



Tenth Report  
of the  
Foreign Affairs Committee  
Foreign Policy Aspects of the  
War Against Terrorism  
Session 2002–2003  
Response of the Secretary of State for  
Foreign and Commonwealth Affairs

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs,  
by Command of Her Majesty  
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# **TENTH REPORT OF THE FOREIGN AFFAIRS COMMITTEE**

## **FOREIGN POLICY ASPECTS OF THE WAR AGAINST TERRORISM**

### **SESSION 2002-03**

#### **RESPONSE OF THE SECRETARY OF STATE FOR FOREIGN AND COMMONWEALTH AFFAIRS**

1. The Government welcomes the latest report from the Foreign Affairs Committee and has taken note of the conclusions and recommendations. The Government sets out its response below.
2. The Government welcomes the Committee's positive view of the Foreign and Commonwealth Office's (FCO's) role in countering terrorism, the threat of proliferation of Weapons of Mass Destruction (WMD) and our diplomatic activity during the post-conflict situation in Iraq.

#### **January-March 2003: Addressing the Threat from Iraq**

1. **We conclude that during January and February, it became increasingly clear that although they were making some progress, the weapons inspectors were not able to produce immediate and conclusive answers to questions about whether Iraq was co-operating immediately, actively and unconditionally with the inspectors, or about whether it was concealing prohibited weapons or weapons programmes. (Paragraph 21)**

We agree with the Committee's conclusion. Under UN Security Council Resolution (UNSCR) 1441 the Security Council decided to allow Iraq "a final opportunity to comply with its disarmament obligations under relevant resolutions of the Council", including by providing "UNMOVIC [UN Monitoring, Verification and Inspection Commission] and the IAEA [International Atomic Energy Agency] immediate, unimpeded, unconditional, and unrestricted access to any and all, including underground, areas, facilities, buildings, equipment, records, and means of transport which they wish to inspect, as well as immediate, unimpeded, unrestricted, and private access to all officials and other persons whom UNMOVIC or the IAEA wish to interview in the mode or location of UNMOVIC's or the IAEA's choice pursuant to any aspect of their mandates; further decides that UNMOVIC and the IAEA may at their discretion conduct interviews inside or outside of Iraq, may facilitate the travel of those interviewed and family members outside of Iraq, and that, at the sole discretion of UNMOVIC and the IAEA, such interviews may occur without the presence of observers from the Iraqi Government". UNMOVIC's own reports made clear that the required access was not forthcoming. Iraq had therefore failed to comply with the latest in the series of obligations placed upon it.

2. **We conclude that by mid-February, some three months after the passage of UNSCR 1441, the Security Council had not been given any compelling evidence by UNMOVIC or the IAEA of Iraq's development of weapons of mass destruction. Information about Iraq's alleged development of prohibited weapons had been produced by the United States, the United Kingdom and some independent sources, but the weapons inspectors had not verified**

**whether the allegations were true. In the case of uranium from Niger, they had verified that intelligence provided by at least one government source had proved false. (Paragraph 43)**

UNMOVIC and the IAEA action team did uncover some of Iraq's illegal activities. But the inspectors were not detectives: without the full and active Iraqi co-operation required by UNSCR 1441 they were never likely to succeed in uncovering and dismantling all Iraq's concealed programmes. Iraq's failure to co-operate, detailed in UNMOVIC's report of 6 March 2003, was a clear violation of its obligations under UNSCR 1441.

In the case of Iraq's efforts to procure uranium from Niger, the Government remains confident of its assessment that Iraq sought the supply of significant quantities of uranium from Africa. This assessment did not depend on the documents obtained by the IAEA which subsequently proved to be forged.

**3. We conclude that Iraq's co-operation with weapons inspectors was limited and insufficient, but that UNMOVIC and the IAEA were reporting improvements in Iraqi co-operation, and some evidence of actual disarmament by Iraq, by early March 2003. (Paragraph 49)**

Iraqi co-operation with weapons inspectors improved only by the minimum amount considered necessary by Iraq to reduce the threat of effective Security Council action. In February 2003, UNMOVIC Chief Executive Hans Blix told the Security Council "In my last updating, I also said that a decision to co-operate on substance was indispensable in order to bring, through inspection, the disarmament task to completion and to set the monitoring system on a firm course. Such co-operation, as I have noted, requires more than the opening of doors". At no stage was Dr Blix able to tell the Security Council that such a decision had been taken. UNSCR 1441 required Iraq to "provide UNMOVIC and the IAEA immediate, unimpeded, unconditional, and unrestricted access to any and all, including underground, areas, facilities, buildings, equipment, records, and means of transport which they wish to inspect, as well as immediate, unimpeded, unrestricted, and private access to all officials and other persons...". The grudging and piecemeal co-operation provided by Iraq could in no way be described as immediate, unimpeded, unconditional, or unrestricted.

**4. We conclude that, according to the timetable for UN weapons inspections agreed by the United Kingdom and other Security Council members in 1999, it would have taken inspectors longer to build up capacity and make clear judgements about Iraqi prohibited weapons and weapons programmes than they were permitted before the war in Iraq commenced. (Paragraph 55)**

As noted under recommendation 3, the Government believes that Iraq had failed to provide the immediate and unconditional co-operation required under UNSCR 1441. The Government continues to believe that it was essential to tackle the problem of Iraqi WMD in a timely manner. Without the "decision to co-operate on substance" identified by UNMOVIC Executive Chairman Hans Blix, there was no realistic prospect of securing disarmament through the inspection process, regardless of the time allowed or the numbers and capacity of the inspection effort. The Government therefore concluded that there was no alternative to military action. It should be borne in mind that Iraq had been required to co-operate fully with UNMOVIC from its inception in 1999 under UNSCR 1284 but wholly failed to do so until the passage of UNSCR 1441 and even then they failed to co-operate fully as required by UNSCR 1441.

