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\*\*Friday, 27 November 2009

2 (10.00 am)

3 THE CHAIRMAN: Good morning everyone. Good morning,  
4 Sir Jeremy.

5 SIR JEREMY GREENSTOCK

6 SIR JEREMY GREENSTOCK: Good morning, Chairman.

7 THE CHAIRMAN: The objective of this session is to help us  
8 build a picture of developments at the United Nations on  
9 policy towards Iraq in 2001 to the beginning of the  
10 military action in March 2003.

11 We want to examine United Kingdom Government policy  
12 towards, and, indeed, understanding of, developments in  
13 the UN. This will include the background to the  
14 United Nations Security Council Resolution 1441 which  
15 was agreed in November 2002 and the attempt to agree  
16 a second resolution up to and including March 2003.

17 Sir Jeremy, we are very grateful for the written  
18 statement that you have already provided to these issues  
19 which should now be on the website as we speak.

20 I envisage the morning session will last up to three  
21 hours, but certainly not beyond, and, Sir Jeremy, we are  
22 going to see you again before Christmas to ask about  
23 preparation at the UN for the post-conflict phase and,  
24 indeed, your time after that in Baghdad, but we will not  
25 address those this morning.

1 I just want to recall generally, as I have before  
2 each of the sessions, the Inquiry has access to  
3 thousands of government papers, including the most  
4 highly classified for the period we are considering. We  
5 are developing a picture of the policy debates, the  
6 decision-making process. These evidence sessions are an  
7 important element in informing the Inquiry's thinking  
8 and complementing the documentary evidence.

9 It is important that witnesses are open and frank in  
10 their evidence, while respecting national security, and  
11 I remind every witness that he will be asked to sign  
12 a transcript of the evidence later to the effect that  
13 the evidence given is truthful, fair and accurate.

14 With that, by way of introduction, perhaps I can  
15 turn to my colleague, Baroness Prashar.

16 BARONESS USHA PRASHAR: Thank you very much indeed,  
17 Chairman.

18 Sir Jeremy, I want to really start by looking at  
19 what was the policy towards Iraq in the United Nations  
20 in 2001. It will therefore be very helpful if you can  
21 describe briefly what were the positions held by the  
22 members of the United Nations in the first part of 2001.

23 SIR JEREMY GREENSTOCK: Well, in 2001, Iraq was one of  
24 a number of issues in front of the Security Council and  
25 2001 is not a natural starting point for the history of

1 Iraq and the Security Council, as I set out in my  
2 written notes.

3 It goes back to 1991, 1998, Resolution 1284 in 1999,  
4 and you have started in 2001 because that's when 9/11  
5 happened and you are leading up to that, but it is  
6 a slightly false point at which to start talking about  
7 attitudes. They go way back.

8 The Security Council had had considerable trouble in  
9 reaching agreement on how to move forward after the  
10 stalemate caused by the breakdown in the Security  
11 Council at the end of 1998 after the bombing of Iraq by  
12 the UK and the US and the attempt in early 1999 to  
13 recover from that.

14 The history of the negotiations in 1999 is available  
15 to you. It ended in December with the adoption of  
16 Resolution 1284, which established a new inspection  
17 regime for Iraq and new conditions under which Iraq  
18 might eventually meet Security Council requirements and  
19 escape from sanctions.

20 The conditions in 1284 were not accepted by the  
21 Iraqi Government and, therefore, although UNMOVIC, the  
22 new inspection regime that was set up by 1284, was in  
23 business from 2000 onwards, it didn't get into Iraq, was  
24 refused access and didn't make much progress.

25 Therefore, from early 2000 onwards, the business of

1 the Security Council was mainly about containment, about  
2 maintenance of the sanctions regime, over which there  
3 was considerable division within the Security Council,  
4 about maintenance by the UK, the US and France --  
5 although France dropped out after a while -- of the  
6 No Fly Zones, of maintenance of the Oil For Food  
7 programme, which was also contentious within the  
8 Security Council, and discussions about the degree to  
9 which the Saddam Hussein regime was getting round  
10 sanctions and creating opportunities for importing  
11 things that were sanctioned and exporting oil that was  
12 also sanctioned.

13 By the beginning of 2001, which, of course, was also  
14 the moment when the new American administration came on  
15 the scene, the containment of Iraq was flawed and was  
16 regarded by everybody as flawed, by those who thought  
17 the sanctions regime should be maintained and by those  
18 who thought that the sanctions regime should not be  
19 maintained.

20 Of all the issues that I dealt with in the  
21 Security Council, Iraq produced the greatest divisions  
22 amongst the Permanent 5. Normally, in New York, the  
23 Permanent 5 don't act as a body. They don't meet, they  
24 don't caucus, they don't prepare resolutions, they are  
25 a body of similar character because they are permanent

1 members, but they are not an operational one.

2 On Iraq, they gradually became an operational body  
3 because the Security Council, as 15, could not operate  
4 if the permanent members were divided.

5 Therefore, there were various geometric patterns of  
6 relationships within the Security Council and  
7 discussions within and outside the Security Council  
8 about how to deal with Iraq. Amongst the P5  
9 bilaterally, trilaterally. Between the P5 or members of  
10 the P5 and the elected 10 members of the Security  
11 Council and these swirling discussions, negotiations,  
12 informal debates about what to do with Iraq were quite  
13 a complex picture.

14 The United States was at one end of the spectrum in  
15 regarding Iraq as a threat and as regarding the  
16 United Nations as unable to deal with the threat in  
17 a way which was required.

18 The United Kingdom was sympathetic to that view, but  
19 wanted to see the United Nations operating successfully  
20 on Iraq because we regarded it as a collective problem.

21 The French, Russians and Chinese had all abstained on  
22 1284, and were therefore not particularly on the side of  
23 just straight containment of Iraq, because they also  
24 wanted to see progress towards the end of sanctions.

25 The other members of the Security Council were

1           mainly of that view, that they did not see that the  
2           downsides of sanctions, as far as the humanitarian  
3           effects on the Iraqi people were concerned, were worth  
4           the degree of containment which they provided for an  
5           Iraq, the threat from which was not fully proven, in  
6           their view, in terms either of military capability or in  
7           terms of possession of weapons of mass destruction.

8           So that was the spectrum. At the other end of the  
9           spectrum from the US, I think you would place two  
10          categories of countries: one, Russia and France, as  
11          being the countries who had a direct relationship with  
12          Iraq, thought that the United States was being too harsh  
13          through the UN on maintaining the sanctions regime when  
14          the evidence for the benefits of that were not clear and  
15          who believed that there were other ways of dealing with  
16          whatever threat Iraq produced.

17          But there were other members of the Security  
18          Council, normally, also, the Arab member of the Security  
19          Council, who thought that there was more behind the  
20          US/UK position than just the business of weapons of mass  
21          destruction and were complaining about or hostile to  
22          what they saw as western members of the Security  
23          Council taking on an eastern or an Islamic or an Arab  
24          enemy.

25          So you have got a range of attitudes, but circling

1 around the business of containment, of sanctions, of the  
2 No Fly Zones and of the implementation of 1284.

3 BARONESS USHA PRASHAR: Thank you for that background, but  
4 to what extent was the successful defiance of the  
5 United Nations Resolution by Iraq perceived to undermine  
6 the authority of the United Nations?

7 SIR JEREMY GREENSTOCK: Sorry, could you repeat that?

8 BARONESS USHA PRASHAR: I said, to what extent was the  
9 successful defiance of the United Nations Resolutions by  
10 Iraq perceived to undermine the authority of the  
11 United Nations at that time?

12 SIR JEREMY GREENSTOCK: I don't think there was a single  
13 member of the Security Council who believed that Iraq  
14 was trying honestly and honourably to meet Security  
15 Council conditions. I don't think there was a single  
16 member of Security Council, throughout my period there,  
17 who supported Saddam Hussein or Iraq. I don't think  
18 there was a single member of the Security Council who  
19 believed that Iraq was innocent, was not plotting to  
20 develop military capability, was not defying  
21 United Nations, was not cheating on sanctions, but  
22 I have tried to describe to you in my earlier answer the  
23 spectrum of views about how intensely that was a problem  
24 and about how it should be dealt with.

25 BARONESS USHA PRASHAR: Did that include the United Kingdom

1 as well?

2 SIR JEREMY GREENSTOCK: Yes. The United Kingdom had  
3 a different approach from the United States, to the  
4 extent that we believed that action on or against Iraq  
5 should be unequivocally collective, that it had to be  
6 based on Security Council Resolutions, that it had, if  
7 at all possible, to avoid the use of force, but also  
8 that it had to be effective, that it had to remove  
9 nationally any threat which Saddam Hussein and his  
10 regime might pose to the vital interests of the  
11 United Kingdom, and collectively would remove the  
12 defiance by Iraq of the United Nations Resolutions.

13 So we were in our own part of the spectrum,  
14 actually, which, if you wish, we can define more  
15 precisely as we go along.

16 BARONESS USHA PRASHAR: But was there much interest in the  
17 United Nations members of the Security Council for  
18 a change in policy on Iraq in early 2001? Because, you  
19 know, the review, we heard, was beginning to happen in  
20 the UK and the USA, but was there much interest in the  
21 Security Council reviewing the policy?

22 SIR JEREMY GREENSTOCK: Yes, I mean, this is all part of an  
23 evolving pattern -- and you have heard from previous  
24 witnesses about this -- that the sanctions regime was  
25 clearly eroding, in two senses: one, to some extent Iraq



1 was winning the argument about the humanitarian effect  
2 of sanctions and they were becoming internationally,  
3 globally, if you like, less popular; secondly, it was  
4 not clear that we were successfully dealing with the  
5 capacity of Iraq to improve its military capability as  
6 it progressively got round the provisions of sanctions  
7 itself through smuggling and through the purchase or the  
8 attempted purchase of materials that were proscribed  
9 under UN Resolutions.

10 BARONESS USHA PRASHAR: The picture that you have of the  
11 background is that there was a spectrum of view and  
12 there were hard views and softer views as to what  
13 might -- so in terms of what followed, there was already  
14 a kind of fault line between different views within the  
15 Security Council.

16 Against that background, did the attempt by the USA  
17 and the UK to secure smart sanctions -- a positive  
18 approach and was it started with the view that it would  
19 succeed?

20 SIR JEREMY GREENSTOCK: Yes, it was an intelligent way to  
21 try to move. If sanctions are unpopular and have bad  
22 side effects and if sanctions are becoming less  
23 effective, you try and do something about the sanctions  
24 regime. So we actually talked in some detail with the  
25 new American administration about doing that, about

1 stopping the smuggling, about improving the Oil For Food  
2 programme and, particularly, when you mention the smart  
3 sanctions, let's be clear what we are talking about; we  
4 are talking about changing the sanctions process from  
5 a list which allowed things to go into Iraq, which said,  
6 "These are the things which are allowed into Iraq", the  
7 green list, into a list which said, "These are the  
8 things which are not allowed into Iraq", the goods  
9 review list.

10 That was a sensible way to go, because it meant that  
11 Iraq could then purchase ordinary goods without having  
12 to clear those goods through the Oil For Food programme  
13 and through the Iraq Programme Office in the  
14 secretariat, and which focused on what this was all  
15 about, which was weapons of mass destruction, not  
16 ruining the life of the Iraqi people.

17 So that was a sensible way to go and we were quite  
18 pleased that we had an agreement with the new  
19 US administration on this part of a policy which also  
20 included other things like maintaining the No Fly Zones,  
21 doing our own thing to try and stop oil smuggling,  
22 trying to seek information on what Iraq was doing in  
23 weapons of mass destruction and other aspects of the  
24 policy that were relevant to UN Resolutions.

25 BARONESS USHA PRASHAR: With hindsight, do you think we

1           could have done anything differently to respond to the  
2           opposition to the proposed smart sanctions, in  
3           particular by Russia and others?

4   SIR JEREMY GREENSTOCK:  We did do something about it.  
5           I have noticed that in your hearings so far you have  
6           focused quite a lot about the failure to get a smart  
7           sanctions regime in June 2001 -- July 2001,  
8           in November 2001.  I have not heard you put any  
9           questions about the success in achieving smart sanctions  
10          in May 2002.

11  BARONESS USHA PRASHAR:  We were hoping that you would come  
12          to that.

13  SIR JEREMY GREENSTOCK:  Fine.  We will get on to it in due  
14          course, but I'm saying that because the approach to  
15          smart sanctions was eventually successful and the  
16          cross-voter, if you like, the marginal voter, that made  
17          it possible to go from failure to success on this was,  
18          as you surmise, Russia, and if you want to go into  
19          detail, we could talk about why Russia opposed the smart  
20          sanctions regime in mid-2001 -- 2001, and why it agreed  
21          to it in the first four or five months in 2002.

22  BARONESS USHA PRASHAR:  I would just like to hear that  
23          briefly, if that's possible.  I would like to hear  
24          Russia's views.

25  SIR JEREMY GREENSTOCK:  Russia was, in the summer of 2001,

1 the only Security Council member that opposed the kind  
2 of smart sanctions regime that we were looking for, and  
3 I think the reasons for that you will need to ask other  
4 people who were expert on Russia, including  
5 Sir Roderic Lyne, why that was so, but as I saw it from  
6 the UN, there were these elements: that Russia had its  
7 own direct relationship with Iraq and was talking with  
8 Iraq probably more than any other country on the  
9 Security Council on a regular basis; that Russia was  
10 seriously resentful about what had happened in 1998,  
11 in November and December 1998; that Russia was seriously  
12 resentful about what happened over Kosovo in 1999; that  
13 Russia thought that the United States with its allies,  
14 but primarily with the United States, wanted to keep  
15 sanctions on Iraq as a matter of hostility to Iraq  
16 whether or not there were Security Council Resolutions  
17 that backed it up.

18 The Russian delegation consistently complained about  
19 the No Fly Zones, which it rightly said had no specific  
20 basis in Security Council Resolutions. The Russians had  
21 abstained on Resolution 1284.

22 The Russians were just not prepared, I think, in  
23 mid-2001 with a new American administration, to be  
24 carried along into a recasting of the sanctions regime  
25 on Iraq which would extend it without any clear

1 measures, stepping stones, if you like, for how Iraq  
2 could get out of the sanctions regime. They regarded it  
3 as one-sided in that respect, whereas 1284 had been  
4 comprehensive.

5 The irony in that, of course, being that they had  
6 not voted for 1284, but were a passionate advocate of it  
7 from 2001 onwards: well, that happens in diplomacy and  
8 it happens in other issues.

