

Monday, 18 January 2010

(2.00 pm)

MR JONATHAN POWELL

THE CHAIRMAN: Let's open this first session of the week.

Before we start, I want to note for the record that the ballot for seats for the hearings when former Prime Minister Tony Blair gives evidence to the Inquiry, on Friday, 29 January, is being drawn this afternoon.

It is being independently overseen by Mr Karamjit Singh CBE, the Northern Ireland Judicial Appointments Ombudsman and an outgoing member of the United Kingdom Electoral Commission. The Inquiry is very grateful to him for undertaking the task half will have and those who have been successful in the ballot will be notified of the outcome as soon as possible and should receive tickets by the end of this week.

With that out of the way, let's turn to this witness session.

The objectives are to examine with Jonathan Powell, the Chief of Staff to the former Prime Minister, the discussions and decisions taken in Number 10 Downing Street on Iraq over the period up to summer 2007 and their implementation.

We recognise that witnesses are giving evidence based on their recollection of events, and we, of

1 course, cross-check what we hear against papers to which  
2 we have access, some of which are still coming in.  
3 I remind every witness that he will later be asked to  
4 sign a transcript of his evidence to the effect that the  
5 evidence given is truthful, fair and accurate.

6 With that, I'll start by asking you, Mr Powell, when  
7 you became Chief of Staff, this was a new post, a new  
8 role, with both a political and a Civil Service  
9 dimension to it. I wonder if you could spend just  
10 a moment describing how you saw the role at the time you  
11 started?

12 MR JONATHAN POWELL: Yes, thank you, Chairman. We created  
13 the role of Chief of Staff in Number 10 Downing Street.  
14 It had existed briefly under Mrs Thatcher when she came  
15 to power in 1979, but had soon been disbanded. The job  
16 was to bring together the different parts of  
17 Downing Street; to bring together the political and the  
18 Civil Service, the foreign, domestic --

19 THE CHAIRMAN: Sorry, for transcription purposes, could you  
20 go more slowly?

21 MR JONATHAN POWELL: Sorry.

22 To bring together the foreign and domestic, the  
23 political and the Civil Service, the press and the  
24 policy bits of Number 10. Our analysis was that, under  
25 previous Number 10s, there had been a problem of not

1       having anyone underneath the Prime Minister who could  
2       bring together all the different parts, who could  
3       co-ordinate it. So we created that role when we came  
4       in, in 1997, and it remained until 2007, when we left.  
5       It is a bit of a jack of all trades and a master of  
6       none. There is a slight problem with it, but it is  
7       a useful co-ordinating function.

8   THE CHAIRMAN: Thank you. Did one person have overall  
9       responsibility at the centre, for ensuring that the  
10      Prime Minister got the support he needed to operate  
11      effectively, so that he got the advice he needed when he  
12      needed it, that the advice was sought when it was  
13      required, advice being offered was getting through,  
14      properly filtered, and, also, that the government as  
15      a whole was enabled and informed so as to implement  
16      effectively the decisions that came out of that process?

17   MR JONATHAN POWELL: It was my job to make sure that  
18      Number 10 was co-ordinated to make sure that those  
19      things were happening. Of course, I followed the  
20      Prime Minister's priorities, so I would shift from  
21      subject to subject, depending on what he was focusing  
22      on. We had a very distinguished team of people, both on  
23      the Civil Service side and on the political side, to  
24      make sure that happened.

25   THE CHAIRMAN: What I would like to do is ask in particular

1       about relations with two or three of the other people at  
2       the centre in Number 10, but first of all, the Cabinet  
3       Secretary, whose job is to support the Prime Minister,  
4       as well as members of the Cabinet as a whole, did you  
5       see or exercise a responsibility in respect of Cabinet  
6       discussion, decision-making, information and advice?

7   MR JONATHAN POWELL:  No, that was the Cabinet Secretary's  
8       job supported on the foreign policy side by  
9       David Manning.

10  THE CHAIRMAN:  Let's come straight to David Manning.  The  
11       Prime Minister has, and has had for some time, I think,  
12       even before Mr Blair, a foreign policy adviser.

13       In your time -- including David Manning and  
14       Nigel Sheinwald -- but you had your own overseas  
15       interlocutors and links.  Can you just say a little bit  
16       about how that worked together?

17  MR JONATHAN POWELL:  Yes, I suppose one of the advantages  
18       that I brought against all the disadvantages I brought  
19       as Chief of Staff was that I had spent a significant  
20       time as a diplomat.  I had been 16 years in the  
21       Foreign Office.  So I did have contact overseas,  
22       especially in the United States.

23  THE CHAIRMAN:  Thinking of the United States in particular,  
24       there is in the White House typically a role described  
25       as Chief of Staff, held, I think, by Andy Card in much

1 of George Bush's period. Was he your principal,  
2 personal interlocutor across the Atlantic?

3 MR JONATHAN POWELL: Yes. I mean, I knew all of the  
4 White House team, but Andy Card was my opposite number  
5 and we would speak from time to time on issues.  
6 Although, he didn't spend a lot of the time on foreign  
7 policy, so he wouldn't have devoted much time to foreign  
8 policy issues.

9 THE CHAIRMAN: Thank you. Now, turning to Iraq  
10 specifically, did you find it was one of the things he  
11 wanted you to do, to give him advice on Iraq matters?  
12 We know, and it is all on the record, David Manning was  
13 the principal foreign policy adviser to the  
14 Prime Minister, but how was your own role exercised in  
15 relation to Iraq matters?

16 MR JONATHAN POWELL: Well, as you say, David Manning was the  
17 foreign policy and defence adviser and intelligence  
18 adviser, so he would mastermind all of that.

19 My role on this was more sort of following up the  
20 Prime Minister's priorities. When he wanted  
21 a particular issue followed up, I would do so, I would  
22 make sure that things were happening. I sat outside his  
23 office so that I could ensure that he was kept  
24 up-to-date with things. If he made a decision, that  
25 could be communicated rapidly. It was more in that link

1           role that I played a role in Iraq, I think.

2   THE CHAIRMAN: Thank you. That implies that you weren't

3           giving, as it were, substantive advice very much on Iraq

4           policy?

5   MR JONATHAN POWELL: No, my job would also be to bounce

6           ideas off the Prime Minister. If things were

7           developing, I could suggest particular ways we could go

8           and I did do that on Iraq, as on other issues.

9   THE CHAIRMAN: I wonder, in one sense, the politics,

10           including Parliamentary, and, indeed, party politics,

11           are very much interwoven with policy-making. How did

12           that work inside Number 10?

13           David Manning, although no doubt fully aware, is

14           not, as it were, in a position to give advice on that

15           dimension. You, for your part, can go right across the

16           piece. Did that work effectively or not?

17   MR JONATHAN POWELL: Yes, I think it did. I think it worked

18           more effectively than in some previous Downing Streets,

19           because we were able to bring together the policy and

20           the press, the Civil Service and the political when we

21           needed to do so. That's why people like

22           Alastair Campbell or Sally Morgan would be involved in

23           meetings, even on things like Iraq, to make sure that

24           there was a political point of view as well as

25           a Civil Service point of view.

1 THE CHAIRMAN: A couple of things on process, how it worked.  
2 We have heard from another witness, indeed from  
3 Alastair Campbell, a typical week would begin with  
4 a series of notes or notelets from the Prime Minister to  
5 yourself and other very close aids. We wonder what  
6 those cover and what happened in consequence. Are these  
7 notes for action, for information, seeking reaction?

8 MR JONATHAN POWELL: They were generally notes of  
9 instructions. Over the weekend, you would get a note  
10 with 20 paragraphs with different instructions on  
11 different aspects to be followed up. We would have  
12 a morning meeting with all the staff on a Monday morning  
13 and he would rattle through those instructions and make  
14 sure they were being followed up, and it was my job  
15 during the week to ensure that they were actually  
16 implemented.

17 THE CHAIRMAN: So that when Iraq is to the fore, in terms of  
18 attention, that would typically cover a number of items  
19 that the Prime Minister's mind had addressed over the  
20 weekend and wanted to pursue.

21 MR JONATHAN POWELL: Yes. Remember, when Iraq was going on,  
22 so were lots of other things, like Northern Ireland.

23 THE CHAIRMAN: The question really was Iraq. When Iraq was  
24 to the forefront, would quite a lot of the business of  
25 the weekend thinking cover Iraq issues?

1 MR JONATHAN POWELL: Yes, his weekend notes would cover Iraq  
2 or, as I say, other issues that were going on at the  
3 time, from Northern Ireland to domestic policy.

4 THE CHAIRMAN: So turning to another and broader machinery  
5 point, much has been written about so-called "sofa  
6 government", and I do put that in quotation marks,  
7 characterised, perhaps not unfairly, with informality  
8 and, indeed, a degree of intimacy with close and trusted  
9 advisers and colleagues, and, on the other side, people  
10 have asked, "Is there some risk of exclusion of other  
11 colleagues still holding and sharing heavy  
12 responsibility?", but in particular asking, "Did that  
13 mean that action following such discussions  
14 characterised to some degree by informality, action  
15 points might be lost or lost in translation, as it were,  
16 into the government machine?"

17 Would you like to comment on that?

18 MR JONATHAN POWELL: Yes. We had this criticism of sofa  
19 government. I think it is actually misplaced. I don't  
20 think it matters whether a meeting takes place in the  
21 Cabinet room, where John Major used to hold meetings, or  
22 in the sitting room, where Mrs Thatcher or Tony Blair  
23 used to hold their meetings.

24 I think the key thing is that you have the right  
25 people there, the people who need to be involved in



1 a decision, that they are properly informed, have the  
2 proper material before them, in written or in oral  
3 form, and that decisions are taken, then recorded, and  
4 then distributed to government to be followed up.

5 As long as that happens, I think it doesn't really  
6 matter if someone is sitting on a sofa or sitting round  
7 a table.

8 THE CHAIRMAN: It would be primarily your responsibility to  
9 the Prime Minister and the system to ensure that the  
10 outcome of such discussions were recorded and were  
11 transmitted into the government machinery?

12 MR JONATHAN POWELL: Inasmuch as it is my responsibility to  
13 make sure that everything in Number 10 functioned, yes.  
14 Although the notes in such meetings would be taken  
15 usually by civil servants who were at the meetings.

16 THE CHAIRMAN: Right. The last question on process is as to  
17 whether or not -- did something go a bit awry in the  
18 run-up to the Iraq conflict? Because two things were  
19 going on at the same time, were they? On the one hand  
20 trying to keep open the political, diplomatic track with  
21 the United Nations, and that meant a constant deferral,  
22 adjustment to changing circumstances and developments,  
23 but, on the other side, military preparedness with  
24 quite -- not rigid, but quite firm timelines and needs,  
25 which would be, as it were, intention, with the formal

1           part of the process. How well was that managed?

2   MR JONATHAN POWELL: I think this tension exists pretty much  
3           always when you come to a war, or preparations for  
4           a war, or those sorts of circumstances. There is  
5           a problem that, if you convey instructions down the  
6           military chain of command, it almost invariably becomes  
7           public. So if you want to avoid it becoming public,  
8           then you have to the keep the planning and the  
9           decision-making relatively tight, relatively -- in  
10          a small group, and that's what we did in the case of  
11          Iraq. Any planning that happened was kept in a tight  
12          group, although it started relatively early with the  
13          military being involved with the planning cell at  
14          CentCom from July onwards, I recall.

15                The question, I guess, is whether they should have  
16          brought in people like the DLO, the head of the  
17          logistics office, and others like that. I think,  
18          looking back at it, I think that wasn't really their  
19          problem; the problem was shifting from Turkey to coming  
20          in through Kuwait in January, and it was their ability  
21          to respond to that which was key, rather than the longer  
22          planning period before.

23                What I have come across in government is the  
24          extraordinary ability of what are called the enablers in  
25          the defence sector. The ability of those people to get

1 people from one place to another to change things  
2 dramatically is quite extraordinary, which we saw, of  
3 course, with foot and mouth as well as in military  
4 experiences.

5 THE CHAIRMAN: Thank you. It is a theme we shall be  
6 pursuing with other witnesses, of course, and some of  
7 the language changed from something being necessary to  
8 something being irrelevant, as I think was quite  
9 illuminating, but before we leave the role of the  
10 Chief of Staff, if you were going back to it again,  
11 would you see any reason to change it in any material  
12 way or do you think it is a good template, or, on the  
13 other hand, do you think every administration, every  
14 Prime Ministership is different?

15 MR JONATHAN POWELL: I think it is necessary to have a chief  
16 of Staff. I think Number 10 functions best when it does  
17 have such a person in place.

18 Certainly, other governments, not just the  
19 United States, but Germany, France, elsewhere in Europe  
20 have similar structures with someone who can co-ordinate  
21 all the work of Number 10. Looking back at it, I wonder  
22 whether there is a conflict with trying to be  
23 a Prime Minister's fireman, someone who goes and solves  
24 all the problems, combining that with someone who is  
25 running Number 10, whether those two functions should be

1       kept together or should be separated.

2           We did look at the question of separating them  
3       a number of times, but in the end, it became so  
4       ad hominem, it became very difficult to do.

5   THE CHAIRMAN: As a second and follow-up point on that,  
6       there has traditionally been, not always, but almost  
7       always, a principal private secretary, a Civil Service  
8       role. You spoke of the difficulty of both being the  
9       Chief of Staff co-ordinator, but also being the fireman  
10      very close to the Prime Minister.

11           Is there a parallel role to manage the government  
12      side of it through a principal private secretary or not?

13   MR JONATHAN POWELL: I think there is certainly a role for  
14      a principal private secretary in Number 10, and we  
15      always had a principal private secretary in Number 10,  
16      but what a principal private secretary cannot do is,  
17      when you have a crisis that is both political and  
18      government, they can't bring the two bits together and  
19      deal with them simultaneously, and that leads to real  
20      problems. You need someone who can do that combined  
21      job.

22   THE CHAIRMAN: Noting in what you say that it requires  
23      a good deal of interpersonal relationship management to  
24      make that work, otherwise there could be quite tearing  
25      tensions between the two responsibilities.

1 MR JONATHAN POWELL: Yes, I have to say in our time in  
2 Number 10 there never were such problems. The  
3 relationship between myself and the principal private  
4 secretary always seemed to work very well indeed. So  
5 I don't think it need happen.

6 THE CHAIRMAN: Thank you, I will turn to Baroness Prashar  
7 I think, and apologising, as I do, to our stenographer.  
8 I was going too fast. This may be better.

9 BARONESS USHA PRASHAR: Mr Powell, I want to cover the  
10 question of policy on Iraq from 2001/2002, but before  
11 I do that, could I just ask a supplementary following  
12 from what Sir John Chilcot has been talking to you  
13 about?

14 You said that it is the role of the  
15 Cabinet Secretary to support the Cabinet and your role  
16 as Chief of Staff. That's fine, but how did you work  
17 with the Cabinet Secretary? Can you just say what is  
18 the demarcation between your roles, and how did you work  
19 in practice?

20 MR JONATHAN POWELL: I worked very closely with  
21 Cabinet Secretaries over the years, pretty much always  
22 on domestic matters rather than foreign or defence  
23 matters. The division of responsibility was the  
24 Cabinet Secretary was running the Civil Service, trying  
25 to reform the Civil Service -- that became an

1        increasingly onerous job -- and making sure that the  
2        machinery of government and the government itself was  
3        focusing -- I wasn't focusing on what happened in  
4        different ministries. I was trying to focus on  
5        Number 10.

6        BARONESS USHA PRASHAR: So you think that relationship  
7        worked well from your point of view?

8        MR JONATHAN POWELL: As people changed, there is a new  
9        Cabinet Secretary coming in, there would always be a bit  
10       of sparring to work out exactly where things went, but,  
11       yes, I think it did work well.

12       BARONESS USHA PRASHAR: Thank you. Just turning to the  
13       question of Iraq policy, my understanding is that your  
14       involvement in Iraq policy was limited in 2001 but grew  
15       substantially after 9/11. Is that correct?

16       MR JONATHAN POWELL: That's correct.

17       BARONESS USHA PRASHAR: But you did go to the States  
18       in January 2001, I think, with John Sawers, to plan the  
19       Prime Minister's visit. Was Iraq on the agenda then?

20       MR JONATHAN POWELL: That was a visit we made during the  
21       transitional period, so after the election, but before  
22       the Bush administration was formed, and we went to see  
23       Dick Cheney, who was head of the administration  
24       transition team, and a number of others on his team  
25       including the foreign policy members.

1 I do not remember Iraq being a major issue.

2 John Sawers was with me, and I am sure he raised it, but

3 it wasn't top of our list.

4 BARONESS USHA PRASHAR: It wasn't. What were the

5 Prime Minister's expectations and instructions to you in

6 relation to Iraq after 9/11? What do you think was in

7 his mind?

8 MR JONATHAN POWELL: Well, I think 9/11 changed everything

9 for the United States. I remember George Bush telling

10 us subsequently that he had been actually looking at

11 a paper on smart sanctions on the day of 9/11 and

12 thinking about Iraq in the context of what one would do

13 in terms of containment.

14 9/11 I think changed everything for the Americans.

15 They saw it as a Pearl Harbour of the 21st Century.

16 They were being attacked at home and they could no

17 longer tolerate threats overseas and just wait for them

18 to happen. They had to be prepared, and that made them

19 much more willing to be pre-emptive.

20 If you remember at the time of the Chicago speech in

21 1998 that the Prime Minister made, the speech was

22 criticised at the time by a young Republican academic,

23 at Stanford University for proposing that America should

24 spend its blood and treasure overseas on foreign issues.

25 That academic was Condi Rice.

1           So this administration came to power not intending  
2           to spend a lot of time overseas, they were intending to  
3           focus on domestic issues, but 9/11 really changed that  
4           for them.

5   BARONESS USHA PRASHAR: So you would say there was a real  
6           shift in their thinking. What were their priorities  
7           after 9/11? Because you said you had very close  
8           connections with the States.

9   MR JONATHAN POWELL: Well, you remember that the  
10          Prime Minister spoke on the phone to President Bush the  
11          day after 9/11 and then went to see him shortly  
12          thereafter. On both occasions, President Bush raised  
13          the issue of Iraq immediately after 9/11. The  
14          Prime Minister advised him that we should not consider  
15          Iraq at this stage. This was an issue about Afghanistan  
16          and Al-Qaeda and the focus should be entirely on them.

17          When we saw President Bush on 20 September, he  
18          agreed with that and he said he was the one who would  
19          make decisions on this issue in Washington and the focus  
20          would be on Afghanistan and Al-Qaeda.

21   BARONESS USHA PRASHAR: But when did the change take place?

22          I mean, that was just after 9/11, the telephone  
23          conversation, but what happened after 9/11 up to the  
24          meeting at Crawford in April, during that period? What  
25          shifts did you sense?



1 MR JONATHAN POWELL: I think American opinion, or, rather,  
2 American policy shifted relatively gradually during that  
3 period. At the beginning, they were focused entirely on  
4 Afghanistan and the campaign in Afghanistan. By the  
5 time you get to December, you have speeches being made  
6 in the Senate calling for action on Iraq,  
7 Senators Lieberman and McCain wrote to the President  
8 demanding action on Iraq. We started sensing that  
9 something was happening.

10 David Manning went to Washington in December and  
11 talked to Condi Rice and received assurances from her  
12 there were no immediate plans for action in Iraq, but  
13 said the administration had asked for a full review of  
14 the options before them.

15 When he went back again in January, he again asked  
16 Condi and she said they were considering options but no  
17 plan had been made. So, really, I think it was February  
18 and March that they started to get into more concrete  
19 plans.

20 BARONESS USHA PRASHAR: Concrete plans for what?

21 MR JONATHAN POWELL: For considering how they would actually  
22 deal with Iraq. You remember there was the State of the  
23 Union speech in which he talked about the Axis of Evil,  
24 and, again, David spoke to Condi Rice on 14 February to  
25 make sure the Americans would not plunge into any plans

1 before the Prime Minister met the President at Crawford  
2 and received an assurance that they wouldn't.

3 The first face-to-face encounter we had on this was  
4 with Vice-President Dick Cheney, who came to Number 10  
5 on 1 March 2002. He was on his way for a Middle East  
6 tour and he wanted to discuss Iraq with us before he  
7 discussed it with Middle East leaders. The  
8 Prime Minister warned him of the law of unintended  
9 consequences. If you are going to deal with something  
10 like Iraq, you have to think ahead about what might  
11 happen and including things you do not expect.

12 BARONESS USHA PRASHAR: What was Dick Cheney's view at the  
13 time? What was he proposing?

14 MR JONATHAN POWELL: Dick Cheney was proposing to go and  
15 consult the Middle East leaders on what should be done  
16 in Iraq, to see what their tolerance would be for  
17 action. He said at the end of the meeting --

18 BARONESS USHA PRASHAR: But the action was about regime  
19 change?

20 MR JONATHAN POWELL: The action was about -- yes, about  
21 replacing Saddam, and, at the end of the meeting, he  
22 said that a coalition would be nice, but not essential.

23 BARONESS USHA PRASHAR: Against that background, what kind  
24 of advice did you provide to the Prime Minister and the  
25 options for dealing with Iraq, because, you know, you

1        had a sense of the mood that was happening in the  
2        States. What sort of advice were you providing for the  
3        Prime Minister?

