Wednesday, 26 May 2010

SIR JEREMY GREENSTOCK

THE CHAIRMAN: Let's make a start. Our witness at this private hearing this morning is Sir Jeremy Greenstock.

Welcome, Sir Jeremy, for the third time, which is now equal first with Peter Ricketts and Kevin Tebbit for the most number of appearances.

A few things to say by way of opening. Unlike the last two occasions on which you appeared before the Committee, this session is being held in private because we recognise that much of the evidence on the areas we wish to cover will be sensitive within the categories set out in the Inquiry's Protocol on Sensitive Information, for example on the grounds of international relations or defence capability, and in particular we want to use in session to explore issues covered by classified documents or otherwise sensitive, and we will apply the protocol between the Inquiry and HMG regarding documents and other written and electronic information in considering whether and how information given in relation to classified documents, or sensitive matters more widely, can be drawn on and explained in public, either in the Inquiry report or, where appropriate, earlier.

Importantly, if other evidence is given during this hearing which neither relates to classified documents nor engages any of the categories set out in the Protocol on Sensitive Information, that evidence would in principle be capable of being published, subject to the procedures set out in the Inquiry secretary's letter.

Given we have much sensitive ground to cover, I do hope that both the questions and the answers will not stray much into publishable areas already covered in public evidence.

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Now, we recognise witnesses are giving evidence based on their recollection of events, and we check what we hear against the papers to which we have access.

I remind every witness on each occasion they will later be asked to sign a transcript of their evidence to the effect that the evidence they have given is truthful, fair and accurate. For security reasons we are not releasing copies of this transcript outside the Inquiry's offices upstairs here.

SIR JEREMY GREENSTOCK: But I will be asked to look at a full transcript of what is said?

THE CHAIRMAN: Yes, and you will be able also to access the transcript whenever you wish to review it.

I think, with that out of the way, I'll turn straight to Sir Martin Gilbert.

SIR MARTIN GILBERT: I would like to start with the attempt at agreeing a UN resolution on revised sanctions, first of all in the pre-9/11 period. You reported on 29 May 2001 that:

"The Russians are clearly intent on obstructing our proposal by throwing up as many negative questions as possible, both on the content and consequences of our resolution."

How did the UK seek to overcome Russian opposition to our proposals for the revised sanctions that summer?

SIR JEREMY GREENSTOCK: The Russians were the principal antagonists in our trying to get a goods review list and the revision of the whole sanctions mechanism. They wanted to achieve two things, I think. One was a revised set of conditions for Iraq to escape from the sanctions regime. The other was a speeding up of Iraq's capacity to generate income so that their own Russian debts could be repaid. That was what was in Russian minds more than anything else.

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They had abstained on resolution 1284 in 1999, and all the way on from December 1999 had been trying to reduce the conditions under which Iraq could escape from sanctions.

I think by May 2001 virtually all other members of the Security Council, including the French and the Chinese, who were largely silent, were in a position to agree to the kind of revision of the sanctions conditions and the work of the oil for food programme that the US and the UK were prepared to propose or could negotiate. Only the Russians stood out.

We tried to get round the Russian objections by explaining that it was a considerable advance, that the list of sanctioned items should be turned from a general list, where everything was prohibited unless things were allowed, to, as it were, a negative list, where certain listed things were disallowed and the rest was allowed.

This would allow many more goods into Iraq of an unsuspicious kind. It would allow the Iraqi economy to grow. It would produce more income for ordinary Iraqis and for the Iraqi Government, and would be in the Russians' interest. [redacted] it turned into one of those negotiations where the two sides' positions, the Russians and the US/UK, were incompatible, and we were not prepared to reduce our negotiating position to the point of meeting the Russians because they wanted us to go too far, and therefore we had to let the effect of time take its toll because the Russians wanted something and we wanted something, and we didn't know when the Russian connection to their leverage would break.

So if you remember at the beginning of June 2001, there was a Security Council meeting, and I think a draft resolution, which put considerable pressure on the Russians because it left

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them isolated at that point, and we hoped that within 30 days, up to the beginning of July 2001, there would be a reconsideration of what had been put forward by the Russians and we would get something at the six-month point. That tactic did not work, and indeed, when we tried it again in November 2001, it did not work again.

If I can jump ahead to illustrate the end of the story, Sir Martin, it wasn't until the Americans and the Russians bilaterally agreed to go into purdah on this outside New York that a solution was created which was affected by other things in the US/Russian relationship. So within the context of the United Nations, of the Security Council, we never achieved a negotiation that dealt with the Russian conditions.

SIR MARTIN GILBERT: On the eve of September 11, in fact on 6 September 2001, to take up this American dimension, you reported that:

"The senior Americans show no signs of raising this issue to the necessary level of priority in the US/Russian agenda."

How much of an impediment was the American failure to raise this issue sufficiently strong with regard to the Russian position at this time, in the period up to 9/11 and beyond, and were you able to influence the Americans in this regard?

SIR JEREMY GREENSTOCK: Well, I'm not sure that the United Kingdom wanted any more than the Americans to reduce the pressure on Iraq over the sanctions that mattered in order to get a revised sanctions regime. I think there was a UK interest also in not allowing the Iraqis to be working under a lighter programme of sanctions which might enable them to import materials which we thought they were looking for on the open, if black, market. Therefore we were not necessarily trying to move the Americans to a point where they met the Russians halfway.

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That was not necessarily in our interests.

So my memory is pretty dim on the precise day-by-day development of this particular negotiation, but the fundamental point in answer to your question is that we were not, as I recall, trying to wean the Americans off a hard argument because we believed in that hard argument.

SIR MARTIN GILBERT: After 9/11 was it easier to persuade the US to exert pressure on Russia with regard to our -- you wrote again, just after 9/11:

"The Americans are of course the key. Naturally they are deeply distracted."

This was 11 October:

"But they should not need too much pressuring now that Iraq is a primary, not a back burner issue."

So this is your perspective immediately after 9/11. Was it the case? Were you able to exert more pressure?

SIR JEREMY GREENSTOCK: My recollection is, in general terms, that 9/11 made a huge difference to the global context of terrorism, Afghanistan, of US relations with virtually the rest of the world, and the perception of the US at the UN. But it did not make a particular difference to the negotiation of Iraq items at the UN.

It affected the context, but it didn't really affect the substance of what we were trying to do to restore unity in the Security Council on Iraq over sanctions and over the conditions for Iraq to escape from sanctions, and therefore a telegram like this, a month after 9/11, is a telegram specifically on a period of probably two or three days when we were focused on the next date for an Iraqi discussion in the Security Council and Iraqi resolution, but were not, I think, bringing to bear any particular consequences of 9/11 on the substance of the

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negotiation of a revision of sanctions.

So I would tend to play down your expectation, if that is envisaged in your question, that 9/11 made a difference to the substance of negotiations, ongoing negotiations, in the Security Council on the Iraq item.

SIR MARTIN GILBERT: Thank you. Can I turn now to the UK strategy in 2002 for persuading the Americans to go down the UN route, as opposed to the unilateral military route. You wrote on 22 February 2002, reporting that Negroponte had assured you that the United States, at least in New York, was serious in pursuing the Security Council route, and you said:

"This will require delicate work with the Americans."

What did this "delicate work" involve? What had you in mind?

SIR JEREMY GREENSTOCK: Have you got the paper in front of you? I would just like to see the context of my reference to "delicate work".

SIR MARTIN GILBERT: It's 22 February.

SIR JEREMY GREENSTOCK: I have been given this text, Margaret, but I need to be reminded, from the text of what I said, why I used the adjective "delicate", because otherwise I shall be guessing at it. **(Pause)**

THE CHAIRMAN: I don't want to lose too much time on this.

SIR JEREMY GREENSTOCK: From the context, there are two things that I think I ought to comment on. One is that I was generally of the view that it was sensible to assume that the option of the use of force against Iraq would not be chosen and would not be the sensible route to go.

I had given warnings of that when it had come up earlier in the story after 9/11, as is evident from the telegrams. I thought that the downside of using force against Iraq,

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particularly if it was constructed on the basis of an exaggerated assumption that Iraq was involved in 9/11, would be a mistake. I was surprised when I heard quite late in the day -- February 2002 -- that the Americans were seriously preparing a use of force option. I was aware that the Secretary General was getting quite nervous about noises off in Washington about the use of force, and was thinking of reinserting himself into a direct dialogue with Iraq to try and solve the stalemate over the goods review list, et cetera, and that too is in the papers.

But the second point was that the Security Council had basically failed to come to a conclusion on the goods review list objective, and we had left the Americans to work alone with the Iraqis[1] and they felt they were getting somewhere.

It was in UK interests, as I saw it, to make sure that the whole Iraq effort at this stage did not collapse back into a purely bilateral channel with the US and the Russians. It should be done at the UN, but this, with the Bush administration, was not a popular thing to push. So Negroponte might be persuaded that this was the right thing to do, but then he had to persuade much harder people in New York, who felt that this was a waste of time.

So the delicacy came in the different views between the hardliners in Washington and the Powell man in New York. So I think the "delicacy" referred to that.

SIR MARTIN GILBERT: Thank you very much.

THE CHAIRMAN: Before turning to Sir Lawrence Freedman, Rod, I think you have got one question.

SIR RODERIC LYNE: [redacted]

[1] Witness clarification: Slip of the tongue: I should have said "Russians" [JG 3/6]

[redacted]?

SIR JEREMY GREENSTOCK: [redacted].

SIR RODERIC LYNE: Thank you.

THE CHAIRMAN: Okay. Let's move on, I think, to 1441. Lawrence.

SIR LAWRENCE FREEDMAN: Thanks. Again, we are going to go over ground that we have gone over in public sessions. I think we are looking for more insight into the diplomatic relations with allies and so on in the course of that. [Noise of drilling in the building] I hope that stops soon.

SIR RODERIC LYNE: [redacted]?

SIR JEREMY GREENSTOCK: [redacted]

SIR LAWRENCE FREEDMAN: Let me start with the language authorising "all necessary means" or the proposition of the language authoring "all necessary means". This was lost, and "serious consequences" was there instead. You warned at the time that --

(External noises)

SIR LAWRENCE FREEDMAN: We are starting on this question of "all necessary means", which was something that we wanted, the Americans wanted in. Instead we got "serious consequences".

Now, in a telegram of 30 September 2002, you warned that:

"Starting publicly with 'all necessary means' and then losing it risked looking like a defeat and undermining any subsequent argument that we have legal cover for military action."

Do you think it did have that effect?

SIR JEREMY GREENSTOCK: No. I think this is barely material in the larger story. I mean, the background is that from the beginning John Negroponte and I were keen to put down a draft in the Security Council, when the time came for that, which would not be immediately rejected, which would be within the ballpark of what we regarded, from our position, as being negotiable.

We thought that a text with "all necessary measures" blatantly in it would not be negotiable, and that therefore we would have to concede it, and that if we put down a draft out of which we had to, under pressure of negotiation, take out those words, it would be worse than not starting with it. That was the argument, and in my telegram of 27 September -- it's in my summary story that I made notes of -- I reported to London that it was right for London to argue with Washington that we shouldn't start with something we would have to concede.

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I do not think that it was material that the final text of 1441 did not contain "all necessary measures", but referred to "serious consequences", because the layman's interpretation was the same of either phrase.

SIR LAWRENCE FREEDMAN: But international lawyers, as we know, may construe things differently from laymen.

SIR JEREMY GREENSTOCK: That's why I said "laymen", and that's why I keep using references to "legitimacy". Legitimacy comes from general public and political support, and that is the area where I don't think the change of phrase particularly matters.

SIR LAWRENCE FREEDMAN: And you would understand "serious consequences" to, legally, as well as legitimately, include military force as well as --

SIR JEREMY GREENSTOCK: That's what the whole Security Council understood, and that's what my legal advice was, that this was sufficient.

