

1 Wednesday, 19th January 2011

2 (10.00 am)

3 MR TOM MCKANE

4 SIR JOHN CHILCOT: Well, welcome, everyone, and welcome to  
5 our witness this morning. Tom McKane is currently  
6 Director General for Strategy at the Ministry of  
7 Defence. We took evidence from him covering his role as  
8 Director General Resource and Plans at MOD between 2002  
9 and '06 but today we are covering your earlier post as  
10 Deputy Head of the Overseas and Defence Secretariat in  
11 the Cabinet Office from 1999 to September 2002.

12 Mr McKane has provided the Inquiry with a witness  
13 statement covering his role in the Cabinet Office. This  
14 statement is being published on the Inquiry's website to  
15 coincide with this hearing and we are also publishing  
16 a number of documents relevant to this session which  
17 have been declassified.

18 The statement makes clear that for the period up to  
19 autumn 2001 Mr McKane had responsibility for day-to-day  
20 coordination of policy towards Iraq. For the remainder  
21 of the period that passed to a colleague, although  
22 Mr McKane remained engaged, including direct involvement  
23 in work on the dossier, up to the beginning of September  
24 2002.

25 As I say on each occasion, we recognise witnesses

1 are giving evidence based on their recollection of  
2 events. We, of course, check what we hear against the  
3 papers to which we have access, some of which we are  
4 still receiving. I remind each witness on each occasion  
5 he will later be asked to sign a transcript of his  
6 evidence to the effect that the evidence given is  
7 truthful, fair and accurate.

8 I'd like to start, if I may, with some machinery of  
9 government context and background. Could you say  
10 something about the organisation and allocation of  
11 responsibility for policy work on Iraq in the Cabinet  
12 Office at the time you were there?

13 MR TOM MCKANE: Yes, certainly. When I arrived in the  
14 Cabinet Office in September 1999 the Secretariat was,  
15 I would say, about a dozen strong probably in all. It  
16 consisted of the Head of the Secretariat, who at the  
17 time was also the chairman of the Joint Intelligence  
18 Committee, and I was the Deputy.

19 The way we organised matters meant that although  
20 I was his deputy whenever he wasn't available, I did not  
21 cover all the range of subjects; in other words, we  
22 tended to divide the subjects out between us. He had  
23 direct line management of one small team and I had the  
24 management of the other team that existed in the  
25 Secretariat.

1           At the time my responsibilities included Iraq, as  
2           I say in my statement. I think you have to remember  
3           that at that stage we had only recently concluded the  
4           Kosovo conflict and Kosovo and Balkans really was  
5           looming very large. That whole portfolio was being  
6           managed by the head of the Secretariat at the time.  
7           Iraq was one of mine amongst a number of other issues,  
8           as I say in the statement. There was a lot of time  
9           taken up with industrial policy questions, defence  
10          industrial policy questions, questions around export  
11          licensing and so on.

12       SIR JOHN CHILCOT: It will help us to understand the  
13          relative weight and loading on that part of the system  
14          as Iraq came to greater prominence, can you just say  
15          a bit about how posts were ranked in the Secretariat.  
16          The head was a director general.

17       MR TOM McKANE: In today's parlance he was a director  
18          general. I was a director and underneath us there was  
19          a deputy director working to the head of the Secretariat  
20          on mainly Balkans, but some other questions, and he had  
21          I think one or two people -- one supporting him. I had  
22          a team of half a dozen I would say. It included  
23          several -- a mixture of military and civilians, but at  
24          around the grade 7 level in civil service parlance.

25          They divided the topics up. The person who was

1       leading working to me on Iraq at the time had other  
2       responsibilities as well. So there wasn't from memory  
3       anyone whose sole responsibility was Iraq.

4       SIR JOHN CHILCOT: Looking at the evolution of this part of  
5       the organisation at the centre of government could you  
6       say something about how Number 10 was set up and how you  
7       interacted with the Number 10 machine?

8       MR TOM MCKANE: Yes. The Secretariat naturally had close  
9       working relationships with a number of departments  
10      around Whitehall, and I can say a bit more about that in  
11      a moment, if you like.

12         In relation to Number 10 there was a very close  
13      working relationship. The Foreign Affairs Private  
14      Secretary at the time was John Sawers, and he continued  
15      to be the Private Secretary for the first two of my  
16      years in the Cabinet Office.

17         We would be talking to each other every day probably  
18      unless he was overseas or there was nothing particular  
19      to talk about. So a close working relationship, but  
20      a clear distinction between the role of the Cabinet  
21      Office and the Secretariat, on the one hand, and the  
22      Private Secretary to the Prime Minister, on the other.

23      SIR JOHN CHILCOT: Then in the summer of 2001, and I am just  
24      pulling out this thread, there was a change in the  
25      organisation structure whereby the head of the OD

1        Secretariat and the Prime Minister's Foreign Affairs  
2        Adviser were merged under one person. What impact did  
3        that have in terms of loading particularly at your own  
4        level?

5        MR TOM MCKANE: Well, I should perhaps -- just to fill in  
6        the picture completely, that was the second of the  
7        changes that had taken place in the period.

8        SIR JOHN CHILCOT: Ah!

9        MR TOM MCKANE: Because at the end of my first year there it  
10       was decided to divide, to split the role of the Chairman  
11       of the JIC and head of the Secretariat. So from my  
12       second year there I had a head of Secretariat who had no  
13       other responsibilities other than the Secretariat.

14       Then, as you say, in the summer of 2001 the decision  
15       was taken to merge the role of the head of the  
16       Secretariat and the Prime Minister's foreign policy  
17       adviser.

18       It did change the working arrangements certainly.  
19       It was agreed that rather than simply being responsible  
20       for one part of the Secretariat's business, as I had  
21       been up until then, that given that the new head of the  
22       Secretariat was based inside 10 Downing Street, and  
23       although, you know, he came into the Cabinet Office at  
24       70 Whitehall frequently, it would make sense if I was  
25       the deputy across the full range of business and was

1       available inside 70 Whitehall as somebody who could be  
2       contacted by the whole of the team at any stage.

3               There was no difficulty in terms of me having access  
4       to my boss, if that's what you were trying to get at.  
5       It meant there was much more toing and froing between  
6       the Cabinet Office and Number 10 than there might have  
7       been under the previous arrangements, simply because we  
8       had to talk to each other a lot.

9   SIR JOHN CHILCOT:   Apart from the intensity or frequency of  
10       contact, I suppose the other question is the loading  
11       effect. On the one hand, you take out the JIC  
12       Chairman's role, which creates another counterparty you  
13       have to deal with outside the Secretariat. On the other  
14       hand, Number 10 and the OD Secretariat become, as it  
15       were, merged for some purposes.

16              You took on a wider array of responsibilities right  
17       across the OD Secretariat. Where does Iraq lie in all  
18       that as time goes through? Does it get more, less  
19       attention? Other great things are going on in the  
20       world, aren't there, the Pakistan affair, Afghanistan?

21   MR TOM MCKANE:   In the year between the summer of 2001 and  
22       the early autumn of 2002 the work of the team was  
23       dominated by the events of 9/11 and its aftermath. It  
24       is really not possible to exaggerate the extent to which  
25       in that period, certainly the first three or four months

1 after 9/11, the extent to which the whole focus of not  
2 all of the Secretariat, but a large part of it shifted  
3 to the campaign in Afghanistan, the whole question of  
4 what we were going to do about a new counter-terrorist  
5 strategy.

6 There were new Cabinet committees set up.

7 I personally found myself involved in acting as the  
8 secretary to committees that the Home Secretary was  
9 chairing, which I had not previously had any  
10 responsibility for.

11 SIR JOHN CHILCOT: This was all about counter-terrorism,  
12 I suppose?

13 MR TOM McKANE: Yes. So there was a substantial -- a very  
14 high workload.

15 I should say that that was recognised and at the  
16 time of the reorganisation and certainly post-9/11  
17 additional posts were added into the Secretariat.

18 I can't remember offhand now exactly how many, but there  
19 were certainly a handful of new posts created.

20 SIR JOHN CHILCOT: Against that shifting organisational  
21 background and the press of events coming in from  
22 outside, you mentioned just now that the OD Secretariat  
23 necessarily had contacts with other departments, your  
24 own parent department, the MOD, FCO, DFID I dare say, as  
25 well as the Home Office for counter-terrorism.

1           Can you say something about how policy towards Iraq  
2           was generated through that period, the FCO being the  
3           lead policy department I take it?

4   MR TOM MCKANE:   Yes.   The FCO were the lead policy  
5           department, and they would -- I should say that it had  
6           been the practice to hold regular Cross-Whitehall  
7           meetings, which I chaired for the first part of the  
8           period that we are talking about, and then latterly  
9           tended to be chaired by my colleague who I referred to,  
10          although, as you will have seen from the papers, as  
11          events back to shift in the course of 2002, I became  
12          more involved again, but we had these regular what we  
13          called stocktakes, where we would gather round the  
14          table in 70 Whitehall officials from the Foreign Office,  
15          from the Ministry of Defence, from the Department for  
16          International Development and from the Cabinet Office  
17          Assessments Staff and the intelligence agencies.

18   SIR JOHN CHILCOT:   Thank you.   Yes.

19   MR TOM MCKANE:   I mean, they would generally follow quite  
20          a set format, where we would be looking at an assessment  
21          of the latest position on the ground.   We would review  
22          activity on sanctions.   We would review activity in the  
23          No-Fly Zones and so on, and I would report the outcome  
24          to Number 10 and the relevant Cabinet Ministers.

25   SIR JOHN CHILCOT:   We shall be asking you in the course of



1       this session about the actual policy work that came out  
2       of this. Could you, though, say something about the  
3       ministerial level of addressing policy towards Iraq  
4       through this period.

5   MR TOM MCKANE: Well, there were no formal meetings of the  
6       Defence and Overseas Policy Committee that dealt with  
7       Iraq in the period that I was there. However, there was  
8       frequent and regular exchange of correspondence between  
9       the offices of the Cabinet Ministers concerned and  
10      between the members of the Cabinet, and there would be  
11      meetings of small groups of relevant Ministers as  
12      required.

13   SIR JOHN CHILCOT: At which you or another member of the OD  
14      Secretariat would be present to minute and brief.

15   MR TOM MCKANE: Well, the two -- I think the answer to that  
16      is no. That is true in relation to many of the topics  
17      that we dealt with, but I can't recall any occasion when  
18      there was a meeting certainly that I was present at that  
19      involved that group of Ministers.

20   SIR JOHN CHILCOT: Thank you. Could you say something about  
21      not only the policy that emerged through these processes  
22      but the public communications dimension of this? You  
23      mentioned this in your statement. How was policy and by  
24      whom and through what department was public  
25      communication effected?

1 MR TOM MCKANE: Well, until you get into the period when the  
2 dossier was being assembled public communication of  
3 policy was very much a matter for the Foreign Office to  
4 lead on and for them to advise on. Clearly the Prime  
5 Minister and others were making speeches through that  
6 period that formed an element of that public  
7 communication of policy, but it didn't feature highly in  
8 the discussions of the group that I've mentioned just  
9 a moment ago.

10 SIR JOHN CHILCOT: Thank you. We will come on a little  
11 later I think to the dossier and your contribution in  
12 that field, but I think I will turn now to Sir Martin  
13 Gilbert and talk about strategy towards Iraq. Martin.

14 SIR MARTIN GILBERT: I'd like to look first at the UK  
15 strategy towards Iraq in 2000, which was at the  
16 beginning of our terms of reference as an inquiry.

17 Your statement briefly describes the UK strategy  
18 towards Iraq at the time of the stocktake in the autumn  
19 of 2000 as to limit Iraq's ability to rearm their  
20 weapons of mass destruction and to reduce the threat  
21 Iraq posed to its neighbours.

22 We have also published a declassified paper prepared  
23 by the Foreign Office in October 2000. That paper  
24 suggests that policy had been reviewed by Ministers in  
25 the DOP in May 1999. Is that the case?

1 MR TOM McKANE: That is certainly what the documents say and  
2 it's my recollection, although it is before my time in  
3 the Cabinet Office.

4 SIR MARTIN GILBERT: Could you tell us the process whereby  
5 the stocktake proceeded, firstly, in the autumn 2000  
6 stocktake?

7 MR TOM McKANE: Well, it was -- I think I say in my  
8 statement that we had in our minds at the time the fact  
9 that the US elections were pending, that one way or  
10 another whatever the outcome of that election, there was  
11 likely to be a review of policy towards Iraq in the US  
12 government and that we ourselves ought to be ready to  
13 engage with the new US administration and should,  
14 therefore, review our own position.