9 So the Russians were just not prepared to be rolled  
10 over by the United States on this issue unless they had  
11 other items included alongside or within the sanctions  
12 regime draft resolution. They exercised their leverage  
13 in order to try and get that more comprehensive approach  
14 that was built on 1284 or might even extend and adapt  
15 1284.

16 They held out in July, they held out in November,  
17 and we wondered whether we would ever get a sanctions  
18 regime and it needed some heavy lifting to do so, which  
19 may be the point of another question.

20 BARONESS USHA PRASHAR: That's helpful. I'd now like to  
21 slightly move on to the change in international mood as  
22 a result of 9/11, if we can fast forward a little,  
23 because, if you can sort of again briefly say what the  
24 effect of 9/11 was on the attitude to the Security  
25 Council representatives, and what were the main

1           developments at the United Nations on Iraq between 9/11  
2           and the beginning of the discussions leading up to the  
3           Security Council Resolution 1441.

4   SIR JEREMY GREENSTOCK: That's quite a long period. That's  
5           a year or so. Let me give you the short version.

6           It was extraordinary to me, given the divisions in  
7           the United Nations at the beginning of September 2001  
8           and given the, shall we say, geopolitically natural  
9           resistance to the United States as the single superpower  
10          in some other parts of the world, given the  
11          United States's normally selective approach to the use  
12          of the United Nations for its own interests or for  
13          collective interests, that, once 9/11 had happened,  
14          there was virtually universal sympathy for the  
15          United States in the United Nations.

16          The symbols of that were the passing of two  
17          resolutions, 1368 and 1373. 1368 gave express cover for  
18          the United States to use military force in Afghanistan  
19          and 1373 set up a programme for all member states to  
20          take further measures to counter terrorism in their  
21          jurisdictions, with a sense of creating international  
22          law through a mandatory Security Council Resolution  
23          which was regarded by many UN member states as  
24          unprecedented up to that point. And yet not a single  
25          member of the Security Council argued about 1373 in any

1 detail.

2 Strangely, the one country on the Security Council  
3 that caused the United States trouble over 1373, and the  
4 United States was the drafter and promoter of that  
5 resolution in the Security Council -- was the  
6 United Kingdom, because we had concerns about an asylum  
7 article in that resolution and that was a controversial  
8 topic in domestic UK politics at that time and I had  
9 instructions to question the wording at that point in  
10 the Security Council draft.

11 No other member of the Security Council, as  
12 I recall, suggested drafting changes or substantive  
13 changes to the draft put down by the United States. I  
14 can't think of another resolution that came before the  
15 Security Council in my time, proposed by the  
16 United States, that was not contested in some way or  
17 another by another member of the Security Council.

18 The United States had sympathy. The attack on the  
19 Twin Towers and on Washington was going too far for  
20 everybody and that sympathy could have been extended, in  
21 my view, to other aspects of multilateral work at the UN  
22 and elsewhere, given its unusual character.

23 BARONESS USHA PRASHAR: I want to pursue that further  
24 because you say that even in your statement, that there  
25 was sympathy. Do you think the UK could have done more

1 to build on that change of mood and could the USA have  
2 done more to build on that mood and, if so, why didn't  
3 that happen?

4 SIR JEREMY GREENSTOCK: Undoubtedly. The only possible  
5 answer to that is, yes, in theory, but it was the  
6 United States that had to build on it.

7 We can talk at another point, if you like, about the  
8 relationship between the UK and the US in the  
9 United Nations. We sometimes worked very closely with  
10 them and, indeed, did some of their work for them. We  
11 sometimes opposed them in the Security Council and  
12 elsewhere in the United Nations, but it was not for the  
13 United Kingdom to do anything more than help on the  
14 touchline, extend, in time and in substance, that  
15 feeling of sympathy which could have had a bearing on  
16 a whole number of questions in the United Nations, not  
17 least other questions to do with the Middle East.

18 But as we can trace, if you wish, it didn't happen  
19 that way.

20 BARONESS USHA PRASHAR: Why didn't it happen that way?

21 SIR JEREMY GREENSTOCK: Because that's not the way the  
22 United States works. It needed to happen in Washington  
23 and not in New York or NATO Brussels or Beijing or  
24 Moscow or anywhere else. It needed to happen in  
25 Washington as an understanding between the



1 US administration and the US Congress and US public  
2 opinion.

3 The United States works first and foremost within  
4 its own domestic context. A President has to explain  
5 policy first and foremost within the domestic context.  
6 He is not a supreme dictator in the US system. He has  
7 to have congressional and public support and they were  
8 focused on Afghanistan and on military action in  
9 Afghanistan, and that was an American-planned and  
10 American-led operation. It needed to be explained,  
11 needed congressional support, and after that military  
12 campaign was over, there needed to be a political  
13 follow-up in Afghanistan that it would be useful to have  
14 US/UN collaboration on, but which the United States was  
15 probably prepared to try and do whether or not the  
16 United Nations was part of the political arrangements  
17 for Afghanistan after the military action.

18 The United States was, therefore, focused on what  
19 was in front of it in terms of its domestic and  
20 international policy formation. There was, from the UK  
21 point of view, and perhaps from the point of view of  
22 most other members of the United Nations, too little  
23 consideration within that as to whether the  
24 United States had an opportunity to form a different set  
25 of international, indeed global, relationships which

1 would make it easier for the superpower to do its  
2 international business with the support of a wide swathe  
3 of international opinion.

4 Relevant to this, but not my concern in my job in  
5 New York, is the nature of the Bush administration, how  
6 it formed policy, on which you have heard from  
7 Sir Christopher Meyer and may want to go into again,  
8 but, as I observed it, it was the practice of the Bush  
9 administration to seek allies only when needed  
10 allies for a particular piece of policy. If they could  
11 do it on their own, they would do it on their own. If  
12 they couldn't do it on their own, they would collect  
13 allies, but then retreat to a piece of territory where  
14 they could again do things on their own and not maintain  
15 allies in general out there in a warm feeling of  
16 collective alliance for a whole range of things that  
17 might come up in the future.

18 They were selective in their alliances and in their  
19 search for help in what they needed to do  
20 internationally.

21 BARONESS USHA PRASHAR: We got that clearly from the  
22 previous witnesses in terms of the division also within  
23 the United States, but how would you summarise the UK's  
24 objectives at the United Nations towards Iraq during  
25 this time, post-9/11? What was your understanding?

1 SIR JEREMY GREENSTOCK: Actually, they didn't change very  
2 much from pre-9/11. The context changed, but what we  
3 were doing at the United Nations did not change all that  
4 much.

5 Towards the end of 2001, the Russians signalled to  
6 us that they might be more amenable to a smart sanctions  
7 regime. In January 2002, Ambassador Lavrov of the  
8 Russian Federation put down an alternative draft  
9 resolution text on smart sanctions which was regressive;  
10 so they went forward and then they went back.

11 Then quite an important development occurred, which  
12 was that the United States decided that they wanted  
13 a smart sanctions regime. You will recall from previous  
14 witnesses that you put questions about the seriousness  
15 of US policy in seeking a containment regime or a smart  
16 sanctions regime.

17 Well, in February or so of 2002, the United States,  
18 under Secretary Colin Powell went serious on getting the  
19 smart sanctions regime and there was a series of  
20 bilateral negotiations between Washington and Moscow  
21 which was out of sight of the Security Council, which  
22 was what eventually produced the basis for the  
23 Security Council Resolution that, on 14 May, produced  
24 smart sanctions.

25 We couldn't have got smart sanctions without that

1 particular set of negotiations and that was the reason  
2 that Resolution 1409 was produced.

3 THE CHAIRMAN: Could I just interject to ask: you used the  
4 term "heavy lifting" a little earlier. Was the American  
5 Russian dialogue that you have just referred to the  
6 heavy lifting process that enabled the smart sanctions  
7 resolution to go through?

8 SIR JEREMY GREENSTOCK: Yes, that was serious heavy lifting.

9 THE CHAIRMAN: In which we had no part?

10 SIR JEREMY GREENSTOCK: It was --

11 THE CHAIRMAN: In which we had no part?

12 SIR JEREMY GREENSTOCK: Yes.

13 BARONESS USHA PRASHAR: Just moving on to the negotiations  
14 on the Security Council Resolution 1441, what did we  
15 hope to achieve through this resolution? What did the  
16 UK hope to achieve through this particular resolution  
17 and what were the parameters that you were set?

18 SIR JEREMY GREENSTOCK: President Bush came to the  
19 UN General Assembly on 12 September, and you know  
20 I think -- you haven't asked me about it anyway -- the  
21 history up to that point. It was a history which  
22 I observed rather than was participating in, and you  
23 will hear from Sir David Manning in particular how the  
24 UK played a part in the conversations within the  
25 US administration on whether or not they should come to

1 the UN.

2 Once the President had said that the United States  
3 would be seeking UN Resolutions -- and I think we had  
4 better dwell for a moment on the plural of that word in  
5 a second. Once he had said that, it was the business of  
6 permanent representatives at the United Nations to  
7 secure a resolution that was relevant to our interests  
8 on this matter.

9 What we wanted was the basis for the return of  
10 inspectors to Iraq which would mean an effective,  
11 comprehensive inspection regime that would get to the  
12 bottom of weapons of mass destruction and at the same  
13 time would make it unequivocally clear to the  
14 Iraqi Government that, if they did not cooperate with  
15 the inspectors under such a new resolution, that they  
16 would be subject to the original strictures of the  
17 United Nations contained in Resolutions 678 and 687.

18 So there were those two elements: let's get an  
19 effective regime, and let's make sure that this time the  
20 Iraqis do not wriggle away through half cooperation.

21 That's what we needed to achieve through a resolution.

22 BARONESS USHA PRASHAR: I know you have given a description  
23 in your statement, but I would just like you to  
24 reiterate the differences that were between the USA  
25 perspective and our perspective on what was expected

1 from this particular resolution.

2 SIR JEREMY GREENSTOCK: Which Americans?

3 BARONESS USHA PRASHAR: The point would be the people you  
4 were negotiating with, or were there differences in the  
5 views? It would be useful to get your perspective on  
6 how you saw the situation in terms of what was the  
7 expectation, because it was obviously rooted in the  
8 speech made by President Bush, and obviously it was  
9 Colin Powell who was actually negotiating, but it would  
10 be useful to get your view as to how you saw the  
11 differences.

12 SIR JEREMY GREENSTOCK: Here we get into some quite complex  
13 issues.

14 THE CHAIRMAN: Just before we get into those complex issues,  
15 I think Sir Lawrence would like to put in  
16 a supplementary.

17 SIR LAWRENCE FREEDMAN: Just pre-1441. I was just  
18 interested in your statement about 1409. You are  
19 correct that we perhaps haven't given this as much  
20 attention as we might have done yet, but it is an  
21 interesting paradox, in some ways, that you have  
22 a period when, as we understand it, the Bush  
23 administration was moving more and more to regime  
24 change, yet, at the same time, they tried to assure  
25 containment.

1           Was that how you saw it at the time? I'm just  
2 interested in your sense of how 1409 fitted in with the  
3 general tenor of American policy at that time.

4 SIR JEREMY GREENSTOCK: Well, it wasn't surprising to me  
5 that the United States should seek an end result to the  
6 attempt to get the smart sanctions, because we had spent  
7 so much effort on it in the previous 18 months.

8           I was not as aware as London might have been, as  
9 Washington certainly was, and as I am with hindsight,  
10 that there were drum beats of military preparation going  
11 on in the United States.

12           This Inquiry and all its witnesses have got to sort  
13 out views at the time from hindsight.

14           It was entirely natural to me that we should try and  
15 maximise containment of Iraq, because I didn't see an  
16 alternative. I didn't see that there was an alternative  
17 for the United Kingdom from the range of instruments  
18 that I was instructed to deploy at the United Nations.

19           So it was very welcome that we had a smart sanctions  
20 regime in 1409, although that didn't mean, and I didn't  
21 think, that there weren't other aspects of policy on  
22 Iraq that needed to be followed up.

23           We needed to curtail smuggling, which was increasing  
24 through Jordan, Syria and Turkey, and which  
25 Secretary Powell had not expended a huge amount of

1 effort on behalf of his administration to close from  
2 early 2001 onwards, which surprised me.

3 There was the business of continuing No Fly Zones  
4 and the military and legal aspects of that, which had to  
5 be quite carefully nurtured. There was the constant  
6 rolling over of the Oil For Food programme and regular  
7 reports on maximising the good effects of the Oil For  
8 Food programme.

9 It wasn't until the Crawford meeting in April 2002  
10 that I realised that the United Kingdom was being drawn  
11 into quite a different sort of discussion, but that  
12 discussion was not made totally visible to me in the  
13 United Nations, nor did I have any instructions to  
14 behave any differently in the United Nations as a result  
15 of what might have been going on in bilateral  
16 discussions with the United States.

17 So I mean, I'm -- I wasn't being politically naive,  
18 but I wasn't being politically informed either, and  
19 I had a job to do to maximise the strength of the  
20 United Nations instruments on Iraq at the time that  
21 I was operating and that continued to mean acting under  
22 the resolutions that we had.

23 SIR LAWRENCE FREEDMAN: We heard yesterday about the speech  
24 that Prime Minister Blair made at the Crawford meeting  
25 when he first talked about regime change. So you were



1           aware that things might move in this direction and that  
2           could well have an impact, as indeed it did, on your  
3           work in the United Nations.

4           Was there any discussion at that point? Did you  
5           have any conversations at that point on, "What does this  
6           mean for me? What does this mean for my delegation?"

7   SIR JEREMY GREENSTOCK: Discussions with London?

8   SIR LAWRENCE FREEDMAN: Yes.

9   SIR JEREMY GREENSTOCK: Not that I recall. I would have to  
10          check the record on that, but I don't recall being asked  
11          to give my views.

12   SIR LAWRENCE FREEDMAN: That's quite interesting.

13          There are just two other points following from what  
14          you have just said.

15          You have expressed some surprise that the Americans  
16          weren't following up on issues connected with tightening  
17          the sanctions where they could be tightening. One issue  
18          that gets regularly raised is the question of Syria and  
19          the pipeline.

20          Was Syria a member of the Security Council at this  
21          time?

22   SIR JEREMY GREENSTOCK: Yes, in 2002/2003.

23   SIR LAWRENCE FREEDMAN: So were the discussions while this  
24          was going on in terms of putting more pressure on the  
25          Syrians, say, to change their policy there? Was that an

1 issue that was actively raised in the UN?

