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Blair planned Iraq war from start

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INSIDE Downing Street Tony Blair had gathered some of his senior ministers and advisers for a pivotal meeting in the build-up to the Iraq war. It was 9am on July 23, 2002, eight months before the invasion began and long before the public was told war was inevitable. The discussion that morning was highly confidential. As minutes of the proceedings, headed "Secret and strictly personal — UK eyes only", state: "This record is extremely sensitive. No further copies should be made. It should be shown only to those with a genuine need to know its contents."

In the room were the prime minister, Jack Straw, the foreign secretary, Geoff Hoon, the defence secretary, Lord Goldsmith, the attorney-general, and military and intelligence chiefs. Also listed on the minutes are Alastair Campbell, then Blair's director of strategy, Jonathan Powell, his chief of staff, and Sally Morgan, director of government relations.

What they were about to discuss would dominate the political agenda for years to come and indelibly stain Blair's reputation; and last week the issue exploded again on the political scene as Blair campaigned in the hope of winning a third term as prime minister.

For the secret documents — seen by The Sunday Times — reveal that on that Tuesday in 2002:

Blair was right from the outset committed to supporting US plans for "regime change" in Iraq.

War was already "seen as inevitable".

The attorney-general was already warning of grave doubts about its legality.

Straw even said the case for war was "thin". So Blair and his inner circle set about devising a plan to justify invasion.

"If the political context were right," said Blair, "people would support regime change." Straightforward regime change, though, was illegal. They needed another reason.

By the end of the meeting, a possible path to invasion was agreed and it was noted that Admiral Sir Michael Boyce, chief of the defence staff, "would send the prime minister full details of the proposed military campaign and possible UK contributions by the end of the week".

Outside Downing Street, the rest of Britain, including most cabinet ministers, knew nothing of this. True, tensions were running high, and fears of terrorism were widespread. But Blair's constant refrain was that "no decisions" had been taken about what to do with Iraq.

The following day in the House of Commons, Blair told MPs: "We have not got to the stage of military action . . . we have not yet reached the point of decision."

It was typical lawyer's cleverness, if not dissembling: while no actual order had been given to invade, Blair already knew Saddam Hussein was going to be removed, sooner or later. Plans were in motion. The justification would come later.

AS a civil service briefing paper specifically prepared for the July meeting reveals, Blair had made his fundamental decision on Saddam when he met President George W Bush in Crawford, Texas, in April 2002.

"When the prime minister discussed Iraq with President Bush at Crawford in April," states the paper, "he said that the UK would support military action to bring about regime change."

Blair set certain conditions: that efforts were first made to try to eliminate Iraq's weapons of mass destruction (WMD) through weapons inspectors and to form a coalition and "shape" public opinion. But the bottom line was that he was signed up to ousting Saddam by force if other methods failed. The Americans just wanted to get rid of the brutal dictator, whether or not he posed an immediate threat.

This presented a problem because, as the secret briefing paper made clear, there were no clear legal grounds for war.

"US views of international law vary from that of the UK and the international community," says the briefing paper. "Regime change per se is not a proper basis for military action under international law."

To compound matters, the US was not a party to the International Criminal Court, while Britain was. The ICC, which came into force on 1 July, 2002, was set up to try international offences such as war crimes.

Military plans were forging ahead in America but the British, despite Blair's commitment, played down talk of war.

In April, Straw told MPs that no decisions about military action "are likely to be made for some time".

That month Blair said in the Commons: "We will ensure the house is properly consulted." On July 17 he told MPs: "As I say constantly, no decisions have yet been taken."

Six days later in Downing Street the man who opened the secret discussion of Blair's war meeting was John Scarlett, chairman of the joint intelligence committee. A former MI6 officer, Scarlett had become a key member of Blair's "sofa cabinet". He came straight to the point — "Saddam's regime was tough and based on extreme fear. The only way to overthrow it was likely to be by massive military action".

Saddam was expecting an attack, said Scarlett, but was not convinced it would be "immediate or overwhelming".

His assessment reveals that the primary impetus to action over Iraq was not the threat posed by weapons of mass destruction — as Blair later told the country — but the desire to overthrow Saddam. There was little talk of WMD at all.

The next contributor to the meeting, according to the minutes, was "C", as the chief of MI6 is traditionally known.

Sir Richard Dearlove added nothing to what Scarlett had said about Iraq: his intelligence concerned his recent visit to Washington where he had held talks with George Tenet, director of the CIA.

"Military action was now seen as inevitable," said Dearlove. "Bush wanted to remove Saddam, through military action, justified by the conjunction of terrorism and WMD."

The Americans had been trying to link Saddam to the 9/11 attacks; but the British knew the evidence was flimsy or non-existent. Dearlove warned the meeting that "the intelligence and facts were being fixed around the policy".

It was clear from Dearlove's brief visit that the US administration's attitude would compound the legal difficulties for Britain. The US had no patience with the United Nations and little inclination to ensure an invasion was backed by the security council, he said.

