



Seventh Report
from the

Foreign Affairs Committee

Foreign Policy Aspects of the
War Against Terrorism

Session 2001-2002

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,
August 2002*

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SEVENTH REPORT OF THE FOREIGN AFFAIRS COMMITTEE
FOREIGN POLICY ASPECTS OF THE WAR AGAINST TERRORISM
SESSION 2001-2002

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

1. The Government welcomes this important report from the Foreign Affairs Committee and has taken careful note of it.
2. The Government welcomes the Committee's endorsement of the Foreign Office's role in the Campaign.

Recommendations

Before 11 September: Why were the attacks not foreseen and prevented?

- (a) We recommend that in its response to this Report the Government state whether or not the British intelligence agencies on which the security of the United Kingdom depends have the human, financial and other resources they require to offer the best possible protection against terrorist attacks on the United Kingdom or on British posts and facilities overseas (paragraph 26).**

The Government welcomes the Committee's appreciation of the importance of well-resourced intelligence services in the fight against terrorism. After 11 September it was clearly important to provide the Agencies with additional resources quickly so that they could respond to new requirements as fully and as rapidly as possible. The Government notes that the Intelligence and Security Committee in its Annual Report 2001-2002 welcomed the speed with which the Treasury was able to find additional funding for the Agencies on this occasion.

The importance of the Agencies in protecting national security was also recognised in the current Spending Review. The new spending plans provide for an average 7.1% a year real growth from 2002/03 to 2005/06. Total spending on the Single Intelligence Vote will be £291 million higher in 2005/06 than in 2002/03. The Government has therefore ensured that the Agencies remain sufficiently funded to meet their agreed objectives.

Phase I: From the terrorist attacks to the overthrow of the Taliban, 11 September – 14 November 2001

- (b) We conclude that the Government was right to publish the coalition "Campaign Objectives" and the document outlining "Responsibility for the terrorist atrocities." These publications went some way towards reassuring Parliament, the British public and Britain's coalition partners of why military action against Afghanistan was necessary (paragraph 40).**

The Government continues to attach a high priority to providing information to the public to explain and win support for the war on terrorism. In particular, the FCO has made extensive and continuing use of its website for disseminating information; arranged numerous briefings and visit programmes for the press; and has produced several hundred radio and television news items.

Co-operation between Coalition Partners has remained excellent. From January to August 2002, around 70 countries from all over the world (including the Middle East) have participated in or given active support to Coalition activities.

- (c) We conclude that the Prime Minister and the Foreign Secretary were right to invest substantial time and effort overseas in helping the United States to mobilise the international coalition against terrorism (paragraph 46).**

Both the Prime Minister and the Foreign Secretary have remained engaged in coalition building and maintaining international commitment to the fight against terrorism. They have made over 60 bilateral and multilateral visits related in some way to the war against terrorism since 11 September 2001; including visits to Afghanistan in January and February 2002 respectively.

- (d) We conclude that NATO was entirely right to invoke Article V, and commend the Secretary General on his initiative in the aftermath of the 11 September attacks (paragraph 49).**

We welcome the Committee's conclusion that NATO was entirely right to invoke Article V, and its commendation of Lord Robertson's initiative in the aftermath of the 11 September attacks. As the report notes, Britain played an active role in promoting the decision to invoke Article V and the subsequent deployment of NATO joint assets.

- (e) We commend the Government's efforts to include other countries' military contributions in the war against terrorism, and recommend that it continue to press for similar coalitions where appropriate in any future military operations (paragraph 53).**

We welcome the Committee's commendation of the Government's efforts to include other countries' military contributions in the war against terrorism. Britain will continue to press for similar coalitions where appropriate in any future military operations.

- (f) We recommend that the FCO clarify how it sees the role of NATO in the conduct of US-led military operations against terrorists or the states that sponsor them. We further recommend that the FCO clarify NATO's role in providing and co-ordinating intelligence in the war against terrorism (paragraph 55).**

As the report notes, established NATO methods of joint operations and inter-operability of forces have considerably facilitated the work of coalition forces in Afghanistan. And invocation of Article 5 sent the strongest possible signal of Allied solidarity in the face of the new threats of terrorism. Britain, with its NATO Allies, is now working to make sure that NATO is better structured and equipped to act effectively in response to the new threats made apparent by the attacks of 11 September. In particular, Britain and Spain have proposed that Allies agree at NATO's Prague Summit:

A clear statement of NATO's role in dealing with new threats, building on the Strategic Concept agreed in 1999 and allowing Alliance assets to be used flexibly wherever they are needed;

Command and force structures which provide greater flexibility and deployability, marking a final break from NATO's Cold War structures and demonstrating Allied commitment to new NATO roles;

Commitment to a major effort to make NATO forces more deployable;

Increased NATO preparedness against terrorist attack, possibly with the use of Weapons of Mass Destruction. Close co-operation with the EU to ensure that respective capacities are complementary.

