



House of Commons

Foreign Affairs Committee

Foreign Policy Aspects of the Detention of Naval Personnel by the Islamic Republic of Iran

Sixth Report of Session 2006–07

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|----------------|--|----------------------------|
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Session 2006–07

REPORTS

| | | |
|---------------|--|---------------------------|
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Foreign Policy Aspects of the Detention of Naval Personnel by the Islamic Republic of Iran

Sixth Report of Session 2006–07

*Report, together with formal minutes, oral and
written evidence*

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Foreign Affairs Committee

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Contents

| | |
|--|---------------|
| Report | <i>Page</i> |
| Conclusions and recommendations | 3 |
| 1 Introduction | 5 |
| Chronology | 5 |
| 2 Iran's Objectives and Strategy | 8 |
| Iran's Conduct | 9 |
| 3 The Government's Diplomatic Strategy | 12 |
| The UN Security Council | 12 |
| Statements Regarding the Location of the Personnel | 14 |
| Access to Iranian Officials | 18 |
| The Question of a Deal | 20 |
| Co-ordination of Government Strategy | 21 |
| 4 Role of Third Parties | 23 |
| Regional States | 23 |
| The United States | 23 |
| 5 Media | 25 |
| The Sale of Stories | 25 |
| 6 Looking Ahead | 28 |
| 7 The Value of Diplomacy | 29 |
| Formal minutes | 30 |
| Witnesses | 35 |
| List of written evidence | 36 |

Conclusions and recommendations

1. We conclude that, whilst it is difficult to establish which of the many centres of power in Iran ordered the capture of the British personnel, the situation was undeniably exploited by political leaders in Tehran. We further conclude that the treatment of the British personnel by the Iranian authorities was unacceptable by any account. In particular, we condemn Iran's use of public 'confessions' and its refusal to grant consular access to the detainees. (Paragraph 14)
2. We conclude that the Government's decision to adopt a 'dual track' diplomatic approach against Iran during the captured personnel crisis was broadly the correct one. However, we further conclude that the attempt to use the UN Security Council to increase the pressure on Iran was much less successful than it had hoped. (Paragraph 23)
3. We conclude that there is evidence to suggest that the map of the Shatt al-Arab waterway provided by the Government was less clear than it ought to have been. The Government was fortunate that it was not in Iran's interests to contest the accuracy of the map. We recommend that, in its response to this Report, the Government state why it chose to mark the boundary as a purely 'territorial water boundary' rather than including aspects of the 'land boundary' agreed to in 1975. (Paragraph 32)
4. We conclude that although the Government was making every effort to resolve the situation quietly through bilateral diplomacy in the first few days of the crisis, its application to speak to Dr Ali Larijani could and should have been made much earlier than 30 March. We recommend that, in its response to this Report, the Government state whether any internal review is being carried out into the lessons learnt from the failure to engage at a sufficiently early stage with the right interlocutors within the Iranian regime. (Paragraph 37)
5. We conclude that there is no evidence made available to the Committee that any deal was reached between the Government and Iran over the release of the detainees. We believe that it was very important for the Government not to make such a deal. (Paragraph 43)
6. We conclude that there does not appear to be any obvious cause for concern regarding inter-departmental co-ordination during the period of the detention of the personnel. We recommend that, in its response to this Report, the Government inform the Committee whether it has carried out any review of co-ordination, and if so, that it provide the findings of this review to the Committee. (Paragraph 45)
7. We conclude that the Government appears to have made good use of third parties in applying pressure on Iran. In particular, we believe that representations made to the United States not to conduct their intended military plans and manoeuvres were particularly important in helping to prevent an escalation of the situation. (Paragraph 50)

