



House of Commons
Foreign Affairs Committee

Foreign Policy Aspects of the War against Terrorism

Sixth Report of Session 2004–05

Report, together with formal minutes

Volume I

*Ordered by The House of Commons
to be printed 22 March 2005*

HC 36-I
Published on 5 April 2005
by authority of the House of Commons
London: The Stationery Office Limited
£17.50

The Foreign Affairs Committee

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Conclusions and recommendations

Introduction

1. We recommend that in its response to this Report the Government make a statement of how it ensures that it pursues its various foreign policy priorities in ways which take into account their inter-connectedness, and how it factors into that process the primacy of the need to counter the threats from international terrorism and arms proliferation. (Paragraph 6)

The ongoing threat from terrorism

2. We conclude that al Qaeda continues to pose a serious threat to the United Kingdom and its interests. Indeed, this threat may have grown more difficult to tackle in the years since 11 September 2001 owing to the fragmentation of groups and individuals associated with al Qaeda. This was shown once again by the recent suicide car bomb attack on a theatre packed with Westerners for a performance of Shakespeare's 'Twelfth Night' in Doha, Qatar, where there had been no such attacks previously. We further conclude that Iraq is providing a dangerous training ground for terrorists similar to that previously provided by Afghanistan. We further conclude that states such as Iran and Syria are not taking sufficient steps to prevent terrorism either in neighbouring Iraq or in Israel and the Palestinian Territories. We recommend that the Government continue to make it clear to these states that they must end all support and assistance for terrorist groups and take meaningful steps to stop their territory from being used by terrorists. (Paragraph 27)

The multilateral framework

3. We conclude that the work of the UN Counter-Terrorism Committee (CTC) remains vital. We are therefore dismayed that the lack of a secretariat has impeded its efforts. We recommend that the Government take action as a permanent member of the UN Security Council to ensure that all states meet their reporting obligations to the CTC. We also recommend that the Government seek to enhance the effectiveness of the CTC, by ensuring it is provided with the requisite resources and powers and to encourage greater co-ordination between what are a series of ad hoc committees set up by separate UN Resolutions. (Paragraph 33)
4. We welcome the adoption of UNSCR 1540, although we stress that the Resolution must work alongside the existing multilateral regimes tackling non-proliferation. We recommend that in its response to this Report the Government outline what it is doing to ensure that the work of the 1540 Committee is co-ordinated with that of other non-proliferation and counter-terrorism bodies. We also recommend that the Government be prepared to assist states to compile reports on their non-proliferation controls and to identify shortcomings. (Paragraph 39)
5. We conclude that the possible involvement of British nationals or entities in the UN's Oil for Food scandal remains a concern but that the Government is right to withhold judgement until it is in possession of all the facts. However, we recommend

swift action if any United Kingdom nationals or entities are implicated in the affair. (Paragraph 43)

6. We conclude that the EU anti-terrorism measures hold promise, but have made slow progress. We recommend that the Government push for greater co-ordination at the EU level, and that it set out in its response to this Report what it is doing to improve counter-terrorism co-ordination with its EU partners. (Paragraph 48)

Human rights and the war against terrorism

7. We conclude that, now that the British nationals have been released from detention at Guantánamo Bay, the Government need no longer keep its diplomacy quiet in the interests of increasing leverage over individual cases. We recommend that the Government make strong public representations to the US administration about the lack of due process and oppressive conditions in Guantánamo Bay and other detention facilities controlled by the US in foreign countries, such as Iraq and Afghanistan. We further recommend that, during the United Kingdom Presidency of the EU, the Government raise the situation at these facilities in the UN Commission for Human Rights. (Paragraph 61)
8. We conclude that US personnel appear to have committed grave violations of human rights of persons held in detention in various facilities in Iraq, Guantánamo Bay and Afghanistan. We recommend that the Government make it clear to the US administration, both in public and in private, that such treatment of detainees is unacceptable. (Paragraph 69)
9. We agree with the recommendation of the Intelligence and Security Committee that the British authorities should seek agreement with allies on the methods and standards for the detention, interviewing or interrogation of people detained in future operations. (Paragraph 72)
10. We conclude that some British personnel have committed grave violations of human rights of persons held in detention facilities in Iraq, which are unacceptable. We recommend that all further allegations of mistreatment of detainees by British troops in Iraq, Afghanistan or elsewhere be investigated thoroughly and transparently. We conclude that it is essential that wherever there are overseas detention facilities, those responsible for detainees must have adequate training. We recommend that the Government review its training of and guidance to agency personnel, officers, NCOs and other ranks on the treatment of detainees to ensure that there is no ambiguity on what is permissible. (Paragraph 76)
11. We conclude that the arguments for evaluating information which purports to give details of, for example, an impending terrorist attack, whatever its provenance, are compelling. We further conclude, however, that to operate a general policy of use of information extracted under torture would be to condone and even to encourage torture by repressive states. (Paragraph 85)
12. We find it surprising and unsettling that the Government has twice failed to answer our specific question on whether or not the United Kingdom receives or acts upon information extracted under torture by a third country. We recommend that the

Government, in its response to this Report, give a clear answer to the question, without repeating information already received twice by this Committee. (Paragraph 86)

13. We recommend that the Government set out, in its response to this Report, a full and clear explanation of how its policy on the use of evidence gained under torture is consistent with the United Kingdom's international commitments as set out in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which states, at Article 15, that "Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made". (Paragraph 87)
14. We conclude that the Government has failed to deal with questions about extraordinary rendition with the transparency and accountability required on so serious an issue. If the Government believes that extraordinary rendition is a valid tool in the war against terrorism, it should say so openly and transparently, so that it may be held accountable. We recommend that the Government end its policy of obfuscation and that it give straight answers to the Committee's questions of 25 February. (Paragraph 98)

Iraq

15. We conclude that although many parts of Iraq are secure, much of the country continues to be wracked by violence. This has devastating consequences for the Iraqi population and imperils the country's political transition; it also hinders the reconstruction process which is key to improving the quality of the lives of Iraqis and drying up the 'recruitment pool' for insurgents. Foreign terrorists have certainly played a leading and deadly role in the insurgency. However, the evidence points to the greater part of the violence stemming from Iraqi groups and individuals, some motivated by religious extremism and others who have been dispossessed by policies adopted by the Coalition since the war, such as de-Ba'athification and the disbanding of the Iraqi security forces. Excessive use by the US forces of overwhelming firepower has also been counterproductive, provoking antagonism towards the Coalition among ordinary Iraqis. We conclude that it should not have been beyond the planning capabilities of the Coalition to anticipate the consequences of these various policies. (Paragraph 109)
16. We conclude that to date the counter-insurgency strategy has not succeeded. This may reflect an overriding focus on a military approach to the detriment of political engagement. This has been exacerbated by the slow progress of reconstruction efforts. We recommend that the Government encourage the Iraqi Government and Coalition forces to follow a more rounded counter-insurgency strategy where possible. (Paragraph 113)
17. We conclude that while negotiations with al Qaeda and foreign fighters are out of the question, it might be possible to address some of the Iraqi insurgents' grievances through political negotiations. We recommend that the Government be prepared to support any such efforts by the new Iraqi Government. (Paragraph 117)

18. We conclude that the slow pace of reconstruction and the failure significantly to improve the quality of life for many Iraqis may have played a role in fuelling the insurgency by providing a pool of willing recruits. We further conclude that it is essential that greater progress is made towards improving basic services in Iraq and increasing employment opportunities so that Iraqis may see a material improvement in the quality of their lives. We recommend that the Government step up its efforts in support of the reconstruction process and examine how to increase the impact of reconstruction efforts. (Paragraph 122)
19. We conclude that progress has been made towards building up the new Iraqi Security Forces (ISF) and that they played a crucial role in providing security for the Iraqi elections. Indeed, we commend the immense bravery of members of the ISF, who operate under the most dangerous of circumstances. However, the ISF remain too few in number and are insufficiently trained to be able to take over from the Multi-National Force. We conclude that the reliance on Shia and Kurdish communities to build up the ISF risks sowing the seeds of future ethnic and sectarian conflict. We recommend that the United Kingdom and its international partners redouble their efforts to build up the ISF. We further recommend that the United Kingdom work to prevent the ISF from becoming associated with particular ethnic or sectarian groups and ensure that it reflects the whole of Iraqi society so that it can act as a force for national unity. (Paragraph 129)
20. We conclude that Iraq's neighbours continue to have a role to play in assisting the political transition in Iraq and improving the security situation. We recommend that the Government continue to work with regional states including Syria and Iran to encourage them to play a more co-operative role. (Paragraph 133)
21. We conclude that despite efforts to internationalise the Multi-National Force and contributions by around 30 nations, the US and United Kingdom have carried the major burden of the operation in Iraq. This burden will increase with the withdrawal by a number of states of their forces over the coming months. We conclude that despite steps towards increased involvement by the EU and NATO in Iraq, including with regard to training the Iraqi Security Forces, this assistance remains limited. We recommend that the United Kingdom and its international allies work to reduce the presence and visibility of its forces where possible. We further recommend that the Government set out in its response to this Report what plans it has to hand over to the Iraqi Security Forces. (Paragraph 143)
22. We conclude that Iraq's elections were a great achievement and could mark a milestone in the country's transition to a fully independent and free nation. We commend the dedication and bravery of the Iraqi people in casting their votes in the face of the most brutal intimidation. We further commend the role of the UN in supporting this process, which once again demonstrates the importance of UN engagement in processes of political transition. (Paragraph 149)
23. We conclude that it is essential that the international community, and especially the US and United Kingdom, refrain from interfering in Iraqi politics and decision making. Nevertheless, there is an important role for the international community in Iraq. We recommend that the Government do all it can to facilitate the UN's role in Iraq, both in terms of providing security assistance in Iraq and through support in

the Security Council. We further recommend that the Government consider the case for a UN Special Rapporteur to Kirkuk. (Paragraph 168)

24. We recommend that the Government provide an update in its response to this Report on the current status of the United Kingdom's diplomatic presence in Iraq and on the security provisions for the safety of personnel. We conclude that the effectiveness of the United Kingdom's Embassy and Consulates-General is hindered by the limits on movement imposed by security considerations, but that the safety of personnel is paramount. There are also issues of continuity given the short postings of many of those in Iraq. We recommend that the Government set out in its response to this Report what steps it is taking to enhance the effectiveness of the United Kingdom's diplomatic presence in Iraq and to ensure continuity of policy and approach. (Paragraph 172)

The Maghreb

25. We conclude that the Maghreb is of strategic importance to the United Kingdom and that Algeria, Morocco and Libya are of great significance to the international war against terrorism. To date, the region has not been a priority for the United Kingdom; as a consequence, bilateral security relations are at an early stage and require some improvement. We further conclude that the security relationship is hindered by difficulties over the issue of extradition. We recommend that the Government set out in its response to this Report what steps it plans to take to enhance its security relationship with each of Algeria, Morocco and Libya, as well as the current status of extradition arrangements with these countries. (Paragraph 182)
26. We conclude that there are genuine concerns over the situation in parts of the Sahel, areas of which could be used for terrorist or criminal activities. We further conclude that regional co-operation is inadequate to address this problem. We recommend that the Government work with its EU and international partners to enhance co-operation between regional states and offer assistance with capacity building where appropriate. (Paragraph 185)
27. We conclude that the ongoing conflict over the Western Sahara is harmful both to Morocco's international relations and reputation and to efforts to enhance regional co-operation. We recommend that the Government work through the EU and the UN to achieve a permanent resolution of the conflict. (Paragraph 194)
28. We conclude that there is a need to address the religious ideologies abused and misrepresented by terrorist groups. However, we also conclude that this is a task for the Arab and Islamic world. We recommend that the Government provide assistance in this area when it is requested but otherwise refrain from interference. We further recommend that the Government consider the lessons of Moroccan efforts to regulate its mosques and religious teaching with a view to ending the negative effects of extreme Islamic teaching in the United Kingdom. (Paragraph 197)
29. We conclude that there is a need for reform of the EU's policy towards the Maghreb. This includes a need for an overhaul of the Barcelona Process as well as careful consideration of the European Neighbourhood Policy in order to ensure that it fully engages the region. We further conclude that the United Kingdom's Presidency of

the EU later this year offers a valuable opportunity to drive forward reform of the Barcelona Process on the occasion of its tenth anniversary. We recommend that the Government set out in its response to this Report its position towards reform of the Barcelona Process and what its plans to do to facilitate reform during its Presidency of the EU. We further recommend that the Government set out its understanding of the role of the European Neighbourhood Policy in the EU's relations with the Maghreb and how this policy might be developed to achieve a more satisfactory level of engagement with this important region. (Paragraph 207)

30. We conclude that migration from the Maghreb to Europe is a serious problem. Not only does the unregulated movement of people sometimes end in tragedy, but it also involves criminal networks that prey on desperate people and could feed into terrorist funding. We further conclude that this is a European concern and not just an issue for the countries that border the Mediterranean. We recommend that during its forthcoming Presidency of the EU the Government work to encourage greater EU engagement on migration from the Maghreb. We also recommend that the Government work with the countries of the Maghreb to identify the linkages between commercial and human flows that facilitate contraband activity that in turn fuels terrorist groups. We further recommend that the Government set out its position on establishing holding camps for migrants in North Africa. (Paragraph 212)
31. We commend the decision to expand the Embassy in Algiers. However, we conclude that even the new level of staffing will be inadequate either to relieve the unacceptable level of pressure on staff or to carry out the work required of a British Embassy in a country as strategically important as Algeria. We recommend that the Government reassess staffing levels in Algiers with a view to a further expansion and keep the Committee informed of its plans. We further conclude that the current working arrangements at the Hilton Hotel and the old Embassy building hinder the work of the Embassy. We recommend that the Government set out in its response to this Report its plans for a new Embassy, including a timescale and cost-benefit analysis. (Paragraph 216)
32. We conclude that Algeria is by no means a French preserve. Indeed, at both the political and popular levels, there is a strong desire in Algeria for stronger relations with the United Kingdom. However, to date the United Kingdom has put insufficient effort into engaging Algeria and is on the verge of missing an important opportunity there. We recommend that the Government reconsider its approach to Algeria with a view to fostering relations by means of bilateral engagement and exchange. We further recommend that the British Council reconsider its position towards Algeria with a view to re-opening an office there. (Paragraph 222)
33. We conclude that great progress has been made towards ending the threat of terrorism in Algeria. Nevertheless, a number of terrorist groups remain active, posing a threat to Algerians and foreigners alike. We further conclude that the evidence points to links between these groups and al Qaeda, most notably through the 'Afghan connection', making events in Algeria an international concern. (Paragraph 230)

34. We conclude that there are substantial and long-standing links between the terrorists who remain active in Algeria and the informal economy and crime. We recommend that the Government work with the Algerian Government both bilaterally and through the EU to support and where possible assist the Algerian Government's work to tackle smuggling, money-laundering and other forms of illicit economic activity linked with terrorism, including offering training where required to help build Algerian capacity. We commend initial steps towards bilateral co-operation on policing and recommend that the Government consider what assistance it could provide Algeria in this area, especially with regard to community policing. We further recommend that the Government consider sending a police attaché to Algiers to facilitate this co-operation. (Paragraph 236)
35. We conclude that the re-election of President Bouteflika and withdrawal of the Algerian army from politics offer an opportunity for progress towards democratisation in the medium term. We recommend that the Government work to support this process, providing assistance with capacity building where appropriate. (Paragraph 240)
36. We conclude that there remain human rights concerns in Algeria, but that a process of national reconciliation is under way. Given the atrocities committed during the country's recent past, it is critically important that this process should succeed. To this end, we recommend that the Government provide the fullest assistance to Algeria on human rights, including assistance in such areas as the judiciary and through bilateral exchanges. (Paragraph 246)
37. We conclude that insufficient priority has been attached to an exchange of high-level visits between the United Kingdom and Morocco. We further conclude that this is a mistake given Morocco's strategic position on the southern shore of the Mediterranean, the country's status as a willing ally in the war against terrorism and the fact that Morocco represents a genuine success story in the pursuit of reform and moderation in the Arab world. We recommend that the Government give a higher priority to high-level exchanges. We further recommend that the Government keep us informed of its plans in this regard. We commend the valuable work of the British Council in Morocco. (Paragraph 250)
38. We conclude that Morocco remains vulnerable to the Islamist violence that has affected other states in the region and that, although the Moroccan authorities have taken concerted efforts to tackle the problem, there remains a threat both to Moroccan and to foreign interests. Moreover, a number of domestic factors that may have contributed to the violence remain to be addressed and could therefore contribute to further terrorist violence. These include a large informal economy, the existence of sprawling slums and the failure to address the socio-economic needs of the population in the light of falling living standards. We recommend that the Government, bilaterally and with its European partners, consider what assistance it can give Morocco in these areas. (Paragraph 257)
39. We conclude that Morocco offers a reform success story in the Arab world. Although there remains work to be done, and not all recent developments have been positive, the country is pursuing a genuine process of democratisation and has taken important steps towards improving the human rights situation. Given the

importance placed on democratisation and respect for human rights in conjunction with the war against terrorism, we recommend that the Government fully recognise the achievements made by Morocco in these areas. We further recommend that the Government work with Morocco to help facilitate further progress on human rights and that it keep Parliament informed of its efforts in this area. (Paragraph 267)

40. We commend the Government's skilled work to restore diplomatic relations with Libya and welcome the improvement in ties over recent years. We conclude that there is scope for further improvement in cultural, business and defence relations and that the good relationship developed between the two governments and in particular between Mr Qadhafi and Prime Minister Tony Blair offers an opportunity for further progress. We recommend that the Government set out in its response to this Report its plans further to enhance relations in these areas. (Paragraph 279)
41. We conclude that current Estate arrangements hinder the work of the United Kingdom's Embassy in Libya. It would make operational as well as financial and business sense to procure a site that would accommodate all Embassy offices. We recommend that the Government set out in its response to this Report what steps it plans to take to resolve this issue, including a timeframe for action. (Paragraph 281)
42. We conclude that Libya is providing important co-operation in the war against terrorism. We commend the Government for its work to bring Libya back into the international fold and to facilitate this co-operation. (Paragraph 287)
43. We commend the role of the United Kingdom in bringing about Libya's renunciation of WMD programmes. We conclude that great progress can be made by means of diplomacy to tackle the problem of proliferation when there is political will on all sides. We commend the co-operation between Libya, the United Kingdom, the US, the IAEA and the OPCW in verifying and destroying Libya's WMD programmes. We commend the decision at the 2004 G8 summit to co-ordinate threat reduction work with regard to Libya. We recommend that the Government, in its response to this Report, set out the work it has done to date, and work it plans to undertake, in this area, including with regard to redirecting Libyan WMD scientists. (Paragraph 298)
44. We conclude that there is no early prospect of political reform in Libya. Given the importance placed on the spread of democracy in eradicating the root causes of international terrorism, we also conclude that the situation in Libya offers cause for concern. We commend the work of the Government to encourage improvements in the human rights situation, notably in the field of prison reform, but we are concerned about how the United Kingdom's improved relations with Libya—an authoritarian state with a very questionable human rights record—may be viewed elsewhere in the region. We recommend that the Government continue to make clear to the Libyan authorities that human rights abuses are wholly unacceptable and that it work both bilaterally and with its EU and international allies, especially the US, to demand that the Libyan authorities cease human rights abuses. We recommend that the Government set out in its response to this Report what steps it is taking in this area, including any plans to bring international mediation to bear in the case of the Bulgarian and Palestinian medical personnel. (Paragraph 311)

The Middle East Peace Process

45. We conclude that the London Meeting on support for the Palestinian Authority was a worthwhile and positive initiative, with some potentially very useful outcomes. We recommend that the Government ensure that the momentum generated by the Meeting and by other events is maintained, so that inevitable setbacks may be overcome. We further recommend that the Government continue to work closely with the United States, with a view to ensuring there is no loss of interest in or disengagement from the peace process by the US administration. In particular, we recommend that the Government bring pressure to bear on the international community fully to deliver on its promises, on the Palestinian Authority fully to implement its reforms, and on Israel fully to meet its commitments under the Road Map. (Paragraph 319)

Afghanistan

46. We do not underestimate the difficulties faced by President Karzai and his government, but we are concerned that a lengthy postponement of elections may damage the credibility of Afghanistan's emerging democracy. We recommend that the Government encourage the Afghan authorities to proceed with parliamentary and district elections as planned in September, and that it offer substantial assistance to ensure that those elections are a success for the people of Afghanistan. (Paragraph 325)
47. We conclude that progress to date on disarmament, demobilisation and reintegration of militia forces is encouraging, but limited and that the scale of the task remaining is significant. We recommend that the Government urge all involved in the DDR process to renew their efforts to achieve as much as possible before parliamentary and district elections take place. However, we do not believe that lack of progress on DDR should be accepted as a reason for further delaying those elections. (Paragraph 331)
48. We welcome the Minister's statement on the Afghanistan counter narcotics strategy and the continuing commitment by the United Kingdom to counter narcotics work in Afghanistan, in close cooperation with the Afghan authorities and with international partners. We support the dual emphasis on immediate action to reduce opium poppy cultivation in 2005 and longer term action to eradicate it completely. We conclude that the United Kingdom's lead role in co-ordinating the UN's counter-narcotics strategy in Afghanistan is one of the Government's most important responsibilities overseas, not least due to some 95 percent of heroin in the United Kingdom originating from Afghanistan. We recommend that the Government continue to keep Parliament fully informed of progress. (Paragraph 337)
49. We welcome progress on the expansion of NATO's ISAF operations in Afghanistan and in particular we acknowledge the considerable achievements of the Provincial Reconstruction Teams (PRTs). We recommend that the Government maintain its efforts to impress on its allies the need for them to commit substantial resources to ISAF and the PRTs and that it continue its work to generate the momentum necessary for these to be delivered as quickly as possible. (Paragraph 343)

50. We conclude that the proposal for increased synergy between and better integration of NATO's operations in Afghanistan and those of the US-led coalition is a potentially positive move, which if correctly implemented should enhance the effectiveness of security, reconstruction and counter-terrorist activities alike. However, we would not support such a process being used as cover for a significant withdrawal of US forces from the country or for a material reduction in the US commitment, unless there was a corresponding threat reduction. We recommend that in its response to this Report the Government set out its thinking on how to achieve the NATO Council's objectives in this area. (Paragraph 346)
51. We welcome the appointment of Lieutenant General John McColl as the Prime Minister's Special Envoy to Afghanistan and assurances given by the Government that his role does not cut across that of the Embassy in Kabul. We recommend that in its response to this Report the Government give a progress report on the work of the Envoy to date. (Paragraph 348)

Non-proliferation

52. We conclude that the Non-Proliferation Treaty (NPT) is an essential element of the international security framework, and that its survival is crucial to limit the spread of nuclear weapons capabilities. We also conclude that the risk of proliferation makes efforts to strengthen the International Atomic Energy Agency (IAEA) and curtail the spread of nuclear fuel generating facilities most important. While the United Kingdom has a good record on disarmament and has already reduced its own nuclear weapons to "a minimum deterrent," other nuclear weapons states do not, and if they do not offer concessions on disarmament in exchange for a more effective system of counter-proliferation in May the NPT regime may suffer. The United Kingdom is well placed to pursue these issues with the US and we recommend that the Government encourage Washington to take steps on disarmament which move towards the 13 Practical Steps. (Paragraph 362)
53. We welcome the November 2004 agreement between the EU3 and Iran, and recommend that the Government continue its support for and commitment to diplomatic means to end the Iranian nuclear weapons programme. We also conclude that success will be difficult without US involvement, and we therefore welcome Washington's support for the EU3 and its offer of economic incentives for compliance to Tehran. However, if Iran continues to evade its obligations, the Government should consider referring the issue to the UN Security Council. (Paragraph 373)
54. We conclude that the Democratic People's Republic of Korea (DPRK) continues to play a major role in the proliferation of nuclear materials, knowledge and missile delivery systems, and that its reintegration into the NPT and international verification regimes is a matter of urgency. We recommend that the Government continue to engage the DPRK on non-proliferation issues, and urge full support for the six-party talks. We also recommend that the United Kingdom urge its EU partners to bring pressure to bear on the DPRK in concert with concerned parties such as China, Japan and the US. (Paragraph 379)

55. We conclude that the United Kingdom's continued support for the Chemical Weapons Convention (CWC) is essential, and we recommend that the Government continue to proceed with its chemical weapons disarmament programme, in compliance with all terms of the CWC. We also recommend that the Government offer support to states which lack capacity in the implementation of the Organisation for the Prohibition of Chemical Weapons (OPCW) Action Plan, and that it set out in its response to this Report how it is doing so. (Paragraph 385)
56. We conclude that the lack of a verification mechanism for the Biological Weapons Convention is an extremely serious gap in the international non-proliferation regime, and we recommend that the Government work to garner support for a verification regime, particularly from the US. However, a "coalition of the virtuous" may be better than nothing. We also recommend that in its response to this Report the Government outline the most important developments relating to the BWC, in areas such as the implementation of a code of conduct for biological weapons scientists. (Paragraph 391)
57. We conclude that the ongoing work under the G8 Global Partnership is of critical importance, and we strongly support the Government's efforts to improve the security of the former Soviet's WMD stockpile and to have it rendered non-harmful. We recommend that the Government set out in its response to this Report what its priorities are for the G8 Global Partnership, and what challenges the Government foresees in implementation during its G8 Presidency. (Paragraph 398)
58. We conclude that the work carried out under the G8 Global Partnership is a most valuable contribution to nuclear non-proliferation efforts, and we welcome advances in the dismantlement of submarines, in increased security of spent nuclear fuel storage, in implementation of a legal regime for nuclear counter-proliferation efforts, and in the ongoing work of the Closed Nuclear Cities Partnership. However, we remain concerned about the pace of progress on the plutonium disposition programme, and urge the Government to redouble its efforts to secure agreement while holding the G8 Presidency. (Paragraph 405)
59. We conclude that the Government's support for the Schuch'ye chemical weapons destruction facility is essential, and we urge the Government to maintain its efforts. We also welcome the Russian Federation's determination to accelerate its chemical weapons destruction. However, we recommend that the Government examine the possibility of supporting other CW destruction facilities in Russia to address Moscow's concerns about transporting deadly stockpiles along rickety railroads. We also remain very concerned that the G8 Global Partnership is not working on biological weapons issues with the Russian Federation. (Paragraph 410)
60. We conclude that the Co-operative Threat Reduction (CTR) and Nunn-Lugar programmes are positive contributions by the US to non-proliferation efforts. We recommend that the United Kingdom continue to support CTR efforts, for instance by encouraging the US to expand activities as widely as necessary. (Paragraph 413)
61. We conclude that the Nuclear Suppliers Group and the Zangger Committee provide useful forums to discuss export controls, but fear that their wide membership and unbinding nature leaves controls too loose. We recommend that the Government

work to strengthen the NSG, perhaps by considering a diplomatic initiative to encourage states not to permit exports of NSG list materials or goods to states outside the Additional Protocol on Safeguards. (Paragraph 417)

62. We conclude that UNSCR 1540 has strengthened the Missile Technology Control Regime (MTCR) by making it more legally binding. We recommend that the Government set out in its response to this Report what it is doing to encourage other states, such as China, to conform to MTCR standards. (Paragraph 420)
63. We conclude that the United Kingdom's efforts to counter the proliferation of small arms and light weapons (SALW) are steps in the right direction but that more needs doing. We urge the Government to continue its support for regimes such as the Wassenaar Arrangement by bringing states which produce SALW into the treaty regimes and by strengthening the binding elements of regimes tackling the proliferation of conventional weapons. We also fully endorse the comments made by the Quadripartite Committee on Strategic Export Controls, recommending that trade in MANPADS, rocket-propelled grenades and automatic light weapons, should be subject to extra-territorial control if intended for end use by anyone other than a national government. (Paragraph 426)
64. We welcome the ongoing development of the Proliferation Security Initiative (PSI) and we recommend that the Government set out in its response to this Report the most important developments which have come out of the meetings of operational experts and military exercises. However, we remain concerned about the legality of detentions of shipping on the high seas, and in particular with draft Article 8 of the Convention for the Suppression of Unlawful Acts against the Safety of Marine Navigation. We recommend that the Government outline how it will ensure the human rights of those on board any detained vessels, and how it will limit any potentially destabilising interdictions or detentions, particularly if the Government adheres to its position of "deemed consent", giving states four hours to respond to demands to allow boarding. (Paragraph 436)
65. We conclude that the Container Security Initiative is a sound means to promote the security of the United States. We recommend that the Government examine the possibilities of enacting a similar initiative to secure the ports of the United Kingdom and its Overseas Territories. (Paragraph 439)

1 Introduction

1. In this, our sixth Report in a series on foreign policy aspects of the war against terrorism, we return to a number of key foreign policy challenges which confront the United Kingdom and its allies. These include the threat from international terrorism; the dangers of weapons proliferation; and the fast-developing situations in Iraq, in Afghanistan and in the Middle East. In addition, in this Report we discuss in some detail the United Kingdom's relations with three countries of the Maghreb—Algeria, Libya and Morocco—a region with a low profile in British political life, but a region which is situated on the very doorstep of Europe, at the historical interface between Islam and Christianity. The future of these countries will affect us for good or ill; it is therefore necessary that they be fully engaged with and better understood.

2. In our series of Reports on the war against terrorism, supplemented by other Reports on the decision to go to war in Iraq, on British-US relations and on human rights, we have sought to make a contribution to the ongoing debate on the United Kingdom's response to terrorism and to the causes of terrorism.¹ Our conclusions and recommendations, as set out in those Reports, stand for themselves and we would neither seek to rank them in order of importance nor wish to highlight some over others. If, however, this should be the Committee's last Report on the war against terrorism of the current Parliament, we would wish to draw attention to our firm belief that the development and implementation of policy to protect British interests and to project British values in the face of a continuing terrorist and arms proliferation threat must be carried out as part of a coherent foreign policy strategy.

3. What at first sight might appear to be a series of unconnected issues and themes is in fact a complex matrix of subjects, which we have explored in this and in previous Reports. The outrages carried out on 11 September 2001 were not the first manifestations of international terrorism, nor were they conceived and executed in isolation from other world events. They did, however, act as a warning to the West to consider carefully the regional and global effects of specific policies and actions. In our Report of July 2004, we argued that “the diverse threats to security posed by terrorism and failed states are—or could become—inter-connected, and that they need to be considered and countered as part of a coherent strategy.”²

4. The FCO itself has recognised this in its strategic priorities document published in December 2003, in which it comments that foreign policy priorities “often intersect in the most urgent problems and tasks the FCO faces, such as the search for peace in the Middle East and the sub-continent, reconstruction of Afghanistan and Iraq, or dealing more effectively with conflicts in Africa. So we shall need to connect different parts of our work.”³

5. Among the eight strategic priorities identified by the FCO are:

1 For a full list of the Committee's Reports in the 2001 Parliament, see inside covers

2 Seventh Report from the Foreign Affairs Committee, Session 2003-04, *Foreign Policy Aspects of the War against Terrorism*, HC 441-I, para 1

3 “UK International Priorities: A Strategy for the FCO,” Cm 6052, December 2003

- a world safer from global terrorism and weapons of mass destruction
- protection of the UK from illegal immigration, drug trafficking and other international crime
- an international system based on the rule of law, which is better able to resolve disputes and prevent conflicts
- an effective EU in a secure neighbourhood
- promotion of UK economic interests in an open and expanding global economy
- sustainable development, underpinned by democracy, good governance and human rights
- Each of these priorities is, to a greater or lesser degree, relevant to the war against terrorism and to its causes.

6. We welcome the recognition by the Government of the inter-connections between its strategic foreign policy priorities and their relevance to the war against terrorism. **We recommend that in its response to this Report the Government make a statement of how it ensures that it pursues its various foreign policy priorities in ways which take into account their inter-connectedness, and how it factors into that process the primacy of the need to counter the threats from international terrorism and arms proliferation.**

7. In drawing up this Report, we held discussions with senior figures at the United Nations in New York, with members of the US administration in Washington DC, with key personnel in the European Commission and with Ministers, politicians, senior officials and others in Algeria, Libya and Morocco. We also heard formal evidence from a range of witnesses and received written evidence from a variety of sources; we thank all of these and have listed their names below.⁴ Unusually, we were unable to hear oral evidence from a FCO Minister during this phase of our inquiry. The exceptionally busy itineraries of both the Secretary of State and the Minister for the Middle East, Baroness Symons, meant that neither was available within the timescale we had set for preparing this Report. However, the evidence gathered and visits conducted in the course of making our previous Reports have also been of value in preparing this one.

4 See pp 136 and 137 below

2 The ongoing threat from terrorism

Introduction

8. There is clearly a continuing threat from international terrorism. Since our last Report, which was published in July 2004,⁵ there has been no let up in attacks across the globe. Foreign embassies have been high among the targets, although locals have also borne the brunt of many of the attacks. In February, three explosions in the Philippines were claimed by the separatist group Abu Sayyaf, which has been linked with al Qaeda.⁶ In December 2004, the US Consulate in Jeddah, Saudi Arabia, was attacked by gunmen, resulting in the death of nine people.⁷ In September 2004, an explosion at the Australian Embassy in Indonesia killed at least nine people and left 180 injured.⁸ There have also been almost daily atrocities in Iraq.⁹

9. The threat from terrorism has been felt by British Embassies. On 5 January 2005, the United Kingdom's Embassy in Yemen was closed in response to specific security concerns. The FCO's travel advice for Yemen warned: "There is a high threat from terrorism. As at 30 December, there is specific information that terrorists are in the final stages of planning attacks against British targets and other Western interests in Yemen."¹⁰ Also in January, the British Embassy in Jakarta was closed in response to a specific bomb threat.¹¹

10. There remains a real risk of terrorist attack in the United Kingdom. This was highlighted recently by the claim by the former Commissioner for the Metropolitan Police Sir John Stevens that there are up to 200 al Qaeda terrorists in the United Kingdom¹² and domestic controversy over how to deal with foreign terrorist suspects. In February, the Home Affairs Committee questioned the Home Secretary, Charles Clarke, about terrorism-related issues.¹³ The Committee is also considering some of the domestic consequences of this threat.¹⁴ The conviction in 2003 of British 'shoe-bomber' Richard Reid illustrates the threat to the United Kingdom.¹⁵

Tackling al Qaeda

11. In its assessments of progress in the war against terrorism, the US has emphasised its success in targeting individual terrorists and al Qaeda leaders. On 4 October 2004, in a

5 Seventh Report from the Foreign Affairs Committee, Session 2003-04, *Foreign Policy Aspects of the War against Terrorism*, HC 441-I.

6 "Philippines hit by three blasts", *BBC News Online*, 14 February 2005.

7 "Gunmen storm US mission in Saudi", *BBC News Online*, 6 December 2004.

8 "Australia firm after Jakarta bomb", *BBC News Online*, 9 September 2004.

9 The situation in Iraq is discussed in more detail in paras 99-109.

10 FCO Travel Advice, 6 January 2005, available at: <http://www.fco.gov.uk>

11 "Bomb threat to Jakarta missions", *BBC News Online*, 14 January 2005; see also <http://www.fco.gov.uk>

12 "Al-Qaeda "has 200 on UK streets"", *BBC News Online*, 6 March 2005.

13 Oral Evidence given by the Rt Hon Charles Clarke MP, Secretary of State for the Home Department, 8 February 2005, HC 321-i.

14 Home Affairs Committee Press Notice, Session 2004-05, 23 February 2005.

15 "Shoe bomber" jailed for life", *BBC News Online*, 30 January 2003.

speech to the Council on Foreign Relations, the US Secretary of Defense, Donald Rumsfeld, said:

[M]ore than two thirds of al Qaeda's key members and associates have been detained, captured or killed. Osama bin Laden is on the run. Many of his key associates are behind bars or dead. His financial lines have been reduced, but not closed down. And I suspect he spends a good deal of every day avoiding being caught.¹⁶

12. Arrests continue to be made: for example, in September 2004, a number of senior al Qaeda suspects were detained in Pakistan.¹⁷ However, there are doubts over the accuracy of US assertions that the leadership of al Qaeda has been neutralised. Jane Corbin, an expert on al Qaeda and global terrorism with Panorama, told us:

[T]his is a message that comes constantly from the Bush Administration, and the figure they give is that between two-thirds and three-quarters of al-Qaeda's leadership has been dealt with, but this was the three-quarters of the leadership that we knew about on 9/11 and that is three years ago, and there is an alternative leadership now. First of all, they have not taken out the people at the very top and those underneath them, we are led to believe, have been replaced by others... We could talk about names endlessly, but I personally do not believe that you can say that the majority of al-Qaeda's leaders are taken out."¹⁸

13. There are also concerns over the effectiveness of this strategy. Michael Scheuer, former head of the CIA's Osama bin Laden Unit, has criticised the US administration for failing to understand the nature of the threat posed by al Qaeda and continuing to view it as a terrorist organisation that can be defeated by arresting or killing its operatives one at a time.¹⁹ Jane Corbin expressed similar concerns to us:

[Al Qaeda] has always operated in cells anyway and I am not quite sure how important leaders, in the sense that we understand them in the West as military operational chiefs. I am not sure how important they are, I am less confident that the organisation has been decapitated and still the man at the very top and indeed his deputy and indeed Mullah Omah, who were the three top wanted figures when the War on Terror was launched, are still at large, and whether they exercise day-to-day control or not, they are figureheads and they are very important, I think, as propaganda tools for al-Qaeda.²⁰

14. The murder of Dutch filmmaker Theo van Gogh in November 2004 raised anew questions about the 'fragmentation' of al Qaeda and what has become known as the al Qaeda 'franchise'.²¹ Reports suggest that 'Hofstadnetwork' (the Netherlands-based group of Islamic radicals linked with the murder) had a small core of fewer than ten people and that

16 Remarks by Donald Rumsfeld at the Council on Foreign Relations, New York, 4 October 2004, available at: www.cfr.org

17 "Pakistan holds al-Qaeda suspects", *BBC News Online*, 28 September 2004.

18 Q 53

19 "Evolving nature of al Qaeda is misunderstood, critic says", *The New York Times*, 8 November 2004.

20 Q 53

21 "Van Gogh killing "highlights risk from home-grown terrorists"", *Financial Times*, 12 November 2004.

while some group members had links with international Islamist causes or individuals, there were no clear external influences on the group's activities.²²

15. Jane Corbin warned us that this development in no way represents a diminution of the threat:

From my observations within Iraq and in other parts of the world, I do not think it is safer in any way. I would have to, if I am honest, say that I feel that the world is a less safe place because of the fracturing of these groups, their ability to form looser and looser affiliations and to grow their network... in the first six months after 9/11 in the war in Afghanistan... al-Qaeda was severely hit, it was difficult for them to operate, but what has been extraordinary is their ability to fight back not as a single organisation, and it never was that by the way, but its ability to grow other organisations and to form affiliations. Therefore, a more diffuse network is more difficult to deal with and, consequently, I think, therefore, that the world is less safe.²³

Iraq

16. There is evidence that Iraq has exacerbated the problem. In September 2004, the Prime Minister referred to Iraq as “the crucible in which the future of this global terrorism will be determined.”²⁴ The Prime Minister also described the Iraqi elections in January as a blow to global terrorism.²⁵ Indeed, the election was more successful than had been anticipated.²⁶

17. Nevertheless, there is an international terrorist presence in Iraq: Abu Musab al-Zarqawi and his group Tawhid wa al-Jihad are believed to be behind a series of suicide attacks, the assassination of scores of government officials including Izzedin Salim, then Chair of the Iraqi Governing Council, and the kidnapping and beheading of both Iraqis and foreigners, including British citizen Ken Bigley. However, there is some uncertainty over the relationship between Zarqawi and al Qaeda.²⁷

18. In his February 2003 speech to the UN Security Council setting out the case for war against Iraq, US Secretary of State Colin Powell referred to Zarqawi as “an associate and collaborator of Osama bin Laden and his al-Qaeda lieutenants.”²⁸ In early 2004, the Coalition Provisional Authority in Iraq released a letter from Zarqawi. The letter appeared to be a strategy advisory note for senior al Qaeda leaders, including bin Laden and Ayman al Zawahiri (the letter suggests a strategy of inciting sectarian conflict in Iraq).²⁹

22 “Van Gogh killing “highlights risk from home-grown terrorists””, *Financial Times*, 12 November 2004.

23 Q 41

24 Remarks by the Prime Minister, Press Conference with Prime Minister Allawi, 28 September 2004, available at: <http://www.number-10.gov.uk>

25 “Iraq poll “blow” to global terror”, *BBC News Online*, 31 January 2005.