2 SIR JEREMY GREENSTOCK: There was no discussion of  
3 approaching Syria at the UN over smuggling.

4 As I recall, the point about smuggling was that it  
5 was proceeding, not just through Syria, but through  
6 Turkey and Jordan as well. Turkey and Jordan were  
7 friendly with the United States, Syria was not. If the  
8 United States bore down on Syria, it would need to bear  
9 down on the smuggling channels through Turkey and Jordan  
10 at the same time. They both made quite a lot of noise,  
11 mostly in private, but sometimes in public, about the  
12 economic cost of stopping the smuggling channels and  
13 wanted compensation for that.

14 Somehow, the need to stop smuggling through Syria  
15 got caught up with the need not to offend or to make too  
16 expensive the Turkish and Jordanian angles to this. So  
17 I regarded it -- I can't remember whether I said this in  
18 a telegram to London or not, but I regarded it as a pity  
19 that more pressure was not put on all three because the  
20 business of smuggling was more important than the  
21 business of maintaining that part of the relationship  
22 with those three countries.

23 So I was surprised and disappointed that that didn't  
24 happen, but I understood that that was the choice of the  
25 United States, not to expend capital on stopping the

1 smuggling.

2 SIR LAWRENCE FREEDMAN: That was an interesting illustration  
3 of the problems of the sanctions, that, in the end, it  
4 needed pressure to be put, and the other reasons, even  
5 involving the United States, meant it wasn't put.

6 SIR JEREMY GREENSTOCK: Yes. Perhaps we would need to  
7 examine, in teasing this out, the degree to which the  
8 whole of the US machine believed in the containment  
9 policy and in the use of the UN to deal with the threat  
10 that they perceived as coming from Iraq for their own  
11 national interests.

12 But there were equivocal views within the  
13 US administration about how much effort and energy and  
14 capital to expend on maintaining sanctions and  
15 a containment regime that might, anyway, not do the  
16 trick.

17 SIR LAWRENCE FREEDMAN: Just one more question on this  
18 period: the Iraqis, also, I understand in this period  
19 accepted the possibility that inspectors may go back.  
20 Is that correct?

21 SIR JEREMY GREENSTOCK: Are you asking when they  
22 suggested --

23 SIR LAWRENCE FREEDMAN: Yes, we are talking still about  
24 spring 2002.

25 SIR JEREMY GREENSTOCK: Well, in parallel with the

1 Washington/Moscow bilateral discussions, the  
2 Secretary General, Kofi Annan, took it upon himself to  
3 have his own bilateral discussions with the Iraqis,  
4 which happened, I think, first of all in March and  
5 extended through to about July, because, as I understand  
6 it, he, himself, was worried that unless the UN effort  
7 on maintaining the sanctions regime and the other UN  
8 measures on Iraq was more successful, the United States  
9 might have a valid reason, in politics at least, if not  
10 in Security Council Resolution terms, to take another  
11 route, and so he took his own initiative as a mission of  
12 good offices, which the Secretary General can perform,  
13 to see whether there was more room to persuade the  
14 Iraqis that the inspectors should return.

15 So he went through those discussions, which the US  
16 looked upon as a side issue, not likely to produce any  
17 good results, up until July, when I think  
18 Secretary General Annan decided not least on the basis  
19 of his past experience in dealing with the Iraqis, that  
20 he was being led down a track and he gave up those  
21 discussions in July.

22 I would have been conscious of that as a possible  
23 alternative route to getting the inspectors back into  
24 Iraq, although I did not have much faith in them, and  
25 that ended in July.

1           Soon after July -- we are talking 2002 -- we then  
2           began to hear signals that the United States was coming  
3           to the United Nations and, therefore, we had a new  
4           chapter to look at.

5   THE CHAIRMAN: We need to go back to 1441 now, I think, but  
6           just before we do, Sir Roderic?

7   SIR RODERIC LYNE: Just one very quick point for  
8           confirmation.

9           You say that you don't recall being asked to give  
10          your views at the time of Crawford and the  
11          College Station speech in which the Prime Minister took  
12          a different line in public.

13          Yesterday, Sir Christopher Meyer told us that, in  
14          the first half of March, Sir David Manning came out to  
15          Washington with what was, essentially, for  
16          Sir Christopher a changed set of instructions from which  
17          he took his cue in meetings with people like  
18          Paul Wolfowitz.

19          That must have followed some process in London of  
20          formulating the new line. Were you consulted at all on  
21          that process?

22   SIR JEREMY GREENSTOCK: No.

23   SIR RODERIC LYNE: Thank you.

24   BARONESS USHA PRASHAR: Right, let's just resume back to the  
25          1441 and my question in terms of your understanding. We

1 established that you weren't consulted, but in terms of  
2 what was your understanding of the differences between  
3 the USA and the UK when you were in the process of  
4 negotiating 1441?

5 SIR JEREMY GREENSTOCK: When your capital says that there is  
6 going to be a negotiation, it is the job of the Mission  
7 in New York to produce substance for that resolution.  
8 I immediately got together with Ambassador  
9 John Negroponte, my opposite number in New York, to  
10 start looking at elements to go into such a resolution.  
11 So we started drafting with our legal advisers, with our  
12 advisers, bilaterally, and we produced a number of  
13 elements for the return of inspectors under conditions  
14 that were tighter than 1284 but which we thought had an  
15 chance of being negotiated in the Security Council.

16 We also discussed amongst ourselves the degree to  
17 which we thought we could repeat the threat of 'all  
18 necessary measures' against Iraq in such a resolution and  
19 how we would word that, whether through preambular  
20 references back to previous resolutions or through a new  
21 operative paragraph that would re-specify what the  
22 vulnerability of Iraq would be to "all necessary  
23 measures", which is the UN speak for the use of force.

24 But we hadn't got very far down that track in the  
25 middle of September, before we understood that some

1 drafting was being done in Washington with a different  
2 degree of intensity of substance, which is why I said  
3 earlier, Baroness Prashar, "Which Americans?"

4 I was negotiating, as it were, with my US opposite  
5 number. The two of us were negotiating with Washington.  
6 London was negotiating with Washington. Bits of  
7 Washington were negotiating with other bits of  
8 Washington. Therefore, this was complex.

9 BARONESS USHA PRASHAR: Was the draft that was presented by  
10 the USA different to the instructions given to your  
11 counterpart in the United States. Did Negroponte have  
12 a difference?

13 SIR JEREMY GREENSTOCK: It doesn't necessarily work like  
14 that. We are asked to give our views on what might go  
15 into a resolution. So we are -- to give you the short  
16 version perhaps, I think that what must have happened  
17 was that London says, "Now, hooray! President Bush has  
18 come to the UN, he has asked for a resolution, we are  
19 going to have a go at one resolution. We need to cover  
20 the following elements. Could you please give us your  
21 views on how this might be formed into a resolution?"

22 We sent that back to London. The American Mission  
23 does the same to Washington. But crossing in mid-air,  
24 as it were, comes to the US Mission in New York elements  
25 of a resolution that are rather different in character

1 or in degree of intensity of pressure on Iraq than the  
2 ones that we had sent in the other direction.

3 So the instructions were unclear as to whether we  
4 were to go for a maximum degree of intensity of pressure  
5 on Iraq, whether or not it was negotiable in the  
6 Security Council, or whether we were to propose language  
7 that might be negotiable within the Security Council but  
8 might be less intense in its degree of pressure on Iraq.

9 BARONESS USHA PRASHAR: I see. Now, through this process of  
10 negotiation, do you think the bar was set too high for  
11 Saddam so that he couldn't meet that bar and that would  
12 lead to military action? Was that the intention?

13 SIR JEREMY GREENSTOCK: On the American part?

14 BARONESS USHA PRASHAR: Hm-mm.

15 SIR JEREMY GREENSTOCK: It wasn't the intention on the UK  
16 part, as I saw it. You will need to ask others who were  
17 familiar with Washington at the time. But I saw it as,  
18 if it was their intention to set the bar too high, it  
19 was self-defeating, because it was clearly going to be  
20 resisted within the Security Council for a bar to be set  
21 by the whole of the Security Council which Saddam  
22 couldn't jump, because that would be the equivalent of  
23 putting down a resolution saying, "Iraq is not  
24 cooperating. We must attack it", and that was certainly not  
25 going to be acceptable in the Security Council.



1           So I think Ambassador Negroponte saw this as quickly  
2 as I did, that what was coming from Washington was not  
3 entirely consistent with what the President had said in  
4 his speech to the General Assembly was the aim of US  
5 policy.

6           So that had to be unscrambled, because, of course,  
7 as we now know with hindsight, there was more than one  
8 source within Washington of policy instruction and those  
9 different sources sometimes got their requirements  
10 through to US/UN, the Mission of the US in the  
11 United Nations, without it going through a presidential  
12 decision, because that's the way things happen.

13           So there was confusion.

14 BARONESS USHA PRASHAR: Could I go just behind that, because  
15 I want to just quote a couple of comments in your  
16 statement and I would just like some clarification from  
17 you? In your statement you say:

18           "There were those of us, including myself, who  
19 believed that the resolution was essential if UK  
20 participation in any military action was to be regarded as  
21 internationally legitimate, and would have been most  
22 uncomfortable with the UK decision to proceed if no  
23 resolution was possible. I myself warned the  
24 Foreign Office in October that I might have to consider  
25 my own position if that was the way things went."

1 Further on you say in the statement that:

2 "The whole corpus of resolutions from  
3 Security Council Resolutions 678 and 687 onwards  
4 substantiated the case for the use of force against  
5 Iraq, which was the base of the force that was used in  
6 1998."

7 So was the resolution seen as essential more  
8 politically rather than legally? I just wanted to get  
9 behind those two statements, because it seems to me that  
10 if that was the case in the previous resolutions, was  
11 the need for resolutions seen more politically or  
12 legally, and you used the word "legitimacy" of the  
13 action.

14 SIR JEREMY GREENSTOCK: We must examine the word  
15 "legitimately" as part of this discussion, but you have  
16 also said "legally".

17 I rather regarded it as necessary, politically and  
18 legally, to have one new resolution or at least one new  
19 resolution for the following reason; that Resolution 678  
20 and 687 proscribed the use of force against Iraq in the  
21 context of the invasion of Kuwait subject to the  
22 ceasefire established by 687.

23 That ceasefire was to be maintained if Iraq met its  
24 responsibilities under Security Council Resolutions,  
25 particularly 687.

1           If, 10 years later, getting on to 12/13 years later,  
2           we were to resurrect the authority in 678 and 687, there  
3           needed, in my view, politically and legally, to be  
4           a reaffirmation of the Security Council that Iraq was in  
5           material breach of the resolutions. There hadn't been  
6           such a reaffirmation, except implicitly in 1284, for  
7           some time.

8           In my view -- and this was my advice to London --  
9           there needed to be a new explicit resolution saying that  
10          Iraq was in material breach of the resolutions. We  
11          could talk about a comparable example in Resolution 1205  
12          in November 1998, which established that Iraq was in  
13          material breach and provided for the basis of the use of  
14          the force in the UK Mission's view in December 1998.  
15          The two situations were parallel.

16          If there had been no Resolution 1205 -- and if you  
17          really want to go into the detailed history, my use of  
18          Resolution 1205 seriously annoyed my Russian  
19          counterpart, because he realised that I had succeeded in  
20          establishing in Resolution 1205 a declaration of  
21          material breach of Iraq which he hadn't intended should  
22          be allowed by the resolution, which then lay the basis  
23          for the use of force in December 1998.

24          The UK/US were never, in any legal or political  
25          forum, challenged on the basis of law for their use of

1 force in December 1998. I wanted to repeat those  
2 conditions if force was to be used against Iraq  
3 following President Bush's speech of 12 September 2002  
4 in the General Assembly. There had to be a new  
5 declaration by the Security Council that Iraq was in  
6 material breach.

7 Because -- and this came into your previous  
8 question -- there were different views in Washington as  
9 to what they were trying to do with this draft  
10 resolution, setting the bar too high, I wanted to make  
11 it clear that, if this was just a Potemkin exercise at  
12 going to the UN, I was not going to be part of it  
13 because I did not think that the United Kingdom could  
14 establish a partnership with the United States in the  
15 use of force on the basis of the resolutions up  
16 to August 2002 and not beyond it.

17 Therefore, I said I might not be able to continue as  
18 ambassador in New York if there was no further updated  
19 basis for regarding Iraq as being in material breach.

20 BARONESS USHA PRASHAR: You referred earlier -- the use of  
21 the word "legitimate", can you unpack that for me  
22 a little as to what you mean by the word "legitimate" in  
23 terms of justifying war? It is really that I would like  
24 some explanation of that.

25 SIR JEREMY GREENSTOCK: In international law there is no

1 Supreme Court. It is up to a nation state to make its  
2 own national decision as to whether to adhere to the  
3 judgments of the International Court of Justice or not.  
4 Iraq was not a treaty-based member of the International  
5 Court of Justice, so that didn't come into it, probably,  
6 in our consideration of what we were doing with Iraq.

7 But short of that, it is possible to have a firm  
8 legal opinion on the legality of action under the UN  
9 charter for a particular operation. But it is also  
10 possible for there to be many different legal opinions  
11 as to what is actually legal without having an apex  
12 arbiter of what is legal or what is not.

13 So we are still in the position, even now in 2009,  
14 of having legal opinions out there that say that what we  
15 did in March 2003 was legal and what we did  
16 in March 2003 was illegal, and except as a matter of  
17 opinion, you can't establish in law which of those two  
18 opinions are right finally and conclusively.

19 When you get to legitimacy, it is a very fair way of  
20 describing that if you have got broad opinion behind  
21 you, broad, reasonable opinion behind you, you are doing  
22 something that is defensible in a democratic  
23 environment. To some extent, the United Nations is  
24 a democratic environment. It is a forum of equal states  
25 equally signed up by treaty to the United Nations

1 Charter, and each of those states have an opinion.

2 If you do something internationally that the  
3 majority of UN member states think is wrong or  
4 illegitimate or politically unjustifiable, you are  
5 taking a risk in my view, and increasingly -- and  
6 I think one of the lessons you may want to look at as an  
7 Inquiry is on the importance of legitimacy in  
8 geopolitical affairs nowadays.

9 I regarded our invasion of Iraq -- our participation  
10 in the military action against Iraq in March 2003 -- as  
11 legal but of questionable legitimacy, in that it didn't  
12 have the democratically observable backing of a great  
13 majority of member states or even perhaps of a majority  
14 of people inside the United Kingdom.