Following 11 September, established NATO crisis management arrangements have been activated to enhance Allied intelligence gathering and co-ordination.

- (g) We recommend that in its response to this Report the Foreign and Commonwealth Office provide a full statement on EU-wide co-operation and progress in countering terrorism (paragraph 60).**

The Belgian Presidency was responsible for co-ordinating the EU response to the terrorist attacks on 11 September. Under their guidance, the EU Heads of State met on 21 September and agreed to the introduction of a counter-terrorism 'road-map' (which is available on the Council's web-site at <http://register.consilium.eu.int> : the most recent update appears under document reference 10773/2/02 dated 17 July 2002). This 'road-map' is a living document that catalogues action taken to date and action to be taken. Under the Spanish Presidency (January-June 2002) there has been good progress in implementing this 'road-map'. The EU has:

adopted the framework decision on a European Arrest Warrant (EAW). This will dramatically speed up extradition – instead of taking years, transferring suspected criminals should take, at most, a few months. By introducing the concept of mutual recognition to extradition practice, the EAW will mean, for example, that a person wanted in Italy but living in Belgium can be arrested on the strength of a warrant from the Italian authorities, without needing lengthy scrutiny by the Belgian authorities. In addition, under the new system it will no longer be necessary to conduct the dual criminality test (to establish that an offence has a precise equivalent in the law of both states) for any offence falling under a generic list of serious crimes like terrorism, murder, rape and drug trafficking. The EAW also significantly reduces the grounds on which extradition can be challenged, including removing the bar on extradition of own nationals. This will be implemented in the UK by the Extradition Bill, published in draft in June and which will be introduced in Parliament this autumn;

adopted the framework decision on terrorism, which will ensure tough common terrorism offences and penalties throughout the EU. Anti-terrorism legislation will have to be introduced in the nine EU countries that do not currently have it. All countries will have to introduce maximum penalties of at least 15 years for heading and 8 years for participating in a terrorist group. Penalties for offences committed by terrorists will have to be at least the maximum that a non-terrorist would get for the same crime. In effect, this agreement will bring the rest of the EU up to the standard of the UK. As the UK already has amongst the most comprehensive anti-terrorist legislation in the EU, implementing the Framework Decision will only require us to expand the list of terrorism-related offences over which the UK has extra-territorial jurisdiction;

adopted proposals which will enable EU countries to set up Joint Investigative Teams of police and other law enforcers to investigate serious cross-border crimes. The Government is currently hammering out the practical details of the UK's Investigative Team, which will bring together UK and Spanish officers in work to tackle cocaine trafficking. The Government hopes that this will be first of many such joint exercises;

made good progress towards agreeing measures for speeding up the freezing of assets and evidence. This could be vital in securing terrorist assets that might otherwise be dissipated or destroyed. So if a court in the UK believes that there is evidence in another Member State that would contribute vitally to an on-going investigation in this country, the UK court will be able to make a freezing order which would be recognised and acted upon immediately by a court in that other Member State. The Government expects the measure to be formally adopted under the Danish Presidency;

The EU's asset freezing list was extended to include individuals and groups, including from the Middle East, Colombia and Turkey. A Common Position was adopted imposing restrictive measures against persons and entities associated with Osama Bin Laden, the Al-Qa'ida network and the Taliban. And a new PHARE (EC Assistance) project was also adopted on measures to combat money laundering.

Under the Spanish Presidency, the EU supported UN-led counter-terrorism efforts by cataloguing EU assistance to third countries in support of UNSC 1373 in the fields of Justice, Home Affairs, money laundering and governance. This made clear it that co-operation on counter-terrorism was not only a part of political dialogue but also linked to EU technical assistance and trade instruments with third countries.

