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## Garden Rooms - Chequers

**From:** Jonathan Powell  
**Sent:** 23 November 2002 19:57  
**To:** David Manning  
**Cc:** Alastair Campbell; Clare Sumner; Matthew Rycroft; Sally Morgan; Duty Clerks; Garden Rooms - Chequers  
**Subject:** Jack's Iraq statement

Duty Clerk - can you get this to David and copy addressees and get a copy of the draft statement to TB at Chequers along with this comment.

I have just seen Jack's opening speech for the Iraq debate on Monday. Paras 33-38 are the crucial passages.

I do not see how Jack can use this language on a second resolution. It seems to be the worst of both worlds. It says we would prefer a second resolution - sacrilege to the Americans and not our position up to now. But says we don't absolutely need one and could take military action without one. I would have thought that would force the Attorney General to break cover. I appreciate it is not very easy to avoid being specific when Tam Dalyell etc will intervene on him, but I would have thought a great tub of fudge would be in order here - academic question, if Iraq is in breach can be no doubt the international community will need to enforce its will etc. What do others think?

And even worse is para 38 committing us to trying to introduce a substantive motion into the House before military action has taken. This is creating an entirely new precedent. Even in the second world war this didn't happen. Substantive resolutions always happen once military action is under way for the obvious reasons that we do not want to lose the element of surprise and because it is much easier to win an overwhelming vote once our boys are in action. Surely he should just say here we will stick to the usual conventions on this matter and have no difficulty in coming back to this House repeatedly to discuss the issue as long as the timing of doing so does not put our servicemen's lives at risk?

Who is going to speak to him?

I don't see this as such a problem.  
The U.S. position is yes to a 2nd  
dimension & a 2nd resolution but no to a  
veto over action if no Res. is forthcoming  
ie. the Kosovo crisis.  
And Jack isn't promising a fresh  
motion; just saying he hopes he can do it  
perhaps this will be diluted; & para 30  
is unnecessary speculation.

14/12/02 DML

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alleged breach and to consider the situation and the need for full compliance.

32. This brings me to the third question I posed – will there be a second Security Council Resolution if military action proves necessary.

Mr Speaker

33. 1441 does not require that military action to enforce the Iraqi outstanding obligations and in the event of further material breach can only be authorised by a second Resolution. This was an alternative discussed amongst members of the P5 during the weeks of negotiation: but no draft to this effect was ever put to the vote; nor voted on. Instead, every member of the Council accepted this text. One reason for this I believe was a recognition that it would be wrong to make any final decision for military action in the face of a flagrant material breach subject nonetheless to an unreasonable blockage in the Security Council.

34. I should make it clear to the House, as I did on 7 November, that the preference of the British government, in the event of a material breach is that there should be a second Resolution authorising military action. This would be an important way of maintaining the international consensus for Iraq to comply with international law. But the faith now being placed in the United Nations by all members of the Security Council, including the US, requires the UN to show a corresponding level of responsibility. So far it has more than done so. I believe it will do so in the future. But we must reserve our position in the event that it does not [just as we had to in

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respect of Kosovo]. In any event, Saddam Hussein needs to be in no doubt of the resolve, now, of the United Nations to require him to comply. That is the reason that the language of "serious consequences" is used in OP13 in the event of his non-compliance.

35. The fourth question concerns military action by the UK, and whether the House will have a vote on this, and when.

36. Mr Speaker, no decision on military action has yet been taken by Her Majesty's Government and I fervently hope that none will be necessary. 1441 sets out a clear, straightforward pathway to peace for Saddam Hussein if only he will take it. We have, however, only got this far in terms of Saddam Hussein's compliance because an active diplomacy has been backed by the credible threat of force. For that threat to remain credible, it is crucial that we make proper preparations. [MOD – paras to add]. The more prepared we are, the more likely in my view of full compliance by Saddam Hussein without the use of force.

37. If force does become necessary, it will have to be used. Any decisions which HMG make in this respect will be careful, proportionate and consistent with our obligations in international law.

38. Any decision by HMG to take military action will be put before the House very quickly on a substantive motion. I hope that this will be before any military engagement; but, as the House has always accepted, there are some circumstances in which the safety of our forces requires an element of surprise. In that event, as I previously have explained to

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