



Oral evidence: [Progress of the Iraq Inquiry](#), HC

1027

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Members present: Sir Richard Ottaway (Chair); Mr John Baron; Sir Menzies Campbell; Ann Clwyd; Mike Gapes; Mark Hendrick; Sandra Osborne; Mr Frank Roy; Sir John Stanley; Nadhim Zahawi

Questions 1-79

Examination of Witnesses

Witness: **Rt Hon. Sir John Chilcot GCB**, Chairman, Iraq Inquiry, gave evidence.

Q1 Chair: I welcome members of the public to this meeting of the Foreign Affairs Committee. It is a one-off session on the delays to the publication of the Iraq inquiry report chaired by Sir John Chilcot.

Sir John, welcome and thank you for accepting our invitation. I understand that you would like to make a short opening statement.

Sir John Chilcot: Mr Chairman, thank you very much. I would like to thank you and your Committee for this opportunity to give evidence and explain why it is taking longer to complete our report than anyone, myself included, expected.

Before I do that, with great sadness I have to tell the Committee that Sir Martin Gilbert died peacefully last night after a long and serious illness. There will be many tributes in coming days to Martin, but I would like to take the opportunity this morning to offer my personal condolences to his wife Esther and his family. Martin was an extraordinarily eminent historian and I and my colleagues, like so many others, benefited very much from the wisdom and insights that he was able to offer us from his long and distinguished career. He was also a kind and generous colleague, and it was a privilege to have known and worked with him.

I am here today because I recognise the exceptionally high level of parliamentary and public interest in our progress. Interest in our work is perhaps keenest for those who lost loved ones or are otherwise directly affected by the Iraq conflict. I should like to say directly to them that my committee and I feel a continuing duty to ensure that they have access to the truth. That was something to which we and they, in the meetings we had with them at the beginning of the inquiry, attached the highest priority. I ask them—and indeed everyone—to judge us ultimately on the report we deliver.

What they and you want to know at this point is the same: what it will take to get the inquiry finished and how did we get to where we are now? There are three key factors I would like to mention that have influenced our timetable. The first is that the issues arising from the decision to participate in the invasion of a sovereign nation are of the gravest kind. They touch on the operation of Government, the relationship between Ministers and the public they serve and the information given to Parliament. Those issues are sufficiently powerful to have sparked some of the biggest public protests this country has ever seen. For those reasons, I and my colleagues have been clear since the outset that we have to be rigorous and thorough at all points in our work.

The second point is that the scope of this inquiry is unprecedented. Unlike many inquiries, we are not concerted with a single incident and its aftermath; rather we cover decisions over a nine-year period and the consequences that flowed from them. When the inquiry was set up, Parliament made it very clear that what was wanted above all was a reliable account of all that happened. The inquiry committee agreed, and we are determined to produce a report that meets that desire for information, based on which people can form their own views, but given the scope of the inquiry, constructing that reliable account is a massive task.

The third factor is that many of those decisions and the actions that have flowed from them are interlinked by a web of advice, discussion and debate. That's the way all Governments do business, but it creates a real challenge for this inquiry because of its scale. One of the practical consequences is that we have heard evidence from over 150 witnesses and we have taken more than 130 sessions of oral evidence. In 2011, at the end of those hearings, I underestimated the time that we would subsequently need to analyse more than 150,000 Government documents and then to construct an accurate account of events using all the sources available to us.

In an investigative inquiry like ours, as opposed to one dealing with a tightly defined set of questions, the more you read, the more lines of inquiry arise. Once the analysis of those is under way, you have to pursue each one—exercising good judgment—to its necessary conclusion.

But in addition to the challenges of scope and scale I have described, the inquiry has, of course, had some well-documented and quite difficult exchanges about the release of Government documents. As the former Attorney-General said last week in Parliament, such difficulties were—and I quote him—“probably inherent in the inquiry” when it was established.

My colleagues and I have consistently said that the minutes of Cabinet and communications between Mr Blair and President Bush were essential to establish an account of what happened—an account that people can trust. We have therefore spent time and effort ensuring that we can publish the material we need from those documents.

We decided in 2013 that we should not begin the Maxwellisation process until agreement had been reached on material that we could use from those documents. In my view, the inquiry had to know what evidence it would be allowed to bring forward in support of its conclusions before sharing them, even in draft form. That meant that Maxwellisation did not begin, as I had hoped, in October 2013. Agreement on the principles governing

release of the most sensitive documents was not reached until May 2014, and agreement on the mass of detail that followed that agreement in principle was only concluded at the end of September.

All those challenges aside, the inquiry is now into the Maxwellisation process. That means that certain individuals have been sent material from the inquiry's draft report. They do not see every reference to themselves, but only the draft text which is critical of them and the evidence which supports that.

Now, Maxwellisation is, I believe, essential in the interests of natural justice and of fairness.

Q2 Chair: Sir John, do you mind if I interrupt? It was understood you would be making a short opening statement. You are covering a lot of the ground that we intend to probe on. I wonder if you could conclude the opening statement, and then we will get into the questions.

Sir John Chilcot: Of course. What I would like to say in closing is that my committee and I want and intend to deliver our report to the Prime Minister as soon as we possibly can. But as I said to the Prime Minister in my letter of 20 January, I see "no realistic prospect" of doing so before the general election. We have to maintain the principles by which we have operated throughout. The principles are those of fairness, thoroughness and impartiality. It is our duty to deliver a report which gives the Government, Parliament, the public and particularly all those who have been deeply affected by the events in Iraq the answers they deserve. Thank you, Chairman.

Q3 Chair: Sir John, thank you very much indeed. Can I start by expressing our regret and sadness over the death of Sir Martin Gilbert? We extend our condolences to his family.

Sir John, following the decision to go to war in Iraq in 2003, there were no fewer than four inquiries prior to yours on the case for war. None of them took more than six months. One was conducted by this Committee, and I and Sir John Stanley served on it, and you served on the Butler inquiry. So, when you agreed to take on the job, you were no stranger to the issues that were in front of you. At that time, when did you expect that you would be concluding your report?