8. We recommend that, in its response to this Report, the FCO set out specifically what media work was carried out that focused on outlets in Afghanistan, Pakistan and Iran itself. (Paragraph 53)
9. We find it wholly unsatisfactory that Tony Hall was not able to identify which single individual took the decision to authorise payment for the stories of the personnel. We recommend that, in its response to this Report, the FCO set out who specifically took the decision to authorise the naval personnel to sell their stories to the media. (Paragraph 56)
10. We conclude that the decision by the MoD to allow the returning detainees to sell their stories to the media displayed a disturbing failure of judgement as to how the issue would play internationally. We are particularly concerned that, after having taken the lead on media relations until 4 April, the FCO does not appear to have been closely involved after the return of the personnel, despite the clear implications of continuing press coverage for Britain's international standing and reputation. We recommend that, in its response to this Report, the FCO indicate when, in Lord Triesman's words, it "made known" the view that "we thought it would be a significant mistake to allow the personnel to sell their stories to the media." (Paragraph 61)
11. We conclude that Iran deserves strong censure for its illegal and provocative seizure of a group of lightly armed British personnel who posed no threat to its interests or security. We further conclude that it is a matter of urgency that systems are established to ensure that a repeat situation cannot occur. We recommend that, in its response to this Report, the Government set out what steps have been taken in this regard. (Paragraph 65)
12. We conclude from the evidence that we have received, that the Government had a thorough approach to its diplomatic strategy during the crisis. Although there may have been some tactical mistakes, it is difficult to fault the FCO's overall approach. We conclude that this episode does show the positive way in which diplomacy can be used to resolve a crisis peacefully and we reject the argument that the FCO's approach has made the British Government look weak. Our conclusion should not, however, be taken to mean a lack of concern as to how British service personnel came to be detained in the first place. (Paragraph 68)

1 Introduction

1. In February 2007, the Foreign Affairs Committee decided to launch an inquiry into *Global Security: Iran*. This inquiry focuses on the diplomatic aspects related to Iran's nuclear programme, as well as considering a range of other issues. On 23 March 2007, eight Royal Navy sailors and seven Royal Marines based on HMS Cornwall, a Type 22 Frigate engaged in boarding and searching merchant vessels passing through Iraqi territorial waters, were seized by Iranian Revolutionary Guard forces close to the mouth of the Shatt al-Arab waterway. This incident created a diplomatic crisis and raised a number of issues regarding the decisions taken by, and the performance of, the Government in the following days.

2. The Committee received evidence from Dr Rosemary Hollis, Director of Research at Chatham House, and Sir Richard Dalton, the former British Ambassador to Iran from 2002–2006, on the issue of the HMS Cornwall personnel. The Committee also took evidence from Lord Triesman, who at the time was an Under-Secretary of State at the Foreign and Commonwealth Office (FCO) and the Minister responsible for the diplomatic aspects of the incident. Based on this oral evidence, and other written evidence received by the Committee, we decided to produce a Report considering the Government's diplomatic handling of the incident. We felt that it was important to report to the House on this issue before the summer recess. We continue to gather evidence for our broader inquiry into *Global Security: Iran*.

3. There have been two Government reviews into this incident. The first, led by Lt Gen Sir Rob Fulton, the Governor of Gibraltar, considered the circumstances in which the British personnel were seized. This review has been kept confidential. The Defence Secretary Rt Hon Des Browne MP told us that he would pass to the Committee any information that he felt was relevant to our inquiry.¹ When we followed up, he told us that in his view, there was nothing in the report that would inform the Committee's inquiry beyond what was made public in his statement to the House on 19 June.² The second review, led by Tony Hall, a former head of BBC News, focused on the Government's media handling following the return of the personnel to the UK. The Hall Report was published on 19 June.³

Chronology

4. Given the complex and fast-paced nature of events during the crisis, it is useful to first begin with a chronology⁴:

- January 11: Five Iranians at the Iranian Consulate in Irbil detained by Iraqi and American forces.

1 Ev 23

2 Ev 24

3 Report by Tony Hall on Review of Media Access to Personnel, 19 June 2007, available at www.mod.uk

4 This chronology is based on the article "Iran captives – Timeline: 84 days" that appeared in *The Times* on 5 April 2007. All additional material is provided with a separate reference.

