

Monday, 12 July 2010

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(2.00 pm)

MR CARNE ROSS

THE CHAIRMAN: Good afternoon.

CARNE ROSS: Hello.

THE CHAIRMAN: Well, good afternoon everyone and welcome to our witness this afternoon. At this session, we are hearing from Mr Carne Ross. Mr Ross, you were a First Secretary in the UK Mission in New York from late '97 to June 2002, I think.

CARNE ROSS: Yes.

THE CHAIRMAN: We will be asking Mr Ross for evidence based on his recollections and insights into the deliberations and actions at the United Nations on Iraq, which are relevant to our terms of reference, where Mr Ross's role gave him first-hand knowledge on which to draw in giving evidence to this Inquiry.

Mr Ross left the UK Mission in New York in June 2002 and we shall not, therefore, be taking evidence from him on events after that date.

Mr Ross submitted an extended statement to the Inquiry late last night, for which we are grateful.

Apart from two footnotes which are being redacted in line with the protocols for the Inquiry, it is being published on our website this afternoon.

1 Now, Mr Ross's statement covers a range of issues on
2 which we shall be questioning him further this
3 afternoon, but there are a few points on which I should
4 comment now.

5 Your statement, Mr Ross, makes a number of
6 assertions about evidence which has been given to the
7 Inquiry about the conduct of unnamed officials and about
8 issues you indicate the Inquiry should consider.

9 In that context, I say to you, as I say to all
10 witnesses, the Inquiry recognises that each witness
11 gives evidence based on their recollection of the events
12 and the Inquiry checks what we hear against the many
13 thousands of documents to which we have access and which
14 are still coming in. Many of these documents are
15 classified. The protocols between the Government and
16 the Inquiry published on our website set out the
17 criteria and process for declassification of documents.
18 The Inquiry has sought publication of a number of
19 documents, or extracts from them, to support previous
20 hearings and in some cases witnesses have themselves
21 sought the declassification of documents to support
22 their evidence.

23 Mr Ross has not approached the Inquiry to ask for
24 any documents to be declassified to support his
25 evidence.

1 In reaching its conclusions, the Inquiry will take
2 into account both the documentary evidence it has
3 received and oral evidence from witnesses. It reserves
4 the right to seek further clarification and, if
5 necessary, to recall witnesses, if that is required, to
6 enable us to reach a concluded view.

7 The Inquiry has also said it will consider what
8 material should be published to support its report.
9 Now, in relation to the conduct of individuals, I have
10 consistently made clear that this Inquiry is not a court
11 of law and nobody is on trial before it. But the
12 committee will not shy away from making criticisms if we
13 find that mistakes were made and, if there are issues
14 which should have been dealt with better, we will say so
15 frankly.

16 Finally, I remind each witness, as I say on each
17 occasion, that they will later be asked to sign
18 a transcript of the evidence to the effect that the
19 evidence given is truthful, fair and accurate.

20 With those preliminaries, I'll now invite
21 Baroness Prashar to start the questions.

22 BARONESS USHA PRASHAR: Thank you very much, indeed,
23 chairman.

24 CARNE ROSS: Mr Chairman, is it possible just to clarify
25 something you said?

1 THE CHAIRMAN: Do you wish to raise a question or can that
2 come out in your evidence?

3 CARNE ROSS: It is a question about what you have just said.

4 THE CHAIRMAN: We are not in the business of answering
5 questions, but if you want clarification to help you to
6 give evidence, what is the question you want?

7 CARNE ROSS: You said that I didn't ask for any documents to
8 be declassified in the course of my testimony, although,
9 in fact, my testimony says that almost all the documents
10 I reviewed in the course of preparing for my testimony
11 should be released. That remains my view. In
12 particular, the testimony refers to several specific
13 documents --

14 THE CHAIRMAN: Thank you. That's fine. What you didn't do
15 is ask for them to be declassified in time for this
16 afternoon's hearing. So we have to treat them as not
17 declassified because they haven't been applied to be --

18 CARNE ROSS: Understood, but the general sentiment --

19 THE CHAIRMAN: You made a general sentiment, we understand
20 it is in your statement. Usha?

21 BARONESS USHA PRASHAR: Thank you very much indeed. I want
22 to start with the issue of the state of containment and
23 if I can take you to paragraph 5 of your statement,
24 where you say that:
25 "Although this diplomacy was difficult and tendentious,

1 it was not our view in New York that containment was
2 collapsing, either through the ineffectiveness of
3 sanctions or the deterioration of international support
4 and, while there were serious sanctions breaches, it was
5 not the UK's judgment that these permitted significant
6 rearmament, which was our major concern."

7 Can you just tell us on what basis you make this
8 statement? We will come to WMD later, but I would like
9 to understand the basis on which you make this
10 statement.

11 CARNE ROSS: Well, two bases. Particularly, one, my
12 recollection of the work I did at my time in the
13 Security Council, which was, if you like, the cradle of
14 our attempts to get international support for
15 containment of Iraq; two, the second basis is the review
16 of the documents that I made in the last few weeks,
17 which were both internal policy discussions within the
18 FCO and the telegrams reporting those discussions with
19 allies, but also things like JIC assessments, which
20 I think corroborate that view, that containment was not
21 collapsing. There was a sense that sanctions were
22 eroding -- for instance, the opening of the Syrian
23 pipeline in late 2001 -- but there was not any judgment
24 in any of the documents I saw that Iraq was
25 substantially rearming as a result of that erosion or

1 the collapse of international support.

2 In all the Security Council meetings that I attended
3 until June 2002, when I left the UK Mission, there was
4 unanimous support from all Council members, including
5 those who were often hostile to US/UK policy on Iraq,
6 that -- sorry, that the resolutions should be
7 implemented to the letter, that SCR 687 and then the
8 following resolutions, should be implemented. That seems
9 to me to be a fairly critical index of whether the
10 international community actually supports those controls
11 or not.

12 Of course, there were variations in that level of
13 support. You know, at one end of the spectrum was us
14 and the Americans, at the other end of the spectrum were
15 people like the Russians and the Syrians, who were
16 non-permanent members at that time. But to me in
17 New York, international support was measured by
18 sentiments expressed at the Security Council which made
19 clear that whatever their reservations about sanctions
20 or the nature of US/UK policy, there was widespread and,
21 indeed, unanimous support in the Security Council for
22 the implementation of the resolutions.

23 Behind that was an internal US/UK assessment on the
24 basis of intelligence that Iraq was not importing
25 significant weapon systems, like aircraft for example. We

1 continued to believe that Iraq was certainly pursuing
2 WMD programmes, there was a widespread belief that Iraq
3 probably possessed some WMD of some kind, but we had no
4 significant intelligence - in the time that I worked on [the
issue]--

5 at the UK Mission - of significant holdings of WMD.

6 As the panel is well aware from your questioning of
7 previous witnesses, the main basis for US/UK concerns
8 was discrepancies in the accounting of CBW weapons,
9 et cetera. Those discrepancies remained until mid-2002.
10 We could not account for various declarations of Iraqi
11 weaponry, but we had no hard evidence of such weaponry.

12 BARONESS USHA PRASHAR: We can get into some detail of the
13 WMD, but it was the sanctions that I was concerned
14 about.

15 How widely was your view of the effectiveness of
16 containment shared by the officials in the UK?

17 CARNE ROSS: I have checked this because I have noticed that
18 some witnesses have characterised that period as being
19 one of the collapse of containment or that "sanctions
20 were leaking all over the place", as one witness put it.
21 That view is not corroborated in the policy documents
22 and it was not part of our discussions inside HMG.

23 In UKMIS New York, at the mission in New York, we
24 were very much involved in the internal policy
25 discussions of HMG because UKMIS was really the front

1 line of the policy and the resolutions were the kind of
2 pillars of the policy, the legal pillars on which the
3 policy rested. So we were consulted on internal policy
4 deliberations to a very large extent.

5 There were some which were concealed from us,
6 particularly after 9/11, but generally we saw all
7 internal deliberations. In particular, we discussed
8 policy in enormous detail, day-long talks, between the
9 US and UK at the State Department, occasionally in the
10 FCO. I would be flown back to London for those
11 discussions.

12 I don't remember anybody ever saying containment is
13 collapsing. On the contrary, we would often begin those
14 talks, those bilateral discussions, by congratulating
15 ourselves on the success of containment hitherto.

16 As I said earlier --

17 BARONESS USHA PRASHAR: So you were making your views very
18 clear to the FCO here. You were actually flown back --

19 CARNE ROSS: It wasn't my view. This was the collective
20 view. This wasn't some kind of individual view that
21 I had. This was the collective view within the
22 government, which is now being characterised as
23 something else.

24 BARONESS USHA PRASHAR: I was trying to establish that the
25 view that you had in New York, was it shared by the UK

1 officials?

2 CARNE ROSS: Yes. Indeed, [at] the last US/UK talks

3 I attended at official level in June 2002 in Washington,
4 there was no -- nobody said containment is collapsing.

5 There was concern at the erosion of sanctions and we
6 discussed diplomatic and political means to address that
7 erosion and to maintain international support; for
8 example, the passage of the Goods Review List resolution
9 which had just gone through, the possible necessity to
10 clarify Resolution 1284 which set out the terms under
11 which the inspectors should go back in and
12 consequently -- subsequently under which sanctions would
13 be suspended against Iraq, but also various bilateral
14 and multilateral measures to address sanctions
15 enforcement, which I discuss in my testimony, which
16 I feel were not properly addressed by the allies in the
17 months and years in advance of the war.