- 5. We conclude that it would have been highly desirable to obtain a further Security Council resolution before taking military action in Iraq. (Paragraph 75)**

The Government agrees with the Committee that, while it was not necessary to agree a further Security Council Resolution in February/March 2003, it was desirable to seek this further demonstration of Council unity. This offered an opportunity to increase pressure on the Iraqi regime to comply with the requirements of UNSCR 1441 and earlier resolutions. The Government went to great lengths to obtain such a “second” resolution.

- 6. We further conclude that seeking a Security Council resolution and then failing to secure its adoption in the Council highlighted the profound disagreements that had emerged between its members by late February 2003. (Paragraph 76)**

Discussions of the possible resolution in the Security Council were played out in a very public way. This highlighted, and perhaps exaggerated, the disagreements that existed over the action necessary to deal with the threat from Iraq and to deal with its non-compliance with its international obligations; but there was and remained unanimity as to the nature of the threat and the scale of non-compliance, as shown in UNSCR 1441.

- 7. We note the Foreign Secretary’s comment that the United Kingdom tends “not to put forward resolutions with the idea that they will be repudiated”, and recommend that the Government in its response to this Report state whether the failure to secure a ‘second resolution’ on Iraq in February 2003 should have been anticipated. (Paragraph 77)**

Given the terms of UNSCR 1441, and the clear evidence of further material breach, the Government was right to assume that a second resolution could be agreed.

- 8. We conclude that the divisions that emerged among Security Council members between January and March 2003 over how to deal with the threat from Iraq are likely to have been a consequence of genuinely different assessments of the nature and extent of that threat. (Paragraph 82)**

The Government agrees that the positions adopted by the members of the Security Council reflected in part their varying assessments of how best to deal with the threat posed by Iraq.

- 9. We conclude that the disagreements that surfaced within the EU over Iraq have raised serious questions about EU member states’ capacities to resolve differences over matters of foreign policy and of the feasibility of a CFSP on matters of controversy among the members of the EU. (Paragraph 105)**

When setting out its Common Foreign and Security Policy (CFSP) objectives, the Greek Presidency predicted that the “handling of the Iraq crisis [would] constitute a particular challenge in terms of maintaining the cohesion of the CFSP and enhancing the role of the Union in the international arena”. That prediction proved accurate. Iraq was the biggest challenge CFSP has faced and showed the limits of CFSP when there is a fundamental difference of views between EU Member States. And the January “letter of eight” (signed by the Prime Minister and like-minded EU leaders) highlighted that there was a difference of opinion and the CFSP machinery would need to deal with it.

But the Government's view is that the CFSP machinery proved up to the challenge and continued to serve the EU well. The workload was heavy. Iraq featured on the agenda of every General Affairs and External Relations Council and the Presidency convened an extraordinary European Council on 17 February, devoted to formulating a common EU response to the developing crisis. This Council succeeded in agreeing unambiguous conclusions reflecting Partners' common purpose. Discussion at meetings of the General Affairs and External Relations Council since the conflict has charted a clear role for the EU in contributing to the reconstruction of Iraq and its security.

While the media spotlight remained firmly on the different positions taken by EU Member States on events in Iraq, CFSP in other areas continued to prove its durability and its capacity for adding foreign policy value. CFSP and the European Security and Defense Policy (ESDP) continued to score notable successes in the EU's external action, for example in the Western Balkans and in the Middle East Peace Process, and in launching the first EU crisis management operations in Bosnia, Macedonia and the Democratic Republic of Congo (DRC). The speed with which the EU responded to the call for help from Kofi Annan in the DRC showed that the EU can offer a practical response that is as swift and robust as its diplomatic reaction. The willingness to develop more rigorous positions on non-proliferation showed the EU has learnt to tackle head-on the more difficult dossiers where it is not always easy to find a common voice. This more operational agenda should be taken forward through the proposals in High Representative Javier Solana's "European Security Strategy" presented at the Thessaloniki European Council in June.

**10. We conclude that it is now more important than ever for the United Kingdom to work with partners in the European Union and the United States, and to demonstrate that there is no need to choose between these valued and long-standing partners. (Paragraph 106)**

We agree on the importance of the UK working both with partners in the European Union and the United States. To make a choice between one side or the other would be wholly false and misguided. The transatlantic relationship works best as a partnership, tackling today's challenges through mutual co-operation and determination. In the case of Iraq, we remain in close touch with both the EU and the US on the issues of how to contribute to Iraq's reconstruction and future development. For example, we are working with the European Commission and the US to ensure that the outcome of the international Donors' Conference in Madrid in October reflects Iraq's needs as assessed by the United Nations.

**11. We conclude that relations between member states of NATO have been severely strained by the Iraq crisis. We are, however, encouraged by recent initiatives to develop new roles for NATO in the prosecuting the 'war against terrorism'. We recommend that the Government persist in its efforts to restore good relations among Alliance members, and to push for implementation of the important initiatives agreed at Prague in November 2002. (Paragraph 112)**

Whilst the Iraq crisis was difficult for NATO, the Alliance recovered quickly. It is the sign of mature relationships that disagreements can take place without undermining the fabric and unity of the Alliance. Since the disagreement in March Allies have agreed that NATO should provide command and control for International Security Assistance Force (ISAF) in Afghanistan, provided support for Poland in their deployment in Iraq and managed a successful transition to an EU peacekeeping force in Macedonia. Operation Active Endeavour has provided a security umbrella in the Mediterranean and a Concept

of Operations Against Terrorism (Able Guardian) has been agreed at NATO. And the Alliance has made good progress towards meeting the commitments made at Prague to transform the Alliance into an organisation capable of meeting the security challenges of the 21st Century.

