New Iraq war revelations hit Blair on eve of election

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On May 1, the *Sunday Times* published a leaked document confirming that the Blair government utilised unfounded allegations concerning alleged Iraqi weapons of mass destruction to justify the illegal invasion of the country.

The document consisted of the minutes of a July 23, 2002 meeting attended by Prime Minister Blair, Foreign Secretary Jack Straw, Defence Secretary Geoff Hoon, the attorney general, Lord Goldsmith, and senior military and intelligence personnel. Also present were Blair's political aides, Alastair Campbell, Jonathan Powell, and Sally Morgan. The document was headed "Secret and Strictly Personal—UK eyes only", and warned, "This record is extremely sensitive. No further copies should be made. It should be shown only to those with a general need to know its contents."

At least eight months before the war, senior figures within the government and the military and intelligence establishment were working from the assumption that the Bush administration in the United States would attack Iraq, and that Britain would participate in such an action. Midway through 2002, the only area left open for discussion was how to justify the war in a manner that would minimise political opposition and limit the potential for legal action against Britain's political and military leadership.

Sir Richard Dearlove, chief of the intelligence service MI6 (identified as "C" in the minutes), began the Downing Street meeting by reporting on his recent visit to Washington. "There was a perceptible shift in attitude," he stated. "Military action was now seen as inevitable. Bush wanted to remove Saddam, through military action, justified by the conjunction of terrorism and WMD [weapons of mass destruction]. But the intelligence and facts were being fixed around the policy."

Ever since it was proved that Iraq had no weapons of mass destruction, Blair has steadfastly maintained that he acted in good faith, basing himself on the available intelligence and security reports on the supposed threat posed by Iraq. Yet at this meeting, the chief of MI6 informed the prime minister and other senior cabinet members that Washington was manipulating "intelligence and facts" in order to bolster the predetermined decision to invade.

According to the minutes, no one asked Dearlove to elaborate, and no one made any further comments on this issue. The silence can only be explained by the fact that everyone in the room was well aware that the Bush administration had decided on war for its own strategic reasons that had nothing to do with a WMD threat.

The defence secretary noted that the US "had already begun 'spikes of activity' to put pressure on the regime." The minutes continue, "No decisions had been taken, but he [ie. Hoon] thought the most likely timing in US minds for military action to begin was January, with the timeline beginning 30 days before the US Congressional elections."

Foreign Secretary Jack Straw agreed that "[i]t seemed clear that Bush had made up his mind to take military action, even if the timing was not yet decided." He admitted that "the case was thin. Saddam was not threatening his neighbours, and his WMD capability was less than that of Libya, North Korea or Iran." Straw then described how weapons inspections could be used to justify the invasion. "We should work up a plan for an ultimatum to Saddam to allow back in the UN weapons inspectors," he advised. "This would also help with the legal justification for the use of force."

Attorney General Lord Goldsmith stated that "regime change was not a legal base for military action"; similarly, invasion on self-defence or humanitarian grounds "could not be the base in this case." Authorisation from the United Nations Security Council was necessary.

According to the minutes: "The Prime Minister said that it would make a big difference politically and legally if Saddam refused to allow in the UN inspectors. Regime change and WMD were linked in the sense that it was the regime that was producing the WMD. There were different strategies for dealing with Libya and Iran. If the political context were right, people would support regime change. The two key issues were whether the military plan worked and whether we had the political strategy to give the military plan the space to work."

Blair too had no response to his senior intelligence chief's opinion that the American intelligence on Iraq was being fixed to fit the case for war. In reply to Goldsmith's concerns over the war's legality, Blair insisted on a connection between regime change and the possession of weapons of mass destruction, as if one flowed logically from the other. His argument minimised the illegal character of Washington's intention to go to war on the basis of regime change, while at the same time offering a pseudo-legal veneer based on an unproven allegation that Iraq was actively developing WMDs.

Blair was therefore silent with regard to his foreign minister's admission that Iraq did not pose a real threat to its neighbours and that its weapons capability was less than that of a number of other hostile countries. He tacitly agreed with Straw's plan to use UN weapons inspections to mount a provocation against Iraq.

