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Foreign Affairs Committee

Foreign Policy Aspects of the War against Terrorism

Second Report of Session 2003–04

*Report, together with formal minutes, oral and
written evidence*

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The Foreign Affairs Committee

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Conclusions and recommendations

1. We conclude that the Prime Minister was right to state that the trial process of Saddam Hussein should be determined by the Iraqi government—when it has been established—and by the Iraqi people. (Paragraph 17)
2. We conclude that since the removal of the Iraqi regime, a dangerous alliance of foreign fighters with terrorist allegiances and elements of the former Iraqi regime has been forming inside Iraq. It remains to be seen what effect the capture of Saddam Hussein has on this. (Paragraph 25)
3. We conclude it is unacceptable that comprehensive information is not available about detainees being held by the Occupying Powers in Iraq. We recommend that the British Government ensures that such information is provided as a matter of immediacy including the names of all detainees; their nationalities; where they are held; in what conditions they are held; what rights they have, including access to lawyers; the legal basis for their detention; the offences of which they are suspected or charged; and when and how they will be tried or released. (Paragraph 27)
4. We conclude that Iran and Syria have the potential to be destabilising factors in Iraq, and that maintaining co-operation with both is therefore essential for the success of Coalition efforts to bring stability to that country. We further conclude that the United Kingdom, through its diplomatic relations with Iran and Syria, could play a crucial role in ensuring this co-operation. (Paragraph 34)
5. We regret that some members of the Security Council Permanent Five and other countries with the capacity to assist have decided against contributing forces to help establish security in post-war Iraq. We conclude that this failure to share the burden can only have increased the pressures on US and United Kingdom resources, both civilian and military, which in turn may have exacerbated the difficulties encountered by the Coalition in establishing and maintaining security in Iraq. (Paragraph 37)
6. We conclude that the early decision to disband the Iraqi armed forces was entirely understandable in the conditions prevailing at the time, but that the re-establishment of such forces in an essential component of creating a new, safe and sovereign Iraq. (Paragraph 40)
7. We recommend that the Government set out, in its response to this Report, the means by which Iraqis are currently able to feed information about terrorists or other criminals into the CPA structures; and whether the CPA has plans to enhance the links between its own staff and the Iraqi population to facilitate the transfer of information. (Paragraph 43)
8. We commend the Government for the energetic measures it has taken to help establish a new Iraqi police force and recommend that this assistance is intensified in the critical remaining months before the handing back of sovereignty to Iraq on 1 July 2004. (Paragraph 45)

9. Subject to the wishes of the new Iraqi government, we recommend that the Government and its Coalition partners scale down their armed forces only as Iraqi forces demonstrate their capacity to establish and maintain security, and that the terms of any status of forces agreements reached with the Iraqi authorities should be consistent with this objective. (Paragraph 48)
10. We conclude that United Kingdom personnel in Iraq, both military and civilian, are making a vital contribution to the administration and reconstruction of the country, despite having to work in the most difficult and dangerous circumstances. Their performance deserves the highest praise, and appropriate recognition. (Paragraph 51)
11. We conclude that the Iraq operation has demonstrated once again the importance of security for the success of post-conflict peace operations. Though there was, perhaps understandably, insufficient anticipation by the British and American governments of the scale and severity of the security tasks facing the Occupying Powers in the immediate aftermath of the war, we reject claims that the Coalition's inability to create a fully secure environment in the immediate post-war period can be attributed entirely to serious failures either of policy or of planning. It is unfortunate and regrettable that the lack of law and order, and interruptions in essential services, resulted in a loss of goodwill among those worst affected, but we conclude that important progress is being made in winning this goodwill back. (Paragraph 57)
12. We conclude that it is unfortunate that the majority of Iraqis have very limited access to the Coalition Provisional Authority and the Iraqi Interim Governing Council, and probably have little knowledge of their actions or policies, or receive through their media a distorted or one-sided view. We further conclude that this isolation may well have increased Iraqis' sense of alienation from and hostility to the Occupying Powers and those working closely with them. This underlines the importance of continuing to move Iraq further along to road to fully democratic governance as speedily as possible after the handover of sovereignty on 1 July. (Paragraph 78)
13. We recommend that the Government, in alliance with its partners in the Coalition, do its utmost to improve the transparency of the CPA, the Governing Council and the Iraqi ministries. (Paragraph 83)
14. We conclude that the complexity of Iraqi society has rendered the development of broadly representative interim Iraqi structures extremely difficult. We recommend that the Government, through work with its partners in the Coalition and through greater engagement with Iraqi society, seek to ensure that currently marginalised groups are identified and, where possible, included in Iraq's new government structures. (Paragraph 87)
15. We conclude that the United Nations still has the potential to play an important role in facilitating political transition in Iraq, and in conferring legitimacy on the process. We further conclude that the attack on the UN headquarters in Baghdad and the subsequent withdrawal of UN staff has had a serious—but, it is to be hoped, temporary—detrimental effect on the process of transition to a new Iraqi government. We recommend that in its response to this Report the Government set

out what it is doing to promote, restore and strengthen the role of the UN in Iraq. (Paragraph 92)

16. We commend the Coalition's provision of substantially increased salaries to Iraq's public sector workers, and conclude that this has contributed to the social stability and economic revival of Iraq in the immediate post-war period. However, we also recommend that the CPA urgently address the unemployment issues evident in the Basrah region. (Paragraph 96)
17. We conclude that the lack of information available to the Coalition when assessing the scale of the reconstruction effort needed in post-war Iraq contributed to the problems that it has faced in establishing credibility and maintaining the confidence of the Iraqi people. (Paragraph 102)
18. We conclude that despite some signs of economic revival since the war, Iraqis have been disappointed by the slow pace of reconstruction, although their expectations were probably unrealistic. We recommend that measures to increase the accessibility and transparency of the CPA, the Governing Council and Iraqi ministries are also used to ensure that Iraqi contractors are able to bid for reconstruction contracts. (Paragraph 106)
19. We recommend that in its response to this Report the Government set out its understanding of the extent to which the Hague Regulations and the Geneva Conventions constrain the Occupying Powers' capacity to carry out economic reform, and how these constraints have affected the Coalition's operations in Iraq. (Paragraph 108)
20. We conclude that sustainable economic development and diversification will be essential for the long term stabilisation of Iraq. We recommend that the Government do its utmost to ensure that the CPA and Iraqi ministries are staffed with experienced personnel, who are capable of drawing up and implementing plans for Iraq's economic development, including detailed and politically sensitive options for the distribution of Iraq's oil revenues. (Paragraph 110)
21. We conclude that a continued United Kingdom military and civilian presence in Iraq is likely to be necessary for some time to come, possibly for several years. We conclude that this presence must include a significant FCO component if it is to succeed, and we therefore recommend that in its response to this Report the Government set out its plans for establishing full diplomatic and consular service in Iraq, including what services it intends to provide, who will provide them, where they will be provided, and over what timescale they will be introduced. (Paragraph 117)
22. We welcome the capture of Saddam Hussein, but conclude that the continued failure of the Coalition to find weapons of mass destruction in Iraq has damaged the credibility of the US and the United Kingdom in their conduct of the war against terrorism. (Paragraph 119)
23. We conclude that the war in Iraq has possibly made terrorist attacks against British nationals and British interests more likely in the short term. A successful transfer of power to an internationally-recognised Iraqi government, which has the support of

the Iraqi people and which is recognised by Arab and muslim states generally, offers an important opportunity to reduce that threat and to assist the process of reform and stabilisation in the region. (Paragraph 123)

24. Although we recognise that Israel must protect its citizens from terrorist attack, and that in the absence of terrorist attacks Israel would not launch such strikes, we conclude that punitive strikes such as that which it launched against Syria in October are likely to be counter-productive, and may also constitute a breach of international law. We therefore conclude that the Government was right to join its EU partners in condemnation of the 5 October attack. We recommend that the Government use its influence with Israel, its neighbours, the Palestinian Authority and Palestinian groups, to prevent the further spread of violence in the region (Paragraph 135)
25. We conclude that reform of the Palestinian security sector is central to the success of the Road Map and we commend the Government for its efforts to ensure that the Palestinian Authority carries out these reforms. However, we are concerned at the lack of progress and recommend that the Government redouble its efforts to ensure the success of the reforms. In particular, more should be done by the PA to arrest and bring to justice those responsible for the recruiting, training, equipping and launching of suicide bombers and to prevent the honouring and even encouraging of suicide bombers and their masters by Palestinian media. (Paragraph 147)
26. We recommend that the Government, with its European partners, apply further pressure on the Palestinian Authority to stop the terrorist attacks. (Paragraph 148)
27. We conclude that the case for building a security fence along the Green Line would be strong and understandable, but to build it within the West Bank is neither justifiable nor acceptable and gives rise to fears that Israel intends to annex this land. We recommend that in its response to this Report, the Government set out the steps it is taking to dissuade Israel from taking such unilateral measures in the Occupied Territories. (Paragraph 157)
28. We conclude that the conditions under which many Palestinians currently live contribute to their radicalisation, and undermine support for moderate Palestinian leaders. We also conclude that Israeli actions within the West Bank are making the Palestinian economy unviable. (Paragraph 158)
29. We recommend that the Government continue to urge Israel to help “create a climate within which moderate Palestinian leaders can prevail.” We further recommend that in its response to this Report, the Government outline the steps it is taking to do this. (Paragraph 159)
30. We are deeply concerned by Israel’s maintenance and expansion of illegal settlements in the occupied territories and its construction of a ‘security fence’ on Palestinian land, and we conclude that these policies constitute a severe impediment to efforts to secure a peace agreement between Israel and the Palestinian Authority and to the creation of a viable Palestinian state. We recommend that the Government make it absolutely clear in its public statements that Israel’s fulfilment of commitments set out in the Road Map—including the dismantling of all

settlement outposts erected since March 2001, and the freezing of settlement activity consistent with the Mitchell Report—must proceed immediately. (Paragraph 161)

31. We recommend that the Government, with its European Union partners, apply further pressure to Israel to implement the commitments it has made in the Road Map. (Paragraph 163)
32. We conclude that conditions in the occupied West Bank are changing rapidly, and that the continuation of Israel's current settlement policies, and its construction of the 'security fence', will make the eventual establishment of a contiguous and economically viable Palestinian state increasingly difficult, if not impossible. (Paragraph 164)
33. We conclude that if, over the next year to eighteen months, progress towards implementation of the Road Map is further delayed, the two-state solution which is the current objective of international efforts to resolve the conflict will become increasingly difficult to achieve. (Paragraph 166)
34. We conclude that early progress towards a negotiated settlement between the government of Israel and the Palestinian Authority is a necessary component in the Government's efforts to promote stability and security in the wider Middle East region (Paragraph 167)
35. We conclude that the speech made by Prime Minister Ariel Sharon on 18 December stating that Israel may "initiate the unilateral security step of disengagement from the Palestinians" and that this disengagement plan "will include redeployment of IDF forces along new security lines", coupled with the statement that "Israel will greatly accelerate the construction of the security fence" is a matter of deep concern. We recommend that the Government, in its response to this Report, set out what steps it is taking to dissuade the Israeli government from taking such unilateral action. (Paragraph 175)
36. We conclude that the US is by far the strongest external influence on the parties to the conflict and that the Road Map can only be restarted by the presence in the region of a very senior US representative willing and able to pressurise both sides into taking the necessary actions to make progress. We fear that forthcoming US elections are likely to diminish US commitment and action. (Paragraph 176)
37. We conclude that, regardless of its willingness to engage in resolution of the conflict, the European Union's capacity to apply effective pressure to the Israeli government is very limited in comparison to that of the United States. We further conclude that without sustained enhanced and effective external pressure, which at least in the short term appears unlikely, there are no prospects of an early settlement. (Paragraph 178)
38. We recommend that the Government do its utmost to promote greater US engagement in the Israeli-Palestinian conflict, by stressing publicly that resolution of this conflict is an essential component in the wider US-led campaign to defeat Islamist terrorism and to promote reform in the Middle East region. In particular, we recommend that the Government seek to convince the US of the importance of sending a high-level emissary to the region. (Paragraph 181)

39. We conclude that the prospects for a diplomatic implementation of the Road Map are slight. To make the Road Map more efficacious, we recommend that its ambiguities should be clarified and its monitoring facilities strengthened to include a conflict-resolution mechanism. (Paragraph 183)
40. We recommend that in its response to this Report, the Government state its policy on a Chapter VII UN Security Council Resolution imposing a settlement along the Taba lines. (Paragraph 186)
41. We conclude that through its links with Palestinian terrorist organisations, Iran disrupts prospects for peace between the government of Israel and the Palestinian Authority. We further conclude that the Government, with its partners in the European Union, has a number of incentives—such as the Trade and Co-operation Agreement—which it can employ to help encourage Iran to cease its links with terrorist groups. We conclude that the Iranian authorities value these incentives and that their existence could be used to discourage Iranian support for Palestinian terrorist groups. (Paragraph 203)
42. We commend the Government's decision to work with France and Germany to help ensure Iran's agreement to the Additional Protocol to the Nuclear Non-Proliferation Treaty. We conclude that this decision helped to ensure that the IAEA can now conduct intrusive inspections of Iranian nuclear facilities. We further conclude that this episode demonstrates the potential of co-ordinated European action to address common security concerns, and that it demonstrates the continued relevance of multilateral arms control mechanisms. (Paragraph 221)
43. We conclude that although Syria's closure of the offices of terrorist groups in Damascus is a positive step, it continues to support terrorist organisations and has failed to restrain them beyond temporary efforts to limit their activities. (Paragraph 227)
44. We are concerned about the pursuit of WMD by Syria. However, we conclude that pressure alone is unlikely to succeed in gaining Syrian co-operation on WMD, and recommend that the Government pursue dialogue with Damascus in order to address this threat. (Paragraph 232)
45. We also recognise Syria's concerns about Israel's nuclear capability and recommend that the Government pursue this issue with the Israeli Government. We conclude that ultimately, a comprehensive peace agreement between Israel and the Arab States will be required to address the issue of WMD and arms proliferation in the region, and we recommend that the Government seek to encourage Syria and Israel to return to the negotiating table. (Paragraph 233)
46. We conclude that, at this stage, it is better to foster gradual reform and co-operation with Syria than to push for unachievable objectives. Syrian co-operation is important for success in Iraq and the Middle East peace process. Given the failure of pressure alone to gain Syrian co-operation, we recommend that the Government continue to pursue constructive engagement and dialogue as the best way to foster co-operation. In particular, we recommend that the Government work to encourage Israel and Syria to resume peace negotiations, including giving its support to any regional

efforts at mediation in the conflict, and generally to improve bilateral relations. We further recommend that in its response to this Report, the Government set out its position on the Golan Heights and the Israeli settlements there. (Paragraph 242)

47. We welcome Libya's decision to relinquish its WMD programmes and we commend the Government for its role in bringing this about. We also commend the Government's policy of engagement with Libya and note that it was essential to creating the environment that facilitated the secret talks that ultimately resulted in Libya's decision to end its pursuit of WMD. We further commend the co-operation between United Kingdom officials and their US counterparts during these secret talks. (Paragraph 249)
48. We conclude that the Libyan announcement sets a precedent for how to deal with 'rogue states' and could encourage other countries to improve their co-operation with the West. While we accept what the Foreign Secretary has said about the need for "a partner with whom to negotiate" for diplomacy to reap rewards, we recommend that the Government seriously consider the implications of events in Libya for relations with both Iran and Syria. (Paragraph 250)
49. We further recommend that the Government ensure that it does its utmost to fulfil its "responsibilities" to help Libya fully to enter the international community and derive the benefits of its co-operation, and that it work closely with the IAEA and OPCW to do this. We also recommend that in its response to this Report, the Government inform us of what steps it is taking to monitor closely Libyan compliance and to ensure that it does not lift the restrictions that remain on Libya too quickly. (Paragraph 251)
50. While Syria and Iran have not taken as many steps forward as they might, for example in taking a more constructive approach to the Israeli-Palestinian conflict, we conclude that the United Kingdom's approach to these two countries has already yielded some positive results. (Paragraph 252)
51. We further conclude that establishing and maintaining Iranian and Syrian co-operation in efforts to fight international terrorism, to resolve the Israeli-Palestinian conflict, and to stabilise Iraq, will greatly increase the likelihood of success in the war against terrorism. We commend the Government's decision to engage actively with these countries. (Paragraph 253)
52. We commend the Government for its swift action in response to the Istanbul attack, and for the setting up of the FCO 24-hour response centre. However, we conclude that security measures at the Istanbul Consulate were clearly insufficient. We welcome the Government's review of the security of all overseas posts, which was announced by the Foreign Secretary on 2 December 2003, as well as the decision to review the FCO's security strategy. We look forward to being informed of the results of the review by the Foreign Secretary. (Paragraph 257)
53. We recommend that in its response to this Report, the Government set out its plans for the UN Counter-Terrorism Committee and what bilateral assistance it is giving, for example to Commonwealth countries. (Paragraph 261)

54. We conclude that although international co-operation on the war against terrorism has continued, there continue to be problems with regard to international co-operation on the measures against al Qaeda and the Taliban. We recommend that the Government encourage greater international co-operation on the UN mandated measures against al Qaeda and the Taliban. We further recommend that it consider how best to strengthen the UN Security Council resolutions relating to international terrorism. (Paragraph 266)
55. We remain concerned that al Qaeda and other terrorist organisations retain access to significant levels of funds. We commend the Government's efforts to tackle sources of terrorist funding and in particular its projects to tighten charity regulation. We recommend that the Government expand its programme of assistance in this field. We further recommend that the Government, in its response to this Report, provide us with a further update of its action in this area. (Paragraph 270)
56. We conclude that al Qaeda remains a substantial threat to the United Kingdom and to British citizens and facilities overseas, and that addressing the threat from al Qaeda and associated networks must remain a key priority in the United Kingdom's foreign policy. (Paragraph 276)
57. We commend the Government for the success of its Provincial Reconstruction Team in improving security in northern Afghanistan, and in particular in brokering a ceasefire between rival warlords. (Paragraph 281)
58. We recommend that in its response to this Report the Government set out its plans to improve the security situation in Afghanistan, including through extending the provision of Provincial Reconstruction Teams. (Paragraph 283)
59. We commend the Government for supporting the development, together with its EU partners, of a Security Strategy. We conclude that the EU Security Strategy will help the Union to work more effectively towards the alleviation of common threats to the security of EU member states and their interests. (Paragraph 295)
60. We would welcome the return of the United Nations to Iraq in 2004, and we recommend that the Government do its utmost to work towards a new Security Council Resolution setting out the UN's role in the period of transition to a new Iraqi government (Paragraph 302)
61. We conclude that the United Nations has an extremely important role to play in the global campaign against terrorism, through provision of assistance through its specialised agencies, through establishing the legitimacy of interventions, and through providing the forum for dialogue between member states over the conduct of the campaign. We welcome the Secretary-General's decision to establish a panel to study global security threats and reform of the international system, and we recommend that the Government study its conclusions carefully when it makes its Report to the Secretary-General. (Paragraph 303)
62. Effective peace keeping and peace enforcement are currently essential to the successful pursuit of the war against terrorism. We recommend that the Government continue to work with its partners in NATO towards building the Alliance's capabilities in this area. (Paragraph 308)

63. We commend the Government's decision to participate in the Proliferation Security Initiative, and we are pleased that the initiative "builds on efforts by the international community to prevent proliferation of such items, including existing treaties and regimes". (Paragraph 313)
64. We recommend that in its response to this report the Government set out the steps it is currently taking to help prevent proliferation of WMD, together with their components and technologies, from the stockpile of the former Soviet Union, from North Korea and from other WMD proliferating states and groups. (Paragraph 314)
65. We commend the Government for its efforts to promote democratic reform and to provide technical assistance in the Arab world. We recommend that, in its response to this Report, the Government provide us with updated progress reports in this crucial area. (Paragraph 319)
66. We remain concerned at the Government's lack of progress in ensuring the fair trial of British citizens currently detained at Guantánamo Bay. We note that the current situation of uncertainty surrounding the fate of the United Kingdom detainees is unsatisfactory. We recommend that the Government continue to press the US towards trial of all the detainees in accordance with international law. (Paragraph 323)
67. We conclude that the threats facing the United Kingdom, both at home and overseas, in the war against terrorism have not diminished. We are encouraged, though, that the Government is working with partners in the European Union, the United Nations and NATO to reassess the respective roles of these multilateral institutions in tackling new security threats; and we commend the Government for its role in fostering this trend. (Paragraph 329)
68. Those who predicted the destabilisation of moderate regimes and the strengthening of extremist regimes in the Middle East following the invasion of Iraq have not been proved correct. There are now enhanced prospects for stability and democratic reforms in Iraq's neighbours, as well as a more favourable context for peace between Iraq and her neighbours than there has been for many decades. (Paragraph 330)

Introduction

1. On 20 November 2003, huge explosions tore apart the British Consulate-General and the HSBC Bank in Istanbul. These two terrorist attacks resulted in the deaths of ten of the Consulate-General staff—British and Turkish—and twenty two other innocent people. The attacks remind us that fighting international terrorism is as crucial for British security and British interests now as it was immediately after the atrocities of 11 September 2001.

2. This Report is the fourth of our Inquiry into *Foreign Policy Aspects of the War against Terrorism*.¹ The range of the Inquiry has been broad: in previous Reports, we examined the Government's response to the attacks on the United States; its role in the war against the Taliban in Afghanistan; and its efforts to mobilise an international coalition against terrorism, in the United Nations and through other multilateral initiatives. We have made regular assessments of initiatives to dismantle al Qaeda and associated terrorist networks, since they began in late 2001. We have also examined the United Kingdom's policy on Iraq, which led to substantial diplomatic rifts with its allies in the Security Council and the European Union, and to British engagement in the war which overthrew the regime of Saddam Hussein. In addition, we have considered the law of pre-emptive defence or anticipatory self-defence.²

3. In this Report, we continue with our assessments of the fight against al Qaeda and international terrorism, and of the situation in Iraq. We also focus on the Middle East region, and assess the role played by governments there in fighting international terrorism. Our analysis and conclusions, set out in this Report, have been informed by a series of visits to Syria, Jordan, Iran, Israel and Palestine. Three members of the Committee also visited Iraq in mid-December. We are very grateful to the politicians, officials, journalists and members of civil society organisations who met us during these visits, to the British diplomatic and consular staff who organised them, and to all those who have submitted written and oral evidence to assist us in this Inquiry.

1 Tenth Report from the Foreign Affairs Committee, Session 2002-03, *Foreign Policy Aspects of the War Against Terrorism*, HC 405; Second Report from the Foreign Affairs Committee, Session 2002-03, *Foreign Policy Aspects of the War Against Terrorism*, HC 196; Seventh Report from the Foreign Affairs Committee, Session 2001-02, *Foreign Policy Aspects of the War Against Terrorism*, HC 384.

2 HC (2002-03) 405, para 248; HC (2002-03) 196, paras 141, 151-161.

Iraq

4. Public debate about Iraq since we made our Report to the House in July has focused largely on the high levels of violence now prevailing in the country, and on progress towards the handover of power from the Occupying Powers—the US, the United Kingdom and their allies—to a new Iraqi government. These issues are of central importance to the stabilisation of Iraq after regime change. Before discussing them in detail, however, it is important to recall the reasons for the Government’s decision to join the US in its military intervention in Iraq.

5. In September 2002, the Government published a dossier setting out its understanding of the threat from Iraq. In his foreword to the dossier, the Prime Minister stated that “the assessed intelligence has established beyond doubt ... that Saddam has continued to produce chemical and biological weapons, that he continues in his efforts to develop nuclear weapons, and that he has been able to extend the range of his ballistic missile programme.”³

6. In our Report of last July, we examined the debate over Iraq in the UN Security Council and in other international organisations which took place during the early months of 2003. The United Kingdom, the United States and their allies argued that the threat that Iraq might use alleged weapons of mass destruction (WMD), or might pass them to terrorists, was so great that they were prepared to use force to disarm the Iraqi dictator. Other member states of the UN Security Council disagreed, as did a number of the United Kingdom’s partners in the European Union. In the Report, we also described in detail Iraq’s defiance of UN Security Council Resolutions following its ejection from Kuwait.⁴

7. In March, the United States and the United Kingdom decided that Iraqi co-operation with the UN weapons inspections process was insufficient, and that this non-military option for disarming Saddam Hussein would not succeed. President Bush and the Prime Minister then initiated military action against the Iraqi regime. They took this action without the support of a majority of members of the UN Security Council.

8. We recall our July conclusion that

according to the timetable for UN weapons inspections agreed by the United Kingdom and other Security Council members in 1999, it would have taken inspectors longer to build up capacity and make clear judgements about Iraqi prohibited weapons and weapons programmes than they were permitted before the war in Iraq commenced.⁵

The Government has insisted, however, that the weapons inspectors were not detectives. Their key role was to report on the degree of co-operation they received from the Iraqi regime. Whatever the differences on the role of the weapons inspectors, it is true that nine

3 ‘Iraq’s Weapons of Mass Destruction: The Assessment of the British Government’, September 2002.

4 HC (2002-03) 405, paras 11-14.

5 HC (2002-03) 405, para 55.

months after the formal end of hostilities the Iraq Survey Group has still not found WMD in Iraq.⁶

9. We have assessed the Government's decision to go to war in Iraq in another Report.⁷ In the present Report, we underline that because Saddam Hussein's development of WMD was cited by the Government—though not by the US—as the primary reason for his removal from power, the failure to find such weapons remains an important backdrop to the Coalition's continuing occupation of the country.

Developments in Iraq since July 2003

10. In our last Report on this subject, we described the Coalition's efforts to secure Iraq in the immediate post-war period. Looking forward, we concluded that “the level of resentment of the new US and United Kingdom presence in Iraq may well depend on the success or otherwise of efforts to improve the lives of Iraqi people.”⁸ In this section, we review those efforts, and we consider other developments since our previous Report.

11. In December, just as Saddam Hussein was detained, three of us visited Baghdad and Basrah.⁹ We held discussions with Ambassador Paul Bremer,¹⁰ with General Ricardo Sanchez,¹¹ with Sir Hilary Synnott,¹² with members of the Iraqi Interim Governing Council and others. The first-hand impression which some of us were thus able to gain of the situation in Iraq has informed the judgments we make in this section of the Report.

The capture of Saddam Hussein

12. On 13 December, US forces captured Saddam Hussein alive in the town of ad-Duar, around 15 kilometres south of his home town of Tikrit. This event was of great significance for the Coalition and for the people of Iraq alike: it removed the threat which Saddam Hussein still represented, not least to ordinary Iraqis; and it amounted to an intelligence and military triumph on the part of those who brought it about. It also carries strong implications for the future course of events in Iraq, which we discuss in paragraphs 24-25 and 54 below.

13. Saddam Hussein's detention also raises questions about his status, his treatment and his future trial. Shortly after the arrest, US Secretary of Defense Donald Rumsfeld said that Saddam Hussein would remain in US military custody and that the CIA would oversee his interrogation.¹³ He has also said that Saddam Hussein is receiving all protections guaranteed to prisoners of war under the Geneva Conventions, although at that time he was not being legally described as a prisoner of war. On 15 December, the Prime Minister

6 For a recent US study of this issue see 'WMD in Iraq: Evidence and Implications', Carnegie Endowment for International Peace, January 2004.

7 Ninth Report from the Foreign Affairs Committee, Session 2002-03, *The Decision to go to War in Iraq*, HC 813-I.

8 HC (2002-03) 405, para 164.

9 The three members were Donald Anderson (Chairman), Greg Pope and Sir John Stanley.

10 Head of the Coalition Provisional Authority (CPA).

11 Senior US military commander in Iraq.

12 Head of the CPA (Southern), based in Basrah.

13 Remarks by Donald Rumsfeld, 16 December 2003, available at: <http://www.defenselink.mil/news>

reiterated this to the House, announcing that “Saddam Hussein will be treated with all the rights of a prisoner of war.”¹⁴ It was not until 10 January that Saddam Hussein was formally accorded prisoner of war status under the Geneva Conventions.¹⁵

14. Saddam Hussein’s capture also prompted speculation about the nature of his trial and future punishment. Asked what the United States was going to do with Saddam Hussein, President Bush said on 15 December that

We will work with the Iraqis to develop a way to try him that will stand international scrutiny... the Iraqis need to be very much involved... And of course we want it to be fair... we want the world to say, well, this—he got a fair trial. Because whatever justice is meted out needs to stand international scrutiny. I’ve got my own personal views of how he ought to be treated, but that’s—I’m not an Iraqi citizen. It’s going to be up to the Iraqis to make those decisions.¹⁶

15. Also in December, the Prime Minister said that

The trial process should be determined by the Iraqi Government and the Iraqi people. It should be left to them. Of course we must ensure that the process is proper, independent and fair, but I am sure that the Iraqis have the capability to achieve that. We and other countries will work with them to ensure that that is correct.¹⁷

Jack Straw added this: “The policy of the United Kingdom, its government and its parliament, is well established. We are against the death penalty. That is our sovereign decision, with which a democratic Iraq may or may not agree.”¹⁸

16. From our own discussions with members of the Iraqi Interim Governing Council, both in London and in Baghdad, following Saddam Hussein’s arrest, we believe that there is every prospect that a fair and thorough judicial process can be established for the trial of the former dictator. However, the Coalition retains formal responsibility for Saddam Hussein until Iraq is re-established as a sovereign nation state in July. The US Government has apparently set aside £41million to fund the trial of Saddam Hussein.¹⁹

17. We conclude that the Prime Minister was right to state that the trial process of Saddam Hussein should be determined by the Iraqi government—when it has been established—and by the Iraqi people.

Security

Acts of violence in post-war Iraq

18. In July 2003, we noted the looting and chaos which in parts of Iraq followed the swift victory of the Coalition. We concluded that while a breakdown of law and order

14 HC Deb, 15 December 2003, col 1323.

15 See <http://www.pentagon.gov/news>

16 Press conference with President Bush, 15 December 2003, available at: <http://www.whitehouse.gov/news>

17 HC Deb, 15 December 2003, col 1323.

18 Remarks by Jack Straw, 17 December 2003, available at: www.pm.gov.uk

19 *The Times*, 9 January 2004, p23.

immediately following the fall of the regime was highly probable, “the failure of the coalition to restore order more quickly was deeply regrettable, and hindered progress towards one of the central objectives of the intervention: to improve the lives of ordinary Iraqis.” We also noted that “the coalition’s failure to re-establish order in the immediate post-conflict period ... may have made the task of occupation more difficult in the medium term.”²⁰ The scale of hostile operations by former regime loyalists and others had, apparently, not been anticipated.

19. Since July, security for foreigners working in Iraq has deteriorated sharply. On 7 August, 2003, a car bomb exploded outside the Jordanian Embassy in Baghdad. Eleven people were killed. On 19 August, the UN Headquarters at the Canal Hotel was bombed; this attack led to the deaths of 23 people, including UN Special Representative Sergio Vieira de Mello. On 14 October, the Turkish Embassy in Baghdad was bombed. On 26 October, the Rashid Hotel in Baghdad was hit by rocket-propelled grenades; one US soldier was killed and fifteen other people were wounded. On 27 October, 35 people were killed and more than 200 injured in bombs at the headquarters of the International Committee of the Red Cross (ICRC) and three Iraqi police stations. On 12 November, 26 people died when the Italian police headquarters in Nasiriyah was attacked by a suicide bomber. Later that month, the Palestine and Sheraton Hotels—which are in the protected area of Baghdad—were hit by rockets fired from donkey carts. On 29 November, in separate attacks, two Japanese diplomats and seven Spanish intelligence officers were killed. Four weeks later, four Bulgarian and two Thai servicemen were among fifteen killed by a bomb in Karbala. In the New Year, two French civilians working for a US company were killed in an ambush.

20. Iraqis who have been working with the Occupying Powers have also been targeted. Senior public figures as well as translators, drivers and other employees have been affected by this violence. A car bomb exploded in the holy city of Al-Najaf on 29 August, killing Ayatollah Muhammad Baqir al-Hakim, the head of the Supreme Council for the Islamic Revolution in Iraq (SCIRI). On 20 September, Dr Aqila al-Hashimi, a member of the Iraqi Governing Council, was ambushed near her home in Baghdad. Her convoy was attacked with machine guns and a bomb, and Dr al-Hashimi sustained serious injuries. She died five days later. There have been a number of attacks on police stations and other targets, including those on 15 December which killed at least nine people. Many bystanders and other Iraqis with no connection with the occupying powers have also been victims of these attacks.

Who is carrying out the attacks?

21. It is not entirely clear whether the attacks are being perpetrated by Iraqis or by foreign insurgents, or by both. Two analysts from the London School of Economics, Yahia Said and Mary Kaldor, visited Iraq in November 2003, and argue that in the aftermath of the war foreign jihadis and former Baathists have been brought together in alliance against the US-led Coalition:

20 HC (2002-03) 405, paras 113-130.

The Jihadis are enlisting in an insurgency organized and supported by the remnants of the regime. At the same time former Baathists are joining Jihadi organizations ... Islamic fighters are attracted to Iraq because it is there they can directly confront the Americans; moreover, regimes like Saudi Arabia, Syria and Iran want to make as many difficulties as possible for the Coalition so as to deter any possibility that the United States might attack them in the future.²¹

Jonathan Stevenson, an expert on terrorism at the International Institute for Strategic Studies, was also concerned at the alliance being forged between foreign fighters and Baathists. He felt that the number of attacks against foreign troops and personnel working in Iraq might increase over the next few months because “there appears to be more centralised command and control over the insurgency and [Iraqi insurgents] may also be getting help from foreign Jihadists who have some terrorist experience.”²²

22. These views are consistent with those of the Government. On 28 October, Sir Jeremy Greenstock, the United Kingdom’s representative for Iraq, said in an interview with the BBC that “There were suicide attackers in most—probably all—the bomb explosions ... and that is a sign of foreign terrorist tactics, rather than the Saddam loyalist elements that we’re still trying to chase down.”²³ The FCO stated in evidence to us on 2 December that “Many attacks in Iraq are likely to be the work of elements of the former regime”, and also that “Islamist terrorists, some belonging to al Qaeda associated groups, have been involved in some terrorist attacks in Iraq.”²⁴ John Sawers, Political Director at the FCO, told us that day that “It is impossible to say, ... in any given instance which group was responsible for which attack”, although “the dominant role has been taken by the groups that were part of the former Iraqi regime which have melted back into [the areas north and west of Baghdad] and are using it as a base for their operations.”²⁵ More recently, Foreign Office Minister Bill Rammell told the House on 5 January that “foreign fighters from a range of countries are present in Iraq.”²⁶

23. Such developments were not unforeseen. Some weeks before the war in Iraq, on 10 February 2003, the Joint Intelligence Committee produced an intelligence assessment, in which it concluded that the threat from al Qaeda and associated groups would be heightened by military action against Iraq.²⁷ We reached a similar conclusion in our Report of January 2003, when we called on the Government to “treat seriously the possibility that a war with Iraq could trigger instability in the Arab and Islamic world, and could increase the pool of recruits for al Qaeda and associated terrorist organisations there and in Western Europe.”²⁸ While Arab and Islamic countries and their populations have remained remarkably stable, it does appear that al Qaeda has been able to exploit the situation in Iraq to attract new support.

21 Ev 80

22 Q 38

23 “‘Foreigners’ behind Baghdad bombs’, *BBC*, 28 October 2003, available at: <http://news.bbc.co.uk>

24 Ev 24

25 Q 104

26 HC Deb, 5 January 2004, col 84W.

27 See Report by the Intelligence and Security Committee on *Iraqi Weapons of Mass Destruction—Intelligence and Assessments*, Cm 5972, para 126.

28 HC (2002-03) 196, para 200.

24. Our discussions with key personnel in the Coalition Provisional Authority (CPA) which currently administers Iraq suggest that, following the capture of Saddam Hussein, his supporters will fall into two main groups. Some will abandon their violent opposition to attempts to restore law and order in Iraq; but other, more hardline elements are more likely to throw in their lot with al Qaeda and the Jihadis.

25. We conclude that since the removal of the Iraqi regime, a dangerous alliance of foreign fighters with terrorist allegiances and elements of the former Iraqi regime has been forming inside Iraq. It remains to be seen what effect the capture of Saddam Hussein has on this.

Treatment of detainees in Iraq

26. In September 2003, a US Army spokeswoman confirmed for the first time that US forces in Iraq were holding about 10,000 detainees, most of them at the Abu Ghraib prison near Baghdad.²⁹ More recent estimates have put the number of detainees as high as 13,000.³⁰ On 7 January, the Coalition authorities announced the release of about 100 of the detainees, all of whom had been accused of relatively minor offences, had renounced violence and were able to provide the name of a “prominent person” in the community who would act as their guarantor.³¹ Speaking to the BBC on 9 January, Mr Adnan Pachachi of the Interim Governing Council suggested that “several hundreds, perhaps thousands” more of the detainees could be freed in the next few months.³²

27. There do not appear to be any published official statistics of the numbers of persons detained in Iraq by the Occupying Powers. **We conclude it is unacceptable that comprehensive information is not available about detainees being held by the Occupying Powers in Iraq. We recommend that the British Government ensures that such information is provided as a matter of immediacy including the names of all detainees; their nationalities; where they are held; in what conditions they are held; what rights they have, including access to lawyers; the legal basis for their detention; the offences of which they are suspected or charged; and when and how they will be tried or released.**

The role of Iraq's neighbours

28. The flow of foreign fighters into the country may in part be a consequence of the policies of neighbouring countries. The Foreign Secretary told us that “the best evidence we have suggests that the real area of difficulty and concern is the border from Syria, and I make it clear that we look to Syria to do much more in respect of controlling terrorists.” He acknowledged that Syria has been co-operative in some areas: “We are grateful to them for what they have done in handing over suspects to the Turkish government in respect of the Istanbul bombings”; however, “we are very clear that Syria has to take far tougher and less ambiguous action in respect of all terrorists and terrorist organisations operating within its

29 ‘Coalition ‘citizens’ held in Iraq’, *BBC*, 16 September 2003, available at: <http://news.bbc.co.uk>

30 *The Times*, 8 January 2004, p20.

31 See CPA Announcement, available at: <http://www.cpa-iraq.org/transcripts>

32 ‘Major raid yields Iraqi rebels’, *BBC*, 9 January 2004, available at: <http://news.bbc.co.uk>

borders.”³³ During our visit to Syria, we were told how difficult it is to police the lengthy border with Iraq, not least because of the presence of tribal groupings straddling the border in a number of places. This impression was confirmed by briefings during the visit which some of us made to Iraq.

29. We also asked the Foreign Secretary about Iran’s role in Iraq, and in particular whether he knew of any links between Iran and those organisations currently attacking Coalition forces in Iraq. He replied that the Government had no evidence that Iran was linked to terrorist organisations in Iraq, and that “in general, we are grateful to the Iranian government for the co-operation we have received in respect of the Iraq situation.”³⁴ The Iranians have in turn requested co-operation by the Americans in disbanding armed groups of Iranian exiles based in Iraq, with some recent signs of success.³⁵

30. The Foreign Secretary was also clear that Iran had not been seeking to exert undue influence on Shiite elements in Iraq. The prominent Shia cleric Ayatollah Sistani, who has recently criticised the Coalition’s plans for the handover of power, is “very independent”.³⁶ The Foreign Secretary also pointed to the good relations developing between the Governing Council and the Iranian authorities. Jalal Talibani visited Iran in late November, when he was president of the Governing Council, and applauded the level of co-operation which he and colleagues had received in Tehran.³⁷

31. The suggestion that Syria and also Iran might wish to make life difficult for the Coalition forces in Iraq is consistent with the sense we gained during our visits to those countries of deep concern that they might be next in line for ‘regime change’.³⁸ The difficulties being experienced by the Coalition make further ‘regime change’ operations look unlikely, at least in the immediate future,³⁹ so it would appear to be in the interests of Iran and Syria to keep the US focused on Iraq for some time.

32. However, while both Iran and Syria have been fairly co-operative, they could both be far more disruptive to the US-led operation in Iraq than they have been to date. Sir Jeremy Greenstock said in an interview on 28 October that Syria has not “played completely straight. We asked them to help in closing the border and in handing over the more violent people. To some extent they have done this but there are signs they are keeping their options open in Damascus.”⁴⁰ Iran, too, might feel its short-term interests are served if the situation in Iraq remains difficult for the Coalition, but without descending into chaos, although in the longer term a stable Iraq should be a good neighbour.

33. The United States does not have diplomatic relations with Iran or Syria. Indeed, there are elements in the US administration that are strongly hostile to both countries and

33 Q 107

34 Qq 1-2

35 See, for example ‘Iraq Council Votes to Throw Out Iranian Opposition Group’, *The Washington Post*, 10 December 2003

36 Q 4

37 Q 4

38 Ev 93

39 Q 60

40 ‘Blair envoy warns Iran on ‘meddling’’, *The Guardian*, 29 October 2003

President Bush in December approved the Syria Accountability Act, which provides for a range of sanctions against the country. The United Kingdom, on the other hand, has good links with both countries, which we believe have been of some use to the Coalition by enabling it to maintain direct lines of communication, for example when Sir Jeremy Greenstock visited Tehran in January 2004.

34. We conclude that Iran and Syria have the potential to be destabilising factors in Iraq, and that maintaining co-operation with both is therefore essential for the success of Coalition efforts to bring stability to that country. We further conclude that the United Kingdom, through its diplomatic relations with Iran and Syria, could play a crucial role in ensuring this co-operation.

Coalition force levels and composition

35. The difficulties experienced in attempting to prevent foreign fighters from entering Iraq are likely also to be a consequence of the level of instability prevailing inside the country since the overthrow of the regime. Jonathan Stevenson argued that there are not enough troops in Iraq to secure the borders. Furthermore,

the priorities or the responsibilities of the troops on the ground have now made it impossible to guard all of the ammunition dumps which are in Iraq, which have proven to be sources of weapons for a number of these insurgents ... It is going to take time both to reallocate intelligence assets and troops to pursue these terrorists and make a substantial dent in the number of operations which they pull off.⁴¹

He was “doubtful” that Iraq could now be secured “with the present number of forces. It seems to me that more are required because there is simply a multiplicity of tasks ... it is a difficult challenge, given the disinclination of other countries to contribute forces.”⁴²

36. Some countries which have contributed substantial numbers of well-trained troops to peacekeeping operations in the past have been unwilling to assist in Iraq. France, which opposed military action in Iraq, has refused to provide forces until sovereignty has been transferred to Iraqis; Germany and Russia have also failed to send troops. The US-led Coalition made it very clear in advance of the war, and since the end of formal hostilities, that it was prepared to take on the regime change operation without the support of traditional major partners such as France and Germany.⁴³ On 10 November, however, the Prime Minister stated that

Iraq and Afghanistan, not to mention Bosnia and Kosovo, illustrate another lesson. One supremely powerful nation or a small group in concert, can win a war. But it takes many nations to win the peace. And in such an enterprise, there is no sane alternative to America and Europe working together.⁴⁴

41 Q 38

42 Q 39

43 On 5 October 2003, Sir Jeremy Greenstock was asked in an interview whether he was concerned that the US and the UK were shouldering most of the burden of reconstructing Iraq without international support. He replied that “the leaderships in Washington and London entirely understood what they were taking on, and they were prepared to do this themselves.” Remarks by Sir Jeremy Greenstock, 5 October 2003, available at: <http://sunday.ninemsn.com.au>

44 Remarks by the Prime Minister, 10 November 2003, available at: <http://www.number-10.gov.uk/output/Page4803.asp>

From initial reluctance to engage in nation building, the US administration has learned that it cannot abandon the project or delegate it, and that it needs allies to assist it.

37. We regret that some members of the Security Council Permanent Five and other countries with the capacity to assist have decided against contributing forces to help establish security in post-war Iraq. We conclude that this failure to share the burden can only have increased the pressures on US and United Kingdom resources, both civilian and military, which in turn may have exacerbated the difficulties encountered by the Coalition in establishing and maintaining security in Iraq.

Iraq's security forces

38. Some witnesses were also concerned about the effects of the Coalition's decision to disband the Iraqi armed forces. Yahia Said and Mary Kaldor describe this as "One of the biggest mistakes of the CPA ... the decision has added to the sense of humiliation felt by Iraqis, and left many frustrated and angry ex-military personnel."⁴⁵ Nick Pelham, the Economist correspondent in Baghdad, explained that

there is little doubt amongst the Iraqis that the armed forces could have played a positive role in maintaining law and order in the country, or security forces per se. There was a wholesale disbandment of all the law enforcing functions the services were carrying out right down to traffic wardens and it was a population which had grown very used to a dependence on the state for security and for welfare and for every aspect of society and when you suddenly take that away, it leads to the chaos and to the breakdown of society.⁴⁶

Iraq's currently "porous borders, for instance, or ... the lack of defence around ammunition dumps would be attributed entirely to America's decision to disband the armed forces."⁴⁷ However, there was also good reason to think that the continued use of Saddam Hussein's police and armed forces to maintain order would not be acceptable to the Iraqi people.

39. This concern was also expressed by the UN Secretary-General in a report to the Security Council of 17 July 2003. Citing his Special Representative's "concern ... at the potentially serious implications of the recent dissolution of the Iraqi Army, which numbers half a million personnel", the Secretary-General offered to make available to the CPA the UN's "considerable experience and body of best practice in disarmament, demobilization and reintegration."⁴⁸ The UN was forced to pull its staff out of Iraq a month later, so this proposal was never implemented. The Coalition has since taken steps to create a new Iraqi army, but on 11 December a CPA representative announced that around 300 of 700 new recruits had already left, citing "unhappiness with terms, conditions and pay and with instructions of commanding officers."⁴⁹ When he met members of the Committee in

45 Ev 80

46 Q 75

47 Q 74

48 'Report of the Secretary-General pursuant to paragraph 24 of Security Council resolution 1483 (2003)', 17 July 2003, available at: <http://www.un.org/english/>

49 'Coalition:Nearly half of new Iraqi army has quit', *CNN*, 11 December 2003, available at: <http://edition.cnn.com>

December, General Ricardo Sanchez told us that he had just authorised a substantial increase in Army pay.

40. We conclude that the early decision to disband the Iraqi armed forces was entirely understandable in the conditions prevailing at the time, but that the re-establishment of such forces in an essential component of creating a new, safe and sovereign Iraq.

41. The huge problems with policing in the early stages of occupation were partly a consequence of the virtual absence of “interface between Iraqis and Americans” carrying out policing duties. The

American soldiers you see on the streets are often very jumpy, they feel very nervous ... When they are caught in traffic jams you see instances where they get nervous and try to force themselves out of a traffic jam; they bump cars, they knock over the jerry cans of the black marketeers selling petrol on the streets.⁵⁰

This can only partly be explained by the number of attacks on US forces.

42. This lack of “interface” between Iraqis and occupying forces also led to “an intelligence problem”: according to Yahia Said and Mary Kaldor, the “disconnectedness of the CPA and the occupying forces from Iraqi society” means that “information passed on by Iraqis does not appear to be taken into account or acted upon.”⁵¹ If the situation were as bad as our witnesses have claimed, it would be likely seriously to impede Coalition efforts to capture former Baathists and foreign fighters in Iraq. However, the success of the Coalition in capturing Saddam Hussein and all but a handful of the ‘deck of cards’ most-wanted members of the former regime suggests otherwise.

43. We recommend that the Government set out, in its response to this Report, the means by which Iraqis are currently able to feed information about terrorists or other criminals into the CPA structures; and whether the CPA has plans to enhance the links between its own staff and the Iraqi population to facilitate the transfer of information.

44. Security and policing problems are being addressed through Coalition efforts to try to return security to Iraqis, and these have been “by and large welcomed by the population.”⁵² The Foreign Secretary told us that “a lot of work is being put in to build up the Iraqi security forces, including the police civil defence force and paramilitary operation, static guarding and the beginnings of an Iraqi Army.”⁵³ The United Kingdom is providing trainers from the British police force to go into southern Iraq to work in a police training school, which it has helped to establish. Another police training facility has been established in Jordan, with the capacity to train thousands of recruits.

45. The policing sector appears to be developing well, in spite of repeated attacks. Yahia Said and Mary Kaldor describe the establishment of a new Iraqi police force as “much faster” than that of a new Iraqi army, and “one of the most hopeful developments in Iraq

50 Q 73

51 Ev 80

52 Q 73

53 Q 109

today.”⁵⁴ Nick Pelham similarly informed us that after a period of chaos after the war, security for ordinary Iraqis was beginning to improve:

As far as Iraqis are concerned, there is a greater sense of order than existed two or three months ago. That is largely due to the fact that they have handed over a lot of the security and policing work to Iraqis and Iraqis can feel that there is a degree to which there is a system of law and order which they can be in touch with, that they communicate with, that there are Iraqis doing the policing.⁵⁵

While some significant problems remain in this sector,⁵⁶ recent developments are likely to result in increased security for ordinary Iraqis. **We commend the Government for the energetic measures it has taken to help establish a new Iraqi police force and recommend that this assistance is intensified in the critical remaining months before the handing back of sovereignty to Iraq on 1 July 2004.**

Future status of the coalition forces

46. Despite these signs of progress, it is clear that improving the security situation in Iraq will depend for some time on the continued—and possibly increased—presence of US, United Kingdom and other armed forces. Dana Allin, an analyst at the International Institute for Strategic Studies, discussed the possible impact of the impending US Presidential election on the willingness of the US administration to maintain current troop levels in Iraq. Although it appears that the American public is prepared to tolerate losses at the current average rate of one or two a day, he argued that US public opinion is in fact concerned at the level of US casualties being sustained in Iraq, and that now Americans are “obviously much less supportive of the administration’s war plans and post-war plans in particular.” According to Mr Allin, this “pressure on the Bush administration to get this issue off the front pages” could result in “ill-advised moves on the part of the Bush administration to do things for political reasons which are not best on the ground in Iraq.”⁵⁷ Dana Allin was not clear what the operational ramifications of this were likely to be: “Probably the most disturbing possibility is an excessive haste towards ‘Iraqification’ [i.e.] a hasty handover of security to Iraq.”⁵⁸

47. In order for coalition forces to remain in Iraq after the transfer of power in July, it will be necessary for each country participating to draw up Status of Forces Agreements with the new Iraqi government. Under these Agreements, Iraq will permit the continued presence on its soil of foreign (coalition) forces, operating through their own chains of command, but without compromising the host country’s sovereignty. As the Foreign Secretary acknowledged to us, there is a tension between these requirements:

I do not believe this is an insoluble problem by any means; I think that any Iraqi government—interim or otherwise—will recognise that getting on top of security is in their profound interests and that it will require the US to be there in large

54 Ev 80

55 Q 73

56 Ev 80

57 Qq 63, 67

58 Qq 63, 67

numbers (also us to be there in pretty substantial numbers) and for there to be a unified command of this, and know that if they are US forces then, simply, their Commander-in-Chief has to be the President and if they are UK forces their Commander-in-Chief has to be Her Majesty acting through the Prime Minister and the Defence Secretary—that is just reality. We can, and have done before, square these apparent circles.⁵⁹

48. Subject to the wishes of the new Iraqi government, we recommend that the Government and its Coalition partners scale down their armed forces only as Iraqi forces demonstrate their capacity to establish and maintain security, and that the terms of any status of forces agreements reached with the Iraqi authorities should be consistent with this objective.

Safety of United Kingdom personnel in Iraq

49. Insecurity also makes life for those working in the CPA, and for coalition troops, highly stressful and dangerous. CPA and other staff are confined largely to the “Green Zone”—an area in the middle of Baghdad that includes the Rashid Hotel and the Presidential Palace. The Green Zone is heavily protected by concrete walls, barbed wire, and US armed forces. When they visited Baghdad, Yahia Said and Mary Kaldor found that

“Morale is low among both military and civilians both because of the way staff are confined to the green zone and because they are the primary targets of terrorist attacks. Because of the rocket attack on the Al-Rashid Hotel, many officials were sleeping in dormitories in the palace or in military barracks.”⁶⁰

50. Those of us who visited Iraq can certainly vouch for the difficult conditions under which CPA and other officials are working in Baghdad. However, neither there nor in Basrah did we encounter the low morale which our witnesses described. On the contrary, the British officials whom we met in Iraq—all of them volunteers, and most of them from the FCO—impressed us greatly by their commitment and their professionalism; so did the military. Steps are being taken to improve the living and working conditions of both.

51. We conclude that United Kingdom personnel in Iraq, both military and civilian, are making a vital contribution to the administration and reconstruction of the country, despite having to work in the most difficult and dangerous circumstances. Their performance deserves the highest praise, and appropriate recognition.

The importance of security to post-conflict peace operations

52. In January 2003, we concluded that “the establishment of the rule of law and functioning representative government in Iraq after a war would pose formidable challenges.”⁶¹ A year later, security is, according to the Foreign Secretary, “at the top of everybody’s agenda.”⁶² The process of securing Iraq nonetheless remains difficult, and—as

59 Q 120

60 Ev 80

61 HC (2002-03) 196, para 191.

62 Q 109

the Foreign Secretary told us—it is “taking time, it is frustrating, it is taking more time than we anticipated, but everybody is very clear that getting the security right is an imperative precondition to the restoration of basic services.”⁶³ However, the lack of security has made life for Iraqis extremely difficult. Nick Pelham told us that while “after the war ... many Iraqis were on the whole favourably disposed to the American presence there, there had been very little resistance to the war itself, to the United States invasion, the bulk of the army had melted away” there had been “over the past six or seven months ... an ebbing away of the enthusiasm of the trust which many Iraqis had placed in the United States.”⁶⁴

53. In March 2003—as the Iraq war began—the International Policy Institute at King’s College, London published a major review of recent post-conflict peace operations in Sierra Leone, Kosovo, East Timor and Afghanistan. The study was funded by the governments of Canada, Norway, Sweden and the United Kingdom. Its authors noted that many of the findings “are unfortunately not new ... the failure to address lessons previously drawn but effectively ignored [so] that wheels are reinvented constantly.” One of their central conclusions was that “security is the sine qua non of any post conflict reconstruction”.⁶⁵ This has been borne out by the inability of the UN’s principal agencies and some NGOs to function effectively in Iraq in the face of the very real threat to their personnel and assets.

54. While being justifiably upbeat about the capture of Saddam Hussein, both the United Kingdom and United States have been cautious about the impact it will have on the security situation. In his address to the American nation on 14 December, President Bush said: “The capture of Saddam Hussein does not mean the end of violence in Iraq. We still face terrorists who would rather go on killing the innocent than accept the rise of liberty in the heart of the Middle East.”⁶⁶ Similarly, on 15 December, the Prime Minister told the House that “the terrorists and Saddam’s sympathisers will continue and, though small in number and in support, their terrorist tactics will still require vigilance, dedication and determination.”⁶⁷

55. In our view, some of the criticism of the Coalition’s acknowledged inability to establish a secure peace in post-conflict Iraq has been constructed on the shaky foundations of unrealistic expectations, and with the benefit of hindsight. In relation to the Summer’s riots in Basrah, for example, a fairer assessment would concede that temperatures of over 50 degrees centigrade in Basrah are unusual, even in August. It would also note that no-one outside Iraq could have known that such temperatures would cause the electricity generation and distribution infrastructure to collapse, with a consequent failure of the water supply. The riots which inevitably and understandably followed were extensively reported, but we believe that too few commentators then recognised the extraordinary speed with which British administrators in Basrah and the Government in London acted to recover the situation, and the extent to which those efforts have been successful.

63 Q 107

64 Q 68

65 ‘A Review of Peace Operations: A Case for Change’, available at: <http://ipi.sspp.kcl.ac.uk/>

66 Remarks by President Bush, 14 December 2003, available at: <http://www.whitehouse.gov/news>

67 HC Deb, 15 December, col 1319.

56. We recall our conclusion of last July that “the level of resentment of the new US and United Kingdom presence in Iraq may well depend on the success or otherwise of efforts to improve the lives of Iraqi people.”⁶⁸ However, we recognise that that success depends not only on the actions and inactions of the Occupying Powers, but also on factors outside their control. Those of us who visited Iraq in December learnt that long years of neglect had left the country’s infrastructure highly vulnerable to deterioration. In our view, it is nothing short of remarkable that, within months, electricity generation was at a level comparable to that achieved prior to the war, and in the face of rising demand. We believe that most Iraqis understand and appreciate this.

57. We conclude that the Iraq operation has demonstrated once again the importance of security for the success of post-conflict peace operations. Though there was, perhaps understandably, insufficient anticipation by the British and American governments of the scale and severity of the security tasks facing the Occupying Powers in the immediate aftermath of the war, we reject claims that the Coalition’s inability to create a fully secure environment in the immediate post-war period can be attributed entirely to serious failures either of policy or of planning. It is unfortunate and regrettable that the lack of law and order, and interruptions in essential services, resulted in a loss of goodwill among those worst affected, but we conclude that important progress is being made in winning this goodwill back.

Political developments

58. When we made our last Report to the House on this subject, we noted that in early 2003 US plans for the post-war governance of Iraq had been alarmingly vague.⁶⁹ The Coalition was also unrealistically optimistic about the likely reception of its forces. We described the setbacks and policy changes of the immediate post-war period. We also described the establishment in July of an Interim Governing Council for Iraq, which was intended to “represent the interests of the Iraqi people to the CPA, and to the international community, during Iraq’s transition to a sovereign, democratic, and representative government.”

59. Since we made our Report in July, the Occupying Powers have taken significant steps towards the handover of power to a new Iraqi government. On 8 September, the Foreign Secretary announced that the Iraqi Interim Governing Council had appointed 25 Ministers. These Iraqi politicians are “responsible for implementing policy and for managing their budgets.” With the Governing Council and the CPA, the new Ministers “enjoy full rights to initiate policy. The overall effect of those important changes has been a significant transfer of responsibility from the CPA to the Iraqis, a process that should accelerate from now on.”⁷⁰

68 HC (2002-03) 405, para 164.

69 We noted the testimony of two senior US administration officials, Marc Grossman and Douglas Feith, before the US Senate Foreign Relations Committee in February 2003. Grossman and Feith laid out plans for a two-year military occupation of Iraq, and said that the military and civilian administrators after a US invasion would report to General Tommy Franks, commander of US forces in the Middle East. They said that no detailed plans existed at that stage for management the Iraqi oil industry, or how they would install a democratic government. Grossman admitted that “How exactly this transition will take place is, as you say, perhaps opaque at the moment, but what we’re planning for is ... that there will be people who will come up and want to participate in the future of their government.” See HC (2002-03) 405, paras 131-142.

70 HC Deb 8 September 2003, Col 38.

60. The Coalition has faced a number of difficulties in transferring power to new Iraqi authorities, however. On 2 December, John Sawers, Director-General Political at the FCO, told us that the CPA had been “wrestling” since the early summer with the dilemma of how soon to hold elections in Iraq, and whether it was necessary first to establish functioning Iraqi institutions of governance.⁷¹

61. This process of ‘wrestling’ has been part of a series of policy oscillations. When he arrived in Iraq in late April, the first leader of the US authority in Iraq, retired General Jay Garner, announced that “The majority of [Iraqi] people realize we are only going to stay here long enough to start a democratic government for them.”⁷² US officials proposed putting Iraqis in charge of the governance of the country in an interim authority by mid-May 2003.

62. On 13 May, Ambassador Paul Bremer replaced Jay Garner as head of the US authority in Iraq. Ambassador Bremer then proposed “seven steps” according to which Iraqi political and administrative institutions would be built gradually before the full handover of power to a new Iraqi government through free, direct elections.⁷³ John Sawers explained to us that in the early summer of 2003—when he was the British representative in Iraq—the “goal ... was always to try to create the circumstances where the occupation could come to an end during the course of 2004 (and as close to the middle rather than the end of 2004 as possible)”. The coalition had planned “to develop a constitution, have it ratified and have elections on the basis of that new constitution in the second half or the third quarter ... of 2004”.⁷⁴

63. The plans of the early summer have since been revised again. This is partly a consequence of the fact that the programme was

pushed backwards by ... the fatwa by Ayatollah Sistani calling for the representatives at the constitutional convention to be directly elected in an environment which ... could well have led to an outcome which we in the coalition were concerned could be illiberal and play into the hands of the extremists.⁷⁵

Grand Ayatollah Ali Sistani, Iraq’s most influential Shiite Muslim cleric, had called in June for general elections to select the drafters of a new constitution. He dismissed US plans to appoint the authors of the constitution as “fundamentally unacceptable.”

64. The second reason for delay in the Bremer programme for transition was “the effect of the terrorist action [which] clearly made it more difficult to move ahead in a consensual way when leading figures in Iraq, such as Muhammed Baqir al-Hakim and the UN Special Representative, were killed by Iraqi terrorist action.”⁷⁶

71 Q 110

72 ‘U.S. Warns Iraqis Against Claiming Authority in Void’, *New York Times*, 24 April 2003.

73 Q 110

74 Q 110

75 Q 110

76 Q 110

65. On 16 October 2003, the UN Security Council adopted a further Resolution on Iraq. The Council resolved that the United Nations,

acting through the Secretary-General, his Special Representative, and the United Nations Assistance Mission in Iraq, should strengthen its vital role in Iraq, including by providing humanitarian relief, promoting the economic reconstruction of and conditions for sustainable development in Iraq, and advancing efforts to restore and establish national and local institutions for representative government.⁷⁷

This was followed by a further report on the UN's role in Iraq, which was issued by the UN Secretary-General on 5 December. We consider this in paragraph 69 below.

The timetable for handing over sovereignty

66. A new plan for the handover of power from the CPA to an Iraqi Government was announced in Iraq on 15 November by Jalal Talabani, then President of the Interim Governing Council. This appears to have broken a somewhat deadlocked situation. The Foreign Secretary explained the plan to the House on 20 November. It specifies that the Governing Council will draft a "Fundamental Law" by February 2004. The Fundamental Law will apply for the transitional period until full national elections. The plan states that a Transitional National Assembly will be established by June 2004, through "transparent and democratic caucuses at provincial and local level, facilitated by the Governing Council and the Coalition Provisional Authority."

67. This Transitional National Assembly "will elect an executive and ministers as the Iraqi Transitional Government by July 2004." On 1 July,

the progressive handover of executive and legal authority from the CPA will be complete, and the Coalition's legal occupation will come to an end. The Transitional Government will oversee elections to a Constitutional Convention by March 2005 which will promulgate a new permanent constitution for Iraq. A referendum on the new constitution will take place before full elections of a new representative Iraqi government at the end of 2005.⁷⁸

68. John Sawers told us that the arrangement announced on 15 November

brings to an end the occupation in the middle of 2004, it provides for a constitutional convention that will be elected in the early months of 2005, thus meeting the concerns of Ayatollah Sistani ... it provides for the constitution to be completed by the end of 2005 and for the direct elections to choose a new government based on that constitution to take place then in two years' time.⁷⁹

69. Will this process succeed in bringing a stable, representative government to Iraq? We note that the UN Secretary-General argued on 5 December that the steps announced by the Coalition and the Governing Council in November "would make it clearer that the foreign occupation of Iraq is to be short-lived—and that it will soon give way to a fully fledged

77 UNSCR 1511 (2003), 16 October 2003, available at: <http://www.un.org/english>

78 HC Deb, 20 November 2003, Col 42WS

79 Q 110

Iraqi Government empowered to implement an Iraqi agenda”, and that this would make it “more difficult for insurgents to rally support.” The clear timetable set out on 15 November is, in the Secretary-General’s view, “an important step in the right direction.”⁸⁰

70. Yahia Said and Mary Kaldor similarly argue that the swift handover of sovereignty is a “key political priority.” They argue, however, that “the current political vacuum will not be filled until there are democratic political forces who can win the trust of Iraqis.”⁸¹ A number of difficulties which have developed since the end of formal hostilities in April have affected the development of political forces in Iraq, and also the trust which Iraqis place in the US-led transition. These difficulties are likely to influence the extent to which this new plan will ensure transition to a stable Iraqi government.

Challenges facing the Interim Governing Council

71. One problem that our witnesses identified is the distance that currently exists between those governing Iraq—the CPA, the Governing Council, and the ministries—and the population. Nick Pelham described the lack of contact between the CPA and Iraqis as “an enormous problem”: the CPA is “virtually inaccessible behind their barricades and if you want to petition an American in Iraq there are very, very few facilities for doing that.”⁸²

72. The Interim Governing Council, too, has faced major difficulties in establishing links with the Iraqi population. This is partly a consequence of the insecurity described above: Nick Pelham told us that “Since the assassination of one of its members [the Governing Council] has had severe problems operating inside Iraq. It is not going out to meet its own people. When members of the Governing Council try to plan visits around Iraq, they are often cancelled for security reasons.”⁸³ Our own meeting with members of the IGC in Baghdad had to take place at its secure building, inside the heavily protected Green Zone.

73. A further problem for the Council has been its close association with the Occupying Powers. Certain members of the Council—notably Ahmad Chalabi of the Iraqi National Congress—have been linked to US efforts to change the Iraqi regime for some time; but they have not lived in Iraq and they have limited constituencies there.⁸⁴ In discussing the new timetable for the handover of power, the Foreign Secretary outlined a number of “concerns expressed by some members of the Governing Council about the process between now and the end of June”; one particular concern was that the Governing Council seeks to ensure that the Transitional Legislative Assembly “should not in any way be appointed by the coalition.”⁸⁵ This concern may reflect the Council’s own sense that its legitimacy as a genuinely Iraqi institution has been diminished by its close association with the CPA.

80 ‘Report of the Secretary-General pursuant to paragraph 24 of resolution 1483 (2003) and paragraph 12 of resolution 1511 (2003)’, 5 December 2003, available at: <http://www.un.org/english/>

81 Ev 80

82 Q 76

83 Qq 79-80

84 ‘US struggles to foster Iraqi leaders’, *BBC*, 15 May 2003, <http://news.bbc.co.uk>

85 Q 117

74. Outside Iraq, the Interim Governing Council appears to be representing Iraqi interests quite effectively. The United Kingdom's Special Representative for Iraq, Sir Jeremy Greenstock, argued in early October that the Council could already claim some significant achievements:

The Governing Council have been received by the Arab League, they're going to speak, and have already spoken, in OPEC, they're going to the Organisation of Islamic Conference meeting. And at the United Nations, Ahmad Chalabi as spokesman for the Governing Council, made an extraordinary speech on behalf of Iraq to the United Nations General Assembly.⁸⁶

Yahia Said and Mary Kaldor also suggest that the Governing Council "is beginning to act autonomously" from the CPA inside Iraq; "for example, it rejected the Turkish offer of troops and is opposing rapid privatisation of state enterprises."⁸⁷

75. However, popular trust in—or knowledge about—the new institutions of government appears to be low. In an opinion poll conducted in seven major cities last October, Iraqis were asked to volunteer the name of a leader they trust most. Two thirds could not name anyone. The majority has "not heard enough to evaluate most members of the Governing Council, and religious leaders have better name recognition and ratings."⁸⁸ A survey conducted by Oxford Research International similarly found that most Iraqis trusted religious leaders more than anyone else, although only 12 percent of them favoured living in an Islamic state.⁸⁹ It remains to be seen to what extent these perceptions will be altered by the transfer of sovereignty in mid-2004 and the emergence of an Iraqi political class.

76. Those of us who visited Iraq were told that most Iraqis use their new satellite television dishes to tune in to broadcasts which are hostile to the Coalition, such as al-Jazeera TV. On the other hand, we also learned that the most listened-to radio station is the BBC's Arabic Service. Coalition authorities need to bear in mind that the battle of the airwaves is also the battle for hearts and minds, and that openness, transparency and communication can be important weapons in that battle.

77. It is reasonable to suppose that, with the arrest of Saddam Hussein, the "shadow of the former regime" will fade and that, if the security situation can be improved, the members of the Governing Council will be able to venture outside the Green Zone and have more contact with those whom they govern. Those of us who visited Baghdad and met members of the IGC and deputy Foreign Minister Bassam Qubba, as well of those of us who met members of the IGC in London, were impressed by what we heard. The IGC and Ministry of Foreign Affairs are comprised of some very good and able people, who appear to have Iraq's best interests at heart. However, the IGC lacks any democratic legitimacy. It also lacks a leader of the stature of Afghanistan's Hamid Karzai.

86 Remarks by Sir Jeremy Greenstock, 5 October 2003, available at: <http://sunday.ninemsn.com.au/sunday>

87 Ev 80

88 The poll was conducted by the US State Department Office of Research, and was released on 21 October. The poll report is based on a total of 1444 interviews conducted in the urban areas of Baghdad, Fallujah, Ramadi, Basrah, Najaf, Suleymania, and Erbil between August 20 and September 5, 2003. The Office of Research commissioned ICRSS in Baghdad to carry out the fieldwork. Results from an Office of Research in-depth interview project are also incorporated in this analysis, as are findings from a Gallup poll in Baghdad (1178 interviews, field dates August 18 - September 4, 2003). Available at: <http://www.cpa-iraq.org>

89 See http://news.bbc.co.uk/1/hi/world/middle_east/3254028.stm

78. We conclude that it is unfortunate that the majority of Iraqis have very limited access to the Coalition Provisional Authority and the Iraqi Interim Governing Council, and probably have little knowledge of their actions or policies, or receive through their media a distorted or one-sided view. We further conclude that this isolation may well have increased Iraqis' sense of alienation from and hostility to the Occupying Powers and those working closely with them. This underlines the importance of continuing to move Iraq further along to road to fully democratic governance as speedily as possible after the handover of sovereignty on 1 July.

The need for transparency in the CPA

79. In our last Report on this subject, we expressed concern about the “apparent confusion and instability of the US-led Authority in the immediate post-war period”, and recommended that the Government “do its utmost, together with its partners in the Coalition, to ensure that the Coalition Provisional Authority maintains consistent policies and establishes transparent measures for the governance of Iraq, until more permanent Iraqi structures are created”.⁹⁰

80. The Government replied that the CPA has sought to carry out its responsibilities “in a transparent manner.” In September, it stated that “The Regulations and Orders of the Coalition Provisional Authority have been made public within Iraq and placed on the CPA website.”⁹¹ On 19 November we asked the FCO to explain which measures had been taken since July to increase the transparency of the CPA, the Governing Council and the Ministries. It replied that “the CPA now publicises more of its work through its website, although a full flow of information is limited by security constraints.” The FCO also explained that the CPA

is determined to help the Iraqi administration improve the transparency of the Governing Council and the Iraqi ministries ... The Governing Council is looking at measures to improve transparency consistent with its authorities and power and its own security procedures. DFID is making preparations to send a governance team to work with the Iraqi administration to look at a range of governance issues including transparency.⁹²

81. We note that before the explosion at its Baghdad headquarters on 19 August, the United Nations had been making substantial efforts to improve links between the international organisations operating in Iraq and the wider population. In his Report to the Security Council of 17 July, the Secretary General stated that

my Special Representative and members of his Office, in the first few weeks, have met people representing a large and diverse spectrum of Iraqi society. Meetings have been held with political groups; religious leaders; tribal leaders; senior civil servants in the ministries; and members of civil society, including nascent Iraqi human rights and non-governmental organizations, women's associations, journalists and independent professionals and business leaders, both in Baghdad and in the regions.

90 HC (2002-03) 405, para 145.

91 Government reply to HC (2002-03) 405, Cm 5968.

92 Ev 23

The UN Special Representative, Sergio Vieira de Mello, had also “facilitated communication between his Iraqi interlocutors and the Authority” regarding the establishment of a political process for the handover of power.⁹³ This ended with destruction of the UN’s headquarters and the death of de Mello.

82. Security constraints have clearly had a substantial limiting effect on the work of the CPA and the Governing Council, as well as effectively ending the UN role in the political process. These constraints have surely contributed to the CPA’s inability to establish effective links with much of the Iraqi population.

83. We recommend that the Government, in alliance with its partners in the Coalition, do its utmost to improve the transparency of the CPA, the Governing Council and the Iraqi ministries.