The Seville European Council committed the EU to continue to maintain the closest possible co-ordination with the United States and other partners in the fight against terrorism, and to contribute further to international efforts against terrorism, including through regular dialogue on non-proliferation, disarmament and arms control. The EU started negotiating a new agreement on mutual legal assistance and extradition with the US, which should substantially improve the EU's ability to co-operate swiftly and efficiently with one of its key partners;

The Danish Presidency has made further implementation of the 'road-map' one of the priorities of its Presidency. Denmark has pledged to place even more emphasis on combating terrorism, including through evaluating third countries' contributions to the fight against terrorism. We will continue to work with the Danish Presidency and other EU partners to achieve the goal of the EU being the standard-bearer in the UN and other international fora.

(h) We congratulate Sir Jeremy Greenstock on his appointment as Chairman of the Counter-Terrorism Committee. We conclude that the Government was right to push for a prominent UN role in the war against terrorism, and commend its work towards this end in the immediate aftermath of the 11 September attacks (Paragraph 69).

We agree on the importance of the UN's role in developing an international response to the events of 11 September and on the importance of the UK in taking a lead in this process. We are pleased that Sir Jeremy Greenstock's role as chair will continue into 2003 and look forward to continuing our close work with the Counter-Terrorism Committee (CTC) to ensure maximum possible compliance with UN Security Council Resolution 1373.

The CTC is now proceeding with its review of the second set of country reports. It has decided that the most urgent tasks at this stage are to ensure that countries have legislation in place covering all aspects of SCR 1373, including that ratifying the 12 international Conventions and Protocols relating to terrorism; and effective executive machinery for preventing and suppressing terrorist financing. Steps are being taken to match countries requiring assistance in priority areas with potential donors. The UK has drawn up a £1m assistance package that includes help with implementation of SCR 1373-related legislation, monitoring and regulation of finances for charities/NGOs and the development of law enforcement abilities to prevent and suppress terrorist financing.

(i) We commend the efforts of British diplomats to persuade the Taliban to surrender Osama bin Laden after 11 September. We conclude that this was the right course of action, which helped to hold together the international coalition during the subsequent military campaign in Afghanistan (paragraph 75).

High level diplomatic contact continues in Afghanistan. The first British Ambassador to Afghanistan since 1980 was appointed in April 2002. The UK Special Representative for Afghanistan participated at the opening of the Emergency Loya Jirga. Co-operation on action against drugs and terrorism remains a key aspect of our dialogue with the Afghan authorities.

- (j) We conclude that the British and American governments were vindicated in their judgments that the Taliban could be removed speedily, and with loss of life that appears to have been far lower than was predicted early in the military campaign (paragraph 81).**

Action to consolidate the removal of the Taliban regime and to inflict serious damage on Al Qa`ida continues, though remnants of both groups continue to pose a threat. 45 Commando recently took part in Operation Jacana to deny territory to these groups.

Although unfortunately some civilian losses have occurred, the Coalition has made every effort to avoid them and its continued significant presence in Afghanistan is generally still welcomed by the population at large.

- (k) We recommend that the Government investigate the circumstances which led to the dangerous misunderstanding with Britain's allies at Bagram. We trust that measures will be taken to ensure that British personnel will not be endangered unnecessarily through such misunderstandings in future operations (paragraph 84).**

We have already investigated this incident, which took place at a time of fast-moving events in Afghanistan, when the country had no de facto or de jure authority or Government. When it became clear that there was a misunderstanding, despite earlier efforts to inform the United Front of the arrival of British forces, the Foreign Secretary took an immediate decision to telephone Dr Abdullah of the United Front to explain events. This, and negotiations by British officials at Bagram, defused the situation. Dr Abdullah accepted that British troops should secure Bagram and ensured that this was communicated to all relevant parts of the United Front, including troop commanders at Bagram. This swift deployment of British forces gave a vital entry foothold for operations in the country. We accept that good communications are an important part of any such operation.

- (l) We also recommend that the Government investigate the extent to which the confusion and blurred lines of communication arose from the fact that Mr Bergne was appointed by the Prime Minister rather than by the FCO. Lessons need to be learned about relations between the Foreign Office and the Prime Minister's personal appointees in such circumstances (paragraph 85).**

The decision by the Prime Minister to appoint Mr Paul Bergne was taken in close consultation with the FCO. Mr Bergne is a retired member of HM Diplomatic Service, who liaised closely with the FCO throughout his assignment.