15 The other factor which I didn't mention in the  
16 statement, but which was a feature, was the fact that we  
17 were coming up to the anniversary of the date of the UN  
18 Security Council Resolution 1284, and the Foreign Office  
19 believed it was right we should take stock around that  
20 point about progress in implementing that resolution.

21 SIR MARTIN GILBERT: Were there differences between  
22 departments?

23 MR TOM McKANE: Well, there are always differences between  
24 departments on I think every subject that I dealt with  
25 at the time in the Cabinet Office, but the draft paper

1       that you refer to, which is being published in  
2       a redacted form, was very much a Foreign Office draft.  
3       It was -- it focused very much on the -- on  
4       implementation of UN Security Council Resolution 1284.  
5       It was expressing concern that if we could not shift the  
6       agenda on, that the bringing together of the Security  
7       Council in December 1999 that was represented by 1284  
8       would begin to fray, and we ought to do something about  
9       it, but it was focused very much on the sanctions and on  
10      the inspection, the inspectors and how to get the  
11      inspectors back into Iraq.

12             It was a paper which went through at least two  
13      drafts, and was in the end set to one side. It never  
14      really -- it never came to the point where it was  
15      formally considered by Ministers. At least that's my  
16      recollection of events at the time.

17             One area where there were certainly differences of  
18      opinion was in just how useful it would be to get the  
19      weapons inspectors back into Iraq. There was a range of  
20      opinion and concerns about the extent to which the  
21      weapons inspectors simply became a pawn or a tool to be  
22      used by Saddam Hussein and his regime. So that was one  
23      area where there was a range of views.

24             There was always a range of views about the -- about  
25      how precisely to operate in the No-Fly Zones. That

1 issue then became the topic of much more study over the  
2 coming months as well as the issue which I remember as  
3 being central in the run-up to the minute from -- or the  
4 letter from John Sawers to the Foreign Secretary's  
5 office on 7th March, the following year, which was the  
6 question of narrower but deeper sanctions.

7 SIR MARTIN GILBERT: In the stocktaking was a view take  
8 about the option of some form of military action or land  
9 invasion.

10 MR TOM MCKANE: No is the answer to that. I mean, there was  
11 a reference -- the paper that you refer to, as I say,  
12 was set to one side around about the end of the year is  
13 my memory, and then a different paper but covering the  
14 same kind of ground was produced by the Cabinet Office  
15 in February I think of 2001, which was then sent to  
16 Ministers, and there were references to the fact that  
17 there were some particularly in the United States who  
18 were calling for a more robust and tougher approach,  
19 including regime change, but the focus of the review at  
20 the time was very much on how to create a more stable  
21 and enduring approach to dealing with Iraq, including  
22 through the implementation of 1284.

23 SIR JOHN CHILCOT: I think Sir Lawrence would like to ask  
24 a supplementary question.

25 SIR LAWRENCE FREEDMAN: You mentioned the inspections issue

1           and 1284 was seen to be a bit weaker than we thought,  
2           but was the problem seen at the time the powers that the  
3           inspectors had under 1284 and the way some of it had  
4           been set up or a generic problem with inspections that  
5           there were just inherent limits on what they might do  
6           and find?

7   MR TOM MCKANE:   It was more the latter than the former.  
8           There was a difference of view between the Foreign  
9           Office, who certainly at official level stressed  
10          throughout this period the arms control importance of  
11          getting the weapons inspectors back into Iraq, whereas  
12          others I think were more concerned about whether  
13          concessions that might have to be made in order to get  
14          the weapons inspectors back into Iraq would mean that it  
15          wouldn't be -- it wouldn't be worthwhile.

16                 Also a general concern about the extent to which  
17          their efforts would simply be blocked and frustrated and  
18          wouldn't serve the full purpose that was intended for  
19          them.

20   SIR LAWRENCE FREEDMAN:   Was that sort of considered by the  
21          special arrangements that Kofi Annan had negotiated with  
22          Iraq in 1998?   If you did that sort of thing, that would  
23          neutralise the impact?

24   MR TOM MCKANE:   I can't really remember whether that was the  
25          origin of the concern, but it might have been.

1 SIR LAWRENCE FREEDMAN: Thanks very much.

2 SIR JOHN CHILCOT: Martin.

3 SIR MARTIN GILBERT: In February 2001 on the eve of the

4 first meeting between the Prime Minister and the newly

5 elected President Bush you were asked to produce a note

6 by officials to highlight the key issues.

7 MR TOM McKANE: Yes.

8 SIR MARTIN GILBERT: That were going to be settled in the

9 course of the review of Iraq policy in order to

10 basically inform the Prime Minister for the meeting.

11 That note has been published today. Can you tell us who

12 contributed to.

13 MR TOM McKANE: It was the same group of people who had been

14 engaged in the discussions on the Foreign Office's draft

15 paper the previous autumn. So it would have been pulled

16 together and coordinated in the Secretariat, but it

17 would have included contributions from the Foreign

18 Office and from the Ministry of Defence principally, but

19 others would have seen the draft, other departments

20 around Whitehall.

21 SIR MARTIN GILBERT: Were suggestions being put forward by

22 Number 10?

23 MR TOM McKANE: There was a sense in Number 10 I think that

24 the official machine was running too much along

25 well-worn tracks and that it needed a bit of a jolt,

1       that, you know, there was -- that the way the options  
2       had been reviewed in the first draft of the paper looked  
3       too much like a regurgitation of what we'd been doing up  
4       until then.

5               So the paper was sharpened up at the request of  
6       Number 10, although my memory is that they were not the  
7       only people who thought the first draft was deficient,  
8       and it was quite frequent in that job to find quite  
9       a lot of competitive drafting going on, departments  
10      offering their version of the paper that you were trying  
11      to produce. That was a perfectly normal part of the way  
12      we did our business, but the end result, which I suppose  
13      is then encapsulated in the 7th March note, still is  
14      focusing on a policy of containment, not a policy of  
15      regime change.

16   SIR MARTIN GILBERT: In terms of this question of sharpening  
17      up, what did you see as the objective of our policy with  
18      regard to weapons of mass destruction? Was it to  
19      destroy them or was it to prevent Saddam from building  
20      them up?

21   MR TOM MCKANE: I don't know if at the time I distinguished  
22      very clearly in my mind between those two things. The  
23      objective was to make sure that Saddam did not represent  
24      a threat to his neighbours or the international  
25      community and the fact it was assessed that he still



1        possessed some weapons of mass destruction and the  
2        capacity to rebuild were both matters of concern, and  
3        they were both things that we wanted to deal with.

4        SIR MARTIN GILBERT: In terms of the knowledge that he and  
5        his scientists had in a sense that knowledge could not  
6        be destroyed.

7        MR TOM MCKANE: That's true.

8        SIR MARTIN GILBERT: So did this create a tension at all in  
9        the objective?

10       MR TOM MCKANE: Well, I don't believe that we had any  
11       discussion at the time about that particular point. The  
12       objective always seemed pretty clear to me. It was to  
13       make sure that we were able to prevent the threat of  
14       these weapons being used or rebuilt materialising. The  
15       ways in which that could be done were partly through  
16       weapons inspections leading to destruction of weapons  
17       and partly through the policy of containment, which  
18       included a military element in it.

19       SIR MARTIN GILBERT: In your witness statement you tell us  
20       that the outcome of the review was set out in the letter  
21       of 7th March, I believe, from John Sawers to Sherard  
22       Cowper-Coles, which was classified and published last  
23       year. Why were the conclusions of this review  
24       disseminated by Number 10 rather than by the Cabinet  
25       Office?

1 MR TOM McKANE: I can't honestly tell you the answer to  
2 that. What that letter says is "here is a new policy  
3 framework which is drawn from the work done in the  
4 paper" you have just referred to. The letter does  
5 specifically ask the Defence Secretary's office and the  
6 Foreign Secretary's office to put the paper to those two  
7 Secretaries of State.

8 So from, I think from a constitutional point of view  
9 it was different from how would you normally have dealt  
10 with a Cabinet Office paper.

11 SIR JOHN CHILCOT: Was it also different in content? The  
12 drafts that had gone forward through the process you  
13 have just described, was what came back down, if you  
14 like, from Number 10 in John Sawers' letter, was that  
15 distinctly different in content in any respect?

16 MR TOM McKANE: It was -- well, I think the paper that had  
17 been put together set out a number -- a menu of options,  
18 ways of approaching this, and there was -- what there  
19 was, and there was agreement across the community who  
20 were looking at this, was a strong sense that we should  
21 narrow and deepen the sanctions regime, that we should  
22 make a move to turn the regime on its head, if you like,  
23 so that rather than it being a question of everything is  
24 prohibited unless it is specifically approved, we would  
25 move to a more conventional arms control regime, where

1       those items which were set out as being prohibited would  
2       be prohibited and other forms of trade would become --  
3       would become freer, though still controlled in ways that  
4       I can go into if you want.

5               So that was the fundamental change, allied to that  
6       being a tightening of the border controls around Iraq to  
7       try to prevent arms or WMD precursors or whatever from  
8       being traded illegally, and also a tightening of the  
9       controls on the illegal oil flows across the borders  
10      into neighbouring countries.

11             So that was the -- and there was a, you know, pretty  
12      broad consensus that that was a sensible package, and it  
13      did two things. If it could be put into place it would  
14      help to deal with the criticism that the government and  
15      the US government was suffering that the sanctions  
16      regime and the way it was being implemented was causing  
17      humanitarian distress and suffering in Iraq, and as  
18      a consequence of that the sanctions regime was in danger  
19      of eroding, and in order to shore that up we needed to  
20      tighten the focus of the regime in the way that  
21      I described.

22   SIR MARTIN GILBERT: In the declassified letter of  
23       20th February from the Foreign and Commonwealth  
24       Secretary's office setting out Mr Cook's views, can you  
25       tell us was he advocating stopping, patrolling Southern

1       No-Fly Zone and did other Ministers have views on the  
2       efficacy and maintenance of the Southern No-Fly Zone?

3   MR TOM MCKANE: I have already referred to the fact that  
4       there was a debate about the value of the Southern  
5       No-Fly Zone. It served a humanitarian purpose. That  
6       was its legal basis, one that was tested throughout the  
7       period that we're talking about periodically.

8       The question here, though, was to the extent that it  
9       became necessary to make a concession in order to secure  
10      progress with the sanctions regime, should the No-Fly  
11      Zones form part of such a concession. There were  
12      differences of views about that. There were differences  
13      of views about the utility of the Southern No-Fly Zone  
14      in respect of the defence of Kuwait, and there was quite  
15      a detailed examination of that issue was done in the  
16      spring of that year.

17      I think that there was also a difference of view  
18      about the damage, the relative weight that you should  
19      attach to the damage to the UK and US position generally  
20      that was caused by reporting of bombings inside the  
21      No-Fly Zone, on the one hand, and the need, on the other  
22      hand, to ensure that Saddam was not infringing on his  
23      responsibilities in relation to the No-Fly Zones, and  
24      that our pilots were as safe as they could be.

25   SIR MARTIN GILBERT: How --

1 MR TOM MCKANE: That was the debate. I think the letter  
2 from the Foreign Secretary's Office expresses some  
3 scepticism about the utility of the No-Fly Zones.

4 SIR MARTIN GILBERT: At the time of the conclusion of the  
5 review how closely would you say the US and UK objectives  
6 were aligned and how much was that alignment a policy  
7 objective?

8 MR TOM MCKANE: They were aligned up to a point. You have  
9 to remember that at that stage below the top level of  
10 the US government there was still -- the new  
11 administration was still moving in, and so it wasn't  
12 until later in the year I think that all the positions  
13 had been filled.

14 There were discussions, very detailed and lengthy  
15 discussions, between the UK government and the US  
16 government on that set of issues around narrower but  
17 deeper sanctions, and I think it's true to say that it  
18 wasn't, you know, a uniquely British idea, this. There  
19 were those in America who had been thinking about the  
20 same sort of approach.

21 We had one meeting that I can remember clearly where  
22 a delegation from the UK went to Washington to discuss  
23 this with the US administration in the spring of 2001,  
24 and I think it's fair to say that there was more  
25 scepticism on the US side about this proposal than there

1           was on the British side, and there was concern that it  
2           would appear to be weakening the regime surrounding  
3           Saddam Hussein.

4   SIR MARTIN GILBERT:  If I could look at a specific sanctions  
5           aspect, on 9th April 2001 the Prime Minister's Private  
6           Secretary wrote to you saying:

7                 "He", the Prime Minister, "commented getting a deal  
8           under which Iraq's neighbours agreed to bring all Iraq's  
9           oil revenues under UN control is essential quid pro quo  
10          for better targeted sanctions."