Creating a genuinely representative government in Iraq

84. The question of how Iraq’s diverse ethnic and religious society should be represented in government has been discussed by commentators and by the US and British governments since long before the war.⁹⁴ Yahia Said and Mary Kaldor outlined the difficulties inherent in trying to achieve this in post-war Iraq:

Iraqi society is composed of overlapping ethnic, religious, tribal cleavages with crosscutting political tendencies—this complexity is both divisive and potentially stabilising. There are plenty of possible causes of conflict but there are also plenty of counter-balancing forces. In addition, the combination of state-building, post-totalitarian transition, post-war reconstruction, and foreign occupation represents uncharted territory.⁹⁵

85. When it created the Iraqi Interim Governing Council in July 2003, the CPA intended to establish a body capable of representing all sections of Iraqi society.⁹⁶ However, there is concern that some constituencies—in particular, the Sunni and Kurd populations—are inadequately represented.⁹⁷ According to Nick Pelham, this is a serious problem: “If the United States is not able to include them and to bring them on board, then you are going to have increasing dissociation between the United States and politics in Iraq. The insurgency would spread.”⁹⁸

86. The Governing Council has also recognised this as a potential problem in implementation of the new plan for the transfer of power, which was launched on 15 November. The Foreign Secretary told us that the Council has voiced concern that the

93 ‘Report of the Secretary-General pursuant to paragraph 24 of Security Council resolution 1483 (2003)’, 17 July 2003, available at: <http://www.un.org/english>

94 For example, see ‘Sectarian Reconciliation in Post-Conflict Iraq’, US Institute of Peace, 3 March 2003, <http://www.usip.org/events>

95 Ev 80

96 HC (2002-03) 405, para 144.

97 The 25-member Council is comprised of 13 people described as Shia, five Kurds, five Sunni Arabs, one Christian and one Turkoman; there are three women.

98 Q 81

membership of the Transitional Legislative Assembly “should reflect the make-up of Iraqi society.”⁹⁹

87. We conclude that the complexity of Iraqi society has rendered the development of broadly representative interim Iraqi structures extremely difficult. We recommend that the Government, through work with its partners in the Coalition and through greater engagement with Iraqi society, seek to ensure that currently marginalised groups are identified and, where possible, included in Iraq’s new government structures.

Role of the United Nations

88. In his Report to the Security Council on 17 July, the UN Secretary-General set out his concerns about a number of the problems which we have described. He conveyed to the Council “the need to ensure Iraqi ownership of the political process,” and stressed that “While opinions have varied among Iraqis on the transitional formula, all emphasized the importance of a swift establishment, by Iraqis, of a provisional Iraqi government, with real authority for its interim ministers.”

89. The Secretary-General also conveyed to the Council that within Iraq, “there is a widely held perception that the forthcoming constitutional and electoral processes will be of fundamental importance to the political transition.” He felt that the United Nations should be able to make “a significant contribution” to the transition process:

Not only can United Nations involvement confer legitimacy on the process, it can also put at the disposal of the Iraqi people the wealth of experience and expertise accrued by the United Nations in these fields over the years, including advice on meaningful human rights provisions and protection mechanisms.¹⁰⁰

90. The attack of August 2003 on the UN headquarters in Iraq killed 23 UN personnel—including the Secretary General’s Special Representative—and led to the withdrawal of the remainder. UN operations in Iraq are now being run from abroad, mainly from Cyprus, and the impact of this bombing on those operations has been considerable. Consistently higher levels of security will be required in Iraq before the UN and other civilian agencies are able to operate freely there; meanwhile, it is the Iraqi people who suffer from their absence.

91. If they are to succeed, the new arrangements for the government of Iraq and the continued presence there of foreign forces will require the sanction of the United Nations Security Council. We believe that a strong international consensus achieved through the UN would confer much-needed legitimacy on these arrangements.

92. We conclude that the United Nations still has the potential to play an important role in facilitating political transition in Iraq, and in conferring legitimacy on the process. We further conclude that the attack on the UN headquarters in Baghdad and the subsequent withdrawal of UN staff has had a serious—but, it is to be hoped,

99 Q 117

100 ‘Report of the Secretary-General pursuant to paragraph 24 of Security Council resolution 1483 (2003)’, 17 July 2003, available at: <http://www.un.org/english>

temporary—detrimental effect on the process of transition to a new Iraqi government. We recommend that in its response to this Report the Government set out what it is doing to promote, restore and strengthen the role of the UN in Iraq.

Post-war rebuilding and economic reconstruction

93. In our July 2003 Report, we noted that the widespread looting and destruction that followed the overthrow of Saddam Hussein’s regime had left large sections of the population without access to water, electricity and other basic utilities.¹⁰¹ In that Report, we concluded that the “failure of the coalition to restore order more quickly was deeply regrettable, and hindered progress towards one of the central objectives of the intervention: to improve the lives of ordinary Iraqis.”¹⁰²

94. The supply of water and electricity in Iraq has now reached, and in some places exceeded, pre-war levels,¹⁰³ although those levels were in some cases already at historic lows. However, this resumption of service delivery has taken longer than had been anticipated, and we were told that the “six months it took to do so have shaken Iraq’s confidence in the CPA’s ability to keep its promises.”¹⁰⁴ Neither is the situation yet entirely satisfactory. According to the Department for International Development “In the second half of December [2003], scheduled and unscheduled servicing of generation plants reduced electricity production more than anticipated. Output fell below 3,500 MW, against an estimated demand of about 5,700 MW.”¹⁰⁵

95. We were heartened to hear that Iraq’s economy is showing “unmistakable signs of economic life”; this is desperately needed after a long period of wars, sanctions, economic mismanagement and under-investment.¹⁰⁶ The main drivers of this economic activity are an influx of previously-frozen assets; oil revenues; and foreign aid.¹⁰⁷ A large proportion of foreign aid money is being used to pay public sector employees, including security personnel: “There have been some significant improvements in salary payments to government employees; a dramatic increase in their pay from a handful of dollars a month to \$200 a month.”¹⁰⁸ Nick Pelham described these salary payments as “sweeteners to the Iraqis”;¹⁰⁹ but we also heard that this increase in salary payments is “creating a new social and economic dynamic by empowering the very sectors of Iraqi society, which suffered the most in the past ten years.”¹¹⁰ In addition, the Government played a key role in the introduction in October of a new currency.

101 HC (2002-03) 405, paras 121-129.

102 HC (2002-03) 405, para 129.

103 Q 69

104 Ev 80

105 DFID Iraq Update No 68, 5 January 2004, available at: www.dfid.gov.uk

106 Ev 80

107 Ev 80

108 Q 69

109 Q 70

110 Ev 80

96. We commend the Coalition's provision of substantially increased salaries to Iraq's public sector workers, and conclude that this has contributed to the social stability and economic revival of Iraq in the immediate post-war period. However, we also recommend that the CPA urgently address the unemployment issues evident in the Basrah region.

Restoring Iraq's infrastructure and essential services

97. Movement towards reconstruction of Iraq's physical infrastructure has been encouraging, if slow. There has been progress in the rehabilitation of some public buildings, such as schools and hospitals, much of it carried out by international aid from countries such as Japan. There has also been progress on publishing new textbooks. However, the reconstruction process will take some time: "There are 13,000 schools in Iraq, of which somewhere between 1,000 and 1,500 have been refitted to varying degrees of professionalism. Some of the Iraqi companies which were used have been very slapdash at repairing the schools." Furthermore, and as some of us have seen for ourselves, "many of the buildings which were looted, many of the ministries which were gutted, are still gutted."¹¹¹

98. Those of us who visited Iraq also learned that there had been chronic under-investment in and poor maintenance of the country's infrastructure during the last ten years. Thus, several power stations which had been working but were judged to be unsafe or unreliable have had to be taken out of commission for urgent repairs.¹¹² As these repairs are completed over the coming months, the situation should improve markedly. Meanwhile, the Coalition has been attempting to quell the disappointment that Iraqis feel at the slow progress with reconstruction and the persistent insecurity that we describe above. Nick Pelham told us that "The mistrust is certainly increasing. The doubt about Britain's ability to succeed is also increasing."¹¹³ The recent disturbances in Amarah may be one symptom of this.

99. According to Yahia Said and Mary Kaldor,

The war is referred to as 'liberation/occupation'. Many people, especially men, hate Saddam Hussein and the Americans in equal measure. They are angry at the ever-growing list of Iraqi casualties both civilian and military. They feel humiliated by the rapid American victory, their failure to liberate themselves, and by the patronising and sometimes insensitive behaviour of the occupiers.¹¹⁴

However, it should be noted that the more positive impression gained by those of us who visited Iraq included a perception of greater goodwill towards the United Kingdom than towards the US.

111 Q 71

112 See reference to "unscheduled servicing" in para 94 above.

113 Q 88

114 Ev 80

100. Dana Allin argued that the changes in policy that characterised the first eight months of the occupation may have been a consequence of unrealistic assessments of the post-war situation.

Apparently there really was a very strong conviction on the part of many of the architects of this war that there would not be a big nation building job in Iraq because there would be a successful Iraqi state and society which could be decapitated and then handed over to the good guys more or less intact.¹¹⁵

101. Dana Allin's assessment is supported by John Sawers' comments, upon his return from Iraq in July, that "London as much as Washington had under-estimated the scale of the effort required to rebuild Iraq after the conflict. We had sent just five civilians, as the British contribution to the civilian side of reconstruction."¹¹⁶ The Coalition's lack of preparedness for the post-war period may also have contributed to what Dana Allin described as a "somewhat shocking" lack of expertise in the CPA in Iraq, "at least on the American side."¹¹⁷

102. We conclude that the lack of information available to the Coalition when assessing the scale of the reconstruction effort needed in post-war Iraq contributed to the problems that it has faced in establishing credibility and maintaining the confidence of the Iraqi people.

103. Although the US Corps of Engineers and the British military have issued "millions of dollars worth of contracts to repair schools, hospitals and vital infrastructure"¹¹⁸ we were concerned to be told in November 2003 that

not many Iraqis have felt that there is much sign of money going into reconstruction. Bridges which were down as a result of the war are still down and there are very few cranes on the horizon. There are fewer cranes on the horizon in cities than there were prior to the war, less large-scale construction activity than there was before the war.¹¹⁹

104. It was suggested to us that the reasons for the delay in starting large infrastructure projects are the Coalition's "cautious awarding procedures aimed at limiting politically costly accusations of corruption", and also contractors' security concerns.¹²⁰ In addition, there has been controversy over US restrictions on tenders by firms from countries that were not supportive of the war, although these restrictions do not apply to sub-contracts, many of which are very large.

105. One positive sign is that Iraqi contractors are benefiting from Western firms' reluctance to work in the current security environment,¹²¹ which suggests that a greater

115 Q 60

116 John Sawers, 'From Baghdad to the Board', *FCO Connect*, July 2003.

117 Q 66

118 Ev 80

119 Q 70

120 Ev 80

121 Ev 80

proportion of aid money may stay in Iraq, and will help to provide jobs for Iraqis. However, we are concerned that Iraqi companies' capacity to win reconstruction contracts may be inhibited by the isolation of the CPA.

106. We conclude that despite some signs of economic revival since the war, Iraqis have been disappointed by the slow pace of reconstruction, although their expectations were probably unrealistic. We recommend that measures to increase the accessibility and transparency of the CPA, the Governing Council and Iraqi ministries are also used to ensure that Iraqi contractors are able to bid for reconstruction contracts.

107. A further obstacle to the start of major reconstruction projects may be the ambiguity of the legal framework: "According to some the occupying authority does not have the right to enter into any contractual arrangements beyond whatever is necessary for continued operation at any given enterprise."¹²²

108. We recommend that in its response to this Report the Government set out its understanding of the extent to which the Hague Regulations and the Geneva Conventions constrain the Occupying Powers' capacity to carry out economic reform, and how these constraints have affected the Coalition's operations in Iraq.

Iraq's oil-dependent economy

109. Another crucial factor in the medium to long term is the management of the Development Fund for Iraq¹²³ and oil revenues in general. When in Baghdad, members of the Committee were told that Iraq's oil must not be allowed to become part of the political process—it should be exploited in Iraq's national interest. Also, it is not in Iraq's interests to remain an oil-dependent economy; its manufacturing and agricultural sectors require investment and expansion. Among the early successes of the British-led CPA in southern Iraq were the provision of plastic sheeting to enable production of a tomato crop, along with the supply of seed corn, in both cases without distorting local markets.¹²⁴

110. We conclude that sustainable economic development and diversification will be essential for the long term stabilisation of Iraq. We recommend that the Government do its utmost to ensure that the CPA and Iraqi ministries are staffed with experienced personnel, who are capable of drawing up and implementing plans for Iraq's economic development, including detailed and politically sensitive options for the distribution of Iraq's oil revenues.

Prospects for Iraq, and implications for the wider war against terrorism

111. On 1 May, in a speech delivered on board USS Abraham Lincoln, President Bush announced that major combat operations in Iraq were over. "In the images of celebrating Iraqis," he said,

122 Ev 80

123 United Nations Security Council Resolution 1483, 21 May 2003, sanctioned the establishment of the Development Fund for Iraq. It is now administered by the Coalition Provisional Authority. See <http://www.cpa-iraq.org>

124 See, for example, 'British finding success in Iraq', *The Boston Globe*, 11 November 2003

we have also seen the ageless appeal of human freedom. Decades of lies and intimidation could not make the Iraqi people love their oppressors or desire their own enslavement. Men and women in every culture need liberty like they need food and water and air. Everywhere that freedom arrives, humanity rejoices; and everywhere that freedom stirs, let tyrants fear.¹²⁵

112. The Government now appears eager to manage the expectations that had been inflated by such statements. On 2 December, Jack Straw told us that a group of Iraqis with whom he had met that morning had

the impression ... that we were extremely efficient, all-powerful and could deliver things rapidly and on time”. The Iraqis had also been expecting “that the moment their country was liberated from the grip of Saddam by the US and the UK, then ... with one bound they would be free.”¹²⁶

113. The Foreign Secretary had tried to explain to his Iraqi visitors that “Of course, it is a lot more complicated than that” and “that other countries have their problems with efficiency as well.”¹²⁷ He also distanced the Government’s position from US pronouncements about Iraq developing into a “beacon for democracy” in the Middle East, reminding us that “my declarations were always fairly careful.”¹²⁸

114. Even before Saddam Hussein had been captured, none of our witnesses thought that the Baathist regime could return. Peter David, foreign editor at the Economist, told us that “In conversations on the street one heard a fear that Saddam might come back, but very seldom, and only in a few geographical pockets would one hear an aspiration that he should come back ... The regime is by and large reviled by most Iraqis.”¹²⁹ His colleague Nick Pelham said that “almost everybody—apart from former regime elements—says that they are grateful for the fact that the old regime has gone. They then go on, understandably, to express concerns about the security situation today and impatience with rebuilding.”¹³⁰

A continuing role for the United Kingdom

115. On 2 December, the Foreign Secretary told us that in Iraq “what we have had to be doing all the time is not make the best of the enemy of the good, and that is a big challenge.”¹³¹ Few aspects of the current situation in Iraq could yet be considered “good”. However, we are convinced that the Coalition will not lose sight of one of the central objectives of the intervention: the establishment of a sound, stable and democratic government for Iraq. Speaking in Basrah on 4 January, the Prime Minister referred to the Coalition’s actions in Iraq as representing a “test case” for dealing with “brutal and repressive states”. He went on to say that the role of UK forces in Iraq is to

125 Remarks by President Bush, 1 May 2003, available at: <http://www.whitehouse.gov/news>

126 Q 116

127 Q 116

128 Q 114

129 Q 92

130 Q 115

131 Q 113

help this country on its feet as a stable and prosperous democracy, to show in the manner by which we do it, that there is a better way forward for Iraq, that countries like this whose people have never enjoyed the freedoms we have taken for granted, actually can exist side by side with each other, with democracy, with the rule of law, with basic canons of respect for other people and respect for themselves.¹³²

116. As the Foreign Secretary recognised on 5 January, this process will not be completed quickly, and United Kingdom forces could—subject to the agreement of the Iraqi authorities—remain in Iraq for some considerable time to come.¹³³ A continuing aid commitment will also be necessary. However, the requirement is not just for military support and humanitarian aid—vital though those are—but also for political capacity-building, help in the international arena, and the establishment of a durable, bilateral relationship. In this connection, the FCO is considering the future of the old British Embassy site in central Baghdad and it is likely for security reasons that alternative accommodation for United Kingdom diplomats will have to be found.

117. We conclude that a continued United Kingdom military and civilian presence in Iraq is likely to be necessary for some time to come, possibly for several years. We conclude that this presence must include a significant FCO component if it is to succeed, and we therefore recommend that in its response to this Report the Government set out its plans for establishing full diplomatic and consular service in Iraq, including what services it intends to provide, who will provide them, where they will be provided, and over what timescale they will be introduced.

Iraq and the war against terrorism

118. The Government's primary stated objective of the Iraq war was to disarm the Iraqi regime of its weapons of mass destruction. In his 1 May speech to announce the end of hostilities in Iraq, President Bush stated that "The liberation of Iraq is a crucial advance in the campaign against terror. We've removed an ally of al Qaeda, and cut off a source of terrorist funding. And this much is certain: No terrorist network will gain weapons of mass destruction from the Iraqi regime, because the regime is no more."¹³⁴

119. We welcome the capture of Saddam Hussein, but conclude that the continued failure of the Coalition to find weapons of mass destruction in Iraq has damaged the credibility of the US and the United Kingdom in their conduct of the war against terrorism.

120. The current instability in Iraq has wider implications for the war against terrorism. In Jonathan Stevenson's view,

at least in the short term [the war] probably increased the terrorist threat in so far as it made more people inclined to join al-Qaeda by enlarging the US military footprint in the Gulf and increased al-Qaeda's recruiting power and its ability to incite terrorism by confirming a number of Arab preconceptions, including the idea that

132 Speech available at www.pm.gov.uk

133 'Troops to stay in Iraq for years', *BBC*, 5 January 2004, available at: <http://news.bbc.co.uk>

134 Remarks by President Bush, 1 May 2003, available at: <http://www.whitehouse.gov/news>

the United States wanted to increase its political and military influence in the Arab world and the view that it wanted to hijack, to commandeer Arab oil.

He told us that “In Europe alone there are reports by a number of European intelligence agencies that increasing numbers of European Moslems are seeking to go and perhaps even entering Iraq to fight as Jihadists in aid of the insurgencies there.”¹³⁵

121. We have noted above¹³⁶ the suggestion that, in the short term at least, the capture of Saddam Hussein may have driven some of his hard-line supporters into an alliance with al Qaeda or other groups of foreign insurgents. But there is also concern that the threat may extend beyond Iraq’s borders.

122. The Foreign Secretary does not “subscribe to ... the view that somehow, outside Iraq, one is at greater risk from al Qaeda elements because of the war against Iraq.”¹³⁷ However, we recall the Government’s response to our last Report on this subject, which states that “the establishment of a stable, democratic Iraq enjoying the proper rule of law will be Iraq’s best defence against terrorism and will more widely undermine al Qa’ida’s cause.” The continuation of the process of ‘Iraqisation’ and the smooth transition of sovereignty in July are therefore vital.

123. We conclude that the war in Iraq has possibly made terrorist attacks against British nationals and British interests more likely in the short term. A successful transfer of power to an internationally-recognised Iraqi government, which has the support of the Iraqi people and which is recognised by Arab and muslim states generally, offers an important opportunity to reduce that threat and to assist the process of reform and stabilisation in the region.

135 Q 33. See also reference to the February 2003 Joint Intelligence Committee assessment at para 23 above.

136 See para 24.

137 Q 105

The Israeli-Palestinian conflict

The Israeli-Palestinian conflict and the war against terrorism

124. In past Reports in this series, we have discussed the relationship between the Israeli-Palestinian conflict and the wider war against terrorism.¹³⁸ None of our witnesses has seen substantial evidence of links between al Qaeda and Palestinian terrorist organisations,¹³⁹ although al Qaeda has sought to link its campaign to the Palestinian cause¹⁴⁰ and the government of Israel has stressed repeatedly that it is fighting the same ‘war against terrorism’ as is the US.¹⁴¹

125. The Israeli-Palestinian conflict does, however, affect the wider war against terrorism in important ways. As we stated in July 2003, “the Israeli-Palestinian conflict, and the relationship between the US and Israel, is one of the causes of resentment of the US in the Arab world—and thus one of the factors contributing to the appeal of organisations such as al Qaeda.”¹⁴² Our conclusion in that Report, that “resolution of the Israeli-Palestinian conflict continues to be of central importance to the long term stabilisation of the Middle East region”, is as valid now as it was then.

Developments since July 2003

126. When we made our Report in July 2003, we noted some signs of progress towards peace between Israelis and Palestinians. In June, a number of rejectionist groups agreed with the Palestinian Authority (PA) to the establishment of a *hudna*, according to which agreement attacks against Israeli civilians would cease. Many hoped that this would break the cycle of terrorist attack and Israeli retaliation that has resulted in so many civilian casualties since the *intifada* broke out in September 2000, and would help to build the trust between governments and communities which is essential for the conclusion of a peace agreement.

127. The appointment of a Palestinian Prime Minister, Mahmoud Abbas, had also increased hopes of political agreement between Israel and the Palestinians. A meeting between then Prime Minister Abbas and Israeli Prime Minister Ariel Sharon at Aqaba in June 2003 had, in the view of US Secretary of State Colin Powell, helped to build a “degree of trust” between the leaders.¹⁴³

138 HC (2002-03) 405, paras 210-216; HC (2002-03) 196, paras 211-220; HC (2001-02) 384, para 161.

139 HC (2002-03) 405, para 211; HC (2001-02) 384, para 155-56; Q 56.

140 In his ‘Declaration of the World Islamic Front for Jihad against the Jews and the Crusaders’, published in the London-based newspaper *Al-Quds al-Arabi* on 23 February 1998, Osama bin Laden wrote that “While the purposes of the Americans [in the Middle East] are religious and economic, they also serve the petty state of the Jews, to divert attention from their occupation of Jerusalem and their killing of Muslims in it.” Cit. Bernard Lewis, ‘License to Kill’, *Foreign Affairs*, November/December 1998.

141 HC (2001-02) 384, para 158.

142 HC (2002-03) 405, para 211. In July 2002, we also stated that “a linkage between the [Israeli-Palestinian] conflict ... and the war against terrorism is widely perceived among populations and governments in the region ... While the conflict in the Middle East requires swift and fair resolution on its own merits, this perceived linkage lends added urgency to the search for peace..” HC (2001-02) 384, para 161.

143 HC (2002-03) 405, para 213.

128. There was also hope of renewed international engagement: Jane Corbin, a journalist and expert on terrorism, told us that the US-led war in Iraq had increased “the willingness of the Bush administration to now engage with the Peace Process”.¹⁴⁴ We also noted the Foreign Secretary’s comment in late April that “Removing the [Iraqi] regime has already helped to improve the overall security environment within Israel and the occupied territories. It has also enabled us to begin a more vigorous discussion about the support for such terrorist organisations by other countries in the region.”¹⁴⁵

129. By mid-September, when we visited Israel and Palestine, these positive developments had been superseded by a resumption of terrorist violence, and by a political crisis in the PA. On 19 August, the *hudna* ended with a Palestinian suicide attack on a bus in Jerusalem’s Shmuel Hanavi neighbourhood. Twenty-one people were killed and 136 wounded. Hamas claimed responsibility for the attack. Israel responded with the ‘targeted killing’ of Hamas leaders. Ismael Abu Shanab, a public spokesman for Hamas who was considered by some to be a moderate and believed to be the architect of the June *hudna*, was killed when Israeli helicopter gunships opened fire on his car in Gaza on 21 August. Four other Hamas leaders were killed in Gaza the following Sunday.

130. The resumption of terrorism and retaliatory violence was compounded by political crisis when on 6 September, Palestinian President Yasser Arafat accepted the resignation of Prime Minister Mahmoud Abbas, having made his role impossible.

131. The Israeli response to a suicide attack in Haifa on 4 October threatened to bring Syria more directly into the Israeli-Palestinian conflict. The day after the 4 October attack, in which 22 people died, Israel launched an air attack on the Ein Saheb camp in Syria, which is only a few miles northwest of Damascus. Israel claimed that the camp was used by several militant groups, including Hamas and Islamic Jihad. However, the Syrian media described Ein Saheb as a Palestinian refugee camp and the Syrian government denied that Syria has links to terrorist groups or allows them to operate out of Syria. A spokesman for Islamic Jihad denied having training camps or bases in Syria, while a senior commander of the Popular Front for the Liberation of Palestine (PFLP) said the camp was one of its disused bases.¹⁴⁶

132. The Israeli attack on Syria constituted an important shift in Israeli tactics. Nomi Bar-Yaacov, an expert on the Israel-Palestine conflict at the International Institute for Strategic Studies, explained to us in early November that Prime Minister Ariel Sharon “felt that he had to respond” to the Haifa suicide bomb, but that his options were limited. Ms Bar-Yaacov argued that Mr Sharon’s “response would have been to expel Arafat” (three weeks before, the Israeli cabinet had announced its decision in principle to do so¹⁴⁷) “but the US had quite clearly instructed him not to do so.” Mr Sharon “felt that he was running out of potential options and he wanted to send a very strong message to ‘terrorist organisations’ and states supporting terror.” To some extent, Syria is an ‘easy target’:

144 HC (2002-03) 405, Q 365.

145 HC (2002-03) 405, Ev 278.

146 ‘Israel hits Palestinian ‘camp’ in Syria’, *BBC*, 5 October 2003, available at: <http://news.bbc.co.uk>

147 ‘Israel decides to expel Arafat’, *BBC*, 11 September 2003, available at: <http://news.bbc.co.uk>

it is Israel's neighbour, it harbours a number of terrorist organisations with links to Palestine and he chose a target which was an empty, non-functioning training camp because he wanted on the one hand to send a message that he was serious about combating terror and on the other hand he did not really want to strike Damascus or kill too many people.¹⁴⁸

133. Israel's attack on Syrian territory raised international concern that the conflict would take on a new, dangerous regional dimension. The Security Council met in emergency session to consider a resolution introduced by Syria, which called on the Council to condemn "military aggression carried [out] by Israel against the sovereignty and territory" of Syria.¹⁴⁹ The resolution was not adopted by the Council; the United States objected to the resolution on grounds that it did not also condemn the Haifa bombing. However, the UN Secretariat issued a statement that the Secretary-General "strongly deplores the Israeli air strike on Syrian territory" and was "especially concerned that this further escalation of an already tense and difficult situation has the potential to broaden the scope of current conflicts in the Middle East, further threatening regional peace and security."¹⁵⁰ The EU condemned the attack as "unacceptable".¹⁵¹ A spokesman for the FCO said that "Israel is of course entitled to take steps to protect itself from terrorist attack, but these steps should be within international law."¹⁵²

134. We asked Nomi Bar-Yaacov to assess why the US did not condemn Israel's attack against Syria. She told us that "there is quite an open dialogue between Israel and the US and that the US is dictating to Israel what they can and cannot attack outside the boundaries of the State of Israel and the Palestinian Occupied Territories." In her view, "Israel would not have attacked this camp in Syria without prior US consent."¹⁵³

135. In light of the evidence available, it is hard to envisage how Israel's attack on Syrian territory has helped it in any practical way to fight terrorism. Furthermore, the attack has further strained Israel's relations with its Arab neighbours,¹⁵⁴ increased tension in the region, and arguably made it easier for Syria to justify to its more moderate regional neighbours any retaliatory cross-border attacks against Israel (although to date these have not materialised). **Although we recognise that Israel must protect its citizens from terrorist attack, and that in the absence of terrorist attacks Israel would not launch such strikes, we conclude that punitive strikes such as that which it launched against Syria in October are likely to be counter-productive, and may also constitute a breach of international law. We therefore conclude that the Government was right to join its EU partners in condemnation of the 5 October attack. We recommend that the Government use its influence with Israel, its neighbours, the Palestinian Authority and Palestinian groups, to prevent the further spread of violence in the region.**

148 Q 2

149 4836th meeting of the Security Council, 5 October 2003, available at: <http://www.un.org/english>

150 'Strike on Syria: World reaction', *BBC*, 6 October 2003, available at: <http://news.bbc.co.uk>

151 'EU condemns Israeli attack on Syria', *The Guardian*, 6 October 2003, available at: <http://www.guardian.co.uk>

152 'Strike on Syria: World reaction', *BBC*, 6 October 2003, available at: <http://news.bbc.co.uk>

153 Qq 5-6

154 For example, Jordan's Foreign Minister Marwan Muasher condemned the attack and said the air strike could "drag the whole region into a circle of violence". See 'Strike on Syria: World reaction', *BBC*, 6 October 2003, available at: <http://news.bbc.co.uk>

Progress towards a negotiated peace

136. Violence has repeatedly derailed progress towards a negotiated settlement between Israelis and Palestinians. Since the devastating cycle of terrorist attack and Israeli retaliation resumed in August, prospects for implementation of the Road Map¹⁵⁵—the Quartet’s plan for a two-state solution to the conflict—have appeared remote.

137. Phase I of the Road Map, which was originally scheduled for implementation by May 2003, specifies that Palestinians and Israelis would “resume security co-operation based on the Tenet work plan to end violence, terrorism, and incitement through restructured and effective Palestinian security services.” In response to “sustained, targeted and effective operations aimed at confronting all those engaged in terror and dismantlement of terrorist capabilities and infrastructures” by the PA,¹⁵⁶ Israel would “take all necessary steps to help normalise Palestinian life” including withdrawal from the Palestinian areas occupied since 28 September 2000, and implementation of measures to improve the humanitarian situation and increase freedom of movement in the territories. Phase I of the Road Map also specifies that Israel must freeze settlement activity, and dismantle all settlements erected since March 2001.¹⁵⁷

138. Crucially, the Road Map specifies that both parties to the conflict must move simultaneously towards fulfilment of their respective commitments.

139. On 15 September 2003, the UN’s Special Coordinator for the Middle East Peace Process, Terje Roed-Larsen told the Security Council that the peace process has stalled.

The recent cycle of terror attacks and extrajudicial killings has broken the Palestinian ceasefire and brought the process to a standstill. A combination of violence and the too slow implementation of the road map peace plan have brought the region to a potential turning point.... Unfortunately, implementation of the road map never effectively began.¹⁵⁸

Failures on the part of the Palestinian Authority

140. On the Palestinian side, the PA has failed to stop terrorist violence. This may in part be a consequence of the weakness of the PA which, in Nomi Bar-Yaacov’s view, is not currently “capable of ceasing all terror attacks and violence and restructuring their security apparatus and disarming all of their militant groups and collecting all the weapons.”¹⁵⁹ If this assessment is correct (and it is certainly true that the PA has suffered a financial crisis, which has limited its ability to take action¹⁶⁰), then even if the PA acts to reform its security services, this will not result in the immediate and complete cessation of violence by

155 For a discussion of the Road Map see HC (2002-03) 405, para 214.

156 The Road Map specifies that the PA must commence “confiscation of illegal weapons and consolidation of security authority, free of association with terror and corruption.” The Road Map calls for the PA to consolidate all security organisations into three services reporting to an “empowered Interior Minister”.

157 ‘The Quartet’s Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict’, available at: <http://www.fco.gov.uk>

158 Remarks by Terje Roed-Larsen, 15 September 2003, available at: <http://www.un.org/english>

159 Q 12

160 ‘Palestinian Economic Crisis, an assessment’, The World Bank, May 2003, available at: <http://lnweb18.worldbank.org>

rejectionist groups. While the government of Israel accepts that the PA may not be able to stop all terrorist attacks, it believes that the PA could do much more to reduce the number of such attacks.

141. Although Palestinian security reform may require some time, the political crisis in September also revealed deep divisions in the PA, particularly concerning progress in this crucial area. In his speech to the Palestinian Legislative Council two days before his resignation, Prime Minister Abbas alluded to serious splits within the PA and between himself and President Arafat. He called for greater support to carry out his mandate, particularly towards consolidation of Palestinian security services, and stated that

Without the Palestinian Authority being the sole authority, in the absence of a single decision-making authority, without supremacy of the law over all, without one legitimate weapon in the hands of one authority, and without political pluralism we will not advance one significant step on the political march.¹⁶¹

142. In September 2003, Secretary of State Powell said in an interview with the press that Arafat “did not do what he could to help former Prime Minister Abu Mazen succeed. He should have given him control over all the security forces.”¹⁶² Talking about the new Palestinian government, Powell added that

If it is a government that does not have political authority independent from the machinations of Yasser Arafat, and if all the security forces are not consolidated under the new Prime Minister, and if that new Prime Minister is not committed to ending terrorism, stopping the actions of Hamas and Palestinian Islamic Jihad and the others, then we're ... not going to be able to move forward on the roadmap.

143. As the Foreign Secretary has made clear, Palestinian terrorists’ “planting of terrorist bombs in Jerusalem on 19 August was the single most important cause of the breakdown of progress on the road map.”¹⁶³ The PA may not be able to control every act of terrorist violence. Nonetheless, for the success of the Road Map it must take steps in this direction in which both the international community and the Israeli government can have confidence. The crisis of September 2003 surrounding the resignation of Mahmoud Abbas suggests that Israeli scepticism about Palestinian security reform has a valid basis.

144. According to Nomi Bar-Yaacov, “there is room for [external] pressure” in pushing the PA towards reform of its security services, and that

there the UK Government can certainly help by ensuring that the [reform] process is transparent and by ensuring that the atmosphere is such that there is some breathing space for the government. That means negotiating with Israel and the Palestinians. It means keeping an open and constant dialogue and not letting it go for even a minute.¹⁶⁴

161 Excerpts from Palestinian premier’s address, *BBC*, 4 September 2003, available at: <http://news.bbc.co.uk>

162 Interview on The Charlie Rose Show, 22 September 2003, available at: <http://www.state.gov>

163 HC Deb, 14 October 2003, cols 5-6.

164 Q 25

145. The Government has played both a positive and a critical role in pushing the PA towards reform. On 8 September, the Foreign Secretary stressed that

Abu Mazen's resignation must not be allowed to send the peace process back to square one. The Palestinian leadership must unite around a clear commitment to road map implementation. It needs to take firm action to stop the terrorists planning and executing attacks—such as the appalling 19 August bus bombing in Jerusalem—from territory under Palestinian Authority control.¹⁶⁵

In our last Report on this subject, we noted that the Government has made substantial efforts to promote reform of the PA.¹⁶⁶ Since then, we have visited the new Palestinian Prime Minister Ahmed Qurei and the headquarters of the PA in Ramallah, where we held discussions with the PA's Foreign and Finance Ministers.

146. The PA has apparently taken some steps to educate public opinion. In particular, the PA has introduced a number of new textbooks. Research commissioned by the US Congress, and submitted in March 2003, found that the Palestinian curriculum “does not openly incite against Israel and the Jews. It does ... not openly incite hatred and violence. Religious and political tolerance is emphasized in a good number of textbooks.”¹⁶⁷ However, there is also evidence to the contrary. We heard from Palestinian Media Watch in its evidence to the Committee in November 2003 that “The PA uses numerous media mediums, including music videos for children, educational programs and religious lessons to inflame the Palestinian population to hatred, violence and terrorist activities.” In particular it noted the “Honoring and glorifying [of] terrorist murderers and suicide bombers.”¹⁶⁸ Clearly, the PA must do much more to tackle anti-Israel incitement.

147. We conclude that reform of the Palestinian security sector is central to the success of the Road Map and we commend the Government for its efforts to ensure that the Palestinian Authority carries out these reforms. However, we are concerned at the lack of progress and recommend that the Government redouble its efforts to ensure the success of the reforms. In particular, more should be done by the PA to arrest and bring to justice those responsible for the recruiting, training, equipping and launching of suicide bombers and to prevent the honouring and even encouraging of suicide bombers and their masters by Palestinian media.¹⁶⁹

148. The United Kingdom has potential to influence this situation, both through its membership of the European Union, and through its bilateral relations with Israel, the PA and regional states. **We recommend that the Government, with its European partners, apply further pressure on the Palestinian Authority to stop the terrorist attacks.**

165 HC Deb, 8 September, col 39.

166 HC (2002-03) 405, para 212.

167 'Analysis and Evaluation of the New Palestinian Curriculum, Reviewing Palestinian Textbooks and Tolerance Education Program', March 2003, Israel/Palestine Center for Research and Information submitted to The Public Affairs Office, US Consulate General, Jerusalem, <http://www.nsu-pal.org>

168 Ev 90

169 Ev 90

Failures on the part of the Israeli Government

149. The Road Map also specifies that the government of Israel “immediately dismantles settlement outposts erected since March 2001”, and “Consistent with the Mitchell Report ... freezes all settlement activity (including natural growth of settlements).”¹⁷⁰ Since the Road Map was launched at the end of April, the Israeli government has not proceeded with this process. The FCO states that

The area of the West Bank under the jurisdiction of the settlements now accounts for more than 41 percent of the total land area. Settlement activity, including road building, is breaking up Palestinian territorial contiguity throughout the West Bank. The continuing process of establishing settlements is encircling East Jerusalem.¹⁷¹

With regard to the situation in the Golan Heights, there is some uncertainty about Israel’s settlement plans. In December 2003, Agriculture Minister Yisrael Katz said that the government had decided to double the number of settlers on the Golan Heights. However, in January 2004, Israeli Deputy Prime Minister Ehud Olmert said that no such plan had been agreed.¹⁷²

150. In addition to the construction of settlements and connecting roads, which restrict Palestinian freedom of movement, Israel is constructing what it describes as a ‘security fence’. This is a barrier intended to prevent suicide bombers from crossing into Israel. The ‘security fence’ is in some places a high, concrete wall, with watch towers placed so that Israeli armed forces are able to see anyone breaching the barrier. In most other places, the Israeli government has constructed a network of trenches and wire fencing.

151. On 28 November, the UN Secretary General made a report to the UN General Assembly on Israel’s construction of this barrier. In his report, the Secretary General noted that in places the barrier deviates more than 7.5 kilometres, and its planned route by up to 22 kilometres, from the pre-1967 ‘Green Line’ to incorporate Israeli settlements while encircling Palestinian areas. If the ‘security fence’ is built as Israel plans, 975 square kilometres, or 16.6 per cent of the entire West bank, including the homes of some 220,000 Palestinians in East Jerusalem and 17,000 elsewhere, would lie between the barrier and the Green Line. A further 160,000 Palestinians would live in almost completely encircled enclaves. The planned route also places 320,000 Israelis between the barrier and the Green Line, including some 178,000 in occupied East Jerusalem.¹⁷³

152. We visited the ‘security fence’ at Qalqilya, which is a Palestinian town close to the Green Line. Qalqilya is completely surrounded by the ‘fence’, so that the only way to enter or leave the town is now through a narrow road blocked by Israeli checkpoints, or by a gate, which is usually locked. The closure of the town by the ‘security fence’—most of which at this location is a wall—and the check point has made it very difficult for

170 ‘The Quartet’s Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict’, available at: <http://www.fco.gov.uk>

171 Middle East Peace Process section, FCO website, available at: <http://www.fco.gov.uk>

172 ‘Israel snubs Syria with Golan plan’, *The Guardian*, 1 January 2004, <http://www.guardian.co.uk>; and ‘Israel retreats on plan for Golan settlements’, *International Herald Tribune*, 5 January 2005, available at: <http://www.iht.com>

173 ‘Israel not complying with General Assembly demand to halt barrier’, UN press release, 28 November 2003, available at: <http://www.un.org>

Palestinians living there to cultivate crops on the other side of the barrier, to sustain businesses, or to lead anything approaching normal lives. During our visit to the region, we met a farmer who was separated from his land and sleeping on it because of uncertainties over access. There seem few initiatives more likely to inflame Palestinian opinion.

153. According to the Negotiations Support Unit (NSU),¹⁷⁴ approximately 35 per cent of the agricultural land surrounding Qalqilya has been or will be confiscated with the construction of the wall. An additional 3,500 dunums¹⁷⁵ of agricultural land will be 'isolated' on the Israeli side of the wall; to date, farmers have been denied access to this land by the Israeli army. Approximately 15 of the city's 39 wells will be confiscated. This represents over one-third of the city's water supply.

154. The NSU argues that

given that 45 per cent of the city's economy relies on agriculture, land and water, confiscation will coerce migration of Qalqilya's residents eastward. ... Already, according to the Qalqilya municipality, 4,000 Qalqilya residents have left the city. An additional 2,000 heads of household have left Qalqilya in order to secure work and support their families who have remained behind in Qalqilya.¹⁷⁶

155. A central part of Israel's argument regarding the construction of the 'security fence' is that, despite the detrimental effect on Palestinians' lives, it must take these measures to protect its citizens from terrorist attack while the PA fails to do so. The Government has expressed some understanding of this argument: on 14 October, the Foreign Secretary told the House that

it must be understood that the decision to build the wall ... arose from a profound sense of fear among people in Israel and from their belief that they have to protect their security. That does not make the decision lawful or justifiable in our view, but it does explain it.¹⁷⁷

156. However, the Foreign Secretary has also made it clear that the construction of the 'security fence' on Palestinian territory is unacceptable to the United Kingdom:

No one can have any objection to any sovereign state building a wall or fence along its international border, but that is wholly different from building a wall or fence on someone else's territory. It is Palestinian land ... We have indeed made our concerns well known, both to the Israeli ambassador and to the Israeli Government.¹⁷⁸

174 In 1999, with United Kingdom Government support, the Palestine Liberation Organisation Negotiations Affairs Department (NAD) set up the Negotiations Support Project, which is based at the Negotiations Support Unit (NSU). The purpose of the Negotiations Support Project is to provide professional legal, policy and communications advice to the NAD and Palestinian negotiators in preparation for, and during, Permanent Status negotiations with Israel. Following the collapse of formal negotiations at the outset of 2001, an additional purpose of the project is to encourage the resumption of Permanent Status negotiations by contributing to a variety of diplomatic initiatives aimed at bringing the two sides back together. <http://www.nad-plo.org>

175 350 hectares, or 875 acres.

176 'Focus on Qalqilya', available at: <http://www.nsu-pal.org>

177 HC Deb, 14 October 2003, cols 5-6.

178 HC Deb, 14 October 2003, col 4.

157. **We conclude that the case for building a security fence along the Green Line would be strong and understandable, but to build it within the West Bank is neither justifiable nor acceptable and gives rise to fears that Israel intends to annex this land. We recommend that in its response to this Report, the Government set out the steps it is taking to dissuade Israel from taking such unilateral measures in the Occupied Territories.**

158. In addition, Israel's policies are arguably holding up progress on the Palestinian side by weakening moderate Palestinian leaders as they seek to promote reform. Shashi Tharoor, UN Under-Secretary-General for Communications and Public Information, stated on 21 September 2003 that

Israeli actions—including military strikes using disproportionate force, the construction of a separation fence, house demolitions and the expansion of settlements—serve only to increase the misery of ordinary Palestinians. They also undermine the Palestinian Authority's ability to carry out its responsibilities, including the responsibility to prevent violence.¹⁷⁹

Israel has also withheld from the PA tax revenues which are due to it.¹⁸⁰ We have seen alarming evidence about the impact on Palestinian communities of the current levels of poverty (which are exacerbated by the high birth rate), the lack of economic opportunities, and the perpetual threat and presence of violence. The radicalisation prompted by poor conditions is reversed when negotiations resume: Nomi Bar-Yaacov told us that “Palestinian public opinion when negotiations take place sways in favour of Fatah, sways in favour of the mainstream party.”¹⁸¹ **We conclude that the conditions under which many Palestinians currently live contribute to their radicalisation, and undermine support for moderate Palestinian leaders. We also conclude that Israeli actions within the West Bank are making the Palestinian economy unviable.**

159. On 8 September, after the resignation of Mahmoud Abbas and the collapse of the Palestinian government, the Foreign Secretary called for Israel to

create a climate within which moderate Palestinian leaders can prevail: by freezing settlement activity; by removing outposts, which are illegal even under Israeli law; by restoring Palestinian freedom of movement, so allowing economic activity to restart; by ending so-called ‘targeted assassinations’; and by ensuring that the security fence does not encroach on Palestinian land.¹⁸²

We recommend that the Government continue to urge Israel to help “create a climate within which moderate Palestinian leaders can prevail.” We further recommend that in its response to this Report, the Government outline the steps it is taking to do this.

179 Secretary-General's message to the International Media Seminar on Peace in the Middle East [as delivered by Shashi Tharoor, Under-Secretary-General for Communications and Public Information], Seville, Spain, 21 October 2003, available at: <http://www.un.org>

180 See, for example, ‘Palestinian Economic Crisis, an assessment’, World Bank, May 2003, available at: <http://lnweb18.worldbank.org>

181 Q 26

182 HC Deb, 8 September 2003, col 39.

160. Throughout this Inquiry, we have made clear our conviction that all action to counter terrorism must be taken in accordance with international law.¹⁸³ The ‘security fence’ being constructed by Israel is on Palestinian land. The International Court of Justice will soon offer an opinion to the UN General Assembly as to whether Israel’s construction of the barrier is in breach of international law.¹⁸⁴ Israel’s defence of illegal settlements in the West Bank and Gaza, and its failure to dismantle them, have already been found to constitute breaches of international law.¹⁸⁵

161. We are deeply concerned by Israel’s maintenance and expansion of illegal settlements in the occupied territories and its construction of a ‘security fence’ on Palestinian land, and we conclude that these policies constitute a severe impediment to efforts to secure a peace agreement between Israel and the Palestinian Authority and to the creation of a viable Palestinian state. We recommend that the Government make it absolutely clear in its public statements that Israel’s fulfilment of commitments set out in the Road Map—including the dismantling of all settlement outposts erected since March 2001, and the freezing of settlement activity consistent with the Mitchell Report—must proceed immediately.

162. We have suggested above that the EU could put pressure on the PA¹⁸⁶, perhaps through its funding to that organisation. Similarly, the EU has a number of specific ‘sticks’ which it could use to apply pressure to Israel: for example, the EU is Israel’s biggest trading partner, so any suggestion that the Union might consider renegotiating its Trade and Co-operation Agreement with Israel might help to put pressure on Israel into fulfilling its Road Map commitments.

163. We recommend that the Government, with its European Union partners, apply further pressure to Israel to implement the commitments it has made in the Road Map.

The urgent need for a breakthrough

164. Prospects for implementation of the Road Map look bleak. However, prospects for the region look far bleaker if the impasse between Israel and the PA is not broken. There is also some urgency because the situation in the occupied Palestinian territories is not static: the continuing construction of settlements and of the ‘security fence’ is carving up the territory, and together with the roadblocks, curfews and general harassment are further curtailing freedom of movement.¹⁸⁷ **We conclude that conditions in the occupied West Bank are changing rapidly, and that the continuation of Israel’s current settlement policies, and its construction of the ‘security fence’, will make the eventual**

183 HC (2002-03) 405, para 244; HC (2002-03) 196, paras 51, 106, 109, 142, 147, 151-161, 237, 238; HC (2001-02) 384, paras 104, 131-136.

184 On 8 December, the United Nations General Assembly approved a resolution asking the International Court of Justice to issue an advisory opinion on the legal consequences of Israel’s construction of the separation fence. Ninety nations voted in favour of the draft, eight opposed and 74 countries abstained. The European Union abstained.

185 For example, on 24 February 2003, the UN General Assembly adopted Resolution 57/126, ‘Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan.’ The Resolution expresses “grave concern about the continuation by Israel of settlement activities in violation of international humanitarian law, relevant United Nations resolutions and the agreements reached between the parties.” Available at: <http://www.un.org/english>

186 See para 148.

187 See, for example. <http://www.reliefweb.int/hic-opt>

establishment of a contiguous and economically viable Palestinian state increasingly difficult, if not impossible.

165. A further factor bringing urgency to the situation is the fact that Ahmed Qurei (also known as Abu Ala), whom we met during our visit to Jerusalem in September, has now formed a new Palestinian government. This has averted the acute crisis that appeared to face the PA in early September; but we were warned that “Abu Ala is really the last chance for Palestine and peace prospects will very much depend on the success of his government in carrying out the reforms that the Road Map calls for.”¹⁸⁸

166. We conclude that if, over the next year to eighteen months, progress towards implementation of the Road Map is further delayed, the two-state solution which is the current objective of international efforts to resolve the conflict will become increasingly difficult to achieve.

167. We conclude that early progress towards a negotiated settlement between the government of Israel and the Palestinian Authority is a necessary component in the Government’s efforts to promote stability and security in the wider Middle East region.

Prospects for restarting the Road Map

168. Of the four parties to the Quartet,¹⁸⁹ the United States has by far the greatest influence. In December 2003, the Foreign Secretary agreed that “the more intensively the international community and particularly the US engages the more likely there is to be a positive result” in resolution of the conflict.¹⁹⁰

169. However, while the US “has taken the lead on the implementation on the Road Map”, in the view of Nomi Bar-Yaacov it

frankly has not really done anything. It sent Ambassador John Wolf to the region as the special representative. He came in with a team of very young and not sufficiently experienced monitors and insufficient numbers—only 12 of them. Their work was not public and the parties were not happy with it and quite frankly they failed in the implementation thus far.¹⁹¹

Similar views were expressed to us during our visits in Jerusalem and Ramallah in September. Furthermore, Wolf has been absent from the region since the Autumn.

170. On 29 December, Secretary Powell reaffirmed US commitment to the Road Map.

It still remains the President’s vision and his goal to achieve a Palestine state living side by side ... with the state of Israel. So we remain totally committed to the vision that the President laid out on 24 June of 2002 and totally committed to the roadmap as the way to get to that vision.¹⁹²

188 Q 25

189 The United States, the European Union, the United Nations and Russia.

190 Q 135

191 Q 12

192 Interview by Robin Wright, 29 December 2003, available at: <http://www.state.gov/secretary/>

However, he went on to say that

We will be reviewing the bidding in the early part of the year as to whether or not it would be appropriate for Ambassador Wolf to go back in, but he has to have two people ready to talk to one another. We will be encouraging ... the conversations to begin between the two sides....Until there is a beginning conversation between the two sides, I think it's difficult to do much more right now and we're anxious to see that conversation begin, and we're in touch with both sides to encourage that conversation.

171. This lack of engagement is, in Nomi Bar-Yaacov's view, attributable to two considerations: first, "the US being so involved in Iraq now, they do not really have the time, the energy and the resources to engage in the Israeli-Palestinian conflict." Second, the US administration does not

really have the interest to take any risks at the moment, especially since they are running into an election year. The Israeli-Palestinian conflict is an extremely difficult issue to deal with and it is a no-win situation or it is perceived as such at this time in the US.¹⁹³

172. While the Foreign Secretary would not accept that the US was "disengaged" but "simply frustrated in the way that we are",¹⁹⁴ he was prepared to admit that the US Presidential elections might have an impact on the engagement of the US in the coming year.¹⁹⁵

173. In November and December 2003, the US Administration took steps which indicate that it might now increase its engagement in the Israeli Palestinian conflict. In November, the United States announced that it was reducing its loan guarantee package to Israel in response to its settlement activities, including the construction of the 'security fence'.¹⁹⁶ Then on 5 December, US Secretary of State Colin Powell met with former Israeli Justice Minister Yossi Beilin and former Palestinian Information Minister Yasser Abed Rabbo to discuss the "Geneva Accords"—an unofficial, alternative peace plan for Israel and Palestine.¹⁹⁷ On 12 December, Secretary Powell also met Ami Ayalon, a former head of Shin Bet, the Israeli security service, and Palestinian professor Sari Nusseibeh, who have collected thousands of signatures to support a plan for the complete Israeli withdrawal from Gaza and the West Bank.

174. These initiatives are not supported by the Israeli government. Secretary Powell's meetings may indicate that the US is growing more willing to criticise the Sharon government, and to seek alternatives to the current deadlock. Then on 18 December, the White House responded to Prime Minister Ariel Sharon's announcement of a possible disengagement plan in the West Bank by warning Israel not to abandon the Road Map. In

193 Q 7

194 Q 140

195 Q 127

196 'US cuts Israeli loan guarantees', *BBC*, 27 November 2003, available at: <http://news.bbc.co.uk>; and US State Department Daily Press Briefing, 26 November 2003, available at: <http://www.state.gov>

197 'Secretary Powell's Meeting with Drafters of Geneva Initiative', State Department Press Statement, 5 December 2003, available at: <http://www.state.gov>

a press briefing, the White House spokesman said that “we would oppose any unilateral steps that block the road toward negotiations under the road map that lead to this two-state vision.”¹⁹⁸ However, while these actions may amount to signals of disapproval, they do not amount to sufficient engagement.

175. We conclude that the speech made by Prime Minister Ariel Sharon on 18 December stating that Israel may “initiate the unilateral security step of disengagement from the Palestinians”¹⁹⁹ and that this disengagement plan “will include redeployment of IDF forces along new security lines”, coupled with the statement that “Israel will greatly accelerate the construction of the security fence” is a matter of deep concern. We recommend that the Government, in its response to this Report, set out what steps it is taking to dissuade the Israeli government from taking such unilateral action.

176. We conclude that the US is by far the strongest external influence on the parties to the conflict and that the Road Map can only be restarted by the presence in the region of a very senior US representative willing and able to pressurise both sides into taking the necessary actions to make progress. We fear that forthcoming US elections are likely to diminish US commitment and action.

177. The European Union is another party to the Quartet, but its capacity to put pressure on the parties to implement their Road Map commitments is, in the view of our witnesses, limited. Nomi Bar-Yaacov argued that “The EU is also problematic because they are not seen necessarily as particularly credible ... The EU has just come out with a poll that Israel is the greatest threat to world peace and Israel is not a great fan of the EU.”²⁰⁰ The Foreign Secretary was also pessimistic about the capacity of the EU to assist in reviving the peace process. Although the

EU wants to play a more active part and Javier Solana the EU High Representative has been very active there ... there have been times when the EU has almost been *persona non grata* in the eyes of the government of Israel ... the problem about the EU’s active involvement is not a lack of will by the EU it is ... a lack of confidence by the government of Israel in the EU.²⁰¹

178. We conclude that, regardless of its willingness to engage in resolution of the conflict, the European Union’s capacity to apply effective pressure to the Israeli government is very limited in comparison to that of the United States. We further conclude that without sustained enhanced and effective external pressure, which at least in the short term appears unlikely, there are no prospects of an early settlement.

A role for the United Kingdom

179. We were encouraged that in April 2003, during the Iraq war, the United Kingdom Government appeared to have

198 White House Press Briefing, 18 December 2003, available at: <http://www.whitehouse.gov/news>

199 Remarks by Prime Minister Ariel Sharon, Herzliya Conference, 18 December 2003, available at: <http://israelemb.org>

200 Qq 17-18

201 Q 127

pushed the Bush administration towards more active engagement in the Israeli-Palestinian conflict. The Prime Minister is considered by many to have encouraged President Bush to promise, at the Hillsborough summit, that he would 'expend the same amount of energy on the Middle East' peace process as Tony Blair had on Northern Ireland.²⁰²

However, this effort has so far yielded limited results on the ground.

180. The United States is undoubtedly grateful for British support in Iraq, and undoubtedly needs the United Kingdom to maintain this level of support until Iraq has been stabilised.²⁰³

181. We recommend that the Government do its utmost to promote greater US engagement in the Israeli-Palestinian conflict, by stressing publicly that resolution of this conflict is an essential component in the wider US-led campaign to defeat Islamist terrorism and to promote reform in the Middle East region. In particular, we recommend that the Government seek to convince the US of the importance of sending a high-level emissary to the region.

182. There are concerns that the Road Map cannot succeed in its present format. There is little pressure on the parties to comply and no effective dispute resolution procedures. Nomi Bar-Yaacov said to the Committee in her evidence:

What is needed in order to make the Road Map work is a very serious third party intervention, which is exactly where this government can contribute to it. It is very important to have enhanced monitoring at the initial stage, verification and compliance and to build up towards a multinational peacekeeping force. The parties alone clearly cannot implement the Road Map. The Israeli Government does not have any interest in doing so at present. They have made it very, very clear, that they will not move on the Road Map, they will not implement their obligations under the Road Map until the Palestinians cease all violence and all terror attacks. The Palestinians are not capable of ceasing all terror attacks and violence and restructuring their security apparatus and disarming all of their militant groups and collecting all the weapons. It is very important to carry out all those activities, but I do not think the Palestinians alone can carry out those activities and the international community, including this government, can help them carry out those activities.²⁰⁴

She has previously made clear that what she has in mind is a "sustained and more robust international military intervention"²⁰⁵ and considers this may involve the "hitherto unthinkable insertion of a US-led peacekeeping force". Drawing attention to the

202 HC (2002-03) 405, para 213.

203 At his speech at the Banqueting House during his visit to London, President Bush stated that "So much good has come from our alliance of conviction and might. So much now depends on the strength of this alliance as we go forward. America has always found strong partners in London, leaders of good judgment and blunt counsel and backbone when times are tough." The speech is available at: <http://www.rusi.org>

204 Q 12

205 'New Imperatives for Israeli-Palestinian Peace', *Survival*, vol 45, no.2, Summer 2003, pp72-90.

inadequacy of the dispute resolution procedures she said "there should be no room for haggling over the plan, and a third party arbiter is required to ensure there is not."

183. We are disappointed by the progress made so far in advancing the peace process through the timetable of the Road Map. We not believe that this will be achieved by 2005 as envisaged or for some considerable time thereafter. There is clearly little enthusiasm for the plan in the United States. Reversing this has to be a high priority in Anglo-US relations. **We conclude that the prospects for a diplomatic implementation of the Road Map are slight. To make the Road Map more efficacious, we recommend that its ambiguities should be clarified and its monitoring facilities strengthened to include a conflict-resolution mechanism.**

184. Asked about the need for international intervention to overcome the inability of the parties themselves to make progress, the Foreign Secretary told us on 2 December 2003 that he accepted the idea that "the more intensively the international community and particularly the US engages the more likely there is to be a positive result."²⁰⁶ Certainly, it is difficult to see the parties reaching a peace settlement under their present leaderships and in circumstances where the extremists on both sides effectively have vetoes on progress. However, agreement was very nearly reached at Taba in early 2001 and the shape of an eventual agreement is clear.²⁰⁷

185. One possible approach, therefore, would be for the Government to work with the other members of the Quartet group to achieve a mandatory Chapter VII UN Security Council Resolution imposing a settlement along the Taba lines. The Resolution would call for referenda in Israel and the new Palestinian state to give it added legitimacy. When asked about the possibility of such a mandatory Resolution, the Foreign Secretary responded "It is an attractive idea. I do not rule it out ... but it does require there to be a UN Security Council Resolution with no vetoes. I do not think we are quite in a position to achieve that just yet."²⁰⁸

186. It is arguable that if a draft UN Resolution had the support of the permanent members of the Security Council and Arab countries such as Saudi Arabia and Egypt, it would have a good chance of being passed. If a mandatory Resolution were adopted, the parties would thereafter no longer be able to use details of issues to frustrate progress; they would simply have to decide whether or not to implement the UN solution. Several people whom we met in the region said they thought this idea was worth serious consideration. **We recommend that in its response to this Report, the Government state its policy on a Chapter VII UN Security Council Resolution imposing a settlement along the Taba lines.**

206 Q 135

207 'Tentative Taba Agreement', January 2001, <http://www.fmep.org/documents>

208 Q 137

Other threats to security in the Middle East region

Weapons of mass destruction and international terrorism

187. The Government claimed that the overthrow of Saddam Hussein in Iraq was necessary to disarm a dangerous dictator, and to ensure that weapons of mass destruction do not fall into the hands of terrorists. Whether or not the Iraq war was justifiable on these or other grounds has been discussed elsewhere.²⁰⁹ However, a number of other states in the Middle East region also possess WMD, and have links to terrorist organisations. As part of this Inquiry, we visited two such states which are major sources of concern in the US-led war against terrorism: Iran and Syria.

188. Iran was bracketed with Iraq and North Korea in President Bush's "axis of evil", the states which President George W Bush claimed in January 2002 were "arming to threaten the peace of the world." President Bush warned that these states have terrorist allies, and that they could arm terrorists with weapons of mass destruction "giving them the means to match their hatred." These states "could attack our allies or attempt to blackmail the United States. In any of these cases, the price of indifference would be catastrophic."²¹⁰

189. US Under Secretary of State John Bolton has named Syria—along with Libya²¹¹ and Cuba—as states "beyond the axis of evil," against which the United States was prepared to take action if necessary.²¹² Syria is accused of supporting terrorist organisations, notably Palestinian rejectionist groups and the Lebanese Hezbollah. Syria is also believed to be seeking to develop WMD, which could be passed to terrorists.

190. In our December 2002 Report, we expressed our anxiety about the US administration's development of "an expanded doctrine of 'pre-emptive self-defence,'" because of the "serious risk that this will be taken as legitimising the aggressive use of force by other, less law-abiding states."²¹³ In July 2003, we noted the perils inherent in pre-emptive action and regime change: "The military operation in Iraq resulted in the deaths of British service personnel and many Iraqi civilians; and after the conflict, British troops and officials remain engaged in a deeply complex and dangerous operation to stabilise and reconstruct post-war Iraq."²¹⁴

191. A central challenge in the war against terrorism is the development of effective means to control the current and potential threat from states such as Syria and Iran, without the use of military force. Our visits to these states have helped us to understand the extent of these threats, and also to evaluate the Government's efforts to address the threats they

209 HC (2002-03) 813-I.

210 State of the Union address, 29 January 2002, available at: <http://www.whitehouse.gov/news>

211 See paras 243-251 below.

212 Remarks by John Bolton at the Heritage Foundation, Washington DC, 6 May 2002, available at <http://www.heritage.org>

213 HC (2002-03) 196, para 141.

214 HC (2002-03) 405, para 251.

present and to move their governments towards greater co-operation in fighting international terrorism.

Iran's nuclear programme and its links to terrorist organisations

192. We visited Iran in October 2003, at a time when British diplomacy was extremely active. Just weeks previously, the Embassy compound in Tehran had been the object of shootings—the evidence of which was still apparent—and our visit coincided with one by the Foreign Secretary, together with his counterparts from France and Germany. This powerful troika had arrived to persuade the Iranians to agree to the terms of the nuclear Non-Proliferation Treaty, to which Iran is a signatory, but there was also a wider agenda.

193. The visit by the three foreign ministers was part of Europe's policy of critical engagement with Iran, and the deal which was concluded during that visit can be seen as one of the fruits of that policy. However, there remains much on which Europe needs to continue to engage Iran critically, and at the time of our visit there were several complicating factors in the bilateral relationship. As well as the Embassy shootings, there was the Soleimanpour affair. Mr Hade Soleimanpour, a former Iranian diplomat studying at Durham University, had been arrested on application of the Argentine authorities, who were seeking his extradition in connection with the bombing of a Jewish community centre in Buenos Aires in 1994. The Iranians regarded Mr Soleimanpour's detention as a hostile act, and even indulged in temporary limited trade sanctions as a result, whereas it was a judicial proceeding and he was eventually released. Following his release, Mr Soleimanpour returned to Iran.

194. Our Iranian hosts also made representations to us about two Iranian film-makers, who had been detained by US forces in Iraq. Happily, they have since been released. For our part, we had concerns—as have the British Government and the EU—about aspects of Iran's human rights record, which we raised with those whom we met. We will comment on these aspects of the visit in greater detail in a separate Report on Iran.

195. For the purposes of this Inquiry, the week of our visit was a very interesting week in which to evaluate the United Kingdom's approach to Iran against that of the United States, which still has no diplomatic relations with Tehran.

196. The US State Department describes the Islamic Republic of Iran as the world's "most active state sponsor of terrorism."²¹⁵ We noted above that the United Kingdom does not believe that Iran is sponsoring terrorism in Iraq. The Foreign Secretary told us that "in respect of al Qaeda terrorism", Iran "is important and geographically sited in terms of transit." Co-operation with Iran on detention of al Qaeda terrorists and disabling al Qaeda "has been the subject of continuing discussions with the Iranian government. They have now I think detained fifty al Qaeda suspects, and what we look forward to is a further and more enhanced degree of co-operation with the Iranian government."²¹⁶ Given the negative US attitude to Iran it is hardly surprising that the Iranian Government fails to co-

215 'Iranian WMD and Support of Terrorism', Paula A. DeSutter, Assistant Secretary for Verification and Compliance Testimony Before the U.S.-Israeli Joint Parliamentary Committee, Washington, DC, September 17, 2003.

216 Q 11

operate with the United States over those detained. The hard line taken by the United States has almost certainly been counter productive.

197. On a more positive note, relations between the United States and Iran have improved somewhat following the devastating earthquake in Bam on 26 December 2003. As well as providing humanitarian assistance to Iran, which Tehran accepted, Washington ordered a temporary easing of trade restrictions on Iran in order to facilitate the delivery of aid. In addition, the United States offered to send a delegation to Iran led by Senator Elizabeth Dole, although the Iranian authorities declined this offer on the grounds that conditions in the city were too difficult. Speaking on 1 January 2004, President Bush said

The Iranian government must listen to the voices of those who long for freedom, must turn over al Qaeda that are in their custody and must abandon their nuclear weapons program. In the mean time, we appreciate the fact the Iranian government is willing to allow our humanitarian aid flights into their country. And it's a good thing to do. It's right to take care of people when they hurt, and we're doing that.²¹⁷

Although it is too early to draw any real conclusions, there could now be scope for renewed efforts at dialogue between the two countries.

198. The Foreign Secretary also told us that Iran has “signed up to all international instruments against terrorism and they are tough on terrorism,”²¹⁸ with the important exception that they retain links to Palestinian rejectionist terrorists: “What Iran says is that they do not regard those organisations whom they support—principally Hezbollah but to a degree one or two others—as terrorist organisations; these are freedom fighter organisations.”²¹⁹

199. We outlined in some detail above the importance of resolving the Israeli-Palestinian conflict to the wider war against terrorism. The extent of Iran’s influence over, and support to, Palestinian rejectionist groups is not clear, but “they certainly have a degree of influence through the assistance and training and other sorts of support they provide to Hezbollah, Hamas and perhaps Islamic Jihad”.²²⁰ Although similarly unclear, Iran or at least Iranian elements were implicated in the Karine A affair (in January 2002, Israel seized a ship carrying weapons in the Red Sea which it claims were being transported to the Palestinian Authority).²²¹ Conversely, during our visit to Iran, officials claimed some credit for the brokering of the *hudna*. Clearly, Iran’s withdrawal of assistance to terrorist groups would help to diminish the capacity of terrorists to derail the political process in Israel and Palestine.

200. Edward Chaplin, Director of the Middle East and North Africa at the FCO told us that Iran’s links with Palestinian rejectionist groups “is one of the key concerns that not just we but the other EU governments have in the political dialogue we conduct” with Iran: “the EU has made very clear that there will be no progress on the negotiation of a Trade and

217 Remarks by President Bush, 1 January 2004, available at: <http://usinfo.state.gov>

218 Q 8

219 Q 9

220 Q 10

221 ‘Seizing of the Palestinian weapons ship Karine A’, 4 January 2003, available at: <http://www.mfa.gov.il/mfa>

Co-operation Agreement unless Iran demonstrates progress on those issues of key concern.”²²²

201. The Foreign Secretary suggested that bilateral and EU pressure in this area might be achieving results: he had been encouraged that

In informal discussions I have detected a shift by the Iranians. They no longer are saying dogmatically that the only solution right for the Palestinians is a one state solution. The way it has been put to me, but informally, is, ‘We have a one state solution as our policy, but we are willing to recognise that if the Palestinians move from a one to two state solution’—which is indeed where they are—‘we may have to accept that or will accept that as reality.’²²³

202. The improvement in recent years of relations between Iran and the Arab states is a positive development, ending as it does Iran’s isolation in the Middle East. Most recently, Iranian Vice-President Mohammad Ali Abtahi in January announced that Iran and Egypt will restore full diplomatic ties, although the move has not been confirmed by Egypt.²²⁴ In December, President Khatami and his Egyptian counterpart had met; this was the first meeting between Iranian and Egyptian heads of state since the 1979 revolution. A warming of relations between Iran and Egypt would reduce Iran’s isolation in the region and can only be positive.

203. We conclude that through its links with Palestinian terrorist organisations, Iran disrupts prospects for peace between the government of Israel and the Palestinian Authority. We further conclude that the Government, with its partners in the European Union, has a number of incentives—such as the Trade and Co-operation Agreement—which it can employ to help encourage Iran to cease its links with terrorist groups. We conclude that the Iranian authorities value these incentives and that their existence could be used to discourage Iranian support for Palestinian terrorist groups.

204. The United States’ second source of major concern with respect to Iran is its nuclear programme.

205. In August 2002, the National Council of Resistance in Iran (NCRI), a group which opposes the Iranian regime, held a press conference at which it revealed the existence of two previously secret nuclear facilities in Iran, along with details about the organisational structure and the front companies Iran had established to procure materials and equipment for these facilities.²²⁵

206. Following these revelations by the NCRI, the International Atomic Energy Agency (IAEA) began actively investigating Iran’s nuclear facilities, and specifically its implementation of the Agreement between Iran and the IAEA for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). We heard in February 2003 from Dr Gary Samore, Director of Studies at the

222 Q 10

223 Q 11

224 ‘Egypt and Iran to ‘restore ties’’, BBC, 6 January 2003, <http://news.bbc.co.uk>

225 See <http://www.globalsecurity.org/wmd/library/news>

International Institute for Strategic Studies. He told us that for years government experts had been warning that Iran was trying to develop nuclear weapons. He also highlighted the risk that Iran is seeking to build a 'nuclear breakout capability' under the NPT in order to "give three months notice if they decided they needed to acquire nuclear weapons. They could leave the Treaty and those facilities could be converted to produce materials for nuclear weapons."²²⁶

207. In June, the IAEA made an interim report on implementation of Iran's NPT Safeguards Agreement. The FCO states that the scale and scope of the nuclear programme revealed by this report "went far beyond that previously admitted by Iran, and is at odds with the requirements of a relatively modest civil nuclear power programme."²²⁷ In the report, the IAEA concluded that

Iran has failed to meet its obligations under its Safeguards Agreement with respect to the reporting of nuclear material, the subsequent processing and use of that material and the declaration of facilities where the material was stored and processed ... the number of failures by Iran to report the material, facilities and activities in question in a timely manner as it is obliged to do pursuant to its Safeguards Agreement is a matter of concern.²²⁸

208. On 26 August, the IAEA's Director-General Mohammed ElBaradei issued a further report to the IAEA Board of Directors, stating that "Iran has demonstrated an increased degree of co-operation" He also noted that Iran had agreed to start negotiations towards an Additional Protocol to the NPT, which would allow the IAEA to conduct more intrusive inspections of Iran's nuclear facilities. This, he judged, was a "positive step". However, he also said diplomatically that "information and access were at times slow in coming and incremental, and ... some of the information was in contrast to that previously provided by Iran." Dr ElBaradei pointed out that "there remain a number of important outstanding issues, particularly with regard to Iran's enrichment programme, that require urgent resolution." Continued and accelerated co-operation and full transparency on the part of Iran are essential for the Agency to be in a position to provide at an early date the assurances required by Member States."²²⁹

209. In response to the Director-General's report, the IAEA Board of Directors met in early September, and adopted a resolution calling on Iran to "remedy all failures identified by the Agency and cooperate fully with the Agency to ensure verification of compliance with Iran's safeguards agreement by taking all necessary actions by the end of October 2003", requesting Iran "to work with the Secretariat to promptly and unconditionally sign, ratify and fully implement [an] additional protocol" to its existing Safeguards Agreement, and requesting the Director General to

continue his efforts to implement the Agency's safeguards agreement with Iran, and to submit a report in November 2003, or earlier if appropriate, on the

226 HC (2002-03) 405, Ev 42 & 43.

227 FCO background note, October 2003 (not printed)

228 'Implementation of the NPT safeguards agreement in the Islamic Republic of Iran', Report by the Director General, IAEA, 6 June 2003, available at: <http://www.iaea.org>

229 'Implementation of the NPT safeguards agreement in the Islamic Republic of Iran', Report by the Director General, IAEA, 26 August 2003, available at: <http://www.iaea.org>

implementation of this resolution, enabling the Board to draw definitive conclusions.²³⁰

Iran reacted angrily: On 8 October, President Mohammad Khatami said that the Board of Governors' statement on Iran was "unjust, oppressive and an example of aggression". He nonetheless told reporters that Iran-IAEA cooperation will continue: "we will do what is needed to remove the suspicion about Iranian nuclear program."

210. Over the summer of 2003, the United Kingdom, France and Germany initiated a co-ordinated effort to encourage Iran to agree to the Additional Protocol. This began on 4 August, with a joint letter from the three Governments. On 21 October 2003, the Foreign Secretary, together with his French and German counterparts Dominique de Villepin and Joschka Fisher, visited Tehran to negotiate with the Iranian authorities, a joint EU initiative of symbolic and practical importance.