**12. We commend the British armed forces and their coalition allies for securing Iraq's oil fields and installations, and for protecting some government buildings in the capital. (Paragraph 128)**

The FAC rightly recognises the outstanding achievement of the British armed forces and their coalition allies in securing Iraq's oil fields and installations virtually intact, despite the fact that many had been prepared for destruction by the Iraqis. This was instrumental in preventing a possible environmental disaster.

**13. We recognise that a breakdown of law and order immediately following the fall of the regime was highly probable. We conclude, however, that the failure of the coalition to restore order more quickly was deeply regrettable, and hindered progress towards one of the central objectives of the intervention: to improve the lives of ordinary Iraqis. (Paragraph 129)**

The initial break-down in law and order in Iraq was of course regrettable, but as the report suggests, it was almost inevitable following the thirty years of Saddam's regime. The Foreign Secretary gave an up-to-date assessment of the security situation in his Statement to the House on 8 September.

The Coalition Provisional Authority (CPA) has completed an assessment of the capacity and needs of the Iraqi justice sector and is carrying out a range of actions to help. The assessment provides a basis for evaluating issues related to the protection of human rights in Iraq. Ambassador Bremer of the CPA has opened a new Iraqi Judicial College and announced two important initiatives: the creation of a Judicial Review Committee and the establishment of a Central Criminal Court. By August, an estimated 48 courthouses, 100 courts and 8 prison facilities had re-opened countrywide. The human rights situation in Iraq is improving steadily from the position under the former Iraqi regime. The CPA has initiated legal reforms to repeal laws inconsistent with fundamental human rights standards. New rights have been established, including the right of suspects to remain silent and to have access to legal representation, and the exclusion of evidence obtained by torture.

**14. We recommend that the Government consider carefully the lessons from the immediate post-conflict period in Iraq, and specifically from the tragic deaths of the six Royal Military Police, who were killed in the village of Majar al-Kabir on 24 June. We further recommend that the Government consider whether the United Kingdom should further develop its capacity for post-conflict civil policing, and should encourage its allies to do likewise. (Paragraph 130)**

The Ministry of Defence (MOD) has commissioned an inquiry to consider operational aspects of the tragic deaths of the six Royal Military Police killed on 24 June, including any lessons learned. A separate investigation is also being carried out into the circumstances of their deaths. The Government is carefully assessing all lessons learned from the post-conflict period in Iraq and especially those concerned with security and policing matters. The UK has deployed police to international missions since 1990. Currently 230 police are serving in missions from the Balkans to East Timor. The UK



has well established policies for the recruitment, deployment and support of officers for international missions, and has an ongoing rapid deployment course designed to ensure a national pool of trained officers. Drawing on this capacity for post-conflict policing, specifically in Iraq, is limited both by the security situation on the ground, the increasing requirement for officers to be armed, and the domestic demands of policing in the UK. We continue to work through the EU, UN and Organisation for Security and Co-operation in Europe (OSCE) to build capacity and establish international norms for international policing.

**15. We recommend that the Government now do its utmost, together with its partners in the Coalition, to ensure that the Coalition Provisional Authority maintains consistent policies and establishes transparent measures for the governance of Iraq, until more permanent Iraqi structures are created. (Paragraph 145)**

Under UN Security Council Resolution 1483, the Government is committed to working with its Coalition partners to support the formation of an Iraqi interim administration as a transitional administration run by Iraqis, until an internationally recognised, representative government is established by the people of Iraq. The United Kingdom and the United States, as the “Authority” recognised in UNSCR 1483, have sought to carry out their responsibilities in a transparent manner. The Regulations and Orders of the Coalition Provisional Authority have been made public within Iraq and placed on the CPA website.

**16. We welcome the adoption by the UN Security Council of Resolution 1483, which permits the United States and United Kingdom to play a substantial role in the establishment of a transitional administration run by Iraqis. We recommend that, in its response to this Report, the Government supply us with a full statement of how, with partners in the US, it is discharging its responsibilities as set out in Security Council resolution 1483. (Paragraph 152)**

We refer the Committee to the statements made by the Permanent Representatives of the United Kingdom, and of the United States to the Security Council on 21 August. These contained reports to the Council on the progress made by the two States in discharging their responsibilities under UNSCR 1483.

**17. We recommend that, in the rebuilding of Iraq, the Government maintain contact with, and – where possible – learn lessons from UN officials who have administered post-conflict reconstruction and peace-building, operations comparable to those currently being undertaken in Iraq. (Paragraph 154)**

The Government has been determined to make the best possible use of the experience gained by the UN from previous post-conflict situations. In Iraq we have promoted the full involvement of the UN in the humanitarian response, in reconstruction, and in the process of political transformation. Sergio Vieira de Mello was a supreme example of the expertise that the UN can offer. Most of the Government’s humanitarian assistance for Iraq has been channelled through UN agencies. A total of £198 million has been committed so far, and the Government has seconded experienced staff to UN agencies to help reinforce their capacity. A number of the staff seconded by the Government to the CPA, including its Director of Operations, have had extensive experience of multinational reconstruction processes, for example in the Balkans.



- 18. We commend the Government for its rapid establishment of a British Office in Iraq, and also for the appointment of a Special Representative to assist in political processes leading to the establishment of an Iraqi representative government. (Paragraph 157)**

The British Office in Iraq has been operational since May and currently consists of 4 staff, headed by Christopher Segar. They will shortly be joined by a three person commercial team. Two additional staff are scheduled to join them by the end of this year. Sir Jeremy Greenstock took up his position as the United Kingdom's Special Representative to Iraq on 11 September. Sir Hilary Synnott is Head of CPA South, based in Basra. His responsibilities include overseeing and managing the work of the CPA in the South and liaising with CPA Senior Administrator Ambassador Bremer in Baghdad.