15 So there was a failure to establish legitimacy,  
16 although I think we successfully established legality in  
17 the Security Council in the United Nations for both our  
18 actions in December 1998 and our actions in March 2003  
19 to the degree at least that we were never challenged in  
20 the Security Council or in the International  
21 Court of Justice, for those actions.

22 BARONESS USHA PRASHAR: So what you were trying to do  
23 through the Security Council Resolution 1441 was to  
24 establish legitimacy so that there was a consensus in  
25 terms of action to be taken in ensuring that Saddam

1           complied and cooperated with the inspectors, and there  
2           was then some ambiguity about what was meant by the  
3           resolution itself in terms of the automatic trigger or  
4           not.

5           Now, can you elaborate a little bit on that in terms  
6           of what was the understanding of various members of the  
7           Security Council on what the 1441 actually meant?

8   SIR JEREMY GREENSTOCK: First of all, I think it is  
9           important to say that it was an important objective of  
10          our diplomacy that we should have as large a consensus  
11          in the Security Council as possible for those reasons of  
12          legitimacy.

13          We didn't want a repeat of 1284, which was voted by  
14          eleven votes for and four abstentions.

15          It was almost beyond consideration that Syria would  
16          vote for what eventually became 1441, but we thought it  
17          was important to have 14 votes for to establish that  
18          legitimacy.

19          In order to get that degree of consensus,  
20          compromises were necessary and there was a tortuous two  
21          months of negotiations to try and get everybody on  
22          board. If the United States had not been serious about  
23          wanting to come to the United Nations at all, if it was  
24          just a Potemkin exercise to try and establish in  
25          advocacy, as it were, that Saddam Hussein was offside,

1           then the United States would not have bothered about  
2           getting more than nine votes, but, actually,  
3           Secretary Colin Powell, who I think was more  
4           instrumental than any other individual in persuading  
5           President Bush to come to the United Nations  
6           in August 2002, was determined to get maximum consensus  
7           in the Security Council because he believed that  
8           a multilateral approach was good for the United States  
9           interest. So he was prepared to compromise, but he had  
10          people behind him in Washington who were not prepared to  
11          compromise and he was negotiating with, particularly,  
12          the Russians and the French, and increasingly the French  
13          alone, who were also not prepared to compromise.

14                 The French and Russians and some others were  
15                 absolutely determined to establish that there should be  
16                 no use of force without a specific decision of the  
17                 UN Security Council. The United States was absolutely  
18                 determined to resist the need for a specific decision by  
19                 the United Nations Security Council on the use of force.  
20                 Those two positions were irreconcilable.

21                 This is where diplomacy gets clever and, as you can  
22                 see from the outcome, from 1441, too clever for its own  
23                 good, but diplomacy got clever and it produced a text in  
24                 1441 that was equivocal on two issues: one, what should  
25                 happen if Saddam Hussein and his regime did not comply



1 with the terms of 1441; and who should be the judge of  
2 whether or not Iraq was complying with the terms of  
3 1441.

4 We found language to express a consensus that meant  
5 that the inspectors would normally be expected to  
6 declare whether or not Saddam Hussein was in compliance,  
7 but there could also be a report from other sources that  
8 there was non-cooperation or non-compliance.

9 If you compare operative paragraphs 4, 11 and 12  
10 of the resolution, you will see my point.

11 Secondly, that if there was a report that there was  
12 non-compliance, the Security Council would meet to  
13 assess what that meant, and that was the only  
14 requirement of the resolution.

15 It was not expressly stated in any operative  
16 paragraph of 1441 that the Security Council should meet  
17 and decide what to do in the case of non-compliance, and  
18 that was where the French and the Americans met, that  
19 there should be a further stage of consideration but  
20 that further stage of consideration should not  
21 necessarily mean that there would be a further decision  
22 of the Security Council if force had to be used under  
23 the terms of the whole corpus of resolutions up to that  
24 point.

25 After the resolution was adopted, things began to

1 drift in two directions; that the US and the UK took the  
2 terms of 1441 absolutely literally, which is the fair  
3 and just thing to do with a resolution that takes on the  
4 force of a legal declaration, whereas the French and  
5 others interpreted the resolution as meaning that there  
6 was scope for the Security Council to meet, and, if the  
7 Security Council met, under normal Security Council  
8 practice, since the Security Council was responsible for  
9 international peace and security, only the Security  
10 Council should take a decision on whether or not force  
11 should be used.

12 We never were active enough after the adoption of  
13 1441 to try and clear up that ambiguity because we  
14 thought we had won the point in 1441.

15 BARONESS USHA PRASHAR: I mean, you said earlier that  
16 "diplomacy got clever". Did that actually mean that  
17 1441 was a successful example of keeping the show on the  
18 road and a substitute for a policy? There was no  
19 agreement on policy, but it was the words that were used  
20 to get an agreement?

21 SIR JEREMY GREENSTOCK: No. I don't agree with the  
22 formulation of that question, Lady Prashar. There was  
23 no show on the road. I don't know what you mean by  
24 "show on the road".

25 BARONESS USHA PRASHAR: What I mean is that this was

1 a follow-on from the speech that President Bush made,  
2 that it was an attempt to get a resolution, get  
3 international cover, and negotiations happened, it was  
4 kind of a push, in terms of making sure that we can move  
5 in a particular direction, but there was no fundamental  
6 policy agreement.

7 SIR JEREMY GREENSTOCK: What we felt that 1441 had achieved  
8 was the return of the inspectors.

9 BARONESS USHA PRASHAR: But the bar was set too high.

10 SIR JEREMY GREENSTOCK: It was an important opportunity for  
11 establishing whether or not Iraq possessed WMD or was  
12 trying to obtain WMD, and for the United Kingdom this  
13 was all about WMD.

14 As far as I understood my instructions or what my  
15 job was at the United Nations, it was to get the  
16 resolutions implemented in terms of establishing whether  
17 or not Iraq had WMD, with the possibility of two results  
18 from that, two alternative results from that; either  
19 that the Security Council then established through the  
20 work of the inspectors that Iraq was contravening  
21 UN Resolutions, or that there was a basis for the use of  
22 force, if that was the only way to make Iraq comply with  
23 UN Resolutions.

24 BARONESS USHA PRASHAR: But we were told by

25 Sir William Patey earlier this week that the Americans

1 didn't hold great store by the inspections regime. Then  
2 why did they agree to 1441? Because you say the success  
3 was getting the inspectors in, but the bar was set so  
4 high, but why did the Americans agree to 1441?

5 SIR JEREMY GREENSTOCK: Well, the Americans agreed to go for  
6 a resolution, like 1441, because they understood that  
7 they would not have any partners in an exercise of  
8 putting the ultimate pressure on Iraq unless the UN  
9 process was visibly, clearly, completely exhausted.

10 It was the point of view of the United Kingdom that  
11 the use of force could not be justified unless every  
12 other avenue had been tried to bring Iraq into  
13 compliance.

14 There were those in the United States administration  
15 who believed that this was a sensible way to proceed  
16 because there needed to be a reason, even for US  
17 domestic opinion, to show why the US military were being  
18 used in war circumstances to achieve a particular  
19 result, and that the use of force was the last resort  
20 and there were no other resorts left.

21 There were those in the administration who thought  
22 that was a waste of time. So you are getting "noises  
23 off", as I have called them in my notes, of -- from  
24 people in the administration at a senior level who felt  
25 that this was a waste of time.

1           We dealt in New York with the US Mission, the  
2           US Mission dealt with the State Department.  
3           Secretary Powell wanted a consensual, effective  
4           resolution for getting the inspectors back so that there  
5           could be a further inspection process which, if it  
6           failed, would then lead to a decision within the  
7           international community that there was no alternative to  
8           the use of force.

9           That was the point of going for 1441, even in the  
10          minds of the US administration as their instructions  
11          were sent to US/UN in New York.

12         BARONESS USHA PRASHAR: But it seems to me that there were  
13          still differing views, because I think the Mexicans were  
14          pretty clear that there would be a need for a further  
15          resolution.

16         SIR JEREMY GREENSTOCK: But this was -- you are thinking of  
17          the Mexican explanation of vote and the Irish  
18          explanation of vote? It differed from my explanation of  
19          vote. Which explanation of vote carries the greater  
20          weight? They don't go to a court, they are just out  
21          there for the consumption of public opinion. There were  
22          different views.

23          What the Mexican did not have, which I had in my  
24          explanation of vote, was the backing of the wording of  
25          1441 for what he was saying. He was saying something

1           that was not contained in 1441.

2   BARONESS USHA PRASHAR: But was it your view throughout the  
3           negotiations of 1441 on whether or not a second  
4           resolution would be needed?

5   SIR JEREMY GREENSTOCK: There are two different sorts of  
6           second resolution and this may explain why  
7           President Bush used the plural when he was ad libbing,  
8           when his teleprompter gave him the penultimate American  
9           text and not the text he had agreed to, by a mistake of  
10          his staff. He ad libbed the words, "And we shall come  
11          to the UN for the necessary resolutions" from his  
12          memory. It wasn't that the teleprompter broke down, he  
13          saw that it was the wrong text on the teleprompter, as  
14          I understood the story.

15          There was, as part of the lead-up to the negotiation  
16          of 1441, the idea that there should be a pair of  
17          resolutions, not a single one in 1441 that should have  
18          the inspectors' conditions in one part and in the second  
19          resolution the consequences for Iraq on what would  
20          happen if they didn't comply with the first one.

21          There was the possibility of passing those  
22          resolutions either together and simultaneously or  
23          sequentially in time. As it happened, in 1441 we built  
24          those two elements into a single text and it was  
25          successfully negotiated and passed unanimously on

1 8 November as a single text.

2 My view at the time -- and indeed my view was  
3 immaterial, actually, it was my instructions -- that we  
4 should not concede, as UK, that it would be necessary to  
5 have a specific decision of the Security Council before  
6 force was used under the cover of the previous  
7 resolutions.

8 We felt that with 1441 that was sufficient legal  
9 cover so long as it was made clear that Saddam Hussein  
10 was not cooperating under the operative paragraph  
11 number 2 of 1441 that give him a final chance to show  
12 that he was cooperating. That was our criterion.

13 BARONESS USHA PRASHAR: To what extent did the other members  
14 share your interpretation? Because you made it clear,  
15 but was it your understanding that they all understood  
16 the actual -- what was meant by it?

17 SIR JEREMY GREENSTOCK: It was actually quite surprising to  
18 me that only the Mexican delegation said unequivocally  
19 that they expected that, if it came to the use of force,  
20 it would be solely the Security Council that had the  
21 authority to take that decision.

22 The Irish delegate said something similar to that  
23 but not as unequivocally as the Mexican. Strangely, the  
24 French and the Russians, who were, as it were, our  
25 antagonists in this operation in the Security Council,

1           were equivocal in what they said in their explanations  
2           of vote, which they had to be, because they had tried to  
3           negotiate specific language in 1441 and they had failed  
4           to negotiate that.

5           So they had signed up to, with their vote, language  
6           that said something different from what the Mexican said  
7           in his explanation of vote and, therefore, they were  
8           unable in truth to use the Mexican wording because they  
9           had agreed in negotiations to something different.

10       BARONESS USHA PRASHAR: Then what were the consequences of  
11       these different interpretations? Because we get into  
12       that detail. It is useful to hear. What were the  
13       consequences of this ambiguity?

14       SIR JEREMY GREENSTOCK: The consequences -- if we are  
15       following the line of your previous question, there were  
16       many consequences of 1441.

17                The consequences of this whole argument about  
18       specific decision-making was that France, in particular,  
19       in the UK view, abandoned the agreement that we had had  
20       on the compromise in 1441, became so determined to stop  
21       unilateral action by the United States, that it insisted  
22       on a specific decision of the Security Council as  
23       a policy position of France when that was not backed up  
24       by the negotiating history of 1441.

25                So there was a movement in French policy away from



1 the basis of compromise of 1441.

2 BARONESS USHA PRASHAR: How much of this was being affected  
3 by what you call the chorus of what was happening in the  
4 media and the statements being made around at the time?  
5 Because you talked earlier about the drum beat of the  
6 war that was coming from -- I mean, how was this sort of  
7 process complicated by the statements made, either in  
8 the media, or leaks in the media, or statements made by  
9 politicians in the United States?

10 SIR JEREMY GREENSTOCK: You are moving through that  
11 question, Lady Prashar, into the circumstances of early  
12 2003, because that's when the noises off were most  
13 difficult.

14 BARONESS USHA PRASHAR: No, I'm also talking about -- there  
15 were suspicions. I'm only talking about the context in  
16 which these views were beginning to emerge and the  
17 different interpretations.

18 SIR JEREMY GREENSTOCK: Let me say something that is,  
19 I think, absolutely fundamental to the purpose of this  
20 Inquiry.

21 This was about weapons of mass destruction. The  
22 United Kingdom, this whole saga, was about weapons of  
23 mass destruction. Anything that came out of the mouth  
24 of a senior member of the US administration that said  
25 that what they were quite clearly and visibly preparing

1 for was about something other than weapons of mass  
2 destruction was unhelpful to what I was trying to do in  
3 the Security Council.

4 You haven't actually asked me yet what I was trying  
5 to do in the Security Council up to March 2003, but you  
6 have asked me in your question just now what effect  
7 there was of different noises coming out of the  
8 US administration.

9 The answer is: unhelpful to the policy position of  
10 the United Kingdom, that if we were to be tough on Iraq,  
11 it was to be on the basis of their contravening  
12 UN Resolutions on their possession of weapons of mass  
13 destruction and nothing else.

14 BARONESS USHA PRASHAR: Just one question before we break  
15 up, on the weapons of mass destruction and the question  
16 of disarmament, were there differing views within the  
17 Security Council? I mean, did anybody challenge the  
18 fact that the Saddam had weapons of mass destruction  
19 during this period that we have been discussing?

20 SIR JEREMY GREENSTOCK: No colleague on the Security Council  
21 ever came up to me at any point and said, "You are  
22 barking up the wrong tree. You are hopelessly on the  
23 wrong track here, because we know that Iraq has no  
24 weapons of mass destruction". No member of the Security  
25 Council, not Hans Blix, not Mohammed El-Baradei, nobody,

1           said to the United Kingdom, and I don't believe they  
2           said to the United States, "We know that the  
3           Iraqi Government has no weapons of mass destruction".

4 BARONESS USHA PRASHAR: No, but what about the French or the  
5           Russians, did they ever raise any questions about --

6 SIR JEREMY GREENSTOCK: They raised questions as to the  
7           degree of evidence that we had that there were weapons  
8           of mass destruction, but that is a different point.