18 BARONESS USHA PRASHAR: In your statement you also argue
19 that there was not a deterioration in international
20 support for containing Saddam.

21 CARNE ROSS: No, I don't argue that. I said there was not
22 significant deterioration. I mean, there was definitely
23 a decline. Our position was under pressure. That's what
24 my testimony begins with. Our position was considerably
25 under pressure in the UN Security Council in 2001/2002

1 and there was a kind of arc, from 1998, when I began
2 work on it with Operation Desert Fox in 1998, to 2002,
3 of a slow erosion and of considerable pressure, but
4 there are various nuances to that arc which need to be
5 explained.

6 For instance, after 9/11 in the US, the French made
7 very clear to us that they were prepared to join
8 a reinvigorated international approach based upon the
9 Security Council Resolutions. It would not be fair to
10 say that there was a kind of French/Russian block on the
11 Security Council against the US/UK approach. We had
12 a lot of difficulties with France in those years.

13 But there was, to my mind -- and I think amongst --
14 in general, amongst officials on the diplomatic side --
15 a sense that there was a possibility of restoring
16 a comprehensive P5-supported approach. We discussed
17 that at length inside the UK Government. We
18 discussed -- I wrote a paper, for instance, on
19 post-suspension controls on Iraq, which would be used as
20 the basis for US/UK discussion on clarification of 1284.
21 That paper was shared with the US.

22 That seems to me a sign, a clear sign, of intent,
23 that there was discussion about the diplomatic way
24 forward; in other words, there was not a comprehensive
25 or, indeed, any view that I heard declared to me that

1 containment was failing, that therefore we needed to
2 examine non-peaceful alternatives.

3 BARONESS USHA PRASHAR: But it was around the support.

4 There was international support for containment?

5 CARNE ROSS: Well, I mean, it is a subtle question because,
6 as evidenced by statements at places like the UN
7 Security Council, no country said that the resolutions
8 should not be implemented. All countries said that they
9 should be implemented. Even the Russians said that, and
10 they were the most egregious sort of opponents of the
11 US/UK approach.

12 But, of course, underneath that public rhetoric
13 there was a different reality of sanctions breaches by
14 several of Saddam's -- of Iraq's - neighbours, but even
15 there, there were -- the internal assessment, for
16 instance, in JIC papers was that sanctions were by and
17 large being respected by the international community and
18 that respect for sanctions and, in particular, of the
19 military embargo was preventing significant rearmament
20 by Iraq, and that assessment was the case until mid-2002
21 when I left the mission.

22 BARONESS USHA PRASHAR: My last question is: what was the
23 sort of end-state for containment? Was it realistic and
24 attainable?

25 CARNE ROSS: That's the whole point with containment. There

1 was no end-state. It was a continuing state, and we
2 realised, to maintain containment, you had to constantly
3 adjust it. One of those adjustments was the
4 re-engineering of the sanctions in the Goods Review List
5 which took place between 2001 and 2002. Another one was
6 the possible reduction in activities in the
7 No Fly Zones, the possible reduction of the size of the
8 No Fly Zones themselves. A third was the discussion
9 over the possible clarification of 1284.

10 All of these things were things we felt necessary to
11 maintain that international support. It was a moving
12 target; in other words, it was not a status quo, and we
13 realised, to maintain controls on Saddam's Iraq was an
14 incredibly difficult, politically, but also technical
15 task.

16 I think one of the things I would really like to
17 draw your attention to is the discussion in my written
18 testimony of the technicalities of sanctions enforcement
19 which I feel very strongly were not sufficiently
20 addressed inside the UK or, indeed, by the US in the
21 years before the war. These offered a very available,
22 non-military alternative to military action.

23 BARONESS USHA PRASHAR: Thank you.

24 THE CHAIRMAN: Just taking up Baroness Prashar's last point
25 about what was the end-state, formally speaking, perhaps

1 in terms of political strategy, the international
2 objective was full compliance by Iraq with a whole
3 string of resolutions from 678 through.

4 CARNE ROSS: It was, but it wasn't, in a sense, our
5 objective. Our objective was containment. That was the
6 US/UK policy, and the public headline for that was full
7 compliance, but in a way full compliance was kind of our
8 nightmare, because it would have led to the lifting of
9 sanctions. We were very pleased that containment was
10 working. The measure of containment was, "Can Iraq
11 rearm?" and by and large, it could not. The headline of
12 our talks at official level between the US and UK was
13 "Is containment working?" not "Is Iraq complying?"

14 THE CHAIRMAN: Thank you. Important point. Roderic?

15 SIR RODERIC LYNE: Just following on from the last point you
16 made to Baroness Prashar, I would like to look at the
17 extent to which, in 2001, the first half of 2002,
18 sanctions could have been made more effective.

19 Now, I'm not going to ask you to repeat all the
20 points that you have made very usefully in your
21 testimony, paragraph 9 onwards, about the details which
22 I agree are important for sanctions enforcement, but
23 just looking at it in broader terms, you argue in the
24 statement that there was evidence of illegal oil
25 smuggling and, indeed, we have heard from others about

1 this, but you say there was a lack of interest at senior
2 levels in tackling this issue robustly, as robustly as
3 you wanted to see it tackled.

4 What, in your view, should and could the
5 British Government have done to help to bring an end to,
6 or at least to curb, if not completely cause to cease,
7 Iraq's sanctions busting?

8 CARNE ROSS: That's a good question and it requires quite
9 a long answer, so forgive me.

10 SIR RODERIC LYNE: If you have already answered in the
11 statement --

12 CARNE ROSS: I'm not going to go into the technical stuff
13 but there is a political argument here. The problem
14 with sanctions breaches is that all of Iraq's neighbours
15 would point to the others and say "You have tolerated so
16 and so's breaches; you have tolerated Jordan's oil
17 protocol. You tolerate oil tankers going over the
18 southeastern Turkish border. Why should we be punished for our
19 own breaches?"

20 What that pointed to was the necessity of
21 a comprehensive approach which would approach all the
22 neighbours of Iraq in the same way; ie firmly and
23 robustly, to say that "You must stop sanctions
24 breaches".

25 In the case of countries that were suffering from

1 the economic effects of Iraq's economic isolation, you
2 could say to those countries, like Jordan or Turkey, "We
3 will compensate you for those costs", and we had begun
4 to discuss, for instance, with Saudi Arabia, the
5 possibility that their funds might be used or their oil
6 might be used to replace illegal Iraqi oil. There was
7 also the possibility of using the UN escrow account
8 funds for that purpose.

9 The escrow account was, for most of the time -- in
10 fact, all of the time I was working -- extremely
11 oversupplied with revenue. At some points it had as
12 much as \$10 billion in it. We felt there was
13 a possibility to use that money to compensate Iraq's
14 neighbours under Article 50 claims, which are --
15 Article 50 allows member states of the UN to claim for
16 damages for the costs of implementing Security Council
17 Resolutions.

18 But in practical terms, what we could have done is
19 set up a Multi National unit, ideally endorsed by the
20 Security Council as a UN unit, the sort of thing that
21 has been done in Somalia. It was done. There was
22 a monitoring group set up in Somalia to check on the
23 arms embargo on Somalia. A Multi National unit was set 24
up to monitor sanctions evasion by Milosevic during the
25 years of sanctions on the former Yugoslavia. That unit

1 very effectively managed to target illegal financial
2 holdings held by Milosevic himself, particularly his
3 bank accounts held in Cyprus.

4 If you couldn't have got UN endorsement, perhaps
5 because of Russian or French objection, you could have
6 nevertheless set up a Multi National unit. We had
7 a Multi National Naval unit in the Gulf, the Armilla
8 patrol. Why couldn't you have set up a Multi National
9 unit of sanctions enforcement officials to go through
10 the very technical, diligent work that would have been
11 necessary to make sanctions effective.

12 I was always struck how few of us were actually
13 working on this subject in the US/UK. We felt like
14 a very beleaguered, small group of people who were
15 constantly complaining to each other and the American
16 officials I worked with felt the same way: that we had
17 very little senior support for our work, that the sort
18 of nitty-gritty technical detail on things like the oil
19 surcharge, which I go into some detail in on my
20 testimony, or the Syrian pipeline, was often glossed
21 over by ministers in their discussions. There would be
22 discussion between Foreign Secretaries who would say,
23 "Yes, yes, we must do something about the Syrian
24 pipeline --"

25 THE CHAIRMAN: Could you slow down?

1 CARNE ROSS: Sure. But the necessary technical follow-up
2 was not done. I found records in my review of documents
3 before testifying today, very depressing records,
4 repeated letters, from us in New York to London, saying,
5 "We should follow up on this suggestion that we should
6 do something about illegal financial holdings".

7 I had a discussion with a US official in the
8 US Treasury department about how to target illegal bank
9 accounts. It is astonishing to me now, it was equally
10 astonishing to me then, that neither the US nor UK did
11 anything about Saddam's illegal bank accounts which we
12 knew to exist in Jordan.