211. The three foreign ministers met President Khatami, Foreign Minister Kharrazi and the Secretary of the Supreme National Security Committee Hassan Rouhani. The troika's discussions

were aimed at underlining to the Iranian authorities the concerns of the international community regarding Iran's nuclear ambitions, and the necessity for Iran to comply fully with the requirements of the international atomic energy agency (IAEA) board of governors' resolution adopted on 12 September.²³¹

212. At the end of the visit, Iran agreed in a joint statement to comply with the three key elements of the IAEA board resolution:

- to engage in full co-operation with the IAEA to address and resolve, through full transparency, all requirements and outstanding issues of the agency, and clarify and correct any possible failures and deficiencies within the IAEA;
- to sign the IAEA additional protocol, and commence ratification procedures. As a confirmation of its good intentions, the Iranian Government states that it would continue to co-operate with the Agency in accordance with the Protocol in advance of its ratification;
- to suspend all uranium enrichment and reprocessing activities, as defined by the IAEA.

213. This mission was a success. On 10 November, Iran delivered a letter to Dr ElBaradei conveying its Government's acceptance of the Additional Protocol to the NPT. Iran also informed the IAEA that it had decided to suspend all uranium enrichment-related and reprocessing activities in Iran—specifically, to suspend all activities on the site of Natanz, not to produce feed material for enrichment processes and not to import enrichment-related items. The term 'suspension' rather than 'cessation' may of course be significant.

230 'Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran', Resolution adopted by the Board of the IAEA on 12 September 2003, available at: <http://www.iaea.org>

231 Statement on Iran's Nuclear Programme, Foreign Secretary, 23 November 2003, available at: <http://www.fco.gov.uk>

214. The IAEA Board of Governors—which includes the United States—has also reached a consensus on how to proceed with the question of Iran’s nuclear facilities.²³²

215. The main relevance of the Iran nuclear issue to the wider war against terrorism is that it represents a ‘test case’ of how the international community can address a state suspected of contravening international arms control agreements and developing weapons of mass destruction without the use—or the threat—of military force. We accept, of course, that only time will tell if the agreement has in fact been successful.

216. The Iranian authorities have stressed throughout the recent nuclear crisis the importance of maintaining Iranian sovereignty and national pride: on 8 October, for example, President Khatami told a press conference that Iran “will never accept a commitment that may jeopardize the security and national sovereignty of the country.”²³³ Despite the scepticism of parts of the US administration about the effectiveness of multilateral arms control institutions, the United Kingdom and its European allies have, in this case, pushed hard to address this question through the IAEA. Dr Ali Ansari, an expert on Iran at the University of Durham, wrote to us that in the case of Iran, “The internationalisation of the issue” through pursuing negotiations through the IAEA “was essential to ensure that hardliners in Iran were not able to present the pressure to sign the additional protocols as another exercise in American double standards and arrogance.”²³⁴

217. Dr Ansari also argued that the visit of the foreign ministers to Tehran was an important symbolic gesture in respect of Iranian national pride: “it was important that [Iran’s] decision was not seen as a humiliating climb down, but as a dignified compromise, and the visit of the three foreign ministers of France, Great Britain and Germany, went a long way to conveying this view.”²³⁵

218. Dr Ansari felt that European ‘carrots’ also helped to ensure Iran’s agreement. The European troika’s ability to tie negotiations on the nuclear issue to “better political and economic relations with Europe as well as collaboration on civil nuclear technology” also helped, in his view, to “ensure that Iran was more candid about its previous non-disclosures than many had expected, and more importantly, that henceforth it would fully adhere to its obligations.”²³⁶ In his evidence to us on 2 December 2003, the Foreign Secretary stated that if Iran does comply with the agreement it has made, the EU will respond with greater co-operation in the civil nuclear field.²³⁷

219. In December 2002, we concluded that “Britain can work constructively with European Union partners as a whole on areas of foreign policy—such as development, the ICC and Iran—while aligning itself more closely to the United States and a group of EU partners on policy towards Iraq.” We recommended that

232 ‘Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran’, Resolution adopted by the Board of the IAEA on 12 September 2003, available at: <http://www.iaea.org>

233 Remarks by President Khatami, 8 October 2003, available at: <http://www.president.ir/cronicnews>

234 IRAN3

235 Ev 93

236 Ev 93

237 Oral evidence taken from Rt Hon Jack Straw MP on Iran, 2 December 2003, Q 16. Evidence not yet published but available at: http://www.parliament.uk/parliamentary_committees

in the war against terrorism and elsewhere, the Government continue to judge each of its major partners' policies on their own merits: the experience of the past year has demonstrated the extent to which Britain can work with both the EU and the US, without damaging its relationship with either.²³⁸

220. In the case of Iraq, the United Kingdom followed a course very close to that of the United States, and eventually chose to go to war to disarm Iraq of its alleged weapons of mass destruction. With Iran, the United Kingdom has chosen a different strategy from that of the US. While the US has bracketed Iran in the “axis of evil” and has no direct relationship with the Iranian authorities, the United Kingdom has pursued a policy of intensive, critical engagement. The United Kingdom has also chosen to distance itself from the most aggressive US statements on Iran,²³⁹ instead choosing to address the question of Iran's nuclear programme in close alignment with two major European partners, France and Germany.

221. We commend the Government's decision to work with France and Germany to help ensure Iran's agreement to the Additional Protocol to the Nuclear Non-Proliferation Treaty. We conclude that this decision helped to ensure that the IAEA can now conduct intrusive inspections of Iranian nuclear facilities. We further conclude that this episode demonstrates the potential of co-ordinated European action to address common security concerns, and that it demonstrates the continued relevance of multilateral arms control mechanisms.

Syria

222. When President Bashar al-Assad succeeded his father, Hafez al-Assad, as President of Syria in June 2000 there was considerable optimism that he would pursue both political and economic reform. This optimism was based on the new President's relative youth and the fact he was educated in part in the West. He was also known to advocate modernisation and have a strong interest in information technology. A further positive indicator was the fact that he led an anti-corruption drive during the last few years of his father's presidency. However, while there were some tentative moves towards reform in the so-called ‘Damascus Spring’, with the release of political prisoners and enhanced freedom of political speech, it was not long before these new freedoms were largely reversed. There has been considerable speculation about the role of the country's old guard in this policy reverse and the relative weakness of the President. Whatever the cause of this reverse, the President is now focusing, at least for the time being, on economic rather than political reform (although even this is making slow progress). Nevertheless, despite the setbacks to the reform process, President Assad appears to be personally receptive to the idea of reform.

223. In its response to our July 2003 Report, the Government stated that it has a number of serious concerns about Syria. “In particular its support for those Palestinian rejectionist groups—terrorists—whose actions endanger a comprehensive agreement as set out in the

238 HC (2002-03) 196.

239 In our last Report on this subject, we noted that on 2 April 2003, in response to questions about US Secretary of State for Defence Rumsfeld's comments suggesting possible military action against Iran and Syria, the Foreign Secretary replied that Britain would have “nothing whatever” to do with any such military action. See HC (2002-03) 405, para 250.

Quartet's Roadmap for peace in the Middle East."²⁴⁰ A number of terrorist groups have facilities in Syria, although we heard from Nomi Bar-Yaacov that these groups are largely run from within Palestine.²⁴¹ Syria also has strong links with Hezbollah and some degree of influence on it.²⁴²

224. In April 2003, the Foreign Secretary told the Committee that removing the regime in Iraq had "already helped to improve the overall security environment within Israel and the occupied territories" and that it had "enabled us to begin a more vigorous discussion about the support for such terrorist organisations by other countries in the region."²⁴³

225. Under increased international pressure following the war in Iraq, Syria closed the Damascus offices of the Popular Front for the Liberation of Palestine, the Popular Front for the Liberation of Palestine—General Command, Hamas and Islamic Jihad. However, there is scepticism over Syrian moves. On 2 December 2003, the Foreign Secretary told us that

As described to me by a very senior Arab journalist, there is an elaborate but rather transparent pantomime through which people who want to talk to Hamas leaders have to go. They phone up a number in Damascus, they get an answering machine, they are told the Hamas political organisation has cleared off, and then 20 minutes later if they are the right person they are phoned back and told where to go in Damascus to talk to the political leadership. This is all well known to the security authorities in Damascus moreover.²⁴⁴

226. In considering the impact of the war in Iraq on Damascus, Jonathan Stevenson wrote to us that "while Syria has appeared intimidated at times, it has not ended its logistical and political support to Hamas and Palestinian Islamic Jihad."²⁴⁵ In addition, Syria has not moved to disarm Hezbollah, although it is reported to have limited arms shipments to the organisation in order to limit its activities.²⁴⁶ Clearly Syria has a long way to go convincingly to distance itself from terrorist organisations.

227. We conclude that although Syria's closure of the offices of terrorist groups in Damascus is a positive step, it continues to support terrorist organisations and has failed to restrain them beyond temporary efforts to limit their activities.

228. The Government has also expressed concern over persistent reports that Syria is seeking to develop chemical and biological weapons and delivery systems. In its 9 December 2002 discussion paper on missile defence, the Ministry of Defence noted the export of SCUD technology from North Korea to Syria.²⁴⁷

240 Government Response to HC (2002-03) 405, Cm5968.

241 Qq 1 & 10

242 Q 9

243 HC (2002-03) 405, Ev 87.

244 Q 147

245 Ev 1

246 'Hezbollah: Rebel Without a Cause?', ICG Middle East Briefing Paper, 30 July 2003, p.15, available at: <http://www.crisisweb.org>

247 Available at: <http://www.mod.uk/issues>

229. The US Government has been more vocal in its criticism of Syrian efforts to develop WMD. On 30 October, US Under Secretary of State for Arms Control and International Security John Bolton cited Syria's nuclear research and development programme as an area of concern, and in particular its "efforts to acquire dual-use technologies ... that could be applied to a nuclear weapons program." He went on to claim that Syria has

one of the most advanced Arab state chemical weapons capabilities ... [and] is continuing to develop an offensive biological weapons capability... The message that the Bush Administration and the Congress are sending is clear: Syria must immediately change course and change its behaviour on all of these fronts, or face the consequences.²⁴⁸

There were also suggestions in the US that Iraqi WMD were transferred to Syria ahead of the war, although John Bolton said that while the United States sees the reports "as cause for concern," it has "thus far been unable to confirm them."²⁴⁹ There must, therefore, be some scepticism about these claims.

230. In the past, Syria has categorically denied accusations that it is developing WMD. However, in January 2004, President Bashar al-Assad came close to admitting that Syria has WMD when he said in a press interview that Syria is entitled to defend itself by acquiring a chemical and biological deterrent, "We are a country which is [partly] occupied and from time to time we are exposed to Israeli aggression ... It is natural for us to look for means to defend ourselves."²⁵⁰

231. This is not wholly new. In response to accusations that it is developing WMD, Syria has often drawn attention to Israel's nuclear capability. In a move seeking to highlight Israel's nuclear capability and in an attempt to gain US recognition of capability, Syria on 16 April 2003 introduced a draft Resolution in the UN Security Council calling for countries in the Middle East to ratify a series of arms control treaties, including the 1993 Chemical Weapons Convention. Syria's Ambassador to the UN, Mikhail Wehbe, said that Damascus would ratify it if all other governments in the region also did so.²⁵¹ Similarly, in January 2004, President Assad said that any deal to destroy Syria's WMD would require Israel to abandon its undeclared nuclear arsenal. He also called on the international community to support Syria's proposal to remove all WMD from the region.²⁵²

232. We are concerned about the pursuit of WMD by Syria. However, we conclude that pressure alone is unlikely to succeed in gaining Syrian co-operation on WMD, and recommend that the Government pursue dialogue with Damascus in order to address this threat.

248 Remarks by John Bolton to the Bruges Group, London, 30 October 2003, available at: <http://www.state.gov>

249 Remarks by John Bolton to a House International Relations subcommittee, 16 September 2003, available at: <http://usinfo.state.gov>

250 'We won't scrap WMD stockpile unless Israel does', interview with the Daily Telegraph, 6 January 2004, available at: <http://www.telegraph.co.uk/news>. This interview also ranged over questions of internal reform in Syria.

251 'Syria seeks UN-backed arms plan', *BBC*, 17 April 2003, available at: <http://news.bbc.co.uk>

252 'We won't scrap WMD stockpile unless Israel does', interview with the Daily Telegraph, 6 January 2004, available at: <http://www.telegraph.co.uk/news>

233. We also recognise Syria's concerns about Israel's nuclear capability and recommend that the Government pursue this issue with the Israeli Government. We conclude that ultimately, a comprehensive peace agreement between Israel and the Arab States will be required to address the issue of WMD and arms proliferation in the region, and we recommend that the Government seek to encourage Syria and Israel to return to the negotiating table.

234. Syria has been co-operative in some ways. Syria robustly condemned the attacks of 11 September 2001 and subsequently provided valuable co-operation on intelligence sharing. Most recently, Syria provided valuable co-operation following the bombings in Istanbul on 20 November 2003, handing over a number of suspects to the Turkish government.²⁵³ We outlined above Syria's role in post-war Iraq and the fact that although its co-operation has been limited, Damascus, as indeed Tehran, could have been far more disruptive to Coalition efforts there. We also noted the importance of the United Kingdom with regard to Syria given its diplomatic relations with Damascus and role in the coalition in neighbouring Iraq. We also outlined above the benefits of engagement.

235. Since 11 September 2001, the United States has put increasing pressure on Syria. In contrast with the Clinton administration, which sought to gain Syrian co-operation by promoting progress on peace between Syria and Israel, the Bush administration has taken a more confrontational position. In March 2003, US Secretary of Defence Donald Rumsfeld warned Syria against supplying Iraq with military equipment, saying that the US "consider such trafficking as hostile acts and will hold the Syrian government accountable for such shipments." When asked if the United States was threatening military action against Syria, he replied: "I'm saying exactly what I'm saying. It was carefully phrased."²⁵⁴

236. Israel's 5 October attack on the Ein Saheb camp near Damascus was, as we note in paragraph 132 above, widely believed to have had prior US consent. We heard from Nomi Bar-Yaacov that this was an effort on the part of Israel to "send a very strong message to "terrorist organisations" and states supporting terror."²⁵⁵ In considering how this message was received in Damascus, Nomi Bar-Yaacov told us that to a certain extent a strong message was received, but that "the official response has always been that they are not harbouring terrorists and that Palestinian terrorist groups do not operate out of Damascus."²⁵⁶

237. Most recently, in November 2003 the US Congress approved the Syria Accountability Act, which imposes various sanctions on Syria, after President George W Bush ended his opposition to the move. It was signed into law by President Bush on 12 December.

238. The Syrian response to this pressure has been limited. We outlined in paragraph 225 Syria's closure of the offices of terrorist groups and its continued support for them. Despite initial optimism following his visit to Syria in May 2003, US Secretary of State Colin Powell in June said that "They took some limited steps, those limited steps are totally inadequate.

253 Q 107

254 'DoD News Briefing – Secretary Rumsfeld and Gen. Myers', 28 March 2003, available at: <http://www.defenselink.mil/news>

255 Q 1

256 Qq 2 & 3

We have gone back to the Syrians to let them know that we find their actions inadequate.”²⁵⁷ We also heard from Jonathan Stevenson that while Syria is “intimidated by the intervention in Iraq, which probably means that it is even less inclined, if it ever was inclined, to help al-Qaeda and thereby become a bigger enemy of the United States ... it will continue to do what it did before and that is to provide support for Hamas, Hezbollah, Palestinian Islamic Jihad.” In fact, Jonathan Stevenson told us, “the intervention in Iraq and the sabre rattling that followed it, has probably made Syria, on balance, less inclined to extend the kind of grudging co-operation that it provided right after 9/11.”²⁵⁸

239. Responding to a question about what ‘carrots’ could be offered to Syria to encourage greater co-operation, the Foreign Secretary told the Committee that

What we have to say to Syria, as we say to any other country, is that they are under very clear obligations in respect of United Nations Security Council mandatory obligations in respect of the fight against terrorism, which we want to make sure they are meeting. It goes without saying that countries which are compliant with their international obligations find the environment in which they have to work internationally is a better one. I think, bluntly, Syria has to understand that the onus is on them to meet its very clear obligations more effectively to deal with terrorism.²⁵⁹

While we agree that Syria must offer greater co-operation with regard to terrorism, we believe that carrots are also needed; Syria should be rewarded for its assistance against al Qaeda and offered the prospect of further gain if it continues to co-operate.

240. In addition, we note Syria’s dissatisfaction with its exclusion from the Middle East Road Map and the ultimate need for a resumption of negotiations between Israel and Syria. In December, Turkish Prime Minister Tayyip Erdogan said that Turkey would help to mediate peace talks between Syria and Israel. This initiative may gain momentum following the January visit by President Assad to Turkey²⁶⁰ (the first such visit by a Syrian head of state) and his subsequent offer (made in his interview with the *Daily Telegraph*) to restart peace negotiations with Israel.²⁶¹

241. We note the improvements in bilateral relations with Syria. We also note with approval the formation of the British-Syria Society and urge HM’s Government’s encouragement of such initiatives to increase mutual understanding.

242. We conclude that, at this stage, it is better to foster gradual reform and co-operation with Syria than to push for unachievable objectives. Syrian co-operation is important for success in Iraq and the Middle East peace process. Given the failure of pressure alone to gain Syrian co-operation, we recommend that the Government continue to pursue constructive engagement and dialogue as the best way to foster co-operation. In particular, we recommend that the Government work to encourage Israel

257 Remarks by Colin Powell at a joint press conference with Israeli Prime Minister Ariel Sharon, Jerusalem, 20 June 2003, available at: <http://www.usembassy-israel.org.il>

258 Q 1

259 Q 146

260 ‘Turkey sees role as mediator for Israel-Syria talks’, *Reuters*, 31 December, 2003, available at: <http://www.alertnet.org>

261 ‘We won’t scrap WMD stockpile unless Israel does’, interview with the *Daily Telegraph*, 6 January 2004, available at: <http://www.telegraph.co.uk/news>

and Syria to resume peace negotiations, including giving its support to any regional efforts at mediation in the conflict, and generally to improve bilateral relations. We further recommend that in its response to this Report, the Government set out its position on the Golan Heights and the Israeli settlements there.

Libya

243. On 19 December 2003, Libyan leader Muammar al-Qadhafi confirmed that Libya had been seeking to develop WMD and longer range missiles to deliver them. In a statement delivered by Libyan Foreign Minister Abdulrahman Shalgam, Libya committed itself to abandon these programmes and limit itself to missiles with a range of no more than 300 kilometres, in compliance with the parameters set by the Missile Technology Control Regime. Mr Shalgam announced that this would be done in a transparent and verifiable manner, and invited immediate international inspection.²⁶² In addition, he committed Libya to compliance with the Non-Proliferation Treaty, the IAEA Safeguards Agreement (including the Additional Protocol) and the Chemical Weapons Convention.

244. On 28-29 December, IAEA Director-General Dr Mohammed ElBaradei led a two-day visit to Libya during which four nuclear sites were inspected. Dr ElBaradei will present his report to the next meeting of the IAEA board of governors, which is scheduled for March 2004. However, ahead of this, he has said that the Libyan programme was “in the very initial stages of development” and that it had not produced any uranium and was still several years away from developing a nuclear weapon.²⁶³ With regard to Libyan assistance, he said: “What I’ve seen the last couple of days is full co-operation, full transparency on the part of Libya. I was assured by all levels of the Libyan Government that they are ready to answer any questions, that they have people available for interviews.”²⁶⁴

245. The Libyan announcement of 19 December followed nine months of secret talks with the United Kingdom and United States. In his 22 December letter, the Foreign Secretary told us that: “Following the Lockerbie settlement, Libya came to us in March ... to see if it could resolve its WMD issue in a similarly cooperative manner. Nine months of work followed with experts from the US and UK, during which the Libyans discussed their programmes with us.”²⁶⁵ Commenting on the importance of the relationship with Libya to producing these talks and ultimately the 19 December announcement, the Foreign Secretary on 5 January 2004 told the House that:

This agreement represents a successful outcome for the engagement by the United States and the United Kingdom with Libya over a long period. We have, I believe, established a relationship of trust, which has enabled Libya first to renounce terrorism and now to renounce the pursuit of weapons of mass destruction.²⁶⁶

246. While welcoming the Libyan move as “an important and welcome step toward addressing the concerns of the world community”, President Bush has said that US

262 ‘Libyan WMD: Tripoli’s statement in full’, *BBC*, 20 December 2003, available at: <http://news.bbc.co.uk>

263 ‘Libya ‘not close to nuclear arms’’, *BBC*, 29 December 2003, available at: <http://news.bbc.co.uk>

264 ‘Libya ‘not close to nuclear arms’’, *BBC*, 29 December 2003, available at: <http://news.bbc.co.uk>

265 Ev 64

266 HC Deb, 5 January 2004, Col 22.

sanctions on Libya will remain in place for the time being.²⁶⁷ However, the President also said that

As Libya takes tangible steps to address those concerns, the United States will in turn take reciprocal tangible steps to recognize Libya's progress. Libya's agreement marks the beginning of a process of rejoining the community of nations, but its declaration of December 19, 2003, must be followed by verification of concrete steps.

247. For the Government's part, the Foreign Secretary told the House that he had invited his Libyan counterpart to visit London as

part of the process of implementing Libya's decision to dismantle its weapons programmes. Britain and the United States will now make progress with the practical issues of verification and of the dismantling of the weapons, in partnership with Libya and with the International Atomic Energy Agency and Organisation for Prohibition of Chemical Weapons. We have committed ourselves to helping with the preparation of Libya's return to those two international organisations, and to helping to dismantle the programmes that Libya has agreed to destroy²⁶⁸

The Foreign Secretary also stated that: "For our part, we have recognised that we now have corresponding responsibilities to enable Libya to come fully into the mainstream of the international community".

248. A disturbing aspect of this affair has been the allegations that Pakistan supplied Libya—and other countries—with nuclear technology, knowing that it had a military application. Pakistan has strongly denied these allegations.²⁶⁹

249. We welcome Libya's decision to relinquish its WMD programmes and we commend the Government for its role in bringing this about. We also commend the Government's policy of engagement with Libya and note that it was essential to creating the environment that facilitated the secret talks that ultimately resulted in Libya's decision to end its pursuit of WMD. We further commend the co-operation between United Kingdom officials and their US counterparts during these secret talks.

250. We conclude that the Libyan announcement sets a precedent for how to deal with 'rogue states' and could encourage other countries to improve their co-operation with the West. While we accept what the Foreign Secretary has said about the need for "a partner with whom to negotiate" for diplomacy to reap rewards, we recommend that the Government seriously consider the implications of events in Libya for relations with both Iran and Syria.

251. We further recommend that the Government ensure that it does its utmost to fulfil its "responsibilities" to help Libya fully to enter the international community and derive the benefits of its co-operation, and that it work closely with the IAEA and OPCW to do this. We also recommend that in its response to this Report, the

267 Comments by President Bush, 5 January 2004, available at: <http://www.whitehouse.gov/news>

268 HC Deb, 5 January 2004, Col 22.

269 'Pakistan rubbishes claims it gave nuclear equipment to Libya', *The Guardian*, 7 January 2004.

Government inform us of what steps it is taking to monitor closely Libyan compliance and to ensure that it does not lift the restrictions that remain on Libya too quickly.

Conclusions

252. The United Kingdom has taken a different approach from the US towards Iraq's most problematic regional neighbours. **While Syria and Iran have not taken as many steps forward as they might, for example in taking a more constructive approach to the Israeli-Palestinian conflict, we conclude that the United Kingdom's approach to these two countries has already yielded some positive results.**

253. Both Iran and Syria have potential to be far more disruptive than they are at present in Iraq, and they could also cease their current "grudging"²⁷⁰ co-operation over the capture of al Qaeda suspects. **We further conclude that establishing and maintaining Iranian and Syrian co-operation in efforts to fight international terrorism, to resolve the Israeli-Palestinian conflict, and to stabilise Iraq, will greatly increase the likelihood of success in the war against terrorism. We commend the Government's decision to engage actively with these countries.**

The continuing threat from international terrorist networks

Recent terrorist attacks

254. In addition to the attacks in Iraq, there have been a number of terrorist attacks, including on a United Kingdom Post, linked to al Qaeda since our last Report. On 8 November, three explosions in an affluent, heavily secured residential neighbourhood in Riyadh killed seventeen people. On 15 November, car bombs exploded at synagogues in Istanbul and on 20 November, terrorists attacked the British Consulate-General and the HSBC Bank in Istanbul. The two attacks killed at least 61 people, including British Consul-General Roger Short. The 20 November attack was the first fatal terrorist attack on a British embassy building. Evidence has also emerged of an al Qaeda plot against the British Embassy in Yemen, foiled by the Yemeni authorities.²⁷¹

255. Following a fire at the Consulate-General in Istanbul three years ago, staff were moved to temporary accommodation at the front of the compound. On 2 December 2003, we heard from the Foreign Secretary that “in the light of each security problem that was faced in Istanbul, security was reviewed and measures taken to enhance it in what was thought to be an appropriate manner ... A lot of work had been put into the safety and security of our staff.”²⁷² Nevertheless, he admitted that “the buildings were less well protected than, by definition, was the building in the middle but what one has to do in all these situations is make the best judgments one can prospectively.”²⁷³ Following this, we wrote to the Foreign Secretary asking for clarification of the security situation in Istanbul as well as details of what the FCO is doing to ensure the future safety of United Kingdom posts and personnel. In his response to this letter, the Foreign Secretary did not add substantially to his comments of 2 December. However, on 10 December 2003, he announced to the House a review of the FCO’s security strategy for posts abroad as well as of the FCO’s travel advice.²⁷⁴

256. We note the setting up of the new FCO 24-hour response centre. We visited the centre in December and were impressed by what we saw. It should enable the FCO to respond swiftly to sudden events, such as the Istanbul bombing.

257. We commend the Government for its swift action in response to the Istanbul attack, and for the setting up of the FCO 24-hour response centre. However, we conclude that security measures at the Istanbul Consulate were clearly insufficient. We welcome the Government’s review of the security of all overseas posts, which was announced by the Foreign Secretary on 2 December 2003, as well as the decision to review the FCO’s security strategy. We look forward to being informed of the results of the review by the Foreign Secretary.

271 ‘Yemen foils embassy terror plot’, *BBC*, 13 December 2003, available at: <http://news.bbc.co.uk>

272 Q 93

273 Q 94

274 HC Deb, 10 December 2003, Col 87WS.

International co-operation in the war against terrorism

258. We noted in our last Report that no country can prevent terrorism in isolation: only governments working together can raise global counter-terrorism capacity.²⁷⁵ Our previous three Reports on the war against terrorism have described the establishment of the UN Counter-Terrorism Committee (CTC), and its important role in the co-ordination of counter terrorism activities between UN member states.²⁷⁶ We have also described important steps taken by the European Union and NATO in promoting co-operation against terrorist activities and noted the importance of co-operation between members of the United Nations Security Council, NATO and the European Union in contributing to the war against terrorism.²⁷⁷

259. We have commended the Government's "high level of commitment" towards the CTC and praised its former Chairman, Sir Jeremy Greenstock, for his skilful and sensitive chairmanship of the Committee. We also recommended that the Government consider carefully Sir Jeremy's suggestion that the Counter-Terrorism Committee develop into a full-time body of terrorism experts, capable of providing support to member states over an extended period of time.²⁷⁸

260. In its response to our last Report, the FCO informed us that it

is determined that the Counter-Terrorism Committee (CTC) should maintain a continued high political profile for counter-terrorism work. It must also have the tools for the job. The CTC already has a team of experts supporting the Committee, but as the number of countries engaging with the CTC has grown, so has its workload. As its second anniversary approaches, we are considering how best to ensure that the CTC has the staff that it needs to perform the mandate set out in UNSCR 1373.²⁷⁹

The FCO also told us that staff resources in the Counter-Terrorism Policy Department and the Consular Directorate have increased further since our last Report and that "staffing of such 'front line' parts of the FCO is kept under constant review."²⁸⁰

261. We also note the continued pertinence of Sir Jeremy Greenstock's suggestion that the CTC develop into a full-time body of terrorism experts to ensure its long-term effectiveness. **We recommend that in its response to this Report, the Government set out its plans for the UN Counter-Terrorism Committee and what bilateral assistance it is giving, for example to Commonwealth countries.**

262. We have noted in paragraphs 22-25 above the impact of the war in Iraq on recruitment for al Qaeda. In addition, there has been concern that the divisions that developed between Security Council members over the decision to go to war as well as the

275 HC (2002-03) 405, para 190.

276 HC (2002-03) 405, paras 185-190.

277 HC (2002-03) 405, para 228; HC (2002-03) 196, paras 23-43; and HC (2001-02) 384, paras 47-60.

278 HC (2002-03) 405, paras 187-190; HC (2002-03) 196, paras 16-17; and HC (2001-02) 384, para 69.

279 Government Response to HC (2002-03) 405, Cm5968.

280 Government Response to HC (2002-03) 405, Cm5968.

focus on the war and efforts to improve security in Iraq following the war have detracted from international co-operation on the war against terrorism.

263. We asked the FCO how the war in Iraq affected the fight against al Qaeda and associated terrorist groups. The FCO replied that “Coalition action in Iraq has not affected wider international co-operation on terrorism. Such co-operation remains at a high level, including from countries critical of military action in Iraq, and is increasing.”²⁸¹ The FCO elaborated on this in its memorandum of 2 December 2003 in which it said “There continues to be an effective level of international and bilateral police, security and intelligence co-operation against Al Qa’ida and associated terrorist groups, although we and our partners are constantly exploring new ways of increasing that effectiveness.”²⁸²

264. We are heartened by this response. It is supported by evidence given to us by Jonathan Stevenson, who told us that transatlantic counter-terrorism co-operation “did not suffer particularly seriously over the Iraq crisis.”²⁸³ Explaining why this was the case, Jonathan Stevenson wrote to us that

The Iraq war has only marginally drawn material resources from counter-terrorism.... While the opportunity for a Predator strike²⁸⁴ may occasionally arise, military counter-terrorism is generally limited to technical intelligence gathering; precautionary special-operations deployments; first response and civil defence; and, exceptionally, counter-insurgency in Iraq. Counter-terrorism has become primarily a function of non-military efforts comprising homeland security and law-enforcement and intelligence co-operation. Given that the Iraq war was a military one, it did not compete sharply for existing government assets with post-Afghanistan counter-terrorism. Furthermore, in spite of the acute transatlantic political differences that arose over Iraq, bilateral counter-terrorism co-operation was not compromised before, during or after the war, on account of ... mutual self-interest in co-operating.²⁸⁵

265. Against this rather positive picture, the second report of the monitoring group of the UN Taleban and al Qaeda Sanctions Committee, published on 1 December 2003, highlights the failure of many states fully to monitor and uphold the arms embargo and travel ban against al Qaeda and the Taliban. It notes that “Without a tougher and more comprehensive resolution—a resolution which obligates states to take the mandated measures—the role played by the United Nations in this important battle risks becoming marginalized.”²⁸⁶ The report further concludes that “despite the significant progress that has been made in the United Nations effort to combat al-Qaida, the Taliban and their

281 Government Response to HC (2002-03) 405, Cm5968.

282 Ev 24

283 Q 49

284 Strikes by missiles launched from Predator drones.

285 Ev 1

286 ‘Second Report of the Monitoring Group, pursuant to resolution 1363 (2001) and as extended by resolutions 1390(2002) and 1455(2003) on Sanctions against al-Qaida, the Taliban and their associates and associated entities’, The Monitoring Group, 2 December 2003, p.4, available at: <http://www.un.org/aboutun/mainbodies.htm>

associates, some serious problems and systemic weaknesses remain with regard to the resolutions.”²⁸⁷

266. We conclude that although international co-operation on the war against terrorism has continued, there continue to be problems with regard to international co-operation on the measures against al Qaeda and the Taliban. We recommend that the Government encourage greater international co-operation on the UN mandated measures against al Qaeda and the Taliban. We further recommend that it consider how best to strengthen the UN Security Council resolutions relating to international terrorism.

Progress in dismantling terrorist infrastructure

Finance

267. In our last Report we detailed the Government’s efforts to assist both states and charities to counter terrorist financing. We noted that progress has undoubtedly been made but that much work remains to be done in stopping terrorists’ access to funds, in particular by means of the informal system of transfers in the Middle Eastern banking system and through organised crime.²⁸⁸ We recommended that the Government continue to sponsor projects to assist other states in their efforts to prevent terrorists from transferring and accessing funds, through the banking system and through charities—especially with states in the Arab world.

268. On 4 November, we heard from Jonathan Stevenson about the importance of focusing on charities, which “remain attractive sources of financing in so far as they can give the group some political cover among certain types of donors.”²⁸⁹ However, he also wrote to us about the difficulties of making progress.

Informal *hawala* remittance systems involve transactions based on trust rather than a paper trail, and therefore are very difficult to regulate. ... Perhaps the most important measure that Western governments and regulators can yet take is to further tighten controls on such charities by adding them to official lists of terrorist organisations and, correspondingly, freezing their assets.²⁹⁰

269. In its response to our last Report, the FCO informed us that it has funded seminars on charity regulation for countries in South and South East Asia and that the Charity Commission is following these up with more detailed discussions with these countries about charity regulation. The FCO also told us that a similar seminar in Southern Africa is planned. In addition the UK is running bilateral assistance programmes in this field for countries in Africa, the Middle East and South East Asia.²⁹¹

287 ‘Second Report of the Monitoring Group, pursuant to resolution 1363 (2001) and as extended by resolutions 1390(2002) and 1455(2003) on Sanctions against al-Qaida, the Taliban and their associates and associated entities’, The Monitoring Group, 2 December 2003, p.40, available at: <http://www.un.org/aboutun/mainbodies.htm>

288 HC (2002-03) 405, paras 191-195.

289 Q 36

290 Ev 1

291 Government Response to HC (2002-03) 405, Cm5968.

270. We remain concerned that al Qaeda and other terrorist organisations retain access to significant levels of funds. We commend the Government's efforts to tackle sources of terrorist funding and in particular its projects to tighten charity regulation. We recommend that the Government expand its programme of assistance in this field. We further recommend that the Government, in its response to this Report, provide us with a further update of its action in this area.

Progress in dismantling al Qaeda

271. In our last Report we noted the capture of a number of senior al Qaeda figures. However, we concluded that those that remain at large retain the capacity to lead and guide the organisation towards further atrocities and that al Qaeda has demonstrated an alarming capacity to regenerate itself.²⁹² We also concluded that, in spite of some notable progress, al Qaeda continues to pose a substantial threat to British citizens in the United Kingdom and abroad.²⁹³

272. In its response, the FCO said that

We agree that al Qa'ida had demonstrated resilience and, to some extent, an ability to adapt. But we judge that this capacity will continue to be limited by the persistent pressure of the international effort which has inter alia led to the capture of a significant number of senior al Qa'ida figures and the disruption of terrorist operations, planning, financing and support. This has had, and continues to have, a substantial negative impact on the organisation.²⁹⁴

273. There have been further arrests of key al Qaeda figures (notably Riduan Isamuddin, known as Hambali, al Qaeda's liaison with Jemaah Islamiah of Indonesia). Jonathan Stevenson wrote to us that "As a result, al-Qaeda's operations have probably been compromised, and some valuable intelligence about al-Qaeda's global operations may have been gleaned through interrogation"²⁹⁵ However, he added that the war against terrorism has forced al Qaeda to

relinquish greater operational initiative to local affiliates, and to concentrate temporarily on targets of opportunity (e.g., in Tunisia, Pakistan, Indonesia, Kenya, Saudi Arabia and Morocco) rather than the preferred target of the US (and, secondarily, Europe). But the number of al-Qaeda members or affiliates, killed, captured or detained is only a small percentage of the number of those who passed through al-Qaeda training camps in Afghanistan, and recruiting has continued.²⁹⁶

This development has been accompanied by a shift in focus towards soft targets. The threat remains great. Al Qaeda is not a tightly-controlled organisation but a diverse and decentralised group.

292 HC (2002-03) 405, paras 168-172.

293 HC (2002-03) 405, paras 197.

294 Government Response to HC (2002-03) 405, Cm5968.

295 Ev 1

296 Ev 1

274. In its memorandum of 2 December 2003, the FCO conceded that although “Counter-terrorism operations are making it much harder for terrorists to operate and avoid capture... the determination of terrorists remains strong, and, as the attacks in Istanbul demonstrate, the threat remains significant and global.”²⁹⁷

275. The second report of the monitoring group of the UN Taleban and al Qaeda Sanctions Committee, published on 1 December 2003, went further, saying that “The al-Qaida ideology has continued to spread, raising the spectre of further terrorist attacks and further threats to international peace and security.”²⁹⁸

276. We conclude that al Qaeda remains a substantial threat to the United Kingdom and to British citizens and facilities overseas, and that addressing the threat from al Qaeda and associated networks must remain a key priority in the United Kingdom’s foreign policy.

Afghanistan and the war against terrorism

277. In our last Report we noted the importance of stabilising Afghanistan to the success of the war against terrorism. Our witnesses were concerned that the measures taken since the end of the war in Afghanistan to remove the conditions in which terrorists thrive were insufficient. In particular, they were concerned at the lack of successful nation-building and the failure to extend security.²⁹⁹ We also detailed the Government’s decision to deploy a Provincial Reconstruction Team (PRT) to Mazar-e Sharif with the aim of helping to extend the capacity of the Afghan Transitional Administration, the development of a stable and secure environment and reconstruction.³⁰⁰

278. In its response to our Report, the FCO outlined recent developments. The PRT

is already making an impact. ... While not designed to impose stability, the PRT is beginning to have a positive effect upon security. The PRT has supported local disarmament initiatives brokered by UNAMA,³⁰¹ such as that around the Sholgareh valley. This demonstrated the value of the PRT’s co-ordinated approach. The PRT was able to assist in arranging ceasefire negotiations between the factions and in monitoring agreements to withdraw forces or to disarm them, while the Department for International Development representative has been able to help cement this progress through instigating a number of small aid projects in the valley.³⁰²

The Government plans to develop this by encouraging multinational contributions to the PRT. A joint MoD, FCO and DfID conference was held in London on 11 September, which invited interested nations to provide assistance. We understand that the PRT in Mazar-e Sharif is considered a model for further PRTs.

297 Ev 24

298 ‘Second Report of the Monitoring Group, pursuant to resolution 1363 (2001) and as extended by resolutions 1390(2002) and 1455(2003) on Sanctions against al-Qaida, the Taliban and their associates and associated entities’, The Monitoring Group, 2 December 2003, p.1, available at: <http://www.un.org/aboutun/mainbodies.htm>

299 HC (2002-03) 405, paras 181-184.

300 HC (2002-03) 405, para 182.

301 United Nations Assistance Mission in Afghanistan.

302 Government Response to HC (2002-03) 405, Cm5968.

279. However, overall the security situation remains poor outside Kabul. In his 8 December report to the UN General Assembly on the situation in Afghanistan, Secretary-General Kofi Annan highlighted the deteriorating security situation as a major concern.

Unchecked criminality, outbreaks of factional fighting and activities surrounding the illegal narcotics trade have all had a negative impact on the Bonn process. During the reporting period, attacks on international and national staff of the assistance community have intensified. The main security threats continue to be terrorist attacks by suspected Al-Qaida, Taliban and supporters of Hekmatyar against Government forces, the United Nations and the humanitarian community.³⁰³

280. The report concludes that

the international community must decide whether to increase its level of involvement in Afghanistan or risk failure. The mandate set by Bonn can be accomplished only if the present deterioration in security is halted and reversed, and the programmes and staff of the United Nations, non-governmental organizations and others assisting the Afghans are provided adequate protection.

281. We commend the Government for the success of its Provincial Reconstruction Team in improving security in northern Afghanistan, and in particular in brokering a ceasefire between rival warlords.

282. There has been great concern about the poor security environment in the country as a whole, with some indications of resurgent Taliban activity, although we understand that the Taliban's efforts to re-group have been thwarted. Continued security in Afghanistan is crucial to prevent the country from once again providing a safe haven for terrorists.

283. We recommend that in its response to this Report the Government set out its plans to improve the security situation in Afghanistan, including through extending the provision of Provincial Reconstruction Teams.

³⁰³ Remarks by Kofi Annan to the UN General Assembly, 8 December 2003, New York, available at: <http://www.un.org/english>

Taking forward the war against terrorism

Multilateral institutions and the war against terrorism

284. In all of our Reports in the Inquiry, we have examined in some detail the role that multilateral institutions have played in fighting international terrorism. In July 2003, we noted that “co-operation between members of the United Nations Security Council, NATO and the European Union has contributed greatly to the prosecution of the ‘war against terrorism’ since its inception in 2001.”³⁰⁴ It was therefore a source of some concern to us that that in early 2003 “sharp divisions emerged between member states of these organisations over how best to address the threat from Iraq.”³⁰⁵

285. In this Report, we have examined the current and potential role of the European Union in resolving the Israeli-Palestinian conflict, and assessed the initiative of the European ‘troika’ of foreign ministers in negotiations over Iran’s nuclear programme. We have also discussed the role of the United Nations in post-war Iraq.

286. These multilateral institutions have played an important role in reacting to the challenges presented by international terrorism and associated conflicts. In the past six months, both the European Union and the United Nations have also begun to develop forward-looking strategies, which aim to define their respective institutional approaches to the post-9/11 security environment.

The European Union

287. In September 2002, the US produced its National Security Strategy. We analysed the National Security Strategy in our second Report in this Inquiry, which was published in December 2002.³⁰⁶

288. In June 2003, EU High Representative Javier Solana presented a draft Security Strategy for the European Union. According to former Swedish Prime Minister Carl Bildt, it had “as usual” taken

a major crisis to move the governments of the European Union forward. It was the profound differences over the conflict in Iraq that convinced at least some governments that one should try to re-establish some sort of consensus in the Union through a more strategic document.³⁰⁷

Both the UN and the EU documents are major contributions to an important debate.

304 HC (2002-03) 405, para 228.

305 HC (2002-03) 405, para 228.

306 HC (2002-03) 196.

307 ‘We have crossed the Rubicon—but where are we heading next?’, remarks by Carl Bildt, 17 November 2003, available at: <http://www.cer.org.uk>

289. The EU Security Strategy was revised by the High Representative's Policy Unit in the autumn of 2003, and was adopted formally by EU member states at the Brussels Council on 12-13 December.³⁰⁸

290. The two strategies have different tones: the introduction to the US National Security Strategy states that

Defending our Nation against its enemies is the first and fundamental commitment of the Federal Government. Today, that task has changed dramatically ... shadowy networks of individuals can bring great chaos and suffering to our shores for less than it costs to purchase a single tank. Terrorists are organized to penetrate open societies and to turn the power of modern technologies against us.

The EU Security Strategy is introduced by the assertion that "Europe has never been so prosperous, so secure nor so free. The violence of the first half of the 20th century has given way to a period of peace and stability unprecedented in European history." These introductions echo the 'Mars' and Venus' dichotomy popularised in the important work of Robert Kagan.³⁰⁹

291. The EU Security Strategy and the US National Security Strategy are similar in important respects, however. The EU document identifies terrorism, proliferation of weapons of mass destruction, and failed states and organized crime as "three key threats". These threats are "more diverse, less visible and less predictable" than the "now improbable" threat of large scale aggression against any member state.³¹⁰

292. The EU Security Strategy states that "Europe is both a target and a base" for international terrorism. The proliferation of weapons of mass destruction is, it argues, "the single most important threat to peace and security among nations." The combined effect of "terrorism committed to maximum violence, the availability of weapons of mass destruction and the failure of state systems" could present European Union states with "a very radical threat indeed."

293. Jonathan Stevenson told the Committee that

It is true that the differing experiences between Europe and the United States with different kinds of terrorist groups may inform their operational prerogatives about how to fight terrorism. The respective threat perceptions, though, are converging. For example, Britain and France are much more alert to the prospect of a WMD terrorist strike.

294. We concluded in July that

the disagreements that surfaced within the EU over Iraq have raised serious questions about EU member states' capacities to resolve differences over matters of

308 'Presidency Conclusions', Brussels European Council, 12 December 2003, available at: <http://europa.eu.int>

309 'Power and weakness', Robert Kagan, *Policy Review*, June/July 2002.

310 'A Secure Europe in a Better World – The European Security Strategy', drafted under the responsibilities of the EU High Representative Javier Solana and approved by the European Council held in Brussels on 12 December 2003, available at: http://europa.eu.int/index_en.htm

foreign policy and of the feasibility of a CFSP on matters of controversy among the members of the EU.³¹¹

We also concluded that

it is now more important than ever for the United Kingdom to work with partners in the European Union and the United States, and to demonstrate that there is no need to choose between these valued and long-standing partners... the restoration of good relations between allies—both bilaterally and in multilateral organisations—is important for the security of the United Kingdom, and for the success of the war against terrorism.³¹²

It is particularly important that we expand the area of co-operation and understanding in the field of security policy with France.

295. We commend the Government for supporting the development, together with its EU partners, of a Security Strategy. We conclude that the EU Security Strategy will help the Union to work more effectively towards the alleviation of common threats to the security of EU member states and their interests.

The United Nations

296. In July 2003, we reported in some detail to the House on the negotiations in the UN Security Council which had preceded the Iraq war. We concluded that “it is in the interests of the United States and the United Kingdom to restore the effective functioning of the UN Security Council.” We noted that “the United Kingdom has traditionally played an important role, often working alongside the US, in securing agreement in the Council” and further concluded that “careful and effective use of Security Council membership is especially crucial at this moment in the UN’s history.”³¹³

297. A month after the publication of our Report, the United Nations office in Baghdad was blown apart by a terrorist attack. The organisation’s staff were shocked by the violence of this unprecedented attack against the UN, and by the deaths of twenty two of their colleagues, including the Secretary General’s representative. The UN pulled its staff out of Iraq. It has since conducted a review of the security of the Iraq operation which revealed serious shortcomings.³¹⁴

298. On 10 December, the Secretary-General announced that, until circumstances permit a full deployment of the UN international staff to Iraq, he will build up the UN Mission incrementally outside Iraq. The bulk of the UN staff for this mission is located in Nicosia, Cyprus, with a small office in Amman, Jordan. UN Assistant Emergency Relief

311 HC (2002-03) 405, para 105.

312 HC (2002-03) 405, paras 106, 234.

313 HC (2002-03) 405, para 235.

314 ‘Report of the Independent Panel on the Safety and Security of UN Personnel in Iraq’, 20 October 2003, available at: <http://www.un.org/english>

Coordinator Ross Mountain was named as the Secretary-General's acting Special Representative for Iraq.³¹⁵

299. Kofi Annan has also established a sixteen member panel to study global security threats and reform of the international system. The panel, which is chaired by former Prime Minister of Thailand Anand Panyarachun and includes Lord Hannay of the United Kingdom was formed in recognition that

The past year has shaken the foundations of collective security and undermined confidence in the possibility of collective responses to our common problems and challenges. It has also brought to the fore deep divergences of opinion on the range and nature of the challenges we face, and are likely to face in the future.

300. The Secretary-General's panel will

recommend clear and practical measures for ensuring effective collective action, based upon a rigorous analysis of future threats to peace and security, an appraisal of the contribution collective action can make, and a thorough assessment of existing approaches, instruments and mechanisms, including the principal organs of the United Nations.³¹⁶

The panel will report its conclusions to the Secretary-General in mid-2004.

301. The Secretary-General has also started a debate on the rules of intervention and the question of pre-emption. He has made clear his concerns with pre-emption and has repeatedly emphasised the importance of continued multilateralism. However, he has also highlighted the need to address the concerns prompting states to take pre-emptive action. In September 2003, he told the General Assembly

My concern is that, if it were to be adopted, it could set precedents that resulted in a proliferation of the unilateral and lawless use of force, with or without justification. But it is not enough to denounce unilateralism, unless we also face up squarely to the concerns that make some States feel uniquely vulnerable, since it is those concerns that drive them to take unilateral action. We must show that those concerns can, and will, be addressed effectively through collective action... The Council needs to consider how it will deal with the possibility that individual States may use force 'pre-emptively' against perceived threats. Its members may need to begin a discussion on the criteria for an early authorisation of coercive measures to address certain types of threats – for instance, terrorist groups armed with weapons of mass destruction.³¹⁷

302. We were shocked by the attack on the United Nations mission in Iraq, and the devastating impact which it had on UN operations there. **We would welcome the return of the United Nations to Iraq in 2004, and we recommend that the Government do its utmost to work towards a new Security Council Resolution setting out the UN's role in the period of transition to a new Iraqi government.**

315 'Ross Mountain Named Acting Special Representative for Iraq', UN Press release SG/A/860 BIO/3545, 10 December 2003, available at: <http://www.un.org/english>

316 'Secretary-General names high-level panel to study global security threats and recommend necessary changes', UN Press release SG/A/857, 4 November 2003, available at: <http://www.un.org>

317 Remarks by Kofi Annan, 23 September 2003, available at <http://www.un.org>

303. We conclude that the United Nations has an extremely important role to play in the global campaign against terrorism, through provision of assistance through its specialised agencies, through establishing the legitimacy of interventions, and through providing the forum for dialogue between member states over the conduct of the campaign. We welcome the Secretary-General's decision to establish a panel to study global security threats and reform of the international system, and we recommend that the Government study its conclusions carefully when it makes its Report to the Secretary-General.

NATO and the war against terrorism

304. NATO members have also been reassessing the Alliance's role in the war against terrorism—and, in particular, its role in peace keeping or peace enforcement.

305. We have described above the persistent security problems in both Afghanistan and Iraq. The US appears increasingly interested in extending NATO's role in both these situations. At the NATO summit of 4 December, member states debated the extension of the International Security Assistance Force's role in Afghanistan beyond the capital, Kabul. US Secretary of State, Colin Powell said that Afghanistan was NATO's priority and that "Our principal focus right now has to be Afghanistan." He went on to say: "We must... consider the possibility of NATO taking over all military operations in Afghanistan at some point in the future."³¹⁸

306. The US also called for greater NATO involvement in the reconstruction of Iraq. Secretary Powell said in an address to NATO foreign ministers: "We urge the Alliance to examine how it might do more to support peace and stability in Iraq."³¹⁹ He suggested that NATO might take on the peacekeeping responsibilities currently undertaken by the Polish contingent, which already has some support from the Alliance. Sixteen of NATO's 19 members were part of the US-led coalition against Iraq, and 18 present or candidate members have forces there now.³²⁰

307. The official NATO communiqué said: "The issue of possible wider NATO role in Iraq was also discussed... The option of expanding NATO's role next year was not ruled out and could be discussed at the Istanbul Summit [in December 2004]."³²¹ The then Secretary General Lord Robertson said that expansion into Iraq was "not beyond the realms of possibility... but not until we've got Afghanistan right."³²²

308. Effective peace keeping and peace enforcement are currently essential to the successful pursuit of the war against terrorism. We recommend that the Government continue to work with its partners in NATO towards building the Alliance's capabilities in this area.

318 'US urges NATO support in hotspots', *BBC*, 4 December 2003, available at: <http://news.bbc.co.uk>

319 'US urges NATO support in hotspots', *BBC*, 4 December 2003, available at: <http://news.bbc.co.uk>

320 'Press Briefing After NATO Working Luncheon', Colin Powell, 4 December 2003, available at: <http://www.state.gov/secretary>

321 'NATO 'busy, useful and necessary'', *NATO Update*, 5 December 2003, available at: <http://www.nato.int>

322 'NATO chief ponders Iraq role', *BBC*, 9 December 2003, available at: <http://news.bbc.co.uk>

The Proliferation Security Initiative: an alternative approach to multilateralism?

309. The Bush administration has frequently voiced scepticism about the value of some traditional arms control mechanisms. The administration argues that a number of existing treaty-based mechanisms for the control of weapons of mass destruction are “worse than nothing”, because states are able to sign such agreements and then flout them with impunity. In the view of the US Under Secretary of State for Arms Control and Non-Proliferation, John Bolton, traditional non-proliferation measures such as the Biological and Toxin Weapons Convention give an illusion of security but are in fact ineffective.³²³

310. The Bush administration has stated its preference for working with “like-minded states” in the control of weapons of mass destruction.³²⁴ In May 2003, it institutionalised this approach in establishing the ‘Proliferation Security Initiative’ (PSI). The PSI “is a response to the growing challenge posed by the proliferation of weapons of mass destruction (WMD), their delivery systems, and related materials worldwide.” The initiative “builds on efforts by the international community to prevent proliferation of such items, including existing treaties and regimes” and is

consistent with and a step in the implementation of the UN Security Council Presidential Statement of January 1992, which states that the proliferation of all WMD constitutes a threat to international peace and security... with recent statements of the G8 and the European Union, establishing that more coherent and concerted efforts are needed to prevent the proliferation of WMD, their delivery systems, and related materials.³²⁵

311. The PSI was initially taken forward by eleven countries: Australia, France, Germany, Italy, Japan, the Netherlands, Poland, Portugal, Spain, the United Kingdom and the US. Participation is open to “any state or international body that accepts the PSI Statement of Interdiction Principles... and is willing to make an effective contribution to the Initiative’s goals.”³²⁶ The Statement of Interdiction Principles specifies that

PSI participants are deeply concerned about this threat and of the danger that [WMD, their delivery systems, and related materials] could fall into the hands of terrorists, and are committed to working together to stop the flow of these items to and from states and non-state actors of proliferation concern.³²⁷

312. The FCO informed us that the PSI participants are currently working on joint policy; on understanding the operational mechanics of interdiction work; and on establishing

323 For example, US Under Secretary of State John Bolton said in August 2002 that “Traditional arms control measures are not effective against biology. Using them, we could prove neither non-compliance nor compliance. Traditional arms control measures, in fact, applied to biological activities yield no benefit and actually do great harm.” Remarks by John Bolton, Tokyo, Japan, 27 August 2003, available at: <http://usinfo.state.gov>. For a further discussion, see First Report from the Foreign Affairs Committee, Session 2002-03, *The Biological Weapons Green Paper*, HC 150

324 See for example testimony by John Bolton to the House International Relations Committee, 4 June 2003, available at: <http://www.state.gov>

325 ‘Proliferation Security Initiative: Statement of Interdiction Principles’, White House Office of the Press Secretary, 4 September 2003, available at: <http://www.state.gov>

326 Ev 29

327 ‘Proliferation Security Initiative: Statement of Interdiction Principles’, White House Office of the Press Secretary, 4 September 2003, available at: <http://www.state.gov>

mechanisms to share actionable intelligence and analysis. Clearly, the core group needs to be extended and PSI cannot be allowed to develop into a means of by-passing or undermining existing international arms treaties.

313. We commend the Government's decision to participate in the Proliferation Security Initiative, and we are pleased that the initiative "builds on efforts by the international community to prevent proliferation of such items, including existing treaties and regimes".³²⁸

Co-operative threat reduction programmes

314. In previous Reports in this series, we have commented on US and United-Kingdom-funded programmes to reduce stockpiles of weapons and associated delivery systems held in countries of the former Soviet Union and to counter WMD proliferation as part of the Co-operative Threat Reduction initiative.³²⁹ These are continuing programmes, which assume ever greater importance as the dangers of proliferation increase through the activities of North Korea and other unscrupulous exporters of WMD and missile technology. **We recommend that in its response to this report the Government set out the steps it is currently taking to help prevent proliferation of WMD, together with their components and technologies, from the stockpile of the former Soviet Union, from North Korea and from other WMD proliferating states and groups.**

Helping weak and threatened states towards reform

315. In past Reports, we have expressed concern at the lack of socio-economic opportunities and political freedom in the Arab world, and have argued that reform in the Arab world is crucial for the long term stabilisation of the Middle East region.³³⁰

316. The FCO has expressed its eagerness "to see in the Arab world, as elsewhere, the application of democratic values and good governance, in particular the rule of law, transparency and accountability,"³³¹ and we have asked it to supply us with regular updates of its work in this crucial area. This was the theme of President Bush's speech to the National Endowment for Democracy in November 2003.³³²

317. In its response to our July 2003 Report, the FCO informed us that its "new Global Opportunities Fund is funding a programme designed to promote the rule of law, the increased participation of women, economic reform and good governance initiatives in the Arab world." The programme will aim to establish partnerships for reform across the region and build on work already underway. It will also take into account the conclusions of the Arab Human Development Report.³³³ In December 2003, the FCO informed us that

328 'Proliferation Security Initiative: Statement of Interdiction Principles', White House Office of the Press Secretary, 4 September 2003, available at: <http://www.state.gov>

329 HC (2001-02) 384, paras 174-191.

330 HC (2002-03) 196, paras 201-10. For a thorough analysis of these issues see also *Arab Human Development Report 2002*, United Nations Development Programme available at: www.un.org/publications

331 Government reply to HC (2002-03) 196, Cm 5739.

332 Remarks by President Bush, 6 November 2003, available at: <http://www.whitehouse.gov>

333 'Arab Human Development Report 2002', United Nations Development Programme, available at: www.un.org/publications

it had established a Partnerships with the Arab World Unit, which would take forward the United Kingdom's strategy for promoting reform in Arab countries. We also note the very important work that the British Council, the BBC World Service and the Westminster Foundation for Democracy do in this field.³³⁴

318. The FCO told us of some specific reform projects already under way, including regional schemes to develop journalists' skills and to enable young women to "support a discussion about their futures". The United Kingdom is also promoting technical assistance projects to counter money laundering and to develop the Syrian money market,³³⁵ which we understand from our visit to Damascus are priorities for the Syrian government.

319. We commend the Government for its efforts to promote democratic reform and to provide technical assistance in the Arab world. We recommend that, in its response to this Report, the Government provide us with updated progress reports in this crucial area.

Guantánamo Bay

320. In our previous Reports we have discussed the detention of prisoners at Guantánamo Bay and expressed concern that the US government continues to detain many of these prisoners without trial. We have also recommended that the Government continue to press the US government to move rapidly towards the trial of these alleged terrorists, in accordance with international law. In addition, we concluded that in a number of areas—including ensuring the fair trial of prisoners detained at Guantánamo Bay—the Government must ensure that its close relationship with the US administration brings clear, substantive benefits to the United Kingdom and its citizens.³³⁶

321. In his press conference with President George W Bush on 20 November 2003, the Prime Minister said that the issue of British detainees at Guantánamo Bay "will be resolved at some point or other." The Prime Minister also highlighted the fact that the UK will "make sure that justice is done for people." On 2 December the Foreign Secretary told us that

we are reaching, or near, a conclusion on this. If we are not able to achieve a satisfactory outcome in terms of the conditions which we would find acceptable, then we will ask for the UK detainees to be returned to the United Kingdom. That is where we are. I want it to be resolved as soon as possible. It is not satisfactory.³³⁷

322. More recently, on 8 January 2003, Pierre-Richard Prosper, the US Ambassador for war crimes issues, told a briefing that United Kingdom detainees could be repatriated if the

334 First Report from the Foreign Affairs Committee, Session 2003-04, *Foreign Affairs Committee Annual Report 2003*, HC 220

335 Ev 25

336 HC (2002-03) 405, paras 244-247; and HC (2002-03) 196, para 238.

337 Q 148

United Kingdom “managed” them.³³⁸ However, neither the FCO nor the US State Department have clarified Mr Prosper’s comments.

323. We remain concerned at the Government’s lack of progress in ensuring the fair trial of British citizens currently detained at Guantánamo Bay. We note that the current situation of uncertainty surrounding the fate of the United Kingdom detainees is unsatisfactory. We recommend that the Government continue to press the US towards trial of all the detainees in accordance with international law.

338 ‘Blunkett accused of blocking men’s return’, *The Guardian*, 10 January 2004

Conclusion

324. We concluded our July 2003 Report by recommending that the Government “make it a priority to work towards restoring the cohesion of the United Kingdom’s international partnerships,” to enable it better to face the challenges of the war against terrorism.³³⁹

325. We are relieved that co-operation in addressing some of the central threats of war against terrorism have not been damaged by the diplomatic disputes that preceded war in Iraq.³⁴⁰ Intelligence sharing to dismantle al Qaeda, for example, appears to have been unaffected.

326. Other aspects of this crucial campaign have, however, been disrupted by the breakdown of international consensus. On 3 October, the British Special Representative for Iraq, Sir Jeremy Greenstock, was asked in an interview whether he was concerned that the US and the UK were shouldering most of the burden of reconstructing Iraq without international support. He replied that “the leaderships in Washington and London entirely understood what they were taking on, and they were prepared to do this themselves.”³⁴¹

327. The past six months in Iraq have demonstrated the extreme difficulties inherent in taking military action, and undertaking state-building projects, without full international support. The difficulties relate not only to questions of ‘hard security’—of ensuring enough trained, disciplined and well-equipped international troops on the ground—but also to matters relating to the legitimacy of the operation, in the eyes of Iraqis and others. The problems facing the Coalition in Iraq now may have serious implications for the long term success of the project.

328. In this Report, we have also described a number of policy areas in which multilateral action is achieving positive results. Among the most significant of these was the visit of the Foreign Secretary and his French and German counterparts to Iran in October, which helped to defuse a crisis over Iran’s nuclear programme, and to ensure intrusive inspections of nuclear facilities there. This was followed by the breakthrough on Libya’s programmes of weapons of mass destruction, again achieved by patient diplomacy involving several nations.

329. We conclude that the threats facing the United Kingdom, both at home and overseas, in the war against terrorism have not diminished. We are encouraged, though, that the Government is working with partners in the European Union, the United Nations and NATO to reassess the respective roles of these multilateral institutions in tackling new security threats; and we commend the Government for its role in fostering this trend.

330. Those who predicted the destabilisation of moderate regimes and the strengthening of extremist regimes in the Middle East following the invasion of Iraq have not been proved correct. There are now enhanced prospects for stability and

339 HC (2002-03) 405, para 264.

340 See paras 258-266.

341 Remarks by Sir Jeremy Greenstock, 5 October 2003, available at: <http://sunday.ninemsn.com.au>

democratic reforms in Iraq's neighbours, as well as a more favourable context for peace between Iraq and her neighbours than there has been for many decades.

Formal minutes

Thursday 15 January 2004

Members present:

Donald Anderson, in the Chair

Mr David Chidgey	Richard Ottaway
Mr Eric Illsley	Mr Greg Pope
Andrew Mackinlay	Sir John Stanley
Mr John Maples	Ms Gisela Stuart
Mr Bill Olnier	

The Committee deliberated.

Draft Report (Foreign Policy Aspects of the War against Terrorism), proposed by the Chairman, brought up and read.

Ordered, That the Chairman's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 5 read and agreed to.

Paragraph 6 read, amended and agreed to.

Paragraphs 7 to 12 read and agreed to.

Paragraph 13 read, amended and agreed to.

Paragraphs 14 and 15 read and agreed to.

Paragraphs 16 and 17 read, amended and agreed to.

Paragraphs 18 to 22 read and agreed to.

Paragraph 23 read, amended and agreed to.

Paragraph 24 read and agreed to.

Paragraphs 25 to 27 read, amended and agreed to.

Paragraphs 28 to 33 read and agreed to.

Paragraph 34 read, amended and agreed to.

Paragraphs 35 to 37 read and agreed to.

Paragraph 38 read, amended and agreed to.

Paragraph 39 read and agreed to.

Paragraph 40 read, amended and agreed to.

Paragraphs 41 to 44 read and agreed to.

Paragraph 45 read, amended and agreed to.

Paragraphs 46 read and agreed to.

Paragraphs 47 and 48 read, amended and agreed to.

Paragraphs 49 to 56 read and agreed to.

Paragraph 57 read, amended and agreed to.

Paragraphs 58 to 74 read and agreed to.

Paragraph 75 read, amended and agreed to.

Paragraphs 76 to 77 read and agreed to.

Paragraph 78 read, amended and agreed to.

Paragraphs 79 to 81 read and agreed to.

Paragraph 82 read, amended and agreed to.

Paragraphs 83 to 86 read and agreed to.

Paragraph 87 read, amended and agreed to.

Paragraphs 88 to 95 read and agreed to.

Paragraphs 96 and 97 read, amended and agreed to.

Paragraphs 98 to 116 read and agreed to.

Paragraph 117 read, amended and agreed to.

Paragraphs—(*Sir John Stanley*)—brought up, read the first and second time and amended.

Question put, That the paragraphs be inserted.

The Committee divided.

Ayes, 5

Noes, 3

Mr David Chidgey
 Andrew Mackinlay
 Mr John Maples
 Richard Ottaway
 Sir John Stanley

Mr Eric Illsley
 Mr Greg Pope
 Ms Gisela Stuart

Paragraphs, as amended, inserted (now paragraphs 118 and 119).

Paragraphs 118 to 120 (now paragraphs 120 to 122) read and agreed to.

Paragraph 121 (now paragraph 123) read, amended and agreed to.

Paragraphs 122 to 126 (now paragraphs 124 to 128) read and agreed to.

Paragraph 127 (now paragraph 129) read, amended and agreed to.

Paragraphs 128 to 132 (now paragraphs 130 to 134) read and agreed to.

Paragraph 133 read. Motion made to leave out paragraph 133 and insert the following new paragraph:

“Israel will have seen the attack as a warning to Syria over its involvement in terrorism and as a demonstration to Syria that there could be a price to pay for such support. It is impossible to overstate the horror felt by Israelis at suicide bombings inside Israel. Arab states will see that attack as increasing tension in the region and arguably as making it easier for Syria to justify any future retaliatory attacks on Israel. **Israel has a right and duty to take steps to protect its citizens from terrorist attacks. In the absence of such attacks, Israel would not launch such strikes. However, punitive strikes such as that against Syria may be counter productive. We recommend that the government use its influence with Israel, its neighbours, the Palestinian Authority and Palestinian groups to prevent the further spread of violence.**”—(*Mr John Maples*)

Motion made and question put, That the paragraph be read a second time.

The Committee divided.

Ayes, 3

Mr John Maples
Mr Greg Pope
Ms Gisela Stuart

Noes, 5

Mr David Chidgey
Mr Eric Illsley
Andrew Mackinlay
Mr Bill Olnier

Paragraph 133 agreed to (now paragraph 135).

Paragraphs 134 to 137 (now paragraphs 136 to 139) read and agreed to.

Paragraph 138 (now paragraph 140) read, amended and agreed to.

Paragraphs 139 to 143 (now paragraphs 141 to 145) read and agreed to.

Paragraphs 144 to 146 (now paragraphs 146 to 148) read, amended and agreed to.

Paragraphs 147 to 154 (now paragraphs 149 to 156) read and agreed to.

Paragraphs 155 to 157 (now paragraphs 157 to 159) read, amended and agreed to.

Paragraph 158 (now paragraph 160) read and agreed to.

Paragraphs 159 to 162 (now paragraphs 161 to 164) read, amended and agreed to.

Paragraph 163 (now paragraph 165) read and agreed to.

Paragraph 164 (now paragraph 166) read, amended and agreed to.

Paragraph 165 (now paragraph 167) read and agreed to.

Paragraph 166 (now paragraph 168) read, amended and agreed to.

Paragraphs 167 to 172 (now paragraphs 169 to 174) read, amended and agreed to.

A paragraph—(*Sir John Stanley*)—brought up, read the first and second time and inserted (now paragraph 175).

Paragraph 173 (now paragraph 176) read, amended and agreed to.

Paragraphs 174 to 178 (now paragraphs 177 to 181) read and agreed to.

Paragraphs—(*Richard Ottaway*)—brought up, read the first and second time, amended and inserted (now paragraphs 182 and 183).

Paragraphs—(*John Maples*)—brought up, read the first and second time, amended and inserted (now paragraphs 184 to 186).

Paragraphs 179 to 181 (now paragraphs 187 to 189) read and agreed to.

Paragraph 182 (now paragraph 190) read, amended and agreed to.

Paragraphs 183 to 189 (now paragraphs 191 to 197) read and agreed to.

Paragraph 190 (now paragraph 198) read, amended and agreed to.

Paragraphs 191 to 194 (now paragraphs 199 to 202) read and agreed to.

Paragraph 195 (now paragraph 203) read, amended and agreed to.

Paragraphs 196 to 207 (now paragraphs 204 to 215) read and agreed to.

Paragraph 208 (now paragraph 216) read, amended and agreed to.

Paragraphs 209 to 212 (now paragraphs 217 to 220) read, amended and agreed to.

Paragraph 213 (now paragraph 221) read, amended and agreed to.

Paragraphs 214 to 224 (now paragraphs 222 to 232) read and agreed to.

Paragraph 225 (now paragraph 233) read, amended and agreed to.

Paragraphs 226 to 233 (now paragraphs 234 to 241) read and agreed to.

Paragraph 234 (now paragraph 242) read, amended and agreed to.

Paragraphs 235 to 243 (now paragraphs 243 to 251) read and agreed to.

Paragraphs 244 and 245 (now paragraphs 252 and 253) read, amended and agreed to.

Paragraphs 246 to 248 (now paragraphs 254 to 256) read and agreed to.

Paragraph 249 (now paragraph 257) read, amended and agreed to.

Paragraphs 250 to 286 (now paragraphs 258 to 294) read and agreed to.

Paragraph 287 (now paragraph 295) read, amended and agreed to.

Paragraphs 288 to 292 (now paragraphs 296 to 300) read and agreed to.

Paragraph 293 (now paragraph 301) read, amended and agreed to.

Paragraphs 294 to 305 (now paragraphs 302 to 313) read and agreed to.

Paragraph 306 (now paragraph 314) read, amended and agreed to.

Paragraphs 307 to 314 (now paragraphs 315 to 322) read and agreed to.

Paragraph 315 (now paragraph 323) read, amended and agreed to.

Paragraphs 316 to 320 (now paragraphs 324 to 328) read and agreed to.

Paragraphs 321 and 322 (now paragraphs 329 and 330) read, amended and agreed to.

Resolved, That the Report be the Second Report of the Committee to the House.

Ordered, That the Chairman do make the Report to the House.

Ordered, That the provisions of Standing Order No.134 (Select committees (reports)) be applied to the Report.

Several Papers were ordered to be appended to the Minutes of Evidence.

Ordered, That the appendices to the Minutes of Evidence taken before the Committee be reported to the House.—(*The Chairman.*)

[Adjourned till Tuesday 27 January at 2.30pm.]

Witnesses

Tuesday 4 November 2003

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Nomi Bar-Yaacov, International Institute for Strategic Studies.

Ev 4

Dana Allin and Jonathan Stevenson, International Institute for Strategic Studies.

Ev 11

Nick Pelham, Journalist, The Economist and Financial Times and **Peter David**,
Foreign Editor, The Economist

Ev 18

Tuesday 2 December 2003

Rt Hon Jack Straw MP, Secretary of State, **John Sawers CMG**, Director-General,
Political and **Edward Oakden CMG**, Director, International Security, Foreign and
Commonwealth Office

Ev 30

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Memorandum submitted by Mr David A Williams	Ev 65
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Memorandum submitted by Mary Kaldor and Yahia Said, (LSE)	Ev 80
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Oral evidence

Taken before the Foreign Affairs Committee

on Tuesday 4 November 2003

Members present:

Donald Anderson, in the Chair

Mr Fabian Hamilton
Mr Eric Illsley
Andrew Mackinlay
Richard Ottaway

Mr Greg Pope
Sir John Stanley
Ms Gisela Stuart

Memorandum from Professor Jonathan Stevenson, Senior Fellow for Counter-Terrorism, International Institute for Strategic Studies

US AND COALITION PROGRESS IN REDUCING AL-QAEDA'S THREAT

1. The global counter-terrorism mobilisation (by making the US and Europe less vulnerable and rolling up some terrorist cells) and the US-led intervention in Afghanistan (by depriving al-Qaeda of a comfortable physical base and training facilities) hobbled the transnational Islamic terrorist network's offensive capabilities. Yet by forcing the organisation to disperse even more widely—and thus to become more atomised, more protean and more invisible—the elimination of Afghan base actually made the network better off in defensive terms. The net effect was that al-Qaeda was forced to relinquish greater operational initiative to local affiliates, and to concentrate temporarily on targets of opportunity (eg, in Tunisia, Pakistan, Indonesia, Kenya, Saudi Arabia and Morocco) rather than the preferred target of the US (and, secondarily, Europe). But the number of al-Qaeda members or affiliates, killed, captured or detained is only a small percentage of the number of those who passed through al-Qaeda training camps in Afghanistan, and recruiting has continued. Against this background, over the past six months or so, al-Qaeda's threat has been contained but probably not substantially reduced.