9           To give you an example, President Chirac said at  
10          some point, I think in the summer of 2002 to  
11          President Bush, as I saw in other papers, that France  
12          believed that Saddam Hussein was developing biological  
13          and chemical materials.

14          The Russians, I think, had the clearest view of all  
15          that there might be doubt as to the degree of residual  
16          WMD materials that were possessed by Iraq, but they  
17          never showed us the evidence that they had of why they  
18          believed there were none. I don't believe that even  
19          Moscow could say, "We are sure there are none".

20          I think I should add, for public consumption, that  
21          I did myself have direct conversations with the Iraqi  
22          representative in the United Nations, and on  
23          20 September 2002, following the Iraqi acceptance of the  
24          inspectors' return, which followed Bush's speech, I had  
25          a bilateral tete-a-tete with Ambassador Al Douri, the Iraqi

1 representative, in which I laid out for him in  
2 unequivocal terms what the current circumstances meant  
3 in terms of the threat to Iraq if they didn't comply,  
4 and I'm sure that he reported those back to his  
5 government, and I gave him the reasons why we felt that  
6 they were contravening UN Resolutions.

7 He told me that Iraq had no weapons of mass  
8 destruction. That was his view. So it was my reaction  
9 to that that he had been instructed to assert constantly  
10 and consistently that Iraq had no weapons of mass  
11 destruction and that was the position of the  
12 Iraqi Government. We were not in a position in any part  
13 of the UK Government system to ascertain for certain  
14 whether or not that statement was true.

15 THE CHAIRMAN: I think we are coming up to a natural break.  
16 Just before we do, can I ask my colleagues if they have  
17 any final questions. Martin?

18 SIR MARTIN GILBERT: Yes. I would like to explore a little  
19 the question of the compromises within 1441 and whether  
20 they did or did not achieve the UK's purpose. You wrote  
21 in your written submission to the Inquiry with regard to  
22 the negotiations:

23 "Nor would we have found it impossible to compromise  
24 a bit more."

25 Clearly this was essential, to have that

1 perspective, to pass the resolution.

2 What I want to ask is: had the actual compromises  
3 essential for passing resolution made 1441 an open book  
4 for those who wanted to argue either for action or  
5 against it, and was this a strength or a weakness?

6 For example, in his final view, on 17 March 2003,  
7 the Attorney General stressed, and stressed correctly:

8 "Security Council Resolution 1441 did not contain  
9 a requirement for a further Security Council Resolution  
10 to authorise the use of force."

11 So my question is: how do you see these compromises  
12 in terms of either strengthening or weakening Britain's  
13 position and the American position with regard to the  
14 use of the force?

15 SIR JEREMY GREENSTOCK: In saying that we might have been  
16 able to compromise more, that does not include the  
17 suggestion that we might have compromised on that  
18 element of the resolution that was to do with whether or  
19 not there would be a specific second Security Council  
20 decision on the use of force.

21 I was under instructions not to concede that, and,  
22 indeed, the final stages of the resolution were between  
23 Ministers anyway, so I was not engaged, at the very  
24 last, in the final bit of gluing that got the French and  
25 the Americans together. That was between

1 Secretary Powell and Foreign Minister Villepin. We  
2 could have agreed to different, slightly easier  
3 conditions for the return of inspectors. We could have  
4 worded differently the expression of the final  
5 opportunity for Iraq.

6 But on the issue that most of the questioning so far  
7 has been about and on the issue which caused the  
8 greatest division later within the Security Council,  
9 I don't believe that the UK would have conceded that  
10 there could have been a specific decision only by the  
11 Security Council.

12 SIR LAWRENCE FREEDMAN: Sir Jeremy, you have mentioned the  
13 different instructions, the different drafts and so on  
14 from Washington. Could you just describe your  
15 relationship with London over this time? Did they  
16 basically give you latitude to get on with it and you  
17 checked back, or was there quite intense communication  
18 going back and forth across the Atlantic?

19 SIR JEREMY GREENSTOCK: No, there was no tension. I mean,  
20 there was no tension between me and London. There was  
21 tension in the air everywhere. The actual negotiations  
22 were in two stages. The first few weeks from the middle  
23 of September through to late October, it was largely  
24 done within New York amongst the P5, amongst delegates  
25 of governments, and we got a lot of resistance from the

1 P5 as to what we were doing.

2 Then there began to be much more communication  
3 between Foreign Ministers, particularly between  
4 Messrs Powell, Straw and Villepin. There were some side  
5 negotiations with the Russians, but there came a stage  
6 in early October when the French began to take over from  
7 the Russians because the French were more determined to  
8 establish that there should be Security Council control  
9 of the whole of this, even than the Russians.

10 The Russians began to think, "If there is some other  
11 delegation that is going to be fiercer than us, we will  
12 shelter behind them and see what happens".

13 In late October, it began to get down to: how do we  
14 link operative paragraphs 4, 11 and 12 in such language  
15 that it can be regarded as covering all the positions of  
16 members of the Security Council? That was largely done  
17 by Ministers. There was no point that I can remember at  
18 which I disagreed with London or contested my  
19 instructions from London.

20 If they saw a suggestion from me as being  
21 impracticable or as against UK interests, they would  
22 tell me to drop it. I was constantly inventing language  
23 to try and get round -- because that's my job in the  
24 Security Council. It was me who wrote on the back of an  
25 envelope, practically, the operative paragraph 2 that

1 gave Saddam the final opportunity as a way of getting  
2 round the French obsession with the declaration of  
3 material breach, which was the original French objection  
4 to the early part of the resolution.

5 So there was to-ing and fro-ing of all sorts, but  
6 I can't remember there being disagreement between UKMIS  
7 New York and Whitehall to the point of tension on the  
8 next step forward.

9 SIR LAWRENCE FREEDMAN: I'm just curious as to what prompted  
10 you to say in October that you might have to consider  
11 your own position. Was that because of what you were  
12 hearing from the United States and a concern that the  
13 British Government might accede to, in a sense, a phoney  
14 resolution or an attempt to get a phoney resolution?

15 SIR JEREMY GREENSTOCK: Actually, the explanation for that  
16 is, I think, reasonably simple. The noises off in  
17 Washington included noises about, "This is a waste of  
18 time. What we need is regime change. Why are we  
19 bothering with this? We must sweep this aside and do  
20 what is going to have to be done anyway and deal with  
21 this with the use of force". London was presented with  
22 this and constantly argued back that it was necessary to  
23 get a resolution.

24 I decided to say, not that I thought London would  
25 give in to those harder voices in Washington in my



1           expectation, but I decided to say that if it happened to  
2           become UK policy to go along with abandoning the UN  
3           route and go to the use of force without a further  
4           resolution, that I would have personal difficulties with  
5           that. Maybe I thought that I should be clear about  
6           that. Maybe I thought that this was a stiffener for  
7           London on what I thought should happen, but I thought it  
8           was a clarifying thing to say that there were limits in  
9           what a permanent representative could do in New York in  
10          terms of what was going on.

11   THE CHAIRMAN:   Would the Foreign Secretary or Number 10 have  
12          been aware that of statement by you or would it have  
13          gone to the Permanent Secretary? How did it get into  
14          the bloodstream in London?

15   SIR JEREMY GREENSTOCK: I told the Permanent Secretary  
16          Sir Michael Jay, the Permanent Under-Secretary. It was  
17          his job to tell anybody else. I was not informed where  
18          else it went.

19   THE CHAIRMAN:   Thank you. Is there anything you want to  
20          ask?

21   SIR RODERIC LYNE:  No.

22   THE CHAIRMAN:   I think we will take a break now for ten  
23          minutes. I would be grateful if those in the room who  
24          want to leave briefly are back within ten minutes,  
25          because, once we close the door and resume, I am afraid

1 that's it for the rest of the morning. So we thank our  
2 witness. Be back in ten minutes.

3

4 (11.37 am)

5 (Short break)

6 (11.49 am)

7 SIR JEREMY GREENSTOCK: I would be grateful, Chairperson, if  
8 members of the Inquiry could speak up a little bit more.  
9 I'm finding I'm losing a word or two in the questions.

10 THE CHAIRMAN: I think we have had a bit of microphone  
11 trouble through the morning.

12 Let's resume. What I would like to do to start us  
13 off is really for you, Sir Jeremy, to start us off and  
14 tell us what you were trying to do through 1441, itself  
15 a clever diplomatic success, into the second resolution.

16 What were you trying to do through that process?

17 SIR JEREMY GREENSTOCK: There were a number of  
18 considerations in trying to get a further resolution and  
19 they didn't necessarily come from me. I mean, they came  
20 from London. First of all, there was a strong interest  
21 in London in trying to achieve the disarmament of Iraq  
22 and of its WMD through means short of the use of force.

23 The only practicable way of doing that in  
24 international politics was to get such a strong  
25 consensus against Iraq for what it had done, what it

1 was, what it was contravening, that the pressure on Iraq  
2 would produce a reaction within the regime which would  
3 either mean a shift of politics within xx Iraq or  
4 a decision by Saddam Hussein that it was not worth  
5 continuing under such an international atmosphere.

6 Second, it was important in the Security Council,  
7 given that, the more time went by, the more obvious were  
8 the military preparations, that there should be a clear  
9 understanding of what we were actually talking about in  
10 the Security Council in terms of the threat contained in  
11 1441 because there were different views in the Security  
12 Council about that --

13 THE CHAIRMAN: As, for example, what would constitute  
14 a further material breach?

15 SIR JEREMY GREENSTOCK: Yes, because the French had always  
16 been worried about that in the negotiation of 1441, as  
17 to what constituted non-cooperation by Iraq, what the  
18 declaration presented by Iraq under the terms of 1441  
19 added up to. There was a whole load of things that  
20 needed to be interpreted.

21 THE CHAIRMAN: By the way, just for clarity, you mentioned  
22 before the break that the reporting after 1441 -- 1441  
23 lays down two channels of reporting, doesn't it, both  
24 from UNMOVIC, but also the requirement on Iraq itself to  
25 make a declaration? Those two things are separable. Is

1           that right?

2   SIR JEREMY GREENSTOCK:  There were three channels of  
3           reporting.  One was the Iraqi declaration, which is very  
4           obvious; one is the inspectors, which is very obvious,  
5           but operative paragraph 4 has a less clear statement.  
6           It said:

7           "... decides that false statements ... by Iraq ... and  
8           failure by Iraq ... to comply ... will be reported to the  
9           Council for assessment in accordance with paragraphs 11  
10          and 12 below."

11          It doesn't say by whom, nor does it exclude anybody.

12   THE CHAIRMAN:  Right, thank you.

13   SIR JEREMY GREENSTOCK:  To continue with my previous answer,  
14          it is very important in the Security Council tactically  
15          not to lose the initiative.  If you are talking about  
16          a difficult issue and if you want a particular result,  
17          it is usually the right and sensible procedure to go for  
18          a text of some kind, and that can be a resolution, it  
19          can be a presidential statement, it can be a press  
20          statement by the Security Council.

21          But clearly, in an issue of this importance, it  
22          would need to be a draft resolution.  If you are the  
23          proposer in the Security Council of a draft resolution,  
24          then you have the tactical initiative in your hands.

25   THE CHAIRMAN:  Does it actually displace the opportunity for

1 others who may be hostile to one's intentions from  
2 tabling a quite different draft on a different aspect?

3 SIR JEREMY GREENSTOCK: It doesn't displace their  
4 opportunity to do so. It could not do that, but once  
5 you have put a draft resolution into blue -- which means  
6 ready to be voted on and the secretariat print it in  
7 blue type -- then no other resolution on that issue can  
8 be voted on before yours. So putting it into blue means  
9 you hold the chronological advantage.

10 THE CHAIRMAN: Right. Thank you. Could you just do a quick  
11 tour de table of the Security Council? 1441 has been  
12 passed. We are moving into the attempt to get a second  
13 resolution. How are the forces around the Security  
14 Council table configured in terms of attitude and,  
15 indeed, objectives?

16 SIR JEREMY GREENSTOCK: I think we need to get into the  
17 beginning of 2003, because that's when the denouement  
18 was taking place.

19 THE CHAIRMAN: We have had the first disclosure in December,  
20 but it wasn't being argued that that was itself  
21 a further material breach, I think.

22 SIR JEREMY GREENSTOCK: It very much was, by the Americans.  
23 We tried to switch them off and I said to  
24 Ambassador Negroponte that I would not support him in  
25 declaring that a material breach because Resolution 1441

1 says -- and this was the famous "and" rather than the  
2 "or" negotiated between Messrs Powell and Villepin --  
3 that:

4 "False statements or omissions in the declarations  
5 submitted by Iraq pursuant to this resolution and  
6 failure by Iraq at any time to comply with this  
7 resolution shall constitute a further material breach."

8 The declaration on its own -- and we told the  
9 Americans this -- was not enough to say, "Let's give up.  
10 Let's go to war".

11 THE CHAIRMAN: Yes. So it was not actually found to be  
12 a material breach at that point in December simply by  
13 reason of the declaration not being adequate?

14 So here we are in early 2003. Is there a draft  
15 resolution in blue on the table by mid-January?

16 SIR JEREMY GREENSTOCK: No, I didn't put a resolution down  
17 until well into February, probably towards the end  
18 of February, which, you don't -- I mean, you don't need  
19 to put it down on the table unless now is the time to do  
20 it or unless there is somebody else about to pre-empt  
21 you.

22 THE CHAIRMAN: Yes.

23 SIR JEREMY GREENSTOCK: So I was watching like a hawk to  
24 protect UK interests in that sense and it wasn't until  
25 two months later than where we have reached that that

1 was necessary, and all sorts of things had happened by  
2 then.

3 You asked for a tour de table of the Security  
4 Council. There are 15 members in 2003. The members of  
5 the Security Council we felt were sympathetic to UK  
6 views with the US -- so the two of us -- the spectrum is  
7 US, UK, Spain, Bulgaria, line drawn. We felt we could  
8 keep those four votes solid.

9 The other end of the spectrum was France, Russia,  
10 Germany, Syria and China. Five pretty clearly going to  
11 be tough work to persuade.

12 In the middle and we often called them the "middle  
13 ground six" or the "undecided six" -- the "U6", occurs,  
14 I think, in Sir Christopher Meyer's testimony -- were  
15 the three African nations, Cameroon, Angola and Guinea,  
16 the two Latin American Missions, Chile and Mexico, and  
17 the Pakistanis. Those undecided six were the swing  
18 voters and ripe territory for lobbying, persuasion,  
19 et cetera, during the course of this negotiation.

