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LEGAL SECRETARY

THE LEGAL SECRETARIAT TO THE LAW OFFICERS

ATTORNEY GENERAL'S CHAMBERS

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Confidential and Personal

Simon McDonald Esq
Principal Private Secretary to
the Secretary of State for Foreign & Commonwealth Affairs
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RE
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23 October 2002

Dear Simon,

IRAQ: DRAFT UNSCR: PRESS LINES

The Attorney General has seen your letter of 21 October to Sir David Manning setting out some suggested press lines.

The Attorney is content with the press lines. He notes that they have been carefully drawn up so as to ensure, for example, that the references to future action are consistent with that action being in accordance with international law, without committing as to what that action might be.

However, the Attorney did ask me to draw to your attention his view that the second sentence of the third paragraph on the first page of your letter is ambiguous. If a resolution were adopted which did not in our view authorise the use of force and then a second Resolution were to be vetoed, this veto would not necessarily of itself provide a sufficient legal justification for the use of force. If in such a situation the UK wished to be involved in military action in a way which was consistent with international law, this would only be lawful if there was a sufficient basis under international law for the use of force in the absence of a Security Council resolution (eg. the threat of an imminent attack by Iraq which would engage the right to use force in self-defence).

I am copying this letter to Sir David Manning (No. 10), Peter Watkins (MoD) and Anna Bewes (DFID).

*Yours ever,
David*

David Brummell

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