2. On one hand, there have been at least two major arrests: those of al-Qaeda third-in-command Khaled Sheikh Mohammed in March and Riduan Isamuddin (known as Hambali), al-Qaeda's liaison with Jemaah Islamiyah, in August. As a result, al-Qaeda's operations have probably been compromised, and some valuable intelligence about al-Qaeda's global operations may have been gleaned through interrogation. On the other hand, al-Qaeda appears to have added the Iraq intervention to its list of grievances and refocused terrorist efforts on the Arab world. The tape broadcast by al-Jazeera on 21 May 2003, apparently recorded by second-in-command Ayman al-Zawahiri, branded several Arab states—including Saudi Arabia, Kuwait, Qatar, Bahrain, Egypt, Yemen and Jordan—as collaborators in the war against Iraq. The Riyadh and Casablanca attacks also suggested al-Qaeda's renewed operational preoccupation with "apostate" Arab countries. More broadly, the enlarged US military footprint in the Gulf should be expected to increase the inclination of Muslims to turn towards radical Islam and potentially terrorism, more than offsetting any calming effect of the prospective US military withdrawal from Saudi Arabia. So will continued violence and the political impasse in Israel and the Palestinian territories. Al-Qaeda's recruitment therefore should increase.

3. Finally, from a strictly operational point of view, the substantial exposure of US troops in Iraq is an enormous temptation. The persistence and daring of the relatively small attacks that have plagued US forces for months constitute the standing concern, in that they indicate commitment, courage, the efficient use of resources and consequently staying power. But al-Qaeda and its sympathisers, a number of whom are present in Iraq (see below), would likely regard a spectacular attack on US personnel in Iraq—like Hizbullah's 1983 suicide-bombing of the Marine barracks in Lebanon, which killed 241—as a feasible consolation until they are ready to attempt another mass-casualty attack on American soil.

EFFECT OF THE IRAQ WAR ON COUNTER-TERRORISM

4. Clearly al-Qaeda remains unamenable to political suasion, and maintains a violent global pan-Islamic agenda. On the plus side, however, war in Iraq has denied al-Qaeda a potential supplier of WMD. It may also have discouraged state sponsors of terrorism from continuing to support it, though this remains unclear. While Syria has appeared intimidated at times, it has not ended its logistical and political support to Hamas and Palestinian Islamic Jihad. The same goes for Iran. Hizbullah, also supported by Iran and Syria, does not appear to seek direct involvement in a wider war, and the fact that the Iraq war liberated Hizbullah's fellow Shi'ites would tend to discourage attacks on US occupying forces. Hizbullah was also comparatively quiescent before and during the Iraq war, though it may yet become more provocative in the

Israeli-Palestinian conflict. In opening the way to demonstrating the merits of political pluralism and participation in a reconstructed Iraq, the Iraq war may also have improved the West's ability to address the root causes of Islamic terrorism through democratisation—though any such gains are as yet unrealised and by no means assured.

5. On the minus side, war in Iraq has inflamed radical passions among Muslims worldwide and thus increased al-Qaeda's recruiting power and morale and, at least marginally, its operational capability. British intelligence has reported that most of the foreigners captured in Iraq have been from the Middle East/Gulf region—in particular, Syria, Lebanon and Yemen—and from North Africa. Jean-Louis Bruguière, the top French judge investigating terrorism, has indicated that dozens of young Muslim men have left France to fight in Iraq since the summer. European intelligence sources believe that most of the European recruits have little or no training. Despite jihadist terrorism having hit home in Saudi Arabia, Saudis are still contributing money to terrorist organizations, and still supply 50–60% of Hamas' funding. On balance, therefore, the short-term effect of the war may have been to further isolate al-Qaeda from any potential state supporters while also increasing its ranks and galvanising its will.

6. The Iraq war has only marginally drawn material resources from counter-terrorism. Following the Afghanistan intervention, al-Qaeda fully dispersed and clandestinely infiltrated society in up to 90 countries, becoming more difficult to detect and largely unaddressable by military power. While the opportunity for a *Predator* strike may occasionally arise, military counter-terrorism is generally limited to technical intelligence gathering; precautionary special-operations deployments; first response and civil defence; and, exceptionally, counter-insurgency in Iraq. Counter-terrorism has become primarily a function of non-military efforts comprising homeland security and law-enforcement and intelligence co-operation. Given that the Iraq war was a military one, it did not compete sharply for existing government assets with post-Afghanistan counter-terrorism. Furthermore, in spite of the acute transatlantic political differences that arose over Iraq, bilateral counter-terrorism co-operation was not compromised before, during or after the war, on account of the US' nor Europe's mutual self-interest in co-operating.

7. Nevertheless, the war may have more substantially hijacked the *attention* of some governments from homeland security. In particular, the Bush administration's preoccupation with Iraq appears to have distracted the US from robustly implementing ambitious homeland-security plans, and has absorbed funding that might otherwise have gone for homeland security. A July 2003 Council on Foreign Relations study found that the five-year funding shortfall for first-response, for example, came to about 20% of the total required, but this of course cannot be attributed entirely to the Iraq war. Generally, however, as time has passed without a major attack on US soil, the Bush administration seems to have placed a premium on overseas operations over homeland security in the overall counter-terrorism equation. European capitals do not fully embrace the United States post-9/11 vulnerability-, or capabilities-based approach to homeland security, instead favouring a threat-based approach that relies more on current intelligence. This is because their experience with more traditional ethno-nationalist and ideological terrorist threats makes them sceptical about anticipating unspecified attacks and because they lack the United States' resources. At the same time, perhaps owing to their proportionally larger and more restive Muslim populations, they have seemed more concerned than Washington that intervention in Iraq would provoke jihadist attacks on home soil. The series of arrests in France, Britain, Italy and Spain in late 2002 and early 2003 reflected this concern. So did the UK's deployment of troops at Heathrow Airport in response to a surface-to-air missile threat in February and its drill simulating first response to a chemical attack in London last September.

AL-QAEDA/JIHADIST ACTIVITY IN IRAQ

8. The US is still al-Qaeda's prime enemy, and the detection and apprehension of terrorist cells in the US—and Khaled Sheikh Mohammed's revelation of a committed al-Qaeda recruitment strategy in the US—demonstrates the network's active intent to kill Americans on US soil. The group also remains keen on recruiting and targeting in Europe—probably especially in the UK, given its strategic alignment with the US. As noted, however, the effectiveness of the counter-terrorism campaign has forced al-Qaeda and its sympathisers to find other targets for the time being. Before the Iraq war, its area of operation included South Asia, Central Asia, Southeast Asia and East Africa. While Islamic terrorists will certainly still exploit vulnerabilities in those locales as they present themselves, the Riyadh and Casablanca bombings last May suggested that the Iraq war had broadly refocused the Islamic terrorist efforts on the Arab world. Moreover, jihadists (ie, members of al-Qaeda or linked groups or those sympathetic with al-Qaeda's violent pan-Islamic agenda) appear to be infiltrating Iraq. These developments are unsurprising and make perfect sense. US-led intervention confirms central themes of the group's ideology: that America has predatory designs on Arab wealth and is broadly hostile to Islam. al-Qaeda doctrine also dictates that it draw the blood of any "Crusaders" in a historically important caliphate, which would include Iraqi territory. Its performance in this effort will determine its continued credibility as Islam's prime defender, and thus its recruiting power. In sum, Iraq is, as Lieutenant-General Ricardo Sanchez, the senior US military officer in Iraq, has put it, a "terrorist magnet", a new field of jihad. In an audiotape broadcast on al-Jazeera in October, Osama bin Laden said that Iraq was the newest front in al-Qaeda's international jihad. American intelligence analysts believe that up to 1,000 foreign jihadists are now present in Iraq.

9. Since President Bush officially declared the large-scale military campaign over on 1 May 2003, an insurgency has taken hold in Iraq. The summer witnessed 10–15 attacks per day. The insurgency has since gained momentum, as there are now 20–35 daily, and they are becoming better organized and more sophisticated—as demonstrated last week by the rocket attack on a hotel in Baghdad and co-ordinated and nearly simultaneous suicide attacks on the Red Cross and two police stations the following day. US intelligence analysts believe that the insurgency was initiated by disparate local groups of Baath Party loyalists, ex-army personnel and ex-intelligence officers loyal to Saddam Hussein. The timing of the jihadists' main push into Iraq—as the indigenous insurgency started to build strength—is consistent with the jihadists' tactical need to establish themselves with their Iraqi hosts, plug into the terrorist infrastructure and then go operational. American intelligence analysts now perceive a slow shift in the likely primary perpetrators from Baathist holdouts to al-Qaeda connected foreigners in league with local volunteers. US forces have detained about 250 foreigners, 19 of whom are reported to be probable al-Qaeda members.

10. At this moment, US authorities are not sure who is responsible for the attacks. It is a difficult determination to make inferentially. The main victims have been Iraqis. About 140 American soldiers have also been killed since 1 May as a result of hostile operations. (British forces have also died, though in what have appeared to be spontaneous outbursts rather than planned guerrilla attacks.) Non-American foreigners, as in the devastating attack on the UN on 19 August, have also been hit. The Jordanian and Turkish embassies have been bombed. Although most attacks have occurred inside the “Sunni triangle” of Baghdad, Tikrit and al-Ramadi, almost 30% have occurred outside that region, in Kurd and Shi'ite areas. These target choices and locations are consistent with both insurgent and al-Qaeda objectives. The attacks against Iraqis are intended to intimidate the local population and discourage co-operation with the US and its partners, and, by their indiscriminate character, to lay the blame on the occupation for the loss of Iraqis, reinforcing resentment among indigenous survivors. The UN is part of the foreign occupation. Jordan and Turkey are Muslim nations that have actively supported US military operations. While the co-ordinated onslaught on the Red Cross and the police stations occurred on the first day of Ramadan, suggesting a distinctly jihadist cast, the timing could also have been intended to evoke the Tet Offensive in Vietnam—a tactical victory for the US but a strategic defeat. There has also been terrorist violence against Shi'ites. The perpetrators could equally be radically anti-American Shi'ites, al-Qaeda-affiliated Sunnis or Baathists fearful of Shi'ite domination in a reconstructed Iraq. Some analysts suggest that the increasing sophistication of the attacks may be due to the rising involvement of trained or seasoned foreign terrorists, but this remains speculative.

TERRORIST SPONSORSHIP BY ARAB AND OTHER MUSLIM STATES

11. Syria appears to be a key supporter of jihadists in Iraq. Syrian nationals have a heavy presence there. Of the 248 currently in US custody, 123 are reportedly Syrians. One of the “Ramadan Offensive” terrorists has been identified as Syrian on the basis of documents found on his body. Furthermore, most foreign jihadists currently in Iraq are believed to have received substantial logistical assistance once inside the country from several hundred remnants of Ansar al-Islam, a fundamentalist group with ties to al-Qaeda that was based in Kurdish-controlled northern Iraq but dismantled by US troops. Most of the jihadists have reportedly entered Iraq from Syria. This implies tactical assistance from Syrian officials.

12. Saudi Arabia is also a player. Its state-supported clergy—in particular, Sheikh Nasser Al Omar and Sheikh Safar Al Hawali—have publicly exhorted Saudi nationals to fight in Iraq against the US. US intelligence agencies believe that Saudis are leading financiers of Sunni insurgents in Iraq. Some Saudi jihadists have apparently entered Iraq. The opposition Washington-based Saudi Information Agency reported two of them killed by American troops in May 2003.

13. Members of Iran's powerful and virulently anti-American Revolutionary Guard Corps have also been identified in Iraq. They are believed to be building terrorist networks that would be activated for action against the US and its allies should they support any political configuration that marginalises the interests of the Shi'ite majority for the sake of Sunni pacification and co-operation.

APPROPRIATE FOCUS OF UK, US AND ALLIED COUNTER-TERRORISM EFFORTS

14. In the two years following September 11, the first priority was understandably and correctly self-protection via improved homeland security and enhanced law-enforcement and intelligence co-operation. Advances have occurred, particularly transatlantically, since 9/11. Given the continued viability of al-Qaeda, none of the many potential targets can afford to relent, and these two areas must continue to receive primary attention. Money-laundering has also received close attention, and mainstream banking is now subject to substantial vigilance. Big strides in financial surveillance, however, will now be difficult to make. Informal *hawala* remittance systems involve transactions based on trust rather than a paper trail, and therefore are very difficult to regulate. Al-Qaeda's post-Afghanistan decentralisation also means that the transnational terrorist network is increasingly reliant on atomised local sources that are harder to monitor. Muslim banks and their regulators tend to be averse to the application of heavy scrutiny, though some Arab governments have shown grudging co-operation. Private citizens, particularly Saudis, continue to contribute to charities that serve as fronts for and conduits to terrorist organisations. Perhaps the most

important measure that Western governments and regulators can yet take is to further tighten controls on such charities by adding them to official lists of terrorist organisations and, correspondingly, freezing their assets.

15. Because the US and Europe have a better grip on the transatlantic terrorism than they did before 9/11, they may now have the opportunity to devote greater efforts to the medium- and long-term challenges of eliminating the root causes of such terrorism. Perhaps the most urgent needs in this area involve conflict resolution. While al-Qaeda itself is not amenable to political negotiation or compromise, unresolved conflicts that are nonetheless susceptible to resolution upset and anger Muslims on a daily basis and provide al-Qaeda with eager recruits. The most potent of these conflicts is the Israeli-Palestinian conflict. After Iraq, of course, it has clearly been a priority of the US as well as the rest of the “quartet”. Despite the recent frustrations of implementing the “Road Map”, major powers need to resist any temptation to disengage from efforts to advance peace process. In addition, the Kashmir problem, insofar as it can be portrayed as a manifestation of repression against Muslims, gives radical Islam substantial traction in South and Central Asia. Despite India’s inhibiting disinclination to internationalise the problem, it may be a propitious moment for outside powers to move beyond hard counter-terrorism and crisis management in the region and attempt to facilitate conflict resolution.

16. Appropriate new priorities could also include: (1) social reforms in European nations—especially those, like the UK, with large Muslim populations—designed to better assimilate and integrate those populations into the mainstream and thus reduce the impulse towards radicalisation; (2) more robust and considered efforts to improve the image of Western countries in the Islamic world; and (3) greater attention on saving failed states and strengthening weak ones that might otherwise be co-opted or “hijacked” by terrorists (as Afghanistan was) and/or become sources of terrorist recruits.

17. Finally, the clear and emphatically mandatory new priority is counter-insurgency in Iraq. Success—or failure—in this endeavour has serious implications not only for the nation-building effort in Iraq and regional stability but also for the global campaign against al-Qaeda and its affiliates. If the insurgents in Iraq—which will likely include foreign jihadists if they do not already—continue to bleed US forces and other components of the occupation, al-Qaeda recruitment will increase and its resolve will be galvanised. In the area of counter-insurgency, tactics for thwarting “new” and “old” terrorist threats converge. For this reason, the UK’s substantial and largely successful experience in joining up military and civilian counter-terrorism elements in Northern Ireland could be of considerable assistance to the United States. The US may also need to re-allocate intelligence resources in Iraq towards counter-insurgency and away from uncovering weapons of mass destruction, which is currently absorbing a disproportionate share of collection capability.

Professor Jonathan Stevenson
International Institute for Strategic Studies

3 November 2003

Witness: Ms Nomi Bar-Yaacov, International Institute for Strategic Studies (ISSS), examined.

Q1 Chairman: Ms Bar-Yaacov, may I welcome you to the Committee, as part of our inquiry into the foreign policy aspects of the war against terrorism. You are an expert from the ISSS in respect of Israel and Palestine and it is in that area I should like to begin and then open the questions to colleagues. As you probably know, the Committee visited the Middle East in the middle of September. We went to Syria, Jordan and then Jerusalem, where we met representatives of the Palestine Authority during the period when Abu Ala was in the position of being nominated but not fully confirmed, senior representatives of the Israeli Government and a number of important non-governmental organisations working in the area. Since that time in September there have been several negative developments and it is on that first that I should welcome your own views, particularly on the Haifa bomb attack and the Israeli reaction against Syria and the attack on the US convoy moving into the Gaza Strip. First of all, in respect of the Israeli strike against Syria, is it your view that that does mark a shift in policy on the part of Israel? Why was that attack mounted?

Ms Bar-Yaacov: Thank you very much, Chairman, for inviting me here. It is a great pleasure and honour to be here and I shall do my best to answer your questions. It is my view that it marks a potential escalation. It is a bit too soon to judge how it will play out in the region. The reasons Israel mounted the attack are as follows. A suicide bombing in Haifa had just been carried out, on the eve of the holiest holiday in Israel, Yom Kippur. The Prime Minister, Ariel Sharon, felt that he had to respond; his response would have been to expel Arafat, but the US had quite clearly instructed him not to do so. He felt that he was running out of potential options and he wanted to send a very strong message to “terrorist organisations” and states supporting terror. In his view Syria is an easy target, it is Israel’s neighbour, it harbours a number of terrorist organisations with links to Palestine and he chose a target which was an empty, non-functioning training camp because he wanted on the one hand to send a message that he was serious about combatting terror and on the other hand he did not really want to strike Damascus or kill too many people.

4 November 2003 Ms Nomi Bar-Yaacov

Q2 Chairman: That said, he publicly claimed that it was still a training camp, although others said it was a Palestinian refugee camp. I notice that a spokesman for Islamic Jihad denied having any training camps in Syria and the Popular Front for the Liberation of Palestine said that the camp was no more than one of its disused training camps. Are you accepting that position? What is your view of the current intelligence in respect of that camp?

Ms Bar-Yaacov: My view on the current intelligence is that it was not operating as a camp at the time it was bombed and that the reason it was chosen was in order to send a very strong message to neighbouring states to stop harbouring terrorist groups with links to Palestine.

Q3 Chairman: Was that strong message received?

Ms Bar-Yaacov: Yes, to a certain extent.

Q4 Chairman: What has been the response of the Syrian Government?

Ms Bar-Yaacov: The official response has always been that they are not harbouring terrorists and that Palestinian terrorist groups do not operate out of Damascus. What we have seen is that Israeli Intelligence say that they have taken some action in that regard and that the message was well received. I am not really in a position to comment on those reports, but I can confirm that is the line of reporting coming out from the Israeli security services.

Q5 Chairman: You said that the Israelis were not able to attack or deport Arafat because of pressure from the US. Is that part of the reason for the lack of condemnation on the part of the United States Government?

Ms Bar-Yaacov: It is my belief that Israel would not have attacked this camp in Syria without prior US consent.

Q6 Chairman: How best is that lack of condemnation to be construed? Does it give an indication to Israel that they can attack other camps if they so choose or is it limited?

Ms Bar-Yaacov: I believe that there is quite an open dialogue between Israel and the US and that the US is dictating to Israel what they can and cannot attack outside the boundaries of the State of Israel and the Palestinian Occupied Territories. In that sense I believe that it is a limited choice.

Q7 Chairman: From your own knowledge, you have mentioned the extent to which the US does have a hold on Israeli policy. Are there any areas where there is a divergence of view on the part of the Israeli and US Government in the region? You talked about a close working together of the US and Israeli Governments. Where are the points of divergence between those two governments?

Ms Bar-Yaacov: It is a very good question and quite difficult to answer because I am not sure that the US is speaking with one voice. The US has allowed Israel to carry out far-reaching policies, especially in the Palestinian Occupied Territories. I

think in that regard Prime Minister Sharon has won the support of President Bush. I also think that with the US being so involved in Iraq now, they do not really have the time, the energy and the resources to engage in the Israeli-Palestinian conflict. I do not think they really have the interest to take any risks at the moment, especially since they are running into an election year. The Israeli-Palestinian conflict is an extremely difficult issue to deal with and it is a no-win situation or it is perceived as such at this time in the US. I think I could sum up the American policy at present, certainly since your visit to the region, as one of disengagement and therefore I do not really think there are many points of divergence: they are just allowing Israel to carry out more or less whatever policy the Israeli Government would like to carry out. The main point of divergence is on Arafat and Israel has accepted that they will not be able to expel him and they do not plan to do so. I do not think they will carry out an expulsion of Arafat without US approval and the US stance is unlikely to change.

Q8 Chairman: Presumably the attack on the US convoy only underlined that US policy.

Ms Bar-Yaacov: The attack on the US convoy only strengthened the US's support of the Israeli stance that they are fighting the same sort of war that the US is fighting against al-Qaeda and terrorism: Israel is fighting against terrorist organisations on the West Bank. That is the Israeli view and the attack on the convoy in Gaza strengthened that view.

Q9 Mr Pope: I want to move on to the other side of this equation. As you rightly say, it is quite difficult to judge what the link is between the Bush administration and Israeli policy. The other side of this equation is the link between Syria and Iran and Palestinian terror groups. Could you give us your opinion on how much control the Syrians and the Iranians have over these groups? Can they command and control them or are the links more informal than that?

Ms Bar-Yaacov: The main group which Iran and Syria back up is Hezbollah which operates out of southern Lebanon. Both Iran and Syria have very strong links to Hezbollah and they have a fair degree of control over that organisation, even though that particular organisation is also fractured to a certain degree. I am not suggesting that they have 100% control and the funding and the training do come primarily from Iran. This is not necessarily the case with other groups operating in Palestine, although a number of them have offices in Damascus and some links to Iran. The terrorist groups operating in Palestine and those like the al-Qaeda sort of network are funded. They are not fighting the same cause. Al-Qaeda is fighting the US occupation and the US control of the West: Hamas and Palestinian Islamic Jihad are primarily fighting Israeli occupation.

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Q10 Mr Pope: I got really confused about this whole issue when I was in the Middle East and I never really felt I received very clear answers, especially in Damascus where the question was repeatedly put about what links there were between the Syrian regime and Hezbollah. I never felt I received a full, frank and honest answer to that. When the cease-fire broke down in August, do you think that was at the behest of Damascus and Teheran? Could they control it? What level of command and control do you feel they have?

Ms Bar-Yaacov: The cease-fire was between the Fatah organisation, the Hamas and the Palestinian Islamic Jihad. Those organisations are primarily run from within Palestine and the reason that it broke had more to do with an internal debate between these organisations inside Palestine than with the countries you mention. It became a cease-fire on 29 June this year because of an internal debate between Fatah, Hamas and Jihad, with the support of the Egyptian Government. The Egyptian Government plays an incredibly important role and that role should be encouraged by the UK Government and other governments in brokering deals. They understand how these groups operate, they understand what kind of support they have, what makes their minds tick and that is something which is often misunderstood outside the region. The reason that the cease-fire broke did not have that much to do with outside pressure, but had more to do with internal pressure.

Q11 Mr Pope: That is really helpful. Colleagues have passed me a note saying that my confusion is not limited to my stay in Damascus. The last point I want to raise is about the European Union. The European Union, following a British move, moved against funding of Hamas recently. Do you think there is more that either the UK as a state on its own or the EU as an organisation could do to discourage states in the Middle East from promoting or sponsoring terrorism?

Ms Bar-Yaacov: Yes. There is more that the UK Government can do and the EU and the dialogue that the EU has been conducting for the last five years with the militant organisations has been extremely important and very much helped to broker the cease-fire of 29 June. On the one hand it is important to keep a dialogue going, otherwise there is a serious misunderstanding of what these organisations are all about. On the other hand it is very important to keep the pressure on those who fund the organisations and there can be closer monitoring of such activity and more pressure can be put on. However, I should like to emphasise that it is important to do both at the same time. I do not think they lie in conflict with one another. It is important on the one hand to keep a dialogue with these organisations in order to understand what the trends are within the organisation. For example, within Hamas, there is a big difference between the Izzedine al-Qassam, which is the military wing of the organisation, and the political wing of the organisation and within the political wing of the organisation there is a big difference between the

thinking of various leaders and likewise within Izzedine al-Qassam, but that is less important because Izzedine al-Qassam is a military terrorist organisation. In order to understand where Hamas is standing, and Hamas are gaining political support within Palestine and they are going to continue to be a political force as well as a militant force, it is very, very important to continue that dialogue which to the best of my understanding was cut off very, very recently. In my personal opinion, that was a mistake and it is important to renew that dialogue and to have a team which works closely with Solana and it has been working closely with him for the last five years, operating on the ground and feeding the UK Government information about the subtlety of what goes on within.

Q12 Richard Ottaway: In the past you have placed emphasis on the Road Map, which is very complex. To what extent have the parties implemented it so far?

Ms Bar-Yaacov: I still think that the Road Map is an important document, even though I sadly recognise the fact that its implementation is currently stalled. The parties have not really done much to implement it and that is because there has been no pressure on them to do so. That goes back to the Chairman's first question about the US policy. The US has taken the lead on the implementation on the Road Map and frankly has not really done anything. It sent Ambassador John Wolf to the region as the special representative. He came in with a team of very young and not sufficiently experienced monitors and insufficient numbers—only 12 of them. Their work was not public and the parties were not happy with it and quite frankly they failed in the implementation thus far. What is needed in order to make the Road Map work is a very serious third party intervention, which is exactly where this government can contribute to it. It is very important to have enhanced monitoring at the initial stage, verification and compliance and to build up towards a multinational peacekeeping force. The parties alone clearly cannot implement the Road Map. The Israeli Government does not have any interest in doing so at present. They have made it very, very clear, that they will not move on the Road Map, they will not implement their obligations under the Road Map until the Palestinians cease all violence and all terror attacks. The Palestinians are not capable of ceasing all terror attacks and violence and restructuring their security apparatus and disarming all of their militant groups and collecting all the weapons. It is very important to carry out all those activities, but I do not think the Palestinians alone can carry out those activities and the international community, including this government, can help them carry out those activities. The Road Map or any other international plan or any other national plan such as the Geneva Accords, which call for a multinational force and for what they call an implementation verification group (IVG), which is

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something they called for in the preamble and which runs across every single article of the proposed accords.

Q13 Richard Ottaway: Who do you think that third party should be? Should it be the UN, EU, NATO?

Ms Bar-Yaacov: Hopefully all of the above working together, but that is wishful thinking down the line. Answering your question quite frankly, yes, it would be fantastic if you could get all of those to engage. I do not think that is realistic at present. All the groups you mentioned, the UN, EU and NATO should start thinking about what role they can play, but in the immediate stage, now, yes, the EU and the UN can take a much more active role to make things happen.

Q14 Richard Ottaway: If that does not happen is it doomed to fail?

Ms Bar-Yaacov: Yes, if it does not happen it is doomed to fail; absolutely.

Q15 Sir John Stanley: You said that the Road Map was currently stalled. I have to say, as one of the members of the Committee who have been recently into the occupied territories and to Israel, it looks to me to be absolutely dead in the water. There is almost a complete divergence between the political rhetoric which we hear from politicians and what is actually happening on the ground. The reality of what is happening on the ground is that the settlement programme is continuing and indeed you will have seen the announcement made only a few days ago by the Israeli Government that they were extending more utilities to more outposts; so the settlement programme is going on. The wall building is continuing and we saw a further announcement on that as we returned from the occupied territories. On the issue of the Palestinian state being economically viable, all the evidence we saw on the ground was that all the steps the Israeli Government is taking inside the occupied territories is actually completely counter to the possibility of a viable state emerging. The farmers are being separated from their lands by the wall. We went to see the large town of Qalqilya, 43,000 people and we saw for ourselves how, as a result of the policy of not allowing Israelis to come into the town with the building of the wall right the way around it, down the high street about half the shops were now shuttered up. We were told that a lot of those had been joint Israeli-Palestinian businesses. I must put it to you that when you simply say it has stalled, it looks to me as though there is absolutely no possibility of the present Israeli Government, regardless of the pressure being brought to bear on it, being unwilling to give up any significant amount of the occupied territories to stop the settlement building programme and most certainly not to stop the wall building programme taking place within the occupied territories.

Ms Bar-Yaacov: I could not agree with you more, not about the death of the Road Map but about the analysis, the fact of the construction of the wall, the continuing expansion of settlements, depriving Palestinians in and around Qalqilya and other towns. I know this Committee visited Qalqilya but there are plenty of other small enclaves where Israel has built either walls or fences surrounding entire villages or towns. It is important to note that and it is important to recognise what is happening on the ground. The reason I say the Road Map is stalled is because it is possible to revive it and death implies that there is just no resuscitation process available. The majority of Israelis and the majority of Palestinians do want peace. In a poll published today 87% of the Israeli population still says it believes in a two-state solution and believes in resuming negotiations. For a long time Israelis and Palestinians did not want to resume negotiations. There was a feeling that there was a war, they were the victims of terror, there was this whole business of “rewarding terror” and a lot of Israelis and a lot of Palestinians, the majority at times, felt that it was not the right time to resume negotiations. Today that is not the case and the only document which has been accepted by both parties, with some reservations on the Israeli side, is the Road Map. I do not know how long this government will last. There may be a call for early elections in Israel sooner or later. We have seen the Israeli chief of staff come out with overt criticism of the precise trends you have just spelled out before us. Moshe Ya’alon came out last week with extremely harsh criticism of the Israeli counter-terrorist measures and said that they are choking Palestinian society, humiliating Palestine and will only cause more violence in the short and long term and that they are not serving Israel’s security interests. For the chief of staff of the Israeli army to come out with a statement saying that Israel’s policies in the occupied territories are not serving Israel’s security interests is quite a far-reaching statement and has created a very serious debate and it will have a lot of impact. In addition to that you also have the Geneva Accords which were provisionally signed in Amman three weeks ago which also started a debate. These are all trends which have started since your visit to Israel, Palestine and the region. The fact that a group of senior Palestinian officials and a group of left-wing members of the Israeli Knesset and others have managed to come up with a 45-page document outlining the final status issues, coming up with creative solutions on Jerusalem, on refugees and on other delicate issues like borders and settlements, even though this is not a document which has been endorsed by the government and naturally was criticised by the parent government in Israel—the Palestinian reaction was somewhat more ambiguous—proves to the Israeli people and to the Palestinian people that there is an alternative. I go back to the will for peace: it proves that there is a will to move forward and some Israelis are beginning to recognise that the trends you mentioned are not going to serve Israel in the long run.

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Q16 Sir John Stanley: There have been any numbers of productions of paper documents and that is a relatively easy exercise, indeed a new one has emerged since we returned from Israel and the occupied territories. Can you tell us the basis for your apparent optimism that in a democratic election in Israel it is going to be possible for a party or coalition of parties to be elected as the Government of Israel based on putting to the electorate that if elected they are going to take down the whole of the security wall which is inside the occupied territories and remove every Israeli settlement inside the occupied territories and return the land to the independent Palestinian state?

Ms Bar-Yaacov: First of all, the document does not say they will do that. It does not say any of that. The Geneva Accords do not talk about removing the wall and they do not talk about moving back all the settlements from the West Bank. I do not think that this document will be the next peace agreement either; the Geneva Accords are not going to be acceptable to both parties as they are drafted today. My point is that there is a debate which did not exist in the society previously about alternatives and it is a very significant debate. The significance of the Geneva Accords is that they show there is an alternative. This will not be the alternative. I am saying two different things here: yes, it is significant; no, it will not be adopted as it is. However, it has started a very serious debate within Israeli society. One in five Israeli lives below the poverty line. That is unprecedented for Israel. The economic situation is in a shambles, parents do not want their children to serve in the occupied territories, they do not want their children to guard settlements or to man checkpoints between Palestinians. There is a beginning of a debate and I would not be surprised if this government did not last its full term.

Q17 Ms Stuart: We mentioned the United States and there is a very serious accusation that the Road Map was simply something Bush agreed to because it was part of the deal the United Kingdom required for domestic purposes in many ways, but there is no real engagement, particularly now in the runup to the election. We have the European Union which, whilst it provides funds, does not provide a coherent political will. You mentioned Egypt. We are getting quite clear who is analysing the problem. What I do not have a sense of is who in the current situation will actually have the political power to get people round the table and have the political will and political power to provide solutions. Who, in your view, would be the key players who would have to engage seriously? Is it just the United States? Does the European Union have a political voice there or is it just funding? If you had to pick your dream team which has to meet round the table one evening who would be capable of delivering? Who would that be?

Ms Bar-Yaacov: It is important to try to get the US engaged, but it is not realistic at the moment. I just do not think that the US is going to engage until the elections and then inauguration, so we are

talking January 2005. In terms of how to approach this we need to think about what we can do between now and January 2005 and how we can plan for a more robust meaningful engagement with the US and potentially with NATO later on down the line. It is incredibly important to engage moderate Arab states at this stage in the debate. Following the occupation in Iraq a lot of Arab states feel alienated and very bitter about what goes on in Israel and Palestine and the American disengagement and I do think that the UK Government is in a very good position to do that, to take the lead. The UK is in a slightly different position to the rest of the EU. The EU has just come out with a poll that Israel is the greatest threat to world peace and Israel is not a great fan of the EU. I do not think Israel and the UK have the same relationship. A direct dialogue between the UK and Israel is possible. I also think it is important to keep the pressure on the US, even though I do not think they will necessarily engage at a high level, but I would not work behind their backs, I would certainly keep them apprised of what is going on and consult with them on the one hand and on the other hand take direct action. Sharon does not want to lose his seat as Prime Minister. The fact that, for example, his rhetoric is suddenly reverting to the Road Map and saying we need to give this Abu Ala new government a chance and the Road Map needs to be implemented is mainly a reaction to the Geneva Accords, the fact that suddenly there is an alternative on the table. I agree with Sir John, that it is very easy to produce a document and I agree with Sir John as well that it is not going to be the next peace agreement. I do think it is important as a document at this given moment; the mere fact that it was produced should not be undermined.

Q18 Ms Stuart: Do I understand correctly that you are almost saying we have to get through this period between now and the next American presidential elections and then move on from there?

Ms Bar-Yaacov: I am saying two different things. In the short term what we need to do between now and the next presidential elections is for the UK to take the lead, for the UK to say okay we cannot count on the US, putting pressure on the US is not going to work because they are engaged in an election year. I am merely being realistic here. The EU is also problematic because they are not seen necessarily as particularly credible. It is working with both: within the EU and keeping an open dialogue with the US, but taking the lead in terms of dialogue and keeping the pressure on.

Q19 Ms Stuart: I was very unhappy about that EU poll and I thought it was extremely damaging. What do you think the effect of that will be in Israel?

Ms Bar-Yaacov: Very negative. It is extremely serious. Israel has enough problems with the EU. The EU has not really done enough to reassure Israel that some of Israel's fears are for historical reasons and things have changed. Every time a

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European minister or a Member of the European Parliament makes a statement that is anti-semitic, Europe has not done enough to rebut that and to reassure Israel that in fact its intentions are not anti-Israeli. This poll will just highlight to the Israelis that Europe is problematic.

Q20 Mr Hamilton: Presumably, the poll will just further reinforce the view amongst Israeli leaders at the moment that they do not need the outside world, that they can look after themselves, defend themselves and they will continue to do that.

Ms Bar-Yaacov: What this poll is doing—I am not sure so much about the fighting by themselves—is strengthening the Israeli/US ties. It is “We chose the US and we are sticking to the US because look at where Europe is at”. That is the main effect. This do it alone and defend ourselves is always going to be a part of Israeli thinking, but Israel also wants to be a part of the world and is initiating for the first time ever a resolution in the UN Security Council and it is important to Israel to try to become a normal member of the world. This poll is not going to help EU relations; it is basically going to strengthen Israeli/US ties.

Q21 Mr Hamilton: May I come to Israeli public opinion and the prospects for peace? Sir John touched on the Geneva accords and, rightly so, you gave a very full answer to that so I shall not pursue that for now. Clearly something has to be done. Back in January this year, just before the Israeli general election, many of us met with Amram Mitzna, the then leader of the Israeli Labour Party, who is coming up with a very, very similar view to Yossi Beilin, that Israel should withdraw to its 1967 boundaries, that Israel should dismantle the settlements, or at least do a land swap with the Palestinians and that there should be some final status negotiation over the future of Jerusalem in dividing it up or running it as a city between a number of different authorities. He was soundly beaten in the polls, rather sadly I think, because what he said made a lot of sense. Since then we have seen the continuation of what the Israelis told us was a fence not a wall, yet we saw it for ourselves in Qalqilya a town completely and utterly isolated, surrounded by a 25 foot wall with one entrance and exit point, which did not help many of us who wanted to see Israel prosper as well as the Palestinians; it really did not help us argue for that very strongly. I suppose my question is this. Israeli public opinion wants the violence to stop. That seems to be the message of the polls. You mentioned the poll which said 87% of Israelis want to negotiate a peace settlement with the Palestinians yet 98% of the population supported the re-occupation of parts of the West Bank. In other words, they will do anything or support their leaders in any venture which will stop the violence.

Ms Bar-Yaacov: Absolutely.

Q22 Mr Hamilton: What is the prospect for peace? You were saying you were quite optimistic, but what has changed since Amram Mitzna’s terrible

defeat in January to bring people round now to the view that he may have been right? Is there any chance that a Labour leader, whoever it might be, together in coalition with Yossi Beilin and other like minded people, might just win an election if it were called tomorrow?

Ms Bar-Yaacov: Fortunately there will not be an election called tomorrow because if an election were called tomorrow it would be too soon. The Left has to re-establish itself.

Q23 Mr Hamilton: In six months’ time?

Ms Bar-Yaacov: More. It will take more than that. Elections are supposed to take place in four years’ time. When I said that earlier, I was not talking about the coming months. I do not see this as a major crisis, I see this as a beginning of a debate, but quite an important one. I meant the economic factors as well, which should again not be undermined. Amram Mitzna had a number of problems. He was a new politician. He was not very charismatic. He did not have much popular support and he resigned because of problems inside labour and the Israeli left totally collapsed. The Israeli left today does not really exist as an opposition movement, which is partially why there is so much support for the Sharon government, because there is no viable alternative political party. You are all politicians and you know what it is like when there is no opposition: there is no opposition.

Q24 Mr Hamilton: We know.

Ms Bar-Yaacov: The reason things may be changing is because time has passed and the situation has grown worse and people are beginning to speak out. That is why it may be changing.

Q25 Mr Hamilton: May I then move on to the Palestinian side and ask you whether you believe that Yasser Arafat actually wants to conclude a peace agreement, because he has had many opportunities? If not, are there people like Abu Ala, the new prime minister, with whom we met when we were there, who are more of a prospect for peace? Are there people of Arafat’s generation who are determined to conclude a peace agreement or is it hopeless?

Ms Bar-Yaacov: Arafat is a very complicated character. The question should be whether he is capable of delivering an agreement. I am not sure that he is, but I do think that Abu Ala’s government to be—since he has not formed one yet—should be given a real chance and real backing by the international community and pressure should be put on Israel to create the necessary space for the Abu Ala government to be able to operate. One of the reasons his predecessor failed, Abu Mazim Abbas, was not only because of tensions between him and Arafat, which were very important reasons which led to his resignation, but because he did not let him operate independently and that was a great shame. In addition Israel did not help his government by continuously imposing

curfews and demolishing houses and carrying out targeted assassinations; all these actions undermine trust and undermined his government. Abu Ala is really the last chance for Palestine and peace prospects will very much depend on the success of his government in carrying out the reforms that the Road Map calls for, in carrying out the necessary security reform, in cracking down on Hamas and Jihad, on collecting illegal arms and streamlining the multiple security apparatus into one, in operating in a transparent fashion and there—to answer Ms Stuart's previous question—there is room for pressure and there the UK Government can certainly help by ensuring that the process is transparent and by ensuring that the atmosphere is such that there is some breathing space for the government. That means negotiating with Israel and the Palestinians. It means keeping an open and constant dialogue and not letting it go for even a minute.

Q26 Mr Hamilton: Given that the majority of Palestinians believe that the military option is working and should continue, including suicide bombings, how far is Palestinian public opinion an obstacle in the way of peace and peace negotiations and the dialogue you have just mentioned?

Ms Bar-Yaacov: It is very interesting. Palestinian public opinion when negotiations take place sways in favour of Fatah, sways in favour of the mainstream party. I do think again that if there is a resumption, as there appears to be, of talks between the Israelis and the Palestinians—and I do think that the security co-operation has now been relaunched—those moves should be encouraged. As you know, the Israeli head of Shin Bet, the internal security forces, met with the head of the Palestinian security forces and the Israeli Minister of Foreign Affairs met with the Palestinian Minister of Finance and that is very, very important because finance is part of the main problem there because of corruption. Yes, I do think that Palestinian public opinion will sway in favour of negotiations and it will be easier to crack down on the extremes once there is a coherent Palestinian policy, once a government has been established and much will depend on whom they elect as Minister of the Interior and it is not clear yet. Much will depend on international support. At the moment it is total chaos in Palestine. I am not being over optimistic here.

Q27 Mr Illsley: You have touched on one or two of these questions already in terms of international monitoring and verification. You are on record as saying that verification and monitoring will be the key to success of the Road Map. Is that now somewhat academic, given that the Road Map has stalled and there is no likelihood perhaps of any action being taken on it before 2005? Given that the Americans are not over anxious to implement the Road Map, given that they sent the Wolf delegation which failed because they were inexperienced and for other reasons, plus, given the impending election, is there any chance of any

verification monitoring coming on the back of any initiative at all or is that something which is a long way away?

Ms Bar-Yaacov: Verification and monitoring are important at various levels and not only of the Road Map. It is important at the moment to have international involvement in the security negotiations. It depends how you define monitoring and monitoring of what. If you are raising the profile of the international community in supporting negotiations at any level between Israelis and Palestinians, that is not academic. Yes, I wrote about it and was on the record about the Road Map when the Road Map was published, that that was the only way to make it happen, but the theory is that it is the only way to make any agreement happen. I happened to publish that at the time the Road Map was about to become public and I just wanted to be sure this document should try to influence policy on how to make it work. I would say the same about any agreement, that any agreement between the Israelis and the Palestinians needs an enhanced third party role, including the various components of monitoring verification compliance. The question is: of what? So if a cease-fire is reached, for example, or any understanding between the Israelis and Palestinians now that they are negotiating, it will be for the international community to monitor that, to verify that, to establish a conflict resolution mechanism so that every time there is a difference of opinion and the Israelis say the Palestinians were about to carry out this attack and the Palestinians say the Israelis did that, you have an arbiter, you have somebody to do something. I think the logic behind my recommendation is certainly valid today.

Q28 Mr Illsley: What sort of monitoring and verification would the Israelis accept, bearing in mind that they are not too receptive to suggestions about the wall? My colleagues were in Israel recently and the wall was going ahead despite almost universal condemnation. What sort of monitoring are the Israelis likely to accept?

Ms Bar-Yaacov: I am glad you raised the wall because I do think there is room for negotiation with the Israelis about the demarcation of the wall. Parts of it have already gone up, as you know because you visited them. Parts of it have not yet. There is room to negotiate.

Q29 Mr Illsley: Once you start negotiation on the route, height and colour of it you are accepting the wall really, are you not? Is there a danger that the international community are going to say it is a *fait accompli*, the thing is up now, we are just talking about which way it is going to go?

Ms Bar-Yaacov: If the route is only along the green line, there is no problem with it. I think that is what Baroness Symons and the Foreign Secretary and the Prime Minister articulated quite clearly and their position is the right one. There is nothing illegal about building a fence on an internationally recognised border. You would not be accepting the principle of the fence by negotiating. One has to

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make it absolutely clear that the position is that it is illegal to build on occupied land, but if it is to be built then it should only be built on the green line.

Q30 Mr Illsley: Should we be putting more pressure on Israel regarding the fence and the dismantling of settlements? By the same token, should we be putting more pressure on the Palestinian Authority to fulfil their obligations? Should more be coming from our country to influence the situation, bearing in mind you have already discussed the idea that there is unlikely to be any American involvement this side of the election?

Ms Bar-Yaacov: I do. Because there is not going to be much American involvement, hardly any, it is exactly the right time for this government to take a much more active and serious role in pressurising both the Israelis and the Palestinians to meet their obligations. If it is not the Road Map, then it is the same principle. It is the principle of anything which will lead to peace and anything which will lead to less violence. The way to get to less violence will be to try to negotiate a cease-fire and that is where I do think that this government can play a very important role.

Chairman: Thank you very much for your analysis. It was most helpful.

Memorandum submitted by International Institute for Strategic Studies

Witnesses: Mr Dana Allin and Mr Jonathan Stevenson, International Institute for Strategic Studies (IISS), examined.

Q31 Chairman: Can we move on now to the second group of witnesses? We have before us Mr Dana Allin and Mr Jonathan Stevenson, both of the IISS. We are turning now to al-Qaeda, international co-operation and the current state of the alliance against terrorism. Let me begin on this. Clearly we know that there is a linkage in US opinion between the war in Iraq and 11 September. There is a view that the conflict in Iraq would lead to an improvement in the world terrorism picture. What in your judgment has been the position over the past six months following the end of the conflict? Has the threat from international terrorism increased or decreased?

Mr Stevenson: I guess the first thing for me to say is that I think the threat from international terrorism did decrease between 11 September and the global counter-terrorism mobilisation and in particular from the intervention in Afghanistan up to the point of the intervention in Iraq. Europe and the United States in particular got a better grip on homeland security and on proactive counter-terrorism in diminishing al-Qaeda's offensive capacity and made it much less able to stage large, sophisticated, mass casualty attacks of the order of 11 September and, as we saw, forced it to choose targets of opportunity and to relinquish a lot of operational initiatives locally.

Q32 Chairman: Soft targets.

Mr Stevenson: Correct; soft targets of opportunity in Asia, Pakistan, Bali, etcetera. However, I think also that the intervention in Iraq, although designed in part to diminish the terrorist threat in the medium and longer term by, among other things, denying al-Qaeda a supplier of weapons of mass destruction, at least in the short term probably increased the terrorist threat in so far as it made more people inclined to join al-Qaeda by enlarging the US military footprint in the Gulf and increased al-Qaeda's recruiting power and its ability to incite terrorism by confirming a number of Arab preconceptions, including the idea that the

United States wanted to increase its political and military influence in the Arab world and the view that it wanted to hijack, to commandeer Arab oil.

Q33 Chairman: I know how difficult it is, but is there any evidence of any increased recruitment as a result of the Iraqi conflict?

Mr Stevenson: In Europe alone there are reports by a number of European intelligence agencies that increasing numbers of European Moslems are seeking to go and perhaps even entering Iraq to fight as Jihadists in aid of the insurgencies there.

Q34 Chairman: And the evidence in relation to recruitment in Europe and possibly in the UK?

Mr Stevenson: Yes, there is some. There is at least some anecdotal evidence of that, but the public sources are obviously limited. I have read several reports to that effect.

Q35 Chairman: In respect of the counter-terrorism strategy, the Committee visited the United Nations when Sir Jeremy Greenstock headed the counter-terrorism committee. We heard about some success in terms of helping to block the financing of terrorism. Has that initiative proceeded well or has it stalled?

Mr Stevenson: The efforts at blocking the conventional means of financing that al-Qaeda employed have been basically successful. Having said that, in the first couple of months after 9/11, the amount of assets frozen or confiscated was about £112 million. Since that time, which is 22 or 23 months, the increment has only been about £20 million, which basically means that al-Qaeda and its affiliates have simply used other means of financing. There is probably limited marginal utility to further financial controls on conventional western vehicles for financing, simply because al-Qaeda does not really need to use them and it is disinclined to do so with heightened surveillance. Also, to the extent that they are now required, simply by virtue of dispersal following

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Afghanistan, to rely on local groups, local talent, for operational initiative, those groups will use less formal and sometimes local means of finance such as hawallahs, which are very difficult to regulate.

Q36 Chairman: Given that dispersal you mention and the apparent success in finding other financial channels, where in your judgment should the international community now focus in their attempts to curb international terrorism?

Mr Stevenson: The obvious point of focus should be on charitable fronts, which do remain attractive sources of financing in so far as they can give the group some political cover from certain groups. The European Union, which has been viewed as very lenient about this, seems to be converging with the more strict United States view, but when a charitable fund is put on a list of proscribed terrorist organisations, that has to be followed up by effective asset-freezing confiscation.

Q37 Chairman: Are there such examples of charitable groups being put on the list?

Mr Stevenson: Yes. Hamas's main charitable front was recently put on the European Union's list of proscribed terrorist organisations in early September.

Q38 Sir John Stanley: The security pattern since the end of the war, certainly in relation to attacks on members of the occupying forces and those associated with it—and by that I have to say anybody who is contributing to the improvement of government, including the UN and the Red Cross—has been of a steady but clear deterioration in the degree of security and indeed the American general in charge in Iraq forecast only a matter of days before the Chinook helicopter was shot down that American casualties could be expected in tens rather than single figures and that was appallingly proved right recently. Do you expect that deterioration to continue to take place or is your best judgment that it will sooner or later bottom out and the occupying forces will be able to reverse it in their favour?

Mr Stevenson: I would say yes to both. Over the next few months it may well increase, for several reasons. One is that there appears to be more centralised command and control over the insurgency and they may also be getting help from foreign Jihadists who have some terrorist experience. Another reason is that the priorities or the responsibilities of the troops on the ground have now made it impossible to guard all of the ammunition dumps which are in Iraq, which have proven to be sources of weapons for a number of these insurgents. The missile platform used on the attack against the hotel is a good example. It is going to take time both to reallocate intelligence assets and troops to pursue these terrorists and make a substantial dent in the number of operations which they pull off, which has increased since the summer; probably just about doubled. On the other hand, sooner or later they are not going to be any match for coalition forces, but this is

going to involve a new strategy and a probably more concerted counter-insurgency effort which is getting under way.

Q39 Sir John Stanley: Can that be achieved in what is still a very difficult intelligence environment in Iraq? Do you think it can be achieved with the present number of forces? You referred to the overstretch and not even being able to protect the ammunition supplies.

Mr Stevenson: I am doubtful that it can be accomplished with the present number of forces. It seems to me that more are required because there is simply a multiplicity of tasks: from the passive guarding of ammunition dumps and the active pursuit of insurgents and terrorists, not to mention the increased security requirements posed by a widening arc of target sets for these insurgents which has been demonstrated in the past few months. As you are probably suggesting, it is a difficult challenge, given the disinclination of other countries to contribute forces.

Q40 Sir John Stanley: May I just ask you to look a bit further ahead? Let us look to a position where your second guess has been fulfilled, we have stabilised the security position, we have managed to hold some form of elections, we have managed to make an exit. Do you think now, given the nature of the new Iraq, with many groups wanting power and wanting to retain power, that it is going to be possible to achieve a permanent unified Iraq on its present frontiers?

Mr Stevenson: Yes, it is possible.

Q41 Sir John Stanley: Do you think it is likely?

Mr Stevenson: It may not be likely without substantial foreign involvement for an open-ended period of time in order to stabilise the country.

Q42 Ms Stuart: Whenever we have had evidence sessions the Clerk has very helpfully provided us with background information and summaries of views. I was struck when I was reading this by this juxtaposition between what “the Americans” say—and you can identify who “the Americans” are because you know the administration—and a “European view”. From your point of view, when you look at what the European view is, whom do you regard as speaking for Europe?

Mr Allin: Are you talking about the general issue of counter-terrorism?

Q43 Ms Stuart: Yes, when they say “the Americans’ view on terrorism” or “the European view and attitude to terrorism”. There is real divergence here on how to fight terrorism.

Mr Allin: Your question in a certain sense carries its own answer which is that to a certain extent it is very misleading to generalise a general European view. Having said that, as an American expatriate concerned with security issues, it is remarkable how definable these views are. Your last witness touched on European/American differences about Israel for example and the extent to which you can predict

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an American is really almost mind-boggling—to blame the Palestinians—and a European response—to blame the Israelis. In many ways, on this issue for example, I have very American views, but I am starting to recognise that we have become prisoners of these perspectives. To get to your question, there is nobody who speaks for Europe. It is perhaps worth saying that the Iraq crisis was to a certain extent *sui generis* in the sense that in the security field, when I go to meetings and talk to colleagues, there is a tremendous amount of consensus in Europe, and it extends to the United Kingdom I should add, on almost all the burning issues, leaving aside this latest crisis.

Q44 Ms Stuart: It is interesting that you say that extends even to the United Kingdom, which is Europe.

Mr Allin: Yes.

Q45 Ms Stuart: When it comes to the United Kingdom you do not generally get a gut reaction that if there are any problems in the Middle East it must be the Israelis who are the villains of the piece.

Mr Allin: I do not know. Where did the United Kingdom appear in this poll which was discussed earlier? I noticed, by the way, that France was very low on the list of countries which listed Israel as a major threat to peace. I suspect the United Kingdom was higher.

Q46 Ms Stuart: In mainland Europe they said that one of the reasons for the response to Iraq was that in an asymmetric warfare Bush needed a villain. That was not very much the view in the UK. We will leave it at that. If we try to deal with terrorism and have a long-term solution and look at where Iraq will be in terms of democratic structures, I just wondered whether you had any personal views on the theories which are encompassed in Robert Cooper's latest book¹. In that he essentially argues that oil producing countries have a real problem building democracies because they do not have the means of taxation to create democratic legitimacy. Would you like to say anything on that?

Mr Allin: I am familiar with this theory. I am not a real expert on oil producing countries. The argument is that there is a rentier kind of economy which is inimical to the development of democracy. The only thing I would say is that it seems to me that the confidence of the Bush administration, in particular that democracy building in Iraq would not be a problem because it was intrinsically such a wealthy country, was frankly preposterous. Oil is at least as much of a problem as a solution.

Q47 Mr Pope: Part of the justification for the war in Iraq was that Saddam was a friend of the terrorist. President Bush said that if Saddam were disarmed, terrorists would lose a wealthy patron and protector. Do you think that the people of New York and London are safer now from the terrorist threat than they were before the war?

Mr Allin: No, I do not; certainly not because of the war. If I might just make a comment which encompasses the Chairman's original question, I believe the Bush administration has made a lot of foreign policy mistakes, but arguably the biggest was this unified field theory of the terrorist enemy. There were many, many good reasons to hold Saddam to account and to go to war and a truly bestial dictatorship has been overthrown. The concept that this is somehow part of the war on terrorism only makes sense in one sense. I do agree that there is a prospective logic that enemies of the West, given the documented determination of al-Qaeda to get a hold of weapons of mass destruction, would eventually go to other enemies of the West and of the United States to do that. The only problem is that there is no evidence that in this case they did that or no good evidence that I am aware of. It has completely muddied the waters and led to a complete loss of confidence in America's whole strategic argument. There is this strategic argument that is much more subtle, that has to be made much more carefully and I do wish that Europeans in general would take a little bit more seriously, but was not relating to Iraq in particular.

Q48 Mr Pope: So the corollary of this really is that if we are not safe, we must be in greater danger and in some way the war has acted as a recruiting sergeant for al-Qaeda both in the West but in Iraq as well.

Mr Allin: I think that is what my colleague was suggesting and the evidence I see suggests that is true.

Mr Stevenson: No doubt in the aggregate I am sure it has increased recruits. The one thing it has done operationally as well is to refocus al-Qaeda on the Gulf to the extent that a group which is decentralised can have a new focus. I do think that the attacks in mid May on Riyadh and on Casablanca were the first indications of that. The influx of Jihadists into Iraq is the confirmation of it, that there is a new focus on the Gulf and the larger Arab world. That is not to say that al-Qaeda is going to pass up opportunities to support operations in other fields of Jihad: it will not. Indeed its prime enemy is still the United States. There has been an operational re-concentration on Iraq which has enabled some American voices to say "Oh yes, now we have them all flocking to one place it will be easier to fight them". I would take that with a large grain of salt.

Q49 Mr Pope: It seems to me that the coalition which was built up in the aftermath of 9/11 is in tatters really. It is probably because we have had different experiences of terrorism. In late 2001, there was great sympathy in Western Europe for the US. We have all suffered terrorism. Britain has suffered with the IRA, the Spanish have suffered with ETA, there was the Red Brigade and so on. Europeans have a long experience of dealing with terrorism and we saw America attacked by terrorists and felt some solidarity about that. It

¹ *The Breaking of Nations: Order and Chaos in the Twenty-First Century*, Robert Cooper, Atlantic Books 2003.

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seems to me that solidarity has now largely gone in Western Europe and that is partly because this is a different kind of terrorism. You can at least negotiate with the political wing of the IRA. It has an aim which is logical, but it seems to me that al-Qaeda and Islamic extremism have an aim which is not negotiable and therefore it is a different form of terror. The effect of the war on Iraq has been to fracture that coalition in the war on terror.

Mr Stevenson: I do not agree. Yes, the war in Iraq has had an effect on transatlantic relations in other ways, but the one thing which did not suffer particularly seriously over the Iraq crisis was the counter-terrorism co-operation both bilaterally and multilaterally which was enhanced and increased after 11 September transatlantically. Both shores of the Atlantic recognise the distinction you point to, that al-Qaeda is not the IRA, it is not amenable to political persuasion, it is not going to sit down at any table and therefore, especially after Afghanistan, the global counter-terrorism effort and particularly the transatlantic one is down to hard counter-terrorism, home and security and active law enforcement co-operation. It is true that the differing experiences between Europe and the United States with different kinds of terrorist groups may inform their operational prerogatives about how to fight terrorism. The threat perception though is converging. For example, Britain and France are much more alert to the prospect of a WMD terrorist strike. I think that not a lot of European countries—to some extent Britain has signed up to it but not completely—have signed up to the idea of creating a vulnerability or capabilities based counter-terrorism system for home and security. That is mainly because, with the greater experience of domestic terrorism European countries have had, they simply do not believe it is possible. If a terrorist wants to penetrate some defence, they are going to do it. That is the nature of asymmetrical threats. They also do not have the same resources that the United States does. So operationally they are going to leverage current intelligence more than passive defence which the United States would choose to do. This is really a relative difference. The fact remains that the terrorism alert and the sensitivity to the possibility of mass casualty attacks has risen and is now appreciated on both sides of the Atlantic.

Q50 Mr Pope: If I am following this, what you are saying is that there can be political turbulence between Western Europe and the US, but it will not affect the serious issue of things like intelligence sharing in counter-terrorism. That is fine. I can understand that. Where does that leave other countries? There are several countries which signed up to counter-terrorism in the aftermath of 9/11. I am thinking, for example, of Syria. Where has the war in Iraq left us with intelligence sharing on counter-terrorism issues in countries like that?

Mr Stevenson: Syria is schizophrenic. On the one hand it is intimidated by the intervention in Iraq, which probably means that it is even less inclined, if it ever was inclined, to help al-Qaeda and thereby

become a big enemy of the United States. But it will continue to do what it did before and that is to provide support for Hamas, Hezbollah, Palestinian Islamic Jihad. At least in the case of Syria, the intervention in Iraq and the sabre rattling that followed it, has probably made Syria unbalanced, less inclined to extend the kind of grudging co-operation that it provided right after 9/11. I do think though that with respect to state sponsors of terrorism, generally speaking the intervention in Iraq has probably made them less inclined to do what they used to do in the 1990s. Libya is looking southward and post Lockerbie is not interested in becoming a big enemy of the United States. Iran already has enough scrutiny on it over its nuclear programme although again it is schizophrenic because it is still supporting Hezbollah and still going to provide money to Palestinian groups.

Q51 Andrew Mackinlay: You drew attention to the problems of counter insurgency, much more work to be done. One thing I think we have learned even in our own domestic situation is that one of the down sides of counter insurgency is that you aggravate ordinary decent people because by its very nature you have to break into houses and search and hold people in detention without trial, etcetera. So you referred to that. Then you talked about the widening arc of targets, which is manifest. To pick up the Chairman, he mentioned this place: sometimes you get a stabilised position and he mentioned elections. Sitting here listening I became more and more depressed. It seemed to me that all we heard, and it was generally believed by the United States during Vietnam, was basically that they were always hoping to turn the corner, they were always putting in more people to counter insurgency, to combat insurgency. I am open to correction, but I think there was some form of elections in Vietnam, was there not?

Mr Stevenson: A couple of coups.

Q52 Andrew Mackinlay: All the semblance there, but it was largely a puppet regime and clearly there is this arc of targets. What is really at the back of my mind, as with a lot of people, is that there is a great danger that the United States and the coalition and the United Kingdom will feel obliged to pour more in, hoping at some stage you get on top of the situation, but we might not. Really I want to have your read on that. It seems to me that the parallels are there. If you start about 1965, even when John Kennedy was still alive in 1963, there was the intention to try to get on top of things and eventually we did.

Mr Allin: Let me just make two comments. One is that the Vietnam analogy is obviously wrong in some ordinary sense. It is wrong because you do not have a vast nationalist insurgency that is supported that would like to see Saddam back for example. I just think the scale of the popular support for this is not there. Some of the other parallels are worrying, I agree. What is particularly worrying, and this may go back to the earlier question about whether this is going to be a net

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gain or a net loss for American security in particular and all our security, is that for this to be a success it has to be a really spectacular success, in the sense that to bring in a net gain in security, you really need to see a successful democratic Iraq which is the kind of example to the Arab Middle East that some of the neo-Conservatives hoped it would be. I do not say that is impossible, I just say that to my view it is not likely enough to be the basis of a sound coherent grand strategy. Now we are there, anything less is highly problematic. I suspect the view in Washington now is that an "Iraqification" may not be perfect but will lead to fewer American casualties. Anything which can be painted among the global Jihadists as an American defeat or a fig leaf or an ignominious American withdrawal is going to be a tremendous morale booster for our enemies.

Q53 Andrew Mackinlay: The reason I asked you was that I genuinely wanted your view and you have given it and I do not wish to keep going back to this. However, in a sense it never occurred to me, I never thought there was a constituency of any significance out there which wanted Saddam back, but there was not necessarily a constituency which wanted Ho Chi Minh. The point is that ordinary people see it as a matter of national pride, they see it as an occupation. You can already see the start of this. Even in our own parallel situation, clearly an awful lot of people were ambivalently pro-nationalist in Northern Ireland right up to 1968, 1969, but one of the consequences of us having to get on top of terrorism was that we also aggravated people who perceived it as an invasion. We see on our television sets every night now indications that the mood of people who might have welcomed in the coalition forces and helped pull down Saddam's statue is changing. If you have this counter-insurgency, it is going to change more.

Mr Allin: That is a huge risk and that is obviously the strategy of the insurgents. Many people point out that more than Vietnam, the Battle of Algiers is a rather chilling parallel to make.

Q54 Andrew Mackinlay: My second question is on this matter of the unitary state. It struck me that we might say we must maintain the territorial integrity of Iraq in full, because we do not want a separate Kurdish state, but will it be in full? It seems to me we delude ourselves that there is ever any prospect at all of having an Iraqi quasi-democratic government where the central government's writ runs throughout the territory of Iraq. It seems to me that we delude ourselves. We may well, for foreign policy reasons, just to contain things, keep postage stamps throughout Iraq which say Iraq on them, but there is always going to be not a semi-autonomous but a totally autonomous Kurdish enclave. Is that correct?

Mr Stevenson: That is the potential problem. When Dana talks about needing to have a big success which may be elusive, that sort of joins your point about counter insurgency and your point about political reality. To maintain a unitary state it is

possible you will end up with some kind of written agreement, some form of government, but it will be semi-paralysed, the way Northern Ireland is under the Good Friday Agreement. It is possible that you will quell the insurgents through some kind of political arrangement which makes security better and "Iraqifies" it, but then you are faced with the problem of creating a self-sustaining unitary state, one that does not require outside help to function. It is not clear that is going to be possible in Iraq, any more than it is in Northern Ireland.

Q55 Andrew Mackinlay: Is it in your view really not an option to consider the breaking up or redrawing of the boundaries of Iraq? Would the consequences be too bad in relation to Iran, Turkey and so on?

Mr Stevenson: Just thinking about Turkey alone, it does not seem like a politically feasible opportunity, at least from the US point of view.

Q56 Richard Ottaway: Is there a link between al-Qaeda and Palestine terrorist groups?

Mr Stevenson: I think not. There is a link in the sense that bin Laden uses the Israeli-Palestinian conflict as a recruiting device. There is a link in the sense that many of those who support and join al-Qaeda are primarily aggrieved by the daily bleeding of Palestinians by the Israelis, but I do not think that the Palestinian terrorists themselves have been penetrated by al-Qaeda. Al-Qaeda has a tendency to do so, but it is not really in Hamas's interests to remove the daylight between itself and bin Laden because then they would become a direct target of the United States.

Q57 Richard Ottaway: Correct me if I am wrong, but I think Arafat is rather irritated by al-Qaeda fighting in their cause.

Mr Stevenson: Yes.

Q58 Richard Ottaway: Is there any sign that al-Qaeda is operating in the West Bank?

Mr Stevenson: Al-Qaeda has attempted to penetrate Hamas, which presumably means that they have sent people into the West Bank, although some of it could have been done through Syria or a number of other forces. It would surprise me if there were independent al-Qaeda cells operating in the West Bank, because they would be sorted out.

Q59 Richard Ottaway: Do you think President Bush's approach to al-Qaeda terrorism, as opposed to his approach to Palestinian terrorism, is different? Does that affect his attitude to Palestine?

Mr Stevenson: At least his rhetorical tendency has been not to draw fine distinctions between different types of terrorist groups. You have a spectrum, you have the IRA on the highly political and constrained type and you have al-Qaeda as the completely unconstrained and politically unsusceptible type and in between you have Hamas.

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Q60 Mr Hamilton: I was very interested in your article, written together with Steven Simon, in the current edition of *Survival* on *The Moral Psychology of US Support for Israel*². I want to go on to talk about that in a minute. First of all, I really wanted to ask you about something you wrote in that article about the dynamic that war in Iraq has almost certainly created. You said “America is now stuck there. Even if Bush leaves office in 2005, it is difficult to imagine the US withdrawing its troops from Iraq in less than five years”. How much has the US experience in Iraq affected Washington’s perception and understanding of the insecurity of the Middle East region? Do you think the US will try to use regime change again in order to pursue its own interests in the region?

Mr Allin: On the latter part of your question, the United States is going to be very inhibited from attempting regime change again. For fairly obvious reasons we are bogged down in Iraq. We are strategically very exposed, we have a better sense, a sense which should have been there all along and for many people was but nonetheless a more universally accepted sense of the nation building obligations which go with regime change. Apparently there really was a very strong conviction on the part of many of the architects of this war that there would not be a big nation building job in Iraq because there would be a successful Iraqi state and society which could be decapitated and then handed over to the good guys more or less intact. I know that sounds cartoonish as I describe it, but it seems to me that was the expectation.

Q61 Mr Hamilton: What does that say about intelligence?

Mr Allin: Suffice it to say that it has been disproved. As a very wise analyst of these affairs, Mort Abramowitz, wrote George Bush may have gotten his campaign aspirations of getting the United States out of nation building and has done so by taking on the most challenging nation building job since the post-war occupations of Germany and Japan. That is a long-winded answer to a question which really has a simple answer, which is just that I do not see us doing this any time soon. I am sorry, I did not answer the first part of your question.

Q62 Mr Hamilton: The first part of my question was really about Washington’s understanding of the insecurity of many countries in the Middle East, how insecure they feel because of the whole Palestinian-Israeli conflict, because of the support that many Arab nations have for terror, because of the lack of any democracy in the region. It seemed to me that the United States Government applied a very simple set of criteria, that there are countries in the Middle East which are not democratic, which are fairly unpleasant regimes fairly often, without naming names, and once they had some sort of

democracy and legitimacy, the whole region would change for the better and there would be peace. Of course it is not that simple.

Mr Allin: No, it is not that simple. In fairness, there is a reasonable calculation that the old bargain of tacit approval of autocratic regimes in the Arab Middle East, which has been American policy for well over a generation, was delegitimised by 11 September, that this was in some sense an inner-Arab insurgency which failed in the 1990s and was directed out at the United States. Therefore, we could not be indifferent to the lack of democracy in the Arab world and that was a profoundly correct analysis, but the implication that there is something bold and immediate which can be done about it is less justified.

Q63 Mr Hamilton: On 30 October the BBC reported “The number of US troops killed in hostile action in Iraq since President Bush declared major combat over on 1 May officially reached 115 on Wednesday—exceeding the 114 listed as killed by hostile fire during the actual war”³. Do you think, as casualties build up and now we have passed that landmark tragic figure of 115 soldiers killed since the end of hostilities, supposedly, that US public opinion is turning now and is becoming more hostile to the war and to its aftermath, the occupation?

Mr Allin: US public opinion is obviously much less supportive of the administration’s war plans and post-war plans in particular. The latest polls show something like a 50/50 split on whether the war was worthwhile at all. I do not quite know in my own mind what the operational ramifications of this are going to be. Probably the most disturbing possibility is an excessive haste towards “Iraqification” and trying to put a fig leaf over a failure. The political lines in the United States are not at all clear on this. Obviously the Democrats and the Democratic candidates are going to be trying to use this mood of dissatisfaction, but I do not believe that any of the leading Democratic presidential candidates would, if he became president tomorrow, simply withdraw from Iraq. The answer to your question is: yes, there is disaffection. Is it going to lead to a political collapse of the policy? I do not think so. What it might lead to is more ill-advised moves on the part of the Bush administration to do things for political reasons which are not best on the ground in Iraq.

Q64 Mr Hamilton: Do you think that European governments have a completely different view of the global scourge of terrorism, given the relations that, for example, the UK have with Iran when the US has not diplomatic relations at all and the view that many European nations take of Syria, which is regarded not very favourably by the US administration? Do we have a different view here in Europe and how does that affect the war against global terrorism?

² *Survival*: Volume 45, No. 3, Autumn 2003.

³ “US Iraq deaths exceed war toll”, BBC News, 30 October 2003.

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Mr Stevenson: There is relative harmony on the view of the threat of transnational non-state actors such as al-Qaeda and affiliated groups. How you treat rogue states is a different question. As far as Iran goes, I do not know. I think the actual gap between European and American views is probably narrowing and that there is probably a greater degree of co-ordination between how they behave. There seems in some ways to have been a “good cop, bad cop” routine developing in the way Iran is dealt with.

Q65 Chairman: Syria?

Mr Stevenson: There is a debate going on even within the United States about how to deal with Syria. A lot of people feel that there have been too many sticks and not enough carrots, particularly since the Iraq intervention.

Q66 Sir John Stanley: Leaving the security dimension aside, I should like to ask you how you think the British and American Governments, through the CPA should be going about the crucial business of making the transition from the Interim Governing Council to establishing a government which has some form of electoral mandate from the people of Iraq, which is going to be able to take over the reins of political and security power so the coalition can exit? Could you share with us your thoughts as to what the Road Map is, because I certainly am very uncertain in my own mind. For example, is it remotely realistic to think in terms of some form of one person one vote system in Iraq as it is? What is the basis for establishing some form of electoral register or is that completely illusory? Is there some other form of democratic procedure which will command the confidence of the people of Iraq other than the one person one vote system? Please tell us how you think the British and American Governments should be getting from the Interim Governing Council to a democratically endorsed government of Iraq and thereby make their exit?

Mr Allin: I wonder whether it is possible for me to say I do not know. I do not consider myself enough of an expert on Iraqi politics to answer that question. If I may make a statement which might sound slightly flippant but I fear it to be true: I fear that there are not enough American experts in the CPA either. We do not really have a good concept. The lack of expertise in the CPA in Iraq is somewhat shocking, at least on the American side. As for what I would recommend, I do not consider myself qualified to say.

Mr Stevenson: I do not either. I just make the observation that the American approach, somewhat in contradistinction to the European approach, has been that security needs to be established before there can be any kind of wholesale or even substantial political handover. That probably makes sense. The second order

consideration is that political systems and integrity need to be established at local level first. That seems to be happening. That may be something which the headlines belie, that there has been some political progress in terms of the overall stability and political viability at the local level. The default position has been that the Iraqis should figure it out. The problem is that the Governing Council which has been appointed or installed is not likely to come up with a model which is going to serve all interests. Yet one of the United States’ main concerns of course is that the Shiites not try to exact too much payback for having been deprived effectively of the power owing to their political majority.

Sir John Stanley: Thank you. This seems to be a very central area where we as a Committee will need to ask a lot of questions of our own government.

Q67 Mr Illsley: In the same way that we have seen that the election campaign in America will have an effect on the Road Map, you both just said that it is unlikely that any candidate will withdraw from Iraq or make any statements on that. Is anything likely to come out within the campaigning over the next 12 months which could affect policies towards Iraq? Is anybody likely to make any rash promises in terms of funding and all the rest of it?

Mr Allin: No. The biggest concern is that there will be pressure on the Bush administration to get this issue off the front pages. I would only repeat what I said earlier which was that a hasty handover of security to Iraq is something which would be worrying to me. Obviously it is difficult. I do not want to go too far with this because I generally support their position, but the incoherence of the Democratic opposition has a lot to do with the fact that they are just very, very angry. They are very, very, very angry with President Bush and believe that he got us into a mess and should be punished for it. They do not really know how to translate that into constructive policies and constructive proposals. To me the only constructive proposal is that we are here now and we have to do everything we can to make the most of it. The vote over the \$87 billion appropriation was classic. No one could give a really convincing argument for voting against it. They just wanted to be seen to vote against it. The other danger is in Iraq which is that this will be seen to more significant in policy terms than it really is and that the prospect of dwindling political support and driving the United States out of Iraq will be taken more seriously by the insurgents than maybe it should.

