

Select Committee on Foreign Affairs Minutes of Evidence**Examination of Witnesses (Questions 1-19)**

RT HON JACK STRAW MP, MR EDWARD CHAPLIN, MR WILLIAM EHRMAN AND DR DAVID KELLY

WEDNESDAY 25 SEPTEMBER 2002

Chairman

1. Foreign Secretary, may I welcome you again on behalf of the Committee. This is part of our continuing inquiry into the War Against Terrorism. Indeed we are going to give, the Committee has just decided, a new focus obviously on Iraq and the regional implications under the umbrella of this continuing inquiry. Would you firstly please introduce your colleagues before we start?

(Mr Straw) William Ehrman, who is the Director of the International Security Department at the Foreign Office, Edward Chaplin, who is Director of the Middle East/North Africa Department, and Dr **David Kelly**, who is an adviser to the Foreign Office now, which is why he is on the team, but he is a microbiologist and he spent seven years, 37 inspections as one of the UNSCOM inspectors in Iraq.

Mr Chidgley

2. Foreign Secretary, on behalf of the Committee, can I just say we are very grateful that you have found the time to see us today to discuss an issue of very great importance not just to this Committee, but to Parliament and people as a whole. Clearly it is an area which is going to unfold. We do not know how quickly and we do not know in which direction, but clearly it is a key issue in foreign policy at the moment. In that light, Foreign Secretary, we would be very grateful if you could tell us how you see in your role keeping Parliament informed as the crisis with Iraq unfolds and, in particular, how you will be able to respond to the voice of Parliament. What channels will you be making available for the voice of Parliament to be heard? In short, what does the expression used by the Prime Minister yesterday, "keeping in touch", mean to you?

(Mr Straw) Well, it has a very wide meaning indeed. It is for Ministers to propose and for Parliament to dispose and Ministers have powers under our Constitution and some of those powers are derived from the Royal Prerogative. That is the nature of our Constitution, that executive powers in other systems apply not least to decisions about putting our military into action, but none of these decisions can continue to be made without the consent of Parliament, and we are aware of that, so let's be quite clear about that. I do not think there has been certainly in the last 100 years any Prime Minister who has been rash enough to put troops in the field without being clear that he or she has the consent—

3. But what specific—

(Mr Straw) Well, that is the first one. I just want to make this clear.

4. So you do not see the Royal Prerogative being used to put British troops in?

(Mr Straw) I do not want to go into a long exegesis about the derivation of powers under the Crown, but if there is a power which preceded the Bill of Rights in 1688, it derives from a prerogative and obviously a key power before that was not centred around civil service departments which did not exist, which are statutory, but was that of war and

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peace and disposition of the military, so that does derive from that and that is our Constitution. It may change, but that is where it is at the moment. However, do our decisions have to be the subject of consent by Parliament, by the House of Commons particularly? Of course and the Prime Minister is fully seized of that and he supports it, but even if he did not, that is the nature of our Constitution. How do we keep in touch, to answer your direct question? By evidence like this and if, as I hope it does not, but if military action were to proceed, I know that you would wish to see me frequently and no doubt the Defence Select Committee would wish to see the Defence Secretary. Secondly, by statements in Parliament to keep Parliament, both Houses, up to date as quickly as possible about changing events and circumstances. Thirdly, by debates and if you want me to deal with the issue of substantive motions, I am very happy to.

5. I think we would like to hear that

(*Mr Straw*) Fine. Well, the background to this is that practice in terms of substantive motions has varied. In the Second World War, substantive motions were rarely used and never used on key events. The motion which despatched Chamberlain and installed Churchill in 1940 was on the adjournment, so they can actually have a very important effect. That said, during the 1990s there were two occasions when we were engaged in military action, one at the beginning of 1990 in the Gulf War, then in 1998 for Operation Desert Fox. There were substantive motions in respect of both of those. In 1991 the substantive motion was taken and debated in the Commons four days after military action began and Gerald Kaufman yesterday gave an explanation of the debates on the adjournment which had preceded that. In 1998 there was a substantive motion which was debated and agreed by the House ten months before military action took place. That was in February and the military action was in the December. We, in government, have no difficulty at all about the idea of a substantive motion at the appropriate time, I make that clear, with one condition about the exact timing and that is that we, and no one would expect us to, we cannot undertake to put down a motion immediately, shortly before military action commenced if the effect of that would be to give the enemy advance notice of our military activities and that was why in 1991 the motion was taken four days after. If it is possible to have a motion significantly in advance, and those questions do not arise, then that is fine.

Chairman

6. Foreign Secretary, yesterday when you spoke to the House you mentioned that there were ongoing discussions in the Security Council relating to a new resolution. Would you please update us on that?

