

Iraq Inquiry: statement by Lord Jay of Ewelme

I was Permanent Under Secretary in the FCO from January 2002 to July 2006. I was responsible in that capacity for the management of the Diplomatic Service at home and abroad - 6,073¹ Diplomatic staff and 7,841² staff recruited directly to our Embassies and High Commissions abroad (our 'local staff'), and responsible for providing advice to the Foreign Secretary on key foreign policy issues, including Iraq.

The lead role on policy advice would normally be taken by the Political Director or by the senior official concerned – in the case of Iraq by the head of the Middle East Department and subsequently the head of the Iraq Directorate when that was set up. They had free access to me: Iraq was always high on the agenda of my meetings with senior staff and also of my regular meetings with the Foreign Secretary. But the Foreign Secretary would also expect me to focus on issues, often consular issues, which directly affected the public, the Diplomatic Service itself and confidence in the Service. Examples during my time as Permanent Under Secretary were the possibility of war between India and Pakistan in the summer of 2002, the September 2002 Bali bombings, the November 2003 terrorist attack on the British Consulate in Istanbul, and the tsunami in December 2004 which affected Indonesia, Sri Lanka and Thailand. Together with regular travel and my involvement in management issues, this meant that my involvement in Iraq policy was less constant and less detailed than those who were involved full time.

¹ Actual figure 2001 – 2002, FCO Annual Report 2003/2004.

² FCO Annual Report 2003/2004

In February 2005 I was appointed the Prime Minister's Special Representative ('Sherpa') for the G8 Summits in Gleneagles in July 2005 and St Petersburg in July 2006. With the agreement of the Foreign Secretary, I concentrated principally during that period on G8 matters and on matters affecting the running and the reform of the FCO at home and abroad.

Against this background, my comments on the issues which the Secretary to the Inquiry indicated the Committee was likely to cover in the hearing about my role in the provision of policy advice to Ministers on Iraq included the following:

- Knowledge of Iraq before 2003 was provided by the Middle East Department and subsequently by the Iraq Directorate, and in particular by our Embassies in the region. Direct knowledge was hampered by the absence of a British Embassy in Baghdad since the Gulf war of 1991.
- I supported the efforts to secure UNSCR 1441 and the pursuit of a second UN resolution which, if achieved, would have provided broad international support for a military intervention in Iraq.
- I argued that the provision of support for the invasion by the Foreign Office and in particular our Embassies in the region, many of whom would be vulnerable to counterattack by Iraq, required a clear statement by the Attorney General, as the Government legal adviser, of the legality of the intervention. On this I shared the concerns of the Chief of Defence Staff.
- In addition to the Prime Minister and Foreign Secretary, the key influence on decisions in the post conflict period was provided by Sir John Sawers and later by

Sir Jeremy Greenstock in Baghdad, by Sir David Manning in Washington and in London by the Iraq Directorate. I was involved in the main decisions.

My role leading the FCO's corporate handling of Iraq included the following:

- Discussions at Cabinet and Cabinet Committees, at both Ministerial and official level, were the central political focus for Iraq. At my level there were meetings between senior FCO staff and the Chiefs of Staff and the Permanent Secretary at the MOD, and I had regular meetings with the Permanent Secretary at DfID. There was discussion of Iraq most weeks at the Cabinet Secretary's weekly meetings of Permanent Secretaries, and I had regular discussions with the Cabinet Secretary. There were of course constant contacts at other levels, and with other Departments.
- In recognition of the difficulty in preparing for possible conflict while working hard to prevent it, I agreed with the Permanent Secretaries of the Ministry of Defence and DfID on the setting up of the Post Conflict Reconstruction Unit in 2004 (renamed the Stabilisation Unit in late 2007).
- As the Iraq issue grew in importance and complexity, so the structure of the FCO changed to reflect this. An interdepartmental unit (Iraq Planning Unit) was set up in the FCO under Dominick Chilcott in February 2003, and two emergency units, a policy unit, staffed mainly by FCO staff, but with regular attendees from other Whitehall Departments, and a Consular unit were opened in March 2003 and continued in Operation throughout the conflict and until late April/early May. They each worked 24 hours a day throughout this period. An Iraq Policy Unit, amalgamating the planning unit with the Iraq section of Middle East Department,

was set up in June 2003. A full Iraq Directorate, headed by John Buck, and reporting to John Sawers as Political Director, was established in September 2003.

I was involved in all these decisions.

- There was concern in the FCO that the US administration was not sufficiently focused on the running of Iraq after a conflict. There was constant UK pressure therefore to set up ORHA, including the secondment of staff to it; and a strong Whitehall effort to second UK staff to the CPA after the conflict. I was involved, with others, in discussions with other Whitehall Departments to ensure the right mix and number of volunteers to fill the positions in the CPA.
- I was involved in the decisions on the initial staffing of the UK diplomatic presence in Iraq, and of the strengthening of the staff presence there which soon became necessary, including the appointment of Sir John Sawers and later Sir Jeremy Greenstock in Baghdad, and Sir Hilary Synnott in Basra. The principal responsibility for other decisions on the level and composition of the missions, including discussions with other Whitehall Departments, lay with the Iraq Directorate.
- The duty of care to staff working in Iraq, whether from the FCO or other government departments, was a constant source of concern. The basic principles were that:
 - Staff should be volunteers, and be fully briefed on the risks they would face;
 - They should only remain in Iraq if they were able to carry on the functions for which they had been appointed;
 - Management would take all reasonable measures to ensure the safety of staff.

- There were differences at times between government departments on how these guidelines should be interpreted, but I believe they provided broad assurance.
- Before and during the military intervention, there was concern too about the safety of staff, both Diplomatic and locally engaged, in neighbouring Embassies.

Saddam Hussein had attacked neighbouring countries during the 1991 conflict, and had used chemical weapons against Iraq during the Iran/Iraq war and in an attack on a Kurdish village in Iraq. It would have been wholly irresponsible to assume that he would not seek to attack coalition nationals, including Embassies, in neighbouring states a second time. We therefore arranged for protective suits to be sent to the Embassies concerned, for which the Treasury agreed extra funds, and ensured that each Embassy had protection and evacuation plans.
- Finally, there was understandable concern among FCO staff in the lead up to the conflict. I arranged a series of open meetings with staff, the first of which I chaired, to explain the Government's policy and the steps we were taking to protect our own staff in the region. I made clear that in my view there was no possibility of the foreign Secretary agreeing to British involvement in a conflict which he believed to be illegal.

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