- (m) We commend the Government for the speed with which it deployed a sizeable contingent of UK personnel to CENTCOM, and conclude that this deployment made an important contribution to close co-operation with the United States in the campaign in Afghanistan (paragraph 91).**

Our close liaison at CENTCOM remains key. As with all our multinational operations, it is vital that we maintain good communication with all our partners.

- (n) We commend the Government for realising, early in the Afghanistan campaign, the necessity to look beyond its military aspects. We conclude that the Government's planning in this area contributed to the rapid and successful establishment of an interim authority after the fall of the Taliban (paragraph 95).**

This has continued, with the establishment of a dedicated Afghanistan Unit within the FCO to look at all aspects of Afghanistan's return to the international community. The Unit leads forward thinking on how the UK Government, with the Afghan Transitional Authority, NGOs, the UN and international partners, can best work towards the goal of a stable, secure and prosperous Afghanistan. A particular priority is support for the establishment of government mechanisms which will take forward shared agenda on combating terrorism and drugs, protecting human rights and providing security through democratic and accountable means.

Phase II: After the fall of the Taliban, 14 November 2001

- (o) We recommend that the Government consider carefully, with the United States and other coalition partners, the options for maintaining and increasing security in Afghanistan, both during and for a significant period after the June 2002 Loya Jirga. This should include consideration of the extension of ISAF beyond Kabul and its immediate area (paragraph 117).**

The Emergency Loya Jirga took place in a generally peaceful environment, thanks largely to the continued successful deployment of ISAF in Kabul. The presence of ISAF is widely recognised to have led to an improved security situation in the areas where ISAF is present, although the murder of Vice President Haji Kadir in July 2002 in Kabul indicates how fragile the situation remains.

Expansion of ISAF would require a change in its mandate, agreed and resourced by the international community. ISAF contributors and coalition partners have discussed the expansion of ISAF's mandate at some length and the consensus is that ISAF expansion outside Kabul is not feasible at the moment. But the UK is working with partners on how to spread the "ISAF effect" outside Kabul. The key will be security sector reform and the development of Afghanistan's own security structures. The UK has therefore pledged significant resources to security sector reform in Afghanistan for the coming year.

- (p) We commend the British Government for being amongst the first to have both signed and ratified all 12 Conventions related to terrorism and recommend that the Foreign and Commonwealth Office makes full use of its posts overseas to try to ensure that other UN member states do likewise (paragraph 126).**

We are pleased that ratifications of the conventions has risen by 15% since 11 September but recognise that there is still a long way to go. We therefore continue to use our bilateral contacts with states to lobby in favour of ratification of the 12 UN Conventions related to terrorism. We are developing a programme of assistance in support of UNSCR 1373 that will help a number of developing countries to ratify the conventions and to improve their legislative frameworks for countering terrorism.

We also work through international organisations to promote ratification, such as through the G8, whose "Recommendations on Counter-Terrorism" which G8 Foreign Ministers endorsed in June this year includes a Recommendation on the importance of ratification, and through the OSCE, whose members have made a political commitment towards the importance of ratifying the Conventions.

- (q) We recommend that, given the additional demands being placed on the UN Secretariat by the work of the Counter-Terrorism Committee, the Government do all it can to ensure that the CTC has adequate resources to fulfil its functions (paragraph 130).**

We agree that the work of the UN Counter-Terrorism Committee (CTC) is of great importance and should be treated by the UN as a priority. Accordingly in May, the UK supported a UN Fifth (Finance) Committee resolution which authorised the UN Secretariat to provide the resources to service the work of the CTC to the requisite level. The UK also worked to ensure language within this resolution calling on the UN to publish a report at the end of 2002 validating and detailing this expenditure.

The UK Mission is now closely monitoring the performance of the Secretariat to ensure that these additional resources achieve the necessary improvement in servicing by the UN Secretariat.

- (r) We recommend that the Government continue to do its utmost to ensure that adequate provision is made for the safety and security of prisoners in military operations in which British forces are engaged (paragraph 136).**

The Government strongly supports the view that any prisoners or detainees should be treated in accordance with international humanitarian norms. More generally, we take very seriously our obligations under the Geneva Conventions with regard to the enforcement of international law. Throughout the conflict we urged the United Front/ Northern Alliance to treat humanely all those who have surrendered and were taken prisoner. Our Embassy in Kabul is in regular contact with the Afghanistan Transitional Authority on a range of matters, including the treatment of prisoners.