26 The Iraqi election is discussed in more detail in paras 145-49.

27 We discuss the insurgency in Iraq in more detail in paras 104-9.

28 “Patterns of Global Terrorism, Appendix G: Iraq and Terrorism, Secretary of State Colin L. Powell, Excerpt from Remarks to the United Nations Security Council, 5 February 2003”, released by the Office of the Coordinator for Counterterrorism, 30 April 2003, available at: <http://www.state.gov>

29 “The Fallujah Offensive and the Wider Challenges”, *Asia Pacific Foundation*, 15 November 2004.

19. More recently, on 17 October 2004, a statement on an Islamist website purporting to be by Tawhid wa al-Jihad pledged allegiance by Zarqawi and his fighters to bin Laden.³⁰ However, there has been speculation that Zarqawi and bin Laden are in competition.³¹

20. Kamran al-Karadaghi of the Institute for War and Peace Reporting told us: “It is still really doubtful whether, for example, Abu Musab al-Zarqawi is or was al Qaeda; he works on his own.”³² Jane Corbin expanded on the relationship between Zarqawi and al Qaeda:

I think that al-Zarqawi has sought to affiliate himself with al-Qaeda rather than being sent to the region as an emissary for al-Qaeda... We know that he knows bin Laden, he has spent time in Afghanistan, and he has, as it were, the stamp of the Afghan veteran on his passport, so there are links in that way, but I think it is simplistic to say he is part of al-Qaeda or he was sent there to fulfil a role. I think he looks for credibility from bin Laden and he looks to be part of his organisation, but we do not know whether he is able to travel freely over and back, or whether he is able to take any kind of instruction from him in any way.³³

21. One reason al Qaeda has been able to operate in Iraq is the lack of law and order in the country. Speaking about Zarqawi, Jane Corbin told us:

[H]e has been able obviously to move in areas like Fallujah and the “Sunni triangle” where that chaos is far more serious than it is in other parts of the country which operate still in a reasonable way, so I think that that is why he is able to move with impunity and gather followers and to perpetrate some of the really awful hostage-taking that we have seen.³⁴

22. Indeed, there is concern that Iraq is providing much the same opportunities that Afghanistan previously provided for terrorist training and experience. In February, CIA Director Porter Goss told the US Senate Select Committee on Intelligence that the conflict in Iraq has become a cause for extremists and that: “jihadists who survive will leave Iraq experienced in and focused on acts of urban terrorism. They represent a potential pool of contacts to build transnational terrorist cells, groups, and networks in Saudi Arabia, Jordan and other countries.”³⁵ This reflected the findings of the December 2004 report by the US National Intelligence Council. This report warned that Iraq could become a breeding ground for terrorists, with survivors using their experience around the world.³⁶

30 “Zarqawi is said to swear allegiance to bin Laden”, *The Washington Post*, 19 October 2004.

31 See for example, “Zarqawi and Bin Laden: Brothers in arms?”, *BBC News Online*, 18 October 2004.

32 Q 19 [Karadaghi]

33 Qq 32-33

34 Q 36

35 Statement to the US Senate Select Committee on Intelligence, Porter Goss, 16 February 2005, available at: <http://intelligence.senate.gov>

36 “Mapping the Global Future – report of the National Intelligence Council’s 2020 Project”, December 2004, available at: www.cia.gov/nic

State sponsors of terrorism

23. In our Report of July 2004, we noted the need for greater co-operation on the part of Iran and Syria to prevent foreign fighters from crossing into Iraq.³⁷ This remains true.³⁸ In addition, there remain concerns over the support given by both Iran and Syria to terrorist groups. In a speech at the National Defense University in March, President Bush said: “Syria, as well as Iran, has a long history of supporting terrorist groups determined to sow division and chaos in the Middle East, and there is every possibility they will try this strategy again.”³⁹

24. In our Report of January 2004, we noted that Iran retains links to Palestinian terrorist groups and has the ability to diminish the capacity of terrorists to derail the political process in Israel and Palestine.⁴⁰ We also noted Syria’s continued support for Palestinian terrorist groups as well as its influence over Hezbollah in neighbouring Lebanon (it should be noted that Hezbollah has a ‘dual identity’ as a terrorist group and a powerful political force in Lebanon). We noted that although Syria had taken some steps to close the offices of Palestinian groups in Damascus, these were largely cosmetic.⁴¹ Reflecting this concern, there are suggestions that the suicide attack in Tel Aviv in February may have been carried out by a group based in Syria.⁴² Attention has also focussed on possible Syrian links with terrorism following the assassination of Rafik Hariri, the former Prime Minister of Lebanon. Syria is suspected of involvement in the 14 February assassination owing to Mr Hariri’s close association with Lebanese opposition to Syria’s dominant position in Lebanon.⁴³ Defence of the Syrian position by both Hezbollah and Iran will have done little to reassure the international community.

Winning the war?

25. The continued incidence of attacks as well as the risk that Iraq is providing a breeding ground for the terrorists of the future suggest that the war against terrorism is far from being won. Jane Corbin told us about her continuing concerns:

There have been successes in certain parts of the world and I think in other parts and certainly in Saudi I think the problem still remains very, very acute, just as the Saudi authorities, who seem to be far more focused now on their hunt for these people, just as they arrest or kill one leader of al-Qaeda, al-Qaeda is able to announce the formation of a new group and a new leader, so I think in those areas we cannot say that we are getting on top of the problem. Al-Qaeda remains a threat and it is always looking through affiliated groups, through like-minded organisations who share the

37 HC (2003-04) 441-I, paras 18-20.

38 See paras 130-33.

39 “President Discusses War on Terror”, remarks by President Bush, National Defense University, 8 March 2005, available at: www.ndu.edu/

40 Foreign Affairs Committee, Second Report of Session 2003-04, Foreign Policy Aspects of the War against Terrorism, HC 81, paras 192-203.

41 HC (2003-04) 81, paras 222-227.

42 “Syria denies Israel attack role”, *BBC News Online*, 27 February 2005.

43 As well as the presence in Lebanon of Syrian troops and intelligence operatives, this reflects Syria’s close relationship with a number of groups and individuals in Lebanon.

same philosophy and it is always looking for opportunities, for weaknesses in states, for difficulties that it can exploit to bring into being, and to encourage, local chapters.⁴⁴

26. As Porter Goss told the US Senate Select Committee on Intelligence: “al-Qa’ida is a patient, persistent, imaginative, adaptive and dangerous opponent.”⁴⁵ There also remain very real concerns over efforts by terrorists to gain WMD.⁴⁶

27. We conclude that al Qaeda continues to pose a serious threat to the United Kingdom and its interests. Indeed, this threat may have grown more difficult to tackle in the years since 11 September 2001 owing to the fragmentation of groups and individuals associated with al Qaeda. This was shown once again by the recent suicide car bomb attack on a theatre packed with Westerners for a performance of Shakespeare’s ‘Twelfth Night’ in Doha, Qatar, where there had been no such attacks previously. We further conclude that Iraq is providing a dangerous training ground for terrorists similar to that previously provided by Afghanistan. We further conclude that states such as Iran and Syria are not taking sufficient steps to prevent terrorism either in neighbouring Iraq or in Israel and the Palestinian Territories. We recommend that the Government continue to make it clear to these states that they must end all support and assistance for terrorist groups and take meaningful steps to stop their territory from being used by terrorists.

44 Q 48

45 “Statement to the US Senate Select Committee on Intelligence”, Porter Goss, 16 February 2005, available at: <http://intelligence.senate.gov>

46 “Statement to the US Senate Select Committee on Intelligence”, Porter Goss, 16 February 2005, available at: <http://intelligence.senate.gov>

3 The multilateral framework

The United Nations

28. The United Nations has a key role to play in the international fight against terrorism, both by framing the international legal regime and by orchestrating co-operation between states. In our last Report, we focused in some detail on developments in the doctrines of anticipatory self defence and humanitarian intervention.⁴⁷ In this Report, we return to consideration of the institutional counter-terrorist architecture, including the role of the EU.

The Counter Terrorism Committee (CTC)

29. In our previous five Reports, we have examined the UN Counter-Terrorism Committee (CTC), and its role in the co-ordination of anti-terrorist activity by UN member states. We have commended the Government for its commitment to the CTC.⁴⁸

30. Sir Emyr Jones Parry, the United Kingdom's Permanent Representative to the UN, described the role of the CTC in a speech on 25 February 2005:

The [CTC] was set up not only to monitor States' efforts to tackle terrorism, but also to help them to do so. Its job has been to help raise the capability of every Member State to deal with terrorism on its territory. The [Security] Council has made clear that all governments must take effective steps to ensure that there is no support for terrorism anywhere; and that they must sign up to the relevant Conventions against terrorism. But the Council, and the Committee, recognise that help should be made available to Member States to make this happen.⁴⁹

31. In our Report of July 2004, we praised the Government's role in the evolution of the CTC and its work to build anti-terrorist capacity in other states. We also asked the Government to provide an update on the evolution of the CTC.⁵⁰ In its response to our Report, the Government said that the "exact structure of the Executive Directorate has yet to be finalised, but it should provide for more thorough examination of States' performance and much stronger links with key international and regional organisations and other parts of the UN system, notably the UN High Commissioner for Human Rights."⁵¹

32. A number of promising developments have taken place over the last year, such as the appointment of Javier Ruperez as Executive Director of the Counter-Terrorism Executive Directorate. We heard in New York that while the lack of a functioning secretariat for the CTC had hampered its work over the last year, experts should be in place by May 2005.

47 HC (2003-04) 441-I

48 HC (2003-04) 441-I, para 447

49 "SMI Conference on Homeland Security: the Role of the UN Counter Terrorism Committee, Speech by Emyr Jones Parry, Permanent Representative", *United Kingdom Mission to the United Nations*, 23 February 2005

50 HC (2003-04) 441-I, para 453

51 Foreign and Commonwealth Office, *Response of the Secretary of State for Foreign and Commonwealth Affairs*, September 2004, Cm 6340, para 67

However, the consideration of reports on counter-terrorism activity is behind schedule. Another challenge is to ensure that the work of the CTC does not duplicate that of other committees, such as the Al-Qaida and Taliban Sanctions Committee. The CTC's lack of any powers of sanction and its dependence on consensus may also weaken its effectiveness.

33. We conclude that the work of the UN Counter-Terrorism Committee (CTC) remains vital. We are therefore dismayed that the lack of a secretariat has impeded its efforts. We recommend that the Government take action as a permanent member of the UN Security Council to ensure that all states meet their reporting obligations to the CTC. We also recommend that the Government seek to enhance the effectiveness of the CTC, by ensuring it is provided with the requisite resources and powers and to encourage greater co-ordination between what are a series of ad hoc committees set up by separate UN Resolutions.

UN Security Council Resolution 1540 and the 1540 Committee

34. Another high level initiative tackling the threat of terrorism is embodied in UN Security Council Resolution (UNSCR) 1540, which the UN Security Council approved in April 2004. UNSCR 1540 obliges states to prevent WMD materials or technology falling into the hands of terrorists. It builds on the foundations laid by UNSCR 1373, which called on states not to support terrorism in the wake of the 11 September attacks and the 1992 declaration by the UN Security Council on the threat of WMD. The Resolution establishing the 1540 Committee was adopted under Chapter VII, which permits punitive measures such as sanctions against defaulting states.

35. Andrew Semmell, US Principal Deputy Assistant Secretary for Nuclear Non-proliferation, described the American view of UNSCR 1540. He said: "The crux of UNSCR 1540 requires states to ensure that they have the infrastructure in place to address the threat posed by non-state actor involvement in any aspect of WMD proliferation."⁵² The Resolution forbids states from supporting non-state actors involved in terrorism, obliges them to enact and enforce the necessary laws to prevent proliferation activities on their territories, and requires states to monitor and control sensitive technologies, materials and equipment that exist in, are manufactured by, or transit their territories.

36. The United Kingdom has taken a strong line in support of UNSCR 1540. Sir Emyr Jones Parry said on 28 April 2004: "This resolution underlines the international community's determination to tackle a real, urgent and horrific threat: that these deadly weapons or materials might fall into the hands of terrorists or other non-state actors. In the face of this threat, we argued that it was not only appropriate for the Council to act, it was imperative for it to do so."⁵³ He also commented on UNSCR 1540 in a speech on 25 February 2005, saying: "This was the Security Council acting as a legislator and directly

52 "UN Security Council Resolution 1540: The US perspective, Speech by Andrew Semmell, Principal Deputy Assistant Secretary for Nuclear Nonproliferation", US State Department, 12 October 2004

53 "Explanation of vote on the Non-Proliferation Resolution, UNSCR 1540 (2004): Statement by Sir Emyr Jones Parry, Permanent Representative to the United Kingdom Mission of Great Britain and Northern Ireland to the United Nations", UK Mission to the United Nations, 28 April 2004

imposing obligations on all UN countries to cover a gap in the proliferation regime, where Treaties are usually negotiated painstakingly over long periods.”⁵⁴

37. However, some states contend that the Resolution undermines the existing multilateral framework for non-proliferation, despite its unanimous adoption. Pakistan, in particular, argued on the UN Security Council that the language of UNSCR 1540 was ambiguous enough to allow a “powerful state” to take its enforcement into hand.⁵⁵ Another problem with the Resolution has been the slow response by some states. About half of the UN’s member states—mainly from Europe and the Americas but including China, France, India, Pakistan, the United Kingdom, and the United States—have submitted reports on the implementation and enforcement of their laws on WMD, but many states in Africa and the Middle East have yet to comply with the Resolution, and some of the reports may prove to be deficient in key respects.⁵⁶

38. Sir Emyr Jones Parry commented on the reporting process in a speech on 9 December 2004:

We must call on the States that have not already done so to submit their reports as a matter of priority. The process of reporting is not in itself the goal of the exercise...[but] without the information that the reports provide, we will not be able to plug the gaps in the national and international systems that we want to address and we have to address.⁵⁷

He added that the United Kingdom was willing to supply expertise for states without the capacity to tackle WMD proliferation, and stressed the importance of co-ordination between the 1540 Committee and the Committees established under UNSCRs 1373 and 1267.⁵⁸

39. We welcome the adoption of UNSCR 1540, although we stress that the Resolution must work alongside the existing multilateral regimes tackling non-proliferation. We recommend that in its response to this Report the Government outline what it is doing to ensure that the work of the 1540 Committee is co-ordinated with that of other non-proliferation and counter-terrorism bodies. We also recommend that the Government be prepared to assist states to compile reports on their non-proliferation controls and to identify shortcomings.

Oil for food

40. The Oil for Food programme was set up by the UN in 1996 as a temporary measure to enable Iraq to export limited amounts of oil and to spend the revenues on food and aid. A Committee including representatives from all 15 members of the UN Security Council monitored the programme. In April 2004, allegations of fraud led to the establishment of

54 “SMI Conference on Homeland Security: the Role of the UN Counter Terrorism Committee, Speech by Emyr Jones Parry, Permanent Representative”, United Kingdom Mission to the United Nations, 23 February 2005

55 “United Nations Security Council Unanimously Passes WMD Resolution”, *The Sunflower*, May 2004

56 *Trust and Verify*, January-February 2005

57 “Speech by Sir Emyr Jones Parry”, *UK Mission to the United Nations*, 9 December 2004.

58 “Speech by Sir Emyr Jones Parry”, *UK Mission to the United Nations*, 9 December 2004.

an independent inquiry under a former head of the US Federal Board, Paul Volcker, to examine allegations of malfeasance. The inquiry issued its first interim report on 3 February 2005, and alleged that the behaviour of former head of the Oil for Food programme, Benon Sevan, was “ethically improper”.⁵⁹ In response, the UN Secretary General ordered disciplinary proceedings against Mr Sevan.⁶⁰

41. Outlining the scope of the interim report, the FCO wrote:

The interim report focus on four specific areas. Firstly, the initial procurement in 1996 of three UN contractors for the provision of services relating to oil export inspections, humanitarian goods import inspections and the holding, in an escrow account, of proceeds and payments within the Programme. Secondly, the internal audits conducted during the Programme. Thirdly, administrative expenditure for the operation of the Programme. Lastly, the report also addresses allegations regarding the involvement of the Executive Director of the Programme, Benon Sevan.⁶¹

Its findings included concerns about Mr Sevan’s activities, and questioned the ‘procurement’ of three UN contractors, BNP Paribas, Saybolt, and Lloyd’s Register, but found no evidence of systemic financial mismanagement.⁶²

42. In our Report of last July we requested information about the involvement of British nationals or entities in the Oil for Food scandal.⁶³ The FCO told us in its response that the “relevant UK authorities have assessed all the documents received by the Government at this time and decided that there is currently insufficient information to mount a criminal investigation.”⁶⁴ It is likely that the Independent Inquiry will bring more information to light. On 4 February 2005 the FCO told us: “With regard to any possible involvement of UK companies or entities in corrupt practices, the Government notes this will be addressed by the [independent committee] in a future report and awaits its findings.”⁶⁵

43. We conclude that the possible involvement of British nationals or entities in the UN’s Oil for Food scandal remains a concern but that the Government is right to withhold judgement until it is in possession of all the facts. However, we recommend swift action if any United Kingdom nationals or entities are implicated in the affair.

The European Union

44. Following the terrorist attacks in Madrid of March 2004, the European Union moved to accelerate its measures to tackle the threat of terrorism across Europe, by introducing a terrorism action plan and appointing a co-ordinator for anti-terrorism activity, Gijs de Vries. In December 2004 the European Council called for the development of a long term

59 “Interim Report”, Independent Inquiry Committee into the United Nations Oil for Food Programme, February 3 2005

60 “Annan vows action on corruption”, *BBC News Online*, 4 February 2005

61 Ev 66

62 Ev 66

63 HC (2003-04) 441-I, para 88

64 Foreign and Commonwealth Office, *Response of the Secretary of State for Foreign and Commonwealth Affairs*, September 2004, Cm 6340, para 15

65 Ev 67

strategy developed by the European Commission by the summer of 2005 to tackle terrorism. The Council also called for prompt implementation of those elements of the “Hague Programme” which relate to combating terrorism.⁶⁶

45. The EU Action Plan on Terrorism, has identified various work programmes. These are:

- to improve co-operation through Europol and the Police Chief Task Force and of the exchange of information between Member States, and to improve evaluation of national structures to deal with terrorism by September 2005;
- to improve judicial co-operation, by examining proposals for a European Protection Programme to protect and assist victims of and witnesses to terrorism;
- to strengthen border controls with the operation of a European Border Agency by May 2005;
- to enhance intelligence co-operation, through an EU Situation Centre which will provide the Council with strategic threat assessments as of 1 January 2005;
- to enhance measures combating terrorist financing;
- to establish a Solidarity Programme regarding the consequences of terrorist threats and attacks, with the creation of European Programme for critical infrastructure protection before the end of 2005; and
- to include counter-terrorism clauses in agreements with third countries; to implement the 2004 EU-US Declaration on combating terrorism; to develop the ESDP dimension of the fight against terrorism; and to strengthen cooperation with priority states.

A further progress report is due from the Commission in June 2005.

46. In our Report of last July we concluded that “significant further steps are required for EU anti-terrorism action to be effective.”⁶⁷ The FCO agreed and outlined in its response to our Report progress in areas such as developing contacts between the relevant officials and the secondment of officials to the EU counter-terrorism co-ordinator.⁶⁸

47. However, work to implement a unified anti-terrorism strategy is proceeding slowly. The EU’s anti-terrorism co-ordinator remains beholden to decisions made by national governments, which set the pace in anti-terrorist measures, and he claims that states need to do more to combat financing and to protect infrastructure and transport. The slow pace of decision making was evident in the appointment of the head of Europol, the EU’s police agency, which took nearly a year despite the centrality of the post to counter-terrorism efforts.⁶⁹

66 Presidency Conclusions: Brussels European Council, *Council of the European Union*, 16-17 December 2004.

67 HC (2003-04) 441-I, para 465

68 Foreign and Commonwealth Office, *Response of the Secretary of State for Foreign and Commonwealth Affairs*, September 2004, Cm 6340, para 70

69 “EU counter-terrorism chief’s efforts hampered by turf wars”, *Financial Times*, 7 March 2004,

48. We conclude that the EU anti-terrorism measures hold promise, but have made slow progress. We recommend that the Government push for greater co-ordination at the EU level, and that it set out in its response to this Report what it is doing to improve counter-terrorism co-ordination with its EU partners.

4 Human rights and the war against terrorism

49. Since the US and its allies took military action in the wake of the atrocities of 11 September 2001, the war against terrorism has provoked controversy, not least for its potential conflicts with human rights. We have discussed these issues at length in our recent Report on the Foreign and Commonwealth Office Annual Human Rights Report 2004, and it is appropriate that we repeat our concerns here.⁷⁰ On 10 March, the Intelligence and Security Committee published a Report into The Handling of Detainees by UK Intelligence Personnel in Afghanistan, Guantánamo Bay and Iraq, which also raises important questions in this area.⁷¹

50. The imperative of prosecuting terrorist networks and protecting society against terrorist outrages raises difficult questions for the defenders of human rights. In his foreword to the Human Rights Annual Report 2004, the Foreign Secretary explicitly recognises the tension between the protection of liberties and freedoms and the need to prevent terrorist atrocities:

The threat of terrorism confronts democratic, properly-functioning states with a challenge: to fight those who recognise none of the values for which we stand, while remaining true to those values.⁷²

51. In evidence to our inquiry into the Human Rights Annual Report, Amnesty International and Human Rights Watch both criticised the way in which the war against terrorism has been waged, arguing that those “values for which we stand” have been violated and disregarded. Whereas the Annual Report states that “respecting human rights and successfully combating terrorism are mutually reinforcing”, Amnesty is of the view that “the drive to counter-terrorism at home and abroad is eroding and, in some cases removing, the human rights of individuals”.⁷³ And whereas the Annual Report warns that “the abuse of human rights risks creating new reservoirs of discontent which can nurture terrorism itself”, Human Rights Watch told us that “serious abuses and trampling of due process by ...the United States...have helped create such ‘reservoirs of discontent’”.⁷⁴

52. The main concerns of Amnesty and Human Rights Watch relate to the behaviour of the United States, and the United Kingdom’s complicity as a key strategic ally; and the actions taken by the United Kingdom at home to strengthen the capacity to prevent terrorism and prosecute its perpetrators. The latter area is a matter primarily for the Home Office, our sister Select Committee on Home Affairs and the Joint Committee on Human Rights, but the Government’s policy towards the US is very much our concern.

70 Fourth Report from the Foreign Affairs Committee, Session 2004–05, *Human Rights Annual Report 2004*, HC 109, paras 67–106

71 Report of the Intelligence and Security Committee, “The Handling of Detainees by UK Intelligence Personnel in Afghanistan, Guantánamo Bay and Iraq”, March 2005, Cm 6469.

72 HC (2004–05) 109, Q3

73 Human Rights Annual Report 2004 p 13; HC (2004–05) 109, Ev 1

74 Human Rights Annual Report 2004, p13; HC (2004–05) 109, Ev 25

Guantánamo Bay

53. We have previously commented on the camps at Guantánamo Bay in our Report on the Annual Human Rights Report 2003 and in our series of Reports on Foreign Policy Aspects of the War against Terrorism.⁷⁵ The United States continues to hold over 500 people in the camp of 42 different nationalities, although the last British detainees were returned to this country in January, to be released without charge by police. Administration officials told the Washington Post at the beginning of January that plans were being developed to hold detainees without trial over the long term and possibly for life.⁷⁶

54. Over recent months further concerns have emerged regarding the treatment of detainees. In December 2004, a leaked report from the International Committee of the Red Cross was reported to have described US interrogation methods at the camp as “tantamount to torture” and in January, under the American Freedom of Information Act, hundreds of internal documents and memos were released, which indicate systematic abuse of detainees.⁷⁷ An anonymous FBI agent wrote in one of the papers released:

On a couple of occasions I entered interview rooms to find a detainee chained hand and foot in a foetal position to the floor, with no chair, food or water...Most times they had urinated or defecated on themselves, and had been left there for 18 to 24 hours or more.⁷⁸

55. The FCO’s Annual Report on human rights registers the “concern in civil society, Parliament, the media and the legal profession” in the United Kingdom over the continued detentions although expressing concerns of the Government in cautious language. The FCO focuses on the position of the British detainees, of whom four remained in the camp when it was published. The Report criticises the proposed military commissions by which detainees are to be tried, stating that they “would not provide sufficient guarantees of a fair trial according to international standards”, and states that the welfare of the British detainees has been a priority for the Government “from the outset”. There were more welfare visits to the camp from British officials than from any other government, and the detention conditions were improved following the raising of welfare concerns by the Government at various levels.⁷⁹

56. In its recent Report, the Intelligence and Security Committee noted that the FCO received assurances in March 2002 from the US State Department that detainees were being treated humanely, and that “the Foreign Secretary was ... satisfied with the US authorities’ assurances”.⁸⁰ British intelligence personnel made several visits to the camp and after the last visit, in February 2004, the Security Service reported that the mental health of detainees was deteriorating due to the conditions under which they were being kept. These

75 See list of Reports on inside covers

76 *Washington Post*, 2 January 2005, www.washingtonpost.com/wp-dyn/articles/A41475-2005Jan1.html

77 *Guardian*, 1 December 2004

78 *Observer*, 2 January 2005

79 Human Rights Annual Report 2004, p 18

80 Cm 6469, para 61

concerns were raised at a senior level with the US, by the Foreign Secretary, Home Secretary and Sir Nigel Sheinwald, the Prime Minister's Foreign Policy Adviser.⁸¹

57. Amnesty and Human Rights Watch made strong criticisms of the Government and of the Annual Report for its approach to the issues of Guantánamo Bay. Amnesty called the detentions a “shocking outrage” which amounted to “cruel, inhuman or degrading treatment” and Human Rights Watch referred to the “severe trampling of process” by the US.⁸² Both groups questioned what Human Rights Watch called the “quite extraordinary”, and seemingly exclusive, focus of the Government on the position of British nationals detained in the camp, regardless of the more general concern for all detainees. Human Rights Watch called this an “absolutely fundamental misunderstanding” of the issues raised by the entire regime at Guantánamo Bay, and said that for the Government to fail to understand this was “enormously worrying”. Both groups expressed regret that the Government has not seen fit to make stronger criticism of the US administration over the camps. In our view, such criticism fails to take due account of the fact that the Government had particular consular responsibilities towards British citizens and that it was right to focus at first on their welfare.

58. Amnesty also raised the question of the detainees who are British residents but not British nationals, saying that the Government's diplomatic efforts had not been extended to those detainees. In November 2004, in answer to a Parliamentary Question in the House of Lords, FCO Minister of State Baroness Symons said that:

The British Government are not in a position to provide consular or diplomatic assistance to those detainees in Guantanamo Bay who are not British nationals, including those who hold refugee status and are, or were, resident in the United Kingdom.⁸³

In December, FCO Minister Chris Mullin stated that “We are aware of five former British residents also in detention [in Guantánamo Bay] but the Government is not in a position to provide consular or diplomatic assistance to them and I therefore cannot comment on their situation”.⁸⁴ This refusal by Ministers even to comment on the situation of former residents of the United Kingdom detained in Cuba has been the subject of considerable criticism.

59. Bill Rammell, Minister for Human Rights, did not accept these criticisms when we pressed him in evidence to our inquiry into the Human Rights Annual Report. He referred to the horrific events of 11 September 2001, saying that “the United States has been absolutely right to take the greatest of care with terrorist suspects” and that information obtained from detainees had “helped to protect all of us from potential further terrorist attack”. Nonetheless, he stated that the Government's position had always been that the detainees should be tried according to international standards or released; he was “genuinely not aware” of any plans the US government might have to hold detainees long-term, as reported in the press. The Government had, he told us, concentrated on the

81 *ibid.*, paras 67–8

82 Q5; HC (2004–05) 109, Ev 26

83 HC Deb, 8 November 2004, col WA53

84 HC Deb, 6 December 2004, col 400W

position of the British detainees in its lobbying of the US Administration as it was there that the greatest pressure could be brought to bear.⁸⁵

60. We find that the Government's position on the detentions at Guantánamo Bay does not sit easily with its pledge in the Human Rights Annual Report to "respect, and urge others to respect, those human rights laid down in the International Covenant on Civil and Political Rights that can never be compromised, even in states of emergency". Nor is it in line with the Annual Report's statements that "there is no excuse for the deliberate mistreatment or neglect of prisoners" and that "a government itself is bound by law and that the arbitrary exercise of power not based on law is without authority".⁸⁶ Finally, the approach appears to conflict with the Government's striking claim in the introduction to the Annual Report to "speak loudly and clearly on the international stage" against abuses.⁸⁷

61. We conclude that, now that the British nationals have been released from detention at Guantánamo Bay, the Government need no longer keep its diplomacy quiet in the interests of increasing leverage over individual cases. We recommend that the Government make strong public representations to the US administration about the lack of due process and oppressive conditions in Guantánamo Bay and other detention facilities controlled by the US in foreign countries, such as Iraq and Afghanistan. We further recommend that, during the United Kingdom Presidency of the EU, the Government raise the situation at these facilities in the UN Commission for Human Rights.

Treatment of detainees by US personnel

62. The behaviour of US personnel has also been called into question following the appalling events at Abu Ghraib prison in Iraq and the release, in January, of documentation of complaints from Iraqi prisoners held in other detention facilities by the US.⁸⁸ Charles Graner, the ringleader of the attacks at Abu Ghraib, was sentenced to 10 years imprisonment in January and further trials, against other servicemen involved in the abuses, are pending. It is not yet clear whether any officers in positions of responsibility will be prosecuted. The Human Rights Annual Report assures its readers that "allegations of serious abuse at Abu Ghraib prison and elsewhere have been or are being investigated and those responsible have been or will be held to account".⁸⁹

63. The Annual Report refers briefly but in no uncertain terms to the abuses at Abu Ghraib calling them "shocking" and "shameful" and quoting the Foreign Secretary's statement to the House of Commons of 11 May 2004, in which he said "These images, and the evidence that they portray, are a shame on all of us. They are utterly shameful, disgusting and disgraceful."⁹⁰

85 HC (2004-05) 109, Q76

86 Human Rights Annual Report 2004 pp13-14, p180, p176

87 Human Rights Annual Report 2004 p15

88 *Los Angeles Times*, 25 January 2005

89 Human Rights Annual Report 2004 p 15

90 Human Rights Annual Report 2004 p14, p21

64. Notwithstanding this very clear message, in giving evidence to our inquiry into the Human Rights Report, Amnesty and Human Rights Watch criticised the Government's position both in the Report and outside it, more for what has not, than for what has, been said. Amnesty stated that the Government has demonstrated a "marked reluctance to question or criticise the conduct of US forces", treating allegations of abuse as a matter for the US government rather than a matter for international opprobrium. The Annual Report does not make clear whether or not the United Kingdom made representations to the US administration over the events at Abu Ghraib prison.

65. In February, documents released by the American Civil Liberties Union described the destruction, by the US Army, of photographs of US soldiers posing with hooded and bound detainees during mock executions, in facilities in Afghanistan.⁹¹ Human Rights Watch, in evidence to us, drew parallels between events at Abu Ghraib and the behaviour of US troops elsewhere, saying the abuses at Abu Ghraib prison "did not take place in isolation"; American troops in Afghanistan too have an "exceptionally poor record of abuse of detainees and use of excessive force". Human Rights Watch also criticised both the US administration and the British government for failing to confront what it judges to be a recurring motif in the actions of US troops. In oral evidence, Steve Crawshaw of Human Rights Watch told us:

The kind of abuses we saw at Abu Ghraib were clearly not just bad apples. It was absolutely part of a pattern of wishing to push boundaries, of thinking of torture as being a useful tool to apply in the war on terror.⁹²

66. Human Rights Watch told us that a "permissive culture of torture...has been allowed to take root amongst policy-makers in Washington". At the beginning of January, it was reported that the US administration had revised its guidance to troops to prohibit the infliction of "severe pain" on suspects under interrogation, overriding previous guidance which stated that mistreatment amounted to torture only "if it produced severe pain equivalent to that associated with organ failure or death".⁹³ Other documents released by the Justice Department under the Freedom of Information Act show that the administration received and for a time accepted advice that there existed legal authority for extremely harsh interrogation methods and even torture.⁹⁴

67. In its report, *The Road to Abu Ghraib*, Human Rights Watch stated that, following the events of 11 September 2001, the US administration "effectively sought to re-write the Geneva Conventions of 1949 to eviscerate many of their most important protections", "began to employ coercive methods designed to 'soften up' detainees for interrogation" and "took at best a 'see no evil, hear no evil' approach to all reports of detainee mistreatment".⁹⁵ In evidence to us, Human Rights Watch criticised the "very little willingness by the US administration and an extreme unwillingness by the British

91 *Guardian*, 18 February 2005

92 HC (2004-05) 109, Q8

93 *Sunday Telegraph*, 2 January 2005

94 *Financial Times*, 7 January 2005

95 *The Road to Abu Ghraib*, www.hrw.org/reports/2004/usa0604/

government to confront” the pattern of events.⁹⁶ Human Rights Watch even went so far as to state in evidence that:

If a totalitarian government were to carry out such abuses, the UK government would not hesitate to speak out. It is regrettable if the British government feels constrained to remain silent because the abusive government is a political ally.⁹⁷

68. When we questioned Bill Rammell on this subject, he told us that, while human rights abuses could occur in any country, the United States—and the United Kingdom—had demonstrated its institutional rejection of such behaviour, through the investigations made into the alleged crimes and the public condemnations made by the Government.

69. We conclude that US personnel appear to have committed grave violations of human rights of persons held in detention in various facilities in Iraq, Guantánamo Bay and Afghanistan. We recommend that the Government make it clear to the US administration, both in public and in private, that such treatment of detainees is unacceptable.

70. The recent Report of the Intelligence and Security Committee, while noting that its remit does not extend to the behaviour of US personnel, made some criticism of the way in which British concerns about US treatment of detainees were raised with the US authorities. The Committee concluded:

We have reported that on a number of occasions when UK officials informed the US authorities of their concerns, these were not fully followed up by the UK. All such reports should be followed up by the UK authorities and, so far as it is within their power, fully investigated.⁹⁸

71. The Committee also raised the problem that the US was the detaining authority in Guantánamo Bay, in most facilities in Afghanistan and in some of the facilities in Iraq. British intelligence personnel, who had been invited by the US to observe and conduct interviews of detainees, were hampered by the fact that US authorities did not (except from January to March 2004 in Abu Ghraib prison) share with British personnel the interrogation techniques they considered acceptable. The Committee recommended that:

the UK authorities should seek agreement with allies on the methods and standards for the detention, interviewing or interrogation of people detained in future operations.⁹⁹

72. We agree with the recommendation of the Intelligence and Security Committee that the British authorities should seek agreement with allies on the methods and standards for the detention, interviewing or interrogation of people detained in future operations.

⁹⁶ HC (2004–05) 109, Ev 26

⁹⁷ *Ibid*

⁹⁸ HC (2004–05) 109, para 125

⁹⁹ HC (2004–05) 109, para 131

Treatment of detainees by British personnel

73. Allegations of misconduct have also been made against British troops in Iraq. The Human Rights Annual Report states that “there have been no allegations of systematic mistreatment of persons held by the UK although there have been isolated reports”.¹⁰⁰ On 23 February two British soldiers were found guilty of involvement in abuse of Iraqi civilians, which only came to light when photographs which the men had taken of the incident were discovered. They and a third soldier who pleaded guilty were later sentenced to terms of up to two years and were dismissed from the Army.¹⁰¹

74. Amnesty told us that it was “concerned that investigations into these allegations lack sufficient independence or transparency”.¹⁰² Bill Rammell said in evidence that “among 65,000 troops that have been engaged in Iraq there were ultimately about seven cases that have gone through to prosecution” and assured us that investigatory procedures were strictly applied: “as soon as there is any allegation of abuse there is a thorough investigation...I do not think anybody has made the argument that we have not dealt with that seriously”.¹⁰³ However, the guilty verdicts against the soldiers who committed the abuses at Camp Breadbasket have provoked fresh claims of abuse, and no-one has yet been charged with involvement in the most serious breaches, in which Iraqi men were photographed while being forced to engage in simulated sexual acts. There were also claims in the course of the courts martial against those convicted that officers’ instructions on the treatment of detainees had been framed in such a way as to allow troops to believe that they were being permitted, or even encouraged, to abuse detainees, yet no officer has yet been charged in connection with these offences.

75. The Report of the Intelligence and Security Committee updated its ongoing examination of the behaviour of British intelligence personnel in conducting or observing interviews of detainees in Afghanistan, Guantánamo Bay and Iraq. Over 2,000 such interviews were conducted and actual or potential breaches of British policy or international Conventions were reported by British personnel in 15 cases. The Committee “have been told there were no other occasions”.¹⁰⁴ The Committee concluded that SIS and Security Service personnel deployed to Afghanistan, Guantánamo Bay and Iraq were not sufficiently trained in the Geneva Conventions, nor were they aware which interrogation techniques the United Kingdom had specifically banned. In two cases this led to a breach of British policy, when detainees were hooded during the interviews. In another case specific concerns about the handling of a detainee by US personnel, observed by an SIS officer, were not raised with the senior US official, nor were they brought to the attention of the Foreign Secretary. The Committee concluded that, other than these cases, they had found no evidence of abuse by British intelligence personnel, but recommended improvements to training and to the procedures for raising concerns with the US.¹⁰⁵

100 HC (2004-05) 109, p 21

101 *Daily Telegraph*, 23 February and 26 February 2005

102 Ev 11

103 HC (2004-05) 109, Q 84

104 HC (2004-05) 109, para 110

105 HC (2004-05) 109, paras 121–122

76. We conclude that some British personnel have committed grave violations of human rights of persons held in detention facilities in Iraq, which are unacceptable. We recommend that all further allegations of mistreatment of detainees by British troops in Iraq, Afghanistan or elsewhere be investigated thoroughly and transparently. We conclude that it is essential that wherever there are overseas detention facilities, those responsible for detainees must have adequate training. We recommend that the Government review its training of and guidance to agency personnel, officers, NCOs and other ranks on the treatment of detainees to ensure that there is no ambiguity on what is permissible.

Torture

77. The FCO's Human Rights Annual Report 2004 states:

Torture is abhorrent and illegal and the UK is opposed to the use of torture under all circumstances. Torture...is prohibited, both under international humanitarian law and under international human rights law. The prohibition of torture in international law is widely considered...a rule which is binding on the international community of states as a whole, regardless of their consent, and from which no derogation is permissible.¹⁰⁶

78. The past few months have witnessed a debate in the United Kingdom which Amnesty has called a "creeping acceptance of the practice of torture".¹⁰⁷ On 11 August the Court of Appeal ruled two to one in the cases of A, B, C, D, E, F, G, H, Mahmoud Abu Rideh Jamal Ajouaou and the Secretary of State for the Home Department that evidence obtained under torture would be deemed admissible in court unless it had been directly procured by British agents or if British agents had connived in its procurement. At the end of November, in reaction to this case, the UN Committee against Torture recommended that the Government should make a formal undertaking that it will not rely on, or present evidence obtained through torture in any proceedings, stating that "article 15 of the Convention prohibits the use of evidence gained by torture wherever and by whomever obtained".¹⁰⁸

79. Amnesty described this debate as deeply regrettable and regressive, risking undoing the years of efforts by the FCO to eradicate the use of torture around the world, and stated it was "appalled" by the Government's stance. Human Rights Watch pointed out that the Court of Appeal judgement stated that the UN Convention against Torture was not part of domestic law, setting a dangerous precedent and appearing to contradict the Government's recognition in the Annual Report that "no derogation is permissible" from the international prohibition of torture.

80. Human Rights Watch recognised that there might be compelling arguments to act upon information extracted under torture, if it gave, for example, details of an imminent terrorist attack and therefore helped prevent the deaths of innocent people. However, in their view to accept information on this basis would be to begin the descent into an

¹⁰⁶ Human Rights Annual Report p182

¹⁰⁷ HC (2004-05) 109, Ev 4

¹⁰⁸ Conclusions and recommendations of the Committee against Torture, Thirty-third session, 15-26 November 2004

“immoral, illegal and destabilising” culture of permissiveness. Amnesty and Human Rights Watch concurred in warning that the effect of the Court of Appeal ruling, if transmuted into government policy, would be to encourage, by giving the impression of condoning, torture by repressive governments around the world. Human Rights Watch stated that:

Once you have sent the message that you are keeping the door open [to information obtained under torture] you have a relationship with the torturers’ regime and that is more widely known...The signal has been sent saying, “Yes, please. Give us anything that you have and we do not particularly care how that information is reached.”