13 That was not brain surgery to attack all those bank
14 accounts. It was far less effort than any subsequent
15 military effort that was made to topple Saddam.

16 SIR RODERIC LYNE: Given this was a high priority for
17 British foreign policy, maintaining containment,
18 preventing Saddam from becoming a threat again, why do
19 you think ministers did not give the support you felt
20 they should have given to having the policy as tight as
21 possible?

22 CARNE ROSS: I don't know. I think you should ask them.

23 I can speculate on what I think the answers are because
24 I talked to several of them about it and I think it is
25 something about the nature of policy-making today that

1 nitty-gritty technical stuff tends to get left to the
2 end, tends to be left to officials to deal with.

3 I remember discussing it with a Minister of State,
4 who I was accompanying back to JFK Airport in New York
5 and I went through the detail with him in the car and
6 I remember him scratching his chin and saying "Yes,
7 that's really important, that's really interesting", and
8 he gave me his personal email so that I would be able to
9 cut through the bureaucratic chatter and discuss this
10 with him directly when he was back in London.

11 I tried to use that personal email. Of course,
12 I got no reply.

13 I did, on occasion, find ministers receptive.
14 I remember discussing it with Jack Straw when he was
15 Foreign Secretary. He came over to New York for various
16 things and he had a meeting with Ivanov, the Russian
17 Foreign Minister, when we were trying to --

18 SIR RODERIC LYNE: That's the one that you describe here?

19 CARNE ROSS: Yes, when we were trying to persuade the
20 Russians to back down on their objections on the GRL,
21 and I wrote him something like a 20-page brief on the
22 GRL and that resolution, which is an indication of the
23 complexity of the issue. But, to his great credit, he
24 read that brief the night before the meeting and he took
25 Ivanov through the arguments at a two-hour meeting at

1 the UK office in the UN Secretariat, and he managed to
2 knock off all but the most political of the Russian
3 objections.

4 I remember Ivanov's body language was sort of kind
5 of shrugging. He knew he had been defeated on the
6 technical arguments. That showed to me that you could
7 overcome the technical arguments. The oil surcharges
8 issue equally, was very complex, was very difficult for senior
9 officials and ministers to grasp, but there was actually
10 a way through that was not as extraordinarily difficult
11 as it has sometimes been depicted.

12 Sanctions enforcement was difficult, it was
13 politically controversial, it was technically
14 challenging, but it was do-able.

15 SIR RODERIC LYNE: Now, you say that there should have been
16 a comprehensive approach and ideally a Multi National
17 unit endorsed by the Security Council. In practice,
18 what would have been the likelihood of getting that
19 Security Council endorsement?

20 CARNE ROSS: I think it would have been difficult because we
21 had such opposition from the French and Russians on all
22 sanctions issues in the 68 -- the 986 rollover
23 resolutions, which rolled over each six-month phase of
24 the Oil For Food programme, which were, in effect, the
25 sanctions resolutions, and we had extraordinarily

1 hostile and rebarbative French and Russian diplomats
2 that we had to deal with.

3 SIR RODERIC LYNE: I'm curious about the French approach
4 here, because you describe the French in paragraph 11 of
5 your testimony and you also repeated the point just now
6 about a French/Russian block, whether or not there was
7 one.

8 You describe them as Iraq's allies. I'm not sure
9 whether that is a description that they would have
10 signed up to. But elsewhere in your statement you say
11 you noted a renewed French willingness to reunite the
12 Council to pressurise Iraq to comply with the
13 Security Council Resolutions.

14 CARNE ROSS: Those are not inconsistent --

15 SIR RODERIC LYNE: What was the position of France on this?

16 CARNE ROSS: Well, the position changed after September 11.
17 That was the point I was getting at in the testimony.
18 They had a much more helpful Ambassador at the UN, who
19 was much less interested in kind of point scoring.

20 SIR RODERIC LYNE: Do you think it was the Ambassador that
21 was making the policy?

22 CARNE ROSS: No, it was Paris, and Paris realised that the
23 drumbeats of war were beating in Washington and that
24 they wanted to restore the UN peaceful approach. So
25 there was much greater French flexibility on rebuilding

1 the P5 position after 9/11 but, at the working level, on
2 things like sanctions, we had a very hostile French to
3 deal with and I don't think we probably could have got
4 endorsement of the UN unit to enforce sanctions in the
5 way that I have described. As I also described, that
6 didn't make it impossible. You could have set up
7 a Multi National unit. I think on --

8 SIR RODERIC LYNE: But it would have been less effective if
9 it had not embraced all the big players, would it?

10 CARNE ROSS: Well, all the big players were required under
11 the Security Council Resolutions to enforce sanctions.
12 Nobody disputed the legal basis for sanctions. So the
13 legal basis for a Multi National enforcement unit of
14 that kind would have been clear and, in some ways, my
15 preference would have been for a Multi National unit
16 because you could have staffed it with Brits and
17 Americans who would have gone about it with a great
18 vigour and energy.

19 If you had had a UN unit, you would have had to
20 have, you know, kind of lots of Russian spies in it.

21 SIR RODERIC LYNE: But your argument is not so much that it
22 wasn't accepted, at least nominally and legally, by all
23 the big players, but that in practice (overtalking) --

24 CARNE ROSS: Well, you know, what's remarkable is that we
25 never really proposed it. I remember proposing it as

1 a kind of afterthought in the negotiation of one of the
2 Oil For Food resolutions, one of the rollover
3 resolutions. It was never a major UK objective to set
4 up such an unit. It was always proposed by me,
5 a First Secretary, or the Second or Third Secretary at
6 the UK Mission as a kind of piece of negotiating fat,
7 because we never thought we would have the backing from
8 London or the US to do it.

9 I remember raising it at bilateral talks with the US
10 and them saying "Well, that's a great idea, let's talk
11 about it further", but nothing was ever done about it.
12 I find it absolutely astonishing. I found it
13 astonishing at the time, and the files are filled with
14 outraged letters from me back to London saying "Why
15 aren't we doing more about this?"

16 SIR RODERIC LYNE: You have referred in your testimony to
17 resistance, not only from senior people and from
18 ministers, but also from embassies in the region
19 concerned about the effect on relations with Iraq's
20 neighbours and, obviously, in a region of the world
21 where stability is a very important issue and where
22 there are a lot of tensions.

23 Do you think there was any justification for their
24 concerns?

25 CARNE ROSS: Not sufficient, no. I felt that this should

1 have been addressed at a senior level in London. There
2 needed to be a senior decision to say "Sanctions
3 enforcement is our number 1 priority with Saddam's
4 neighbours, and we need comprehensive approach", and
5 that comprehensive approach would have undermined the
6 complaints from the bilateral embassies that their hosts
7 were being unfairly singled out.

8 For instance, the embassy in Damascus would
9 frequently -- when we sent angry telegrams from New York
10 saying, "We've got to do something about the Syrian
11 pipeline. Please can Damascus raise this with the
12 Syrian Government?" Almost certainly, we'd get in the
13 next morning and there would be a telegram from Damascus
14 saying, "Oh, we shouldn't do this. This is all too
15 difficult for" --

16 SIR RODERIC LYNE: But I mean --

17 CARNE ROSS: Let me finish, please. Let me finish, please.

18 Please, let me finish, because you asked me a general
19 question --

20 SIR RODERIC LYNE: (Overtalking).

21 THE CHAIRMAN: Please, don't talk over. Let the question be
22 put.

23 CARNE ROSS: I was trying to finish my answer to the
24 previous question.

25 SIR RODERIC LYNE: I wanted to follow up that specific

1 point. If the British Embassy in Damascus had taken the
2 issue up with the Syrian Government, would that have
3 weighed with the Syrian government? Did we have that
4 degree of influence that they would have not opened the
5 pipeline?

6 CARNE ROSS: It depends how it is weighed, doesn't it? If
7 it weighed by a Third Secretary on a Friday afternoon
8 with a junior official in the Ministry of Foreign
9 Affairs, it is not taken very seriously.

10 If it is raised by the Prime Minister during his
11 official visit to Damascus as his number 1 concern, then
12 it might be taken seriously.

13 The reason I mention that, of course, is because the
14 Prime Minister did go to Damascus in October 2001 and,
15 as far as I can see, did not raise it at all.

16 We had the same problem with the Americans. One of
17 the problems that -- one of the things that Damascus
18 would say in their telegrams back to New York, saying
19 "We can't raise the Syrian pipeline", they would say,
20 "Well, why are we the only ones doing this? The
21 Americans are not doing this".

22 There is a record of a visit by a senior American
23 official where he made to mention of the illegal
24 pipeline, despite many American professions of concern
25 in New York. This is exactly what I mean by

1 a co-ordinated high-level approach.

2 Countries get the message. If you don't raise
3 messages consistently with them at a high level, they
4 don't respond. But that's all we were asking for. This
5 wasn't impossible, and I personally am convinced -- and
6 it remains an untested proposition, of course, and
7 I understand that it is an untested proposition -- that
8 if a high-level approach had been made to all the
9 neighbours, then we would have had more of an effect.