20 They -- and I think this is important to say -- were  
21 almost unanimously, I would have thought, in favour of  
22 the United Nations being in control and of the Security  
23 Council having sole authority for international peace  
24 and security on an issue like Iraq.

25 On the other hand, they could see that

1 Saddam Hussein was a menace and a nuisance and they had  
2 nothing to say for Saddam Hussein. They could see the  
3 permanent members fighting like elephants on their  
4 territory and they didn't want to be stamped upon. So  
5 they were in the middle, almost literally, between the  
6 two parts of the spectrum.

7 THE CHAIRMAN: Thank you. That's helpful. Now, the  
8 United Kingdom's objective -- we are in January now --  
9 is not just to hold the ground by developing a second  
10 resolution. It is to achieve an objective through it,  
11 if it can. Is that right?

12 SIR JEREMY GREENSTOCK: I think we had two objectives and  
13 I have thought quite carefully about this, because those  
14 objectives became confused in the heat of battle and in  
15 subsequent interpretation with hindsight of what  
16 happened.

17 I think the two fundamental points were, first, that  
18 we had to try and create international pressure on Iraq  
19 to give up WMD without a fight, and it was only possible  
20 to do that, as far as I was concerned, through the  
21 United Nations, by having a very firm body of  
22 international opinion that was against Iraq and  
23 determined to bring to a halt its 12-year contravention  
24 of UN Resolutions. That was a primary purpose behind  
25 what I was trying to design as a further resolution.



1           Second, we were also concerned to establish the  
2           safest possible legal grounds for the use of force if  
3           that should be necessary. We felt that we had legal  
4           grounds in 1441, but those grounds were contested. They  
5           were a matter of subjective opinion.

6           If one had a further resolution, establishing that  
7           there had been a material breach since we had given Iraq  
8           the final opportunity, this would be unequivocal, and  
9           that would be the safest possible legal grounds for the  
10          next steps, whatever they were.

11        THE CHAIRMAN: There was a difficult judgment to make,  
12          wasn't there, as to whether having established in 1441  
13          grounds, though contested grounds, for the use of force,  
14          should that ultimately become necessary, the search for  
15          a second resolution to build firmer foundations for  
16          that, if it failed, might be thought to have compromised  
17          even that contested ground in 1441?

18        SIR JEREMY GREENSTOCK: Yes, and you will hear from other  
19          witnesses, particularly those at the London end, that  
20          there was a debate in London as to whether this was  
21          a wise route to go because of those disadvantages, but --  
22          I put my case personally to the Prime Minister at one  
23          point in January. I put it obviously to the  
24          Foreign Office. I was in regular contact with  
25          Sir David Manning as the Number 10 foreign policy

1           adviser throughout this period, and we decided that this  
2           was the right way to go despite of the disadvantage that  
3           you and I have identified in this exchange.

4   THE CHAIRMAN:  Yes.  Just turning for a moment to the  
5           Americans, were they particularly interested in securing  
6           a second resolution?

7   SIR JEREMY GREENSTOCK:  Here there is an interesting point.  
8           Yes.

9   THE CHAIRMAN:  Why?

10  SIR JEREMY GREENSTOCK:  I do not have first-hand evidence on  
11           this.  You will need, perhaps, to ask  
12           Sir Christopher Meyer.  You will need particularly,  
13           I believe, to ask Sir David Manning, but as  
14           I understood, there had been a conversation in  
15           early January -- that is before we got into any of the  
16           2003 Security Council meetings -- a conversation between  
17           Condoleezza Rice, as national security adviser, and  
18           David Manning as Number 10 foreign policy adviser, in  
19           which -- and Sir David will need to give you the details  
20           of this if you want to go into it -- Ms Rice said that  
21           she had been giving considerable thought to this whole  
22           issue over the Christmas holidays and had decided that  
23           a second resolution was necessary for American  
24           interests, that the American public were not necessarily  
25           fully on board for an attack on Iraq and the use of

1 the American military and this was something that she felt  
2 the President would need to consider very carefully.

3 You may recall that Sir Christopher Meyer said to  
4 you that when he went round the United States, he didn't  
5 actually trip over gung-ho attitudes in the US, the  
6 whole time --

7 THE CHAIRMAN: He found one.

8 SIR JEREMY GREENSTOCK: -- it was the other way round.

9 THE CHAIRMAN: Yes.

10 SIR JEREMY GREENSTOCK: This must have got through to  
11 Condoleezza Rice. Yet, I also believe from my  
12 understanding of events that at the end of January, when  
13 Prime Minister Tony Blair visited the East Coast to talk  
14 to President Bush on 31 January that the President said  
15 to the Prime Minister, "We, ourselves, don't  
16 particularly need a second resolution, but we realise  
17 that you do."

18 I actually -- looking back -- think Condoleezza Rice  
19 was on to something, that the American public did need  
20 a bit more, but the decision within the  
21 administration -- and this is what mattered -- is that  
22 the administration itself did not need a second  
23 resolution, but their most likely ally did, and,  
24 therefore, they would go for a second resolution, and  
25 that was an undertaking given by the President to the

1 Prime Minister.

2 THE CHAIRMAN: The elastic of time is getting stretched now,  
3 isn't it, even in January, certainly as we go  
4 into February, the time available to pursue the search  
5 for a second resolution?

6 SIR JEREMY GREENSTOCK: Of course.

7 THE CHAIRMAN: At one point -- I'm not entirely clear, and  
8 I would be grateful for clarification -- the proposal of  
9 the six tests is put on the table as a means of securing  
10 more consensus around a second resolution. That came  
11 from the United Kingdom delegation in New York? Its  
12 origin was elsewhere?

13 SIR JEREMY GREENSTOCK: No, you have skipped quite a lot of  
14 time. You are into the last few days in March --

15 THE CHAIRMAN: Yes.

16 SIR JEREMY GREENSTOCK: -- and there is a considerable  
17 amount in between.

18 THE CHAIRMAN: We can go back, but I would just like to get  
19 the six tests established.

20 SIR JEREMY GREENSTOCK: The six tests were a product,  
21 I think, of the rolling conversations that I had with  
22 the executive chairman of UNMOVIC, Hans Blix, about what  
23 was left to discover about the residual WMD in Iraq.

24 You will remember that he decided earlier on in this  
25 process to produce a document clustering all the issues

1           that remained to be certified before he could be clear  
2           that Iraq had no WMD. As we moved through the process  
3           of proposing a draft resolution, which went through  
4           various forms, we came up to the business of setting an  
5           ultimatum, because time became involved in this and we  
6           realised that an ultimatum was an obvious way to proceed  
7           but an ultimatum has to have conditions.

8           So what were the conditions? What were the  
9           benchmarks? That was the logical process.

10       THE CHAIRMAN: Yes. You rightly said there is a lot of  
11       ground still to cover.

12           First of all, there are two reports from UNMOVIC  
13           aren't there? The first one, I think, in January and  
14           then a second one, rather different in tone and  
15           character. Is that right?

16       SIR JEREMY GREENSTOCK: I think Hans Blix might contest that  
17       description. They were different in the effect of the  
18       substance of what they were saying, but Hans Blix was  
19       trying to report the truth in his unique tone.

20           On 27 January, he produced a report of the first  
21       finding so far of UNMOVIC inspectors, which basically  
22       said that Iraq was not cooperating adequately. "They  
23       have not yet come to the realisation that they have got  
24       to meet UN requirements", he said -- I paraphrase, but  
25       you have the text. The Americans got quite excited by

1           that because they felt that that in itself might amount  
2           to a material breach.

3   THE CHAIRMAN:   Yes.

4   SIR JEREMY GREENSTOCK:  Actually, if you look at the wording  
5           of 1441, it comes very close to being a report of  
6           a material breach.

7   THE CHAIRMAN:  Both before and after the "and".

8   SIR JEREMY GREENSTOCK:  Because the declaration was clearly  
9           inadequate.  Even with hindsight, that declaration is  
10          inadequate, and they were not cooperating fully,  
11          completely, finally: material breach.

12                 Hans Blix got a bit cross that the United States had  
13                 run out to the microphone and said, "This is a material  
14                 breach" -- again, I'm telescoping and paraphrasing.  So  
15                 when he came to, a few days later, 14 February, when he  
16                 made his second report -- actually, you said there were  
17                 two, there were further reports later, but the second  
18                 report was 14 February -- he, within the scope that he  
19                 felt he had for interpretation, went to the other end  
20                 and said, "They are actually beginning to cooperate and  
21                 these are the reasons why they are beginning to  
22                 cooperate.  I have found that they are playing with some  
23                 missile engines which might make their missiles travel  
24                 further than 150 kilometres.  I'm asking them to deal  
25                 with that and they are talking to me about it.  So

1 I feel I'm getting somewhere".

2 The Americans were quite cross about that because  
3 they felt it didn't reveal the whole truth and,  
4 revealingly, if I may just add something, Chairman, in  
5 the lunch after Hans Blix's 14 February report, he was  
6 tougher on the Iraqis and their lack of cooperation in  
7 private than he had been in public, and it was clear  
8 from my conversations with him subsequently that part of  
9 his judgment on what he said publicly on 14 February was  
10 affected by the reaction of the Americans to what he had  
11 said on 27 January.

12 THE CHAIRMAN: Yes, and for reasons -- looking in from the  
13 outside -- easy to see, not wishing to provide an  
14 automatic trigger --

15 SIR JEREMY GREENSTOCK: Yes.

16 THE CHAIRMAN: -- for action.

17 Now, the efforts to achieve a second resolution are  
18 pursued strenuously right up to the last days, aren't  
19 they? How close did we get to achieving it, and why, in  
20 the event, was the attempt abandoned?

21 SIR JEREMY GREENSTOCK: I never felt that we got close to  
22 having nine positive votes in the bag. We went through  
23 periods, because we were getting a flow of responses  
24 back, particularly from the "middle ground six"  
25 delegations, that they were interested in an ultimatum

1 process and I think that Colin Powell and Jack Straw at  
2 one stage thought that they had eight votes in the bag,  
3 needed the two Latin Americans, Chile and Mexico, and,  
4 lo and behold, we would have ten, which would be quite  
5 satisfactory against the circumstances. But if I was  
6 ever asked, and I was asked, by London, how many votes  
7 I felt were sure, I would say four. I would never  
8 report it back to London that I had more than four sure  
9 votes.

10 I think that our arguments were weighing on other  
11 members of the Security Council short of the  
12 unconvertible, and we must add into this conversation  
13 the business of the smoking gun, because this is an  
14 important criterion as to what we were trying to do and  
15 an important criterion as to the use of time in this  
16 whole episode.

17 But I was never confident -- and I don't think  
18 I told London that I was confident -- of getting nine  
19 votes unless something else happened.

20 THE CHAIRMAN: In which case, is it right your confidence  
21 would have grown substantially of getting the middle six  
22 or a number of them into support for --

23 SIR JEREMY GREENSTOCK: If there had been a factual  
24 development?

25 THE CHAIRMAN: Yes.



1 SIR JEREMY GREENSTOCK: Yes, but beyond the "middle ground  
2 six".

3 THE CHAIRMAN: Yes, you would have collected the ten.

4 SIR JEREMY GREENSTOCK: We had statements in private from  
5 the French and the Chinese and others that, if there was  
6 a clear report of a WMD find, their attitudes would  
7 change.

8 THE CHAIRMAN: Right. Is it rushing ahead too quickly to  
9 the point the judgment was made that the attempt should  
10 be abandoned? It was no longer possible, given time and  
11 circumstances and prospects, to pursue it further. The  
12 key factors in that judgment?

13 SIR JEREMY GREENSTOCK: We went through from late February  
14 into March a series of about three different texts that  
15 we put in front of the Security Council. One was a bald  
16 statement that Iraq had not taken its final opportunity.  
17 Another was a three-paragraph resolution which said that  
18 Iraq was in material breach. One was not mentioning  
19 material breach, but saying that it wasn't cooperating  
20 clearly. So we tried various formulations and weren't  
21 getting traction without further factual evidence.

22 At the same time, there were discussions outside  
23 New York about the timing of the first stages of  
24 military action. Inside New York there were other  
25 developments, such as other delegations making ultimatum

1 suggestions. Canada from off the Security Council made  
2 one proposal.

3 On the final Sunday, 9 March, before UN  
4 Security Council Resolutions came to a halt, I was  
5 approached by the President of the Security Council for  
6 the month, the Guinean ambassador, to say that the  
7 "middle ground six" wanted to make a proposal for an  
8 ultimatum of 45 days, which I took seriously and showed  
9 them that I took seriously, but, as the week of Monday,  
10 10 March, moved on, and I tried various forms of draft  
11 resolution or ultimatum procedures or benchmarks to try  
12 and attract the attention of the Security Council to  
13 a final-gasp effort to retain control of this business,  
14 it became increasingly clear that a resolution would not  
15 be possible because there weren't votes or because there  
16 would be vetos from permanent members of the Security  
17 Council.

18 THE CHAIRMAN: Thank you. I'm going to turn now to  
19 Baroness Prashar again.

20 BARONESS USHA PRASHAR: Thank you very much. You have been  
21 talking about the key factors that led to the judgment  
22 of abandoning, what about the timing? What were the  
23 factors that led to the timing when it was abandoned?

24 SIR JEREMY GREENSTOCK: There are two aspects to the timing.  
25 One is: what is a reasonable time for the inspectors to

1 do their job and produce a final answer on the questions  
2 in front of them; and, two, what was the timing of  
3 military preparations and what was likely to happen on  
4 another stage?

5 The one was of particular concern to members of the  
6 Security Council, the other was of particular concern to  
7 the United States, and the two didn't really meet.

8 For those making the military preparations, the  
9 business in the Security Council was at some remove.  
10 For those on the Security Council who were trying to  
11 negotiate and continue UN control of this, the business  
12 of military preparations was actually rather real.

13 So we can pursue either of those. Was it possible  
14 for anybody, and particularly the United Kingdom, to get  
15 out of the United States a longer period for the UN  
16 process, and, secondly, what was a reasonable time for  
17 the inspectors to get a result, when Iraq was not, in  
18 anybody's judgment, cooperating in the terms of the  
19 resolutions?

20 Those were very much factors that I had to weigh  
21 when I was doing my work at the Security Council.

22 BARONESS USHA PRASHAR: You are on record in your interview  
23 with Andrew Marr when you said that you firstly got the  
24 impression that the British Government would have liked  
25 a further six months:

1            "... and I supported the idea more time, more time  
2            to show that we have gone properly through the UN  
3            process."