SIR LAWRENCE FREEDMAN: Can we then move on to paragraph 4. From my reading of the telegram, the breakthrough appears to have come when Villepin suggested revised language. Just taking it through, first, his language "shall constitute a further material breach when assessed by the Security Council", Powell offered "shall constitute a further material breach and will be reported to the Security Council". The assessment in accordance with OP12 --

(External noises)

SIR JEREMY GREENSTOCK: Are you still on 1869?

MARGARET ALDRED: No, the actual Security Council itself.

SIR JEREMY GREENSTOCK: The actually text?

SIR LAWRENCE FREEDMAN: This is the negotiations that take place

in end of October/early November.

SIR JEREMY GREENSTOCK: Yes. You're basically looking at the "and", are you?

SIR LAWRENCE FREEDMAN: Yes. **(Pause)**

So we have got the two sort of ...

(External noises)

SIR LAWRENCE FREEDMAN: I'll try and keep my voice loud.

MARGARET ALDRED: The drilling is Westminster Council.

THE CHAIRMAN: I think if this goes on -- let's try and use the gaps. But if it goes on past 11.00, I think we may have to review whether we can continue.

Are you happy to do it on that footing, Jeremy?

SIR JEREMY GREENSTOCK: Let's do the best we can.

SIR LAWRENCE FREEDMAN: Let's do the best we can. Let's try.

We are talking about operative paragraph 4. Two questions, whether the material breach is assessed by the Security Council or is reported to the Security Council.

On 4 November Levitte tells you it looks as if establishing a material breach before the Council had met would not be acceptable. So you weren't optimistic. But then there was a meeting between Negroponte and Levitte, at which you were not present, and the French agreed to it.

Do you have any insight into the nature of that change in position and what the French thought they were agreeing to?

SIR JEREMY GREENSTOCK: Let me try and explain the substance of what this is about.

In paragraph 4 you've got three basic elements: the declaration by Iraq at the end of 2002; a further act by Iraq that is a failure to comply; and the reporting mechanism.

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The Americans wanted freedom to be able to pin Iraq down in material breach, either through something that was heinous in the declaration, or through a further act or omission, and they wanted the capacity to report that to the Security Council without it being reported through the inspectors.

The combination of 4, 11 and 12 shows that the negotiation moved from the alternative basis for a sin by Iraq, was turned into a coupled sin by Iraq that was both false declarations and a further act of some kind. So the last thing that was conceded, actually in a telephone call between Villepin and Powell, and on a proposition which Villepin had to clear with Chirac at the last moment, the Americans conceded the conjunctive rather than the disjunctive.

The French did not achieve, however, a clear text in this resolution which made it essential that a UN mechanism reported this to the Security Council. That was left open and vague in paragraphs 11 and 12, although it's still disputed, and meant that something reported by a member of the Security Council would have equal weight with the Security Council as something reported by the inspectors.

That is given effect by paragraph 11, where UNMOVIC is told to report any failure by Iraq to comply, followed by 12, which does not link back to 11, but says "decides to convene immediately upon receipt of a report in accordance with paragraphs 4 or 11 above".

SIR LAWRENCE FREEDMAN: That's pretty clear what that is making possible. So the French must have understood what they were agreeing to?

SIR JEREMY GREENSTOCK: Yes. This has been my contention all along, and I think the contention of others on the US/UK side, that the French knew what they were agreeing to, and then later

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didn't want to live up to what they had agreed to, and to that extent changed their policy from the basis of the understanding of the negotiation in 1441.

SIR LAWRENCE FREEDMAN: That material breach can come from either a member or the inspectors is, it seems to me, clear about this. It still seems to have been unclear -- well, it's left ambiguous, as then what happens, when the Security Council meets.

So in your discussions with the French at the time, were they giving you any indication that they felt that this did require decision?

SIR JEREMY GREENSTOCK: Absolutely. I mean, the French, again and again, supported by others in the Security Council, but in the P5 negotiations, the French took over the protagonists' position from the Russians at about the turn of the beginning of October.

The French wanted to make sure that the United States could not take unilateral action. This was underlying the French position from beginning to end.

They did not establish that in 1441. The primacy for UNMOVIC may be implicit in the text, but it is not an exclusiveness for UNMOVIC, and therefore the Americans felt that they had won that point in negotiation, that the French had lost it. And this is what I explained to the Attorney General when I went over the history of the negotiation in January 2003, to explain what the background to the negotiation of 1441 meant. And to explain that I felt that the French knew that they had not achieved in 1441 the requirement that the Security Council make a decision following 1441, that 1441 was the last point of agreement that we had reached, and that left the decision open by a Member State, devoid of a Security Council resolution, to follow up on

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the previous resolutions.

SIR LAWRENCE FREEDMAN: Just while we are on that point, there are some other issues I want to raise, but you heard Sir Michael Wood's evidence that he didn't believe 1441 provided a legal basis without a further decision, and that was his position after it had been negotiated.

Were you aware of his views and the views of other Foreign Office legal advisers to that effect at the time?

SIR JEREMY GREENSTOCK: The answer is no, to the extent that while I knew that Elizabeth Wilmshurst was unhappy, and that there were discussions in London, I was not copied in on the minuting, for instance, between Michael Wood and the Secretary of State, Jack Straw, at the time. Nor was I told that Elizabeth Wilmshurst's resignation was supported or regarded as justified by any other member of the legal advice team in London.

I relied on two things in New York. One was the telegrams of instruction, signed "Straw", coming from London; and secondly, my legal adviser's advice, Iain Macleod's advice, in New York, which was different in substance and character from the legal advice coming from Elizabeth Wilmshurst and Michael Wood to the Secretary of State.

I would further underline that I was aware that there were arguments in London that proceeding without a further resolution was unsafe, but not that it was illegal in people's views.

I have always felt this very strongly. Peter Goldsmith's 7 March text is all about the unwisdom and unsafeness of proceeding without a second resolution. It is not about the illegality. When he was asked to proclaim on the illegality or not on 17 March, whenever the Parliamentary statement came out, he declared that it was legal, and of course in that text did

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not go into the unsafeness or the unwisdom.

In circumstances where there is a debate in policy circles in your capital about the unwisdom of a policy, you accept the instruction from your Secretary of State as a final decision on whether it is wise to proceed or not.

THE CHAIRMAN: Margaret and I both have the same thought. Unwisdom is clear. Unsafe; I wonder what that meant? Did it point more towards unsafe in terms of legality or unsafe in terms of legitimacy?

SIR JEREMY GREENSTOCK: As I understand it, in a lawyer's mouth it means that if you are taken to court on this decision, we don't think you will win.

THE CHAIRMAN: Perhaps in court, in public international law, it's almost immaterial, the safety of it.

SIR JEREMY GREENSTOCK: I agree. And that's why politicians take political decisions.

SIR LAWRENCE FREEDMAN: But it does indicate that the legality/illegality question was at the time seen to have a core ambiguity in his mind, that if he couldn't be sure that it would be accepted by a court?

SIR JEREMY GREENSTOCK: Yes, and if we had been taken to the International Court of Justice on this, say by Iraq, which we knew wouldn't happen because Iraq didn't recognise the court, we might have been in trouble. That's what Michael Wood was saying.

I think it's worth repeating something that the Inquiry knows, that neither in 1998, nor in 1999 over Kosovo, nor in 2003 over Iraq, did either the Security Council put down a motion of condemnation of what had happened in terms of the use of force, nor did anybody take to an international court or

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to a domestic court the decision by the United States and the United Kingdom to use force.

SIR RODERIC LYNE: On that point, couldn't a motion of condemnation be fairly easily vetoed, so there wouldn't be a lot of point in putting it down, except as a demonstration effect?

SIR JEREMY GREENSTOCK: That's true, but it was never even threatened in New York, and nor did we have to threaten the use of a veto. I wanted to avoid that position. We might come on in this discussion to talk about the second resolution. I wanted to avoid it because the political downside of having to veto a motion of condemnation, which would otherwise have been passed, would have been worse than not having a resolution at all.

SIR RODERIC LYNE: Coming back to the very important point you were making about legal advice just now, does this mean that you weren't made aware in New York that right up to the end of January, after his meeting with you, Lord Goldsmith was continuing to advise the Prime Minister that it would not be legal to take action without a further Security Council resolution? It wasn't just Michael Wood, but Goldsmith himself was taking that line, and indeed put it in writing to the Prime Minister at the end of January 2002, after he had seen you.

SIR JEREMY GREENSTOCK: Did he say it would not be legal? I don't remember.

SIR RODERIC LYNE: He gave clear advice to the Prime Minister. I don't have the letter in front of me, but we can find it.

SIR JEREMY GREENSTOCK: I thought he said something on the lines of "My first reading is that it would not be ...", or "My impression is ...".

SIR RODERIC LYNE: He gave a very specific line. I think we

should identify the document and show it to you.

SIR JEREMY GREENSTOCK: To my memory -- and I would have to accept if you found written evidence against this recollection -- to my memory, I was not made aware that the Attorney General had said that to the Prime Minister on that timing.

SIR RODERIC LYNE: And you should have been, if he was taken there?

SIR JEREMY GREENSTOCK: The Ambassador in New York needs to know that sort of development in London.

THE CHAIRMAN: We will look and find this in the break and come back to it if we need to.

I had a point which is your understanding of recourse to the ICJ. It could only have been an interested state party, and that could only have been Iraq.

SIR JEREMY GREENSTOCK: Yes. There might have been a third party state if their direct interests had been affected by, for instance, the Russians being owed $8 billion.

SIR LAWRENCE FREEDMAN: Just briefly, as I think we have covered quite a lot of the ground anyway, just on the question of Kosovo, where of course the Russians did put down a resolution in Kosovo, which was defeated in 1999, did our discussions in Paris -- it seems that the French do sort of seem to have accepted that there was a precedent here, that they had joined in the use of force relying on previous resolutions, but without explicit Security Council authorisation. But Goldsmith didn't seem to think himself that that was a particularly important precedent because Kosovo had a humanitarian basis.

SIR JEREMY GREENSTOCK: I think we were in a territory where the

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precedents were so unclear as not to have sufficiently wide political effect to gain support for what we were doing, which is why I have made this distinction between legality and legitimacy.

Jean-David Levitte was a very fair opponent, as it were, in this negotiation. He wanted to achieve 1441, and Negroponte, Levitte and I had some material discussions between October and early November in particular, which made it possible for our ministers to find a way through on 1441.

Subsequently, when the Americans [redacted].

SIR LAWRENCE FREEDMAN: Can I now move to the role of the Blix report. I would be interested in your conversations with Blix.

On 15 February you reported on the Security Council what private sessions with Blix, saying that:

"Tough exchanges with the Americans the day before may have made Blix more determined to assert his independence, and that for the Council's middle ground, wishful procrastination continues to rule."

What did Blix tell you about the pressure that he was under from the Americans, or even from the UK? Did he complain about this?

SIR JEREMY GREENSTOCK: Hans Blix complained more than once to me about the pressures from the Americans. There was an assistant secretary, I think, called Wolf, John Wolf, in the State Department, who was the main point of Washington's contact

with Blix. Condi Rice sometimes came into this, but Wolf was the main proponent of the American view. Blix felt from time to time that he was being roughed up by the Americans verbally to produce better evidence that Iraq was off-side in terms of the resolution, and Blix's relationship, both with us in New York, and indeed with people in London when they came into the picture, including the Prime Minister, and [redacted] and others who were acting on the ground in Iraq, he felt that the relationship with the British was much more reasonable and professional and that we weren't trying to distort the facts for political reasons.

I always felt that with Hans Blix we had a truly professional relationship over all these issues, and I never heard a word of complaint from him about the pressure being put on him by the British. He understood that we were actually where the Americans were in needing a smoking gun, but the nature of his discussions with the Americans from time to time was much more troublesome for Blix than the nature of his discussions with the British.

THE CHAIRMAN: I would like to go back on one point on 1441 and the French.