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Saddam Hussein frustrated the attempted provocation by acquiescing to every one of the Bush administration's ultimatums on weapons inspectors' access. In the weeks leading up to the invasion, UN chief weapons inspector Hans Blix and his team were allowed into sites throughout the country and were permitted to destroy a number of disputed weapons. Blix reported that there was evidence of Iraqi compliance, but Blair responded by insisting that this was not full and unconditional. Despite the absence of a second UN resolution, Britain joined the invading US forces on the grounds that Washington and London had unilaterally decided that Iraq was in breach of UN resolution 1441.

Even in private meetings, Blair considered it necessary to use evasive formulations regarding regime change because of the political and legal dangers posed. After World War II, the Nuremberg trials of the Nazi leadership established the principle that planning and launching aggressive wars represented the most fundamental war crime. Yet the Bush administration had demonstrated its contempt for such principles, thus placing the British government in a near impossible dilemma. It was considered imperative to support the US war drive, while at the same time concocting a legal pretext for doing so.

Blair and other leading government figures have once again dismissed the significance of the *Sunday Times* revelations. Blair has insisted that the minutes simply confirm his many public utterances on the question, and that the subsequent eight months were given over to measures to ensure Iraq's compliance with UN resolutions. This had failed, so "The real world was you had to take a decision to take Saddam out, put him in prison or leave him in power," Blair said.

Blair's defiance is possible only because of the unprincipled character of the opposition he faces. Conservative Party leader Michael Howard has accused Blair of lying and of being untrustworthy. But he has also stressed that the Conservatives fully supported the war, and that his complaint is that Blair should have stated openly that the objective was regime change. Indeed, Howard's entire argument centres on a rejection of the very concept of international law and is backed up by his insistence that Britain should no longer recognise such legislation as the Geneva Conventions.

The Liberal Democrats have largely confined themselves to reiterating their insistence that war should not have been declared without a second UN resolution. But on the issue of the war's legality, they have been extremely reticent. To argue otherwise would raise issues that go far beyond Blair's role in authorising the war against Iraq.

Firstly it would be inconceivable that should the question of illegality be proved that Blair would be the only casualty. The heads of the security and intelligence services, top civil servants and military figures would also be threatened. It would bring about a political and constitutional crisis of the gravest magnitude. And the Liberals' opposition to the Iraq war would not protect them from any fallout. They supported the attack on Yugoslavia in 1999, which was also launched without UN authorization.

In his legal advice to Blair leaked last week, Goldsmith noted that there was little difference in legal terms between the invasion of Iraq and the bombing of Yugoslavia. "I have taken account of the fact that on a number of previous occasions, including in relation to Operation Desert Fox in December 1998 and Kosovo in 1999, UK forces have participated in military action on the basis of advice from my predecessors that the legality of the action under international law was no more than reasonably arguable," he wrote. "However, it must be recognised that on previous occasions when military action was taken on the basis of a reasonably arguable case, the degree of public and Parliamentary scrutiny of the legal issue was nothing as great as it is today."

Nevertheless, the government continues to suffer political damage as a result of Iraq, and not just because of the widespread public anger the war has aroused. In part the crisis is fuelled by hostility towards Blair from within the military and intelligence apparatus. The *Sunday Times* story is only the latest in a series of damning leaks that must originate from within the highest echelons of the state.

As well as the leaking of Goldsmith's legal advice, the *Independent on Sunday* published another leaked opinion on May 1. On March 8 2002, the Foreign Office had advised that no other state shared the opinion of the US that it, rather than the UN Security Council, could determine whether Iraq had breached its obligations under existing disarmament resolutions. The advice was attached to an options paper drawn up by the Cabinet Office warning that "A legal justification for invasion would be needed. Subject to Law Officers' advice, none currently exists."

The Blair government had to contend with grave concerns of senior military officers that they could face prosecution over Iraq. In an interview with Admiral Sir Michael Boyce, former chief of defence staff, published in the *Observer*, again on May 1, he revealed, "My concern, particularly since we were asked to sign up to the International Criminal Court (that I was never really happy about five or six years ago or whatever it was), I just wanted to make sure that if my soldiers went to jail and I did, some other people would go with me."

He explained that the attorney general's final advice asserting that the invasion was legal was necessary because "it may not stop us from being charged, but by God it would make sure we brought other people in the frame as well." When asked if this included the prime minister, Boyce replied, "Too bloody right!"

The leaked memo can be accessed here.

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