- (s) We conclude in relation to the detention of Taliban and al Qaeda suspects, as we do in relation to other matters, that the Government must strive to uphold standards of international law, and, to the greatest extent possible, to ensure that prisoners are tried in full accordance with internationally accepted norms of justice (paragraph 144).**

The United Kingdom Government has been in close contact with the United States Government about the treatment of the British detainees being held by the US at the Naval Base in Guantanamo Bay. It is for the US, as the detaining power, to decide whether, and if so how, they will prosecute the detainees. However, we have made our view clear to the US, and will continue to do so, that if any of the detainees are prosecuted they should receive a fair trial in accordance with international law.

- (t) We recommend that the Government consider whether the Geneva Conventions remain wholly appropriate in the modern conduct of warfare. If they do not, there may be a need to work towards a new international consensus to amend the Conventions, to ensure that the protection that they provide to civilians and combatants is maintained (paragraph 145).**

The Geneva Conventions of 1949 were updated and expanded in the two Protocols of 1977. The Conventions and their Protocols form the cornerstone of international humanitarian law. This crucial body of law is applicable to all kinds of armed conflict; the challenge for all governments is to see that it is faithfully applied. The Government remains determined that the United Kingdom will continue to play a leading role in securing the application and implementation of international humanitarian law worldwide. The Government will keep under review the need to update the law, in consultation as appropriate with the International Committee of the Red Cross and the international community more generally. Our aim is to ensure that it affords the maximum protection to those vulnerable to the effects of armed conflict, that it restricts the means and methods of conflict, and that it delivers justice to all.

- (u) We recommend that the Government seek to allay the concerns of the US Administration about the International Criminal Court, with a view to persuading it to reconsider its renunciation of the ICC Treaty (paragraph 151).**

US concerns that the ICC might engage in malicious or politically motivated prosecutions against its citizens have been evident since the Statute was drafted in 1998. We have consistently and repeatedly tried to persuade successive Administrations in bilateral contacts that these are misguided. In 2001 we prefaced the passage of our own ICC Act (an FCO lead) by a model exercise in public consultation, in which the anxieties expressed by the US were examined in the context of our own international responsibilities and obligations. This allowed the UK to demonstrate that the ICC Statute contains sufficient safeguards to preclude the kind of activities the US fears. We drew our conclusions to the attention of the US.

This year, on the eve of the Court's entry into force, we joined EU Partners in encouraging the US to take a more positive approach. But the present Administration felt constrained to formally disassociate itself from its predecessor's signature. Most recently we sought to disabuse the US of its fears of malicious prosecution in the UN Security Council negotiations over the renewal of the UNMIBH (Bosnia) Peacekeeping mandate, which led to UNSCR 1422. We have suggested to them that once they have been able to monitor the activities of the Court, they will conclude that they have nothing to fear from it. But, given the strength of feeling on this issue in some quarters in the US, the auguries for an early reversal of the US position are not good.

- (v) We conclude that a linkage between the conflict in the Middle East and the war against terrorism is widely perceived among populations and governments in the region. Both the US and British governments appear to accept that the conflict is a factor which severely complicates their conduct of the war, although it does not weaken their resolve. While the conflict in the Middle East requires swift and fair resolution on its own merits, this perceived linkage lends added urgency to the search for peace (paragraph 161).**

We recognise that a resolution of the Middle East conflict is central to achieving stability in the region. Stability in the region is key to countering the conditions where extremism and terrorism can flourish.

- (w) We recommend that the Government consider carefully how to help allies in the Islamic world to address the social, economic and political conditions that have led to the growth of Islamic extremism among their populations (paragraph 167).**

We are working closely with allies in the Islamic world to address these factors. In some cases, we provide economic and/or development assistance. We also engage the media and public fora in Islamic countries to emphasise that the West has no quarrel with Islam.

- (x) We recommend that in its response to this Report the Government state clearly what is its policy on first use of nuclear weapons, with particular reference to dealing with the threat posed by chemical and biological weapons of mass destruction (paragraph 171).**

Government policy on nuclear weapons remains clear and unchanged from the 1998 Strategic Defence Review (SDR). As the Government has made clear on many occasions, we would be prepared to use nuclear weapons only in extreme circumstances of self-defence. We would not use our weapons, whether conventional or nuclear, contrary to international law.

A policy of no first use of nuclear weapons would be incompatible with our, and NATO's doctrine of deterrence, nor would it further nuclear disarmament objectives. We have made clear, as have our NATO allies, that the circumstances in which any use of nuclear weapons might have to be contemplated are extremely remote. Our overall strategy is to ensure uncertainty in the mind of any aggressor about the exact nature of our response, and thus to maintain effective deterrence.

