

**Select Committee on Foreign Affairs Written Evidence****Memorandum from Greenpeace UK**

1. Greenpeace UK is an independent non-profit-making body, whose principal activities are campaigning to prevent environmental harm and for peace through disarmament. Greenpeace UK has 220,000 supporters.

2. Worldwide, Greenpeace has roughly 2.9 million supporters in over 100 countries. It is also accredited with consultative status with the United Nations Economic and Social Council (including the United Nations General Assembly) and has accreditation status with the United Nations Conference on Environment and Development.

3. Greenpeace opposed the war against Iraq because the war would have devastating human and environmental consequences, because war is an ineffective way to deal with the problem of weapons of mass destruction and because we agreed with Nelson Mandela going to war was "a decision that is motivated by George W Bush's desire to please the arms and oil industries of the USA".

4. Greenpeace UK actively campaigned against the war in Iraq. In its view the proposed war was unjustified and, without specific UNSC authorisation (which Greenpeace did not consider to be provided by the UNSC Resolutions up to and including 1441), illegal. Greenpeace's campaign activities included direct action, taking part in mass demonstrations and lobbying members of parliament.

5. Greenpeace is very concerned that MPs and the public were given inaccurate or incomplete information by the government—including an edited memo summarising the advice of the Attorney General—in order to support the case for war.

6. Central to the government's case for war was the assertion that the government knew that Iraq possessed weapons of mass destruction. For example, the Prime Minister in debate on 18 March 2003 said, "We are asked now seriously to accept that in the last few years—contrary to all history, contrary to all intelligence—Saddam decided unilaterally to destroy those weapons. I say that such a claim is palpably absurd."

7. The Prime Minister's assertion that Iraq continued to possess

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weapons of mass destruction was not a conclusion which is supported by the weapons inspectors' report of 7 March 2003. The Prime Minister said, in the same debate, that "any fair observer does not really dispute that Iraq is in breach of resolution 1441 or that it implies action in such circumstances". It is instructive to compare this characterisation of the position with that of Switzerland whose permanent representative to the UN gave a statement in New York on 11 March 2003, stating: "Switzerland notes that UNMOVIC and the IAEA do not have, at this moment, conclusive evidence indicating that Iraq possesses or is continuing to produce weapons of mass destruction."

8. It follows that the assertion that Saddam did have weapons of mass destruction was not a conclusion drawn by the weapons inspectors in the process laid down by 1441. Nor was the Security Council ever given an opportunity to debate whether Iraq was in breach of UNSC resolutions, how serious the breach was, and whether there were alternatives to war. The position that Iraq was in breach of Security Council resolutions and that the breach—possession of weapons of mass destruction and the willingness to use them—was so serious that military action was necessary and urgent was a conclusion reached unilaterally by the UK government, not by the UN.

9. Before parliament voted on 18 March 2003, the bulk of opinion from international lawyers was (and remains) that the use of force against Iraq, without specific United Nations Security Council authorisation, would be unlawful. [71] It is against this weight of opinion that a statement from the Attorney General was published on 17 March 2003, one day before the Commons voted on the question of war.

10. The Attorney General's statement is partial and incomplete. The statement did not attach a copy of the full legal opinion, nor does it disclose the facts upon which the Attorney General's conclusion was based. The statement does not mention and comment upon the weight of expert opinion, including that of the UN Secretary General, that the unilateral use of force would be unlawful.

11. The Attorney-General's conclusion that authority existed for the use of force was, of course, highly influential in the parliamentary vote and among the public at large. In Greenpeace's view, it was wrong to present a partial statement of the Attorney-General's opinion, which gave an incomplete picture of the legal position on using force against Iraq. As Lord Goodhart said in the House of Lords: "We now have the summary of the advice given to the Government by the noble and learned Lord the Attorney-General. We welcome the fact of that disclosure, although we should have liked to see much more detail of what must have been a lengthy opinion dealing with the complex arguments involved in the case and showing possible qualifications and

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reservations. All we have seen is the baldly stated summary. We also regret that the noble and learned Attorney-General has not given us the opportunity to ask questions and to hear his answers."

12. However, even the Attorney-General's opinion did not support the assertion that the government made, and continued to make, that resolution 1441 implied the right to use force against Iraq. [72]

13. The Attorney-General's opinion is plainly based on the legal argument that the authority to use force under resolution 678 could revive "because (Iraq) has not fully complied with its obligation to disarm under that resolution." As mentioned above, the determination that Iraq had failed to disarm and that it possessed weapons of mass destruction could not have come from the conclusions of the UN weapons inspectors under resolution 1441. If Iraq had, in fact, disarmed and did not possess weapons of mass destruction then the Attorney-General's opinion is fatally flawed and its conclusion is invalid.

14. It is therefore vital to know the factual basis upon which the Attorney-General's advice was given.

#### CONCLUSIONS

We urge the committee to extend its inquiry into whether the information given to parliament was "accurate and complete" to the information upon which this vital piece of advice was based.

We urge the Committee to ask to see the full legal opinion of the Attorney General, in order to determine whether the summary given of that opinion was partial and incomplete.

We urge the Committee to ask for the information upon which the Attorney-General's determination that Iraq was in serious breach of its obligation to disarm was based.

*Greenpeace UK*

*June 2003*

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71 For example, 16 eminent international lawyers said so in a letter published in the Guardian on 6 March in which they stated that "there is no justification under international law for the use of military force against Iraq." 43 international lawyers had written to the Australian press in similar terms, saying "the initiation of a war against Iraq by the self-styled "coalition of the willing" would be a fundamental violation of international law." Barristers from Matrix Chambers, Rabinder Singh QC and Charlotte Kilroy had advised CND and others that there was no authority for the use of force

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against Iraq, in a series of publicly available opinions. Mark Littman, QC, agreed that, in the absence of a new Security Council Resolution authorising war in unambiguous terms, an attack on Iraq would be unlawful. Lord Archer of Sandwell, a former solicitor general, was quoted as saying "In the absence of a further resolution it would be flagrantly unlawful to take military action." In its resolution of 31 January on the situation in Iraq, the European Parliament opposed any unilateral military action and considered that a preventive strike would violate international law and the United Nations Charter. And on 10 March 2003 Kofi Annan, the secretary general of the UN said: "If the US and others were to go outside the Security Council and take unilateral action they would not be in conformity with the Charter." [Back](#)

72 For example, the Foreign Office in its policy on Iraq issued on 31 March 2003 said this: "In November, the UN Security Council unanimously sent the Iraq regime an uncompromising message: co-operate fully with weapons inspectors or face disarmament by force." This statement was untrue and misleading. UN resolution 1441 was passed because the members of the Security Council were under the unambiguous impression that a breach did not imply automatic force. [Back](#)

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