4        MR JONATHAN POWELL: In the last part of 2001, we sort of  
5        bounced various ideas of a certain amount of  
6        seriousness, but, in 2002, we started looking more  
7        seriously at what the advice should be. There was  
8        a key meeting at Chequers, before the Prime Minister  
9        went to Crawford, with the Chief of the Defence Staff,  
10       other officials and other Ministers, to talk about what  
11       he should do at Crawford.

12       BARONESS USHA PRASHAR: Why was the Chief of Staff involved  
13       at that stage? What was the advice -- my question is:  
14       what advice were you providing the Prime Minister at  
15       that stage?

16       MR JONATHAN POWELL: In March of that year?

17       BARONESS USHA PRASHAR: Yes.

18       MR JONATHAN POWELL: I actually put a note to the  
19       Prime Minister setting out what I thought we should  
20       focus on, which was to say, This is not Kosovo. This  
21       is not Afghanistan. If you are thinking about Iraq, you  
22       have to think about it in a different way. You have to  
23       be able to put it in a political context. I referred  
24       back to the Chicago speech and what he set out there.  
25       I said, You need to think about the long term, about

1 the Middle East peace process and where you could get to  
2 on that, and how you'd put Saddam in a sort of proper  
3 framework to consider this sort of action.

4 BARONESS USHA PRASHAR: What were your reasons for providing  
5 that kind of advice? Why -- what were the options? Why  
6 were you providing him with those options?

7 MR JONATHAN POWELL: I wasn't providing him with options.  
8 I was trying to help him focus prior to his meeting with  
9 President Bush. There were notes from others, including  
10 Jack Straw at that time, setting out their views. So  
11 there were a number of different views going to the  
12 Prime Minister.

13 The view I always had was it was very important on  
14 to ensure that the Prime Minister has as wide a range of  
15 views as possible and not confined to just one or two  
16 people, because if that happens, you can fall into the  
17 trap of pensée unique, you all think the same thing.  
18 You need it to be challenged from different directions.

19 BARONESS USHA PRASHAR: We have heard from different  
20 witnesses about the development of the UK policy, in  
21 late 2001/2002. Some have said that containment was  
22 dead as a viable policy in the aftermath of 9/11, and  
23 that, before Crawford, the UK policy had, in effect,  
24 shifted, and others have said that this was kind of  
25 a gradual evolution of policy and that containment

1       remained UK policy in the first part of 2002. Which was  
2       it?

3       MR JONATHAN POWELL: Containment was dying in 2001. I mean,  
4       remember the context for us on Iraq. We had started  
5       dealing with Iraq in 1998 in government when we bombed  
6       Iraq together with President Clinton's administration.  
7       Iraq was not a new subject to us.

8       After that, there had been a long wrangle trying to  
9       get inspectors back into Iraq. We had wrestled with  
10      Saddam, who had played every trick possible. The  
11      reason, in 2001, that people were looking at smart  
12      sanctions was because sanctions weren't working. They  
13      were hurting the wrong people. People were really  
14      suffering in Iraq as a result. Saddam was cheating and  
15      getting what he needed out of it. Support for sanctions  
16      was disappearing. There was no way we could continue  
17      containment on the same basis as we had before.

18      BARONESS USHA PRASHAR: So your view was that containment  
19      was no longer a liable policy?

20      MR JONATHAN POWELL: Containment didn't look to us as if it  
21      was going to survive in 2001. That's why Robin Cook was  
22      discussing ways of changing it with Colin Powell, and  
23      then John Sawers carried out his exercise that you have  
24      heard about before for reviewing the policy. By the  
25      time 9/11 happened, it really wasn't going to work

1           anymore, the Americans had moved off it.

2   THE CHAIRMAN:   Substantively, Lord Turnbull told us just  
3           last week that Robin Cook didn't agree with the notion  
4           that containment was finished.   He also commented he  
5           thought Cook was right at that time.   So there were  
6           differences of view on that single containment issue, as  
7           a viable policy.

8   MR JONATHAN POWELL:   Yes, I mean, Robin had ceased to be  
9           Foreign Secretary at that stage.   At that stage, he was  
10          Leader of the House and Jack Straw was then Foreign  
11          Secretary.   I don't think anyone in those government  
12          positions at the time felt that containment was a viable  
13          way forward.   We would really have lost the whole thing  
14          very shortly thereafter.   Of course, people had  
15          different views about it.

16   BARONESS USHA PRASHAR:   But your personal view and advice to  
17          the Prime Minister was that containment was kind of  
18          a risky route?

19   MR JONATHAN POWELL:   I didn't actually address containment  
20          in the note that I did to him on that occasion.   I was  
21          talking about how we could influence the Americans.

22               Remember what our objective was with the Americans  
23          when we went to Crawford: we were trying to replicate  
24          what we had done after 9/11 on Afghanistan.   We were  
25          trying to say to them, "Don't rush into anything.   Move

1 at a deliberate pace, and, above all, build a coalition.  
2 Talk to people, go the UN route. Don't just rush into  
3 unilateral action". We believed unilateral action would  
4 have been a terrible thing by America, and we wanted to  
5 try and put it in a much wider political context.  
6 That's what we went to Crawford to try to do and what we  
7 tried to do subsequently during that year.

8 BARONESS USHA PRASHAR: Were they listening?

9 MR JONATHAN POWELL: Yes, they were, I think it is fair to  
10 say, both at Crawford, and then, in July, when the --  
11 when David Manning went there and there was a discussion  
12 of the thoughts the Prime Minister had sent to the  
13 President and the phone call with the President.

14 In that phone call at the end of July, the President  
15 said, yes, he would give consideration to the UN route,  
16 and then, when he called us at the end of August,  
17 I think it was 28 August, he said, yes, he was up for  
18 the UN route and would go that way.

19 BARONESS USHA PRASHAR: But the point really is it seems, or  
20 it is alleged, that we had given a kind of unconditional  
21 commitment that we would be with them regardless.

22 Against that background, how was it feasible that  
23 they would actually pay much attention to those sort of  
24 conditions or the influence we were trying to exercise?

25 MR JONATHAN POWELL: Yes, that's a misunderstanding that

1 I noticed had been put to this Committee a short while  
2 ago. I was at Crawford, David Manning was at Crawford,  
3 Christopher Meyer was not at Crawford. He was at Waco,  
4 about 30 miles away.

5 The Prime Minister gave us an account of his  
6 conversation with the President  
7 the previous evening. We were there from the morning,  
8 and most of the discussion with the President then was  
9 on the Middle East, but they also recapped their  
10 discussion of Iraq. There was no undertaking in blood  
11 to go into war on Iraq. There was no firm decision to  
12 go on war.

13 In fact, if -- the record which was sent to  
14 Christopher Meyer of that meeting says Bush acknowledged  
15 the possibility that Saddam would allow inspectors in  
16 and let them go about that business. If that happened,  
17 we would have to adjust our approach accordingly.

18 So it was absolutely clear we were not signing up  
19 for a war on this, we were signing up for going down the  
20 UN route and giving Saddam a chance to comply.

21 BARONESS USHA PRASHAR: But military options were discussed?

22 MR JONATHAN POWELL: I don't recall them getting into any  
23 sort of discussion of military options. We agreed that  
24 a cell could go to CentCom and discuss the planning that  
25 was going on there, but I don't think we talked about



1 military options.

2 I think the Prime Minister's message to the  
3 President was: if you are going to do this, you have got  
4 to do it in the most intelligent manner possible, like  
5 after Afghanistan, like after 9/11. You have got to put  
6 this on a political track. You have got to build  
7 support. You have got to go down the UN route. You  
8 have got to exhaust that UN route and you have got to  
9 give Saddam a chance to comply. That was his message  
10 again and again at Crawford.

11 BARONESS USHA PRASHAR: We have declassified today the  
12 official diplomatic telegram coming out of the Crawford  
13 meeting, and this telegram went to a large number of  
14 posts overseas. Is this a comprehensive account of the  
15 discussion?

16 MR JONATHAN POWELL: No, it is not. It's a -- I have seen  
17 that telegram, and it is a briefing telegram. It is  
18 a telegram that is sent out after such meetings to give  
19 lines to take to very large numbers of posts. It does  
20 not set out the full, intimate and confidential details  
21 of the discussion. That was contained in a separate  
22 record by David Manning, which was copied to  
23 Christopher Meyer and a few others.

24 BARONESS USHA PRASHAR: Is there anything in that that you  
25 want to draw to my attention?

1 MR JONATHAN POWELL: Well, yes, I think, looking back at it,  
2 one of the things that is so interesting is that the  
3 Prime Minister was talking at that stage about the  
4 things that you would need to do to make this  
5 successful. The first was to put the Middle East peace  
6 process in a different place. Arab leaders were telling  
7 us privately that maybe you could go ahead with Iraq,  
8 but you could only do it if the Middle East peace  
9 process was being seriously addressed. That strikes me  
10 as a fundamental point that he repeated again and again  
11 subsequent to that meeting.

12 THE CHAIRMAN: Sorry, slower.

13 MR JONATHAN POWELL: Sorry. We ought to have a government  
14 metronome or something!

15 He talked about what would happen on the day after.  
16 If you go into Iraq, are you going to be prepared  
17 for that happens thereafter? So I think he in many ways  
18 listed all the right questions at that stage when he was  
19 talking to Bush at Crawford.

20 BARONESS USHA PRASHAR: It seems to me you were registering  
21 all the right sorts of questions, but do you think they  
22 were being registered? What sort of response were you  
23 getting from President Bush?

24 MR JONATHAN POWELL: We were getting a very positive  
25 response from President Bush. Does that mean that all

1 of them were subsequently implemented? No. I guess  
2 that's what we're going to discuss later, but they were  
3 certainly being registered, yes.

4 BARONESS USHA PRASHAR: When he came back, how did you  
5 ensure that the action coming out of this meeting was  
6 set in hand?

7 MR JONATHAN POWELL: The action largely was for the  
8 Americans at this stage to think about what we had said, but  
9 we then went ahead to plan a major meeting in July with  
10 the defence chiefs, with the relevant ministers and  
11 officials. This was prepared by the Cabinet Office, who  
12 produced all the various documentation we needed to  
13 discuss where we thought the Americans were going and  
14 what we needed to do.

15 We knew that a military plan would be put to  
16 President Bush on 4 August and we wanted to be clear  
17 where we were and the points we wanted to make to  
18 President Bush before that happened.

19 BARONESS USHA PRASHAR: But who did you involve in this when  
20 you put in action in hand? Was it a sort of restricted  
21 distribution, or did you involve a wide range of people  
22 when you came back?

23 MR JONATHAN POWELL: Do you mean in reporting the Crawford  
24 meeting?

25 BARONESS USHA PRASHAR: In reporting and planning, yes.

1 MR JONATHAN POWELL: No, the letter, as I said, went to  
2 a restricted number of people, to the Foreign Secretary,  
3 the Defence Secretary --

4 BARONESS USHA PRASHAR: Why was that the case?

5 MR JONATHAN POWELL: Because you wouldn't want to have  
6 a leak of all of that information. Your relations with  
7 the United States depend on you being able to keep  
8 discussions with them confidential. If you want to have  
9 influence on the United States, you need to be able to  
10 have a private discussion with them.

11 There had been an awful lot of leaking around that  
12 period of all sorts of information and we were  
13 determined to try to keep it very closely held. It is  
14 not unusual, in terms of transatlantic relations or indeed  
15 other conversations with other people such as  
16 President Chirac or President Putin.

17 SIR LAWRENCE FREEDMAN: I just want to go back over some of  
18 the things you have told us.

19 First, the conversations with Vice-President Cheney.  
20 When the Prime Minister mentioned a law of unintended  
21 consequences, what sort of unintended consequences did  
22 he have in mind?

23 MR JONATHAN POWELL: Well, by definition, being unintended  
24 consequences, we didn't know what they were, but things  
25 going wrong. There could be violence that we hadn't

1        anticipated, there could be the most awful ecological  
2        disaster. Those sort of things were what we were  
3        saying. We had experience of military action before,  
4        a number of times, during Tony Blair's time in  
5        government, and we knew that the best laid plans  
6        disappear in the fog of war and you need to be prepared  
7        for the unexpected, and that's what we were warning of.

8        SIR LAWRENCE FREEDMAN: What did Cheney say in response?

9        MR JONATHAN POWELL: I think Cheney took a very optimistic  
10       view of the way things would go. But he was going off  
11       to the Middle East to discuss with Middle East leaders,  
12       so he was not definitive about it at all.

13       SIR LAWRENCE FREEDMAN: On that trip, he found Middle East  
14       leaders less than enthusiastic about what he proposed  
15       while the violence in Palestine was continuing. Is that  
16       fair?

17       MR JONATHAN POWELL: Not unusually, leaders in all parts of  
18       the world will say different things to different people  
19       in private and you get very different mixed messages on  
20       this. I think he got a message, "You have got to move  
21       on the Middle East", but beyond that, I don't think he  
22       got a wave of opposition to action in Iraq.

23       SIR LAWRENCE FREEDMAN: Just going back a bit before that,  
24       you mentioned that David Manning had picked up the  
25       stirrings about Iraq in the United States and in late

1           2001 and that you were putting some ideas around. What  
2           sorts of ideas were you considering at the time? What  
3           sort of proposals did you have in mind?

4   MR JONATHAN POWELL: Well, we didn't really have a serious  
5           discussion of proposals at that stage, or we weren't  
6           clear, and I jotted down some ideas on a piece of paper  
7           which I would rather forget at the moment, about  
8           encouraging people in Iraq to resist, Shi'ites, Sunnis  
9           and military leaders.

10   SIR LAWRENCE FREEDMAN: You have just made it much more  
11           interesting, however. So what -- I mean, that sounds  
12           like an Afghanistan sort of model.

13   MR JONATHAN POWELL: Yes, it was a sort of Afghanistan  
14           model, but it wasn't a very serious piece of work and it  
15           didn't go anywhere. The Prime Minister did me the good  
16           grace of not commenting on it.

17   SIR LAWRENCE FREEDMAN: Let's talk about the  
18           Prime Minister's approach. When you were talking about  
19           Crawford, you said if you -- the Prime Minister is  
20           saying to the President, "If you are going to do this",  
21           meaning Bush, and then suggesting things about how it  
22           could be done better. Was it the case that the  
23           Prime Minister was also keen on the objective?

24   MR JONATHAN POWELL: Yes, the Prime Minister was always  
25           clear that the world would be better off without

1       Saddam Hussein. I think he was always clear on that  
2       from the very beginning, even back to the time of  
3       President Clinton.

4   SIR LAWRENCE FREEDMAN: How did the Prime Minister at the  
5       time envisage that this might be achieved?

6   MR JONATHAN POWELL: Well, I think he thought the best way  
7       to pursue this, as with Afghanistan, would be to go down  
8       the UN route to try and give Saddam every chance to  
9       comply, but, if he didn't, to build a wide coalition to  
10      deal with him.

11  SIR LAWRENCE FREEDMAN: I'm interested naturally in what you  
12      said about -- saying it is not like Kosovo, and then you  
13      mentioned the Chicago speech -- and I should say that  
14      something about my own contribution to that has just  
15      been put on the web -- but the Chicago speech was at the  
16      time of Kosovo and very much Kosovo-related. Why do you  
17      think that Kosovo was not necessarily a good guide to  
18      how to look at Iraq?

19  MR JONATHAN POWELL: I think Kosovo was a good guide of how  
20      to look at Iraq, and it set out five conditions --

21  SIR LAWRENCE FREEDMAN: The Chicago?

22  MR JONATHAN POWELL: The Chicago speech, sorry, set out five  
23      conditions on when it would be sensible to take military  
24      action, and the two pertinent ones for the case of Iraq  
25      in particular were: do you have the military means to do

1           so.

2           So, for example, I might want to get rid of the  
3           regime in North Korea, or I might want to get rid of the  
4           regime in Burma, but I have no means to do so. So the  
5           first relevant factor is: do you have the military means  
6           to take this action?

7           The second is: are you prepared for the long term?  
8           If you go in there, you can't just rush off and do  
9           nothing. So you have to be properly prepared, and that  
10          was the point of the warning we were making to the  
11          President, repeatedly, about the need to be prepared for  
12          unintended consequences.

13       SIR LAWRENCE FREEDMAN: The first of the Chicago conditions  
14          was: are we sure of our case? At this time, were you  
15          sure of the case? Were there any doubts in your mind  
16          about the aspects of the case relating to weapons of  
17          mass destruction or was that separate to the case  
18          relating to the desirability of getting rid of  
19          Saddam Hussein?

20       MR JONATHAN POWELL: No, I had no doubts about weapons of  
21          mass destruction, and I think rather too much emphasis  
22          has been put on intelligence for why I believed that,  
23          why anyone believed that.

24          Again, if you go back into the context of our  
25          government, when Tony Blair formed his government, we



1        were dealing with an Iraqi regime that had had weapons  
2        of mass destruction, had used weapons of mass  
3        destruction, had lied about getting rid of weapons of  
4        mass destruction, had been caught out lying by the  
5        defection of his son-in-law. They had had to admit the  
6        existence of biological weapons.

7                So the reason we bombed Iraq in 1998, together with  
8        the Clinton administration, was that we believed they  
9        had weapons of mass destruction. So it would have taken  
10       something pretty dramatic to persuade us that he had got  
11       rid of those weapons. So, yes, I absolutely believed  
12       that he had weapons of mass destruction.

13    SIR LAWRENCE FREEDMAN: How did this issue relate to regime  
14       change? As you know, there has been a lot of discussion  
15       that suggests that this particular issue was believed,  
16       but it was just one aspect of the various charges that  
17       could be laid against Saddam Hussein, and that there was  
18       a much broader issue that it would be much better just  
19       to get rid of the man, and, if that issue didn't exist,  
20       then another one could be found.

21    MR JONATHAN POWELL: As I said a few moments ago, I think  
22       you can believe that it is good to get rid of  
23       a dictator, and, as a progressive -- as a socialist,  
24       I believe getting rid of fascist dictators is a good  
25       thing. You can believe that about Burma, or about North

1       Korea, or about Zimbabwe, but not be able to do anything  
2       about it.

3             In Iraq, the case was that he was in breach of  
4       UN Resolutions on weapons of mass destruction. The will  
5       of the UN had to be enforced and that was the case for  
6       action in Iraq. Those two things are perfectly  
7       compatible, you can believe them at the same time.

8   SIR LAWRENCE FREEDMAN: If you look at the speech the  
9       Prime Minister made in Texas just after Crawford on  
10      8 April, he said:

11            "I have been involved, as British Prime Minister, in  
12      three conflicts involving regime change: Milosevic, the  
13      Taliban and Sierra Leone."

14            Now, are any of these three good guides for dealing  
15      with Iraq and Saddam Hussein?

16   MR JONATHAN POWELL: Can I just say something else about  
17      that speech, because I notice that Christopher Meyer  
18      suggested that in some way this speech was developing  
19      a new policy on Iraq. I was very surprised when he said  
20      that, so I went to have look at the speech, and I can't  
21      find any reference here to regime change in Iraq.

22            I helped draft the speech. We certainly had no  
23      intention of changing policy on regime change in Iraq --

24   SIR LAWRENCE FREEDMAN: The passage on regime change comes  
25      before the passage on Iraq.

1 MR JONATHAN POWELL: Yes, but if we had been intending to  
2 say something about this, we would have (a) said it and  
3 (b) made sure that everyone noticed that we'd said it,  
4 as opposed to only Christopher Meyer noticing that we'd  
5 said it.

6 So there certainly was no intention to change policy  
7 with that speech, and, in fact, what is interesting, and  
8 what sticks in my mind, was the worry we had going into  
9 the press conference at Crawford that we had a different  
10 position on regime change from President Bush.

11 We spent some time discussing how could we avoid  
12 there being a breach, a gap between what the two said  
13 about regime change. This is on the British side, we  
14 discussed how to avoid that. So on the contrary, far from  
15 trying to change our position on regime change, we were  
16 worried about how we wouldn't reveal to public  
17 discussion a huge gulf between us.

18 SIR LAWRENCE FREEDMAN: So why was that section there? What  
19 was the Prime Minister trying to signal by saying we  
20 would -- he has had a lot of experience of regime  
21 change?

22 MR JONATHAN POWELL: He is trying to show that we have to be  
23 prepared, if the international community is to mean  
24 anything, to take action when we need to take action,  
25 but you can't do so just on the basis of the wish for

1 regime change.

2 SIR LAWRENCE FREEDMAN: Just taking -- I don't want to go  
3 into detail -- the three examples, Sierra Leone is about  
4 saving a regime more than changing it, the Taliban  
5 clearly. But we had the discussion with John Sawers  
6 about Milosevic, with the implication that Milosevic  
7 somehow did indicate that the British Government,  
8 working with others, was able to do something about  
9 dictators such as that, but, in the end, of course, it  
10 was the Serbian people who removed Milosevic.

11 So I'm just wondering why the Prime Minister  
12 highlighted Milosevic as a model potentially for future  
13 regime change?

14 MR JONATHAN POWELL: I think he was being consistent with  
15 the arguments he set out in Chicago. One of the  
16 interesting things in the case of Iraq is that Saddam  
17 clearly got a message from Afghanistan and started  
18 trying to send messages through various routes about his  
19 worries about what was going to happen to him next.

20 So I do think there are comparisons between them,  
21 but, as you say, they are all extremely different.

22 SIR LAWRENCE FREEDMAN: Given that Saddam, as you have just  
23 said, was sending messages, was there any interest in  
24 following those up to see if there was a way by which  
25 some sort of resolution of a long-term crisis could be

1 found?