Sir John Chilcot: I did not believe, after the initial exchanges between the then Prime Minister, Gordon Brown, and debates in Parliament that we could finish within the year that was held out, because that was founded on the expectation of the work of the committee being held entirely in private. Now, that ceased to be the case. Parliament felt very strongly, I believe, that there should be as much in public as possible, and we—the committee—who were not consulted about the terms of reference, agreed. That immediately meant that the time scale would be longer than was originally envisaged.

Q4 Chair: If a time limit had been set at the outset—say, 18 months—would that have affected the way you approached it?

Sir John Chilcot: It raises a real problem, I believe. If the time is to be constrained, so must the range, scope and depth of the inquiries that follow. I do not believe it would have

been possible to ask for a reliable account of nine years' involvement in Iraq within a very tightly constrained time frame. You could have one or the other, but you can't have both.

Q5 Chair: So do you believe that in an inquiry of this type, it is impossible to have a time limit?

Sir John Chilcot: I think that is one of the things that when this inquiry has finished it will be worth giving thought to, but I do not see any escape from the fundamental balance to be struck between time available and the scope, range and depth of the subject under inquiry.

Q6 Chair: When you were invited to chair the inquiry, were you given an opportunity to discuss its scope before you accepted the task?

Sir John Chilcot: No.

Q7 Chair: Were you happy with the scope that was given you?

Sir John Chilcot: Having served on the Butler committee, which had the quite narrow remit of looking at the intelligence on Iraq, I thought there were many unanswered questions, some of which had occurred to the Butler committee but were outside its terms of reference. I thought, myself, that there was advantage in a comprehensive inquiry at some point. The fact is that the Hutton inquiry into the death of Dr David Kelly and your own Committee's inquiry were not given the opportunity to range across the whole narrative of the nine-year engagement, so I was not opposed to that scope.

Q8 Chair: You said you were not given an opportunity to discuss it. How long did you have to accept the invitation to chair the inquiry?

Sir John Chilcot: Ten minutes.

Q9 Sir John Stanley: Sir John, you had huge experience of chairing commissions and similar bodies before you accepted the chairmanship of the committee. When you last had a meeting with members of this Committee, including myself, in 2009, you at that point expressed very real confidence that you would be able to complete your inquiry within two years. I am still not at all clear from your opening remarks, given the fact that all those points that you referred to must clearly have been before you then, why it is taking at least six years rather than two. It does not seem to me that any of the factors that were in front of you in 2009 were not foreseeable.

Sir John Chilcot: I don't believe it was possible then for me, or anyone actually, to have foreseen the nature and range of issues that would be disclosed progressively from the examination not only of witnesses in the oral hearings, but of the extraordinarily wide-ranging and voluminous archive. When questions come up, you cannot simply put them aside and say, "That doesn't matter." Very often, a question that could not have been foreseen at the outset does matter very much, and then cross-connects to a host of other questions. I think the answer is, if one had tried to foresee it, it would still have been impossible to do so with confidence. The lesson that I have learned from this is that either there has to be an

acceptance of the primary objective of an inquiry, and allow that to be fulfilled; or if time is critical, that should override the range and depth of work that is undertaken.

Q10 Nadhim Zahawi: I draw the Committee's attention to my entries in the Register of Members' Financial Interests, both pecuniary and non-pecuniary, in Iraq. My family hailed from that country.

Sir John, you quite rightly talk about your principles of fairness and impartiality. Do you think that those principles would be compromised if you published before a general election?

Sir John Chilcot: I don't believe that the timing in relation to a political event, even one as important as a general election, really determines the issue. We have sought to avoid any kind of partiality. We are not fools; we understand the political context and climate as it shifts and changes. Our determination was and remains to finish the report on the principles that I have described. I don't know—it is for others to judge—whether it would have been more or less useful to have had the report shortly before a general election.

Q11 Nadhim Zahawi: What's your opinion?

Sir John Chilcot: I don't have one. What I am determined to do is to get the report to the Prime Minister and then out as soon as we can, consistent with sticking with the approach that we have taken and I have sought to describe.

Q12 Nadhim Zahawi: I know you can't give a specific date for publication, but you also referred in your opening statement to the families who have lost loved ones, and they deserve to know, even an approximation, as in a timeline, when you think we can expect publication to take place.

Sir John Chilcot: One doctrine that I've sought to establish is that while we don't give a running commentary on progress throughout the work of the inquiry, from time to time, when it is appropriate, I write to the Prime Minister to explain where we've got to and where we are going. I have got very much the feelings of the families affected in mind when I do that. What I cannot see is, until the Maxwellisation process is complete, that I will be in a position to say anything useful, either to the Prime Minister and indeed to yourselves, or to the families. Once that is complete, it is a different matter.

Q13 Nadhim Zahawi: We're going to come to that later in our questioning, but surely you must have an idea of roughly, approximately, what period of time is needed. This uncertainty is clearly painful for those families.

Sir John Chilcot: Yes; I'm facing a genuine difficulty regarding the Maxwellisation process, as I believe the Committee understands. Until it is finished—and you can't put an absolutely firm deadline on it at this point, when it is ongoing—it is really not possible to say. I think the risk of arousing either false hopes or false expectations either way outweighs, for me, meeting the powerful appetite there is, for all sorts of often good reasons, for people to know when the report is likely to become available.

Q14 Nadhim Zahawi: So for the record, for this Committee, the reason you are prevented from publishing in March is not pre-election purdah. Is it purely the Maxwellisation process and its consequences?

Sir John Chilcot: Yes.

Nadhim Zahawi: Thank you.

Q15 Mr Roy: Sir John, do you accept the statement of Sir Jeremy Heywood, the Cabinet Secretary, that as far as the inquiry's timetable is concerned, the buck stops with the inquiry and that the timetable is completely in your hands?