- 19. We commend the Government for its initiative in creating a 'flat pack embassy'. We recommend that the FCO supply us with a memorandum when the flat pack embassy is fully assembled, setting out how it has performed in its deployment to Iraq. (Paragraph 159)**

Full assembly of the "flat pack embassy" has been delayed as a result of recommendations concerning the security of the British Office. The FCO will be happy to provide the Committee with a memorandum when it is fully assembled.

- 20. We conclude that the level of resentment of the new US and United Kingdom presence in Iraq may well depend on the success or otherwise of efforts to improve the lives of Iraqi people and progress in the Middle East peace process. We therefore strongly recommend that the Government make a sustained commitment to the reconstruction of Iraq. (Paragraph 164)**

We agree the Committee's conclusion on the importance of the reconstruction of Iraq. The Government is fully committed to playing its part in international efforts to assist the reconstruction of the country, as reflected in the report made to the Security Council by the United Kingdom's Permanent Representative to the United Nations on 21 August.

#### **January-June 2003: The FCO's Response to International Terrorism**

- 21. We welcome the capture of a number of senior al Qa'ida figures, in particular Khalid Sheikh Mohamed, Abu Zubaydah and Ali Abd al-Rahman al-Faqasi al-Ghamdi. We nonetheless conclude that those that remain at large – including Osama bin Laden – retain the capacity to lead and guide the organisation towards further atrocities. We further conclude that al Qa'ida has dangerously large numbers of 'foot soldiers', and has demonstrated an alarming capacity to regenerate itself. (Paragraph 172)**

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

- 22. We recommend that in its response to this Report the FCO set out its understanding of the extent to which the war in Iraq may have affected the fight against al Qa'ida and associated terrorist organisations. (Paragraph 180)**

Al Qa'ida have undoubtedly exploited coalition action in Iraq for propaganda purposes. It is likely that some groups and individuals have been encouraged to commit terrorist acts, or to support more indirectly al Qa'ida's aims and objectives. Within Iraq it is clear that some groups and individuals have taken advantage of the post-conflict situation to commit abhorrent terrorist acts, including the bombing of the UN Headquarters, attacks on UK and US military personnel, and the murder of Ayatollah Hakim. The threat from terrorism within Iraq remains very serious.

But the establishment of a stable, democratic Iraq enjoying the proper rule of law will be Iraq's best defence against terrorism and will more widely undermine al Qa'ida's cause. Coalition action in Iraq has not affected wider international co-operation on terrorism. Such co-operation remains at a high level, including from countries critical of military action in Iraq, and is increasing.

**23. We recommend that, in its response to this Report, the Government supply us with a memorandum detailing progress made by the United Kingdom's Provincial Reconstruction Team in Afghanistan. (Paragraph 182)**

On 8 May 2003 the Secretary of State for Defence announced that, following a request from President Karzai of Afghanistan, the UK would lead the Provincial Reconstruction Team (PRT) in Mazar-e Sharif. This joint civil-military team is headed by a British Army Colonel and supported by representatives of the Foreign and Commonwealth Office and the Department for International Development. It became operational in August 2003. The objective of the UK-led PRT is to help bring greater stability across Afghanistan, and particularly, the five provinces of Balkh, Faryab, Jowzan, Samangan and Sar-e-Pol. Specifically, we see the role of the PRTs as helping to extend the Afghan Transitional Administration's authority, supporting security sector reform and the reconstruction effort, and thereby facilitating the development of a stable and secure environment.

To this end, the UK-led PRT is already making an impact. It has established good relations with the United Nations Assistance Mission to Afghanistan (UNAMA), local Afghan leaders and with Non-Governmental Organisations active in the area. While not designed to impose stability, the PRT is beginning to have a positive effect upon security. The PRT has supported local disarmament initiatives brokered by UNAMA, such as that around the Sholgareh valley. This demonstrated the value of the PRT's co-ordinated approach. The PRT was able to assist in arranging ceasefire negotiations between the factions and in monitoring agreements to withdraw forces or to disarm them, while the Department for International Development representative has been able to help cement this progress through instigating a number of small aid projects in the valley.

This is a positive start and we are looking to build upon it. One way of doing so is to encourage multinational contributions to the PRT. A joint Ministry of Defence, Foreign and Commonwealth Office and Department for International Development conference was held in London on 11 September, which invited interested nations to provide assistance.

**24. We conclude that Afghanistan, and now Iraq, demonstrate the profound difficulties inherent in post-conflict stabilisation and reconstruction operations. We conclude that the success of both operations is of central importance to the success of the 'war against terrorism'. We recommend that, in addition to devoting substantial resources to these specific operations, the Government review its overall capacity for post-conflict reconstruction and peace-building. (Paragraph 184)**

We agree that Afghanistan and Iraq demonstrate the difficulties inherent in post-conflict reconstruction and stabilisation operations and that the success of both operations will be important for our efforts to tackle international terrorism. We are committed to ensuring that adequate resources are devoted to both.

We recognise that post-conflict reconstruction and peacebuilding will be an enduring challenge and that we need to make sure we are properly set up for this, both to improve our own effectiveness and to maximise our influence over others active in this area. We are looking both within the FCO and more widely across Whitehall at how we can enhance our own capabilities and improve the way we plan and prepare for post-conflict situations.

**25. We agree with Sir Jeremy Greenstock's assertion that no country can prevent terrorism in isolation. We recommend that the Government consider carefully Sir Jeremy's suggestion that the Counter-Terrorism Committee develop into a full-time body of terrorism experts, capable of providing support to member states over an extended period of time. (Paragraph 190)**

The Government is determined that the Counter-Terrorism Committee (CTC) should maintain a continued high political profile for counter-terrorism work. It must also have the tools for the job. The CTC already has a team of experts supporting the Committee, but as the number of countries engaging with the CTC has grown, so has its workload. As its second anniversary approaches, we are considering how best to ensure that the CTC has the staff that it needs to perform the mandate set out in UNSCR 1373.