2 MR JONATHAN POWELL: No, our experience of dealing with  
3 Saddam, over quite a long period by that stage, was he  
4 only responded if he thought there was going to be  
5 military action. The only reason that he allowed the  
6 inspectors back in in the autumn was because he could  
7 see what was going to happen if he didn't.

8 So our experience of Saddam was you have to be  
9 pretty muscular to persuade him to take action and you  
10 don't want to get yourself bogged down in long  
11 discussions with him because he will play them for as  
12 long as he possibly can.

13 SIR LAWRENCE FREEDMAN: But there was no interest in  
14 a diplomatic resolution of this with the Government of  
15 Iraq?

16 MR JONATHAN POWELL: I don't think we believed you could get  
17 to any serious conclusion with Saddam, that he would  
18 ever stick to anything that he promised to do. The  
19 diplomatic solution we sought was down the UN route.

20 SIR LAWRENCE FREEDMAN: In a question that Sir Roderic Lyne  
21 raised with Alastair Campbell last week, he spoke about  
22 the PM's correspondence with Mr Bush. Presumably you  
23 have also seen this correspondence?

24 Mr Campbell said:

25 "The tenor of that correspondence was we share the

1       analysis, we share the concern, we are absolutely with  
2       you in making sure that Saddam Hussein is faced up to  
3       his obligations and that Iraq is disarmed. If that  
4       can't be done diplomatically, it has to be done  
5       militarily, Britain will be there."

6               When did that sort of message start to be given to  
7       the President? Did that start at Crawford or did it  
8       develop later on?

9   MR JONATHAN POWELL: It started at Crawford, but the note  
10       you are referring to is a very important one. This was  
11       not, to be clear, a correspondence with President Bush.  
12       As the Chairman mentioned earlier, the Prime Minister  
13       had a habit of writing notes, both internally and to  
14       President Clinton and to President Bush, on all sorts of  
15       subjects, because he found it better to put something in  
16       writing rather than to simply talk about it orally and  
17       get it much more concretely and focused in focused  
18       terms.

19              That note was a very important one following up from  
20       Crawford, trying to make it clear the basis on which we  
21       thought it would be sensible to go ahead and the basis  
22       on which we thought you should go to the UN.

23              Again, as I say, the thing he was talking about was  
24       the danger of unintended consequences. Supposing it all  
25       got militarily tricky, Iraq suffered unexpected civilian

1           casualties and the Iraqis feel ambivalent --

2   SIR LAWRENCE FREEDMAN:   Slowly.

3   MR JONATHAN POWELL:   Sorry.   The Iraqis feel ambivalent

4           about being invaded.   If we win quickly, everyone will

5           be our friend.   If we don't, and they haven't been bound

6           in beforehand, the recriminations will start fast.   So

7           he was warning of these unintended consequences and

8           arguing to put this in a political context and to do it

9           in a way that would win support of a wide coalition as

10          with Afghanistan.

11   SIR LAWRENCE FREEDMAN:   So in terms of the Prime Minister's

12          strategy with the President at this time, is he

13          essentially trying to offer Britain's support when it

14          comes to the crunch in return for influence over the

15          means by which you get to the crunch?

16   MR JONATHAN POWELL:   Obviously, there is a trade-off between

17          convincing someone that you are with them, that you

18          believe what they are trying to do and you are going to

19          try to help them and getting some influence.   If you

20          just go to someone and say, "You're completely wrong.

21          Forget it", the amount of influence you are likely to

22          have -- or you say, "I'm not going to do anything with

23          you", your amount of influence is less.

24                 So, yes, there is a trade-off between indicating you

25          are with someone and then persuading them to move down

1 a particular route.

2 SIR LAWRENCE FREEDMAN: Once you do that, especially, as you  
3 have indicated, you believe in it yourself, what real  
4 leverage do you have?

5 You have mentioned things that would be necessary  
6 for there to be success, Middle East peace process,  
7 going through the UN. Are these red lines for Britain,  
8 things that are absolutely essential, we will lose  
9 interest if we can't do anything about them, or are  
10 these things that would be nice to have and be helpful  
11 but, whatever happens, we will go along with the policy?

12 MR JONATHAN POWELL: The point of these notes is to try and  
13 set out the right way to do it. I think, thinking of  
14 them in terms of conditions is the wrong way to look at  
15 it. We weren't trying to say, "If you tick off all  
16 these boxes, then we will be with you". We were saying,  
17 "We are with you, in terms of what you are trying to do,  
18 but this is the sensible way to do it. We are offering  
19 you a partnership to try and get to a wide coalition".

20 But being with the Americans didn't necessarily mean  
21 going to war. The Prime Minister said repeatedly to  
22 President Bush that if Saddam complied with the  
23 UN Resolutions, then there would not be any invasion and  
24 President Bush agreed with him on that.

25 I noted down three particular occasions



1 in April 2002 at the meeting in Crawford -- sorry,  
2 6 April 2002 at Crawford, at Camp David on 7 September  
3 of that year and a phone call in October, and, again, as  
4 late as 19 February 2003. So the Prime Minister was  
5 saying, "We are with you. We need to go down the UN  
6 route, but that does not necessarily mean war. It may  
7 well be that Saddam could comply well short of war".

8 SIR LAWRENCE FREEDMAN: Can I just clarify what compliance  
9 would mean? This goes back to evidence that we have  
10 heard from, say, Tim Dowse and Sir William Ehrman and  
11 others. If you -- if Saddam had allowed inspectors in,  
12 which was the main demand of the time, it was by no  
13 means certain that things would be found, what sort of  
14 guarantees would have been required for it to have been  
15 considered that Saddam Hussein had complied? How would  
16 we know?

17 MR JONATHAN POWELL: This was something that became very  
18 live in the later stages at the end of the year and the  
19 beginning of 2003, and it is the distinction between  
20 active compliance or active cooperation and passive  
21 cooperation, and Hans Blix was telling us, in 2002,  
22 something rather different than he says now, but at the  
23 time he was saying to us there was not active  
24 cooperation. They hadn't changed their attitude. They  
25 were still trying to hide things, even though they had

1           allowed inspectors in.

2   SIR LAWRENCE FREEDMAN: We will come on to that and we want

3           to look at that more carefully. I'm just trying to work

4           out, in principle, the problem that was faced, because

5           even under the Clinton administration, the view in the

6           United States was that it was almost impossible for

7           Saddam Hussein himself to give comfort to the

8           United States and the rest of the international

9           community that he had disarmed. There could never be

10          belief that that had been fully achieved. Was that the

11          view of the United Kingdom as well?

12   MR JONATHAN POWELL: No, and that was why -- again, you'll

13          probably want to come on to this later, but in February

14          and March 2003, we set the five tests based on the

15          clusters document that Hans Blix produced to show that

16          there were ways in which he could satisfy us that he was

17          co-operating.

18                 One of the important ones was interviews, as you

19          will remember.

20   SIR LAWRENCE FREEDMAN: We will come on to that later. So

21          even at this stage, there is a potential divergence

22          between the United States and the United Kingdom over

23          what compliance with the UN Resolutions might mean in

24          practice?

25   MR JONATHAN POWELL: There was a potential divergence with

1 parts of the American administration, but not with the  
2 President at this stage. The President was certainly  
3 agreeing with us that we would go down the UN route. If  
4 Saddam complied, then there would be a military action.

5 SIR LAWRENCE FREEDMAN: I would like to go on at this  
6 pointed to the weapons of mass destruction issue, but  
7 maybe I should pause and see if colleagues want to come  
8 in on what has been said.

9 THE CHAIRMAN: Unless there is something urgent, I think we  
10 ought to get on to weapons of mass destruction. What  
11 I'm minded to think is that in about 10 to 15 minutes we  
12 will call a break, and then, if the witness is content,  
13 we might then have another break after an hour and go on  
14 a little bit after five o'clock.

15 SIR LAWRENCE FREEDMAN: Okay. On to weapons of mass  
16 destruction.

17 What would you say was the main reason that you were  
18 concerned about Iraqi weapons of mass destruction?  
19 Because there were a number of potential arguments that  
20 might have been used.

21 MR JONATHAN POWELL: Well, the Prime Minister had been  
22 warning about weapons of mass destruction and about  
23 terrorism and about the nexus between the two of them at  
24 least since the Chicago speech. It came up prominently  
25 at his first meeting with President Bush in 2001 at

1       Camp David, where he said that weapons of mass  
2       destruction and terrorism would be the main issue, he  
3       thought, for President Bush's presidency in foreign  
4       policy terms.

5       SIR LAWRENCE FREEDMAN: But if you look at any lists of  
6       foreign policy priorities being produced at that time,  
7       you will find weapons of mass destruction and terrorism,  
8       but the link between the two was not necessarily going  
9       to be made.

10      MR JONATHAN POWELL: Well, the reason we thought there was  
11      a link -- and the Chairman will stop me if I get into  
12      wrong territory here -- was because of what we thought  
13      Osama bin Laden was up to, and what we thought AQ Khan  
14      and the Tinnars and all these people who were engaged  
15      in proliferation, who were trying to get these weapons  
16      and trying to find ways of using them. So we were very  
17      concerned about that.

18      THE CHAIRMAN: This is all on the public record. It is  
19      fine.

20      SIR LAWRENCE FREEDMAN: Did you see Iraq having any links  
21      with those sorts of terrorist groups?

22      MR JONATHAN POWELL: No, we spent quite a long time  
23      disagreeing with the Americans about the link between  
24      Al-Qaeda and Saddam.

25      SIR LAWRENCE FREEDMAN: So there was a hypothetical issue

1       that a country producing weapons of mass destruction  
2       might at some point link them with terrorists, but --  
3       and AQ Khan network was -- the connection with Pakistan  
4       was something to be worried about, but Iraq wasn't  
5       necessarily one of those countries?

6       MR JONATHAN POWELL: No, the worry with Saddam was that he  
7       would, if sanctions stopped, be able to develop weapons  
8       of mass destruction faster and be able to find ways of  
9       deploying them. So the worry with Saddam was not the  
10      link with Al-Qaeda.

11      SIR LAWRENCE FREEDMAN: But the intelligence -- and this is  
12      again on the public record -- with regard to nuclear  
13      weapons was that it would take five years after the end  
14      of sanctions before nuclear weapons could be produced,  
15      which is the most serious threat, whereas Libya, Iran,  
16      not to mention Pakistan, North Korea, these were much  
17      more immediate problems.

18      MR JONATHAN POWELL: Well, it is entirely in the eye of the  
19      beholder which is the most immediate.

20      SIR LAWRENCE FREEDMAN: Certainly in terms of development of  
21      actual weapons.

22      MR JONATHAN POWELL: Yes. But that's not the same as saying  
23      that they are more of a threat to use those particular  
24      weapons, whether they develop them or -- India had  
25      nuclear weapons, Pakistan has nuclear weapons.

1           I think the issue really is that Iraq was the  
2           country that was in breach of UN Resolutions; the other  
3           countries weren't. So he was somewhere -- here was  
4           a case where we could actually act on weapons of mass  
5           destruction, where we couldn't act on weapons of mass  
6           destruction elsewhere. There simply was no legal base,  
7           there was no legal way you could act on it. Here was  
8           a legal base, he was in contravention. The message that  
9           we sent by dealing with it would be an important one,  
10          and it is notable that Libya did decide to give up its  
11          weapons of mass destruction just at the time that Saddam  
12          was overthrown. I don't think anyone would dispute  
13          there was a connection between those two things.

14   SIR LAWRENCE FREEDMAN: I think I can actually dispute it,  
15          because discussions had been going on for quite a long  
16          time in which the Prime Minister had been directly  
17          involved.

18   MR JONATHAN POWELL: That's when he made his decision.

19   SIR LAWRENCE FREEDMAN: So what you are saying is that you  
20          have the -- the issue that was always pushed to the  
21          fore, that this is a country in violation of  
22          Security Council Resolutions, that this was a bad thing  
23          in itself, but that -- but it also gave you  
24          a opportunity to deal with one of a number of threats,  
25          that you wouldn't have had with other countries.

1 MR JONATHAN POWELL: Yes, the United Kingdom by itself has  
2 no capacity to deal with any of these threats, it can  
3 only do so in conjunction with a superpower like the  
4 United States.

5 SIR LAWRENCE FREEDMAN: But in terms of the point that was  
6 made regularly in speeches and so on, how much was this  
7 about a country that was in violation of  
8 Security Council Resolutions which might have been on  
9 quite modest matters, and how much was it about the fact  
10 that this was a potential direct threat in terms of  
11 being prepared to use these weapons?

12 MR JONATHAN POWELL: It was both. He was a potential threat  
13 and he was in breach of the Security Council  
14 resolutions, so we could do something about it.

15 SIR LAWRENCE FREEDMAN: Mr Campbell, in his evidence to us  
16 last week, referred to a step change in the intelligence  
17 on Iraq. Were you aware that there was a sense of  
18 a step change in how Iraq was developing its weapons of  
19 mass destruction?

20 MR JONATHAN POWELL: It is quite hard to remember back over  
21 that period of time, but I guess there was certainly  
22 more intelligence at that stage, yes.

23 SIR LAWRENCE FREEDMAN: But you don't have any particular  
24 recollection?

25 MR JONATHAN POWELL: It doesn't particularly stick in my

1 mind, but there must have been more.

2 SIR LAWRENCE FREEDMAN: In the Butler Report there is  
3 a quote from the document produced pre-Crawford that  
4 says:

5 "What has changed is not the pace of  
6 Saddam Hussein's weapons of mass destruction programmes  
7 but our tolerance of them post-11 September."

8 It says the Prime Minister had told Butler that this  
9 was his position. So in a sense the problem was that  
10 you had a different view of these programmes rather than  
11 there was any new intelligence coming through of what  
12 the Iraqis were doing.

13 MR JONATHAN POWELL: I think that is correct. Our tolerance  
14 after 9/11 -- the American tolerance in particular, but  
15 also our tolerance -- of potential threats had  
16 decreased. We didn't want to wait sitting until we were  
17 hit.

18 SIR LAWRENCE FREEDMAN: So what might have been a position  
19 based on the intelligence coming through prior to that  
20 time, which suggested, as it did, that this was  
21 a programme that had been set back by sanctions, by  
22 Desert Fox, by a whole series of other things, and was  
23 still some distance from reaching where Saddam Hussein  
24 might like it to be, this, nonetheless, had been turned  
25 into something else by the concerns that had developed



1 after 9/11?

2 MR JONATHAN POWELL: Yes, as I said earlier, 9/11 did change  
3 everything as far as the Americans were concerned, to  
4 a lesser extent in Europe, but for us also.

5 SIR LAWRENCE FREEDMAN: Again, we have heard that the  
6 intelligence estimates used the words "sporadic and  
7 patchy", they definitely referred to the sparsity of  
8 good intelligence on Iraq. Were you aware of that?  
9 Were you concerned that the intelligence was, as you  
10 suggested before, possibly, dependent upon past  
11 experience with Iraq and influences drawn from that  
12 experience rather than hard evidence about what was  
13 actually known?

14 MR JONATHAN POWELL: Well, of course, intelligence isn't  
15 hard evidence, intelligence is something that suggests  
16 things to you, it is not something that proves  
17 something.

18 I think, as I said earlier, we had an assumption,  
19 and we had that assumption because Saddam had used  
20 weapons of mass destruction. We had that assumption  
21 because he had lied about getting rid of them. We had  
22 that assumption because he had got rid of the weapons  
23 inspectors when we bombed him in 1998. So it would have  
24 taken some quite strong intelligence saying he had got  
25 rid of them to convince us he had indeed got rid of

1       them, because, logically, you would think, if he was  
2       getting rid of them, he would make something of it, he  
3       would tell us and allow the inspectors to prove that  
4       fact, and he wasn't prepared to do so.

5             So I think, in retrospect, much too much emphasis is  
6       put on the dossier and on intelligence. At the time,  
7       the dossier was not such a big deal as the Butler Report  
8       concludes. I think we had the assumption he had weapons  
9       of mass destruction. The intelligence confirmed that.  
10      We didn't really have any doubts about it, and not many  
11      people were suggesting doubts to us about it.

12   SIR LAWRENCE FREEDMAN: This may be true, but there is one  
13      thing to step up your diplomacy and eventually go to war  
14      on the basis of a plausible working hypothesis. It is  
15      another thing, when you have got hard evidence that the  
16      international community is being deceived, lied to and  
17      that in fact something which is said not to be there, is  
18      actually there.

19             So if the Prime Minister had said, "We don't know,  
20      but this is what we think", would that have had the same  
21      impact on public and international opinion?

22   MR JONATHAN POWELL: There was a reason that most people  
23      thought that Saddam had weapons of mass destruction at  
24      that stage. That was that he had had them, he had used  
25      them, we bombed him because we thought he had them. In

1       1998 we didn't bomb him in doubt that he had weapons of  
2       mass destruction. We did it to try and force the  
3       inspectors back in to complete the --

4       SIR LAWRENCE FREEDMAN: This is true, but all through the  
5       1990s, the inspectors had been at work. In the early  
6       1990s, they had dismantled most of the nuclear  
7       capability. You referred to what had happened in 1995,  
8       with the revelations about biological weapons, but then  
9       a whole series of materials was found as a result of  
10      that.

11       So that, although it was the case that he had lied,  
12      things had happened, there had been a pretty intensive  
13      pressure on his weapons of mass destruction programme  
14      throughout the 1990s. So to say that, because of the  
15      past, you could assume it was still there, doesn't give  
16      much credit to what had been done through the 1990s.

17      MR JONATHAN POWELL: It does, because, of course, the whole  
18      point was that Saddam had cheated, was caught out when  
19      his son-in-law defected. Had to confess to the  
20      biological programme. The inspectors went back in to  
21      try dismantle that, and the inspectors at that time had  
22      concluded that there was still a large amount of  
23      material that hadn't been decommissioned.

24       I note, for example, on 6 September 2002, when Blix  
25      came to see the Prime Minister, he said that Saddam had

1 not met his obligations for full and frank disarmament.  
2 There was no evidence he had destroyed his biological  
3 weapons. 10,000-litres was still unaccounted for of  
4 anthrax, and there could be much more. So there were  
5 reasons to believe he still had weapons of mass  
6 destruction.

7 SIR LAWRENCE FREEDMAN: No doubt, as you will be aware, the  
8 son-in-law actually said that the stuff had been  
9 destroyed, but the records weren't good. So it again  
10 gets back to the problem of: how do you prove  
11 compliance?

12 If they have destroyed it, but they haven't actually  
13 kept very good records of it, which seems in some cases  
14 to have been the case, then there was never any way out  
15 of this particular problem. There were plenty of  
16 assertions on the record to say that it had been  
17 removed.

18 MR JONATHAN POWELL: That's why I really disagree with you,  
19 because he could have cooperated actively, had he wanted  
20 to demonstrate there were no weapons of mass  
21 destruction. Again, on 22 November 2002, Blix said to  
22 the Prime Minister the Iraqis were co-operating on  
23 practical arrangements, but there was no real change of  
24 approach to giving up weapons of mass destruction. He  
25 could have cooperated, if he had wanted to.

1 SIR LAWRENCE FREEDMAN: That, no doubt, was his mistake, but  
2 we are trying to understand the quality of the evidence  
3 with which very large decisions of war and peace were  
4 being taken.

5 There is a difference between hard intelligence that  
6 confirms this and a perfectly plausible but still no  
7 more than a working hypothesis which suggests it.

8 MR JONATHAN POWELL: I have difficulty with this notion of  
9 hard intelligence as opposed to soft intelligence.

10 I mean, if you find him in flagrante with something,  
11 then you have the evidence. Throughout the period  
12 of October through March, once the inspectors were back  
13 in, we were constantly giving them intelligence of where  
14 particular bits of equipment might be, and they were  
15 chasing after it to try and find it, only to find a mob  
16 to beat them when they got there and attempts to stop  
17 them finding what we believed to be there.

18 So we were confident that he had weapons of mass  
19 destruction, and, once our forces went in, we were  
20 absolutely amazed to discover there weren't any weapons  
21 of mass destruction. It leaps out of the pages of the  
22 files that you have been reading.

23 SIR LAWRENCE FREEDMAN: I want to talk now about the  
24 dossier, but I think it is probably a good time to  
25 break.

1 THE CHAIRMAN: Yes, let's have a ten-minute break and come  
2 back at quarter past. Thank you.  
3 (3.05 pm)  
4 (Short break)  
5 (3.15 pm)  
6 THE CHAIRMAN: Well, let's resume, if we may. Sir Lawrence,  
7 over to you.  
8 SIR LAWRENCE FREEDMAN: Thank you. I now want to talk about  
9 the September 2002 dossier. What role did you play in  
10 the decision to produce the dossier and its actual  
11 production?  
12 MR JONATHAN POWELL: Very little, apart from a few well  
13 publicised emails.  
14 SIR LAWRENCE FREEDMAN: Can we go through those well  
15 publicised emails?  
16 MR JONATHAN POWELL: Please.  
17 SIR LAWRENCE FREEDMAN: One of your concerns was the  
18 distribution of the dossier to European leaders, which  
19 was the subject of quite a few emails. Why was this so  
20 important?  
21 MR JONATHAN POWELL: That was an instruction from the  
22 Prime Minister to get it in advance to European leaders,  
23 so to get it to them before it was actually published.  
24 SIR LAWRENCE FREEDMAN: What method did you choose to  
25 deliver it to them?

