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LEGAL SECRETARY

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16 March 2003

Dear Desmond,

IRAQ - MILITARY CAMPAIGN OBJECTIVES

Thank you for your letter of 14 March enclosing a draft paper setting out the military campaign objectives.

The Attorney General has seen this document and suggests that paragraphs 1-3 should be amended as follows:

Paragraph 1: The word "prime" in line 2 before "objective" should be deleted. The only lawful objective for military action is the enforcement of Iraq's obligations under Resolution 687 and other relevant resolutions. The Attorney would also suggest that in the penultimate line the word "relevant" is added before "United Nations Security Council Resolutions".

Paragraph 2: This should be amended to read:

"In UNSCR 1441, the Security Council decided that Iraq was in material breach of its obligations under UNSCR 687 and other relevant resolutions. The Council gave Iraq a final opportunity to comply by cooperating with the enhanced inspection regime established by UNSCR 687, but warned of the serious consequences of failing to do so. The evidence shows that Iraq has failed to comply with the terms of Resolution 1441 and is now in further material breach of its obligations. In these circumstances, UNSCR 678 authorises the use of force to enforce Iraq's compliance with its disarmament obligations."

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Paragraph 3: This should be amended to read:

"The obstacle to Iraq's compliance with its disarmament obligations under relevant UNSCRs is the current Iraqi regime, supported by the security forces under its control. The UK Government has therefore concluded that military action is necessary to enforce Iraqi compliance and that it is necessary that the current Iraqi regime be removed from power in order to create the conditions in which Iraq can be disarmed in accordance with its obligations. All military operations must be limited to what is necessary to achieve that objective. The UK is contributing maritime, land and air force as part of a US-led coalition."

The Attorney also considers that paragraph 1 of the draft CDS Directive should be amended to reflect the revised version of paragraphs 2 and 3 of the paper on military objectives as set out above.

Finally, the Attorney General has commented that it is important for the Government to keep under review in the light of developments over the next few days (i.e. actions taken by the Iraqi Government) whether it is still necessary to use force in order to secure compliance with Iraq's disarmament obligations.

I am copying this letter to Edward Chaplin (FCO), Nicola Brewer (DfID), Ian Lee (MoD), David Manning and Jim Drummond (Cabinet Office).

Yours ever,

David

David Brummell

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