I'm not sure how far it's right to regard the French as a unity, or rather as a changing set of attitudes, but is it a general truth that they wanted consensus more than they wanted clarity, and that they wanted consensus because without it they were afraid that the Americans would just rush into war?

SIR JEREMY GREENSTOCK: I think there was a genuine contest within French minds over two objectives. One was certainly to stop the Americans acting unilaterally and to hold the Security Council together. The other was to take a proper approach to the threat which Iraq posed because they did not know at that

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stage that Iraq did not have weapons of mass destruction. They suspected that Iraq did.

If I can make a general and private comment about my experience of working with the French, [redacted].

THE CHAIRMAN: Thank you.

SIR LAWRENCE FREEDMAN: Back to Blix. In terms of your discussions again with him, one of the ways through was the Clusters document and how that might eventually lead to benchmarking and so on.

Again, were you trying to work out ways through the problem directly with Blix?

SIR JEREMY GREENSTOCK: Can I just remind the Inquiry that I believed, I think accurately, my instructions were to try and bring the Security Council together in imposing such pressure on Iraq that Iraq gave up its weapons of mass destruction or started to comply 100 per cent with the inspectors, without the need for military force. That was what the Prime Minister was trying to do, and Bush indeed supported Blair in their jointly trying to do this.

So that when the Prime Minister has, in front of you and elsewhere, contended that he was trying to find a way through without the use of force, that statement is consistent with the instructions I had in New York, to try and bring the Security Council together, to show Saddam Hussein that the game was up.

The best instrument for persuading the Security Council was the inspectors. Therefore I needed Blix to work with me on that, and Blix did not know that the Iraqis did not have WMD. He thought they had something somewhere, but he couldn't find it, and he thought that something, increasingly with time, was a very small amount of something or other.

So Blix was the best mechanism for convincing the Security Council, and Hans Blix understood what we were trying to do. He didn't want force to be used, was with Kofi Annan in that respect, and therefore was working with me to see whether the British policy had any juice in it.

THE CHAIRMAN: What was important was that the inspectors were given full and unobstructed access, rather than anything they might find; is that right? Because the onus of proof was on Saddam and the regime to co-operate fully.

SIR JEREMY GREENSTOCK: Yes, but our experience of Iraq was that their concealment mechanisms were extremely sophisticated, and therefore it needed intelligence. It needed somebody to sneak on a site where weapons were buried for Blix actually to make a substantial find, and I believe there's still something buried in the desert - but that's not actually very material - that we have never found, and that Blix was trying to get to that, [redacted].

SIR LAWRENCE FREEDMAN: Just to conclude on this, the question of more time, which is in the background of an awful lot of the discussions we have had in hearings, there is one view that with

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more time, maybe this would have been found, whatever it was. There is another view, which Tony Blair has expressed to us, that nothing much was going to change. More time wasn't going to change things.

Again, I'm just interested in the way that these discussions went directly with Blix on this question of what time would gain for you.

SIR JEREMY GREENSTOCK: Blix needed more time to get through his Clusters document. Jack Straw in particular put a huge weight on the Clusters document, including in public in the Security Council in early March. He had read the whole document.

Hans Blix genuinely did not know that the Iraqis had no WMD, as he said in his book, as he said at the time, and that's why he produced the Clusters document.

With time he increasingly suspected that the Iraqis had nothing that was material enough to go to war over. But he didn't think they had nothing.

The point about extra time was binary. Either it would produce a smoking gun, and we hadn't had enough time by early March to be sure that we weren't going to get a smoking gun, or it would make governments realise that there was going to be no smoking gun, and therefore reconsider the basis of the use of force against Iraq, which I felt would have been justified. And there is in the paper -- I don't put too much emphasis on this, but I did say before the whole thing broke down in early March, in at least two or three telegrams, the most important thing is that we find material evidence. It is essential, I said at one point, that we find material evidence. UKMIS 122 and UKMIS 161 of 2003, I refer to my feelings in that respect.

That was not only what I felt. It came from my discussions

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with Blix, and I thought I knew that the Prime Minister would have been, if he had been in sole control of this, much more comfortable with making a decision on war after the summer than before the summer. But there was no way that we were going to get that out of the Americans.

So in that sense we were on a timetable of American making, which we couldn't escape from, and therefore the Prime Minister's decision was absolutely black or white. Either he went with them or he did not. He didn't have a third route.

SIR LAWRENCE FREEDMAN: Part of this was back to what constituted material breach.

We've had -- perhaps there are nuances in this -- certainly different sorts of evidence from different people on whether there was or not a further material breach.

You told us, when we met first in late November, that following the December 2002 disclosure, the Americans argued that there was now material breach of 1441, but you told Negroponte that you would not support the US in declaring the material breach.

You then, I think, also said that Blix's January 2003 report came very close to being a report of a material breach, but it was the 7 March argument with the Foreign Secretary, based I suppose on the Clusters document, that bridged the gap.

Then we have Tony Blair statement to the House on 18 March 2003, when he said:

"The 8 December declaration is false. That in itself is a material breach."

And Jack Straw said on 28 January he concluded that Iraq is now in material breach of resolution 1441.

So you seem to have the politicians more ready to declare the evidence from December and January by itself constituting

a material breach, whereas you seem to be taking a more cautious line and only saying by the time you get to 7 March that there's sufficient evidence, I guess from the Clusters document, of non-co-operation.

SIR JEREMY GREENSTOCK: The fact is that the legal basis for using force against Iraq goes back to 678 and 687.

If you take an absolutely rigorous line, Chris Greenwood's line reinforced, the United States and the United Kingdom could have gone to war against Iraq without 1441. Iraq --

SIR LAWRENCE FREEDMAN: And that was the American --

SIR JEREMY GREENSTOCK: Iraq was in material breach. Iraq was always in material breach. But we agreed in 1441 to give Iraq one last opportunity.

The declaration, the 3,000-page declaration in December, was a sham mixture of old papers and one or two new things. It was basically rubbish. It didn't help us at all. It was not complying with the resolutions. Strictly you could call that a material breach.

Blix's presentation to the Security Council on 27 January 2003 showed that Iraq was not complying sufficiently. That was a material breach. Iraq's failure immediately to destroy all its Volga engines was a material breach.

There was always a material breach. The point about this is not the legal facts of this. It's the politics. My feeling was that to go to war against Iraq, without any support in the Security Council, without any support in the international community, was not something sustainable for the UK, which believed in the efficacy of international law and in a collective system, as in the Prime Minister's speech of April 1999 in Chicago.

If there hadn't been a first resolution, I told the Foreign

Office that I would have resigned because I thought the politics of it were unsustainable for a representative in New York.

After 1441, re-establishing the release of 678 and 687 and giving Iraq a last chance, I felt that the political situation had been improved, and therefore I was not threatening to resign if we didn't get a second resolution. The second resolution had a binary objective of establishing a way of doing this without force, or of trying to show the Security Council that we had the right amount of evidence, et cetera, to go to war against Iraq. It failed on both of those, but it wasn't a resigning matter for me because I felt that we had established and updated the relevance of 678 and 687.

I was always uneasy on the political basis for doing this, which is where the Goldsmith advice is most relevant, on the political wisdom of doing it.

THE CHAIRMAN: Could I just add to that, looking inside the politics, in reality there is some degree of proportionality, rather than an absolute standard in terms of material breach. It would have to be proportionately a sufficient material breach to justify going to war. But not in law. Any further material breach would be enough, as a matter of strict legality, legal interpretation; but in practice, and in political realities, it would have to be sufficiently proportionate to justify going to war.

SIR JEREMY GREENSTOCK: Yes. I believed that, I believe that, and the condition of proportionality comes into the Prime Minister's Chicago speech as a matter of -- and the humanitarian element in dealing with Saddam Hussein was used as a political argument in early 2003. So it should go back to the conditions in his 1999 speech.

THE CHAIRMAN: The US view in 2003 would be any further material

breach was enough to pull the trigger.

SIR JEREMY GREENSTOCK: The judgment of proportion in the United States was different from ours.

BARONESS USHA PRASHAR: Jeremy, were London fully aware of your position on 1441? Because if they were, then why was there not much conversation between you and Michael Wood's position? Because in a way, he was consistently arguing that Kosovo is no precedent, and therefore you would need another resolution, and you are saying the resolution was needed for political reasons, not for legal reasons.

Was there an understanding about that?

SIR JEREMY GREENSTOCK: I think that the adoption of 1441 preceded Michael Wood's disaffection from the political argument. My threat of resignation wasn't dramatic. I merely called to Michael Jay over the telephone and said "you must understand that I would not be able to go through this if it fails". So 1441 restored me to greater equanimity in continuing to support the Government's policy in my job.

Michael Wood's doubts accumulated in early 2003. If I had known that there was that degree of doubt in London, I would have had to examine whether the advice I was getting from my own legal adviser was the advice I should be listening to. That's the point.

SIR RODERIC LYNE: You brought us up to the so-called second resolution. I don't want to go through the whole story because a lot of that is already on the record. I just want to ask one or two, as it were, focused questions about it.

First of all, who decided that we should go for a second resolution?

SIR JEREMY GREENSTOCK: The Prime Minister.

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SIR RODERIC LYNE: And that was a decision that, from what you have just said, you were content with. Was it on your recommendation? Or was this top down or bottom up, as it were?

SIR JEREMY GREENSTOCK: That was a natural discussion between New York and London. It was my recommendation that we should keep the initiative in the Security Council, and the way to keep the initiative in the Security Council was to propose a text or make a proposition to the Security Council. I wanted to keep the initiative in the Security Council because I thought that, as the rest of them were ganging up against us, it might be quite possible that somebody, for instance the French or the Russians, would put down a resolution specifying that there should be a decision by the Security Council or condemning anyone who in the near future took a decision to use force. I wanted to avoid us being pinned down to have to use a veto to go to war.

So I made a recommendation. That was discussed in London. It was put up to Ministers, and Ministers -- and the Prime Minister was consulted -- decided that we should take this route.

SIR RODERIC LYNE: And there wasn't a great deal of dispute about that decision? There weren't people arguing that we shouldn't go for a second resolution because it might weaken our position if we didn't get it?

SIR JEREMY GREENSTOCK: It got into a discussion between London and Washington. I think the Prime Minister visited the east coast in early February 2003. There was a long bilateral with the President, and this was raised amongst other things, and the President said that he understood that the British needed to try and go for a second resolution.

I think the President might have misunderstood our objectives

because -- well, you would have to ask the Americans that. It looked to the punters out there in the world that we were trying to get a legal decision by the Security Council to go to war on, but that actually wasn't the primary objective of what we were doing. I don't think the Americans thought that it was particularly useful to try and get the Security Council together to make Saddam back off without the use of force, which was a primary objective in what we were doing.

So the Prime Minister agreed with the tactic. He then discussed it with the President, persuaded the President that there should be at least American condonement of that attempt. We never got real American support in it. And so it proceeded.

SIR RODERIC LYNE: So your arguments were mainly political. They were about the politics of the Security Council and the broader situation. The Prime Minister had a domestic political objective to do with party and the House of Commons, and there were also people, including Michael Wood, arguing that this was a legal necessity. But really what you are saying is that it wasn't the legality that was the driver for this; it was much more the political objective.

SIR JEREMY GREENSTOCK: Perhaps I can just be more specific about what I'm saying, because, preparing for your hearings, I wrote down what I should say to you.

Our objectives were divided between two fundamental points in going for the second resolution: (a) to try to create international pressure on Iraq to comply fully and completely without the need for force; and (b) to create the safest possible basis in law and politics for the use of force, should it be needed.

As the majority of the Security Council increasingly resisted being drawn into (a), they were left with the impression that

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(b) was what it was all about.

SIR RODERIC LYNE: Which, I think, brings us to the French position going into this. As you have said a couple of times already, in 1441, and I suppose beyond 1441, it was the French objective to try to make sure that the US could not make unilateral action.