Sir John Chilcot: The inquiry is entirely independent in terms of timetable and working. The only qualification to that is that, necessarily, we have to have agreement with, and indeed the supply of documents from, Government across a very wide range of sensitive, often highly sensitive or highly classified matters. So to that extent, we are not completely autonomous, but we are autonomous in the decision that we take about the use of that material once it has become available.

Q16 Mr Roy: At the same time, could that time frame be extended if someone wanted to extend it by deliberately taking their time?

Sir John Chilcot: We have a very clear doctrine about that, both in general in terms of the context of Maxwellisation and perhaps more widely, which is that people—be they witnesses, be they others—deserve a reasonable amount of time to fulfil whatever we ask of them, but a reasonable amount is by no means the same as an indefinite amount of time, and if people exceed reasonableness, whether in the supply of documents or the making of decisions about disclosure of them, or in terms of responses to the Maxwell process, we have to ourselves exercise a judgment of what is reasonable and what is not reasonable. If not reasonable, then we have to deal with that as best we can.

Q17 Mr Roy: You mention the sheer volume of documentation. With hindsight, would a larger staff have helped to speed up the process? Who made the decisions on the staff levels?

Sir John Chilcot: I think, again, once the inquiry has concluded, it is worth looking back to see, but at the stage we have reached—this very advanced stage—I don't believe that the staffing levels are a factor. We have in the past asked for more resources when we have needed them, and we probably will have to in the closing stages, as we go through the final process of production, etc. If we need that, we will ask for it—and we will get it.

Q18 Ann Clwyd (Cynon Valley) (Lab): I should say first of all that I was special envoy on human rights to Iraq for seven years.

Sir John, in retrospect, do you think there would have been any benefit in publishing an interim report?

Sir John Chilcot: That again seems to me to be a very good question, and it is one that we ourselves took very seriously. In our consultations with the Chairmen of Select Committees and others, in noting debates in Parliament and, indeed, in our own reflections, we considered whether, on balance, it would be possible, or better, to have published an interim report. You will know that the conclusion we came to was that it was not. Why? The reason is very clear, and it came out in one particular example in the public hearings, which is that if you ask witnesses about the quality, extent, depth and utility of aftermath planning, it is when you look into the aftermath, after the invasion is over, that you come to a proper and

balanced judgment about the quality of pre-invasion planning; these things do not just stop at a point in time or at a point in the series of events. I still believe that if we had been asked—or if it had been possible to force us, although we are an independent inquiry—to issue an interim report, we would then, among other things, have had to go through the Maxwellisation process twice over. The effect of that on time might more than outweigh any advantage from dividing a report artificially into two time sequences.

Q19 Ann Clwyd: Might there have been a possibility of splitting the report into policy pre-war, during the war and post-war, and reporting separately on each?

Sir John Chilcot: That is not a question that we asked ourselves. The one that we did ask ourselves very seriously, and we took some time over it, was whether we could take the point of decision to invade and the invasion itself as one part, and then all that happened after the invasion as a second part. We simply found that too much crossed those boundaries, and the same argument in principle would apply to a three-part report. There is a real conundrum, which we have touched on already: if it was the will and wish of both the Government and Parliament to have a full account of all that happened over nine years in the engagement in Iraq, it is not possible, as it has turned out, to ration out or cut up the different series of events, because they all cross-connect to each other right from the beginning to right at the end. One obvious example, which I hardly need to mention to Ann Clwyd, is the impact on the civilian population of Iraq throughout.

Q20 Mark Hendrick: Sir John, you mentioned that something like 150,000 Government documents were obtained as part of the inquiry. How many of those documents did you seek to have declassified?

Sir John Chilcot: I think it is quite important to analyse the numbers. The 150,000 represent the totality of what we have seen so far—material is still coming in. We were promised—that promise has been honoured, by the way—to have access to absolutely any Government document. The 150,000-plus represents the totality, and we have had to review all of them to see how far they are relevant and how far we can use some of them. A much smaller but still very substantial number—say, 7,000 more¹—we will want to use, and to be able to use them in the report we have to have the Government's agreement to declassify or to approve publication. It is also worth mentioning at this point that we will be publishing alongside the report not only a large number of documents, but quite a number in full or in a slightly redacted form. There are layers and layers of documentation, but the key number, I suppose, is probably the 7,000 that we will want to deploy in the report itself.

Q21 Mark Hendrick: Okay. Because obviously we have not seen the report, could you give us a flavour or idea of the types of documents that we are talking about? How long were the negotiations with the Government on those documents in each case?

Sir John Chilcot: I should like to offer the Committee a view on the document categories. I cannot, as it were, divide up 150,000 exactly by number.

Q22 Mark Hendrick: I am talking about the 7,000.

¹ Note from the witness: I should like to clarify that in our report we will use material from around 7,000 of the 150,000 documents.

Sir John Chilcot: Well, essentially there are types of... I am looking to see how I can best help the Committee in terms of the kinds of documents that we are talking about. I have a list here.

Starting with the 150,000 documents, by the way, we have got more than 200 minutes of the Cabinet and Cabinet Committees. We have got 30 notes from Mr Blair as Prime Minister to President Bush. We have got records of conversations between Mr Blair and a variety of other world leaders, such as Presidents Putin and Chirac. We have got the records of conversations between other Cabinet Ministers and their international counterparts—for example, between Mr Straw and Secretary Powell in the United States.

We have then got the legal advice made available to Ministers throughout. We have got a huge quantum of papers, agendas and minutes from a wide range of meetings and discussions across Whitehall, which include the Chiefs of Staff Committee meetings. We have got innumerable—well, not innumerable, but very large numbers of letters, memoranda and e-mails. We have got policy advice given to Ministers and their responses to that advice. We have got intelligence assessments by the Joint Intelligence Committee and the Defence Intelligence Staff, and other intelligence product as well. Then, and not least, we have got telegrams from ambassadors and our embassies, as well as from the Foreign Office in London, and reports from all sorts of people working in the field in Iraq throughout the period.