**26. We remain concerned that al Qa'ida and associated organisations retain access to the funds necessary to carry out terror attacks. We recommend that the Government continue to sponsor projects to assist other states in their efforts to prevent terrorists from transferring and accessing funds, through the banking system and through charities – especially with states in the Arab world. We recommend that the Government in its response to this Report provide us with an update of its action in this crucial area. (Paragraph 195)**

The Government shares the Committee's concern that al Qa'ida and associated organisations retain the capacity to fund terrorist activities. The UK is playing a full role in the UN Sanctions Committee which imposes and monitors the universal implementation of financial sanctions against members of al Qa'ida and related organisations. The UK is also committed to the universal implementation of UNSCR 1373 and full compliance with the Finance Action Task Force's (FATF's) 8 Special Recommendations on Terrorist Financing. To this end, the UK is working nationally, and with EU partners, to deliver technical assistance to help states develop the capacity to combat terrorist financing. The FCO has funded seminars on Charity Regulation, run by the Charity Commission, for countries in South and South East Asia. The Charity Commission is now following up with visits to many of the countries which attended the seminar to discuss in greater detail issues surrounding charity regulation. It is envisaged that the Charity Commission will run a similar seminar in Southern Africa this year. In addition the UK is running bilateral assistance programmes in this field for countries in Africa, the Middle East and South East Asia.

**27. We conclude that, in spite of some notable progress, al Qa'ida continues to pose a substantial threat to British citizens in the United Kingdom and abroad. (Paragraph 197)**

We agree that al Qa'ida continues to pose a substantial threat, both directly and through its links and influence with related groups and sympathisers. But we judge that the international co-operation against al Qa'ida and related groups has had and is continuing to have a substantial effect. It remains critically important for the international community to maintain a comprehensive and effective approach to tackling international terrorism, including the underlying conditions.

**28. We commend the FCO's decision to increase staffing levels in the Counter-Terrorism Policy Department and the Consular Department, and recommend that the levels currently agreed are kept under review. (Paragraph 204)**

Staff resources in both the Counter-Terrorism Policy Department and the Consular Directorate have further increased since the Committee's Report, and staffing of such 'front line' parts of the FCO is kept under constant review.

**29. We recommend that the Government inform us when the twenty-four hour situation centre in the FCO is up and running. (Paragraph 207)**

The facility which is to house the FCO Response Centre has been refurbished and the necessary equipment installed. The Duty Managers recruited to run the Centre will start work on 15 September, taking over from the Resident Clerks, who have previously provided cover out of working hours. The first weekend that the Centre will operate, with a Duty Manager in place and Press and Consular Duty Officers co-located, will be 20/21 September. The Centre will not become a fully 24 hours and seven days a week operation until the Duty Officers, who are currently being recruited, are in place. The Duty Officers will man the Centre on a 24 hour basis, supporting the Duty Managers out of working hours. Recruitment and initial training will be completed in October. The Committee will be informed when the Centre is fully operational.

**30. We recommend that, in its response to this Report, the Government detail the FCO's progress towards ensuring that British citizens affected by terrorist attacks or other emergencies abroad will have access to adequate medical support, and how the FCO will ensure that they can be evacuated from the country in question. We further recommend that the FCO, in its response to this Report, describe how call centres will be established during emergencies to help inform concerned friends and relatives of the crisis situation. (Paragraph 208)**

If local medical services were overwhelmed by a mass casualty incident we would aim to secure evacuation of British casualties to the nearest hospitals in the region. We would also seek mutual consular co-operation with other countries to secure evacuation if this was the most effective means. We would normally expect insurance policies held by the victims to cover the costs. In the case of terrorist incidents, where the victims' insurance policies did not cover them, the Government would meet the cost of immediate medical expenses and medical evacuation. This point was included in the Foreign Secretary's Written Ministerial Statement to the House of 18 September on support for the relatives of British terrorist victims. We are currently working with HM Treasury on the implementation of this policy.

As set out in Sir Michael Jay's letter to the Committee of 3 March, when specialist medical assessment skills and triage are required that cannot be provided locally, and where Ministers decide the UK should play a lead role, we would use the services of an international emergency medical response company. We are currently finalising a

contract with a company to provide such services, including medical evacuations. Depending on the circumstances of an incident, the company would be able to send a medical practitioner with any Rapid Deployment Team that we deploy.

The FCO has an Emergency Response Team (ERT) comprising 10 members on standby 365 days a year to respond to any major consular emergency overseas involving British nationals. The ERT's role is to open the FCO's Consular Emergency Unit to take calls from members of the public worried about British family or friends who may have been involved in an incident overseas. A dedicated emergency number is published for the public during a crisis. The ERT may be supplemented with other staff depending on the scale of the crisis. The team liaises closely with FCO staff on the ground about British casualties and with the UK police and next of kin of those who may have been involved.

The FCO has recently revised its procedures for occasions when the level of calls from members of the general public is such that the Emergency Unit cannot answer them without an unacceptable delay. When this happens in relation to a terrorist incident, call handling is transferred to the Metropolitan Police's Casualty Bureau, with an FCO liaison officer present throughout. For non-terrorist related incidents, we are finalising plans to transfer the call handling to MM Group, a call centre that also handles the FCO's Travel Advice telephone enquiries.