11                What were you advised about whether Iraq's  
12          neighbours could be persuaded fully to enforce the  
13          sanctions regime?

14  MR TOM MCKANE:  Well, we knew that this was not going to be  
15          a straightforward matter, and we knew that it was  
16          something that could only be done if the United States  
17          Government were to put its full weight behind the policy  
18          and to use its influence to persuade those countries  
19          that we are talking about to bring the oil that they  
20          were buying under the UN controls.

21                So I don't think any of us were under any illusion  
22          about just how difficult that would be.  Equally, we  
23          weren't under any illusion about how difficult it would  
24          be to persuade those countries to put in tighter border  
25          controls, though we invested a lot of effort in working

1 out what that might look like.

2 So it was never going to be straightforward. It was  
3 always going to be very difficult, but at the time  
4 I certainly felt that it was my job and other people's  
5 jobs to try to do everything we could to make that work.

6 SIR MARTIN GILBERT: What was your role in putting forward  
7 the new strategy?

8 MR TOM MCKANE: The spring of 2001?

9 SIR MARTIN GILBERT: Right.

10 MR TOM MCKANE: Well, I was the Cabinet Office official  
11 responsible for coordinating the views of the other  
12 government departments and the meetings that we had I  
13 have already described. They would have included Number  
14 10 as well around the table.

15 So the job was to try to make sure that we produced  
16 a position which was one that was accepted across the  
17 government and would be endorsed by Ministers and could  
18 be pursued as vigorously as possible.

19 SIR MARTIN GILBERT: Thank you very much. That's most  
20 helpful.

21 SIR JOHN CHILCOT: I will turn now to Sir Roderic Lyne.

22 SIR RODERIC LYNE: I want to look in a moment at the way  
23 that 9/11 changed the picture, but just reviewing where  
24 we got to before 9/11 happened, you have described in  
25 your statement and in answer to the questions we have

1       just had the process of policy debate in the year before  
2       9/11, and you said that this was never formally  
3       considered by Ministers in this period. Ministers  
4       indeed appear not to have met formally perhaps since May  
5       of 1999, when they looked at the DOP paper.

6             Am I right in understanding that?

7   MR TOM MCKANE: That's right.

8   SIR RODERIC LYNE: Now what does that say about the degree  
9       to which in that period the Saddam Hussein regime in  
10      Iraq was seen as a serious threat which required some  
11      urgent attention?

12   MR TOM MCKANE: I don't think that it necessarily sheds  
13      a great deal of light on that question. You would need  
14      to -- you would need to consider the extent to which  
15      a range of other topics which were important topics in  
16      their own right were being tackled in the Defence and  
17      Overseas Policy Committee.

18             The arrangements that were in place were ones that  
19      enabled those key Ministers, the Ministers chiefly  
20      concerned about that particular policy, to engage with  
21      each other, whether in correspondence or in more  
22      informal meetings.

23             So I wouldn't -- you know, I wouldn't draw  
24      a conclusion that it meant it wasn't being treated  
25      seriously.



1 SIR RODERIC LYNE: My question wasn't about whether it was  
2 being treated seriously. It was about the perception of  
3 the degree of urgency.

4 If there was felt to be an urgent need to deal with  
5 a threat from Saddam Hussein's regime, would it not have  
6 been the case that the process of drafting papers in  
7 autumn of 2000, February of 2001, March of 2001, would  
8 have happened at a faster pace? Would it not have been  
9 the case that at some stage in this process Ministers  
10 would have met and really looked at it?

11 If it was going at the pace that you have described,  
12 that certainly would imply to a layman that this is not  
13 seen as one of the highest priority issues that have to  
14 be dealt with pretty soon?

15 MR TOM McKANE: Well, I think that it is probably the case  
16 that across the whole range of issues that the  
17 government was dealing with in that period between 2000  
18 and 2001 it was not at the top of the pile. There were  
19 other foreign policy defence questions which were more  
20 urgent during that period.

21 I mean, if you go back to 2000, certainly the whole  
22 Sierra Leone episode attracted at the time and, you  
23 know, for a relatively short period intense ministerial  
24 interest including collective consideration by  
25 Ministers.

1           So I think it is true that after the events of  
2           December 1998 and Desert Fox and then the putting  
3           together of the consensus in the Security Council on  
4           1284 there may have been a sense that Iraq was in at  
5           least a more manageable state as a subject, that it  
6           didn't need urgent day-to-day attention, that this  
7           whole -- after all, those dealing with it had in their  
8           minds the fact that we had been managing the issue of  
9           weapons inspections and sanctions and the No-Fly zones  
10          and so on over a period of many years, and that I think  
11          may explain what you've spotted as being perhaps a lack  
12          of urgency.

13   SIR RODERIC LYNE: Well, a measured normal pace of policy  
14          making but rather not perceiving that this, as you say,  
15          is a question at the top of the heap.

16   MR TOM McKANE: Contrast -- apologies -- if I contrast the  
17          atmosphere in dealing with something like the Iraq  
18          subject during that period and post-9/11 or even, you  
19          know, post the hostage takings in Sierra Leone, it's  
20          just a completely different feel.

21   SIR RODERIC LYNE: And in this pre-9/11 period were the  
22          Americans arguing to us that Iraq was a question that  
23          was of a scale of threat that required more urgent  
24          attention, that we needed to deal with it sooner rather  
25          than later?

1 MR TOM MCKANE: I think that there was a sense that then  
2 gets accentuated hugely post-9/11, but perhaps a sense  
3 over that period of people beginning to -- and in a way  
4 this is what inspired the outcome of the review in the  
5 spring of 2001, that we couldn't just let things go on  
6 forever, that at some point things had to change.

7 Looking back on it, I think perhaps that was, you  
8 know, just a growing realisation over that period, but  
9 I didn't in that period before 9/11 myself have any  
10 sense of real pressure to say "we have to deal with this  
11 and deal with it straightaway".

12 SIR RODERIC LYNE: Okay. Let's now turn to the way 9/11  
13 changed the picture. As you say in paragraph 9 of your  
14 statement:

15 "The focus of Iraq policy shifted after 9/11 and had  
16 certainly shifted by May 2002."

17 Now very soon after 9/11, on 18th September 2001,  
18 you chaired a meeting to review progress on the Iraq  
19 policy and the record of that meeting has been published  
20 today.

21 How at that point, September, 18th, 2001, in broad  
22 terms would you describe the UK's policy towards Iraq?

23 MR TOM MCKANE: Well, I think at that stage we are still  
24 pursuing the policy that had been set out the previous  
25 spring. The volume of work that was being done in the

1 Cabinet Office, which reached quite a peak in the spring  
2 of 2001 on the whole question of what became the goods  
3 review list and some of the other -- and the border  
4 controls and so on and so forth, that had moved, that  
5 had passed as far as we in the Secretariat were  
6 concerned, but there were still strenuous efforts being  
7 made by the Foreign Office to implement the new smarter  
8 sanctions.

9 I think I would say it was going slowly, but at that  
10 point there was still -- nobody had given up hope of  
11 putting the new arrangements into place.

12 SIR RODERIC LYNE: I would like to quote now from some  
13 evidence that we had in a private hearing from Matthew  
14 Rycroft, who at the time was the Private Secretary in  
15 Number 10 Downing Street. In fact, he was just coming  
16 into that job in this period. This is evidence that's  
17 going to be published later today.

18 What he says here is that, and I quote:

19 "From my recollection by the time I joined Downing  
20 Street", which is in February 2002, "the British  
21 Government had essentially decided that continued  
22 containment was not going to work, and I would place the  
23 change of the realisation of that judgment as the weeks  
24 following 9/11 for obvious reasons. By the time I then  
25 arrived, February '02, we were on a track of, as I said,

1       dealing with Iraq's WMD and what dealing meant was to be  
2       determined by the policy over the coming months."

3               Does that mesh with your own recollections of  
4       changes in our approach to Iraq in the early months  
5       of -- well, in the months following 9/11 through the end  
6       of 2001, into early 2002?

7   MR TOM MCKANE:  Not entirely.  I mean, I wouldn't sharply  
8       disagree with that, but, as I said a moment ago, when  
9       I look back on it, I see that policy towards Iraq was  
10      almost evolving slowly over quite a long period of time,  
11      and certainly as far as I was concerned while it is true  
12      that there was increasingly a sense, as I said, that we  
13      couldn't just go on forever as we had been, that in  
14      a way was also one of the motivations for the 2000/2001  
15      review after all.  It was saying we couldn't just let  
16      this thing drift.  We have to try to find new ways to  
17      deal with this situation, but one that was based still  
18      on a policy of containment.

19             From my point of view the policy of containment  
20      remained the policy of the government until the point  
21      when a decision was taken to move towards military  
22      intervention.

23             Now at what point does that shift in approach, you  
24      know, tip over from being one that is principally based  
25      on the policy of containment into one which is to do

1 with preparing the ground for military intervention is  
2 quite a difficult thing to put your finger on, but from  
3 the point of view of somebody in the Secretariat in the  
4 Cabinet Office, we were still in the autumn of 2001  
5 pursuing the policy that had been agreed earlier in the  
6 year, which was to put in place the narrower but deeper  
7 sanctions and try to put in the other elements of the  
8 policy.

9 I think what became clear and absolutely clear after  
10 9/11 was that the chances of getting the neighbouring  
11 countries to tighten up the oil -- bring the oil under  
12 UN controls dissipated and there was really no  
13 enthusiasm, no will to apply pressure on those countries  
14 who after all the coalition on Afghanistan was trying  
15 very hard to bring inside a new broader  
16 counter-terrorism coalition.

17 So I think that is an important factor.

18 SIR RODERIC LYNE: I think you have made two very important  
19 points there. In fact, just to go back to the first  
20 one, you said it is very difficult to put your finger on  
21 the point when the decision was taken to move from the  
22 policy of containment towards a policy of preparing for  
23 military intervention.

24 Can I ask you to try to put your finger on when that  
25 change happened?

1 MR TOM McKANE: Well, I would repeat what I have just said,  
2 that formally from my position in the Cabinet Office  
3 there wasn't a change. The policy of containment wasn't  
4 abandoned until the point when the government decided  
5 that it would make -- that it would prepare for military  
6 intervention and --

7 SIR RODERIC LYNE: When did the government take that  
8 decision?

9 MR TOM McKANE: I think that too is a difficult question to  
10 answer in a precise way, because there was certainly  
11 right through to the point where I left the Cabinet  
12 Office -- there were still a number of points that would  
13 have had to have been resolved before any decision would  
14 have been taken to --

15 SIR RODERIC LYNE: You left the Cabinet Office in?

16 MR TOM McKANE: The beginning of September 2002. So my time  
17 there covers the meeting on 23rd July 2002, although  
18 I was on leave at the time and wasn't present at the  
19 meeting, although I was involved in the preparation of  
20 the paperwork for the meeting, and clearly that paper  
21 marks a shift from the options paper that had been  
22 produced for March 2002.

23 SIR RODERIC LYNE: I'd like to come on to that in a couple  
24 of minutes. Just before we do move from March to July  
25 just a couple of questions about the -- this evolving

1 process that you describe. Was thinking evolving at  
2 a uniform rate across Whitehall or did you have  
3 a situation in which different departments, including  
4 for the sake of this question Number 10 as a department,  
5 Cabinet Office, Foreign Office, Ministry of Defence,  
6 intelligence agencies perhaps were moving at slightly  
7 different speeds in their appreciation of where our  
8 strategy was going.

9 MR TOM MCKANE: The first thing to say is that all the  
10 departments that you mention were discussing these  
11 issues amongst them. So there isn't any question of  
12 there being different speeds that people aren't aware  
13 of.

14 I think that at official level there would have been  
15 different emphases placed. I think that quite  
16 understandably as soon as the question of any possible  
17 military engagement arises people inside the Ministry of  
18 Defence begin to think through how this would actually  
19 be done and what were the practicalities, whereas those  
20 officials in the Foreign Office responsible for policy  
21 are still more focused on the diplomatic efforts to get  
22 the changes in the sanctions regime put in place.

23 There would have been communications taking place  
24 which I wasn't privy to I have no doubt. So I can't say  
25 anything other than that the sense that things couldn't go



1 on as they had been going was growing more strongly as  
2 you go through that period from the autumn of 2001 into  
3 2002 and particularly in 2002, because if I'm -- my  
4 recollection of the autumn of 2001 is that it was so  
5 dominated by post-9/11 and the focus was, as I've said  
6 before, so much on Afghanistan that there wasn't really  
7 a great deal of capacity certainly inside the  
8 Secretariat to think seriously about Iraq.