Mr Stevenson: So much has been staked on Iraq, particularly by the US, that it makes it difficult for it to become, and acutely for players, an issue in some way.

Chairman: Thank you very much indeed. We will get ready to move onto the third block which is centred on Iraq itself. Thank you very much.

Witnesses: Mr Nick Pelham, Journalist, The Economist and Financial Times and Mr Peter David, Foreign Editor, The Economist, examined.

Q68 Chairman: On behalf of the Committee may I welcome you to this the foreign policy aspects of the war against terrorism. Mr Pelham, you are a journalist on both *The Economist* and the *Financial Times*. Mr David, you are Foreign Editor of *The Economist*. We are now looking at Iraq itself. It is difficult for us outside to get a clear picture of the current state of the country. Clearly there are some who have an interest in stressing the return to normalcy, the number of hospitals which are operating, the schools which are back to business and so forth. There are others who will stress the insecurity there which is preventing any proper such return. I believe you, Mr Pelham, have visited Iraq regularly and at the end of this week you are returning to Iraq. Is it possible to give us an overall picture and perhaps stress the differences in certain parts of Iraq, the current state compared with the point at which it was left with the defeat of the Saddam Hussein regime?

Mr Pelham: Both pictures you presented reflect a degree of the reality. Certainly in the aftermath of the war there was absolute chaos: there was no system of government, utilities had broken down, there was no power, no water, no schooling and the United States led coalition has had considerable impact in re-establishing a degree of order. That re-establishment of a semblance of order has presented far greater challenges to those elements within Iraq which are extremely unhappy with an American presence in the country. The sense after the war was that many Iraqis were on the whole favourably disposed to the American presence there, there had been very little resistance to the war itself, to the United States invasion, the bulk of the army had melted away. What you have seen over the past six or seven months is an ebbing away of the enthusiasm and the trust which many Iraqis had placed in the United States and bafflement at their inability, as many Iraqis see it, to deliver the shock and awe of not just conquest but destruction.

Q69 Chairman: We shall be coming on to what is needed to restore that element of trust, but have the conditions of life for the ordinary Iraqi improved or deteriorated in your judgment, compared with the latter days of the Saddam Hussein regime?

Mr Pelham: There was a dramatic deterioration in the provision of services and the United States have been fairly successful in trying to bring back the power to the level it was before the war, to bring back the water supply to the level it was before the war and hospital services to the level they were before the war. There have been some significant improvements in salary payments to government employees; a dramatic increase in teachers' pay from a handful of dollars a month to \$200 a month. But the comparison many Iraqis are making is not so much to the period when sanctions were in effect, but the period before 1991 sanctions, and their salaries are still not at the level of pre-1991.

Q70 Chairman: Can you tell us where you see the actual money being spent successfully? What physical signs are there that all this money which is going to Iraq is bearing fruit?

Mr Pelham: The bulk of the money which has been going into Iraq is military money. At the moment not many Iraqis have felt that there is much sign of money going into reconstruction. Bridges which were down as a result of the war are still down and there are very few cranes on the horizon. There are fewer cranes on the horizon in cities than there were prior to the war, less large-scale construction activity than there was before the war. The bulk of the money is going into the payment of salaries, if you like sweeteners to the Iraqis. The other area where there has been a dramatic increase in spending power is in people's ability to import goods tax and tariff free.

Q71 Chairman: That is a pretty depressing picture, that there are relatively few cranes around, little evidence of civil engineering works, schools, hospitals.

Mr Pelham: Some schools have been rehabilitated. There are 13,000 schools in Iraq, of which somewhere between 1,000 and 1,500 have been refitted to varying degrees of professionalism. Some of the Iraqi companies which were used have been very slapdash at repairing the schools. An enormous degree of looting took place after the war and many of the buildings which were looted, many of the ministries which were gutted, are still gutted.

Q72 Chairman: So it is not even the bonanza for US construction companies which certain critics of the war claim, at least as yet.

Mr Pelham: Construction companies, no. In terms of military supplies and all the supplies that an army needs, there are lots of companies which are doing very well out of that. Of the money which has so far been handed over to the two prime American firms which are in charge of the reconstruction effort, KPR and Bechtel, Bechtel has received about \$1 billion and KPR has received something more than that for the oil reconstruction and for military supplies. No, where you see most of the money going so far is in re-fortification and barricades for the United States installations around Iraq.

Q73 Mr Pope: Could you tell us something about the rule of law in Iraq at the moment? It seems to me from the outside that troops in general and American troops in particular are not very good policemen and women. What is the current state on Iraqi streets in terms of crime, looting, general respect for the rule of law?

Mr Pelham: As far as Iraqis are concerned, there is a greater sense of order than existed two or three months ago. That is largely due to the fact that the coalition has handed over a lot of the security and policing work to Iraqis and Iraqis can feel that there is a degree to which there is a system of law and order which they can be in touch with, that

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they communicate with, that there are Iraqis doing the policing. The problem with having the Americans doing the policing is that there is virtually no interface between Iraqis and Americans. Certainly the American soldiers you see on the streets are often very jumpy, they feel very nervous about being on the streets. When they are caught in traffic jams you see instances where they get nervous and try to force themselves out of a traffic jam; they bump cars, they knock over the jerry cans of the black marketeers selling petrol on the streets. The policing of Iraq is probably better done by Iraqis than by Americans and we have seen a sustained effort to try to return security to Iraqis. That is by and large welcomed by the population.

Q74 Mr Pope: So the general picture is that things are better now than they were during the summer and that is largely due to the fact that there has been a transfer of the policing function away from coalition forces towards Iraqi police officers. In this period between the summer and now do you think that the lack of law enforcement has hindered the reconstruction process?

Mr Pelham: There is no doubt about that. On your first point, if law and order has improved in Iraq, Iraqis would attribute that to a greater law enforcement by Iraqis. They blame the insecurity on the lack of an Iraqi presence, particularly on the disbandment of the armed forces. The porous borders for instance, or as we were hearing earlier, the lack of defence around ammunition dumps would be attributed entirely to America's decision to disband the armed forces.

Q75 Mr Pope: Obviously hindsight is a wonderful thing. We can all appreciate why the coalition forces disbanded the Iraqi armed forces when the conflict ended, but do you think that was a mistake? Would it have been better to put the Iraqi armed forces to work doing some of those things, guarding ammunition dumps or assisting in the reconstruction process? Would that have been a better thing to do at that point, do you think?

Mr Pelham: In many ways the Iraqi armed forces in the war were one of America's best assets. By and large the armed forces did not fight during the war. That was on the orders of their generals and of the military officers and there is little doubt amongst many Iraqis that the armed forces could have played a positive role in maintaining law and order in the country, or security forces *per se* had they not been disbanded. There was a wholesale disbandment of all the law enforcing functions the services were carrying out right down to traffic wardens and it was particularly disorientating for a population which had grown very dependent on the state for security and for welfare and for every aspect of the running of society. When you suddenly take that away, it leads to the chaos and to the breakdown of society.

Q76 Andrew Mackinlay: In *The Economist* it said that the new American rulers in Iraq live behind cordons of concrete, behind barbed wire.

Americans live in a virtual American world, often paranoid about the world outside. There is a sealed-off Green Zone. It strikes me that whilst schools might have been addressed and in a sense they would, would they not, because it is the kind of things which democratic television would look at and legislators would be pleased about, but really the Coalition Provisional Authority seems to me not to be running the country? Normal municipal works, perhaps public works, are not being addressed and there is a void. I want to come to the Governing Council in a moment but could you paint a picture for us of how much of this country is being run under any degree of normalcy? My fear is that it is not. Perhaps we as legislators, in the United Kingdom or round the western world, look for the obvious things like schools, so American monies and energies will go into that, because that is what legislators and journalists will look at. The rest is just anarchical, is it? No governance.

Mr Pelham: My feeling is that is probably an over statement. Yes, there is an enormous problem about the contact Iraqis can have with the people who are running the country. The Americans are running Iraq and they are virtually inaccessible behind their barricades and if you want to petition an American in Iraq there are very, very few facilities for doing that. There are very few facilities even if you are an Iraqi contractor actually trying to contact Americans and trying to bid for some of the contracts which are available. There is a danger that the CPA is becoming increasingly isolated because of security concerns and that is the other part of Greg Pope's question, which I did not really answer. Security is imposing an enormous cost on the reconstruction effort in terms of insurance, in terms of access. It is very difficult. There is a fear about getting manpower and supplies into the country and staying in the country and that is making the American effort ever more isolated. The more power and decision making can be returned to Iraqis the faster governance is going to be restored in Iraq.

Q77 Andrew Mackinlay: Where municipalities or local leadership are functioning—and I imagine there are some townships, perhaps even large towns, where there is some degree of municipal governance carrying on—would there be an inability of those mayors or leaders of those communities to communicate with the American authorities, the coalition, for the reasons you said? I am just trying to get a picture.

Mr Pelham: Once you leave Baghdad power is more heavily devolved onto US military generals and British military generals, they—rather than the CPA—administer Iraq outside Baghdad.

Q78 Andrew Mackinlay: Even in Saddam's regime there would have been some degree of civil justice, civil law, commerce and so on. Does that still exist, normal justice as it were? I am not talking about murder, crimes, political things, but what about

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opportunities for redress in courts and criminal courts relating to normal crime? Does that exist at all?

Mr Pelham: The court rooms were gutted and looted. For the first four months there was no judicial system to speak of at all. There are now the beginnings of a judicial system, but it is also operating under severe security constraints. There was a court which was looking at members of the Baath party in the holy Shi'ite city of Najaf and was trying to prosecute members of the Baath party who had committed crimes and the head of that court was killed a couple of days ago. The judicial system is operating under severe security constraints and one of the justifications for the 8,000 or so prisoners-of-war which the Americans are still holding is that they cannot hand them over to the judiciary because there is no system to try them.

Q79 Andrew Mackinlay: May I turn to the Iraq Governing Council? Does that command any popular support or even tacit support amongst people in the community, in two categories really, in Baghdad or outside Baghdad? What is your feel about that?

Mr Pelham: Due to the security situation within Iraq, the Governing Council is almost restricted to the inside of their hotel. Since the assassination of one of its members it has had severe problems operating inside Iraq. It is not going out to meet its own people. When member of the Governing Council try to plan visits around Iraq, they are often cancelled for security reasons. The Governing Council has far greater impact outside Iraq than it does inside Iraq.

Q80 Andrew Mackinlay: How are the ministers, particularly domestic ministers, so-called, appointed? Do they really have any power or initiative? Do they always do it glove-in-hand with the Coalition Authority? Are there any ministers who are behaving like ministers in the normal sense of the word?

Mr Pelham: Yes, but they are severely constrained. Ministers have American advisers and the American advisers control the purse strings. The Governing Council was allowed to show that it did have some metal and efficacy when it was able to say on the Turkish issue, for instance, the question of the entry of Turkish troops into Iraq, that they publicly disagreed with the CPA and the Pentagon over the entry of Turkish troops into Iraq and so far Turkish troops have not arrived. Yes, they do have a voice and the voice tends to be louder outside Iraq than inside Iraq. They are far more visible on an international or regional stage than they are inside Iraq. When I left two weeks ago, of the nine rotating presidents of the Governing Council, only one was in Iraq at the time. Enormous numbers of them are outside the country.

Q81 Sir John Stanley: You painted, I am sure, a very accurate but very depressing picture of the Interim Governing Council and you suggested that it is almost an absentee body as far as people in Iraq are concerned. Starting from that very low base, may I put to you the question which I put to the previous witnesses, which is: how do you believe the coalition, in particular the British and American Governments, should be proceeding from this Interim Governing Council, with all its inadequacies and lack of visibility, to some form of broadly representative government of Iraq which enjoys a genuinely popular mandate which the coalition can leave behind as the effective in-place government of Iraq?

Mr Pelham: In Iraq at the moment members of the Governing Council may not in all cases be the visible representatives of their respective communities, but there are broad constituencies in Iraq who do have a clear vision about where they want the country to go. You have a Shia body with a very powerful clergy who have a view about the direction they want Iraq to go. You have the Kurds who are not represented on the Governing Council.⁴ But you also have sizeable constituencies which are excluded from the Governing Council. The Sunni players in the Governing Council, for instance, are fairly marginal to their own communities and one of the great problems which led to the insurgency, is that the Sunni communities did have the upper hand before the war but are now only marginally represented. We need to find some way in which the various groups, communities, in Iraq are properly represented. If the United States is not able to include them and to bring them on board, then you are going to have increasing dissociation between the United States and politics in Iraq. The insurgency would spread.

Q82 Sir John Stanley: I understand entirely about these constituent groups and I understand they have a real degree of homogeneity. The question I am putting is: how do you believe the coalition governments should be making the progress from this wholly inadequate body we have now to some form of inclusive representative government of the whole of Iraq which enjoys the confidence and a mandate from the Iraqi people. It seems to me to be an absolutely central key question. Obviously it is one for governments, but any light you can shed on that as to how the governments should get to that objective from where they are now would be very helpful to the Committee.

Mr David: May I just answer that one? When I was in Iraq recently with Nick, I did have the opportunity to ask Paul Bremer this exact question. The Coalition Authority does have an exact plan which is pretty clear in its own mind, which is to convene a constitutional assembly on the margins of the governing body, a larger group than the Governing Council, but one which is broadly

⁴ *Note by witness:* In fact there are Kurds whose Leaders are represented on the Governing Council but there are also sizeable constituencies which are excluded from the Governing Council.

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representative of all the groups in Iraq, to draft a constitution and then hold a referendum on it. Then they hope, by the end of next year, to have a general election based on that constitution.

Q83 Sir John Stanley: Can you tell us Mr Bremer's view as to how the members of the constituent assembly will become members? By appointment by him, or by their own communities, by elections, or what?

Mr David: At his behest, the Governing Council has established a committee which is trying to create a larger group which in the view of that committee of Iraqis is representative of the country as a whole. There is a strong view put forward by Ayatollah Sistani, who is one of the most influential Shia clerics in Iraq, that the constitutional assembly itself should be elected by direct elections. Mr Bremer argues that would be a very slow and laborious process and that there is not yet in existence an electoral roll on which such an election could take place. The counter view is that there is in fact a proxy for an electoral role in the form of the UN food for oil programme lists which in fact are a pretty comprehensive list of every Iraqi and where they live. It is argued by those who favour early elections that could be a proxy for an electoral roll.

Q84 Sir John Stanley: Does that procedure which you very helpfully outlined, a constituent assembly producing some form of constitution, subject to an endorsement of that constitution, which presumably is going to enshrine some form of electoral elective process, command general support within the Iraqi communities, that particular procedure you have outlined?

Mr David: My impression was that there is an appetite for some form of democratic event, an election or a referendum, which will solidify the idea that the Americans do intend to hand over power to the legitimate Iraqi Government. I believe that there is impatience for that and an appetite for it amongst most Iraqis I have met.

Q85 Sir John Stanley: What sort of timescale do you see for that process up to holding a referendum, constituent assembly, devising a constitution, having a referendum? What do you think is a realistic timetable for that?

Mr David: The Coalition Provisional Authority seems to think it should be gone through by the end of next year and I imagine that is simply because the Bush administration would like to have something clear to put in front of its own electorate by next November and they would want something pretty much in train by then.

Q86 Mr Illsley: Is there any significance in the targets chosen by the terrorists in Iraq—the Jordanian Embassy, the UN, Ayatollah al-Hakim, the ICRC? Is it perceived as being foreign terrorists coming into Iraq and targeting these places or terrorists within the country?

Mr Pelham: You have to distinguish between the headline grabbing events and the day to day attacks which the American forces are facing. The Jordanian Embassy, the assassination of Ayatollah al-Hakim, the attack on the UN, all appear to have been aimed at trying to cut off allies for the occupation forces. There was a time when it was touted that the Jordanians might be going in to assist the coalition forces and following the attack on the Jordanian Embassy talk of that ended. Similarly with the attack on the UN: it has been very successful at cutting off the UN involvement in Iraq. The attack on Muhammad Baqir al-Hakim did a lot to question Shia support for the United States and to question the degree to which the Shias are ready to come on board with the Americans, at least publicly.

Q87 Mr Illsley: If you see that differentiation between the headline grabbing attacks and the stuff seen almost daily of one or two soldiers killed in attacks, how widespread is the political violence? Is this a small group of extremists or does it reflect a really widespread opposition to what is happening in Iraq in terms of the provisional authority and the Americans' involvement in trying to create an administration?

Mr Pelham: Certainly the headline grabbing attacks do not appear to carry much support within Iraq. Most Iraqis, certainly immediately after the war, wanted reconstruction to work, they looked to the United States and Britain to fulfil their promises on reconstruction. The impact it has is that it spreads more and more doubt in the minds of Iraqis as to whether the United States can deliver. To that extent it is undermining the degree to which Iraqis are ready to come on board with the United States. They feel that if the United States is not able to deliver, then it is probably not worth joining its effort. The attacks are sowing a greater sense of doubt about the ability of the United States to fulfil its mission in Iraq.

Q88 Mr Illsley: Is there any indication of how widespread that feeling is amongst ordinary Iraqis? Are there whole sections of the country which are working quite normally and isolated areas of attacks? Or is this resentment really widespread in society?

Mr Pelham: The mistrust is certainly increasing. There are areas of the country where support of the attacks is greater. You have to differentiate between support for resistance against American forces and support for the bombings and suicide attacks. There tends to be fairly widespread condemnation of the attack on the UN, for instance, the attack on police stations and an increasing tendency to blame outsiders.

Q89 Mr Illsley: Is there any buildup of organisations in competition with the Provisional Authority? The name I have is Moqtada Sadr, a cleric who organised some sort of social services and food distribution alongside the official

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organisations. Are there any organisations or small groups growing in competition to what is being organised by the Americans?

Mr Pelham: Until now, amongst the Shia community, no. Moqtada Sadr is a young firebrand cleric and he did make a call for a rival authority. He said he was going to set up his own cabinet, dependent upon the support of the people. He called for demonstrations and there were not really very large-scale demonstrations, so he has largely let that idea lapse. Amongst the Shias the prime concern is not to repeat the 1920 experience when there was a Shia-led rebellion against the British in Iraq. The result of that rebellion was that Britain brought in a Sunni monarch and largely maintained the Ottoman military structure which had been in the country before its own invasion. The Shias do not want to see a repetition of their loss of power. At the moment they feel that if America can deliver a representative government which would deliver majority rule then the Shias are going to do very well out of that. There is still a wait-and-see attitude on the part of the Shias, which even Moqtada Sadr is not likely to jeopardise. At the same time he is the most vocal Shia opponent of the US invasion, although until now he seems to have been calling primarily for civil disobedience and not violent disobedience.

Q90 Mr Illsley: Is the Kurdish community still supportive of the US role in Iraq?

Mr Pelham: Yes, because the infrastructure which was put in place after 1991 and the establishment of a semi-autonomous zone is still in place. There is going to be the question, if you can restore order in Baghdad and decision making is established in Baghdad by Iraqis, about the degree to which the north is going to be ready to see decisions which are made by Iraqis as a whole affecting the north. They have their own parliament, they have their own ministers. At the same time they are dependent—even when a safe haven was in place they were—on Baghdad for continued trade. They also want a share of the oil wealth of Iraq and they are in charge of the Ministry of Water Resources, so they have a stake in seeing this project succeed. Nevertheless, if you go to Kurdistan today, after 12 years of separation, it feels a very, very different place. The old generation can speak Arabic, but the younger generation have not been taught Arabic in

schools; nominally they have, but you feel you are in a different country. It is going to take quite a long time and a huge amount of effort for Iraq to feel a single country again. That has to be an area which the constitutional assembly addresses, the degree to which this area is allowed to retain its autonomy.

Q91 Ms Stuart: What influence, if any, does the BBC World Service have on the forming of public opinion? Does it reach the public at large? I am just wondering what effect the foreign media, particularly the World Service, would have on public opinion.

Mr Pelham: In Baghdad and Basra the Arabic Service is available on FM as well as the English Language Service. The Arabic Service has had quite a popular programme for putting relatives in touch with family members, but there is considerable competition. Its reach is nothing like as great as that of the satellite television stations. Satellites have sprouted all over the country and the satellite television networks, Arabic television networks, have a far greater penetration. They are a lot sexier to watch and to listen to.

Q92 Sir John Stanley: If by any chance, when the coalition leaves Iraq, Saddam Hussein is still alive and at liberty, do you think in those circumstances there could be any possibility of him and possibly some of his henchmen being able to stage a return of the Baath party regime in Iraq and overturn what the coalition has left behind?

Mr David: I think that is very unlikely. My impressions have always been from a relatively short visit, but the major groups in Iraq seem utterly hostile to Saddam Hussein and that includes all the Shia, all the Kurds and quite a lot of Sunni as well. In conversations on the street one heard a fear that Saddam might come back, but very seldom, and only in a few geographical pockets would one hear an aspiration that he should come back. The thing that frightens Iraqis is the possibility that the old regime could resurrect itself, but I do not see how that could possibly come about, given the dismantling of the Army and the lack of popular support for the old regime. The regime is by and large reviled by most Iraqis.

Chairman: At the very least that is encouraging. Gentlemen, thank you very much.

Tuesday 2 December 2003

Members present

Donald Anderson, in the Chair

Mr David Chidgey
Mr Fabian Hamilton
Mr Eric Illsley
Mr John Maples

Mr Bill Oler
Richard Ottaway
Sir John Stanley

Memorandum from the Foreign and Commonwealth Office

Foreign and Commonwealth Office's response to questions (in italics) from the Chairman of the Committee, 2 December 2003

FOREIGN POLICY ASPECTS OF THE WAR AGAINST TERRORISM

1. *In its response to recommendation 14, the Government informed the Committee that it was "carefully assessing all lessons learned from the post-conflict period in Iraq and especially those concerned with security and policing matters." The Committee wishes to receive a memorandum detailing which lessons the Government has learned so far—especially in relation to its planning of the political and governance aspects of post-war Iraq. It also wishes to receive an outline of the project on "failed states" currently being undertaken by the Prime Minister's Strategy Unit, and the FCO's contribution to this project.*

We attach at **Annex A** a Memorandum on how we are assessing the lessons to be learnt from the post-conflict period in Iraq. We also attach at **Annex B** an Executive Summary prepared by the Cabinet Office Strategy Unit on the project on "failed states". The Strategy Unit is working closely with Government Departments on the project.

2. *With respect to the Government's response to recommendation 15, the Committee wishes to know what additional measures have been taken since late July to increase the transparency of the CPA, the Interim Governing Council and the Iraqi ministries. What is the process by which ministers and officials are appointed to the ministries? How have Iraqis been informed of changes to the proposed timetable of drawing up the constitution?*

Since late July the CPA has strengthened its resources and improved the visibility of its work. The CPA now publicises more of its work through its website, although a full flow of information is limited by security constraints.

The CPA is determined to help the Iraqi administration improve the transparency of the Governing Council and Iraqi Ministries and improve understanding among Iraqis of their aims, role and operations. The Governing Council is looking at measures to improve transparency consistent with its authorities and powers and its own security procedures. DFID is making preparations to send a governance team to Iraq to work with the Iraqi administration to look at a range of governance issues including transparency.

Iraqi Ministers are nominated by the Governing Council and in turn are responsible for appointing Ministry staff.

The new transitional timetable was publicly announced by Jalal Talabani, President of the Governing Council, on 15 November. Iraqi, regional and international media coverage of the announcement will have reached the vast majority of the Iraqi population soon after. The Governing Council is following up the announcement with a further public outreach explanation of the plan with provincial and local assemblies in all of Iraq's 18 Governorates.

3. *The Committee wishes to know what role the United Nations will play in the revised political process in Iraq, and in drawing up a new constitution. The Committee also wishes to know what proportion of UN staff present in Iraq before 19 August have now been able to return to the country, and what security arrangements exist to protect them as they carry out their work there.*

UN Security Resolution 1511 requests the Special Representative of the Secretary General, as circumstances permit, to lend the unique expertise of the UN to the Iraqi people in the process of political transition, including the establishment of electoral processes. This mandate builds on the vital role for the UN foreseen in resolution 1483.

The UN's ability to carry out its mandate has inevitably been affected by the decision to relocate international staff temporarily following the 19 August terrorist attack on the UN Headquarters in Baghdad. All UN international staff other than a small number in the north of the country, have been relocated for the time being in Cyprus, Jordan or Kuwait from where they are overseeing programmes. Several thousand UN staff continue to carry out work, particularly on humanitarian programmes. The support for political process envisaged in resolution 1511 will not necessarily require UN staff to be permanently based in Iraq.

The Secretary General commissioned an independent review following the 19 August bombing which identified serious shortcomings in the UN's security arrangements. The Secretary General is currently considering the implications of the report and reviewing the UN presence in Iraq. We have offered the UN assistance, including financial support, to put the security measures in place to allow them to return to Iraq and fulfil their mandate.

4. With respect to the Government's response to recommendation 21, the Committee wishes to receive a progress report on international efforts to disrupt al-Qaeda's terrorist operations, planning, financing and support, including details of the recent work of the UN Security Council Counter-Terrorism Committee.

There continues to be an effective level of international and bilateral police, security and intelligence co-operation against al-Qaeda and associated terrorist groups, although we and our partners are constantly exploring new ways of increasing that effectiveness. G8 partners and others are helping to build counter-terrorism capacity in vulnerable countries, and are co-ordinating such efforts locally. Through training and assistance we have for example reduced the risk to aviation in Kenya and are increasing police capacity there to investigate and prosecute terrorist suspects within the rule of law; we are helping Yemen to build their counter-terrorism capacity, including through training security forces and coastguard; co-operation with Saudi Arabia, including encouraging better use of police forensics techniques, has increased substantially. The Saudi security forces intercepted a major attack in Riyadh this week. We and our international partners are also pressing individual states to take more effective action where there is a lack of political will to do so.

The CTC has continued its efforts to ensure that all countries implement Resolution 1373 and the 12 UN Counter-Terrorism Conventions. The Security Council has also begun to look at how the CTC might further develop its work in improving counter-terrorism standards. But much of this work is of a long-term nature. The immediate more operational work is carried out by the Taliban and Al Qai'da Sanctions Committee. This Committee maintains a list of individuals and organisations linked to the Taliban or Al Qai'da, all of whom should then be subject to an asset-freeze, travel ban and arms embargo in every UN member state. The latest report of the Monitoring Group for this sanctions regime highlighted failure to implement fully these measures on the part of many States. We, along with the rest of the Security Council, are looking urgently at how these gaps can be filled.

Counter-terrorism operations are making it much harder for terrorists to operate and avoid capture. Significant arrests and disruptions continue to be made. But the determination of terrorists remains strong, and, as the attacks in Istanbul demonstrate, the threat remains significant and global. We have always taken the view that there is no quick fix and that we are in for the long haul. We will continue to be at the forefront of ensuring that the international community maintains a comprehensive and effective approach to tackling international terrorism. We are vigorously pursuing the perpetrators of the Istanbul attacks through political, police and intelligence co-operation with the Turkish authorities and internationally.

5. The Committee notes the Government's view, stated in its response to recommendation 22, that as a consequence of the Iraq war it "is likely that some groups and individuals have been encouraged to commit terrorist acts, or to support more indirectly al-Qaeda's aims and objectives [and] Within Iraq it is clear that some groups and individuals have taken advantage of the post-conflict situation to commit abhorrent terrorist acts." The Committee wishes to receive the Government's assessment, eight months after the war, of the impact of the military campaign on recruitment for al-Qaeda inside Iraq, and in the wider Middle East region.

Many attacks in Iraq are likely to be the work of elements of the former regime. We believe that Islamist terrorists, some belonging to al-Qaeda associated groups, have been involved in some terrorist attacks in Iraq. We cannot discount the possibility that some individuals may have been motivated to join these terrorist networks as a result of coalition action in Iraq. In the wider region, extremist propaganda including from bin Laden has sought to exploit coalition action, using this as a context for encouraging Muslims to engage in violence. But although coalition action in Iraq, and other regional issues, has sustained and may have increased terrorist motivation, we have no direct evidence that it has increased al-Qaeda recruitment.

There is however no basis for suggesting that coalition action in Iraq has caused the recent terrorism we have seen. The risk from terrorism, including to the UK, has been high for a long time and remains so, quite independently of Iraq. But I repeat my previous observation that the establishment of a stable, democratic Iraq enjoying the proper rule of law will be Iraq's best defence against terrorism and will more widely undermine Al Qa'ida's cause. I would add that the recent al-Qa'ida or al-Qa'ida associated attacks in Saudi Arabia and Istanbul have killed more Muslims, including children, than others, and have caused widespread

revulsion including in the Muslim world. The fact that these terrorist groups are showing themselves in their true, indiscriminate, colours undermines their profoundly dishonest attempts to claim legitimacy for their actions from the Muslim world.

6. *The Committee also wishes to know what evidence exists to indicate that links exist between al-Qaeda and the terrorist groups operating inside Iraq, and whether there is evidence that these groups have backing from foreign governments.*

Al-Qaeda associated terrorists, for example the group Ansar al Islam, are active in Iraq and are planning attacks. We do not believe that any state has a policy of supporting these international terrorist groups, but it is possible that individual elements within countries in the region may on occasion have provided limited assistance to some of them.

7. *The Committee seeks a note on the extent to which Syria and Iran are co-operating with the United Kingdom and its allies towards apprehending al-Qaeda operatives and dismantling the network.*

Both Syria and Iran have strongly and publicly condemned international terrorism, including Al-Qa'ida's attacks on 9/11 and subsequent terrorist attacks, including the Istanbul bombings. We have had a dialogue with both countries on terrorism. However we remain concerned over whether Syria and Iran are sufficiently addressing other issues in countering the threat from Al Qa'ida and other international terrorist groups. We have urged both Syria and Iran to do more to stop infiltration of terrorists into Iraq across their borders, and to prevent terrorist facilitators from using their territory to organise such infiltration and plan attacks. Iran has said that it has detained a number of senior Al Qa'ida figures and has undertaken to deport these to their countries of origin. We have urged the Iranians to live up to this undertaking.

8. *The Committee wants further information on the FCO's work to promote the rule of law, increased participation of women in public life, economic reform and good governance in the Arab world under the FCO's Global Opportunities Fund—with a particular focus on its work in Syria and Palestine.*

The FCO has established a Partnerships with the Arab World Unit to take forward our strategy for encouraging reform in Arab countries.

It has the traditional range of diplomatic tools at its disposal. In addition this year we have established a Global Opportunities Fund "Engaging the Islamic World". Funding has already been allocated for this financial year to support efforts in the Middle East and North Africa region to support Good Governance, the Rule of Law and Participation of Women. This year £1.5 million were allocated to 26 projects.

We are now considering strategic priorities for the next financial year when the allocation will rise to £3 million and expand geographically with the potential to address Islamic countries beyond the Middle East and North Africa.

Two projects are focussed exclusively on Syria. One is helping to develop the Syrian money market in collaboration with experts. The other is a high level conference to promote UK-Syria Dialogue. Three other projects are regional in nature and include Syria. They include journalism skills training to help promote good governance, an anti-money laundering video as part of the rule of law work and a project to air the views of young Arab women to support a discussion about their futures. At this stage no Palestinian projects have been funded through this programme. Further information is provided at **Annex C**.¹

9. *The Committee wishes to receive a memorandum detailing progress in negotiations with the United States towards ensuring the fair trial of British nationals held at Guantanamo Bay, Cuba.*

The Committee knows that we have strong reservations about the proposed Military Commissions. Following the Prime Minister's meeting with President Bush on 17 July, the legal proceedings against the two UK detainees designated as eligible for trial by Military Commission were suspended.

Since then, the Attorney General, on the Government's behalf, has held extensive talks with the US Administration about the Commissions and the future of all of the UK detainees. His objectives have been to ensure that the British detainees, if prosecuted, would receive fair trials that meet generally recognised principles and to make clear our opposition to the death penalty. The Attorney General received assurances from the US that the prosecution would not seek the death penalty in the cases of the two British nationals (Mr Begg and Mr Abbasi).

He has also received a number of other assurances. They include:

- agreement that Mr Begg and Mr Abbasi could be represented by US civilian counsel of their choice supported by a UK lawyers as well the military counsel provided by the US Government;
- agreement to unmonitored communication between the defendants and their counsel;

¹ Not printed—Restricted information.

— open trials which the defendant's family and media could attend.

Our exchanges with the US on the Commissions and the future of the other 7 UK detainees continue. The Prime Minister discussed the matter with President Bush during his visit to the UK. The position remains as the Prime Minister explained to the House and during the President's visit. There are two alternatives. The detainees will either be tried by Military Commission which is fair and consistent with international norms or they will be returned to the UK. I expect this to be resolved soon. If the detainees do return to the UK it will be a matter of the police and Crown Prosecution Service as to whether they are tried. This is the normal and correct procedure.

It is important, however, that we remind ourselves of the context in which those concerned were detained. The detentions arose out of the attacks of September 11 and subsequent action against international terrorism, in particular in Afghanistan. So it is right that we take full account of our national security as well as safeguarding justice when we consider how to resolve this particular issue.

I know of the agreement between the US and Australian Governments announced on 25 November by which the latter's detainees might be tried by Military Commission. I do not think it my place to comment on arrangements agreed between the two governments or on the particular circumstances of the individuals concerned.

10. *In its last Report on this subject, the Committee asked that the Government set out in detail the lessons that can be learnt from the experience of UN weapons inspections in Iraq for the future monitoring of BW programmes. The Committee now requests a memorandum setting out the lessons learnt from the Iraq Survey Group. It also wishes to learn how the past year's weapons inspections process will contribute to developing policy towards monitoring and addressing the threat of WMD from Iran, Syria and other states of concern.*

The Iraq Survey Group is part of an ongoing operation. I do not believe it would be appropriate at this stage to divert resources away from the ISG's operational role or to attempt to present lessons learnt from an incomplete process.

Her Majesty's Government, in common with other national Governments, has not been given access to UNMOVIC's records of its inspection activities in Iraq. It is not, therefore, possible to carry out any full analysis of what lessons have been learned. The UK has, both in the Security Council and through its UNMOVIC Commissioner, encouraged UNMOVIC to carry out such an exercise. If UNMOVIC does conduct an analysis, it is by no means certain that we would have access to the results.

What has become clear from the experience of weapons inspections in Iraq since 1991 is the need for intrusive inspection regimes to generate confidence that no illegal activities are taking place. Dr El Baradei, the Director General of the IAEA, noted in his recent report on the implementation of safeguards in Iran that, if the Agency was to be able to conclude that Iran's nuclear programme "is exclusively for peaceful purposes", "the Agency must have a particularly robust verification system in place. An Additional Protocol, coupled with a policy of full transparency and openness on the part of Iran, is indispensable for such a system." This is why the Government is committed to supporting the universalisation of the Additional Protocol.

11. *The Committee requests a memorandum on the Proliferation Security Initiative, detailing how it relates to existing international arms control and non-proliferation measures.*

A further memorandum is attached, at **Annex D**.

Foreign and Commonwealth Office

December 2003

Annex A

Memorandum on lessons to be learnt from the post-conflict period in Iraq

The conflict in Iraq came to end only a few months ago and we are still engaged in the post-conflict period. As an occupying power, the UK's contribution to the reconstruction of Iraq has been considerable and multi-faceted. Our efforts have been principally channelled through our contribution to the Coalition Provisional Authority. They include the maintenance of security through our armed forces, the provision of experts to advise on infrastructure reconstruction and administration and related issues, and our involvement in assisting the Iraqis to develop the political process which is now well underway. As we mentioned in our reply to the Committee of September 2003, we are still assessing the lessons to be learnt from this extensive and wide-ranging exercise.

As a result of a meeting on 16 September between the Secretary of State and his counterparts from MoD and DFID, officials from the three departments are looking closely at policy and planning for post conflict situations. It is clear that:

— We need to look at lessons learnt from Iraq and situations wider than Iraq to avoid the danger of planning for the next crisis based solely on the last.

- There are a number of generic issues (security, justice and reconciliation, governance and participation, economic and social) which arise in most post conflict situations, irrespective of the regional background to the crisis. These can be further broken down into specific tasks that need to be tackled in establishing an effective administration governing a stable, secure state.

We have to be realistic. We cannot guarantee success however much the UK reorganises structures, planning procedures and deployment of resources. Much will depend on the environment in which we are working. We should be looking at the art of the possible: an integrated international response, the rapid deployment of appropriately skilled and trained personnel, backed up by adequate resources, planned well in advance to deliver rapid and sustainable improvements to the quality of life of those we are seeking to help.

To this end officials are looking at the creation of a pan Whitehall mechanism that can:

- Decide where the UK's priorities for intervention lie;
- Engage with the international community and within the multilateral fora to ensure maximum support and resources for an integrated post conflict reconstruction effort;
- Bring together the right resources from across Departments;
- Plan well in advance for the appropriate time and extent of our intervention;
- Meet the possible training needs of those who may be deployed in the field.

Officials are also talking to other government departments that are likely to be involved, as well as the private sector and NGOs. As part of the process DFID, supported by the FCO and MoD, are sponsoring a conference at Wilton Park in early December on Managing the Transition from International Military Intervention to Civilian Rule.

Within the FCO we are also reviewing the need to adjust structures and working methods to improve response and performance on post conflict issues. This may include setting up of databases of staff with the appropriate skills, background and experience of working in difficult conditions.

We shall be happy to make the outline conclusions of these reviews, as they relate to lessons learnt from Iraq, available to the Committee when they have been completed.

Annex B

Weak and Failing States—Scoping Note

EXECUTIVE SUMMARY

The scoping note sets out the rationale for the Strategy Unit-led project on weak and failing states (Section I); its proposed aim and objectives (Section II); and its methodology and possible outputs (Section III).

The rationale for the project:

- Areas of instability have long been a concern of British foreign policy. International trends such as globalisation, new security threats and a greater emphasis on sustainable development have increased both the importance and complexity of their impact on the UK. The expression “weak and failing states” tends to be modern shorthand for those parts of the world that lack strong and legitimate governance—but there are multiple and contradictory definitions of the term. The problems usually associated with weak and failing states, including the operation of criminal and terrorist networks, are a common risk factor across a range of UK international and domestic objectives—from counter-proliferation to the achievement of the Millennium Development Goals, from drugs trafficking to asylum seekers and refugees.
- Key allies and international institutions (US, UN, World Bank, European Union) are increasingly concerned with the problems of weak and failing states—but there is little international consensus on the effectiveness and legitimacy of external interventions at each stage of the “cycle of failure”. The international community often struggles to agree on when and how to intervene, and often lacks the capacity to implement agreed policy. The division of responsibilities between states, institutions and others is unclear. And we are insufficiently aware of the extent to which gaps in the governance of the developed world—or deliberate policy choices by developed nations—can exacerbate weakness and failure elsewhere.
- The Strategic Audit suggested that the UK would benefit from a strategic overview of weak and failing states. Policies and resources across Government are not yet coordinated to best effect. Beyond the Conflict Prevention Pools, there are few ringfenced resources. Departments have different priorities and criteria for intervention, and interventions are not often based on rigorous analysis of best practice and UK comparative advantage. There is an artificial divide between “international” and “domestic” policy-making.

Government Departments are increasingly conscious of these weaknesses as a hindrance to effective policies, and are experimenting with methods of joint working. But no single Government Department has overall strategic responsibility for addressing the “cycle of failure”. The **aim** of the Strategy Unit-led project will be to answer the question: “How can the UK improve its strategic response to the challenges of weak and failing states?”

The objectives of the project will be to address some key issues:

- **Developing a common language.** Every Department and international organisation has its own subjective definition of “weak and failing”, and makes its own assumptions about risk. We need to consider the relative impact on the UK as a whole of various forms of weakness and failure in territories, states, regions and in systems of policing and broader governance. To set common priorities, the UK needs a common language to describe the problem.
- **Mapping the problem.** What are the geographical and systemic threats around the globe? What relationship do weak and failing states have with international criminal networks? To what extent are the values and policies of the developed world contributing to the problem? Looking across the range of UK domestic and international objectives—from security and sustainable prosperity to global development—which threats should be prioritised?
- **Interventions.** What evidence is there for the relative effectiveness of interventions at each point of the cycle of failure? What are the resource requirements for each intervention? Is there any evidence that we can “spend to save”? Where are there problems of capacity and legitimacy—and what can the UK do about them?
- **Whitehall co-ordination and collaboration.** How can we best combine UK and global analysis in support of our policies? How can we achieve better policy coherence, and how do we deal with tensions as they arise? How do we create and embed robust mechanisms across Whitehall to allow common language and shared priorities to emerge? What types of national co-ordination and inter-Departmental collaboration have been shown to work at each stage of the cycle? What can we learn from experiences of the Africa and Global Conflict Prevention Pools? What kind of new mechanisms can best support post-conflict interventions? Which will be needed to support the UK’s efforts to improve national and international capacity to tackle weak and failing states and criminal networks?
- **The role of the UK within the international community (including bilaterals and international institutions such as EU/UN/G8/World Bank/IMF).** The UK will seldom act alone to tackle the problems of weak and failing states. We need to ask:
 - What are the UK’s comparative advantages/niche roles, and should we develop them further?
 - What are the priorities for improving the capacity of the international system?
 - How can HMG work more effectively to achieve needed reforms and initiatives?
 - What are the implications for UK resource allocation?
 - Can the “Responsibility to Protect” agenda be taken further?

The first two of these issues have been identified as key priorities. Work will begun on these issues with the aim of feeding into the 2004 Spending Review process. The project **methodology** will be based on close cooperation with Government Departments. The aim will be to add value to existing work, and to facilitate shared language and priorities across Government. The project will be broken down into workstreams, each of which will consult and involve relevant Departments and other stakeholders. Departments will have an important role in shaping the project towards specific outputs.

Proposed outputs of the project include recommendations on:

- an integrated Whitehall system of analysis and prioritisation, based on a robust risk assessment methodology;
- structures of Whitehall coordination and collaboration;
- pooled targets and coordinated resources;
- knowledge management tools such as a shared intranet site and skills database;
- improved policy coherence across Whitehall;
- capacity-building and policy initiatives at UK, European and international level, including recommendations for the UK’s agenda during its presidency of the G8;
- taking forward the “Responsibility to Protect” agenda.

Timescale

The scoping note for the project will be finalised in November. Recommendations on pooled targets and resources will be made in close consultation with departments concerned and in time to inform work on SR2004. The key milestones will be:

- *January*: circulation of “emerging findings” in those workstreams given priority for Spending Review reasons.
- *April*: circulation of full Interim Report including detailed work for Spending Review.
- *Summer*: final Spending Review work.
- *Autumn*: circulation of Final Report. The timing will depend on the nature of the follow-up and implementation work agreed at the Interim Report stage.

At each milestone the project team will take stock with the Advisory Group and other Whitehall stakeholders to agree the detailed content of the next phase of work.

Annex D

Memorandum on the Proliferation Security Initiative

1. In their letter to the Foreign Secretary of 19 November, the Committee requested a memorandum on the Proliferation Security Initiative, detailing how it relates to existing international arms control and non-proliferation measures.

2. The Proliferation Security Initiative (PSI) was launched by President Bush during a speech in Krakow, Poland, on 31 May 2003. It aims to help prevent trafficking in Weapons of Mass Destruction (WMD) and related material, through enhanced interdiction efforts.

3. The initiative was originally taken forward by 11 countries: Australia, France, Germany, Italy, Japan, the Netherlands, Poland, Portugal, Spain, UK and US. However, participation is open to any state or international body that accepts the PSI Statement of Interdiction Principles (agreed at a PSI meeting in Paris at the beginning of September), and is willing to make an effective contribution to the Initiative’s goals.

4. The Statement of Interdiction Principles sets out the aims and scope of the Initiative. In particular, the Statement underlines that the PSI will be “consistent with national legal authorities and relevant international law and frameworks, including the UN Security Council”. It also makes clear that the PSI aims to build on and reinforce the existing tools to prevent the proliferation of WMD, such as the existing international arms control and non-proliferation measures, not in any way to supplant them. Following the Paris meeting, over 50 countries from around the world have expressed political support for the Statement of Principles.

5. The subsequent meeting of the PSI, 9–10 October in London, agreed that participation would vary according to the activity taking place, and the contribution participants could provide. Some countries had particular experience, assets or expertise relevant to all PSI activities; other countries or organisations could be expected to contribute according to their particular capabilities. All relevant fora and international organisations should be kept informed of significant developments under the Initiative.

6. There are currently three main strands of ongoing work:

- *Policy*, outlining the broad direction of the Initiative.
- *Operational*, focussing on the practical mechanics of interdiction operations. At the end of July the UK hosted an operational experts’ meeting which agreed a programme of interdiction exercises. The first maritime exercise was led by Australia, and took place in the Coral Sea (12–14 September). The UK hosted the first air interception (tabletop) exercise on 8 October, to prepare the ground for a live exercise (led by Italy) in November.
- *Intelligence*, establishing a mechanism to share timely and actionable information, and sharing analysis.

7. The next PSI meeting will be in mid December, and will focus on operational issues. The next Plenary meeting will be in Lisbon, in early Spring.

Witnesses: **Rt Hon Jack Straw**, a Member of the House, Secretary of State, Foreign and Commonwealth Office; **Mr John Sawers** CMG, Director-General, Political; and **Mr Edward Oakden** CMG, Director, International Security, Foreign and Commonwealth Office, examined.

Chairman: Foreign Secretary, we would like to focus in our questions to you on the war on terrorism and al-Qaeda. Since our last meeting we have had a terrorist outrage on our Consulate General in Istanbul and on that I have written to give the condolences of the Committee to our Ambassador in Turkey. Sir John?

Q93 Sir John Stanley: Can I say at the outset that I, and I am sure the rest of the Committee, appreciated greatly the fact that you were able to make a very quick flight to Turkey and Istanbul. I am sure that that was hugely valued by the British community in Turkey and obviously most particularly by Embassy staff and those who have suffered bereavement. Could I start by asking you again the question which I put to you on the floor of the House last week which is whether, following the synagogue bombings the previous Saturday, requests were made by the British Embassy in Ankara and/or the Consulate General in Istanbul for additional security measures for the Consulate General in Istanbul?

Mr Straw: The answer to that is, in the light of each security problem that was faced in Istanbul, security was reviewed and measures taken to enhance it in what was thought to be an appropriate manner, and that was certainly the case in the light of the bombings of the synagogues five days before. A lot of work had been put into the safety and security of our staff and it is a great sadness that that, in the event, was not sufficient to protect quite a number of them against this terrible outrage.

Q94 Sir John Stanley: Can you, therefore, against what you have just answered the Committee give us any explanation as to why members of staff and the Consul General himself were working in unprotected temporary office accommodation at the front of the building just a matter of days after the synagogue outrages took place, and clearly pointed to the fact that there was an active al-Qaeda terrorist cell in operation in Istanbul?

Mr Straw: The answer to that is, first of all, Pera House—and I think you may have been to Istanbul—which is the main part of the compound suffered a fire three years ago and was basically being rebuilt so only a few staff could be housed in Pera House so there was an issue of where they should be housed instead. A judgment was made, which I think was the right one, that they would be better housed in the compound, albeit on the perimeter, than outside the compound and accommodation had to be found for them. Now, as I saw myself, the buildings were less well protected than, by definition, was the building in the middle but what one has to do in all these situations is make the best judgments one can prospectively. As we found in Northern Ireland, and you will recall, you can take the best precautions that you think are available and with the greatest possible application of a duty of care

and still find that the terrorists have discovered a way through that, and it does not mean there is any fault necessarily on your side or by your staff: it means you are dealing with people even more evil and devious than you thought and, although the review of the security measures continues, that is a conclusion we will come to.

Q95 Sir John Stanley: Could you comment on this which has appeared: namely, that a view taken in a very selfless way within the Consulate General was that Turkish pressure to erect serious road blocks in the vicinity of the Consulate General should not immediately be accepted in the interests of safeguarding Turkish businesses in the adjacent area?

Mr Straw: I have not seen that, and am not aware of that suggestion at all. Could I just say more generally, however, that I am very grateful, Sir John, for what you said about my visit. I thought it right to visit straight away and, as I have explained in a more detailed letter which I have sent to you, Mr Chairman, I took with me I think about 18 members of the Foreign Office staff as part of this rapid deployment team, and an equivalent number of people from New Scotland Yard and other agencies, and I think it does indicate some robustness of the new contingency plans that, within two hours of the news coming through we had arranged for a large enough aeroplane to take us all there and we were there by the early evening that day. I also am grateful to all of you for the tribute you made in respect of Roger Short, the Consulate General and all his staff, because he was a very fine diplomat and public servant and expert on Turkey.

Q96 Sir John Stanley: Could you clarify this very important operational policy point? Is it the position of the Foreign Office that the responsibility for taking security measures beyond the boundaries of a Consulate General or an Embassy lies with the host country and, where the host country wants to impose certain protective measures, they should be absolutely free to do so, or do we take a view that that is a decision in which we should be involved as well?

Mr Straw: Well, the formal legal responsibility is plainly that of the host country. It is under the Vienna Convention and there is no dubiety about that, just as we are responsible in London for the security of all the diplomatic posts in London, as it were, beyond their front doors. There is no question about that at all. It is best done in co-operation with the post concerned, and far from having any complaints I have a great deal of gratitude to the Turkish authorities for the co-operation we have received over the years, and not least since the bombing.

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Q97 Sir John Stanley: In your letter to the Chairman to which you referred, your letter of November 26¹, you referred to the involvement of FCO security experts in reviewing premises which are particularly vulnerable. Could I ask you this, against the background of a similar situation which we faced in the early 80s when we had suicide truck bombers directing themselves against buildings occupied by military personnel, and I am referring particularly to the situation in Beirut, where on that occasion we found it necessary under the direction of the then Prime Minister to involve very senior and expert people inside the Ministry of Defence to give proper advice as to what it took to resist a determined suicide truck bomber: against that background, Foreign Secretary, are you considering utilising Ministry of Defence appropriate personnel in the review you are undertaking?

Mr Straw: Just allow me to say this, that we use expertise from all the agencies apart from the Foreign Office, which obviously includes the Security Service and may include military personnel as appropriate. We try to avoid giving any details about who these people are in public but we pick up expertise from anywhere that is appropriate, and obviously those two departments have a great deal of expertise.

Sir John Stanley: Thank you. I think there are probably additional questions we want to put to you in writing but I am grateful for the answers you have given.

Chairman: Two of the members of the Committee were at the Consulate meeting the late Mr Short shortly before the outrage, so I would like to call on Mr Hamilton and Mr Chidgey to make any further comments.

Q98 Mr Hamilton: Let me just add to what Sir John has said in thanks for the very swift reaction you and the Foreign Office took. When we read about outrages like this in the press or on television we are always shocked, but it is even more shocking when just days earlier one was with one of the people who was murdered as a result, and I think myself and David Chidgey have written separately to Mrs Short. One of the things we discovered when we were there on 6 November looking at visas and entry clearance, Istanbul having been one of our busiest posts in the world, I think, was that a small explosive device had been used against the front door of the visa section which is a public entrance on the main street. Press reports, however, have made it out to be—and I assuming they are talking about the same attack—a precursor to this, and I am wondering whether you can perhaps put the record straight. Our understanding was that this was no more than a huge firework that blew the door off and was as a result of somebody who was a bit irritated at not getting a visa. Is that underplaying it or not?

Mr Oakden: Such evidence as we have points to the April attack, the one you have just referred to, as having been perpetrated by a local extremist group but without further connections, and specifically not a connection to al-Qaeda and specifically different from the IBDA-C local group that, with AQ, seems to have claimed responsibility for, and we think with some justification, the attack two weeks ago.

Q99 Mr Hamilton: So it was perfectly reasonable to regard that as a one-off incident and not a precursor of what subsequently happened in November?

Mr Oakden: I think so, yes.

Q100 Mr Chidgey: If I may just quickly add to the sympathies expressed by everybody else, it is really a tremendous tragedy when you know the individuals and have worked with them over a period of time, as we did in the days we were there. It was a great shock to us all that people we knew and respected had lost their lives. This may have been answered in your letter to the Chairman which I unfortunately have not seen but one of the frustrations has been that apart from Roger, Alicia, and Nina who lost their lives, the details of any other injuries have been rather difficult to come by. We met nearly all the ECOs, if not all, and it would set my mind at rest if I was able to know whether or not anybody else had suffered injuries in that explosion.

Mr Straw: The list of those who died is made public. As is often the case, in general those who were not killed escaped on the whole with light injuries, although it was still very unpleasant for staff. I met some staff on the Thursday night and all the staff we could assemble on the Friday morning, and it was very rough. Some of them had just come into work on the Friday morning with their heads bandaged but they were relatively light injuries, but I can ensure you are given a list.²

Q101 Mr Chidgey: It would be much appreciated.

Mr Straw: I will not give the list in public now because it may be that some of these names have not been made public.

Mr Chidgey: Thank you.

Chairman: I would now like to turn to terrorism within Iraq. Sir John?

Q102 Sir John Stanley: Foreign Secretary, in the letter of November 26 which you sent to the Chairman—³

Mr Straw: Is this the one about the Istanbul bombings?

Q103 Sir John Stanley: Yes—you do say that those bombings of the British Consulate and the HSBC offices on 26 November were a deliberate and co-ordinated attack against British interests and part of the continuum of terrorist violence carried out

² The list has not been published owing to the personal information it contains.

³ Ev 59.

¹ Ev. 59.

by al-Qaeda and its associates, and I would like to ask you whether it is your view that another part of that continuum of terrorist violence being carried out by al-Qaeda and its associates is in part what we are seeing in Iraq at the present time?

Mr Straw: The best assessment I can give is that it is a smaller part. When I was in Iraq last Tuesday and Wednesday, as I have described, all the advice and information I have received was that the main burden of terrorism was emanating from former regime elements and that, in addition to those, there were others from outside which included Islamic extremists, al-Qaeda elements and so on, but the major terrorism came from inside.

Q104 Sir John Stanley: However you do acknowledge that there is a very definite al-Qaeda element in Iraq and, indeed, that is confirmed in the paper which the Committee has just received in the last few hours. Perhaps I could just say that I appreciate the pressures on your officials and on yourself but I know it would be helpful to the Committee if papers that are very relevant to evidence sessions could appear rather earlier in front of the Committee—certainly the night before, if at all possible. In the paper which we received this morning⁴ we ask in question 6: “The Committee also wishes to know what evidence exists to indicate that links exist between al-Qaeda and the terrorist groups operating inside Iraq, and whether there is evidence that these groups have backing from foreign governments”, and you replied: “Al-Qaeda associated terrorists, for example the group Ansar al Islam, are active in Iraq and are planning attacks.” Foreign Secretary, you would agree that that is a very different position on al-Qaeda presence post war—and I am not suggesting it is inaccurate but it is a very different position—from the one you gave to the Committee pre war?

Mr Straw: Well, yes, it is. Could I just say, Sir John, that we try and turn these requests round as quickly as possible; we do receive quite a number of requests of this kind. I thank you for your indulgence but it also is the case that the officials who have to answer your inquiries are also the same officials having to deal with some of the highest pressure jobs. We have officials dealing day by day with Iraq and providing support for our people in Iraq but they also are there to provide answers so often the pressure on them is compounded, which is why sometimes you may feel that the response is tardy. But I have to say that by comparison with other Select Committees and other departments I think the Foreign Office does a pretty impressive job, and your letter was dated 19 November which is not long ago and a lot of detailed information was asked for.

Mr Sawers: Sir John, you mentioned Ansar al Islam. That is a group which has its origins in the Kurdish areas of Iraq itself: most of its members we believe are Iraqi Kurds: they were present in Iraqi Kurdistan in advance of the conflict: they were one

of the groups that were targeted during the course of the conflict but many of them survived, they melted across the Iranian border and then came back into Iraq itself, and they seem to have established a network—I would not say a base—in the areas where the former regime loyalists are most active, the triangle of towns, mainly Sunni Arab people to the north and west of Baghdad. So there is a presence there: it is linked to the presence that was in Iraq before the conflict: it is now more active because it is operating in an area where the former regime loyalists are themselves organising and launching attacks against the coalition. It is impossible to say, usually, in any given instance which group was responsible for which attack; there is no doubt that there is some loose co-operation between them but equally the dominant role has been taken by the groups that were part of the former Iraqi regime which have melted back into that area and are using it as a base for their operations.

Q105 Sir John Stanley: Thank you. However, I do want to point out a very different position being taken, Foreign Secretary, by you now following the war. I am not suggesting it is in any way inaccurate but it is a very different position. You will remember before the war you received a number of questions in various sessions with the Committee as to what was the degree of linkage between al-Qaeda and Saddam Hussein, what was the degree of al-Qaeda presence in Iraq, and for example in your appearance before this Committee on 4 March⁵, just before the war started, you were once again entirely consistent on this up to when the war started and very cautious, certainly distinctly more cautious than your American opposite numbers, as to pointing out linkage between al-Qaeda and Saddam Hussein. You said, for example, on that 4 March session: “There has been some evidence of Iraq creating a more benign environment in which al-Qaeda operatives may be able to operate”. I raise this because you will be aware that a very significant new piece of information emerged on this key issue in the course of the inquiry carried out by the Intelligence and Security Committee, and they for the first time brought into the public domain the warnings that the Joint Intelligence Committee specifically gave in this area, and in paragraph 126 of the ISC’s report⁶ the ISC said this: “The Joint Intelligence Committee assessed that al-Qaeda and associated groups continued to represent by far the greatest threat to western interests and that threat would be heightened by military action against Iraq.” Can I ask you this, against that background: it now does seem to be pretty clear that the warning given by the Joint Intelligence Committee does seem to be a perfectly valid warning. I am not going to get into the issue

⁵ Foreign Affairs Committee, Tenth Report of Session 2002–03, *Foreign Policy Aspects of the War against Terrorism*, HC 405, Ev 50.

⁶ Intelligence and Security Committee Report, *Iraqi Weapons of Mass Destruction—Intelligence and Assessments*, Cm 5972, para 126.

⁴ Ev 25.

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of the whole question of the debate on merits or not of the war—we have talked about that and no doubt will return to it—but on this narrow point it seems on the evidence we have thus far that the Joint Intelligence Committee warning that war was likely to heighten the degree of al-Qaeda threat including Iraq, does seem to be valid. Do you agree?

Mr Straw: Thank you for accepting that I was being consistent—which I was—and I was doing my best to reflect my own state of knowledge on this. There are two issues here: one is about whether it is easier or less easy for al-Qaeda elements to operate within Iraq and the answer is that, post Saddam, the environment may have been easier for them and that is because, as it were, within Iraq he was doing their job for them and no one should regard that as of particular significance. What I do not subscribe to is the view that somehow, outside Iraq, one is at greater risk from al-Qaeda elements because of the war against Iraq. I simply do not accept that and I do not think there is any evidence of that and I think you have heard me say, Sir John, on one or two occasions, you have not made the claim in quite those terms but when I listen to such claims I sometimes think that in the mind of the person claiming it there is some subconscious view that September 11 took place in 2003 not in 2001, whereas if you go back before military action was embarked upon in Iraq there is five or six years at least of very serious al-Qaeda activity, including the attacks on the US Embassies in Nairobi and Dar Es Salaam, culminating in September 11 and then a series of further attacks. So my overall judgment is that the world is a safer place as a result of our military action in Iraq and it goes without saying, if you have one organisation as ruthless as Saddam's at inflicting terror on the residents and population, there is unlikely to be space for two, and that was the situation up to the removal of Saddam. But I am also clear that almost certainly, and history will show this, there will have been over time fewer people who have lost their lives subsequent to our main military action as would have been victims of Saddam in the previous period, and one only has to look at the level of just the numbers of people declared dead or missing to have some idea of that calculation.

Q106 Sir John Stanley: Finally, in relation to al-Qaeda and similar terrorist organisations inside Iraq, given the size of the country and the openness of the borders, the evident availability of very large quantities of rocket propelled grenades, surface-to-air missiles and the hostility of significant elements of the population, what degree of confidence do you have as to whether we can provide an effective security response to successfully counter terrorism inside Iraq?

Mr Straw: I think we will achieve that. I think we are doing so pretty satisfactorily in the south which we control, and that the Americans are doing so in quite a number of the areas which they control. We continue to face a very serious security situation in Baghdad and to the north west of Baghdad,

something that I talked to General Sanchez and Ambassador Bremer about, as well as our own United Kingdom military commanders in Baghdad as well as in Basra last week. It is taking time, it is frustrating, it is taking more time than we anticipated, but everybody is very clear that getting the security right is an imperative precondition to the restoration of basic services, although most of them are restored and then not the restoration but the establishment of a representative system of government and a much freer society.

Q107 Mr Illsley: It has been suggested that some of the attacks inside Iraq have a foreign element, particularly because some of these attacks have contained or been carried out by suicide bombers. Is there any indication of the foreign countries which these perpetrators are from, and is it a question that, because there is so much of a US and a United Kingdom presence inside Iraq at the moment, this is attracting foreign terrorist elements into Iraq at the present time?

Mr Straw: I will ask Mr Oakden and Mr Sawers to comment on the provenance of the outside terrorists; I have already tried to set the context in which they appear to be working. If you asked me about from which neighbouring country they are coming, all the borders are relatively porous but the best evidence we have suggests that the real area of difficulty and concern is the border from Syria, and I make it clear that we look to Syria to do much more in respect of controlling terrorists. We are grateful to them for what they have done in handing over suspects to the Turkish government in respect of the Istanbul bombings, but we are very clear that Syria has to take far tougher and less ambiguous action in respect of all terrorists and terrorist organisations operating within its borders.

Mr Sawers: Just on where these people come from, there are volunteers from a number of Arab countries—Syria is one, Yemen is another, Saudi Arabia is a third—who have come to Iraq. Now, whether they are part of an organised systematic terrorist infiltration or whether they are misguided volunteers, I suspect the truth is there is a range of attitudes and most of them fall somewhere in between the two, but there are nationals from those countries. One of the truck bombs that was driven at Iraqi police stations about a month ago failed to go off and the driver was wounded and later interrogated, and it turned out he was a Syrian who had been in the country for less than 48 hours.

I think what we are seeing is that these misguided volunteers are being used by the former regime loyalists inside Iraq as potential suicide bombers. We saw during the conflict itself there was a flow of people coming across the borders—again, mainly from Syria—and Saddam pushed them straight into the front line and most of them were killed. They are ruthlessly used by the former regime and I think that process is continuing today.

Q108 Mr Illsley: Is there a strategy in the coalition to increase security or improve security, particularly in the short term given the pressure,

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perhaps, for a speedier transfer of power over to an Iraqi Governing Council? Is there a need to improve security or is the situation likely to peter out as we get on top of the problem?

Mr Straw: Mr Illsley, are you talking about security of our buildings and staff or the security environment overall?

Q109 Mr Illsley: The security environment overall.

Mr Straw: It is at the top of everybody's agenda. Therefore, a lot of work is being put in to build up the Iraqi security forces, including the police civil defence force and paramilitary operation, static guarding and the beginnings of an Iraqi Army. When I was in Basra I had detailed discussions about, for example, the provision of trainers from the British police force to go into that area and work in a police training school, which we have helped to establish, alongside the facility which we are helping to establish in Jordan. So, yes is the answer.

Chairman: I would like to turn to the reconstruction of Iraq.

Q110 Mr Maples: Foreign Secretary, the timetable that has been published for setting up a transitional authority and constitution and elections seems fairly ambitious but, nevertheless, one can see what the pressures are and why you want to do it. I do not know if you would agree with me but something that concerns me is that what we want to establish in Iraq is not just democracy but freedom and democracy, but unless the institutions which guarantee freedom are in place before democratic elections come in, by which I mean an independent judiciary, the rule of law, relative lack of corruption, religious tolerance and freedom of speech—these sorts of things—one is in danger of getting what one might call an illiberal democracy, and we can all think of examples around the world where there are elections but the government that results from that does not guarantee people's freedom and, as a result, they are not very nice places to live and they are certainly not prosperous because people do not want to invest or do business there. I wonder if you could tell us, firstly, whether you agree with the need to make sure that those sort of institutions which are, in a sense, guaranteeing people's freedom are in place and whether you think it is right that they need to be in place before elections occur and what we are doing to try to make sure those do get put in place.

Mr Straw: Your points, Mr Maples, really reflect the very intense discussion that was going on before the military action took place, but particularly from the moment the main military action was over, about what should be the sequence of events. It was because Ambassador Bremer took a similar view to you that he proposed the so-called seven steps which would in a logical sequence build up the political institutions and their functioning before you got to the point of free, direct elections. That has to be balanced against other considerations, and one is people's natural impatience to take control of their own affairs and

practical realities on the ground. This was a continuing dialogue that was going on. In Afghanistan, as you will be aware, a different approach was taken which was to move very swiftly to some practical handover of sovereignty to an interim government and then, having got that as a kind of halfway house, to work from there. I query which is likely to be the better route, but my own judgment is that this latest set of decisions promulgated on 15 November provide a more practical route to a swift transfer of power to the Iraqi people and then to the establishment, over time, of Iraqi democratic institutions. It is not going to be perfect; we are dealing with a society which has not enjoyed democracy, it has suffered repression for 30 years, and its institutions before that, although they were better, were not especially known to be democratic. So building up an experience of democracy of the kind that we spent four centuries developing in this country is going to take time. We also see, say, former colonies around the world which were decolonised 30 or 40 years ago and in some areas the principles of liberal democracy to which we hold dear take root rather quickly and others are slow, but in time, as we have seen in Africa, the power of this idea of freedom of democracy is so strong that over time it does, in the end, become the norm. That is my take of it. Do you want to add anything, John, as you were there during a rather critical period?

Mr Sawers: This is a dilemma that we were wrestling with back in the summer when I was the British Government representative in Baghdad, and the goal then was always to try to create the circumstances where the occupation could come to an end during the course of 2004 (and as close to the middle rather than the end of 2004 as possible), and the plan to develop a constitution, have it ratified and have elections on the basis of that new constitution in the second half or the third quarter anyway of 2004 was the goal. That became difficult, pushed backwards by a combination of the fatwa by Ayatollah Sistani calling for the representatives at the constitutional convention to be directly elected in an environment which, as you point out, could well have led to an outcome which we in the coalition were concerned could be illiberal and play into the hands of the extremists—either the Baathist extremists or the Islamist extremists—and secondly of course the effect of the terrorist action clearly made it more difficult to move ahead in a consensual way when leading figures in Iraq, such as Muhammed Baqir al-Hakim and the UN Special Representative were killed by Iraqi terrorist action. What the new arrangements achieve, if you like, is a way of meeting everybody's concerns. It brings to an end the occupation in the middle of 2004, it provides for a constitutional convention that will be elected in the early months of 2005, thus meeting the concerns of Ayatollah Sistani, who is a respected—and rightly so—figure in Iraqi society; it provides for the constitution to be completed by the end of 2005 and for the direct elections to choose a new government based on that constitution to take place then in two years' time.

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So it is an attempt to meet both the concerns of the coalition and the concerns of leading figures in Iraq without allowing the whole process to slip to the right.

Q111 Mr Maples: I understand the timetable and I understand the pressure to accelerate the timetable, but what I am concerned about is that it seems to me we are in danger of having elections in Iraq before the sort of institutions that, as you say, in this country took us 400 years. Actually, we had freedom here a long time before we had democracy: we had the rule of law and independent judges and a very considerable degree of personal freedom—with things like *habeas corpus*—and an independent judiciary for certainly most of the 19th Century, long before half the population, at least, had a vote. Let us take the rule of law and independent judiciary as the most important of these things. If we are going to have to accelerate the timetable for fully democratic elections, what are we doing to accelerate the timetable for making sure these institutions actually underpin freedom, without which democracy is in danger of resulting in the kind of regime that none of us want to see?

Mr Straw: Reassuring—maybe at least to this Committee if not to the Iraqis—is that much of the basis of their law was provided by British Government straight after the First World War and the early 1920s. I happened to meet a group of technocrats from various Iraqi ministries this morning who reminded me of that—that a very substantial basis of the law in all sorts of areas came from Britain and quite a lot of their basic criminal law was simply imported from British India. So there is a framework there. Again, I will ask John to come in, but we are doing a lot of work. The Central Criminal Court has already been established. As is often the case where you have got a regime of terror, like Saddam, he managed to control the apparatus of terror but he could never control their minds, which is why the whole thing dissolved much more quickly than, really, we anticipated. The ideas of law, which we instinctively understand, and the principles which are applied of there being a separation of powers, are ideas which are also quite familiar to most Iraqis, particularly the legal profession. Those ideas took us, Mr Maples, quite a long time to develop. So I am reasonably optimistic on that front. My personal area of concern is about the security situation.

Q112 Mr Maples: I understand that.

Mr Sawers: If it would be helpful, Mr Maples, I am sure you are right that upholding the rule of law is the absolute foundation for freedom and any democratic processes in Iraq. There are Iraqi judges who tried as best they could to practise honourably during the course of the Saddam regime; two of them happened to be on the Governing Council because they were held in such high esteem by their communities for standing up to the repression of the regime, and suffered for it. They are trying to identify trained judges who will be able to act in a

way which we would recognise as being free and fair. We are deeply involved in the training of the new Iraqi police force. The old Iraqi police force did not exactly have a human rights mentality, and the human rights training will be an important part of the training which we will be giving in the new training centre in Jordan and in the training centre which we ourselves are helping to establish in Basra—and there are others, of course, elsewhere in the country. Thirdly, the appalling human rights abuses that the Iraqis have suffered over the last 20 or 30 years, the Iraqi people have to come to terms with that, and we are helping through a range of NGOs and practical government assistance to identify those human rights abuses, the scale of the mass graves (Ann Clwyd is doing some excellent work on this front) and helping provide the structures so that the Iraqi people themselves can bring to justice those who are responsible for perpetrating those appalling abuses. Addressing those concerns through a system of justice is one way of establishing the rules and norms that will prevail in the future of Iraqi society.

Q113 Mr Maples: I am glad to hear that but I would hate us to lose sight, with the security problems on the one hand and the accelerated timetable towards democratic elections—I simply reiterate my point that if we do not make sure that as part of that process these institutions, which effectively guarantee people's freedom whether or not they have got democracy, are in place we are in danger of getting some of the kind of very illiberal democracies that we see around the world, and that is not what we went to war for.

Mr Straw: I accept your point, Mr Maples. I do say, on the other side, that what we have had to be doing all the time is not make the best of the enemy for good (?), and that is a big challenge.

Q114 Chairman: Essentially, the brave declarations shortly after the war that Iraq would be a beacon of democracy in the region have been downgraded because of the situation on the ground.

Mr Straw: I think my declarations were always fairly careful.

Q115 Chairman: I am sorry; to be fair, this was from US sources.

Mr Straw: Thank you very much. I did not think I recognised those words. I do want it to become that in time but these things take time. In terms of where is public opinion in Iraq, almost everybody—apart from former regime elements—says that they are grateful for the fact that the old regime has gone. They then go on, understandably, to express concerns about the security situation today and impatience with rebuilding. It was interesting, when I met this group of technocrats this morning, that one of them said that what we had to understand (we in the UK) was that the only information that was available to Iraqis generally about “the West” came from films, as he described them.

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Q116 Chairman: Or the diaspora.

Mr Straw: Or the diaspora, but mainly from films (this was his point, not mine) and that (and here I paraphrase but only a little) these gave a very idealised view of life in the United States and the United Kingdom. Therefore, the impression that had been given was that we were extremely efficient, all-powerful and could deliver things rapidly and on time. Now, I should say, as a side-point, they were late for their visit because they had been delayed on a train. So I then explained to them—in a spirit of complete impartiality—the dangers of premature and ill-thought-through privatisation, as with the railways. I also explained to them that other countries have their problems with efficiency as well. What this guy who was talking to me on this point was saying was that all of this had added to expectations, that the moment their country was liberated from the grip of Saddam by the US and the UK, then—again, to paraphrase—with one bound they would be free. Of course, it is a lot more complicated than that.

Q117 Chairman: The timetable for the transfer of sovereignty, June of next year, was set out by Mr Sawers. Since that timetable was set out we have had opposition to the various steps in that and the reversal of the steps in terms of democratic elections by Ayatollah Sistani and, I think, supported by at least some senior members of the Governing Council, including Mr Talabani. So what are the prospects of the original timetable being maintained if it be the case that substantial elements of the Iraqi people find that they are not acceptable?