(*Mr Straw*) Yes, the ongoing discussions, the most intensive discussions at the moment are between ourselves and the United States Administration and where we hope to be at an appropriate moment will be that there will be a sharing of private, but formal texts with the other members of the Permanent 5.

7. When would that come?

(*Mr Straw*) Well, shortly, but because of the nature of negotiations, you cannot give exact time lines until they are completed. Obviously there has been a great deal of informal discussion by our Ambassador, Sir Jeremy Greenstock, in New York and interlocutors there. I have just come away from speaking to him a moment ago and I will be talking to him again later this afternoon. Then there has also been a good deal of discussion between the British Government and the United States Government in Washington.

8. So far as the representatives of the other three are concerned, France, Russia and China, do they, each one, accept the need for a new resolution?

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(*Mr Straw*) I believe so, is the answer. What I, with respect, cannot do or certainly it would be unwise for me to do is to lift the veil at this stage on the negotiations because these negotiations are ones which have to be conducted in private if they are to have any chance of public success. We are not at the moment of having these discussions taking place in the plenary of the Security Council. They are private discussions at the moment. I think if you looked at the reactions to President Bush's speech, you will see that each Foreign Minister certainly from the P5 acknowledged the strength of the argument that President Bush had made to the General Assembly on the 12 September and acknowledged very powerfully the need for inspectors to go back into Iraq. There is an issue about the exact circumstances and remit for the inspectors.

Andrew Mackinlay: Can I just say for myself that I think that many of us, certainly myself, think the British Government have pursued this matter with some skill and courage and bearing in mind there were a lot of people who reminded me of Bottom yesterday, neither one thing nor the other, I thought it was probably a good idea if I and I imagine this Committee, who have been live to the threats of terrorism generally for some time, would like to flag it up formally. I think I speak for everybody here and we did draw attention to this in our own report and some people would not see it if it was painted on their eyelids, so we are a bit frustrated. I wanted to make that clear.

Chairman

9 You do not disagree with that?

(*Mr Straw*) I agree with it 100 per cent. It is delightful to agree with my good friend Andrew Mackinlay.

Andrew Mackinlay

10. I noticed that both yourself and the Prime Minister yesterday stressed, "We will always act in accordance with international law". The Prime Minister also made that point in column 34. It was put to me yesterday that somebody thought there was a sort of nuance of difference between yourself and the Prime Minister or No 10. I do not think there is, but you might want to reaffirm the position if it is not painted on people's eyelids. That was A/B was the question where you made the point about the UN resolution which we are seeking, but will that resolution or resolutions include the method of enforcement because surely that is the nub of it, is it not? You get resolutions passed, but there does not seem to be a specific mandate as to if there is non-compliance, how, by whom and when they should be enforced and I wonder if you have some aspirations to pin the UN down on that because it does relate to international law. The final point was, yes, you made the distinction where you emphasised Chapter 7 resolutions and it does seem to me that this was something where if I was handling the Foreign Office's publicity, I would have emphasised much more that it is mandatory, and I just wondered if you wanted to amplify on that.

(*Mr Straw*) There is no difference between the Prime Minister and myself. Have I stopped beating my wife? No. It may come as no particular surprise to discover that I looked at the Prime Minister's statement in draft and he looked at my speech in draft because it is rather important that we are in the same place and it is rather important that we say the same things on international law, but I cannot for the life of me imagine that anybody could have thought that we were in different places on the issue. On B, on resolution enforcement, first of all, methods of enforcement are these: one, by the powers given to the inspectors and one of the reasons why we think there should be a new resolution is because we do not think that the powers provided under 1284 and other resolutions are sufficient. For example, they do not cover so-called presidential palaces. That is direct enforcement. The second is by the threat of military action, and I know you

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share this view, Mr Mackinlay. Let's be absolutely clear about this, that we have only got to the stage we have with the Iraqi Government where they are saying that they will allow inspectors in, query whether they will, but we have only got to that point because there is a clear threat of force and that is the reality. One of the points I keep making is that there is a powerful paradox here which is that the very best chance of peace and a peaceful resolution to the disarmament of Iraq is by preparing for war and making it clear that you are willing to go for military action if Iraq does not accept a peaceful resolution of this issue.