Now, 1441 had not established that the US clearly had the right to take unilateral action any more than it had, as it were, established the opposite. That was the ambiguity of 1441. Therefore the French, in their eyes, had achieved no automaticity, and they had kept open the possibility of continuing their struggle against unilateral action, presumably absent the discovery of a smoking gun that would then get a majority in the Security Council.

So going into the debate about a second resolution, were we in a situation in which the French and the Russians were bound to oppose the second resolution, because adopting it would be a trigger for military action, unless some really strong justification for the second resolution had been discovered by the inspectors?

SIR JEREMY GREENSTOCK: It was extremely likely that the French and Russians would oppose it, but you never quite know in a negotiation when somebody is going to come over to your point of view or decide on a compromise, because that was the atmosphere in the negotiation of 1441.

In examining the question, I think you should look very carefully at the statement that the French, Russians and Germans made together after the passage of 1441, because they did not make the point about "this makes it clear that the Security Council must take the final decision on the use of force", which only the Mexicans and to some extent the Irish said reasonably

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clearly in their explanations of vote after 1441.

Yes, we knew we had only a minority chance of achieving a second resolution against that sort of opposition, but with the United States in the game pulling out all the stops, you never quite know when countries opposing them may be pulled into another position.

THE CHAIRMAN: As earlier with your Russian example?

SIR JEREMY GREENSTOCK: Quite, as with the goods review list. And in the background of this, there were discussions as to whether the Americans [redacted].

Thirdly, we were day by day, certainly week by week, hoping to create the time for a smoking gun to be found.

SIR LAWRENCE FREEDMAN: Just going back to the reasons for a second resolution, did you have any indications from the French or the Russians that they were thinking of putting down another resolution, or is this just a general awareness of what happens in the Security Council?

SIR JEREMY GREENSTOCK: [redacted] we got no sign that they were drafting. But these things can be done very quickly. You can wake up one morning and you find that you are in a totally different position. Indeed, giving you an example of that, right at the end of the negotiation, in the second week of March, as it came up to the weekend of 15/16 March, we knew that the Mexicans and Chileans were drafting a resolution, which is the kind of resolution that we feared.

So it was my responsibility not to be caught having allowed somebody to put down a resolution against us because I had lost the initiative. I would have been criticised for that.

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SIR LAWRENCE FREEDMAN: If you had lost the initiative, if a resolution had been put down, that would have created a completely different dynamic because it would have required a veto, presumably?

SIR JEREMY GREENSTOCK: Correct.

SIR LAWRENCE FREEDMAN: Did you discuss this with the Americans at the time as a real danger?

SIR JEREMY GREENSTOCK: Yes. I mean, John Negroponte and I would be discussing these things the whole time. So he knew exactly what we were trying to do. He [redacted].

SIR LAWRENCE FREEDMAN: So basically we were trying to get a second resolution all by ourselves?

SIR JEREMY GREENSTOCK: Yes.

SIR LAWRENCE FREEDMAN: Were you aware that when Tony Blair met with George Bush at the end of January, 25 January, that when the Americans agreed to the effort, they also said, [redacted]. Were you aware that that was a deadline that had been established then?

SIR JEREMY GREENSTOCK: As time passed, we were increasingly aware that it was narrowing down. [redacted] I think this activity and the Prime Minister's arguments probably won us a couple of weeks, but we knew that the clock was ticking. We weren't naive about that.

But remember also -- I think I mentioned this in the previous

hearing -- that Condoleezza Rice said to David Manning at the turn of the New Year that actually she had been thinking about this over Christmas and thought that it actually might be quite sensible to go for a second resolution because US public opinion needed to be persuaded that there was a reason for going to war.

SIR RODERIC LYNE: At the beginning of the negotiation, what did you think our chances of success were in the second resolution?

SIR JEREMY GREENSTOCK: Less than 50 per cent. But I have been in that position again and again in the Security Council and we had achieved things. We had turned them round. So hindsight discolours all of this. I was in -- in my mind, between a quarter and a third of a chance that we might do this, but I wasn't advising London that we were likely to succeed at this.

SIR RODERIC LYNE: And by the time you got to the end, because it came out in earlier evidence, you felt that we had never secured more than four votes, including our own, firmly. I think that's restating the position that you gave us before. We had four in the bag.

SIR JEREMY GREENSTOCK: Right at the end. We knew we had four. We were after those six to make it ten, the middle ground members. Each of those six at some point during February, as they were being chased round by Baroness Amos and others, trying to persuade them in their capitals to follow us, said that they might do it or were going to follow us, and then backed off when they saw that the others weren't following. So we were herding cats unsuccessfully in that respect, and never got all six together to have confidence in each other's preparedness to do it.

SIR RODERIC LYNE: Would it have been accurate at the end of the game, which was around 12/13 March, to say that we had made good

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progress in gaining support of uncertain non-permanent members of the Security Council, including Mexico and Chile, or would that give a rather misleadingly optimistic impression of where we had got to by 12/13 March?

SIR JEREMY GREENSTOCK: 12/13 March is very late. Did I say that?

SIR RODERIC LYNE: No. It was said [redacted] by the Foreign Secretary on 13 March.

SIR JEREMY GREENSTOCK: He was probably referring to our experience of the previous week, when we were still in the hunt. From my point of view, and I was ahead of London on this, I think, because I could see what was happening in front of me, David Manning had been by then to Santiago and Mexico City and knew that it was quite difficult. I would have hesitated before saying that on 12 or 13 March.

SIR RODERIC LYNE: And similar statements were made in the House of Commons the following week.

Clearly a lot was made at the end of President Chirac's broadcast statement on 10 March, his famous interview on French television.

Wasn't it actually the case that this didn't really change the position in substance because the French had opposed the second resolution, lobbied vigorously against it, all the way through. So he was simply saying what everybody already knew, and what to a degree had already been said by the French in public, including Villepin, if I remember rightly?

SIR JEREMY GREENSTOCK: Yes, but saying it at Presidential level very publicly changed the political effect of the French position on the rest of the Security Council.

SIR RODERIC LYNE: So it really did change the game?

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SIR JEREMY GREENSTOCK: (Witness nods)

SIR RODERIC LYNE: But it took us two days to come to the conclusion that actually the game was up. It wasn't until the afternoon of 12 March that the Prime Minister and President Bush decided that the game was up.

SIR JEREMY GREENSTOCK: Actually - the 12th is the Wednesday?

SIR RODERIC LYNE: Yes.

SIR JEREMY GREENSTOCK: I was still, afternoon New York time, arguing for the benchmark resolution. I had my final go at arguing for the benchmarks, which was our latest tactic. So we still felt it might have some juice in it, and was a new set of propositions being put to the Security Council.

When I didn't get traction with that by the end of the day on Wednesday, I reported overnight that it was probably not worthwhile continuing.

SIR RODERIC LYNE: Did you feel that the interpretation we were placing on Chirac's remarks was justified, when we said the French have said they are going to veto any resolution for all time because he used the phrase "quelles que soient les circonstances"?

SIR JEREMY GREENSTOCK: I felt that with that public statement, our chances of turning the middle ground six round were considerably lessened, and therefore it was quite an important turning point in the public politics of this and their effect on the members of the Security Council we were pursuing.

It did not surprise me, obviously, that the French had come to that point because their policy was reasonably clear. But that did have an impact on the little tiny bit of momentum we still had in the Security Council with the middle ground.

SIR RODERIC LYNE: And you don't think there was a possibility

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the French were saying we will veto or vote against -- because the "quelles que soient les circonstances", they say, applied to whether our vote counts as a veto or a no -- this resolution at this time, but they in subsequent conversations were making clear that they were not closed to the idea of continuing the inspections negotiation and, if this led to a particular result, voting for a resolution further down the track?

SIR JEREMY GREENSTOCK: Yes, that's probably true. But we knew by 10 March, because we had been talking with the Americans all along about how much time we had for the benchmarks, that we didn't have time for that sort of escape route from what Chirac said.

The fact was that, although the words didn't surprise us, the fact that Chirac said it at that time, in that way, was politically aggressive by the French. That was the point.

SIR RODERIC LYNE: Yes. You reported on 13 March that Annan had told you that he had talked to Chirac on 12 March and found him tough but not closed to possible compromises. But the problem was the American military deadline.

SIR JEREMY GREENSTOCK: The Americans were closed to compromise.

SIR RODERIC LYNE: Yes, but we laid all the blame on the French.

SIR JEREMY GREENSTOCK: That's the politics of it. It won the Prime Minister a few votes in the House of Commons.

SIR RODERIC LYNE: You then were instructed to continue your negotiations in the United Nations for a few more days. This was after the Government had decided, and indeed the Cabinet had been told, that the game was more or less up.

Were you aware in the second half of that week -- you only withdrew the resolution the following Monday -- that the Prime Minister and the President had decided that the game was

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up; that we would, for appearances' sake, continue negotiations in New York for a couple more days, and then withdraw the resolution? So Thursday, Friday, Saturday, you were still in negotiating on the Clusters mode, when your principals had actually decided that they were going to pull the plug on it.

SIR JEREMY GREENSTOCK: No. The activity really stopped after Wednesday.

SIR RODERIC LYNE: Yes.

SIR JEREMY GREENSTOCK: On Thursday morning, which was probably my most difficult day, I suspected that somebody would put down an alternative resolution, saying that the use of force should not be allowed, because we knew that the Mexicans and the Chileans were beginning to draft that. I can't remember any Security Council discussion on the 12th, even informals. You know, we were talking to each other on the telephone to some extent.

We then asked [redacted]. By Friday morning there was an eerie silence. Nothing was happening. We were not negotiating. Nobody was putting down anything against us. We knew that the allies were going to meet in Madeira or wherever it was at the weekend, and there was no negotiating going on in New York.

SIR RODERIC LYNE: When at the very end you withdraw the resolution, 17 March, and you make a public statement in which you say:

"One country in particular has underlined its intention to veto any ultimatum no matter what the circumstances."

And you had reported in a telegram that you had agreed "with

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Negroponte (and later with the Spanish) that we will tell the press during the morning of 17 March that we have concluded that there is no prospect of putting our resolution to the vote, casting heavy blame on the French" -- so that that was the agreed line which you carried out, cast heavy blame on the French. Then you did so.

Was that a Greenstock/Negroponte idea, or were you essentially acting on instructions, that the line was that you should cast the blame on the French?

SIR JEREMY GREENSTOCK: I was acting on instructions.

SIR RODERIC LYNE: So when you say by telegram -- you were only reflecting the instructions --

SIR JEREMY GREENSTOCK: I already had the instructions.

SIR RODERIC LYNE: Okay. Thank you. I think that concludes.

THE CHAIRMAN: I think we might call a break in a moment, but just one follow-up point. We have heard from one French interlocutor, if not more. The French defence against Chirac's announcement was that the United States had been playing off-side by putting heavy pressure on the middle six, or some of them, in a way that was not congruent with a Security Council permanent member. That struck me as [redacted] I don't know whether you would like to comment.

SIR JEREMY GREENSTOCK: I don't think either the kettle or the pot were particularly white.

THE CHAIRMAN: Shall we break for ten minutes?

I have a note to ask, instructions -- how communicated in these last moments? Would it be telegram or would it be phone?

SIR JEREMY GREENSTOCK: There was a basic telegram drafting my

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statement which went backwards and forwards, but I was on the telephone to the Foreign Secretary on Sunday, 16 March.

THE CHAIRMAN: Okay. Let's break for ten minutes.

(A short break)

THE CHAIRMAN: Thank you. Let's restart. I'm proposing to leave at least ten minutes at the end for general things you may wish to say about lessons. We have one or two other points to pick up, but I'll defer those until we have got past the main questions. So turning, Usha, to yourself.

BARONESS USHA PRASHAR: I want to move now to the UN involvement in the proposed invasion of Iraq. My understanding is that the US wanted a very limited involvement of the UN, and the UN didn't want to be seen to legitimise what the coalition had done.

From your part in the conversations, to what extent did the US seek to limit the extent of the UN involvement in the post-invasion of Iraq?