10 THE CHAIRMAN: You said just now that you felt you hadn't
11 been able to quite fully answer Sir Roderic's question.

12 CARNE ROSS: It's okay. I did it later.

13 THE CHAIRMAN: Thank you. In that case, I'll turn to
14 Sir Martin Gilbert.

15 SIR MARTIN GILBERT: In early 2001, Britain and
16 United States carried out a review of their policy
17 towards Iraq. To what extent were you aware of or,
18 indeed, involved in this review?

19 CARNE ROSS: Very heavily involved and very heavily aware of
20 it. We submitted various documents, that mostly
21 I drafted, to contribute to the review. It was led by
22 the Cabinet Office, I seem to remember, and we were
23 a bit concerned that many of the things the
24 Cabinet Office were saying revealed a certain ignorance
25 of the policy, but that ignorance was happily

1 ameliorated as the review went on.

2 SIR MARTIN GILBERT: Did you understand the review to be
3 driven by an assessment of the threat from
4 Saddam Hussein or were there other factors involved?

5 CARNE ROSS: No, the main factor, the main thing driving the
6 review, as I understood it, was concern over the erosion
7 of international support for containment, both through
8 sanctions enforcement and the sort of international
9 political containment of Iraq. We hadn't had inspectors
10 in Iraq since 1998. 1284 had taken a year to negotiate
11 in 1999. The P5 was still pretty disunited on the
12 subject. So it was really those political concerns.

13 I have no recollection whatsoever that that review
14 was driven by a concern over the nature of the threat.
15 On the contrary, our threat assessment was still pretty
16 low-key.

17 SIR MARTIN GILBERT: You say in your statement that British
18 efforts to narrow the scope of sanctions and target them
19 more effectively on the goods dual-use concern began in
20 late 2001, and you describe it --

21 CARNE ROSS: It was earlier than that. It was over 2001.
22 It started in sort of autumn 2001 and, because of
23 Russian objections in particular, it lasted until --
24 to May 2002 until we got the resolution through.

25 SIR MARTIN GILBERT: But you describe that as "a case of too

1 little, too late". Would you like to elaborate on that
2 for us?

3 CARNE ROSS: The section of my testimony you are referring
4 to is on the impact of sanctions. The humanitarian
5 impact of sanctions was undoubtedly one of the things
6 that undermined international support for sanctions. It
7 enraged a lot of people in the Arab world and more
8 broadly, and led to a lot of pressure on us to ease
9 sanctions.

10 I think internally we recognised that sanctions were
11 causing -- or the various mechanical, different effects
12 of sanctions were causing considerable humanitarian
13 suffering in Iraq. I think the measures that we took to
14 amend sanctions from the comprehensive nature of
15 sanctions before 2002 to the Goods Review List approach
16 of basically allowing in all imports but for
17 a restricted list of dual-use goods could have been
18 done much earlier and probably should have been done for
19 two reasons: one, to minimise the humanitarian effect of
20 sanctions; but, two, also to improve the international
21 support for sanctions.

22 SIR MARTIN GILBERT: From your perspective, why did it fail?

23 CARNE ROSS: Why did what fail?

24 SIR MARTIN GILBERT: Why did the Goods Review List, the
25 whole process of revising the sanctions, why did it fail

1 initially?

2 CARNE ROSS: It didn't fail, and we got it through
3 in May 2002.

4 SIR MARTIN GILBERT: But why (overtalking)--

5 CARNE ROSS: Why did it take so long? I have one answer:
6 Russia. The French came on board fairly early and this,
7 I think, is an indication of the changed French approach
8 in New York. They were persuaded that the GRL was
9 a good approach diplomatically and also technically, in
10 terms of the way that the sanctions and 986, the Oil For
11 Food programme, was operating, but we had sustained
12 Russian objections for a long time, which were very
13 difficult to break down.

14 Underneath them was a couple of things, I think.
15 One, Russian concern over their own commercial interests
16 in Iraq, in particular debt, where Russia was owed
17 \$8 billion to \$10 billion of debt and had no idea how
18 they were going to get it back. Putin, for instance,
19 raised this specifically with the Prime Minister when
20 this was discussed -- when the GRL was discussed by
21 them. But, two, there was something more subtle which
22 doesn't really appear in the documents, which was
23 a total lack of Russian trust in the US/UK approach.

24 In particular, Sergei Lavrov, the Russian
25 Ambassador, who was very much the kind of tip of the

1 spear of the Russian policy, both in New York but also
2 within the Russian policy machine. There were a couple
3 of occasions I was with him in discussion where you
4 could sense that his trust had just gone. One was
5 during the negotiation of 1284, which was supposed to
6 set out the conditions for suspension of sanctions on
7 Iraq to incentivise Iraq to accept inspectors, but also
8 to provide for long-term controls in Iraq.

9 I remember Lavrov asking the Americans "What will
10 happen? Will sanctions be lifted if Iraq cooperates in
11 the way that this resolution points to?" and the
12 American was put on the spot, and he thought for
13 a second and said "No, just suspended".

14 So Russia began to feel that sanctions would be
15 imposed whatever Iraq did in terms of cooperating with
16 the weapons inspectors.

17 The second thing that really undermined Lavrov's
18 trust was the behaviour of UNSCOM before UNMOVIC was
19 established and Hans Blix took over. Lavrov developed
20 a profound sense of suspicion of Richard Butler and of
21 certain weapons inspectors and the way the US/UK was
22 behaving in the weapons inspections, which really
23 undermined his trust in our approach, and I think that
24 distrust was played out in the GRL negotiation. I think
25 the Russians genuinely felt that we were using the GRL

1 not to ease sanctions, but to tighten them, to actually
2 make life harder for the Iraqis, to put the squeeze on
3 in all kinds of ways that our diplomacy could not adequately
4 explain.

5 This is why it was necessary for Jack Straw to get
6 into such detail with it, to actually explain the
7 the procedures, to say "This is actually what we really
8 intend", rather than "This is what your suspicions
9 suggest".

10 SIR MARTIN GILBERT: Did the Russian attitude affect the
11 US/UK policy? Did it cause it to shift in any way?

12 CARNE ROSS: I think it did, in that -- I think it built US
13 suspicions of the Security Council as a place to do
14 business. I think there was a kind of mutual mistrust
15 between them and Lavrov which undermined at a critical
16 period the US intention to use the Council and to use
17 UNMOVIC as an avenue for its policy of containing Iraq.

18 I think they felt that they couldn't get -- even
19 when they were easing sanctions, they hit a Russian
20 blockage in the Security Council and that caused
21 considerable frustration in Washington, but also
22 provided a lot of ammunition to the neo-cons and other
23 people who said, you know, "You can't do anything
24 through the UN, it is just a kind of joke, that place, just
25 forget it", and Lavrov played into those suspicions.

1 SIR MARTIN GILBERT: To what extent did the final resolution
2 effectively meet our objectives?

3 CARNE ROSS: On the GRL?

4 SIR MARTIN GILBERT: Right.

5 CARNE ROSS: We felt it was a very good result. We were
6 very pleased with it. I think we felt in New York it
7 should have been done a lot earlier. I think it would
8 have made our lives a lot easier if we had done it
9 earlier. It was technically very complicated and an
10 enormous amount of technical work went into it,
11 particularly from the US, who were required to clarify
12 and define the GRL itself of dual-use goods, but we felt
13 it was a very major diplomatic triumph for us, which had
14 engaged, you know, everybody in HMG from the top
15 downwards, all of our embassies around the world
16 who had lobbied Security Council members, the
17 Middle East, et cetera.

18 SIR MARTIN GILBERT: During that time, was there a hardening
19 of the American attitude?

20 CARNE ROSS: Well, not the Americans we spoke to. I mean,
21 we spoke to the Americans in the State Department who
22 were very -- who said to us they were pretty much
23 committed to what I thought was UK policy at the time,
24 which was sanctions, containment and using the
25 inspections to control Iraq's WMD, and the tenor of our

1 discussions with state changed over 2001/2002,
2 particularly in terms of making sure that UNMOVIC was
3 given the teeth to be a credible and robust body so that
4 [the] State [Department] could see off the hawks in the DoD and
elsewhere

5 at the NSC as well, who were arguing for a different
6 approach.

7 A lot of that argument went down to the nature of
8 inspections and whether inspections were a credible
9 device. A couple of key US officials, including former
10 UNSCOM officials, were running round Washington
11 pooh-poohing UNMOVIC and the inspections route in a way
12 that was not, frankly, credible, but they were having
13 a lot of impact with a credulous audience who wanted to
14 believe the UN route was totally hopeless and,
15 therefore, there was no alternative but a military
16 approach.

17 SIR MARTIN GILBERT: Thank you very much.

18 THE CHAIRMAN: Right. I'll turn to Sir Lawrence Freedman
19 now.

20 SIR LAWRENCE FREEDMAN: Thanks.

21 I just want to go through the impact of 9/11, just
22 generally to start with. What did you sense as the
23 change as a result of that, if at all, on the attitude
24 of Security Council members to the particular problem of
25 Iraq?

1 CARNE ROSS: I don't think it changed that much. I think it
2 did change the French attitude to an extent, as I have
3 described, and I think the French did, after 9/11, work
4 much harder and were much more flexible with us in terms
5 of trying to rebuild a P5 approach to Iraq, but in terms
6 of other Council members, I think there was a general
7 atmosphere that, you know, disarmament and control of
8 potential threats was something that the Council had to
9 take much more seriously. I negotiated for the UK the
10 resolution on 12 September 2001, which was a remarkable
11 occasion. I have never seen a resolution be agreed
12 faster. The negotiation took about three quarters of an
13 hour. The draft, notably, was prepared by the French
14 Mission.