- February 4: Jalal Sharafi, second secretary at the Iranian Embassy in Baghdad, is kidnapped by men wearing Iraqi uniforms.
- February 20: Second US aircraft carrier arrives in the Gulf, backed by 6,500 sailors and Marines and minesweeping ships.
- March 23: Eight Royal Navy sailors and seven Royal Marines seized by Iranian forces close to mouth of the Shatt al-Arab waterway.
- March 24: The UK Government demands the immediate release of the boarding party. Iran says the Britons have confessed to entering Iranian waters illegally and gives the coordinates. In New York, the United Nations Security Council imposes sanctions on Iran for refusing to halt uranium enrichment.
- March 25: The then Foreign Secretary, Rt Hon Margaret Beckett MP, informs the Iranian Foreign Minister that his compass position shows a point outside Iran's waters.
- March 26: Iran changes the coordinates where it claims the personnel were captured.
- March 27: The then Prime Minister threatens a "different phase" unless Iran frees the detainees. Off the Iranian coast, the United States begins the biggest military exercise in the Gulf since the invasion of Iraq in 2003.
- March 28: Iran broadcasts a 'confession' by Leading Seaman Faye Turney. Foreign Minister Mottaki says Turney will be released "as soon as possible" but doesn't state when.⁵
- March 28: The MoD releases data that it says proves the sailors were 1.7 nautical miles inside Iraqi waters. The then Foreign Secretary announces a freeze on all other bilateral relations between the UK and Iran.
- March 29: Tehran suspends the release of Leading Seaman Turney because of the "wrong behaviour of those who live in London."⁶ Iran hands over a note verbale to the FCO, which sets out its position.⁷
- March 29: The UN Security Council agrees a statement expressing "grave concern" at the capture and continued detention of the sailors.⁸
- March 30: The FCO replies to the Iranian note reiterating the Government's position.⁹
- March 30: EU foreign ministers call for the "immediate and unconditional release" of the sailors. If their release was not forthcoming, the EU expressed its commitment to consider "appropriate measures".¹⁰

5 "Fury as Iran shows footage of captured sailors on television", *The Guardian*, 29 March 2007

6 "Iran suspends release of woman sailor", *Daily Telegraph*, 30 March 2007

7 Ev 13, para 8

8 Security Council Press Statement on Iran, 29 March 2007, www.un.org/News/Press

9 Ev 13, para 8

- April 2: Dr Ali Larijani, the head of the Iranian National Security Council, appears on Channel 4 News and becomes the first senior Iranian official to say there is no need to put the Britons on trial.
- April 3: Jalal Sharafi, the Iranian diplomat kidnapped in Baghdad, is freed and returned to Tehran.
- April 3: Sir Nigel Sheinwald, the Prime Minister's foreign policy adviser, speaks to Dr Larijani by telephone.¹¹
- April 4: Iran is told it can have access to the five detainees from Irbil. President Ahmadinejad says he will free the Britons as a "gift" to the UK.¹²
- April 5: The British detainees are flown back to the UK.¹³
- April 6: The Navy stages a press conference for a number of the released detainees. They speak of their treatment at the hands of Iranian authorities.¹⁴
- April 9: The stories of two of the personnel are published in media outlets. They are paid for their stories.¹⁵
- April 16: The Defence Secretary apologises for not stopping the sale of the stories, and announces inquiries into both this decision and the operational aspects of the initial detention of the personnel.¹⁶

10 Declaration of the EU Foreign Ministers at the meeting in Bremen on 30th March, www.eu2007.de/en/News/Press_Releases

11 Ev 13, para 9

12 Ev 13, para 10

13 Ev 13, para 11

14 "Released sailors tell of ordeal", *BBC News Online*, 6 April 2007, <http://news.bbc.co.uk>

15 "UK captive 'felt like a traitor'", *BBC News Online*, 9 April 2007, <http://news.bbc.co.uk>

16 "Browne 'sorry' over crew stories", *BBC News Online*, 16 April 2007, <http://news.bbc.co.uk>

2 Iran's Objectives and Strategy

5. There has been much debate and controversy over Iran's objectives and the implications of its conduct during the HMS Cornwall episode. We sought to develop an understanding of Iranian motives in order to better scrutinise the British diplomatic response to the crisis. Some context is provided by the similar detention of British personnel by Iran in June 2004, and an attempt to capture Australian sailors in December of that year.¹⁷

6. In this section, we seek to answer three separate questions:

- Who made the decision to capture the personnel?
- What might their motive have been?
- How did Tehran decide to take the issue forward?

Although these questions may well be interlinked, it is important to consider them with some degree of separation.

