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From: Elizabeth Wilmshurst
Deputy Legal Adviser

Date: 18 March 2003

To: Michael Wood

cc: PS
PS/PUS
Alan Charlton
Andrew Patrick, Press Office

1. I regret that I cannot agree that it is lawful to use force against Iraq without a second Security Council resolution to revive the authorisation given in SCR 678. I do not need to set out my reasoning; you are aware of it. My views accord with the advice that has been given consistently in this Office before and after the adoption of SCR 1441 and with what the Attorney General gave us to understand was his view prior to his letter of 7 March. (The view expressed in that letter has of course changed again into what is now the official line.) I cannot in conscience go along with advice - within the Office or to the public or Parliament - which asserts the legitimacy of military action without such a resolution, particularly since an unlawful use of force on such a scale amounts to the crime of aggression; nor can I agree with such action in circumstances which are so detrimental to the international order and the rule of law.

2. I therefore need to leave the Office: my views on the legitimacy of the action in Iraq would not make it possible for me to continue my role as a Deputy Legal Adviser or my work more generally. For example in the context of the International Criminal Court, negotiations on the crime of aggression begin again this year. I am therefore discussing with Alan Charlton whether I may take approved early retirement. In case that is not possible this letter should be taken as constituting notice of my resignation.

3. I joined the Office in 1974. It has been a privilege to work here. I leave with very great sadness.



Elizabeth Wilmshurst

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STATEMENT BY ELIZABETH WILMSHURST ON HER
RESIGNATION

"I left my job because I did not agree that the use of force against Iraq was lawful and in all the circumstances I did not want to continue as a legal adviser".

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