9 Of course, there is a debate about when there are  
10 some who suggest that are links between Al Qaeda and  
11 Iraq and, you know, that was an issue which had to be  
12 looked at.

13 SIR RODERIC LYNE: Okay. Just, therefore to locate us  
14 chronologically, we have now, as it were, been through  
15 the autumn of 2001 and, as you say, after 9/11 the focus  
16 was very much on Afghanistan.

17 As you get into 2002, you have a period in which the  
18 government is approaching the Prime Minister's visit to  
19 the United States in April of 2002, and before that Iraq  
20 is one of the subjects that certainly has come high on  
21 to the agenda. The options paper of March 2002 is  
22 written by the Cabinet Office and sets out alternative  
23 strategies of, on the one hand, continuing containment,  
24 and, on the other hand, regime change.

25 Now a version of that paper is in the public domain.

1       You say in your statement that you played a part in the  
2       collation of background papers for the Prime Minister's  
3       visit to the United States in April 2002, although, of  
4       course, at this stage your own responsibilities within  
5       the Cabinet Office have shifted a bit.

6               Why was this exercise of producing the options paper  
7       carried out at that time, in March of 2002?

8   MR TOM MCKANE: Well, as you have said, in preparing for the  
9       Prime Minister's meeting with President Bush in the  
10      spring of that year, there was a large number of papers which  
11      were prepared and commissioned following a meeting that  
12      took place in 10 Downing Street.

13             The fact that we were producing a paper on options  
14      for Iraq reflects both the fact that by this stage it  
15      becomes -- it has become clear that the US government is  
16      shifting its sights towards Iraq and that the policy  
17      that we had adopted in the spring of the previous year  
18      is not really producing the results that had been hoped  
19      for it.

20             So an options paper is produced and it is indeed  
21      an options paper. It doesn't express an opinion on  
22      whether we should stick with containment or a tougher  
23      form of containment or should start to shift more  
24      towards looking at regime change and military  
25      intervention.

1 SIR RODERIC LYNE: Was this the first paper of its kind that  
2 looked in detail at options for regime change?

3 MR TOM McKANE: From my recollection yes, it was.

4 SIR RODERIC LYNE: And in that respect and against the  
5 American background that you describe it represents part  
6 of this evolving process.

7 MR TOM McKANE: Yes.

8 SIR RODERIC LYNE: Though you didn't write the options  
9 paper, are you able to tell us who was the main drafter  
10 of the paper?

11 MR TOM McKANE: Well, the paper was prepared by two other --  
12 two of my colleagues in the Secretariat at the time.  
13 From what I saw at the time, and I have refreshed my  
14 memory since, it was prepared in the same kind of way as  
15 the previous one, that is a framework for the paper was  
16 produced and different elements were commissioned from  
17 different Whitehall departments and then it was drawn  
18 together.

19 It went through a number of drafts and was finalised  
20 in early March.

21 SIR RODERIC LYNE: When --

22 MR TOM McKANE: So it was a collective exercise.

23 SIR RODERIC LYNE: It was a collective exercise.

24 The paper considered that containment had been  
25 partially successful, but it noted that the US has lost

1 confidence in containment.

2 Was that by now also the UK's view?

3 MR TOM MCKANE: I don't think it was a universally held view  
4 across Whitehall, at least at official level. There  
5 were still debates about whether or not it was something  
6 which had failed.

7 I think everybody agreed -- and the papers bear this  
8 out -- that the sanctions were fraying and eroding, and  
9 it therefore become a matter of judgment about the  
10 extent to which that erosion was something that could be  
11 tolerated and, if so, for how long, and whether efforts  
12 to shore up the sanctions regime, which is, after all,  
13 what the 2001 review was all about, represented a safer,  
14 better option than the alternative.

15 So there was a -- you know, there was a range of  
16 views and that paper did not seek to come down on one  
17 side or the other of this argument.

18 SIR RODERIC LYNE: If I can just ask about one detail in the  
19 paper, where it turns to the regime change set of  
20 options in paragraph 11, it looks at two possibilities  
21 for what it calls the sort of Iraq we want. The first  
22 is described as a "Sunni military strongman" and the  
23 second is described as a "a representative broadly  
24 democratic government. This would be Sunni-led, but  
25 within a Federal structure".

1           Just on that last small point can you say why it was  
2           the assumption that a representative broadly democratic  
3           government would be Sunni-led, given that the Sunni were  
4           not in a majority in Iraq?

5   MR TOM McKANE:   I'm afraid I can't.

6   SIR RODERIC LYNE:   You can't.

7   MR TOM McKANE:   I wasn't close enough to the preparation of  
8           the paper to know why. I mean, it's an interesting -- I  
9           agree it's an interesting question.

10   SIR RODERIC LYNE:   Does it strike you as curious?

11   MR TOM McKANE:   It's an interesting question.

12   SIR RODERIC LYNE:   Yes, yes.

13   MR TOM McKANE:   It may -- I really don't know whether to  
14           place any great significance on the point now or not,  
15           but it is curious.

16   SIR RODERIC LYNE:   At this point, as you say, containment is  
17           still our official policy. Had we made any progress in  
18           tightening up illegal oil flows out of Iraq?

19   MR TOM McKANE:   No.

20   SIR RODERIC LYNE:   No.

21   MR TOM McKANE:   So that was the -- as I said, you know, it  
22           was always, as I said to Sir Martin, going to be  
23           a difficult task to get the illegal oil flows contained,  
24           but we knew it was the key issue, because it was the  
25           illegal oil flows that were financing Saddam Hussein's

1 purchase of weapons and other things.

2 We thought in 2001 that it was something which was  
3 possible to do. It would have involved a lot of  
4 diplomacy and some pretty difficult deals I have no  
5 doubt.

6 After 9/11 it became increasingly unlikely that that  
7 was going to be achieved, and I think that by the --  
8 although I can't remember precisely, I think that by the  
9 time of the writing of that options paper it wasn't  
10 something that people were counting on.

11 SIR RODERIC LYNE: I note also that among the options for  
12 regime change, between them the paper concludes that:

13 "In some, despite the considerable difficulties, the  
14 use of overriding force and ground campaign is the only  
15 option that we can be confident will remove Saddam and  
16 bring Iraq back into the international community."

17 So these are the options that the paper puts  
18 forward.

19 Now what then happens to that paper? Was it  
20 available before the Cabinet discussed Iraq on 7th March  
21 2002?

22 MR TOM MCKANE: I don't believe so. I can't -- there was no  
23 Cabinet Office-arranged meeting to discuss the paper at  
24 ministerial level. What discussions took place that  
25 were arranged by Number 10 I wasn't party to.

1 SIR RODERIC LYNE: Neither you nor your Cabinet Office  
2 colleagues were party to them?

3 MR TOM MCKANE: Well, nobody in the Secretariat as far as  
4 I can remember.

5 SIR RODERIC LYNE: So the Secretariat has produced this very  
6 important paper. There was no formal meeting of  
7 Ministers to discuss it, but Ministers may have  
8 discussed it, but you don't know even from the vantage  
9 point of the Cabinet Office whether they have or they  
10 haven't or to what effect?

11 MR TOM MCKANE: Well, I think what you have to remember is  
12 this was part of a pack of papers that had been prepared  
13 specifically in preparation for the Prime Minister's  
14 visit to the United States. That was the context in  
15 which it had been prepared. It was prepared at the  
16 request of Number 10 for that purpose.

17 SIR RODERIC LYNE: Do you know which Cabinet Ministers  
18 received this part of the pack, this particular paper.

19 MR TOM MCKANE: Well, I haven't been able to check exactly  
20 which ones received this, but it would have gone  
21 certainly to the Prime Minister and the Foreign  
22 Secretary and the Defence Secretary. Beyond that  
23 I couldn't be -- couldn't be certain.

24 SIR RODERIC LYNE: And have you ever seen a record of  
25 a discussion about this paper?

1 MR TOM McKANE: No. I should -- there is one important  
2 point that I should have made. Apologies.

3 By that stage, of course, my boss, as the head of  
4 the Secretariat, is also the foreign policy adviser in  
5 Number 10.

6 SIR RODERIC LYNE: So wearing his other hat --

7 MR TOM McKANE: So wearing his other hat I expect he was  
8 involved in -- I am sure he would have been involved in  
9 discussions.

10 SIR JOHN CHILCOT: So it was not in the summer of 2002 that  
11 amalgamation took place but in the spring. I think we  
12 had misunderstood that.

13 MR TOM McKANE: No. The amalgamation of roles took place in  
14 the summer of 2001.

15 SIR JOHN CHILCOT: Sorry. Thank you. We have 2002 in your  
16 statement, but it's a misprint.

17 MR TOM McKANE: Oh, apologies.

18 SIR RODERIC LYNE: So just to make this absolutely clear,  
19 the Cabinet Office Secretariat, having put this paper  
20 upward to the Prime Minister, you never had sight of  
21 what happened to it afterwards. You never saw  
22 a discussion. You didn't see any decisions from the  
23 Prime Minister or Cabinet Ministers flowing from it or  
24 instructions to work further on a particular direction  
25 based on that paper. It sort of disappears from your



1           sight officially at this point.

2       MR TOM MCKANE:   Yes.  You have to remember the point that  
3           I make in my statement, that I didn't have day-to-day  
4           responsibility for Iraq at the time.

5           At that stage from memory my working life was  
6           dominated by work on the counter-terrorist strategy and  
7           India/Pakistan was becoming a big issue at that point.

8           So the fact that I don't remember seeing any  
9           instructions coming back isn't --

10       SIR RODERIC LYNE:  Conclusive.

11       MR TOM MCKANE:  -- isn't conclusive, but I don't remember  
12           seeing any instructions coming back.

13           However, I am quite sure that there would have been  
14           communications, there would have been discussions  
15           between the Secretariat and the head of the Secretariat  
16           about the next steps.

17       SIR JOHN CHILCOT:  Just to be clear, you told us I think  
18           must now that the purpose of that exercise was  
19           essentially to brief the Prime Minister for his visit to  
20           see President Bush in April.

21           Would it be fair to say that the purpose of the  
22           options paper was not so much to lead to the formation  
23           of policy and decision taking but rather it was  
24           an analytic, descriptive briefing.  Is that right?

25       MR TOM MCKANE:  Yes, I think that is right.

1 SIR RODERIC LYNE: Although it is not explicitly written as  
2 a briefing paper; it is written as an options paper, so  
3 it is somehow between the two.

4 MR TOM MCKANE: Well, it was part of a briefing pack.

5 SIR RODERIC LYNE: Okay. I think my final question in this  
6 run, you say in your statement that preparatory work was  
7 undertaken during 2002 so that the UK would be able to  
8 join the US in military action if it became necessary.

9 Can you recall who took the decision to undertake  
10 that work, and when and how such a decision was made?

11 MR TOM MCKANE: Well, in the period between March 2002 or  
12 the period following the meeting of the Prime Minister  
13 and the American President at the beginning of April,  
14 between that point and the meeting that takes place in  
15 July, there was activity on a number of fronts. The  
16 Ministry of Defence were increasingly in dialogue with  
17 the US Defense Department, and they were beginning to  
18 think through what the options were for a UK  
19 contribution should it come to it, but they were also  
20 thinking through how you placed any military action  
21 within a broader strategic context, and there are  
22 letters exchanged during that period, which you will  
23 have read, between the Defence Secretary, on the one  
24 hand, or his office and Number 10 and the Foreign  
25 Office, and Foreign Secretary's office.

1           It leads certainly to the Defence Secretary saying,  
2       "We will need to engage more formally with the US  
3       Defense Department in order to understand more deeply  
4       what their plans are", and at a point I think around  
5       June they are given the authority to begin to engage  
6       more closely in order to be able to develop -- to  
7       understand what the US is thinking about and to develop  
8       options for the UK.

9           It is I think in late June when instructions are  
10       given to -- or early July -- prepare the paper which was  
11       discussed at the -- which was completed on 19th July  
12       I think and then discussed at a meeting on 23rd July  
13       that instructions were given to begin to develop  
14       options.

15   SIR RODERIC LYNE:   Thank you.

16   SIR JOHN CHILCOT:   We will break for about ten minutes now  
17       and then return just before 11.35.

18                               (Short break)

19   SIR JOHN CHILCOT:   We will restart.   Sir Martin I think will  
20       take up questions.

21   SIR MARTIN GILBERT:   I'd like to turn now to the question of  
22       the involvement of the Attorney General.   We have seen  
23       a note in which you recorded contact from the Attorney  
24       General's office in early March 2002 indicating the  
25       Attorney General hoped to be involved in ministerial

1 thinking about Iraq as policy was being formulated  
2 rather than being consulted formally at the end of the  
3 process.