7. On the first question, Sir Richard Dalton, the former British Ambassador in Tehran, identified three possible scenarios. The first involves a decision by the Iranian "system", which would have been "ratified if necessary by the supreme command of the armed forces, Ayatollah Khamenei." The second scenario would be "local commanders" taking matters into their own hands, in a similar vein to when British personnel were captured in 2004. In between these two options, Sir Richard identified a third, in which local commanders took the initiative, and were promised the support of the "system" if they chose to act. However, Sir Richard noted, "we have no evidence that I am aware of publicly to choose between those three options."¹⁸

8. Sir Richard then considered what the motives of the decision-makers might have been. He argued that,

they wanted to show that they were tough and ready to repel anybody who wanted to aggress against their territory, so they had a general objective of showing military determination. Secondly, they wanted to taunt the British, who are regarded as enemies, particularly in the Revolutionary Guard and in the higher clerical circles [...] There might have been feelings to assuage because they—particularly in the Revolutionary Guard—had been on the receiving end of some setbacks, such as the arrests in Irbil by the Americans, with five of the Revolutionary Guards' associates kept by the Americans.¹⁹

Responding to a later question, Sir Richard expanded on the potential for the detentions at Irbil to be a motivating factor. He argued that the detentions could have "been a direct retaliatory action on the grounds that the UK would be a softer touch than getting directly

17 "Australian sailors had standoff with Iran in 2004", *Associated Press*, 22 June 2007

18 Q 1

19 Q 1

at the United States.”²⁰ Dr Rosemary Hollis, Director of Research at Chatham House, agreed with Sir Richard’s analysis. She also argued that Iran may have seen it as an opportunity to make its presence felt. She argued that Iran seems,

to have a propensity to play on a very large battlefield and to try to have as many options in the air as possible. While it is not actual warfare, it is a sort of asymmetrical warfare.²¹

9. However, Sir Richard argued that speculation over who took the decision and why “was beside the point” because, even if they were not originally responsible, the politicians soon took control:

The system took up the action as soon as the news came through to Tehran that the captives had been taken and ran with it. Within a matter of minutes or hours, it became a system-wide exercise.²²

Dr Hollis agreed, suggesting “once it had started, the system was going to play it for all it was worth.”²³

10. Sir Richard suggested that the Iranian Ministry of Foreign Affairs had to play “catch up” in discussions with the units on the ground and the political leadership in Tehran. He stated that “how matters evolved in that interplay of the different actors in Tehran is, in my experience, always shrouded in mystery. They keep their counsel very close.” Addressing the political dynamic within Tehran, Sir Richard said there was “a power struggle for influence in foreign affairs between Dr [Ali] Larijani and President Ahmadinejad.” Dr Hollis added that,

in the internal power struggle there was a division of labour and Dr Larijani felt to me to be very much in charge at the Iran end of the overall direction that it was going to take.²⁴

11. In its note to the Committee, the FCO stated its belief that the Iranian system took some time to come to a common policy position, complicating early diplomatic efforts.²⁵ In a later chapter, we consider the interaction between Iran and the Government’s officials more closely.

Iran’s Conduct

12. In our Report on the FCO’s Human Rights Annual Report 2006, published in April 2007, we commented on the nature of the detention of the British personnel.²⁶ On their

20 Q 3

21 Q 2

22 Q 1

23 Q 2

24 Q 9

25 Ev 12, para 7

26 Foreign Affairs Committee, Third Report of Session 2006–07, *Human Rights Annual Report 2006*, HC 269, para 131

return from Iran, several of the personnel made statements to the press at a Ministry of Defence press conference. Lieutenant Felix Carman, RN, said:

On arrival at a small Iranian naval base we were blindfolded, stripped of all our kit and led to a room where I declared myself as the officer in charge and was introduced to their local commander.

Two hours later, we were moved to a second location and throughout the night were subjected to random interrogation. The questions were aggressive and the handling rough, but it was no worse than that.

The following morning, we were flown to Tehran and transported to a prison—where the atmosphere changed completely. We were blindfolded, our hands were bound, we were forced up against the wall. Throughout our ordeal we faced constant psychological pressure.

