

SECRET - PERSONAL



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LONDON SW1A 2AA

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11/03

From the Private Secretary

11 March 2003

Dear Simon,

IRAQ: LEGAL AND MILITARY ASPECTS

The Prime Minister held a meeting with the Deputy Prime Minister, Defence Secretary, Attorney General and CDS on 11 March. The Foreign Secretary attended part of the meeting. Andrew Turnbull, Jonathan Powell, Alastair Campbell, Sally Morgan, David Manning and I were also present. This letter is extremely sensitive. It must not be copied further.

Legal issues

The Prime Minister started with the legal base for military action. The Attorney General's advice made it clear that a reasonable case could be made that UNSCR 1441 is capable of reviving the authorisation of UNSCR 678, although of course a second resolution would be preferable. CDS said he would need to put a short paragraph in his directive to members of the Armed Forces. This should be cleared with the Attorney General.

The Foreign Secretary raised the US request to use Diego Garcia and RAF Fairford (Jonathan Sinclair's letter of 11 March to me). The Prime Minister concluded that we should send the US a positive reply, in a day or two, with the usual conditions attached. The Defence Secretary and CDS noted that once we had given our approval, the US might give very little notice before the start of the campaign.

Andrew Turnbull asked whether a legal basis for military action was required for civil servants, as well as for members of the Armed Forces. The Defence Secretary asked whether the Attorney General's legal advice was ever disclosed. The Prime Minister has asked for a quick study into the precedents (comment: in hand).

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Military issues

The Defence Secretary and CDS briefed on the military plan, the proposed UK involvement, possible Iraqi tactics, and responses to them. CDS was confident that the battle plan would work. The Prime Minister asked a number of questions and confirmed that he was in general content with it.

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The Prime Minister said that we must concentrate on averting unintended consequences of military action. On targeting, we must minimise the risks to civilians.

I am copying this letter to Peter Watkins (MOD), David Brummell (Attorney General's office), Sir Andrew Turnbull, John Scarlett and Desmond Bowen (Cabinet Office).

Yours,



MATTHEW RYCROFT

Simon McDonald
FCO