The UK seeks to deter use of chemical and biological weapons by making clear that their use will not secure political or military advantage for an aggressor. On the contrary, it will invite a proportionately serious response, and we will hold personally accountable those at every level responsible for any breach of international law relating to the use of such weapons. Any state that chose to use them should therefore expect us to exercise our right of self-defence and to respond accordingly.

The report quotes from the SDR Supporting Essays in relation to our Negative Security Assurances (NSAs). Ambassador Broucher, the UK's head of delegation to the recent meeting of the Preparatory Committee for the 2005 Nuclear Non-Proliferation Treaty Review Conference, confirmed our commitment to the NSA we gave in April 1995. Our NSA states that:

“The United Kingdom will not use nuclear weapons against non-nuclear-weapon States parties to the NPT except in the case of an invasion or any other attack on the United Kingdom, its dependent territories, its Armed Forces, its Allies or on a State towards which it has a security commitment, carried out or sustained by such a non-nuclear-weapon State in association or alliance with a nuclear-weapon State.

“In giving this assurance the United Kingdom emphasises the need not only for universal adherence to, but also for compliance with, the Treaty on the Non-Proliferation of Nuclear Weapons. In this context I wish to make clear that Her Majesty's Government do not regard their assurance as applicable if any beneficiary is in material breach of its own non-proliferation obligations under the Treaty on the Non-Proliferation of Nuclear Weapons.”

- (y) We recommend that in its response to this Report the Government set out its policy on the development of new tactical nuclear weapons (paragraph 173).**

The UK is neither developing nor planning to develop any new nuclear weapons, nor is it modifying current systems to lower their yield. In line with the policy set out in the SDR, we intend to maintain a minimum capability to design and produce a successor to Trident should this prove necessary.

- (z) We conclude that the Government was right to highlight in grave but measured terms the threat of weapons of mass destruction attack by terrorists, including the threat to the United Kingdom (paragraph 176).**

This remains a serious threat which the Government will continue to give a high priority to countering.

- (aa) We recommend that the Government continue to urge the international community to do its utmost to prevent nuclear, biological and chemical weapons materials getting into the hands of terrorists (paragraph 181).**

The Government continues to urge the international community to co-operate further in preventing the spread of nuclear, biological and chemical weapons and materials. The Prime Minister announced to Parliament on 1 July a commitment of up to \$750 million over ten years to the G8 'Global Partnership Against the Spread of Weapons and Materials of Mass Destruction'. Our contribution to this co-operative effort will include work in areas such as Plutonium Disposition in Russia; the destruction of Russian chemical weapons stocks; nuclear materials accountancy at nuclear facilities across the former Soviet Union (FSU); and the physical protection of nuclear materials across the FSU. We will continue to play a leading role in developing this Partnership at G8 and beyond. The UK has also provided an initial voluntary contribution of £250,000 to the International Atomic Energy Agency's 'Prevention Against Nuclear Terrorism' fund, and will continue to urge others to follow suit.

Since September 11, each of the multilateral export control regimes has been examining how it can contribute to the prevention of WMD falling into the hands of terrorists. The Australia Group has introduced Guidelines which refer explicitly to terrorist use of chemical and biological weapons, and is refining its lists of controlled goods to catch more items of use for small-scale production of chemical and biological agents. The Nuclear Suppliers Group and Missile Technology Control Regime are considering how they can make explicit their commitment to prevent technology falling into the hands of terrorists, for instance by amending their guidelines.

(bb) We recommend that the Government do its utmost to ensure that the new director of the Organisation for the Prohibition of Chemical Weapons is able to act independently, and for the benefit of all member states of the Organisation (paragraph 185).

Independence and impartiality are essential qualities for multilateral organisations such as the OPCW. The heads of international organisations must, of course, fulfil their duties impartially, however they remain accountable to the State Parties of the Organisation concerned. The Chemical Weapons Convention, in Article VIII paragraph 46, stipulates that “the Director-General.... shall not seek or receive instructions from any Government or from any other source external to the Organisation”. The new Director-General, on taking office on 25 July, stressed his intention to treat the text of the Convention, and the obligations therein, as his sole purpose. We have no doubt that he had independence of action as firmly in mind as all the other obligations laid upon him, and the UK delegation will at all times support him in this respect.