1 MR JONATHAN POWELL: I think we asked our embassies to hand it  
2 over in capitals.

3 SIR LAWRENCE FREEDMAN: Matthew Rycroft, in one of these  
4 well publicised emails said:

5 "The idea is to brief them in advance on some of the  
6 content in the dossier, ie some of the intelligence,  
7 rather than give them the dossier itself. This then  
8 avoids the problems of Parliamentary privileged leaks  
9 drawing the line", et cetera.

10 Was that your recollection?

11 MR JONATHAN POWELL: That must be correct. I was wrong when  
12 I said before we handed --

13 SIR LAWRENCE FREEDMAN: It is only interesting because there  
14 has been some reference in regard to the Dutch  
15 Commission of a letter sent by the Prime Minister to the  
16 Dutch Prime Minister that only he could read and had to  
17 hand back. I was just wondering if this was the  
18 occasion when that happened.

19 MR JONATHAN POWELL: I am afraid I have no idea.

20 SIR LAWRENCE FREEDMAN: Okay. Can I turn to the foreword?  
21 Do you agree that it is quite separate from the main  
22 text?

23 MR JONATHAN POWELL: Yes.

24 SIR LAWRENCE FREEDMAN: Now, we have already discussed the  
25 quality of intelligence and these phrases "limited",

1 "sporadic", "patchy". You have just told us that  
2 intelligence isn't hard evidence, it is not something  
3 that proves, quoting what you said before the break. So  
4 we come again to this sentence in the foreword:

5 "What I believe the assessment has established  
6 beyond doubt is that Saddam has continued to produce  
7 chemical and biological weapons."

8 Was that a wise phrase to put in the foreword?

9 MR JONATHAN POWELL: I think you can subject documents like  
10 this to a degree of textual analysis they are simply not  
11 going to bear after the event. This was a document that  
12 was produced in the autumn of 2002. It was regarded at  
13 the time, as Butler puts it, as something that attracted  
14 more attention after the war than at the time, and it  
15 was seen to be cautious and dull. Inasmuch as the two  
16 bits don't marry up, the preface and the main body of  
17 the text, obviously, it would be better if they did,  
18 but I don't think it really changed anyone's mind at the  
19 time. So I think there is a danger of dancing on the  
20 head of a pin on these things.

21 SIR LAWRENCE FREEDMAN: An awful lot of time and effort --

22 MR JONATHAN POWELL: I'm talking about the preface, not the  
23 document.

24 SIR LAWRENCE FREEDMAN: Okay. You said in one of these  
25 emails, expressing concern that the whole document, the



1 document itself, did not convey a sense of threat. You  
2 were reassured by Alastair Campbell that the preface  
3 did, the foreword did. So it was important to the  
4 extent that you had this information being produced and  
5 the question which we were talking about before is: what  
6 do you make of it?

7 MR JONATHAN POWELL: Well, I think that my email at the  
8 time was talking about the need not to over-claim, not to  
9 claim that there was an imminent threat, but that he was  
10 a potential threat. The danger of Saddam was not that  
11 he was going to strike us tomorrow, but that, if we left  
12 him unchecked, if the UN gave up on him, he would then  
13 be able to hit us.

14 I think, having the emails in front of me, my  
15 objective was to make sure we didn't put something in  
16 that was an overclaim, but I haven't got the whole  
17 sequence of emails so I can't be sure.

18 SIR LAWRENCE FREEDMAN: Interestingly in that, in the first  
19 draft the dossier it says:

20 "The case I make is not that Saddam could launch  
21 a nuclear attack on London or on another part of the UK.  
22 He could not."

23 Which is the point you are making, but in the second  
24 draft that's taken out. So in a sense, if you were  
25 trying to reinforce that point about not overstating it,

1           it is surprising that that sentence was taken out.

2   MR JONATHAN POWELL:  Again, I fired off a few emails and I

3           read the thing maybe once, maybe twice.  I don't recall

4           reading the preface, so I think, again, too much can be

5           read into a few emails.

6   SIR LAWRENCE FREEDMAN:  You did send an email on the

7           foreword --

8   MR JONATHAN POWELL:  Did I?

9   SIR LAWRENCE FREEDMAN:  You did.  So you did look at it.  So

10          your view on the "beyond doubt" is that this was

11          a phrase that we are attaching too much to or not to be

12          taken too seriously?  It is a very strong statement,

13          when we are building up to something that is clearly

14          going to be quite important.

15  MR JONATHAN POWELL:  I think you are attaching too much

16          importance to a preface which at the time had very

17          little impact.  The document itself had more impact, the

18          preface had very little impact, and you are just

19          attaching too much importance to it, given the whole

20          issue of Iraq, the war and the aftermath.

21  SIR LAWRENCE FREEDMAN:  I think what we are concerned about

22          is how intelligence that is "patchy" and "sporadic" and

23          "limited" is being presented to the wider public in

24          order to help make a case, not for war at this moment,

25          but for certainly taking a much stronger and more

1       determined position. So how that is presented to the  
2       wider public by the Prime Minister, I think is a matter  
3       of legitimate concern.

4             If it is continually being presented in a very  
5       dogmatic way, isn't that an issue?

6   MR JONATHAN POWELL: I think in retrospect maybe the right  
7       thing to have done would be to publish the JIC reports  
8       themselves rather than to put them into the dossier at  
9       all. The trouble is it is easy to say these things in  
10      retrospect rather than at the time. You remember we put  
11      out a dossier after 9/11, before the invasion of  
12      Afghanistan, which had been in a way the model for this,  
13      and the IISS had put out a dossier shortly before --

14   SIR LAWRENCE FREEDMAN: That's the International Institute  
15      for Strategic Studies?

16   MR JONATHAN POWELL: Yes, the International Institute for  
17      Strategic Studies had put out a dossier. So there was  
18      a case for showing people what was coming across our  
19      desks, showing what the intelligence was showing, and  
20      actually, in retrospect, I don't think it would have  
21      done any damage to national security, and given that  
22      they have been published in full subsequently, I think  
23      it must be clear that it wouldn't have. I think that  
24      would be a better way to do it.

25   SIR LAWRENCE FREEDMAN: That's interesting and helpful. Can

1 we just talk about one area where one of your emails may  
2 have made a difference? In the third version it  
3 states -- there are four versions in all:

4 "Intelligence indicates that Saddam is prepared to  
5 use chemical and biological weapons if he believes his  
6 regime is under threat. We also know from intelligence  
7 that, as part of Iraq's military planning, Saddam is  
8 willing to use chemical and biological weapons against  
9 an internal uprising by the Shia population."

10 It then goes on to the 45 minutes claim. You then  
11 said in an email on 19 September to John Scarlett and  
12 Alastair Campbell that you are concerned that:

13 "This backs up the 'Don McIntyre' argument that  
14 there is no CBW threat and we will only create one if we  
15 attack him. I think you should redraft the paragraph."

16 Then that particular bit is removed in the final  
17 draft. Is that your understanding --

18 MR JONATHAN POWELL: It was my understanding from the Hutton  
19 Inquiry, having re-read the Hutton Inquiry evidence,  
20 yes.

21 SIR LAWRENCE FREEDMAN: Why were you concerned about this  
22 argument on -- suggestion that he would only use it if  
23 the regime is under threat?

24 MR JONATHAN POWELL: My concern was there was an argument  
25 that you weren't addressing. It seemed to me that you

1       should, if you are going to refer to this, set out more  
2       fully what the argument would be to try and explain how  
3       the -- how -- I put something at the end of this saying:

4               "I think you should redraft the paragraph.

5       My memory of the intelligence is he had set up plans  
6       to use CBW on western forces" -- that's chemical and  
7       biological weapons -- "and that these weapons are  
8       integrated into his military planning". So I was trying  
9       to catch what I thought the intelligence was to put it  
10      in there and to address the Don McIntyre argument.

11   SIR LAWRENCE FREEDMAN: What was the Don McIntyre argument?

12   MR JONATHAN POWELL: As far as I can recollect from the time, it  
13       was that, if you left him alone, it will be fine, but if  
14       you attack him, he will zap you with chemical and  
15       biological weapons.

16   SIR LAWRENCE FREEDMAN: What was wrong with that as an  
17       argument?

18   MR JONATHAN POWELL: Because our argument was that he was  
19       a threat in the longer term, that we had to -- this ties  
20       in with my point about no imminent threat. In other  
21       words, he wasn't about to send a missile to Cyprus, but,  
22       if we left him alone, he would be able to develop these  
23       weapons and use them. That's the danger we should be  
24       addressing in the dossier, rather than making other  
25       claims.

1           My view is that he wouldn't have been -- he wouldn't  
2           have remained no threat at all if we hadn't taken  
3           action. There was, of course, the danger of chemical  
4           and biological warfare attack on our troops, and that's why  
5           we prepared them for it, but that wasn't a reason in itself  
6           not to deal with the issue.

7   SIR LAWRENCE FREEDMAN: So to be clear on this, your concern  
8           was to try to convey a sense that, over the long term,  
9           this was something that had to be dealt with. Yet, at  
10          the time, there is a degree of urgency being injected  
11          into the whole politics of the issue.

12          One conclusion, from your view, was that you should  
13          sustain the international pressure, but there was no  
14          need to worry -- no -- a need to worry, but no need to  
15          hurry.

16   MR JONATHAN POWELL: No. My view was that what you should  
17          do is carry on down the UN route and put pressure on Saddam  
18          to comply. If you had no threat at the end of the UN  
19          route, he certainly would not comply.

20   SIR LAWRENCE FREEDMAN: So if we are talking now about how  
21          this was presented -- you mentioned that there were not  
22          going to be missiles on Cyprus and so on, but, as you  
23          will be aware, that was precisely how some newspapers  
24          chose to interpret the dossier.

25          Were you concerned, when you saw the headlines, that

1 exactly the wrong impression had been created?

2 MR JONATHAN POWELL: Looking back at it, I simply can't  
3 remember what my reaction was the next day, other than  
4 it had been a little bit of a damp squib. But beyond  
5 that, I can't really recall.

6 SIR LAWRENCE FREEDMAN: One of your emails asks the question  
7 what would the Evening Standard's headline be. What did  
8 you want it to be?

9 MR JONATHAN POWELL: I had no idea. I was asking Alastair  
10 what it would be, which relates back to an in-joke from  
11 opposition time, when he once came to us and told us  
12 that he had dealt with a particular problem to do with  
13 Ken Livingstone and there would be no coverage of it at  
14 all, and 20 minutes later, somebody brought in a copy of  
15 the Evening Standard with Ken Livingstone splashed right  
16 across it. It was a reference back to his skills at  
17 foreseeing what the Evening Standard might say. So it was  
18 a bit of a sort of a dig, I am afraid, rather than  
19 a serious point.

20 SIR LAWRENCE FREEDMAN: Historians might find that detail  
21 very helpful.

22 The concern, though, being serious about this, is  
23 that the 45-minute claim, which had a reference again in  
24 the foreword, was mentioned by the Prime Minister, was  
25 picked up by the press and did create a sense that there

1       was a degree of urgency to the situation, but what you  
2       have just said suggests that there possibly wasn't.

3             It is very difficult to push forward the argument  
4       that we must take all these exception measures, take all  
5       these risks of unintended consequences on the basis of  
6       something that might develop some years down the line.

7   MR JONATHAN POWELL: Well, you see, we are just coming at  
8       this from a different angle. I'm saying that he was  
9       a threat, that we had to deal with him. He was in  
10      breach of the UN Resolutions. We had finally got the  
11      inspectors back in and we now had to make sure that they  
12      really disarmed him and demonstrated that they had  
13      disarmed him. That was the urgency, not the urgency of  
14      45 minutes and the rest of it.

15   SIR LAWRENCE FREEDMAN: Did you understand the difference  
16      between munitions and missiles --

17   MR JONATHAN POWELL: It is incredibly difficult to put  
18      yourself back into your mindset then. I do understand  
19      the difference between munitions and missiles, but  
20      whether I thought about it in this context, I have no  
21      idea.

22   SIR LAWRENCE FREEDMAN: So you lost interest in the dossier  
23      essentially almost as soon as it was published?

24   MR JONATHAN POWELL: I didn't spend a lot of time on the  
25      dossier, either before or after its publication.



1 I think its importance is exaggerated, in retrospect.

2 SIR LAWRENCE FREEDMAN: But it was the basis of the

3 government's case. The Prime Minister had attached

4 considerable importance to it in terms of getting it

5 produced.

6 MR JONATHAN POWELL: No, it wasn't the basis of the

7 government's case. It was evidence that we wanted to

8 demonstrate what was coming across the Prime Minister's

9 desk. As I say, in retrospect, you'd have been better

10 just to have published the JIC reports. It would have

11 been far more dramatic to do so.

12 SIR LAWRENCE FREEDMAN: Thank you.

13 THE CHAIRMAN: Let's turn to Sir Roderic?

14 SIR RODERIC LYNE: I wonder if I can just pick up one or two

15 points?

16 Just going back to what you said at the beginning

17 about your role, combining, co-ordinating the political

18 and the Civil Service side of the House -- and at one

19 point you described yourself as looking at things from

20 the point of view of a progressive and a socialist -- to

21 what extent was Iraq a political issue as opposed to an

22 issue of the government's foreign and security policy?

23 I mean, how much of a distinction is there between those

24 things?

25 MR JONATHAN POWELL: I think I would find it quite hard to

1 distinguish. I think your foreign policy of  
2 a government would usually be highly political. Whether  
3 it is Europe, as we see the divisions between the  
4 parties on that, or Iraq. Although in this case, of  
5 course, the opposition party supported us on Iraq.

6 SIR RODERIC LYNE: Yes, and the advice you were receiving,  
7 the intelligence advice on which policy was based, the  
8 military advice and so on, was not political?

9 MR JONATHAN POWELL: Correct.

10 SIR RODERIC LYNE: So it wasn't really a sort of political  
11 issue as such, or it was?

12 MR JONATHAN POWELL: In the end, this is a decision that  
13 a leader has to make, not civil servants or even  
14 military men, and they will make it on political and on  
15 the grounds of the evidence that is presented to them.

16 SIR RODERIC LYNE: You were very firm that, in 2001,  
17 containment was dying, you said, and you portrayed it as  
18 effectively dead by the early part of 2002.

19 If containment was not viable as a policy, and you  
20 said it wasn't viable at that stage, what was the  
21 government's policy when containment ceased to be  
22 viable?

23 MR JONATHAN POWELL: That was exactly our worry. Our worry  
24 was not so much viability, it was viable when it was  
25 happening, but it wasn't sustainable. Our fear was that

1       diminishing support for containment would lead to its  
2       collapse and disappearance and then we would be left  
3       with nothing. We would have our planes in the  
4       No Fly Zones exposed every day, we would have no way of  
5       checking Saddam's ambitions. So our worry was this  
6       gradual decline and disappearance of the sanctions.

7       SIR RODERIC LYNE: So what did you put in its place as  
8       a policy, as it ceased to be sustainable?

9       MR JONATHAN POWELL: Hence the idea of trying to use the UN  
10       to go back to what we had done successfully on  
11       Afghanistan, which was to persuade the Americans to take  
12       a multilateral approach, to put the focus on the UN, to  
13       give Saddam a chance to comply with the UN Resolutions  
14       and to force the issue there.

15       As I said earlier, the only way you can get Saddam's  
16       attention is by the threat of military force.

17       SIR RODERIC LYNE: So this was instead of containing him, it  
18       was a shift to a policy of disarmament through coercion,  
19       through coercive diplomacy?

20       MR JONATHAN POWELL: It was a shift to a policy of  
21       disarmament through the UN, yes.

22       SIR RODERIC LYNE: That was by threatening, ultimately,  
23       regime change, if he didn't comply?

24       MR JONATHAN POWELL: Threatening military action, and  
25       that's, in the end, the only way, with people like

1           Saddam, you can have effective progress with the UN.

2   SIR RODERIC LYNE:   Military action to topple Saddam Hussein?

3   MR JONATHAN POWELL:   If that is what was necessary to remove

4           the threat of weapons of mass destruction, yes.

5   SIR RODERIC LYNE:   Yes.   Now, in this period of the first

6           half or so of 2002, when it was your view that

7           containment wasn't sustainable -- not a viable way

8           forward, was what you said earlier -- was that the

9           universal view within the government?

10   MR JONATHAN POWELL:   I doubt anything is a universal view

11           within government.   As I think one of you said earlier,

12           Robin Cook was certainly -- would still be attached to

13           maintaining sanctions.   I think Jack Straw had

14           probably -- but you will be able to ask him

15           yourself -- moved on from it, yes.

16   SIR RODERIC LYNE:   You mentioned earlier that minutes were

17           sent to the Prime Minister in March before the Crawford

18           meeting, and some of these minutes seem to have found

19           their way into the public domain.   At that time, did you

20           feel that Jack Straw had come off containment and on to

21           another policy?

22   MR JONATHAN POWELL:   I forget exactly the timing of all of

23           these notes, because Jack sent a number of notes over

24           the course of the year and a bit that we are talking

25           about, particularly relaying the views of Colin Powell

1       who had severe doubts about the way the American  
2       administration was going. So they would have reflected  
3       that, but I can't remember, I am afraid, the specific  
4       wording of that note. But I would be surprised if he  
5       thought that containment was going to last given the views  
6       of the American administration.

7       SIR RODERIC LYNE: But both in March and at what you  
8       described as the key meeting on 23 July, which had been  
9       described by Alastair Campbell in his diaries, was  
10      Jack Straw vigorously arguing that we should go out to  
11      change the regime in Iraq, or was he still really  
12      arguing for alternative options?

13     MR JONATHAN POWELL: I think he was arguing for alternative  
14      options, as far as I recall, but you will need to look  
15      at the records of the meeting. I think he was thinking  
16      about it particularly politically, and the domestic  
17      political difficulties that this would cause in the  
18      Parliamentary Labour Party and more generally. I think  
19      that was his main focus that I recall.

20     SIR RODERIC LYNE: You mentioned Colin Powell, and earlier  
21      you on talked about the fact that there were clear  
22      divisions within the American administration. What was  
23      the Colin Powell view that was being fed back to you in  
24      this period? You said he didn't agree with the by then  
25      prevailing view of the administration.

1 MR JONATHAN POWELL: He was particularly worried, I noticed,  
2 in July, about the day after, what the preparations  
3 would be, how you'd deal with an army of occupation.  
4 That was his focus at that stage.

5 At different times he had different concerns, and,  
6 of course, Colin Powell had been involved in the first  
7 Gulf War. So he was very conscious of the strength of  
8 the Iraqis and the difficulties you face militarily as  
9 well as what happened afterwards.

10 SIR RODERIC LYNE: He and people who thought like him, were  
11 they arguing effectively that containment had frozen  
12 Saddam's nuclear programme, had prevented him, since  
13 1991, from seriously threatening his neighbours, and  
14 that if you could make containment more effective  
15 through smarter sanctions, by maintaining No Fly Zones,  
16 Naval embargo, the military deterrent, all the measures  
17 that were in place, very importantly the embargo on  
18 military imports, that it was still a viable option?

19 MR JONATHAN POWELL: Certainly, in 2001, he and Robin Cook  
20 were discussing at length the idea of so-called smart  
21 sanctions, which essentially were slimming down the  
22 existing sanctions and trying to make them more targeted  
23 to see if, on that basis, you could somehow get some  
24 lasting value in sanctions, get them to be sustained.  
25 That was his objective, yes.

1 SIR RODERIC LYNE: In 2002?

2 MR JONATHAN POWELL: I think, in 2002 -- it is difficult for  
3 me to answer for Colin Powell, but my memory was that  
4 he, too, by that stage, had seen the way the wind was  
5 blowing in his own administration and did not believe  
6 that that would be sustainable from an American point of  
7 view as a viable option.

8 SIR RODERIC LYNE: He was not happy with the way the wind  
9 was blowing?

10 MR JONATHAN POWELL: He was not at all happy with the way  
11 the wind was blowing, and he repeatedly asked us to make  
12 his case for him in the White House, and on a number of  
13 points we did so.

14 SIR RODERIC LYNE: His unhappiness was being fed through to  
15 you through Jack Straw?

16 MR JONATHAN POWELL: Through Jack Straw.

17 SIR RODERIC LYNE: So he wanted the wind to blow in  
18 a different direction, which might have been continued  
19 containment?

20 MR JONATHAN POWELL: It could have been, but it could have  
21 been a number of different options too, I suppose, but  
22 particularly trying to get things on to the UN route  
23 where he was very supportive of what we were trying to  
24 do.

25 SIR RODERIC LYNE: Now, you say that in 2001 Robin Cook and

1 Colin Powell were working for smarter sanctions. If my  
2 memory serves me right, the first attempt to get  
3 a so-called smart sanctions resolution failed in June  
4 and July of 2001, but that wasn't the end of the story  
5 and the British and American governments continued to  
6 pursue this into -- well, until about May of 2002, when  
7 a resolution on the Goods Review List was actually  
8 adopted by the Security Council.

9 So were we, at that stage, effectively pursuing two  
10 policies, the one we were discussing privately with the  
11 White House from January onwards, and then still on  
12 a containment track at the UN?

13 MR JONATHAN POWELL: I am afraid I'm simply not across what  
14 happened in the UN on the containment matter through  
15 2001 and 2002. I just don't know the details and it  
16 wouldn't probably have figured large in my life at the  
17 time.

18 SIR RODERIC LYNE: I think that was the policy that was  
19 going on. But let's turn now -- I just want to ask one  
20 or two questions, not about the detail of the dossier,  
21 but about September of 2002.