Mr Sawers: I am not sure the details have been fully and accurately reflected in the media coverage of this. There have been concerns expressed by some members of the Governing Council about the process between now and the end of June. In particular, this relates to the way in which the members of the Transitional Legislative Assembly will be chosen. There is a concern, first of all, that they should not in any way be appointed by the coalition, which is a view that we share, and secondly that the membership of that body should reflect the make-up of Iraqi society, which is also a view that we share. There is a preference, not surprisingly, among members of the Governing Council and other leading figures, because they are democrats, that they want this to be as democratic a process as possible, but equally there are others—as Mr Maples has pointed out—who are concerned that in an immature environment, open and vulnerable to extremist pressures, this could produce the wrong outcome. There are some parts of the country where there have been processes which are, with rough edges, broadly democratic. For example, in one of the provinces in the south people elected their governor by pitching up with their United Nations ration card as a means of identification and voting for a candidate to be governor. That is a process that could perhaps be reflected in other governorates around Iraq in choosing the members of the Transitional

Legislative Assembly. It will not be possible everywhere, it will be more difficult in areas where the security is extremely difficult and where extremist groups are very active. So I do not think there will be a single, consistent method necessarily across the country, and there will be a need for representative groups to select members from each province, each governorate, to go to represent the people at the Assembly. What Mr Talabani has concluded, I think (I do not wish to report his views, but as I understand them) is that he believes that there are ways of meeting Ayatollah Sistani's concerns within the framework which he, as Chairman of the Governing Council for the last month, reported to the Security Council. So there is some debate at the margins as to how these members will be selected/elected (interestingly, the verb is very similar in Arabic, so it is not always easy to translate) but everyone is agreed that the occupation should come to an end in the middle of next year and that there should be a Transitional Legislative Assembly representing the Iraqi people in that period.

Q118 Chairman: So, effectively, you are saying to the Foreign Secretary that the Ayatollah and Mr Talabani do not have a fundamental objection to the timetable set out but only to the manner in which it will appear?

Mr Sawers: That is fair, Mr Chairman, yes.

Mr Straw: Mr Talabani, far from having a fundamental objection to the timetable, is a very active supporter of the timetable, as I saw when I met him last Wednesday.

Q119 Chairman: Again, most important over the next six months, following this bloody November and thereafter, will be the question of security. The Iraqis will not be in a position to provide that degree of security themselves, under this compressed timetable, by June, but they will, presumably, have to rely on the coalition—or perhaps some expanded coalition—to provide that security. How will you arrange the relationship between the new sovereign body which will come into effect in June and the coalition, many of whose components will find it difficult for their military to accept orders from an internal body?

Mr Straw: Mr Chairman, how technically we would arrange it is through a status of forces agreement, and a lot of thought has been given to that. There would almost certainly need to be a further United Nations resolution which would provide the authority for the forces to endorse the new interim government of Iraq, recognise the transfer of sovereignty that has taken place and make other arrangements.

Q120 Chairman: So far as you are aware, the US has no problems of principle in US forces accepting a sovereign government in Iraq giving orders to US military?

Mr Straw: It is slightly more complicated than that, and that will be the purpose of the status of forces agreement. Just as in Afghanistan, which is an

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independent sovereign state, the Afghan authorities have accepted the role of both ISAF, which is a relatively benign one, but also of Operation Enduring Freedom in the south and east of Afghanistan, which is a far from benign role where the operational orders are issued by American commanders. I do not believe this is an insoluble problem by any means; I think that any Iraqi government—interim or otherwise—will recognise that getting on top of security is in their profound interests and that it will require the US to be there in large numbers (also us to be there in pretty substantial numbers) and for there to be a unified command of this, and know that if they are US forces then, simply, their Commander-in-Chief has to be the President and if they are UK forces their Commander-in-Chief has to be Her Majesty acting through the Prime Minister and the Defence Secretary—that is just reality. We can, and have done before, square these apparent circles.

Chairman: I would like now to turn to the other major issue in the region, Palestine and Israel.

Q121 Richard Ottaway: Thank you very much, Chairman. Foreign Secretary, would you agree that if we could resolve the Israel/Palestine conflict it would go quite a long way to taking the heat out of international terrorism generally?

Mr Straw: Yes. Just to elaborate, there is no excuse/justification for the sort of terrorism the consequences of which I saw in Istanbul on 20/21 November and with which we have been living for sometime—none whatever. However, do I understand that there are environments in which terrorism breeds or terrorism withers? Yes. Do we know, not only from our own history, that if you get a political process going then that can reduce not the number of hard-core terrorists (because I think that is something which is separate from these factors) but the number of possible supporters for such terrorism? Yes, of course. Also, it is symbolic, unfortunately—and I resist the idea of any clash of civilisations—of a wider conflict.

Q122 Richard Ottaway: I may have missed something. As far as Istanbul is concerned, has this whole Israel/Palestine conflict been pleaded in support by those who carried out this bombing?

Mr Straw: I was not suggesting it had been; I was making the point that there is no justification for terrorism of any kind, but I was really providing further and better particulars to answer your point in the affirmative.

Q123 Richard Ottaway: In that case, can I move on to the point I made to you during the Queen's Speech Debate, which is the need for third-party intervention to try and put some beef into resolving the Israel/Palestine conflict? We need third-party intervention, we need a robust intervention—to coin a phrase—and for that intervener to have powers. There is not much sign of that happening at the moment, unless you can tell us that this is where you think it is going.

Mr Straw: I agree with your analysis that the more you can get robust intervention by intermediaries who are accessible to both sides, the better. In fact, the whole point of the quartet was to provide that degree of mediation and inter-mediation by an external group—in this case the US, the UN, the EU and the Russian Federation. That led to the drafting of the Road Map and its delivery and then to its endorsement at the end of June. Sadly, what no one was able to do was to prevent rejectionist terrorist organisations embarking on a strategy deliberately and literally to blow up the road and to blow up the Road Map with it. We have been struggling ever since those bombs went off. The bomb that went off in Jerusalem on 19 August unleashed a series of events which has made life extremely difficult. We continue to work for more operational ways in which third parties can play a part. As I think you will be aware, Mr Ottaway, some of the security and intelligence agencies—US and UK—have been involved to a limited degree, and we also provided jail monitors for the jail in Jericho (I might say, a British-built jail) which took the people who were holed up inside the Church of the Nativity in Bethlehem, and that helped to defuse it. Further down the track, would it be possible for UN or other agencies to be involved? We certainly do not rule that out, but the issue always is, is this acceptable to both sides?

Q124 Richard Ottaway: It is not working at the moment. Are you going to sit and acquiesce on the status quo?

Mr Straw: I do not acquiesce on the status quo for a moment, and we are thinking all the time about ways in which the status quo can be changed. However, if you are trying to move from the status quo to where you want to be you have to take account of the political pressures which are felt by each party. That is the problem. Having put a lot of pressure on both parties to accept the Road Map and it looking reasonably optimistic for a period—and it has to be said of Israel that they did not respond to some lower level, albeit lethal, provocation which took place up until 19 August—once you had that huge suicide bomb go off on the 19 August the politics changed, and we have been, as I say, wrestling with the aftermath ever since.

Q125 Richard Ottaway: However, you agree in principle that third-party intervention will be desirable?

Mr Straw: Yes. The proof of that is that third-party intervention in the form of the quartet worked with both the Government of Israel and the Palestinian Authority to help draft and then deliver the Road Map.

Q126 Richard Ottaway: It is felt by many that that intervention lacks power at the moment. To take one illustration, there are no dispute resolution procedures.

Mr Straw: I want to see the most robust implementation of the plan, but I just say to you—I do not think we are disagreeing—that if you want

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a resolution of the Israel/Palestine dispute, and there is nothing I want more in terms of all the conflicts throughout the world, then you have to see more done in respect of the rejectionist terrorist groups, and that is just a fact. It is a point I make in the House of Commons often enough and it is a point that is well-understood by people inside the Palestinian Authority (who are in many ways as much a victim of these groups as are the Israelis). You have to do that, and if you are able to do that then I think we can get the thing back on track. However, I accept, also, as we had in Northern Ireland, that there were moments, as we know from our history in the previous 30 years, when there was nothing we could do politically because the terrorist situation was so bad and you simply had to get on top of it; there comes a moment when, although the terrorist situation is still not satisfactory, it is tolerable enough to get a political process going. That is what we have to achieve.

Q127 Richard Ottaway: I am not sure I completely see where you going, but, to move on, do you think that the United States elections are tying the President's hands? If so, should the EU be doing more?

Mr Straw: One of the consequences of democracy is you have elections and you have electoral cycles; this is not just a fact for the US. However, what makes the US distinct is that it is the world's only super-power and its elections are a world event in a way that even elections in this country are not. Certainly they are not in Europe because they happen all the time. The EU wants to play a more active part and Javier Solana the EU High Representative has been very active there. However, there have been times when the EU has almost been *persona non grata* in the eyes of the government of Israel—I think quite wrongly by the government of Israel—and also, as I was explaining to Silvan Shalom when we saw him a couple of weeks ago, I think in Brussels (the Israeli Foreign Minister), I do not think the government of Israel has helped itself by these conditions which it has imposed on contact with Arafat, because it has made life extremely difficult, as I say, for the new EU representative to do business with either side. I think we have found a way through that but the problem about the EU's active involvement is not a lack of will by the EU it is what the Israelis would say, from their point of view, is a lack of confidence by the government of Israel in the EU.

Q128 Mr Hamilton: Is the Road Map dead?

Mr Straw: No. Indeed, it was recently endorsed by the Security Council in Resolution 1515 in very robust terms—a resolution for which we voted. So it is far from dead.

Q129 Mr Hamilton: Can I ask you what our Government's view is of the Geneva Accord—I know a totally unofficial agreement between activists in both—

Mr Straw: I welcome the Geneva Accords. We sent two government representatives yesterday for the signing—Lord Levy and Nick Archer, the head of the relevant department—and I have high regard both for Yossi Beilin and for Yasser Abed Rabbo; I think they are two distinguished figures and very courageous figures who are trying to get their own informal peace process going, rather shrewdly having recognised that there was a vacuum to be filled and they could fill it by proposals for peace rather than for conflict. So we are doing everything we can to assist and I know that Secretary Powell in the United States also has spoken on a number of occasions in very supportive terms of this process. What we hope it may lead to is some change in the political perspective in Israel and in the occupied territories.

Q130 Mr Hamilton: As we know—let me follow on from what you have just said—Israel is the only true democracy in the region and, therefore, should be a beacon to all the other countries in the region. Therefore, there is very little we can do as far as Mr Sharon is concerned; we have to let the Israeli public deal with that when the time comes. However, would you agree that two of the problems, two of the obstacles, to securing more progress on the Road Map and, perhaps, even incorporating the Geneva Accords, remain Mr Sharon the Prime Minister of Israel and his hard-line view and, of course, Yasser Arafat?

Mr Straw: I do not give a running commentary on the heads of state or government with which we deal any more than I give a running commentary on every comment that is made on the other side of the Atlantic. It is for the people of Israel to decide who their government is and we have to accept that that is their decision and we work with them, and it is also for the people of the occupied territories to decide who their representatives are, and so far they have decided it is Mr Arafat. Both are realities and we have to work with them.

Q131 Mr Hamilton: Can I just ask you a question about the fence or the wall? When we were in Israel we questioned various key figures—Mr Shalom you mentioned earlier, the Israeli Foreign Minister and one of the senior members of the Israeli defence forces, a brigadier general—and everybody we asked about the wall told us “It is not a wall, it is a fence.” Then we were taken to Qalqilya and we saw a wall—and it is a wall, it is 25 foot high. Would you agree that the construction of that barrier, which is done for good reason because of the fear of further suicide bombing, is in itself a further stimulus to Palestinian anger?

Mr Straw: Let us deal with the semantic point first. Prisons when I was running them—and I think they still do—variously have walls or fences round them, basically depending on whether they are bricks or wire. They serve exactly the same purpose: to keep people in and keep people out. The higher they are and tougher they are the better they are. So I do not think we should worry about whether it is a wall or a fence; the purpose of this obstacle is—

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Q132 Mr Hamilton: Can I just interrupt you there, because if you are standing by it it is different. I agree it has the same purpose but you can see through a wire fence whereas a wall is far more of a statement that you are hemmed in.

Mr Straw: All I was going to say was that when I flew to Iraq this time a week ago, we flew over Israel and the occupied territories—and in a military ‘plane flying quite low. I was looking at the line of the wall and if you do that, it is shocking on the ground and it is also shocking from the air when you see a whole Arab town completely encircled by the wall or fence. Our position is, as I say to the House of Commons often enough, that any sovereign state is entitled to have a wall or fence delineating and protecting their international border from the territory the other side of that border. That is not an issue; the issue is a separate one which is about when such a wall or a fence takes other people’s territory or other people’s rights as well—and that is the objection to this wall or fence. Of course I understand, and everybody understands, why the wall or fence has been built; it has been based on the experience of the Israelis in respect of Gaza. They say “We have had no suicide bombers from Gaza, QED therefore we should have a wall round relevant parts of the occupied territories and suicide bombers from there.” It is also the subject of quite an interesting history inside Israel, again as you will know, because it was the left which proposed a wall and Mr Sharon who, for quite a long time, opposed having a wall. It is also just a fact that today although the Israelis are famously argumentative about most things, they are relatively united about this wall. There we are. We are very concerned about it, and Mr Chaplin (who has now left) has just returned from spending a week in Israel and the occupied territories and has been to see both sides of the same part of the wall and talked to people about their perceptions on either side; he talked to Palestinians about their concerns that this was day-by-day restricting their ability to grow their horticultural produce and sell it, leading to further aggravation of their life. Yes, there is a gate but it is only open for very limited periods of the day, leading to them being unable to irrigate their tomatoes and so on. Strategically, they are very worried that it could lead to an end of the two state solution. Again, Mr Hamilton, you know that the Israelis say “We had it all in the Lebanon and we had it all between us and Jordan and us and Egypt and when necessary we got rid of it”. So I understand the Israelis’ point of view, but I happen to think that the wall on this route in this way is unhelpful to a strategic settlement.

Q133 Mr Hamilton: It is where it is rather than the fact of the wall, as you say.

Mr Straw: Yes, where it is, sure.

Q134 Mr Hamilton: Because it seems the Labour Party, when we saw Mr Peres, is in favour of the wall, the fence, it is just the fact it is not on the Green Line.

Mr Straw: If it were on the Green Line, it would be extremely difficult to argue—well, I would not argue with it, why should you.

Q135 Mr Maples: Foreign Secretary, it seems to me that the intrinsic rights and wrongs, the amount of damage being done, the number of people being killed in this dispute, is, in the context of the other things happening in the world, very high on the list. The reason it is high on the list is because it bedevils the West’s relationship with the Arab and Islamic worlds. Whether that is right or wrong, it does that, and we all know that and you have said as much in your answer to Mr Ottaway. Therefore, it seems to me, we have to be far more urgent about this than we are being and be far more proactive, and you come back to saying, “Well, the parties have to agree.” I want to put two propositions to you. One is, if you really think the Road Map has no life left in it—and if you honestly in your heart think it has, why do you think it has, because I would be amazed, it is on life support at best—the only way, I put to you, it is going to work is if the United States is willing to put into the region a very, very senior official who is known to speak for the President, and hopefully for the rest of the quartet too, who will sit in there and make things happen. Because neither side has taken even the first step. The first step to be taken was for the Israelis to dismantle settlement activity since 9 March last year and for the Palestinian Authority to put some curbs on terrorist activity. Neither has taken the first step down that road at all. I put it to you, they are not going to unless somebody else, an American of Cabinet rank, is in there making them do it.

Mr Straw: Mr Maples, if you are saying that the more intensively the international community and particularly the US engages the more likely there is to be a positive result, yes, I accept that in principle.

Q136 Mr Maples: I am putting a different proposition to you, which is that if we do not do that, it is dead.

Mr Straw: I do not think it is dead. I accept the gravamen of your position but I also add the caveat which I have entered about the effect of rejectionist terrorism and what happened on 19 August, and even if you had somebody of Cabinet rank from the US Government with a direct line to the President, if the rejectionist terrorists were not controlled and they inflicted further outrages on the Israeli population, the political effect, especially because Israel is a democracy, on the Israeli political would be such as to render any idea of progress nugatory for quite a period.

Q137 Mr Maples: I want to put another point to you but when we were in Israel I am not sure that was the impression we got at all. I think a great many people think Sharon’s strategy of dealing with the situation is not working and the “get tough, no negotiations”, which is essentially what it has been, is not working and we have seen what has happened in Geneva this last week. I want to put to you an alternative, something I have put to

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you several times before, and I keep hoping I am going to find you have moved on it. We all know what the solution to this problem is going to be, it is going to be a two-state solution, we know all the terms of it, they were virtually agreed at Taba, and I put it to you again as I have done in the past, if we really are serious about solving this and we cannot get real life into the Road Map and real progress—because after all we are meant to be in stage two by now and stage three by the middle of next year and we have not even got the first yard down the track—I suggest it is time for the international community to put a solution to this problem in a mandatory United Nations Security Council Resolution and seek to impose it. Then at least these ridiculous alibis which both sides have of never talking to the other side about something because something else has happened would be out of the way. They would know that is the deal, we are very willing to help them enforce it, we are not going to put an army in there to make them do it but will put money, advice, security forces, peace-keepers, but that is the deal, and we would cut through all this nonsense.

Mr Straw: It is an attractive idea. I do not rule it out, let me say, Mr Maples, just to provide you with comfort, but it does require there to be a UN Security Council Resolution with no vetoes. I do not think we are quite in a position to achieve that just yet.

Q138 Mr Maples: It would be nice to know it was perhaps something we were working towards.

Mr Straw: Yes, I agree. It is something I think about a lot, not least prompted—genuinely prompted—by your interventions and those of the Committee.

Sir John Stanley: I think you will have detected, Foreign Secretary, in the discussions you have had with several members of the Committee that we are all very conscious that you in your world are operating in a completely different environment on this issue of the Road Map from what is actually happening on the ground. When you bravely say to my colleague, Fabian Hamilton, the Road Map is alive and well, et cetera, et cetera, yes, I have no doubt in the Security Council there is endless scope for debate and resolutions and diplomatic manoeuvring, et cetera, et cetera, but for those of us who have actually had the benefit of seeing what is on the ground, talking to people who are living with it, when you ask yourself, “Is there any remote possibility of the present Israeli Government taking down those sections of the wall which are inside the Occupied Territories”, the answer seems to be an emphatic no, because those areas are being expanded. When you ask the question, “Is the Israeli Government going to remove all the Israeli settlements in the Occupied Territories, and the outposts which are still being accumulated”, the answer seems to be an absolute emphatic no. Are they going to take down the continuing programme of military and civil road-building which is slicing through the Occupied Territories, coupled with all the barriers and restrictions which are going on,

and you ask yourself, “Is there any conceivable way this is going to end up with a viable . . .”, and that is the word you or the Prime Minister used, “. . . Palestinian State”, the answer is, “It is inconceivable that a viable Palestinian State can emerge.” That is why we round the Committee are putting it to you. On the ground it looks absolutely dead in the water.

Q139 Chairman: Absolutely.

Mr Straw: I did not say it was alive and well, but I did say it was not dead and I did say its terms have recently been endorsed. The situation is frustrating, Sir John, but all I invite you to do is not to take your frustration out on me or the British Government, because we are on the same side and wish to see a solution. To vent your frustration, you should start first, and I am sorry to repeat this but you have to face up to this as a reality, on those rejectionist terrorist groups in Hamas and Islamic Jihad who set about destroying the Road Map. And they did. A lot has followed from that. If we had had a terrorist-free environment from the end of June, when things were coming together, one could say that the Road Map was alive and well and was being implemented. That is the reality. In Northern Ireland, at good times, leaving aside the last month, of the implementation of the Good Friday Agreement, if we had had a lot of Omaghs the process would have run into the ground. That is just political reality.

Q140 Mr Illsley: Just a quick reaction. In your response to John Maples you said, “If you are asking me whether greater US engagement would be beneficial”, you said you agreed, but we have had commentators before this Committee who have said that the American policy is one of actual disengagement and because of the US elections and other issues it will be a policy of disengagement.

Mr Straw: There are as many opinions as there are commentators, indeed often commentators offer two or three opinions depending who they are writing for and what day it is, so you take your pick. I do not think the American Government is disengaged in the Middle East peace process, I think they are simply frustrated in the way that we are. It has to be said of President Bush that it was he who was the President of the US which got Resolution 1397 with the endorsement of the Security Council for the first time ever of a two-state solution. Before that came along it was, in some circles, impolite to utter the word “Palestine”, as I recall when I went to Iran for the first time. He has done that, he helped get the Road Map going and so on. I will repeat myself if I say again that terrorism was the problem getting in the way of the Road Map.

Q141 Mr Hamilton: Briefly on the same subject, Foreign Secretary, I recall a year or more ago asking you a question in the House about Mr Arafat and whether he spoke one thing in English to us and the western world and something

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completely different in Arabic, and you pooh-poohed that at the time I remember. I wanted to ask you whether you had any views on what we are often told about Palestinian school books, text books, not mentioning Israel or showing Israel on any of the maps at all and the fact this still goes on.

Mr Straw: We have done quite a lot of work—and I am trying to remember the details—and so has the European Union on trying to produce text books which are factually accurate and take account of the geographical and political realities around them. I have quite often had drawn to my attention concerns by the Jewish communities around the world and by others about what is going on, and where I have those concerns drawn to my attention I take them up. Sometimes they turn out to be well-founded and sometimes they do not but I am quite happy to follow them up. The EU has been pretty assiduous in ensuring its money is not spent on that kind of text book.

Q142 Chairman: You are therefore convinced that there has not, certainly since the start of the Road Map, been further publication of text books within Palestine lauding those who have committed suicide?

Mr Straw: I have no information on that either way, Mr Anderson. If you have, let me have it.

Q143 Chairman: We will.

Mr Straw: Thank you.

Q144 Chairman: Summing up on the Israeli-Palestinian issue, you have at least welcomed what Mr Maples has said about imposing a solution, you have said there would be likely to be the possibility of a veto in the Security Council, you have said in relation to another colleague that the US having a Baker-like figure to boost this might be welcomed, but the reality is that even if not dead the Road Map is in paralysis. There have been some signs of frustration by the US administration, for example, in respect of the loan guarantees, but the fact is that the suicide bombers have over the months still got through; the settlement activity is still proceeding within the Occupied Territories; the Minister of Housing in this still relatively narrow coalition is still giving subventions for further housing; the fence, and it is overwhelmingly a fence rather than a wall but it does not matter, is built, is creating fact there and, as Sir John has said, it is criss-crossing and making unviable the Palestinian Authority, and without a much greater commitment by the US there is not going to be any breaking of this paralysis. Can you reasonably expect any such change of gear by the US before the next presidential election?

Mr Straw: In the right circumstances, yes, easily.

Q145 Chairman: What are those circumstances?

Mr Straw: To repeat myself, Mr Anderson, the sort of circumstances I have talked about, and it remains a matter of very great concern. Of course I understand what you are saying about the Road Map. As a political document, however, it remains

a document which the international community is committed to and, as I have said and this did not receive very much publicity, Resolution 1515, which is a Russian draft, endorsed the terms of the Road Map in explicit detail and the US did not veto that Resolution. It is there. It is frustrating for everybody, I understand that. What we are searching for all the time is steps we could take which would make a difference to a peaceful resolution of this terrible conflict.

Q146 Chairman: Before I call finally on Mr Ottaway and Guantanamo Bay I would like to ask about Syria. You have said you expected more from Syria in terms of policing the border. What is it that you think we can offer Syria in terms of carrots or sticks to help encourage them to be cooperative in the fight against terrorism?

Mr Straw: What we have to say to Syria, as we say to any other country, is that they are under very clear obligations in respect of United Nations Security Council mandatory obligations in respect of the fight against terrorism, which we want to make sure they are meeting. It goes without saying that countries which are compliant with their international obligations find the environment in which they have to work internationally is a better one. I think, bluntly, Syria has to understand that the onus is on them to meet its very clear obligations more effectively to deal with terrorism.

Q147 Chairman: During our visit as a Committee to Syria we were taken on the statutory visit to Quneitra and the point was well made by them to us, why was the Syrian chapter in respect of the Middle East peace process not looked at as a separate item, why could there not be a serious effort on the part of the international community to seek to deal with that, as they were indeed very close to reaching a deal. Do you think there is any possible mileage in that situation?

Mr Straw: It depends on the agreement of all parties. You will be familiar with the view of Israel about that. Syria is known to be—it says it is not supporting Hamas but Hamas's political office is in Damascus. As described to me by a very senior Arab journalist, there is an elaborate but rather transparent pantomime through which people who want to talk to Hamas leaders have to go. They phone up a number in Damascus, they get an answering machine, they are told the Hamas political organisation has cleared off, and then 20 minutes later if they are the right person they are phoned back and told where to go in Damascus to talk to the political leadership. This is all well known to the security authorities in Damascus moreover. The truth is that the Syrian Government has to apologise for what the rejectionist terrorist groups are doing. Particularly Hamas and Islamic Jihad and Hezbollah are recognised across the world as terrorist organisations, they have wrecked havoc not only in Israel but also in the Occupied Territories, they set about quite deliberately undermining Abu Mazen's Government and they will do the same with Abu Ala's Government if

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they got the chance. They have sought to undermine those elements of the Palestinian security which are decent, law abiding and want to do a job on behalf of the Palestinian people. So there is quite an agenda for Syria. Also they need better to control their borders into their neighbour, Iraq, and we look to them to do so.

Q148 Richard Ottaway: On Guantanamo Bay, Foreign Secretary, you are well aware of the arguments, perhaps you could bring us up to date on any progress you made with the President when he was over?

Mr Straw: The position is as the Prime Minister, I understand, described it earlier today. I confess I did not watch the whole of his press conference—

I had other things to do—but I was told by one of my officials who had that happy task that he had described the situation, which is that we are reaching, or near, a conclusion on this. If we are not able to achieve a satisfactory outcome in terms of the conditions which we would find acceptable, then we will ask for the UK detainees to be returned to the United Kingdom. That is where we are. I want it to be resolved as soon as possible. It is not satisfactory.

Q149 Chairman: Foreign Secretary, you have struggled valiantly with your Neapolitan cold. We thank your colleagues, we thank you, and get well soon.

Mr Straw: Thank you very much.

Memorandum from the Foreign and Commonwealth Office

LETTER TO THE CHAIRMAN OF THE COMMITTEE FROM THE SECRETARY OF STATE,
FOREIGN AND COMMONWEALTH OFFICE, 28 JANUARY 2003

I enclose a briefing paper on Israeli settlements in the West Bank and Gaza (Annex A). Given the continuing high level of interest of Members of both Houses in this issue, I thought the Foreign Affairs Committee might find it useful to have this for background information. We expect settlement activity to continue to be a key issue in the context of the Roadmap on which the Quartet is working.

Israeli settlements in the territories it occupied in June 1967 are illegal under international law. The creation of new settlements and expansion of those already existing fuels Palestinian anger and strengthens the belief of many Palestinians that Israel is not interested in a return to negotiations or the creation of a viable Palestinian state. As you know, the Government is committed to bringing the parties back to negotiations at the earliest opportunity. Continuing settlement activity is an obstacle to peace in the region.

Rt Hon Jack Straw MP,
Secretary of State, Foreign and Commonwealth Office

January 2003

Annex A

ISRAELI SETTLEMENTS IN THE WEST BANK AND GAZA (INCLUDING EAST JERUSALEM
AND GAZA)

SETTLEMENTS: A CAUSE FOR CONCERN

1. HMG, together with the rest of the international community, regard Israeli settlements in the territories which Israel occupied in June 1967 as illegal under international law (including under Article 49 of the Fourth Geneva Convention). Settlement activity is also politically damaging. It fuels Palestinian anger with Israel. And it strengthens the widespread belief among Palestinians that Israel is not interested in reaching a peace agreement through a two-state solution based on the 1967 borders.

2. Settlements have an economic and humanitarian impact too. As a result of settlement activity, the Palestinians have lost control of important land and water resources. Palestinian farmers have suffered violent attacks from some of the most extreme ideological settlers and have had their olive harvests stolen and groves burned. Settlers have been targets of Palestinian rejectionist groups. Many have been killed and injured. But the introduction of measures designed to protect them have led to serious restrictions on Palestinian movement. Most damaging, perhaps, has been the construction of “bypass” roads, which Palestinians cannot use and which therefore cut Palestinian towns and villages off from each other.

FACTS AND FIGURES

3. In March 2002, there were around 140 settlements in West Bank (including 11 settlement areas in East Jerusalem), and 16 in Gaza Strip⁷. (See Map 1: Jewish Settlements in the West Bank.⁸

These figures do not include settlement “outposts”. These generally consist of temporary buildings such as caravans although some appear more permanent and are supplied with running water, electricity and telephone lines.

4. There are now some 375,000 settlers in the West Bank (including around 175,000 in East Jerusalem) and another 7,000 in the Gaza Strip⁹. The overall number of settlers grew in 2001 at just under 5% per annum. This rate is slightly slower than in previous years but still a good deal faster than the rate for the population of Israel as a whole (2.2% pa, including Jewish settlers in the West-Bank and Gaza Strip)¹⁰.

5. Settlements vary greatly in terms of the number of inhabitants. Ma’ale Adumim had 26,000 inhabitants in 2001. Other large urban settlements (Modi’in Illit, Betar Illit, Ari’el) had between 15,000 and 20,000 inhabitants. Other settlements are much smaller, with only a few hundred people; settlement outposts may have only a few families living in them or, in some cases, not be inhabited on a permanent basis. The significant deployment of the Israel Defence Forces to protect settlers in the Occupied Territories adds to the friction. For example in Hebron, several hundred soldiers and border police (with 5,000 troops on call in the region) protect about 400 settlers.

6. The overall area taken up by the built-up area of settlements in the West Bank (including East Jerusalem which, like the rest of the West Bank, is occupied territory under international law) is around 97 sq kms, 1.7% of the total area. The equivalent figure for the Gaza Strip is 26 sq kms, 7% of the total area.

7. For the area within the municipal boundaries of the settlements (including the built-up area), the figures are:

- (i) West Bank: 378 sq kms, 6.8% of the total area.
- (ii) Gaza Strip: 54 sq kms, 14.8% of the total area.

8. In the West Bank, there is an additional category, namely, the area within the boundaries of the Regional Councils. (This is land intended for future expansion of settlements.) These boundaries (including the built-up areas and land within the municipal boundaries) enclose a total of 2,346 sq kms—42% of the West Bank¹¹.

9. It should also be borne in mind that settlements come with related infrastructure, particularly roads. The latter are designed to bypass Palestinian towns and villages. As well as impeding Palestinian movement (as mentioned above), these settler-only roads take additional swathes of land.

10. The impact of construction in settlements is all the greater because it runs ahead of the demand from Israelis for accommodation there. In early 2001 (according to Peace Now, a respected Israeli NGO), there were enough empty housing units within existing settlements to absorb the natural growth of their population for at least two years. In June 2001, a Peace Now spokesman said that occupancy figures had been “pretty stable” in the past 10 years, with around eight percent of housing in West Bank settlements and 40% of housing in Gaza Strip settlements vacant¹².

NEW SETTLEMENTS

11. Since the election of February 2001, 34 new settlement sites have been established¹³. In many cases, the settler movement may describe these as branches of existing settlements. However, most of these 34 settlements are over 700 metres from existing settlements and some two kilometres or more away.

12. In addition to these settlements (which consist of permanent buildings), the settler movement also sets up outposts, using caravans or portakabins. 113 such outposts were set up in 2001–02¹⁴. Such outposts serve two main purposes:

- to establish a presence which can be transformed at a later stage, if it is not removed, into a permanent settlement; or

⁷ Foundation for Middle East Peace (FMEP), Washington: “Israeli Settlements in the Occupied Territories: a Guide” (March 2002): www.fmep.org. Hereafter referred to as “FMEP report”.

⁸ Not printed.

⁹ Figure for Jerusalem from B’tselem report: “Land Grab: Israel’s Settlement Policy in the West Bank” (May 2002): www.btselem.org. hereafter referred to as “B’tselem report”. (B’tselem is an Israeli human rights organization). Other figures: FMEP report.

¹⁰ Israel: Central Bureau of Statistics: www.cbs.gov.il.

¹¹ B’tselem report. For i), B’tselem draw on aerial photography (a variety of sources, including US State Dept). For ii) and the area of the jurisdiction of Regional Councils, the information is derived from maps accompanying the relevant Israeli military orders.

¹² Jewish Chronicle, 1 June 2001.

¹³ Statement issued by Peace Now (Israeli NGO), (19 March 2002): www.peacenow.org.il

¹⁴ Figures from database of ARIJ (Palestinian NGO), based on satellite imagery for the year 2001–02: www.arij.org

- to lay claim to the land between the existing settlement and the outpost, as being all within the same settlement.

13. The Israeli government said in February 2001, said that it “will not establish new settlements”¹⁵. It has not held to that commitment.

MAJOR DEVELOPMENTS IN THE JERUSALEM AREA . . .

14. . . . that is, the areas of East and West Jerusalem as they were before 1967, plus the area of the West Bank incorporated into Jerusalem by the unilateral Israeli expansion of the municipal boundaries after the war of June 1967, plus the surrounding region. This whole area is often called Greater Jerusalem, although it has no formal boundary to delineate it. (See Map 2: Jewish Settlements in the Jerusalem area.¹⁶)

15. To the North-East of Jerusalem, Israel has built the major urban settlement of Ma’ale Adummim. It now plans to fill the gap between Ma’ale Adummim and other existing settlements in Northeast Jerusalem (Newe Ya’aqov, French Hill and Pisgat Ze’ev) by constructing the E-1 project, another major urban settlement.

16. There would still be open country between the eastern boundary of the built-up area of Ma’ale Adummim and the Jordan Valley. But the terrain is very difficult, and it is unlikely that an economically-weak Palestinian state would be able to find the money to construct the necessary communications links to maintain a connection between the northern and southern parts of the West Bank.

17. The situation to the Northeast of Jerusalem has already been described. The construction there will link to existing settlements to the North and Northwest of the city (Ramat Allon, Ramat Shlomo, Giv’at Ze’ev and Modi’in), as well as the smaller settlements in the area. This will cut Ramallah off from Jerusalem. It will also isolate the Palestinian villages of al-Ram and Beit Hanina and the Shu’fat refugee camp.

18. To the East of Jerusalem (South of Ma’ale Adummim), an Eastern (inner) ring road and an outer ring road (Route 80) are being built, and the settlement of Qedar is being expanded. These developments and their associated Israeli-only roads will (when combined with Ma’ale Adummim, E-1 and French Hill) prevent Palestinian access from the East. They will also isolate the Palestinian villages of Isawiya, al-Zaim, al-’Ayzariyah (Bethany) and Abu Dis.

19. South of Jerusalem are the major settlements of Gilo and Har Homa (The latter is still being built, but the first residents have now moved in.) The planned expansion of the settlement of Giv’at Hamatos (in between Gilo and Har Homa), with the associated roads, will cut off from Jerusalem the Palestinian towns and villages to the South. One of these is Bethlehem, which will be particularly badly affected. Together with the adjacent villages of Bayt Jala and Bayt Sahur, Bethlehem is being isolated by settlement-building to the North and South, and by roads to the East and West which Palestinians cannot use.

20. The emerging pattern seems to be of two rings of settlements and roads to the North, East and South of Jerusalem. These rings will sever Jerusalem from the West Bank. Without the construction of an elaborate, expensive and vulnerable network of tunnels, underpasses and bridges, the citizens of an eventual Palestinian state would not be able to travel to and from East Jerusalem without passing through Israeli-controlled territory.

21. These rings of settlements and roads will also isolate between them a number of substantial Palestinian villages, which will be cut off from East Jerusalem on the one hand and from the West Bank on the other. In some cases, these villages will also be divided from one another.

THE ARI’EL BLOC AND THE EAST-WEST ROADS

22. The Ari’el bloc extends deep into the West Bank, with the Eastern boundary of the settlement town of Ari’el (population 16,000) being almost half-way to the River Jordan. Further to the East are smaller settlements (Kfar Tapu’ach, Migdalim etc) which—with the road which links them (Route 505)—connect to the Jordan Valley at Ma’aleh Efrayim and hence divide the West Bank in an East-West direction.

23. Roughly parallel but a few miles to the North is another string of settlements (Ma’aleh Shomeron, Qedumim, Yitzhar, Elon Moreh etc) linked by Routes 55 and 57. These too connect to the Jordan Valley and again divide the West Bank in an East-West direction.

¹⁵ Israeli Prime Minister’s Office: “Government Policy”:www.pmo.gov.il

¹⁶ Not printed.

THE RIFT VALLEY (JORDAN VALLEY)

24. There are just over two dozen settlements in the Rift Valley, aligned North-South along two roads (Route 90 and Routes 508/578). The total population of these settlements is around 5,400¹⁷. Their significance lies not in their size but in the fact that their location coincides approximately with an area over which Israel has sought (in previous negotiations with the Palestinians) to maintain control. However, continued Israeli control, whether to protect the settlements or to protect itself more generally from attack from the East, would separate a Palestinian state from Jordan, its neighbour to the East.

PALESTINIAN FEARS

25. Palestinians say that Israel's settlement plans, if carried to fruition, may well render an eventual two-state solution impossible in a few years' time, because a viable Palestinian state could not be established. They base their claim on fears that, if Israel were to insist on retaining the main settlement areas and associated roads, then:

- the West Bank would be divided into at least two parts (by the development of settlements around Jerusalem), and possibly more (by the East-West lines of settlements and roads in the northern part of the West Bank);
- East Jerusalem (which Palestinians see as the natural capital of their state) would be cut off from the rest of the West Bank;
- the Palestinian state would not be able to trade freely with Jordan; and it would not have adequate resources, in terms of land and water, to be viable.

OUTLOOK

26. These are dark times for advocates of a lasting settlement in the Middle East. With over 2,500 Israelis and Palestinians killed since September 2000 and many more injured, the picture on the ground is grim. Yet there is now an emerging international consensus on the broad outlines of the foundations for a lasting peace, consistent with UNSCR 1397. The work of the Quartet offers hope that we can restore the Peace Process and, as part of these efforts, the Prime Minister has convened a conference of Palestinian representatives in London in January. A freeze on settlement building is an essential part of that process. Such a freeze can be accomplished without compromising Israel's security in any way. With these thoughts in mind, HMG will continue to press the Government of Israel to do so.

Foreign and Commonwealth Office

January 2003

Further memorandum from the Foreign and Commonwealth Office

LETTER TO THE CHAIRMAN OF THE COMMITTEE FROM THE SECRETARY OF STATE,
FOREIGN AND COMMONWEALTH OFFICE, 18 JULY 2003

IRAQ: SECURITY OF UK PERSONNEL

1. You might like a brief outline of the security measures we have put in place for our staff in Baghdad. These measures are essential to enable us to meet our duty of care to our staff at a time when the threat is particularly high.

2. The British Office Baghdad has a Close Protection Team from the Royal Military Police, and an Army platoon to guard the compound. The Army will stay for as long as the situation on the ground demands. Even when the security threat diminishes, we will need to provide security for the perimeter of the compound, in the absence of any local police protection that we could rely on. We are therefore preparing a contract with a UK-based private security firm to provide armed guards, probably ex-Gurkhas.

3. We also have 86 British civilian secondees from a wide range of government departments working with the Coalition Provisional Administration (CPA). I met many of them during my visit to Baghdad and Basra two weeks ago. They are carrying out crucial work to support the rebuilding Iraqi institutions. We recently reviewed their security and concluded that we need to reinforce their protection when they travel outside the secure zone that the US military have established round the CPA compound. We are providing armoured vehicles, armed escorts, a communications network and a structure to manage these assets. The armed escorts will be provided through a contract with a private security firm.

¹⁷ B'tselem Report.

4. As with our previous exchange on the possible use of private companies for close protection for counter-narcotics work in Afghanistan (my letters of 10 March and 25 April¹⁸), we believe that the use of private security companies is the best way to provide essential security for our staff and thereby to meet our political objectives in the region.

5. I know that your Committee, during its recent session with Michael Jay on the FCO's Departmental Report¹⁹, urged us to submit a bid to the Treasury for funds to cover unavoidable expenditure in relation to Iraq. We shall be doing so shortly.

Rt Hon Jack Straw MP
Secretary of State, Foreign and Commonwealth Office

July 2003

LETTER TO THE PARLIAMENTARY RELATIONS AND DEVOLUTION DEPARTMENT,
FOREIGN AND COMMONWEALTH OFFICE, FROM THE COMMITTEE SPECIALIST,
21 AUGUST 2003

IAEA

The Committee has asked me to write to the FCO with the following question:

In connection with the Committee's inquiries surrounding the Government's statement in its September 2002 dossier that "there is intelligence that Iraq has sought the supply of significant quantities of uranium from Africa", the Committee has received the following statement from the IAEA:

- "The IAEA based its conclusions in its 7 March 2003 report to the Security Council on documents that the IAEA determined were not authentic. These were the only documents the IAEA received on that issue.
- "If there was any other evidence, it would still be appropriate for the IAEA to receive it, in order to verify its veracity.
- "The IAEA still has a mandate, both under the NPT and under Security Council resolutions, to ensure that Iraq has no nuclear weapons program, and the obligation stands for countries to assist us with any information relevant to our verification mandate."

Please would you explain to the Committee the legal and policy basis on which the Government chose to give primacy to maintaining the confidentiality of the countries supplying the intelligence on uranium from Africa, referred to in the September 2002 dossier, rather than to its obligations under the relevant Security Council resolutions to disclose this intelligence directly to the IAEA?

The Committee would like to receive a reply to this question by 1 September 2003.

Committee Specialist
Foreign Affairs Committee

August 2003

LETTER TO THE COMMITTEE SPECIALIST FROM THE PARLIAMENTARY RELATIONS
AND DEVOLUTION DEPARTMENT, FOREIGN AND COMMONWEALTH OFFICE,
8 SEPTEMBER 2003

1. Thank you for your letter of 21 August (received here on 26 August) with the Committee's question about the supply of information to the IAEA concerning Iraq's attempts to procure uranium from Africa.

2. UN Security Council Resolution 1441 requests Member States to give full support to UNMOVIC and the IAEA in the discharge of their mandates. As the Committee will already know, the information upon which the assertion in the Government's September dossier was made came from the intelligence service of another State. We have urged that State to pass that information on, in the same way that we have encouraged all States to make relevant information available to the IAEA.

¹⁸ Not printed.

¹⁹ Twelfth Report from the Foreign Affairs Committee, Session 2002–03, Foreign and Commonwealth Office Annual Report 2003, HC 859, Ev 1.

3. The sharing of intelligence information amongst allies plays a vital role in efforts to counter the threat from the proliferation of weapons of mass destruction, and is central to the campaign against terrorism. To contravene long-established conventions regarding the forwarding to third parties of information provided to us in confidence would risk undermining the trust placed in the United Kingdom by the international intelligence community with the possible effect that they might in future withhold vital information from us.

Parliamentary Relations & Devolution Department,
Foreign and Commonwealth Office

September 2003

Further memorandum from the Foreign and Commonwealth Office

LETTER TO THE CHAIRMAN OF THE COMMITTEE FROM THE SECRETARY OF STATE,
FOREIGN AND COMMONWEALTH OFFICE, 28 JULY 2003, IN RESPONSE TO QUESTIONS
FROM THE CHAIRMAN (IN ITALICS)

FAC QUESTIONS SUBMITTED ON 15 JULY

1. *In your public oral evidence of June 27²⁰ you said that you would get to the Committee “as quickly as possible” the answer to the question “When did the CIA report to the British intelligence community the result of the former US ambassador’s visit to Niger?” Why was this answer not provided to the Committee before it published its report rather than appearing in your letter of 11 July?*

We answered the question as soon as we had ensured the accuracy of the information in our reply. The FCO Memorandum submitted to the Committee and included in its report (Evidence page 74) stated that our information on Iraqi attempts to procure uranium post-dated the visit of a former US diplomat to Niger (“reported in the media”). However, the Foreign Secretary’s letter of 11 July made clear that the first UK officials knew of Ambassador Wilson’s visit was when it appeared in the press. (It should also be borne in mind that between 27 June and 11 July the Foreign Secretary was abroad in Iran, Afghanistan and Iraq for four days (30 June–3 July) with an intensive programme. On this trip he contracted a severe bout of food poisoning and was unable to resume work full time until 9 July by which time he had a large backlog.)

2. *Following your oral statement in the House today, you undertook to place a copy of your answer to Andrew Mackinlay in the Library. Would you also include that answer in your reply to this letter?*

THE INFORMATION IS AS FOLLOWS:

“We first had indications that the IAEA had suspicions about the authenticity of some of the documents in late February but no confirmation of that until the IAEA gave its report to the Security Council on 7 March. Ministers were then informed.”

3. *Please will you provide the Committee with a copy of the “detailed account of Ambassador Wilson’s report” that you have now seen.*

This is an intelligence document. It is summarised in the Foreign Secretary’s letter of 11 July²¹.

4. *What were the terms in which the CIA expressed its reservations to the British Government about the uranium from Africa element of the September 2002 dossier, and on what date or dates were those reservations expressed?*

Just before the dossier was finalised, the CIA offered a comment noting that they did not regard the reference to the supply of uranium from Africa as credible. But the CIA provided no explanation for their concerns. UK officials were confident that the dossier’s statement was based on reliable intelligence. A judgement was therefore made by the JIC Chairman to retain the reference.

5. *Why did neither you nor your officials disclose to the Committee, in either your written or oral evidence, before the Committee published its recent report that the CIA had expressed reservations to the British Government on the uranium from Africa element in the September dossier—particularly when you were specifically asked by a member of the Committee in your public evidence on 27 June why the British Government did “at least not put some degree of health warning” over the uranium from Africa statements in the September 2002 dossier?*

²⁰ Ninth Report from the Foreign Affairs Committee, Session 2002–03, The Decision to go to War in Iraq, HC813-III, Ev 166, Q1263.

²¹ See Annex A, Ev 49.

British officials saw no need to put a health warning on the claim, because they were confident in the intelligence underlying it. The reference in the dossier was based on intelligence from more than one source. We had not shared this intelligence with the CIA, nor were we in a position to do so, for reasons explained during the private evidence session.

6. *On receipt of the CIA's reservations, which you say in your letter were "unsupported by explanations", about the uranium from Africa element in the September 2002 dossier, did any British official ask for an explanation of the CIA's reservations? If not, why not? If so, what was the CIA's response?*

UK intelligence officials have regular exchanges with their counterparts in the CIA. We note that the October 2002 National Intelligence Estimate (NIE) assessment, parts of which were published on 18 July 2003, supports our view that Iraq had sought to acquire yellowcake from Africa. The relevant part of the NIE reads:

QUOTE

A foreign government service reported that as of early 2001, Niger planned to send several tons of "pure uranium" (probably yellowcake) to Iraq. As of early 2001 Niger and Iraq reportedly were still working out arrangements for this deal, which could be for up to 500 tons of yellowcake. We do not know the status of the arrangement.

UNQUOTE

7. *On what date was the CIA first informed of the contents of the September 2002 dossier, which draft or drafts were shown to the CIA, and were the CIA shown the contents of the draft dossier in its entirety?*

The CIA were consulted throughout the drafting process and were passed a draft of the WMD section on 11 September.

8. *What reservations and comments did the CIA express about any other elements in the September 2002 dossier in addition to its reservations about uranium from Africa?*

The CIA made a number of comments. The JIC chairman incorporated or rejected them as he judged fit.

9. *At the end of your letter you refer to "The recent discovery of technical documentation and centrifuge parts—necessary for the enrichment of uranium—buried at the home of an Iraqi nuclear scientist in Baghdad." Is it correct, as has been reported in The Independent of 15 July, that these centrifuge parts were buried some 12 years ago? If so, why was this not disclosed in your letter to the Committee?*

It is well known that the documents and components hidden by the Iraqi nuclear scientist, Ubaidi, had been hidden for 12 years. The Foreign Secretary referred to this in his statement in the House on 15 July. The key point is not when the documents and components were hidden, but when they were discovered—ie in June 2003, over 12 years after they should have been surrendered to UN inspectors. As reported by CNN, Ubaidi has said that he was ordered to hide these things "so as to be able to rebuild the bomb programme at some time in the future". The discovery was significant both in terms of Iraq retaining components for a nuclear programme, and as an example of successful concealment from UN inspectors.

Rt Hon Jack Straw MP,
Secretary of State, Foreign and Commonwealth Office

July 2003

LETTER TO THE SECRETARY OF STATE, FOREIGN AND COMMONWEALTH OFFICE
FROM THE CHAIRMAN OF THE COMMITTEE, 21 AUGUST 2003

Thank you for your helpful responses to the Committee's nine questions of 15 July. I wish to follow up just two of the responses which in my view could have been more helpful.

In Question 6, I asked whether, on receipt of the CIA's reservations about the uranium from Africa claim, any British official asked for an explanation; and if not, why not. You replied that "UK intelligence officials have regular exchanges with their counterparts in the CIA." May I have a more complete and informative answer to the question?

I also asked, in Question 8, what reservations and comments the CIA expressed about any other elements in the September 2002 dossier in addition to its reservations about uranium from Africa. Your reply was that “The CIA made a number of comments.” You have already (in answer to Question 4) described a comment made by the CIA about the credibility of the uranium claim. What were their comments about the other aspects of the dossier?

I would be grateful to receive full answers to these questions on or before 1 September.

Chairman of the Committee

August 2003

LETTER TO THE CHAIRMAN OF THE COMMITTEE FROM THE SECRETARY OF STATE,
FOREIGN AND COMMONWEALTH OFFICE, 8 SEPTEMBER 2003

Thank you for your letter of 21 August seeking more information on two of my responses to the Committee’s nine questions.

I regret that I cannot provide more information on question 6 because exchanges between UK intelligence officials and their opposite numbers in the US are confidential and it would not therefore be appropriate to provide further details.

On question 8, I can confirm that comments from the CIA on the September dossier were on drafting points and not on the substance. The October 2002 NIE Assessment to which I referred in my earlier reply sets out the US position on WMD in Iraq.

Rt Hon Jack Straw MP,
Secretary of State, Foreign and Commonwealth Office

September 2003

Annex A

LETTER TO THE CHAIRMAN OF THE COMMITTEE FROM THE SECRETARY OF STATE,
FOREIGN AND COMMONWEALTH OFFICE, 11 JULY 2003

I am writing to deal with two points relating to the statement in the Government’s September Iraq dossier that “Iraq has sought the supply of significant quantities of uranium from Africa”.

First, press reporting has claimed that this statement is contradicted by the report of a US envoy, Ambassador Joseph Wilson, who visited Niger in early 2002 to investigate the subject on behalf of the CIA. I want to make clear that neither I nor, to the best of my knowledge, any UK officials were aware of Ambassador Wilson’s visit until reference first appeared in the press, shortly before your hearings last month. In response to our questions, the US authorities have confirmed that Ambassador Wilson’s report was not shared with the UK.

We have now seen a detailed account of Ambassador Wilson’s report. It does indeed describe the denials of Niger Government officials in early 2002 that a contract had been concluded for the sale of yellowcake to Iraq. But, as CNN have reported, Ambassador Wilson’s report also noted that in 1999 an Iraqi delegation sought the expansion of trade links with Niger—and that former Niger government officials believed that this was in connection with the procurement of yellowcake. Uranium is Niger’s main export (Statesmen’s Year Book 2002 p12223). In other words, this element of Ambassador Wilson’s report supports the statement in the Government’s dossier.

Second, the media have reported that the CIA expressed reservations to us about this element of the September dossier. This is correct. However, the US comment was unsupported by explanation and UK officials were confident that the dossier’s statement was based on reliable intelligence which we had not shared with the US (for good reasons, which I have given your Committee in private session). A judgement was therefore made to retain it.

Finally, may I underline that the JIC’s assessment of Iraq’s efforts to reconstitute its nuclear programme did not rest on the attempted acquisition of yellowcake alone. The Government’s dossier catalogued a range of other procurement activities, and referred to intelligence that scientists had been recalled to the programme in 1998. You will be aware of the recent discovery of technical documentation and centrifuge parts—necessary for the enrichment of uranium—buried at the home of an Iraqi nuclear scientist in Baghdad.

I hope this is helpful.

Rt Hon Jack Straw MP,
Secretary of State, Foreign and Commonwealth Office

July 2003

Supplementary memorandum from the Foreign and Commonwealth Office

IRAQ: SECURITY OF UK PERSONNEL

WHAT STEPS ARE BEING TAKEN TO PROVIDE SECURITY FOR FCO STAFF IN IRAQ?

1. FCO staff in Iraq are operating under difficult and dangerous conditions. The security of FCO staff working for the British Office in Baghdad, and of the FCO and other civilian staff seconded to the Coalition Provisional Authority (CPA) is of paramount concern. In line with our duty of care, we are conscious of the need to provide them with the security assets, advice and management structures to enable them to carry out their vital work while managing the risks involved in working in Baghdad.

2. We are therefore providing an extensive range of security measures to enable them to carry out their duties in safety. These include armoured vehicles, armed protection teams, and (for the Prime Minister's Special Representative and the Head of the British Office Baghdad) full Royal Military Police Close Protection teams. Our security experts are constantly reviewing these measures in the light of current assessments which suggest that the security climate is likely to remain very unstable, and that further attacks on CPA, as well as other foreign, targets will be mounted. It was on their advice that we decided to rehouse the British Office Baghdad temporarily in the secure area of the CPA.

3. The provision of these security measures has a significant resource cost, both in staff and financial terms, for which we have made a claim on the Treasury Reserve. Negotiations between the FCO and HM Treasury on the details of this claim are continuing.

WHAT EMBASSY AND OTHER SERVICES ARE THE FCO CURRENTLY ABLE TO PROVIDE IN IRAQ?

4. Consular services in Iraq are limited, in what are still very difficult circumstances. Over the last two months consular activity has included assistance in the repatriation of three British citizens who were either killed or died in Iraq, including the repatriation of the body of Fiona Watson, the UN official tragically killed in the bombing of the UN headquarters in Baghdad on 19 August. We have also provided assistance to a UK journalist, mistakenly shot by the US military, and a British national who was detained by US forces in Northern Iraq but subsequently released. We have also assisted efforts by British nationals to trace missing relatives in Iraq.

5. The British Office, Baghdad is not issuing passports. Instead, the Consular Section of our Embassy in Amman continues to receive and process applications. In the event of a British national in Basra, or the south of Iraq urgently requiring a replacement passport, we would investigate on each occasion with staff in our Embassy in Kuwait whether they could handle such cases.

6. Nor are we handling birth and death registrations in Baghdad. Death registrations are being undertaken in London by the FCO's Consular Directorate. Birth registrations, should a request be received, would also be handled in London.

7. Currently, the British Office, Baghdad has one UK-based officer (with an additional staff member set to arrive shortly) and one locally engaged employee whose responsibilities include consular assistance. The British Office is also aiming to recruit additional locally engaged staff for this purpose.

WHAT ADVICE AND SECURITY ARRANGEMENTS ARE THE FCO PROVIDING FOR OTHER BRITISH CIVILIAN PERSONNEL IN IRAQ?

8. British civilians who travel to Iraq for commercial or other reasons are referred to our travel advice pages. We advise against all but the most essential travel to Iraq. The security situation in Iraq remains dangerous. We state that we continue to receive information that indicates that terrorists are actively targeting UK and US interests in Iraq. The threat to British nationals remains high. We have pointed out that this includes "soft targets" associated with the CPA, such as NGO contractors or British/western flagged organisations.

9. We advise that British citizens should only consider visiting Iraq if they have strong commercial or professional reasons to do so. Companies with planned involvement in reconstruction projects in Iraq are advised to contact the Iraq Unit at Trade Partners UK.

Foreign and Commonwealth Office

September 2003

Further supplementary memorandum from the Foreign and Commonwealth Office

IRAQ: SECURITY OF UK PERSONNEL

LETTER TO THE PARLIAMENTARY RELATIONS AND DEVOLUTION DEPARTMENT,
FOREIGN AND COMMONWEALTH OFFICE, FROM THE CLERK OF THE COMMITTEE,
11 SEPTEMBER 2003

At its meeting on Tuesday, the Committee considered the information provided by FCO on the safety of British nationals in Iraq. We are grateful to the Office for supplying this information.

The Committee has three questions arising from the Secretary of State's letter to the Chairman of 18 July²² and from its previous work on private military companies.

1. What are the rules of engagement under which the armed escorts provided by a private security firm operate? Are these the same as the rules of engagement under which HM forces operate? If not, in which respects do they differ?

2. Under which criminal jurisdiction are the armed escorts operating?

3. What steps have been taken to ensure that private security companies under contract to the UK or CPA in Iraq do not adopt names, logos or other appearances that imitate those of the Armed Forces? In particular, are you able to assure the Committee that none of these private security companies is using insignia which mimic those of the Brigade of Gurkhas? [See Cm 5642²³]

I would appreciate a reply on or before 7 October.

Clerk of the Committee

September 2003

LETTER TO THE CLERK OF THE COMMITTEE FROM THE PARLIAMENTARY
RELATIONS AND DEVOLUTION DEPARTMENT, FOREIGN AND COMMONWEALTH
OFFICE, 16 OCTOBER 2003

Thank you for your letter of 11 September seeking clarification on certain points in respect of private security companies contracted by the FCO in Iraq.

The answers to your questions are:

1. The Rules of Engagement (ROE) are based on the company's own experience of operations in different areas over many years. They were agreed with the FCO professional experts and comply with the ROEs enforced by the CPA. The company providing the Armed Protection Teams to the UK secondees to the CPA is currently reviewing their ROEs, with the aim of bringing them more in line with UK Military ROE's. In the event of a weapon being fired, a full inquiry will be held jointly by the company, the FCO and an independent third party. Information regarding the contents of UK Military ROE's, which are drawn up in accordance with international and domestic law, is withheld under Exemption 1 "Defence, Security and International relations" of Part II of the Code of Conduct on Access to Government Information. It is thus not possible to itemise any differentiation between those ROEs of the UK Military and those of private security companies.

2. Under Coalition Provisional Authority Order No 17, promulgated on 26 June 2003, the private security company employees are deemed to be "Coalition Personnel". Section 2 paragraph 4 of the Order states "All coalition personnel shall be subject to the exclusive jurisdiction of their Parent States", which is the UK.

3. The employees of the company providing guards for the CPA secondees do not wear a uniform but civilian clothes. Other private security company employees wear a distinct uniform, which enables them to be easily identified as CPA contractors in the event that Coalition Forces need to render assistance at a CPA establishment. Their company name is clearly displayed on their uniforms, which themselves are clearly dissimilar to any uniform currently or recently in service with the British Army, including the Brigade of Gurkhas. The ex-Gurkha guards working for the Company guarding the British Office are in the company uniform of blue boiler suits with the company logo as a shoulder patch.

Parliamentary Relations & Devolution Department
Foreign and Commonwealth Office

October 2003

²² Not printed.

²³ Government Response to the Ninth Report of the Foreign Affairs Committee, Session 2001-02, Private Military Companies, CM 5642, p 3.

Further memorandum from the Foreign and Commonwealth Office

TRAVEL ADVICE: GUIDANCE FOR POSTS AND DEPARTMENTS²⁴.

INTRODUCTION

1. Travel Advice is one of the principal “shop windows” of the Foreign and Commonwealth Office. Ministers, MPs and the media all take a very close interest in it. It is the responsibility of the geographical department to make sure it remains up-to-date, clear and consistent

- Up-to-date: Posts must look at their Travel Advice whenever there are significant changes in the situation and at least once a month to check that it remains accurate. Every three months they should confirm to geographical departments that no changes are needed. Geographical desk officers should have it as one of their objectives to ensure that the Travel Advice for their countries is kept up-to-date and under constant review. They should keep in touch with posts, and, if necessary, consult them about whether changes are needed.
- Clear: Travel Advice is not about elegant but nuanced prose. It’s about plain English, which helps visitors and residents decide whether to visit, and how to behave. Use short sentences and short paragraphs and avoid “in house” language. Remember your audience is the general public.
- Consistent: Deputy Heads of geographical departments should have it as a personal objective to ensure that the Travel Advice given for countries across their department is consistent. Travel Advice Section in Consular Crisis Group, and CTPD, can help with advice on wording which is consistent across the office. Posts must ensure that advice given to local British communities, businesses, NGOs etc and advice to staff is consistent with the Travel Advice as it appears on the FCO website.

STYLE, FORMAT AND CONTENT

2. The standard format is set out at Annex A²⁵. The only mandatory section is “Safety and Security”, of which the first sub-section must cover the terrorist threat. The summary should contain a sentence on terrorism.

3. The style should be clear and easily understood. To make the Travel Advice more accessible, the Plain English Campaign recommends that we use shorter sentences and active verbs. And they like sentences beginning with conjunctions. They recommend that we make greater use of the second person; to direct the text at the reader. Please avoid phrases like “we see no risk of a terrorist incident”, which sound complacent and are potential hostages to fortune. And be careful of the phrase “the vast majority of visits are trouble free”; it may well be true but can detract from the key message. It should not be used as the first sentence of the summary paragraph.

4. The Secretary of State wishes the “Safety and Security” section of Travel Advice to focus primarily on a factual description of the risks or dangers in the country concerned, thus allowing readers to make up their own minds about whether to travel. Where the Travel Advice recommends against travel, it should include a description of the events or threats that underlie this recommendation.

5. Annex B²⁶ gives three ladders of standard, recommended language to cover advice to British visitors and residents at increasing levels of threat, and possible language on our instructions to staff for inclusion in Travel Advice or Wardens’ Notices. The horizontal read-across is intended to give some indication of corresponding levels of advice to visitors and residents, instructions to staff and stage of Civil Contingency Plan (if any). This can only be indicative. Much will depend on the nature and specificity of the threat, location of British nationals, their familiarity with local conditions etc. But it is intended to guide Posts and departments as to what questions they should be asking themselves.

6. Annex C²⁷ gives suggested language on terrorist threats, both for the summaries and for the “Terrorism” section of the travel advice. These are linked to the specific threat levels issued by the Joint Terrorism Analysis Centre (JTAC). The language is illustrative only. Travel Advice will vary even for countries at the same threat level because:

²⁴ Revised guidance on Travel Advice recently issued by the FCO to FCO staff at home and overseas.

²⁵ Ev 55.

²⁶ Ev 56.

²⁷ Not submitted as this relates to intelligence material.

- (a) some countries will be at the high end of a threat level;
- (b) the security apparatus and therefore risk will be different;
- (c) the profile of some UK targets will also differ; and
- (d) the likely type of attack (eg car bombings, kidnaps, CBRN) will differ from place to place and between different terrorist groups.

We have given a number of alternative examples for the sort of language you may want to use. There are some general guidelines too:

- In the main paragraph on terrorism you should refer to the “Risk of Terrorism” page and also the “General and Security Tips” (found in the “While You are There” section) on the website.
- Where there is a history of attacks you should refer to them, including the type of attack, the targets, etc.
- You should also comment on local law enforcement capability if pertinent to the threat.
- Any change in Travel Advice as the result of an intelligence report or change of threat level must be authorised by the originators of the intelligence. This can usually be done very quickly by JTAC, through CTPD if necessary.

7. The advice must be understandable to the customer. The precise language used in the FCO Travel Advice has implications for the travel and travel insurance industries and their customers. For example, the travel industry wait until we advise against nonessential (including holiday) travel before agreeing to refund deposits or to re-book holidays without a cancellation charge. The travel industry, who are the main institutional customers for Travel Advice, have asked that it should fall into one of three broad categories:

- Normal.
- Advise against non-essential (including holiday) travel.
- Advise against all travel—We won’t always be able to meet such a wish for simple categories. In many places, for example, we do not advise against travel, but do stress that there is a high security risk.

THE PROCESS FOR CHANGING TRAVEL ADVICE

8. There are two basic routes by which a decision may be taken to change Travel Advice.

- Changes on the ground:

When there are significant changes in the situation in a country (violence, natural disaster, epidemic), the Post should email the Travel Advice Section with proposed Travel Advice changes (as tracked changes on the current TA), copied to the geographical desk (with whom they will probably have liaised in advance). The inbox is accessible by all staff in TAS. TAS will prepare an amended text and send it to the geographical desk. If the changes are simple factual ones, the geographical department can authorise publication and they will be put on the website.

If the changes occur out of office hours and need to be acted upon immediately, please send them to the Resident Clerk (copied to TAS), with a request that s/he contact the geographical department for authorisation before sending the change to the e-Media duty officer (see below for contact details).

- Changes in the terrorist threat:

When a new threat assessment is received from JTAC, CTPD (the initial FCO recipient) will ensure that it is seen (usually electronically) by the geographical department. They will then consult Post, SSU, Consular Crisis Group and, as appropriate, PD-PM (for staff welfare issues), AMED and other departments plus Press Office on possible changes to Travel Advice, consulting Ministers as necessary. Annex D²⁸ is a flowchart describing the processes of taking action on a threat report.

KEY CONSIDERATIONS:

9. The Director General for Corporate Affairs (DGCA) is the senior official responsible for Travel Advice. He should be consulted on all but the most routine, factual changes.

²⁸ Ev 57.

The Secretary of State (or, in his absence, the Duty Minister) should also be consulted where:

- It is proposed to change the level of advice (eg to advise against non-essential travel);
- It is proposed not to change the advice despite new intelligence;
- There is disagreement between London and the Post;
- Where the Travel Advice has become a particularly sensitive issue for the country concerned, or
- At times of heightened concern about terrorist threats.

All submissions should go through the DGCA, having first been cleared with Consular Crisis Group, CTPD and SSU (if related to a terrorist threat), AMED (if shipping or air services are affected), Press Office and PRDD. If in doubt about procedure, geographical departments should consult the DGCA's Office, Consular Crisis Group or CTPD. See Annex E²⁹ for a model submission.

10. Departments should normally make an immediate factual change to the Advice following any terrorist incident, if necessary saying that the advice is under review (eg "Following the explosion at "x" on "date", this advice is being reviewed").

11. When considering a proposed change in Travel Advice, the Secretary of State will want to know whether other key governments are also changing their advice and whether we shall be significantly out of line with them. The Travel section of the FCO website has links into other government websites (currently, Australian, Canadian, Dutch, French, German, New Zealand and US). Travel Advice Section has daily telephone contact with their opposite numbers in the US State Department and a regular weekly (Wednesday) conference call with the US, Canada, Australia and New Zealand to discuss Travel Advice. They also have regular contact with the Quai d'Orsay. Please let them know if any significant changes are being considered so that they can enquire whether these governments are doing likewise and alert them to our position. The calls normally take place at about 1430hrs over an open line.

12. Other government departments will occasionally need to be consulted. For example, the Department of Transport (Transec—via CTPD/AMED) when there are aviation/maritime implications; the Home Office on major international football matches; or the Department of Health (via the Department of Health Travel Advice Section) in the case of an epidemic such as the SARS outbreak in April 2003. With particularly serious threats, or when taking action has sensitive implications, the FCO (CTPD will lead) should consider whether COBR (Cabinet Office meeting of concerned departments) should meet, and discuss this with the Cabinet Office (ODS). Such a COBR meeting will, if time allows, be preceded by a review of information relevant to the threat by CT analysts. Such co-ordinated action will be particularly important to ensure that parallel and simultaneous actions are taken by different government departments eg changes to Travel Advice and instructions from the Department of Transport to British Airlines not to fly.

13. If departments are going to recommend that the level of Advice is raised to advise against non-essential (including holiday) travel to a country where there is an important airline "hub", they should consider whether the advice should exclude direct transit through the airport (ie when the passenger remains "airside" and does not enter the country).

14. There should be no "double standards" between public warnings given through Travel Advice, and briefings on terrorist threats given to staff. Unless a threat is specifically directed at an overseas Post or related target, staff should not have privileged access to classified threat material except as needed to do their job. Heads of Mission and Post Security Officers must ensure that the Post's reaction to the new threat intelligence maintains consistency with Travel Advice and protects sensitive information while ensuring that we fulfil our duty of care to staff. In case of doubt, consult CTPD and SSU. Any additional briefing to suitably cleared staff on the terrorist threat will have to be agreed with JTAC to ensure that safeguards are in place to protect intelligence. This clearance can be done rapidly.

IMPLEMENTATION

15. Once a change in Travel Advice has been agreed, the geographical department should send the final text to Travel Advice Section who will publish it on the FCO website. Out of office hours (ie between 1730 and 0900), it should be sent by either the geographical department or the Resident Clerk to the e-Media Duty Officer and copied to TAS.

16. The geographical department should also inform the Post(s) concerned and Press Office. Where it is decided (by the geographical department/Press Office/Minister's Office) to make a press announcement of the change (in London and/or the Post), Press Office should consult Travel Advice Section (or, out of hours, the e-Media Duty Office) so that the timing can be co-ordinated with publication on the FCO website. The geographical department and Press Office should also consider whether there is a requirement for Q and As to supplement the change in Travel Advice.

²⁹ Ev 58.

17. The geographical department should send a COREU once a significant change (ie a change in the level of the Advice) has been approved; it may be worth drafting this in parallel with the submission. Include the acronyms COTER, COCON and COACD in the subject line of the COREU, the last to ensure that it goes to the acceding states. Heads of Mission may also wish to inform their host government, and will want to let their EU colleagues know as soon as change has been agreed.

AND FINALLY

18. Ministers regularly state in Parliament and in correspondence that FCO Travel Advice is under constant review and is checked at least once a month. Departments should keep going back to the Travel Advice for their countries on a regular basis, considering with Posts whether language needs up dating or weeding. Changes should be made as circumstances dictate and not necessarily saved for the monthly check. Travel Advice Section will nag!

Consular Crisis Group
Foreign and Commonwealth Office

August 2003

Annex A

STYLE AND FORMAT OF TRAVEL ADVICE

The following headings and sub-headings should be included, where possible.

(a) SUMMARY

Should be kept short and snappy. Ideally no more than four sentences, capturing the risk of terrorism, the assessment of the local risk and the main thrust of the advice.

(b) SAFETY AND SECURITY (NB this section is mandatory)

— Terrorism

Always the first sub-section of this first section. This must appear in every Travel Advice.

— Crime

— Political Situation

— Local Travel

— Road/Rail/Air Safety

These sub-sections should be used as appropriate.

(c) LOCAL LAWS AND CUSTOMS

Drugs, dress codes, is homosexuality legal?, etc.

(d) ENTRY REQUIREMENTS

If visas are required and where to obtain them, etc.

(e) HEALTH

Always include a recommendation that the traveller takes out comprehensive medical/travel insurance.

(f) NATURAL DISASTERS

Hurricanes, earthquakes, floods, volcanic eruptions, etc.

(g) GENERAL

As appropriate.

(h) CONTACT DETAILS

Particularly if there is no resident British Mission. There is a hyperlink at the bottom of each Travel Advice to the UK Missions Overseas page on the FCO website that gives details of the British Embassy/High Commission and subsidiary posts. It is important that these are kept up-to-date. (Amendments should be sent direct to e-media unit).

