

16th March 2011

Additional Statement to the Iraq Inquiry

In this additional statement I wish to address the questions put to me by Sir Roderic Lyne near the beginning of my oral evidence session on the 2nd February 2011. These questions were with regard to two SIS papers which had originally been copied to me as Foreign Secretary in December 2001. As the Inquiry's apology to me [attached to the transcript of oral evidence] makes clear, I had not been given advance notice specified by the Inquiry's protocols that these papers would be raised with me. Nor, because of their classification, were these papers in any FCO file I read in preparation. I was not, therefore, in a position to answer the very specific nature of the questioning on the day. I have now had the opportunity to review these and other documents held by the Inquiry and wish to offer the following by way of response:

My office had originally received only two of the three SIS papers that were produced (at the request of David Manning) - these were ["Attachment 2" and "Attachment 3"], as my Private Secretary Simon McDonald's covering minute of 5 December 2001 makes clear.

"Attachment 3", the second of the two papers, was entitled "US Attacks on Iraq: The Risks and the Costs" and it set out the downsides of such a policy. "Attachment 2: Iraq, Further Thoughts", offered a "possible way round" and sought to put some of the upsides; but only some.

The focus of Sir Roderic's questioning to me centred around my comments as reported by Simon McDonald, that the SIS papers were 'very perceptive' and that the Prime Minister should read them (Simon McDonald's minute to PS/'C' of 5 December 2001). The specific question Sir Roderic asked based on these comments was, "why did you commend a paper setting out a route map for regime change?"

My comment about the two papers (combined) could in no sense, however, be taken as a 'commendation' of regime change (a word I did not use and a policy I knew and argued throughout, both publicly and privately, to be unlawful). Indeed, when the two papers I had sight of are read together, and my comments are seen in that context, it is hard to see how anyone could come to a conclusion that I had done so.

Crucially, within "Attachment 2" the following section is contained:

"Government Law Officers to provide assurances of **legality** (there have been serious problems here)." [emphasis in the original].

It is clear from this section that SIS4, the paper's author, was spelling out quite plainly that "assurances of legality" were an essential precondition to any HMG policy in support of UK military action with the objective of regime change.

My response, therefore, to Sir Roderic's further question as to why I did not feel the need to qualify my comment of 'very perceptive' is that the paper itself set out one of the key objections- namely that a policy of regime change was not lawful.

Indeed, no one could have been in any doubt whatsoever about my position, given that briefing sent from my office to David Manning on 3rd December 2001 set out the following in relation to the FCO's position:

“Regime change may look an attractive alternative. Removal of Saddam, if achieved swiftly, would be applauded by his neighbours, the GCC and the wider Arab/Islamic world. **But previous uprisings in 1991 failed for want of outside support and military intervention for this purpose would be illegal.** The US are nevertheless considering their options again. David Manning's visit to Washington this week offers the opportunity to find out what they have in mind and to test the viability of any plans.” [Emphasis added].

I would like also to draw reference here to the views of the author of the documents, SIS officer 4, whom Sir Roderic Lyne had the opportunity to question several months before my oral session.

In the session with SIS4 the following exchange took place:

Sir Roderic Lyne: There was a response from the Foreign Secretary's PS – dated 5 December [2001]. It's a short letter of three sentences. I don't know if you have got it there.

SIS4: Yes. Simon being nice about it.

Sir Roderic Lyne: More than being nice. Does this constitute support from the Foreign Secretary for what you put forward here?

SIS4: No.

Sir Roderic Lyne: No?

SIS4: I don't want to leave the impression in your minds that at this point there was an autonomous UK based desire towards regime change because I have no memory of that.

Not only, therefore, had briefing been sent from the Foreign Office at around the same time which spelt out, explicitly, that regime change was illegal, but the very author of the documents on which Sir Roderic questioned me in no way took my comments as any type of 'commendation' for the arguments within. Indeed, as I make clear above, the papers themselves made abundantly clear not just both sides of the argument, but more importantly one of the central arguments against regime change- the fact that it was illegal.

JACK STRAW

16/3/11