The effect of sending such a signal “undoubtedly makes us less, not more, safe”.¹⁰⁹ Moreover, even if the moral question is put to one side, information extracted in this manner is unreliable, as “people [are] ready to tell complete untruths, incriminating themselves, when they were completely uninvolved”.¹¹⁰

81. We requested further information on this point from the Foreign Secretary and Bill Rammell, as well as following up the line of inquiry with Mr Rammell in oral evidence. Both reiterated the Government’s abhorrence of torture, and Bill Rammell stated that:

We oppose the use of torture ourselves. We would never advocate anybody else using torture and to my knowledge we have not knowingly received intelligence that we have known has been gained under torture.¹¹¹

However, when pressed on this latter point, neither the Foreign Secretary nor Mr Rammell was forthcoming. In correspondence, when asked to respond specifically to the question of whether the United Kingdom received and acted upon information extracted under torture by third parties, both Mr Straw and Mr Rammell successively failed to answer the question, instead stating that:

The UK intelligence and security agencies evaluate carefully the intelligence they receive against a range of factors; any concerns about the source of the intelligence or the means by which it may have been obtained would be taken into account.¹¹²

Written Parliamentary Questions asked by John Bercow MP and Greg Pope MP have elicited similar answers, couched in identical language.¹¹³

82. The Foreign Secretary was more forthcoming in giving evidence to the Intelligence and Security Committee, in which he said that:

There are certainly circumstances where we may get intelligence from a liaison partner where we know... that their practices are well below the line. But you never get intelligence which says ‘here is intelligence and by the way we conducted this under torture’.

109 HC (2004-05) 109, Q14

110 HC (2004-05) 109, Q15

111 HC (2004-05) 109, Q80

112 HC (2004-05) 109, Ev 74, 76

113 HC Deb. 11 January 2005, Col 413W; 2 February 2005, Col 940W; 10 February 2005, Col 1712W

The Foreign Secretary also told the Intelligence and Security Committee that:

it does not follow that if it is extracted under torture, it is automatically untrue. But there is a much higher probability of it being embellished.

83. In relation to the moral dilemma of accepting evidence which, although extracted under torture, may save lives, the Foreign Secretary said that:

If you do get a bit of information which seems to be completely credible, which may have been extracted through unacceptable practices, do you ignore it? And my answer to that is, the moment at which it is put before you, you have to make an assessment about its credibility. Because... [what] if we had been told through liaison partners that September 11th was going to happen...you cannot ignore it if the price of ignoring it is 3,000 people dead.¹¹⁴

84. In recent months, press reports have alleged that, since 11 September 2001, US agents have systematically kidnapped suspected terrorists and sent them to countries in which they have suffered torture, for the purpose of extracting intelligence, a practice known as extraordinary rendition.¹¹⁵ We discuss extraordinary rendition in the next section of this Report.

85. We conclude that the arguments for evaluating information which purports to give details of, for example, an impending terrorist attack, whatever its provenance, are compelling. We further conclude, however, that to operate a general policy of use of information extracted under torture would be to condone and even to encourage torture by repressive states.

86. We find it surprising and unsettling that the Government has twice failed to answer our specific question on whether or not the United Kingdom receives or acts upon information extracted under torture by a third country. We recommend that the Government, in its response to this Report, give a clear answer to the question, without repeating information already received twice by this Committee.

87. We recommend that the Government set out, in its response to this Report, a full and clear explanation of how its policy on the use of evidence gained under torture is consistent with the United Kingdom's international commitments as set out in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which states, at Article 15, that "Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made".

Rendition of terrorist suspects

88. Some of the methods of gathering intelligence in the war against terrorism raise concerns about respect for human rights and compliance with international obligations. This issue has gained prominence following allegations by Craig Murray, the United

¹¹⁴ Cm 6469, para 33

¹¹⁵ *Independent*, 10 February 2005 and *Independent on Sunday*, 20 February 2005

Kingdom's former Ambassador in Uzbekistan, about the use of information gained through torture. Speaking about Uzbekistan, Mr Murray has said that he has "no doubt that the United Kingdom is receiving information that has been obtained under torture".¹¹⁶ In a speech in November 2004, Mr Murray expanded on his concerns:

Many of my colleagues in other countries must also be seeing intelligence obtained under torture. The US State Department briefing says that torture is used as "A routine investigative technique" by the Uzbek security services. Theo van Boven, UN Special Rapporteur on Torture, found it to be "Widespread and systemic". Nobody in the British government has attempted to argue to me that the information we receive from the Uzbek sources was not obtained under torture. Rather they argue that we did not encourage or instigate the torture, so are not complicit. That might be a valid argument—and I repeat might—if we stumbled on the material in the street, or got handed some as a one off. But it is not sustainable where we regularly receive such material through an established system. That must make us complicit.¹¹⁷

89. Mr Murray has also raised the policy of 'extraordinary rendition'—the deliberate transfer of terrorist suspects to foreign countries for interrogation, knowing that torture may be used. Mr Murray has told the press that: "There is increasing evidence that America is shipping people round the world to be tortured... I saw it in Uzbekistan because I happened to be there, but it's also happening in countries like Egypt and Saudi Arabia."¹¹⁸

90. The practice of transferring terrorist suspects to foreign countries for interrogation which could lead to information being obtained under torture is not new. Human Rights Watch has been documenting and campaigning against the practice for a number of years. In November 2003, Human Rights Watch called on President Bush to "end the transfer of detainees to countries that routinely engage in torture, such as Syria, if he is to fulfil his pledge to champion democracy and human rights in the Middle East and honor the United States' international legal obligations."¹¹⁹

91. The US has transferred prisoners from one country to another, without formal extradition proceedings, for some years. In testimony to the 9/11 Commission in 2004, George Tenet, former head of the CIA, said that: "The Center [CIA counter-terrorism center] has racked up many successes, including the rendition of many dozens of terrorists prior to September 11, 2001."¹²⁰ Tenet had previously put the number of cases of rendition prior to 11 September 2001 at 70.¹²¹

92. The Bush administration has refused to confirm the policy of extraordinary rendition. However, a recent report by the New York Times cites former government officials who

116 "The trouble with Uzbekistan", remarks by Craig Murray, Chatham House, 8 November 2004, available at: www.chathamhouse.org.uk

117 *Ibid.*

118 "This UK diplomat says Britain is part of a worldwide torture plot", *The Independent on Sunday*, 20 February 2005.

119 "United States: Stop Handing Over Detainees to Torturers", Human Rights Watch, 7 November 2003, available at: www.hrw.org

120 "Written Statement for the Record of the Director of Central Intelligence Before the National Commission on Terrorist Attacks Upon the United States", 24 March 2004, available at: www.9-11commission.gov

121 *Ibid.*, see also "Rule change lets CIA freely send suspects abroad to jails", *The New York Times*, 6 March 2005.

claim that since 11 September 2001, the CIA has flown 100-150 suspected terrorists from one foreign country to another, including Egypt, Syria, Saudi Arabia, Jordan and Pakistan.¹²² Extraordinary rendition raises serious concerns about human rights abuses: according to the US State Department's annual human rights report, the countries to which the US is transferring suspects use torture in their prisons.¹²³ A number of former detainees have described being subjected to coercive interrogation techniques and brutal treatment while in detention. According to press reports, former detainees have been subjected to electric shocks, have been beaten, shackled and humiliated.¹²⁴

93. As well as raising serious human rights concerns, the practice risks jeopardising calls by the international community for democratic reform and respect of human rights in the Arab and Islamic worlds. For example, increased pressure on Syria to reform comes at the same time as reports about the extraordinary rendition of Maher Arar, a Syrian-born Canadian national. Mr Arar was seized by US authorities in New York in September 2002 and taken to Syria for interrogation. He was released in October 2003; no charges were brought against him and he returned to Canada.¹²⁵ Mr Arar has said that he was subjected to beatings while in Syria.¹²⁶

94. There are allegations that the United Kingdom is complicit in the US policy of extraordinary rendition. Not only is it suggested that information provided by the United Kingdom has led to the capture and eventual torture of terrorist suspects, but there are also reports that British facilities have been made available to two 'executive jets' that are used by the CIA to carry out renditions.¹²⁷ Following Mr Murray's allegations, there are also concerns that the United Kingdom may be making use of intelligence gained as a result of extraordinary rendition.

95. In March, the Intelligence and Security Committee published a report on "The Handling of Detainees by UK Intelligence Personnel in Afghanistan, Guantanamo Bay and Iraq".¹²⁸ The report does not refer to extraordinary rendition, but does make reference to 'ghost detainees', which it describes as "individuals that the US authorities are holding at undisclosed locations under unknown conditions and to whom the International Committee of the Red Cross does not have access."¹²⁹ The report notes that the Security Service informed them that they had "received intelligence of the highest value from detainees, to whom we have not had access and whose location is unknown to us, some of which has led to the frustration of terrorist attacks in the UK or against UK interests."¹³⁰

96. On 25 February, we wrote to the FCO about extraordinary rendition. We asked the Government:

122 "Rule change lets CIA freely send suspects abroad to jails", *The New York Times*, 6 March 2005.

123 "Human Rights", US Department of State, available at: www.state.gov

124 "Rule change lets CIA freely send suspects abroad to jails", *The New York Times*, 6 March 2005.

125 "Outsourcing torture", *The International Herald Tribune*, 12 February 2005.

126 "Rule change lets CIA freely send suspects abroad to jails", *The New York Times*, 6 March 2005.

127 "How Britain helps the CIA run secret torture flights", *The Independent*, 10 February 2005.

128 Report of the Intelligence and Security Committee, "The Handling of Detainees by UK Intelligence Personnel in Afghanistan, Guantanamo Bay and Iraq", March 2005, Cm 6469.

129 *Ibid.*, para 77.

130 *Ibid.*, para 78.

- whether the United Kingdom has used extraordinary rendition or any other practice of sending suspects to third countries for interrogation;
- whether the United Kingdom has allowed any other country to use its territory or its airspace for such purposes or received information which has been gained using these methods; and
- whether the Government regards the use of such methods as (a) legally and (b) morally acceptable?

97. In its response to this letter, the Government told us:

The British Government's policy is not to deport or extradite any person to another state where there are substantial grounds to believe that the person will be subject to torture or where there is a real risk that the death penalty will be applied. Whether rendition is contrary to international law depends on the particular circumstances of each case. We encourage all members of the international community to respect international law and human rights standards... The British Government is not aware of the use of its territory or airspace for the purposes of "extraordinary rendition". The British Government has not received any requests, nor granted any permissions, for the use of UK territory or airspace for such purposes... As you will be aware, this issue was the subject of a comprehensive inquiry by the Intelligence and Security Committee, whose report (CM6469) has just been published. Ministers have also answered a number of Parliamentary questions on this.¹³¹

This response does not provide a satisfactory answer to our questions. Similarly, parliamentary questions put by a Member of this Committee have met with obfuscation.¹³²

98. We conclude that the Government has failed to deal with questions about extraordinary rendition with the transparency and accountability required on so serious an issue. If the Government believes that extraordinary rendition is a valid tool in the war against terrorism, it should say so openly and transparently, so that it may be held accountable. We recommend that the Government end its policy of obfuscation and that it give straight answers to the Committee's questions of 25 February.

131 Ev 66

132 For the most recent example see HC Deb, 14 March 2005, col 90W

5 Iraq

Security situation

Continuing problems

99. In our last Report, published in July 2004, we noted that the handover to Iraq's interim government had been brought forward to 28 June 2004 in an effort to forestall the threat of terrorist violence but that no immediate cessation was expected.¹³³ We also noted that the security situation had deteriorated since our previous Report, which was published in January 2004. Regrettably the security situation has deteriorated further. On 28 February, a car bomb in Hilla, 100 kilometres south of Baghdad, left at least 125 dead and 130 wounded in one of the single biggest attacks since the war.¹³⁴ Increasingly it is the Iraqi Security Forces that are bearing the brunt of the attacks, as the Multi-National Force (MNF) takes a lower profile.

100. The types of attack remain similar to those we described in July 2004.¹³⁵ Members of the Iraqi security forces continue to be targeted with alarming regularity and with devastating consequences, as do those with links to the political process, be they politicians or civil servants. The insurgents stepped up their campaign of violence in the run up to the elections on 30 January. On polling day, there were nine suicide bombings in Baghdad and 260 attacks nationwide, with a total of 44 fatalities.¹³⁶ The MNF and foreigners in general also continue to be targeted. Perhaps even more insidious have been the continued attacks against particular religious communities, designed as they are to exacerbate sectarian tensions. Suicide attacks killed more than 70 people during Ashura this year, the day when Shia Muslims commemorate the martyrdom of Hussein, grandson of the Prophet.¹³⁷ There have also been attacks on Iraq's Christian minority.¹³⁸ Iraq's oil infrastructure also continues to be targeted, along with reconstruction efforts.

101. Dr Toby Dodge, of the International Institute for Strategic Studies and the University of Warwick, and a former witness to this inquiry, has written that in addition to these 'high-profile' attacks, the security vacuum has "given rise to a tide of rampant criminality. House-breaking, car-jacking and the seizing of people either to be held for ransom or sold into prostitution are very present dangers for Iraqis as they try to put their lives back together."¹³⁹ Dr Joost Hilterman, the Middle East Project Director at the International Crisis Group, wrote to us about the effect this is having:

Violence has spread to affect all sectors of society in all aspects of daily life. Ordinary Iraqi citizens feel insecure in their neighbourhoods and even in their own homes.

133 HC (2003-04) 441-I, paras 5-6.

134 "Iraq car bombing causes carnage", *BBC News Online*, 28 February 2005.

135 HC (2003-04) 441-I, paras 4-8.

136 The elections are discussed in more detail in paras 145-49. See also Ev 64.

137 "Wave of suicide attacks puts Shia message of restraint to test", *Financial Times*, 21 February 2005.

138 "Archbishop abducted in Iraq", *BBC News Online*, 18 January 2005.

139 "A military solution means more violence", *Tribune*, 25 February 2005.

Travelling outside of urban areas is particularly risky. The fear is less of bomb attacks and other insurgent activity—of which most people see little (other than on TV)—than of the general lack of law and order.¹⁴⁰

102. Despite this gloomy picture, the attacks have not spread throughout the country. The FCO wrote to us about the geographical distribution of the insurgency:

It is important to bear in mind that violence is concentrated in a minority of Iraq's provinces. In other parts of the country the situation is more secure. In the past three months, four provinces with 41% of the population have accounted for 83% of attacks: Salah ad-Din, Anbar, Ninawa and Baghdad. By contrast ten provinces, mostly in the centre-south and north, with 34% of the population had 1.2% of attacks.¹⁴¹

103. We also heard from Kamran al-Karadaghi, of the Institute for War and Peace Reporting, about the relative calm in many parts of Iraq: “[T]he situation in the south and the so-called central Euphrates area has been relatively calm, especially since the confrontation ended between the coalition and Iraqi forces, on the one hand, and the fighters of the Al-Mahdi Army led by the young cleric Muqtada al-Sadr.”¹⁴² According to a recent report by the Washington-based Center for Strategic and International Studies (CSIS), there is a significant level of security in 12 provinces. “[E]ven in areas where insurgents operate and have significant local influence, populations are divided and are rarely under insurgent control. Moreover, if one looks at the total population of all the scattered cities and areas where insurgents and terrorists largely dominate, it does not exceed 6-9% of Iraq's total population.”¹⁴³

Understanding the insurgency

104. In previous Reports in this inquiry we have noted the different elements involved in the insurgency. We observed that there was a “dangerous alliance” of foreign fighters and elements of the former Iraqi regime as well as a strong current of more ordinary criminality.¹⁴⁴

105. The US has been criticised for exaggerating the role of foreign fighters in Iraq and underplaying the insurgency's nationalist elements:

U.S. commanders have tended to blame foreign fighters like Abu Mus'ab al-Zarqawi for most of the violence. This reflects a failure to appreciate that while these fighters obviously enjoy certain sources of Iraqi support, especially in tribal areas in Al-Anbar (Falluja/Ramadi), Salah al-Din (Tikrit/Samarra) and Nineveh (Mosul) governorates,

140 Ev 30-31

141 Ev 64

142 Q 2 [Karadaghi]

143 “Strengthening Iraqi Military and Security Forces”, Anthony Cordesman, *CSIS*, 17 February 2005, available at: www.csis.org

144 HC (2003-04) 441-I, paras 9-10; and HC (2003-04) 81, para 25.

they are only a small group whose agenda and means of achieving it differ significantly from that of most Iraqi insurgents.¹⁴⁵

106. The United Kingdom has been somewhat more circumspect. The FCO wrote to us about the composition of the insurgency: “The insurgent groups are disparate in nature and range from Baathists to religious extremists... We believe that most attacks in Iraq are the work of Iraqi insurgents, particularly former regime elements.”¹⁴⁶ Nevertheless, the Government has placed significant emphasis on the presence of al Qaeda in Iraq.¹⁴⁷ Speaking to the Liaison Committee on 8 February, the Prime Minister stressed the role in the insurgency of al Qaeda and foreign fighters over and above domestic elements.¹⁴⁸ The Prime Minister has also referred to Iraq as the “crucible in which the future of this global terrorism will be determined”.¹⁴⁹

107. Understanding the nature of the insurgency is key to any effort to bring it to an end. While acknowledging the presence of al Qaeda in Iraq, all our witnesses have emphasised the domestic Iraqi factors behind the violence. Dr Hilberman wrote to us about this:

The insurgencies in Iraq today are primarily driven by deep-seated grievances prevailing in two communities: Disaffected Sunni Arabs, who fear being de-privileged after decades of access to power and wealth through their proximity to especially the republican regimes, and equally disaffected members of the Ba’ath party (including many secular Shiites) who have become targets of de-Ba’athification (regardless of their conduct under the previous regime).¹⁵⁰

108. Socio-economic factors may also be feeding into the violence, with unemployment and poverty helping to create a pool of willing recruits for insurgents:

[T]here is a much broader group of unemployed Iraqis who serve as a recruiting ground for the insurgent groups, regardless of the latter’s ideology or politics, or who may resort to criminality. They include workers of idle state factories, soldiers of the dismissed national army and young Iraqis who have never held a job. Only a massive attempt at employment generation may serve to reabsorb members of this group into legality.¹⁵¹

This has been especially true of the supporters of Muqtada al-Sadr in Baghdad, who are “not politically disaffected as much as the members of an economically marginalised underclass.”¹⁵² No doubt a number of Iraqis are also angered by what they consider to be an occupation by foreign powers. It is hoped that such sentiments will diminish as the

145 Ev 133

146 Ev 65

147 We discuss the presence in Iraq of al Qaeda in more detail in paras 16-22.

148 Uncorrected transcript of oral evidence given to the Liaison Committee, 8 February 2005, to be published as HC 318-I, Q 5.

149 “PM meets the Iraqi Prime Minister”, 19 September 2004, available at: www.number-10.gov.uk

150 Ev 132

151 Ev 133

152 *Ibid.*

process of democracy confers additional legitimacy on the Government in Baghdad and the MNF becomes less visible.

109. We conclude that although many parts of Iraq are secure, much of the country continues to be wracked by violence. This has devastating consequences for the Iraqi population and imperils the country's political transition; it also hinders the reconstruction process which is key to improving the quality of the lives of Iraqis and drying up the 'recruitment pool' for insurgents. Foreign terrorists have certainly played a leading and deadly role in the insurgency. However, the evidence points to the greater part of the violence stemming from Iraqi groups and individuals, some motivated by religious extremism and others who have been dispossessed by policies adopted by the Coalition since the war, such as de-Ba'athification and the disbanding of the Iraqi security forces. Excessive use by the US forces of overwhelming firepower has also been counterproductive, provoking antagonism towards the Coalition among ordinary Iraqis. We conclude that it should not have been beyond the planning capabilities of the Coalition to anticipate the consequences of these various policies.

Ending the insurgency

110. In our last Report, we noted that newly appointed interim Iraqi Prime Minister Iyad Allawi had said that he planned to reverse the process of de-Ba'athification and that he was considering imposing emergency measures in order to tackle the security problem. There were also suggestions of a limited amnesty.¹⁵³ Prime Minister Allawi went on to impose emergency measures but has not pursued efforts to reverse de-Ba'athification. Moreover, plans to initiate talks with insurgents were hindered by the Interim Government's lack of legitimacy and power and were ultimately blocked by the US, although there was a limited weapons amnesty. As a result, the focus of the counter-insurgency strategy has remained military.

111. We heard from our witnesses about the inadequacies of large-scale assaults such as that on Fallujah in November 2004:

While wholesale assaults on urban centres such as Falluja and Samarra no doubt have succeeded in killing quantities of insurgents, they have (1) failed to prevent the escape of key insurgents, and (2) created a more generalised anger and resentment among a population that feels reinforced in its perception that it is being disenfranchised and marginalised in the new Iraq.¹⁵⁴

Kamran al-Karadaghi told us that the majority of the insurgents had escaped from Fallujah, many of them going to Mosul.¹⁵⁵ Indeed, there has been increased violence in Mosul since the assault on Fallujah.¹⁵⁶

112. In his evidence to the Committee, Dr Hilterman emphasised the need to "dry up popular support" for the insurgents and reduce the pool of recruitable young men. To do

¹⁵³ HC (2003-04) 441-I, para 42

¹⁵⁴ Ev 133

¹⁵⁵ Qq 16-17 [Karadaghi]

¹⁵⁶ "Mosul: Northern powder-keg?", *BBC News Online*, 21 December 2004.

this, he recommended a multi-track strategy consisting of political, economic and security aspects:

Political: Assist the creation of a legitimate government that can effectively govern and deliver essential services to the population and keeps corruption to a minimum. Serious overtures have to be made to bring disaffected Iraqis back into the political fold. Promote an open and inclusive constitutional process.

Economic: Promote the type of reconstruction that draws in the largest number of unemployed. Fix the problems with the power supply.

Security: Build up a police force able to restore law and order. Build up an intelligence capability that can ferret out hard-core insurgents. Build up customs capabilities and other forms of border control to prevent jihadis and funds from entering Iraq. Start reducing the presence and visibility of U.S. forces in populated areas.¹⁵⁷

113. We conclude that to date the counter-insurgency strategy has not succeeded. This may reflect an overriding focus on a military approach to the detriment of political engagement. This has been exacerbated by the slow progress of reconstruction efforts. We recommend that the Government encourage the Iraqi Government and Coalition forces to follow a more rounded counter-insurgency strategy where possible.

Political inclusion

114. Dr Hilterman wrote to us about the disaffection of Sunnis and former members of the Ba'ath Party, whose involvement in the insurgency may stem from their sense of dispossession. He told us about the possibility of engaging them politically:

Members of these two communities could theoretically be drawn back into the political process if they are given sufficient assurances and power to allay their fears of future punishment, discrimination and repression. They have suggested that, despite their boycott of the January 2005 elections, they are interested in participating in the drafting of the constitution. Many have also indicated their abhorrence of practices such as the beheading of hostages or suicide bombings in crowded civilian areas, which they attribute to foreign fighters.¹⁵⁸

115. Dr Dodge has also argued the need to bring into the political process those elements of the insurgency whose grievances could potentially be addressed:

By doing so it would split the revolt, separating the scorched-earth nihilists from those with a coherent political platform and a commitment to Iraq's future. A broad political front seeking to represent antioccupation groups does exist. The Iraqi founding National Conference is a coalition that holds within its ranks both Sunni and Shia groups who want to see an end to the US presence. The radical Shia politician, Muqtada al Sadr, is a member, along with the most influential Sunni group, the Association of Muslim Scholars. It has publicly committed itself to

157 Ev 133

158 Ev 134

democracy but will only take part in elections held under international supervision after US troops have set a timetable for their departure.¹⁵⁹

116. There are suggestions that the US itself may now be seeking to initiate ‘back-channel’ contacts with some of the insurgents. According to a recent report in *Time*, “the US is in direct contact with members of the Sunni insurgency, including former members of Saddam’s Baathist regime.”¹⁶⁰

117. We conclude that while negotiations with al Qaeda and foreign fighters are out of the question, it might be possible to address some of the Iraqi insurgents’ grievances through political negotiations. We recommend that the Government be prepared to support any such efforts by the new Iraqi Government.

Reconstruction and socio-economic development

118. Our witnesses have told us about the importance of improving the socio-economic situation of Iraqis in order to give them a stake in the new Iraq and deprive the insurgents of recruits. Damien McElroy, a Sunday Telegraph Foreign Correspondent who has spent time in Iraq, told us:

[T]here has always been an element of Iraq being a contest between the forces of chaos and the forces of money... For much of the time I was going there the money just was not getting out; what was being allotted was not spent and what was spent was being spent on, basically, lots of foreigners who were hired on wages far beyond what an Iraqi would get. There were good reasons for that but there also was not the general spend. I am told that general spending is picking up, that more and more people are being absorbed in jobs but people need an incentive; they need to feel that the government is going somewhere, that the government will take root, that the government will establish itself.¹⁶¹

119. In previous Reports we have noted the need to address the problem of unemployment, especially in Basrah where the United Kingdom had responsibility during the Coalition Provisional Authority (CPA) administration.¹⁶² We noted the steps taken by the Government to assist in this area, but concluded that unemployment remained a serious problem and that further progress was required.¹⁶³ In its response to our Report, the Government told us that the evidence suggested that the problem of unemployment had been overestimated.¹⁶⁴ However, it acknowledged that more needed to be done to help. It is difficult to find an accurate figure for unemployment, but the evidence suggests that it remains a serious problem.

¹⁵⁹ “A military solution means more violence”, *Tribune*, 25 February 2005.

¹⁶⁰ “Talking with the enemy”, *Time*, 28 February 2005.

¹⁶¹ Q 27 [McElroy]

¹⁶² HC (2003-04) 81, para 96.

¹⁶³ HC (2003-04) 441-I paras 89-95

¹⁶⁴ Foreign and Commonwealth Office, *Response of the Secretary of State for Foreign and Commonwealth Affairs*, September 2004, Cm 6340, para 67.

120. We have also noted the progress of reconstruction efforts.¹⁶⁵ In July 2004, we concluded that despite some improvements, the provision of basic services was not yet satisfactory.¹⁶⁶ In evidence to the International Development Committee in January, Ken Caldwell, International Overseas Director of Save the Children, described the current status of infrastructure in Iraq: “Our observation would be that this is a very widely varying picture across different communities in Iraq. There are some where the infrastructure now is significantly better than it was pre war. There are others where it is still not functioning.”¹⁶⁷ In large part, this difference derives from the varying security picture. Yahia Said, Research Fellow at the Centre for the Study of Global Governance, London School of Economics, expanded on the impact of security on reconstruction:

There are not such set rules that you can do reconstruction in the north as you can do it in the south or the centre. In Baghdad recently Sadr City, where two million out of five million Baghdadis live, has been the scene of quite successful reconstruction effort ongoing after the ceasefire was signed. Other parts of Baghdad of course are off limits for reconstruction effort, whether they are driven by DfID or whether they are driven by Iraqi ministries. The same could be said of other areas in Iraq... Generally the biggest security challenge in Iraq today is the roads. What you have is that millions or sometimes billions of dollars are spent, for example, fixing Baghdad Airport but the road to Baghdad Airport is unpassable and quite dangerous, which means that that investment lies almost dormant. It is the same with the billions being spent on the port facilities in the south. There is a very big capacity in the ports to import and export goods but the roads are quite unsafe.¹⁶⁸

121. In addition to the overall prohibitive impact of the security threat, reconstruction efforts have also been deliberately targeted:

Over the last month there have been about three or four hours of electricity in Baghdad, which is atrocious, although the generating capacity has been improved significantly and Iraq today has more generating capacity than it had before the war. The sabotage, both in terms of the power lines but also in terms of the fuel supplies to the power stations, has meant that this generating capacity is lying dormant.¹⁶⁹

122. We conclude that the slow pace of reconstruction and the failure significantly to improve the quality of life for many Iraqis may have played a role in fuelling the insurgency by providing a pool of willing recruits. We further conclude that it is essential that greater progress is made towards improving basic services in Iraq and increasing employment opportunities so that Iraqis may see a material improvement in the quality of their lives. We recommend that the Government step up its efforts in support of the reconstruction process and examine how to increase the impact of reconstruction efforts.

¹⁶⁵ HC (2003-04) 441-I, paras 55-64.; and HC (2003-04) 81, paras 94 & 106.

¹⁶⁶ HC (2003-04) 441-I, para 64

¹⁶⁷ Corrected transcript of oral evidence given to the International Development Committee, 18 February 2005, to be published as HC 244-I, Q 101

¹⁶⁸ *Ibid.*, Q 137

¹⁶⁹ *Ibid.*, Q 137

Iraqi Security Forces

123. In previous Reports in this inquiry we have followed efforts to build up new Iraqi Security Forces (ISF) and commended the Governments efforts in this area.¹⁷⁰ The FCO wrote to us about the role of the ISF:

ISF are taking an increasing role in tackling the insurgency. In 2004, Iraqi security forces fought alongside the MNF in Najaf, Samarra, Fallujah, Baghdad, North Babil, Mosul and a number of other locations. The largest operation was in Fallujah where 3,000 ISF were involved last November, supported by the US military.¹⁷¹

124. The ISF are credited with much of the success of polling day, when the level of violence was much lower than had been expected:

Some 5,200 polling sites were secured with two rings of Iraqi security personnel, estimated to number 130,000. Certainly the backup by coalition forces was of enormous importance. However, it was Iraqi security forces who prevented terrorists from penetrating the security around any of the more than 5,000 polling sites, and it was Iraqi police and soldiers who gave their lives to prevent several suicide vest bombers from blowing up large numbers of those standing in line to vote.¹⁷²

Both the Prime Minister and Foreign Secretary have paid tribute to the bravery shown by the ISF during the election.¹⁷³

125. However, there is some dispute over the number of trained and equipped Iraqi forces as well as their level of training and competence. In January, US Secretary of State Conoleezza Rice told the Senate Foreign Relations Committee that 120,000 members of the ISF were trained and equipped.¹⁷⁴ On 3 February, US Defense Secretary Donald Rumsfeld put this figure at 136,000 Iraqi soldiers and police officers trained and equipped to “the appropriate level”,¹⁷⁵ while Defence Secretary Geoff Hoon told the House on 10 January that 115,000 Iraqi security personnel were “trained, equipped, and operating across Iraq”.¹⁷⁶ Meanwhile, Congressional estimates are reported to put the figure at no more than 14,000 “battle-ready” troops.¹⁷⁷

126. A report by the US State Department to Congress in January 2005 noted that: “While Iraq’s Security Forces have shown considerable progress during the last quarter, the overall

170 HC (2003-04) 441-I, paras 35-41.

171 Ev 65

172 “Special Defense Department Briefing on Iraq Security Forces”, Lieutenant General David Petraeus, Commander, Multinational Security, 4 February 2005, available at: www.defenselink.mil

173 Uncorrected transcript of oral evidence given to the Liaison Committee, 8 February 2005, to be published as HC 318-I, Q13; and HC Deb, 31 January, col 575.

174 “Iraqis” Readiness Disputed in Hearing”, *The Washington Post*, 20 January 2005.

175 “US Department of Defense News Briefing”, 3 February 2005, available at: www.defenselink.mil/transcripts

176 HC Deb, 10 January 2005, col 4

177 “Iraqis” Readiness Disputed in Hearing”, *The Washington Post*, 20 January 2005.

performance of these forces has been mixed when put to test.”¹⁷⁸ A report by the Center for Strategic and International Studies expanded on the difficulties faced by the ISF:

[T]here have been many occasions on which various Iraqi forces have failed to perform their missions both as a result of these insurgent attacks, a lack of leadership and integrity on the part of some Iraqi officers, and a lack of experience and dedication on the part of other ranks... At the same time, Iraqi forces are showing that they can be effective when they have the proper leadership, organization, training, equipment, and facilities. Some have fought well in demanding battles and engagements, and even less combat-capable forces like the police are taking hold in many areas.¹⁷⁹

127. Given the ongoing problem with law and order the status of the police is particularly important. The FCO wrote to us in February about this:

The Iraqi Police Service (IPS) performance is improving, but progress still needs to be made in developing leadership and specialist skills, with the ultimate aim of being able to operate independently from the MNF. There are five academies operational across the country, training 4,000 officers per month. Police stations are being hardened and more weapons provided. Quick reaction forces have been activated with five provincial SWAT teams trained and 15 more scheduled in the next six months.... The better-trained and led units have been able to deal with confrontations with criminal gangs and public disturbances, but there is a good deal more to do. Moreover, the picture across Iraq is variable. Current manning stands at some 95,000 of which 59% are described as trained, equipped and capable. The approved increase to 135,000 IPS officers will see some 56% trained and equipped by July 2005 with training complete by May 2006.¹⁸⁰

128. The Committee has also heard concerns that the ethnic makeup of the new ISF is problematic. Dr Gareth Stansfield of the University of Exeter and a long-standing expert on the Kurds told us: “The only peoples who seem willing to join the new forces are either Kurds or Shi’i. Therefore, the new institutions of security are considered, by those in sunni areas,... to be fighting either as Kurds, or as Shi’i, and not as Iraqis.”¹⁸¹ Joost Hilterman told us that the use of Kurdish forces has been particularly problematic:

[T]he deployment of elite Iraqi units almost exclusively composed of Kurds in areas such as Falluja, Najaf and Mosul has alarmed Arab communities there and stirred communal tensions. (Kurdish peshmerga fighters are the most battle-hardened, disciplined and reliable forces currently available in Iraq; the temptation is great to deploy them as proof of the rebirth of the Iraqi security forces in a virtual security vacuum.)¹⁸²

178 “Section 2207 Report on Iraq Relief and Reconstruction”, Quarterly Update to Congress, 2207 Report, Bureau of Resource Management, 5 January 2005, available at: www.state.gov

179 “Strengthening Iraqi Military and Security Forces”, Center for Strategic and International Studies, 17 February 2005.

180 Ev 65

181 Ev 136-7

182 Ev 133

129. We conclude that progress has been made towards building up the new Iraqi Security Forces (ISF) and that they played a crucial role in providing security for the Iraqi elections. Indeed, we commend the immense bravery of members of the ISF, who operate under the most dangerous of circumstances. However, the ISF remain too few in number and are insufficiently trained to be able to take over from the Multi-National Force. We conclude that the reliance on Shia and Kurdish communities to build up the ISF risks sowing the seeds of future ethnic and sectarian conflict. We recommend that the United Kingdom and its international partners redouble their efforts to build up the ISF. We further recommend that the United Kingdom work to prevent the ISF from becoming associated with particular ethnic or sectarian groups and ensure that it reflects the whole of Iraqi society so that it can act as a force for national unity.

Regional states

130. In previous Reports in this inquiry we have noted the need for greater efforts to be made by Iraq's neighbours to prevent foreign fighters from entering the country.¹⁸³ As Kamran al-Karadaghi told us, this remains a concern:

What the coalition and the government, I think, must do is put more pressure on some of the neighbouring countries of Iraq: Syria and Iran—especially Syria. The new Ba'athist leadership is really based in Syria. We have information that they have recently elected a new leadership; they had a meeting in the Al-Hasakah area on the Iraqi border, they elected a new general secretary temporarily because they still consider Saddam Hussein as their leader. So they have elected a general secretary from Tikrit, and the sons of Saddam Hussein's brothers—his relatives—are in Syria, really, establishing companies so that they have money. Iran, also, is doing a lot.¹⁸⁴

131. Possibly under the weight of intensified international pressure owing to events in Lebanon, Syria in February handed over to Iraq Sabawi Ibrahim al-Hassan al-Tikriti, Saddam Hussein's half brother, who is suspected of funding and planning the insurgency.¹⁸⁵ Nevertheless, Syria could do much more. The FCO wrote to us about this:

Syria remains the main point of entry for jihadists aiming to reach Iraq, and the Syrians could do more to tackle this. Likewise Syria could do more to stop jihadist groups and individuals operating inside Syria who facilitate the training and the transfer of insurgents to Iraq. We welcome the handing over by Syria of Saddam Hussein's half brother Sabawi Ibrahim al-Hassan, but there are other insurgency leaders who the Syrian regime continues to harbour (Iraq has passed details of individuals it wants to see action on to the Syrians).¹⁸⁶

132. Turning to Iran, on 1 March the Foreign Secretary told the House: "There has been more co-operation ... between the coalition forces in Iraq and the Government of Iran in respect of MEK,¹⁸⁷ which is a nasty terrorist organisation that has to be contained."¹⁸⁸ It is

183 HC (2003-04) 441-I, paras 18-20; and HC (2003-04) 81, para 28.

184 Q 27 [Karadaghi]

185 "Syria "gave up" brother of Saddam", *BBC News Online*, 27 February 2005.

186 Ev 81-82

187 Mujaheddin-e-Khalq

regrettable that Iran has not offered greater assistance in other areas of co-operation in Iraq.

133. We conclude that Iraq's neighbours continue to have a role to play in assisting the political transition in Iraq and improving the security situation. We recommend that the Government continue to work with regional states including Syria and Iran to encourage them to play a more co-operative role.

The Multi-National Force

134. The FCO wrote to us about the role of the MNF in Iraq:

The UN-mandated MNF's principal role is helping Iraq to provide the security conditions for reconstruction and political development. We are focused on developing the capability and capacity of the Iraqi Security Forces. Twelve EU states are contributing to this with troops through the MNF, others through personnel as part of the NATO Training Mission and others through police training programmes in Jordan and UAE. 130,000 Iraqi security personnel are now trained, equipped, and operating across Iraq with over 220,000 on duty.

In accordance with UNSCR 1546, we will continue to assist Iraq deal with its security for as long as required and requested by the Iraqis. We will continue to help develop the Iraq Security Forces through support for training as well as direct military support, when this is called for by the Iraqis.¹⁸⁹

135. In previous Reports in this inquiry we have noted the reluctance of some countries to assist in Iraq and regretted the failure to internationalise the MNF significantly, despite the unanimous adoption of UNSCR 1546.¹⁹⁰ The FCO wrote to us in November 2004 with details of the states contributing to the MNF:

In total, including UK (8500) and US forces (138,000), there are forces from some 30 nations on the ground. These are Italy (2857), Netherlands (1368), Denmark (485), Portugal (124), Lithuania (131), Czech Republic (93), Romania (747), Japan (539), Bulgaria (411), Hungary (295), Mongolia (160), Poland (2500), Slovakia (105), Ukraine (1589), Albania (74), Kazakhstan (29), Georgia (72), Macedonia (34), Azerbaijan (150), Moldova (12), Estonia (42), Latvia (124), El Salvador (380), South Korea (3700), Australia (312), Armenia (50) and Tonga (44). Norway retain 4 staff officers in Multinational Division South East.¹⁹¹

136. While this is an impressive list of international contributors, the numbers show that the bulk of the contribution continues to come from just two states. Moreover, a number of these countries have announced their intention to withdraw their forces from Iraq,

¹⁸⁸ HC Deb, 1 March 2005, col 799.

¹⁸⁹ Ev 65

¹⁹⁰ HC (2003-04) 441-I, paras 21-26; and HC (2003-04) 81, para 37.

¹⁹¹ Ev 56

including Italy, Ukraine, Portugal, Poland, Hungary and the Netherlands.¹⁹² Meanwhile, initial optimism that an Islamic force might be formed for Iraq has proved unfounded.

137. We noted in our last Report in this inquiry that Iraq had requested that NATO provide technical assistance and training to help tackle the country's security problems. US President George Bush had also called for NATO to send troops to Iraq. "However, the NATO summit at the end of June failed to produce more than a commitment to assist the training of Iraq's security forces. In particular, France opposed a greater NATO role in Iraq." Since that time there has been some progress on increasing the level of assistance by the EU and NATO. During President Bush's visit to Europe in February, the EU announced that it would co-host an international conference on aid for Iraq (if invited to by the Iraqi government).