Annex B**LADDERS OF LANGUAGE**

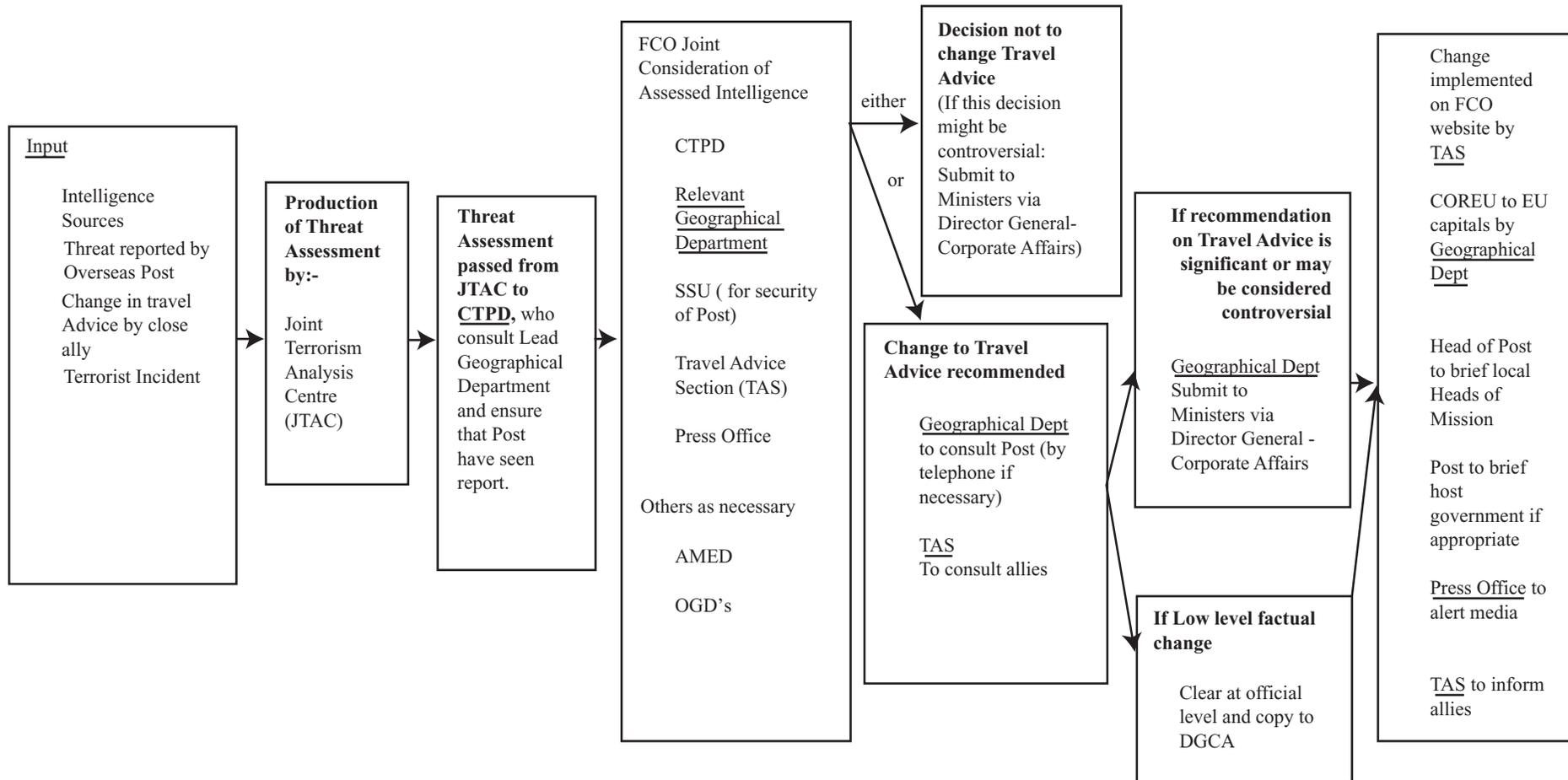
<i>Increasing threat to British nationals</i>	<i>Visitors</i>	<i>Residents</i>	<i>Mission Staff and Dependants</i>
(a) Stage I of CCP*	You should be vigilant, take security precautions (see Hints and Tips).	You should be vigilant, take security precautions (see Hints and Tips).	
(bi) Stage II of CCP*	We advise you to postpone non-essential travel (including holiday travel). If you are already visiting, you should consider leaving the country.	You should review your security arrangements carefully	We are reviewing carefully the security of our staff and dependants
(bii) Stage II of CCP*	We advise you to postpone non-essential travel (including holiday travel). If you are already visiting, you should leave the country.	[As above, plus] and consider whether to leave the country	We have authorised the voluntary departure of dependants and non-essential staff
(biii) Stage II of CCP*	We advise you to postpone non-essential travel (including holiday travel). If you are already visiting, you should leave (while commercial means are still available).	You should leave the country (while commercial means are still available) unless you consider your presence essential	We have ordered the departure of dependants and authorised the departure of non-essential staff
(ci) Stage III of CCP*	We advise against all travel. If you are already visiting, you should leave (while commercial means are still available)	You should leave the country (while commercial means are still available)	We have ordered the departure of dependants and non-essential staff

THE ASSESSMENT OF INTELLIGENCE LEADING TO CHANGES IN TRAVEL ADVICE

UNCLASSIFIED VERSION

Annex D

(Action Lead shown by underlined Department at each stage)



A sample submission from Geographical Department to Minister

From: *Geographical Dept Desk Officer*
cc: PS/PUS
PS/Minister responsible for the region
Director-General responsible for the region
Director General Defence & Intelligence (if threat related)
Director International Security (if threat related)
Director, Consular Services
Head of CTPD and SSU (if threat related)
Head of AMED (if aviation or maritime implication)
Press Office (for press enquiries or releases)
PRDD (for Parliamentary implications)
Head, Consular Crisis Group
Head, Travel Advice Section, CCG
WASHINGTON (if threat related)
CTPD Threats Team Leader
Other Posts as appropriate

Head of Geographical
Department
Director General
Corporate Affairs
Private Secretary

ISSUE

1. Whether to change our Travel Advice for [country].

TIMING

2. Immediate/priority/routine. [Should reflect urgency of eg new information from post, new threat assessment, change of partner's travel advice, etc].

PREFERRED OPTIONS

3. That we [do not] change our advice, to [explain briefly the change].

Consular Crisis Group; Post; CTPD and SSU (if terrorist threat); AMED (if shipping or air services are affected); PPRD and the Press Office agree.

ARGUMENT AND BACKGROUND

4. [Current advice]

The current Travel Advice is . . . (attach it)

5. [New information/intelligence] We need to consider whether to change it because . . . (explain what new event/information has prompted this eg. JTAC assessment, reference XX/03). Do not refer to any nqmes, dates, places and above all sources when describing intelligence to keep the submission capped at Confidential. [Credibility of information/intelligence] Essential intelligence should be sent in parallel—DGCA has Fortress, SofS will require a hard copy.

6. [Recommendation for/against change in Travel Advice]

We recommend that we do/don't change the Travel Advice, in the following way (make clear whether you are proposing a change to the facts or to the advice, or both; and attach the draft new travel advice in full as it will appear on the web site. The Secretary of State likes to see tracked changes so that he can quickly identify "before" and "after").

7. [Reasons]

The reason for this proposed change is . . . (explain the pros and cons if there are any; and if there are divided opinions inside or between FCO/post/OGDs—if so explain who thinks what, citing the post's view in full).

8. [Our Allies (US, Australia, Canada) and EU partners position]

The US/other key partners' travel advice is . . . (attach texts and explain any differences with what we are proposing); whether they have changes in mind and if so, what.

9. [Local authorities reaction]

The local authorities' reaction to this change is likely to be . . . We [do not] recommend informing them in advance of the change (as a general rule we should try to inform in advance, unless there is a strong reason not to). The effect of the change on the country concerned is likely to be . . . (eg damage to tourism, halting of air services etc).

10. [Local authorities ability to deal with the situation] Give details of the general [security] situation, previous [terrorist] incidents and ability of the local authorities to deal with the situation.

11. [Action at Post] If Ministers agree, Post will . . . (explain what they will do to promulgate the new advice locally, eg briefing local community, NGOs etc; explain too any new local security measures they may be putting in place; and if necessary make a recommendation on whether the post should evacuate non-essential staff and families. It may also be necessary to recommend close protection for key staff or closure of visa section).

12. [Action in London] We will . . . (explain if we are going to be doing any briefing in London, eg of NGO head offices, etc. and whether any other action (eg organising an evacuation) is necessary. TAS are responsible for briefing the travel industry and making the change on the website).

MEDIA AND PARLIAMENTARY IMPLICATIONS

13. [Consulting the Press Office and PRDD, note any prior and anticipated media coverage and parliamentary interest. Explain whether we are recommending any proactive announcement of the change, and set out the press line on why the advice has been changed.]

RESOURCE IMPLICATIONS

14. None [Unless eg special action required to protect Embassy staff and premises].

Foreign and Commonwealth Office

October 2003

Further memorandum from the Foreign and Commonwealth Office

LETTER TO THE CHAIRMAN OF THE COMMITTEE FROM THE SECRETARY OF STATE,
FOREIGN AND COMMONWEALTH OFFICE, 26 NOVEMBER 2003

THE BOMBINGS IN ISTANBUL, 20 NOVEMBER 2003

1. I thought you would find it helpful, in advance of our meeting on 2 December, to set out for you a brief picture on the Istanbul bombings, our response to them so far, and a number of wider implications which we are addressing.

2. The bombings of the British Consulate and the HSBC offices on 20 November were a deliberate and co-ordinated attack against British interests, part of the continuum of terrorist violence carried out by al Qa'ida and its associates. As such they were also very much attacks on the international community itself: the vast majority of victims from these attacks and those five days earlier were Turkish citizens.

3. Immediately following the bombings on 20 November, Peter Westmacott, our Ambassador in Ankara, and the Consul, travelled to Istanbul to co-ordinate the immediate response on the ground. In London the Prime Minister spoke to the Turkish Prime Minister to exchange personal messages of support and condolence. We amended the public travel advice to recommend against non-essential travel to Istanbul and other major Turkish cities.

4. Having spoken to Turkish Foreign Minister Gul and made a Statement to the House, I travelled to Istanbul on the afternoon of 20 November with an FCO Rapid Deployment Team (RDT) to provide help and assistance to the families of those killed, the injured and traumatised, (both British and Turkish) and to help restore some function to the office of the Consul General. Staff also established early contact with the business community. This work is ongoing and the RDT will remain in Istanbul for as long as they are needed. HSBC representatives accompanied the RDT on the flight to Istanbul and the RDT have remained in touch with them, providing assistance and advice. Also on the plane were a team from the Metropolitan Police (MPS) including officers from the Anti-Terrorist Branch, Special Branch, and Forensic experts. The MPS team are undertaking a joint investigation into the murder of three British citizens, Lisa Hallworth, Nanette Kurma and Roger Short. That investigation is continuing, with excellent co-operation between the two police forces, and I will update the FAC on progress when we receive more information.

5. As you will be aware from media reports, the “Islamic Great Eastern Raiders Front” (IBDA-C) has claimed responsibility. The “Abu Hafs Al-Masri Martyrs Brigade” and the “Union of Imam” group have also been blamed. We are continuing to assess the picture against the available intelligence. We judge that Al Qa’ida played some part in the attacks. There continues to be a high threat from terrorism in Turkey. We have information to suggest that further attacks may be imminent. We are continuing to advise against all but the most essential travel to Istanbul and other major Turkish cities. That advice is of course subject to continuous review. We have kept the Turkish authorities fully informed of the changes, as we make them.

6. On my visit to Istanbul on 20–22 November, I met Victoria Short and the staff of the Consulate. I saw the devastation at the bomb scenes at first hand and discussed the bombings with my Turkish colleague, and the Governor and Chief of Police of Istanbul. The Turkish Government are fully committed to co-operating with us on investigating these crimes and bringing the perpetrators to justice, as they are to co-operating with us and the rest of the international community more widely in the ongoing campaign against terrorism. I am quite sure that our close relationship with Turkey will be further strengthened by this co-operation, as it has been by our co-operation in so many other areas. I want also to record that we have received exceptional moral and practical support from the United States in Istanbul.

7. The work of re-establishing the full function of the Consulate General will take some months. We will also continue to assess the threat picture, revise the travel advice accordingly, and vigorously pursue those responsible for these attacks. In this regard we and our Turkish colleagues will demand, and expect to receive, the fullest possible co-operation from the rest of the international community.

8. The Istanbul consular database was destroyed in the attacks but the RDT is helping to piece it together again and contact with the British community is being re-established through the wardens’ system. Two of our visa systems experts are now in Turkey considering how best to restart the large visa operation there for our Turkish customers. The FCO’s senior Overseas Security Adviser is now in Istanbul to advise on security in the current temporary location and options for the future location of the Consulate. An MPS specialist officer is also in Istanbul giving advice to British businesses and other British institutions on security. A team from our Medical and Welfare Department is supporting the British and Turkish staff and families.

9. This attack illustrates the difficult security environment within which our Posts overseas are working. Security of our staff is paramount and we have put a lot of time, effort and resources into protecting them. We need to ensure that we manage the risk and meet our duty of care to our staff. The FCO’s security experts are therefore urgently identifying our most vulnerable Posts and assessing how further measures can be put in place, either by reinforcing the security of the building or by pressing for better protection from local authorities.

10. We also have to get the overall balance right between security and the operational requirements: ease of access by members of the public to our services and the ability of our diplomats to develop contacts with local decision makers. These issues are central to the future effectiveness of British diplomacy.

11. There are other corporate issues on which we have been working and which Istanbul has highlighted, including compensation arrangements for our staff, and the need to ensure that we continue to build-in to our organisation ever more flexibility to match resources to objectives in rapidly changing environments.

I am placing a copy of this letter in the library of the House. I am also sending a copy to the Rt Hon Michael Ancram QC MP and the Rt Hon Menzies Campbell CBE QC MP.

Rt Hon Jack Straw MP,
Secretary of State, Foreign and Commonwealth Office

November 2003

Further supplementary memorandum from the Foreign and Commonwealth Office

LETTER TO THE SECRETARY OF STATE, FOREIGN AND COMMONWEALTH OFFICE FROM THE CHAIRMAN OF THE COMMITTEE, 29 OCTOBER 2003

Thank you for your letter of 8 September³⁰, in reply to mine of 21 August³¹.

I am disappointed that you feel unable to supply further information on the CIA’s reservations on the uranium from Africa claim. The extract from the NIE on Iraq’s WMD, quoted in your original response of 29 July, appears simply to report, rather than—as you suggest—to “support”, the UK view that Iraq had sought to procure yellowcake from Niger. I believe that this interpretation was confirmed by George Tenet on 11 July, when he stated that:

“Portions of the State of the Union speech draft came to the CIA for comment shortly before the speech was given. Various parts were shared with cognizant elements of the Agency for review. Although the documents related to the alleged Niger-Iraqi uranium deal had not yet been

³⁰ Ev 49.

³¹ Ev 48.

determined to be forgeries, officials who were reviewing the draft remarks on uranium raised several concerns about the fragmentary nature of the intelligence with National Security Council colleagues. Some of the language was changed. From what we know now, Agency officials in the end concurred that the text in the speech was factually correct—ie that the British government report said that Iraq sought uranium from Africa. This should not have been the test for clearing a Presidential address. This did not rise to the level of certainty which should be required for Presidential speeches, and CIA should have ensured that it was removed.”

Also in his statement of 11 July, George Tenet said:

“in the fall of 2002, our British colleagues told us they were planning to publish an unclassified dossier that mentioned reports of Iraqi attempts to obtain uranium in Africa. Because we viewed the reporting on such acquisition attempts to be inconclusive, we expressed reservations about its inclusion but our colleagues said they were confident in their reports and left it in their document.”

If the Director of the CIA is prepared to describe the contacts between his service and the UK, I do not see why you have felt so constrained in your replies to the Committee’s questions. Will you now seek the agreement of the CIA to make a full disclosure to the Committee of the exchanges which took place last year about the uranium from Africa claim?

So far as I have been able to determine, those parts of the NIE which have been declassified make no mention at all of the possibility that Iraqi WMD were capable of deployment within 45 minutes of an order to do so. However, because I do not have access to the full, still classified Estimate, I am unable to assure myself or my colleagues on the Committee that none of the “drafting points” to which you refer in your letter of 8 September related to the 45 minutes claim, or indeed to form my own judgment as to whether any of these points might have been points of substance.

May I therefore ask you to seek the agreement of the CIA to supplying the Committee with a full list of their comments on the September dossier? We will of course treat all such material in complete confidence.

Finally, I wish to raise a further point, pursuant to your letter of 28 July³². In that letter, you informed the Committee that the UK first had indications that the IAEA had suspicions about the authenticity of some of the documents supplied by a third party on the uranium from Africa claim in late February, but that Ministers were not informed until after the IAEA had presented its report to the Security Council on 7 March. Why were Ministers not informed earlier?

I understand that it might take some time to gain the agreement of the CIA to the requests made above and, in the circumstances, hope that you will use your best endeavours to send us a reply not later than 1 December so that we can incorporate it in our report.

Chairman of the Committee

October 2003

LETTER TO THE CHAIRMAN OF THE COMMITTEE FROM THE SECRETARY OF STATE,
FOREIGN AND COMMONWEALTH OFFICE, 27 NOVEMBER 2003

Thank you for your letter of 29 October.

As I said in my letter of 8 September, it would not be appropriate to provide details of intelligence exchanges with CIA. You will be aware that the Intelligence and Security Committee have inquired into the assessment that Iraq had sought to acquire uranium from Africa and stated in its report on Iraqi Weapons of Mass Destruction that they had questioned 515 about the basis of its judgement and concluded that it was reasonable. The ISC also reviewed the intelligence and assessments relating to the 45 minutes claim.

You asked why Ministers were not informed before 7 March of doubts within the IAEA about the authenticity of some of the documents relating to uranium from Africa. As you will now be aware from the Government’s reply to the FAC’s Report on “The Decision to go to War in Iraq”³³ (Part 7), we had no confirmation of IAEA suspicions before Dr El Baradei’s report of 7 March.

Rt Hon Jack Straw MP,
Secretary of State, Foreign and Commonwealth Office

November 2003

³² Ev 47.

³³ Government’s Response to the Ninth Report of the Foreign Affairs Committee, Session 2002–03, *The Decision to go War in Iraq*, CM 6062.

LETTER TO THE SECRETARY OF STATE, FOREIGN AND COMMONWEALTH OFFICE
FROM THE CHAIRMAN OF THE COMMITTEE (DATED 8 DECEMBER 2003)

The Foreign Affairs Committee wishes to receive answers to the following questions arising from the evidence session on 2 December 2003 and the November bombings in Istanbul:

1. The Committee notes your comments on 2 December about the review of security following the synagogue bombings, and wishes to know what additional security measures were taken at the Istanbul Consulate.
2. The Committee wishes to know what advice the Turkish security agencies gave about security in and around the Consulate and what measures were taken as a result of this advice. To the extent that Turkish security advice was not implemented, what were the reasons for its non-implementation?
3. The Committee notes your comments about why staff and the Consul were working in temporary buildings at the entrance to the Consulate and wishes to know what consideration was given to their security. When were the security implications of this decision last reviewed; and what were the conclusions reached by that review?
4. The Committee wishes to receive in confidence a list of which Posts are now considered to be the most vulnerable to attack, detailing what steps are being taken to protect the Posts and the cost of these measures.
5. The Committee also wishes to know what degree of priority the FCO attaches to its duty to protect personnel. How does it balance this duty against other considerations?

I hope you will be able to reply before the House rises for the Christmas recess.

LETTER TO THE CHAIRMAN OF THE COMMITTEE FROM THE SECRETARY OF STATE,
FOREIGN AND COMMONWEALTH OFFICE, FOLLOWING QUESTIONS REGARDING THE
20 NOVEMBER BOMBING OF THE CONSULATE GENERAL IN ISTANBUL
(DATED 18 DECEMBER)

Thank you for your letter of 8 December setting out a number of questions following the 20 November bombing of the Consulate General in Istanbul.

As I said at the evidence session on 2 December, we kept the security of our staff at the Consulate General under continuous review. Our security experts from London had visited the Post and the implementation of their recommendations was underway. The Post's Security Committee met frequently and the UK-based Security Manager closely supervised the day-to-day running of the security arrangements. These arrangements were reviewed following the synagogue bombings and additional security measures were put in place. The Post also requested additional security from the Turkish police and a meeting was due to take place with them on the morning of the bombing.

You asked about the advice the Turkish Security Agencies gave the Consulate on security. I am afraid that we never discuss the details of contacts with overseas Security Agencies and cannot therefore provide this information.

Nor I am afraid can I send you a list of vulnerable posts and details of additional measures. This information draws on highly classified information relating to intelligence on threats and details of the physical vulnerabilities of individual Posts.

You also asked about the FCO's duty of care to its staff. I can assure the Committee that the security of our staff is paramount. Our security strategy is to enable the FCO to operate world-wide by protecting staff, families, information and other assets. As Istanbul showed, total security cannot be assured. We need to make difficult judgments balancing the risk against our operational requirements and ensuring that we have the necessary security measures and procedures in place to protect our employees. This balance is the subject of the review I announced to the House in Written Statement on 10 December, copy attached.

Rt Hon. Jack Straw MP

Secretary of State, Foreign and Commonwealth Office

18 December 2003

MINISTERIAL STATEMENT
FOREIGN AND COMMONWEALTH AFFAIRS³⁴

FCO Travel Advice/Security of Overseas Posts

The Secretary of State for Foreign and Commonwealth Affairs (Jack Straw): In this written Ministerial Statement I announce a review of the basis of the FCO's travel advice, and an internal review of the FCO's security strategy for its posts abroad. Terms of reference are annexed. The conclusion of the travel advice review will be placed before both Houses.

³⁴ HC Debates, 10 December 2003, column 87WS.

Since 11 September, it has been increasingly clear that we face a form of international terrorism which aims not only to take life randomly by suicide attack, but which seeks to use fear and instability to undermine the freedom and prosperity which the terrorists hate.

Our policy must be to deny the terrorists any advantage. We must take prudent precautions, while minimising the disruption which terrorists want to cause. Some disruption is, of course, inevitable if we are to make likely targets as secure as we can. But we must all be clear that total security is not possible. Everybody who goes about their business in a modern city and elsewhere makes a balanced judgment of risk against security. People continue to go about their daily lives vigilantly, amid sound precautions—because they are not prepared to give the terrorists satisfaction. Our determination to maintain as normal a life as possible is a weapon against terrorism.

It is important that British citizens travelling abroad should have the best possible information on risk, from the Government. We have extensively reviewed and improved our travel advice since Bali. But I have asked officials to look again at some of the underlying issues, in light of recent experience. What is the right balance between information, warning and advice? I am clear that our advice should give the most detailed and timely factual information possible, but in what circumstances should this information be complemented, where appropriate, with advice not to travel? What is the impact and the cost of our warnings not to travel? And what would be the implications of a different approach? We may conclude that the nature of our advice is as good as we can make it, or we may find that improvements are necessary. We will be seeking as many views as possible including, of course, that of Members of both Houses.

Security is always at the top of our agenda. We keep the security of all our posts under constant review and frequently re-assess the risks and the measures needed to manage them in the light of changing threat levels. Funds have been authorised for the most urgent expenditure. Following the attack on our consulate in Istanbul, which showed that our overseas missions and staff are in the front line, we immediately asked all posts to check their security measures. We are also looking at additional measures we can take at high-risk posts. In addition, we have instigated an internal review of the FCO's security House of Commons Hansard Written Ministerial strategy, in particular the balance between security and operational effectiveness.

The terms of reference for these reviews are as follows:

TRAVEL ADVICE REVIEW

Terms of reference

HOW CAN FCO ADVICE BEST HELP UK TRAVELLERS?

- How can our Travel Advice best help its users to make informed, responsible decisions about possible risks overseas, particularly from terrorism, and ways they can minimise them?
- What should be the balance in our Travel Advice between information, warning and advice (ie between description of risks in particular countries and prescription of action in response)?
- How far can risk analysis and its presentation be made more objective (eg through statistical analysis and comparison with non-terrorist hazards)?
- What would be the implications of variations in this balance for the FCO, others in HMG who help produce the Advice, and its users?
- How do we link threat level assessments and public information?
- How far should we take into consideration the capabilities of host governments in reaching decisions on Travel Advice?

WHAT ARE THE WIDER IMPLICATIONS OF FCO TRAVEL ADVICE?

- In responding to a terrorist attack, how can we ensure prudent precaution does not become over-reaction which risks playing into the hands of the terrorists?

Methodology

During the Review we will consult key stakeholders:

- Departments within HM Government, including the Home Office, the Department of Trade and Industry, the Department for Transport, the Ministry of Defence and the Cabinet Office;
- Users of Travel Advice, including the travel industry, the insurance industry, the public (via website feedback), and Non Governmental Organisations;
- Analogous governments, including the US, Australia, Canada, New Zealand and European partners; governments of destination countries.

Timescale

- We aim to complete the Review by the end of January 2004.

SECURITY REVIEW

Terms of reference

- To review the basis for the FCO's security strategy. In particular to re-examine the balance between security and operational effectiveness.

LETTER TO THE CHAIRMAN OF THE COMMITTEE FROM THE PERMANENT UNDER-SECRETARY OF STATE REGARDING A MEDICAL COMPONENT FOR OUR RAPID DEPLOYMENT TEAMS (DATED 19 DECEMBER 2003)

I am writing to follow up a conversation I had with Sir John Stanley at the reception to launch the new FCO Response Centre, on Monday 8 December.

Sir John asked me where we stood on our plans to have available a medical component for our Rapid Deployment Teams. As you know, in the light of Bali experience, we recognised that for some deployments it would be useful to have a medical practitioner accompany the team who could advise on local medical conditions, medical evacuations, etc.

Consular Directorate has been pursuing a contract with a private international medical company to provide such support. However, given all the unpredictable elements in a major incident overseas—location, number and type of casualties and, of course, timing—it is proving difficult to draw up a contract which would give us a degree of certainty about the availability of medical support. We are therefore considering an alternative of establishing working relationships with several companies, under which they would agree to provide whatever assistance they can as and when required on a non-contractual basis. While this would mean we did not have contractual leverage, we would have the option of several companies to call upon, and could take advantage of their relative strengths in different parts of the world.

We are also asking Posts in countries where we consider we are most likely to have to deploy Rapid Deployment Teams to identify a local doctor (or use Embassy/High Commission clinic services where available) who would be willing to assist an RDT in advising on medical issues during a crisis.

The inherent uncertainties surrounding planning for future major incidents overseas require flexibility in the key elements of our response. This applies to the medical support component and it is our intention to build a range of options on which we can draw. The ultimate objective is to ensure that our Rapid Deployment Teams are able to provide the best support possible to British nationals and their families who find themselves caught up in a major incident.

Sir Michael Jay KCMG
The Permanent Under Secretary of State,
Foreign and Commonwealth Office

19 December 2003

LETTER TO THE CHAIRMAN OF THE COMMITTEE FROM THE SECRETARY OF STATE, FOREIGN AND COMMONWEALTH OFFICE, REGARDING LIBYAN WEAPONS OF MASS DESTRUCTION (DATED 22 DECEMBER 2003)

You will have seen the very important statement made by Libyan Foreign Minister Shalgam on 19 December and endorsed by Colonel Qadhafi. In his statement, Mr Shalgam announced that Libya had pursued WMD programmes and longer range missiles to deliver them. He said that Libya now accepted that an arms race did not serve the security of Libya or the region and committed Libya to complete elimination of its WMD and to restrict Libya's missile programmes to the range provided for by the MTCR parameters (ie 300kms). He undertook that Libya would do this in a transparent and verifiable manner and, to this end, would adhere to the Chemical Weapons Convention and conclude an Additional Protocol to its IAEA Safeguards Agreement.

Given the United Kingdom's central role in this initiative, I thought I should set some of the background.

We have had concerns for many years about Libya's WMD programmes. We have consistently pressed Libya to abandon them. Following the Lockerbie settlement, Libya came to us in March this year to see if it could resolve its WMD issue in a similarly cooperative manner.

Nine months of work followed with experts from the US and UK during which the Libyans discussed their programmes with us. Visits by our experts to Libya this autumn led to significant disclosures of nuclear, chemical, biological, and missile-related activities. During these visits our experts were shown covert facilities and equipment and given information on Libya's efforts to develop WMD over many years.

The Prime Minister and President Bush have welcomed the statements. We are encouraging other world leaders to do the same. We have offered to facilitate Libyan engagement with the appropriate international bodies, the International Atomic Energy Agency (IAEA), and the Organisation for the Prohibition of Chemical Weapons (OPCW). We have also made clear that we are prepared to offer assistance with the dismantlement of Libya's programmes.

This is a courageous decision by Colonel Qadhafi. It is also an historic one. It will help make the region and the world more secure. It shows that the problems of proliferation can, with good will, be tackled through discussion and engagement. As the statement makes clear, WMD are not the answer for Libya's defence; no more are they the answers for the region. I hope that other proliferators will follow this example.

I would be happy to brief you in person on this initiative in the New Year.

Rt Hon. Jack Straw MP
Secretary of State,
Foreign and Commonwealth Office

22 December 2003

LETTER TO THE CHAIRMAN OF THE COMMITTEE FROM THE SECRETARY OF STATE,
FOREIGN AND COMMONWEALTH OFFICE, REGARDING PERSECUTION OF
INDIVIDUALS IN IRAN (DATED 7 JANUARY 2004)

At our evidence session on Tuesday 2 December, I undertook to write to you with further information on the persecution of individuals in Iran who had converted from Islam to other faiths (especially to Christianity) and to send you a list of people who were injured in Istanbul.

Under Iranian law, apostasy—conversion from Islam to Christianity or any other religion—is a crime and in theory may be punished by death. Accurate information about the actual treatment of converts or those who seek to convert others is hard to obtain and we do not have a full picture. We are not aware of cases where the death penalty has been used on Christian converts in the period since President Khatami was first elected in 1997. In 1994, a Christian convert in Mashad, a pastor, was reportedly charged with evangelising and subsequently executed. We have also heard reports of the extra-judicial killing of Christians for evangelising, most recently in 2000 in Rasht. While some converts who keep a low profile appear not to face significant harassment by the authorities, others may be subject to restrictions or punishment.

Persecution of people for their religious beliefs is abhorrent. We have called on Iran to protect the rights enshrined in the International Covenant on Civil and Political Rights, to which it is a State Party. These include the freedom to have or to adopt a religion or belief of one's choice. We have raised our concerns about religious persecution in Iran on many occasions, and through a variety of channels. Religious discrimination is a subject of regular discussion in the EU/Iran human rights dialogue. In November 2003, the UK co-sponsored a resolution on human rights in Iran at the United Nations General Assembly which expressed serious concern at the denial of free worship, and called on Iran to eliminate all forms of discrimination based on religious grounds.

I enclose a list of those injured in Istanbul.

Rt Hon. Jack Straw MP
Secretary of State, Foreign and Commonwealth Office

7 January 2004

Memorandum from Mr David A Williams

THE QUESTIONABLE INTEGRITY OF FOREIGN OFFICE MINISTERS

1. In July 2002 the Foreign Secretary told the House that he "did not see a case for a public inquiry into the Lockerbie disaster". Only 12 days later on 23 July 2002, from the despatch box, the Parliamentary Under-Secretary of State for Foreign & Commonwealth Affairs Mr Mike O'Brien addressed the house. In his speech he said that Lockerbie was "an enormously serious issue" He went on to state to the House "Confronted with such a savage attack on its citizens, the British Government have a moral and practical imperative to answer key questions." His "key questions" included, "How did they do it?" "Could we have stopped them?" and "How can we make sure it never happens again?"

- These "key questions" have never been asked in any British court, inquiry or tribunal since 21 December 1988 (including Camp Zeist), despite the fact that Pan Am was found guilty of wilful misconduct at LHR.
- Not one single independent aviation security expert has been called to give independent aviation security expert evidence on these matters since 21 December 1988. Indeed irrefutable evidence is available, confirming that independent aviation security experts have been prevented from giving impartial testimony on these matters in the UK since the Lockerbie disaster and for very obvious reasons.

2. Now some 13 months on it is imperative that Foreign Office Minister O'Brien confirms to the House precisely when and where his "key questions" will at last be formally asked and who will be presiding over the proceedings. Alternatively if the Government does not intend to honour its "moral and practical imperative to answer key questions" the Minister should apologise for misleading the House, the Relatives and the electorate and resign.

3. It appears that the only way both the Foreign Secretary and his Parliamentary Under Secretary can maintain their integrity in this matter is for them to announce a special tribunal or inquiry with all or part in camera. In the current tense security climate a public inquiry to examine this "enormously serious issue" would not be in the best interests of national security.

4. The fully documented details of the Lockerbie cover-up are a disgraceful reflection on the higher echelons of Government, the judiciary and legal profession. As Mr Brian White MP can confirm I have resolutely resisted passing all the relevant details to the media and tabloid press, but time is running out. These issues must be examined and resolved before another preventable disaster occurs. It is hoped that the Foreign Affairs Select Committee may have enough influence to ensure that FCO Ministers mean what they say and honour commitments made to the House, the Lockerbie Relatives and the electorate.

Mr David A Williams

13 October 2003

Memorandum from The Free Iraqi Council

LETTER TO THE CHAIRMAN OF THE COMMITTEE FROM THE EDITOR OF THE "FREE IRAQ" NEWSPAPER, 15 NOVEMBER 2003

On 4 November 2003, I watch with interest your discussion about the situation in Iraq and recent developments of the war on terrorism. I am pleased to enclose with this letter a modest account of what has happened there during the last few months hoping that this report would help you to have a clear picture about these events.

Needless to say that Great Britain should take an active role to help Iraqi people in rebuilding their future without foreign interference which has increased dramatically after the last war. I have recently written twice to the Prime Minister about this development but unfortunately I have not received any acknowledgment from his office let alone a proper reply.

I am still thinking that United Kingdom can play a major role in helping Iraqi people to get out of this mess especially when there are decent people like you who have expressed real concerns about what happening in that part of the world.

Qassim Ghali,
Editor of the "Free Iraq" newspaper,

November 2003

THE SITUATION IN IRAQ AND BRITAIN POLITICAL AND MORAL OBLIGATIONS TOWARDS ITS PEOPLE

1. In the end of 2002, United States and Great Britain had promised Iraqis who opposed Saddam regime in London Conference that they would immediately after the war, help them to convene a national conference in Baghdad to elect National Assembly from which an interim government would be established. This has not happened despite all efforts and pledges to both sides.

2. In July 2003, three months after the war, United States together with Great Britain agreed to form a sort of Iraqi Authority. This move came about as result to pressure from Iraqis and the demand by the international community. Through intensive discussion with main Iraqi factions they established the Governing Council to work along side with the Coalition Provisional Authority. This development has been seen as a positive sign and the first step towards the transferring of power to Iraqis. Most of Iraqis welcomed this move. I must also mention that progress has been made during the last few months but security is still a challenging problem and terrorist attacks continue to increase.

WHY IS THE SITUATION DETERIORATING?

3. The invasion of Iraq has turned the country into a battle-field for some terrorist groups in the region. These groups, mainly Islamic Organisation, find this situation as an opportunity to fight against the Americans and have allied with the remnants of the previous Iraqi regime. The political vacuum also attracts more and more foreign powers to interfere in Iraq and invites terrorists to penetrate and operate freely. Iran has got now more than (30) thousand fighters disguise in many forms and shapes inside Iraq and it has continued its support to wide range of Islamic groups and individuals. Syria opens its border with Iraq to Arab fighters and now expands its support to Iraqi national, religious and tribal groups. It has invited recently more than (100) tribal "Leaders" most of whom are Ba'athists among them some used to hold key positions in the previous regime. President Assad has received some of these delegates and issued strong

statements in support of these people. In Syria as well as in Jordan and less obvious in Yemen and the United Arab Emirates, there are large number of Ba'athists and top officials from the previous regime who are organising and financing attacks against coalition forces inside Iraq.

4. These political and terrorist activities can not succeed without the support of the population who is now increasingly unhappy with the Americans. This has turned more Iraqis against them and we can see images of that on television screens when people celebrate after any attack. Iraqis were more than happy to see the Americans toppling Saddam but now think differently. United States and Great Britain have won the war easily but they failed to win the hearts and minds of Iraqi people who welcomed them at the beginning.

5. There are certain reasons for these unfortunate developments, which should be addressed and understood, especially by the American Administration. These reasons are:

- The American soldiers use heavy-handed tactics and show no mercy in their attitude towards ordinary Iraqis who are confused and not knowing how to behave.
- United States has decided to abolish capital punishment in Iraq and then to dissolve the Ministry of Defence.
- United States failed to treat Iraqis fairly by supporting particular groups and giving big salaries to some Iraqis working for the Pentagon.
- United States has excluded most talented and experienced Iraqis in its effort to rebuild Iraq and instead it favours some Iraqis who are neither qualified nor trusted by the Iraq people.
- United States has not taken any measures to deal with previous Iraqi leadership and its crimes while American forces have helped some of them to flee Iraq and now they are organising themselves outside the country.
- United States has recruited some Iraqis from exile (most of them living in America) as advisors in a very secret way and not open to all Iraqis. They are paid very big salaries between \$10,000 to \$15,000 per month while the average salary paid to other Iraqis is \$50 to \$150 per month.

6. Force is never the only answer to solve this kind of problematic issue and terrorists can not be defeated without winning the people of Iraq. Terrorists always hide among people and can easily strike now and again if the United States continues to ignore the wishes of the people and does not listen to their concerns.

7. The other thing I should mention here is the role of Arab Media, newspapers and satellite channels in particular, which have been sending powerful messages to Iraqis about their "National Resistance" against the occupation. It has succeeded in comparing the humiliation of Iraqis with that of Palestinians in the occupied territory while the Iraqi Media which is controlled by the Americans failed to get people of Iraq to listen or to trust.

WHAT IS WRONG WITH GOVERNING COUNCIL?

8. The Iraqi Governing Council, as you are aware, a (25) member body appointed by United States and Great Britain, roughly reflects the country's religious, ethnic makeup and is probably the first of its kind as representative government in Iraqi history. It includes (13) Shia (5) Sunni (5) Kurds (1) Christian (1) Turkoman, among these members three women. This appears to look good but the reality is somehow different.

9. The five members who represent the Supreme Council, Aldeawa Party (two Islamic organisations supported by Iran) then the DPK, PUK two Kurdish factions and the Communist Party. These are the main political forces in Iraq and have substantial support of the people with long history in opposing the Ba'athist Regime. There are also three members represent the Islamic Party (backed by Saudi Arabia) Turkoman Front (backed by Turkey) and Assarian Democratic Front (Christian). These three groups have become active after (1990) but they lack the experience and the support of the people.

10. The eight members of Governing Council at least represent political groups with some platforms and ideas about Iraq and how it should be administrated. They also exercise religious and ethnic demands. The problem with these organisations is that most of them are old ideological who share the authoritarian style of government and anti-western belief. Some of these groups had actively fought against the Ba'athist regime not for democracy or human rights issues but because the previous regime had deprived them from everything even the right to exist.

11. Apart from the eight, the rest of the members are independent (individuals) with little to do with politics, although there is an exception. This fact has paralysed the council and prevented it from pursuing any role in helping the Coalition Provisional Authority or protecting the Iraqi people. The council has not been active at all and failed to engage with Iraqis who resist the invasion and fear for their future rather than fighting for the old regime. These beside other factors mentioned above have driven more and more Iraqis into resistance and Saddam using them effectively against the coalition forces.

³⁵ Not printed.

WHO ARE THE REST IN THE COUNCIL?³⁵

The Council's Failure?

12. These remarks about the members would indicate the weakness of the council which has no significant power. Apart from the eight who are capable of looking after themselves and their security, the rest rely heavily on the American and British forces for their security and they have become real burden. They have not met a single Iraqi citizen and have not engaged in any political activities since they took the job. They have made several visits to neighbouring countries and concentrated their efforts on the appearance in the "Media" especially the Arab ones and gained as much as they can from the contracts for rebuilding Iraq.

13. The council failed to elect its chairman by democratic means to show the Iraqi people an example of how democracy would work and instead had appointed nine members as monthly leaders. This is because that none of them believe in the democratic process or practice in achieving their objectives and none of them would accept any other person as leader. Behind this attitude are the tribal mentality, personal considerations, self-interest and not nation building thought.

14. The appointment of ministers based on each member of the Governing Council to submit one name. Most of them chose one of his relatives or friends for the job depriving a large number of Iraqis from taking part in this process in such a delicate and dangerous situation. Among these ministers one is a member of American Republican Party and some businessmen who work for many years outside Iraq and have nothing to do with the country or politics. This is something unbelievable and unacceptable to many Iraqis.

15. The council endorsement for the decision taking by the American Civil Administrator to put all Iraq assets (public property) on sale has caused outrageous responds with the ordinary people and condemnation by almost all national, liberal and democrat groups. This led to the belief that this council is merely a pocket.

GREAT BRITAIN OBLIGATIONS

16. The Arab rulers who are supported for the last half century by the United States and a large number of Arab intellectuals who are the only people benefited from the West, these two groups tend to blame the American for everything even for their quarrels with their wives. These two groups are behind the anti-Western rhetoric and especially anti-America one through cleverly articulated speeches and through the Arab Media. They are the creative of antagonistic feeling against the West and in particular against the United States because it suits their interests and helps them to deprive others from basic rights. Ordinary people in the Arab and Muslim world have nothing against the West and in the contrary they believe of the benefit of having a good relations with the West.

17. This fact should be acknowledged by the British government and give its support to Iraqis who suffered dearly under the previous regime. It should also help in the process of rebuilding the country and encourage Iraqis who are British citizen in participating in this task. Iraqis inside and outside the country are very glad to get rid of Saddam but they are in need for the help of the International community as well as the Americans and the Britons. The United Nations can play a major role in reforming the political system in Iraq and giving sort of legitimacy to the interim government that is supposed to administrate during transient period.

18. Great Britain is the only country, which can persuade the United States to give the United Nations this role for the benefit of the Iraqi people and stop the Americans from disregarding the International Law. The United States has an obligation to treat Iraqis fairly as an occupied power and not interfering or changing the Iraqi Laws in favour of any community or group. It is also vital to Iraqis that the victims of the previous regime should have their rights restored and criminals have been persecuted. Until now nothing has been done in this aspect which casts doubt on all claims of freeing Iraq or achieving democracy.

19. The immediate need for Iraq now is security and the restoration of services. Then Iraq needs the return of normality and law and order before democracy. These issues are the most important ones in order to win the trust of people and to isolate the terrorists and deprive them from gaining ground in the country. Iraqi people have now a very difficult time and are confused with whole events and they need help. The excessive use of military force is not helping anyone and instead of solving the problems it will create more and complicate the already existent ones.

20. I hope that in this modest report, I have given you an overall account of the situation in Iraq, urging you to do whatever you can to make the government listen to Iraqi people rather than talk on behalf of them or in their name.

Editor of the "Free Iraq" newspaper

November 2003

³⁵ Not printed.

Memorandum from Dr David Morrison

LETTER TO THE CHAIRMAN OF THE FOREIGN AFFAIRS COMMITTEE
FROM DR MORRISON, 18 NOVEMBER 2003

I write to you as Chairman of the Foreign Affairs Select Committee.

Enclosed is a Memorandum on the Committee's report on *The Decision to go to War in Iraq*, which concluded that "Ministers did not mislead Parliament". I submit that the Committee failed to consider important issues in coming to that conclusion. These are set out in my memorandum. I pick out one:

The Prime Minister told the House of Commons on 18 March 2003 that President Chirac had said in a TV interview on 10 March that France would veto a second resolution authorising military action "whatever the circumstances". In fact, the President said in that interview that war authorised by the Security Council would be "inevitable" if UN inspectors reported that they weren't in a position to achieve their goal.

Inexplicably, the Committee's report does not mention this instance in which, deliberately or otherwise, the Prime Minister misled Parliament.

Since the Committee wrote its report, a variety of other matters have come into the public domain, through the Hutton Inquiry and the ISC report, which in my opinion cast doubt on your conclusion that "Ministers did not mislead Parliament". These are also set out in my memorandum. I pick out one here:

The Prime Minister assured the House of Commons on 4 June 2003 that "there was no attempt, at any time, by any official, or Minister, or member of No. 10 Downing Street staff, to override the intelligence judgments of the Joint Intelligence Committee" in the drawing up of the September dossier. How can that be reconciled with the fact that, as revealed by the Hutton Inquiry, the Prime Minister's Chief of Staff, requested a redraft of a portion of the dossier on 19 September 2002 because it backed up the "argument that there is no CBW threat and we will only create one if we attack him" and was therefore "a bit of a problem" for the Prime Minister?

The Government justified taking the decision to go to war on Iraq primarily on the premise that Iraq had functional chemical and biological weapons and the means of delivering them, a premise that has turned out to be flawed. In those circumstances, it is imperative, in my view, that the Committee reopen its inquiry into that decision. What is the point of the Committee if it fails to shine a bright light on what was the most important foreign policy decision in a generation?

Dr David Morrison

November 2003

Memorandum on the Foreign Affairs Select Committee Report on the Decision to go to War in Iraq

1. The Foreign Affairs Select Committee published the report of its inquiry into The Decision to go to War in Iraq on 7 July 2003. The objective of the inquiry was to:

"consider whether the Foreign and Commonwealth Office, within the Government as a whole, presented accurate and complete information to Parliament in the period leading up to military action in Iraq, particularly in relation to Iraq's weapons of mass destruction".

The Committee found the Government not guilty:

"The central charge has been that Ministers misled Parliament... Consistent with the conclusions reached elsewhere in this Report, we conclude that Ministers did not mislead Parliament." (paragraph 186)

2. The Committee found the Government not guilty without considering most of the publicly available evidence. The Committee examined for accuracy and completeness only one source of Government information to Parliament—the dossier published on 24 September 2002—and concluded that the Government hadn't made exaggerated claims in it. The Committee felt able to do so, even though it was denied access to the intelligence on which these claims were based and to the personnel responsible for assessing the intelligence and drawing up the dossier.

3. The Committee ignored almost everything else the Government said on Iraq in Parliament and elsewhere in the lead up to war, within which there were, in my opinion, numerous examples of the Government providing inaccurate and/or incomplete information to Parliament. For example:

- (1) The Government misrepresented President Chirac's words on 10 March 2003, claiming that he said that France would never support military action against Iraq, when he said no such thing.
- (2) The Government failed to mention that Hussein Kamal, Saddam Hussein's son-in-law, told UN inspectors in 1995 that he had ordered the destruction of all of Iraq's proscribed weapons.
- (3) The Government continually distorted UN inspectors' findings that weapons were "unaccounted for" to imply (or assert) that the weapons actually existed.

- (4) The Government failed to mention that many of Iraq's chemical and biological agents produced before the Gulf War would be ineffective as warfare agents a decade later, if they hadn't already been destroyed.
- (5) The Prime Minister "sexed up" the September dossier in presenting it to Parliament on 24 September 2002, when he stated as an absolute fact that Iraq had "active, detailed and growing" weapons programmes, producing agents and weapons today, and that the problem was not just a matter of cleaning up the "old remains" from before the Gulf War.
- (6) In the ensuing months, and without any public explanation, the Government ceased mentioning any current agent or weapons production, let alone "active, detailed and growing" programmes, and based its case that Iraq was a threat on the existence of the "old remains" from before the Gulf War, much of which, if they did exist, would have degraded and no longer be effective as warfare agents.
- (7) The Government misrepresented the contents of the UNMOVIC report *Unresolved Disarmament Issues* published on 6 March 2003, implying that it confirmed that Iraq had vast quantities of proscribed weapons, but failing to mention that it confirmed that many agents produced before the Gulf War would be ineffective as warfare agents, if they existed at all.

4. These examples are detailed in Appendix A below. None of them is examined in the Committee's Report, which in my view renders it both inaccurate and incomplete, and casts doubt on the Committee's not guilty verdict.

5. All of the above were in the public domain when the Committee's inquiry was taking place. Since then, the Intelligence and Security Committee (ISC) Report and the Hutton Inquiry have brought into the public domain other instances where there are grounds for concluding that the Government failed to provide Parliament with accurate and complete information. For example:

- (1) In the autumn of 2002, the CIA assessed that the likelihood of Saddam Hussein using chemical and biological weapons was "low" if he didn't feel threatened, but would be "pretty high" if the US attacked Iraq. The Government's September dossier said something similar until just before it was cleared for publication, when it was changed at the instigation of the Prime Minister's Chief of Staff. He e-mailed the compiler of the dossier, John Scarlett, saying that he (and presumably the Prime Minister) had "a bit of a problem" with this since it backed up the argument that "there is no CBW [chemical and biological weapons] threat and we will only create one if we attack him". As a consequence, the implication that Saddam Hussein would use these weapons only as a defensive measure was removed from the dossier.
- (2) The 45-minute claim in the September dossier was manifestly incomplete since it did not specify that it applied to battlefield weapons only, and not to missiles capable of striking UK bases in Cyprus, information that was known to the Government at the time (ISC Report, paragraphs 49–57 and 84–86).
- (3) Despite knowing it to be wrong, the Government made no effort to correct the widespread interpretation of the 45-minute claim in the press on 24–25 September 2002 as applying to such missiles.
- (4) Nowhere in the dossier was it made clear that the most likely chemical and biological munitions to be used against Western forces were battlefield weapons rather than strategic weapons. The first draft of the Prime Minister's foreword contained the sentence: "The case I make is not that Saddam could launch a nuclear attack on London or another part of the UK (He could not).", but this was absent from the published dossier (ISC Report, paragraph 83).
- (5) The dossier's bald claim that Iraq "continued to produce chemical and biological weapons" was not warranted by the intelligence, since the JIC did not know what had been produced and in what quantities—it had merely assessed, based on intelligence, that some production had taken place (ISC Report, paragraphs 110). This contrasts starkly with the Prime Minister's confident assertion to the House of Commons on 24 September 2002 that Iraq's proscribed weapons programmes were "active, detailed and growing" and producing chemical and biological weapons.
- (6) The Government failed to inform Parliament that there was no intelligence evidence that Iraq had considered using chemical and biological agents in terrorist attacks or had passed such agents on to al-Qaida, and that the JIC had assessed that any collapse of the Iraqi regime would increase the risk of chemical and biological warfare technology or agents finding their way into the hands of terrorists (ISC Report, paragraphs 125–7).
- (7) The Government failed to inform Parliament that the JIC assessed that al-Qaida and associated groups continued to represent by far the greatest terrorist threat to Western interests, and that the threat would be heightened by military action against Iraq (ISC Report, paragraph 126).

6. These examples where it appears that the Government gave inaccurate and/or incomplete information to Parliament have come to light since the Committee completed its inquiry and are detailed in Appendix B below. If the Committee is to restore its reputation for scrutinising the Executive's conduct of Foreign Affairs it should reopen its inquiry and consider these and the other issues I have mentioned.

Dr David Morrison

31 October 2003

APPENDIX A

A1 THE SEPTEMBER DOSSIER

1. The key question in respect of the September dossier was whether claims made in it about Iraq's proscribed weapons were justified by the intelligence available to the Government at that time.

2. At the time of its inquiry, it was impossible for the Committee to answer that question, because the Government denied it access to the intelligence on which the dossier was based, and to the personnel responsible for assessing that intelligence and drawing up the dossier

3. The Committee honestly recognised this in paragraph 90 of its report, which said:

“We conclude that without access to the intelligence or to those who handled it, we cannot know if it was in any respect faulty or misinterpreted.”

4. Despite this, the Committee devoted nearly half of its Report to this dossier (paragraphs 20 to 107) and drew several sweeping conclusions about whether its contents were soundly based on the available intelligence. For example:

- (1) “We conclude that the 45 minutes claim did not warrant the prominence given to it in the dossier, because it was based on intelligence from a single, uncorroborated source.” (paragraph 70)
- (2) “We conclude that the claims made in the September dossier were in all probability well founded on the basis of the intelligence then available, although as we have already stated we have concerns about the emphasis given to some of them.” (paragraph 86)
- (3) “We conclude that the September dossier was probably as complete and accurate as the Joint Intelligence Committee could make it, consistent with protecting sources, but that it contained undue emphases for a document of its kind.” (paragraph 184)

5. So, by its own admission, the Committee could not know if the intelligence on which the September dossier was based was “in any respect faulty or misinterpreted”. Nevertheless, it drew these wide-ranging conclusions that the intelligence was not misinterpreted. It doesn't say how it achieved this impossible feat.

6. Furthermore, conclusion (3) is self-contradictory: if the dossier had not contained the “undue emphases” complained of, it would clearly have been more “accurate and complete”.

7. Leaving that aside, it is simply untrue that “the September dossier was probably as complete and accurate as the Joint Intelligence Committee could make it”. As I pointed out in my memorandum to the Committee, the September dossier contains at least two errors of fact:

- (a) that UNSCOM inspectors were denied access to presidential sites (page 34, paragraph 5), and
- (b) that UNSCOM inspectors were thrown out of Iraq in December 1998 (page 39, paragraph 13).

8. The dossier was therefore manifestly inaccurate in at least these two respects, but the Committee did not point out these inaccuracies.

A2 WHAT PRESIDENT CHIRAC ACTUALLY SAID

9. The Government motion passed by the House of Commons on 18 March 2003 contained a reference to the behaviour of France:

“That this House . . . regrets that despite sustained diplomatic effort by Her Majesty's Government it has not proved possible to secure a second Resolution in the UN because one Permanent Member of the Security Council made plain in public its intention to use its veto whatever the circumstances.”

10. In proposing the motion, the Prime Minister identified the Permanent Member as France, which he said had undermined support for a second resolution:

“Last Monday [10 March], we were getting very close with it [the second resolution]. We very nearly had the majority agreement. If I might, I should particularly like to thank the President of Chile for the constructive way in which he approached this issue.

“Yes, there were debates about the length of the ultimatum, but the basic construct was gathering support. Then, on Monday night, France said that it would veto a second resolution, whatever the circumstances.”

11. In fact, France said no such thing. On the contrary, in the interview that Monday night, President Chirac made it very clear that there were circumstances in which France would not veto a resolution for war. Early in the interview, he identified two different scenarios, one when the UN inspectors report progress and the other when the inspectors say their task is impossible—in which case, in his words, “regrettably, the war would become inevitable”. That portion reads:

“The inspectors have to tell us: “we can continue and, at the end of a period which we think should be of a few months”—I’m saying a few months because that’s what they have said—“we shall have completed our work and Iraq will be disarmed”. Or they will come and tell the Security Council: “we are sorry but Iraq isn’t cooperating, the progress isn’t sufficient, we aren’t in a position to achieve our goal, we won’t be able to guarantee Iraq’s disarmament”. In that case it will be for the Security Council and it alone to decide the right thing to do. But in that case, of course, regrettably, the war would become inevitable. It isn’t today.” (see <http://special.diplomatie.gouv.fr/articleb91.html>)

12. From that, it is plain as a pikestaff that there were circumstances in which France would not have vetoed military action, namely, if the UN inspectors reported that they couldn’t do their job.

13. It is difficult to avoid the conclusion that the Prime Minister misinformed the House of Commons on 18 March about the position of France.

A3 DID KAMAL HUSSEIN TELL THE TRUTH?

14. At one point, it looked as though the Committee was going to look seriously at the possibility that Iraq had destroyed all its proscribed weapons and weapons-related material, as it said it had done, and that the material deemed by UN inspectors to be unaccounted for in reality no longer existed.

15. A briefing note prepared for the Committee by Tim Youngs of the House of Commons Library (and published as Appendix 1 of the Report) said:

“It is also possible that Iraq did destroy its stocks and weapons unilaterally, but sought to protect the technical expertise and the capability required to reconstitute its WMD capability at relatively short notice, once UN sanctions had been eased or lifted.” (page 76)

16. In support of this, Tim Youngs cites the testimony of Saddam Hussein’s son-in-law, Hussein Kamal, to UN inspectors in August 1995, when he told them that all of Iraq’s proscribed weapons had been destroyed on his orders (see UNSCOM/IAEA transcript of the interview at www.casi.org.uk/info/unscm950822.pdf).

17. In this interview, Kamal said:

“I ordered destruction of all chemical weapons. All weapons—biological, chemical, missile, nuclear were destroyed” (page 13).

18. Earlier (p7), he described anthrax as the “main focus” of Iraq’s biological programme and when asked “were weapons and agents destroyed?”, he replied: “nothing remained”.

19. Of missiles, he said: “not a single missile left but they had blueprints and molds [sic] for production. All missiles were destroyed.” (page 8)

20. In the months before military action was taken, the Government continually cited Kamal as an extremely valuable source of information about Iraq’s proscribed weapons programmes, and as proof that interrogation of Iraqis who participated in these programmes, rather than detective work by UN inspectors, was the way to acquire a comprehensive picture of them.

21. For instance, the Prime Minister told the House of Commons on 18 March 2003:

“In August [1995], it [Iraq] provided yet another full and final declaration. Then, a week later, Saddam’s son-in-law, Hussein Kamal, defected to Jordan. He disclosed a far more extensive biological weapons programme and, for the first time, said that Iraq had weaponised the programme—something that Saddam had always strenuously denied. All this had been happening while the inspectors were in Iraq.

Kamal also revealed Iraq’s crash programme to produce a nuclear weapon in the 1990s. Iraq was then forced to release documents that showed just how extensive those programmes were.”

22. But the Prime Minister did not inform the House of Commons that Kamal also told UN inspectors that, on his orders, “all weapons—biological, chemical, missile, nuclear were destroyed”.

23. Given the failure to find any proscribed weapons in Iraq, one might have thought that the possibility that Kamal was telling the truth deserved examination by the Committee. The unanswered question is: why does the Government regard Kamal as a credible witness about Iraq’s proscribed weapons programmes, except when he says that all of Iraq’s proscribed weapons were destroyed on his orders. Regrettably, the Committee left that question unanswered.

A4 UNACCOUNTED FOR MATERIEL

24. Paragraph 39 of the Committee's Report does raise the possibility that unaccounted for material did not exist. Hans Blix's remarks to the Security Council on 5 June 2003 are quoted:

"The first point . . . is that the Commission has not at any time during the inspections in Iraq found evidence of the continuation or resumption of programmes of weapons of mass destruction or significant quantities of proscribed items—whether from pre-1991 or later. I leave aside the Al-Samoud 2 missile system, which we concluded was proscribed. As I have noted before, this does not necessarily mean that such items could not exist. They might—there remain long lists of items unaccounted for—but it is not justified to jump to the conclusion that something exists just because it is unaccounted for."

25. But the Report makes no reference to the fact that, time and time again in the lead up to military action, the Government jumped to this conclusion that Hans Blix warned against, and gave the impression that we had it on UN authority that Iraq had an arsenal of chemical and biological weapons and weapons-related material, when all the UN inspectors had said was that that material was "unaccounted for".

26. Most crucially, the Prime Minister told the House of Commons on 18 March 2003:

"When the inspectors left in 1998, they left unaccounted for 10,000 litres of anthrax; a far-reaching VX nerve agent programme; up to 6,500 chemical munitions; at least 80 tonnes of mustard gas, and possibly more than 10 times that amount; unquantifiable amounts of sarin, botulinum toxin and a host of other biological poisons; and an entire Scud missile programme. We are asked now seriously to accept that in the last few years—contrary to all history, contrary to all intelligence—Saddam decided unilaterally to destroy those weapons. I say that such a claim is palpably absurd."

27. There, the Prime Minister obviously jumped to the conclusion that Hans Blix warned against. He assumed that proscribed weapons and weapons-related material, which according to UN inspectors were merely unaccounted for in 1998, must have existed in 1998, and must still exist in 2003 (since, he said, it is palpably absurd to claim that Saddam Hussein unilaterally destroyed them in the meantime).

A5 THE DEGRADATION OF AGENTS

28. Paragraph 39 of the Committee's Report mentions that chemical and biological agents may degrade over time, saying:

". . . chemical precursors and other chemical and biological weapons substances degrade at varying rates over time, but some of them degrade quite swiftly, as the IISS [International Institute for Strategic Studies] pointed out in its dossier."

29. But nothing more is said about the degradation of chemical and biological agents, even though any degradation lowers the threat posed by Iraq—and therefore the justification for military action against Iraq.

30. The IISS dossier was published on 9 September 2002 (and was referred to approvingly in the Government's September dossier as "an independent and well-researched overview"). It comments on the possible deterioration of nerve agents manufactured prior to the Gulf War. Here, we are talking about so-called G-agents (tabun, sarin and cyclosarin) and V-agents (VX). The IISS assessment is as follows:

"As a practical matter, any nerve agent from this period [pre-1991] would have deteriorated by now . . ." (page 51)

"Any VX produced by Iraq before 1991 is likely to have decomposed over the past decade . . ." (page 52)

"Any G-agent or V-agent stocks that Iraq concealed from UNSCOM inspections are likely to have deteriorated by now." (page 53).

31. And as regards botulinum toxin, the IISS dossier concluded:

"Any botulinum toxin produced in 1989–90 would no longer be useful" (page 40).

32. The Government's dossier, published a couple of weeks later, gives (on page 16) a list of chemical and biological weapons and weapons-related material that were deemed unaccounted for by UNSCOM in 1998. On page 23, the dossier says that Iraq has:

"chemical and biological agents and weapons available, both from pre-Gulf War stocks and more recent production"

33. But nowhere in the dossier does it say that any pre-Gulf War stocks of G-agents (tabun, sarin and cyclosarin) and V-agents (VX) and of botulinum toxin would have degraded by September 2002.

34. It is therefore seriously misleading about pre-Gulf War stocks of these agents.

A6 HOW THE GOVERNMENT “SEXED UP” THE DOSSIER IN PARLIAMENT

35. Since the Committee regarded the September dossier as the key document for their inquiry, one might have thought that it would have examined how the Government presented the dossier to Parliament.

36. The dossier made extravagant claims, not only that Iraq possessed proscribed material left over from before the Gulf War, but also that it had re-established manufacturing facilities and was trying to re-establish its nuclear weapons programme. In other words, Iraq had currently operational production facilities for agents and weapons and not just remnants left over from the old programmes dismantled by UNSCOM in the 1990s.

37. However, the claims in the dossier about the re-establishment of production facilities were not expressed as known facts, but as judgements based on intelligence. But, when the Prime Minister presented the dossier to the House of Commons on 24 September 2002, he left no doubt that these programmes were operational and producing agents and weapons:

“... [Saddam Hussein’s] chemical, biological and nuclear weapons programme is not an historic left-over from 1998. The inspectors are not needed to clean up the old remains. His weapons of mass destruction programme is active, detailed and growing. The policy of containment is not working. The weapons of mass destruction programme is not shut down; it is up and running now.”

“On chemical weapons, the dossier shows that Iraq continues to produce chemical agents for chemical weapons; has rebuilt previously destroyed production plants across Iraq; has bought dual-use chemical facilities; has retained the key personnel formerly engaged in the chemical weapons programme; and has a serious ongoing research programme into weapons production, all of it well funded.”

“In respect of biological weapons, again, production of biological agents has continued; facilities formerly used for biological weapons have been rebuilt; equipment has been purchased for such a programme; and again, Saddam has retained the personnel who worked on it prior to 1991.”

38. Those assertions by the Prime Minister have a certainty about them that isn’t present in the dossier itself. He overstated the dossier’s more tentative claims that after 1998 Iraq had reconstituted production facilities (claims which the ISC have now said were themselves not justified by intelligence, see paragraph 110 of its Report).

39. And so did the Foreign Secretary when he opened the adjournment debate that followed. There he declared without a hint of uncertainty:

“Since then [1998], Iraq has continued to produce chemical and biological agents and their means of delivery. . . .”

40. Adam Ingram was equally certain when he closed the debate:

“He [Saddam Hussein] has continued to produce chemical and biological weapons; tried covertly to acquire technology and materials that could be used in the production of nuclear weapons; sought significant quantities of uranium from Africa, despite having no active civil nuclear programme that would require it; recalled specialists to work on his nuclear programme; commenced a comprehensive weapons development programme across a range of capabilities to deliver his future and current weapons of mass destruction.”

41. This certainty about the re-constitution of Iraq’s production facilities is not justified by the dossier. The Government “sexed up” the dossier in presenting it to Parliament.

A7 NO LONGER “ACTIVE, DETAILED AND GROWING”

42. The Committee does not comment on the fact that the Government’s message on Iraq’s proscribed weapons shifted dramatically in the period leading up to war. To be specific, the Government stopped claiming that Iraq was currently manufacturing chemical or biological agents and weapons.

43. To the best of my knowledge, the Government never repeated the Prime Minister’s confident assertion of 24 September 2002 that Iraq’s “weapons of mass destruction programme is active, detailed and growing” and producing agents and weapons, and that it is not just a matter of inspectors cleaning up the “old remains” from previous programmes.

44. Certainly, you will search in vain in the Prime Minister’s speech in the House of Commons on 18 March 2003 for any hint that Iraq had operational production facilities in March 2003. All he spoke about then was “old remains” manufactured before the Gulf War, which UN inspectors deemed unaccounted for in December 1998.

45. Since the Prime Minister was no longer saying that Iraq was manufacturing new agents and weapons, this was a much less threatening picture of Iraq’s capabilities than the one he described six months earlier, particularly since the shelf life of much of the “old remains” was over long ago.

46. Why did the Prime Minister feel unable to restate in March 2003 his certainty of six months earlier that Iraq had current production facilities and not merely “old remains” from previous programmes? That is a very interesting question, which regrettably the Committee did not examine.

47. Most or all of the sites named in the September dossier as possibly being used for agent production were visited by journalists shortly after the dossier was published and were found to be derelict or near derelict. My guess is that after that the Government took a decision to cease claiming that Iraq was producing agents.

48. UNMOVIC inspectors visited these sites in December and January and found no evidence of current, or recent, production activity, which made it even more difficult for the Government to claim that Iraq was still producing agents. The inspectors’ findings didn’t rule out the possibility that proscribed activity was going on at these sites in September 2002 as claimed in the dossier, but by January it was no longer going on, and the information in the dossier was therefore out of date.

49. One might have thought that this change would have merited a Prime Ministerial statement to Parliament revising his confident assertion of the previous September that Iraq had “active, detailed and growing” weapons programmes and was currently producing agents and weapons. But no such statement took place: he merely ceased making the claims, and justified military action against Iraq because it allegedly possessed a few “old remains” from the early 1990s, “old remains” which, if they existed at all, were in many instances no longer effective warfare agents.

A8 UNRESOLVED DISARMAMENT ISSUES

50. On 6 March 2003, UNMOVIC published a 173-page document entitled *Unresolved Disarmament Issues: Iraq’s Proscribed Weapons Programmes*. This originated as an internal working document prepared by UNMOVIC identifying the “key remaining disarmament tasks” that Iraq had to complete. The preparation of such a document was a requirement of paragraph 7 of Security Council Resolution 1284, under which UNMOVIC was established in December 1999. Unusually, for such a document, it was declassified and published.

51. The document contains a comprehensive survey of Iraq’s proscribed weapons programmes (apart from its nuclear programme, which was the business of the IAEA) and the subsequent use and/or destruction of weapons and weapons-related material, based on information assembled by UN inspectors from 1991 onwards. It ends with an assessment of unresolved issues for each agent and weapon, and a statement of what Iraq needs to do to resolve them.

52. Like the UNSCOM report of January 1999, it does not claim that Iraq possesses proscribed weapons or weapons-related material, merely that in the opinion of UNMOVIC certain proscribed items are unaccounted for. Nor does it suggest that Iraq has currently operational agent or weapon production facilities. As such, the document hardly merits the adjective “chilling”, which Jack Straw applied to it at the Security Council on 7 March.

53. As of early March this year, this was the most comprehensive and authoritative statement in existence about Iraq’s proscribed weapons (apart from nuclear weapons). It goes without saying, therefore, that a serious inquiry into whether the Government had presented “accurate and complete information” to Parliament would need to examine whether the Government made Parliament aware of the key information in this document. It is a measure of the seriousness of the Committee’s inquiry that its Report does not contain a single reference to this document.

54. A serious inquiry into the matter would have concluded that, although the Prime Minister and the Foreign Secretary referred to this document regularly, they misrepresented its contents, and crucially failed to mention what it said about the degradation of agents.

55. In the House of Commons on 18 March, the Prime Minister described it as a “remarkable document” and quoted from it, for example, on mustard gas:

“Mustard constituted an important part . . . of Iraq’s CW arsenal . . . 550 mustard filled shells and up to 450 mustard filled aerial bombs unaccounted for”

56. It would be more accurate to say he misquoted from it. You will indeed find those words on page 76 of the document, but they do not give the sense of the text from which they were extracted. That text is as follows (with the Prime Minister’s extract underlined):

“. . . Judging by the quantities produced, weaponized and used, Mustard constituted an important part (about 70%) of Iraq’s CW arsenal.

“There is much evidence, including documents provided by Iraq and information collected by UNSCOM, to suggest that most quantities of Mustard remaining in 1991, as declared by Iraq, were destroyed under UNSCOM supervision. The remaining gaps are related to the accounting for Mustard filled aerial bombs and artillery projectiles. There are 550 Mustard filled shells and up to 450 mustard filled aerial bombs unaccounted for since 1998. The mustard filled shells account for a couple of tonnes of agent while the aerial bombs account for approximately 70 tonnes. According to an investigation made by the Iraqi ‘Depot Inspection Commission’, the results of

which were reported to UNMOVIC in March 2003, the discrepancy in the accounting for the mustard filled shells could be explained by the fact that Iraq had based its accounting on approximations.”

57. That gives a very different impression to that conveyed by the Prime Minister’s extract, and his other extracts are also misleading.

58. More crucially, he told the House of Commons that day:

“When the inspectors left in 1998, they left unaccounted for 10,000 litres of anthrax; a far-reaching VX nerve agent programme; up to 6,500 chemical munitions; at least 80 tonnes of mustard gas, and possibly more than 10 times that amount; unquantifiable amounts of sarin, botulinum toxin and a host of other biological poisons; and an entire Scud missile programme. We are asked now seriously to accept that in the last few years—contrary to all history, contrary to all intelligence—Saddam decided unilaterally to destroy those weapons. I say that such a claim is palpably absurd.”

59. But he did not mention that the remarkable UNMOVIC document made it clear that any unaccounted for sarin, VX and botulinum toxin would no longer be effective as warfare agents:

“There is no evidence that any bulk Sarin-type agents remain in Iraq—gaps in accounting of these agents are related to Sarin-type agents weaponized in rocket warheads and aerial bombs. Based on the documentation found by UNSCOM during inspections in Iraq, Sarin-type agents produced by Iraq were largely of low quality and as such, degraded shortly after production. Therefore, with respect to the unaccounted for weaponized Sarin-type agents, it is unlikely that they would still be viable today.” (Unresolved Disarmament Issues, page 73)

“VX produced through route B [the method used by Iraq in 1990] must be used relatively quickly after production (about 1 to 8 weeks), which would probably be satisfactory for wartime requirements.” (ibid. page 82)

“Any botulinum toxin that was produced and stored according to the methods described by Iraq and in the time period declared is unlikely to retain much, if any, of its potency. Therefore, any such stockpiles of botulinum toxin, whether in bulk storage or in weapons that remained in 1991, would not be active today.” (ibid, page 101)

60. Without that information, the Prime Minister’s list of unaccounted for warfare agents is highly misleading.

APPENDIX B

B1 THE INTERVENTION OF THE PRIME MINISTER’S CHIEF OF STAFF

1. The September dossier contains on page 19 an assessment of what it calls “Saddam’s willingness to use chemical and biological weapons”. Until just before the dossier was published, this said:

“Intelligence indicates that Saddam is willing to use chemical and biological weapons if he believes his regime is under threat. We also know from intelligence that as part of Iraq’s military planning, Saddam is willing to use chemical and biological weapons against an internal uprising by the Shia population.” (Hutton reference BBC/29/00 19)

2. While that formulation by the Chairman of the JIC, John Scarlett, does not exclude the possibility that Saddam Hussein would use these weapons aggressively, it gives the strong impression that he would in all probability use them only if his regime were under threat. In other words, Saddam Hussein’s Iraq was little or no threat to his neighbours and even less to Britain or the US.

3. This is consistent with a CIA assessment provided to the US Congress a few weeks later, which was that if Saddam Hussein didn’t feel threatened, the likelihood that he would use these weapons was “low”, but if the US attacked him the likelihood would be “pretty high”. This assessment was contained in a letter dated 7 October 2002 from the CIA to Senator Bob Graham, Chairman of the Senate Intelligence Committee. The letter (see Annex 1) declassified a small portion of CIA evidence to Graham’s committee at a closed session on 2 October, which read:

Senator Levin: . . . If (Saddam) didn’t feel threatened, did not feel threatened [*sic*], is it likely that he would initiate an attack using a weapon of mass destruction?

Senior Intelligence Witness: . . . My judgment would be that the probability of him initiating an attack—let me put a time frame on it—in the foreseeable future, given the conditions we understand now, the likelihood I think would be low.

Senator Levin: Now if he did initiate an attack you’ve . . . indicated he would probably attempt clandestine attacks against us . . . But what about his use of weapons of mass destruction? If we initiate an attack and he thought he was in extremis or otherwise, what’s the likelihood in response to our attack that he would use chemical or biological weapons?

Senior Intelligence Witness: Pretty high, in my view.

4. The assessment of “Saddam’s willingness to use chemical and biological weapons” quoted above was contained in 11 September draft of the dossier, and met with no objection from the intelligence professionals on the JIC, including Sir Richard Dearlove, the head of MI6. It was repeated in the drafts of 16 and 19 September, again without objection from any JIC member.

5. But, just before the dossier was cleared for publication, this assessment was changed dramatically at the instigation of the Prime Minister’s Chief of Staff, Jonathan Powell, who e-mailed John Scarlett on 19 September in the following terms:

“I think the statement on page 19 that ‘Saddam is prepared to use chemical and biological weapons if he believes his regime is under threat’ is a bit of a problem. It backs up the . . . argument that there is no CBW threat and we will only create one if we attack him. I think you should redraft the para . . .”