Nor did the Americans seem very interested in what might happen in the aftermath of military action. Yet, as Boyce then reported, events were already moving swiftly.

"CDS (chief of the defence staff) said that military planners would brief (Donald) Rumsfeld (US defence secretary) on 3 August and Bush on 4 August."

The US invasion plans centred around two options. One was a full-blown reprise of the 1991 Gulf war, a steady and obvious build-up of troops over several months, followed by a large-scale invasion.

The other was a "running start". Seizing on an Iraqi *casus belli*, US and RAF patrols over the southern no-fly zone would knock out the Iraqi air defences. Allied special forces would then carry out a series of small-scale operations in tandem with the Iraqi opposition, with more forces joining the battle as they arrived, eventually toppling Saddam's regime.

The "running start" was, said Boyce, "a hazardous option".

In either case the US saw three options for British involvement. The first allowed the use of the bases in Diego Garcia and Cyprus and three squadrons of special forces; the second added RAF aircraft and Royal Navy ships; the third threw in 40,000 ground troops "perhaps with a discrete role in northern Iraq entering from Turkey".

At the least the US saw the use of British bases as "critical", which posed immediate legal problems. And Hoon said the US had already begun "spikes of activity" to put pressure on the regime.

AMID all this talk of military might and invasion plans, one awkward voice spoke up. Straw warned that, though Bush had made up his mind on military action, the case for it was "thin". He was not thinking in purely legal terms.

A few weeks later the government would paint Saddam as an imminent threat to the Middle East and the world. But that morning in private Straw said: "Saddam was not threatening his neighbours, and his WMD capability was less than that of Libya, North Korea or Iran."

It was a key point. If Saddam was not an immediate threat, could war be justified legally? The attorney-general made his position clear, telling the meeting that "the desire for regime change was not a legal base for military action".

Right from the outset, the minutes reveal, the government's legal adviser had grave doubts about Blair's plans; he would only finally conclude unequivocally that war was legal three days before the invasion, by which time tens of thousands of troops were already on the borders of Iraq.

There were three possible legal bases for military action, said Goldsmith. Self-defence, intervention to end a humanitarian crisis and a resolution from the UN Security Council.

Neither of the first two options was a possibility with Iraq; it had to be a UN resolution. But relying, as some hoped they could, on an existing UN resolution, would be "difficult".

Despite voicing concerns, Straw was not standing in the way of war. It was he who suggested a solution: they should force Saddam into a corner where he would give them a clear reason for war.

"We should work up a plan for an ultimatum to Saddam to allow back in the UN weapons inspectors," he said.

If he refused, or the weapons inspectors found WMD, there would be good cause for war. "This would also help with the legal justification for the use of force," said Straw.

From the minutes, it seems as if Blair seized on the idea as a way of reconciling the US drive towards invasion and Britain's need for a legal excuse.

"The prime minister said that it would make a big difference politically and legally if Saddam refused to allow in the UN inspectors," record the minutes. "Regime change and WMD were linked in the sense that it was the regime that was producing the WMD . . . If the political context were right, people would support regime change."

Blair would subsequently portray the key issue to parliament and the people as the threat of WMD; and weeks later he would produce the now notorious "sexed up" dossier detailing Iraq's suspected nuclear, biological and chemical weapons programmes.

But in the meeting Blair said: "The two key issues are whether the military plan works and whether we have the political strategy to give the military plan the space to work."

Hoon said that if the prime minister wanted to send in the troops, he would have to decide early. The defence chiefs were pressing to be allowed to buy large amounts of equipment as "urgent operational requirements". They had been prevented from preparing for war, partly by Blair's insistence that there could be no publicly visible preparations that might inflame splits in his party, partly by the fact there was no authorisation to spend any money.

The meeting concluded that they should plan for the UK taking part in any military action. Boyce would send Blair full details; Blair would come back with a decision about money; and Straw would send Blair the background on the UN inspectors and "discreetly work up the ultimatum to Saddam".

The final note of the minutes, says: "We must not ignore the legal issues: the attorney-general would consider legal advice with (Foreign Office/Ministry of Defence) legal advisers."

It was a prophetic warning.

Also seen by The Sunday Times is the Foreign Office opinion on the possible legal bases for war. Marked "Confidential", it runs to eight pages and casts doubt on the possibility of reviving the authority to use force from earlier UN resolutions. "Reliance on it now would be unlikely to receive any support," it says.

Foreign Office lawyers were consistently doubtful of the legality of war and one deputy legal director, Elizabeth Wilmshurst, ultimately resigned because she believed the conflict was a "crime of aggression".

The Foreign Office briefing on the legal aspects was made available for the Downing Street meeting on July 23. Ten days ago, when Blair was interviewed by the BBC's Jeremy Paxman, the prime minister was asked repeatedly whether he had seen that advice.

"No," said Blair. "I had the attorney-general's advice to guide me."

But as the July 23 documents show, the attorney-general's view was, until the last minute, also riven with doubts.

Three years on, it and the questionable legality of the war are still hanging round Blair's neck like an albatross.

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