### **Taking Forward the War Against Terrorism**

**31. We conclude that the resolution of the Israeli-Palestinian conflict continues to be of central importance to the long term stabilisation of the Middle East region. We commend the Government's commitment to resolution of the conflict, and recommend that it persist in its commitment to implementation of the Quartet's Road Map. (Paragraph 216)**

The Government is very concerned about the recent escalation of violence, which only damages the political process. All parties must remain committed to the roadmap: it offers a real opportunity for a comprehensive resolution to the conflict based on two states, Israel and Palestine, living side-by-side in peace and security.

We have used contacts with the Israelis and Palestinians to encourage them to step back from the brink, and underline our conviction that the roadmap offers the only way forward. We are pressing the Israelis on the need for action on settlements and the security fence, and to end its policy of targeted killings. We have reiterated to the Palestinians the necessity to act now to deal firmly with groups like Hamas which not only threaten Israel, but the aspirations of Palestinians to a decent future in a state of their own. President Arafat and all Palestinians must support Prime Minister designate Abu Ala to put in place quickly a reform-minded Cabinet and to tackle terrorism. The UK will do all we can: we are providing the Palestinian Authority with assistance on security issues, and continuing our long-standing support for reform of Palestinian institutions. On 11 September the EU took action to freeze Hamas' assets.

The UK continues to work alongside the US, its partners in the EU, and other members of the Quartet to promote the success of the roadmap.

**32. We recommend that the Government set out in its response to this Report progress on the promotion of human rights and civil society in the Arab world, and describe how its promotion of these objectives will be co-ordinated with its efforts to promote good governance in Iraq. (Paragraph 219)**

The Government continues to promote human rights and civil society objectives in the region. The FCO's new Global Opportunities Fund is funding a programme designed to promote the rule of law, the increased participation of women, economic reform and good governance initiatives in the Arab world. The programme will aim to establish partnerships for reform across the region and build on work already underway as well as taking into account the conclusions of the Arab Human Development Report. The programme will obviously take into account developments in Iraq and look for opportunities to co-ordinate efforts across the region.

**33. We recommend that the Government inform this Committee, and likewise the House, of any new developments in United States nuclear weapons policy. (Paragraph 223)**

It is for the US, not the UK, to explain US nuclear weapons policy. In the case of a significant development in US nuclear weapons policy that affects UK policy, we would naturally inform the Committee and likewise the House.

**34. We recommend that the Government inform us of any developments in its policy towards amending the status of incapacitants or caltivate agents under the Chemical Weapons Convention. (Paragraph 226)**

There is no change in Government policy on this issue, nor any developments to report. The position remains as set out in the last written submission to the Committee on this issue – Foreign and Commonwealth Office Evidence 93 to the Tenth Report.

**35. We conclude that the restoration of good relations between allies – both bilaterally and in multilateral organisations – is important for the security of the United Kingdom, and for the success of the war against terrorism. (Paragraph 234)**

The Government has always maintained that the nature of the threat from international terrorist networks means that no one nation acting alone can succeed. The United Kingdom will continue to work with its partners to maintain the international consensus to counter this threat and to protect UK interests at home and abroad.

**36. We further conclude that it is in the interests of the United States and the United Kingdom to restore the effective functioning of the UN Security Council. We note that the United Kingdom has traditionally played an important role, often working alongside the US, in securing agreement in the Council; we conclude that careful and effective use of Security Council membership is especially crucial at this moment in the UN's history. (Paragraph 235)**

The Government agrees with the Committee on the importance of the effective functioning of the Security Council, and of the United Kingdom's role within it. We have continued to handle the issue of Iraq through the Council and to ensure a vital role for the UN. The Council agreed on the way forward in Iraq in its adoption of UNSCR 1483 and UNSCR 1500.

The Government has also ensured that the UK continues to play a constructive role within the Security Council in all other areas of its work. The Council has continued to reach agreement on a wide range of issues, in most cases unanimously, from UN peacekeeping operations in DRC and Liberia, to reform of the international criminal tribunals.



**37. We conclude that the Government must work with allies in NATO and the EU to ensure that these institutions evolve to meet new political opportunities and threats. Rebuilding relations with France is also extremely important. (Paragraph 236)**

The Government agrees it is important that the EU's policy evolves to meet the new global security threats. For that reason, we warmly welcomed High Representative Solana's European Security Strategy as presented at the European Council at Thessaloniki in June. The Strategy, which identified the key threats facing the EU as WMD, terrorism, failed states and organised crime, is aimed at making the EU's foreign policy crisis management capacity in tackling global security threats more active, more coherent and more capable.

NATO has made good progress towards meeting the commitments made at Prague. In particular the new allied command structure has been agreed and implemented and the NATO Response Force is on target to establish an interim capability in October. The NATO command structure has also been overhauled and in August 2003 the civilian structure was realigned into six main divisions which will better support the Alliance's new missions and priorities. NATO is also modernising and streamlining its management machinery. The introduction of Objective Based Budgeting will allow the Alliance to prioritise its spending and to measure its achievements against agreed targets. Consideration is also being given to modernising NATO budget cost shares structure. The number of standing NATO committees and working groups has been reduced by approximately a third which should help reduce NATO's costs and refocus its work on high priority projects.

The Government continues to work very closely with France across the whole range of issues. The UK-France Summit later this year and celebrations of the Entente Cordiale centenary in the new year will offer further opportunities to develop the relationship.

**38. We reiterate our concerns, raised in December 2002, that British citizens are being held without trial at Guantanamo Bay, and recommend again that the Government press the US towards trial of all the detainees in accordance with international law. (Paragraph 244)**

The Government has consistently pressed the US Administration in London and Washington to come to a decision on how to resolve quickly the position of the Guantanamo Bay detainees. On 3 July the US designated six detainees, including two British nationals held at Guantanamo Bay, as eligible for trial by a Military Commission. This is a clear indication that the US is now ready to put some of the detainees through judicial process. However, we have made clear to the US that we have strong reservations about the Military Commissions.