138. In addition, all 26 NATO members are now helping to train Iraqi army officers. Nevertheless, many of the contributions remain small: France will send just one officer to help support the mission from NATO headquarters; and Luxembourg is making a small financial contribution.¹⁹³

139. Many of the difficulties surrounding international involvement in Iraq stem from divisions over the decision to go to war in Iraq. In January, the US confirmed that it has stopped looking for WMD in Iraq and that Charles Duelfer, head of the Iraq Survey Group (ISG), would not be returning to the country.¹⁹⁴ In October 2004, the ISG published a report saying that Iraq had no WMD at the outset of the war but that Saddam Hussein had intended to resume production of banned weapons when UN sanctions were lifted.¹⁹⁵

140. Asked about how long the MNF will remain in Iraq, the Prime Minister told the Liaison Committee:

What we always say is that we will remain in Iraq for as long as is needed, but, as I have said before, it is our desire, it is the Iraqi Government's desire and it is the Iraqi people's desire that we go from Iraq as soon as is possible. The question is: what is as soon as is possible? As soon as is possible means when the job is done, and the job is building up that Iraqi capability.¹⁹⁶

141. There is clearly a need for the MNF to leave Iraq as soon as possible, not least because some insurgents are motivated by nationalist concerns and a strong desire to rid the country of foreign forces. Yahia Said wrote to us that some of the insurgents are "fighting both to protect their social status and a conservative Islamic culture from the onslaught of the foreign occupiers and their Westernized Iraqi allies."¹⁹⁷ Neil Partrick of the Economist Intelligence Unit also told us that there is growing popular support for the immediate

192 "US Coalition sees allies step up pace of pull-out", *The Financial Times*, 27 January 2005; "Ukraine announces Iraq pull-out", *BBC News Online*, 10 January 2005; "Portuguese police back from Iraq", *BBC News Online*, 10 February 2005; "Hungary announces Iraq pull-out", *BBC News Online*, 3 November 2004

193 "US and Europe unite on Iraq aid", *BBC News Online*, 22 February 2005.

194 "US gives up search for Iraq WMD", *BBC News Online*, 12 January 2005

195 "Report concludes no WMD in Iraq", *BBC News Online*, 7 October 2004.

196 HC 318-I, 8 February 2005, Q 9

197 Ev 115

withdrawal of foreign troops, although this remains a minority opinion.¹⁹⁸ Revelations about the abuse of Iraqi prisoners by both US and British forces will only have increased this sentiment.¹⁹⁹

142. There are indications that the MNF is already seeking to take a lower profile.²⁰⁰ There have also been suggestions that details might soon emerge of how the MNF will hand over control of security in Iraq to the ISF. Referring to a paper drawn up by General Gary Luck, a retired US General who led a team to assess the US operation in Iraq, the Prime Minister told the Liaison Committee:

Now, in the paper that I hope we can publish, because we are still looking at it and considering it now, that General Luck and his colleagues have drawn up, I think we will be able to give some idea of what the next steps and over what period the Iraqisation of security will take place because there is a need obviously for quantity in terms of police and army, but there is also a need for quality, for crack troops and forces that are able to go in and handle the insurgents.²⁰¹

143. We conclude that despite efforts to internationalise the Multi-National Force and contributions by around 30 nations, the US and United Kingdom have carried the major burden of the operation in Iraq. This burden will increase with the withdrawal by a number of states of their forces over the coming months. We conclude that despite steps towards increased involvement by the EU and NATO in Iraq, including with regard to training the Iraqi Security Forces, this assistance remains limited. We recommend that the United Kingdom and its international allies work to reduce the presence and visibility of its forces where possible. We further recommend that the Government set out in its response to this Report what plans it has to hand over to the Iraqi Security Forces.

Political developments

144. In previous Reports in this inquiry we have discussed political developments in Iraq, most recently including the writing of the Transitional Administrative Law (TAL), formation of the Interim Government and the adoption of UNSCR 1546.²⁰² Since our last Report, Iraq's political transition has taken significant strides forward with the holding of free and fair elections.

Electoral success

145. On 30 January, Iraq held national and provincial elections in line with the timetable set out in UNSCR 1546. Some 8,000 candidates stood for the Transitional National Assembly (TNA) and 11,000 for provincial and Kurdish elections. Around 8.5 million Iraqis, or 58% of the electorate, voted. Expatriate Iraqis were also able to vote. The International Organization for Migration (IOM) organised out-of-country voting in 14

¹⁹⁸ Ev 87

¹⁹⁹ HC (2003-04) 441-I, paras 131-138

²⁰⁰ "US troops lower profile in fighting Iraqi insurgents", *Financial Times*, 24 February 2005.

²⁰¹ HC 318-I, 8 February 2005, Q 9

²⁰² HC (2003-04) 441-I, para 96-127

countries, enabling 265,148 expatriate Iraqis to cast their ballot.²⁰³ Turnout varied considerably across Iraq and across ethnic and religious divides. In northern areas, which are dominated by the Kurds, turnout was as high as 85%. In southern districts, where the majority of the population is Shia, turnout was put at 71%. However, the figure was as low as 2% in some Sunni areas (this included Anbar Province, which is in the north-west of Iraq, and witnessed some of the worst violence).²⁰⁴ Joost Hilterman wrote to us about Sunni non-participation:

Their absence at the polls was not due merely to an official boycott of Sunni-Arab-based parties such as the Muslim Scholars Association and the Iraqi Islamic Parties (whose members were permitted to run as independents), nor only to violence and intimidation (even in Jordan and the UAE, Sunni Arabs mostly stayed away). Many chose to shun the polls seeing the election as the mechanism by which the Shiite majority would gain political power, a development that was not in their interest and they did not wish to legitimate through their participation. (Evidence suggests that what remains of the non-sectarian “Sunni” Arab middle class in urban centres such as Baghdad and Mosul did vote, if they had the chance.)²⁰⁵

146. The election was widely praised as a remarkable achievement. The Foreign Secretary told the House on 31 January that the elections had gone better than many had anticipated and were all the more remarkable for the circumstances in which they were held. He spoke about the bravery of voters:

In Sadr City in Baghdad, for example, a mortar attack at a polling station in a local school left a number of people wounded. However, multinational force troops at the site report that people simply helped the wounded and then, along with those who could do so, rejoined the queue to vote. In Sunni areas in central Iraq, large groups of people defied terrorist intimidation and walked several kilometres to polling stations to cast their votes. Those elections were a moving demonstration that democracy and freedom are universal values to which people everywhere aspire.²⁰⁶

147. The UN provided critical advice and support to the Independent Electoral Commission of Iraq (IECI). This included technical, administrative, logistic and financial support. At the request of the IECI, the UN was responsible for co-ordinating all international assistance to the electoral process. The UN had 56 electoral experts working inside and outside Iraq to support preparations for the vote.²⁰⁷ The IECI has said that over 100,000 domestic observers monitored the elections. In addition, 600 international monitors were accredited to the IECI.

148. The Canadian-based International Mission for Iraqi Elections (IMIE) noted in its preliminary assessment of the election that the “Independent Electoral Commission of Iraq has prepared and conducted an election that generally meets recognized standards in terms

203 “Iraq Out-of-Country Voting Program”, IOM, 4 February 2005, available at: www.iraqocv.org

204 “Shia coalition wins 48% of Iraq vote to end the Sunni domination”, *Financial Times*, 14 February 2005; and “A military solution means more violence”, Toby Dodge, *Tribune*, 25 February 2005.

205 Ev 134

206 HC Deb, 31 January 2005, col 574.

207 “Iraq: Electoral Fact Sheet”, UN, available at: www.un.org/news/dh/infocus/iraq/election-fact-sht.htm#electsupport

of election law, planning and preparations.”²⁰⁸ Jean-Pierre Kingsley, Chair of the IMIE Steering Committee and Canada’s Chief Electoral Officer, congratulated the IECI for “the rapid progress it has achieved in establishing the foundations for democratic participation in Iraq, particularly given the short time frame and arduous circumstances.”²⁰⁹

149. We conclude that Iraq’s elections were a great achievement and could mark a milestone in the country’s transition to a fully independent and free nation. We commend the dedication and bravery of the Iraqi people in casting their votes in the face of the most brutal intimidation. We further commend the role of the UN in supporting this process, which once again demonstrates the importance of UN engagement in processes of political transition.

The ongoing political process

150. The United Iraqi Alliance (a Shia list endorsed by Grand Ayatollah Ali Sistani) took 48% of the vote, giving it 140 seats in the 275-member Assembly; the Kurdistan Alliance (a coalition bringing together the two main Kurdish parties) took 26% (75 seats); and the Iraqi List (led by interim Prime Minister Iyad Allawi) won 14% (40 seats). Nine other parties shared the remaining seats. No single party gained the two-thirds majority required to pass legislation.²¹⁰ The TNA convened for its inaugural session on 16 March.

151. The TNA will elect a state presidency council comprising a president and two deputies. The council will then select a prime minister, who will appoint a cabinet; the cabinet must be approved by the TNA. At this point the Iraqi Transitional Government will be sworn in and the Interim Government dissolved. The TNA will then begin work on drafting the constitution. Under the provisions of the TAL, the deadline for the constitution is 15 August (there is a provision for one six-month extension of the deadline); it will be submitted to a referendum by 15 October. If the Constitution is approved, elections for a permanent government will be held no later than 15 December and the new Government assume office no later than 31 December 2005.²¹¹

152. Under the TAL, if the referendum rejects the draft permanent constitution, the National Assembly will be dissolved and elections for a new National Assembly held no later than 15 December 2005. The new National Assembly and new Iraqi Transitional Government will take office no later than 31 December 2005, and will continue to operate under the TAL.²¹²

153. The low turnout in Sunni areas has prompted concerns over the inclusiveness of the political process. We have already noted the fact that the Sunni community’s sense of

208 “First Report: Preliminary Assessments of January 30 Election Process”, International Mission for Iraqi Elections (IMIE), available at: www.imie.ca

209 “IMIE Publishes Preliminary Assessments of Iraqi Elections”, International Mission for Iraqi Elections (IMIE) Press Release, 30 January 2005, available at: www.imie.ca

210 “Shia coalition wins 48% of Iraq vote to end the Sunni domination”, *Financial Times*, 14 February 2005.

211 “Iraqi Election”, *BBC News Online*, 13 February 2005.

212 “Law of the Administration for the State of Iraq for the Transitional Period”, 8 March 2004, Article 61.

dispossession is one factor feeding into the insurgency.²¹³ Joost Hilterman wrote to us about the importance of efforts to expand the political process:

For the sake of the country's stabilisation, every effort should be made to bring a broad spectrum of Sunni Arab political actors into the political process and institutions through the back door. They want participation in the army and security services, the cabinet, the ministries, and the committee that will be charged with drafting the constitution. They also want a reversal of de-Ba'athification (though they might agree to the creation of a fair screening mechanisms to weed out those with blood on their hands). Leaders of the United Iraqi Alliance (reportedly strongly backed in this approach by Ayatollah Sistani) have publicly reached out to their Sunni Arab brethren, and some Sunni Arab leaders have suggested they might be willing to re-join the political and, especially, the constitutional process. These are encouraging signs but the obstacles are many.²¹⁴

Challenges facing the new Government

154. The success of the election offers a window of opportunity for progress on the political process, accompanied as it has been by an outpouring of hope for the future. However, Iraq's future remains fraught with difficulties and uncertainty. Joost Hilterman wrote to us about the prospects of the Transitional Government:

Whatever government that emerges from the January elections is certain to have a good deal more legitimacy than the Allawi-government... But much will depend on (1) how effective the new government will be in delivering essential services, (2) how effective it will be in curbing corruption rather than thriving on it, and (3) how capable it will be of distancing itself from US/UK tutelage, lest it also be tarnished with the "proxy" label that undermined its predecessor.²¹⁵

155. The writing of the Constitution will also be critical to the political future of Iraq and put the new Government and Assembly to the test. In our last Report in this inquiry we noted the agreement of the TAL in March 2004 and commented that it was a remarkable achievement.²¹⁶ The TAL outlined the system of government, role of religion and rights of the Iraqi people. The political system is defined as republican, federal, democratic and pluralistic. Islam is the official religion of the state and "a" source of legislation. Federalism is based on geography, history and the separation of powers and not ethnicity or sect. The Kurdistan Regional Government is recognised as an official regional government within a unified Iraq.²¹⁷ According to its provisions, the TAL will "remain in effect until the permanent constitution is issued and the new Iraqi government is formed in accordance with it."²¹⁸

213 See paras 104-09.

214 Ev 134

215 Ev 134

216 HC (2003-04) 441-I, para 98 and p3.

217 *Ibid.*, p43.

218 "Law of the Administration for the State of Iraq for the Transitional Period", 8 March 2004, Article 62.

156. Two key challenges will be to find a federal formula that satisfies the Kurds' aspirations for self-government without risking the break up of Iraq and an agreement on the role of Islam in Iraq. Gareth Stansfield wrote to us about Kurdish political aspirations:

The Kurds are the most politically and militarily organized of Iraq's political actors, and are now on the verge of consolidating their hold on the north of Iraq. For most Kurds, they now do not consider themselves to be Iraqis, and there is now a popular ground-swell of support for Kurds to seek independence. The Kurdish leadership is more moderate, and seeks autonomy within Iraq, but the levels of autonomy being demanded are extensive.²¹⁹

An unofficial referendum on Kurdish independence was conducted outside northern polling stations on 30 January.

157. It was Kurdish concerns that led to the inclusion in the TAL of a 'veto clause' whereby if three provinces vote by two-thirds or more against the draft constitution it will fail. Kurds make up the majority in three provinces in the north of the country and the cause has become known as the 'Kurdish veto'. Despite the agreement of the TAL, the clause has since been rejected by members of the United Iraqi Alliance and many Sunnis are also known to oppose it.²²⁰ There have been calls for the clause to be amended or even scrapped before the constitution is finalised. According to the TAL, it can only be amended by a three-quarters majority in parliament. Paradoxically, what began life as a safeguard for the Kurds may in future be seen as a safeguard for the Sunni community.

158. Several of our witnesses have warned us about the risk of Kurdish secession if their aspirations for autonomy are not met:

The levels of autonomy they envisage would include them to be able to veto Iraqi law from being implemented in Kurdistan, and also bar the Iraqi army from being located in the north. For the Kurdish parties, any attempts to block them from achieving these levels of autonomy could be met with an attempt to secede from the state. It is presumed that, in such a scenario, Turkey would intervene to prevent this. However, with Turkey now more concerned about joining the EU, it is questionable whether it would involve itself militarily in the affairs of Iraq.²²¹

The division of Iraqi oil revenues will be critical to any federal solution to this issue.

159. The status of Kirkuk is particularly problematic and has prompted fears over sectarian conflict. Under Saddam Hussein, a policy of 'Arabisation' was pursued in Kirkuk in an attempt to alter the population balance and ensure the loyalty of the region. This involved the displacement of tens of thousands of Kurds and Turkomans from Kirkuk and the surrounding villages. Those who were not driven out of Kirkuk were encouraged to "change their ethnic designation to Arab".²²² At the same time, Arabs were encouraged to settle in Kirkuk.

219 Ev 136

220 "Clash over "Kurdish veto" looms in Iraq", *Financial Times*, 19 February 2005

221 Ev 137

222 "Iraq: Allaying Turkey's Fears over Kurdish Ambitions", International Crisis Group, 26 January 2005, available at: www.icg.org

160. Recent events in Kirkuk have prompted fears about ethnic tension. Since the end of the war, many displaced Kurds and Turkomans have returned to Kirkuk and the surrounding area, often being forced to live in conditions of deprivation and squalor. This is altering the city's demographic balance. The International Organization for Migration (IOM) reported in September 2004 that 12,135 Kurdish and 3,925 Turkoman families had moved back to Kirkuk and its environs, the majority settling in the city.²²³ This is having serious consequences for the demographic balance in Kirkuk. This issue was brought to the fore in the recent election:

The most dangerous provincial election took place in Kirkuk governorate. Here Kurds swamped the polls and swept to victory, facing opposition only from the minority Turkomans (Arabs stayed away). The Kurds now control the provincial council in addition to the security apparatus and the administration (directorates), while they are increasing their numbers and enjoy US military protection. Sectarian animosities in Kirkuk are now so strong that a small spark could ignite sectarian violence; Arabs and Turkomans are known to have started arming themselves, but they would likely be outnumbered and overpowered by the Kurds.²²⁴

Under the TAL, a permanent resolution of the situation in Kirkuk is to be postponed until after the permanent constitution has been agreed.²²⁵ Neil Partrick told us that this "reflected the desire to obscure a key difference between Kurdish and Shia representatives."²²⁶

161. The role of Islam included in the constitution will also be controversial. The formulation achieved in the TAL was widely praised, but there is no guarantee that this will make it into the new constitution. Gareth Stansfield told us about the difficulties over this issue:

The position stated in the Transitional Administrative Law (TAL) of March 2004 is that Islam will be a source of legislation. It is essential that it remains 'a' rather than 'the'. The two leading Shi'i parties (the Supreme Council for Islamic Revolution in Iraq – SCIRI) and al-Da'wa, have both had a long history of pursuing an Islamic state, and it is only in recent years that this more moderate language has been used by them. Many non-Shi'i, or secular, Iraqis fear that the recent electoral success of the Shi'i United Iraqi Alliance (UIA) will embolden the Shi'i leaderships to move back to a more religiously conservative position. The Shi'i also do not support the notion of Iraq becoming a federal state, but are keen to maintain the integrity of a unitary system. The Kurds oppose the notion of Islam having a position in the laws of the state, but have accepted it as 'a' source of legislation, as long as they have a power of veto in their region.²²⁷

223 "Iraq: Allaying Turkey's Fears over Kurdish Ambitions", International Crisis Group, 26 January 2005, available at: www.icg.org

224 Ev 135

225 "Law of the Administration for the State of Iraq for the Transitional Period", 8 March 2004, Article 58c.

226 Ev 91

227 Ev 136

There are concerns that the adoption of an Islamist constitution could have a destabilising effect.

The role of the international community

162. It is critical for the legitimacy and independence of the new Iraqi political institutions that the United Kingdom and United States do not interfere in the ongoing political process. These difficult issues must be resolved by the Iraqis themselves. Nevertheless, there is a role for the international community. The FCO wrote to us about this:

UNSCR 1546 gives the UN a supporting role in the constitutional process, if requested by the TNA. We and other members of the international community, such as the EU, also stand ready to offer support if asked... The international community must now rally behind the Transitional Government, its institutions and, working with the UN and other international organisations, do all it can to support the political and reconstruction processes and help develop the Iraqi Security Forces.²²⁸

163. In our last Report in this inquiry we noted the critical role that the UN played in the interim political process and the importance of its continued engagement in Iraq.²²⁹ We noted the provisions for security protection for the UN in UNSCR 1546: "The letter from US Secretary of State Colin Powell attached as an annex to UNSCR 1546 says that: "the MNF is prepared to establish or support a force within the MNF to provide for the security of personnel and facilities of the United Nations."²³⁰

164. The FCO wrote to update us on the security protection afforded to the UN in Iraq:

Under the provisions of UNSCR 1546, there is a distinct force under MNF command providing security to the UN presence in Iraq. Protection is formed by three concentric rings a) an inner ring comprised of a Fijian guard force (155 troops) and personal security details for the Special Representative of the UN Secretary General, Qazi b) a middle ring UN protection force providing convoy protection and perimeter security to UN facilities and c) outer ring security provided by the Multi-National Force (MNF). The UK and US are currently providing middle ring protection while UN protection forces deploy. President Iliescu announced in November that Romania would provide an infantry company of 100 troops for UN protection. Similarly Georgia has also agreed to increase its troop commitments from 159 to 850 with the additional troops being deployed for UN protection.²³¹

165. Despite these provisions, the poor security situation continues to preclude the return of the UN in significant numbers. Nevertheless, the UN will have a crucial role to play in assisting the constitutional process, arranging the referendum and organising general elections following the constitution's adoption.

228 Ev 64

229 HC (2003-04) 441-I, para 111-15

230 *Ibid.*, para 119

231 Ev 66

166. In addition to encouraging and assisting the UN to play a greater role in Iraq, the United Kingdom and its international partners could also provide assistance in other areas. Joost Hilterman wrote to us about the role of the international community in addressing the situation in Kirkuk:

The United States has contented itself with telling the Kurds it insists on Iraq's territorial integrity and with preventing major violence from breaking out. It has failed so far, however, to formulate a pro-active policy to accommodate the concerns of all communities in Kirkuk, including the return of displaced Kurds and Turkomans and the fate of those brought in by the previous regimes as part of a strategy of Arabisation. Under the interim constitution (the Transitional Administrative Law) the question of Kirkuk was excluded (specifically postponed) from the drafting of the permanent constitution. However, if, in determining the nature of Iraq's political structure, the drafters of the constitution reach a decision to establish a federal Kurdish region, they will have to delineate the boundaries of such a region; this will inevitably raise the issue of Kirkuk. More insidiously, in the absence of a political settlement in Kirkuk and a passive US attitude, the Kurds are able to continue to "create facts" on the ground, thereby upsetting the delicate political balance in the governorate and making a peaceful solution more difficult.²³²

Dr Hilterman proposed appointing a UN Special Rapporteur for Kirkuk and possibly of a UN Supervisor with powers to impose law.²³³

167. The FCO wrote to us about the work it is doing to prevent a serious escalation in tension in Kirkuk. One of the roles of the British Embassy Office in the north of Iraq is to "facilitate dialogue among the different communities and to help develop constructive ideas to build inclusive political institutions in this most ethnically diverse part of the country."²³⁴ This work involves regular contact with Kurdish and other political leaders. The Global Conflict Prevention Pool is a potential source of funding for conflict prevention efforts in Kirkuk (it has already provided £38,000 to support the creation of an Independent Media Resource Centre in Kirkuk, led by an ethnically mixed Media Commission).²³⁵

168. We conclude that it is essential that the international community, and especially the US and United Kingdom, refrain from interfering in Iraqi politics and decision making. Nevertheless, there is an important role for the international community in Iraq. We recommend that the Government do all it can to facilitate the UN's role in Iraq, both in terms of providing security assistance in Iraq and through support in the Security Council. We further recommend that the Government consider the case for a UN Special Rapporteur to Kirkuk.

232 Ev 135

233 *Ibid.*

234 Ev 82

235 *Ibid.*

Bilateral relations

169. The United Kingdom is represented in Iraq through the Embassy in Baghdad and Consulates-General in Basrah and Kirkuk. In its response to our last Report, the FCO updated us on the size of the United Kingdom's diplomatic presence: "The Embassy has 105 staff, including DFID consultants and police and defence advisers. The Consulate-General in Basrah consists of 94 staff, including police and prison advisers and DFID consultants. The mission in Kirkuk is a one-man post."²³⁶

170. Given the security situation, the safety of British personnel is a key concern. In its response to our last Report, the Government told us:

The Government is taking all steps possible to ensure the safety of our personnel in Iraq. We have provided secure compounds for our missions in Baghdad and Basrah, which are located in the "International Zones" in both cities. The missions are guarded by trained Armor Group personnel. Outside the international zones, our staff travels in armoured vehicles under the protection of trained personnel from Control Risks Group. There is a dedicated security manager at each post. The FCO Overseas Security Adviser visits both posts regularly and his recommendations have been put into effect. Our one-man mission in Kirkuk is located in a well-guarded US compound.²³⁷

171. The constraints imposed by the security situation also have consequences for the effectiveness of the British Embassy. We heard from our witnesses about the problems this presents. Damien McElroy told us:

They are tremendously hamstrung by the security situation. They cannot physically leave an area about two miles square without a personal protection team and when you think about the logistics of just making an appointment outside the office, well, if you are going to want to make an approach to someone, in many cases they do not have an extensive list of contacts and they rely on people coming to them rather than them getting out to meet people.²³⁸

172. We recommend that the Government provide an update in its response to this Report on the current status of the United Kingdom's diplomatic presence in Iraq and on the security provisions for the safety of personnel. We conclude that the effectiveness of the United Kingdom's Embassy and Consulates-General is hindered by the limits on movement imposed by security considerations, but that the safety of personnel is paramount. There are also issues of continuity given the short postings of many of those in Iraq. We recommend that the Government set out in its response to this Report what steps it is taking to enhance the effectiveness of the United Kingdom's diplomatic presence in Iraq and to ensure continuity of policy and approach.

²³⁶ Foreign and Commonwealth Office, *Response of the Secretary of State for Foreign and Commonwealth Affairs*, September 2004, Cm 6340.

²³⁷ *Ibid.*

²³⁸ Q 30 [McElroy]

6 The Maghreb

Introduction

A strategically important region

173. The Committee decided to examine the Maghreb²³⁹ in the context of its inquiry into foreign policy aspects of the war against terrorism for two principal reasons. Firstly, this energy-rich region lies on the southern border of the Mediterranean, linking Europe with both Africa and the Arab and Islamic worlds. The United Kingdom has a clear strategic interest in the region. Secondly, the countries of the Maghreb have considerable experience of terrorism. Algeria has suffered from domestic terrorism for years, with much of the 1990s blighted by a bloody struggle between the security forces and Islamists; in May 2003, Morocco was rocked by co-ordinated attacks in Casablanca; and Libyan leader Muammar al-Qadhafi has both financed international terrorism in the past and faced violent Islamist opposition, including a number of assassination bids that have been linked with al Qaeda. There are documented links between the domestic terrorism in these countries and the al Qaeda ‘franchise’,²⁴⁰ notably through the ‘Afghan connection’. Members of the North African diaspora have also played a role in terrorist networks in Europe and elsewhere.²⁴¹ These factors make the Maghreb experience of interest in any consideration of international terrorism. They also mean that it is critical that the United Kingdom work closely with the region in its efforts to tackle the threat posed by international terrorism.

174. The region is also significant in terms of reform. Algeria, Morocco and Libya are each at different stages in the process of political liberalisation and the pursuit of human rights. Given the correlation drawn between repression and terrorism and the emphasis on the importance of reform in the Arab and Islamic world, these countries’ varying experiences offer valuable lessons.

175. Finally, the Libyan case is of significance in relation to proliferation. Libya’s decision to relinquish its WMD programmes in 2003 demonstrates that diplomacy can resolve the problem of proliferation when there is political will on all sides.

176. As part of this inquiry, the Committee heard oral evidence from Dr Hugh Roberts, North Africa Project Director at the International Crisis Group and a long-standing expert on Algeria; Professor George Joffé of the Centre of International Studies, Cambridge University, an established authority on Morocco; and Oliver Miles CMG, Chairman of MEC International, Deputy Chairman of the Libyan British Business Council, former Ambassador to Libya and one of the foremost experts on Libya in the United Kingdom. In early February, we were able to visit the region for talks with high-level political and security figures as well as representatives of civil society. We also held discussions with senior figures in London as well as at the United Nations in New York and in Washington DC.

239 This term refers to north-west Africa, including Morocco, Algeria, Tunisia and Libya.

240 Al Qaeda is discussed more fully in paras 11-22.

241 For example, Moroccans were among those responsible for the March 2004 attacks in Madrid.

177. In our consideration of the Maghreb, we have focussed on Algeria, Morocco and Libya. Each of these three countries has its own experience of terrorism as well as a distinct political system. However, they share some common themes, some of which are considered below. The particular experiences of the three countries are discussed in greater detail later in the chapter.

International counter-terrorism co-operation

178. There is a clear case for close counter-terrorism co-operation with the countries of the Maghreb. However, in the past, the region has not been a priority for the United Kingdom, which has tended to look further afield to countries with which it has historical ties. As a result, relations are at an early stage and there is a need to enhance the level of security co-operation. The Committee heard from Professor Joffé that this reflects a degree of neglect on the part of the FCO:

[T]here is not a general interest in North Africa generally or in Morocco. We have other areas which seem to us to be more important, they are much larger trade partners of course, so you can understand that sense of immediacy, but it is missing out on an area of potential importance and an area with which we are connected by the Barcelona Process, by the nature of the migrant communities in Britain and by the nature of the migrant communities in Europe. It is also a question of what you do with restricted resources. The Foreign Office has limited resources, it has to choose where it is going to make its focus and it has not chosen North Africa in particular or Morocco for that purpose yet.²⁴²

179. In both Algeria and Morocco we were told that there is a need for greater co-operation on security. The presence in the United Kingdom of Algerian nationals involved in terrorism highlights the need for bilateral security co-operation. Algerians were reported to be involved in the 2003 ricin plot in London and in a counter-terrorism operation in Manchester that led to the death of a police officer in 2003. In 1995, the French authorities cracked down on Algerian cells in France. This followed a number of bombings in the French Metro, carried out by Algerians, that killed eight people and injured well over 100. A number of Algerian extremists subsequently sought refuge in the United Kingdom.²⁴³ Algeria has worked especially closely with the US: during our visit to Algeria, the level of security co-operation between Algeria and the United Kingdom was compared unfavourably with that between Algeria and the US. While in Morocco, we heard about the strong national consensus among political and religious circles about the need to counter terrorism. There is also a strong commitment to international co-operation in this area. We heard that there is a good level of security co-operation between Morocco and the United Kingdom, but that, as with all things, there is scope for improvement. By way of contrast, all parties concerned appear to be satisfied with the level of security co-operation with Libya.

180. One area of difficulty is extradition. The United Kingdom's refusal to extradite suspects to the countries of the Maghreb is a source of great frustration there. During our

²⁴² Q177 [Joffe]

²⁴³ "North African Terror in the UK", *BBC News Online*, 15 January 2003.

visit to the region, we heard some annoyance at the fact that while steps are being taken to tackle terrorism in Algeria, Morocco and Libya, individuals are free to operate from London. This was reiterated to us in London by Dr Roberts: “[I]n Algiers there has been festering resentment over the question of Britain providing some sort of a haven for elements which are involved in movements causing them headaches.”²⁴⁴ Although these comments relate to Algeria, we heard similar sentiments in each of the three countries. In Morocco, we heard about the case of Mohammed al-Guerbouzi. The Moroccan authorities allege that Mr al-Guerbouzi, now a British citizen, is linked with the Casablanca bombings in May 2003 and want to extradite him to face charges in Morocco.²⁴⁵

181. The difficulty for the United Kingdom relates to the human rights situation in these countries and commitments in line with the European Convention on Human Rights. Despite a moratorium on its implementation, Algeria retains the death penalty. Thus, there are clearly strong grounds for concern over extradition to Algeria. Nevertheless, there appears to have been a failure on the part of the Government to discuss the issue with its Maghreb partners more fully.²⁴⁶ France has an informal arrangement with Algeria whereby a small number of extraditions take place with Algerian assurances that the death penalty will not be applied. The issue was among those discussed during Baroness Symons’ recent visit to Algeria. The FCO wrote to us about this issue: “We have had discussions with a number of countries at both Ministerial and official level. The negotiations are inevitably complex, but are now moving into a more detailed phase.”²⁴⁷

182. We conclude that the Maghreb is of strategic importance to the United Kingdom and that Algeria, Morocco and Libya are of great significance to the international war against terrorism. To date, the region has not been a priority for the United Kingdom; as a consequence, bilateral security relations are at an early stage and require some improvement. We further conclude that the security relationship is hindered by difficulties over the issue of extradition. We recommend that the Government set out in its response to this Report what steps it plans to take to enhance its security relationship with each of Algeria, Morocco and Libya, as well as the current status of extradition arrangements with these countries.

183. There are also difficulties over the low level of regional security co-operation. In each of the three countries we visited we heard about concerns over the situation in the Sahel, the area to the south of the Maghreb. Some parts of this area are remote and are not under government control, raising concerns over terrorism and related activities. These concerns are heightened by the flow of migrants from these states to the Maghreb and from there to Europe. Given the likely involvement of criminal gangs in unregulated migration, there are concerns over linkages with terrorism. For example, the EU Commission’s National Indicative Programme for Algeria notes that the country has problems controlling cross-border crime, which is rising with the increase in movement of goods and individuals.²⁴⁸ Regional co-operation in this area is hindered by the poor state of relations between

244 Q 143

245 “The secret war”, *The Observer*, 21 March 2004.

246 Q 143

247 Ev 82

248 “Euro-Med Partnership, Algeria National Indicative Programme 2005-2006”.

Algeria and Morocco, in large part owing to the ongoing conflict over the Western Sahara,²⁴⁹ and the inactivity of the Arab Maghreb Union. We were able to visit the African Centre for Research and Studies on Terrorism while we were in Algiers. This is an African Union initiative. However, the work of this centre is at an early stage.

184. The US is working with Algeria on the Pan-Sahel Initiative, which involves efforts to develop the security capacities of Chad, Niger, Mali and Mauritania.²⁵⁰ The International Crisis Group has argued that there is a need to develop effective co-ordination with the Maghreb and Sahel in order to tackle links between smuggling and al Qaeda-linked activity in the central Sahara.²⁵¹ Dr Roberts also told the Committee that this is one area that could benefit from European engagement: “I personally think that the EU has an interest and could play a role in complementing US assistance in that area. That would be something in which the Algerians would be quite interested, should the EU wake up to that possibility.”²⁵²

185. We conclude that there are genuine concerns over the situation in parts of the Sahel, areas of which could be used for terrorist or criminal activities. We further conclude that regional co-operation is inadequate to address this problem. We recommend that the Government work with its EU and international partners to enhance co-operation between regional states and offer assistance with capacity building where appropriate.

The Western Sahara

186. The ongoing conflict over the Western Sahara (referred to as the Moroccan Sahara in Morocco) is key to the poor state of regional relations and co-operation. The Western Sahara has been a disputed territory since Spain withdrew from it in 1976. Initially both Morocco and Mauritania staked a claim to the area, but in 1979 Mauritania renounced its territorial claims. Morocco occupies the territory apart from an eastern strip controlled by the Polisario Front, which leads the independence movement for the Western Sahara with Algerian support. The United Kingdom, in common with most other countries, regards the sovereignty of Western Sahara as undetermined pending UN efforts to find a solution.²⁵³

187. James Baker, the UN Secretary-General’s Personal Envoy to the Western Sahara and former US Secretary of State, produced a peace plan for the territory. The plan provided for a period of autonomy followed by a referendum on the territory’s final status.²⁵⁴ Polisario accepted the Plan, but Morocco rejected it. Following James Baker’s resignation in June

249 Relations between Morocco and Algeria are strained by the conflict over the Western Sahara. This issue is discussed in paras 186-94.

250 Q 155

251 “Islamism, Violence and Reform in Algeria: Turning the Page”, International Crisis Group, 30 July, piii.

252 Q 156

253 “Morocco Country Profile”, FCO, 3 February 2005, available at: www.fco.gov.uk

254 “Baker quits Western Sahara role”, *BBC News Online*, 12 June 2004.

2004, the UN Secretary-General appointed Alvaro de Soto as Special Representative for Western Sahara. He has been unable to break the impasse.²⁵⁵

188. Both sides have imperfect records on human rights. There have been dramatic improvements in Moroccan-controlled areas of Western Sahara, but some Saharawis are denied equality of opportunity and have limits on their right to free expression and freedom of movement. Although hundreds have been repatriated in recent years, Polisario continue to hold 412 Moroccan POWs, in breach of the Geneva Convention, and do not allow free access by international observers to the camps they control. The International Committee of the Red Cross visit these prisoners regularly.²⁵⁶

189. In its evidence to the Committee, the Western Sahara Campaign emphasised the importance of a resolution to this conflict to both domestic Moroccan stability and regional relations:

In settling the Western Sahara issue Morocco will also be able to redirect badly needed domestic finances to addressing poverty and unemployment. The people who carried out the Moroccan terrorist attacks referred to above mainly came from the slums of Casablanca. Today radical Islam has become a powerful political force in Morocco, capitalising on the state's failure to provide effective public services (the literacy rate is barely 50%) and the massive gap between rich and poor to win over the younger generation. The new King's attempts at modernisation have yet to make any significant inroads on this, or on the widespread and high-level corruption in the Moroccan state, which continue to undermine the legitimacy of the Moroccan government in the eyes of its own population.²⁵⁷

190. The organisation also argues that a resolution is important to the international war against terrorism:

The Western Sahara Campaign UK further believes that a legitimate Saharawi State will provide an additional balance of power and democratic government to the western reaches of the Sahara. An area defined by porous borders, lack of governance and lawlessness, identified by the US Administration in 2004 as a potential new front for the proliferation of Al Qaeda terrorist training camps. The Leadership of the Polisario have also pledged to foster good relations with Morocco if the Saharawi vote for independence; or to respect the result of a free and fair referendum should the Saharawi vote for integration with Morocco.²⁵⁸

191. During our visit to the region we heard about the effect of the conflict on regional relations, notably those between Morocco and Algeria. Algeria opposes Morocco's claim to the territory and supports and shelters Polisario. Both countries have accused each other of harbouring dissident terrorists. The border between the two countries has been closed since 1994. Rivalry between Morocco and Algeria has hindered efforts at regional political

255 "UN "standing firm" on W Sahara", *BBC News Online*, 23 June 2004.

256 "The ICRC in Morocco and Western Sahara", International Committee of the Red Cross, available at: www.icrc.org

257 Ev 122

258 *Ibid.*

and economic integration. Poor relations are also hampering counter-terrorism co-operation across the region as well as in the Sahel.²⁵⁹

192. Dr Roberts told us about the reasons for the impasse in attempts to reach a resolution to the conflict:

My view of this is that it is quite impossible for the Moroccan Government to withdraw on the substance of its claim to the Western Sahara. The internal political costs would be enormous; it would quite possibly destabilise it. Therefore, it has no reason to take any chances in moving significantly. On the Algerian side, the Algerians also have little incentive. The status quo is something that does not cause them any major burden. It has a potential dividend for both sides in that, of course, it is an opportunity to bang the nationalist drum when you need to do so as a distraction from other problems.²⁶⁰

193. During our visit to Morocco we heard that sovereignty over the Western Sahara is a 'red line' for Rabat: Morocco will not cede sovereignty over the territory but would consider giving it a substantial degree of autonomy. For their part, our Algerian interlocutors gave their support to the Baker plan and insisted that the UN is the correct vehicle through which to reach a resolution of the conflict.

194. We conclude that the ongoing conflict over the Western Sahara is harmful both to Morocco's international relations and reputation and to efforts to enhance regional co-operation. We recommend that the Government work through the EU and the UN to achieve a permanent resolution of the conflict.

Religious teaching

195. The war against terrorism is being fought on numerous fronts. During our many informal conversations we have heard about the need to confront the religious ideology utilised by terrorists. For some time, the Moroccan authorities have been seeking to bring mosques and religious teaching under government control, despite strong opposition. In the past, mosques were self-regulating, but the Moroccan Government has taken steps to address this, putting all mosques under the jurisdiction of the Ministry of Islamic Affairs in the early 1980s. The Ministry has instituted a formal programme of training for imams, and introduced a number of female 'religious advisers'; sermons that advocate breaking the law are banned; imams are only allowed to preach on religious issues. This is an area of concern in a number of countries, including the United Kingdom, where the preaching of figures such as Sheikh Abu Hamza has highlighted the need for regulation.²⁶¹ We heard about this from Jane Corbin, an expert on al Qaeda and global terrorism with Panorama:

There are initiatives, like, for example, the attempt to regulate the kind of religious teachers that come to Britain and teach in mosques, to encourage a more home-grown, moderate form of Islam than the importation of mullahs who follow a more

²⁵⁹ This is discussed in more detail in paras 183-85.

²⁶⁰ Q 159

²⁶¹ "Abu Hamza and the mosque", *BBC News Online*, 28 May 2004.

extreme Wahabist creed of Islam, though that seems quite a long-term view, but it is important.²⁶²

196. While we were in Libya, we also heard about concerns over the aggressive influence of Wahabism throughout the Islamic and Western world, but especially on those undertaking the pilgrimage to Saudi Arabia. We were told about the need to counter this ideology with another from within Islam. However, this is an initiative that must come from within the Islamic world, albeit with assistance from the international community.

197. We conclude that there is a need to address the religious ideologies abused and misrepresented by terrorist groups. However, we also conclude that this is a task for the Arab and Islamic world. We recommend that the Government provide assistance in this area when it is requested but otherwise refrain from interference. We further recommend that the Government consider the lessons of Moroccan efforts to regulate its mosques and religious teaching with a view to ending the negative effects of extreme Islamic teaching in the United Kingdom.

EU policy towards the region

198. The Euro-Mediterranean Partnership (Barcelona Process) sets the framework for relations between the EU and the countries of the southern Mediterranean. The Barcelona Declaration has three main objectives: the definition of a common area of peace and stability through the reinforcement of political and security dialogue; the construction of a zone of shared prosperity through an economic and financial partnership and the gradual establishment of a free-trade area; and rapprochement between peoples through a social, cultural and human partnership aimed at encouraging understanding between cultures and exchanges between civil societies.