SIR JEREMY GREENSTOCK: When you say that the UN didn't want to legitimise --

BARONESS USHA PRASHAR: To be seen to be legitimising the --

SIR JEREMY GREENSTOCK: The UN can either be the Security Council, which is intergovernmental, or the Secretariat, which is under the Secretary General. That distinction is actually relevant.

I think it's true that neither wanted to be seen to legitimise the invasion, but the UN wanted to be involved in the aftermath. Most members of the Security Council wanted the UN to be involved in the aftermath.

BARONESS USHA PRASHAR: What kind of involvement did they want?

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SIR JEREMY GREENSTOCK: That was for negotiation. There were some different views from different positions, but some wanted the UN to take over, have the primary authority to work with the Iraqis in running Iraq, and get the Americans out of it, as it were, as quickly as possible. But the US was at the opposite end of the spectrum from that.

The country that was most determined not to allow the Security Council to do anything that in any way post-legitimised was Russia, and we had to work our way round that. But there were nuances for me to work on, and John Negroponte to work on, which we can get into if that's relevant to your question.

BARONESS USHA PRASHAR: On 27 March 2003 you reported that [redacted] Were you aware of the differing views within the US administration? I'm sure you were.

SIR JEREMY GREENSTOCK: Heavens, yes. I worked very closely with John, as every Perm Rep does with his US opposite number. You can see from what you have read of the conversations during this whole period between Colin Powell and Jack Straw, [redacted]. John Negroponte was a Powell man in Washington, but his instructions came from the Administration, authorised by the President or the President's representative in the National Security Council, or from the State Department.

So he had a fissiparous Administration to manage, which was not my problem actually, as I perceived it in New York. The UK is much better at giving a composite instruction that is cleared through disagreements in London, and the disagreements don't hit the overseas post.

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So John Negroponte sometimes didn't want to get into the business of revealing that he had a fissiparous Administration behind him, as one wouldn't in front of other governments in public or semi-public. That is what I was referring to because [redacted]:

[redacted].

Which is what I am talking about. So John was [redacted].

BARONESS USHA PRASHAR: You said that there was negotiation, but how great was the appetite within the UN to have involvement in post-invasion Iraq?

SIR JEREMY GREENSTOCK: The Security Council, as a majority, as I saw it, wanted to mend the breach that had been caused by unilateral action in the Security Council's business and image as quickly as possible, by returning the UN to being the authority that controlled a territory of threat to international peace and security.

The Secretary General, who was quite depressed by what had happened, did not want to be pulled back into a situation where he was told by the Security Council to run Iraq, because he knew that the Secretariat could not do that, and the Secretary General is on a hiding to nothing in any circumstance where the permanent members are split in the Security Council, and Kofi Annan was perfectly wise about that, and yet he wanted to be brought back into the picture. But he didn't want to drive to be back in the picture. He wanted the circumstances to be realistic for him to come back into the picture.

So there were various things for me to play off. My aim under instructions -- but I was choosing the tactics in

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New York -- was to get as much international support for what the US and the UK had landed on themselves to do in Iraq as possible because I foresaw big trouble down the road if we were left holding the baby. We had to have international support.

BARONESS USHA PRASHAR: Those were your instructions and the UK wanted greater involvement of the United Nations?

SIR JEREMY GREENSTOCK: Yes. If you read the story of Hillsborough, where we got that wording out of the President against the better judgment of his advisers.

BARONESS USHA PRASHAR: "Vital role".

SIR JEREMY GREENSTOCK: Exactly, "the vital role". I was trying to get US to concede that the UN should play the maximum role in Iraq, because it was in our interests as UK, and Kofi Annan didn't want to play an absolutely maximum role because he didn't think he could succeed in such a role. He didn't have the materials in his hand or the resources or the people to do it.

So I had to steer in negotiating all of this. I had to steer between three triangular points: (1) the Secretary General's reluctance; (2) our insistence that we devolved as much as this to the international community; and (3) the US insistence on doing it unilaterally, and that was quite complex.

BARONESS USHA PRASHAR: I can imagine.

But in getting the Security Council resolution 1483, coming to the US and UK occupying powers, what did you understand by the word "occupying", and why was that word used, and whose idea was it? How did you arrive at that?

SIR JEREMY GREENSTOCK: The word "occupation" was in the air because we were in Iraq, and the Israelis were in Palestine, and the Islamic world was saying “here comes another western occupation of an Islamic state”. So the scatter in the Islamic

magnetosphere was about a further occupation, which the Americans on the whole had the inclination to resist as a nomenclature for what they were doing.

BARONESS USHA PRASHAR: They didn't want to be described as an occupying power?

SIR JEREMY GREENSTOCK: No.

THE CHAIRMAN: Their original concept was liberation?

SIR JEREMY GREENSTOCK: It was a liberation, and they didn't want the connotations of Palestine. They wanted to be free of the restraints of international law on this.

Your question is where did this phrase come from. Actually, I argued for it with Negroponte. My view -- not under instructions from London, but not going against any instructions from London -- was that it would be better for the United Kingdom that our presence in Iraq had a recognised status under international conventions, ie the Geneva Conventions, than that we were left in midair with no semblance of legal basis for what we were doing.

BARONESS USHA PRASHAR: So you were looking for clarity?

SIR JEREMY GREENSTOCK: I wanted clarity of status, and I wanted an incentive for us to make this period of occupying in Iraq as short as possible.

BARONESS USHA PRASHAR: But you argued for this word, knowing full well that it had a negative connotation in the Islamic world?

SIR JEREMY GREENSTOCK: Yes.

BARONESS USHA PRASHAR: Why?

SIR JEREMY GREENSTOCK: Because it might make the Americans realise what they were taking on, because it was inevitable that

it would be thought of as an occupation, and I thought it was better to be realistic about this than to try and cover it up, because you wouldn't cover it up.

BARONESS USHA PRASHAR: Are you aware how the Iraqis reacted to the word "occupying power"?

SIR JEREMY GREENSTOCK: There wasn't a sole Iraqi view. At that time Iraqi views were a bit of a mist to us. We were seeing it later, when Bremer had arrived. But at the stage of negotiating 1483, there was no real sense of Iraqi opinion. The Americans were claiming that the Iraqis were delighted that they had been released from Saddam Hussein, and that was much more important than the status of the American presence.

BARONESS USHA PRASHAR: We have been told that the word "occupying power" had actually quite a negative impact on some of the Iraqis because they began to see the occupation in Palestine and so on, and therefore it had a negative impact.

THE CHAIRMAN: As time went on.

BARONESS USHA PRASHAR: As time went on.

SIR JEREMY GREENSTOCK: That's the point. That was later. Al Jazeera was being listened to across Iraq, those who had satellite communications and television, and there was no real counterweight in the media to what was coming off Al Jazeera, Al Arabia, and eventually later Al Iraqiya, as television stations. So the Iraqis were emotionally encouraged to think of this as an occupation, in parallel with Palestine. But in May 2003 I doubt whether that was the case, or it was not the primary political emotion in Iraq. That came later.

BARONESS USHA PRASHAR: So to be clear, you wanted the word "occupying power" used for legal clarity, so we knew what the status of UK and USA was; and secondly, it was to impress upon

Americans that that's what they were, and they should withdraw as soon as possible?

SIR JEREMY GREENSTOCK: Implicitly, yes. Remember, in the negotiation this only came in the preliminary paragraphs, not in the operative paragraphs. So it wasn't a determination that this was an occupation. The Americans allowed it through in that way, but the word "occupy" got into the text, yes, and that was obviously in my mind.

BARONESS USHA PRASHAR: But when you got to Baghdad in September 2003 --

SIR JEREMY GREENSTOCK: Mid-September 2003.

BARONESS USHA PRASHAR: -- did you sense that this had had a negative impact, or did you not feel any implications of this? You were there for six months. Did you hear any negative comments about the word "occupying power" from the Iraqis?

SIR JEREMY GREENSTOCK: It was tossed out the whole time, but they weren't angry because this was called an occupation. They were angry because foreign boots were on their soil and life had not been made better, which is a completely different point. They were going to be angry whether this was called an occupation or a holiday because of the material circumstances in Iraq.

BARONESS USHA PRASHAR: One final --

SIR JEREMY GREENSTOCK: And because of the oppositions in Iraq.

BARONESS USHA PRASHAR: One question I would just like to ask before Martin comes in. When you left New York, what was your impression from private conversation of the UK's international standing? What impact had the invasion had on our international standing?

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SIR JEREMY GREENSTOCK: I've thought quite carefully about this, and I need to refer to my notes.

We got some credit in New York for trying for a second resolution. Going the extra mile; it's a cliche. We got some credit for that.

We also got a touch of credit for not letting the United States doing this on their own, because that would have completely split the superpower from the rest of the world.

I don't know whether you have looked at the text of my book, but I record the South African PR saying this at a dinner with some British MPs at my house. And in the way that we tried to pull together the Security Council after the invasion, and in the negotiation of 1483, there was an atmosphere of communication in the Security Council with the Secretary General; with Condi Rice coming up during March, the end of March, to talk to the Secretary General; with the permanent five lunching with the Secretary General on these issues; with the Russians indicating that they were at least open to a conversation; with the French being quite constructive at this point. And in the negotiation of 1483, the main credit for which lies with the Americans and with John Negroponte, considerable concessions were made by the Americans against their original draft, which quite impressed the Security Council to the extent that actually I think we got a better resolution in 1483 as a result of the willingness of the Americans to compromise, and as a result of the atmosphere in the Security Council. They wanted the Security Council to produce a new resolution to show the world that the SC was active, alive, well and kicking.

I think the UK was the pivot in all of that because we had preserved communication throughout this whole period.

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BARONESS USHA PRASHAR: Thank you.

THE CHAIRMAN: Martin?

SIR MARTIN GILBERT: I would like to turn to the CPA period, and first of all, really, to ask you if you could describe for us in general or, indeed, specific terms, your relationship with Bremer, and also what instructions you received from London on how to react to him and how to deal with him.

SIR JEREMY GREENSTOCK: Let me take you quickly through the story, and then you can home in on what you really want to talk about.

I had worked with Bremer in the mid 1970s when he was private secretary to Kissinger and I was private secretary to the UK Ambassador in Washington. I liked him then, worked well with him then and used him as my principal contact to the seventh floor of the State Department, and I felt then it would be nice if we worked together again in the future, but we didn't see each other for the next 30 years or so.

When I re-met him in Washington in July 2003, as preparation for my going to Baghdad, I found a different man in some respects, a more religious man, more of a neo-con since politics had changed since the 1970s than I was expecting, and more of a narrow personality and a less humourous personality.

So I realised in our first conversation in late July in Washington that I had got some problems probably with this man. I had telephoned him earlier to congratulate him on his appointment, before I knew I was -- maybe as I knew I was likely to go, and that was quite friendly. But when I met him in Washington, we had a bit of a row. He ticked me off when I talked about flexibility in our political approach.

Then when I arrived in Washington, John Sawers -- you have heard from him about his relationship with Bremer. He was close

to Bremer and he got on very well with John, but I think there were two differences between me and John Sawers as far as Bremer was concerned.

One, John got there earlier, and was necessarily part of the formative process of building the CPA, whereas I arrived when the President had signed off on the seven steps and all the rest of it, and Bremer knew, thought he knew, where he was going, and therefore didn't want any arguments about overall strategy. Secondly, at that stage I had a more public image than John Sawers, and Bremer was likely to see me more as a threat, because I had an independent position under the UK Government and he didn't want anybody speaking up with an independent mind in his administration.

I thought that that could be got over by personal chatting and conversation, but that proved not to be the case on some of the strategic issues. Bremer wanted the Brits to produce material help and loyalty.

