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to David

IRAQ - POSITION OF THE CDS

At the meeting at No 10 yesterday attended by the Attorney General there was, I understand, some discussion about the Chief of the Defence Staff's directive to UK forces. I gather that the note of the meeting records agreement that the Attorney will approve the passage in CDS's Directive concerning the legal basis for the military action.

It is clear that legal controversy will undoubtedly surround the announcement of any decision by the Government to proceed to military action in the absence of the adoption of a further resolution by the UN Security Council. The CDS is naturally concerned to be assured that his order to commit UK Armed Forces to the conflict in such circumstances would be a lawful order by him. I have informed the CDS that if the Attorney General has advised that he is satisfied that the proposed military action by the UK would be in accordance with national and international law, he can properly give his order committing UK forces.

In view of the rapidly developing situation, I thought that the Attorney would wish to know what I have said on this question.

Yours etc

M J HEMMING

Cc PS/Secretary of State
PSO/CDS
PS/PUS
Dg Op Pol

Martin

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