22 You said that the dossier was not, if I paraphrase  
23 you, of enormous importance, it didn't change people's  
24 minds, and you said it was not such a big deal. It was  
25 something that had been discussed on more than one



1 occasion between the Prime Minister and President Bush,  
2 the idea of putting intelligence into the public domain.  
3 So it can't have been that unimportant.

4 Wasn't it the case, if you look at  
5 Alastair Campbell's diaries again, that in  
6 early September 2002, Number 10 were worrying about the  
7 hard questions on Iraq and:

8 "The hardest was: why now? What was it that we knew  
9 now that we didn't before that made us believe we had to  
10 do it now?"

11 That the dossier, and, indeed, the Prime Minister's  
12 speech in Parliament in September, when Parliament was  
13 reconvened were all part of the effort, a very important  
14 effort, to answer that question.

15 MR JONATHAN POWELL: Well, I think it goes back earlier than  
16 that. At Crawford, I think we put to the Americans that  
17 the two key questions they would have to answer is: why  
18 Iraq, and why now? Very fundamental questions.

19 That was what -- that was the whole purpose of  
20 trying to put them on the UN route, to explain to them  
21 you couldn't just rush into Iraq unilaterally, you had  
22 to persuade people you have given Saddam a chance to  
23 comply and he had failed to do so. So it goes well back  
24 before that. But, yes, the dossier and other things  
25 were trying to make it clear why Iraq was important.

1 I'm not saying it is insignificant. I was simply  
2 quoting what the Butler Report said at the time. It  
3 attracted more attention after the war than at the time,  
4 when it was seen to be cautious and dull.

5 SIR RODERIC LYNE: But it was part of a big effort to get  
6 a point of view across, and in the House of Commons on,  
7 I think it was 24 September, the Prime Minister said of  
8 Saddam's programme his WMD programme is active, detailed  
9 and growing.

10 Now, had evidence been presented that sustained the  
11 idea that his programme at this stage was growing?

12 MR JONATHAN POWELL: Again, my memory is not going to allow  
13 me to give you a correct answer to that. But I suspect  
14 you have the answer yourself, so you can tell me.

15 SIR RODERIC LYNE: We asked the question of  
16 Alastair Campbell, we will ask it of others because,  
17 self-evidently, we are struggling to find that evidence.  
18 Alastair Campbell referred to something said by the JIC  
19 in 2001, but the Prime Minister said in his foreword to  
20 the dossier -- using the phrase twice, he said:

21 "In recent months I have seen things that have had  
22 me increasingly alarmed."

23 Obviously he would have considered his words to the  
24 House of Commons with very great care. If he used the  
25 word "growing", that would not have been accidental or

1           unimportant.

2   MR JONATHAN POWELL: The textual analysis of this is going

3           past me. You are doing the PhD and I have only got the

4           O level. I simply can't remember from the time the ins

5           and outs of the wording.

6   SIR RODERIC LYNE: But it is a very important word to use?

7   MR JONATHAN POWELL: Which word, sorry?

8   SIR RODERIC LYNE: The word "growing".

9   MR JONATHAN POWELL: "Growing". That is an important word

10          to use, yes.

11   SIR RODERIC LYNE: Because the question is: is this man

12          becoming more threatening, or is it contained? This

13          question of answering the question of "Why now?", that

14          Alastair Campbell referred to, if you say it is growing,

15          that provides an answer to that question. So it is an

16          important word.

17   MR JONATHAN POWELL: As I made clear in my comments on my

18          email on the dossier, I didn't think it was right to

19          claim there was an imminent threat. The threat that

20          I saw was that, if you didn't deal with Saddam, you

21          would face a very serious threat later on.

22   SIR RODERIC LYNE: Just a couple of questions about our --

23          the way we handled this diplomatically, particularly

24          with the Americans and at the UN. As you have

25          mentioned, we expressed a number of points to Washington

1       that were very important to us, going down the UN route,  
2       which you talked about, gaining international support,  
3       making progress on the Middle East peace process, making  
4       sure the thing was done on a correct legal base. Were  
5       those expressed as pre-conditions for us participating  
6       with the Americans in a military action?

7   MR JONATHAN POWELL: As I said earlier, I think conditions  
8       is the wrong way to look at this. We weren't going in  
9       there and saying, "If you do A, B and C, we will then  
10      join you in military action".

11         I noticed Christopher Meyer saying the other day we  
12      should have asked them for flying rights for  
13      Richard Branson in America as a condition for military  
14      action. I think that's the wrong attitude to take.

15   SIR RODERIC LYNE: I don't think that's how he put it in his  
16      evidence.

17   MR JONATHAN POWELL: Maybe I misread it. It appeared to be  
18      suggesting that. Maybe he didn't mean that. Anyway,  
19      I think setting those sorts of conditions is actually  
20      a mistake when you are trying to build an alliance with  
21      someone, particularly when you are trying to influence  
22      them in the direction that they move.

23         I think you have to say, "Here is a framework. If  
24      you do it this way, there is a chance of being  
25      successful. If you do it this way, you can deal with

1       the law of unintended consequences. If you do not, it  
2       is going to be more difficult". That's what we were  
3       trying to do.

4   SIR RODERIC LYNE: So you don't recall the Prime Minister  
5       being advised to refrain from committing himself fully  
6       to the Americans and advised to really press very hard  
7       on these points before he committed himself fully to the  
8       Americans?

9   MR JONATHAN POWELL: I have seen some things said  
10       subsequently about the suggested failure of the  
11       Prime Minister to be sufficiently assertive with the  
12       Americans. I think that is just plain wrong.

13       I think the reason that the Prime Minister had many  
14       of his meetings with President Bush by himself, one on  
15       one, was to try and press him very firmly to move in  
16       these directions, and he was successful in doing so on  
17       a number of counts. So I think the notion that we  
18       weren't assertive enough was wrong. I think the idea of  
19       putting these forward as pre-conditions would have been  
20       a mistake too.

21       We were suggesting a way of doing this in an  
22       intelligent way that would succeed, and that's the  
23       reason we set out -- the framework we set out at  
24       Crawford, repeated in the note in July, and repeated  
25       again at Camp David in September.

1 SIR RODERIC LYNE: Sir Christopher Meyer suggested that the  
2 Americans effectively took us for granted, for two  
3 reasons: one was that they knew we were joining in  
4 military planning down in Florida and they were making  
5 an assumption, right or wrong, that we would send  
6 significant forces; but the other reason was that -- his  
7 assertion that the Prime Minister, whether at Crawford  
8 or some other time, had committed himself to  
9 President Bush to the point where he assumed that we  
10 would be with them more or less whatever the conditions.

11 Is that a false reading of the situation?

12 MR JONATHAN POWELL: Yes, I think it is. That we -- we were  
13 setting out the conditions -- setting out a framework  
14 for the way that they could proceed. We weren't saying  
15 to them, "Here are firm conditions", we were trying to  
16 persuade them to move in a particular direction.

17 The Americans did not need us militarily. They  
18 could perfectly easily have conducted this attack by  
19 themselves --

20 SIR RODERIC LYNE: That's a separate question.

21 MR JONATHAN POWELL: -- just as they could in 1998. So they  
22 did not need us. So taking us for granted militarily is  
23 a bizarre thing to think about as a way of --

24 SIR RODERIC LYNE: Did they not find us quite useful?

25 MR JONATHAN POWELL: What they presumably would like us for

1       was as part of a coalition. What they wanted, as the  
2       Prime Minister again repeatedly made this point to  
3       them from April onwards, was that a coalition is needed  
4       not militarily, but politically. The wider the  
5       coalition you have, the bigger the base of support, the  
6       more chance of sustaining this, if it takes a long time  
7       and is difficult.

8   SIR RODERIC LYNE: Some of our military witnesses have said  
9       that the Americans were very keen to have some of our  
10      niche capabilities and they were definitely very keen to  
11      have us on board --

12   MR JONATHAN POWELL: But they didn't need us.

13   SIR RODERIC LYNE: -- so this was significant.

14   MR JONATHAN POWELL: But they didn't need us.

15   SIR RODERIC LYNE: The Americans said publicly that they  
16      could do this without. I think the point our military  
17      witnesses were making was that they would much rather do  
18      it with us, from a military point of view, not just  
19      a coalition point of view.

20            But just coming back to the question of the  
21      assumption, if we were now looking at the correspondence  
22      between the Prime Minister and President Bush and what  
23      they said to each other in private and so on, would it  
24      appear from that that the Prime Minister, at a fairly  
25      early stage, made a very firm commitment to

1 President Bush that he would go all the way with  
2 President Bush whatever?

3 MR JONATHAN POWELL: As I said earlier, there is a -- if you  
4 are going to persuade people of taking a particular  
5 course, you need to convince them that you are with  
6 them. If you go into it and say, "By the way, I'm  
7 having nothing to do with this. We're right here on our  
8 own, but you go ahead and we think you should do it that  
9 way", your advice is likely to be treated more  
10 sceptically.

11 SIR RODERIC LYNE: Was this a tactical commitment? Was it  
12 something he could have got out of later on if he needed  
13 to.

14 MR JONATHAN POWELL: Well, yes, as we know, because  
15 President Bush said to him, in March, "We can go ahead  
16 without you. We don't want regime change in London".  
17 So there was a way out, if we wanted it in March, and  
18 Rumsfeld also said it publicly, of course.

19 SIR RODERIC LYNE: If we just turn to the very end of the  
20 process, Alastair Campbell, the other day, talking about  
21 the period in late March -- the second half  
22 of March 2003, when the UN Security Council draft  
23 resolution was withdrawn and then the coalition went to  
24 war. He said that, at that point, diplomacy had failed.  
25 Had diplomacy definitively failed by then?



1 MR JONATHAN POWELL: I think diplomacy had definitively  
2 failed by 16 March 2003. We put a particularly  
3 intensive bout of diplomatic activity in place in March.  
4 We had asked President Bush to have more time to try and  
5 build the coalition. When we looked as if we were  
6 getting nowhere on the second resolution, we then tried  
7 the idea of establishing five tests built on the  
8 clusters document, and we particularly spent a lot of  
9 the time trying to persuade the Chileans and the  
10 Mexicans to support this.

11 We had gone to the length of putting in a Brent  
12 secure telephone into the presidential palace in Chile  
13 so we could speak to the President there privately while  
14 the Prime Minister was at Hillsborough dealing with  
15 Northern Ireland. We put an enormous amount of effort  
16 in.

17 A number of times the President told us he was  
18 sure that we could get our nine votes in the Security  
19 Council, and we really, really tried to get it, but by  
20 the time we had got to 14 March, the French pulled the  
21 plug by saying they would veto the UN Resolution, we no  
22 longer had any negotiating leverage with the Mexicans  
23 and the Chileans. The Mexican President retired to  
24 hospital and stopped taking telephone calls and the  
25 Chilean made it clear he wouldn't move without the

1 Mexican.

2 SIR RODERIC LYNE: So we had completely exhausted the UN  
3 route by then?

4 MR JONATHAN POWELL: I think by the time we got to 16 March,  
5 we had faced a binary choice; we no longer could keep on  
6 down the UN route.

7 SIR RODERIC LYNE: I mean, Sir David Manning and  
8 Sir Jeremy Greenstock both said, but differently, that  
9 they would have liked to have had more time, but you  
10 don't agree with that?

11 MR JONATHAN POWELL: No, we asked for more time repeatedly  
12 from January onwards of the President, and we got more  
13 time in each case. Eventually, by the time we got to  
14 mid-March, he wasn't going to give us more time and the  
15 French veto knocked any chance --

16 SIR RODERIC LYNE: He wasn't going to give us more time. If  
17 we had had more time, if the inspectors had had longer,  
18 there had been longer to build up the picture and you  
19 had continued these extraordinary diplomatic efforts  
20 that you described, would there not have been a chance,  
21 at that stage, of actually gathering the international  
22 support that we had not managed to gather by then?

23 MR JONATHAN POWELL: No. I mean, if you think about it,  
24 Iraq didn't have weapons of mass destruction. We were  
25 wrong. The intelligence was wrong. So, no matter how

1 long you had carried the inspections on, they weren't  
2 going to find anything, and, from what we know of  
3 Saddam, it is extremely unlikely that he would have  
4 cooperated. So we would have been in exactly the same  
5 situation for months and months and months. There would  
6 have been no discovery of weapons of mass destruction,  
7 but --

8 SIR RODERIC LYNE: But one way or the other they might have  
9 built up a more convincing picture, if they had had more  
10 time.

11 MR JONATHAN POWELL: A convincing picture of what?

12 SIR RODERIC LYNE: Well, a picture to convince the people  
13 who weren't not convinced by our arguments in March.

14 MR JONATHAN POWELL: But if there weren't weapons of mass  
15 destruction, we wouldn't have been able -- you are  
16 asking me in retrospect, "Would we have had more time?"  
17 The answer is more time would have achieved nothing.

18 SIR RODERIC LYNE: Thank you very much.

19 SIR LAWRENCE FREEDMAN: Can I just come in on that?

20 Lord Turnbull suggested there was a sort of a trap that  
21 we thought we had set for Saddam Hussein, that either he  
22 could comply, in which case he would lose the weapons  
23 that he wanted, or he wouldn't comply, in which case he  
24 had given us the cases for military action.

25 This trap depended to a large extent on Hans Blix.

1       It depended on the inspectors saying that there is no  
2       compliance. Now, in January 2003, that is what  
3       Hans Blix said, but by February that advice was  
4       changing, certainly in terms of his presentation to the  
5       UN Security Council. So isn't that a turning point,  
6       where there is a shift in how this issue is going to be  
7       viewed? So it is not necessarily the case that this  
8       issue would have gone on and on and on, because already  
9       there had been a change of view in UNMOVIC?

10      MR JONATHAN POWELL: No, I don't think that is right. It is  
11       true that the two reports were different from Blix, but,  
12       even in March, Blix was not suggesting that Saddam was  
13       co-operating. The issue of interviews of being able to  
14       take people away from Saddam's secret police to  
15       interview them and ask them about weapons of mass  
16       destruction was a very live one. So I don't think it is  
17       as if everything was going the other way to prove that  
18       Saddam was co-operating, no.

19      SIR LAWRENCE FREEDMAN: But he had already had a sort of  
20       clean bill of health from the -- on the nuclear side.  
21       So that issue already had been dealt with. So the trend  
22       was pretty clear, that there had been an expectation,  
23       perhaps unrealistic, of some sort of smoking gun. It  
24       hadn't been found. The tenor of Hans Blix's remarks  
25       were changing, and, therefore, it was going to become

1 much more difficult to generate the international  
2 support that might have been there if the tenor of  
3 the January remarks had continued.

4 MR JONATHAN POWELL: You are right to distinguish between  
5 the two reports, but, no, I don't think -- I guess you  
6 are suggesting that action happened because we were  
7 worried it was running away from us in the UN?

8 SIR LAWRENCE FREEDMAN: No. I'm saying that it isn't  
9 necessarily the case that nothing would have changed in  
10 a number of months on. There had been movement. We had  
11 evidence that the British Government had given the  
12 inspectors a number of sites to look at, some of them  
13 had shown up things, a bit of nuclear information,  
14 something on missiles where he clearly was in breach,  
15 but a number of others hadn't and there were other sites  
16 to go through. It doesn't seem to be wholly likely that  
17 another few months of that would have left you in  
18 exactly the same position you were in the middle  
19 of March.

20 MR JONATHAN POWELL: I mean, just looking at it from now,  
21 I don't see how things would have changed from the point  
22 of view of inspections. I think that if you had  
23 more time you might have discovered a few more  
24 marginal things, you might have discovered nothing, but  
25 Saddam was clear, when he was interrogated, that he was

1 not going to co-operate, because he wanted people to  
2 think he still had weapons of mass destruction. So you  
3 could have carried this game on indefinitely without  
4 satisfying either side, either the Americans or those  
5 who were against action. So I think more time for  
6 inspections wouldn't really have solved the problem.

7 There is another argument, which is more time for  
8 diplomacy and that was, in particular, what we had asked  
9 for, and we got more time, but, in the end, the  
10 diplomatic approach ran into the sand. We set the  
11 ultimatum, we set the five tests, but we couldn't get  
12 the support for it that we wanted as a way of forcing  
13 Saddam to choose one way or the other.

14 SIR LAWRENCE FREEDMAN: Just to conclude with this, even on  
15 the nuclear side, Vice-President Cheney had said he  
16 wasn't convinced by the determination that there was  
17 nothing to -- there were no grounds for belief that  
18 there was an active nuclear programme. So basically,  
19 the position was that nothing could have happened that  
20 would have satisfied the United States that Saddam  
21 wasn't being very clever in hiding what he was up to.

22 MR JONATHAN POWELL: You would never have been able to  
23 satisfy some in the US administration, but that's not  
24 the same as saying you could never satisfy the  
25 US administration as a whole. We have heard how there

1           were different strands from Colin Powell to Dick Cheney  
2           and Donald Rumsfeld.

3   SIR LAWRENCE FREEDMAN:   We have also heard who was more  
4           important at the time.

5           Thank you.

6   THE CHAIRMAN:   I think Sir Martin has a question.

7   SIR MARTIN GILBERT:   I have another question about the UN.

8           From September 2002, after the President had committed  
9           himself to the UN route, and given the Prime Minister's  
10          stress on the UN route as the indispensable legal means  
11          of disarming Saddam, what I would like to know is -- and  
12          it is very difficult to find the answer from this in our  
13          papers -- what discussion was there at that  
14          time, September/October/November, about what Britain  
15          would do if the UN route were to fail?   How, then, would  
16          Saddam be disarmed without the UN mandate?

17   MR JONATHAN POWELL:   Well, we didn't, I don't think, discuss  
18          that hypothetical question.   We were focused on two  
19          other issues.   The first was the danger that the  
20          Americans might act unilaterally.   We had cause, even  
21          from people in the White House saying, get the  
22          Prime Minister on the phone to the President, there is  
23          a danger of people not waiting but going ahead.   And we  
24          were preoccupied with the negotiation of the  
25          UN Resolution, where there was a tendency by some on the

1 American side to overload the resolution in a way that  
2 we thought would make it fail. So we had very difficult,  
3 tense and lengthy negotiations with the Americans  
4 on that. We thought we  
5 were parked firmly on the UN route. We weren't looking  
6 at the hypothetical, weren't discussing with them the  
7 hypothetical situation of what would happen if we  
8 failed, although, of course, the military planning was  
9 continuing.

10 SIR MARTIN GILBERT: That wouldn't have been a prudent thing  
11 to do, given the tremendous efforts that were being made  
12 to push the UN route and the difficulties along the way?

13 MR JONATHAN POWELL: We didn't want to encourage anyone in  
14 the American administration to give up on the UN route  
15 and cut to the chase.

16 SIR MARTIN GILBERT: And internally, without the Americans  
17 knowing what we were planning, what we were envisaging  
18 as a possible scenario?

19 MR JONATHAN POWELL: I think that they would presumably have  
20 hoped that we would be with them if we had exhausted the  
21 UN route.

22 THE CHAIRMAN: I think we would like to spend a few minutes  
23 on the military run-up before we take our next break,  
24 a break after around 4.10, 4.15. So Lawrence?

25 SIR LAWRENCE FREEDMAN: How important did you think



1 a military support from the United Kingdom was  
2 politically to the President?

3 MR JONATHAN POWELL: I think that it was significant but not  
4 fundamental. I think the point that  
5 Vice-President Cheney made to us in March really was the  
6 position of the administration the whole way through,  
7 that a coalition would be good, but not essential.

8 SIR LAWRENCE FREEDMAN: In that light, what sort of military  
9 contribution do you think it was necessary to make? We  
10 have again had regular evidence on the variety of  
11 options available. How did you view these options?

12 MR JONATHAN POWELL: As you have heard from previous  
13 witnesses, there were three -- well, actually there was  
14 a prior stage, where, up to July, we were talking about  
15 a generated start or a running start.

16 SIR LAWRENCE FREEDMAN: That was on the American side?

17 MR JONATHAN POWELL: On the American side, and if there had  
18 been a running start, there was no way that the British  
19 would have been able to participate because we couldn't  
20 have got a division ready in time. The generated start  
21 then became the accepted wisdom in the summer.

22 SIR LAWRENCE FREEDMAN: Which means that there is going to  
23 be a period of mobilisation.

24 MR JONATHAN POWELL: A period of mobilisation, getting the  
25 troops in place and then finally planning for their use.

1       We looked, as you know again from previous evidence, at  
2       three options: a sort of light support, a heavier Naval  
3       and air support, and a third option of ground forces.  
4       Those were the three that were under discussion right  
5       through to October -- late-ish October 2002.

6       SIR LAWRENCE FREEDMAN: From the point of view of  
7       Downing Street -- and you have indicated a political  
8       perspective as well as a governmental perspective -- how  
9       did you view these different options? Did you think it  
10      was essential to go with the option 3 which involved the  
11      army division?

12     MR JONATHAN POWELL: No, it was not essential to go with  
13      that option, or, indeed, either of the other two  
14      options. I think it would have been difficult if we had  
15      not allowed the Americans to use our bases, particularly  
16      Diego Garcia and Cyprus, because, if they had not been  
17      able to use those, they would have had real  
18      difficulties. But we didn't have to provide a division.

19             There were two reasons, I think, that militated in  
20      favour of that. The first was the attitude of the  
21      military themselves, who wanted to participate at  
22      a command level. They felt that they should stand by  
23      the Americans. They thought it was important to their  
24      relationship with the American military, on which they  
25      crucially depended. And I think, in the end, when the

1 Prime Minister had to make his decision, he felt that,  
2 if we were going to do it, we should be with the  
3 Americans properly, rather than saying from the  
4 sidelines, "Oh, yes, we agree with you", but not  
5 actually joining them militarily and fully on the  
6 ground.