I saw that there was need for policy discussion. Bremer already had enough trouble with policy discussion with Washington. He didn't want it with the Brits. So my introducing items of policy debate was not welcome to Bremer, and the relationship proceeded, alternating between perfectly amiable friendly discussions and irritation when he felt I was raising things or opposing his policy as a matter of discussion, even though I had made it clear to him that he was the administrator for the UK, as well as for the US, and that I would respect his decisions. But before he got to his decisions, I wanted a conversation on certain -- so that was the nature of the relationship.

Let me give you an anecdotal illustration. At 8 o'clock every morning Bremer held a morning meeting. Those meetings were unlike Foreign Office morning meetings in that they were

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top down, administrator to team, instructions of what was to happen and information to the administrator of what was happening in each place. He would go round the table, and in a clipped, almost military way, the Americans would say what they were doing.

As it happened, I sat on Bremer's right, and he went round clockwise. So I was the last to be brought into the conversation, and I would often introduce points of information about atmosphere, politics, the UN and other things that were going on, and frequently my own team came back with smiles all over their face because they watched Bremer's face as I was talking to the -- but I had an independent position. I wasn't going to be frightened off from doing that.

When Bremer was absent and I held my sort of morning meetings, I got very good feedback from the Americans in the CPA team that they were understanding the context of why policy was going where it was.

SIR MARTIN GILBERT: And you were then in the chair?

SIR JEREMY GREENSTOCK: And I was then in the chair as Bremer's alternative, particularly during the Christmas period when I was in charge. So I wasn't going to be -- and then, of course, reports got back to Bremer about happened in his absence.

So Bremer felt that I in some respects was being disloyal because his interpretation of loyalty was different from my interpretation of my job.

SIR MARTIN GILBERT: Were there specific areas of decision-making which he didn't share with you which you felt should have been within your --

SIR JEREMY GREENSTOCK: Yes, one that came up, the same point of flexible political approaches. I talk in my book about Colin Powell's visit on my second or third day, and Powell,

Bremer and I had a private trilateral meeting. Bremer brought up, under Powell's questioning, the political process, and I said, because I wanted to get the point across to Powell, we must also think about how we handle Iraqi resistance to this, particularly with Sistani, we may need some alternative approaches. And Bremer shouted at me in front of Powell, "the President has decided on the seven steps. This is our approach. Either you give me loyalty -- I don't want to hear talk about alternative approaches -- or we find some other way of working together", and Powell changed the subject. He was quite surprised.

So Bremer got very uptight about his unilateral control of the whole machine and about sticking to the policy which would work if you forced it through in a linear direction, rather than taking account of the lateral resistance to it, which was not my approach. So that had to be worked through during my whole time working on the politics of Iraq.

SIR MARTIN GILBERT: What was your relationship with Bremer with regard to the UK secondees to the CPA? Was this an area in which you were able to have an input?

SIR JEREMY GREENSTOCK: There was no problem over the UK secondees. They were seconded to the CPA as I was not. They were under Bremer's control. He saw the UK as being the next best contributor after the US. The standard of the secondees was very high. He worked quite well with David Richmond, who he didn't see as a threat, as UK representative after me.

He valued the work of [redacted][2] and [redacted] in the Government's team. Andy Bearpark was a deputy administrator for operations, which was highly appreciated. He had a problem with one of our Government administrators down in

[2] Names of three junior officials redacted

the south who had to be moved on at one stage, [redacted], but on the whole, the role of the UK secondees was not a problem.

SIR MARTIN GILBERT: In your public session evidence to us, you were talking about how the CPA spent its money, and you said to us:

"Perhaps there are some things we haven't gone into, and maybe this would be a matter for private discussion."

What did you have in mind for this private discussion in that regard?

SIR JEREMY GREENSTOCK: I regarded Jerry Bremer as having complete integrity in his approach. But the budget for the CPA was not brilliantly done, but in rather a [redacted].

The UK was not allowed sight of any of the figures on the use of money by the CPA. Bremer did a brilliant job in getting a large amount of money allocated from congress at the end of September, but out of that 18.7 billion, only about 600 million was dispensed during Bremer's time in Iraq, which shows the difficulties of administrating resources in Iraq, and corruption crept into the system through a lack of oversight of contractors. A lot of cash was going round in suitcases to be dispensed to Iraqis, not all of which was accounted for, and I was uncomfortable that I had no sight of this, might be felt by London to be in some respects responsible for this, and had to explain clearly that I was not responsible for this, and London made it quite clear that they didn't expect me to be responsible for this.

But as you have seen from books on this, from the report of the Special Inspectorate for Iraq in the US, corruption crept

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into the system and I felt that I couldn't do anything about it.

SIR MARTIN GILBERT: Was it something you were able to discuss with Bremer? Did you have debates on this?

SIR JEREMY GREENSTOCK: We discussed corruption in the Iraqi administration, but when I asked for details of economic spending, it was made clear that non-Americans would not be given the details.

SIR MARTIN GILBERT: My last question is about the Washington aspect. You reported in one of your reports on 19 December 2003:

"Washington [redacted]. The different parts of the Bush administration [redacted].

How did these tensions impede what you were trying to do, what the UK was trying to do?

SIR JEREMY GREENSTOCK: I think the most important answer to your question, Sir Martin, is that it affected what the Americans were trying to do, and the Americans were 95 per cent of this whole effort. We were 2 or 3 per cent of it, as I said before I made clear to London. There was fissiparousness in the whole of the American effort.

The civilian pillar and the military pillar were different. They were arguing with each other. They were not unified inside the administration in Iraq. The lowest point at which those two pillars came together was the Deputy Secretary of State in Washington, Wolfowitz, but really Rumsfeld. [redacted].

Within the military, there were different views between Sanchez and his regional commanders. David Petraeus in MND Mosul was doing his own thing, I think rather brilliantly, which

was not being done in other parts of the military administration of Iraq.

Baghdad and the governorates were not in conjunction. [redacted] disagreed with the policy that Bremer was following, and sent back much more pessimistic reports than did Bremer himself.

Colin Powell read the British telegrams from Baghdad, rather than the American ones, because he thought it set out a more realistic idea of what was going on, picture of what was going on on the ground. They were all over the place.

There were arguments in Washington of the kind that there were during the negotiation of the resolutions in New York.

SIR MARTIN GILBERT: And you had essentially to observe this?

SIR JEREMY GREENSTOCK: I was, as it were, supposed to be trying to pull together a unified view for London of what was going on and dealing with the inefficiencies. But this was a dysfunctional administration, both in Washington and in Baghdad, and there was nothing that the UK could do about it because we were less than a 20th of what the Americans were putting into it.

SIR MARTIN GILBERT: Thank you very much.

THE CHAIRMAN: Just on one side point, I think it's probably pointless to try and get into psychological explanations, but Bremer was working under an extreme pressure of responsibility, events, and must have been very fatigued. How well was he supported from within the CPA?

SIR JEREMY GREENSTOCK: Increasingly well, but poorly at the beginning. I think that the RAND report brings out the quality of what Bremer achieved, and let's not just be pejorative about the American achievements. It was extraordinary, what Bremer achieved against the odds, the odds being a wrongly set mission by Washington, a lack of resources, particularly in security,

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a lack of money being dispensed on the ground, et cetera, et cetera. Jerry achieved an enormous amount, but he wasn't able to overcome the fundamental errors of judgment that had been made early on in the setting of the US task.

The changing of the currency was a brilliant operation. The attempt to improve electricity in Iraq was a hopelessly ill-conceived and ill-implemented operation. The contrast between those two areas gives you an illustration of the range of different achievements under the American administration. We tried to feed in what we could with our much smaller team, but I decided that it was my job to focus more on the politics in Iraq and on the IGC than on anything else, because I had no resources in my own hands to dispense on any of the material things.

THE CHAIRMAN: Last point on the context within which Bremer was operating. Relations with General Sanchez, because the military were by far the largest component on the ground?

SIR JEREMY GREENSTOCK: Ricardo Sanchez was a decent man, trying to do the right thing, and in many ways had a more accurate judgment of what would work on the ground than Bremer did. If you look at the story of the [redacted], and the arguments with the Brits and between Sanchez and Bremer, privately my view is that Ricardo Sanchez, as an active three star general, promoted temporarily up from two star, [redacted]. Tommy Franks should have been asked to stay there, like MacArthur in Japan, for much longer into the administrative period.

So in his own deputies to begin with, [redacted], the team I found in the republican palace when I arrived in September was hopelessly

inadequate for running a country of 25 million people.

By the early part of 2003 a larger team had come in, ambassadors from elsewhere, US ambassadors from elsewhere in the Middle East. It got better. But it was inadequate at the beginning, and it was in the first three months that the Americans lost control of the situation.

BARONESS USHA PRASHAR: Just one question before I get into the political situation and dealing with community leaders and politicians.

Bremer's decision just to concentrate on Baghdad, do you think that had any broad implications? Because --

SIR JEREMY GREENSTOCK: His decision to?

BARONESS USHA PRASHAR: Just to concentrate on Baghdad, and not Basra. What were the implications of that?

SIR JEREMY GREENSTOCK: Not great in the overall story of Iraq. I think it had consequences for the US/UK relationship over the whole responsibility of the administration because the mirror image of that was that London focused on the south east and didn't take Baghdad enough into account, as I have said before, and as I reported at the time, as I told the ad hoc Cabinet subcommittee and as I have written in my book.

The consequences were not great for the whole of Iraq because I think we did a good job in the early stages in Basra. But we were very short of money, and we got virtually no American money because DFID concentrated on that. The Americans said let the Brits look after Basra.

But Basra didn't break down for us until 2005/2006, and it didn't affect the CPA period that there was a slight disconnect. Much more important was Bremer's failure to consult adequately or bring into the team the leaders of the governorate teams across the whole of Iraq, which I tried to mend in my own way

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when there were monthly or less than monthly governorate meetings in Baghdad of the whole team, by doing the sort of meeting that I described earlier.

When Bremer was there, he was top down and not listening to them. So there was an inconsistency across Iraq of the application of the American administration, and too little contact from within Baghdad with the Iraqi people, which I felt that we in MND south east and in deputy CPA south east actually had with the Iraqi people.

BARONESS USHA PRASHAR: That brings me -- because you were talking earlier about the flexible political approaches. How did you identify who to talk to in Iraqi politics?

SIR JEREMY GREENSTOCK: I dealt mainly with the IGC because that was whom we had constructed to be the Iraqi voice, collective voice. I did talk to others. I talked to Hussein Al Sadr, the senior cleric, Shia cleric in Iraq regularly. I went on my own travels a little bit, outside Baghdad, primarily to Kurdistan, where we come back to my relationship with the Kurds, but also to Qut and to Basra. I listened to everybody else who had contacts. David Richmond did his own, under Bremer's instructions, work with the Sunni tribes in the centre and north west.

But I was aware all along that this was an inadequate interface, including in media terms, with the Iraqi people and what was coming out of the Iraqi people, and we were all, including Bremer, very conscious that we couldn't have a direct conversation with Ayatollah Sistani because he refused to have any direct dealings with the CPA.

So what we could see from our fairly restricted view from Baghdad, we did quite well. What we couldn't see was going on was where the trouble lay.

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BARONESS USHA PRASHAR: Did you yourself talk to Sistani?

SIR JEREMY GREENSTOCK: No, I was off-side with Sistani, as well as Bremer.

BARONESS USHA PRASHAR: So there was no conversation at all with --

SIR JEREMY GREENSTOCK: No, there were only indirect inputs into Sistani.

BARONESS USHA PRASHAR: Only indirect?

SIR JEREMY GREENSTOCK: Indirect. Bremer had his own intermediary, a Lebanese political adviser, who was allowed in to Sistani and conveyed messages, written and oral, particularly later on in 2003 and into 2004. And I frequently talked to the Shia politicians on the Iraqi Governing Council, such as [redacted], for instance, who often went [redacted] and reported back to me privately what was going on.

BARONESS USHA PRASHAR: You said earlier that by the time you got there, the plan, the seven step plan, had already been agreed and signed off by the President.

What impact, if any, did you have in terms of its implementation? How did you try to influence the implementation?