4 What was your response?

5 MR TOM MCKANE: My response was that there was no question  
6 at that stage of any military engagement, that it was  
7 absolutely in my mind that we would need to engage the  
8 Attorney when that became a more imminent prospect, and  
9 that I would stay in contact with the Legal Secretary to the  
10 Law Officers, over the coming months, which we did, and  
11 we continued to talk on the phone or exchange letters  
12 throughout that period.

13 SIR MARTIN GILBERT: The papers suggest that bringing the  
14 Attorney into the discussions after Crawford was  
15 an option. Can you explain why that didn't happen?

16 MR TOM MCKANE: I saw that when I was reminding myself of  
17 the papers, and I can't now say why it wasn't done  
18 straight after the Crawford meeting. I can only surmise  
19 that I had a discussion with Sir David Manning after the  
20 Crawford events and we agreed that it wasn't necessary  
21 at that point.

22 SIR MARTIN GILBERT: Can you remember generally discussions  
23 within the Cabinet Office or with Number 10 on the need  
24 to involve the Attorney or was this a subject of  
25 on-going discussions?

1 MR TOM McKANE: Well, as I said, there was nothing unusual  
2 about the fact that we would absolutely need to engage  
3 the Attorney if there was any question of military  
4 engagement by the -- by the British Government.

5 The normal conventions would be that the Attorney's  
6 staff would be engaged in dialogue either by the legal  
7 advisers in the Foreign and Commonwealth Office or in  
8 relation to specific military operations by the legal  
9 advisers in the Ministry of Defence.

10 So I don't think the Cabinet Office would have  
11 regarded itself as being the first port of call for the  
12 Law Officers.

13 SIR MARTIN GILBERT: We have seen further correspondence  
14 which shows on 11th July 2002 the Attorney General wrote  
15 to the Foreign Office -- this was copied to you --  
16 asking for clarification of British and American plans  
17 for military action in relation to Iraq. Does this  
18 indicate the Attorney General had not been involved in  
19 policy discussions since his letter of 8th March, that  
20 there had been that hiatus, that gap?

21 MR TOM McKANE: Well, I mean, I can't say what papers the  
22 Attorney General may or may not have seen throughout  
23 that period between April and early July.

24 From my perspective we knew we had to engage the  
25 Attorney. There are I think on the files a number of

1 exchanges between me and the Attorney General's people  
2 and me and Number 10 or the head of the Secretariat on  
3 this point.

4 In June I think I wrote saying that I would provide  
5 some further advice on how we should engage the  
6 Attorney.

7 By the beginning of July or by 11th I think you  
8 said, we are getting so close to the point when there's  
9 going to be a meeting to discuss the paper that by then  
10 was in preparation, a meeting to which the Attorney was  
11 being invited, that it had become I think for me  
12 a slightly academic question. I don't mean academic in  
13 the sense that it was of academic interest whether he  
14 was engaged, but I knew that he was being invited to  
15 this meeting that was taking place later in the month,  
16 and therefore we were making sure that he was engaged  
17 and indeed, you know, he saw the paper that went to  
18 that -- that was prepared for that meeting.

19 SIR MARTIN GILBERT: So in this period between March and  
20 July when all sorts of thoughts and discussions are  
21 going on with regard to military action, did you feel  
22 that the absence of the Attorney General in these  
23 discussions affected the debate on the question of  
24 military action?

25 MR TOM MCKANE: No, I don't think it did. I remember

1        thinking and I think noting somewhere at the time that  
2        it was always going to be difficult to seek formal  
3        advice from the Attorney when there wasn't a specific  
4        proposition to put before him. As you can see, the  
5        legal considerations are set out at great length in the  
6        attachment to the paper that was -- the options paper  
7        that was prepared that Sir Roderic was asking me about  
8        before the break.

9                So I didn't feel that the legal aspects were being  
10        ignored in any sense.

11    SIR MARTIN GILBERT: Thank you.

12    SIR JOHN CHILCOT: Right. Moving on then, Rod, over to you.

13    SIR RODERIC LYNE: I'd like to turn now to the July paper  
14        and meeting that we were starting to discuss earlier.

15        You will be aware that versions of the July 2002 paper,  
16        which was entitled "Iraq: conditions for military  
17        action", and the Number 10 record of a ministerial  
18        meeting of 23rd July at which it was discussed are in  
19        the public domain.

20                If I can just look at paragraph 2 of the version of  
21        Iraq conditions for military action that is in the  
22        public domain, this paragraph encapsulates the position  
23        that had been taken by the Prime Minister at Crawford,  
24        presumably therefore in a way that is by now agreed  
25        lore, L-O-R-E, in Whitehall, and it says as follows:

1           "When the Prime Minister discussed Iraq with  
2       President Bush at Crawford in April he said the UK would  
3       support military action to bring about regime change,  
4       provided that certain conditions were met."

5           This is quoting the conditions:

6           "Efforts had been made to construct  
7       a coalition/shape public opinion, the Israel/Palestine  
8       crisis was quiescent, and the options for action to  
9       eliminate Iraq's WMD through the UN weapons inspectors  
10      had been exhausted."

11          That paragraph implies that by April the Crawford  
12      meeting, the process of policy formation in Whitehall  
13      had moved some way beyond the options paper of March.  
14      Is that a correct interpretation?

15   MR TOM McKANE: Well, I think that what it shows is it's  
16      recording what the Prime Minister had said following the  
17      Crawford meeting, and I think it reinforces the point  
18      that I was making earlier, that policy is evolving  
19      throughout this period, and yes, I think it does  
20      represent a further shift towards the point when the  
21      government might decide to take military action in  
22      relation to Iraq, but it doesn't represent a decision to  
23      do so.

24   SIR RODERIC LYNE: No, but the Prime Minister, having said  
25      to the American President that the UK would support



1 military action to bring about regime change, provided  
2 that certain conditions were met, represents at this  
3 stage the British Government's policy, but, as you told  
4 us earlier, the official policy at this stage is still  
5 containment of Iraq. It hasn't been formally abandoned.

6 MR TOM MCKANE: Yes.

7 SIR RODERIC LYNE: You circulated a first draft of this  
8 paper on 10th July following a meeting on the previous  
9 day and the papers we have seen suggest there was some  
10 urgency about producing the paper.

11 Can you recall why there was this degree of urgency?

12 MR TOM MCKANE: I think that it was driven by diaries. We  
13 would have been getting towards the end of the  
14 Parliamentary session by then, and the -- I have no  
15 doubt that all of the relevant Ministers' diaries were  
16 extremely crowded. It is normally the case at that time  
17 of year that there's a lot of businesses trying to be  
18 contracted, and we would have been told that there was  
19 a date when this meeting was going to take place and we  
20 needed to have the paper ready for it, but, I mean, in  
21 addition to that, there is, as I think the papers show,  
22 in that period moving from April through May into June  
23 a growing sense that the United States Government is set  
24 on a particular course, and in order to keep the British  
25 Government's options open, as it were, we needed to make

1       sure that we were properly prepared, and part of that  
2       preparation was the understanding the US military plans,  
3       beginning to formulate possible British plans, but also  
4       ensuring that all the other aspects which are  
5       encompassed by the Prime Minister's conditions are being  
6       attended to.

7           After all, they are pretty tough conditions.

8   SIR RODERIC LYNE:   Yes.   I mean, the paper says that US  
9       government military planning for action against Iraq is  
10      proceeding apace but as yet it lacks a political  
11      framework.

12           It talks about the need to encourage the US  
13      government to place its military planning within  
14      a political framework, partly to forestall the risk that  
15      military action is precipitated in an unplanned way.

16           So quite apart from diaries the actual dynamic of  
17      American policy means that if we are going to take  
18      a position, we need to decide it fairly soon presumably?

19   MR TOM McKANE:   Absolutely, and I am sure there was a sense  
20      that we ought to be getting a shift on before the end of  
21      July when it would have been more difficult to pull the  
22      relevant Ministers and others together.

23   SIR RODERIC LYNE:   One of the points that the papers  
24      incorporates is advice it would take UNMOVIC at least  
25      six months after entering Iraq to establish the

1 monitoring and verification system under US Security  
2 Council Resolution 1284 necessary to assess whether Iraq  
3 is meeting its obligations and that by January 2003 --  
4 that's presumably if you started at that point, which  
5 you didn't -- they would at best only be completing  
6 setting up.

7 Do you recall where that very specific advice came  
8 from?

9 MR TOM McKANE: Well, it would have come from the Foreign  
10 Office, and it wasn't new advice as far as I was  
11 concerned. This was simply a setting out of what had  
12 been understood to be the position ever since 1284 had  
13 been put in place, that it would take time for UNMOVIC  
14 to set up and then a further period of time before it  
15 would be in a position to report. So this wasn't  
16 a shift in approach.

17 SIR RODERIC LYNE: No, but the standing assessment at the  
18 time was they would need a period for setting up, which  
19 this implies would be some months?

20 MR TOM McKANE: Yes.

21 SIR RODERIC LYNE: And then at least six months to assess  
22 whether Iraq was meeting its obligations?

23 MR TOM McKANE: I stand to be corrected, but my recollection  
24 is that it's six months to get into a position inside  
25 Iraq where you have got a new baseline that you can

1 do -- and you have put in place such technical measures  
2 as were necessary, and then a period beyond that during  
3 which you would do the measurement, but at any rate it's  
4 quite a few months, whatever the precise amount is.

5 SIR RODERIC LYNE: In the light of subsequent events it is  
6 a pretty important point, the question of the time from  
7 when you fire the starting gun if you are doing  
8 a serious inspections exercise how much time you need to  
9 assume you have to allow for it, and the implication of  
10 what you just said and what the paper says is six months  
11 plus.

12 MR TOM McKANE: Yes. That was the advice at the time.

13 SIR RODERIC LYNE: Yes. The paper invites Ministers to  
14 agree that the UK should engage the US on a realistic  
15 political strategy, which includes identifying the  
16 succession to Saddam Hussein and creating the conditions  
17 necessary to justify government military action, which  
18 might include an ultimatum for the return of UN weapons  
19 inspectors to Iraq.

20 What did the paper mean by the need to create the  
21 conditions necessary to justify military action?

22 MR TOM McKANE: I think that -- it's always a little bit  
23 difficult to parse sentences ten years later, but  
24 I think what it was saying was, as the Prime Minister  
25 had said, we needed to exhaust the UN process, and so we

1       needed to be able to demonstrate that that had been  
2       done, and that unless one had gone through that step it  
3       would not be possible to say that one had created the  
4       conditions necessary.

5             It may have covered other aspects such as preparing  
6       public opinion, but I think that the key thing in the  
7       sentence is this question of how the UN process was  
8       going to be handled.

9       SIR RODERIC LYNE: And I suppose this raises the question as  
10      to whether the UN process is intended to lead towards  
11      an end which is inspections that constrain or limit  
12      Saddam's assumed programmes for weapons of mass  
13      destruction or whether the UN process is seen as a means  
14      towards an end, the end actually intended to be military  
15      action.

16            Now what do you think was in Ministers' minds at  
17      this point?

18      MR TOM McKANE: Well, I can only speculate as to what was in  
19      Ministers' minds. I think I can say what was in my mind  
20      and what I felt was the collective view, and that is  
21      that we were going to use the UN process and use it in  
22      a serious way.

23            In the event that that resulted in our achieving our  
24      policy objectives, then they would have been achieved.  
25      In the event that it didn't result in compliance with

1           the UN resolutions, then it would, if it had been shown  
2           to have exhausted all the possibilities at the UN, have  
3           created the conditions that are talked about in that  
4           paper where military action might be justified.

5           So I don't think it -- at least for me -- implies  
6           a pre-determination that this would end up one way  
7           rather than another, though clearly, as the papers show,  
8           it's a further ratcheting up of the step towards the  
9           point where the government decides that it is going to  
10          commit British troops.

11   SIR RODERIC LYNE: Now you weren't at the meeting on  
12          23rd July, for which this paper had been prepared,  
13          because you were on leave I think?

14   MR TOM McKANE: Yes.

15   SIR RODERIC LYNE: But you will have seen the record of that  
16          meeting?

17   MR TOM McKANE: Yes.

18   SIR RODERIC LYNE: That wasn't a formal meeting of the  
19          Cabinet committee, but it was a meeting of relevant  
20          Ministers and senior advisers?

