning for the Loss of an Aircraft'.

²⁰¹ Letter Williams to Manning, 22 July 2002, 'Iraqi No Fly Zones: Contingency Planning for the Loss of an Aircraft'.

²⁰² Manuscript comment Blair on Note Manning to Prime Minister covering Letter Williams to Manning, 22 July 2002, 'Iraqi No Fly Zones: Contingency Planning for the Loss of an Aircraft'.

²⁰³ Telegram 886 Washington to FCO London, 3 August 2001, 'Iraq'.

²⁰⁴ Telegram 937 Washington to FCO London, 18 August 2001, 'Webb's visit to Washington: Iraq: Military Aspects'.

²⁰⁵ Telegram 1004 Washington to FCO London, 6 September 2001, 'Iraq: Views of US'.

²⁰⁶ Woodward B. *State of Denial*. Simon & Schuster UK, 2006.

375. Mr George Tenet, the Director of Central Intelligence, described in his memoir how a CIA analysis before 9/11 concluded that it would be difficult to remove Saddam Hussein because of the layers of security around him and that: “Even if we had managed to take Saddam out, the beneficiary was likely to have been another Sunni general no better than the man he replaced.”²⁰⁷

376. General Tommy Franks, Commander in Chief CENTCOM, told the 9/11 Commission that in the summer before 9/11 he had been pushing to do more robust planning on military responses in Iraq, but that President Bush had denied his request, arguing that the time was not right.²⁰⁸ Gen Franks also told the Commission that CENTCOM had begun to dust off plans for a full invasion of Iraq.

377. The then Head of Policy Planning in the US State Department, Mr Richard Haass, recorded that he submitted a memo to Secretary Powell arguing that “Saddam Hussein was a nuisance, not a mortal threat”, and that the only sure way of ousting him would be through prolonged military occupation and nation-building.²⁰⁹

378. Sir Jeremy Greenstock advised on 6 September that “our goals are to contain Iraqi military/WMD potential and constrict Baghdad’s financial flexibility, without excessively harming the Iraqi people”.²¹⁰ He argued that the issue needed to be given a higher priority in the US/Russian agenda and noted that Mr Goulty was due to hold talks in Moscow later that month.

379. The talks took place on 11 September 2001. Just after they had finished, the news reached Moscow of the terrorist attacks in the US.

380. The Inquiry asked Sir Peter Ricketts if the failure to secure agreement to a new resolution in July changed US policy. He told the Inquiry:

“Yes, I think it probably did. I don’t think it helped Colin Powell’s position in Washington, frankly, that he had ... not been able to give this containment policy a refresh through the sanctions resolution. I don’t think it led to an immediate shift in American policy because I remember, as 9/11 happened, we and the Americans were still working on further pushes with the Russians to see whether we could get a Goods Review List resolution through in the autumn, but I think it didn’t help the cause of the State Department that the flagship of this strengthened containment policy had not succeeded by July.”²¹¹

381. Sir Christopher Meyer told the Inquiry that the Bush Administration had focused most of its political energy on domestic issues and that, by early September, appeared

²⁰⁷ Tenet G & Harlow B. *At the Centre of the Storm: My Years at the CIA*. Harper Press, 2007.

²⁰⁸ Final Report of the National Commission on Terrorist Attacks Upon the United States. *The 9/11 Commission Report*. Norton. Page 336.

²⁰⁹ Haass RN. *War of Necessity, War of Choice: A Memoir of two Iraq Wars*. Simon & Schuster, 2009.

²¹⁰ Telegram 1330 UKMis New York to FCO London, 6 September 2001, ‘Iraq’.

²¹¹ Public hearing, 24 November 2009, page 36.

to be “running out of steam” on a range of issues including Iraq.²¹² The US inter-agency review of Iraq had not produced any conclusions.

382. Mr Jonathan Powell told the Inquiry: “By the time 9/11 happened, it [containment] really wasn’t going to work any more, the Americans had moved off it.”²¹³ But there was no US/UK agreement on the way ahead.

²¹² Public hearing, 26 November 2009, pages 17-20.

²¹³ Public hearing, 18 January 2010, pages 21-22.