199. The Partnership comprises bilateral activities, primarily Euro-Mediterranean Association Agreements which the EU negotiates with its Mediterranean Partners individually, as well as a regional dimension. Association Agreements are negotiated with the individual countries of the Partnership. However, they all emphasise the observance of human rights, democratic principles and economic freedom; the need to strengthen political stability and regional economic development by encouraging regional co-operation; and the need to open a regular political dialogue in bilateral and international contexts. The MEDA programme is the main financial instrument for the Euro-Mediterranean Partnership. The other important source of funding is the European Investment Bank.²⁶³

200. Since 2004 the Mediterranean Partners are also included in the European Neighbourhood Policy (ENP). The aim of the policy is to offer states neighbouring the EU an alternative to membership that will help them become more stable, secure and prosperous.²⁶⁴ In December 2004, the EU proposed an Action Plan for Morocco as part of the first state of development of the programme. Nevertheless, the ENP is at an early stage,

262 Q 57

263 "Euro-Mediterranean Partnership/Barcelona Process", European Commission External Relations, available at: <http://europa.eu.int>

264 "The European Neighbourhood Policy", European Commission, available at: <http://europa.eu.int>

and it is unclear how it will develop. From 2007, the European Neighbourhood and Partnership Instrument (ENPI) will replace the MEDA programme.²⁶⁵

201. Algeria, Morocco and Libya are at differing stages in their relationships with the EU. Morocco has progressed the furthest; the EU-Morocco Association Agreement was signed on 26 February 1996 and entered into force on 1 March 2000. The EU and Algeria initialled an Association Agreement in December 2001; Algeria has yet to ratify the deal. Libya is the only country around the Mediterranean that has no formal relations with the EU, although it has had observer status to the Barcelona Process since 1999.²⁶⁶

202. Both Morocco and Algeria have expressed frustration with the EU's policy towards the region, while Libya has shown little interest in joining the Partnership, preferring to develop bilateral relations.²⁶⁷

203. The Moroccan case provides a good example of the difficulties of EU policy. Morocco has been the leading recipient among the Mediterranean partners in terms of total funds received from the MEDA programme. Since the signing of Morocco's Association Agreement, financial co-operation has prioritised supporting the transition towards a market economy and the integration into the Euro-Mediterranean economic area, the development of the private sector and the 'reinforcement of the socio-economic equilibrium'.²⁶⁸

204. However, there are questions about whether the economic restructuring programmes applied to Morocco have been appropriate. While we were in Morocco we heard about the significant efforts Morocco has taken to reform the country and its commitment to economic liberalisation, and the seriousness with which the country is pursuing reform. However, we also heard frustration over the level of EU engagement and assistance with the transition process. Most notably, there is concern in Rabat over the cost of lowering of tariff barriers, which has not been offset by either unpopular indirect taxation measures or EU assistance. As Professor Joffé told us:

[B]y and large the economic restructuring programmes which have been proposed have not succeeded in their objective. That objective was really very simple: it was simply to provide employment through economic development. That was the crucial consideration. By and large, despite very great efforts at economic restructuring, none of the countries concerned, and particularly not Morocco, have succeeded in overcoming that particular problem. One of the reasons for this is that they do not have the kind of comparative advantage which would attract foreign capital in the way say, for example, you will find in South East Asia. That is a major problem. Another reason has been that in many cases legislation has not been appropriate to attract foreign capital. The third reason is that no questions have ever really been asked as to whether the methods by which economic restructuring was supposed to

265 "The European Neighbourhood Policy", European Commission, available at: <http://europa.eu.int>

266 "The EU's relations with Libya", European Commission, June 2004, available at: <http://europa.eu.int>

267 Libya's relationship with the EU is discussed in more detail in paras 308-11.

268 "The EU's Relations with Morocco", External Relations Directorate, European Commission, available at: <http://europa.eu.int>

occur and produce the desired outcomes were appropriate or not. To a very large extent the evidence seems to be that they were not really very appropriate.²⁶⁹

205. During our visit to the region, we heard concerns in both Morocco and Algeria over the direction of EU policy. In particular, Algeria would like more help on the economy; increased human exchanges and more forceful EU engagement. For its part, Morocco would like to be given a special status, somewhere below EU membership, but more than an Association Agreement. Both countries would like significant reform of the Barcelona Process to lead to greater input by Maghreb countries into the decision-making process and expressed the hope that the United Kingdom will push such reform during its Presidency of the EU later this year.

206. The New Neighbourhood Policy appears to offer an enhanced relationship with the EU short of membership. However, it is unclear how the policy will work in practice and whether it will offer the incentives that the neighbouring countries want.²⁷⁰

207. We conclude that there is a need for reform of the EU's policy towards the Maghreb. This includes a need for an overhaul of the Barcelona Process as well as careful consideration of the European Neighbourhood Policy in order to ensure that it fully engages the region. We further conclude that the United Kingdom's Presidency of the EU later this year offers a valuable opportunity to drive forward reform of the Barcelona Process on the occasion of its tenth anniversary. We recommend that the Government set out in its response to this Report its position towards reform of the Barcelona Process and what its plans to do to facilitate reform during its Presidency of the EU. We further recommend that the Government set out its understanding of the role of the European Neighbourhood Policy in the EU's relations with the Maghreb and how this policy might be developed to achieve a more satisfactory level of engagement with this important region.

Migration

208. Migration is a major concern for the countries of the Maghreb and Europe. This relates both to migration by people from the Maghreb to Europe and the use of the region as a transit point for migrants travelling onto Europe from elsewhere in Africa. Aside from concerns over the unregulated movement of people, there are humanitarian concerns. The UN estimates that 5,000 illegal migrants have drowned trying to cross the Mediterranean in the last decade.²⁷¹ Many migrants who survive the journey reach Italy. Over the past three years, at least 50,000 mainly sub-Saharan migrants have entered Italy aboard overcrowded fishing boats. In September 2004 alone, Italian coastguards apprehended 650 would-be migrants in two boats near the island of Lampedusa.²⁷²

209. While we were in Libya we heard that there were an estimated 1 million people planning to go to Europe. Between August 2003 and January 2005, Italy sent back 6,587

269 Q 173 [Joffe]

270 "How the EU should help its neighbours", Heather Grabbe, Centre for European Reform, June 2004, available at: www.cer.org.uk

271 "Gaddafi joins EU campaign to foil illegal migrants", *The Daily Telegraph*, 28 September 2004.

272 "Perils of Somali migrants in Libya", *BBC News Online*, 16 September 2004.

people to Libya; a larger number reached Italy. Given the size of the flows, there is concern over the involvement of criminal gangs: there are indications of co-ordination between Italy and Libya with regard to the timing of boat departures to coincide with spare capacity at reception centres.

210. Following the lifting of the EU arms embargo against Libya in 2004, Italy and Libya reached an agreement on co-operation in this area. This is largely in the area of training and assistance with equipment to tackle the problem. However, there have also been reports that this co-operation might lead to the creation of holding camps for illegal migrants passing through North Africa bound for Europe. Given the poor treatment of refugees in Libya this raises serious concerns.²⁷³

211. During its visit to Libya the Committee heard about the need for both greater Libyan co-ordination on this issue and fuller EU engagement. Bilateral work between Libya and Italy is at times hindered by difficulties emerging from the historical relationship between the two countries. Moreover, given the criminal underpinnings of migration as well as the risk that money from this trade in people could be used to finance terrorism, there is a clear international interest. The European Commission conducted an exploratory mission on migration to Libya in May 2003 and a technical follow up mission was conducted at the end of 2004.²⁷⁴ However, EU engagement on the issue to date has been limited.

212. We conclude that migration from the Maghreb to Europe is a serious problem. Not only does the unregulated movement of people sometimes end in tragedy, but it also involves criminal networks that prey on desperate people and could feed into terrorist funding. We further conclude that this is a European concern and not just an issue for the countries that border the Mediterranean. We recommend that during its forthcoming Presidency of the EU the Government work to encourage greater EU engagement on migration from the Maghreb. We also recommend that the Government work with the countries of the Maghreb to identify the linkages between commercial and human flows that facilitate contraband activity that in turn fuels terrorist groups. We further recommend that the Government set out its position on establishing holding camps for migrants in North Africa.

Algeria

Bilateral relations

British representation

213. Since the height of the violence in Algeria in the mid-1990s, when the British presence was reduced to an absolute minimum, the United Kingdom's representation in Algiers has increased. However, it remains small, limiting the work that the Embassy is able to do and putting undue pressure on personnel. At present, the maximum number of British staff in Algeria is six, including an Archivist and Entry Clearance Officer. This compares

²⁷³ "Gaddafi joins EU campaign to foil illegal migrants", *The Daily Telegraph*, 28 September 2004; see also "Migrant boats test EU", *BBC News Online*, 27 August 2004; Libyan human rights are discussed in greater detail in paras 299-311.

²⁷⁴ "The EU's relations with Libya", European Commission, June 2004, available at: <http://europa.eu.int>

unfavourably with the presence of other countries such as France, Italy, Germany and the US. The pressure of heavy work loads resulting from low staffing levels is exacerbated by restrictions on freedom of movement owing to remaining security concerns. During our visit we heard that personnel are effectively under house arrest. This clearly has an effect on staff morale and high turnover has been a problem.

214. During our visit we heard that a number of new positions will be filled in the coming year, including a Defence Attaché, a Commercial Secretary and an Overseas Security Manager. Nevertheless, the new staffing level will remain low by international standards and will fail to address the problem adequately. This is a clear indication of the failure by the Government to appreciate the changes that have occurred in Algeria and to position the United Kingdom to take advantage of opportunities there.

215. There are also difficulties with the estate in Algeria. The Embassy in Algiers was closed in early 2004 owing to security concerns and operations were moved to the Hilton Hotel as a temporary measure (although parts of the old Embassy continue to be used). Not only are there no secure communications facilities at the Hilton, but the hotel is situated a long way from the centre of the city and the Algerian ministries. This makes it very difficult for staff to engage as they should with their Algerian counterparts and reduces the visibility of the already small British presence in the country. The Committee heard during its visit that the current arrangement with the Hilton also prevents the Embassy from offering visa services. One solution to the problem of Embassy accommodation being considered is to construct a new Embassy in the garden of the Ambassador's residence.

216. We commend the decision to expand the Embassy in Algiers. However, we conclude that even the new level of staffing will be inadequate either to relieve the unacceptable level of pressure on staff or to carry out the work required of a British Embassy in a country as strategically important as Algeria. We recommend that the Government reassess staffing levels in Algiers with a view to a further expansion and keep the Committee informed of its plans. We further conclude that the current working arrangements at the Hilton Hotel and the old Embassy building hinder the work of the Embassy. We recommend that the Government set out in its response to this Report its plans for a new Embassy, including a timescale and cost-benefit analysis.

Engaging Algeria

217. The continued low-level presence of the United Kingdom in Algiers sends a message about the lack of importance London attaches to Algeria. During our visit we frequently heard that the United Kingdom's Embassy does not function normally or fully. This was clearly a source of concern and was considered symptomatic of a general lack of interest on the part of the United Kingdom to engage more fully with Algeria. We heard time and time again of the Algerian desire for enhanced bilateral ties with the United Kingdom.

218. One issue of concern is the lack of a visa service in Algiers for ordinary Algerians, who have to travel to Tunis for this service. Another highly symbolic issue for Algerians we spoke to was the failure of the British Council to reopen in Algiers following its closure in 1994 on security grounds. Again this compares unfavourably with the position taken by other nations: France, Italy and Spain all have cultural missions in Algeria. Dr Hugh Roberts told us that he was "mystified by the refusal of the British Council to go back to

Algeria.²⁷⁵ He cast doubt on the argument that the security situation prevents the return of the British Council: “I find it impossible to take that pretext seriously. Other countries are active in the cultural sphere.”²⁷⁶ During our visit to Algeria we heard that there is great enthusiasm among Algerians to learn English and this was confirmed to us in London:

One should not under-estimate the fact that the Algerians have been convinced for years that they need mastery of the English language... The Algerians know they have to have English and they are going to the Americans rather than to the British in order to make their entrée into the English speaking world, which seems to be another opportunity we are missing.²⁷⁷

219. During its visit, the Committee heard much discussion about whether or not Algeria is a French preserve, and about the impact that ‘misperceptions’ of Algeria may be having on British business as well as other circles. A number of trade missions are planned for 2005 and Baroness Symons, Minister of State for the Middle East, visited Algeria in January. Nevertheless, the point was made that what is needed is a strong political message that Algeria is open and safe for business. However, messages sent by the United Kingdom tend to be confusing and even contradictory:

[T]here seems to be an element of irresolution in our diplomatic approach, because particularly recent ambassadors have taken a higher profile in Algiers, have given interviews, have articulated a British interest in improving, upgrading and so on relations and yet there has not been follow-through. Interviews of this kind might then be followed by a decision to make it harder for Algerians to go to the consulate over visa applications, things of this kind. It is as though there is no coherence in the British approach to and relating to the Algerians. As a result I think the Algerians feel very, very strongly that this is not a relationship in which they can have any confidence.²⁷⁸

220. The inescapable conclusion appears to be that relations with Algeria have not been a priority for the United Kingdom:

[H]ad developing British-Algerian relations been a priority for the Foreign Office, it could and would have done other things. My assumption is that the reason why it has not done very much over the last decade or more is because it has attached a very low level of priority to the Algerian relationship. I think that it has allowed a lot of potential opportunities to go begging as a result.²⁷⁹

221. During its visit to the region, the Committee was made aware of the impact this has had at Government and Parliamentary levels. Dr Roberts also told us about the impact this has had on the Algerian population. “I am simply conscious of the degree of resentment that existed at the Algerian end about this. Reading the Algerian press regularly, one very frequently came across quite bitter diatribes about British policy.”²⁸⁰ The lack of interest in

275 Q 160

276 Q 161

277 Q 164

278 Q 163

279 Q 162

280 Q 145

Algeria on the part of the Government is clearly at variance with efforts to engage the Arab world more closely through public diplomacy.

222. We conclude that Algeria is by no means a French preserve. Indeed, at both the political and popular levels, there is a strong desire in Algeria for stronger relations with the United Kingdom. However, to date the United Kingdom has put insufficient effort into engaging Algeria and is on the verge of missing an important opportunity there. We recommend that the Government reconsider its approach to Algeria with a view to fostering relations by means of bilateral engagement and exchange. We further recommend that the British Council reconsider its position towards Algeria with a view to re-opening an office there.

Algeria and the war against terrorism

Domestic terrorism

223. In 1992, the Algerian army intervened to prevent the Islamic Salvation Front (FIS) from winning a majority in the National Assembly. President Chadli Bendjedid was forced to resign, the elections were annulled, a state of emergency was declared and the FIS was banned. The move prompted a long and bloody battle between armed Islamists and the security forces.²⁸¹

224. Since 1992, over 100,000 people and possibly as many as 150,000 have died in a series of bombings, assassinations and indiscriminate massacres of civilians. In the worst days, whole villages were slaughtered, their inhabitants' throats brutally cut. The security forces blamed the Islamists for the violence. However, there were suspicions of complicity in some cases on the part of the authorities, as well as frequent reports of human rights abuses by the security forces, including summary executions and torture.

225. In 1999, following his election as President, Abdelaziz Bouteflika introduced a Law on Civil Concord offering a qualified amnesty. The following year an 'amnesty-pardon' was offered to a number of groups.²⁸² The level of violence in Algeria is now much reduced. Dr Roberts, who has visited the country regularly over the last thirty years, told the Committee that the atmosphere is now much more relaxed in Algiers.²⁸³ During our visit, we were able to walk through some of the main streets of Algiers and indeed witnessed the normality of a busy and thriving city. We also heard considerable frustration from Algerians over the failure of the international community and especially the United Kingdom to appreciate the changed situation in the country.

226. Nevertheless, three terrorist groups remain active in Algeria: the Groupe Salafiste pour la Prédication et le Combat (Salafi Group for Preaching and Combat, GSPC); a rump of the Groupe Islamique Armé (Armed Islamic Group, GIA); and the Houmat Al-Da'wa al-Salafiyya (Guardians of the Salafi Call, or mission, HDS).²⁸⁴ These groups continue to

281 "Algeria's decade of bloody conflict", *BBC News Online*, 11 January 2002; "Islamism, Violence and Reform in Algeria: Turning the Page", International Crisis Group, 30 July 2004, p4.

282 "Islamism, Violence and Reform in Algeria: Turning the Page", International Crisis Group, 30 July 2004, p4.

283 Q 138

284 Qq 138-9

operate in remote and impenetrable areas such as the mountains and forests of Algeria with the result that “there are parts of the country that remain dangerous, there are parts of the country that are certainly dangerous to travel through at night.”²⁸⁵

227. During our visit we heard that from a total of 10–12,000 terrorists at the height of the violence, there are now 500–700 active terrorists. There are frequent reports of the capture and killing of members of the remaining groups. Algerian spokespersons were keen to reassure us that Algeria is at the final stages of routing out the terrorist problem and that the population’s rejection of violence has forced the terrorists to leave the cities and operate in remote, inaccessible areas.

228. As well as pursuing a brutal military counter-insurgency campaign against the armed movements, the Algerian Government has sought to negotiate with the less extreme elements.²⁸⁶ A new general amnesty is being considered. Initial plans to extend the 2000 amnesty-pardon were highly controversial and failed to make progress. However, President Bouteflika’s re-election in 2004 appears to have brought new vigour to the idea:

His re-election with a convincing majority in April 2004 seems to have unblocked the situation. Not only has [Chief of Staff] Lt General Lamari been pushed into retirement, but Bouteflika has been able to mobilize popular support for the idea of a broader amnesty in the name of “national reconciliation”. Moves to translate this into reality are now under way, although there may well still be pitfalls to negotiate.²⁸⁷

During our visit we heard optimism over the prospects for such an amnesty and the impact it could have on the domestic situation, although there remain uncertainties over its timing and precisely who might take it up.

Links with al Qaeda

229. Dr Roberts told us about the links between Algerian terrorist groups and al Qaeda:

The GIA, as its core, was set up by people who were veterans of the Afghan war and therefore had links, before engaging in armed activity in Algeria, links to the people around Bin Laden. A key personality involved in setting up the GIA was very close to Ayaman al-Zawahri, Bin Laden’s principal lieutenant, the leader of the Egyptian Jihad group.²⁸⁸

We heard during our visit that around 3,000 Algerians fought in Afghanistan, some 800 returning to set up terrorist groups. The vast majority of terrorist activity in Algeria has been conducted by Algerians; there have been very few foreign nationals involved in terrorism there. Despite these connections, Dr Roberts is cautious over the significance of links with al Qaeda:

Ideologically, the GSPC and HDS share the doctrine of Al-Zawahiri concerning the issue of takfir (denouncing only the state, not the society, as impious). But these

285 Qq 139 & 141

286 Ev 41

287 Ev 42

288 Q 146

groups are primarily rooted in the Algerian national context, and their jihad has been and remains the internal jihad against the Algerian state, not the global jihad proclaimed by Al-Qaeda. The position appeared to change when the GSPC's founder, Hassan Hattab, was replaced by Nabil Sahraoui in September 2003, since Sahraoui very emphatically proclaimed his allegiance to Bin Laden. This did not subsequently translate into any significant change in the nature of the GSPC's activities, however, although it certainly tended to block all possibility of a negotiated end to its campaign. The killing of Sahraoui and three of his lieutenants in an ambush in June 2004 may, however, have unblocked the position once more.²⁸⁹

230. We conclude that great progress has been made towards ending the threat of terrorism in Algeria. Nevertheless, a number of terrorist groups remain active, posing a threat to Algerians and foreigners alike. We further conclude that the evidence points to links between these groups and al Qaeda, most notably through the 'Afghan connection', making events in Algeria an international concern.

Links with the informal economy and crime

231. The International Crisis Group report "Islamism, Violence and Reform in Algeria: Turning the Page" notes that there is a substantial and long-established link between the surviving armed movements and the informal economy. A major trait of these groups is their "symbiotic relationship with local 'mafias', groups that take advantage of the state's abdication of its regulatory role in much of the economy to engage in illicit commercial activities, notably smuggling, protection rackets and money-laundering."²⁹⁰ This is especially true of the GSPC. Dr Roberts told us:

[T]hey are linked to what is locally known as the sand mafia, le mafia du sable, which is an occult network which is engaging in environmental predatory activity in relation to the environment, taking sand out of the river beds and the sea shores. They are also known to be involved in money laundering. In the Tebessa area, they were involved in trafficking of containers and of livestock and in the Sahara, this is the connection with the Sahara, there has been a longstanding trans-Saharan smuggling racket, particularly cigarettes, what the Algerians call the Marlborough Connection.²⁹¹

232. According to the US Energy Information Administration, the informal economy may account for 20% of Algerian GDP.²⁹² Informal economic activity is reported to be expanding at an "exponential" rate, fuelled by a vast pool of unemployed, poor and excluded.²⁹³ Algeria continues to face serious economic and social problems, including: high unemployment (officially around 30%, but possibly much higher and estimated at around 50% for those under 30); labour unrest; continued weakness in the non-oil

289 Ev 42

290 "Islamism, Violence and Reform in Algeria: Turing the Page", International Crisis Group, 30 July 2004, p17.

291 Q 142

292 "Algeria Country Analysis", US Energy Information Administration, available at: www.eia.doe.gov

293 "Sizing the informal sector in Algeria", *The North Africa Journal*, 4 August 2004.

economy; and slow progress on economic reform efforts (largely due to opposition by labour unions and the armed forces).²⁹⁴

233. In 2001, there were widespread protests after the death of a Berber youth in police custody. This culminated in the march of nearly one million people on Algiers on 14 June. Despite the ethnic dimensions of the protests, they were largely driven by discontent over water shortages, housing shortages and high unemployment.²⁹⁵ The term ‘hogra’, which means social and political exclusion, was widely used. More recently there were riots in January protesting against rises in the price of fuel.²⁹⁶

234. During our visit we were told about the connection between terrorism and crime and drugs, and in particular the fact that some terrorists finance their activities by extracting protection money from businesses and individuals. We were also told that important work is under way to regulate money laundering and the financing of terrorism. In April 2004, Algeria submitted a supplementary report to the UN’s Counter Terrorism Committee.²⁹⁷ The report outlines the steps Algeria has taken to enhance its anti-terrorism legislation, including a bill on money-laundering and terrorist financing and the establishment of a Financial Information Processing Unit within the Ministry of Finance. However, the report notes that informal transactions are difficult to control and fall “within the competence of the national police and national gendarmerie.”²⁹⁸ Algeria has taken steps to modernise its customs services and police force and is seeking international co-operation in certain areas, including training in how to identify and track concealed financial circuits and funds and assets of suspicious origin; and combating money-laundering and the financing of terrorism, including investigative techniques in these areas.²⁹⁹

235. Algeria has a crime problem, especially street crime, in part because for too long the focus of policing has been on countering terrorism. However, Algeria is also under-policed; during our visit we heard that the country is looking to recruit 30-40,000 police in coming years. This is one area where the United Kingdom could provide useful assistance. The Committee heard that efforts are already being made in this area, with the invitation of Colonel Ali Tounsi, Director General of the General Directorate of National Security to London.

236. We conclude that there are substantial and long-standing links between the terrorists who remain active in Algeria and the informal economy and crime. We recommend that the Government work with the Algerian Government both bilaterally and through the EU to support and where possible assist the Algerian Government’s work to tackle smuggling, money-laundering and other forms of illicit economic activity linked with terrorism, including offering training where required to help build Algerian capacity. We commend initial steps towards bilateral co-operation on policing

294 “Algeria Country Analysis”, US Energy Information Administration, available at: <http://www.eia.doe.gov>

295 “An Algerian Presidential Free-for-All”, *Middle East Report Online*, 6 April 2004, available at: www.merip.org

296 “Algeria hit by further gas riots”, *BBC News Online*, 24 January 2005.

297 The work of this Committee is discussed in more detail in paras 29-33.

298 “Fourth report submitted by Algeria to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001)”, S/2004/324, April 2004, available at: www.un.org, p8

299 “Fourth report submitted by Algeria to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001)”, S/2004/324, April 2004, available at: www.un.org, p16

and recommend that the Government consider what assistance it could provide Algeria in this area, especially with regard to community policing. We further recommend that the Government consider sending a police attaché to Algiers to facilitate this co-operation.

The political system, human rights and national reconciliation

Role of the military and democratisation

237. Since Algeria's independence in 1962, the military has exercised considerable power behind the scenes. It has openly intervened in politics several times and all post-independence presidents have had either a military background or the full backing of the military. The ruling Front de la Libération Nationale (FLN) has also been dominated by high-ranking officers. Reforms in the late 1980s saw some formalisation of the role of the military, but little diminution of its actual influence.³⁰⁰

238. The 2004 presidential election was the first in which the military did not take sides. In contrast with the heavy handed military intervention exercised in previous elections, Chief of Staff General Muhammad Lamari repeatedly declared before the election that the military would accept any candidate, even an Islamist.³⁰¹ A number of important steps were taken to improve the democratic process ahead of the election, including amendments to the electoral law to enable members of the armed forces to vote without pressure, facilitate monitoring and provide equal airtime to candidates.³⁰² While there were doubts about the accuracy of the size of President Bouteflika's victory (the President was re-elected with 83% of the vote), there can be no doubt that he did win re-election.³⁰³

239. President Bouteflika's renewed mandate reflects a victory of the presidency over the military. Dr Roberts wrote to us that this could represent a step towards a genuine process of democratisation:

The prospect in the medium term is thus one of strong presidential rule, quite possibly displaying a new-found capacity to address and resolve some of Algeria's most pressing problems, but without any immediate progress towards a substantive democratization of Algerian political life. However, should this formula succeed in completely ending the violence and thus the premise of the state of emergency (enacted in February 1992 and renewed every year since then), it could well establish some of the conditions of a subsequent resurgence a few years from now of party politics of the kind that is indispensable to effective democratic government.³⁰⁴

240. We conclude that the re-election of President Bouteflika and withdrawal of the Algerian army from politics offer an opportunity for progress towards democratisation in the medium term. We recommend that the Government work to support this process, providing assistance with capacity building where appropriate.

300 "An Algerian Presidential Free-for-All", Youcef Bouandel, *Middle East Report Online*, 6 April 2004.

301 "Arab Reform Bulletin", Carnegie Endowment for International Peace, April 2004, Volume 2, issue 4.

302 *Ibid.*

303 "Observers praise Algerian voting", *BBC News Online*, 10 April 2004.

304 Ev 43

Human rights and national reconciliation

241. There are a number of human rights issues in Algeria. Amnesty International has expressed concerns about the lack of freedom of expression in Algeria:

Over the past year, freedom of expression has been markedly restricted in Algeria. In particular, there has been a steep increase in the number of court cases brought against journalists and newspaper editors in an apparent attempt to silence the privately owned press. Many of these are defamation cases filed against individual journalists who face prison sentences for reporting allegations of corruption or publicly criticizing officials. Under Algerian law, defamation is a criminal offence. Those found guilty of defaming state institutions may face prison terms of up to one year, in addition to fines of up to 250,000 Algerian dinars (approximately US\$3,200).³⁰⁵

242. Another long-running concern is that of ‘disappearances’. During the bitter civil war, several thousand people ‘disappeared’ in Algeria. The Algerian security forces and their civilian allies are believed to be responsible for the disappearance of more than 7,000 people.³⁰⁶ In addition, hundreds, possibly thousands of Algerians are believed to have been abducted by armed groups. There is no reliable list of the victims, or estimate of their numbers, although some organisations put the figure at 10,000.³⁰⁷ Most of these people disappeared between 1993 and 1998; however, there have been isolated reports of disappearances since 1999.³⁰⁸ Many remain unaccounted for.

243. Since 1998 the families of the disappeared have held regular demonstrations outside state institutions across Algeria to protest against the failure of the authorities to take seriously their concerns. According to Human Rights Watch, the police sporadically harass these relatives.³⁰⁹ In September 2003, President Bouteflika announced the setting up of a body to investigate disappearances within the framework of the National Consultative Commission for the Promotion and Protection of Human Rights, which reports to the President. While welcomed, the new body has been criticised by human rights groups for failing to address the problem with sufficient rigour.

244. Given Algeria’s bloody past, there is a need for national reconciliation. This is broadly recognised and has been addressed by President Bouteflika:

It was the most important reason why people voted for him last year. I was there at the time and I listened to his speeches and they evoked enthusiasm... It was, amongst other things, saying “We are fed up with all this identity politics, Islamism, Berberism, what have you, we are all Algerians, we are all Muslims.”... He is now under some pressure to deliver. He has raised expectations. I also think that as president he has an institutional interest in delivering. He does have an interest in the violence ending... There are grounds for giving him at least the benefit of the doubt

305 “Algeria: Freedom of expression under threat”, *The Wire*, Amnesty International, August 2004 Vol 34 No. 07.

306 “Truth and Justice on Hold: The New State Commission on “Disappearances””, Human Rights Watch, December 2003, p3 & 10.

307 *Ibid.*, p 11–12

308 *Ibid.*

309 *Ibid.*, p 2

as to his being in earnest about this and he has made some interesting moves recently, including enlisting Algeria's first president, the very elderly Ahmed Ben Bella in a key prominent role in organising a national commission on a general amnesty.³¹⁰

245. However, there remain concerns about the institutional basis for improved rights in Algeria. Dr Roberts told that at the crux of the problem lies a weak judiciary:

[Y]ou do not have a robustly independent judiciary... Ultimately this is a function of the fact that you have a very, very weak legislature and therefore an unaccountable executive; the judiciary ultimately does come under enormous pressure from the government, from the upper echelons of the executive branch and all of this means that arbitrariness is built into the way things work. Human rights violations are simply the most brutal expression of a general tendency to arbitrariness and it is something that, as at present, a substantially unreformed political system cannot really address except in a superficial way.³¹¹

246. We conclude that there remain human rights concerns in Algeria, but that a process of national reconciliation is under way. Given the atrocities committed during the country's recent past, it is critically important that this process should succeed. To this end, we recommend that the Government provide the fullest assistance to Algeria on human rights, including assistance in such areas as the judiciary and through bilateral exchanges.

Morocco

Bilateral relations

247. The United Kingdom and Morocco have a good bilateral relationship. Nevertheless, there is scope for improvement. During its visit to Morocco, the Committee heard some frustration over the level of importance attached by the United Kingdom to Morocco. For our Moroccan interlocutors this issue is symbolised by the continued failure to arrange either a state visit to the United Kingdom for King Mohammed VI or visits to Morocco by the Prime Minister or Foreign Secretary (both of whom have been invited to visit the Kingdom). A state visit by King Mohammed had been set up for 2003, but was cancelled owing to the war in Iraq. No new date has been arranged. This compares unfavourably with efforts to invite Jordan's King Abdallah to the United Kingdom (the two kings came to power at around the same time and the differing experiences of the two monarchs will be compared by Rabat).

248. The United Kingdom's trade with Morocco has trebled over the past decade: British exports in 2003 were worth £357 million, while imports from Morocco totalled £456 million. Nevertheless, trade levels remain low.³¹² Cultural exchange has been more successful. As we saw for ourselves, the British Council is doing excellent work in Morocco. Professor George Joffé told us:

310 Qq 153-54

311 Q 152

312 "Morocco Country Profile", FCO, 3 February 2005, available at: www.fco.gov.uk

The British Council has long been active in Morocco and has continued to be active. It is very highly respected, it competes with the American equivalent; it competes too with the French and the Germans. It represents for Moroccans... a mechanism for access to the wider world. English is recognised in Morocco now to be perhaps the most important foreign language. The British Council's language services are very highly respected indeed. They are vastly over-subscribed.³¹³

249. However, Professor Joffé had concerns about the level of coverage given to Morocco by the BBC World Service:

[O]ne hears far too little about North Africa in general and Morocco in particular, not just on the World Service main services, but also on the Africa service. If you compare it with, say, French international radio, coverage on North Africa is much better. It is a pity because this is part, in effect, of the European periphery and it is directly connected to interests in this country.³¹⁴

The BBC World Service wrote to us to defend its coverage of the region: "the World Service carries a great deal of coverage about North Africa and it gives it due prominence in the English output. The expertise that resides within the World Service is also available to the rest of the BBC, and it is often utilised."³¹⁵

250. We conclude that insufficient priority has been attached to an exchange of high-level visits between the United Kingdom and Morocco. We further conclude that this is a mistake given Morocco's strategic position on the southern shore of the Mediterranean, the country's status as a willing ally in the war against terrorism and the fact that Morocco represents a genuine success story in the pursuit of reform and moderation in the Arab world. We recommend that the Government give a higher priority to high-level exchanges. We further recommend that the Government keep us informed of its plans in this regard. We commend the valuable work of the British Council in Morocco.

Morocco and the war against terrorism

The Casablanca bombings

251. In the 1990s, Moroccans prided themselves on having escaped the Islamist violence that tore neighbouring Algeria apart. However, this all ended on 16 May 2003, when twelve suicide bombers killed 33 people, in addition to themselves, and wounded another 100 in co-ordinated attacks in Casablanca (five locations were attacked: a hotel, two restaurants, a Jewish civic association and the Jewish cemetery in the old city).³¹⁶ The attacks were traced to networks in Fez, Tangier and Casablanca. The involvement of Moroccans in the March 2004 Madrid bombings provided a further shock to the Moroccan system.³¹⁷

313 Q 176

314 *Ibid.*

315 Ev 143

316 "Terror blasts rock Casablanca", *BBC News Online*, 17 May 2003.

317 "Morocco's shock at Madrid bomb 'link'", *BBC News Online*, 17 March 2004.

252. The Moroccan authorities moved quickly to deal with the terrorist threat following the May attacks, rounding up huge numbers of suspects and implementing new counter-terrorism legislation.³¹⁸ However, there is concern over the continuing threat as well as a degree of ongoing violence:

[A]lthough the networks were mopped up very quickly indeed and although a very powerful anti-terrorism law was introduced, bringing back the death penalty, in fact there has continued to be low level violence in Morocco ever since; certainly up until May of last year there was evidence of networks existing in the countryside and indeed of there having been the use of traditional “musem”, which is a kind of pilgrimage, to act as cover for training camps that were used. That has all been stopped, but nonetheless the evidence of the networks still persists. We have to assume that there is somewhere there a kernel of violence, but again it is internally directed, it is not connected with the outside world.³¹⁹

Links with al Qaeda

253. In the context of the international war against terrorism, there have been concerns over possible links between Moroccan Islamists and al Qaeda. Although there appear to be some linkages, in large part owing to personal connections deriving from the experience of fighting and training in Afghanistan, our witnesses have emphasised the indigenous nature of the violence in Morocco. They have also highlighted the difference between the attacks in Morocco and the terrorist acts perpetrated by members of the Moroccan diaspora (for example in Madrid). Professor Joffé told us:

There were certainly people involved in them who had been in Afghanistan over the previous 20 years and to that extent you could argue they had links towards al-Qaeda and similar movements... those relations were links in the loosest of senses; they did not imply a commonality of ideology or purpose. Again, the events of May 2003 were fundamentally directed at Morocco at the Moroccan state and at attributes of the Moroccan state. Many of the targets were Jewish, but you have to bear in mind that in Morocco the sultanate has always been seen as the protector of the Jewish community, so there was a clear link between the state and the actual targets. To that extent it was a localised, internal matter.³²⁰

Links with the informal economy

254. The Islamist networks implicated in the 16 May attacks have links with the informal economy. A thriving informal sector has developed in Morocco (known as ‘tijara shunta’, or ‘suitcase trade’):

[T]here is a vast informal economy. It is the essential component which soaks up surplus labour and guarantees a degree of social peace. It is therefore, although disliked by government, because it cannot be controlled and cannot be taxed, tolerated and to some extent encouraged... The point about that trade is that what it

³¹⁸ These issues are discussed in more detail in paras 261-67.

³¹⁹ Q 166 [Joffe]

³²⁰ *Ibid.*

does is build up networks and the networks can communicate inside the country and outside it and as such it becomes a very useful vehicle on which you can piggyback political movements. Therefore it is very often connected, in some way, with movements linked with political violence or political opposition.³²¹

Given the thriving drug industry in Morocco, there are also concerns about linkages between drug money and terrorist financing.³²²

255. Professor Joffé told the Committee about other important factors behind the growth of Islamist violence in Morocco such as social and economic deprivation as well as an underlying political sympathy for these movements and their ideology:

If you look at the movements which have been identified in Morocco, they are located in certain quarters of certain towns. They are related often to the presence of charismatic preachers, often people who have been involved in events outside Morocco, but they are then localised and there are linkages between them around the country, between, for example, Casablanca and Fez, Fez and Tangiers, but they are not necessarily the same links as you will find through the informal economy. Having said that, the fact of the informal economy, the implication of social and economic deprivation that it implies, is of crucial importance in explaining why there is, as it were, a background against which terrorism and violence can exist. One needs to bear in mind that none of these movements can survive if there is not a generalised sympathy in some way with their wider objectives and that is certainly true in Morocco.³²³

256. Morocco is facing a number of serious socio-economic problems. During its visit to Morocco the Committee was told about the King's genuine commitment to pursue social and economic development as a way to improve the population's living standards. Social programmes include investment in education, housing and a massive literacy programme. Economic reform is essential, but despite efforts by the government, the majority of the population has seen no improvement in their standard of living. The country's position on the human development index has fallen in recent years, from a ranking of 112 in 2001 to 125 in 2004.³²⁴ Around 49% of the population is illiterate,³²⁵ 15-20% of the population is unemployed (the figure is as estimated to be as high as 50% among graduates) and there is a major housing crisis (this is reflected in the growth of slums outside the major cities, where the rule of government is absent).³²⁶

257. We conclude that Morocco remains vulnerable to the Islamist violence that has affected other states in the region and that, although the Moroccan authorities have taken concerted efforts to tackle the problem, there remains a threat both to Moroccan

321 Q 168 [Joffe]

322 According to a recent report in the North Africa Journal, Cannabis output continues to rise in Morocco, with 75% ending up in Europe. See "Morocco, the World's Biggest Supplier of Cannabis", *The North Africa Journal*, 24 November 2004, available at: www.north-africa.com

323 Q 168

324 See successive Human Development Reports, available at: <http://hdr.undp.org>

325 See UNDP Human Development Index, available at: <http://hdr.undp.org>

326 "Morocco: 2004 Article IV Consultation-Staff Report; Public Information Notice on the Executive Board Discussion; and Statement by the Executive Director for Morocco", International Monetary Fund, June 2004.

and to foreign interests. Moreover, a number of domestic factors that may have contributed to the violence remain to be addressed and could therefore contribute to further terrorist violence. These include a large informal economy, the existence of sprawling slums and the failure to address the socio-economic needs of the population in the light of falling living standards. We recommend that the Government, bilaterally and with its European partners, consider what assistance it can give Morocco in these areas.

Democratisation, human rights and national reconciliation

Political reform

258. Morocco is a reform success story in the Arab world. One of King Mohammed's first moves when he came to power in 1999 was to sack Interior Minister Driss Basri, who had been regarded as the most powerful man in Morocco and was widely hated for his association with the corrupt and abusive political system.³²⁷ Basri's sacking was widely hailed as proof of the new King's commitment to reform. However, as Professor Joffé told us, the process of political reform was already underway by this point:

To understand the political changes in Morocco you need to go back to 1990, which is when King Hassan II made a conscious decision that Morocco had to develop a more constitutionalised form of government and indeed that human rights formed an important part of that agenda. Although the progress during the remainder of his reign was perhaps not as certain or as determined as one might have anticipated or heard there was undoubted improvement. Freedom of the press began to develop and by and large it was possible to express an opinion, except on the monarchy and over the Western Sahara, without threat of any kind.³²⁸

259. The Moroccan political system is evolving from a strongly centralised monarchy to a bicameral parliamentary system. Parliamentary elections in 2002 and municipal elections in 2003 were largely free, fair, and transparent.³²⁹ During our visit to Morocco we learned that there are 35 women members in the lower house of Parliament, which is equal to around 10% of the total. We heard from our interlocutors that the process of democratisation in Morocco is genuine and has reached the point where it is "irreversible". Nevertheless, political reform has some way to go:

There is a fundamental problem and the problem revolves around the operations of the royal palace. Traditionally in Morocco the royal palace has run a parallel system of government alongside formal government, to which it has been superior. That system has not been dismantled, in other words the king still rules quite directly, he does not simply reign. One of the purposes of the reform should have been to transform his position into a constitutional one of reigning rather than being directly involved in the process of government on a day-to-day basis. That means that there is still an element of arbitrariness inside the political system and the danger there is

327 "The departure of Morocco's strong man", *BBC News Online*, 9 November 1999

328 Q 170

329 "Morocco poll retains status quo", *BBC News Online*, 14 September 2003.

that at moments of crisis that can always be enlarged.... All in all, even though I do not think Morocco is yet a fully democratic state, I would consider that it is the most advanced state inside the Middle East and North Africa by far in the progress it has made. The evidence seems to be that that progress will continue.”³³⁰

260. During its visit to Morocco, the Committee heard enthusiasm over the possibility of exchanges with the United Kingdom. Professor Joffé told us that such exchanges could play a role in bolstering Morocco’s progress towards democratisation:

I think there is a much greater need for cultural and political exchange, that is to say Morocco may well desire to create a democratic political system, it may have put in place the legislation for that purpose, it does not yet necessarily have the habits of mind by which that can be achieved. Local administration for example is often inept, the political parties often do not fully appreciate their responsibilities inside the political system and therefore much greater contact at those sorts of levels will be immensely useful in building an infrastructure which would operate an effective political system.³³¹

Human rights and national reconciliation

261. In tandem with reform of the political system, Morocco has gone a long way to improve the human rights situation. In its report “Morocco: Human Rights at a Crossroads”, Human Rights Watch noted:

Morocco has made impressive strides in human rights over the last fifteen years. These advances have included greater respect for basic civil and political rights, including freedom of expression and freedom of association. This period, especially since the accession of King Mohamed VI in 1999, has also witnessed efforts to address issues of impunity for serious and systematic past crimes, including “disappearances” and torture.³³²

262. Notable achievements include: an improvement in the general level of freedom of expression; the release of political prisoners and return of exiles;³³³ the adoption of a Family Law in 2004 that gives women rights that are virtually the same as in Europe and including equal divorce rights and the right to be joint head of household; and the establishment of the State Commission on Equity and Reconciliation in early 2004 to document human rights abuses committed in past decades with a view to facilitating a process of national reconciliation.