SIR JEREMY GREENSTOCK: Through my input into meetings of the Iraqi Governing Council; through my one-to-one meetings with members of the Iraqi Governing Council; through my discussions with the governorate team in the CPA, because we had to manage real life as we went along.

The core issue here is Sistani's fatwa on the need for anybody writing the constitution of Iraq to be elected, clashing with Bremer's insistence that a constitution should be written before elections were held. That vitiated the implementation of

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the seven steps as they had been written, and my instinct to discuss that difficulty before it came to a dead halt was rejected by Bremer.

BARONESS USHA PRASHAR: So that didn't happen?

SIR JEREMY GREENSTOCK: So that didn't really happen until the point in late October/early November when Bremer was put under time pressure by Washington to agree a political plan towards elections and towards handing over of power, which then led to the 15 November agreement, which itself broke down almost immediately with Shia objections and Sistani's objections, and which we then had to renegotiate as we went into the transitional administrative law.

My input into the compromise that was involved in the 15 November agreement, I describe under my heading of "Two chickens, two eggs", if that's familiar to you.

BARONESS USHA PRASHAR: Indeed.

SIR JEREMY GREENSTOCK: Which had its humourous elements as far as the Americans were concerned, because they thought I was talking rubbish, but the Iraqis immediately understood what I was talking about, which was the point of my proposing it.

BARONESS USHA PRASHAR: Given the nature of the relationship with Bremer and how he approached things, how much influence did you exert on him, or directly through the Iraqi community politicians?

SIR JEREMY GREENSTOCK: It alternated according to the issue. For instance, over the business of a Turkish military contingent in Iraq, I think I had direct and catalytic influence on Bremer in his denial of Washington's wish that the Turks should be involved in Iraq, which was the right answer for Iraq because the Turks would have been a problem, and the Iranians would have

had an excuse to do the same, without permission, without liaising with the Americans, in the east of Iraq.

On other things I and my team often had influence in stopping Bremer doing something that wouldn't have worked or in refining his judgment on things. But just as often, I was [redacted]. I wanted the Iraqis to follow the substance of what Bremer was offering, which was a way through to a more stable Iraq.

BARONESS USHA PRASHAR: So you were doing some mopping up afterwards?

SIR JEREMY GREENSTOCK: I was mopping up the whole time.

BARONESS USHA PRASHAR: How did you make sure that the CPA and the UN envoy worked together? Was Bremer willing to co-operate with the United Nations envoy?

SIR JEREMY GREENSTOCK: Sergio De Mello, alas, was dead by the time I arrived. So the UN was absent when I arrived. It was only when Lakhdar Brahimi came back into the game, and Brahimi and I knew each other very well. But Brahimi treated me entirely correctly, and at one remove, as it were. He was not going to be accused by the Americans of having a cosy relationship with me. But Brahimi and I understood each other on that, and I wanted Brahimi to do his best to mend the Sistani problem and help choose the eventual first interim administration of Iraq after the CPA ended, and that actually worked out reasonably well up to the point of my departure.

So I wanted the UN to be real players in all of this, and

Bob Blackwill, who comes into this picture, also wanted that. So Blackwill, Brahimi, Bremer and I circled round each other in a complex way, but in a way which eventually worked okay.

BARONESS USHA PRASHAR: Can I just ask a general question? Leaving Bremer's personality aside, is there a difference of approach with the Americans and the UK approach in terms of flexibility? Do they tend to be generally top down? Is there a difference of approach between --

SIR JEREMY GREENSTOCK: Yes, a very marked difference.

BARONESS USHA PRASHAR: And are there lessons there for working coalitions, again under construction, if there's a different approach?

SIR JEREMY GREENSTOCK: One of the cardinal points is psychological, particularly when the American military are involved, but also when the American civilians who think like the military are involved, in that there is an optimistic approach that the mission will succeed, is succeeding, and that anybody who suggests that it isn't succeeding is disloyal.

That makes it very difficult to fill the gaps where the mission isn't succeeding, and there were gaps. But they don't get acknowledged, and therefore, in their misidentification, they become larger.

The Brits -- and this included SIS [redacted] -- were pessimistic in their analysis of what was going on, expected there to be real security problems in Iraq, which there weren't enough resources to deal with, and we were conveying this back by our own channels to our principals.

So there were two lines of reporting, and often they came together, or apparently together, when visitors from Washington came through Baghdad, saw Bremer and came on to me, and got different stories. But the Americans who did that, very often

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[redacted]

THE CHAIRMAN: Does that go for British Ministers as well, do you think?

SIR JEREMY GREENSTOCK: That's a different question. It's not the same thing, because the British Ministers would go back and say, "There's real problems here, and we have got to address them", having heard both Bremer and Greenstock and lots of other people.

What didn't happen was that London sorted out in Washington the difference between attitude and reality.

BARONESS USHA PRASHAR: So that would mean that there wasn't a shared assessment of the security situation between the US and the UK?

SIR JEREMY GREENSTOCK: No, you can't say there was a composite shared assessment because what we were reporting was very different in colour from what the American hierarchy were reporting. But you can be sure that [redacted] those views didn’t come into the kind of policy discussion you could expect to have in Cabinet or in a Cabinet subcommittee in London.

BARONESS USHA PRASHAR: And what was the understanding about Iran's influence for the UK and the US? Did they share that assessment or was that different too?

SIR JEREMY GREENSTOCK: Bremer didn't really want to know about

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Iran. He assumed that Iran was malign, and it was. But my view was that Iran was a secondary, not a primary, actor in Iraq, and needed to be controlled and managed. But when I went to Tehran, for instance in early January 2003, Bremer was not in the slightest bit interested in my conversation.

THE CHAIRMAN: 2004?

SIR JEREMY GREENSTOCK: 2004, sorry. It was the turn of the year.

And when I proposed that there should be an internal CPA assessment of Iran's real influence in Iraq, Bremer said, "All right, you run that if you want to", and we actually produced quite a good assessment of Iran, what Iran was exactly doing, which I think is probably available to you, and Bremer never showed any personal interest in that. I think actually Washington was quite worried about Iran in some ways, and I'm not aware of what Bremer and Washington were saying to each other about Iran, but Bremer was not interested in the UK view of Iran. To him Iran was a black player, and there was not much white in it, whereas mine was a more nuanced view.

THE CHAIRMAN: We have got a few more questions and then we will turn to lessons, if we may.

SIR RODERIC LYNE: There's a point in mid-February 2004 when you find yourself being excluded from meetings, and you rang up David Manning in Washington to try to get this sorted out. Bremer was excluding you.

Can you recall what triggered your exclusion?

SIR JEREMY GREENSTOCK: No, I haven't reminded myself of that particular period. Have you got any particular substance of the meetings I was excluded from?

SIR RODERIC LYNE: No, there was a call -- I think it was

a Saturday, a Friday or a Saturday -- from you to David Manning in which you told him that you were being excluded from key meetings in Baghdad, that you had confronted Bremer about this, and he had told you that the matter was out of his hands and had been determined in Washington.

It isn't, I think, clear from our records what the proximate cause was of Bremer cutting you out. It was obviously a fairly sharp incident, at a time when, from your other reporting, by and large your relationship with Bremer had improved. You had a modus operandi, and then something obviously went wrong, and I'm trying to find out what it was went wrong.

SIR JEREMY GREENSTOCK: It was Bremer's attempts to handle the breakdown of the 15 November meeting agreement on the political process. I wouldn't have complained to Washington about anything other than my exclusion from policy on the political process. This was about how to handle the Sistani objection, how to bring Brahimi into position, how to deal with the Kurds, where there was constant to-ing and fro-ing between Bremer and Washington, and I think Bremer was holding meetings and talking to Washington about material on the politics which he was not really informing me about, partly because Bremer's own relationship with Washington was deteriorating at that point and he was very sensitive about these issues.

I felt that if I was being cut out of politics when I was often cut out of much of the economics, the oil, the prison stuff, other things that were going on that I wasn't aware of always from American activity, if I was cut out of the politics, then I really wasn't able to do my job as London had asked me to do it.

I don't think this was a matter of Bremer not wanting Greenstock in the room. It was a matter of Bremer wanting to

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sort out differences in Washington without there being a non-American in the room. But I felt that even that was off-side for my relationship with Bremer.

SIR RODERIC LYNE: Throughout your period there, to what extent did you feel that you were being denied information, particularly intelligence, that was going through the Bremer side of the house and not reaching you?

SIR JEREMY GREENSTOCK: You never knew --

SIR RODERIC LYNE: What you are not being told.

SIR JEREMY GREENSTOCK: I was never invited into Bremer's intelligence meeting with the intelligence chiefs and the army hierarchy in the CPA at 7.30 each morning. I then got myself invited to that after a while. They were surprisingly [redacted]. When we have meetings about intelligence, we talk about the substance. They were extraordinarily formulistic deliveries of the latest intelligence by an army intelligence captain, and no discussion of the implications.

The real discussions between Bremer and military intelligence and Ricardo Sanchez, I was normally excluded from. I invited myself in whenever I could, and sometimes the door was just shut or I was asked not to come along.

So we constantly had to press to get in to relevant meetings because it was becoming increasingly difficult for Bremer to run the CPA with Washington, with Blackwill inserted to watch over his shoulder, and he just didn't want to complicate his own life.

SIR RODERIC LYNE: Did your frustrations with this incredibly difficult process at any point in your stay there lead you seriously to consider cutting your stay short or to discuss with

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London that possibility?

SIR JEREMY GREENSTOCK: No. I had agreed with the Prime Minister in June that I would serve to the end of March. I never suggested that I should do shorter and the Government never suggested that I should do longer.

SIR RODERIC LYNE: So you considered the possibility of resignation in New York, but you didn't when you took this one on?

SIR JEREMY GREENSTOCK: Yes, these were different circumstances. And I always felt that I -- whether Bremer was aware of it or not, I was doing something useful. For instance, in the negotiations with the Kurds over the TAL, where I prevented the Kurds walking out, which Bremer wasn't aware of, in the final stages and negotiated some of the text with TAL when Bremer wasn't in the room. I always had something useful to do. I never had enough scope to do everything that I thought would be useful.

SIR RODERIC LYNE: You had a background in Middle Eastern Arab affairs. You served in the region. John Sawers had too, serving in Cairo. Bremer did not, so far as I'm aware.

To what extent did you feel that the CPA was hamstrung by having a lot of staff in there who didn't have the language and had no previous experience in the region?

SIR JEREMY GREENSTOCK: Bremer had Ambassador Hume with him in the early stages, who had considerable Arabic experience. He later had Dick Jones as his deputy, who was concurrently ambassador in Bahrain. He had Ron Schlicker who was consulate general in Jerusalem, and there was other experienced American Arabic-speaking input.

Bremer tended to have his most important policy discussions,

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as it were, on his own sofa, with the people he was most comfortable with in the Governance section, [redacted], when he really wanted to discuss what he wanted to do politically. There was no Arabic-speaking --

SIR RODERIC LYNE: Those were not Arabists?

SIR JEREMY GREENSTOCK: None of them were Arabists. They were all neo-con in their approach.

SIR RODERIC LYNE: And the people in Washington on foreign policy also didn't include any Arabists at all?

SIR JEREMY GREENSTOCK: To make a macro, rather than a micro point, American judgments on the politics of this were made as much for external reasons or American domestic reasons as for reasons of what would work on the ground. As Bremer got more experienced from being administrator, he increasingly took decisions that would work on the ground, and increasingly became a better administrator. As he became a better administrator, his relationship with Washington deteriorated.

SIR LAWRENCE FREEDMAN: I'm not quite sure exactly what this may lead to, and it can cover anything from the whole period we have been talking about. But we talk an awful lot about the dysfunctions in the American administration and clashes of personalities, and differences between how people viewed the situation.

What was your view of London in terms of differences in nuance? We know that Straw and Blair were not looking at the crisis in the same sort of way. Did you have any sense of that influencing you? Did you find yourself having to resolve in

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some way differences with London?