That is a notion of the ground that the material covers. I don't think I ought today to try to explain precisely what we are going to publish alongside the report, but it will be a substantial bloc of 7,000 or more documents².

Q23 Mark Hendrick: And then there are negotiations with the Government to get those documents released?

Sir John Chilcot: Indeed. I am sorry, Mr Hendrick; I did not respond to that part of your question. In truth, that has gone on throughout the inquiry.

Q24 Mark Hendrick: It is ongoing.

Sir John Chilcot: Yes.

Q25 Mark Hendrick: What effect do you think the pace of those ongoing negotiations has had on the publication of the report? Do you think the way in which the Government have responded has meant that the report is likely to be published a lot later than you would have wanted, or do you think that the Government have facilitated the information in such a way that the report will be published when it is practical to do so?

Sir John Chilcot: I think I ought to say two things in response to that. One is that we have not experienced obstruction; however, we have placed very great demands on Government Departments to produce material—huge amounts of material—over this long period, and they have often found it difficult to respond as quickly as we would have liked.

² Note from the witness: to avoid any misunderstanding; around 7,000 documents will be referred to in our report, more than 1,500 of those will be published alongside it.

The second and the crucial element is to do with the interchanges between Mr Blair and President Bush. Frankly, until we were able to establish agreement in principle about that and how much we could use and disclose, I was not ready to send even provisional draft texts to witnesses who might be criticised, because the way in which the evidence could support any criticism is absolutely critical, and to do that, we had to know what we were going to be able to get. As the Committee will be aware, it took considerable time to establish, first, agreement in principle, and then the actual delivery of the material under the principles agreed.

Mark Hendrick: Thank you, Sir John.

Q26 Sandra Osborne: You wrote to the Prime Minister in July 2012 and said that you expected to begin a dialogue with the Cabinet Office about these important documents between the Prime Minister and President Bush. You agreed the principles, and you wrote to the Prime Minister again on 28 May and told him that you had agreed the principles. You wrote to the Prime Minister again on 20 January 2015 to say that you had reached an agreement on the publication of 29 of Mr Blair's notes to President Bush, subject to a small number of essential redactions, but you are still saying that that was not obstruction—the Cabinet Office was not obstructing. That is an awful long time to reach an agreement, don't you agree?

Sir John Chilcot: It was a very long, difficult and challenging discussion on both sides. I think it is right to say and to remind people that the initial view taken by the previous Cabinet Secretary was that the notes, for example, that Mr Blair had sent to President Bush were not disclosable. There was a strong convention that interchanges of that sort should not be disclosed in public, ever. As we went through point by point with the current Cabinet Secretary, it became increasingly clear that on the balance of argument he would agree that a certain passage or point could be disclosed because of the essential nature of our inquiry, which related to the workings of our central Government. That came to the point where it was no longer possible to sustain a doctrine that these documents, as a category, could not be disclosed, but it took a long time to get to that point; it was an aggregative process. Does that answer your question?

Q27 Sandra Osborne: What's your opinion of the balance that the Government took in relation to maintaining good relations with the US and the public interest in the UK?

Sir John Chilcot: Clearly, that is the crucial question in this instance—where you draw the balance. For our part, I think that the committee was much influenced in the arguments that we put by the fact that quite a lot of issues that these notes related to were covered in memoirs of retiring politicians and statesmen, but that would of course be a one-sided account, and we thought it essential that we should be able to give a balanced account based on the totality of the evidence. I am glad to say that, to a very large extent, that argument prevailed over the counter-arguments.

Q28 Sandra Osborne: Could I ask you about the role of Sir Jeremy Heywood? Do you feel that he acted with complete independence and detachment as a final point of appeal on publication of sensitive documents, given his role at the centre of policy making in 10 Downing Street from 1999 to 2003?

Sir John Chilcot: I have no reason to think other than that he acted entirely properly. His role at the time gave him almost no exposure to the Iraq set of issues when he was in No. 10. There is an agreement that we reached in the protocol about documents with the previous Cabinet Secretary, which assigned that role by our agreement and his—Lord O'Donnell's—to be the final point of appeal on disclosure matters. The reason is a powerful one: it is that the Cabinet Secretary has, both by custom and in practice, a broad perspective on the implications of publishing sensitive material in all sorts of fields, but the key and, for me, the crucial point is that he, unlike any politician in or out of office, can see the totality of material across a change of Administration, look at the whole story and make a judgment based on that, and it is not clear what other person would be in a position to do that. I repeat: I have no indication that Sir Jeremy acted otherwise than properly throughout.

Q29 Sandra Osborne: You referred to the debate last week on the Floor of the House. Allegations were made during that debate that the employment of the secretary to the inquiry, Ms Margaret Aldred, did not follow the civil service code. What is your response to that?

Sir John Chilcot: I was well aware when accepting the chairmanship that the secretary would be Margaret Aldred, provided that I agreed. I have absolutely no difficulty; she is a highly professional and longstanding civil servant who acts under the general civil service code and indeed its set of values, which are those of impartiality. A point that perhaps did not come out in the debate, or not sufficiently, was that the only role in which she was directly engaged with Iraq in the Cabinet Office, as the deputy head of the overseas defence secretariat, started in November 2004, long after the decision to invade and the invasion itself, so she was not in any sense involved in those crucial decisions between 2000, 2001 and 2003.

Q30 Sandra Osborne: Thank you for that clarification. This is my final question. You say that you are reluctant to publish evidence in a piecemeal fashion, but quite a lot has already been published. Why the delay in publishing the remainder?

Sir John Chilcot: All I can say is that nobody is in a position to know what will be published from the Iraq inquiry about its findings, conclusions and, indeed, the narrative. What other people report and publish about those years and those events is nothing to—it does not, as it were, affect what we will say. We read and take into account as much material as we can see on the public record from other sources, but I think it is going to be very important to express the wish that not only are we, the inquiry, judged by the quality of the report but that all those events, from before 2001 to the end of our engagement in 2009, should be seen, judged and informed in the round and on the basis of solid evidence. I hesitate, Chairman, to intrude any more numbers, but the number of footnoted references to documents which will appear in the final report is vast, and that gives the chain of evidence for every single conclusion that we shall come to.

