

◆ゴールドスミスの議会への書面の応答（2003年3月17日）

**(下記、資料の説明) The advice and the process by which it was reached**

On 17 March 2003, three days before the invasion, Goldsmith published a [written parliamentary answer](#) stating unequivocally that UK participation in would be legal, based on UN resolutions. The former government stated that this constituted legal advice given to the Cabinet from its top law officer but the status of this advice has been questioned by legal experts.

It emerged in 2005 that Goldsmith had given more equivocal advice just ten days earlier in a longer written opinion. During the Inquiry, evidence has been published to confirm claims that Goldsmith had previously advised that the war would be illegal without a further decision of the UN Security Council.

The Inquiry will need therefore to assess Goldsmith's eventual agreement that British participation in the war would be legal, without which it could not have gone ahead, in the context of his earlier views and the process by which he came to change his mind. In addition, as it has indicated, the Inquiry will need to ask why Tony Blair pursued a policy that he was told would be illegal.

<[http://www.iraquinquirydigest.org/?page\\_id=72](http://www.iraquinquirydigest.org/?page_id=72)>

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[www.parliament.uk](http://www.parliament.uk)

<[http://www.publications.parliament.uk/pa/ld200203/ldhansrd/vo030317/text/30317w01.htm#30317w01\\_sbhd3](http://www.publications.parliament.uk/pa/ld200203/ldhansrd/vo030317/text/30317w01.htm#30317w01_sbhd3)>

**Iraq: Legality of Armed Force**

**Baroness Ramsay of Cartvale** asked Her Majesty's Government:

What is the Attorney-General's view of the legal basis for the use of force against Iraq.  
[HL2172]

**The Attorney-General (Lord Goldsmith):** Authority to use force against Iraq exists from the combined effect of Resolutions 678, 687 and 1441. All of these resolutions were adopted under Chapter VII of the UN Charter which allows the use of force for the express purpose of restoring international peace and security:

1. In Resolution 678, the Security Council authorised force against Iraq, to eject it from Kuwait and to restore peace and security in the area.
2. In Resolution 687, which set out the ceasefire conditions after Operation Desert Storm, the Security Council imposed continuing obligations on Iraq to eliminate its weapons of mass destruction in order to restore international peace and security in the area. Resolution 687 suspended but did not terminate the authority to use force under Resolution 678.
3. A material breach of Resolution 687 revives the authority to use force under Resolution 678.
4. In Resolution 1441, the Security Council determined that Iraq has been and remains in material breach of Resolution 687, because it

**17 Mar 2003 : Column WA3**

has not fully complied with its obligations to disarm under that resolution.

5. The Security Council in Resolution 1441 gave Iraq "a final opportunity to comply with its disarmament obligations" and warned Iraq of the "serious consequences" if it did not.
6. The Security Council also decided in Resolution 1441 that, if Iraq failed at any time to comply with and co-operate fully in the implementation of Resolution 1441, that would constitute a further material breach.
7. It is plain that Iraq has failed so to comply and therefore Iraq was at the time of Resolution 1441 and continues to be in material breach.
8. Thus, the authority to use force under Resolution 678 has revived and so continues today.
9. Resolution 1441 would in terms have provided that a further decision of the Security Council to sanction force was required if that had been intended. Thus, all that Resolution 1441 requires is reporting to and discussion by the Security Council of Iraq's failures, but not an express further decision to authorise force.

I have lodged a copy of this Answer, together with Resolutions 678, 687 and 1441 in the Libraries of both Houses and the Vote Office of the House of Commons.