4            How strong was the view within the UK Government  
5            that they would like a further six months? Also,  
6            yesterday, when we were talking to  
7            Sir Christopher Meyer, he said, and I quote him:

8            "The key problem was to let the military strategy  
9            wag the political and diplomatic strategy. It should  
10           have been the other way round."

11           Do you think the military tail was wagging the  
12           diplomatic dog?

13           SIR JEREMY GREENSTOCK: Yes, of course. In the  
14           United States it was, and, therefore, it affected the  
15           United Kingdom, because there was already an  
16           understanding between the United Kingdom and the  
17           United States that, if force in the end had to be used,  
18           then the United Kingdom would also use force in  
19           partnership with the United States. So it affected the  
20           United Kingdom.

21           I said what I said to Andrew Marr, and I have said  
22           it before and after that date, which I think was a 2005  
23           interview, because -- we talked about these things  
24           between London and New York and within New York. It  
25           seemed to be a factor in the military preparation that

1 the United States at least did not want to start  
2 a military operation in the summer months.

3 My view, the summer months aren't a complete  
4 impossibility for a military action. The military are  
5 magnificent. They will do what you ask them to do and  
6 they have had to do operations in Iraq through the  
7 summer ever since 2003. But you don't easily start  
8 military operations in the summer months, because your  
9 soldiers are not conditioned to that.

10 So the next -- if you didn't do it in March, there  
11 was a natural pause, as it were, for climatic reasons,  
12 to October. I didn't feel that by March I could  
13 represent in my argument in the Security Council that  
14 the inspectors had had enough time.

15 I also felt that there was still a chance of finding  
16 a smoking gun and that, if we had more time, that might  
17 be more possible, and that's what Hans Blix felt as  
18 well, although, as time went by, in February into March,  
19 he was increasingly of the view that he would not find  
20 a smoking gun. So that needs to be examined a bit  
21 further.

22 Whether there was scope within London to put down  
23 a firm marker with the United States that we would not  
24 wish to go until October 2003, I'm not clear about  
25 because I wasn't part of the military preparations and

1 the discussions in London. I merely said at various  
2 interviews, as you will see from the paperwork, that  
3 I felt that the most important issue that we would have  
4 to support what we were doing was a new find, and on  
5 another occasion I felt -- I said that to find a smoking  
6 gun was an essential part of our strategy, and if more  
7 time was necessary for that, maybe we should think about  
8 it. That was what lay behind what I said to  
9 Andrew Marr.

10 BARONESS USHA PRASHAR: But from your knowledge at the time  
11 do you think that we could have averted military action  
12 if more time had been granted?

13 SIR JEREMY GREENSTOCK: Possibly, but I think if you wanted  
14 me to put a number on it, I would have said it was more  
15 than a 50 per cent chance that, if we had waited  
16 until October, the inspectors would not have found  
17 a satisfactory solution and that military force might  
18 well have been used at that point, the difference being  
19 the legitimacy involved in giving the inspectors the  
20 greater time.

21 BARONESS USHA PRASHAR: So what you are really saying is  
22 that if more time had been given and there was more  
23 information of non-compliance, you may still have got  
24 legitimacy if action was to be taken?

25 SIR JEREMY GREENSTOCK: Yes, and we could have actually

1 played back some of the suggestions we were getting from  
2 other members of the Security Council. France proposed  
3 a three-to-four-month ultimatum. The "middle ground  
4 six" proposed a 45-day ultimatum. I had to put down  
5 a seven-day ultimatum, which some members of the  
6 Security Council felt was almost an insult in terms of  
7 the short time available to do the inspectors' work.  
8 Seven days.

9 We could have made a whole raft of uses of an extra  
10 six months in establishing that Iraq was not  
11 cooperating, in establishing that they had not given the  
12 inspectors the cooperation that was required and in  
13 establishing that 1441 had not been implemented by Iraq.

14 BARONESS USHA PRASHAR: So you really wanted diplomacy to be  
15 given a longer chance?

16 SIR JEREMY GREENSTOCK: Yes, I'm a diplomat. The soldiers  
17 probably wanted to get on with it. You will need to  
18 establish why President Bush -- because they were  
19 thinking about this too. It wasn't just a knee-jerk  
20 reaction in March -- it was in certain offices in  
21 Washington, but not in the Oval Office. He had to  
22 consider whether there was a case for extending the time  
23 before military action started to the early months of  
24 the autumn, and there were, no doubt, discussions within  
25 the administration at the principals' level of what the

1           considerations were.

2   BARONESS USHA PRASHAR:   Could I ask a general question? To  
3           what extent did the pursuit for the second resolution  
4           for so long and so hard, in your view, weaken the impact  
5           of 1441?

6   SIR JEREMY GREENSTOCK:   Can you just repeat that?

7   BARONESS USHA PRASHAR:   To what extent did the pursuit of  
8           the second resolution for so long actually weaken the  
9           impact of 1441?

10   SIR JEREMY GREENSTOCK:   I said earlier that there were two  
11           fundamental reasons for seeking a new resolution. One  
12           was to establish an international consensus that might  
13           make Saddam give up.

14           Another noise off at this stage was the thought that  
15           the Arab governments might put pressure on Saddam to go  
16           into exile and the Saudis were interested in that.  
17           There were discussions privately which are contained in  
18           the confidential documents about that.

19           In the end, with hindsight you can see that that  
20           wasn't very likely but we didn't dismiss it. It was  
21           worth thinking about. So that business of putting  
22           international pressure on Saddam was very important.

23           The other reason was to establish a safer,  
24           an unambiguous, an undisputed, legal basis for the use  
25           of force if everybody agreed that Saddam was not



1 cooperating satisfactorily.

2 We were focusing on WMD, but the United States was  
3 focusing on more than WMD, as you can see from  
4 statements -- the State of the Union address, statements  
5 by senior American political leaders, statements by  
6 Donald Rumsfeld, the Defence Secretary, that they would  
7 go to war with or without the Brits.

8 So the impression of my colleagues in the Security  
9 Council was that plucky little UK is doing its stuff in  
10 the Security Council, but something else is happening in  
11 Washington and maybe Greenstock is being asked to try  
12 and establish better legal grounds and we are not going  
13 to be fooled into doing that, if there isn't an  
14 objective case for it, preferably presented to us by the  
15 inspectors.

16 So gradually, fundamental reason B filled the screen  
17 more than fundamental reason A as time went by, and  
18 that, as you suggest, weakened the effect of 1441  
19 standing as the most recent and sole legal grounds for  
20 the operation.

21 BARONESS USHA PRASHAR: Can I just ask another question  
22 following on from that, because you seem to be  
23 consistently saying that the UK's main focus was on  
24 weapons of mass destruction and the US's was to regime  
25 change. Is that your understanding across the board?

1 Is that what your instructions were? I just want to be  
2 clear if that was the stated policy objective and  
3 understood.

4 SIR JEREMY GREENSTOCK: What I'm saying is that the  
5 United Kingdom's reasons for taking action on Iraq was  
6 solely based on UN Resolutions. The United States, in  
7 its public explanations of policy, throughout this  
8 period, suggested from time to time that there were  
9 reasons beyond UN Resolutions why they wished to deal  
10 with the threat posed by Iraq, and regime change  
11 increasingly got mentioned as the means by which they  
12 would achieve their objectives as far as nulling the  
13 threat from Iraq was concerned.

14 The UK, as the prospects for diplomacy declined,  
15 were increasingly pulled on to American grounds for  
16 going to war, because, if we were going to go to war,  
17 the Prime Minister had made a commitment that he would  
18 go with the United States.

19 What we were left with, with the failure of  
20 diplomacy to achieve objective A, as I have described it  
21 to you, was the American set of reasons for going to war  
22 with Iraq, not the British ones, and that was something  
23 which had to be taken into account by British  
24 explanations of policy and by the Prime Minister  
25 personally.

1 BARONESS USHA PRASHAR: Thank you very much.

2 THE CHAIRMAN: Sir Lawrence?

3 SIR LAWRENCE FREEDMAN: Actually, two sets of questions.

4 The first on your conversations with Dr Blix, and in  
5 particular, this question of the smoking gun.

6 Was there a point in this process where you got  
7 a sense that maybe a smoking gun hadn't been found  
8 because there wasn't one to be found?

9 SIR JEREMY GREENSTOCK: That wasn't where I came from.

10 I thought there was something there. I actually still  
11 believe there is something there, but it is a question  
12 of what that something is now.

13 I'm not sure that in the testimony I have read so  
14 far this week, sufficient accent has been put on the  
15 very skilful arrangements by the Iraqi Government for  
16 concealment. There was a Concealment Committee  
17 established by Iraq and they were very good at it.

18 I will give you one example.

19 Before the war actually started, the Iraqi Air Force  
20 buried a number of Russian jets in the sand, which  
21 overhead telemetry didn't notice them doing. It was  
22 only when the wind blew the sand away from those jets  
23 that the tails stuck out of the sand and we discovered  
24 that they had buried some aircraft.

25 If they can get away with burying aircraft in the

1 sand, they are going to be quite good at burying much  
2 smaller things in the sand.

3 UNSCOM and UNMOVIC were very conscious of the degree  
4 of skill which the Iraqis had in concealing what they  
5 had, whatever it was. We haven't, in this discussion so  
6 far, Chairman, touched on Secretary Powell's  
7 presentation to the Security Council on 5 February, but  
8 there are some relevant aspects there.

9 I believe that there was something somewhere, that  
10 the inspectors were actually beginning to piece together  
11 some very careful explanations of what was left and what  
12 needed to be accounted for in the 29 areas in the  
13 clusters document.

14 We went through that clusters document very  
15 carefully, to the extent actually that Foreign Secretary  
16 Jack Straw was the only Minister at the ministerial  
17 meeting on 7 March 2003 of the Security Council who had  
18 read that document from beginning to end. You will see  
19 from the transcript of what he said at the Security  
20 Council that he believed that this indicated the degree  
21 of work that was still to be done to compel Iraq to  
22 account for all its weapons of mass destruction history  
23 and residual holdings.

24 He then went on to make the argument: there is no  
25 point in adding time to this, because Iraq is not

1 cooperating and their concealment is so good that only  
2 getting in there ourselves and stopping this process  
3 will actually end the threat. So we need to declare now  
4 Iraq is in material breach because it is not  
5 cooperating, and time is not a necessary factor that  
6 will reveal what is actually there because of their  
7 concealment strength.

8 That was the 7 March argument from the Foreign  
9 Secretary which explained very clearly the British  
10 position and which bridges the gap between the US and UK  
11 positions that was caused by our earlier thinking that  
12 we needed more time for proper inspections.

13 SIR LAWRENCE FREEDMAN: You mentioned Secretary Powell's  
14 presentation. After that, Dr Blix, in his first  
15 presentation after that, cast doubt on some of the  
16 things Secretary Powell had been suggesting.

17 So were you getting a sense of divergence between  
18 UNMOVIC and the United States at least in their  
19 assessments of what was going on after the early  
20 convergence that you mentioned of January 27?

21 SIR JEREMY GREENSTOCK: I don't think there was ever any  
22 complete convergence between UNMOVIC and the  
23 United States, but there were frequent discussions of  
24 what their differences were, so they had those  
25 differences out as I understood it, in reasonable

1 conversation, edging sometimes into unreasonable  
2 conversation, because I occasionally got complaints from  
3 Hans Blix that the Americans had been quite tough on  
4 him.

5 But I don't think that Hans Blix was clear in his  
6 own mind -- and he makes this very plain in his book --  
7 that the Iraqis either had weapons of mass destruction  
8 or did not have weapons of mass destruction and,  
9 therefore, he was wavering on quite a broad spectrum,  
10 whereas the United States was wavering on a much  
11 narrower spectrum because they were of a mind to think  
12 that, if the WMD was not appearing, it was because it  
13 had been hidden, not because it was not there.

14 Actually, it wasn't Hans Blix that pointed out that  
15 there were false documents in the presentation, it was  
16 Mohammed El-Baradei, because this was the business of  
17 the uranium yellowcake, which Niger was supposed to have  
18 been trying to export to Iraq, and which we discovered  
19 was not correct on the basis of some rather crude  
20 forgeries, on which, I think, the intelligence community  
21 in London will say they, themselves, had their own  
22 doubts. So that was an unwise use of something that  
23 wasn't safe in Powell's presentation.

24 More generally on Secretary Powell's presentation on  
25 5 February, I would say that it was an extremely

1           impressive presentation of the evidence we had of Iraqi  
2           WMD, but it was not decisive. There wasn't a smoking  
3           gun there in the presentation. There hadn't been  
4           a smoking gun presented by the inspectors to the  
5           Security Council, and it seemed to many members of the  
6           Security Council that Secretary Powell was trying too  
7           hard to establish a case for which there was no clear  
8           proof. Therefore, it was not decisive, because it  
9           didn't convert the unconverted. In fact, that was the  
10          result of that.

11       SIR LAWRENCE FREEDMAN: Can I just follow on from that?

12           One of the other arguments that we have heard is  
13           that as soon as the French said they were not prepared  
14           to use force, in a way the exercise had become rather  
15           hopeless.

16           Did you feel that, that the position of France, as  
17           stated publicly by President Chirac had made the efforts  
18           to get P5 unity impossible?

19       SIR JEREMY GREENSTOCK: I regarded that with others in the  
20           UK team as unnecessarily provocative, because we hadn't  
21           finished our explanations in the Security Council.

22           It was said, I believe, by President Chirac shortly  
23           after the Secretary of State in the Security Council had  
24           announced that we were putting down a new amendment  
25           which had not yet been discussed in the Security

1 Council. So this was evidence of a French a priori  
2 objection to what was going on, which went beyond the  
3 negotiations in the Security Council.

4 It made my life more difficult, because it made the  
5 "undecided six", for instance, believe that we were now  
6 going through the motions of something that was not  
7 going to produce a result; therefore why should they do  
8 something unpopular with their public opinions at home  
9 in siding with the United States on attacking an Islamic  
10 country like Iraq, or whatever the reasons were  
11 domestically, when clearly the Security Council was not  
12 going to reach anything if a permanent member had  
13 pre-declared a veto?

14 So it did rather undercut the ground that we were  
15 on, yes.

16 SIR LAWRENCE FREEDMAN: Finally, what was the impact of the  
17 Foreign Ministers continually turning up to New York?  
18 This made it quite dramatic political theatre, as many  
19 of us can recall, but did that aggravate the tensions  
20 between the key countries rather than provide a means of  
21 calming them down?