21   MR TOM McKANE: Yes.

22   SIR RODERIC LYNE: And was formally minuted out.

23          Was that the first such discussion of the policy in  
24          the course of the year?

25   MR TOM McKANE: Well, you asked me earlier about what

1           discussions had taken place around the time of the March  
2           options meeting.

3   SIR RODERIC LYNE:   Yes.

4   MR TOM McKANE:   And I believe that there was discussion,  
5           though I have never seen a record of it.

6   SIR RODERIC LYNE:   You are referring to the Chequers ...

7   MR TOM McKANE:   The Chequers ... but aside from that --

8   SIR RODERIC LYNE:   But that wasn't minuted out; this one  
9           was?

10   MR TOM McKANE:   This one was.   So it is the first I am aware  
11           of.

12   SIR RODERIC LYNE:   Yes?

13   MR TOM McKANE:   Because from my understanding we produced  
14           the options paper in the spring and the next -- the next  
15           paper dealing with the subject in the round is this July  
16           paper, which is succeeded by the discussion.

17   SIR RODERIC LYNE:   Were you then commissioned to take some  
18           further action following the July meeting?

19   MR TOM McKANE:   Well, there's a number of actions flow from  
20           the July meeting and the Secretariat would have been  
21           involved in ensuring that they were -- in helping to  
22           ensure they were followed up, although, as you say, it  
23           wasn't a formal Cabinet Committee meeting with the  
24           Secretariat in a formal role, but given that we were  
25           also -- that the head of the Secretariat was also the

1 Prime Minister's Foreign Policy Adviser, these  
2 distinctions are sometimes a little bit blurred.

3 So yes, specifically the Foreign Office were  
4 following up the whole question of what is called the  
5 ultimatum in that paper; in other words, how to take  
6 forward all of this at the UN.

7 The Ministry of Defence are doing further work to  
8 refine military options, and I think there was also to  
9 be some work on an information campaign, which  
10 I followed up at the end of August.

11 SIR RODERIC LYNE: Would it be a reasonable description to  
12 say that after that meeting we had effectively embraced  
13 a policy of coercive diplomacy towards Iraq with the  
14 ultimatum that you just referred to?

15 MR TOM McKANE: I think it would be fair to say that we were  
16 moving closer to military action and that the diplomacy  
17 associated with it was much tougher than we had had up  
18 until that point, but that -- and that, therefore, we  
19 were moving much more into a period when this certainly  
20 will not be allowed to run on ad infinitum. Something  
21 is going to have to change dramatically, whether it's  
22 a change in the attitude of Saddam Hussein, which leads  
23 to a resolution of the crisis, or it leads to some form  
24 of military action.

25 SIR RODERIC LYNE: Where did that leave containment?



1 MR TOM McKANE: Well, as I said in my statement, certainly  
2 containment -- on this march from a policy of  
3 containment towards one of intervention we are now  
4 getting much further down that path, but I would say  
5 that until the point when it was decided that we were  
6 going to intervene we are still working through the process of  
7 the United Nations and through the activity in the  
8 No-Fly Zones, not at the point where we have abandoned it  
9 completely.

10 SIR RODERIC LYNE: So on this continuum, whether it be at  
11 Crawford where the Prime Minister tells President Bush  
12 that the UK would support the US in military action to  
13 bring about regime change provided certain conditions  
14 are met, through July when we are embracing this much  
15 stronger policy and thereafter, what you have described  
16 earlier as a sort of evolutionary process.

17 MR TOM McKANE: Uh-huh.

18 SIR RODERIC LYNE: A number of decisions are being taken and  
19 continue to be taken beyond the stage at which you have  
20 actually left that particular job that lead us  
21 eventually in the following spring to military action?

22 MR TOM McKANE: Yes.

23 SIR RODERIC LYNE: Now as our options narrow through these  
24 decisions being taken, have Ministers and relevant  
25 senior advisers, relevant Ministers and senior advisers

1 at Cabinet or the equivalent had a real debate about  
2 this policy, stress tested it, challenged it, looked at  
3 possible options, looked at some of the downsides and  
4 debated how they should be dealt with? Were you  
5 conscious -- that's very much the business of the  
6 Cabinet Office -- that this had happened through this  
7 evolution of policy?

8 MR TOM McKANE: Well, the meeting that took place on the  
9 23rd had the relevant people present in the form of the  
10 Defence Secretary, Foreign Secretary, Attorney General  
11 and the Prime Minister. So it was my view that they had  
12 had an opportunity to have that sort of serious  
13 discussion because after all --

14 SIR RODERIC LYNE: Had they taken that opportunity?

15 MR TOM McKANE: Well, I wasn't present at the meeting.

16 SIR RODERIC LYNE: You saw the record?

17 MR TOM McKANE: I saw the record. It is not -- I don't  
18 think it's possible to tell from the record exactly what  
19 the discussion consisted of in its entirety, because  
20 it's quite a brief record and it's quite  
21 action-orientated rather than setting out all the  
22 arguments that were made at the meeting.

23 SIR RODERIC LYNE: So that's one meeting in this long march.  
24 Are you aware of other occasions on which this sort of  
25 challenge and stress testing that has been very much

1 part of the policy making process took place?

2 MR TOM MCKANE: I'm not aware of another meeting of  
3 Ministers where that kind of stress testing, as you  
4 describe it, took place, although there would have been  
5 I'm sure bilateral discussions, discussions involving  
6 the Prime Minister, the Foreign Secretary and Defence  
7 Secretary during that period of a more informal nature  
8 which would have been seriously considering the options  
9 that were available.

10 The options were being stress tested, if you like,  
11 in some of the official level discussions that had been  
12 taking place during that period, and that's why I was  
13 saying earlier that there was always a range of opinion  
14 across Whitehall about precisely what the best policy  
15 was.

16 SIR RODERIC LYNE: Thank you.

17 SIR JOHN CHILCOT: Thank you. Baroness Prashar will pick up  
18 the questions now.

19 BARONESS USHA PRASHAR: Can we move now to the planning for  
20 Phase 4 or the aftermath. In your statement in  
21 paragraph 10 you say you attended meetings of a group  
22 convened by the Deputy Chief of Defence Staff  
23 responsible for commitments to discuss how any military  
24 intervention would unfold?

25 MR TOM MCKANE: Uh-huh.

1 BARONESS USHA PRASHAR: Did the scope of this group also  
2 cover potential UK involvement in Iraq after  
3 intervention?

4 MR TOM MCKANE: The focus of that group, which met a number  
5 of times in the early summer of that year, was much  
6 more -- and I'm speaking from memory, because these were  
7 not minuted, these meetings; they were very informal  
8 gatherings of military officers and officials -- but the  
9 focus was on precisely what was the US emerging plan,  
10 what was the military plan, and there was great  
11 uncertainty about that at that stage, as I recollect.  
12 It was still developing and we had some access, but  
13 pretty limited access, and it was later in the summer  
14 that we got more closely engaged and had people embedded  
15 with the Americans.

16 So there was -- that was one focus, and the other  
17 was on what it was that we expected to be in place as  
18 a government after any intervention. So there was a lot  
19 of discussion of this point that is mentioned in one of  
20 the papers about, you know, Iraqi strongman versus  
21 democratic elections.

22 BARONESS USHA PRASHAR: Indeed.

23 MR TOM MCKANE: And the fact that the more -- the closer you  
24 were towards the second of these two options, the bigger  
25 the commitment it implied in terms of being there to

1 hold the ring, whereas if the outcome was transfer of  
2 power to some other individual or group of individuals,  
3 then it might imply a much smaller post-conflict  
4 commitment.

5 There wasn't from my recollection much, if any,  
6 discussion about the aftermath in terms of the  
7 infrastructure of the country, the security of the  
8 country, or humanitarian or development assistance.  
9 That wasn't the focus of these meetings, and I think  
10 that it's not really surprising, given that they were  
11 meetings that were being convened in the Ministry of  
12 Defence and had quite a defence focus.

13 BARONESS USHA PRASHAR: You said there were two scenarios  
14 being considered, that if you replaced with a strongman  
15 or you had a democratic government, if you went for the  
16 second option, it would be a long haul.

17 Were the implications of this discussed with anybody  
18 or drawn to anybody's attention?

19 MR TOM McKANE: I think because the focus of everyone at  
20 that point was more on if we are going to be involved  
21 militarily, which we don't know for sure at that stage,  
22 what is the military plan going to be? What is the form  
23 of the UK contribution likely to be?

24 In a sense until one had addressed those points and  
25 got some resolution on those points the question of

1       precisely what the aftermath was going to be was not  
2       something that could be settled.

3           So I think all I can do is repeat that it wasn't  
4       a central feature of those discussions. I know, though,  
5       I wasn't directly involved, that as things unfolded the  
6       British side had to engage with the American government  
7       on this question and it was not a straightforward matter  
8       to do so.

9   BARONESS USHA PRASHAR: So it wasn't a feature of these  
10       meetings convened by the Deputy Chief of Defence Staff?

11   MR TOM McKANE: No.

12   BARONESS USHA PRASHAR: But are you aware of anybody else --  
13       were there any other parallel groups which were  
14       considering UK involvement in Iraq after military  
15       action?

16   MR TOM McKANE: There was in the Cabinet Office in August of  
17       that year --

18   BARONESS USHA PRASHAR: This is 2002?

19   MR TOM McKANE: 2002 -- this was some work done on what the  
20       consequences might be of military action, which was  
21       going to look at a range of questions, not all solely to  
22       do with Iraq, but more to do with, you know, what the  
23       impact would be on the region more generally and on oil  
24       supplies and so on and so forth.

25   BARONESS USHA PRASHAR: So this was on the consequences

1           which are wider in terms of impact on the region,  
2           humanitarian?

3   MR TOM MCKANE: I can't honestly recall. You have to  
4           remember that the piece of work I am talking about now  
5           was something that was just beginning to get developed  
6           just as I left the job.

7   BARONESS USHA PRASHAR: Can you recollect if there was any  
8           work being done on what they might find in Iraq, the  
9           infrastructure, the state of the civil service and so  
10          on?

11   MR TOM MCKANE: Well, the military planners would naturally  
12          have been very focused on what the infrastructure inside  
13          the country was. There was I think -- I think it's  
14          generally agreed that there was a limited amount of  
15          information available to the government at this point,  
16          because the access to Iraq had been so constrained.

17   BARONESS USHA PRASHAR: Was the dialogue with the United  
18          States on military matters, was it with the state  
19          department. Was our planning of the aftermath  
20          adequately coordinated? Did you get any sense of that?

21   MR TOM MCKANE: Well, at the period we are talking about,  
22          which is the period between April and July 2002, you've  
23          got to remember that the question of discussion and  
24          discussions between the US and the UK on military plans  
25          was a very sensitive matter, and it was being largely

1           confined to these military to military contacts that  
2           were authorised in June of that year.

3           So I was not aware of wider discussions taking place  
4           about that subject.

5   BARONESS USHA PRASHAR: Whose responsibility do you think it  
6           should have been to coordinate the question about the  
7           aftermath planning in the Cabinet Office, should it have  
8           been the Overseas and Defence Secretariat in particular?

9   MR TOM McKANE: Well, the Overseas and Defence Secretariat would  
10          have been the natural place to act as a focus for that kind  
11          of work. It would have had to have involved the  
12          Department for International Development, and at that  
13          stage in the development of policy the Department for  
14          International Development was not closely engaged.

15   BARONESS USHA PRASHAR: Because in the private evidence  
16          given to us by Matthew Rycroft which was mentioned  
17          earlier, which we are going to publish this afternoon,  
18          he said and I quote:

19                 "undoubtedly the thought was in the Prime Minister's  
20          mind that if at the end of this we were going to go down  
21          the military intervention route then Phase IV, as it was  
22          called, aftermath would be many years ".

23          So there was awareness this would be a long-term  
24          involvement.

25          Was this communicated to you? Were you aware of



1           this?

2       MR TOM MCKANE: Well, I knew, because we had prepared  
3           a paper that indicated that, depending on precisely what  
4           form of transfer of power took place under regime  
5           change, that it could involve a substantial commitment  
6           of forces and other types of assistance by the countries  
7           involved in the campaign, but that was -- for me at any  
8           rate that was a factor that needed to be taken into  
9           account in thinking about this subject, and that's why  
10          it features in the paperwork in July.

11               We had not got to the point at that stage of  
12          planning for an aftermath, because there wasn't yet  
13          an aftermath to be planned for.