15 We all stood at the adoption of the resolution,
16 which we had never done for any other resolution at the
17 UN.

18 So I think there was a kind of emotional -- a deep
19 and profound emotional understanding that things were
20 different after 9/11.

21 SIR LAWRENCE FREEDMAN: Just then -- you mentioned,
22 interestingly, a number of times, that the Americans
23 that you were dealing with didn't particularly shift
24 their views. But did you get a -- how quickly did you
25 get a sense of the Bush administration more generally

1 losing interest in containment?

2 CARNE ROSS: That's a good question because it is hard to
3 pin down. I mean, we were getting vibrations from
4 Washington, from particular discussions between the
5 Ambassador in Washington and officials at the embassy in
6 Washington with others, that you, know, the DoD, the
7 neo-cons, Wolfowitz, people like that, Cheney, were
8 pushing much harder on the military approach.

9 State were very candid with us in saying that they
10 were having much greater pressure from these parts of
11 the administration and, indeed, they went as far as to
12 say, "Could you help us deal with that pressure? Can
13 you help us find good answers to their scepticism of
14 UNMOVIC, of sanctions as a method of containment?"
15 et cetera, et cetera, and to an extent we tried to do
16 that. There was discussion with the US about
17 strengthening UNMOVIC's mandate as set out in 1284,
18 although 1284 actually gives UNMOVIC a pretty strong
19 mandate, and one that we felt at the time to be
20 satisfactory.

21 SIR LAWRENCE FREEDMAN: You mention that in your statement,
22 that you had some discussions about the possibility of
23 clarifying 1284. What sort of issues were you looking
24 at?

25 CARNE ROSS: On clarification?

1 SIR LAWRENCE FREEDMAN: Yes.

2 CARNE ROSS: There was one in particular, and we felt that
3 the resolution in general didn't require much
4 clarification. There was only really one area that was
5 very unclear in the resolution and that was the nature
6 of how suspension would take place. The final operative
7 paragraphs of 1284 are very complicated and they set out
8 a really tortuous route of how the inspectors go back
9 in. They have to establish reinforced ongoing
10 monitoring and verification, and then a 120-day test
11 period starts, during which Iraq has to demonstrate
12 progress on certain unidentified key tasks which UNMOVIC
13 can only identify once they get back into Iraq. That's
14 a simple version of what those paragraphs say.

15 From all of that, you can see that some
16 clarification would have been helpful and I think the
17 idea was -- and remember that France and Russia had
18 abstained on 1284 - the idea was that we could get P5
19 unity on clarification as a way of getting P5 unity.

20 For us, we weren't that interested per se in
21 clarifying. We thought the less clear, the better,
22 frankly. We were quite happy with that rather
23 tortured route, but what we were interested in was P5
24 unity and, if the Russians and French said they wanted
25 P5 unity through clarification, then we were prepared to

1 have that discussion and, indeed, we had agreed
2 a resolution which was, I think, 1362 -- I can't
3 remember exactly -- which said "We accept that 1284 can
4 be clarified".

5 So that means, also, that the American had accepted
6 that and the Americans were also -- in State at least,
7 were up for the discussion on 1284 clarification, it was
8 just simply a question of timing; when would that
9 clarification take place? The sequencing that we
10 developed was: GRL first, get the GRL through, and then
11 1284 clarification, once Iraq accepts the inspectors.
12 The Russians were pushing for a much earlier
13 clarification. But this is all quite complicated.

14 SIR LAWRENCE FREEDMAN: It is fine, but it is important.

15 CARNE ROSS: Yes.

16 SIR LAWRENCE FREEDMAN: Just briefly, I want to move on to
17 another question. You mention sort of the French
18 interest in P5 unity. Do you think that the shift in
19 the French attitude was, to some extent, as a result of
20 a feeling "That is needed after 9/11", rather than any
21 particular change on the calculus of risk with regard to
22 Iraq.

23 CARNE ROSS: I don't think it was a change in the calculus
24 of risk. I think the French always shared our view that
25 there were many unanswered questions about WMD and that

1 there might be WMD holdings, which was, I dare say, our
2 assessment. We didn't have hard knowledge of large --
3 significant quantities of anything. That point is worth
4 underlining.

5 I mean, the basis for our arguments in the Security
6 Council for the continuation of sanctions, as I was
7 briefed in 1997 before I went out to New York, was [that] Iraq
8 has not properly accounted for all of these different
9 discrepancies in its declarations, the missing CW, BW,
10 the missing missiles, et cetera, et cetera, but those
11 were the continuing bases for our concerns.

12 That knowledge was converted later into positive
13 claims of significant holdings, which I don't think
14 personally was justified by the underlying intelligence.

15 SIR LAWRENCE FREEDMAN: I think there will be some questions
16 on that in a second. Let me just concentrate a bit on
17 this issue that you have raised and you have already
18 mentioned, about our attitudes towards containment
19 versus regime change.

20 You said in your evidence to the Butler Committee,
21 which you have helpfully attached to your statement,
22 that British officials:

23 "... frequently argued, when the Americans raised
24 the subject, that regime change was inadvisable,
25 primarily on the grounds that Iraq would collapse into

1 chaos."

2 Was this a widespread view amongst UK officials?

3 CARNE ROSS: It was the universal HMG-agreed line. The
4 reason we took that line with the US was that the Iraq
5 Liberation Act which was passed under the Clinton
6 administration, though notably not by the
7 administration, provided a great deal of difficulty for
8 the administration subsequently and that they were, in
9 theory, mandated to seek the overthrow of the Saddam
10 regime.

11 So the State Department would often ring us up
12 before our UK/US bilaterals and say "Could you please
13 ask to put regime change on our agenda?" and we would
14 make that request. Then State would say to us
15 privately, "The reason we want you to put this on the
16 agenda is because we want you to tell us on the record
17 that it is a bad idea", and we would oblige.

18 SIR LAWRENCE FREEDMAN: So the people that you were talking
19 to on the American side were perfectly happy to hear
20 this warning, but that was so that they could pass on
21 "This is a British view" to their interlocutors?

22 CARNE ROSS: Yes, "Any of you people in the rest the
23 administration who think that regime change is a good
24 idea, we wouldn't even have our number 1 ally on board
25 for it".

1 So the head of the UK delegation at those talks,
2 which took place pretty much every quarter, between
3 state and the FCO, would say, "I want to talk about
4 regime change. I would like to make clear the British
5 view", and this was not a sort of marginal or minority
6 view inside [the British government]. I mean, when -- unlike
the US system, when

7 the FCO spoke to the State Department about something
8 like that, they were speaking for the whole of
9 government, whereas State couldn't claim that to the
10 same extent about the administration. The
11 administration works in a fundamentally different way
12 from HMG. But, when the FCO said that to State, they
13 were speaking for the whole government. They said "We
14 don't think regime change is a good idea. We think it
15 would risk regional instability and the break-up of
16 Iraq".

17 SIR LAWRENCE FREEDMAN: When was the last of these
18 conversations in which you were engaged before you left
19 your position?

20 CARNE ROSS: The last UK/US bilateral I attended was in
21 mid-June 2002, but I don't remember regime change being
22 on the agenda then, and I don't know why.

23 SIR LAWRENCE FREEDMAN: But it had been, say, March -- if
24 there had been one in March, say, if these were
25 (overtalking) --

1 CARNE ROSS: I haven't been able -- I did ask for all the
2 records of them. I haven't had them, I am afraid. But
3 I can't remember exactly which ones -- it was quite
4 frequent.

5 SIR LAWRENCE FREEDMAN: You also said in your evidence to
6 Butler that:

7 "On repeated occasions, I and my colleagues at the
8 mission, backed by some, if not all, of the responsible
9 officials in London, attempted to get the UK and US to
10 act more vigorously on the breaches", and you sort of
11 reiterated all that to us this afternoon:

12 "We believe that determined and co-ordinated action
13 led by us and the US would have had a substantial
14 effect, in particular to pressure Iraq to accept the
15 weapons inspections, and would have helped undermine the
16 Iraqi regime."

17 Could you elaborate a bit on what you meant and how
18 it would have elaborated -- would this have been
19 welcome, would that have created the risk that you have
20 spoken about?

21 CARNE ROSS: We felt in New York, and I felt personally,
22 that Saddam was our enemy, we should do all we could to
23 do him down. He was a brute, a dictator, a threat to
24 regional security and, whilst we didn't necessarily
25 subscribe to overt regime change as a policy option --

1 it was not legally justified, amongst other things --
2 I think we felt we should be doing anything we could to
3 undermine the regime.

4 Our assessment was very clear during all the years
5 I worked in it, from 1998 to 2002, which was that the
6 Saddam regime was sustained by the revenue from illegal
7 sanctions breaches, particularly oil revenue. The oil
8 surcharge was part of it, but it was mostly illegal
9 exports through Turkey and the Gulf that sustained him. We
10 felt very strongly that if we could take co-ordinated
11 action to stop those breaches, we would, as a secondary
12 and desirable effect, undermine the regime.