**39. We recommend that the Government press the US to ensure that the forthcoming trials of the two British citizens detained at Guantanamo are conducted according to internationally recognised judicial standards and that, if sanctioned by the Crown Prosecution Service, those trials should take place in the United Kingdom. (Paragraph 246)**

The Government has made clear to the US our view that any trial procedure that the British detainees may face must be fair and meet generally recognised principles. Following the Prime Minister's visit to Washington in July, the US announced that all legal proceedings against British nationals held at Guantanamo Bay would be suspended pending further discussions.



The Attorney General visited Washington from 21-22 July for talks with the US Administration. His objective was to ensure that the British detainees in Guantanamo Bay, if prosecuted, are assured of fair trials that meet generally recognised principles, wherever those trials take place, and to make clear our opposition to the death penalty. We are discussing a number of options with the US Government, including the possible repatriation of the UK detainees.

The talks were constructive and the Attorney General received a number of assurances from the US Administration, including agreement that the prosecution would not seek the death penalty in the cases of Mr Begg and Mr Abbasi. Other concessions included agreement that Mr Begg and Mr Abbasi would be able to be represented by an appropriately qualified US civilian lawyer of their own choosing, subject to security clearance, and that a UK lawyer would be able to serve as a consultant on the defence team. It was also agreed that subject to any necessary security restrictions, the trials of Mr Begg and Mr Abbasi would be open and the media present. Proceedings against Mr Begg and Mr Abbasi remain suspended and the Attorney General is continuing his discussions with the US Administration.

The Attorney General has met the US Administration twice since then, most recently on 12 August. Productive discussions have continued on the Military Commissions process and on the review of other potential options for a resolution of the cases of the British detainees held in Guantanamo Bay. The US is considering what further assurances they can give as regards the process. At the time of going to print, further discussions were planned for late September.

The Government will continue to press the US Government urgently to resolve the position of all the detainees held in Guantanamo Bay.

**40. We conclude that in a number of areas – including ensuring the fair trial of prisoners detained at Guantanamo Bay – the Government must ensure that its close relationship with the US administration brings substantive benefits to the United Kingdom and its citizens. (Paragraph 247)**

We agree.

**41. On 2 April, in response to questions about Rumsfeld's comments, the Foreign Secretary replied that Britain would have "nothing whatever" to do with military action against Iran and Syria. We commend the position that the Foreign Secretary has taken in the present circumstances. (Paragraph 250)**

The FCO welcomes the FAC's endorsement of the Foreign Secretary's assurance that HMG has no wish whatsoever to provoke conflict with Iran or Syria.

We do of course have a number of serious concerns about both countries. On Iran, these include the lack of openness over Iran's nuclear programme, which is why we, the EU, the G8 and the IAEA Board of Governors continue to press Iran to co-operate fully and immediately with the IAEA. We are also opposed to Iran's support for rejectionist groups in the context of the Middle East Peace Process. And in spite of the promising start in December of an EU-Iran human rights dialogue, evidence of abuse of human rights continues.

We have similar concerns about Syria. In particular its support for those Palestinian rejectionist groups – terrorists – whose actions endanger a comprehensive agreement as set out in the Quartet’s Roadmap for peace in the Middle East. We have repeatedly called on Syria to take action against, and use their influence on, these groups – as do the governments of the United States and EU partners. We also have concerns about WMD in Syria. We will continue to address these – and WMD in the region – in our dialogue. And Syria’s record on human rights remains poor, despite regular UK and EU lobbying.

However, the Prime Minister and the Foreign Secretary have both made it very clear on a number of occasions that the UK has absolutely no plans to engage in military conflict with Iran or Syria, countries with which the UK maintains full, if not always straightforward, diplomatic relations. Through a twin-track policy of critical engagement the UK (and in Iran’s case, together with the rest of the EU) seeks to support reform in both Iran and Syria while maintaining a robust dialogue on matters of concern.

**42. We welcome the Government’s engagement, bilaterally and through multilateral initiatives, in efforts to resolve the crisis over North Korea. (Paragraph 253)**

We believe it is important to remain engaged with North Korea, and we will continue to use our channels of communication to put our concerns across and urge the Democratic People’s Republic of Korea (DPRK) to verifiably dismantle its nuclear programmes. We have made it clear to the Government of North Korea that there can be no normal relations between our two countries until the nuclear issue is resolved. If North Korea does not engage co-operatively with the international community to achieve this, we will consider measures to increase the pressure on DPRK to return to compliance with its obligations and dismantle its nuclear programmes. Our bilateral relationship remains under review.

**43. We commend the Government’s decision to provide substantial funds in support of the G8 Global Partnership for co-operative threat reduction, and welcome the agreement signed with the Russian Federation on 26 June regarding United Kingdom involvement in the disposal of Russian nuclear materials. (Paragraph 255)**

The Government welcomes the Committee’s recognition of our efforts to tackle the WMD legacy of the Former Soviet Union, as one element of the UK’s wider counter-proliferation strategy. We are now working to implement the first tranche of projects under the agreement signed with the Russian Federation in June 2003. We are committed to developing further projects once the first ones are successfully underway. We will shortly publish a report describing the progress in setting up our co-operative threat reduction programme in Russia and we will send a copy of the report to the Committee.

**44. We recommend that the Government consider carefully how it might control the proliferation of weapons of mass destruction through the internet. (Paragraph 256)**

The export of technology relevant to WMD by electronic means such as the internet is already controlled in respect of dual-use technology for which an export licence is required under the relevant provisions of the Council Regulation (EC) 1334/2000. In addition the Export Control Act 2002 permits new controls to be made on the transfer by electronic means of technology on the UK Military List, and also on the transfer by any means of technology and software with a WMD end-use. The Anti-terrorism, Crime

and Security Act 2001 also contains wide-ranging prohibitions on acts intended to assist the development, production or procurement of WMD.