263. Professor Joffé told us about the work of the Reconciliation Commission:

Not only were those who have been in prison been paid compensation, but at the end of last year the Moroccan Government engaged in a process which in North Africa is completely unique by publicly confronting what had occurred. A series of

330 Q 170 [Joffe]

331 Q 178

332 “Morocco: Human Rights at a Crossroads”, Human Rights Watch, October 2004, available at: www.hrw.org

333 Q 170 [Joffe]

public investigations was broadcast on radio and television on some of the most notorious abuses of human rights, with those involved actually stating their cases, stating what was done to them and the issue being confronted in public. This was quite remarkable.³³⁴

264. We met the Chairman of the Commission during our visit to Rabat. In addition to compensation, the Commission is mandated to recommend and assist rehabilitation.³³⁵ The Commission, which will produce a final report later this year, will also make recommendations on reform of the courts, security apparatus and legal framework for human rights.

265. Despite this progress, there remain some areas where human rights could be improved.³³⁶ In particular, there are concerns about the treatment of those arrested in the crackdown that followed the Casablanca attacks. Human Rights Watch note:

Morocco's security forces and judiciary failed to uphold the rights of those arrested in the crackdown on suspected militants that followed the bombings of May 16, 2003. The police carried out massive arrests and home searches without judicial warrants, mostly in poor neighborhoods that are suspected Islamist strongholds... In cases we examined, police held suspected Islamist militants in garde à vue detention beyond the legally permitted limit before bringing them before a judge. The police then falsified the recorded arrest date to make it appear that garde à vue had stayed within the legal bounds.

Many detainees stated that their interrogators subjected them to physical and mental torture and degrading treatment in order to extract a confession or to induce them to sign a statement they had not made. During their garde à vue detention, they had no access to a lawyer and the police did not disclose their whereabouts to relatives. In some cases lawyers were not given adequate time to study and prepare the defense for their clients.³³⁷

266. The new anti-terrorism legislation is also problematic. The legislation introduces a broader definition of terrorism:

A list of specific acts can be classified as terrorist when they "are deliberately perpetuated by an individual, group or organization, where the main objective is to disrupt public order by intimidation, force, violence, fear or terror." The list of acts includes theft, extortion, and the "promulgation and dissemination of propaganda or advertisement in support of such acts." This definition of terrorism has been applied to convict and imprison journalists who "incite violence."³³⁸

In November 2003, the UN Committee against Torture expressed concern about Morocco's counter-terror legislation, notably "the considerable extension of the time limit

334 Q 170

335 "Morocco: Human Rights at a Crossroads", Human Rights Watch, October 2004, available at: www.hrw.org

336 The Western Sahara is discussed in greater detail in paras 186-94.

337 "Morocco: Human Rights at a Crossroads", Human Rights Watch, October 2004, available at: www.hrw.org

338 "Morocco: Human Rights at a Crossroads", Human Rights Watch, October 2004, available at: www.hrw.org

for police custody, the period during which the risk of torture is greatest, both in criminal law and in counter-terrorist legislation.”³³⁹

267. We conclude that Morocco offers a reform success story in the Arab world. Although there remains work to be done, and not all recent developments have been positive, the country is pursuing a genuine process of democratisation and has taken important steps towards improving the human rights situation. Given the importance placed on democratisation and respect for human rights in conjunction with the war against terrorism, we recommend that the Government fully recognise the achievements made by Morocco in these areas. We further recommend that the Government work with Morocco to help facilitate further progress on human rights and that it keep Parliament informed of its efforts in this area.

Libya

Bilateral relations

The resumption of diplomatic relations

268. The United Kingdom broke off diplomatic relations with Libya in 1984 after the murder of WPC Yvonne Fletcher. Relations deteriorated further following the seizure of the ‘Eksund’ in 1987 loaded with arms and explosives for the IRA. In November 1991 the Lord Advocate of Scotland issued an arrest warrant for two Libyan officials in connection with the bombing of Pan Am Flight 103 over Lockerbie on 21 December 1988.

269. Diplomatic relations were resumed on 7 July 1999 following an agreement in which Libya accepted ‘general responsibility’ for the shooting of WPC Fletcher, made an apology and promised to pay compensation to the Fletcher family.³⁴⁰ Libya also undertook to co-operate with and abide by the findings of the Metropolitan Police investigation into the shooting. The first British Ambassador to Tripoli for 15 years arrived in December 1999. A Libyan Ambassador arrived in London in January 2001.

270. In 1999, Libya handed over two suspects for trial before a Scottish court in the Netherlands for the Lockerbie bombing; UN sanctions and the EU legislation implementing them were immediately suspended. The Lockerbie trial began in May 2000 and in January 2001, one suspect was found guilty. Trilateral talks involving the United Kingdom led to the eventual lifting of UN sanctions against Libya in September 2003.³⁴¹ The United Kingdom was also instrumental in bringing about Libya’s decision in 2003 to relinquish its WMD programmes.³⁴²

271. Libyan Foreign Minister Abdurrahman Shalgam’s visit to London in February 2004 was the first visit to the United Kingdom by a Libyan Foreign Minister since Libyan leader

³³⁹ *Ibid.*

³⁴⁰ This compensation has been paid.

³⁴¹ “Libya country profile”, FCO, 23 November 2004, available at: www.fco.gov.uk

³⁴² The WMD issue is discussed in greater detail in paras 288-98.

Muammar al-Qadhafi came to power in 1969. It helped pave the way for Prime Minister Tony Blair's visit to Libya in March 2004, the first by a British Prime Minister since 1943.³⁴³

272. The United Kingdom's approach towards Libya and the resumption of bilateral relations have been broadly praised. Oliver Miles told the Committee that he was:

very impressed by the finesse shown by our former colleagues in the Foreign and Commonwealth Office... in somehow bridging this gap, finding a way forward... I think the British Government have followed a skilful policy of building up a relationship in these very difficult circumstances.³⁴⁴

Enhancing relations

273. Speaking at a press conference in Tripoli after meeting Mr Qadhafi, the Prime Minister said:

From today, in line with the step by step improvement in our relations, the Foreign Secretary and the Libyan Foreign Minister will initiate a new dialogue on regional and security issues. We will deepen educational ties. You may like to know that Libyan students are in fact already the largest contingents in the UK from the Arab world. The British Council have opened a new office in Tripoli, we will renew strong UK-Libya trade ties.³⁴⁵

274. During its visit to Libya the Committee heard that in general, Libya views the United Kingdom in a positive light. Anger at the injustices of imperialism remains strong in Libya, and the fact that the United Kingdom did not colonise Libya, and in fact played a role in helping Libya to gain independence is viewed favourably. A good working relationship has also developed between Mr Qadhafi and Tony Blair.

275. We also heard that the British Council will soon open an English language teaching centre in Tripoli. There is great interest in learning English in Libya, and the British Council faces little competition. Libya is also traditionally a strong British market and there is great business interest in Libya.³⁴⁶ However, Libya is not an easy place to do business: economic reform has been erratic, there are considerable bureaucratic obstacles to overcome as well as a serious lack of transparency.³⁴⁷ Libya lacks many essential institutions, for example individual taxation systems and property rights.³⁴⁸ During its visit to Libya, the Committee was told that wages have been frozen since 1982 and it is illegal to employ anyone, although there is an informal exception to this in the oil industry.

343 "Libya country profile", FCO, 23 November 2004, available at: www.fco.gov.uk

344 Qq 118 & 131

345 Remarks by Prime Minister Tony Blair, Press Conference in Tripoli, 25 March 2004, available at: www.number-10.gov.uk

346 "Libya Country Profile", FCO, 23 November 2004, available at: www.fco.gov.uk

347 Ev 33

348 "The Origins and Parameters of Libya's Recent Actions", Diederik Vandewalle, *Arab Reform Bulletin*, Carnegie Endowment for International Peace, Volume 2, Issue 3, March 2004, available at: www.carnegieendowment.org

276. In June 2002, US-educated economist Shukri Ghanem was appointed prime minister, suggesting that economic reform was on the agenda.³⁴⁹ The United Kingdom is working to encourage such reform, and in 2004 convened a seminar bringing together Libyan and British economists. The Global Opportunities Fund has provided funding for this work.

277. While businesses of all nationalities face difficulties in Libya, there are areas in which the Government could do more to facilitate access for British firms. Oliver Miles told us about the difficulties of getting visas: “I am afraid we ought to be a bit tougher with them and I think that if senior Libyans had to go through the kind of performance that senior British people have to go through in order to get visas, you would find the system would change more quickly.”³⁵⁰

278. Speaking at a press conference in Tripoli after his meeting with Mr Qadhafi, the Prime Minister announced that a Defence Co-ordinator for Libya would be appointed³⁵¹ and that the United Kingdom would “offer Libya a chance of a new military relationship with the United Kingdom.”³⁵² Nevertheless, there are indications that Libya’s expectations may not have been met on this issue. In November 2004, Mr Qadhafi voiced his disappointment that: “Libya had not been properly recompensed. This, he noted, provided little incentive for countries like Iran and North Korea to dismantle their nuclear programs. He said he needed more security guarantees from the United States, Europe and Japan, as well as “civilian-use technology in return for abandoning military technology.”³⁵³ During its visit to Libya, the Committee heard that the United Kingdom is prioritising dialogue on the threats facing Libya rather than defence equipment sales. In addition, a number of places at British military training establishments have been offered to Libyan students.

279. We commend the Government’s skilled work to restore diplomatic relations with Libya and welcome the improvement in ties over recent years. We conclude that there is scope for further improvement in cultural, business and defence relations and that the good relationship developed between the two governments and in particular between Mr Qadhafi and Prime Minister Tony Blair offers an opportunity for further progress. We recommend that the Government set out in its response to this Report its plans further to enhance relations in these areas.

Estate issues

280. There are currently some difficulties over the United Kingdom’s diplomatic Estate in Libya. At present, the Embassy is divided between two sites, with the Chancery based at the Residence and the Management, Consular and Visa sections located in an office block elsewhere. Both sites are leased. There is also the old Embassy; the building is too close to the road to be used under current security provisions, but the site offers substantial grounds that could be used to house a new building. During our visit to Libya, we heard

349 “Beating swords into oil shares”, *The Economist*, 30 December 2003.

350 Qq 121-2

351 General Searby has been appointed to this position.

352 Remarks by Prime Minister Tony Blair, Press Conference in Tripoli, 25 March 2004, available at: www.number-10.gov.uk

353 “One Year Later in Libya”, Joseph Cirincione, *Revati Prasad*, 16 December 2004, available at: www.carnegieendowment.org

that the current working arrangements are inconvenient and impede the effectiveness of the Post. The Committee understands that the Government has declined an offer to purchase sites owing to financial considerations.

281. We conclude that current Estate arrangements hinder the work of the United Kingdom's Embassy in Libya. It would make operational as well as financial and business sense to procure a site that would accommodate all Embassy offices. We recommend that the Government set out in its response to this Report what steps it plans to take to resolve this issue, including a timeframe for action.

Libya and the war against terrorism

282. Speaking after meeting Mr Qadhafi in Tripoli in March 2004, the Prime Minister told a press conference that he was struck by the Libyan leader's recognition of "a common cause, with us, in the fight against al Qaeda extremism and terrorism which threatens not just the western world, but the Arab world also."³⁵⁴ This is not surprising. As Oliver Miles told us:

"Qadhafi has every interest in trying to uncover and destroy... the Bin Laden franchise, if you like, the people who associate themselves as violent Islamic fundamentalists with Bin Laden. These people have tried to murder Qadhafi in the past. There was an incident in 1998 which was the one which led Qadhafi to put out an arrest warrant for Bin Laden through Interpol and there have been other incidents as well. This has been the most serious internal threat to Qadhafi's regime ever since the beginning of his regime in 1969."³⁵⁵

Mr Qadhafi condemned the 11 September 2001 attacks on the US and has provided a very close degree of counter-terrorism co-operation to both the United Kingdom and the US. The Committee heard during its visit to Libya that this is the "major success story" of the relationship with Libya.

283. Mr Qadhafi's change in stance towards terrorism appears to have been the result of an evolutionary process of normalisation that began in the late 1980s and early 1990s:

Externally Libya ceased to provide support for terrorism and extremism. Internally, Qadhafi's experiment of closing down the whole of the retail sector of the economy, which had proved a disastrous failure, was abandoned. There may have been three main reasons. First, Libya's revolutionary policies were not delivering results. Second, the bi-polar pattern of international affairs had broken down and the game could no longer be played by the old rules, not that Libya ever joined the Soviet camp, nor did the Soviet Union give Libya much encouragement or support. Third, the concept inherited from the Nasser period that the Arab world was or should be united against imperialism spearheaded by Israel no longer carried conviction.³⁵⁶

354 Remarks by Prime Minister Tony Blair, Press Conference in Tripoli, 15 March 2004, available at: www.number-10.gov.uk

355 Q 131

356 Ev 31

284. As well as renouncing terrorism, Mr Qadhafi has assumed a role as mediator in international cases of kidnapping: Libyan mediation helped to secure the release of hostages held by the Abu Sayyaf group in the Philippines in September 2000³⁵⁷ and in October 2004, Mr Qadhafi appealed for the release of British hostage Ken Bigley.³⁵⁸

285. Nevertheless, Libya remains on the US list of state sponsors of terrorism. Recent allegations of Libyan involvement in a plot to assassinate Saudi Crown Prince Abdallah make it unlikely that Libya will be removed from this list in the immediate future.³⁵⁹ Moreover, Oliver Miles told the Committee that Mr Qadhafi's understanding of the international threat from terrorism may not be the same as that in Washington or London:

He distinguishes very carefully between Islamic fundamentalist violence, which he sees as a threat both to himself and to America and to others on the one hand, and, on the other hand, national liberation movements, resistance to occupation both in Palestine and Iraq, which he would not for a moment associate with terrorism.³⁶⁰

286. Furthermore, it is not impossible that Mr Qadhafi could once again change tack. Although the recent rapprochement with the international community is certainly in Libya's interest, and Mr Qadhafi has deliberately sought it, Oliver Miles told us that he "would not necessarily assume that he [Qadhafi] is totally committed for the future. If things went wrong, he could change again."³⁶¹ There are also questions about the direction Libya might take post-Qadhafi given the highly personalised nature of the political system and the fact that there is no provision for succession. Libya is a large country, with many remote and inaccessible areas, which could provide a haven for terrorist activity. While domestic opposition of all strains, including Islamist, is firmly controlled, there remains Islamist sympathy and activity. Elisabeth Hughes, a freelance writer on Libya, wrote to us about the continued presence of Islamist opposition there: from time to time, there are demonstrations, particularly in the Benghazi area, where resistance has been loosely linked to the Islamist cause. There is also concern that Libyans returning from abroad could reinvigorate Islamist activity. A number of Libyans fought in Afghanistan and a small number are believed to be active in Iraq.³⁶²

287. We conclude that Libya is providing important co-operation in the war against terrorism. We commend the Government for its work to bring Libya back into the international fold and to facilitate this co-operation.

Libya's weapons of mass destruction

288. In previous Reports in this inquiry we have noted the Libyan decision in 2003 to relinquish its WMD programmes.³⁶³ On 19 December 2003, Mr Qadhafi confirmed that Libya had been seeking to develop WMD and longer range missiles to deliver them. In a

357 "Libya hands over Jolo hostages", *BBC News Online*, 12 September 2000.

358 "Gaddafi asks for Bigley's release", *BBC News Online*, 6 October 2004.

359 "Libya indignant over Saudi rebuke", *BBC News Online*, 22 December 2004.

360 Q 125

361 Q 124

362 Ev 120

363 HC (2003-04) 441-I, paras 475-479; and HC (2003-04) 81, paras 243-251.

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. Shalgam announced that this would be done in a transparent and verifiable manner, and invited immediate international inspection.³⁶⁴ In addition, he committed Libya to compliance with the Non-Proliferation Treaty, the International Atomic Energy Agency (IAEA) Safeguards Agreement (including the Additional Protocol) and the Chemical Weapons Convention.

289. The announcement followed nine months of secret talks with the United Kingdom and the US. As part of these talks, Libya permitted joint US-British teams to visit secretly a number of WMD and missile-related facilities in Libya. There is some disagreement over what prompted Libya's decision as well as over the sincerity of the move. FirstWatch International, a research consultancy that supports non-proliferation efforts, wrote to us about this:

Although the dialog with Libya came directly at the start of the war with Iraq, it would be short-sighted to argue that Libya's disarmament was a consequence of the war. It was most likely the nexus of various problems that Libya's decision-makers faced... Externally, Libya was looking for a way to re-enter the international community in good standing after years of being treated as a rogue nation.... Internally, Col Quaddafi is known to have felt the burden of sanctions on Libya's economy.³⁶⁵

290. Both multilateral bodies and national governments have been fulsome in their praise of Libya's co-operation in verifying and dismantling its WMD programmes.³⁶⁶ In testimony to the Senate Foreign Relations Committee, Assistant Secretary of State for Verification and Compliance Paula A. DeSutter said: "I'm happy to say that so far, Libya's work to implement its December 19 commitments has been outstanding, and every indication so far has been that these commitments are indeed sincere."³⁶⁷

291. Nevertheless, as FirstWatch International told us, there remain questions to be answered:

The only possible area where Libya's cooperation may be lacking, at times, is in answering Agency's questions regarding outside suppliers to its nuclear program. In May 2004, the IAEA reported that, "Libyan authorities have 'usually' provided clear answers to Agency questions and have provided some supplementary declarations." However Libyan authorities have not always been able to provide supporting documents to augment their short December 2003 'time line.' According to the Agency report, "Lack of supporting documents limits the Agency's ability to fully

364 "Libyan WMD: Tripoli's statement in full", *BBC Online*, 20 December 2003.

365 Ev 137

366 "Implementation of the NPT Safeguards Agreement of the Socialist People's Libyan Arab Jamahiriya", GOV/2004/59, Report by the Director General, IAEA, 30 August 2004, derestricted on 18 September 2004, available at: <http://www.iaea.org>; see also "OPCW Executive Council Approves Recommendation to Allow for Conversion of Former Chemical Weapon Facility in Libya", OPCW press release number 50, 18 October 2004, available at: <http://www.opcw.org>

367 "Testimony of Paula A. DeSutter, Assistant Secretary of State for Verification and Compliance, Senate Foreign Relations Committee", 26 February 2004, available at: <http://foreign.senate.gov>

confirm the completeness of Libya's declarations in some areas..." In another example, it has been noted that resolving the mystery of the origin of uranium that Libya had obtained from a foreign supplier has been difficult. According to IAEA inspectors, solving the mystery has been complicated by conflicting statements from one Libyan who said the uranium came from North Korea, and another who said the material came from A.Q. Khan.³⁶⁸

292. Libya had not acquired a nuclear weapon, but was on the way to developing a capability. It had been actively pursuing nuclear fuel cycle projects, including uranium enrichment.³⁶⁹ Libya's declared nuclear capability has been dismantled and removed, and Libya has signed an Additional Protocol to its Safeguards Agreement with the IAEA. In 2004, US and British teams removed uranium hexafluoride, centrifuge equipment and other items including detailed nuclear weapons designs. The materials and items were taken to the US for evaluation, testing and destruction.³⁷⁰ Around 17 kilograms of highly enriched uranium (HEU) have also been returned to Russia (which originally supplied it). The US\$700,000 fuel-removal was funded by the US Department of Energy under the Tripartite Initiative, a co-operative US-Russia-IAEA programme which addresses safety and proliferation risks.³⁷¹ Work is under way to convert the Tajura research reactor to low enriched uranium (LEU) and to develop ways to redirect Libyan WMD and missile scientists, engineers, and technicians to civilian pursuits.³⁷²

293. Libya has joined the Chemical Weapons Convention (CWC) and submitted a declaration to the Organisation for the Prohibition of Chemical Weapons (OPCW). This declaration included over 3,300 aerial bombs designed to disperse chemical warfare agent, approximately 23 metric tonnes of mustard gas, one inactivated chemical weapons production facility and two chemical weapons storage facilities. No filled munitions were declared.³⁷³

294. Libya has destroyed all its chemical munitions under international supervision and agreed a timetable for the destruction of its stocks of chemical agent. Deactivation of the chemical weapons production facility has been verified. OPCW inspectors have inventories of all declared chemical weapons and related equipment and have verified that the chemical weapons and equipment have been secured. Under the CWC Libya's chemical weapons and the capacity to produce them must be completely destroyed by 29 April 2007.³⁷⁴

368 Ev 139

369 "Implementation of the NPT Safeguards Agreement of the Socialist People's Libyan Arab Jamahiriya", Report by the Director General to the IAEA Board of Governors, 18 September 2004.

370 "DOE helps secure Libyan nuclear materials", *US DOE This Month*, March 2004, available at: www.energy.gov; and "President lauds Oak Ridge role in Libya project", *US DOE This Month*, July 2004, available at: www.energy.gov

371 "Removal of High-Enriched Uranium in Libya Arab Jamahiriya", IAEA staff report, 8 March 2004, available at: www.iaea.org; and "President lauds Oak Ridge role in Libya project", *US DOE This Month*, July 2004, available at: www.energy.gov

372 "Testimony of Paula A. DeSutter, Assistant Secretary of State for Verification and Compliance, Senate Foreign Relations Committee", 26 February 2004, available at: <http://foreign.senate.gov>

373 "Libya Completes the First Phase of Chemical Weapons Destruction", OPCW press release number 7, 4 March 2004, available at: <http://www.opcw.org>; and 1. "Libya Accedes to the Chemical Weapons Convention", *Chemical Disarmament Quarterly*, March 2004, available at: www.opcw.org

374 "Initial inspection in Libya Completed", OPCW press release number 10, 22 March 2004, available at: www.opcw.org

295. In October 2004, the OPCW Executive Council approved a recommendation that Libya be allowed to convert a former chemical weapons production facility rather than destroy it. The plan is to use the facility to produce low-cost vaccines and medicines for diseases such as HIV/AIDS, malaria and tuberculosis for Africa.³⁷⁵

296. Libya has admitted to previous intentions to acquire capabilities related to biological weapons, but has said that it did not develop biological weapons. No international mechanisms, such as the IAEA or OPCW, exist in the biological weapons field. We discuss this issue in paragraphs 386-391.

297. Libya is not formally a part of the Global Partnership against the Spread of Weapons and Materials of Mass Destruction. However, in 2004 the G8 agreed at the Sea Island summit to co-ordinate threat reduction work in Libya, including the retraining of scientists involved in WMD programmes.³⁷⁶

298. We commend the role of the United Kingdom in bringing about Libya's renunciation of WMD programmes. We conclude that great progress can be made by means of diplomacy to tackle the problem of proliferation when there is political will on all sides. We commend the co-operation between Libya, the United Kingdom, the US, the IAEA and the OPCW in verifying and destroying Libya's WMD programmes. We commend the decision at the 2004 G8 summit to co-ordinate threat reduction work with regard to Libya. We recommend that the Government, in its response to this Report, set out the work it has done to date, and work it plans to undertake, in this area, including with regard to redirecting Libyan WMD scientists.

Democratisation and human rights

299. Elisabeth Hughes wrote to us explaining the Libyan political system. Mr Qadhafi established the Jamahiriya, or 'state of the masses', after a coup in 1969. This system is based on the political and philosophical thinking of Mr Qadhafi's Green Book, which highlights the need for the state to be representative of the whole of society and to reflect the thinking of the masses. However, the state is effectively run by Mr Qadhafi, whose only formal role is as the 'Leader' or 'Guide' of the revolution.³⁷⁷

300. The country is divided into regions (shabiyya). Each region has a Basic People's Committee, through which Libyans in theory influence political decision making (hence the 'state of the masses'). Representatives from these committees make up a General People's Congress (the Libyan equivalent of parliament), which is called to make decisions at the national level. The General People's Committee (cabinet) is elected by the Congress from nominees chosen by Mr Qadhafi, and is responsible for managing the Congress and the day-to-day running of the state.³⁷⁸

375 "OPCW Executive Council Approves Recommendation to Allow for Conversion of Former Chemical Weapon Facility in Libya", OPCW press release number 50, 18 October 2004, available at: www.opcw.org

376 G-8 Action Plan on Nonproliferation, Sea Island, Georgia, 9 June 2004, available at: www.g8usa.gov

377 Ev 118

378 Ev 118

301. During our visit to Libya we heard great pride in the stability of the Libyan political system. However, there are serious concerns about the lack of political freedom. There is no official opposition in Libya: the Libyan legal system prohibits the formation of associations or political parties outside the existing political system.

Critics of the current system, who wish to voice their political dissent through peaceful means outside the official structures, are heavily sanctioned and even face the death penalty. They are forced to operate in secret... Despite the risks, some Libyans, including lawyers, are calling for legal obstacles to be lifted to enable them to form independent human rights organizations.³⁷⁹

The penalty for such activities is often arrest, prolonged incommunicado detention sometimes involving torture, followed by unfair trials and possibly the death penalty.

302. Asked about the United Kingdom's priorities in Libya and the relationship between ridding the country of its WMD programmes and the pursuit of democratisation, the Prime Minister told the Liaison Committee on 8 February:

I think you are trying to do both the whole time. Obviously it is important to get co-operation. Even if you have a regime that is not democratic, to get co-operation over WMD is important. That is why it was important to make sure that the Libya programme was shut down... Now, none of that means, however, I think, that ultimately the situation will be stable. I think that one major lesson that we are learning is that wherever there is repression, wherever there are failed states, those are places where terrorism can breed.³⁸⁰

During our visit to Libya, we heard that political reform is quite simply not on the official Libyan agenda.

303. More positively, there have been some improvements in the human rights situation. In February 2004, Amnesty International visited Libya for the first time in 15 years. Its subsequent report noted that the authorities have taken some positive steps in recent years, including the decisions in 2001 and 2002 to release hundreds of political prisoners, among them prisoners of conscience detained since 1973, and the passing of a resolution in January 2005 to abolish the People's Court. However, it also outlined its "grave concerns about the human rights situation."³⁸¹ These concerns include the plight of political prisoners as well as prisoners of conscience, arbitrary arrest and detention, a seriously flawed judicial system and poor treatment of refugees and migrants. During its visit to Libya, the Committee was deeply troubled by what it heard about continued human rights abuses in Libya.

304. The case of Bulgarian and Palestinian medical workers accused of deliberately infecting children with the HIV virus has received considerable attention. The European Commission wrote to us about the case. In February 1999, five Bulgarian nurses, a

379 "Libya: Time to make human rights a reality", Amnesty International Report, MDE 19/002/2004, 27 April 2004, available at: www.amnesty.org

380 HC 318-I Q16

381 "Libya: Time to make human rights a reality", Amnesty International Report, MDE 19/002/2004, 27 April 2004, available at: www.amnesty.org

Bulgarian doctor and a Palestinian doctor, along with Libyan medical staff, were accused of deliberately infecting around 426 children with HIV/AIDS in a Benghazi hospital. According to the results of a medical investigation, paid for by Libya, the infection was probably accidental and took place before the arrival of the medical staff at the hospital. Nevertheless, in May 2004, the five Bulgarian nurses and the Palestinian doctor were condemned to death; the Bulgarian doctor was sentenced to four years imprisonment (he was subsequently released but not permitted to leave Libya). There is strong evidence of the ill-treatment of the medics in detention. All the Libyan staff involved, including those accused of ill-treatment of the detainees, were released.³⁸²

305. The EU as well as individual member states have sought to win the release of the medical workers. There have also been efforts to ease the situation of the children affected, for example by providing hospital treatment. Nevertheless, the medics remain in prison under sentence of death.

306. The Qadhafi International Foundation for Charity Associations, which is headed by Mr Qadhafi's son Saif al-Islam, has an ongoing campaign on human rights. The United Kingdom has been working with the Foundation on prison reform. Two former British prison governors visited Libya in October 2003 to advise on prison conditions and the FCO's Global Opportunities Fund is supporting a project to improve prison management. The Head of the FCO's Human Rights Policy Department visited Libya in July 2004. During his visit the Libyan authorities agreed to further joint work on prison management.³⁸³

307. The United Kingdom is also active in Libya on the issue of child abduction. There are around 20 long-running child abduction cases in Libya. The FCO has been working with International Social Services to arrange visits to Libya by parents whose children have been abducted there, including providing funding for these visits. The Libyan system makes obtaining visas difficult, and the traditional culture complicates visits for foreign mothers.³⁸⁴

International leverage

308. EU Association Agreements include commitments on human rights and democratisation. However, Libya is the only country around the Mediterranean that has no formal relations with the EU. Moreover, while the EU would like to incorporate Libya in its various Mediterranean programmes, Libya appears to be more interested in relations with individual European states.³⁸⁵ As Oliver Miles told us:

Coming to the question of the European Union and its various institutions, the Barcelona process and so on, my feeling is that they are not really widely understood or appreciated in Libya and that Qadhafi himself probably does not spend very much time worrying about them and does not in a sense know what the fuss is about. I think he probably looks at the relationship which Tunisia, Algeria, Egypt have

382 Ev 127

383 "Human Rights", Foreign & Commonwealth Annual Report 2004, available at: www.fco.gov.uk

384 *Ibid.*

385 Ev 31

established with those European institutions and wonders whether there is really very much in it for him. There is a price to pay. If he chooses to join those institutions, he has to accept the acquis which opens a lot of difficult subjects, most obviously... the question of democratic institutions and so on. Does he really want to sign up, as the Tunisians, and the Algerians and the Egyptians have apparently signed up, to a row of undertakings about democratic institutions which he does not believe?³⁸⁶

309. By contrast, the promise of improved relations with the US is of great interest to Libya. Elisabeth Hughes wrote to us about the importance that Mr Qadhafi attaches to his international standing:

Perhaps the most important factor influencing policy at the current time is the attempt to normalise relations with the international community. This attempt both improves his standing in Libya, as his one of his favoured portrayals is as an international statesman, and improves the country's standing and opportunities for investment and trade.³⁸⁷

Oliver Miles reiterated this, emphasising the importance to Libya of relations with the US:

A major if not the major objective behind the normalisation that I have described has been to re-establish good relations with Washington. Qadhafi, with good reason, has always taken his relationship with Washington very seriously. More generally, Libya is a pro-American country.³⁸⁸

310. The US has gone some way to improving relations with Libya, ending the applicability of the Iran-Libya Sanctions Act to Libya and lifting economic sanctions, which unblocked frozen Libyan assets. Restrictions on cargo aviation and third-party code-sharing have been lifted, as have restrictions on passenger aviation. However, certain export controls remain in place and Libya remains on the state sponsors of terrorism list. The US opened an Interest Section in Tripoli in February 2004, upgrading it to a Liaison Office in June.³⁸⁹

311. We conclude that there is no early prospect of political reform in Libya. Given the importance placed on the spread of democracy in eradicating the root causes of international terrorism, we also conclude that the situation in Libya offers cause for concern. We commend the work of the Government to encourage improvements in the human rights situation, notably in the field of prison reform, but we are concerned about how the United Kingdom's improved relations with Libya—an authoritarian state with a very questionable human rights record—may be viewed elsewhere in the region. We recommend that the Government continue to make clear to the Libyan authorities that human rights abuses are wholly unacceptable and that it work both bilaterally and with its EU and international allies, especially the US, to demand that the Libyan authorities cease human rights abuses. We recommend that the Government set out in its response to this Report what steps it is taking in this area,

386 Q 136

387 Ev 119

388 Ev 34

389 "Background note: Libya", US Department of State, December 2004, available at: www.state.gov

including any plans to bring international mediation to bear in the case of the Bulgarian and Palestinian medical personnel.

7 The Middle East Peace Process

312. Events in the Middle East have moved on significantly since our Report of last July. The most notable development in the region was the death, in November 2004, of Palestinian President Yasser Arafat. This created a new set of circumstances, in which the task of rebuilding trust between the Israeli and Palestinian political institutions and people could get under way. The election of Mahmoud Abbas (also known as Abu Mazen) as President Arafat's successor meant that dialogue between the Palestinian Authority (PA) and the Israeli government could recommence. The announcement of a ceasefire between the two sides, made at a summit between President Abbas and Prime Minister Sharon at Sharm el-Sheikh in February 2005, was followed for the first time in many years by real efforts by Palestinian security forces to counter the continuing threat posed by terrorist groups operating from within the PA's territory. This was matched by releases of Palestinian prisoners and by a degree of Israeli disengagement from Palestinian territory, including withdrawal from Jericho and an end to house demolitions as punishment for attacks. Israel's neighbours, Egypt and Jordan, have also displayed greater readiness to engage directly in the peace process.

313. No less significant for the prospects of the peace process than President Abbas's assumption of office was the re-election of President Bush. The appointment of Condoleezza Rice as Secretary of State signalled a revival of US engagement in the peace process. In previous Reports, we have drawn attention to the need for the US to devote greater energy and commitment to the Quartet's efforts to make progress with the RoadMap.³⁹⁰ In February 2004, we recommended that the Government "do its utmost to promote greater US engagement in the Israeli-Palestinian conflict".³⁹¹ We also called on the Government "to seek to convince the US of the importance of sending a high-level emissary to the region." We repeated our recommendation in July.³⁹² We therefore welcome the appointment by Ms Rice of a senior and experienced Army officer, Lieutenant-General William Ward, as the head of a US-led security co-ordinating group, with a brief to "help the PA fulfil all of its security-related obligations under Phase I of the Roadmap."³⁹³ Although General Ward's brief is narrow, it sends an important signal of the seriousness of US intent. The appointment was announced in February during a visit to the region by Condoleezza Rice, the first by a US Secretary of State since April 2002.

The London Meeting

314. The election of President Abbas and the re-engagement of the US created a positive climate in which the British Government judged that it was worth convening talks in London on 1 March, attended by Mr Abbas, Kofi Annan, Condoleezza Rice and other key players, although no representative of Israel was present. At these talks, termed the

390 For a summary of the process which led to the RoadMap proposals and the role of the Quartet, see Second Report from the Foreign Affairs Committee, Session 2003-04, HC 81 and HC (2003-04) 441

391 HC (2003-04) 81, para 181.

392 HC (2003-04) 441, para 399.

393 Conclusions of The London Meeting On Supporting the Palestinian Authority, p11, available at www.fco.gov.uk

‘London Meeting,’ the Quartet, with the active participation of the PA, reaffirmed its commitment to a two-state solution, based on “a safe and secure Israel and a sovereign, independent, viable, democratic and territorially contiguous Palestine,” and agreed a series of measures which will assist the Palestinians to meet their obligations under phase 1 of the RoadMap.³⁹⁴

315. The conclusions of the London Meeting go into some detail on the steps which need to be taken in respect of Palestinian governance, security and economic development. Key points include the holding of elections to the Palestine Legislative Council in July, judicial reform, an overhaul of security structures, anti-corruption measures, economic aid and private sector investment, and a renewal of bilateral Palestinian-Israeli security links. The stated purpose of the Meeting was “to rally the international community in support of the Palestinian Authority’s plans to build the institutions of a viable Palestinian state.”³⁹⁵ It did not, therefore, reach specific conclusions in relation to Israel. It did, however, send a clear message to the Israelis that they, too, have to live up to their commitments under the RoadMap; and in particular it left no room for doubt that both sides will need fully to meet their obligations under phase 1, if further progress is to be made.

316. Not all developments have been positive. The suicide bombing in Tel Aviv on 25 February, which has been condemned by the PA, may have been carried out by a group based in Syria.³⁹⁶ Militant Palestinians retain the capacity to carry out further such attacks, and the Authority’s efforts to prevent them have been unconvincing. For its part, Israel continues to construct its illegal security barrier on Palestinian land, to expand its settlements on the West Bank and to impose restrictions on the movement of Palestinian people. In its statement following the 1 March meeting in London, the Quartet referred to the “fragility of the current revived momentum” in the peace process. The prospects for peace, while possibly brighter now than for some years, remain far from certain.

317. The regional context for the Middle East process has also been changing rapidly. In Lebanon, a groundswell of public anger against Syria for its assumed involvement in the assassination of former Prime Minister Rafik Hariri has had an effect on the political dynamic of the entire region. Egypt and Saudi Arabia—both countries which have recently taken small but significant steps towards greater democracy—have rounded on President Bashar al-Assad for his refusal thus far to comply with UN Security Council demands to withdraw Syria’s substantial military forces from Lebanon.³⁹⁷ The UN Security Council resolution was tabled jointly by France and the United States, itself a reflection of a new international consensus on the region.

318. For the United Kingdom and its allies, there are difficult choices to be made about the extent to which they should involve themselves in these developments. Although we have consistently called for greater involvement by the United States, in particular, in efforts to give momentum to the Middle East peace process, we recognise fully the danger that active engagement by the West with a view to influencing the outcome of events in the Middle

³⁹⁴ *Ibid.*

³⁹⁵ *Ibid.*

³⁹⁶ See para 24 above

³⁹⁷ UN Security Council Resolution 1559, available at www.un.org

East more widely could be counter-productive, unless it is sought and welcomed by the people of the region and by their representatives.

319. We conclude that the London Meeting on support for the Palestinian Authority was a worthwhile and positive initiative, with some potentially very useful outcomes. We recommend that the Government ensure that the momentum generated by the Meeting and by other events is maintained, so that inevitable setbacks may be overcome. We further recommend that the Government continue to work closely with the United States, with a view to ensuring there is no loss of interest in or disengagement from the peace process by the US administration. In particular, we recommend that the Government bring pressure to bear on the international community fully to deliver on its promises, on the Palestinian Authority fully to implement its reforms, and on Israel fully to meet its commitments under the Road Map.

8 Afghanistan

Political developments

Elections

320. In our Report of July 2004, we discussed the political process in Afghanistan, and particularly the preparations for the country's first presidential and parliamentary elections since the fall of the Taliban.³⁹⁸ We noted that both elections were supposed to be held in June 2004, but that the timetable had slipped. On 9 July 2004, the Afghan-UN Joint Electoral Management Body had announced that the presidential poll would go ahead in October and that parliamentary elections would take place in April 2005.³⁹⁹ We welcomed the fact that the presidential elections were proceeding; however, we also warned that it was important for the success of democracy in Afghanistan that the parliamentary elections should take place as soon as possible thereafter.⁴⁰⁰ At the same time, we noted that the parliamentary election process would inevitably be more complicated than the presidential elections.⁴⁰¹

321. In its response, published in September 2004, the Government welcomed the then imminent presidential elections, and pledged its support for the parliamentary elections in Spring 2005.⁴⁰² The presidential elections went ahead in October as planned, and were won convincingly by Hamid Karzai. Many observers and commentators were surprised how little violence there was during the elections, and by the high turnout among registered voters, including women. Speaking in the House on 29 November, the Secretary of State for Defence said that "It is important that lessons are learned from the recent presidential elections and applied in the parliamentary elections, which certainly present some further and more difficult challenges."⁴⁰³

322. The international community is actively involved in programmes to assist the electoral and post-electoral processes. For example, the parliamentary building which the bicameral legislature will use once it has been elected is being refurbished, and France has taken the lead—with British support—on an international scheme to establish a parliamentary service, the Support to the Establishment of the Afghan Legislature project (SEAL).⁴⁰⁴

323. We understand that the estimated cost of holding the parliamentary and district elections will be almost US\$130 million.⁴⁰⁵ No pledges of funds have yet been sought, but

398 HC (2003-04) 441-I, paras 168 to 232

399 "Secretary-General expresses full support for Afghanistan election dates", UN news release, available at www.un.org

400 HC (2003-04) 441-I, para 180

401 *Ibid.*, para 173

402 Cm 6340, p19

403 HC Deb, 29 November 2004, col 355

404 Ev 70; see also UN Office for the Coordination of Humanitarian Affairs announcement, 22 February 2005, available at www.irinnews.org

405 Source: UNDP

following the positive experience of the presidential elections we have no reason to suppose that funding will be difficult to obtain. Nonetheless, the delay in the election date appears to be attributable mainly to a failure to make the necessary arrangements for conducting the poll. It was 19 January before the Afghan government appointed the nine-member Independent Election Commission which will supervise both the parliamentary and the district council elections, and it has yet to delineate the constituency boundaries.⁴⁰⁶ President Karzai's administration also faces a continuing, if improving, security problem and the likelihood that campaigning and voting alike will be disrupted by the Taliban and by other armed factions.