Chair: I am familiar with the problem.

Q31 Mr Baron: Perhaps I should declare that Sir John and I have met in private as part of the inquiry. Thank you for joining us. Many of us do not underestimate the scope and breadth of your inquiry and your determination to get to the truth. I have no doubt that you will produce an authoritative report.

May I quiz you a little bit more on both the declassification issue and the publication of evidence issue? We are given to understand that the declassification of documents is ongoing. Can you give us a bit more information about that? For example, is it ongoing because the inquiry has been putting in requests late, or is it ongoing because the Government have taken time to come back to you?

Sir John Chilcot: It is partly the latter, but it is also the fact that this is an ongoing process by definition. To give you one example, if someone who has been sent a provisional critical text as a witness comes back with a quite different piece of evidence from a document that we had not either seen or adduced, we might need to ask for declassification of that document before the report is finalised. There is a tail of declassification, but I think it is right to say that the great bulk has already been done and has been approved. I would not like to give the Committee the impression that it is all being blocked up in the channel and silted up. We are very close, I think, to near finality on the declassification point.

Q32 Mr Baron: But you would accept, would you not, Sir John, that there have been some delays in getting documents declassified? In other words, is it reasonable to make the point that the delay in this inquiry is not entirely the inquiry's fault?

Sir John Chilcot: Yes—I am tempted to lapse into mandarin language, but I will try not to. It is not necessarily delay when people take time or insist on entering into a long and difficult debate between one party and the other about whether some particular point or, indeed, some particular category of material can or cannot be declassified. I could—although not today, if you will agree, Chairman—give specific examples of whole categories where we have been successful in overturning long-standing conventions against any kind of publication. That is not something that happens overnight; it has to be argued through and decisions have to be taken about it at a very high level.

Q33 Mr Baron: Can I move us on to the evidence? Following on from a previous question, does there now exist a settled body of evidence that you intend to publish alongside your report, or is the evidence subject to revision as part of the Maxwellisation process? The reason I ask is that, if it is settled, certain people could ask the reasonable question, “Why don't we publish it, because it's not going to change as a result of the delay in the report?” but if it is not settled and it is subject to the Maxwellisation process, the report may be criticised in certain quarters for not allowing certain evidence to come to light.

Sir John Chilcot: I think it highly unlikely—perhaps even verging on the impossible—for responses to the Maxwellisation process to say, “You should not say that thing or publish that document.” I don't believe that is possible. What is possible is the other side of that coin—that more material may need to be disclosed. So there is not a fixed body of evidence at this point in time, before the Maxwellisation process is complete. It is ongoing, but it is not ongoing in terms of a reduction in the amount of evidence that will become available when the report is published, and it may extend it.

Q34 Mike Gapes: Sir John, you have referred to 150,000 Government documents. Can I be clear? These are all UK Government documents?

Sir John Chilcot: That is correct, Mr Gapes.

Q35 Mike Gapes: Do you have a separate category of documents of Governments of other countries?

Sir John Chilcot: We have not been given or, indeed, asked for access to the archives of other Governments—I imagine you mean the United States—but if we are aware of some such material, we are not in a position to use it as evidence. The UK Government would be the determining body to decide whether material from another Government could be included as evidence.

Q36 Mike Gapes: Does that include documents that are already in the public domain—for example, congressional reports or inquiries in the United States which have revealed certain information?

Sir John Chilcot: No, no, no. If something is in the public domain already, and legitimately so, then that is available to the world.

Q37 Mike Gapes: How many documents do you have from other Governments?

Sir John Chilcot: As such, I could not give you a number. Are we aware of what has been said by, for example, congressional committees or retired senior statesmen in the United States? Yes, of course, but I don't think it is the duty of our inquiry to bring forward stuff already in the public domain from sources like that. If it is available, it is available.

Q38 Mike Gapes: As I understand it, you have, as an inquiry team, held meetings abroad.

Sir John Chilcot: Yes.

Q39 Mike Gapes: Including in Iraq.

Sir John Chilcot: Yes.

Q40 Mike Gapes: And in the United States.

Sir John Chilcot: Yes.

Q41 Mike Gapes: And in France.

Sir John Chilcot: Yes.

Q42 Mike Gapes: I haven't been able to ascertain this, but is there a list of the meetings that you have had and who you have met?

Sir John Chilcot: Do you know, I'm not certain of the answer to that?³ It is probably not in the public domain yet, but there would still be no secret about it. We would certainly, I expect, list such meetings and encounters in the report. That was something we did, I remember, in the Butler committee, so there is plenty of precedent to do that.

³ Note from the witness: a list of the international interlocutors with whom the Inquiry held meetings is on the Inquiry's website (www.IraqInquiry.org.uk).

Q43 Mike Gapes: What direct input has there been into your inquiry from foreign Governments who were in office during the nine-year period that you are covering?

Sir John Chilcot: We have not had representations from other Governments to try to influence our inquiry.

Q44 Chair: Sorry? Representations to you, rather than you inquiring to them?

Sir John Chilcot: Indeed.

Q45 Mike Gapes: In what sense? To stop you going down certain routes?

Sir John Chilcot: No. I said we've not had such representations.

Q46 Mike Gapes: You have not had such representations. Sorry, I misheard you—I suspect I was not the only person. You have not had them. Good—otherwise, we have a major media story. Do you plan to publish all the notes of the meetings that you have had when you produce your report?

Sir John Chilcot: No. We were not taking evidence; we were having discussions designed to inform both us and, indeed, our interlocutors. We would not have made either transcripts or notes that it would be right to share. These meetings were, in the main, held on a condition of confidence, which I would want to respect. We can draw on the information and the argument that we heard in those meetings, but they are not part of the evidence of the inquiry as such—that rests very much on United Kingdom witnesses and documents.