14               I don't -- I certainly wouldn't disagree with  
15          Matthew Rycroft's evidence to you, but it wasn't  
16          something that we were actively planning on at that  
17          point.

18       BARONESS USHA PRASHAR: So would it be fair to say that  
19           there was awareness that this would be something you  
20           would have to pay attention to but no systematic work  
21           was done?

22       MR TOM MCKANE: I think that's a fair assessment.

23       BARONESS USHA PRASHAR: When you left the Cabinet Office,  
24           who did you understand to be taking this responsibility  
25           forward? Was anybody allocated to take this

1 responsibility forward?

2 MR TOM McKANE: Well, my successor at the Cabinet Office  
3 would have had some responsibility for this, and I think  
4 in his evidence to you he has described his engagement  
5 and the setting up of -- just as I was leaving there was  
6 new, revised Cabinet Office machinery was being put in  
7 place and the subject in a sense was being put on to  
8 a more formal footing. It had been, as a number of you  
9 have observed, conducted on a somewhat informal footing  
10 for a number of months, and as part of that there was  
11 work put in place I believe on this question of the  
12 aftermath.

13 BARONESS USHA PRASHAR: Looking back, do you think -- what  
14 should have been done differently, if you look back now?

15 MR TOM McKANE: I'm always wary of indulging in the benefit  
16 of hindsight. What we were doing at the time we were  
17 doing to the best of our ability, and we were working to  
18 the agenda that was being set for us by Ministers.

19 BARONESS USHA PRASHAR: We are lessons learned inquiry. Do  
20 you have any thoughts what could have been done  
21 differently?

22 MR TOM McKANE: Well, we could have had more work done at  
23 that stage on aftermath, and if we had done, it's  
24 really -- one can only speculate what impact it might  
25 have had.

1           I think you do have to keep very much at the front  
2           of your minds that the main player in all of this was  
3           the United States Government. They were going to be in  
4           the lead in whatever planning was being done, whether it  
5           was for the military operation itself or the  
6           arrangements that would come after.

7           So to quite a large extent the pace at which we  
8           could move was dictated by the way in which the subjects  
9           were being handled in Washington and bilaterally between  
10          us.

11       BARONESS USHA PRASHAR: But if that was the assumption that  
12          they will be the lead partner, did we make enough  
13          efforts to get insights into the planning being done by  
14          the United States in this area?

15       MR TOM McKANE: Well, I need to repeat what I have already  
16          said, that by this period we had barely opened up the  
17          discussion on the military plans. So, you know, it's  
18          not as though we were in a very close detailed set of  
19          planning discussions with them throughout this period  
20          which completely ignored the question of aftermath.  
21          It's more that we were in some pretty tentative early  
22          discussions that were being conducted on a military to  
23          military net.

24          I am leaving to one side obviously exchanges that  
25          were taking place at ministerial level between the Prime

1 Minister and the President or the Foreign Secretary and  
2 the Secretary of State, but at the official level with  
3 the benefit of hindsight one might say we could have  
4 been doing more on that front, but there were some  
5 pretty severe and real constraints on what it was  
6 possible to do.

7 BARONESS USHA PRASHAR: Thank you.

8 SIR JOHN CHILCOT: Lawrence, over to you.

9 SIR LAWRENCE FREEDMAN: I want to talk about the dossier.  
10 Beforehand can I just follow up some of the things you  
11 said about inspections? You said a couple of things.

12 First, as things were understood, there were limits  
13 to what inspectors might be able to achieve, UNMOVIC  
14 might be able to achieve.

15 Secondly, whatever we were going to achieve, it  
16 would take quite a long time to do it.

17 Yet we have also heard an ultimatum was being  
18 developed which revolved around the return of the  
19 inspectors.

20 Do you think there was much understanding within  
21 government of exactly what would have happened if Saddam  
22 had acceded, especially before 1441, to the request?

23 MR TOM MCKANE: I think that it was understood that one  
24 possible outcome to the policy that we were now embarked  
25 on was that he would comply. I think the assessment was

1       that he would comply at the point when he felt that the  
2       alternative to doing so was military attack, and that in  
3       complying to the extent of letting the inspectors in, it  
4       was likely, based on past experience, that he would seek  
5       to obstruct their work, but I don't think -- I mean, the  
6       feeling at the time amongst those who were involved with  
7       this subject was that we were going to try something and  
8       if he did comply, if he did comply with the UN Security  
9       Council Resolutions, then we would be in such  
10      a completely different space that everything that had  
11      gone before would have to be looked at afresh.

12             If he had complied, I think some people at the time  
13      said if he had gone so far as to comply with everything  
14      that had been demanded of him, it would have amounted to  
15      a regime change of sorts.

16      SIR LAWRENCE FREEDMAN: And also potentially led to the  
17      lifting of sanctions?

18      MR TOM McKANE: Yes, it would potentially lead to  
19      the lifting of sanctions, but not the arms embargo or  
20      the embargo on dual use goods.

21      SIR LAWRENCE FREEDMAN: It is an interesting question as to  
22      --

23      MR TOM McKANE: I suppose -- it is an interesting question  
24      and there is related to it the question of well, you  
25      know, what would have happened to the in-place forces in

1           the region and the No-Fly Zones and so on and so forth,  
2           but most people I think, if you'd asked them at the  
3           time, would have said they thought it was highly  
4           unlikely that he would comply to that extent.

5   SIR LAWRENCE FREEDMAN: That was the assumption. Can I move  
6           on to the question of the public presentation of the  
7           policy? There's obviously been a number of enquiries  
8           that have explored the process of drafting the dossier  
9           and this was published -- the one that was published in  
10          September 2002, material it contained. We have heard  
11          evidence from this from a number of witnesses public and  
12          private and received a number of statements, including  
13          those from Lord Williams of Baglan and John Williams -- they  
14          are not related -- which we have published this morning.

15                So I just want to focus on some aspects of your  
16                involvement this morning.

17                Now in February 2002 you commissioned the  
18                preparation of a paper for public release dealing with  
19                four countries of concern, weapons of mass destruction,  
20                North Korea, Iran, Libya and Iraq. Do you recall that  
21                paper?

22   MR TOM McKANE: Yes. That was part of the package of  
23                briefs. It came out -- I think the commissioning was  
24                done at the same time as the briefing for the ...

25   SIR LAWRENCE FREEDMAN: So this was with Crawford in mind.

1           How much was it influenced by President Bush's "Axis of  
2           Evil" speech and the state of the union address?

3   MR TOM MCKANE: I don't remember precisely the sequence of  
4           events but it must have been influenced by the "Axis of  
5           Evil" speech, and there was even in the absence of that  
6           speech a real concern about WMD proliferation. It had  
7           been a subject of concern for governments for some time.

8   SIR LAWRENCE FREEDMAN: If you sort of go back to that  
9           paper, a version of which was going to be -- considered  
10          to be planned for publication, how would you weigh the  
11          relative threat posed by the different countries  
12          concerned, Iran, North Korea and Libya as well as Iraq?

13   MR TOM MCKANE: Well, this was obviously a subject of  
14          discussion. The distinguishing feature of Iraq and the  
15          Saddam Hussein government was that he had -- he had  
16          a track record. He had a record of using chemical  
17          weapons in both his own country and in the war with  
18          Iran. He was, therefore -- he was distinguished in that  
19          way from the other group.

20   SIR LAWRENCE FREEDMAN: In terms of the most dangerous of  
21          these types of weapons, nuclear weapons, how would you  
22          place Iraq?

23   MR TOM MCKANE: Well, I had to go on the assessments of the  
24          experts in this field. The paper that we are talking  
25          about let's not forget was -- yes, it was commissioned

1           by me, but not put together by me. It was a paper that  
2           was prepared by the Cabinet Office Assessments Staff in  
3           conjunction with others around Whitehall.

4           I didn't have any independent means of assessing the  
5           relative risks posed by one or the other.

6   SIR LAWRENCE FREEDMAN: In terms of the discussions around  
7           this paper were you aware of an argument that one of the  
8           consequences of publication of this paper might be to  
9           suggest that Iraq was not as threatening as the other  
10          countries?

11   MR TOM MCKANE: I don't remember that. I mean, I should say  
12          that my engagement with the -- although I commissioned  
13          this, it was really -- I commissioned it and then took  
14          receipt of it and we included it in the pack that went  
15          to the Prime Minister before Crawford, and then I became  
16          much more closely engaged thereafter.

17          I mean, what I do remember is that there was  
18          certainly a debate, as you implied, about whether Iraq  
19          represented a greater threat than the other countries  
20          that were included in this group, but the distinguishing  
21          feature of Iraq, as I've said, was that they had  
22          actually used these weapons.

23          So I was aware that there were differences of view  
24          within Whitehall about whether it was a sensible  
25          document to publish at that stage and, of course, in the



1 event it was decided not to publish the paper relating  
2 to the four countries, but to focus in on Iraq, and that  
3 was a decision that was taken around -- in the immediate  
4 aftermath of the Crawford meeting.

5 SIR LAWRENCE FREEDMAN: Do you recall again discussion about  
6 the comparative quality of information available about  
7 each of these countries? Obviously empirically you have  
8 the evidence of Iraq's actual use of chemical weapons,  
9 but in terms of where they were with their programmes do  
10 you recall a discussion about where the evidence -- how  
11 the evidence on Iraq compared?

12 MR TOM McKANE: I wasn't engaged in discussions of that  
13 nature. As I say, my direct involvement with this work  
14 came much more once we were focusing on papers for  
15 dealing with Iraq on its own.

16 SIR LAWRENCE FREEDMAN: Were you involved in the decision to  
17 focus solely on Iraq rather than to --

18 MR TOM McKANE: I think I took delivery of the decision. It  
19 was a decision that was reached by -- from memory it was  
20 a decision reached by the Prime Minister and the Foreign  
21 Secretary.

22 SIR LAWRENCE FREEDMAN: Do you recall why they decided not  
23 to do formations but only to concentrate --

24 MR TOM McKANE: I don't remember. I do remember in relation  
25 to the subsequent piece of work -- there was a concern

1           to ensure that the way that this document was handled  
2           didn't have the effect of unsettling the process that  
3           was being pursued at the UN on the goods review list and  
4           so on.

5   SIR LAWRENCE FREEDMAN: I think that was related to the  
6           April.

7   MR TOM MCKANE: Yes.

8   SIR LAWRENCE FREEDMAN: So you were then in April involved  
9           in producing and chairing a meeting of the Departmental  
10          Group, producing this collection of papers?

11   MR TOM MCKANE: Yes. In April it was decided that we should  
12          work on a group of papers. So it turned from being  
13          simply a document about weapons of mass destruction into  
14          a little collection of documents which included that but  
15          also included the humanitarian record of the Saddam  
16          Hussein regime and the history of the arms control  
17          inspections.

18                We worked on those documents from April through to  
19          about June, when it was decided to put them on ice.

20                There were several exchanges between -- either  
21          exchanges of minutes or discussions between me and  
22          Sir David Manning about the -- or Matthew Rycroft, but  
23          people who were based inside Number 10, about both the  
24          right timing of publication of these documents or  
25          whether indeed they should be published, and the

1 question of discussing them and sharing them with the  
2 US.

3 SIR LAWRENCE FREEDMAN: Just before we get to that, what  
4 exactly was your remit on these papers?

5 MR TOM MCKANE: The remit was initially to take the work  
6 that had been done up until then on WMD, to continue to  
7 refine that and to add to it these other two areas of  
8 work that I've described.

9 To begin with I remember being -- I remember asking  
10 what the timescale we should operate to was, and we were  
11 told -- I was told we should have something available by  
12 the end of April.

13 It may be at that point that the exchange that I got  
14 the date wrong on took place, and it was decided that  
15 that wasn't the time to do anything because of the  
16 impact it might have on the process at the UN.

17 So we continued to work on these documents. I had  
18 a small group, including officials from the Foreign  
19 Office and from the assessments -- Cabinet Office  
20 Assessments Staff, and possibly one or two of the  
21 intelligence agencies. The Ministry of Defence were not  
22 so directly involved in that work.

23 SIR LAWRENCE FREEDMAN: What about DIS?

24 MR TOM MCKANE: DIS, I believe that they were. What I can't  
25 remember exactly is whether they were involved directly

1           with me or were involved as sub-contractors, as it were,  
2           to the Assessments Staff.

3   SIR LAWRENCE FREEDMAN:   Right.   What about the Coalition  
4           Information Centre, if that's what CIC stands for?   What  
5           was their role in drafting?

6   MR TOM MCKANE:   I can't now recall when that centre was set  
7           up.   I'm pretty certain that it didn't exist in April,  
8           that it was something that had been set up later in the  
9           summer, and it would have been set up by -- at the  
10          request of 10 Downing Street.