324. On 24 February 2005, the United Nations' chief spokesman in Afghanistan, Manoel de Almeida e Silva, responding to a question at a press briefing, observed that the deadline for holding the elections during the Afghan month of Saur, which ends on 21 May, had passed.⁴⁰⁷ Mr de Almeida e Silva noted that the decision on when to hold the elections rested with the Afghan government, which duly announced on 17 March that for "technical reasons" the elections would be delayed until September 2005, which means they will take place fifteen months later than originally planned.⁴⁰⁸

325. We welcome the success of the presidential elections. However, the fifteen month delay in holding Afghanistan's first free parliamentary elections is disappointing, and was not unforeseen. As far back as November 2004, the International Crisis Group was calling on President Karzai to "pick up the pace" of electoral preparations.⁴⁰⁹ **We do not underestimate the difficulties faced by President Karzai and his government, but we are concerned that a lengthy postponement of elections may damage the credibility of Afghanistan's emerging democracy. We recommend that the Government encourage the Afghan authorities to proceed with parliamentary and district elections as planned in September, and that it offer substantial assistance to ensure that those elections are a success for the people of Afghanistan.**

The commanders: a continuing challenge

326. We also commented in our last Report on the role in Afghan society of the 'warlords', military commanders who exercise effective control in many of its regions, levying their own taxes and imposing their own interpretation of justice.⁴¹⁰ The Government agreed with our assessment of the role of commanders, adding that although some were beginning to engage in the political process, others had "retained a military capacity as insurance against an uncertain political future."⁴¹¹

327. The International Crisis Group has alleged that:

406 Agence France Presse, 20 January 2005, available at www.sabawoon.com

407 UNAMA press briefing, 24 February 2005, available at www.unama-afg.org

408 BBC News Online, 17 March 2005

409 "Afghanistan: From Presidential to Parliamentary Elections", International Crisis Group, 23 November 2004, available at www.icg.org

410 HC (2003-04) 441-I, paras 214 to 220

411 Cm 6340, p23

The central government and its international supporters have, to some extent, been complicit in the maintenance of power by militia commanders. The US-led Coalition has relied on militia commanders in its military operations against al Qaeda and the Taliban, empowering its local allies militarily and economically and helping them to resist central government control. For its part, that central government has, in a limited number of cases, backed military actions against high profile regional strongmen, notably former Herat governor Ismail Khan. These have earned the plaudits of much of the international community but have obscured the government's continued accommodation with mid- and lower-level commanders, often with the acquiescence of external donors.⁴¹²

328. President Karzai has continued to face problems in dealing with the commanders. At times, he has displayed resolve in facing down a commander who has challenged the authority of the central government, as in September 2004, when he dismissed Ismail Khan, and in December, when Defence Minister Mohammed Fahim and Minister for Public Works Gul Agha Sherzai were removed from the cabinet. The delicate balancing act which the President has to maintain was, however, made all too evident when he appointed Ismail Khan as Minister of Water and Energy⁴¹³ and—in a worrying development—gave the highly controversial Uzbek commander Abdul Rashid Dostum a senior staff position in the Afghan National Army.⁴¹⁴

Disarmament, demobilisation and reintegration of militias (DDR)

329. In our Report of last July, we also drew attention to the lack of progress on disarmament, demobilisation and reintegration (DDR) of the commanders' militias.⁴¹⁵ We concluded then that achievement of DDR was the "most urgent and pressing need for Afghanistan" and called for more resources to be devoted to it.⁴¹⁶ In its response, the Government agreed with our conclusion, and suggested that "The period between the presidential and parliamentary elections must be used to make rapid advances."⁴¹⁷ The FCO quoted an estimate by the UN which put the number of militia men under arms in the Summer of 2004 at about 60,000. On 24 February, a UN spokesman claimed that 41,000 militia men had handed in their arms, and that the handing over of heavy weapons and seizure of ammunition had "picked up considerably."⁴¹⁸ However, the same spokesman also reported that progress on DDR had been slow in the Kabul region, with the commanders of one division refusing to comply with orders to disarm. There have also been reports that some militias are being reconstituted as private security forces, which although armed are technically civilian and therefore fall outside the DDR provisions.⁴¹⁹

412 "Afghanistan: Getting Disarmament Back on Track", International Crisis Group, 23 February 2005, available at www.icg.org

413 Washington Post, 24 December 2004

414 BBC News Online, 2 March 2005

415 HC (2003-04) 441-I, paras 222 to 225

416 *Ibid.*, para 225

417 Cm 6340, p 24

418 UNAMA press briefing, 24 February 2005, available at www.unama-afg.org

419 "Afghanistan: Getting Disarmament Back on Track", International Crisis Group, 23 February 2005, available at www.icg.org

330. We asked the FCO to comment on progress on removing the militias from political life in Afghanistan and on disarming them. They told us that over 42,000 personnel have now passed through the DDR process and that “the Afghan government has taken strong legal and constitutional measures to prevent militia infiltration of the electoral process.”⁴²⁰

331. We conclude that progress to date on disarmament, demobilisation and reintegration of militia forces is encouraging, but limited and that the scale of the task remaining is significant. We recommend that the Government urge all involved in the DDR process to renew their efforts to achieve as much as possible before parliamentary and district elections take place. However, we do not believe that lack of progress on DDR should be accepted as a reason for further delaying those elections.

Countering the drugs threat

332. One of the illegal activities in which commanders are heavily engaged is opium poppy cultivation and drug trafficking. This is not a problem only for Afghanistan but one with the most serious consequences for British and European society. In our Report of last July we noted that about 95 percent of heroin in the United Kingdom originates from Afghanistan and that the United Kingdom is in the lead on an ambitious programme to reduce cultivation of the opium poppy by 75 percent by 2008 and to eradicate it completely by 2013. We concluded that “Without greater security in Afghanistan, without a successful programme of disarmament, demobilisation and reintegration, and for as long as the commanders or ‘warlords’ retain their effective autonomy from central government, the war on drugs cannot be won.”⁴²¹ We called on the Government to explain how, against a picture of rising production, it would achieve its goal of eliminating the problem by 2013.⁴²² In a detailed response, the Government set out what it was doing as the lead co-ordinating nation for the UN’s counter-narcotics strategy in Afghanistan and stressed that it was “still in the early stages” of a 10-year plan.⁴²³

333. International agencies have continued to express deep concern about the extent of Afghanistan’s production of opium and the effects which this is having both on Afghanistan and in the countries to which the drug is supplied. In its annual report for 2004, the International Narcotics Control Board (INCB), which is independent of the UN and of national governments, warned that trafficking and use not only of opium and heroin but of cannabis and psychotropic drugs and precursors are “threatening the stability” of Afghanistan. The Chairman of the INCB called on the government of President Karzai to tackle this, stating in his foreword to the annual report that “it is the responsibility of the Government of Afghanistan to live up to its commitments under the international drug control treaties and to ensure that its people are protected from the scourge of drugs.”⁴²⁴

420 Ev 69

421 HC (2003-04) 441-I, para 203

422 *Ibid.*, para 204

423 Cm 6340, p 21

424 International Narcotics Control Board, Annual Report 2004, available at www.incb.org

334. Although there is some evidence of progress in recent months, this has been achieved against a background of an increasing challenge. The United Nations Office on Drugs and Crime report on drugs in Afghanistan published in November 2004 showed that cultivation reached record levels in 2004, although the increase in production was lower.⁴²⁵ A few days later, the FCO made a statement on its counter-narcotics operations in Afghanistan, in which it recognised that “we must and will do more in the coming year” to tackle opium production.⁴²⁶ In response to a parliamentary question on 22 February 2005, FCO Minister Bill Rammell announced the launch of a new Counter Narcotics Implementation Plan, anticipated a reduction in planting of the opium poppy in Afghanistan and reported that the United Kingdom has increased its budget for this programme in the current year to US\$100 million.⁴²⁷

335. On 10 March, Mr Rammell described the Counter Narcotics Implementation Plan as “an important opportunity” and set out a series of measures which are being implemented in 2005 in an effort to eradicate as much as possible of this year’s crop, as well as an increase in support for alternative livelihood schemes for farmers to US\$125 million in 2005-06.⁴²⁸ A number of law enforcement measures and economic incentives are described in the Minister’s statement as the “eight pillars” of the 2005 counter narcotics plan:

- building institutions
- information campaign
- alternative livelihoods
- interdiction and law enforcement
- criminal justice
- eradication
- demand reduction and treatment of addicts
- regional cooperation.

336. The Minister did not mention in his statement the importance of using mosques to spread the anti-drugs message through Afghanistan, nor did he refer directly to the continuing profiteering of warlord commanders and the need to divert their entrepreneurial energies into less harmful activities, both of which must in our view be essential parts of a successful strategy. The Minister did, however, give some detail on the Central Poppy Eradication Force, which under US leadership is intervening directly on the ground to destroy crops; preliminary results of the eradication campaign are expected shortly. The FCO also told us that, as well as “quick impact” projects, it is working with the

425 UNODC Afghanistan opium survey 2004, available at www.unodc.org

426 HC Deb, 29 November 2004, col 18WS

427 HC Deb, 22 February 2005, col 584W

428 HC Deb, 10 March 2005, col 121-123WS

Afghan authorities on their longer term strategy, including plans to attract contributions by international donors to the new Counter Narcotics Trust Fund.⁴²⁹

337. We welcome the Minister's statement on the Afghanistan counter narcotics strategy and the continuing commitment by the United Kingdom to counter narcotics work in Afghanistan, in close cooperation with the Afghan authorities and with international partners. We support the dual emphasis on immediate action to reduce opium poppy cultivation in 2005 and longer term action to eradicate it completely. We conclude that the United Kingdom's lead role in co-ordinating the UN's counter-narcotics strategy in Afghanistan is one of the Government's most important responsibilities overseas, not least due to some 95 percent of heroin in the United Kingdom originating from Afghanistan. We recommend that the Government continue to keep Parliament fully informed of progress.

Security

338. Last year, we described military operations in Afghanistan, including the ongoing US-led counter-terrorist operation, Operation Enduring Freedom (OEF). Security in Afghanistan was and is provided by the NATO-commanded International Security Assistance Force (ISAF), although it is progressively being handed over to the Afghan police and Afghan National Army (ANA). In June 2004, the OEF had 20,000 personnel in Afghanistan, ISAF had 6,500 and the ANA's strength was about 10,000.⁴³⁰ In March 2005, the ANA's trained strength stood at 22,000, supported by 30,000 trained police.⁴³¹ Overall, the security situation has improved, but the murder on 7 March of a British national, Steve MacQueen, who was working as an adviser on rural development to the Afghan government, illustrates the continuing threat to foreign nationals in the country.

The International Security Assistance Force

339. We were told when we visited Afghanistan in May 2004 that ISAF was seriously overstretched, mainly because NATO member and partner states were unwilling to contribute sufficient resources to bring the force up to its agreed strength, but also because of limitations placed on the role of their forces by some nations (the so-called 'national caveats').⁴³² In our Report, we deplored NATO's failure to provide sufficient resources and called on it to deliver on its promises.⁴³³

340. In its response of September 2004, the Government stated that it had pressed its allies to do more and that it would work with them "to generate the momentum necessary" to fulfil NATO's commitments in Afghanistan "as quickly as possible."⁴³⁴ These included, most crucially, an expansion of the network of Provincial Reconstruction Teams (PRTs) under NATO leadership, greater support for DDR and the provision of security for the

429 Ev 70

430 HC (2003-04) 441-I, para 208

431 Ev 69

432 HC (2003-04) 441-I, paras 226 to 231

433 *Ibid.*, para 232

434 Cm 6340, p 24

elections. We asked the FCO to supply further details of the assistance which ISAF required from NATO members but which had not yet been delivered. In November, the FCO replied that “NATO still requires further contributions of personnel, air assets and logistical support to carry out Stage 2 of ISAF expansion and NATO is continuing the force generation process to address these shortfalls. But all support pledged has been delivered.”⁴³⁵ We followed this up and in March 2005 the FCO told us that “NATO’s statement of requirements for Stages 1 and 2 [has] now been met.”⁴³⁶

341. As of 21 February 2005, there were about 8,000 troops in Afghanistan as part of the ISAF, drawn from 36 NATO member and partner states.⁴³⁷ The largest manpower contributions come from Germany, Canada and Turkey (which currently commands the Force). During the presidential elections of October 2004, additional security was provided and played an important role in ensuring the success of those elections. ISAF has also been training the ANA (which as we note above has reached 22,000 trained personnel)⁴³⁸ and has played an important part in the DDR process, for example supervising the cantonment of heavy weapons handed over by the militias.⁴³⁹

342. The PRTs—one of which, the British-led PRT at Mazar-e Sharif, we visited last year—have achieved a great deal in bringing about a significant measure of security, stability and reconstruction.⁴⁴⁰ However, progress has been less swift than had been hoped for. The UN Security Council invited NATO to expand its operations beyond Kabul as long ago as October 2003,⁴⁴¹ but it was not until the Istanbul summit in July 2004 that NATO leaders agreed to take on responsibility for PRT operations in the North of the country and to expand them counter-clockwise into the West and, eventually, into the South and East. As of March 2005, there were 19 PRTs in Afghanistan, the majority of them under US leadership. Following yet another meeting of NATO ministers, at Nice in February, renewed statements were issued to the effect that the establishment of PRTs in the South and West under NATO command would soon be under way,⁴⁴² but we find it disappointing that the process is taking so long on the ground despite this high-level support. We therefore asked the FCO for a progress report. They told us that as part of the Stage 2 expansion the US, Italy, Spain and Lithuania will be running PRTs in the West of the country; Canada is expected to run a PRT in the South from August 2005; and the United Kingdom “intends to shift its non-Kabul based military effort from the north to the south over the next 12-18 months.”⁴⁴³

343. We welcome progress on the expansion of NATO’s ISAF operations in Afghanistan and in particular we acknowledge the considerable achievements of the Provincial Reconstruction Teams (PRTs). We recommend that the Government

435 Ev 55

436 Ev 69

437 www.nato.int

438 Ev 69

439 NATO in Afghanistan Factsheet, available at www.nato.int

440 Ev 69

441 UN Security Council Resolution 1520

442 Statement by NATO Secretary General, Jaap de Hoop Scheffer, 10 February 2005, available at www.nato.int

443 Ev 69

maintain its efforts to impress on its allies the need for them to commit substantial resources to ISAF and the PRTs and that it continue its work to generate the momentum necessary for these to be delivered as quickly as possible.

Merging ISAF and Operation Enduring Freedom

344. The work of the US-led military campaign Operation Enduring Freedom has meanwhile continued. On 19 February 2005, Major General Peter Gilchrist, the British deputy commanding officer of Combined Forces Command Afghanistan, gave an upbeat assessment of OEF's operations to the American Forces Press Service. Major General Gilchrist said that in recent months the situation in Afghanistan has "shifted significantly" and that "anti-coalition forces are losing steam."⁴⁴⁴ This shift, and the prospect of a reduction in the scale and intensity of operations against the Taliban and al Qaeda in eastern Afghanistan, may be one reason why the United States and France have recently dropped their objections to merging the commands of ISAF and OEF, bringing the latter within NATO for the first time. A unified command—even if, as reported in the press, it is to be double-hatted, with a distinct counter-terrorism function—should enhance the overall efficiency of operations in Afghanistan.⁴⁴⁵ The FCO warned us, however, of a "risk that some Allies will view a single mission as a precursor to a US troop withdrawal and resist it."⁴⁴⁶ They also suggested that some countries were of the opinion that a fresh UN mandate will be required. From this we infer that the proposed merger is unlikely to take place in the near term, or that in practice a form of closer co-operation which stops short of a formal merger may be adopted.

345. The Government has confirmed that NATO military authorities have been tasked by member governments to develop a plan "to increase synergy and better integrate the two operations."⁴⁴⁷ We asked the FCO what is the timetable for this process, but they could not tell us; neither did their response refer in terms to a proposed 'merger'. Press reports, however, have suggested that the ISAF and OEF missions will merge next year and that they will be brought within NATO, initially under British command.⁴⁴⁸

346. We conclude that the proposal for increased synergy between and better integration of NATO's operations in Afghanistan and those of the US-led coalition is a potentially positive move, which if correctly implemented should enhance the effectiveness of security, reconstruction and counter-terrorist activities alike. However, we would not support such a process being used as cover for a significant withdrawal of US forces from the country or for a material reduction in the US commitment, unless there was a corresponding threat reduction. We recommend that in its response to this Report the Government set out its thinking on how to achieve the NATO Council's objectives in this area.

444 "Coalition Leader Says Tide Turning in Afghanistan," available at www.defenselink.mil

445 "U.S. and NATO plan joint Afghan mission; Alliance "is committed for long term,"" *International Herald Tribune*, 12 February 2005

446 Ev 69

447 *Ibid.*

448 "Nato to take over full Afghan command from US," *Financial Times*, 11 February 2005

The United Kingdom's Special Envoy to Afghanistan

347. In a further development, the Foreign Secretary announced on 24 February that the Prime Minister had appointed Lieutenant General John McColl, who served as the first commander of ISAF in 2002, as his Special Envoy to Afghanistan.⁴⁴⁹ General McColl is “highly regarded by President Karzai.” His role, which is part-time, will be to “visit Afghanistan 2–3 times a year, engaging with President Karzai and the Afghan authorities across a range of issues vital to the bilateral relationship.”⁴⁵⁰ We asked the FCO to explain how this role will complement the work of the British Embassy in Kabul, which is responsible for the full range of bilateral relations. The FCO told us that General McColl will “add value to all key areas” of the bilateral relationship and will “trouble-shoot when problems arise.”⁴⁵¹

348. We welcome the appointment of Lieutenant General John McColl as the Prime Minister's Special Envoy to Afghanistan and assurances given by the Government that his role does not cut across that of the Embassy in Kabul. We recommend that in its response to this Report the Government give a progress report on the work of the Envoy to date.

449 HC Deb, 24 February 2005, col 61WS

450 *ibid*

451 Ev 70

9 Non-proliferation

Introduction

349. The spread of weapons and materials of mass destruction presents a particular challenge in the context of the war against terrorism. The problem, however, extends beyond concerns about terrorism, to include rogue states such as North Korea and networks such as that managed by Abdul Qadeer Khan, Pakistan's 'Father of the Islamic Bomb', which supplied technologies and materials on a nuclear black market.

350. The US National Strategy for Combating Terrorism outlined the threat. It stated:

The probability of a terrorist organisation using a chemical, biological, radiological, or nuclear weapon, or high-yield explosives, has increased significantly during the past decade...The threat of terrorists acquiring and using WMD is a clear and present danger.⁴⁵²

351. An effective non-proliferation strategy is crucial both to prevent catastrophic terrorist attacks, and to limit the spread of nuclear weapons capabilities. The UN Secretary General's High Level Panel examined the problem of proliferation of WMD, concluding that:

The first layer of an effective strategy to prevent the proliferation of nuclear, radiological, chemical and biological weapons should feature global instruments that reduce the demand for them. The second layer should contain global instruments that operate on the supply side—to limit the capacity of both States and non-State actors to acquire weapons and the materials needed to build them. The third layer must consist of Security Council enforcement activity underpinned by credible, shared information and analysis. The fourth layer must comprise national and international civilian and public health defence.⁴⁵³

The Non-Proliferation Treaty (NPT)

352. The chief safeguard against the proliferation of nuclear weapons is the Non-Proliferation Treaty (NPT). Currently the NPT permits the possession of nuclear weapons by the US, the United Kingdom, France, Russia and China—the Nuclear Weapons States (NWS)—and forbids others from joining the nuclear club. In exchange, the NWS will reduce their arsenals towards eventual disarmament under Article VI of the NPT. However, the NPT enshrines states' rights to pursue a peaceful nuclear energy programme. Currently, 188 states are members of the NPT, although three states with nuclear weapons—India, Pakistan and Israel—remain outside the Treaty regime.

353. A review conference in May 2005 will tackle existing concerns about the NPT. Non-proliferation measures are high on the agenda, and include proposals limiting the production of weapons usable material, developing nuclear energy systems that do not

⁴⁵² The White House, *US National Strategy for Combating Terrorism*, February 2003

⁴⁵³ Report of the Secretary General's High Level Panel on Threats, Challenges and Change, *A more secure world: Our shared responsibility* para 117

generate weapons grade material, and promoting multinational approaches to disposal of material. Currently, the International Atomic Energy Agency (IAEA) monitors compliance with the NPT. Its powers under the NPT remain limited and so initiatives under the guidance of the US and other prominent states have established an Additional Protocol on Safeguards which strengthens inspection rights of the IAEA.

354. Many commentators agree that expansion of the Additional Protocol would benefit the NPT regime. Mohamed ElBaradei, the Director General of the IAEA, advocated making the Additional Protocol the norm for verifying compliance, and called on the UN Security Council to act in the event of withdrawal from the NPT.⁴⁵⁴ He also believes that the international community must:

put a five-year hold on additional facilities for uranium enrichment and plutonium separation. There is no compelling reason to build more of these facilities; the nuclear industry has more than enough capacity to fuel its power plants and research centres. To make this holding period acceptable for everyone, commit the countries that already have the facilities to guarantee an economic supply of nuclear fuel for bona fide uses.⁴⁵⁵

355. The US also has concerns about states' obligations to the NPT. John Bolton, the former Undersecretary for Arms Control at the US State Department, told the 2004 NPT Preparatory Committee: "There is a crisis of NPT compliance, and the challenge before us is to devise ways to ensure full compliance with the Treaty's non-proliferation objectives. Without such compliance by all members, confidence in the security benefits derived by the NPT will erode."⁴⁵⁶

356. The United Kingdom supports tougher verification. The Minister of State at the Foreign and Commonwealth Office, Denis Macshane, MP, told the House on 26 January 2005: "[At the NPT Review Conference] we will stress the need for a stronger and more effective counter-proliferation regime and the central role of the NPT as its cornerstone. We will emphasise the importance of compliance with the treaty and will promote the adoption of safeguards."⁴⁵⁷ David Broucher, the United Kingdom Permanent Representative to the NPT Preparatory Committee 2004, also said:

The United Kingdom strongly supports the principle that States Party should have access to the benefits of peaceful uses of nuclear energy as described in Article VI of the NPT. But the right to enjoy such benefits should be conditional on compliance with Articles I-III...States party that have failed to comply with their safeguards obligations lose the confidence of the international community. We should consider whether such states should not lose the right to a nuclear fuel cycle, particularly the enrichment and reprocessing capabilities which are of such proliferation sensitivity.⁴⁵⁸

454 "Seven steps to raise security by Mohammed ElBaradei", *Financial Times*, 2 February 2005,

455 *Ibid.*

456 The NPT: A crisis of non-compliance, *US Department of State*, 27 April 2004

457 HC Deb, 26 January 2005, col 429W

458 Statement by Ambassador David Broucher to the NPT Preparatory Committee, *FCO*, 26 April 2004

357. Differing visions of the NPT regime threaten the May Conference, however. While the NWS contend that control of the nuclear fuel cycle is essential to prevent the proliferation of nuclear weapons, the non-nuclear weapon states (NNWS) have demanded disarmament in line with Article VI of the Treaty, since the NNWS feel that a two tier international system is emerging, of nuclear haves and have nots.⁴⁵⁹ Mr ElBaradei has also pointed to the necessity of disarmament by the NWS, under measures such as the 2002 Moscow Treaty between the US and the Russian Federation.⁴⁶⁰

358. At present, the US presents a serious obstacle to progress on disarmament since the US delegation to the NPT Preparatory Committees has refused to agree an agenda for the May 2005 Review Conference that makes reference to the 13 Practical Steps agreed at the Review Conference in 2000. These steps are to:

- ratify the Comprehensive Test ban Treaty (CTBT);
- launch a nuclear test ban moratorium;
- adopt a Fissile Material Cut off Treaty (FMCT);
- promote an ad hoc body in the Conference on Disarmament (CD) to end deadlock;
- apply the principle of irreversibility to arms cuts;
- eliminate nuclear arsenals;
- render START II and START III transparent and tackle the militarisation of space;
- establish a trilateral initiative between the Russian Federation, the US, and the IAEA;
- take steps towards disarmament, such as reductions of non-strategic weapons;
- implement measures to control fissile materials;
- reduce military spending;
- issue regular reports on disarmament; and
- develop verification measures.⁴⁶¹

359. Criticising the US position on disarmament, former President Jimmy Carter said: “The United States claims to be upholding Article VI but yet asserts a security strategy of testing and developing new weapons—Star Wars and the earth penetrating ‘bunker buster’—and has threatened first use, even against non-nuclear states, in case of ‘surprising military developments’ and ‘unexpected contingencies’.”⁴⁶² The NNWS are determined to

459 The 2005 Review Conference: Understanding the Challenges and Devising Response, *Centre for Non-proliferation Studies*, 30 October 2004

460 “Seven steps to raise security by Mohammed ElBaradei”, *Financial Times*, 2 February 2005

461 Atlanta Consultation on the Future of the NPT, *The Carter Centre*, January 26-28, 2005, and Advancing the NPT: 13 Practical Steps, *Middle Powers Initiative*, April 2003,

462 Atlanta Consultation on the Future of the NPT, *The Carter Centre*, January 26-28, 2005

use the 13 steps as a practical basis for negotiation. Without an agreed agenda, the likelihood of success at the May conference is slim unless a creative chairman can push through a series of stand alone resolutions; unfortunately, the Brazilian chairman may not take such a creative line given Brasilia's recent disputes with IAEA.⁴⁶³

360. Unlike the US, the United Kingdom has a good record on disarmament. Baroness Symons told the House on 2 February 2005:

The United Kingdom is committed to all its obligations under the Nuclear Non-Proliferation Treaty (NPT), including under Article VI, and has a good record on disarmament. For example, we have reduced the total explosive power of our nuclear forces by over 70 per cent since the end of the Cold War and in the 1998 Strategic Defence Review we announced that only one Trident submarine would be on deterrent patrol at any one time. That submarine would normally be on several days notice to fire with its missiles de-targeted.⁴⁶⁴

361. The United Kingdom has also dismantled its Chevaline (Polaris) warheads, withdrawn the RAF's WE177 nuclear bomb and terminated the nuclear Lance missile and artillery roles undertaken with US weapons, has signed and ratified the Comprehensive Test Ban Treaty (CTBT) and stopped the production of fissile material for nuclear weapons.⁴⁶⁵ In addition, the United Kingdom supports a Fissile Material Cut-Off Treaty (FMCT).⁴⁶⁶ Given this record, the United Kingdom is a credible interlocutor on arms reduction, and could play a key role in maintaining the NPT regime by encouraging Washington to compromise.

362. We conclude that the Non-Proliferation Treaty (NPT) is an essential element of the international security framework, and that its survival is crucial to limit the spread of nuclear weapons capabilities. We also conclude that the risk of proliferation makes efforts to strengthen the International Atomic Energy Agency (IAEA) and curtail the spread of nuclear fuel generating facilities most important. While the United Kingdom has a good record on disarmament and has already reduced its own nuclear weapons to "a minimum deterrent,"⁴⁶⁷ other nuclear weapons states do not, and if they do not offer concessions on disarmament in exchange for a more effective system of counter-proliferation in May the NPT regime may suffer. The United Kingdom is well placed to pursue these issues with the US and we recommend that the Government encourage Washington to take steps on disarmament which move towards the 13 Practical Steps.

States of concern

Iran

363. Iran is a signatory of the NPT and has three main nuclear sites, although other locations may play a role in its nuclear programme. Its Arak facility is a heavy water plant

463 "Brazil claims backing on uranium", *BBC News Online*, 24 November 2005

464 HL Deb col 1289

465 Statement by Ambassador David Broucher to the NPT Preparatory Committee, FCO, 26 April 2004

466 *Ibid.*

467 Ev 73

which produces substantial quantities of Highly Enriched Uranium (HEU), ostensibly for Iran's chemical and medical sectors, although the amounts of HEU far exceed the demands of these two sectors. The Natanz underground facility is a pilot uranium fuel enrichment plant. The Bushehr plant is a light water reactor and functions in concert with Russian support. Moscow supplies and removes the plutonium nuclear fuel and in our Report last July we criticised Russian aid for Iran's nuclear programme.⁴⁶⁸ Russia has responded to international criticism by introducing a clause into an agreement with Tehran in February 2005 which states that spent fuel rods from the Bushehr plant be returned to Russia, but opposition to the deal is still strong in the US.⁴⁶⁹ The resources devoted to these facilities do not match their electricity generating potential, which implies that Iran is seeking to establish nuclear capability for other reasons, such as WMD.⁴⁷⁰

364. Iran's logic for developing a nuclear deterrent revolves around its isolation and the growing number of US clients in its neighbourhood. US troops are in Iraq and Afghanistan, Turkey is a member of NATO and Pakistan is a close ally of the US in the war against terrorism. Iran's designation as part of the 'axis of evil' and Washington's long standing hostility to the Islamist regime provide serious cause for concern in Tehran. The experience of the Iran-Iraq war also profoundly affected Iran's attitude towards chemical weapons. Much of the drive for an Iranian weapon, however, is political, partly driven by the reactionary clerical regime and partly reflective of longstanding national pride—"a yearning to restore their great power status".⁴⁷¹

365. Dr Ali Ansari, a leading Iran expert from the University of St Andrews, commented on the Iranian nuclear programme. He said: "There are two catalysts when we talk about the search for nuclear technology...and certainly one was the nuclearisation of South Asia...[The second] is the argument that the Americans are not going to attack nuclear powers."⁴⁷²

366. Iran's nuclear programme has come under investigation by the IAEA which has long doubted Tehran's sincerity towards its NPT obligations. In September 2003, the IAEA gave Iran an ultimatum to open its nuclear programme to investigation or face referral to the UN Security Council. Tehran complied and in October 2003 agreed to sign the Additional Protocol on Safeguards as part of a deal with France, Germany and the United Kingdom—the EU3. A subsequent IAEA report found no evidence of a nuclear weapons programme, although it raised doubts about "breaches of its obligation to comply with the provisions of the Safeguard Agreement."⁴⁷³ In our Report on Iran we welcomed the October 2003 agreement.⁴⁷⁴

367. However, Iran's compliance with the IAEA inspection regime stalled after the triumph of conservative forces in the deeply flawed February 2004 elections. In June 2004,

468 HC (2003-04) 441-I, para 326

469 "Russia-Iran sign nuclear deal", BBC News Online, 27 February 2005

470 "Dealing with Iran's nuclear program", *International Crisis Group*, 27 October 2003

471 HC36-ii, Q81

472 *Ibid.*, Q66 (Ansari)

473 Foreign and Commonwealth Office, *Iran's Nuclear Programme: A collection of documents*, Cm 6443, January 2005, p 52

474 Foreign Affairs Committee, Third Report of Session 2003-04, *Iran*, HC 80, para 58

the IAEA criticised Iran for failing to fulfil its obligations. Another initiative by the EU3 sought to bring Tehran back to the negotiating table by offering economic incentives in the form of a Trade and Co-operation Agreement (TCA) for compliance with the IAEA, and a new deal emerged in November 2004. Iran agreed to suspend its uranium enrichment activities and the EU's External Relations Council Conclusions on 24 November welcomed the suspension of enrichment processes and reaffirmed that negotiations for a TCA would resume after IAEA verification.⁴⁷⁵

368. We asked Dr Ansari for his view of the EU3's agreement. He said: "I think this is commendable, but we are really back to where we were last year after having gone through a year of renegotiating, a lot of hair pulling and a lot of frustration. Now broadly speaking the EU, particularly the EU3, have got the position right."⁴⁷⁶ He went on to say that one "of the flaws in the thinking in the EU3 last year was that in not actually protesting enough at what happened in the parliamentary elections."⁴⁷⁷ He added that other problems included the incoherence of EU foreign policy formation, Iran's determination to play a game of brinkmanship as well as its longstanding suspicion of the West.⁴⁷⁸

369. The US's previous unwillingness to engage with Iran made the EU3's task more complex, since the chief incentives for Iran—security guarantees from Washington which would alleviate Tehran's concerns about encirclement—cannot come onto the table. Dr Ansari told us: "One of the things we have to bear in mind is that the United States has no relations with Iran, they have no man on the spot."⁴⁷⁹ He went on to describe how some elements in Washington wanted the EU3 deal to fail, and how others want it to succeed but have prepared for failure. "I was very struck for instance when hardly had the ink dried on this latest agreement than Colin Powell had announced that he had evidence that Iran was converting long-range missiles for nuclear warheads and it turned out this was based on a single source of evidence."⁴⁸⁰

370. Dr Stefan Halper, from the Centre of International Studies, University of Cambridge, however, had a more positive view of both the EU3 initiative and Washington's position. He told us that:

the British, French and German initiative in concert with the IAEA has brought a great deal of progress on Iran and it seems to have created a kind of informal model which is very interesting because the elements of that model with reference to Iran are not unlike what we see in North Korea. There is a trade component, a financial component, then a movement away from enrichment towards light water nuclear systems, and the US is in the background with the threat of force if progress is not made.⁴⁸¹

475 Foreign and Commonwealth Office, *Iran's Nuclear Programme: A collection of documents*, Cm 6443, January 2005, p 186

476 Q 73

477 Q 74

478 Q 78

479 Q 75

480 *Ibid.*

481 Q 95

371. However, recent comments from the White House have implied willingness to offer incentives to Iran for compliance with the IAEA.⁴⁸² On 12 March, Washington announced that it would not block Iran's application to join the World Trade Organisation (WTO) and would lift its objections to Tehran obtaining parts for commercial aircraft.⁴⁸³

372. Condoleezza Rice has also added that the "question [of a military strike against Iran] is simply not on the agenda at this time," while the Foreign Secretary made clear that the United Kingdom has no plans for military action on Iran. He told the House on 9 November 2004: "I could envisage no circumstances in which military action [against Iran] would be justified."⁴⁸⁴ It is likely that a referral to the UN Security Council would be vetoed, while a military strike on dispersed nuclear facilities could undermine US objectives in neighbouring Iraq.

373. We welcome the November 2004 agreement between the EU3 and Iran, and recommend that the Government continue its support for and commitment to diplomatic means to end the Iranian nuclear weapons programme. We also conclude that success will be difficult without US involvement, and we therefore welcome Washington's support for the EU3 and its offer of economic incentives for compliance to Tehran. However, if Iran continues to evade its obligations, the Government should consider referring the issue to the UN Security Council.

Democratic People's Republic of Korea (DPRK)

374. The nuclear crisis in North Korea first came to a head in 1994, although an agreement resolved the crisis by offering fuel oil supplies from the Korean Peninsular Energy Development Organisation (KEDO) and support for a light water reactor project to Pyongyang, in exchange for DPRK stepping down its nuclear programme. The "Agreed Framework" functioned until the discovery of a secret programme to develop highly enriched uranium by the US brought it to a close in October 2002. The North Koreans subsequently restarted activity at their Yongbyon nuclear facility and removed 8000 spent plutonium fuel rods from storage pools, possibly for conversion into nuclear weapons. Pyongyang also appears to have had ties to AQ Khan's nuclear network, which may have sold centrifuge technology to DPRK, and may have supplied uranium hexafluoride gas to Libya.⁴⁸⁵

375. North Korea withdrew from the NPT in 2003. At present, the DPRK has probably produced enough weapons grade plutonium for several bombs, but has limited uranium enrichment capabilities. Its missile capabilities are quite extensive, and certainly present a threat to Japan's security. However, the major risk is Pyongyang's willingness to sell its knowledge, given the desperate state of North Korea's economy.⁴⁸⁶

376. Negotiations on North Korea's nuclear programme have taken place in a six party forum, which includes China, Japan, North Korea, South Korea, Russia and the US,

482 "US considers incentives for Iran", BBC News Online, 1 March 2005

483 "Iran rejects US nuclear initiative", BBC News Online, 12 March 2005

484 HC Deb, 9 November 2004 col 686

485 "North Korea: Where next for the nuclear talks", *International Crisis Group*, 15 November 2004

486 "North Korea: Where next for the nuclear talks", *International Crisis Group*, 15 November 2004

although since June 2004 talks have stalled. Indeed, North Korea announced on 9 February 2005 that it possessed nuclear weapons and was unwilling to consider steps towards disarmament. The DPRK government issued a statement saying that it would “increase its nuclear arsenal to defend the ideas, system, freedom and democracy that were chosen by the North Korean people,” adding that DPRK required a nuclear deterrent because of the hostile policy of the US.⁴⁸⁷ The International Crisis Group contends that North Korea is most interested in the survival of its regime, which wants a guarantee that the US will not attack it and in reliable sources of energy for its crippled economy.⁴⁸⁸

377. The US is quick to dispel the prospects of military action against North Korea. Responding to the DPRK’s withdrawal from the six-party talks, Condoleezza Rice said on 10 February 2005: “The North Koreans have no reason to believe that anyone wants to attack them. The president of the United States said in South Korea, that the United States has no intention to attack North Korea. They’ve been told they can have multilateral security assurances if they will make the important decision to give up their nuclear weapons program.”⁴⁸⁹ At present, the US’s chief concerns are to see verification of DPRK’s nuclear programme, and to prevent the proliferation of WMD materials and know how.

378. The Parliamentary Under Secretary of State at the Foreign Office, Bill Rammell, MP, travelled to the DPRK in September 2004, becoming the first Minister from the United Kingdom to visit Pyongyang. In a statement issued on 16 September 2004, he said: “I stressed to Foreign Minister Paek and Chief Negotiator Kim Gye Gwan the importance which the UK and the international community attach to the continuation of the Six Party Talks...I also impressed the need for the DPRK to admit its Uranium Enrichment Programme, and encouraged the regime to look to the example of Libya.”⁴⁹⁰

379. We conclude that the Democratic People’s Republic of Korea (DPRK) continues to play a major role in the proliferation of nuclear materials, knowledge and missile delivery systems, and that its reintegration into the NPT and international verification regimes is a matter of urgency. We recommend that the Government continue to engage the DPRK on non-proliferation issues, and urge full support for the six-party talks. We also recommend that the United Kingdom urge its EU partners to bring pressure to bear on the DPRK in concert with concerned parties such as China, Japan and the US.

The Chemical Weapons Convention (CWC)

380. The CWC entered into force in 1997, and is the most comprehensive attempt to ban chemical weapons (CW) to date; 164 states are currently participants. The CWC bans the development, stockpiling or retention of CW; use or transfer of CW; assisting other states in CW development; and the use of riot control as “methods of warfare”. States parties have to declare their CW inventories and any chemicals which have dual use roles, and also

487 “N Korea admits to making weapons”, *Financial Times*, 10 February 2005

488 “North Korea: Where next for the nuclear talks”, *International Crisis Group*, 15 November 2004

489 “Interview with Rick Nieman of RTL TV of the Netherlands”, *US Department of State*, 10 February 2005

490 HC Deb, 16 September 2004, col 186WS

have a responsibility to destroy their stockpiles; 1% within three years, 20% within 5 years, 45% with seven years, and 100% within ten years.⁴⁹¹

381. The Organisation for the Prohibition of Chemical Weapons (OPCW) verifies the implementation of the CWC, although the existing regime is currently under some pressure. The OPCW wrote in their submission to our inquiry:

Seven years after the entry into force of the CWC, there remain significant deficiencies in the level of national implementation by its States Parties. Many of them have encountered difficulties in adopting and applying all measures necessary to fully implement the requirements of the CWC, in particular in such key areas as penalising violations and non-compliance, enacting transfer controls for relevant chemicals, or identification of declarable facilities in their industries. The underlying causes range from insufficient awareness and political support to weak public administration and lack of resources. This weakens the strength of the global ban on chemical weapons and could have the potential of undermining the OPCW's verification system and the other measures aimed at CW non-proliferation.⁴⁹²

382. Some regions present particular concerns about CW proliferation; one is the Middle East. We heard informally that Egypt, Israel, Lebanon and Syria are reluctant to join the CWC because of the Israel-Palestine conflict, although Libya's decision to sign the CWC is a positive sign. Another region of concern is East Asia, since neither the DPRK nor Taiwan co-operate with the OPCW. However, UNSCR 1540 made explicit reference to CW,⁴⁹³ calling on states to "promote the universal adoption and, where necessary full implementation of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of...chemical weapons," before invoking states to "renew and fulfil their commitment to multilateral cooperation, in particular within the framework of...the Organisation for the Prohibition of Chemical Weapons...as an important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes."⁴⁹⁴ These demands should strengthen the OPCW verification regime.