7 SIR LAWRENCE FREEDMAN: We have heard arguments that it was  
8 assumed the larger the force, the greater the influence.  
9 Did you see that sort of correlation?

10 MR JONATHAN POWELL: No. I do think that a lot of this  
11 discussion of conditions and, "If you give a little bit  
12 here, you will get a bit more there", I just think  
13 that's not true. They allowed us to participate in the  
14 CENTCOM planning unit from May onwards when they had no  
15 idea how we would participate.

16 SIR LAWRENCE FREEDMAN: So you think the argument in terms  
17 of -- for the division was that -- essentially almost  
18 internal to the UK, that we should be seen to be doing  
19 it properly and that it would sort of sustain morale  
20 amongst the army, make them feel that they have got  
21 a big job to do?

22 MR JONATHAN POWELL: The military indicated to us  
23 that it would be important for morale that we were  
24 involved properly, yes.

25 SIR LAWRENCE FREEDMAN: What about the cost considerations

1 in all of this?

2 MR JONATHAN POWELL: They were discussed with Gordon Brown  
3 and with the Treasury, and in government more widely,  
4 and they were serious considerations, the costs we were  
5 putting in.

6 There was also the consideration of the firemen's  
7 strike which you will recall, in 2002, initially at  
8 least would have meant that we would not be able to  
9 participate with a division. That seems to have changed  
10 some time in October when the military decided they  
11 could participate, even if there were a firemen's  
12 strike.

13 SIR LAWRENCE FREEDMAN: What comes over from this is  
14 a considerable degree of enthusiasm for -- from the  
15 armed forces to be involved as fully as possible. Is  
16 that a fair assessment?

17 MR JONATHAN POWELL: Yes, I think that's a natural state of  
18 affairs for the military high command, as in Afghanistan  
19 for that matter.

20 SIR LAWRENCE FREEDMAN: In accepting the logic of  
21 a division, at the time this was through the northern --  
22 so-called northern route, through Turkey. How realistic  
23 did you think that it was going to be to be able to  
24 follow that path, given the issues with Turkey?

25 MR JONATHAN POWELL: As far as I recall, we accepted the

1 advice from the military chiefs and from the American  
2 military that it would be possible, they would be able  
3 to persuade the Turks, and we would have been left  
4 in charge of Tikrit, which, at that stage, as  
5 I remember, our sphere of influence was going to be  
6 after an invasion.

7 SIR LAWRENCE FREEDMAN: That's quite important. So it was  
8 always accepted that there would be some part of Iraq  
9 where there would be a UK presence afterwards, where we  
10 would be responsible for -- essentially, the  
11 responsibilities of an occupying power.

12 MR JONATHAN POWELL: I can't find any papers on the files  
13 that suggest that, but that is my memory of the  
14 circumstances. I remember being told by the military  
15 that Tikrit would be where we would be responsible.

16 SIR LAWRENCE FREEDMAN: Given that that is Saddam's home  
17 town, that would have been quite a responsibility?

18 MR JONATHAN POWELL: That's correct. I pointed that out to  
19 the military.

20 SIR LAWRENCE FREEDMAN: What did they say?

21 MR JONATHAN POWELL: They correctly thought that they were  
22 extremely good at counterinsurgency and had years of  
23 experience of it.

24 SIR LAWRENCE FREEDMAN: This would have been quite a test,  
25 because this issue didn't arise because we agreed at the

1 start of 2003 on the southern route through Kuwait.

2 Were you surprised at how late this change came to the

3 military planning?

4 MR JONATHAN POWELL: Yes, I noted down that it was 3 January

5 that we finally discovered -- when we first discovered

6 that the Turkish route was not going to be possible, and

7 that did come as a surprise to us. But the ability of

8 the military to shift, and, as I say, the skills of the

9 enablers to shift from the Turkish route to the Kuwaiti

10 route was quite extraordinary.

11 SIR LAWRENCE FREEDMAN: But you had been given no warning

12 before 3 January that this was likely to happen?

13 MR JONATHAN POWELL: I don't think so, but I can't be

14 certain.

15 SIR LAWRENCE FREEDMAN: The consequences of the move through

16 Kuwait were potentially twofold: first, that it would

17 possibly have a greater role in American planning. Is

18 that fair? Because of the need to secure the area

19 through which most of the other forces would be passing

20 through?

21 MR JONATHAN POWELL: I'm not sure that was a fundamental

22 factor in making the decision.

23 SIR LAWRENCE FREEDMAN: But you were aware that that was

24 a potential implication?

25 MR JONATHAN POWELL: To be honest, no, I don't remember that

1           coming up, but I may just have forgotten it.

2   SIR LAWRENCE FREEDMAN:   The second, which goes back to the

3           question of our sphere of influence, as it were, is that

4           it would then be likely that we would be given a box, as

5           it has been put to us, in the south to look after.  How

6           aware were you of that as a potential implication?

7   MR JONATHAN POWELL:   I must admit, having read the evidence

8           to your Committee, I hadn't -- in my memory, that wasn't

9           sort of a discussion we had and sat down and talked

10          about, "We are taking responsibility for Basra".

11          I hadn't -- I don't recollect being aware of that at the

12          time, but that doesn't mean to say that others weren't

13          aware of it.  Just not me.

14   SIR LAWRENCE FREEDMAN:   But in terms of consequences, that's

15          quite important.

16   MR JONATHAN POWELL:   Yes, although, I suppose, having gone

17          in with ground forces, you would expect to be

18          responsible for some part of Iraq rather than simply to

19          leave.

20   SIR LAWRENCE FREEDMAN:   In terms of our planning,

21          particularly for the aftermath, it meant that there was

22          a particular area that we were going to have to focus

23          on?

24   MR JONATHAN POWELL:   Yes.

25   SIR LAWRENCE FREEDMAN:   But you are saying that it hadn't

1        occurred to you in Downing Street that there was a clear  
2        logic in the military planning that would leave us in  
3        control of Basra?

4        MR JONATHAN POWELL: I don't remember that having occurred  
5        to me at the time, about the importance of the American  
6        supply routes, no.

7        SIR LAWRENCE FREEDMAN: How did that fit in, then, with  
8        other planning that was going on for Phase 4? We will  
9        have some more questions on this probably after the  
10       break, but just in terms of your understanding of where  
11       all this was leading us, was there an appreciation that  
12       in the aftermath we were going to have to do quite a lot  
13       somewhere or other? It seems hard to work out how we  
14       could have had that sort of planning without  
15       a particular part of Iraq in mind.

16       MR JONATHAN POWELL: I feel that, once we had invaded, we  
17       were responsible for the whole of Iraq, not just for  
18       part of Iraq. We had a duty to try and make sure that  
19       Iraq succeeded as well as possible. Occasionally we had  
20       debates later on about -- I noticed this word you have  
21       been bandying around about an exemplary approach in Basra.

22       SIR LAWRENCE FREEDMAN: It wasn't from us.

23       MR JONATHAN POWELL: I always thought the key thing was,  
24       however good you made Basra, that would take you nowhere  
25       unless you were dealing with Baghdad and the rest of the



1 country, and we were not in a position to ignore what  
2 was happening in the rest of Iraq, we had to be  
3 involved, and we wished to be involved, in the planning  
4 for the whole of Iraq.

5 SIR LAWRENCE FREEDMAN: We will no doubt talk about that in  
6 some detail very soon, because that's a very important  
7 distinction that you have made. Can I discuss a couple  
8 more questions just on the build-up to war?

9 First, going back to what we were discussing before  
10 about the timetable, how important was the military  
11 consideration in terms of the deadline? You have  
12 suggested that diplomacy had run its course, it was  
13 exhausted, nothing was going to change with the  
14 inspectors, but another part of this argument is that  
15 the American military were ready to go, it was going to  
16 get hot, it was going to get more difficult to fight.  
17 If you didn't fight in March, you would have to fight in  
18 the autumn. How important was that in setting  
19 a deadline?

20 MR JONATHAN POWELL: It was certainly a factor that  
21 President Bush put to us when we were asking for nine  
22 more weeks to make progress on this. He said they were  
23 worried on two counts: one, that they were losing  
24 altitude with the surrounding Arab leaders; and,  
25 secondly, that the troops could not remain through the

1 summer, and if the troops were withdrawn, taken back  
2 home, that would be a victory for Saddam and we would  
3 never be able to deal with Saddam in the future.

4 SIR LAWRENCE FREEDMAN: The nine more weeks were linked with  
5 these clusters?

6 MR JONATHAN POWELL: Linked at that stage, as of 5 March,  
7 with the diplomatic initiative we were pursuing full  
8 tilt at the time.

9 SIR LAWRENCE FREEDMAN: That would have taken you into the  
10 start of June?

11 MR JONATHAN POWELL: Yes.

12 SIR LAWRENCE FREEDMAN: So we tried on that and did not  
13 succeed?

14 MR JONATHAN POWELL: Correct.

15 SIR LAWRENCE FREEDMAN: What advice were you getting from  
16 the British military about their ability to stay in  
17 desert conditions over the Kuwaiti summer?

18 MR JONATHAN POWELL: I'm afraid, I can't recall that.

19 SIR LAWRENCE FREEDMAN: But as far as the Americans were  
20 concerned, the need for the armed forces to move was --  
21 was -- basically set the deadline?

22 MR JONATHAN POWELL: Yes.

23 SIR LAWRENCE FREEDMAN: Thank you.

24 THE CHAIRMAN: Sir Martin? Sir Roderic? Let's take another  
25 break now and let's be back in about ten minutes. Thank

1           you.

2   (4.10 pm)

3                               (Short break)

4   (4.20 pm)

5   THE CHAIRMAN: Let's restart. I would like to ask some  
6           questions about the issue of legal advice. We are going  
7           to be hearing from a number of legal witnesses over the  
8           next few days, but we would like to ask some questions  
9           about your own involvement in the handling and the  
10          development of legal advice in the changing diplomatic  
11          and real world circumstances going through.

12               Now, I think we start in about July 2002, when the  
13          Attorney General is giving the Prime Minister some  
14          provisional advice on potential military action, how  
15          that would work. What was his position at that time,  
16          did the Prime Minister understand?

17   MR JONATHAN POWELL: Yes, can I go back a bit to an earlier  
18          period and preface it by saying I'm no lawyer and you  
19          will have many lawyers before you, so I won't be able to  
20          answer questions on the actual content.

21   THE CHAIRMAN: Nor is it our intention to do that this  
22          afternoon.

23   MR JONATHAN POWELL: We had been through this before  
24          a number of times, first in 1998 with Iraq, getting the  
25          Attorney General's advice on that bombing campaign, by

1 the renewal of the previous UN Security Council  
2 Resolutions. We had been through it in Kosovo where we  
3 had no UN Security Council Resolution and needed the  
4 legal advice of the Attorney General for action.  
5 Afghanistan, of course, and particularly targeting and  
6 bombing both in Iraq and Afghanistan. So we were  
7 familiar with the process of working with the Attorney  
8 General on getting legal advice.

9 THE CHAIRMAN: You are describing, as it were, the function  
10 of the office, but, of course, tragically, the office  
11 holder had to change with the death of Lord Williams.

12 MR JONATHAN POWELL: It changed twice, because it had been  
13 John Morris before that. So we had dealt with three  
14 different Attorney Generals on these issues.

15 This was very much uppermost in our minds. If you  
16 look at the files in January 2002, when David Manning  
17 met Condi Rice, he made the point that we would have to  
18 get the advice of the Attorney General on this before  
19 any action at any stage would be possible.

20 On 19 July, preparing for the ministerial meeting on  
21 23 July on Iraq, the Cabinet Office circulated papers  
22 including a description of legal advice, and at that  
23 meeting on 23 July, the Attorney General set out his  
24 advice, which was that the potential legal routes would  
25 be self-defence, which didn't apply, humanitarian

1 crisis, which didn't apply, and that the route used in  
2 1998 would not work in this case. So those were his  
3 views set out at that meeting.

4 THE CHAIRMAN: 1998 being a matter of, in effect,  
5 self-defence?

6 MR JONATHAN POWELL: I forget the actual legal basis.

7 THE CHAIRMAN: Anyway, let's not worry about that.

8 So we are in late July 2002. Can we just look at  
9 the period between then and November 2002, when the  
10 taking of the UN route bore its real and perhaps only  
11 edible fruit in the shape of the Security Council  
12 Resolution 1441?

13 Was there any evolution in the sense of the legal  
14 advice between July and November? Because I would like  
15 to come on to the immediately post-November in a moment.

16 MR JONATHAN POWELL: The Attorney General was kept informed  
17 of the negotiations in the UN, because negotiations are  
18 important as well as the resolution itself, in terms of  
19 legal advice. He had asked to meet Jeremy Greenstock  
20 and American lawyers at some point during that period as  
21 well. I think it may have been later.

22 THE CHAIRMAN: I think later.

23 MR JONATHAN POWELL: Sorry.

24 THE CHAIRMAN: Right. Now, the Attorney by then  
25 Lord Goldsmith is, it appears from what we read, to be

1       anxious that his advice should be properly recorded and  
2       on the record.

3               Was there a concern that you were aware of, or  
4       indeed part of, that, because the situation was  
5       developing, both on the diplomatic track, the UN track,  
6       and on the ground, that any advice would be, as it were,  
7       provisional to the moment it was given as opposed to  
8       determinative whatever the situation was later?

9   MR JONATHAN POWELL:   Precisely. I mean, the advice that he  
10       gave in July 2002, everyone completely obviously  
11       agreed with that, and that was one of the reasons we  
12       were going down the UN track because there wouldn't be  
13       a legal base without that.

14              So that was -- then move forward, the UN Resolution  
15       happened, he participated it and he set out his views on  
16       that.

17   THE CHAIRMAN:   Because we come after 1441, after November,  
18       to the pursuit of the second UN Resolution, how far was  
19       that because of legal concerns about the sufficiency of  
20       1441 standing on its own to provide a legal base for  
21       military action and how far was it, as it were, the  
22       pursuit of essentially diplomatic, political objectives,  
23       to bind in as much and more of the international  
24       community?

25   MR JONATHAN POWELL:   The Prime Minister set this out in his

1 contacts with President Bush, where he said the purpose  
2 of the second resolution, which we eventually persuaded  
3 the Americans to follow at the end of January 2003, was  
4 to build a wider coalition to get the political support  
5 you needed for the attack. It was primarily  
6 to get a political, wide coalition.

7 THE CHAIRMAN: Yet, the Attorney General, immediately after  
8 1441 was secured, said he would need some time to  
9 reflect on it, and it appears from what we read that he  
10 did not feel convinced at that time -- I'm talking about  
11 post-November, before March -- that standing on its own  
12 it would be a secure base.

13 MR JONATHAN POWELL: Well, as I say, he recorded his views  
14 on a number of occasions. I'm not really able to say  
15 what his views were. I'm not capable, as an individual,  
16 of describing what they were, but they were on the  
17 record, yes.

18 THE CHAIRMAN: There is some reason to suppose that he might  
19 have liked to give written advice, albeit it might have  
20 been interim, but was discouraged from doing so. Is  
21 that your recollection?

22 MR JONATHAN POWELL: No, he gave written advice -- I don't  
23 know if you would call it written advice, he expressed  
24 his opinions in -- oh, sorry, you are making a different  
25 point?

1 THE CHAIRMAN: No, the point was a verbal one, actually.  
2 An opinion is even more serious than advice, if it is  
3 a law officer's opinion. Was he communicating concerns  
4 about the sufficiency of 1441?  
5 MR JONATHAN POWELL: On a number of occasions before 1441  
6 and after 1441, he did set out his views in writing on  
7 it, yes.  
8 THE CHAIRMAN: Before we come to 7 March, when he does  
9 provide a definitive opinion for the Prime Minister,  
10 there were a series of discussions with him between  
11 people such as yourself, Sally Morgan and others.  
12 Was the purpose of this to elicit from him a sense  
13 of the way his mind was moving or was it to give him the  
14 opportunity to communicate to the Prime Minister through  
15 yourself?  
16 MR JONATHAN POWELL: I don't really remember the meeting  
17 itself. There was a meeting on either 27 or 28 February  
18 with David Manning and myself, and certainly it is not  
19 clear from my diaries which of those days it was, but  
20 one of them happened.  
21 I'm not, I'm afraid, able to remember precisely what  
22 happened at that meeting. I imagine it was a discussion  
23 about where we were, was a military campaign really  
24 going to happen, and things like that.  
25 THE CHAIRMAN: I think our understanding is that it was at



1       that point he reached a view that -- which he gave in  
2       writing on 7 March -- that a reasonable case could be  
3       made that 1441 was capable of reviving the original  
4       authorising resolutions back in 1991 without a further  
5       UNSCR, although we were still pursuing that possibility,  
6       with diminishing hope of securing it, I think.

7             But between 7 and 17 March, is an important period,  
8       because it is in that period that the Attorney has to  
9       make up his mind finally what advice he will give to the  
10      Prime Minister and to the Cabinet, and, indeed, to the  
11      military.

12            So were there discussions between those two dates?

13   MR JONATHAN POWELL:   Yes.  As far as I can tell from the  
14       records, on 11 March, the Prime Minister met the  
15       Attorney and then there was a meeting with the Attorney  
16       and the Chief of Defence Staff and Andrew Turnbull and  
17       others, in which both the CDS and the Cabinet Secretary  
18       asked for short paragraphs from the Attorney General on  
19       the legal base.

20   THE CHAIRMAN:   What is clear is that the Attorney's mind --  
21       and we will be asking him, but I'm asking you really  
22       about the handling and the understanding of what was  
23       going on -- is that he starts with -- and this is  
24       post-1441 -- concerns and questions in his own mind and  
25       before he can come to a final judgment, whether on its

1       own it would be enough. It would clearly, at best, be  
2       a balanced judgment, and it could go either way.

3           He then has discussions with his American  
4       counterparts in the State Department and the White House  
5       and he is made aware, is he, that there will be a need  
6       for a definitive view from him on a -- at a time which  
7       is now becoming very urgent?

8   MR JONATHAN POWELL: Yes, I don't know whether he was asked  
9       for a definitive view before 11 March. He was certainly  
10      asked for a definitive view on 11 March. I cannot be  
11      certain, before then, when he was asked for a definitive  
12      view.

13   THE CHAIRMAN: Yes. Is he perceiving from discussions he is  
14      having that there is, in effect, pressure on him to firm  
15      up his opinion, because, at the end of the day, it will  
16      have to be clear?

17   MR JONATHAN POWELL: Well, you really have to ask him,  
18      because I can't speak for his mind on the issue. But  
19      you are right that, in my experience of life, lawyers  
20      often have, "On the one hand ... on the other", but  
21      sometimes they have to have come down to a decision one  
22      way or the other on an issue, you can't have it both  
23      ways, and I think that was what was happening in that  
24      period.

25   BARONESS USHA PRASHAR: But were you having conversations

1       with him? What was the message you were trying to  
2       convey to him? You know, you were the messenger, you  
3       have staff. What were you trying to get across to him?

4   MR JONATHAN POWELL: As I say, I cannot recall the content  
5       of that meeting on 27 or 28 February, but I imagine we  
6       would have been saying to him, "Look, this is looking  
7       pretty serious. We may well have to go to war and we  
8       may well have to make a decision."

9   THE CHAIRMAN: Is it clearly understood in Number 10 by the  
10       Prime Minister, by his closest advisers, at this time,  
11       that, without the Attorney General's, in effect,  
12       certificate of legality -- not legitimacy, but  
13       legality -- the military, and, indeed, civilian  
14       administration in our country would not go to war?

15   MR JONATHAN POWELL: It was very well understood. As  
16       I said, at 20 January 2002, David Manning was making  
17       exactly this point to Condi Rice.

18   THE CHAIRMAN: But that was, as it were, in a speculative  
19       forward context. Now we are coming right into the  
20       reality of the thing. One man, the Attorney General,  
21       could stop of the whole show in its tracks.

22   MR JONATHAN POWELL: Absolutely, and this was true for  
23       Kosovo or Iraq earlier, or Afghanistan, or, indeed, for  
24       individual bombing raids.

25   THE CHAIRMAN: The government would not want it to be

1       stopped in its tracks, so he is carrying a very heavy  
2       burden of responsibility and experiencing a very heavy  
3       pressure of persuasion?

4       MR JONATHAN POWELL: No. It wasn't -- I mean, you are not  
5       able to bully the Attorney General, but he was bearing  
6       a very heavy burden of decision, absolutely.

7       THE CHAIRMAN: One final thing, and it is a question again  
8       we shall want to ask others, when the Attorney gave his  
9       advice to Cabinet on 17 March, he did so, not by way of  
10      tabling a formal law officer's opinion, or, indeed,  
11      a memorandum of legal advice with all the caveats that  
12      will come with that inevitably, but, rather, in the  
13      shape of what should be said in a Parliamentary  
14      statement. Why was it done that way, do you know?

15      MR JONATHAN POWELL: I saw that Andrew Turnbull had talked  
16      about that when he came to see you. I am afraid I don't  
17      recollect where, but I do remember us saying at the time  
18      that the Attorney General was there, so he could answer  
19      questions and discuss it in front of the Cabinet, if  
20      they had questions. So he was physically present, which  
21      would not always have been the case in the past in such  
22      circumstances, but why it was that format, I can't tell  
23      you.