11 But UN resolutions specify that there can be enforcement by military action by whom?

(*Mr Straw*) That is obviously the subject of negotiation at the moment. Now, on Chapter 7, I am glad you mentioned this if just to let you know that we are not all ventriloquist dummies in the Foreign Office. This was a point that I thought was a powerful one about Chapter 5 and Chapter 6 and one that, I agree with you, has not been brought out sufficiently in the past. There is, as I made clear in answer to Mr Galloway, those resolutions on the Middle East. Yes, they ought to be implemented and we have a special responsibility about the implementation of every Security Council resolution because, by definition, we have at least not vetoed any Security Council resolution, we are permanent members of the Security Council, so we have consented to those, but those were made under Chapter 6 which is about the pacific resolution of disputes. Normally they lack authority, but it means that the United Nations have recognised that force by the international community would not then be a method of solving the dispute, and typically they are bilateral or trilateral disputes between states. There is a difference between that and Chapter 7 which is actually, with respect, the threats-to-peace question which is the chapter dealing with the use of force, but is directly authorised by the Security Council or provided otherwise by international law and that is laid down, as it happens, under Article 51. That is a big, big distinction. When people come out with this nonsense, "Well, you can't enforce the resolutions against Iraq until you have enforced the resolutions against everybody else", which is the—

Chairman

12 Not to mention Israel.

(*Mr Straw*) Yes. It is the excuse of criminals down the ages, and I am sure it has happened to you, Mr Anderson, where your client, who was palpably guilty, complained that he had been badly treated because his colleague, who was equally guilty, had not been caught. It is no answer at all. These are mandatory obligations. They are clear and they are unique and they have got to abide by them.

Sir John Stanley

13. Foreign Secretary, in the House on 12 March, column 744, you said, "It is more important than ever that inspectors from the United Nations Monitoring and Verification Inspection Commission and the International Atomic Energy Agency be given access to all relevant sites and be allowed to inspect freely wherever they want to and at whatever time they wish to". Can you assure the Committee that the British Government will only support any Security Council resolution that clearly incorporates the principle of UN weapons inspectors being able to inspect on an any-place-at-any-time basis?

(*Mr Straw*) That is our very clear intention, Sir John. We have stated it often enough, so has the Prime Minister. Can I give you details of the final text of the resolution which was agreed before the Security Council? No, and I apologise for that, I am not going to do that, but that is our very, very clear intention.

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14. Would you not agree that if you fail to get a resolution based on inspections anywhere at any time, then almost certainly the inspection regime which starts is not going to be able to establish whether or not weapons of mass destruction exist, their whereabouts and how they can swiftly be disarmed?

(*Mr Straw*) That would be a very unsatisfactory position of course, but, as I say, I do not want to go there. What we are aiming for is what I described on the 12 March and it is what I am happy to repeat now.

15. So it is simply your intention?

(*Mr Straw*) I am sorry, I am not, with respect, going to get into a position here of saying what our tactics are going to be on the Security Council. I cannot and you would not if you were in my position, but I said that on the 12 March and the Prime Minister, for example, repeated it in bolder terms still on the 6 April at the press conference he did with President Bush at Crawford where he said that inspectors had to be back any time, any place with no conditions, or words to that effect, and we have repeated it since and that is what we seek.

16. Is it also your intention that in the same resolution there will be incorporated a clear time limit within which Saddam Hussein has to deliver on an any-place-any-time basis?

(*Mr Straw*) Again what we are seeking from the resolution is a tough resolution. There are some fine issues about how far you lay down particular time lines in the resolution and how far you give wider powers to the inspectors. They are important details, but they are details. Are we seeking a resolution by which Iraq either has to comply or face the consequences? Yes.

17. With a time limit?

(*Mr Straw*) Obviously, by definition, that means that they cannot string it out for ever or for a long time. They have got to act quickly. They have got to act within a reasonable time. Now, that is absolutely clear. Are we seeking a resolution which stops Saddam playing games and he either complies or he is in clear breach? Yes, too.

18. From what you have said, is the Committee right to conclude that the wording of the resolution, as far as you are wishing to achieve, will be such that when the end of the time limit is reached, there will be in place UN resolution cover for military action if the Government so decides?

(*Mr Straw*) You ask me to anticipate the outcome of the negotiations and that is never possible, but I have already made it clear before in evidence to this Committee that what we seek is a clear, tough resolution.

19. Given the history of previous weapons inspectors inside Iraq and the obstruction and intimidation of those inspectors, have you received any requests from either UNSCOM or from the IAEA that on this occasion the inspectors should be accompanied by armed force to enable them to ensure that they can achieve their any-place-any-time inspections?

(*Mr Straw*) I have not because it would not be appropriate for Hans Blix and his colleagues to start negotiating those issues with one member of the P5. I am aware of there being discussions between him and Kofi Annan, the United Nations Secretary General, and the issue of the precise protection to be provided to the inspectors is obviously one that is exercising him considerably and on which there are a number of different views. Your other point, Sir John, was about the way in which the inspectors were messed around in the 1990s. What I think is interesting about the way the environment and the inspectors work, and if I am wrong, I invite Dr Kelly to correct me because he was there and I was not, but what I am told by other people who were inspectors at the time was that when the international community were clear and resolute,

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the environment for the inspectors was a very different one from the moment it became fairly obvious that it was possible for Saddam to play one member of the international community off against another

(Dr Kelly) You are absolutely right in that analysis.



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