Mike Gapes: Thank you.

Q47 Sir Menzies Campbell: Sir John, in your opening statement, you identified the very acute political interests in these matters. In the course of exchanges over the last few weeks, a number of propositions have been put that I think it is only fair to allow you to comment upon. First, have you come under any pressure either to delay or advance the publication of your report in the light of the imminence of the general election?

Sir John Chilcot: The short and easy answer is no.

Q48 Sir Menzies Campbell: If such pressure had been sought to be applied, what would your response have been?

Sir John Chilcot: That we are an independent inquiry and we should hold to our independence. We could not be forced, frankly, to put our signatures to a report which we regarded as incomplete or unfinished.

Q49 Sir Menzies Campbell: It has also been suggested—I am going to turn to the question of Maxwellisation—that some witnesses who may be part of the Maxwellisation process have sought to use that process to delay the eventual publication of the inquiry. Is there any evidence to support that allegation?

Sir John Chilcot: As matters stand today, no.

Q50 Sir Menzies Campbell: May I go on then to the question of Maxwellisation? I appreciate the constraints that you are under in relation to confidentiality and, of course, the legitimate interests of those witnesses who may be in that process, but are you able to give us some account of the scale of the Maxwellisation process—that is to say, the number of people to whom documents may have been sent as part of this process?

Sir John Chilcot: I've thought hard about how far I could properly go in helping the Committee on this particular point. I do not think that I can give even an indication of the number of people who have been sent provisional criticisms. What I can say is that no one who was not a witness has been involved in the Maxwellisation process.

Q51 Sir Menzies Campbell: One would not have expected it. I don't think that Maxwellisation applies to anyone other than those who have given evidence.

Sir John Chilcot: Indeed, which gives you an upper limit because we only had 150 witnesses, so that includes those will be part of the Maxwellisation process, but below that number I am not prepared to go.

Q52 Sir Menzies Campbell: Well, may I press you a little on that, Sir John? It would give some indication to the Committee and the public of the extent of Maxwellisation if you were able to indicate, even if only in rough terms, the number of people to whom documents and proposed findings have been sent as part of the process.

Sir John Chilcot: I'm afraid I risk you feeling that I am being obdurate; but I really mustn't, because, apart from all else, if I start to give numbers, people can work out who might be and who would not be involved. That attempt has already been made here and there in respect of particular individuals. I have an absolute duty to sustain the confidentiality surrounding the process until it is complete.

Q53 Sir Menzies Campbell: "Obdurate" is a lapse into mandarin, Sir John. There is some anecdotal evidence. It has been suggested that, in at least one case, several hundred pages have been sent as part of this process and that, as you indicated yourself a little earlier, the report is well buttressed by references to documents and things of that kind. That is anecdotal evidence. Would you be willing to challenge that? If that is now in the public domain, is it a fair reflection in some cases of what Maxwellisation has amounted to?

Sir John Chilcot: I can't help but feel that if we are tempted to counter particular anecdotes with either denial or confirmation, it would be prejudicial to the process. I cannot escape from that.

Q54 Sir Menzies Campbell: But you obviously appreciate the importance of the issue of Maxwellisation because, as I understand from your evidence, you are at a point where this may not be the final stage, but it is a vital step in approaching and achieving the final stage.

Sir John Chilcot: It most certainly is a vital step. It's, I think, clear that it is almost the last really major step in the process, from the initial taking of public-hearing evidence to the analysis and examination of this vast archive, through to the forming of provisional conclusions, including critical ones, and then the Maxwellisation process to deal with that. It

is late on in the staging of the whole inquiry's work. What remains after that will be inevitably the completion and finalisation of text, and then all the usual processes to do with editing, polishing and submission to Government and the rest of it.

Q55 Sir Menzies Campbell: Have you sought to establish any deadline, either in the minds of those who are a part of the process or, indeed, in the minds of the Committee—this process, of course, is not the final process, but part of reaching the final conclusion—by what time may that be able to be achieved?

Sir John Chilcot: I think it is inherent in the Maxwellisation process that, while we are not allowing indefinite amounts of time for people to respond, we have to be reasonable, in consonance with the rules of natural justice, and give people a reasonable amount of time. If a particular witness has been given, as you mentioned anecdotally, hundreds of pages, that is rather different from someone who has got three paragraphs to respond to. People must have a proper and reasonable amount of time if we are to be fair. But, that said, people mustn't—I have no evidence at this point that anyone is trying to delay the publication of the report by holding out from responding or entering into argument about the Maxwellisation process.

Q56 Sir Menzies Campbell: In your heart of hearts, do you ever rue the day that you were asked to take on this responsibility, Sir John?

Sir John Chilcot: I try very hard not to rue the day.

Q57 Sir Menzies Campbell: Does that mean then that there are occasions when you do?

Sir John Chilcot: May I put it this way, Sir Ming? All of us, and I say this in seriousness, are determined to get this thing done. None of us thought it would take this long. We want to get it done, but we are not going to get it done by scamping the work or failing in the essential principles that we have set ourselves: everything we say and conclude must be based on evidence. It's got to be fair; it's got to be impartial; it's got to be rigorous—all of that.

Q58 Sir Menzies Campbell: This is a delicate question. Has the illness of Sir Martin Gilbert had an impact upon the process?

Sir John Chilcot: Not in terms of the timing. The loss is immeasurable, of course, but it has not affected the rate of progress of the work of the inquiry.

Sir Menzies Campbell: Thank you.

Chair: I'm sure you are thoroughly enjoying yourself this morning.

Sir John Chilcot: I'm grateful for that assurance.

Q59 Chair: On the Maxwellisation process itself, do you think that a test or process that was drawn up 45 years ago by a single judge, who was trying to decide whether Robert Maxwell was a fit and proper person to be the director of a public company, is the right test for a

national inquiry looking at a foreign policy intervention, which is probably the most serious one since Suez?