24      THE CHAIRMAN: Were you, as it happens, present in the  
25      Cabinet for that discussion?

1 MR JONATHAN POWELL: I would have certainly been present,  
2 yes.

3 THE CHAIRMAN: Do you recall from that how much discussion  
4 there was? We have seen the Cabinet minutes, but they  
5 don't record, of course, every to and fro.

6 MR JONATHAN POWELL: No. I mean, I recall what  
7 Andrew Turnbull said, or I saw somewhere, in preparing  
8 for this, there was a reference to them saying, "We can  
9 read it", or something, rather than asking questions.  
10 That's what I recall.

11 THE CHAIRMAN: Thank you. Now, I think, because we have  
12 evidence on the substance and content of the legal  
13 advice, as it develops coming up, from a number of  
14 witnesses, I think, unless my colleagues have further  
15 questions on that, we'll move on to the post-conflict  
16 period. Just before we do, Usha?

17 BARONESS USHA PRASHAR: My question really is, it is  
18 similar, because, if you look at the intelligence  
19 evidence, that has got to be caveated, and the legal  
20 advice has got seven caveats.

21 In your experience, was an opportunity provided when  
22 all different dimensions of both the intelligence  
23 information and that of the legal advice were actually  
24 considered by the Cabinet as a whole?

25 MR JONATHAN POWELL: Well, the Cabinet as a whole wouldn't

1 have had access to the intelligence. So, no, that  
2 certainly didn't happen. It would have happened  
3 obviously in the War Cabinet and in the smaller  
4 committees, but not in the Cabinet itself.

5 In terms of the legal advice, no, they did not  
6 debate the full version. As the Chairman said, they had  
7 before them the answer to the PQ. To the best of my  
8 memory, we didn't have such debates either on previous  
9 occasions, ie 1998 Iraq, or Kosovo or elsewhere.  
10 I don't recall such debates happening in Cabinet, but  
11 I would need to check to be certain.

12 THE CHAIRMAN: We shall look forward to pursuing these  
13 threads with other witnesses in the days to come. So  
14 may we turn now to the aftermath, both the planning for  
15 it and the managing of it, Sir Martin?

16 SIR MARTIN GILBERT: You told us just before the break that  
17 the United Kingdom wished to be involved in the planning  
18 for the whole of Iraq. I was wondering what advice you  
19 were giving to the Prime Minister on aftermath planning  
20 before March 2003?

21 MR JONATHAN POWELL: I think that the advice we were  
22 getting -- I wouldn't put myself in a particular  
23 position of expertise on it, but the advice we were  
24 getting was to prepare for things like huge refugee  
25 flows, for water and food crisis, for the Middle East

1       bursting into flames, for Saddam using chemical and  
2       biological weapons, for an environmental disaster when  
3       he torched the wells, for a long siege of Baghdad, for  
4       an oil price spike, and even for another Saddam trying  
5       to take over. So we were being warned of a series of  
6       things and we were trying to prepare for those, but  
7       actually none of those happened. So we were prepared  
8       for eventualities that did not happen.

9       The one eventuality that we were conscious of was  
10      the danger of sectarian violence between the Shia and  
11      the Sunni. After the first Gulf War, the Shia had risen  
12      up and had been bloodily suppressed by Saddam and the  
13      Sunni and had not been supported by the west at all and  
14      we had left them to die. So we were very conscious  
15      there would be revenge killing, and, again, if you look  
16      at the files, you will see notes from me, and from the  
17      Prime Minister raising this with President Bush. So we  
18      were conscious of the danger of those two communities  
19      fighting, and conscious of the need to find some way of  
20      inserting ourselves between them.

21    SIR MARTIN GILBERT: With regard to the wider aspects of  
22      aftermath planning, basically governance, reconstruction  
23      and governance, we have heard a certain amount about the  
24      conflict within the United States policy, effectively  
25      that considerable planning that had been done by the

1 State Department and then the switch of that  
2 responsibility to the Department of Defence.

3 To what extent were you aware of these disputes, and  
4 how far were you able to insert what you knew about  
5 American policy into our own post-war planning?

6 MR JONATHAN POWELL: I think, in retrospect, it was clearly  
7 a mistake to allow post-war planning to remain with the  
8 Department of Defence, with the Pentagon and  
9 Donald Rumsfeld. I think you will find many in the  
10 American administration at the time who will accept that  
11 shouldn't have happened. The State Department had done  
12 the planning, they were probably better able at -- at  
13 running things and it should have been left in the  
14 State Department and not taken away.

15 As a junior coalition member, we weren't in  
16 a position to force that to happen, although we did  
17 raise it with the White House and make the point that it  
18 should -- they should have looked at doing it in another  
19 way, but that it didn't, in the end, happen.

20 SIR MARTIN GILBERT: At what level was it raised? At  
21 Prime Ministerial level?

22 MR JONATHAN POWELL: No. National Security Adviser.

23 SIR MARTIN GILBERT: Was there a serious dialogue or were we  
24 simply told that this was not our concern?

25 MR JONATHAN POWELL: There was agreement on the point, but,



1           unfortunately, it wasn't able to be implemented.

2   SIR MARTIN GILBERT:   On the point that it shouldn't be the  
3           Department of Defence?

4           We have heard from a number of witnesses about the  
5           problems of co-ordination within Whitehall in terms of  
6           aftermath planning.   In fact, witnesses have been quite  
7           emphatic on this.   General Cross, for example, said:

8           "I got no sense of a single coherent focus within  
9           the UK that it was beginning to grapple with some of  
10          these issues."

11          Could you comment on this, and, in particular, what  
12          were you able to do?   What were you, as  
13          Chief of Staff at Number 10, able to do to take this  
14          planning mechanism forward more effectively?

15   MR JONATHAN POWELL:   Yes, I mean, I think it is right that  
16          the planning mechanism did not work well.   I think, as  
17          I say, we were looking -- the things we had been warned  
18          about were things that didn't actually happen.   So we  
19          had planned quite well for water or refugee movements.  
20          We weren't planning for the things that actually did  
21          happen.   I think the machinery could have been better,  
22          and I wish it had been better, but I think, in the end,  
23          this is a bit on the margin, because the real problem in  
24          Iraq was the lack of security.   It wasn't the lack of  
25          planning for more electricity in Basra, because that

1       couldn't happen without security. We found ourselves in  
2       the same bind that we find ourselves in now in  
3       Afghanistan. This is the vicious circle between  
4       security and being able to rebuild infrastructure,  
5       rebuild the economy.

6               Now, in Iraq, as in Afghanistan, you cannot get  
7       electricity going for Basra again, however well you have  
8       planned, if there is no security, if people are blowing  
9       up the power lines every time you put them up, if the  
10      DFID expert can't get to the power station to get the  
11      turbine working again.

12             If you read the pages of the Number 10 files from  
13      2003 through 2007, what leaps out at you is the  
14      frustration, the inability to break this cycle between  
15      the violence and getting things moving. So we weren't  
16      able to do it because we didn't have the security.

17   SIR MARTIN GILBERT: You tell us, having been the generator,  
18      as it were, of many of these files, what your own advice  
19      was, particularly with regards to security and with  
20      the -- both the security services in Iraq, and, more  
21      particularly, the police, how you saw their role.

22   MR JONATHAN POWELL: Yes, I think the problem was that, as  
23      I say, we had anticipated Sunni/Shia violence. What we  
24      had not anticipated was either the scale of that  
25      violence, the blowing up of the mosque, the retaliatory

1 attacks, and nor had we anticipated the engagement of  
2 Al-Qaeda and of the Iranians into this battle, which  
3 made it a lot worse.

4 I remember the Prime Minister asking military chiefs  
5 in 2007, would they have been able to cope with the  
6 insurgency, had it not been for the intervention of  
7 Al-Qaeda and the Iranians, and them saying, absolutely,  
8 they would have been able to manage in those  
9 circumstances, but we weren't able to manage it.

10 We had ideas on how to do it and they largely  
11 revolved around having more troops, particularly in the  
12 American sector, having ways of ensuring those troops  
13 had a proper counter-insurgency strategy. The American  
14 troops that first arrived in Baghdad were war-fighting  
15 troops. They remained in their tanks, they were  
16 exhausted, they had fought a very good fight, but they  
17 weren't capable of carrying out a counter-insurgency  
18 strategy in Baghdad and we needed to have that strategy,  
19 we needed to have the troops, and we needed to have  
20 a dialogue with those who were attacking us.

21 Until very late in the day, many on the American  
22 side were reluctant to talk to those Sunnis with blood  
23 on their hands. It is entirely understandable that you  
24 would not want to talk to those who are killing your  
25 troops, but our observation from Northern Ireland is you

1 do need to speak to these people, you need to find a way  
2 of negotiating with them.

3 We started a dialogue in Jordan with the Sunni  
4 leaders, many of them associated with the Ba'ath Party  
5 and others, to try and reach out to them with help from  
6 Saudi Arabia and others, to try and find a way of  
7 engaging them politically.

8 In the end, that resulted in a successful policy,  
9 the American surge, Petraeus's inkspot strategy for  
10 settling areas, and the dialogue with the Sunnis that  
11 led to the Anbar awakening, but it all happened late.  
12 It would have been better, in retrospect, had it  
13 happened earlier.

14 SIR MARTIN GILBERT: Was this something we had been pressing  
15 the Americans on earlier?

16 MR JONATHAN POWELL: Again, it is interesting, if you look  
17 through the files, the number of times we raised it with  
18 President Bush, but I do not want to claim that we had  
19 some magic solution to this; we were having as much  
20 difficulty with the aftermath as the Americans were. It  
21 was something that had to be learned over time.

22 SIR MARTIN GILBERT: I would like to take up a point with  
23 regard to our difficulty. There was, of course, a hope  
24 that we would be able to draw down our troops within  
25 a certain timetable, and you were involved in the

1 discussion of how, in a sense, troop timetables had now  
2 to be replaced by a concept of success, that our mission  
3 had to succeed. What did you see as success and what,  
4 again, were you able to advise the Prime Minister with  
5 regard to what would constitute the success of our  
6 mission?

7 MR JONATHAN POWELL: Are you talking about the final years,  
8 2006/2007?

9 SIR MARTIN GILBERT: Yes.

10 MR JONATHAN POWELL: I think the final success really was  
11 something that happened later, which was the Charge of  
12 the Knights. Now, in 2006/2007 the Prime Minister asked  
13 our military to see if they could find ways of -- sorry  
14 yes, 2006/2007, December 2006 -- the Prime Minister  
15 asking that we take on the JAM in Basra and engage in  
16 that similar sort of activities. You had to be very,  
17 very firm with them in those circumstances. That was  
18 what success would require, but Maliki, the  
19 Prime Minister at the time, did not want us to undertake  
20 that attack, and we waited, and it was in the end Maliki  
21 who commanded it to happen with Iraqi forces, and it  
22 happened very successfully in May 2008.

23 But that was what we would have seen success as  
24 being, to try and deal with the gangs and the militia in  
25 Basra, because, of course, the difficulty there was

1 quite different from the difficulty in Baghdad or the  
2 rest of Iraq, where you had the Sunni/Shia rivalry and  
3 the reciprocal killings. That wasn't the problem in  
4 Basra.

5 SIR MARTIN GILBERT: I would like to focus for a moment  
6 on September 2007, again a period of intense insurgency,  
7 and you made a series of suggestions to the  
8 Prime Minister as to how we should in a sense redefine  
9 our mission and in particular engage again with public  
10 opinion here in Britain; you were concerned that the  
11 public had in a way turned aside from this enterprise.

12 Can you give us some picture, some detailed picture,  
13 of what your advice was and how it was taken up?

14 MR JONATHAN POWELL: You mean 2006, perhaps?

15 SIR MARTIN GILBERT: Yes.

16 MR JONATHAN POWELL: We had left government by September  
17 2007. But I am afraid I haven't seen that note in my  
18 preparations for this, so I don't know what wisdom I had  
19 at the time.

20 SIR MARTIN GILBERT: What did you feel was the problem with  
21 public opinion at that time, in terms of --

22 MR JONATHAN POWELL: I think they felt that Iraq was  
23 hopeless, that we were never going to succeed, that we  
24 had been there a long time, a lot of people had died and  
25 we were never going to achieve our ends.

1 SIR MARTIN GILBERT: And it was not felt at Downing Street  
2 that it was hopeless, so how did you address this?

3 MR JONATHAN POWELL: There is a very important point here,  
4 which is whether the West has staying power in these  
5 sort of conflicts, most notably Afghanistan. You know,  
6 we showed in Bosnia and in Rwanda what happens when you  
7 don't intervene. We showed in Kosovo what happens if  
8 you intervene quickly -- or Sierra Leone -- and succeed.  
9 Afghanistan and Iraq are a different case. They are  
10 cases where we have intervened, where it has taken  
11 a very, very long time, where you do not get success and  
12 you lose support, and in those circumstances the  
13 fundamental question is: are we prepared to stay for  
14 those long conflicts or do we give up? That's what  
15 I felt. We had to get across the sense, this is  
16 painful, it is bloody, but in the end we can succeed,  
17 and if you look at Iraq now, it is true that Iraq is now  
18 in a much better situation than it was at the time of  
19 Saddam: the violence is right down, the economy is  
20 succeeding, people are in a much better position.

21 SIR MARTIN GILBERT: What efforts in September 2006 did you  
22 suggest that should be taken?

23 MR JONATHAN POWELL: I fear I can't remember, although  
24 I notice there was a note, again from the Prime Minister  
25 to Bush, in which he talked about building up forces,

1 getting security and electricity in Baghdad and reaching  
2 out to the Sunnis, but that wouldn't have been Basra,  
3 that would have been for Iraq as a whole, so I'm afraid  
4 I don't know.

5 SIR MARTIN GILBERT: I would like to turn now to the later  
6 period, and we have heard that there was growing  
7 pressure -- we have heard from military witnesses --  
8 really from 2005 on, to transition in Iraq because of  
9 the growing problems of Afghanistan, and several  
10 military witnesses have spoken to us about this. What,  
11 from your perspective, was the relative priority of Iraq  
12 and Afghanistan at that period?

13 MR JONATHAN POWELL: It is worth going back to the  
14 beginning, to 2002, when the Prime Minister first met  
15 Dick Cheney on this issue in March 2002 and when he met  
16 the President at Crawford and subsequently. He kept  
17 emphasising the importance of not taking our eye off  
18 Afghanistan, that we needed a renewed effort in  
19 Afghanistan and that we should make a further push there  
20 rather than leave it to one side because of Iraq.

21 And I think that was -- we were conscious of that  
22 the whole way through, although we may not have  
23 succeeded in doing that. So I think, when troops were  
24 required for Afghanistan, the military were keen to take  
25 on the challenge of Helmand. I think we felt that that



1       was the right thing to do and that would, by necessity,  
2       require less troops in Iraq.

3       We also had the slightly unfortunate comments from  
4       General Dannatt about the British army being part of the  
5       problem and not achieving much in Basra, which must have  
6       been very demoralising and made it harder to sustain the  
7       effort there at that time.

8   SIR MARTIN GILBERT: Do you think the Afghan dimension  
9       accelerated our exit from Iraq?

10   MR JONATHAN POWELL: There was a very conscious decision  
11       about, if you want troops for Afghanistan, you can't  
12       just leave them in Iraq, yes.

13   SIR MARTIN GILBERT: In that sense our mission wasn't  
14       accomplished?

15   MR JONATHAN POWELL: In the case of Basra, if we were not  
16       going to be allowed to carry out this Charge of the  
17       Knights, the number of troops there was not essential to  
18       getting to the end state we wanted, and in the end this  
19       was carried out, as I said, by the Iraqi forces rather  
20       than by British forces.

21   SIR MARTIN GILBERT: So the word you didn't like us using  
22       but which was in a way the word from Downing Street,  
23       that we would have an "exemplary" presence -- in a sense  
24       this was, while obviously an admirable concept, not  
25       something that we were able in any way to carry out?

1 MR JONATHAN POWELL: I think "in any way" would be going  
2 a bit far. I think we did do our very best in Basra and  
3 our military and our civilian workers there really tried  
4 their hardest. It was a different problem from Baghdad  
5 and the overall problem of Iraq, which was a different  
6 issue really.

7 SIR MARTIN GILBERT: Finally, with regard to your belief  
8 that we had a responsibility for the whole of Iraq, and  
9 that its future was, therefore -- I mean, it was not  
10 just the future of Basra or the southern governance that  
11 was our concern -- how do you assess our achievement, in  
12 retrospect?

13 MR JONATHAN POWELL: Well, I think it is too early to tell  
14 really yet what the overall historical judgment will be  
15 on Iraq. I think in ten years' time, 15 years' time, we  
16 will have a better assessment of what has really  
17 happened in Iraq.

18 But I do notice that, as I said earlier, things are  
19 a lot better in Iraq now. If you look at the security  
20 attacks, the graph goes like this, up to its ghastly  
21 crescendo, and then down to a lower level now than at  
22 the beginning of the conflict. The economy is doing  
23 much better and, above all, people have democratic  
24 elections, with another one coming this year, and the  
25 last one having 80 per cent participation. I think

1       that's something worth fighting for, yes.

2       THE CHAIRMAN: Right. There are all sorts of follow-up final  
3       questions but I have got one or two of my own, so,  
4       selfishly, I'm going to raise those and then turn to my  
5       colleagues.

6       I suppose the first one is, coming back to the  
7       post-conflict planning, there was a distinction between  
8       the humanitarian planning -- there was foreseen the  
9       possibility, which mercifully did not eventuate, of  
10      warfare, including WMDs, with humanitarian consequences.  
11      There was not the humanitarian crisis, though it has  
12      been argued by some witnesses that was because of the  
13      action that was taken both by the coalition and indeed  
14      by the NGOs early on.

15      What does seem to be clear, however -- this is the  
16      question: how far was the Prime Minister's mind -- and  
17      how far were his advisers pointing his mind to the need  
18      actively to consider the different scenarios that might  
19      arise in post-conflict Iraq, since that would inevitably  
20      be the real test, after the conflict was over, of  
21      success for the strategy or otherwise?

22      We know that in February 2003 the Prime Minister's  
23      mind is directed to it. That's terribly late. So what  
24      about the long-ish period before that?

25      MR JONATHAN POWELL: Yes, I mean, there were a series of

1 meetings on this earlier, even before February, not  
2 involving the Prime Minister, but planning meetings and  
3 the Prime Minister commissioning papers and what have  
4 you. But, as I said, I don't think -- and I think  
5 things could be done better -- and it is well worth  
6 looking at the lessons that could be learned from all of  
7 this. But I don't think we should kid ourselves to  
8 think that that would have been the solution for Iraq  
9 because the issue was the security issue and unless we  
10 had a way of dealing with that, it is difficult to see  
11 how we would have achieved the rest.

12 THE CHAIRMAN: But isn't that actually the flaw in the  
13 diamond, that post-conflict planning, preparation for  
14 aftermath, is about security first. We know that now.  
15 That is, as you rightly say, a lesson. But was it not  
16 foreseeable then that, of different scenarios that might  
17 happen in Iraq immediately after an invasion and the  
18 fall of the regime, one would be massive intercommunal  
19 conflict?

20 MR JONATHAN POWELL: As I said, that was a problem we  
21 anticipated -- was the problem of the Shia and the Sunni  
22 conflict.

23 THE CHAIRMAN: But -- and I'm looking as much to our  
24 understanding of American planning for the aftermath as  
25 our own -- the military forces required to manage, cope,

1 suppress, that kind of large-scale -- if not quite civil  
2 war but at any rate major insurgency and intercommunal  
3 strife -- would be far greater than our resources even  
4 in the south-east or in the coalition across the  
5 country?

6 MR JONATHAN POWELL: Two points on that. One is that  
7 politicians are in no position to say how many troops  
8 you need to contain violence.

9 THE CHAIRMAN: But they are in a position to ask how many do  
10 you need or would you need.

11 MR JONATHAN POWELL: Yes, and actually, whenever we were  
12 asked for more troops in Basra, for example in July of  
13 that year, we gave more troops. In the case of the  
14 United States, we had argued for more troops later on,  
15 as things deteriorated, and I don't think you can really  
16 expect a politician to know whether you need 100,000  
17 troops, 300,000 or 500,000 to keep the security.

18 The second point I would make is --

19 THE CHAIRMAN: Just before you make your second point -- but  
20 is it not the politicians' duty/responsibility to ask  
21 against all reasonable possible outcomes what will be  
22 needed and to ask the military: can you do it?

23 MR JONATHAN POWELL: We certainly asked the military could  
24 they do it and what numbers did they need, but this was  
25 about Basra that we were asking.

1 THE CHAIRMAN: You have said earlier that we were -- and we  
2 were, of course, as occupying power, responsible for the  
3 whole country.

4 MR JONATHAN POWELL: Absolutely, which is why we did, when  
5 things began to deteriorate in July and we saw that they  
6 didn't have enough troops, start demanding, why -- that  
7 they should -- not demanding, we started suggesting --

8 THE CHAIRMAN: At which point, the Americans, who, like us,  
9 from pre-war planning, were in a position of trying to  
10 bring about drawdown -- "Iraqi-ification", I think,  
11 was their word, at one point -- quite early -- there had  
12 to be a complete turnaround in the approach to troop  
13 levels, even before the Petraeus surge, but this was not  
14 one of the foreseen scenarios that the coalition would  
15 have to cope with, was it?