383. The OPCW also raised concerns about its two year action plan, adopted in October 2003, which includes "the establishment of National Authorities, the enactment of implementing legislation including penal legislation, the adoption of administrative measures and regulations needed to implement the different aspects of the CWC."⁴⁹⁵ Other developments took place at the Conference of States Parties in December 2004, the CWC's highest body, where member states agreed to grant extensions of the intermediate deadlines for CW destruction to Libya and Albania, reaffirmed the goals of the Action Plans and agreed a budget for 2005.⁴⁹⁶ We met the Director General of the OPCW, Mr Rogelio Pfirter, last year.

491 "The Chemical Weapons Convention at a glance", *Arms Control Today*, September 2004

492 Ev 124

493 We discuss UNSCR 1540 in Chapter 3 above.

494 "Resolution 1540", *UN Security Council*, 28 April 2004

495 Ev 124

496 "Chemical weapons ban conference concludes", OPCW, 2 December 2004

384. To date, the United Kingdom has fulfilled its obligations to the CWC. Six inspections of British facilities—at Porton Down and a former chemical weapons facility at Rhydymwyn in Wales—took place in 2003, and the Government has also contributed support for administrative, export control, financial, industrial, scientific and verification activities to the OPCW.⁴⁹⁷

385. We conclude that the United Kingdom’s continued support for the Chemical Weapons Convention (CWC) is essential, and we recommend that the Government continue to proceed with its chemical weapons disarmament programme, in compliance with all terms of the CWC. We also recommend that the Government offer support to states which lack capacity in the implementation of the Organisation for the Prohibition of Chemical Weapons (OPCW) Action Plan, and that it set out in its response to this Report how it is doing so.

The Biological and Toxin Weapons Convention (BWC)

386. The BWC lacks an effective monitoring or verification mechanism, although Article VI does permit members to bring states in violation to the UN Security Council. An ad hoc group of states went through a series of meetings from 1995 to consider the introduction of verification measures, but their draft inspection protocol for a verification mechanism failed in summer 2001. The group’s efforts have since come to an end.

387. The principle difficulties in 2001 were that the Russian Federation wanted to ensure that certain areas were protected from compliance and verification in opposition to demands for transparency from Western Europe, US, Australia and Japan. Additionally, Non-Aligned Movement (NAM) states, such as China, India, Pakistan, and Iran, wanted to use Article X to dismantle the Australia Group, which harmonises export controls on dual use materials. However, the prime cause of failure was the US’s unwillingness to accept a verification regime because of concerns about its impact on industry.⁴⁹⁸

388. States parties subsequently agreed to establish twice yearly meetings to discuss and promote common understanding on topics related to the BWC, but the only mechanism for investigating biological weapons use or development is the UN Secretary General’s investigation mechanism. The last BWC meeting, in December 2004, proposed measures to improve communication and disease surveillance, the legal framework for biological weapons management, and tinkered with the guidelines for the UN Secretary General’s investigation mechanism.⁴⁹⁹

389. We addressed the question of the Biological Weapons Convention in our Report on the Biological Weapons Green Paper in 2003.⁵⁰⁰ Commenting on the chances of securing a verification mechanism for the BWC, the Government stated in its response to our Report:

497 “Annual Report 2003: Operations of the Chemical Weapons Act 1996”, Department of Trade and Industry

498 “The BWC Protocol: Mandate for Failure”, *The Nonproliferation Review*, Summer 2004

499 “Meeting of the states parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their destruction”, *Biological Weapons Convention*, 1 December 2004: www.opbw.org/

500 Foreign Affairs Committee, Fifth Report of Session 2002-03, *The Biological Weapons Green Paper*, HC 671

There was a widespread view amongst delegations at the 24th [Ad Hoc Group] session that, without US participation, it was not worth pursuing a Protocol...It is the Government's view that, in order to achieve a broad based agreement on such a Protocol, US support remains critical...A Protocol with a narrowly based membership would risk inducing a false sense of security and leave the more immediate proliferation threats entirely to one side, since there would be little political pressure on states of concern to join a coalition of the virtuous.⁵⁰¹

Notwithstanding the political situation, severe concerns remain about the lack of verification for biological weapons.

390. The BWC is moving forward in certain areas, however. The FCO said: "In 2005 there will be discussion, and we hope adoption, of a Code of Conduct for scientists working in this area. The United Kingdom has been nominated as Chair of the Meetings in 2005 and therefore preparations for this have already begun."⁵⁰² The implementation of an effective code of conduct for scientists will be a most welcome development.

391. We conclude that the lack of a verification mechanism for the Biological Weapons Convention is an extremely serious gap in the international non-proliferation regime, and we recommend that the Government work to garner support for a verification regime, particularly from the US. However, a "coalition of the virtuous" may be better than nothing. We also recommend that in its response to this Report the Government outline the most important developments relating to the BWC, in areas such as the implementation of a code of conduct for biological weapons scientists.

Weapons of Mass Destruction produced in the former Soviet Union

392. The G8 Global Partnership against the Spread of Weapons and Materials of Mass Destruction seeks to secure and destroy WMD, particularly in the former Soviet Union. The Partnership was launched in June 2002 at the G8 summit at Kananaskis in Canada, when the G8 states pledged 10 plus 10 over 10—US\$10 billion from the US and US\$10 billion from the other member states over the next ten years to manage Russia's WMD legacy.

393. A joint statement issued by the G8 at Kananaskis stated:

Under this initiative, we will support specific cooperation projects, initially in Russia, to address non-proliferation, disarmament, counter-terrorism and nuclear safety issues. Among our priority concerns are the destruction of chemical weapons, the dismantlement of decommissioned nuclear submarines, the disposition of fissile materials and the employment of former weapons scientists. We will commit to raise up to US\$20 billion to support such projects over the next ten years.⁵⁰³

501 Foreign and Commonwealth Office, *Response of the Secretary of State for Foreign and Commonwealth Affairs*, Cm 5857, para 4-5

502 Foreign and Commonwealth Office, *Terrorism and Security: Biological and Toxin Weapons Convention*: www.fco.gov.uk

503 Statement by G8 Leaders at Kananaskis Summit: www.g7.utoronto.ca/summit/2002kananaskis/arms.html

394. We examined the United Kingdom's contribution to the G8 Global Partnership in our last Report in this inquiry.⁵⁰⁴ Current key projects include: a £11 million portfolio of nuclear submarine dismantlement projects; a £15 million spent nuclear fuel storage facility at the Atomflot site in Murmansk, announced in July 2004; a number of projects dealing with secure storage of spent nuclear fuel assemblies in Andreeva Bay in NW Russia; a £15 million contribution to the Chernobyl Shelter project; £4 million a year for the Closed Nuclear Cities Partnership which supports alternative employment for former nuclear weapons scientists and technicians; and the development of the Schuch'ye Chemical Weapons destruction facility.⁵⁰⁵ Seven more donors also entered the partnership at the June 2004 summit at Sea Island: Australia, Belgium, the Czech Republic, Denmark, Ireland, the Republic of Korea and New Zealand.

395. The 2005 Gleneagles Summit will take the G8 Global Partnership further; for instance, the G8 Global Partnership may disperse funds in Ukraine, marking its first departure outside the Russian Federation.⁵⁰⁶ The Second Annual Report 2004 on the G8 Global Partnership by the Foreign and Commonwealth Office, the Department of Trade and Industry and the Ministry of Defence also outlined plans to expand to include non-proliferation in states such as Iraq and Libya.⁵⁰⁷

396. David Landsman from the FCO Counterproliferation Department described the United Kingdom's position on the forthcoming summit to the Quadripartite Committee on Strategic Export Controls on 12 January 2005.

We certainly intend to take forward [the G8 Global Partnership] during our G8 Presidency and we have plans for two specific initiatives, one to address implementation of existing projects to ensure that any obstacles there are addressed, removed and the projects move forward, and we also intend to promote a threat-based assessment of priorities, as it were, for the next generation of projects under the G8 Global Partnership.⁵⁰⁸

397. The 2004 Annual Report described the United Kingdom's priorities for 2005 in greater detail. "We will focus on constraining the spread of nuclear enrichment and reprocessing technology, and on combating the threat of bioterrorism. The UK will also take over the chair of the Global Partnership Working Group...We will also concentrate on ironing out any remaining obstacles to progress, so that the pace of implementation can increase."⁵⁰⁹

398. We conclude that the ongoing work under the G8 Global Partnership is of critical importance, and we strongly support the Government's efforts to improve the security of the former Soviet's WMD stockpile and to have it rendered non-harmful. We

504 HC (2003-04) 441-I

505 "The G8 Global Partnership: Second Annual Report 2004", p 3, *Foreign and Commonwealth Office, Department of Trade and Industry, Ministry of Defence*

506 "G8 Global Partnership selects Ukraine for funds dispersal", *Arms Control Today*, December 2004

507 "The G8 Global Partnership: Second Annual Report 2004", p 3, *Foreign and Commonwealth Office, Department of Trade and Industry, Ministry of Defence*

508 Fifth Report from the Foreign Affairs Committee, Session 2004-05, *Strategic Export Controls*, Q 112 (Landsman)

509 "The G8 Global Partnership: Second Annual Report 2004", p 3, *Foreign and Commonwealth Office, Department of Trade and Industry, Ministry of Defence*

recommend that the Government set out in its response to this Report what its priorities are for the G8 Global Partnership, and what challenges the Government foresees in implementation during its G8 Presidency.

Nuclear weapons

399. The Russian Federation produces an enormous amount of weapons grade plutonium in its civilian reactors, has over 5,000 deployed nuclear warheads, and uses radioactive materials in widely dispersed facilities such as hospitals and lighthouses.⁵¹⁰ The threat of any of this nuclear material or the knowledge within the Russian scientific community becoming available to terrorists is severe.

400. The last year has seen progress on nuclear counter-proliferation changes in the former Soviet Union.

Substantial progress has been made in the UK's project to increase safety and security at the Andreeva Bay site in NW Russia, where some 20,000 spent fuel assemblies (SFAs) are stored. We have completed two submarine dismantlement projects, and are implementing a major project in Murmansk to transfer some 3,500 highly fissile fuel assemblies from the [Spent Nuclear Fuel] transport ship, the Lotta, to a safe and secure facility onshore. Substantial portfolios of projects have also been implemented covering nuclear safety. In 2003-04, the UK spent some £42 million on nuclear legacy activities in the FSU.⁵¹¹

The value of these projects is immeasurable, although the scale of the task is huge.

401. Other progress has taken place in implementing a legal framework for the G8 Global Partnership efforts. In our Report last year, we commented on the question of legal liability for future damages under the G8 Global Partnership. The Government said in its response to our Report that it was "seeking to widen the scope of the nuclear agreement to cover nuclear safety and security projects across the whole of the Russian Federation and hope to have this framework in place this autumn."⁵¹²

402. Addressing this concern, the 2004 Annual Report states: "A key area of advance during 2004 has been the development of a nuclear security programme from strategy to the first stages of implementation. In order to provide the essential legal basis for this work, we have negotiated our legal agreement with the Russian Federation to include work on improving the physical protection of nuclear and radioactive materials to prevent theft and sabotage."⁵¹³ We welcome this development.

510 "Russian-US arms rivalry lingers", *Arms Control Today*, January/February 2005, "Russia: Deployment and Stockpile Estimates", Centre for Nonproliferation Studies, and "Norway pledged US\$3 million for nuclear lighthouse decommissioning", *Bellona*, 22 November 2004

511 "The G8 Global Partnership: Second Annual Report 2004", p 3, *Foreign and Commonwealth Office, Department of Trade and Industry, Ministry of Defence*

512 HC (2003-04) 441-I, para 334, and Foreign and Commonwealth Office, *Foreign Policy Aspects of the War against Terrorism: Response of the Secretary of State for Foreign and Commonwealth Affairs*, Cm 6340, para 51

513 "The G8 Global Partnership: Second Annual Report 2004", p 3, *Foreign and Commonwealth Office, Department of Trade and Industry, Ministry of Defence*

403. The Closed Nuclear Cities Partnership has also continued its work to train former nuclear weapon scientists and technicians in the closed cities of Sarov, Seversk, Snezhinsk, Ozersk, Zheleznogorsk and Novouralsk; its efforts include offering a grant of £237,712 to Raster Technology, which produces cutting templates for cardboard packaging production, to establish production in Snezhinsk and create jobs for weapons scientists.⁵¹⁴

404. Last year, we also commented on our concerns that the plutonium disposition programme was proceeding less efficiently than other programmes such as the submarine dismantlement programme in NW Russia.⁵¹⁵ The Government stated that it intended to lobby hard on securing a legal framework for the plutonium disposition programme, but the 2004 Annual Report says that a priority for 2005 is to “reach agreement on the way forward with other G8 countries and finalise the multilateral treaty.”⁵¹⁶ While we recognise the complexities of the negotiations, we remain greatly concerned about the slow pace of progress on the implementation of the relevant legal agreements.

405. We conclude that the work carried out under the G8 Global Partnership is a most valuable contribution to nuclear non-proliferation efforts, and we welcome advances in the dismantlement of submarines, in increased security of spent nuclear fuel storage, in implementation of a legal regime for nuclear counter-proliferation efforts, and in the ongoing work of the Closed Nuclear Cities Partnership. However, we remain concerned about the pace of progress on the plutonium disposition programme, and urge the Government to redouble its efforts to secure agreement while holding the G8 Presidency.

Chemical and biological weapons

406. The G8 Global Partnership also tackles the CW legacy in the former Soviet Union. Russia ratified the CWC in 1997, and has declared 40,000 tonnes of chemical weapons, including nerve agent (Sarin, Soman and Vx), which it was due to destroy by 2007. Achieving this deadline is unlikely; Russia has asked for an extension until 2012.⁵¹⁷

407. In our Report last year we raised concerns about delays in the destruction of chemical weapons.⁵¹⁸ However, Russia has since accelerated its chemical weapons disposal programme, and President Putin has signed the 2005 federal budget which will provide US\$400 million for chemical weapons destruction—more than twice the US\$183 million in 2004.⁵¹⁹ We welcome this development.

408. The centrepiece of the United Kingdom’s contribution to the chemical weapons destruction programme is the Schuch’ye Chemical Weapons Destruction Facility. The United Kingdom is currently working on the procurement of equipment to build an

514 *Ibid.*, p 53

515 HC (2003-04) 441-I, para 343, and Foreign and Commonwealth Office, *Foreign Policy Aspects of the War against Terrorism: Response of the Secretary of State for Foreign and Commonwealth Affairs*, Cm 6340, para 54

516 “The G8 Global Partnership: Second Annual Report 2004”, p 23, *Foreign and Commonwealth Office, Department of Trade and Industry, Ministry of Defence*

517 *Ibid.*, p 13

518 HC (2003-04) 441-I, para 338

519 “Russia speeds chemical weapon disposal”, *Arms Control Today*, January/February 2005

electricity substation at Schuch'ye, following from the construction of a water supply for the facility which was completed in 2003. The project cost £7.3 million, of which £5 million came from the United Kingdom. The United Kingdom is also supporting the construction of a railway to transport the munitions stored at the storage depot 18 kilometres to the destruction facility.⁵²⁰ However, the decision to concentrate CW destruction at the Shchuch'ye plant has caused frictions with the Russians, since the difficulty of transporting the chemical weapons, the seals of which are in some state of disrepair, means Russia is most unlikely to comply with the CWC 2007 deadline. One solution which Russian officials are currently considering is the construction of destruction facilities at the five sites where Russia stores nerve agent.⁵²¹

409. The G8 Global Partnership does not play a significant role in the counter-proliferation efforts on biological weapons, although the Ministry of Defence has launched a project for the retraining of former biological weapons scientists at a anti-crop institute in southern Georgia, called the Institute of Plant Immunity.⁵²² Our concerns about the opacity of Moscow's attitude towards its biological weapons capabilities, expressed last year, remain strong.⁵²³

410. We conclude that the Government's support for the Schuch'ye chemical weapons destruction facility is essential, and we urge the Government to maintain its efforts. We also welcome the Russian Federation's determination to accelerate its chemical weapons destruction. However, we recommend that the Government examine the possibility of supporting other CW destruction facilities in Russia to address Moscow's concerns about transporting deadly stockpiles along rickety railroads. We also remain very concerned that the G8 Global Partnership is not working on biological weapons issues with the Russian Federation.

Co-operative Threat Reduction (CTR) and the Nunn-Lugar programme

411. US Senators Sam Nunn and Richard Lugar established the Co-operative Threat Reduction (CTR) programme in 1991, which includes the Nunn-Lugar programme. To date, the Nunn-Lugar programme has funded the disassembly of thousands of nuclear warheads and dozens of submarines and has put tonnes of fissile material into safe storage.⁵²⁴

412. CTR efforts to expand non-proliferation activities received a boost in 2004 when the US Congress passed legislation permitting the transfer of funds to Albania to support the destruction of its Cold War era chemical weapons stockpiles. Albania is the first country outside the former Soviet Union to receive funds from the CTR programme, and will receive about US\$20 million to destroy 16 tonnes of chemical agents over the next two

520 "The G8 Global Partnership: Second Annual Report 2004", p 47, *Foreign and Commonwealth Office, Department of Trade and Industry, Ministry of Defence*

521 "Russia speeds chemical weapon disposal", *Arms Control Today*, January/February 2005

522 "The G8 Global Partnership: Second Annual Report 2004", p 60, *Foreign and Commonwealth Office, Department of Trade and Industry, Ministry of Defence*

523 HC (2003-04) 441-I, para 339

524 "The Nunn Lugar programme", *Senator Richard Lugar*: www.lugar.senate.gov/nunnlugar.html

years. Additionally, Senator Lugar is planning to launch proposals in Congress which will remove the caps on spending for nuclear reduction programmes.⁵²⁵

413. We conclude that the Co-operative Threat Reduction (CTR) and Nunn-Lugar programmes are positive contributions by the US to non-proliferation efforts. We recommend that the United Kingdom continue to support CTR efforts, for instance by encouraging the US to expand activities as widely as necessary.

The Zangger Committee and the Nuclear Suppliers Group

414. The Zangger Committee emerged from Article 3, paragraph 2, of the NPT, by which nuclear powers undertake not to export nuclear technologies without the recipient acting under IAEA safeguards. The Zangger Committee essentially comprises a trigger list of goods or technologies of concern, which should harmonise the export controls of nuclear states. Harmonisation of export controls is an important means to strengthen the existing non-proliferation regimes.

415. The Nuclear Suppliers Group (NSG) is a voluntary arrangement which seeks to control the proliferation of nuclear materials and technology. The NSG operates through guidelines on export controls on nuclear and dual use technology and goods. “The NSG Guidelines aim to ensure that nuclear trade for peaceful purposes does not contribute to the proliferation of nuclear weapons or other nuclear explosive devices which would not hinder international trade and cooperation in the nuclear field. The NSG Guidelines facilitate the development of trade in this area by providing the means whereby obligations to facilitate peaceful nuclear cooperation can be implemented in a manner consistent with international nuclear non-proliferation norms.”⁵²⁶

416. In 2002 the NSG held an extraordinary plenary to take account of the threat of terrorism, and agreed to several comprehensive amendments to its guidelines. At the 2004 plenary, NSG participants agreed to improve the links between the NSG and the IAEA, to expand its outreach work, and introduced a catch all mechanism in the NSG guidelines to provide a national legal basis to control items not on control lists. The NSG also considered the suspension of supply to states under investigation by the IAEA, and admitted China, Estonia, Lithuania and Malta to its ranks.⁵²⁷ However, firmer measures, such as an obligation in the NSG not to supply nuclear materials to states that have not signed the Additional Protocol, may be necessary to strengthen the NSG, if only at an informal level.

417. We conclude that the Nuclear Suppliers Group and the Zangger Committee provide useful forums to discuss export controls, but fear that their wide membership and unbinding nature leaves controls too loose. We recommend that the Government work to strengthen the NSG, perhaps by considering a diplomatic initiative to encourage states not to permit exports of NSG list materials or goods to states outside the Additional Protocol on Safeguards.

⁵²⁵ “The politics of arms control in the second Bush term”, *Arms Control Today*, December 2004

⁵²⁶ Nuclear Suppliers Group: www.nuclearsuppliersgroup.org

⁵²⁷ “NSG Plenary Meeting, Goteburg, Sweden”, *Nuclear Suppliers Group*, 27-28 May 2004, and “Congress questions US support for China joining nuclear group”, *Arms Control Today*, June 2004

The Missile Technology Control Regime (MTCR)

418. Established in 1987, the MTCR has 34 members who restrict their exports of missile technology. The states parties implement export controls on missile technology, according to certain criteria. These are; whether the intended recipient is working towards a WMD program; the purposes of the missiles and space programs; potential contribution to the recipients WMD delivery capacity; and whether a transfer would conflict with any multilateral treaty. The MTCR is voluntary and has no penalties for transfers, although the US identifies any states or entities in breach of the MTCR as proliferators. Israel, Romania and Slovakia have pledged to abide by the MTCR without joining it.

419. The MTCR's October 2004 plenary saw the admission of Bulgaria, welcomed UNSCR 1540 and "called upon all non-MTCR members to apply the MTCR control list and guidelines and underlined the willingness of MTCR members in a position to do so, to assist non-MTCR members in this respect."⁵²⁸ The MTCR also undertook to carry out an intensive programme of outreach to tackle export controls, transshipment and the MTCR goals, but did not admit China despite Beijing's request for membership.⁵²⁹ The US's decision to sanction several Chinese companies for their export of missile related technologies to Iran points out China's continued failure to live up to MTCR standards.

420. We conclude that UNSCR 1540 has strengthened the Missile Technology Control Regime (MTCR) by making it more legally binding. We recommend that the Government set out in its response to this Report what it is doing to encourage other states, such as China, to conform to MTCR standards.

Conventional weapons proliferation

421. In publishing its UK Policy and Strategic Priorities on Small Arms and Light Weapons (SALW) 2004-2006, the Foreign and Commonwealth set out its strategy on small arms because they "are the weapons of choice for criminals, terrorists and combatants alike. Estimates of the numbers of available weapons vary, but even if all new production were to cease tomorrow, there would still be hundreds of millions of small arms and light weapons in circulation."⁵³⁰

422. The United Kingdom deals with SALW proliferation through mechanisms which tackle supply, such as the Transfer Control Initiative, and through international regimes covering the proliferation of conventional weapons such as the Wassenaar Arrangement (WA) on export controls for conventional arms and dual-use goods and technologies, which the Quadripartite Committee examined in its Report last July.⁵³¹ The WA held its tenth plenary in Vienna in December 2004. The plenary statement made clear the risk of terrorism. "Participating states reaffirmed their intention to intensify efforts to prevent the acquisition of conventional arms and dual-use goods and technologies by terrorist groups

⁵²⁸ Plenary meeting of the Missile Technology Control Regime, Seoul, Republic of Korea, *Missile Technology Control Regime*, 8 October 2004: <http://www.mtcr.info/english/index.html>

⁵²⁹ *Ibid.*

⁵³⁰ "UK Policy and Strategic Priorities on Small Arms and Light Weapons 2004-2006", *Foreign and Commonwealth Office*

⁵³¹ Defence, Foreign Affairs and Trade and Industry Committees, First Joint Report of Session 2003-04, *Strategic Export Controls, Annual Report for 2002, Licensing Policy and Government Scrutiny*, HC 390, para 164

and organisations, as well as viewing them as an integral part of the global fight against terrorism. In this context they also exchanged information on national measures taken in accordance with the 2003 decision to tighten controls on the exports of Man-Portable Air Defence Systems (MANPADS) and called again on other countries to apply similar principles in order to prevent proliferation of these dangerous weapons.”⁵³² The EU Code of Conduct on export controls also provides an important means to control arms exports, although many of the major producers of SALW remain outside the existing non-proliferation regimes which remain non-binding.

423. The United Kingdom also supports the destruction of SALW, by providing £7.5 million for programmes managed by the UN Development Programme (UNDP) to collect, manage and destroy weapons and ammunition in over 25 countries.⁵³³ The United Kingdom has also dedicated £400,000 to a NATO project for the destruction of small arms and Man-Portable Air Defence Systems (MANPADS) in Ukraine.⁵³⁴

424. Finally, the United Kingdom strategy focuses on the demand for weapons, trying to avert conflict before violence breaks out. “Reducing demand for guns will require a commitment to long-term sustainable development, improved public security in communities, heightened public awareness, and increased alternative livelihood opportunities, including for former combatants.”⁵³⁵

425. The Quadripartite Committee has consistently called on the Government to expand its regulation of British nationals trafficking in arms. At present, the Export Control Act 2002 regulates trade in long range missiles and torture equipment, but not SALW or MANPADS. Last year, the Quadripartite Committee concluded: “We recommend that trade in such weapons, including MANPADS, rocket-propelled grenades and automatic light weapons, should be subject to extra-territorial control where they are intended for end use by anyone other than a national government or its agent, and where the country from which the trade is being conducted or from which the export will take place does not itself have adequate trade or export controls consistent with the British Government’s policy on arms exports.”⁵³⁶ The Quadripartite Committee repeated its recommendation again in its Report in March 2005.⁵³⁷

426. We conclude that the United Kingdom’s efforts to counter the proliferation of small arms and light weapons (SALW) are steps in the right direction but that more needs doing. We urge the Government to continue its support for regimes such as the Wassenaar Arrangement by bringing states which produce SALW into the treaty regimes and by strengthening the binding elements of regimes tackling the proliferation of conventional weapons. We also fully endorse the comments made by

532 “Public statement 2004 Plenary Meeting of the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies”, Wassenaar Arrangement, 9 December 2004: <http://www.wassenaar.org/>

533 “UK Policy and Strategic Priorities on Small Arms and Light Weapons 2004-2006”, *Foreign and Commonwealth Office*

534 “Chris Mullin announces £400,000 UK contribution to help Ukraine destroy small arms stockpiles”, *Foreign and Commonwealth Office*, 21 February 2005

535 UK Policy and Strategic Priorities on Small Arms and Light Weapons 2004-2006”, *Foreign and Commonwealth Office*

536 Defence, Foreign Affairs and Trade and Industry Committees, First Joint Report of Session 2004-05, *Strategic Export Controls, Annual Report for 2003, Licensing Policy and Government Scrutiny*, HC 390, para 154

537 *Ibid.*, para 224

the Quadripartite Committee on Strategic Export Controls, recommending that trade in MANPADS, rocket-propelled grenades and automatic light weapons, should be subject to extra-territorial control if intended for end use by anyone other than a national government.

The Proliferation Security Initiative (PSI)

427. The Proliferation Security Initiative is an informal effort by states in co-ordination with the US to interdict traffic in WMD materials and technology, which US President Bush launched in Cracow on 31 May 2003 in response to US frustration over its inability to detain the *So San*, a ship bearing Scud missiles from DPRK to Yemen in December 2002. According to its Statement of Principles:

The PSI builds on efforts by the international community to prevent proliferation of [WMD] items, including existing treaties and regimes...PSI participants are deeply concerned about this threat and of the danger that these items 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.⁵³⁸

428. Eleven states initially took part in the PSI. 15 states now formally participate in activities, about 60 have endorsed the PSI Statement of Interdiction principles, and two flag of convenience states, Liberia and Panama, have signed agreements with the US permitting the interdiction of ships flying their flags.⁵³⁹ The PSI is an intergovernmental initiative with no secretariat.

429. Andrew Semmell, US Principal Deputy Assistant Secretary for Nuclear Non-proliferation described the US view of the Proliferation Security Initiative. He said: “The PSI brings together countries in partnership to defeat the trafficking of deadly weapons and technologies involving state or non-state actors of proliferation concern. The PSI and [UNSCR] 1540 are complimentary. Paragraph ten of the Resolution reflects this symbiosis.”⁵⁴⁰ However, UNSCR 1540 does not provide for an interdiction committee, for instance, which would strengthen the legitimacy of any activities by PSI states on the high seas.

430. Commenting on the PSI’s previous successes, First Watch International said that credibility for Libya’ decision to abandon its WMD programmes “must also be given to...international co-ordination under the Proliferation Security Initiative (PSI).”⁵⁴¹ We commended the Government’s decision to take part in the PSI in our Second Report of Session 2003-04.⁵⁴² Over the last year, a number of military and naval exercises have taken part within the PSI. These included Exercise Team Samurai in October 2004, a Japanese led interdiction exercise, and Exercise Chokepoint ‘04, a US led interdiction exercise in

538 “Proliferation Security Initiative: Statement of interdiction principles”, *US Department of State*, 4 September 2003

539 “Russia joins Proliferation Security Initiative”, *Arms Control Today*, July/August 2004

540 “UN Security Council Resolution 1540: The US perspective, Speech by Andrew Semmell, Principal Deputy Assistant Secretary for Nuclear Nonproliferation”, *US State Department*, 12 October 2004

541 Ev 138

542 Foreign Affairs Committee, Second Report of Session 2003-04, *Foreign Policy Aspects of the War against Terrorism*, HC81, para 84

November 2004. Although these exercises have not involved British personnel, a number of conferences have also taken place, such as operational experts meetings in Norway, Australia and one took place in the US in March 2005.⁵⁴³

431. In our Report of last July we raised concerns about the legal basis of the PSI,⁵⁴⁴ despite the implicit reference to the initiative in Paragraph 10 of UNSCR 1540, which “calls upon all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery and related materials.”⁵⁴⁵ In its response to our Report, the Government said that it does not accept that there are legal difficulties over the PSI.⁵⁴⁶ However, the PSI still does not accord with Article 110 of the Convention on the Law on the Sea, which only permits interference with another state’s vessels when there is reasonable ground for suspecting that the ship is engaged in piracy or the slave trade, unauthorised broadcasting, is without nationality, or is of the same nationality as the warship despite flying another flag.⁵⁴⁷

432. In response to our request that the Government outline how it will draw a distinction between the legitimate and illegitimate transport of WMD by sea, the FCO stated in its response to our Report that “the Government is working in the International Maritime Organisation to secure amendment to the Convention for the Suppression of Unlawful Acts against the Safety of Marine Navigation (1988) [SUA Convention], which will make it an internationally recognised offence to transport WMD, their delivery systems and related materials on commercial vessels. This was originally a US initiative, though a number of states are working together to secure these amendments. The text of the amendments is still under active discussion, though it is likely that the boarding provisions will not relate to military or fleet auxiliary vessels, and will require express flag state consent (or deemed consent if the flag state fails to respond within 4 hours to a request to board one of its vessels).”⁵⁴⁸

433. The International Maritime Organisation described the state of discussions on amendments to the SUA Convention.

The draft protocol to the SUA Convention currently under consideration proposes two main sets of amendments to tackle terrorism in its modern manifestations. These are, firstly, amendments to article 3, which establishes a list of offences that are to be regarded as unlawful acts for the purposes of the treaty. Secondly, the proposed amendments introduce a totally new provision which establishes the right and sets out the procedures to be used in connection with the boarding on the high seas of foreign flagged commercial vessel by officials of another state party.⁵⁴⁹

543 “Proliferation Security Initiative: Calendar of Events”, US Department of State

544 HC (2003-04) 81, para 474

545 “Resolution 1540”, UN Security Council, 28 April 2004

546 Foreign and Commonwealth Office, *Response of the Secretary of State for Foreign and Commonwealth Affairs*, September 2004, Cm 6340

547 DJ Harris, *Cases and materials on International Law*, (London 1998), p 430

548 Foreign and Commonwealth Office, *Response of the Secretary of State for Foreign and Commonwealth Affairs*, September 2004, Cm 6340

549 Ev 153

The IMO says that some of the proposed new offences, such as using any explosive radioactive material against or on a ship or discharging noxious substances from a ship are relatively uncontroversial. However,

more problematic are those new offences, the so called transport offences, which seek to make the carriage at sea of prohibited weapons, explosive or radioactive material or nuclear material unlawful acts...Equally controversial is the proposed dual-use provision which would make it an offence to transport at sea any equipment, materials, software or related technology which are capable of being used for benign as well as for malignant purposes.⁵⁵⁰

434. Draft Article 8, permitting officials of one state party to board and search foreign flagged vessels in the EEZ [Exclusive Economic Zone] or on the high seas, which are reasonably suspected of being involved in, or being the target of, terrorist attacks, is particularly controversial. The powers in the draft Article would extend to questioning, searching and detaining anyone on board the ship, or detaining the ship and cargo.

435. In negotiations, the draft article has undergone changes, “aimed primarily at ensuring no boarding takes place without express authorisation from the flag State and that proper safeguards are observed in all cases of boarding which take due account not only of the safety and security of the ship and its cargo and the commercial or legal interests of the flag State but also of the human rights of all persons on board.”⁵⁵¹ However, we have serious concerns about the human rights of individuals under the original draft Article 8, given the lack of an effective legal regime on the high seas.

436. We welcome the ongoing development of the Proliferation Security Initiative (PSI) and we recommend that the Government set out in its response to this Report the most important developments which have come out of the meetings of operational experts and military exercises. However, we remain concerned about the legality of detentions of shipping on the high seas, and in particular with draft Article 8 of the Convention for the Suppression of Unlawful Acts against the Safety of Marine Navigation. We recommend that the Government outline how it will ensure the human rights of those on board any detained vessels, and how it will limit any potentially destabilising interdictions or detentions, particularly if the Government adheres to its position of “deemed consent”, giving states four hours to respond to demands to allow boarding.

The Container Security Initiative

437. The US Customs Service launched the Containers Security Initiative (CSI) in January 2002 amidst rising concerns that terrorists ship WMD into a US port. The CSI emerged in two phases, first by targeting security at 20 priority ports, before examining other ports, and took the form of posting US Customs Officials around the world to examine containers bound for the US. To avoid problems of sovereignty, the officials have only observer status. The other three complimentary components of CSI are: the use of

⁵⁵⁰ *Ibid.*

⁵⁵¹ *Ibid.*

intelligence to identify high risk containers; the application of advanced detection equipment; and the introduction of more secure technology for containers. The initiative also places burdens on shipping companies to provide information on their containers, at cost of fines or other punitive measures.⁵⁵² The United Kingdom joined the CSI in December 2002; ports included in the initiative are Felixstowe, Liverpool, Southampton, Thamesport and Tilbury.⁵⁵³ However, the United Kingdom does not have officials carrying out a similar function in major ports overseas. Without the posting of HM Customs officials overseas, the United Kingdom's ports may remain under terrorist threat.

438. Commenting on the CSI, the Paymaster General, Dawn Primarolo, MP, said in October 2004: "By implementing the CSI in a further four UK ports, Customs demonstrates commitment in the fight against terrorism. We will continue to share intelligence and co-operate with our partners overseas to prevent suspect material from falling into the hands of terrorists."⁵⁵⁴ Other international legal instruments dealing with security in ports include the International Convention for the Safety of Life at Sea, 1974, chapter XI, and the International Code for the Security of Ships and of Port Facilities (ISPS).⁵⁵⁵

439. We conclude that the Container Security Initiative is a sound means to promote the security of the United States. We recommend that the Government examine the possibilities of enacting a similar initiative to secure the ports of the United Kingdom and its Overseas Territories.

552 "Ripples from 9/11: The US Container Security Initiative and its Implications for Australia", *Australian Parliament, Information and Resources Services*, 13 May 2003

553 Press release, *US Mission to the EU*, 9 December 2002

554 Press release, *US Department of Homeland Security*, 19 October 2004

555 Ev 151

Formal minutes

Tuesday 22 March 2005

Members present:

Donald Anderson, in the Chair

Mr Fabian Hamilton

Mr Bill Olnier

Mr Eric Illsley

Mr Greg Pope

Mr Andrew Mackay

Sir John Stanley

Mr John Maples

Ms Gisela Stuart

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 6 read and agreed to.

Paragraph 7 read, amended and agreed to.

Paragraphs 8 and 9 read and agreed to.

Paragraph 10 read, amended and agreed to.

Paragraphs 11 to 26 read and agreed to.

Paragraph 27 read, amended and agreed to.

Paragraphs 28 to 50 read and agreed to.

Paragraph 51 read, amended and agreed to.

Paragraphs 52 to 63 read and agreed to.

Paragraph 64 read, amended and agreed to.

Paragraphs 65 to 70 read and agreed to.

Paragraph 71 read, amended and agreed to.

Paragraphs 72 to 95 read and agreed to.

Paragraph 96 read, amended and agreed to.

Paragraphs 97 to 108 read and agreed to.

Paragraph 109 read, amended and agreed to.

Paragraphs 110 to 172 read and agreed to.

Paragraphs—(*Mr Greg Pope*)—brought up, read the first and second time and inserted (now paragraphs 173 to 212).

Paragraphs 173 to 206 read and agreed to (now paragraphs 213 to 246).

Paragraphs—(*Mr Greg Pope*)—brought up, read the first and second time and inserted (now paragraphs 247 to 267).

Paragraphs 207 to 275 read and agreed to (now paragraphs 268 to 336).

Paragraph 276 read, amended and agreed to (now paragraph 337).

Paragraphs 277 to 300 read and agreed to (now paragraphs 338 to 361).

Paragraph 301 read, amended and agreed to (now paragraph 362).

Paragraphs 302 to 336 read and agreed to (now paragraphs 363 to 397).

Paragraph 337 read, amended and agreed to (now paragraph 398).

Paragraphs 338 to 378 read and agreed to (now paragraphs 399 to 439).

Resolved, That the Report as amended be the Sixth 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 to a day and time to be fixed by the Chairman.]

Witnesses

Tuesday 23 November 2004

*Page***Mr Kamran al-Karadaghi**, Institute for War and Peace Reporting

Ev 1

Mr Damien McElroy, Sunday Telegraph**Ms Jane Corbin**, BBC

Ev 7

Tuesday 14 December 2004

Dr Ali Ansari, University of St Andrews

Ev 15

Dr Stefan Halper, Centre of International Studies, University of Cambridge and**Dr Dana Allin**, International Institute for Strategic Studies

Ev 25

Tuesday 1 February 2005

Mr Oliver Miles CMG, Chairman, MEC International, Deputy Chairman, Libyan
British Business Council

Ev 35

Dr Hugh Roberts, International Crisis Group

Ev 43

Professor George Joffe, Centre of International Studies, University of Cambridge

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Neil Partrick, Senior Analyst, Economist Intelligence Unit	Ev 83
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ISBN 0-215-02373-0



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Sixth Report	The Government's proposals for secondary legislation under the Export Control Act	HC 620 (<i>Cm 5988</i>)
Fifth Report	The Biological Weapons Green Paper	HC 671 (<i>Cm 5857</i>)
Fourth Report	Human Rights Annual Report 2002	HC 257 (<i>Cm 5320</i>)
Third Report	Foreign Affairs Committee Annual Report 2002	HC 404
Second Report	Foreign Policy Aspects of the War against Terrorism	HC 196 (<i>Cm 5739</i>)
First Report	The Biological Weapons Green Paper	HC 150 (<i>Cm 5713</i>)
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Evidence	The Copenhagen European Council	HC 176-i
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REPORTS

Twelfth Report	FCO Annual Report 2002	HC 826 (<i>Cm 5712</i>)
Eleventh Report	Gibraltar	HC 973 (<i>Cm 5714</i>)
Tenth Report	Zimbabwe	HC 813 (<i>Cm 5608</i>)
Ninth Report	Private Military Companies	HC 922 (<i>Cm 5642</i>)
Eighth Report	Strategic Export Controls: Annual Report for 2000, Licensing Policy and Prior Parliamentary Scrutiny (Quadripartite Committee)	HC 718 (<i>Cm 5629</i>)
Seventh Report	Foreign Policy Aspects of the War against Terrorism	HC 384 (<i>Cm 5589</i>)
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Fifth Report	Human Rights Annual Report 2001	HC 589 (<i>Cm 5509</i>)
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MINUTES OF EVIDENCE

Evidence	The Inter-Governmental Conference 2004: The Convention on the Future of Europe	HC 965-i
Evidence	The Barcelona European Council	HC 698-i

The reference to the Government response to the report is printed in brackets after the HC printing number