13 There is no doubt that that analysis was correct,
14 the Volcker Report, the Duelfer Report, the
15 Iraq Survey Group. After the invasion, [these reports] made
clear
16 that it was indeed illegal revenues that sustained the
17 Saddam regime. So we could have -- that was an
18 available option to us, as a government, which we never
19 took.

20 SIR LAWRENCE FREEDMAN: It is an interesting question here.
21 It goes back to the answer you gave to Baroness Prashar,
22 about the end-state, when you said to her that, in a way
23 there wasn't one, which was the point of containment.
24 Obviously, truly, it must be true, but at some point
25 there would be an end-state.

1 CARNE ROSS: Yes.

2 SIR LAWRENCE FREEDMAN: It is something we have talked about
3 with other witnesses that, if you get into the position
4 where there was non-compliance which allowed
5 containment, then compliance becomes problematic.

6 CARNE ROSS: Yes.

7 SIR LAWRENCE FREEDMAN: But if you say that you are not
8 interested in compliance, then, to some extent, you are
9 undermining your own position on which you are making
10 the case for containment.

11 CARNE ROSS: I characterised it in a slightly flippant way.
12 I don't think it was ever our view internally in the UK
13 that we didn't want compliance because that would
14 undermine containment. If Iraq had, against our
15 expectations, suddenly decided to comply with the
16 resolutions, then we would have gone along with that.
17 That was emphatically our stated position and, indeed,
18 we gave considerable resources to UNMOVIC. We appointed
19 a Chairman of UNMOVIC, in the view that it was possible
20 that UNMOVIC would be used as a vehicle for those
21 inspections. So we wanted to make sure that it would be
22 done as thoroughly and credibly as possible.

23 If that had happened, of course, that would have
24 presented us with a different status quo, but we were
25 thinking about that different status quo.

1 In New York I was asked by the Cabinet Office to
2 prepare a very long paper about post-suspension controls
3 on Iraq. How would we stop Iraq rearming after
4 suspension? I wrote a paper about that which is in the
5 documents today, which elaborates those controls. We
6 began discussing that with the US. So we were thinking
7 about the changing status quo.

8 It would be wrong to say that containment was
9 a status quo that was a fixed thing that was premised on
10 non-compliance. There was a possible future which would
11 have maintained the control of Iraq's WMD that we were
12 already conjecturing.

13 SIR LAWRENCE FREEDMAN: But there was a difficulty which you
14 have indicated from your discussion of the conversation
15 with Lavrov, which is that it was widely believed that,
16 in the end, the US and the UK could not ease sanctions
17 because that would be letting Saddam off the hook. So
18 long as he was in place, sanctions in some way had to be
19 in place and, therefore, the incentives on him to comply
20 were thereby reduced.

21 CARNE ROSS: Well, this is going into some detail about
22 a state that never happened, but the post-suspension
23 controls I wrote about did foresee the continuation of
24 the escrow account, for instance, or some kind of
25 externally monitored, transparent account -- which is

1 what the French were talking about for post-suspension
2 controls -- where all of Iraq's expenditures from its
3 oil revenues would be monitored to ensure that they did
4 not purchase weapons.

5 Nobody questioned at all in the Security Council
6 that the arms embargo should be lifted. I don't think
7 there was a single country that said at any point we
8 should let Iraq import arms again. I think the question
9 was: what kind of controls, short of that, do we really
10 need to make sure that Iraq's WMD is controlled, that
11 inspectors get back in, that we maintain international
12 consensus?

13 SIR LAWRENCE FREEDMAN: Just a final question. Perhaps --
14 it was raised in this paper you mention -- about whether
15 or not you could manage this sort of process and avoid
16 the collapse into chaos you have mentioned before.

17 Does one go with the other? Can you imagine an
18 undermining of the Iraqi regime that had some sense of
19 being peaceful and ordered?

20 CARNE ROSS: I think it is really important to say that we
21 knew very little about internal developments inside
22 Iraq. We had no embassy there. All of us were
23 speculating about what would happen if sanctions were
24 lifted, or sanctions were suspended, or if there was
25 regime change. I mean, the view of British officials

1 about regime change was a speculative view. We didn't
2 know what would happen, that Iraq would break up. We
3 didn't know that for sure. It was speculation.

4 I feel, looking back on the whole experience, that
5 we really knew remarkably little about what was going on
6 inside Iraq. I tried myself to visit several times when
7 I was in New York, but the Iraqi regime refused me
8 a visa because they saw me as an enemy.

9 THE CHAIRMAN: I would like to turn forwards and perhaps
10 backwards to UNMOVIC and its role. Can I start with
11 1284, which had a major role in helping to negotiate?

12 Before I come to the timetable aspect, which is
13 something I would like to get clear, certainly in my
14 mind, can you just tell us again: the ultimate objective
15 of 1284 -- first, the UK objective, and then the UN
16 collective -- was it essentially to bring about unity or
17 was it to move things forward in terms of ensuring
18 sufficient compliance that, ultimately, the sanctions
19 regime could be adjusted, if not lifted.

20 CARNE ROSS: 1284 was born in Desert Fox in 1998.
21 Desert Fox destroyed Council unity. We were the only
22 ones to support it. The Russians, in particular, were
23 furious about it. It led to a complete kind of break-up
24 of the debate inside the Security Council, where several
25 non-permanent Security Council members said, "Look, the

1 approach on Iraq is not working. We need to rethink
2 this from the ground up" and Brazil, led by the now
3 Foreign Minister Celso Amorim, said "Let's establish
4 some panels that will re-examine the whole Iraq
5 approach", and these panels very tortuously developed
6 a set of proposals.

7 As soon as the panel proposals came out, we banged
8 out a draft for what we called a new comprehensive
9 approach in the Council and the French did so too, and
10 our drafts battled it out and ours won.

11 The point of 1284, for us, was to restore
12 Council unity behind the controls in Iraq and behind the
13 demand that Iraq comply with the SCRs. That was the
14 one, only and absolute point.

15 That objective was to be met without undermining the
16 fundamental requirements on Iraq to disarm completely
17 under 687 and to do so through effective, credible
18 inspections, and that was UNMOVIC, and we ensured in
19 1284 that UNMOVIC was given exactly the same powers that
20 UNSCOM had had, even though we had to rename it in order
21 to pacify Russian criticisms of UNSCOM.

22 THE CHAIRMAN: I'm very struck, looking at the preliminary
23 paragraphs of 1284, there is acknowledgement of the
24 progress made by Iraq towards compliance with the
25 provisions of Resolution 687, but noting its failure to

1 implement the relevant Council resolutions fully,
2 conditions do not exist, et cetera, et cetera.

3 CARNE ROSS: Yes.

4 THE CHAIRMAN: Now, I'm looking ahead past your own time in
5 New York to 1441 and the statement of continued
6 non-compliance. There is a complete difference of tone
7 and flavour. Is it of any significance?

8 CARNE ROSS: I think there is a significance. 1284 was
9 about rebuilding Council consensus. 1441 was about
10 sending a particular message to Iraq, and I think 1441
11 was agreed on the basis that, you know, the Americans
12 were making very clear that, if they didn't get that
13 resolution through, if the Iraqis didn't accept
14 inspections, then there would be very direct and
15 immediate and military consequences, whereas the politics in
16 1284 was completely different, which was much more about
17 acknowledging that there has been a history on this
18 since 1991.

19 I think it was also -- there was also a kind of
20 evidential basis for it, which was that we all felt,
21 even we and the Americans felt, that UNSCOM had pretty
22 much disposed of the WMD threat. You know, they had got
23 rid of -- they had destroyed vast quantities of weapons,
24 and one of our difficulties in all of my time in New York
25 was actually arguing for the continuation of sanctions

1 in the absence of hard evidence of stocks.

2 THE CHAIRMAN: That's helpful. If I may, you referred
3 rather earlier in this session to the material balance
4 approach to what had existed, was known to have existed,
5 what had been found and what had been destroyed and the
6 gap between the two, but was the role given to UNMOVIC
7 by 1284, not in terms of the language but in reality, to
8 prove the negative, or to enable a process to be set up
9 which would lead to a convincing proof of the negative:
10 namely, that Iraq no longer had serious WMD?

11 CARNE ROSS: Not really. We didn't see a fundamental
12 alteration in UNMOVIC's mandate from UNSCOM's mandate,
13 the ultimate objective of which was the complete
14 disarmament.

15 Throughout 1284 and the extensive discussion we had
16 on the mandate of UNMOVIC, our objective was to retain
17 the powers that UNSCOM had to go anywhere at any time.
18 But there was an overall purpose of 1284 which was about
19 sanctions suspension.

20 In the previous resolutions, suspension had not
21 really been mentioned, or the terms of suspension were
22 not mentioned, and one of the recommendations from the
23 panel was this idea of not only light at the end of the
24 tunnel, but light in the middle of the tunnel.

25 I remember one particular Ambassador got very excited about this

1 phrase, "light in the middle of tunnel", and this was
2 suspension, and 1284 talks about suspension in a way
3 that previous resolutions did not, but we wanted to make
4 clear that suspension would mean continuation of
5 controls, continuation of inspections and we were also,
6 frankly, very deliberately obscure and evasive about the
7 terms under which suspension would happen under 1284.