(CAB/ 11/0103)

6. The Prime Minister’s Chief of Staff definitely had a “bit of a problem”, since it was difficult to reconcile the Prime Minister’s assertion in the dossier’s foreword that Iraq was “a current and serious threat to the UK national interest” with the assessment that, in all probability, Saddam Hussein would use chemical and biological weapons only if his regime was under threat.

7. As a consequence of Powell’s intervention, the paragraph was redrafted by John Scarlett to remove the impression that “there was no CBW threat and we will only create one if we attack him”. The amended assessment, which appears in the published dossier, is:

“Intelligence indicates that as part of Iraq’s military planning Saddam is willing to use chemical and biological weapons, including against his own Shia population.”

8. It is difficult to see how this dramatic change in the dossier at the instigation of the Prime Minister’s Chief of Staff can be reconciled with the Prime Minister’s assurance to the House of Commons on 4 June 2003:

“I want to make it clear to the House—I have spoken and conferred with the chairman of the Joint Intelligence Committee—that there was no attempt, at any time, by any official, or Minister, or member of No. 10 Downing Street staff, to override the intelligence judgments of the Joint Intelligence Committee.”

9. John Scarlett claimed in evidence to the Hutton Inquiry on 23 September that the change was made after a reassessment of existing intelligence. But that begs three very large questions:

- (a) At least three drafts of the dossier had, apparently, contained a highly inaccurate assessment of “Saddam’s willingness to use chemical and biological weapons”, and if it hadn’t been for Jonathan Powell’s last minute objection this assessment would have been published as the official assessment of the British Government. Why did none of the intelligence professionals on the JIC, who read the drafts, not notice that this assessment was highly inaccurate?
- (b) Why was the revised assessment of “Saddam’s willingness to use chemical and biological weapons” significantly different to the CIA assessment given to the US Congress a couple of weeks later, which was that if Saddam Hussein didn’t feel threatened, the likelihood that he would use these weapons was “low”, but if the US attacked him the likelihood would be “pretty high”? In other words, Saddam Hussein’s Iraq was little or no threat to anybody.
- (c) Was it sheer coincidence that John Scarlett’s reassessment of existing intelligence happened to get rid of the Prime Minister’s “bit of a problem” that the original text “backs up the . . . argument that there is no CBW threat and we will only create one if we attack him”?

10. The Committee should seek answers to those questions.

B2 THE 45-MINUTE CLAIM

11. The dossier claimed that Iraq was “able to deploy chemical or biological weapons within 45 minutes of an order to do so”. It wasn’t until John Scarlett gave evidence to the Hutton Inquiry on 26 August 2003 that there was official confirmation that the claim referred to battlefield weapons, and not to strategic weapons capable of hitting, say, Cyprus.

12. The September dossier was therefore manifestly incomplete since it did not specify that the 45-minute claim applied to battlefield weapons only, information which was known to the Government at the time, but which it chose not to divulge.

13. The Government also chose not to divulge that the intelligence on which the claim was based was so imprecise that it did not identify the weapons system to which it was said to apply, or even what was meant by the word “deploy”. As the ISC report said:

“The JIC did not know precisely which munitions could be deployed from where to where . . .” (ISC Report, paragraph 57).

14. That is another example of the Government giving Parliament incomplete information.

15. Objectively, the 45-minute claim amounted to very little. As the ISC said:

“That the Iraqis could use chemical or biological battlefield weapons rapidly had already been established in previous conflicts and the reference to the 20–45 minutes in the JIC Assessment added nothing fundamentally new to the UK’s assessment of the Iraqi battlefield capability.” (ibid, paragraph 56).

16. The fact that a claim which “added nothing fundamentally new” appeared four times in the dossier is proof positive that objectivity was not uppermost in the mind of the compilers of the dossier. They were much more concerned with producing newspaper headlines implying an imminent threat from Iraq.

B3 THE MISREPORTING OF THE 45-MINUTE CLAIM

17. When the 45-minute claim was widely reported in the press on 24–25 September as referring to strategic weapons capable of hitting Cyprus, the Government made no effort to correct this misinterpretation, which it knew to be wrong. This was in stark contrast to the huge amount of time and energy applied in attempting to correct the reporting of Andrew Gilligan on the claim.

18. Giving evidence to the Hutton Inquiry on 20 September, Geoff Hoon admitted that he personally knew that the 45-minute claim referred to battlefield weapons, but that he had not made any effort to correct press reports that it referred to missiles. Of the Government’s failure to correct the misinterpretation, he said:

“... I was not aware of whether any consideration was given to such a correction. All that I do know from my experience is that, generally speaking, newspapers are resistant to corrections. That judgment may have been made by others as well.”

19. The proposition that the Government did not attempt to correct the misleading press reports because the press would not carry such a correction is risible. A press statement in the Prime Minister’s name carrying a correction to the reporting of the Government’s dossier would have been headline news, not only in Britain, but around the world.

20. Why did the Government fail to correct what it knew to be wrong? Because it was happy to have the threat from Iraq exaggerated, in order to enhance the case for taking military action against Iraq? Because issuing a correction would be an admission that the dossier was open to misleading interpretations, which would have undermined public confidence in the dossier? The Committee should investigate this.

21. Or was it because the misinterpretation came from the Prime Minister’s Communications Directorate in the first place, which made it impossible for the Government to correct it? There was a remarkable uniformity in the press reports of the dossier on 24–25 September 2002. In most reports, the following key points were identified:

- (a) Iraq has the ability to hit British bases in Cyprus with chemical and biological weapons within 45 minutes of Saddam Hussein giving the order to do so, and
- (b) that Iraq could have nuclear weapons in between one and two years.

22. The dossier did not say that the 45-minute claim applied to strategic missiles rather than battlefield weapons, so either the newspapers all guessed the same way or they were all steered the same way by Downing Street. (b) is not mentioned in the Prime Minister’s foreword to the dossier, nor in its Executive Summary; it is mentioned once, and only once, on page 27—which makes it highly unlikely that so many newspapers would have picked it out as a key point without a steer from Downing Street.

23. In any event, Parliament and the public were given misleading information, which the Government knew to be wrong but failed to correct.

B4 IRAQI DELIVERY SYSTEMS

24. The September dossier gave the impression that Iraq had strategic chemical and biological weapons systems capable of attacking British bases in Cyprus, and perhaps even London.

25. As the ISC report pointed out, nowhere in the dossier was it made clear that the most likely chemical and biological weapons to be used against Western forces would be battlefield rather than strategic. It was not made clear that Iraq had at most 20 al Hussein missiles capable of delivering munitions to Cyprus—this was the number deemed unaccounted for by UN inspectors—but, if they existed at all, these missiles had been hidden away since 1991, and therefore there was a question mark over their operability.

26. The ISC report reveals (paragraph 83) that the first draft of the Prime Minister’s foreword contained the sentence: “The case I make is not that Saddam could launch a nuclear attack on London or another part of the UK (He could not)”. The inclusion of that sentence would have put Iraq’s military capability—as assessed by intelligence in September 2002—into perspective to some extent. But it was absent from the published dossier.

27. The September dossier claimed (page 22) that Iraq had a variety of delivery systems for chemical and biological agents, including free-fall bombs delivered from aircraft and aircraft/helicopter borne sprayers. But, given the US/UK domination of the skies over Iraq, there was no possibility of munitions of any kind being delivered from the air. Nowhere, in the dossier does it make that clear either.

28. All of this painted an exaggerated picture of Iraqi capabilities.

B5 PRODUCTION OF CHEMICAL AND BIOLOGICAL WEAPONS

29. The ISC report also criticised the bald claim in the Prime Minister's foreword that "Saddam has continued to produce chemical and biological weapons" (paragraph 110). This could give the impression that "Saddam was actively producing both chemical and biological weapons and significant amounts of agents", the report said.

30. In fact, according to the ISC, the JIC did not know what agents had been produced and in what quantities, and what quantities, if any, had been put into weapons (in paragraph 58, the report says that "there was no evidence of munitions being filled with chemical agents since the first Gulf Conflict"). The JIC had merely assessed, based on intelligence, that production of some kind had taken place.

31. This contrasts starkly with the Prime Minister's confident assertion to the House of Commons on 24 September 2002 that Iraq's "weapons of mass destruction programme is active, detailed and growing" and continuing to produce chemical and biological agents.

B6 AL-QAEDA CONNECTIONS

32. A major part of the Prime Minister's case for taking military action against Iraq was that there was a "real and present danger" that chemical and biological weapons would find their way from Iraq to al-Qaida or associated groups. For example, on 18 March 2003 he told the House of Commons:

"The key today is stability and order. The threat is chaos and disorder-and there are two begetters of chaos: tyrannical regimes with weapons of mass destruction and extreme terrorist groups who profess a perverted and false view of Islam".

"Those two threats have, of course, different motives and different origins, but they share one basic common view: they detest the freedom, democracy and tolerance that are the hallmarks of our way of life. At the moment, I accept fully that the association between the two is loose—but it is hardening. The possibility of the two coming together-of terrorist groups in possession of weapons of mass destruction or even of a so-called dirty radiological bomb-is now, in my judgment, a real and present danger to Britain and its national security."

33. When he said that, the Prime Minister was aware that there was no intelligence evidence that Iraq had considered using chemical and biological agents in terrorist attacks or had passed such agents on to al-Qaida. He was also aware that, in the judgment of the JIC, any collapse of the Iraqi regime would increase the risk of chemical and biological warfare technology or agents finding their way into the hands of terrorists, whether or not as a deliberate Iraqi regime policy (see ISC Report, paragraphs 125–7).

34. But the Prime Minister chose not to divulge that information to Parliament, understandably so, since it would have destroyed an important element of his case for taking military action. That is a clear case of the Government failing to provide Parliament with complete information on which to base its judgment about taking military action.

35. The JIC also judged that al-Qaida and associated groups continued to represent by far the greatest terrorist threat to Western interests, and that threat would be heightened by military action against Iraq (see ISC Report, paragraph 126). The latter view was advanced by most opponents of military action against Iraq. The Prime Minister chose not to divulge to Parliament that the intelligence services shared their view.

36. The ISC say (paragraph 128) they discussed these risks with the Prime Minister, who said that he had exercised his judgment and time will tell if he was right. That is, of course, beside the point: for better or worse, he devolved the decision about taking military action to Parliament, and therefore he was under an obligation to tell Parliament all the intelligence assessments relevant to that decision, not just the ones that bolstered his case. Had he provided Parliament with accurate and complete information about the relevant intelligence assessments, it might not have voted to take military action.

Annex 1

CIA LETTER TO US SENATE COMMITTEE ON INTELLIGENCE, 7 OCTOBER 2002

In response to your letter of 4 October 2002, we have made unclassified material available to further the Senate's forthcoming open debate on a Joint Resolution concerning Iraq.

As always, our declassification efforts seek a balance between your need for unfettered debate and our need to protect sources and methods. We have also been mindful of a shared interest in not providing to Saddam a blueprint of our intelligence capabilities and shortcoming, or with insight into our expectation of how he will and will not act. The salience of such concerns is only heightened by the possibility for hostilities between the US and Iraq.

These are some of the reasons why we did not include our classified judgments on Saddam's decision making regarding the use of weapons of mass destruction (WMD) in our recent unclassified paper on *Iraq's Weapons of Mass Destruction*. Viewing your request with those concerns in mind, however, we can declassify the following from the paragraphs you requested:

Baghdad for now appears to be drawing a line short of conducting terrorist attacks with conventional or CBW against the United States.

Should Saddam conclude that a US-led attack could no longer be deterred, he probably would become much less constrained in adopting terrorist actions. Such terrorism might involve conventional means, as with Iraq's unsuccessful attempt at a terrorist offensive in 1991, or CBW.

Saddam might decide that the extreme step of assisting Islamist terrorists in conducting a WMD attack against the United States would be his last chance to exact vengeance by taking a large number of victims with him.

Regarding the 2 October closed hearing, we can declassify the following dialogue:

Senator Levin: . . . If (Saddam) didn't feel threatened, did not feel threatened, is it likely that he would initiate an attack using a weapon of mass destruction?

Senior Intelligence Witness: . . . My judgment would be that the probability of him initiating an attack—let me put a time frame on it—in the foreseeable future, given the conditions we understand now, the likelihood I think would be low.

Senator Levin: Now if he did initiate an attack you've . . . indicated he would probably attempt clandestine attacks against us . . . But what about his use of weapons of mass destruction? If we initiate an attack and he thought he was in extremis or otherwise, what's the likelihood in response to our attack that he would use chemical or biological weapons?

Senior Intelligence Witness: Pretty high, in my view.

In the above dialogue, the witness's qualifications—"in the foreseeable future, given the conditions we understand now"—were intended to underscore that the likelihood of Saddam using WMD for blackmail, deterrence, or otherwise grows as his arsenal builds. Moreover, if Saddam used WMD, it would disprove his repeated denials that he has such weapons.

Regarding Senator Bayh's question of Iraqi links to al-Qa'ida, Senators could draw from the following points for unclassified discussions:

- Our understanding of the relationship between Iraq and al-Qa'ida is evolving and is based on sources of varying reliability. Some of the information we have received comes from detainees, including some of high rank.
- We have solid reporting of senior level contacts between Iraq and al-Qa'ida going back a decade.
- Credible information indicates that Iraq and al-Qa'ida have discussed safe haven and reciprocal non-aggression.
- Since Operation Enduring Freedom, we have solid evidence of the presence in Iraq of al-Qa'ida members, including some that have been in Baghdad.
- We have credible reporting that al-Qa'ida leaders sought contacts in Iraq who could help them acquire WMD capabilities. The reporting also stated that Iraq has provided training to al-Qa'ida members in the areas of poisons and gases and making conventional bombs.
- Iraq's increasing support to extremist Palestinians, coupled with growing indications of a relationship with al-Qa'ida, suggest that Baghdad's links to terrorists will increase, even absent US military action.

George J Tenet
Director of Central Intelligence

**Memorandum from Mary Kaldor and Yahia Said, Centre for the Study of Global Governance, London
School of Economics**

Mary Kaldor and Yahia Said visited Iraq from 27 October to 4 November 2003. They went together with a delegation from the Dutch Inter-Church Peace Council (IKV) to investigate what might be done to support the development of democracy. This report of their visit does not cover Northern Iraq; the Kurdish parties are only discussed in relation to Iraq as a whole.

1. INTRODUCTION

Watching the television news in Amman on our way back from Iraq, with reports of mortar attacks and injured Americans, it seemed as though the situation had got much worse and we were lucky to have left. Actually, this was a mild story; throughout our stay, friends and relatives were anxiously watching what appeared to be an orgy of violence in Iraq. On the day we arrived, the first day of Ramadan, five bombs exploded in Baghdad, killing 41 Iraqis and one American soldier. The day before, rockets ripped through the Al-Rashid Hotel, where many of the Coalition staff were living, killing one American soldier. Indeed, every day we were there some act of terrorism took place. Yet this is, by no means, the whole story. And we left Iraq feeling that the media focus on terrorist attacks provides a highly misleading picture. Indeed, the disjuncture between the world's view of Iraq and how it feels inside Iraq is probably greater than anywhere in the world.

Iraq today is bustling with activity. The shops are open late at night. The roads are packed with lorries, cars and buses. The curfew has been lifted and people walk about the streets in the evenings. There are many new initiatives, including literally hundreds of new newspapers and magazines, self-organized neighbourhood groups, and a myriad of new and old political parties and associations. Internet cafes have sprung up everywhere. At the same time, there is no telephone system, except the Coalition's own system, and there are also periodic blackouts and water stoppages. Many people are without jobs and there are shortages of skilled people in key positions, for example, the universities because of de-Ba'athification. Together with noisy tanks on the streets, at least in the American zone, and frequent checkpoints and searches, these factors greatly complicate every day life even though there are improvements all the time.

We talked to many people and our overriding impression was of mixed feelings. Almost everyone expressed hope for the future but nevertheless they were not completely confident that their troubles were over. Everyone was happy that Saddam Hussein had been overthrown and yet the losses and traumas of the last 20 years as well as the doubts about the present made it impossible to celebrate.

The war is referred to as "liberation/occupation". Many people, especially men, hate Saddam Hussein and the Americans in equal measure. They are angry at the ever-growing list of Iraqi casualties both civilian and military. They feel humiliated by the rapid American victory, their failure to liberate themselves, and by the patronising and sometimes insensitive behaviour of the occupiers. A similar ambiguity characterises the dominant view of the "resistance". They feel it is wrong and they hate the violence but nevertheless few Iraqis stand up publicly and oppose the attacks. Sometimes, they even express satisfaction when Americans are killed.

An analysis of the situation in Iraq has to take into account the complexity and unprecedented nature of the current conjuncture. Iraqi society is composed of overlapping ethnic, religious, tribal cleavages with crosscutting political tendencies—this complexity is both divisive and potentially stabilising. There are plenty of possible causes of conflict but there are also plenty of counter-balancing forces. In addition, the combination of state-building, post-totalitarian transition, post-war reconstruction, and foreign occupation represents uncharted territory. Some elements of the situation are reminiscent of Russia, Bosnia, Nigeria or Afghanistan but the combination is new.

Above all, the paradoxes are personified by many extraordinary individuals with fascinating stories to tell. One of the key personalities is Sheikh Abdul Karim Al-Mahood we described among ourselves as Robin Houdini. He effected a miraculous escape from one of Saddam's gaols and then survived as a rebel leader in the marshes to the South. Now he is a member of the Governing Council and dominates the politics of Maysan, a British occupied governorate in the South. Other examples include the Sandhurst trained military officer who runs a pizza parlour that serves alcohol even during Ramadan and bows smartly to his guests, or the ex-Baathist artist who runs a gallery where artists could meet and discuss even during the dictatorship.

Our central conclusion is that genuine regime change in Iraq is a dual process. On the one hand, it requires a rapid transfer of sovereignty by the occupying forces undertaken in such a way as to ensure that authority is handed over to democratic forces. Neither the "tabula rasa" approach of destroying old structures and minimizing the role of the state nor the "indirect rule" approach of anointing traditional leaders are likely to produce a sustainable democracy in Iraq. Efforts should instead focus on creating the space for the development of democratic institutions both in government and in civil society. On the other hand, Iraqi democrats need to mobilise, especially against the violence, in order to build political legitimacy. We will elaborate this argument by describing the political, security and economic aspects of the situation in Iraq and showing what they imply for future policies.

2. POLITICS

Formally, Iraq is controlled by the CPA (the Coalition Provisional Authority). The CPA is stuck in what is known as the green zone—an area in the middle of Baghdad that includes the Al-Rashid Hotel and the former Palace built by the British and extended by Saddam Hussein—heavily protected by concrete walls, barbed wire, and American soldiers. Morale is low among both military and civilians both because of the way staff are confined to the green zone and because they are the primary targets of terrorist attacks. Because of the rocket attack on the Al-Rashid Hotel, many officials were sleeping in dormitories in the palace or in

military barracks. To implement their policies, the CPA is dependent on a bevy of foreign and Iraqi exile “advisors”, widely resented by ordinary Iraqis for their high salaries, CPA mobile phones, and posh cars with drivers and bodyguards.

2.1 *Political institutions*

Iraqi political institutions are beginning to emerge though their status is as yet largely consultative. A Governing Council was established by the CPA composed of the main political forces, with a rotating Presidency. The ministries are divided among council members and are struggling to assert their authority vis-à-vis the CPA and its advisors. Similar structures are being established at the level of governorates and municipalities. The Governing Council is beginning to act autonomously; for example, it rejected the Turkish offer of troops and is opposing rapid privatisation of state enterprises. Nevertheless, these institutions are very weak and the gap between the CPA and the nascent Iraqi institutions has left a political vacuum, which the ever-present shadow of the former regime tries to exploit. While we were in Baghdad, rumours abounded that a letter had been received from Al Qaeda and Saddam Hussein calling for a general strike and threatening to attack schools and universities that used the new de-Ba’athised textbooks. (We were unable to discover anyone who had actually seen the letter). No one from the Governing Council appeared in public to defuse the tension and the result was that most primary school children stayed at home and only 2% of university students turned up on the campus of Baghdad University.

Most Iraqi political parties and associations survived in exile although some had underground activities inside Iraq, most notably the religious parties and the Communist Party. There are many religious, ethnic, and tribal parties. During the Saddam period, religious, ethnic and tribal affiliations increased in importance. Tribal and religious dress is widespread—something new for those people who remember Iraq before the dictatorship. These particularist identities have to be understood, as in other parts of the world, as a “post-modern” reconstruction, a new political response to contemporary conditions even though it draws on deeply held values and traditions. They were reconstructed, as elsewhere, both from above and from below. In part, they were identities instrumentalised by Saddam Hussein as a method of rule. One tribal leader told us that he was among those who had been called to Baghdad for a meeting of tribal sheikhs when the American invasion began and was given three million dinars to buy his loyalty. (He spent one million on a party for all his tribe and gave the rest to the poorest families). And in part these primary affiliations provide a framework of social support in a society where civic institutions have been destroyed. On our very first night, we saw a man in elaborate tribal dress in our hotel. Someone whispered that he was the “sheikh of sheikhs”, the Chairman of the Council of Tribes. He turned out to come from Ealing although he preferred to talk to us in Arabic because he was about to be interviewed by Al Jazeera TV and wanted to appear authentic. Later we discovered that there were many “sheikhs of sheikhs”—various councils and associations. One of the sheikhs we met had played the drums in a 1970’s rock band.

The Shia parties are both religious and ethnic (a bit like Hindu nationalism). They include SCIRI (Supreme Council for Islamic Revolution in Iraq) based in Iran during the Saddam period, Da’wa based in Syria and London, and the Sadr group popular mostly in the poorer suburbs of Baghdad and some Southern cities where these people hail from. The Hawza, the supreme religious institution of Iraq’s Shia, is not a political organization but it exerts a strong influence both through the individual Shia parties and independently.

In the Sunni areas, the Iraqi Islamic Party, the successor to the Muslim Brotherhood is represented in the Governing Council. The National Union Party, led by firebrand cleric Ahmad Al-Kubaisi, along with his Shia opposite number Muqtada Al-Sadr, has been most vocal in confronting the coalition and the CPA. Many ex-Ba’athists are allegedly joining both groups. The Kubaisi group also epitomizes the new nexus between the ex-Ba’athists and Salafi Islamists. (See below)

Then there are the two Kurdish parties (PDK and PUK) and various tribal associations, parties and networks. The secular parties include purely exile groups like the INC (Iraqi National Congress) and INA (Iraqi National Accord) based in the US and London, or the newly established Iraqi Independent Democrats led by Adam Pachachi and funded by money from the United Arab Emirates. (The headquarters of the Independent Democrats are rented from a sanctions busting millionaire whose gold bathroom fittings rivalled those to be found in Saddam’s Palace housing the CPA headquarters). The Communist Party, like some of the religious parties, operated underground during the Saddam years with headquarters in Northern Iraq and many exile groups. The Party has branches all over the country and the various offices in Baghdad are teeming with people of all ages. In the provinces, the situation is sadder. In Amara, we found old men reminiscing about their experiences in underground cells with pictures of the innocent young people who were killed by Saddam on the walls. Finally, there are many smaller parties, many established since May, like the National Democrats, led by the son of a pioneer of modern politics in Iraq—Kamel Al-Chaderji.

Nearly all the particularist parties have armed wings or militias, like the Badr corps established in Iran that is controlled by SCIRI. Even some secular parties have militia. The INC led by Chalabi, has Free Iraqi Forces, a militia trained by the Americans in Hungary.

The secular parties are strongest at the national level within the Governing Council. Since they are largely composed of exiles and have least capacity for mobilisation and because they spend much time negotiating with the CPA, they appear disconnected from Iraqi society. On the other hand, the particularist parties are much stronger at a local level. In Amara, for example, which we visited, Sheikh Al-Mahood is the dominant political figure and his militia are influential (see below). In other local areas, different parties play a similar role. Thus SCIRI, with its Badr organisation, is allegedly in charge in Kut. Kerbala and Najaf are divided between different Shia parties with the Hawza enjoying a slight edge, creating a potentially explosive situation. In Basra, Da'wa and SCIRI are dominant although a reportedly "independent" judge has been appointed Governor. (The term independent, by the way, have become a euphemism for Islamic in many instances)

2.2 Civic initiatives

In addition to the parties and associations actively involved in the new institutions, there are many new democratic and civic initiatives. Among the students, for example, there are many new and old unions. The most important is probably GUSIR (the General Union of Students) that was founded in 1948 and existed underground in the Saddam years. They are campaigning to restore schools and universities and to get back two hostels designed for 6,000 students occupied by the Coalition troops. (The lack of accommodation meant that many students, especially women, did not return to university this autumn. While we were visiting, some students had organised construction teams to build more hostel space in their headquarters). On the day we visited the University of Baghdad students were cooperating with the police to secure the campus against terrorists. GUSIR activists have influenced two directives by the CPA, one that students who failed their exams last year because of the war could still go into the next year and one that students suspended by Saddam Hussein be reinstated. They are also working on curricula changes, particularly discussing what should replace the compulsory course on Arab nationalism designed by the former regime. (We told one student that in Eastern Europe, the course on Marxist-Leninism had been replaced by human rights course. He said shyly that he thought Marxism includes human rights). As well as GUSIR there are many small unions that give themselves names which include the word Democratic. They are all beginning to co-operate.

In addition, there are the Islamist unions. The so-called Provisional Union of Students of Iraq, established by pro-Sadr students, asked the Minister of Higher Education to ban all political posters in the Universities. The Minister agreed. The other unions protested and the Minister changed his mind. But he then said that there should be only one union approved by him. The fact that rightly the students take no notice of this decision illustrates the weakness of the Ministries. The students are also resisting pressure from the Minister and the CPA for holding elections on campuses this year. They fear that in the current atmosphere elections will lead to violence and its better to wait for the next academic year. This apparently is supported by all non-Baathist students including the Islamists.

One consequence of Saddam's war adventures and brutality is that women constitute 60% of Iraq's voting age population. Many women in Iraq are aware of this and feel empowered by the prospect of having an opportunity to influence the country's future. Women also benefited from the CPA's policy of paying all public sector employees salaries, which at times exceed their pre-war levels by a factor of 10. Women are heavily represented in this sector as teachers and administrators. At the same time many men lost their source of income in industry and the military. This is creating a new dynamic within Iraqi society. On the other hand, some religious activists who have come to the fore since the collapse of the regime are promoting policies, which would further circumscribe women's freedoms. Some Iraqi activists are striving to counter that by integrating the gender dimension into every aspect of policy making. They are lobbying for the establishment of a higher women's council, which would bring together government and civil society to address this task. Among others, they are demanding that women should be allotted 30% of positions in any public body.

There is a plethora of groups in Iraq today dealing with a broad set of issues associated with transitional justice. Some are cataloguing the regime's crimes and trying to account for its myriad victims. Others are raising funds to support those left behind or trying to restore properties, titles and jobs to the victims and their families. Yet others are trying to track down the regime's henchmen and make sure they do not dissolve into society.

As well as the student unions, women's organisations and transitional justice groups, there are many NGOs concerned with humanitarian and environmental issues, democracy and civil society. Journalists, filmmakers, artists are also involved in new projects and discussions. Many of these initiatives are small and tentative. Iraqis have a huge distrust of politics, a legacy of fear and disappointment, and a lack of experience of self-organisation to overcome. The exception is groups, which used to operate underground with tightly knit organizational structures. These groups used to be overly political in the past. Today they are supplementing their repertoire with corporatist activism and voluntary sector type work in reaction to the new environment. They all represent the beginnings of a civic and inclusive society.

2.3 *The Ba'ath Party*

Finally, the Ba'ath Party and the former regime although officially disbanded is omnipresent. Thousands of followers, recipients of favours and fellow travellers let alone the regime's henchmen would have a hard time admitting that they have been doing the wrong thing for all these years. The ex-Ba'athist artist who has been hosting a gallery and café where his colleagues could meet and chat freely even under Saddam spoke fondly of how he used to earn enough money to last him a year from painting one portrait of Saddam Hussein and how this gave him the liberty to pursue real work. He only left the Party after the invasion of Kuwait and he insists that he felt safer under Saddam Hussein than now. Military officers also remember Saddam's annual gifts of houses and cars. It seems that the regime at times tried to bribe the entire middle class and many of those who benefited cannot help but feel some nostalgia. Anecdotal evidence suggests continued strong Baathist presence on campuses. Elections to the bar association which took place during our stay were allegedly almost won by a Baathist.

As well as bribes, of course, Saddam's regimes used fear as a tool of power and this also continues today. The remnants of the regime are credited with most attacks taking place today although the actual suicide attackers are likely to be foreigners. While most Iraqis condemn the violence in private many of them stop short of acting against it in public. This probably reveals, in equal parts, a dislike of the occupiers, the main target of the attacks, distrust of their ability to protect them and fear that the terrorists may yet prevail. Saddam's reign of terror, it seems, is lingering where it counts most—the hearts and minds of ordinary Iraqis. The former regime is presumably trying to feed into this fear and perpetuate it, hence the attacks on new state institutions especially the police, the judiciary and schools. These are also rightly perceived by the former regime as a more serious challenge to its power than the peripheral CPA.

2.4 *Transfer of sovereignty and the Constitution*

The key political priority is to accelerate the handover of sovereignty. But to whom? A combination of weak exiles and particularists? Or is it possible to establish a constitutional framework that allows for the development of democracy?

Recently, a compromise has been reached whereby the constitutional process, which is bound to be drawn out, was, separated from the handover of sovereignty in order to accelerate the latter. A temporary Basic Law is going to be adapted next spring in order to facilitate the handover of sovereignty to a provisional Iraqi government by the middle of next year. The provisional government will be elected/selected on the basis of existing regional councils as well as the Governing Council. At the same time an agreement has been reached that the constitution will be adopted by a fully elected constitutional assembly in two years time.

The Shia parties were the political grouping that insisted on an elected constitutional Convention, because Shia represent the numerical majority. The Ayatollah Sistani, the head of Hawza, called for elections to a constitutional convention, even though he is said to be a Quietist (ie non-political). But elections will not guarantee constitutional legitimacy especially if regional councils have undue weight in the election process. First, it is important that minorities and secular political forces have a genuine voice so that their role can be safeguarded in a future constitution and this needs to be reflected in the method of election. Secondly, and even more important, there does need to be democratic debate about the constitution—a widespread deliberation in universities, mosques, among women's forums—so that the Iraqi people feel for the first time in their history that they have ownership of their constitution.

The most contentious issues to be discussed are the form of a future federal system, in particular the degree of autonomy and size of territory granted to the Kurds, and the degree of decentralisation. The Americans favour a weak central government but there is a risk that this will entrench local particularist groups. These issues can only be resolved through a process in which individual Iraqis feel they can have a voice if they choose. The role of Islam in the Constitution is also considered contentious although, in our view the religious parties are more concerned with representation than with religious issues per se.

It is not only constitutional legitimacy that is required, even more important is political legitimacy. However well prepared the constitutional process, the current political vacuum will not be filled until there are democratic political forces who can win the trust of Iraqis. Key to this is political mobilisation against the violence. The capacity to lead their fellow citizens from passive rejection to active and public opposition to the violence and its perpetrators could be viewed as a potential rite of passage for the new democratic forces in Iraq. Only those who are able to take effective action to end the violence are likely to be trusted and therefore be able to assume leadership. Only then can one really speak about regime change.

3. SECURITY

Many people argue that Iraq is becoming the stage for the "war on terrorism". All sides, America, Saudi Arabia, Syria, Iran, the Jihadists, are choosing Iraq as the proxy battleground for the "war" as a whole.

Before the war, the Americans had great difficulty in proving that there was a link between Saddam Hussein and Al Qaeda. (It is interesting that American intelligence seems to have been unaware of the fact that the Saudis had built two Wahabi mosques in Iraq during the Saddam period and were allowed to proselytise freely which included to payment of up to \$500 a month to followers.). The effect of the war has

been to bring these two unsavoury political elements together. The Jihadis are enlisting in an insurgency organized and supported by the remnants of the regime. At the same time former Baathists are joining Jihadi organizations. Many of the foreign Jihadis have entered the country since the war from Syria and Iran because the Coalition forces did not have enough troops to guard the borders. On the one hand, it is argued that Islamic fighters are attracted to Iraq because it is there they can directly confront the Americans; moreover, regimes like Saudi Arabia, Syria and Iran want to make as many difficulties as possible for the Coalition so as to deter any possibility that the United States might attack them in the future. On the other hand, conspiracy theorists, which abound in Iraq, like to suggest that the Americans deliberately chose not to close the borders so as to attract Jihadists into the country where they can be defeated.

The violence is directed against both the American forces and the nascent Iraqi security institutions, particularly police stations, judges, banks and schools. The terrorists are taking advantage not only of the political vacuum but of the security vacuum as well.

3.1 *Coalition forces: Two approaches*

There are three main types of security actors in Iraq to day. First, there are the Coalition forces whose tasks are to defeat the terrorists and provide support to Iraqi security institutions in maintaining public order. In the American sector, morale is low. Soldiers are afraid and tense. Some reservists told us that they felt they had been conned. They were told they were coming to Iraq to dismantle weapons of mass destruction. Now no WMD had been found but they were not allowed to go home. The Americans rely heavily on private contractors composed largely of retired American officers to provide logistics and to undertake security tasks like guarding the airport. A company of ex-Gurkhas guards the airport, while MPRI (Military Professional Resources Inc), the company that was active in Croatia, Bosnia and Angola, takes care of logistical supplies.

There is a big difference between the British and American tactics and indeed, many British personnel are scornful of the Americans arguing that they have no experience of counter-terrorism and are much too visible, clumsy and insensitive. The Americans refuse to report on Iraqi non-combat casualties, but evidence suggests that many innocent civilians are being caught up in the crossfire. Tanks are much too obvious and house-to-house searches and detentions are often carried out roughly and brutally. But whereas the Americans try to act forcefully against the terrorists and against non-authorized military groups, the British tend to negotiate with local forces and to delegate security tasks to local tribal and religious leaders—practise reminiscent of the “indirect rule” of the colonial period.

There does seem to be an intelligence problem. This is mainly because of the disconnectedness of the CPA and the occupying forces from Iraqi society. According to many reports, information passed on by Iraqis does not appear to be taken into account or acted upon. Iraqis believe that the Americans must know where Saddam Hussein is and that they are waiting for an opportune moment, say just before the Presidential elections, to arrest him. There are many stories about why Uday and Qusay were killed. It is suggested that the Americans had been keeping them under house arrest for some time and deliberately decide to kill them so that this would not be revealed and so that they could, again, choose a propitious political moment to claim a victory in the ongoing struggle.

3.2 *New Iraqi forces*

Secondly there are the nascent Iraqi security institutions. One of the biggest mistakes of the CPA was to dismantle the army, which was the least Ba’athised of the former security institutions. Even though Western security officials argue that it was easier to “start from scratch” because the army was so ill-equipped and badly organised, the decision has added to the sense of humiliation felt by Iraqis, and left many frustrated and angry ex-military personnel. The decision to continue the payment of stipends to demobilised members of the Iraqi armed forces is not being carried out according to ex-officers we met in Baghdad. The formation of the new army is slow because of an elaborate vetting process—5,000 troops have now been trained. It is hoped to speed up the process so that the Army can begin to replace American troops.

The establishment of police forces has been much faster and is one of the most hopeful developments in Iraq to day. Many of the most senior officers have been removed because of the Bremer decree on de-Ba’athification. The change in police behaviour was epitomised for us by the policeman who apologised for inconveniencing us when searching our car at a checkpoint outside the Al Hamra hotel. A police officer in Amara told us that police officers are “rediscovering their humanity”. He said that police are behaving better because they have less authority and are less well protected. They also feel that were abused during the former regime because they were used as an instrument of Saddam’s rule; now they have to learn to respect people. Iraqi policemen we met complained about lack of weapons and equipment and low salaries. The weakness of the judiciary as well as interference by Iraqi politicians close to the CPA in the appointment of high-ranking officers is further undermining their work. Some policemen were killed by coalition forces,

which tend to treat all armed Iraqi with suspicion. In addition to the police, an Iraqi Civil Defence Corps (ICDC) has been established. This will undertake duties like border control. The ICDC has the least training (three days) and is so far the largest of the new institutions.

The Iraqi judiciary is still very weak and the CPA has been slow to establish the institutions for transitional justice.

3.3 *The militias*

The third group of security actors are the para-military groups—the Peshmerga, the Party militias, the tribal militias. The different parties are trying to create facts on the ground, using their armed wings, so as to create a basis for future power. Some argue that some of the violence in the so called Sunni Triangle could also be understood as a demand for a place at the table by tribal and Islamic leaders in that area on a par with their Shia and Kurdish peers.

In Amara, Sheikh Al-Mahood had organised local militia to prevent looting after the Americans took Baghdad and before the British arrived, effectively liberating Amara. These groups had been incorporated into the police force and given high-ranking positions, thus creating tensions within the police as well as mixed loyalties. Shortly before our visit, one of these newly created officers had been assassinated; it was still not clear whether this was the work of a rival tribe or the Sadr forces. Sheikh Al-Mahood himself told us that it was important to eliminate unauthorised armed groups and to establish a “monopoly of violence” if Iraq is to become democratic. His main concern is the Islamist militias. However when we asked about the problem of his own forces in the police, he said the CPA should train them up so that they would be considered of the same standard as normal police officers.

3.4 *Transferring the security portfolio*

Most Iraqi politicians are now pressing for the handover of the security portfolio to Iraqis. But which Iraqis? Some Iraqi political parties argue that existing para-military groups can maintain order. But this could turn out to be a recipe for particularist and criminalized violence and a huge obstacle to democratic development. The security portfolio should be handed to Iraqis but to Iraqi security institutions accountable to Iraqi political control.

The difference between the two coalitions approaches is illustrated by the difference between violence in the American zone and violence in the British zone. In the American zone, the main violence is political—the terrorist attacks on American forces and Iraqi security institutions. In the British zone, there is very little terrorist violence giving the impression that the British zone is more secure. But there is more particularist/criminal violence (looting kidnapping, ransom demands, etc). What is needed is a third approach more consistent with a handover of sovereignty to democratic forces—one that involves speeding up the establishment of Iraqi security institutions, the control of unauthorised armed groups, and more sensitive co-operative behaviour by Coalition forces.

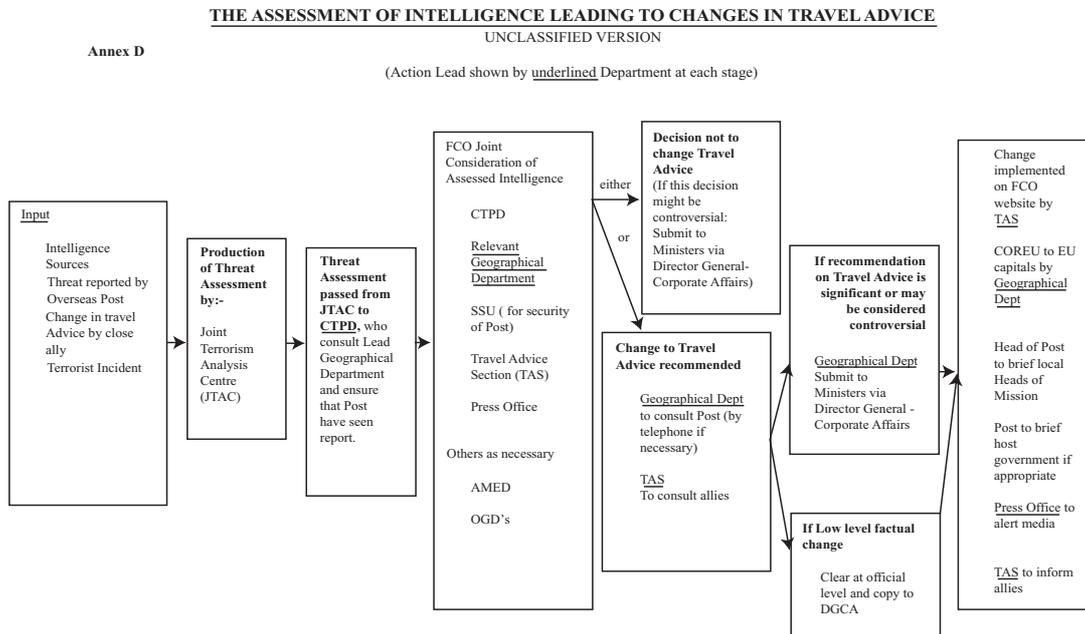
4. ECONOMY

After three devastating wars, 12 years of sanctions and 35 years of abuse at the hands of the Ba’ath regime it is a miracle that anything is left in Iraq, which could be called an economy. Indeed as the chart below illustrates the past 30 years have been marked by a destruction of value on an unprecedented scale. Saddam Hussein followed every economic fad from grand centrally planned industrialization and agricultural collectivisation to shock therapy, austerity and privatisation. Economic nihilism on behalf of Iraq’s rulers was precipitated among others by the sense of impunity, which comes from having access to an almost unlimited supply of cheap oil. Even this sector, however, has suffered due to lack of investment and over exploitation. Oil output today estimated at 1.5-2 mbpd is at about one half of peak capacity. Estimates about the time and investment needed to restore that output level vary widely with some suggesting that it may never be possible again.

Chart 1:

IRAQI PER CAPITA GDP: 1968–2001 (\$US 2002)

Source: Iraqi Ministry of Planning, CPA estimates.



Like the map of Yugoslavia under Milosevic, each of Saddam's military adventures left a smaller Iraqi economy in its wake. Most devastating for Iraq's economy was the 1991 war and subsequent sanctions. Iraq was crushed into the Middle Ages through a combination of physical destruction and denial of cash. Even that period though had a silver lining. The choking off of oil revenues and rampant inflation caused by the liberal use of the printing press meant that non-oil sectors of the Iraqi economy especially agriculture have experienced a relative boom. Evidence of that are still visible today in Iraq and its neighbours to which agricultural products are smuggled.

Another beneficiary from the suppression of the oil sector is the construction industry, which can offer competitive bids compared to Western construction firms especially on low complexity projects. The Iraqi contractors are also benefiting from Western firms' reluctance to work in the current security environment. A US military commander is said to have asked a US construction firm to rehabilitate a hospital. The firm demanded \$15 million and still did not commence work due to security concerns. The job was done at the end by an Iraqi company for \$80,000 instead.

4.1 Reconstruction

Six months after the latest war, Iraq is exhibiting some unmistakable signs of economic life. The main drivers of current activity are frozen assets, fresh oil revenues and foreign aid. These funds are used primarily to pay public sector employees. Policemen, schoolteachers and civil servants are receiving salaries. This is creating a new social and economic dynamic by empowering the very sectors of Iraqi society, which suffered the most in the past 10 years.

Construction and utilities are benefiting from investments into urgently needed repairs and cleanup work if not from major new projects. The US Corps of Engineers and the British military have issued millions of dollars worth of contracts to repair schools, hospitals and vital infrastructure. Unfortunately none of the larger rehabilitation projects, which require significant presence of major international corporations and their employees, have got off the ground. Those are being hampered both by cautious awarding procedures aimed at limiting politically costly accusations of corruption and by security concerns. Another obstacle to the commencement of major reconstruction projects is the ambiguity of the legal framework. According to some the occupying authority does not have the right to enter into any contractual arrangements beyond whatever is necessary for continued operation at any given enterprise.

These delays while benefiting some Iraqi contractors are widening the gap between Iraqi expectations of cleanup, repairs, reconstruction, and most importantly jobs and what the coalition can deliver. Throughout our trip, complaints about the slow pace of economic reconstruction and rehabilitation were the most prevalent matching or even exceeding those about security.

Although water and electricity supplies seem to have reached and at times exceeded their pre-war level the six months it took to do so have shaken Iraqi's confidence in the CPA's ability to keep its promises.

4.2 *Economic policy*

Economic policy today is fragmented between the CPA, the Governing Council and the Ministries. The ministers appointed by the council are also duplicated at the CPA with Iraqi and foreign advisors. The CPA has the most authority through its control of the Development Fund for Iraq (DFI), established by UNSC resolution 1483. The fund, which is audited by a UN board, will accumulate not only oil revenues but also some of the foreign assistance and investment coming into the country including the \$35 billion pledged at the recent Madrid conference (October 2003). The GC and the ministries have at least nominal control over the government's budget. They also have some say on major policy issues and contracts funded from the DFI. Another source of economic power to emerge over the past few months are the regional councils, which have at times, separate access to funds through local coalition authorities.

The CPA does not have a clearly formulated economic policy. Instead the dominant focus is on enshrining free markets and small government as the underpinnings of lasting democratic transformation. Nevertheless, the key role played the new Director of Operations in the CPA, who was formerly in charge of reconstruction in Bosnia and Kosovo, may indicate that actual practise may be different.

On the ground this approach is translated in the establishment of an independent central bank and a new currency. The new currency does not only remove Saddam Hussein's image but also heralds the end of his monetary "policy" where money supply was limited only by the capacity of the printing press. External trade has been liberalised to the point of eliminating tariffs and duties altogether. (Only an Investment Tax of 5% on imports will be levied for three years.) Income and corporate taxes are set at a flat rate of 15%. The abolition of all import duties has already translated in the wide availability of chap imports from cars to bananas. A relative of one of us, who is poor even by Iraqi standards, asked whether bananas might be bad for her son since he has been eating so many of them lately. The introduction of a low flat tax rate should as the recent experience of Russia shows induce better tax discipline and discourage capital flight, a characteristic infliction of oil dependent economies.

The CPA is locked in a political battle with the GC and the ministers over privatisation. Since it was already agreed that the oil sector as well as other mineral sectors should be excluded from the privatisation, the battle is largely rhetorical. The number of enterprises suitable for privatisation outside the excluded sectors is estimated at 200 and would not warrant the political costs entailed in such confrontation.

4.3 *The oil fund*

In the medium to long term the pivotal issue is the framework for the management of the Development Fund for Iraq and oil revenues in general. There is an understanding that the only way of preventing the reproduction of Saddam's regime is to take oil out of the political process. Beyond this, however, there is little understanding of the specifics of oil dependent economies. In particular no policies are being put in place to prevent oil from stifling the development of the rest of the economy.

Trying to pass on oil revenues or even assets to the people of Iraq could exacerbate rent seeking mentality and Dutch disease. Decisions on the regional distribution of oil may contribute to ethnic and sectarian tensions. Instead it is necessary to pursue a policy, which would give the Iraqi people ownership of the oil assets while allowing a central authority such as an oil fund to determine the best way to manage them. The main goal of the fund is to use various asset management tools including investment in Iraq and abroad to maximise Iraq's wealth and smooth revenues over the long term. A critical task of such an authority is to take oil revenues out of the executive's control and prevent them from becoming instruments in the political process. The Iraqi executive should be dependent on tax rather than oil revenues for its ongoing expenditures. This would provide an economic basis for government accountability.

In order to be able to discharge these tasks the oil fund should have the same level of independence as the central bank. This could for example be achieved by appointing the fund's board for periods longer than those of the parliament and or the president. The electoral cycle for the board should not overlap with that of other government institutions. Neutralizing the negative impact of oil on the rest of the economy is a task, which will have to be addressed by the central bank, the ministry of finance and the fund. It is therefore important that these three organizations have an institutionalised coordination mechanism. The fund will likely engage in international capital market transactions of a large scale. As such it could benefit from coordination with international financial institutions such as the World Bank and the IMF. This could even include the appointment of a board member from one of these institutions.

The fund should be audited by a reputable accounting firm and should be subject to peer review by financial institutions of similar size and scope such as large investment houses and fund managers.

In order to ensure Iraqi ownership, the fund should have a rigorous and open reporting mechanism. Any Iraqi citizen should have the right to know the exact state of the funds finances to the last detail. A mechanism should be in place to consult the general public on the funds strategies and investment decisions. Citizens should also have a mechanism to contest investment and spending decisions they disagree with.

5. CONCLUSION

We see very little possibility of renewed dictatorship in Iraq; the model of closed authoritarian society is increasingly difficult to sustain in an era of global communications. The real risk is the weak state scenario, characterised by weak rule of law, low-level but pervasive violence, and entrenched local particularist political fiefdoms. In such a scenario, the former regime and the Islamic fighters would become just another element in a particularist mosaic. The only way to prevent such a scenario is for Iraqis to establish their own democratic institutions and to take ownership of those institutions.

At present there are two different approaches that are dominant among the CPA. One is the ideological approach to be found mainly among Americans, especially among the former American Republican staffers and right-wing think tank people. Their goal is to impose an American model of “free market democracy” (to quote a senior official in the governance department). The model anticipates a minimal state and a neo-liberal economy. They have produced a strategic plan for rapid implementation of this model to be completed, with luck, before the next Presidential elections. They have specified the steps and milestones to be achieved in the process as well as various indicators of performance. One official told us that “we have to finish quickly because although we know best how to do nation-building, political pressure will force us to hand over sovereignty to the Iraqis who don’t know how to do it as well as us.” Like transition recipes in post-communist countries, destruction of existing institutions is a precondition for building the model—hence, the dismantling of the army, the Bremer decree on de-Ba’athification and the insistence on rapid privatisation of state enterprises, even though this is illegal for occupying forces. As well as the bevy of “advisers”, the Americans are spending millions of dollars on American contractors like Creative Associates, Inc or the Research Triangle International, who are supposed to teach the Iraqis how to have civil society.

The other approach, which is more common among the British and US State department officials, is what might be described as “realist” or pragmatic. This involves the handover of power to existing political parties or tribal and religious leaders.

Both approaches could combine to produce a weak state scenario. The ideological approach further compounds the humiliation felt by many Iraqis and contributes to the sense of a broken society. It is effective at destruction but much less effective at construction. The “realist” approach strengthens particularist forces. This could easily be reinforced by Iraqi political dynamics. The secular parties are largely limited to Baghdad. If regional elections were to be held in Iraq today the individual governorates will be dominated by this or the other of the particularist parties or local strongmen. National elections, on the other hand, are likely to result in a fragmented parliament where secular parties could have sufficient presence to counterbalance the particularists. A decentralized state framework with a small government will further enhance the influence of the latter. For example the new proposal to elect regional caucuses who would in turn elect a parliament to replace the Governing Council is likely to result in the removal of many secular groups or the significant reduction of their weight in government institutions.

Unlike other post totalitarian and post conflict societies, perceptions about the security situation in Iraq today means that all but the most committed international activists are staying away. The absence of such institutions as the United Nations, the European Union or NGOs like the ICRC or Oxfam is striking for anyone who has visited recent zones of conflict. One positive consequence was that we did not see any of the crowding out which is typical in these situations by the better organized and endowed international NGO’s. Iraqi initiatives are allowed the space to develop their own identity and initiatives. On the other hand some form of international presence is necessary to provide the Iraqis with support when and where they needed and to promote a third approach, different from either ideological or the “realist”, aimed at providing a framework for bottom-up democracy. There is a need within the CPA, the Governing Council and at local levels for much greater for expertise in the areas of transition, development and post-war reconstruction. Even more importantly, the international agencies confer legitimacy on democratic initiatives, which are otherwise largely bereft of outside support. This is why a greater role for international institutions is crucial to the handover of sovereignty.

This third democratic approach may take time but is more likely to produce a stable outcome. Such an approach would aim to close the political and security vacuum and reduce the space that can be exploited by the terrorists. Some initiatives that might contribute to such an approach include:

5.1 *Political proposals*

- There needs to be public political mobilisation against the violence.
- The process of constitution making needs to be opened up to public discussion through debates in the media, in universities, women’s groups and mosques.
- A level playing field should be created for all non-violent Iraqi political and civil society groups.
- Institutions for transitional justice need to be established quickly. De-Ba’athification should be conducted from the vantage point of prosecuting criminals rather than dismissing party members.

- The proposal by some women's groups for a supreme gender council, which would ensure 30% women's participation in all major state organs could also contribute to broader democratic representation.
- Religious groups should be given the task of rebuilding the mosques and the Hawza so as to direct their energies to religious tasks and re-establish the importance of the religious centres of Iraq.

5.2 Security proposals

- Every effort should be made to minimise the impact of counter-terrorist operations on Iraqi civilians. The coalition should track and report the number of civilian casualties, investigate, prosecute, compensate and report on all cases of wrongful killing/harm to civilian lives and property.
- Stipends to members of the demobilised Iraqi army should be paid as promised.
- Every effort should be made to eliminate para-military groups and/or to incorporate them into security institutions through a rigorous and transparent process.
- Security institutions need to be strengthened, especially the police and the judiciary. Politicians should not be allowed undue interference in the makeup of these institutions.

5.3 Economic proposals

- Delay privatisation of state enterprises but encourage new private investment.
- Establish an independent board for managing aid and oil revenues composed of representatives of donors and independent governors from parties and from civil society.
- Give priority to reconstruction of war-damaged infrastructure.

5.4 International proposals

- International organizations and individual experts should be brought in to provide legitimacy and knowledge to the tasks at hand.
- Iraq's neighbours should be offered the possibility to contribute to Iraq's reconstruction.

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November 2003

Memorandum from Palestinian Media Watch

PALESTINIAN AUTHORITY INCITEMENT OF HATRED, VIOLENCE AND GENOCIDE

INTRODUCTION

There is significant evidence documenting Palestinian Authority [PA] incitement to hatred, violence and genocide. The PA uses numerous media mediums, including music videos for children, educational programs and religious lessons to inflame the Palestinian population to hatred, violence and terrorist activities. Jews and Judaism are presented as inherently evil, Israel existence as a state is de-legitimized and denied, and killing Jews is presented as justified, heroic, and even mandatory.

The most abhorrent murderers of Jews are turned into role models and heroes for Palestinian youth, such as in the naming of a soccer tournament for 11 year old boys after Abd Al-Baset Odeh—the suicide bomber who murdered 30 in the Passover Seder suicide bombing. (Sports section, *Al Hayat Al Jadida* Jan 21, 2003.) This past summer tens of summer camps were named for suicide bombers, including a camp for teenagers named after a teenage suicide bomber, Ayyat Al Akhras, and a camp for girls named after Wafa Idris, the first woman suicide bomber. There can be no greater incitement to hatred and violence for children than the systematic turning of Palestinian terrorists into role models for children.

This incitement to hatred and violence is the single greatest long-term obstacle to peace, not only for Israel but the entire Western world. The tragedy of 9/11 has taught the world that when people are taught hatred in one country there is no telling where it may be expressed. Britain in particular must be concerned as Britain is often targeted for hatred by the PA. We have recordings of public prayers on TV by top PA religious leaders, for Allah to destroy Britain.

What has been clear is that it is no longer merely a fringe element in the PA that supports terror but the entire mainstream of PA leadership and society. International pressure must be brought on the PA, through all available means, including political isolation, to force them to educate for peace, otherwise the foundation of future world terror will be children growing up today in the PA.

The following are examples of means used by the PA to encourage hatred, violence and genocide against Jews and Israel.

1. *Religious Hatred*

Palestinian religious leaders in their sermons and religious teaching have defined the conflict with Israel as an existential battle of good, represented by the Palestinians, versus the evil Jews whom Allah is said to have cursed. Killing Jews has been portrayed as the work of Allah: “every where you meet them kill them” [Oct 13 2000] and “Allah loves those who fight on his behalf. . . ‘your Lord has declared that he will surely send against them [the Jews] until Resurrection, those [Arabs and Muslims] who will afflict them with terrible torment,” [6 Dec 2002].

Dr Hassan Khader, founder of the Al Quds Encyclopedia, during a hate lecture on PA TV this summer focusing on what he described as Israel’s war against Palestinian trees, made a point of quoting the following old Islamic tradition defining the murder of Jews as the work of God: “Mohammed said in his Hadith: “The Hour [Day of Resurrection] will not arrive until you fight the Jews, [until a Jew will hide behind a rock or tree] and the rock and the tree will say: ‘Oh Muslim, servant of Allah, there is a Jew behind me, come and kill him!’” [PA TV July 13, 2003] This Hadith which elevates the murder of Jews to mandatory religious obligation, has been cited numerous times by PA leaders as mandatory in the current conflict.

Jews are defined as “cursed . . . monkeys and pigs, conceited, arrogant, disloyal and treacherous, and will be tortured on Judgment Day . . . the most brazen among mankind, with hatred towards the believers The Jews are Jews, and we are forbidden to forget their character traits even for a moment, even for a blink of an eye.” [Palestinian Television Dr Mustafa Najem 6 Dec 2002].

The education of Palestinians to see the conflict with Israel as a continuous existential religious war for Allah until the Jews are defeated, is one of the most dangerous forms of incitement as believing Muslims are left with no alternative other than to fight and kill Jews. This incitement to Genocide must be stopped and those promoting it can be prosecuted under international law.

2. *Musical Hate Videos*

While Music videos around the world are used to entertain children, in the PA they are used indoctrinate children to hatred, violence, and Shahada [Death for Allah]. Regularly broadcast PA music videos have actors depicting “Israelis” carrying out execution style murders of old men, woman and children, and blowing up mothers with their babies. In one music video broadcast continuously thorough 2003 a girl’s mother is murdered in cold blood in front of her eyes. In another, broadcast tens of times in 2003, the image of young girl on a swing turns into a flaming inferno, and a football blows up while children are playing. Children are taught through these videos to hate, to be violent, and even are openly encouraged to seek Martyrdom. Music Videos designed to offset a child’s natural fear of death, portray child Martyrdom as both heroic and tranquil have appeared on PA TV repeatedly for three years. [2000–03] One clip for children ends with the words: “Ask for Death—the Life will be Given to you.”

3. *Honoring and glorifying terrorist murderers and suicide bombers*

Many schools, cultural events, educational programs, sport events and trophies, are named after terrorist murderers and suicide bombers. It is inconceivable that young boys participate in a sporting event named after the suicide bomber who killed 30 in the Passover Seder Massacre, or that young girls attend an Ayyat Al Akhras summer camp, named for a teenage suicide bomber. The practice must cease and the names must be changed.

4. *Hatred and anti Semitism in the PA schoolbooks*

The hatred and anti Semitism in the PA schoolbooks must be removed. The PA argument that many of the books are copies of Jordanian books is not relevant to the issues at hand, which is, the educational damage being done to the children. A child being taught that Jews are evil is not going to be less influenced because of the identity of the publisher is Jordanian and not Palestinian. In addition, even the new PA produced schoolbooks educate to hatred, de-legitimize Israel, and include anti Semitic themes. This education is guaranteeing to perpetuate the conflict in to the next generation.

Director of Palestinian Media Watch

December 2003

Teaching Hatred of Israel and Jews in the new Palestinian Authority Schoolbooks

One of the most meaningful gauges of the integrity of a peace process and its likelihood for success is the degree to which the peace partners educate towards peace. It is for this reason that the entire Palestinian Authority (PA) education apparatus, both formal and informal, has been such a dismal disappointment. Instead of seizing the opportunity to educate the future generations to live with Israel in peace, the PA has done everything in its power to teach hatred to young minds.

To conceal this, the Palestinian Authority has been spreading two falsehoods about the schoolbooks that have unfortunately succeeded in deflecting international pressure for change. PA Foreign Minister Nebil Shaath recently answered complaints about the schoolbooks, saying that the PA has spent five years rewriting the books, implying that the problems have been eliminated. Then he added that Israel used the same old Jordanian books for educating the local Arab population for 30 years, and therefore has no valid complaint against the PA. Many European governments have come to the PA's defense, citing these arguments.

The first truth about the PA schoolbooks is that both new and old include anti-Semitic messages, delegitimize Israel's existence and incite to hatred and violence. Anti-Semitism, for example, is found openly in the new 6th grade book *Reading the Koran*, as children read about Allah's warning to the Jews that because of their evil Allah will kill them: ". . . Oh you who are Jews . . . long for death if you are truthful . . . for the death from which you flee, that will surely overtake you . . ."

In other sections, they learn of Jews being expelled from their homes by Allah, and in another Jews are said to be like donkeys: "Those [Jews] who were charged with the Torah, but did not observe it, are like a donkey carrying books . . ." [*Reading the Koran*, grade 6, p 20, 23, 78]. This religious-based anti-Semitism is the most dangerous, as children are taught that hating Jews is God's choice. And while not intending any criticizing of Islam, it is very grave that although Islam has positive traditions regarding Jews, the PA educators selected only hateful religious traditions for inclusion in their schoolbooks.

The new PA schoolbooks teach that Israel has no right to exist, de-legitimizing Israel as a foreign occupier, like colonial Britain. "Colonialism: Palestine faced the British occupation after the First World War in 1917, and the Israeli occupation in 1948" [National Education, sixth grade, p 16].

Since all of Israel is taught to be "occupied territory", all of Israel's cities, regions and natural resources are taught to be part of "Palestine". For example:

"Among the famous rocks of southern Palestine are the rocks of Beersheba and the Negev," and "Palestine's Water Sources— . . . The most important is the Sea of Galilee." [*Our Beautiful Language*, grade 6, Part A, p 64, National Education, sixth grade, pp 9–10]

Although, the Negev, Beersheba and the Sea of Galilee are part of the State of Israel since its creation in 1948 PA children are taught these are "Palestine". Continuing this ideology a book is cited dedicated to ". . . Palestinians, so that they would remember their stolen homeland and work for its salvation . . ." and it is referring, not to the disputed territories, but all of Israel [*Our Beautiful Language*, sixth grade, Part A, p 112].

Educating children not to recognize Israel's existence is cemented through tens of maps in the schoolbooks in which Palestine encompass all of Israel. Israel does not exist on any map, within any borders. The PA defense of its schoolbook map—that since there are no final borders the map is not portraying modern Palestine but Mandatory Palestine—is an insult to our intelligence. Are we expected to believe that when Palestinian children see the map called "Palestine" in all their schoolbooks, they imagine Britain a half a century ago? And when Beersheba is called "Palestine", the children are picturing Biblical history?

Another new book teaches what must be done for "occupied Palestine" and the stolen homeland: "Islam encourages this [love of homeland] and established the defense of it as an obligatory commandment for every Muslim if even a centimeter of his land is stolen. I, a Palestinian Muslim, love my country Palestine . . ." [*Islamic Education*, sixth grade, Part A, p 68]

The complete and total message Palestinian children are taught is that Jews, according to Allah, are like "donkeys"; Israel is a colonial occupier who stole their land; the cities, lakes and deserts of Israel are "occupied Palestine"; and they, the children, have an obligation to liberate it even if a centimeter is stolen.

All the above messages are found in new schoolbooks written and published by the PA since 2000. The first claim, that new PA books have fixed the problems, is thus flagrantly untrue. However, half of the books still in use by the PA schools are books they republish under the symbol of their own Ministry of Education, that were written by Jordan. These books include the following hate promotion:

"One must beware of the Jews, for they are treacherous and disloyal."

[*Islamic Education for Ninth Grade* p 79, these and below from CMIP report].

"I learn from this lesson: I believe that the Jews are the enemies of the Prophets and the believers." [*Islamic Education*, Part Two, for Fourth Grade p 67].

“Remember: The final and inevitable result will be the victory of the Muslims over the Jews.” [Our Arabic Language for Fifth Grade p 67].

“The clearest examples of racist belief and racial discrimination in the world are Nazism and Zionism. [The New History of the Arabs and the World, p 123].

The continued inclusion of these hate teachings in the PA school system, is inexcusable. The PA justification that they were written by Jordan is of no importance. The child learning that “Jews are the enemies of the Prophets and the believers” learns that hatred of Jews is God’s will, regardless of who the writer was.

The second PA claim, that Israel used the same old books is a falsehood. Indeed, Israel did use Jordanian books to educate the local Arab population. However, Israel reprinted the books without the hate education. In fact, Jordan registered a complaint to the UN charging that Israel’s changing the schoolbooks was a violation of international law, but the UN checked what Israel had done and approved it. The PA has put back into the old Jordanian books all the hate education that Israel had removed.

Moreover, as early as three years ago, foreign governments offered money to the PA to reprint these old books without the hateful material. The PA turned down the money and refused to reprint them using a variety of arguments. These hateful Jordanian books are republished today, unedited by the PA by choice, and the PA must stop passing responsibility onto others for the hate content.

Finally, it should be stressed that all the new books cited here were written during the most optimistic periods of the peace process, before the violence began in September 2000. They are not a reflection of the war, but the hatred they have taught, is a paramount contributing factor to the war. The PA is planting the seeds of the next war in their youth, and it is incumbent upon those European governments who give political and financial support to the PA, to demand the immediate expunging of all hate material from PA schoolbooks. Indeed, the simple step of conditioning all aid to the Palestinians on the elimination of hatred from their schoolbooks would be one of the most important steps that could be taken to promote peace in the Middle East today.

Palestinian Media Watch

December 2003

**Memorandum on Iran/UK relations submitted by Dr A M Ansari, University of Durham
(Dated 8 December 2003)**

INTRODUCTION

The following comments should be read in conjunction with the oral testimony provided to the Foreign Affairs Select Committee in February 2003, and reflect the changes and developments which have occurred over the last 10 months, especially the impact of the war in Iraq and the occupation by Coalition forces. The Memorandum will be divided into four parts:

- I Reflections on the War in Iraq.
- II Domestic developments in Iran.
- III The regional environment.
- IV Britain, Iran and Non-Proliferation.

I. Reflections on the War in Iraq

As suggested in the run up to the conflict, Iran proved singularly unmoved by the prospect of a war against Saddam Hussein’s Iraq, and among ordinary people, there was considerable sympathy for the Coalition. Anti-war demonstrations were a rarity, if not non-existent in the period leading to March 2003, though once the offensive was launched, a modest demonstration was organised after a Friday Prayers in Tehran, though even on this occasion the estimated 30,000 participants proved well short of what could normally be expected at Tehran rallies. While publicly, officials expressed concern at US intentions in Iraq, even at a governmental level, few expressed regret at the passing of the Ba’athist state. Popular sentiment was altogether more sympathetic to the coalition cause, as could be witnessed by the periodic complaints levelled at the State broadcaster “IRIB”, for being too pro-Iraqi in its coverage of the war, and certainly among more idealistic Iranians, there was a feeling that the war marked a new beginning, not only for Iraq, but for the entire region.

Subsequent developments, and the realisation that the rapidity of the war was unlikely to lead to immediate pacification and regional peace, tempered anxieties at all levels in Iran. Those establishment figures that had become concerned at the prospect of American ire being directed against Iran, relaxed when it became apparent that both Afghanistan and Iraq represented far more profound commitments than American officials had hitherto admitted; while others anxious for rapid change, recognised (albeit

reluctantly) that patience may yet be a virtue. It was quite clear that the regional environment had changed, but its implications had yet to be assessed and appreciated. What was increasingly clear, was that with the immediate threat from the United States receding, politics in Iran could begin a tentative return to normal.

II. *Domestic Developments*

There is little doubt that ever since President Bush's "axis of evil" speech, Iranian domestic politics has been gripped, and some would say obsessed, with the issue of the United States. Never far from the background, the problem of what to do about the new American administration, was thrust very firmly into the foreground, such that any political dispute was being increasingly reflected through the prism of a potential US attack. The immediate consequence was to encourage an uncomfortable consensus, certainly among the elites of the Islamic Republic, with those choosing to publicly continue the struggle for democracy, being characterised as "American stooges". For a country driven by an acute sense of nationalism, such an accusation, however preposterous, was political suicide, and therefore, while the hardline elements in the Judiciary exploited this environment to further clamp down on opponents, reformists organisations also reflected that this was not the time to fan the flames of rebellion. This uneasy situation was reflected in the much anticipated "student demonstrations" which were planned for June 2003 to commemorate the major uprising in 1999. It was quite apparent that the students were well organised and angry, and as their own spontaneous demonstration indicated, that tensions between state and society remained remarkably fragile. Yet at the same time, with the sound of President Bush's exhortations ringing in their ears, there was a palpable reluctance to push things further on this particular occasion, partly as a result of their own moral doubts, but also as a result of the realisation that public American support would make their own views less receptive within Iran.

At the same time, although doubts about the US achievement in Iraq encouraged caution on the side of the agitators for democracy, it tended to embolden their rivals. Much to the shock and consternation of Iranian politicians and society alike, the hardline Judiciary continued in its blatantly oppressive approach to the administration of the law, with the murder of the Canadian-Iranian journalist Zahra Kazemi—herself having arrived in Iran to photograph the plight of the student movement. Kazemi, having been arrested for taking pictures outside Evin prison was reportedly beaten to death by her interrogators, under the watchful eye of the notorious Judge Saeed Mortazavi. The Judiciary quickly sought to blame the Intelligence services, whilst a parliamentary inquiry pointed the finger squarely at the Judiciary. The immediate consequence of these developments has been the Judiciary's arrest of an intelligence officer, who has protested his innocence and whom most people consider to be a scapegoat for the Judiciary's wanton disregard for the law. In few countries in the Middle East would an Intelligence official be generally viewed in such a generous light.

III. *The Regional Environment*

The gradual return to "politics as normal" reflects a general realisation that the threat from the United States, in the immediate term, is receding, and that in geo-political terms, Iran may prove to be the single most important regional benefactor of the invasion of Iraq. Iranian leaders were anxious that a rapid US victory would lead to the immediate establishment of a pro-US government in Baghdad along with a series of US bases on the Western border. This prospect at present, would appear to be some way off, and instead Iranian leaders face the reality of an unstable, weakened Iraq. Instability, in both Afghanistan and Iraq, are not outcomes that the Islamic Republic looks to with any enthusiasm. But weakened, demilitarised states, on its borders which would pose no military threat but instead provide markets for potential exports are to be welcomed. More immediately, it is increasingly apparent that until a political settlement can be reached in both these states, Iran will be an important "player" for the coalition. Indeed, for all the rhetoric on either side of the international divide, politicians in both the West and Iran recognise the considerable dividends to be gained through a tacit co-operation. Not only is a full military assault on Iran no longer a possibility, but it is quite clear that US hawks are being encouraged to resist the temptation of an opportunistic military strike, which would make the regional environment considerably more unstable than it already is.

IV. *Britain, Iran and Non-Proliferation*

Recent efforts to ensure full Iranian compliance with its commitments under the Nuclear Non-Proliferation Treaty (NPT) would appear to vindicate the European Union approach of critical engagement, combining as it did robust pressure along with an element of compromise and collaboration. The internationalisation of the issue was essential to ensure that hardliners in Iran were not able to present the pressure to sign the additional protocols as another exercise in American double standards and arrogance. Indeed in internationalising the demands for Iran to be more transparent, presenting a united European front and tying the agreement to better political and economic relations with Europe as well as collaboration on civil nuclear technology, Britain helped ensure that Iran was more candid about its previous non-disclosures than many had expected, and more importantly, that henceforth it would fully adhere to its obligations. From the Iranian perspective it was important that its decision was not seen as a humiliating climb down, but as a dignified compromise, and the visit of the three foreign ministers of France, Great Britain and Germany, went a long way to conveying this view. Furthermore, it was also apparent that

the Europeans recognised Iran's security concerns, its distinctly nationalistic perspective on nuclear development (the ability to development nuclear technology, civil or military, has more to do with a sense of national pride than military aggrandizement), and its objections that it was being unfairly targeted by the United States, who Iranians argued should be doing more to encourage *regional* nuclear disarmament. At the same time, Iran's stated intention to sign the Additional Protocol should not be taken at face value, and any engagement should be both critical and continuously monitored. Only in this way, will trust be built on both sides.

CONCLUDING REMARKS

Britain's decision to pursue a European strategy with respect to Iran was vitally important in securing the agreement, for only in acting together were the Europeans able to impress the seriousness of the situation upon the Iranians, and convince them that agreement would forestall any American action. For on this point, the Europeans and Iranians of moderate political hues are in agreement; that any limited military strike by the United States on selected sites in Iran, while possibly playing well to an American domestic audience exhausted and disenchanted by the continuing occupation in Iraq, would be disastrous for regional stability as a whole. Still worse would be a strike sanctioned by the United States but conducted by Israel. While potentially boosting President Bush's poll ratings in the run up to the 2004 election, the political ramifications in the region would be profound, especially when one accepts that Iran would most likely change its approach to both Afghanistan and Iraq. Far more effective as been the Nobel Committee's decision to award the Nobel Peace Prize to the human rights lawyer Shireen Ebadi. With a stroke of the pen, human rights in Iran became a genuinely international concern, and indicated to a cynical Iranian public that the West was not only concerned about oil and its own security. The long term consequences of this decision are likely to be far more profound than any amount of confrontational rhetoric from Washington.

Dr A M Ansari

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