Sir John Chilcot: The genesis of the Maxwellisation process, as you point out, Chairman, goes back quite a long time and stems from a quite different starting point in terms of administering company law and applying company law practices. Before that, we had the Salmon report on the use of tribunals of inquiry. What I think is most relevant today, in answer to your question, is to look at the Inquiries Act 2005. We are not an Inquiries Act inquiry, but the process that is laid down in that Act, and the rules accompanying it, is in effect similar to and compatible with the Maxwellisation process. Frankly, nothing less would do.

Q60 Mr Baron: Sir John, can I briefly return us to the issue of declassification? Can you just confirm that any Government delay, when it comes to declassifying documents, has, in your opinion, not been unreasonable?

Sir John Chilcot: Applying the test of reasonableness, I think it was done in good faith. Time was taken before very difficult decisions on unprecedented categories for disclosure were reached. I don't think I could accuse Government Departments of unreasonableness, but substantial amounts of time were taken up at critical points, as I have already given in evidence to the Committee this morning.

Q61 Mr Baron: And that is still ongoing? You are still waiting for documents to be declassified?

Sir John Chilcot: There is a tail of declassification, but it is not now a factor that affects the progress of the report to completion.

Q62 Mr Baron: Moving on to the evidence, you have said that it is subject to revision as part of the Maxwellisation process, which seems reasonable. It is natural justice to allow witnesses and participants at the time to push back and question evidence—one accepts that—but what can you say to the general public to assuage their concern that certain evidence or truths that are perhaps inconvenient will not see the light of day?

Sir John Chilcot: I believe I may not have been successful so far this morning, so I am particularly grateful for that question, in explaining that the major part of the work of the inquiry, as has already been said, is to construct a reliable account of all that happened, in very great detail, fully evidenced. None of that, as it were, is subject to the Maxwellisation process. It cannot be changed or filleted. It is only the conclusions and analysis on top of that account where a Maxwelllee may want to argue, "That conclusion is wrong," or, "I have better evidence than you have shown me." That could happen, but the reliable account is not touched by that. That is complete, comprehensive and cannot be compromised.

Q63 Mr Baron: Finally, Sir John, from what you say, there is therefore a body of evidence that is settled and not subject to revision.

Sir John Chilcot: It may be subject to addition before we come to complete finalisation.

Q64 Mr Baron: Yes, we are clear about that. There is a settled body of evidence that may be added to, but it will not be subject to revision.

Sir John Chilcot: Provisional criticisms in the Maxwellisation process—our conclusions and findings—are not reports of evidence; they just back up those findings⁴.

Q65 Mr Baron: Leading on from that, when it comes to that settled body of evidence, which one accepts perhaps at the margin you are still adding to even at this late stage, what do you say to those people who say, “Well, listen, given the unexpected delay”—even though it sounds like you have good reason—“why not put that settled body of evidence into the public domain?”? There are voices calling for that, and the reason that some give—not unreasonably perhaps—is that past inquiries have missed key bits of evidence that we have subsequently deemed to be very important. The Hutton inquiry, for example, largely ignored the fact that it was a spin doctor, John Williams, who produced the very first draft for Sir John Scarlett within an organisation called the CIC—the Coalition Information Centre—working in the very heart of the FCO. Some would attach a lot of importance to that to prove the spin doctors were at the very heart of making the case for war. That sort of thing needs to be out there, but you are saying, “Wait until the inquiry has come to its final conclusion.”

Sir John Chilcot: I am, and for this reason: to publish a reliable account in full and in immense detail but to draw no conclusions and offer no analysis leaves individuals and the whole story open to every kind of out-of-context misunderstanding. It is very important to add the analysis both at strategic level and at the level of individuals on top of that account, so that the whole thing can be seen in the round at the same time.

Q66 Sir John Stanley: Sir John, in your response to one of the questions from Frank Roy on the Maxwellisation process and the length of time that those who were receiving your provisional criticisms had to respond, you made, perfectly fairly, a distinction between those who are taking a reasonable amount of time to respond and those who are not. My question to you is: as of today, without of course naming any names, are there any individuals who, in your view, are taking an unreasonable amount of time to respond?

Sir John Chilcot: Sir John, I am grateful for the precise way in which you framed that question. As of today, I have no reason to think that anyone in the Maxwellisation process is seeking to spin out time for a reason, but I also said in my evidence that we are not going to give people an indefinite amount of time, only the amount of time that we regard as reasonable for them, case by case, in their circumstances.

Q67 Sir John Stanley: Thank you. Just one other question arising from your exchange with John Baron on declassification—this is a material point that looks procedural, but is very material, as you, with your Northern Ireland background, will know intimately. Is the process of declassification that you are following one of retaining the existing document and redacting the classified material, and then publishing the original document with the places where redactions have taken place indicated by an asterisk or an appropriate symbol? Alternatively, are you following the process of declassification by essentially rewriting the

⁴ Note from the witness: to avoid any misunderstanding, the evidence and findings are two types of material within the Inquiry’s draft report, not two separate documents.

document and presenting it unclassified, but with no indications as to where redactions have been made?

Sir John Chilcot: Not the latter. As you imply and point out, it is a complicated matter. If a document is going to be published by the Iraq inquiry, having had agreement with Government to disclosure—to publication—and if there are essential redactions with which we agree, for good reasons that are set out in the protocol, those redactions would be apparent on the face of the published document, and it is absolutely essential that they should be.

When it comes to another category—if we offer and have agreement to use quotation—it will be evident, I think, from the context that the quotation is from a longer document, but that that document may not be relevant to our work. In other cases, we may agree a gist of something which, if we were to ask for disclosure, would be found to be so sensitive that it could not be given word for word. We can agree a gist and where we do, it will be apparent that that is what it is and that there will be a reason for not publishing that document or passage verbatim.

Q68 Sir John Stanley: Sir John, thank you; that is a very helpful answer. My next question is much wider. We can all do much better with the benefit of hindsight—all of us round this table—and my question for you is: if you were starting this inquiry again, with the benefit of hindsight, what would you do differently, or seek in terms of the ground rules for the inquiry, given the lessons that you have learned from this inquiry?