22 SIR JEREMY GREENSTOCK: Sometimes yes, sometimes no. These  
23 things don't flow in a straight line or a steady graph  
24 upwards. I think the most damaging falling out -- for  
25 instance, between the United States and France --



1 occurred in a ministerial Security Council meeting on  
2 20 January on a related but different subject of  
3 counter-terrorism when Iraq was not discussed.

4 It was when Foreign Minister Villepin went to the  
5 microphone after that Security Council meeting, because  
6 France was the presidency, and started talking about  
7 Iraq, that Secretary Powell reacted most strongly to  
8 being ambushed at the Security Council by his French  
9 opposite number and their relationship became more  
10 difficult after that time.

11 Then later, there were meetings, technically private  
12 meetings, where Foreign Ministers tried to get their act  
13 together again and tried to find a way through in  
14 certain respects, because there were usually -- when  
15 there was a ministerial meeting in the Security Council,  
16 there was also a meal or something when the Ministers  
17 would meet and talk privately.

18 But one, I think, fundamental piece of substance in  
19 diplomacy came through stronger and stronger during this  
20 period and that was that the French, the Russians, the  
21 Chinese, the Germans and others, but particularly the  
22 French and the Russians, were absolutely determined to  
23 prevent, if possible, the unilateral use of force by the  
24 United States as being something inimical to the  
25 international system and the United Nations, and this

1           took on a stronger character for them than the need for  
2           the UN Security Council to deal with the non-compliance  
3           of Iraq.

4   THE CHAIRMAN:   Sir Martin?

5   SIR MARTIN GILBERT:  Sir Jeremy, in a statement on March 17,  
6           the Prime Minister said that Saddam Hussein's regime  
7           could have disarmed peacefully if confronted by  
8           international solidarity, and he made a statement that  
9           progress had been made towards forging a consensus  
10          before the French and Russian intervention.

11                 What particular progress would you say had been  
12          made, and to what extent had it been a UK --

13   SIR JEREMY GREENSTOCK:  Progress towards?

14   SIR MARTIN GILBERT:  Towards forging a consensus.  That  
15          there could be action.

16   SIR JEREMY GREENSTOCK:  Yes.  We felt that at times progress  
17          was being made.  A lot of it was between capitals,  
18          Ministers went to capitals of the members of the  
19          Security Council.  The progress wasn't terribly evident  
20          in New York, but I was told that there was a good chance  
21          that Pakistan was now on board.  "Oh, the three Africans  
22          are beginning to come on board".  It focused, in the  
23          end, on the two Latin Americans and the Americans might  
24          say something along the lines of, "Well, that's our  
25          business.  This is the western hemisphere.  We will see

1           what we can do with them", and there were talks between  
2           capitals, Washington and Mexico City, Washington and  
3           Santiago, and they felt at the time progress was being  
4           made.

5           The trouble was, like one of those irritating  
6           puzzles, once you have got one ball in the slot, when  
7           you tipped in the other direction to get another ball in  
8           the slot, the first ball slipped out. That was our  
9           constant experience and we ended up, in the end, with no  
10          more than four votes in the Security Council, if we put  
11          something to a vote. That was the process.

12          So if you are examining a particular statement, I'm  
13          sure the Prime Minister felt that at the time. Two days  
14          later, he might have made a more disappointed statement.

15          THE CHAIRMAN: Roderic, do you want to comment?

16          SIR RODERIC LYNE: Three questions, two specific, one rather  
17          broader.

18          To what extent did you feel that the positions of  
19          the other three permanent members of the Security  
20          Council were influenced by considerations of national or  
21          personal self-interest rather than the merits of the  
22          case?

23          SIR JEREMY GREENSTOCK: I never saw any evidence that came  
24          across my desk that there were any personal  
25          considerations involved, but if you want me to -- if I

1 haven't understood the question about "personal", you  
2 can come back.

3 As far as national considerations were concerned,  
4 I have made one, I think, fundamental point in answer to  
5 your question, that France and the United States in  
6 particular felt that it was not yet politically  
7 justifiable in international terms for the United States  
8 to use force at this juncture with the inspectors on the  
9 ground still doing their work, believing, as they did,  
10 as President Chirac and others frequently said, that war  
11 was an awful thing and should be avoided at all costs  
12 unless it was absolutely necessary.

13 As I said, and as others will no doubt tell you,  
14 France had intimated to us at various points earlier in  
15 this saga that they might join a military campaign if  
16 there was unequivocal proof, evidence, that Iraq  
17 possessed WMD and was lying through its teeth all along.

18 So there were national considerations and there were  
19 international considerations in Paris and Moscow in  
20 particular, and there was this view that the  
21 United States just was hell bent on the use of force  
22 anyway and was not respecting the procedures of the  
23 United Nations.

24 At some point, whether you want me to answer this  
25 now or later, I think it is important that I say to this

1 Inquiry what I think the results were of the UK's own  
2 national efforts at the United Nations to go the last  
3 mile to find a way of doing this without the use of  
4 force, because I think they were relevant to the further  
5 diplomacy on Iraq during and after the invasion.

6 SIR RODERIC LYNE: That was going to be my next question,  
7 but can I just come back to the point I made before?

8 The reason why I put the question to you in that way  
9 is because previous witnesses have put quite a lot of  
10 emphasis on the commercial interests of some UN members  
11 in trade with Iraq and on the efforts which  
12 Saddam Hussein was making to play on that in order to  
13 divide the international community, including the P5.

14 I don't know if you want to comment further on that.  
15 Essentially, you have said this isn't something that you  
16 saw with your own eyes as a 2003 factor, if I understood  
17 you rightly.

18 SIR JEREMY GREENSTOCK: I do not have first-hand evidence of  
19 that, but I was very well aware of, from reading other  
20 people's reports, that this might well be a factor  
21 because the Russian and French debt from Iraq, the Iraqi  
22 debt to those two nations, was in many billions of  
23 dollars resulting from the Iran/Iraq war purchases and  
24 they wanted sanctions to be lifted so they could get  
25 some of their money back.

1           In addition, Russia was perhaps profiting in various  
2           ways, or Russian companies were, or Russian individuals  
3           were, from abuse of the sanctions regime. So those  
4           elements need to be explored.

5           I didn't see very much evidence of it at the  
6           United Nations, although the Sanctions Committee of the  
7           Security Council would have seen some evidence of that.  
8           There were UK junior -- more junior officials sitting on  
9           that. I never attended a meeting of the  
10          Sanctions Committee.

11          If you wanted to look at the evidence coming to the  
12          Sanctions Committee you would have found evidence of  
13          companies coming from particular provenances making  
14          profits out of the sanctions regime.

15         SIR RODERIC LYNE: Thank you. Let's move on then to the  
16          next point that you raised. The British Government made  
17          a quite extraordinary effort to get the second  
18          resolution, including a huge effort at Prime Ministerial  
19          and Cabinet level.

20          I don't know if that was without precedent or not,  
21          perhaps you can tell us, but what were the consequences  
22          of making that effort and then not succeeding in it for  
23          our subsequent position and our standing, indeed, at the  
24          UN?

25         SIR JEREMY GREENSTOCK: I think the overall effect of our

1 genuine attempt at diplomacy was actually quite  
2 considerable. The Security Council, once 17 March had  
3 come and I had, on instructions, declared that our  
4 resolution would not be put to a vote but would sit on  
5 the table, was one of pretty miserable disappointment.  
6 There was actually a further meeting of the Security  
7 Council on 19 March, where some Ministers came to the  
8 Security Council in open session, including the French  
9 and German Ministers, to discuss the implementation of  
10 1284 and the sanctions regime, sadly unrealistic  
11 circumstances, but they came.

12 In the margins of that meeting there was a less  
13 frosty atmosphere than you might have expected, given  
14 the history. More sadness than anger, if you like, that  
15 things had reached this point, when I was expecting,  
16 particularly from the French -- and I got one or two  
17 brushes back from the French about naming, in effect,  
18 the French in my statement of 17 March which showed  
19 a touch of anger. But communication didn't stop.

20 During the military operations, we dealt with the  
21 next round of the Oil For Food business in the Security  
22 Council. Shortly after the invasion was over,  
23 through April into May, we passed a resolution on the  
24 future handling of Iraq by the UN.

25 In my personal contact with my colleagues at the

1 United Nations, I understood that the UK had been given  
2 a good deal of credit for trying diplomacy up to the  
3 last minute, in spite of the noises off, and there is  
4 something bigger than all of that: in the fact that the  
5 United Kingdom was part of this military operation, that  
6 the United States was not completely alone, we  
7 ensured -- whether it was intentional or not, but this  
8 was the effect -- that the international community, the  
9 Security Council, the members of the United Nations,  
10 remained able to talk to each other after this had all  
11 blown up in our faces, when, if the United States had  
12 gone about this operation unilaterally, solely, there  
13 would have been a huge division between the  
14 United States and the rest of the international  
15 community.

16 Actually, in the Security Council, and it came out  
17 at a lunch that Kofi Annan gave on 25 March for the permanent  
members  
18 of the Security Council themselves -- us five  
19 ambassadors and him alone -- there was a very reasonable  
20 discussion about how the United Nations might play  
21 a role in the management of Iraq after the military  
22 operation was over.

23 That would not have been possible if the  
24 United Kingdom had not been going on trying to find  
25 a diplomatic answer in spite of the military



1           preparations. I think it had a very real effect for  
2           the -- for preventing the collapse of the health of the  
3           international community, that we did try as hard as we  
4           did.

5   SIR RODERIC LYNE: Finally, if I can now put to you a much  
6           wider question and one that we have already put to  
7           others and I'm sure we will again. If we go back to the  
8           year in which this Inquiry has been asked to begin its  
9           story, the year 2001, whether it is before or after  
10          9/11, the situation you have described is one in which  
11          sanctions were eroding, the No Fly Zones were obviously  
12          a bit in question, Iraq was winning the PR battle, the  
13          P5 were divided, very importantly, the United States  
14          view of the threat was not very widely shared. You  
15          talked of a spectrum.

16                 In those circumstances, did a policy of continuing  
17                 containment of Iraq appear sustainable over the  
18                 long-term, or, realistically, could it have been  
19                 reinforced in a way that effectively would have allowed  
20                 the international community to continue containing  
21                 Saddam Hussein without having to go to war?

22   SIR JEREMY GREENSTOCK: It was certainly my view at the  
23           time, whether or not it remains my view now, that the  
24           containment of Iraq through United Nations' measures  
25           would progressively have continued to erode, and the

1 smuggling capabilities and the smuggling results in  
2 terms of Iraq's wish to increase its military and  
3 economic capacity, would have been disadvantageous for  
4 UK national interests in the Middle East and  
5 internationally.

6 The inspectors, in the end, probably would have  
7 failed to find WMD if they had been given more time, but  
8 we might have come to different conclusions if we had  
9 seen what the inspectors achieved over, say, six months  
10 or a year's period, and there would have been different  
11 arguments in the Security Council. So I think that the  
12 politics would have been different if the inspectors had  
13 been given more time.

14 But if we had not attempted to do this at all, but  
15 had just tried to rely on containment of Iraq, then  
16 I think the opportunities for Iraq to carry out what we  
17 firmly felt was the Iraqi Government's intention to  
18 increase its military capacity would have continued and  
19 would have been dangerous.

20 There are all sorts of areas, Chairman, in which we  
21 haven't had a conversation and you haven't yet had with  
22 your other witnesses. The role of Israel in this whole  
23 saga, the role of Iran in this whole saga, the  
24 psychology of Saddam Hussein, not particularly for this  
25 witness to get into, but the complexity of the picture:

1           why did Saddam continue to pretend he had WMD when he  
2           didn't, when it was going to mean the collapse of his  
3           regime, these are questions you are going to examine.  
4           But it was behind the thinking of much of the things  
5           that we did in the Security Council and in the  
6           discussions that I was having with my fellow permanent  
7           members. We were covering the whole area of discussion  
8           about what all this meant in its various aspects.

9           Within all those discussions, there wasn't a single  
10          member of the Security Council, or indeed of the  
11          United Nations, that I had could identify, besides Iraq,  
12          that was speaking up for the Government of Iraq.  
13          Everybody felt that Iraq was contravening the  
14          resolutions of the United Nations.

15        THE CHAIRMAN: Thank you. I think we will call today's  
16          session to a halt at this point, but just before that,  
17          in the few minutes remaining, are there some particular  
18          points you would like to make, granted that we shall  
19          have the benefit of your appearance as a witness again  
20          before Christmas, particularly in respect of the period  
21          following the invasion?

22        SIR JEREMY GREENSTOCK: I think there is only one other  
23          point that I would like to make about the United Nations  
24          and I will follow very closely your discussions in  
25          public on many other aspects of this whole question that

1 didn't bring in the United Nations, because I have thought  
2 about it a lot. But I think it is important to say to  
3 this Inquiry that the United Nations is fundamentally  
4 a reasonable place, that if you put good arguments for  
5 good reasons, you will get a good hearing. If you  
6 assert facts that aren't supported by evidence, you will  
7 get a less sympathetic response.

8 But the United Nations has a problem in dealing with  
9 big power divisions. The United Nations is a forum of  
10 its member states, it is not a separate agency to deal  
11 with something, and there is no doubt that the  
12 United Nations, over 12 years, failed to deal with the  
13 fact that they were being defied by Saddam Hussein.

14 That aspect of the formation of UK policy, I think,  
15 has to be remembered, that we were trying to defend the  
16 United Nations from being eroded by successful  
17 non-compliance by a member state just as much as we were  
18 trying to deal with the threat posed by the Iraqi  
19 possession of dangerous weapons, and that is  
20 a consideration that should come into your discussions.

21 THE CHAIRMAN: Thank you very much. I think it is worth  
22 making the point that each of these oral witness  
23 sessions are, because of our own approach, quite tightly  
24 focused in time and target. That is not to say that  
25 a much wider set of issues can't be derived either from

1 the documentary archive or, indeed, from subsequent  
2 witness sessions arising out of that kind of analysis,  
3 but we have had a helpful and full morning. We are very  
4 grateful to you, Sir Jeremy. We look forward to seeing  
5 you again and the Inquiry will reconvene at 2 o'clock on  
6 Monday next when we will hear from Sir David Manning,  
7 the Prime Minister's foreign policy adviser between 2001  
8 and 2003.

9 With that, I will close this session, thank you all  
10 very much for coming.

11 (12.59 pm)

12 (The Inquiry adjourned until Monday 30 November at 2.00 pm)

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