SIR JEREMY GREENSTOCK: Not really, no. I think the key senior official relationship was between Sheinwald at number 10, Sawers as political director -- Ricketts, then Sawers as political director -- and myself in Baghdad, and the Sheinwald weekly or fortnightly meeting, I was often on line with them in teleconference. That relationship worked pretty well. There was never any problem with getting messages back to the Prime Minister and hearing the Prime Minister's view.

What I thought was structurally weak was that there was no clear political responsibility taken at an elected level below the Prime Minister in London. I was not big enough to administrate Iraq with -- Bremer wasn't big enough to administrate Iraq. Our President and Prime Minister often agreed, but what they agreed was not tactically implemented in the Washington system. We did not have resources on the ground to do anything independently, except in the south east, and if I was doing this again, I would want to be able to report to a politician running the Cabinet subcommittee, who was not the Prime Minister, and had either full-time or majority time responsibility for making Iraq work.

I don't think there should have been a minister in Baghdad. I think a minister in Baghdad would have had real Bremer problems. But I think I wanted a full-time minister, and I didn't think that the Cabinet subcommittee gripped things in a way in which recognised reality.

SIR LAWRENCE FREEDMAN: While we were in the States, the phrase was used, not about us, but what you say may be relevant to, "management by sweeping in", the flurry of interest and activity and instructions coming out and so on, and then that would subside for a while, rather than a consistent dedicated

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interest.

SIR JEREMY GREENSTOCK: There's another feature in this which is important, which is that London had limits on the arguments it could have with Washington. I personally believe that the Prime Minister likes to avoid -- that Prime Minister liked to avoid rows, and therefore he wasn't going to take things through to a hard argument with Washington, and it might not have been effective to have done that.

But I constantly sensed from Nigel Sheinwald, who was in constant conversation with Condi Rice, that there was a limit to the amount of issues he could raise with Washington, and it was not in my interest to try and get London to get Washington to get Bremer to do the things that I couldn't persuade Bremer to do. That wouldn't have worked and wasn't welcomed in Washington[3]. There were limits on what we could say to Washington was not going right and remain in constant communication with Washington.

SIR LAWRENCE FREEDMAN: One last question, if I may.

One of the areas where we did have some role was policing. I think we have had reference to the Prime Minister's interest in this and John Sawers and you discussing it with him in September 2003.

Is this one area and one example where there was a British role, and it was quite difficult making sure that the Prime Minister in this case understood that it was what we could do on the ground?

SIR JEREMY GREENSTOCK: I think an example of that was his call at the beginning of September, when I was about to go out to Baghdad and we had a policy meeting with the Prime Minister, which John Sawers attended on, 1 or 2 September, the first

[3] Witness clarification: I had meant to say "London" [JG 3/6]

Tuesday back, in which the Prime Minister laid down some pretty clear objectives of what he wanted done, for instance on the police and on the media. We thought the media should work better than it did. That was an implementation failure, which I think was [redacted] but we didn't mend it.

He had excessive expectations of what we could do on the police front, which we immediately tried to disabuse him of, but he was in a driving mode at that point. So Sawers and I looked at each other, but didn't say anything, thinking that's not going to be practical, but we had better do our best. That's what the look said to each other.

But that sense of Prime Ministerial drive was of course intermittent because a Prime Minister has 100 other things to do, and there wasn't the constant dynamic drive from any other politician in London.

THE CHAIRMAN: Shall we just scoop up that reference that Sir Roderic raised much earlier about the legal advice from Peter Goldsmith to the Prime Minister at the end of January? You have now seen, I think, the minute that the Attorney General sent to the Prime Minister after his discussion with yourself, but before he went to Washington to have discussions with the American legal advisers.

Any comment? Does it surprise you that the Attorney General had still not, as it were, accepted the argument about legality, if not legitimacy, of 1441 as it stood?

SIR JEREMY GREENSTOCK: I didn't know about this at the time. I'm not surprised by it. I have the following comment, which I think is a very serious comment for you in considering the legal question.

When the Attorney General says in the third and fourth lines

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of paragraph 4 that the correct interpretation of 1441 is that it does not authorise the use of military force without a further determination by the Security Council, the Attorney General has committed a slight inaccuracy, and the Prime Minister has said -- I think it's the Prime Minister's writing -- "I do not understand this". 1441, of course, did not authorise any military force. 1441 specified that a determination could be made either by the Security Council, or by somebody else unspecified.

So his use of words there doesn't precisely reflect what 1441 meant, although I think I can understand -- but the Prime Minister can't, as it were, at that time -- why he said that.

When you get on to his final determination, "my view remains that a further decision is required", it is clear that he means legally required because he says that in paragraph 1. I think that that is a judgment that still can be argued about, because he hasn't fully understood 1441, and that when he went to talk to the Americans about this, his mind changed on that precise point, and I don't see why it shouldn't change because of the points that I'm making.

THE CHAIRMAN: That's extremely helpful. Thank you. We are coming up to quarter to.

I have just got one last question of my own, before we ask you to say whatever you would like to say about lessons. It's really whether in your time with the CPA the mounting risk of what became the insurgency since was coming more into focus, more into view.

With hindsight, is that your recollection, that there was mounting evidence of the risk of not merely violence and criminality, but of real insurgency?

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SIR JEREMY GREENSTOCK: Yes, because time is a very important factor in this, and what we identified at the beginning, we felt, because we were there, we had to be optimistic, we were in a positive atmosphere of trying to administrate this place and do our jobs, we felt that if we made the right decisions and dealt with the burgeoning troubles straight away, we would succeed in our mission.

What I listed as the indications, which I came across pretty quickly after my arrival there, included the dysfunction of the administration; the lack of resources put into particularly the security area, but also elsewhere; US fissiparousness; an early lack of focus on security, which we interpreted from the beginning; the fact that the US were over-optimistic about the chances, whereas we were pessimistic; the Muqtada story; the different sources of violence coming out of Iraq, which were not being analysed properly; and the natural shelf life of an administration in these circumstances.

They were all elements that were parts of my discussions, particularly with my own team, with [redacted], from the beginning.

THE CHAIRMAN: Thank you. May we invite reflections on lessons to be learned? You have told us in the earlier public session that -- you said there were a number of lessons, but the full range would need to be dealt with in a different session, ie, I take it, here. There's a little time if you would like to share them with us.

SIR JEREMY GREENSTOCK: I have not prepared an essay on this.

I think there is a huge lesson to be learned -- I think this is probably the most important area of all -- in working with the Americans. We have got to understand that, for all the rhetoric, we have different backgrounds, different values,

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different working methods, different psychologies, in approaching a serious military or politico-military operation; that not only is it quite different to interoperate with the Americans, but that Americans don't interoperate well with each other.

And to some extent the seriousness of what we are taking on is not staffed and serviced and operated that well in London. There are lacunae which need to be filled if we are taking on an operation of this seriousness. There's a huge amount of bash and hope in all of this, and the hopes were increasingly interpreted and reported as probably unjustified, and yet the response to that message was more, "Oh God, Greenstock's pessimistic reaction", rather than, "This is something we have got to grip".

THE CHAIRMAN: This leads back to your advocacy of a controlling political mind in London, paying constant attention to an operation like this?

SIR JEREMY GREENSTOCK: It does. When I went back once a month -- it was my initiative to go back once a month, in order to have an interface with my colleagues and bosses -- I was always disappointed by the workings of the subcommittee in the Cabinet because they did not seem to understand what the threats were, one of which I actually told them explicitly was [redacted].

THE CHAIRMAN: Was this deficiency or absence of grip in the subcommittee partly to do with the extremely strong bilateral relationships being conducted out of Number 10 with the Americans and therefore sucking up all that potential influence and judgment and assessment?

SIR JEREMY GREENSTOCK: Partly, but there's another point to be made here. That relationship was unprecedented. It was

an amazing relationship and a very effective relationship. But the fact is that the Government system at that time did not delegate true responsibility and accountability to Secretaries of State, to the Cabinet and to the implementing senior officials. It was pulled too much into the centre, and the centre didn't have the resources to follow everything.

I have talked about, and I write about in my book, Prime Minister Blair's first visit to Basra in the first couple of days of January 2004, when Bremer took him through what was happening on the ground. I had said to him more than once, Bremer is your administrator. It was a non-functioning conversation about what was really going wrong in Iraq, on which I had just written a dispatch.

There should have been somebody other than the Prime Minister, who was coming from holiday with his family in Sharm El-Sheik, capable of saying to the Prime Minister, "Use this opportunity to explore exactly what is going wrong in Iraq", and that opportunity was not taken. That's not just a personal failure of the Prime Minister. It was a systemic failure in London.

THE CHAIRMAN: One dimension of that relationship with Washington is the asymmetry between the principal actors.

The Prime Minister and the President, fine.

Our Foreign Secretary, Colin Powell, fine, granted that Powell had then been largely excluded from a voice of influence.

Rumsfeld to our Secretary of State for Defence, not a strong relationship at all, very asymmetric, given the difference in power.

Condoleezza Rice, David Manning, close. [redacted].

Can we reconfigure in some future occasion our system to get

a better match with an American system, however it is in the future?

SIR JEREMY GREENSTOCK: No. You can't reconfigure. You will never have a match for a powerful Vice President.

Part of the problems here was [redacted].

I think the most important thing for people to realise out of all of this is that what makes American behaviour change is reality, and therefore you've got to face them up to reality as early as possible in the process, which was my thinking behind "occupying powers". I was constantly doing this with Bremer, sometimes getting the Iraqi council to voice a reality that I knew he wouldn't listen to from me.

So that's the only way to do it, when the power you are working with has 20 times the strength of what you are doing on the ground and can dismiss you from the conversation on politics at any stage.

I don't think this will change. The chemistry between the Prime Minister and the President is always important, but you also need a President who then understands what you are saying and can implement it in his own system. I believe that the American system up to the President hideously underestimated what they were taking on in Iraq, and it was only the realities of what happened that produced a change in the approach as late as 2007 in the surge. It took four years.

SIR RODERIC LYNE: Following on from that, you have worked with several different American Administrations in Washington and from London. How specific were the difficulties you talk about to this Administration and the very small group of people who

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ran these decisions?

SIR JEREMY GREENSTOCK: I would make a comparison with our row with the Americans over Bosnia in 1994/1995, when in August 1995 the Americans actually changed their policy, took over European policy, and implemented it with 100 times the dynamism of the Europeans.

The fact is that American policy gets mired in the American domestic system, and we are not going to change the American constitution.

I think you can go back, you know, all the way back to Suez, if you like. But we need to understand that the American system is a very different one in the way it comes to decisions, and it can often make a U-turn with a dynamism and a forcefulness on events on the ground which we are unable to do. I have learned that we are very often playing for that U-turn because that is what changes the situation, and I think, as a team, both in London and in Baghdad, we did a remarkable amount to create a change in the system. We wouldn't otherwise have got the transitional administration law or the political process working well. But it did not happen in the vital area of security because we were bit players in that.

THE CHAIRMAN: Any last reflection?

SIR JEREMY GREENSTOCK: Not really. There's masses more we can talk about, but you know what you know now. I think this is an extremely useful exercise. No lessons learned could ever really affect a new circumstance in the future. For all we were looking at what went wrong, the Americans allowed us right into the centre in Baghdad. We were in the same office as Bremer. There was an enormous generosity of spirit, in spite of some of the difficulties. They were under much greater pressure than they should have been with the lack of resources there. All

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these things are understandable, but that year was fundamentally a failure, and I have to take some responsibility for that.

THE CHAIRMAN: Sir Jeremy, thank you very much indeed.

With that I'll close this session, with those words of thanks. Just to say that the transcript will need to be reviewed in this building and at your convenience. We can't let it out.

SIR JEREMY GREENSTOCK: Fine. I'll come in, as long as there's no particular deadline.

(The hearing adjourned)

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