8 THE CHAIRMAN: That takes me to another point about
9 a characteristic of 1284 which you have mentioned, but
10 I think I would like to get a bit more understanding and
11 clarity for that, and that's the various timetable
12 elements. You have got 60 days and 30 days and
13 120 days.

14 Was this designed to be a process that enabled
15 serious, on-the-ground inspection to be completed
16 credibly, or was it a series of negotiations about
17 stages and about incentivising Iraq, et cetera?

18 CARNE ROSS: No, it was about serious inspections and the
19 timetable that was in there was very much our language,
20 it was US/UK language, very much inserted against French
21 and Russian opposition. They wanted much shorter
22 periods, and there the distinction with 1441 becomes
23 very clear.

24 THE CHAIRMAN: And ironic.

25 CARNE ROSS: Yes, indeed. It is ironic that the US and UK

1 were pushing for a much shorter timetable in 1441
2 because it was we who insisted on the long one in 1284.

3 THE CHAIRMAN: The French, the other way round?

4 CARNE ROSS: Yes. The reason for the long one in 1284 was
5 technical. The -- UNSCOM had worked on the basis of
6 this concept called OMV, ongoing monitoring and
7 verification, which meant that they would have the
8 technical means, cameras, other forms of surveillance,
9 regular inspections as well as "no notice" inspections,
10 a comprehensive, elaborated system to cover all of the
11 many hundreds of suspected WMD sites.

12 It would take UNSCOM, and later UNMOVIC, a very long
13 time even to establish that -- what they call baseline
14 knowledge. They called it baselining Iraq's WMD.

15 We asked UNSCOM and UNMOVIC very many times "How
16 long do you think it will take you to do the baselining
17 exercise?" They said "Six to nine months" and we formed
18 our own technical assessment of that exercise, how long
19 it would take. We asked our inspectors, of whom we had
20 many, you know, "How long, realistically, will it take
21 to set up ROMV¹?" and they said "Six to nine months".

22 So the first period in 1284 is, how long does it
23 take to set up ROMV? That's six to nine months.
24 Only once ROMV is set up, could you then begin the
25 test period, which we felt would be the critical period

¹ This is a term from SCR 1284 – ROMV is Reinforced Ongoing Monitoring and Verification

FENVA

1 to establish whether Iraq had made "progress" on the key
2 remaining tasks and thus to trigger suspension.

3 We wanted that period to be as long as possible, not
4 only for technical reasons, but also for political
5 reasons.

6 THE CHAIRMAN: That's the 60 days?

7 CARNE ROSS: No, that's the 120 days. I have looked at the
8 testimonies of other witnesses and I see that, perhaps
9 because it is so confusing, they have misrepresented
10 these periods to you.

11 THE CHAIRMAN: It is important for us to get clear.

12 CARNE ROSS: It is important and it is a very long period.
13 It is a minimum of nine months before suspension can be
14 triggered.

15 THE CHAIRMAN: It is, in fact, the aggregate of the three
16 different (overtalking) --

17 CARNE ROSS: Yes --

18 THE CHAIRMAN: -- periods.

19 CARNE ROSS: -- they are all added together.

20 THE CHAIRMAN: Thank you.

21 You have said already that this is based, at least
22 in part, not only on the judgment of those supporting
23 the resolution in the US and the UK, but also on the
24 UNMOVIC, the inspectors themselves, including Hans Blix,
25 I assume.

1 CARNE ROSS: Very much so. I mean, in fact, we argued it in
2 the P5 negotiation that rounded up the negotiation of
3 1284 on the grounds that this is what UNMOVIC themselves
4 wanted. We didn't say we wanted it as long as possible
5 because we want to make sure that Iraq doesn't escape
6 from sanctions for as long as possible. That was not
7 a credible argument that we could make in the P5,
8 because the Russians would say "Well, you say bananas,
9 I say apples", but we did it on the basis of the
10 technical requirements of how long it would take to
11 establish ROMV and we asked the experts in UNMOVIC
12 how long that would be.

13 THE CHAIRMAN: You weren't in New York to see the inspectors
14 actually get in. You had left, I think, a few months
15 before.

16 CARNE ROSS: I actually was in New York, but I wasn't in the
17 post. I was still in touch with UNMOVIC, a lot of my
18 friends were working for it.

19 THE CHAIRMAN: That helps me to raise a point. Were you
20 aware, right through the period from 1284 onwards or,
21 indeed, from the negotiation of the time periods within
22 1284 and the stages through to when you left your
23 posting, or indeed afterwards, of any changing
24 assessment of how long it would really take to do the
25 real job?

1 CARNE ROSS: Absolutely not.

2 THE CHAIRMAN: Just that was it?

3 CARNE ROSS: Absolutely not, no.

4 THE CHAIRMAN: Right.

5 CARNE ROSS: The different period -- when I saw the draft
6 resolution that became 1441 come out, I was very
7 surprised. I thought "Aha! Something is up here. This
8 is not about serious inspections, this is about
9 a trigger".

10 THE CHAIRMAN: Okay. Thank you.

11 I would like to turn to the related subject of WMDs.
12 Turning first to your statement, you say in paragraph 19
13 that, on most days, you had been reading both the HumInt
14 and the signals intelligence relating to Iraq and also
15 the JIC assessments up to the time you left your post.

16 CARNE ROSS: I should add I was also asked to contribute to
17 the JIC assessments.

18 THE CHAIRMAN: Fine.

19 Purely as a matter of record, did you have any
20 access thereafter to the intelligence or the JIC things?

21 CARNE ROSS: After I left the post?

22 THE CHAIRMAN: Yes, or does that stop in June?

23 CARNE ROSS: No, it stops in June.

24 THE CHAIRMAN: In paragraph 70 of your statement you say:
25 "At no point did we [that's the UK and the US] have

1 any firm evidence from intelligence sources or otherwise
2 of significant weapons holdings."

3 CARNE ROSS: Yes.

4 THE CHAIRMAN: Was the UK concerned about Iraq at this time,
5 about the holdings of BW and CW stocks or its capability
6 to produce?

7 CARNE ROSS: It is a good question. I mean, these are --
8 I think at no time did we stop believing that Iraq
9 intended to develop WMD. There was no doubt of the
10 intention throughout the period that, had controls been
11 lifted, Iraq would have vigorously pursued WMD
12 programmes, missile development, a nuclear programme
13 et cetera, et cetera.

14 The question was: had they achieved any success in
15 that endeavour? And at no time did I see any serious
16 evidence of significant holdings of stocks, apart from
17 these -- I mean, I don't want to diminish them by
18 calling them accounting discrepancies, because they were
19 quite serious discrepancies about the numbers of weapons
20 that had been held which Iraq admitted they had held in
21 1990 and which were then destroyed, but there were
22 discrepancies in the accounting for that destruction.

23 So there were, you know, missing weapons, which we
24 did not know where they had gone. But in all the
25 inspections of UNSCOM in the 1990s -- and there were

1 several years of inspections -- they never found them,
2 and we never had hard intelligence that was
3 corroborated, triangulated, in the way that the JIC
4 process was supposed to do, that said, you know, "There
5 are significant holdings".

6 THE CHAIRMAN: Yes. I would like to come to a point about
7 stocks in a minute, but is it -- do you share what
8 I think is common ground about a lot of our witnesses,
9 and reading a lot of documents, that the capacity to
10 regenerate WMDs, there must be a query about whether it
11 is a sensible categorisation to put BW and CW or nuclear
12 (overtalking) --

13 CARNE ROSS: It is a very Iraq-specific categorisation. It
14 refers to specific types of WMD, as you know.

15 THE CHAIRMAN: The capacity to regenerate in terms of the
16 time it takes is hugely different from heavy engineering
17 at the nuclear end to the production of precursors, say,
18 for chemical weapons. Is that common ground?

19 CARNE ROSS: Yes, it is, and it led to a lot of the confusion
20 about the way it was described later. You can really
21 talk about any medium, moderately industrial country as
22 having the capacity to produce CW or BW in large
23 quantities. I mean, any moderately industrialised country
24 has that capacity.

25 THE CHAIRMAN: Yes, and at quite short notice.

1 CARNE ROSS: At very short notice.

2 THE CHAIRMAN: Okay.

3 CARNE ROSS: I mean, you know, groups of individuals in
4 Japan did it on their own.

5 THE CHAIRMAN: Indeed. It is very helpful I think to
6 emphasise the distinction for public understanding of
7 the distinction between stockholdings and capability.

8 CARNE ROSS: Yes, I agree.

9 THE CHAIRMAN: I would like to refer briefly to one
10 particular JIC assessment. Just going back
11 to March 2002, 15 March --

12 CARNE ROSS: Yes, I was shown that assessment about an hour
13 ago.

14 THE CHAIRMAN: Right. Parts of it, of course, the key
15 parts, were also made public as part of the
16 Butler Report --

17 CARNE ROSS: Some parts of it were.

18 THE CHAIRMAN: -- in 2005.
19 What I want to quote is an extract which was
20 published with Butler Committee Report, which --
21 a report which notes that the assessment of
22 15 March 2002 makes a number of key judgments including
23 that:

24 "Iraq may retain some stocks of chemical agents.
25 Following a decision to do so, Iraq could produce

1 significant quantities [et cetera, et cetera] of
2 chemical agents."

