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NOTE FOR THE RECORD

Iraq: Meeting with the Attorney General

Legal Position

1. The Foreign Secretary had a lengthy meeting with the Attorney General and his Legal Secretary on 13 March. The Attorney General said that having decided to come down on one side (1441 is sufficient), he had also decided that in public he needed to explain his case as strongly and unambiguously as possible. He had a legal team under Christopher Greenwood QC now working on all this. The Foreign Secretary arranged for this team to be supported by Jeremy Greenstock's legal adviser, Iain MacLeod, and a very good FCO official, Patrick Davies, who had been one of his Private Secretaries until recently.

2. The Foreign Secretary asked that this team produce for first thing on 17 March a draft letter explaining our legal position for him to send to the Chairman of the Foreign Affairs Committee, Donald Anderson. This was agreed.

3. The Attorney General said to the Foreign Secretary that he thought he might need to tell Cabinet when it met on 17 March that the legal issues were finely balanced. The Foreign Secretary said that he needed to be aware of the problem of leaks from that Cabinet. It would be better, surely, if the Attorney General distributed the draft letter from the Foreign Secretary to the FAC as the basic standard text of his position and then made a few comments. The Attorney General agreed.

Follow-Up (written on 15 March)

Monday/Tuesday Timetable

4. Monday's Cabinet needed to be choreographed with the Security Council meeting where Jeremy Greenstock would announce that we were pulling our Resolution.

5. The Foreign Secretary assumed that Cabinet would meet sometime in the morning. It will need specifically to approve the course of action proposed and to have passed across them the terms of the Commons motion for Tuesday.

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6. The Foreign Secretary thought that it might be a good idea for him to do a statement on Monday to inform colleagues of the decision to withdraw. There would have to be a Business Statement at 3.30 anyway, and the Prime Minister might not want the only activity on the floor to be that. A statement by the Foreign Secretary might give us a better chance of assessing from where the strongest arguments would come.

A handwritten signature in black ink, appearing to read 'Simon McDonald', with a stylized flourish at the end.

17 March 2003

(Simon McDonald)

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