16 MR JONATHAN POWELL: No, I think it is fair to say that  
17 there were quite a few people in the American  
18 administration, and probably some in the British  
19 government too, who were overly optimistic about what  
20 the situation would be like and what would be required,  
21 but I would say, as we have discovered in Northern  
22 Ireland, actually sometimes you just have to sit out an  
23 insurgency, take a long time to fight it, and eventually  
24 you will come up with a strategy of militarily bearing  
25 down on it, to make it difficult for the terrorists, and

1 on the other side giving a political perspective, to get  
2 people off the military campaign, which is what happened  
3 with the Sunnis in the end.

4 So, even if we had had the best planning in the  
5 world, the greatest foresight in the world, you would  
6 still have had to fight a campaign over a period of  
7 time.

8 THE CHAIRMAN: The decisions that were taken very early by  
9 the Coalition Provisional Authority, by, in effect,  
10 Jerry Bremer, have attracted a great deal of criticism,  
11 not only from witnesses before this Inquiry but all  
12 around, notably, of course, the acceptance, as well as  
13 the active bringing about of the disbandment of the  
14 Iraqi army -- many of them went home with their weapons  
15 but they could, it is argued to us, have been easily  
16 reconstituted but for that decision -- and then the  
17 well-known argument on de-Ba'athification, which all our  
18 witnesses here have said -- at any rate it was far too  
19 much and went far too far down the hierarchy. It was  
20 arguably, simply, a big bad mistake.

21 How far, at the level of Prime Minister, President,  
22 Number 10, White House, was there awareness of the  
23 significance of those two key decisions?

24 MR JONATHAN POWELL: Firstly, I would say that it is easy --  
25 I am always a bit chary of taking the easy course of

1       criticising other people after the event, and Bremer,  
2       when he arrived in the job, was a breath of fresh air.  
3       He had clear objectives, which I noted down: law and  
4       order and to improve public services, the revival of the  
5       economy and then renewal of civil society and politics.  
6       He had the right objectives, starting with security and  
7       leading on to the others.

8           I think it is right that it was a mistake to go so  
9       far with de-Ba'athification. It is a similar mistake  
10      the Americans made after the Second World War with  
11      de-Nazification and they had to reverse it. Once it  
12      became clear to us, we argued with the administration to  
13      reverse it, and they did reverse it, although with  
14      difficulty because the Shia politicians in the  
15      government were very reluctant to allow it to be  
16      reversed, and at the time we were being criticised for  
17      not doing enough de-Ba'athification. So a lot of this  
18      is with the benefit of hindsight.

19           In terms of the army, the army largely ran away, so  
20      it would have been difficult to sustain it. However,  
21      I think it was a mistake in retrospect not to pay the  
22      salaries of soldiers, and that is something that should  
23      have been done.

24   THE CHAIRMAN: We have had testimony here that the rebuild  
25      potential was still there and was lost, which simply



1 extended the time and the cost of eventual rebuilding of  
2 the army. But that's another thing.

3 I have got one last question on a specific point and  
4 I will turn to my colleagues. We were discussing the  
5 question of the legal advice available to the Cabinet,  
6 and you were there, you told us just now?

7 MR JONATHAN POWELL: Yes.

8 THE CHAIRMAN: Was there any appetite around the Cabinet  
9 table to discuss the legal advice? Was there any  
10 awareness that it was inevitably caveated, balanced?  
11 Was there any awareness that it might, not perhaps in  
12 the advice as expressed but from earlier exchanges, have  
13 brought risk in terms of crimes, either under an  
14 international or even, conceivably, domestic law?

15 MR JONATHAN POWELL: On the second point, I can't remember  
16 any discussion of that or what was in people's minds,  
17 but I don't remember anything specific on that. On the  
18 first point, as I said earlier, the only thing  
19 I remember is what I have read in preparing for this,  
20 which is about the, "We don't need to read it" -- I'm  
21 sorry: "We don't need your answers, we can read it."

22 THE CHAIRMAN: So, when Clare Short -- it was made publicly  
23 known that she would have liked to discuss the legal  
24 advice -- that would have been thought to be offside:  
25 not how we do these things?

1 MR JONATHAN POWELL: I don't think we ever managed to stop  
2 Clare Short raising whatever she wanted in Cabinet, to  
3 the best of my memory.

4 THE CHAIRMAN: Okay, thank you. Well, I'll turn to my  
5 colleagues for any final questions they may have.  
6 Lawrence?

7 SIR LAWRENCE FREEDMAN: Yes, just a couple.

8 First, on what we have just been talking about in  
9 terms much security, there were major debates in the  
10 United States, involving the head of the army, amongst  
11 others, that suggested half a million troops would be  
12 needed to maintain order in Iraq after a conflict, and  
13 that was set against the evident concern of  
14 Donald Rumsfeld to demonstrate that this was a campaign  
15 that we fought with as few troops as possible. Were you  
16 aware of that debate going on?

17 MR JONATHAN POWELL: At this distance of time I can't tell  
18 you whether I remember noticing it or not, but certainly  
19 Rumsfeld was perceived as having this desire to have the  
20 fewest possible troops. I do recall that, yes.

21 SIR LAWRENCE FREEDMAN: Because that in a sense  
22 pre-determined the outcome; it wasn't going to be  
23 a surprise, because when you think about the numbers of  
24 Iraqis and the number of troops that were going to have  
25 to be spread amongst them, especially as many of them --

1 of the troops would have just been through major combat,  
2 it was always going to be a problem.

3 MR JONATHAN POWELL: Well, clearly you didn't need more  
4 troops for the invasion because that worked; what you  
5 needed was more troops later on. But if you rely on  
6 politicians to come up with those sorts of answers,  
7 I think that's not going to work. I remember, when we  
8 were discussing the initial invasion of Afghanistan,  
9 being told by the military chiefs we needed 250,000  
10 troops to go into Afghanistan. In the end it was done  
11 with a few special forces. So I'm not sure how clear  
12 a science there is to these things, how you would know  
13 in Iraq, just by multiplying the population by some  
14 number, you come to the right answer. But certainly we  
15 got it wrong and I just don't think we had the expertise  
16 to know the answer to that.

17 SIR LAWRENCE FREEDMAN: Might this have been one of the  
18 unintended consequences that had been spoken of a year  
19 or so earlier.

20 MR JONATHAN POWELL: Well, the violence was an unintended  
21 consequence, which is one of the consequences the  
22 Prime Minister specifically mentioned in one of his  
23 notes.

24 SIR LAWRENCE FREEDMAN: Can I ask you about April 2004,  
25 which strikes me as being one of the most difficult of

1 the first year or so of the insurgency? What advice was  
2 the Prime Minister giving President Bush on what was  
3 going on in Fallujah?

4 MR JONATHAN POWELL: He was very worried about a full-on  
5 assault on Fallujah and was keen that it wasn't done in  
6 that way.

7 SIR LAWRENCE FREEDMAN: And how was that communicated?

8 MR JONATHAN POWELL: In a series of telephone calls and,  
9 I think, a meeting around then as well, although I am  
10 afraid I do not have the detail here.

11 SIR LAWRENCE FREEDMAN: When you then add the Sadrist  
12 uprising, which brings the Shia community in, was there  
13 a sense at this point that things might be getting even  
14 worse, that it might be even harder to contain the  
15 violence?

16 MR JONATHAN POWELL: Yes, it was. Again, the Prime Minister  
17 wrote a note around that time to the President, saying,  
18 look, we have an opportunity to turn things around,  
19 even though they are very serious. What we need to do  
20 is have an empowered government here in Iraq, a genuine  
21 transfer of sovereignty. We need to follow up  
22 General Petraeus's proposals for Iraqi-isation of  
23 security forces and deploy those forces. So we were  
24 looking at what I think were in the end the right  
25 answers, but it took us a long time to get to them.

1 SIR LAWRENCE FREEDMAN: So how responsive was the President  
2 at that time, because there was a feeling, especially  
3 with Fallujah, that this was a direct challenge to the  
4 United States that had to be dealt with?

5 MR JONATHAN POWELL: Yes, I think that's right. I think  
6 that the President did hold off -- I forget my timings  
7 on this because there were a number of aspects to  
8 Fallujah, but I think they did hold off and then did the  
9 attack in a different way, as far as I recollect.

10 SIR LAWRENCE FREEDMAN: There was the later attack  
11 in November.

12 MR JONATHAN POWELL: Yes.

13 SIR LAWRENCE FREEDMAN: Then lastly in that month,  
14 Abu Ghraib. Did you have any awareness that this issue  
15 was going to hit the headlines?

16 MR JONATHAN POWELL: No.

17 SIR LAWRENCE FREEDMAN: What was your feeling when those  
18 images of the prison became public?

19 MR JONATHAN POWELL: I think the same as any other member of  
20 the public in the United States or here: horrified by  
21 it.

22 SIR LAWRENCE FREEDMAN: What did you think needed to be done  
23 in response to that?

24 MR JONATHAN POWELL: You needed to try and get the whole  
25 internee problem under control, because there were

1       equally horrible things going on, then and later, in  
2       Iraqi-run gaols that needed to be got under control.

3   SIR LAWRENCE FREEDMAN: Did you -- Lord Turnbull said that  
4       people felt sullied by it. Was there a sense that this  
5       undermined much of the claims that we had been making as  
6       to why we were going into Iraq?

7   MR JONATHAN POWELL: Certainly that is true of such events,  
8       and this wasn't unique in terms of that. But when these  
9       sort of ghastly events happen, of course it undermines  
10      every wish of achieving what we were trying to achieve  
11      in Iraq.

12   SIR LAWRENCE FREEDMAN: Then just as a final question: was  
13      there a point when you considered, despite what you've  
14      said about the need to stick on with it, to hold  
15      a position -- a sense of the potential of strategic  
16      failure?

17   MR JONATHAN POWELL: Well, a number of times, I noticed  
18      again, looking at the files, people would write in  
19      suggesting we were near to strategic failure. I notice  
20      John Sawers did it at one stage in Iraq and  
21      David Manning at another stage. So I think that there  
22      was a consciousness of that danger, yes.

23   SIR LAWRENCE FREEDMAN: And how did this affect the  
24      Prime Minister, given the investment he had put into  
25      this --

1 MR JONATHAN POWELL: Well, further galvanisation, and on one  
2 particular occasion he demanded that Whitehall go back  
3 on a war footing to deal with these issues, rather than  
4 treating them more as a day-to-day matter.

5 SIR LAWRENCE FREEDMAN: What effect did his galvanisation  
6 have on the rest of Whitehall?

7 MR JONATHAN POWELL: It meant that there was more activity.  
8 But these were not problems that could simply be  
9 resolved by a fiat from the centre. As I say, in  
10 Northern Ireland, if we could have resolved the issue by  
11 a fiat from the centre, we would have done so but it  
12 took 30 years.

13 SIR LAWRENCE FREEDMAN: Thank you.

14 THE CHAIRMAN: Any colleagues? Roderic?

15 SIR RODERIC LYNE: Just back on trying to work out what  
16 lessons can be learned from what didn't go right, I  
17 mean, you emphasised the fact that it is difficult now  
18 to get the degree of resilience and staying power in  
19 support and acceptance of long-running conflicts -- you  
20 mentioned Afghanistan as well as Iraq -- more difficult  
21 than it used to be, and we were in a situation in which,  
22 of course, our own military were not instructed to plan  
23 for keeping combat troops in Iraq for six years. That  
24 was not the assumption that the politicians and the  
25 policy makers asked them to plan for. We did not

1 anticipate, in March 2003, that we were going to be the  
2 co-occupying power for Iraq. We didn't anticipate that  
3 we were going to have to, in a very hands-on way, take  
4 responsibility for the south-east region.

5 Now, could more have been -- I mean, you said that  
6 this war arose, as others have said before you,  
7 John Sawers in particular -- that we had not anticipated  
8 the scale of the Sunni/Shia violence or the scale of the  
9 Al-Qaeda insurgency in Iraq. If the policy had been  
10 subjected -- the strategy had been subjected to more  
11 rigorous stress-testing, to more diverse views, to more  
12 challenge, in the process you talked about earlier, do  
13 you think -- and particularly from experts in the  
14 region -- do you think that we might have been better  
15 able to anticipate what went wrong afterwards than we  
16 were?

17 MR JONATHAN POWELL: Well, I think it is always worth having  
18 stress-testing. One of the things that I observed later  
19 in Iraq was the utility of both the Red Cell in the  
20 CIA and the Red Team in Iraq. Those units were great  
21 at putting alternative viewpoints, challenging, pushing.  
22 I'm not sure they led to very many different decisions  
23 on the big issues, but probably on the margin they did.  
24 So that sort of challenge is always worth having. But  
25 suggesting that the Prime Minister was not challenged on



1 his views on Iraq all the way up to March 2003 would be  
2 wrong. That challenge doesn't need to happen around the  
3 Cabinet table, it can happen in private meetings, with  
4 the Secretary of State for foreign affairs or indeed  
5 even with his political advisers, who were people with  
6 many alternative views, and nor were we dismissive of  
7 the protesters and those who were opposed to the war.  
8 There was a huge demonstration against the war and it  
9 made a big impression on us. We could see the  
10 possibility of the Prime Minister losing his job  
11 in March as a result of this. I remember  
12 Andrew Turnbull used to regularly pop into my office in  
13 that period and ask me for the Labour Party rules on a  
14 change of Prime Minister, which wasn't altogether  
15 encouraging.

16 So we knew there was a huge political opposition to  
17 this, we knew there were alternative arguments, and the  
18 Prime Minister, ironically -- Tony Blair, ironically --  
19 had been accused of being a politician who followed  
20 focus groups in the earlier part of his political  
21 career. At this stage he decided to do something that  
22 was unpopular because he thought it was right, and he  
23 stuck to his convictions on that and that's what he did.  
24 SIR RODERIC LYNE: In the sort of earlier stages, before we  
25 got locked into a particular course of action with the

1 administration in Washington, had this process of debate  
2 and discussion included the Prime Minister having access  
3 directly to the views of experts in the Middle Eastern  
4 region, people who knew Iraq, knew the area around? Was  
5 that part of the challenge?

6 MR JONATHAN POWELL: I mean, the government machine had  
7 access to all of the experts, all of the -- they were  
8 perfectly capable of conveying their views to the  
9 Prime Minister through the machinery of government.  
10 That's not a difficult thing to do. I mean, are you  
11 suggesting he should have had meetings with the  
12 ambassadors in Cairo and Syria or ...?

13 SIR RODERIC LYNE: I'm wondering what views got through to  
14 him that disagreed with the course that he was getting  
15 on to, and particularly views informed by people who  
16 might have forecast the trouble that was going to  
17 happen. I mean, Jeremy Greenstock referred to the  
18 Egyptian ambassador at the UN, subsequently Egyptian  
19 Foreign Minister, accurately warning that there would be  
20 considerable violence after this event. Did that kind  
21 of viewpoint ever get before the Prime Minister?

22 MR JONATHAN POWELL: As I said earlier, leaders in the Arab  
23 world were saying very different things to different  
24 people about this. Many of them were saying, "If you  
25 act very speedily, with maximum force, then this will be

1       solved very quickly." They weren't necessarily warning  
2       of those dangers. And what our ambassadors were warning  
3       in post was that there could be a rising on the Arab street  
4       against the coalition, and that actually didn't happen,  
5       that wasn't the problem; the problem was the scale of  
6       the violence inside Iraq and the addition of Al-Qaeda  
7       and Iran, which made it so difficult to manage for so  
8       long.

9       SIR RODERIC LYNE: But we did end up, we and the Americans,  
10       having made a major miscalculation of what actually was  
11       going to happen after Saddam Hussein was toppled. Are  
12       you saying that there is no way that could have been  
13       avoided?

14       MR JONATHAN POWELL: Well, the only way you could have  
15       avoided it is by not having the war. By foreseeing it,  
16       what could you have done differently, apart from more  
17       troops, a better strategy and talking to the Sunnis,  
18       which were the three things we had been suggesting?

19       SIR RODERIC LYNE: If you had foreseen it, it might indeed  
20       have changed the calculus about whether or not military  
21       action, or military action on that timing or in that  
22       form, was the right policy?

23       MR JONATHAN POWELL: You certainly would have thought very  
24       hard about it, but I don't think you would want, either,  
25       to run away from the threat of Al-Qaeda, saying that they

1       were going to -- say, if you put it the other way and  
2       Al-Qaeda had threatened at that stage, "If you go into  
3       Iraq, we are going to fight you on every front we can,"  
4       would that have made you stop doing it, that you were  
5       going to run way away from Al-Qaeda's threat in those  
6       circumstances? I don't think so.

7               On the other hand, looking back, the tragic death of  
8       so many people -- perhaps as many as 20,000 killed by  
9       Al-Qaeda suicide bombers -- is a horrific thing, and  
10      I think that's very hard to live with.

11   SIR RODERIC LYNE: On Al-Qaeda, they weren't, of course, in  
12      Iraq before the conflict; the conflict created a new  
13      theatre for Al-Qaeda. So, from the point of view of the  
14      combat with Al-Qaeda, did the conflict help or did it  
15      actually make things worse?

16   MR JONATHAN POWELL: Make which aspect of it worse? They  
17      killed more people.

18   SIR RODERIC LYNE: The fact that Al-Qaeda had an additional  
19      cause -- the conflict in Iraq -- they poured a lot of  
20      forces into it, they recruited people in Iraq. Did that  
21      not make the war against terrorism on a larger scale  
22      than it had been before 2003?

23   MR JONATHAN POWELL: I am not sure that's right. If you  
24      look at the war on terrorism now, it is in Afghanistan  
25      and in Pakistan and in Yemen; it does move around.

1 I actually think one thing we haven't talked about that would  
2 have made a big difference, and that is in the  
3 Middle East. If we had achieved more in the  
4 Middle East, to put it in a different place, that would  
5 have removed a cause that Al-Qaeda exploit -- they don't  
6 believe in it but they exploit it -- and if we had had  
7 the opportunity to try and remove that, we would have  
8 been in a far better place.

9 Now, we did persuade the Americans to produce a road  
10 map, we did persuade them to opt for the two-state  
11 solution, but they didn't deliver as we'd hoped and as  
12 they gave us reason to expect might happen: a Madrid  
13 conference, such as had followed the first Gulf War, or  
14 an envoy permanently dealing with this problem, or  
15 indeed what President Bush said when he came to  
16 Hillsborough in Northern Ireland, where he had a joint  
17 press conference with the Prime Minister in which he  
18 said he would devote as much time and as much effort to  
19 the Middle East as the Prime Minister had to Northern  
20 Ireland. I think, if those things had happened, we  
21 would have found ourselves in a different place.

22 SIR RODERIC LYNE: So that was a bit of a disappointment,  
23 that we didn't get more progress from the Americans?

24 MR JONATHAN POWELL: For me personally, a major  
25 disappointment, yes.

1 SIR RODERIC LYNE: Thank you. I think we should finish on  
2 that note.

3 THE CHAIRMAN: Sir Martin, any final questions? No? Usha?

4 BARONESS USHA PRASHAR: Mr Powell, in response to an earlier  
5 question, you said that the commitment given by Prime  
6 Minister Blair at the time to George Bush, that he is  
7 with him no matter what, was a tactical move. If that  
8 was the case, then why did he, in a recent interview on  
9 television, say that he would have gone to war even if  
10 there was no WMD, for actual regime change, and he would  
11 have deployed different arguments?

12 MR JONATHAN POWELL: Well, it was the point I was trying to  
13 make earlier, which is that I can believe, as I firmly  
14 do, that it would be a good thing to remove the Burmese  
15 regime, or to remove Mugabe in Zimbabwe. However, that  
16 is not the same as being able to do that, even if I were  
17 Prime Minister of the United Kingdom. I do not have the  
18 military means to do it and I do not have the legal base  
19 to do it. So I can believe that it is right to get rid  
20 of Saddam or right to get rid of Mugabe. I have the  
21 right to pursue that aim but I can't pursue it by  
22 military means unless there is a legal base and support  
23 for doing it, and those two points you can have  
24 simultaneously in your mind without any conflict, in my  
25 opinion.

1 BARONESS USHA PRASHAR: So that's your opinion?

2 MR JONATHAN POWELL: Yes.

3 BARONESS USHA PRASHAR: That there is no conflict in those

4 two positions?

5 MR JONATHAN POWELL: No. I think there is a sort of

6 misunderstanding about the two -- the wish to be rid of

7 a dictator and the ability to be rid of a dictator.

8 THE CHAIRMAN: I think I have got one final question, and

9 I hope you will think it is fair. It is simply: is it

10 possible to measure the success or failure of a long

11 strategy, as the Iraq strategy has been, by the abiding

12 opinion of the British people themselves about it?

13 MR JONATHAN POWELL: I think, as I said before, the only way

14 you can assess this really will be in 10 or 15 years'

15 time, and actually it won't be the opinion of British

16 people but the opinion of Iraqi people, on what they

17 think about it, and that's what will make the

18 difference.

19 THE CHAIRMAN: Okay. Are there any final comments you would

20 like to make, things that you would have liked to have

21 covered or said --

22 MR JONATHAN POWELL: Well, there are lots but I will give it

23 a pass, thank you.

24 THE CHAIRMAN: Well, I think in that case we will close the

25 session now. I thank our witness and not least all

1       those of you in the room, and indeed outside, who  
2       followed this afternoon's testimony.

3           We shall convene again at 10 o'clock tomorrow  
4       morning, when we shall be taking evidence from  
5       Mr Geoff Hoon, formerly Secretary of State for Defence.

6           With that, I close the session. Thank you.

7       (5.20 pm)

8       (The Inquiry adjourned until 10.00 am the following day)

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MR JONATHAN POWELL .....1

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