3 Also:

4 "Iraq currently has available, either from pre-Gulf
5 War stocks or most recent production, a number of
6 biological agents. Iraq could produce more of these
7 agents within days."

8 Now, can you, with those in mind, those assessments
9 in mind, say something about what you think they imply
10 as a threat from Iraqi WMDs at the time of
11 writing, March 2002?

12 CARNE ROSS: Well, I don't think they imply very much about
13 the threat, because what that document shows very
14 clearly is how little we actually knew, and what it
15 says, amongst other things, is that the intelligence was
16 sporadic and patchy, a complete picture is therefore
17 difficult. It says, for instance, that there was very
18 little intelligence on CW. It says that "we judge that
19 Iraq does not possess a nuclear weapons capability and
20 that, while sanctions remain effective, Iraq cannot
21 indigenously develop and produce nuclear weapons", which
22 is a different assessment than what was said publicly.

23 THE CHAIRMAN: All of which came out in 2004.

24 CARNE ROSS: I don't think all of it came out.

25 THE CHAIRMAN: It is in the annex to the Butler Committee

1 Report. I just want to get that on the record, your
2 view of it, because, do you think that the UK Government
3 misrepresented that assessment as we can now all see it?

4 CARNE ROSS: Emphatically, I do. I think it took a very
5 partial view of that assessment which, when you read the
6 whole document, the one thing it speaks of clearly is
7 uncertainty and it turned uncertainty into certainty in
8 the public statements, the British Government did.

9 I think it was reasonable for us at the UN to say
10 there are many things we don't know about Iraq's WMD
11 programmes that we need to be satisfied about before we
12 can declare that Iraq has complied with the
13 Security Council Resolutions. That was a legitimate
14 claim to make on the basis of the intelligence and,
15 indeed, that was what we were very careful to say and in
16 briefings -- we did a number of technical briefings of
17 the Security Council, which we called intelligence
18 briefings, where we would bring CBW and missile experts
19 from the UK, including David Kelly, to brief Security
20 Council experts on the basis of the intelligence
21 assessment, and that was the headline of that
22 intelligence assessment, was "uncertainty and unanswered
23 questions", the possibility of holdings that we don't
24 know about, but there was no certain knowledge of
25 significant holdings.

1 Indeed, the JIC assessment of March 2002 makes that
2 really clear, that the abiding characteristic of the
3 intelligence is its imperfect and patchy nature. When
4 you then look at the public statements, the PLP paper,
5 for instance, or the September 2002 dossier, a very
6 uncertain and patchy picture is converted into positive
7 claims of knowledge of threat, which I think is
8 a process that is not justified.

9 THE CHAIRMAN: Thank you. I would like to raise one
10 specific point, moving on to the missiles sphere, but
11 before I do, assuming that the JIC assessments -- I'm not
12 now talking about other public statements but the JIC
13 assessments of 2002 and others subsequently -- it was
14 realistic, or wasn't it, that Iraq could soon have posed
15 a threat to -- a WMD-based threat, at least to UK
16 interests, if not to the UK as a geographical target?

17 CARNE ROSS: I found this claim absolutely extraordinary.
18 I mean, we never believed that in the time I worked on
19 it. We never argued it to allies or others. Because
20 a threat comprised three major elements, only one of
21 which was actually touched upon in things like the
22 dossier.

23 One is a reasonable holding of the WMD in the first
24 place - CW, BW or nuclear weapon. The second is the
25 means to deliver it, and that part of it was very

1 under-discussed in the dossier and elsewhere. I mean,
2 the only means that the dossier talks about is these
3 missing Scud missiles, whereas I say in my testimony
4 that this number was elevated from "up to 12", or
5 a handful" to "up to 20", but we still -- I mean,
6 I remember talking to the missile experts in UNSCOM,
7 which were quite serious guys, and we talked about these
8 engines, the missing warheads, and nobody ever believed
9 that these things actually existed.

10 We thought there might be one or two dismantled
11 devices left in some kind of warehouse somewhere, but
12 there was no hard evidence of Scuds being wheeled around
13 in the desert waiting to be fired. If there had been,
14 we would have seen them.

15 The third part of the threat is the intention, and
16 there was no evidence of that either.

17 THE CHAIRMAN: I just want to take a point on the March 2002
18 JIC assessment. Do you recall having seen it at the
19 time?

20 CARNE ROSS: I saw all the JIC assessments and I was asked
21 to comment on some of them.

22 THE CHAIRMAN: I want to come to something you say in your
23 statement, because you have just mentioned about the
24 missile side of all this. In paragraph 21 of your
25 statement, you note that in the September 2002

1 dossier -- that's the dossier, not the JIC assessment --
2 up to 12 Scuds become up to 20 Al Hussein variant,
3 extended-range Scud missiles --

4 CARNE ROSS: Yes.

5 THE CHAIRMAN: -- and you claim that there is no
6 corresponding basis for this in the intelligence data.

7 CARNE ROSS: Yes.

8 THE CHAIRMAN: I think it is only fair to draw attention to
9 the fact that --

10 CARNE ROSS: It is mentioned in the JIC assessment. I know.

11 THE CHAIRMAN: The JIC assessment in March 2002 says:

12 "Iraq has also retained some 20 Al Hussein
13 missiles."

14 That is reflected in the September JIC assessment --

15 CARNE ROSS: Sure.

16 THE CHAIRMAN: -- that Iraq retained up to 20 Al Hussein.

17 CARNE ROSS: You have to remember, though, as you know, that
18 a JIC assessment is not the raw data, it is an
19 assessment of the raw data, and I don't recall ever
20 seeing in the raw data any claim that they had up to 20
21 Al Hussein. I mean, it was -- the 12 came from the
22 accounting. They had 600-odd imported from North Korea
23 or wherever it was. Where would they have got the other
24 eight from? That's the other thing --

25 THE CHAIRMAN: What I want to establish --

1 CARNE ROSS: -- the extraordinary thing.

2 THE CHAIRMAN: -- though, is the basis of 12 Scuds is the
3 material balance estimate.

4 CARNE ROSS: Up to 12.

5 THE CHAIRMAN: Up to 12.

6 CARNE ROSS: A handful, in fact, in most of our assessments
7 it was called "a handful".

8 THE CHAIRMAN: The 20 Al Husseins is quite different in that
9 it is based on a series of JIC assessments.

10 CARNE ROSS: Well, there is one JIC assessment --

11 THE CHAIRMAN: It is a continuing statement. They don't
12 change their assessment --

13 CARNE ROSS: It starts in March 2002.

14 THE CHAIRMAN: It is just when you say in your statement,
15 "Up to 12 Scuds become up to 20 Al Hussein variant,
16 extended-range Scud missiles", it is not the case that
17 somebody is rewriting what the JIC assessed in different
18 language and with a lower number. You were putting
19 together two differently-sourced pieces --

20 CARNE ROSS: I see the point you are making, yes.

21 THE CHAIRMAN: Okay. That's all.

22 CARNE ROSS: But I think the question, though, that I would
23 put is: what was the underlying intelligence that led to
24 the number being changed?

25 THE CHAIRMAN: Happily, that is something that this Inquiry

1 can and does look into.

2 CARNE ROSS: Good.

3 THE CHAIRMAN: I would like to finish, because time is
4 pretty much our enemy -- I think all I want to ask is
5 whether, given your very full statement and what we have
6 been able to discuss this afternoon, is there anything
7 that you would like of real significance to add that
8 hasn't been covered either in the statement or in what
9 we have heard from you this afternoon?

10 CARNE ROSS: I think the thing that I felt was important --
11 I mean, I put -- spilled quite a lot of ink on the Iraq
12 subject, as I'm sure you are aware, and the thing I felt
13 I really wanted to get to grips with this afternoon was
14 the alternative to military action, that there was no
15 deliberate discussion of available alternatives to
16 military action in advance of the 2003 invasion.

17 There is no record of that discussion, no official
18 has referred to it, no minister has talked about it, and
19 that seems to me to be a very egregious absence in this
20 history that, at some point, a government, before going
21 to war, should stop and ask itself "Are there available
22 alternatives?" and, as my testimony makes clear, there
23 was an available alternative.

24 All that argument about tightening sanctions and
25 stopping illegal breaches to me amounted to a very

1 viable, robust, alternative to military action that
2 would have had the possible effect of undermining the
3 Saddam regime and certainly would have prevented any
4 major rearmament.

5 Indeed, our assessment was that major rearmament was
6 not in any case happening. The fact that that
7 deliberation, that consideration of alternatives did not
8 take place is, to me, a disgrace and it should be
9 remarked upon.

10 THE CHAIRMAN: Thank you.

11 With that, I'll close this part of the afternoon's
12 testimony. Our thanks to our witness and to all of you
13 who have been here and heard it. We are going to resume
14 in about ten minutes, when our witness will be
15 Lieutenant General Sir James Dutton, who was GOC
16 commanding MND South East, 2005, and Deputy Chief of
17 Joint Operations from 2007 to 2009.

18 So we will be back here in about ten minutes from
19 now.

20 (3.25 pm)

21 (Short break)

22

23

24

25