**45. We welcome the outcome of the May 2003 Chemical Weapons Conference on challenge inspection, and recommend that the Government in its response to this Report provide us with an update on progress in implementing the measures agreed at this Conference. (Paragraph 257)**

The two main areas of follow-up so far have been the work to develop the action plans on universality and national implementation of the Convention. The draft action plan on universality supports a tailored and regional approach towards the outstanding Non-States Parties. It proposes that strong ties or leverages over Non-States Parties, be they historical or trade related, should be used to advance the cause of accession, the aim being to reduce the number of Non-States Parties to a minimum so that those remaining are increasingly isolated.

The UK believes the action plan covering national implementation should be a short and straightforward document which improves national implementation over a defined time period of two years. Within this timeframe the action plan requires States Parties to take a series of steps to meet all obligations of the Convention. As with universality, work on national implementation may benefit from a tailored and regional approach, with States Parties providing assistance and implementation support to other States Parties with which they have ties.

**46. We recommend that the Government set out in detail the lessons that can be learnt from the experience of UN weapons inspections in Iraq for the future monitoring and verification of suspected biological weapons programmes. (Paragraph 259)**

The lessons for Biological and Toxin Weapons Convention (BTWC) verification in general have been examined almost from the start of the UN Special Commission's (UNSCOM's) Biological Weapons (BW) inspections in Iraq in 1991. The UK submitted a detailed technical paper to the first BTWC Verification Experts' Meeting (VEREX) in 1992 on the initial lessons from the first eleven UNSCOM BW inspections that had taken place in August and September 1991. This paper concluded that it was possible to identify suspect potential indicators of offensive BW activities in ostensibly civil facilities. There were important differences between the likely inspection regime that would be acceptable in a multilateral negotiated verification protocol and the UNSCOM regime. Nevertheless, there were some principles that were universal. These were noted in a further unpublished internal study in the late 1990s produced by the FCO's Arms Control and Disarmament Research Unit.

Once substantive work began on the BTWC Protocol in July 1995, the lessons from Iraq, along with the UK's own BW practice challenge inspection programme, helped shape the UK's policy and approach to the design of the Protocol's Investigations Annex, especially the detailed procedures for the conduct of a short-notice facility investigation.

One of the key lessons, both from Iraq and the UK practice challenge inspection programme, was the critical importance of interviews for effective inspections. Discussions with facility managers, research scientists and technicians play a critical role in building up a picture of the true nature of activities underway at a particular location. Other key lessons include: the need for well-trained and experienced inspectors with a wide range of relevant scientific, industrial and military experience; the

importance of auditing in tracking down and identifying potentially significant anomalies that might be indicative of clandestine BW activity; and the need to keep in mind more than just BW agent production facilities, but other sites that could be misused to produce, modify, test and store BW delivery systems.

**47. We recommend that the Government do its utmost to ensure that international co-operation to combat the proliferation of biological weapons is reinvigorated at the August 2003 Biological Weapons Convention Review Conference. (Paragraph 262)**

The 2003 BTWC States Parties Experts' Meeting had two topics on its agenda during its 18-29 August session: the adoption of necessary national measures to implement the prohibitions set forth in the Convention, including the enactment of penal legislation; and national mechanisms to establish and maintain the security and oversight of pathogenic micro-organisms and toxins. The UK delegation submitted two principal working papers identifying core elements for legislation in these areas. These were aimed at those States Parties that had either no legislation in place, or were considering amending or expanding their existing regulatory provisions relevant to national implementation of the BTWC and oversight of pathogenic micro-organisms and toxins. In addition, Home Office, National Counter Terrorism Security Office, Health and Safety Executive, Defence Science and Technology Laboratory Porton Down and Department of Transport experts made presentations on aspects of biosecurity and biosafety legislation and implementation in the UK. Working papers were also submitted on UK export control legislation, emergency response, licensing arrangements for animal pathogens, and a report of a joint FCO and Universities of Bradford and Nottingham seminar on BTWC issues.

The conduct of the Meeting and the considerable information produced were successful in promoting some common understandings on the two agenda items. Over eighty States Parties participated with over 400 individual delegates. The US, Germany, China and Cuba made significant contributions as did many Central and Eastern European States Parties. In total, there were over seventy thematic presentations during the two-week meeting. The Government believes that the Experts' Meeting was particularly successful in avoiding the divisive arguments that attended the demise of the BWC Protocol and initial session of the Fifth Review Conference in 2001. The meeting has thus helped re-establish international co-operation in the campaign to combat BW proliferation.

Our attention is now focused on ensuring that there is a concrete outcome to the political meeting of States Parties from 10-14 November. The Government will be seeking to ensure that some core issues are identified from the material presented at the August meeting as the basis for further action by States Parties, either individually or collectively. We will be working closely with the Chairman, Ambassador Tibor Tóth, and other like-minded States Parties to this end during the forthcoming intersessional period.

**48. The Government's comments on non-proliferation reflect the complexity of security threats which face the United Kingdom, almost two years after the beginning of the 'war against terrorism'. We cannot conclude that these threats have diminished significantly, in spite of 'regime change' in Iraq and progress in capturing some of the leaders of al Qa'ida. In the wake of the Iraq war, we recommend that the Government make it a priority to work towards restoring the cohesion of the United Kingdom's international partnerships, better to face the daunting challenges of the continuing 'war against terrorism'. (Paragraph 264)**

The Government agrees that the threats posed by terrorism and proliferation remains very real, although the threat has changed in the face of the collected actions by the international community. The Committee is aware that the Government's top foreign policy objective is a secure United Kingdom in a safer and more peaceful world and the Government welcomes the Committee's support for our continued work to build and sustain our partnerships with States around the world to meet this objective.











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