11           They did become involved in the work that we were  
12          doing, but my memory is that that was at a much later  
13          stage, and it was as we were getting to the point where  
14          the work was transferring back from my Secretariat to  
15          the Cabinet Office Assessments Staff, but their role was  
16          to help to sharpen up the product, if I can put it that  
17          way, to make the language clearer, to make it language  
18          that would be more readily understood by the public.

19   SIR LAWRENCE FREEDMAN:   Do you recall how well they  
20          succeeded in that?

21   MR TOM MCKANE:   Well, my recollection is that as far as  
22          I was concerned they appeared quite late in the day.   So  
23          I don't really have much memory of their contribution.

24   SIR LAWRENCE FREEDMAN:   How much were you discussing this or  
25          what role did Alistair Campbell play in development of

1           the dossier at this stage?

2       MR TOM MCKANE: He was obviously aware that the dossier was  
3           being worked on. He took an interest in it, but it  
4           wasn't until the period right at the end of my time in  
5           the Cabinet Office that I can recall direct involvement  
6           with him on the dossier.

7           So I expect the answer is that he or his team saw  
8           drafts of the dossier as it was developing, but because  
9           it never got to the -- never seemed to get to the point  
10          where it was going to be published, some of the impulse  
11          behind it faded around about June.

12          You know, here we had a piece of work. We had done  
13          as much as we thought we could sensibly do on it. It  
14          was ready and I had an exchange with Sir David Manning  
15          in which we agreed that we should keep it ready, be  
16          ready to dust it off and use it at short notice, if  
17          necessary, and between that point and the end of August,  
18          beginning of September I don't really remember very much  
19          being done on the dossier.

20          In fact, I think when I was looking back at the  
21          papers I noticed that the version which I circulated for  
22          a meeting at the beginning of September has a June date  
23          on it, which indicates that nothing had been done in  
24          that intervening period.

25       SIR LAWRENCE FREEDMAN: When -- there's a minute -- meeting

1       in the middle of July, which I presume is the one you  
2       are referring to, with David Manning and I think  
3       Jonathan Powell was also present, when you decided, as  
4       you say, not to publish the document. You gave us an  
5       indication to the background. Do you know what  
6       involvement Ministers had had in that decision? Had it  
7       been discussed with, say, Jack Straw?

8       MR TOM MCKANE: I don't know what involvement they had.

9       I know that the Foreign Secretary was obviously aware of  
10      the work that was being done. I had no direct contact  
11      with him. It's quite possible and probably likely that  
12      the Foreign Office officials who were contributing to  
13      this work were keeping the Foreign Secretary or his  
14      office informed of progress with it, but the -- and I  
15      have no doubt that the Number 10 staff would have had  
16      some exchanges with the Prime Minister about what was  
17      being done.

18     SIR LAWRENCE FREEDMAN: The minutes of this meeting also  
19     indicated, as you say, the need to move in the light of  
20     changing circumstances and the possibility of a forward  
21     to be signed by the Foreign and Defence Secretaries or  
22     the Prime Minister.

23             Then about the same time you were preparing the note  
24     on the conditions for military action, a version of  
25     which is in the public domain, but recommended the

1        establishment of an ad hoc group of officials under  
2        Cabinet Office chairmanship to consider the development  
3        of an information campaign to be agreed with the  
4        Americans?

5        MR TOM MCKANE:    Yes.

6        SIR LAWRENCE FREEDMAN:    Do you recall what happened to that?

7        MR TOM MCKANE:    I do.    That was the thing I was referring to  
8        a little while back when Sir Roderic was asking me about  
9        the follow-up from the meeting -- or perhaps Sir John --  
10       on the 23rd.

11       This was a proposal which had come from the Ministry  
12       of Defence, and it was -- the idea behind it was that if  
13       indeed we were going to find ourselves involved in  
14       a military operation, and if we were going to create the  
15       conditions for success in that operation, there needed  
16       to be some form of strategic communications, some form  
17       of strategic communications plan and the group met under  
18       my chairmanship for the first time in late August, but  
19       it was pretty much a throat clearing meeting I think at  
20       that stage where the Ministry of Defence would have  
21       explained exactly what it was they had in mind, and  
22       there was a discussion of what might be done next.

23       I don't know what that happened to that group  
24       thereafter.

25       SIR LAWRENCE FREEDMAN:    Was the dossier discussed at that

1 meeting?

2 MR TOM MCKANE: It may have been touched on, but it felt  
3 like two related but separate pieces of activity.

4 The dossier it always seemed to me was about putting  
5 the fact before the British public in a way that would  
6 explain why this was a problem and a problem that had to  
7 be dealt with.

8 So, if you like, it might have formed an element of  
9 a broader information campaign.

10 I don't even know whether that group did survive or  
11 more likely it was an effort that was then managed and  
12 coordinated by Alistair Campbell in Downing Street.

13 SIR LAWRENCE FREEDMAN: We've published John Williams'  
14 witness statement and he was Foreign Office dealing with  
15 these issues of communications and he was quite opposed  
16 to the idea of the dossier being taken forward. If  
17 I can quote just a bit of his evidence:

18 "The burden of my argument was not about the quality  
19 of specific intelligence, which I never dreamed of  
20 judging, but my strong sense that we should not take on  
21 ourselves the burden of proof when all the US  
22 resolutions put the burden on Saddam Hussein to show he  
23 had destroyed his weapons. We couldn't prove it if the  
24 inspectors couldn't."

25 Was this argument taken on board at all?



1 MR TOM McKANE: The only recollection that I have of an exchange  
2 with John Williams on the subject of the dossier is when  
3 he wrote commenting on the draft capping note which  
4 I produced at the end of August/beginning of September,  
5 and he gave me comments which were designed to make  
6 the -- to improve the draft and make it something that  
7 would read better.

8 He may have made some of these points at meetings  
9 with me in the course of the preparation of the work,  
10 but I can't honestly remember it, and the Foreign Office  
11 officials who I remember being at the group that was  
12 discussing the preparation of the dossier in the period  
13 between April and June were generally people from the  
14 relevant expert departments. So there would have been  
15 staff from the Middle East Department and staff from the  
16 Non-Proliferation and Disarmament Department, but  
17 I don't remember at that point there being information  
18 specialists. You know, my memory may be defective.

19 SIR LAWRENCE FREEDMAN: Were you involved at all or asked  
20 your advice on the Prime Minister's decision to go ahead  
21 and announce essentially at the start of September that  
22 the dossier was going to be published? Were you given  
23 any advance warning of that?

24 MR TOM McKANE: No, not that I can remember. I was told  
25 that he had -- there had been this long period in which

1       it was -- the initial dossier was ready for publication  
2       at around Easter time. Then we had had the material  
3       ready at the end of April. We worked on it further. It  
4       was ready in June. You know, it wasn't something that  
5       I was consulted on, nor would I necessarily have  
6       expected to be consulted on. We knew that we would not  
7       go to publication until a decision had been taken by the  
8       Prime Minister that we would do that.

9       SIR LAWRENCE FREEDMAN: Were you surprised?

10      MR TOM MCKANE: I don't think I was either surprised or -- I  
11      don't remember having any particular emotions about it.  
12      What it meant was that we now had to engage in it in  
13      a much more energetic way than we had been doing for the  
14      previous couple of months, and it did take on  
15      a completely -- this was in the days just before I left  
16      the job, and at that stage Alistair Campbell does chair  
17      a meeting and want to discuss exactly what the dossier  
18      is going to consist of, at which point it is decided  
19      that it will be a much more -- that it will be more  
20      overtly an intelligence-based document and  
21      responsibility passes back from the Overseas and Defence  
22      Secretariat to the Assessments Staff.

23      SIR LAWRENCE FREEDMAN: Just one final question. You  
24      mentioned the capping piece, as you put it?

25      MR TOM MCKANE: Yes.

1 SIR LAWRENCE FREEDMAN: That you produced on 2nd September.  
2 Can you give us some idea of the origins of that? Was  
3 it your own initiative?

4 MR TOM MCKANE: I believe it was -- it followed an exchange  
5 with either Sir David Manning or Matthew Rycroft in  
6 which we agreed that the draft as it stood needed  
7 something to be put at the front of it which would  
8 encapsulate the main points, and I offered to do the  
9 draft and did so and circulated it to Whitehall  
10 departments for comment, got some comments, but then it  
11 was overtaken by the decision to move responsibility for  
12 the document.

13 SIR LAWRENCE FREEDMAN: But your assumption would be that  
14 that was something that would go under the signatures of  
15 Secretaries of State of Defence and Foreign Affairs?

16 MR TOM MCKANE: Yes, I think you referred earlier to  
17 an exchange where I had -- earlier in the summer where  
18 I had I think referred to the need for some preface or  
19 which would be signed, and I had asked whether it would  
20 be signed by the Prime Minister or the Defence  
21 Secretary, Foreign Secretary, and I think I even asked  
22 a question whether it should be the International  
23 Development Secretary as well.

24 So that would have been what I had in my mind as  
25 I drafted it, that it would be used by Ministers, but

1 I also knew that it would be just the first cut of  
2 a pretty lengthy process if it was going to be used in  
3 practice.

4 SIR LAWRENCE FREEDMAN: It set out a case for taking  
5 effective action against Saddam?

6 MR TOM MCKANE: I suppose what it was doing was trying to  
7 answer the question: why would we take action now? So  
8 it is related to the shift in approach that was marked  
9 by the meeting on 23rd July and the greater sense of  
10 pace and urgency I think that was injected thereafter.

11 SIR LAWRENCE FREEDMAN: So we can take it as sort of  
12 a summation of the state of policy as you saw it from  
13 your vantage point at the start of September 2002?

14 MR TOM MCKANE: Yes. Yes.

15 SIR LAWRENCE FREEDMAN: Thank you.

16 SIR JOHN CHILCOT: Nearly at the end, I'd like to ask one  
17 general question and then invite you to comment if there  
18 are any lessons that you would like to draw to our  
19 attention.

20 The first is throughout this period that you have  
21 been describing to us this morning you have great events  
22 going on in the world and increasing press, urgency,  
23 a range of crises.

24 At the same time the Secretariat reduces in effect  
25 from three very senior staff to two over the period

1       where people work ever longer hours and you have also  
2       drawn attention to prioritising and having to focus on  
3       the most important or urgent at the time. Against that  
4       background, and with no imputation either way, what's  
5       your assessment of the effectiveness of the OD  
6       Secretariat over that period of time both in  
7       coordinating the formation of policy and then in  
8       supporting its delivery insofar as that arose?

9   MR TOM MCKANE: In relation to Iraq?

10  SIR JOHN CHILCOT: Yes.

11  MR TOM MCKANE: I think that the Secretariat performed the  
12       job that was expected of it. I think that it's  
13       perfectly possible to say that had we been larger we  
14       would have devoted more resource to the subject, but  
15       equally I think it's possible that had we been larger we  
16       would have put that extra resource into Afghanistan and  
17       counter-terrorism. So it's quite -- it's quite  
18       difficult to make that judgment now about what we would  
19       have done then.

20       I wasn't aware during the period that we're talking  
21       about of any dissatisfaction on the part of the  
22       Whitehall machine about the way that policy on Iraq was  
23       coordinated.

24       So I would say that those who were engaged in that  
25       work were all extremely able, dedicated people, and they

1           were producing a service which was generally regarded as  
2           being what was needed.

3   SIR JOHN CHILCOT:   Thank you.   Do you draw any lessons,  
4           given that we are a lessons learned inquiry, from that  
5           whole experience that we haven't already drawn out this  
6           morning?

7   MR TOM MCKANE:   I think that it's possible with the --  
8           looking back on it, to say that we might have had more  
9           formal meetings of Ministers.   Whether that would have  
10          changed the outcome I rather doubt actually, and I would  
11          still say that the -- that those who needed to be  
12          closely engaged in the decisions and the policy making  
13          process at the time were engaged.

14   SIR JOHN CHILCOT:   Just one supplementary then, if I may.  
15          You mentioned in the course of your evidence this  
16          morning and reminded us the preponderant role of the  
17          United States in this whole Iraq affair, hugely larger in  
18          scale and to some degree setting the pace.

19                 Was there a full awareness of that at all the  
20          relevant levels in the British system that this was not  
21          a partnership between near equals even, but one of  
22          a huge superpower and a medium sized European power?  
23          Was that fully realised?

24   MR TOM MCKANE:   I believe so, certainly by all those who  
25          were closely involved in the Iraq issue.