(cc) We commend the Government for publishing its Green Paper on strengthening the Biological and Toxin Weapons Convention, and recommend that it continue its efforts to persuade the United States to agree an effective verification regime (paragraph 189).

To date the FCO has received a number of constructive and supportive responses from the UK and abroad to the proposals in the Green Paper. The Government continues to believe that Investigations of alleged use of biological and toxin weapons, suspect facilities, or cases of unusual outbreaks of disease believed to be violations of the Convention, would be key elements in an effective compliance regime. The Government, moreover, will continue to work with all States Parties, including the United States, to find ways and means of strengthening the Biological and Toxin Weapons Convention and combating the threat posed by BW proliferation.

(dd) We recommend that the FCO set out clearly and fully in its response to this Report its specific responsibilities for preventing weapons of mass destruction attacks against the United Kingdom, its citizens and its interests overseas (paragraph 190).

The Home Office is the lead department for responding to the terrorist threat to the UK, but the government-wide response also draws on a wide range of other departments and agencies, coordinated through the Cabinet Office mechanisms (relevant Ministerial and official committees, and in the case of a serious incident, the Cabinet Office Briefing Room facility). The FCO plays a full role in any international aspects of this activity. Where the threat is to UK interests overseas, the FCO has lead responsibility, but again, as part of an integrated Whitehall-wide response. This structure applies whatever the nature of the terrorist threat, although of course the serious character of WMD threats will affect the level and urgency of government activity.

A key objective for the FCO (as the Report recognises) is to prevent nuclear, biological or chemical weapons materials falling into the hands of terrorists and those who support them.

- (ee) Government Communications Head Quarters (GCHQ) and the Secret Intelligence Service are agencies for which the FCO is responsible. We recommend that the FCO, through these agencies, ensure that the highest priority is given to identification and prevention of attack on the United Kingdom or on British interests overseas by terrorists using weapons of mass destruction (paragraph 191).**

SIS and GCHQ are separate services, established by statute (the Intelligence Services Act 1994), under the authority of the Foreign Secretary. They are not agencies of the FCO. The requirements and priorities for their work are set by the Joint Intelligence Committee (JIC) and approved by Ministers collectively, including the Foreign Secretary. In accordance with this guidance, the terrorist threat and that from nuclear, chemical and biological weapons are areas of agency work which command the highest priority.

- (ff) We conclude that the Government is right to maintain its constructive and—whenever necessary—critical engagement with Iran (paragraph 201).**

The FCO welcomes the support of the Committee for the Government's policy of critical engagement with Iran. HMG aims to support reform in Iran while maintaining a robust dialogue on issues of concern, including Weapons of Mass Destruction, the Middle East Peace Process, terrorism and human rights. The UK supported the decision by the General Affairs Council on 17 June to launch negotiations on a Trade and Co-operation Agreement between Iran and EU. However, the EU has made clear that for this to go forward, parallel progress is required on the outstanding issues of concern.

- (gg) We recommend that in its response to this Report the Government clarify whether its policy is to bring about 'regime change' in Iraq (paragraph 209).**

The Government's policy is to secure full implementation of the Security Council resolutions relating to Iraq. It is also the Government's view that Iraq would be a better place without Saddam Hussein. As the Prime Minister has made clear, we are determined to deal with the threat posed by Iraq's possession of Weapons of Mass Destruction.

- (hh) We recommend that the Government propose a deadline for Iraqi compliance with UN Security Council Resolutions requiring Iraq to allow inspection of its nuclear, chemical and biological weapons programmes (paragraph 212).**

Existing UN resolutions require immediate Iraqi compliance, including on weapons inspections. The Government will nonetheless be giving further consideration to this recommendation.

- (ii) The Committee recommends that the Foreign and Commonwealth Office in its response to this report sets out the British Government's view as to the circumstances in which a pre-emptive military strike would be legally justified (paragraph 224).**

As the Government has already made clear, no decision has been taken to launch fresh military action against Iraq. The general circumstances under which the Government would regard the use of force against any State as lawful remain as set out in the FCO memorandum quoted in paragraph 213 of the Committee's report.

- (jj) We recommend that the Government work with the United States to ensure that any action taken against Iraq, or against any other state in the war against terrorism, conforms with international law (paragraph 227).**

The Government is happy to confirm its commitment to ensuring that any action it takes is in accordance with international law.