Sir John Chilcot: I agree that it will be important to find and take lessons about the process of this inquiry, as well as the work it has done, but if we were to start again, with the benefit of hindsight given the experience we have had, the big issue—because it is a hypothetical, I am not going to answer it clearly one way or the other—is: could we or should we have waited, and it would have been years, to go through all the documentary archive material before we held any public hearings so that those hearings could already begin to embody potential criticisms? That would have been a different way to do it. I think there would have been tremendous public angst if the public hearings had not begun quickly. From the standpoint of the bereaved families and those directly affected, it was essential that we started that process as quickly as possible, not just to give evidence of transparency and good will, but for its own sake.

But there is a question there. Some inquiries have—not to use mandarin language—gone to bed for years and then popped up when they have done all the preparatory work. I do not believe, given the powerful issues and controversy surrounding the Iraq engagement, that that would have been a better way forward.

As to the management of the process that we have undertaken, I think we will want to sit back—not sit back but stand back—at the end of the report process, when it is over, and see what lessons we can draw, offer, share and take about managing the process itself.

Q69 Sir John Stanley: That, of course, is a very important long-term outcome of the inquiry, so may I just ask: will you in your report make any conclusion as to how such inquiries in the future might be conducted so that we have the benefit of your views of the lessons learned when your inquiry is published?

Sir John Chilcot: As things stand, I rather think not. Lessons are very important, and we shall take many, but not about our own internal process.

Q70 Sir Menzies Campbell: Perhaps I should declare an interest as a member of the legal profession, but do you have any regrets that, unlike Leveson, you did not appoint counsel to the inquiry to focus the evidence, who of course would be someone skilled in the whole issue of asking questions of witnesses?

Sir John Chilcot: I don't. With great respect to the legal profession—I have known and worked with many distinguished members of it in different contexts—the process that we chose was essentially investigative, and therefore inquisitorial, rather than adversarial. If we had gone down the road of appointing counsel to do our questioning, we would have had to concede legal representation to witnesses, and you get then into a quite different kind of process. I do not know whether you would agree, but the moment you set up an adversarial, two-sided process, you are liable to get much less in the way of voluntarily offered evidence and insights. I believe that because we held our public hearings very early, before we had formed even provisional criticisms, we got more out of our witnesses. In a sense, I pray this in aid: your own and other Select Committees' ways of working are designed to draw out as much as possible from witnesses, rather than putting them in the position of being wholly defensive and guarded by a legal representative.

Sir Menzies Campbell: We experience that from time to time on this Committee, Sir John.

Q71 Nadhim Zahawi: Sir John, I am really interested in the answer that you gave to Mike Gapes about the argument that you won with the Cabinet Secretary over the notes that Tony Blair sent to President Bush. How long did that argument take to win?

Sir John Chilcot: Can I cavil only a little at the word “win”? The agreement that we were able to reach.

Q72 Nadhim Zahawi: How long did it take?

Sir John Chilcot: Quite a long time. I am wondering. It took between—I am just looking for an exact time. We started this, I suppose, in 2013—in August—and concluded, as you know, in September '14.

Q73 Nadhim Zahawi: So that was how long the argument took to win.

Sir John Chilcot: No. That was how long the discussions took to get from where we were in 2013 to where we arrived at—

Q74 Nadhim Zahawi: Which is not releasing the notes that Tony Blair sent.

Sir John Chilcot: At the risk of repetition, we were forced to start from the position that the notes that Mr Blair sent to President Bush were not disclosable as a class. As time went on and we argued—and, dare I say, nibbled away at the edges of that doctrine—it became apparent that it could not be sustained any longer. So much material from within those notes was already agreed as disclosable that it simply made no sense to withhold permission to publish.

Q75 Nadhim Zahawi: But it took 13 months.

Sir John Chilcot: Yes, I may stand corrected on that, but I think it was of that order.

Chair: That is my maths.

Nadhim Zahawi: Thank you, Chair.

Q76 Mr Baron: Finally, Sir John, we have talked about you not believing that any delay when it comes to declassification has been unreasonable. You do not think it has been unreasonable. Can I ask you this: in your requests for any evidence that you have wanted from Government, are you or will you be satisfied that you got what you needed to come to a proper and authoritative report, particularly given that many bereaved families will be following your inquiry and looking in on this session? Will you be satisfied about the availability of that evidence, once it is eventually made available to you?

Sir John Chilcot: Yes, I think I can say that I am. By describing the responses we have had on this set of issues as reasonable, that is not to say that the time taken is always welcome. That is a different matter. I do not believe that there is an unreasonable refusal to authorise disclosure at this point.

Q77 Mr Baron: At this point.

Sir John Chilcot: I must keep my position guarded.

Q78 Mr Baron: No, because it is ongoing and we realise that there is still a tail there. We fully accept that, but up to this point, what you can say is that you do not believe that any delay has been unreasonable and that you are happy with the evidence you have received in response to any requests you have put in. Any obfuscation or denial has not hindered you in the progress of your inquiry to this point.

Sir John Chilcot: No, that is quite correct; it has not. I want to repeat that the time it takes—sometimes it is difficult for Government Departments with the challenging questions and requests we have made, and it may take more time than we would welcome, but I cannot say that the outcomes are in any material respect unreasonable. Frankly, if we thought they were, we would, first, warn the Government Department and, secondly, say so in the report.

Q79 Chair: Sir John, that concludes our questioning. I slightly cut you off in your opening statement. Do you feel that there is any ground that we have not covered today? Are there any points that you would like to make before we conclude?

Sir John Chilcot: I am most grateful, Chairman. I think not. I have to say—this is the truth—that my mind is troubled by the news about Sir Martin Gilbert, and I really do not want to add any more today.

Chair: In that case, I thank you very much indeed. We have learned a lot this morning and your attendance here is much appreciated.

Sir John Chilcot: Thank you very much, Chairman.