- (kk) We recommend that the Government follow the precedent which it set in the period leading up to military action in Afghanistan, and publish the fullest possible documentation on the need for any further military action, before such action is seriously contemplated. While nothing should be published which might compromise sources or methods of intelligence, the Government must try to secure the widest possible support in Parliament and among the British people if it is proposing to risk the lives of British servicemen and women as part of a further phase of the war against terrorism (paragraph 233).**

We warmly welcome the Committee's recommendation that "nothing should be published which might compromise sources or methods of intelligence". As the Prime Minister has said, there is a considerable body of evidence on the threat posed by the Iraqi regime already in the public domain. We are committed to publishing more at the appropriate time.

- (ll) We commend Ministers for what they have already done to build and maintain the international coalition against terrorism. We recommend that the Government continue to give a high priority to maintaining the coalition; to achieving the full commitment of its members; and in particular to persuading the United States of the value of continuing to operate through it (paragraph 237).**

We welcome the Committee's endorsement of the Government's leading role in building and maintaining the broad international coalition against terrorism. We will continue to attach the highest priority to maintaining the momentum behind this unprecedented international consensus. Terrorism is a grave threat to the entire international community. We must act together to counter this threat.

Conclusion

- (mm) The war against terrorism is an unplanned and unsought conflict. But when the first hijacked airliner struck the World Trade Center, war became necessary and, once entered upon, war must be pursued vigorously and with all appropriate means (paragraph 238).**

We agree that the campaign against terrorism is both necessary and just. We will continue to pursue the campaign through all appropriate means, be they political, developmental or military.

- (nn) We believe that the international coalition leadership, especially that of the United States and the United Kingdom, has performed remarkably well. Resolve and determination have been tempered with restraint and sensitivity. The political leaderships of both countries deserve support and understanding (paragraph 239).**

We welcome the Committee's comments on the hard work and commitment of the political leaderships here and in Washington. Our unique and special relationship with the USA will continue to form a strong basis for our close co-operation in the fight against international terrorism.

- (oo) The military campaign is likely to be long and may spread beyond Afghanistan. Coalition forces directly engaged in or supporting the campaign are performing a difficult and dangerous task with the skill and dedication which has come to be expected of them, but which is greatly appreciated and admired (paragraph 240).**

The Committee is right to point out that the campaign against terrorism will be a long one and that it will be necessary to pursue its aims beyond the borders of Afghanistan: indeed Al Qa'ida linked terrorists have been engaged militarily in a number of coalition countries already. UK forces in Afghanistan have carried out their missions there with dedication and the highest levels of professionalism. We are proud of them.

(pp) We concede that the great advantage of hindsight is that it allows us 20/20 vision of the precursors of war which were previously unseen, misinterpreted, or ignored. If one lesson comes out of our consideration of why the attacks of 11 September 2001 were able to succeed, it is that priority must be given to the gathering, assessment and use of high-grade intelligence information. Without that information, this country and its allies are appallingly vulnerable (paragraph 241).

The Government agrees that hindsight permits us to see more clearly whether anything might have been done to prevent the attacks of 11 September 2001. It does not accept that the UK Agencies overlooked any intelligence which would have forewarned the attacks of last September. A subsequent re-examination of material across the intelligence community did not find any information that could have given warning of the attacks. The Government has always attached priority to the gathering, assessment and use of high-grade intelligence. Since 11 September, the Government has devoted increased financial resources to all three of its Security and Intelligence Agencies and their efforts, which led to some successes prior to 11 September, remain focused in this direction.

(qq) But to 'know thine enemy' is not enough. We also need to determine how the conditions that have contributed to the development of terrorism can be removed, or at least reduced. The answers to those questions will provide a far safer world than even the best intelligence and preparedness can provide. As the war against terrorism proceeds, this country and its coalition allies must seek out those answers, and must learn about and deal sensitively with the causes of terrorism (paragraph 242).

We agree we need to address the political, social and economic factors that can create the conditions in which terrorism flourishes. This is a major task requiring sustained international engagement over the long term. Much of this work ties in with our broader foreign policy and development objectives. Well before the events of September 11, we were actively engaged in working to spread the benefits of globalisation, to eradicate poverty, to improve respect for human rights and adherence to the rule of law and to promote democracy and good governance. Significant efforts have also been made to prevent and resolve regional conflicts, to tackle state failure and to promote better understanding between cultures and religions. Since then, this work has acquired additional importance.



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