Later, we were stripped and dressed in pyjamas. The next few nights were spent in stone cells approximately 8ft by 6ft, sleeping on piles of blankets. All of us were kept in isolation. We were interrogated most nights and presented with two options. If we admitted we had strayed, we would be back on a plane to the UK pretty soon. If we didn't, we faced up to seven years in prison.²⁷

The Iranians decided to broadcast footage of the personnel whilst they were in detention. On more than one occasion, this was accompanied by an alleged 'confession'. In the first such episode, Leading Seaman Faye Turney expressed the view that "obviously we trespassed into their waters".²⁸ On 29 March, Leading Seaman Turney wrote a letter to "representatives of the House of Commons", telling us in stilted and unnatural language that the Iranians had treated her "well and humanely" for which she would always be "eternally grateful".²⁹ The then Foreign Secretary said that Iran's behaviour was "quite appalling" and the then Prime Minister said that Iran's behaviour only increased the sense of "disgust" with the regime.³⁰ The personnel were also denied consular access until the night before their release.³¹

13. Lieutenant Carman's statement above set out that Iran had threatened the personnel with the possibility of seven years in prison. Sir Richard Dalton suggested a trial had been a "distinct possibility", but argued that "the Iranians concluded that to put them on trial would prolong the issue to Iran's disfavour".³²

14. We conclude that, whilst it is difficult to establish which of the many centres of power in Iran ordered the capture of the British personnel, the situation was undeniably exploited by political leaders in Tehran. We further conclude that the

27 "Sailors and Marines speak for the first time about their detention in Iran", *Defence News*, 6 April 2007, available at www.mod.uk

28 "Fury as Iran shows footage of captured sailors on television", *The Guardian*, 29 March 2007

29 "Transcript of Faye Turney's letters", *BBC News Online*, 30 March 2007, <http://news.bbc.co.uk>

30 "Iran airs second sailor 'apology'", *BBC News Online*, 31 March 2007, <http://news.bbc.co.uk>

31 Ev 13, para 10

32 Q 9

treatment of the British personnel by the Iranian authorities was unacceptable by any account. In particular, we condemn Iran's use of public 'confessions' and its refusal to grant consular access to the detainees.

3 The Government's Diplomatic Strategy

15. The FCO provided us with a paper on the Government's handling of the crisis. It said the Government "initially pursued a policy of quiet but robust diplomacy" against Iran, with Lord Triesman meeting or speaking to the Iranian Ambassador in London on an almost daily basis, and sometimes more than once a day. We were told that the Government initially kept its "public statements low key to give the Iranians room for manoeuvre." However, when "it became apparent that this strategy was not having the necessary effect on the Iranians", the Government "decided to ratchet up the pressure by going public with the facts, and increasing diplomatic activity through third parties and international institutions." This diplomatic pressure was intensified when the then Foreign Secretary announced a "freeze on all other official bilateral business with Iran until this situation is resolved."³³

16. At a press conference, the then Prime Minister had characterised this approach of international pressure alongside dialogue as a "dual track strategy". He remarked that "it would be utterly naïve to think that our personnel would have been released unless both elements of the strategy had been present."³⁴

The UN Security Council

17. As part of the Government's decision to "ratchet up the pressure", it decided to go to the United Nations Security Council to seek a statement on the crisis. Sir Richard Dalton, the former British Ambassador in Tehran, told us that he disagreed with this decision. He remarked that "the pressure that really counted was the pressure in the region, rather than what actually happened in the Security Council."³⁵ Sir Richard added that the UN route was a "very high risk strategy", borne out by the fact that "the release of Faye Turner was aborted as a consequence" of this move.³⁶ The note provided to us by the FCO barely mentioned the statement finally agreed to by the Security Council, but when he appeared before us, Lord Triesman defended the decision:

We needed to explode the myth that our sailors and marines were in Iranian waters for as long as that contention was being made in public in world forums. That meant going to the UN and the EU.³⁷

18. It appears that the Government was less successful than it had hoped by taking the matter to the UN. The Associated Press reported that the Government's draft statement released to the Council called on it to "deplore" Tehran's actions and insist on their "immediate release" whilst affirming that the personnel were "operating in Iraqi waters".³⁸

³³ Ev 12, para 7

³⁴ PM's comments on return of troops from Iran, 5 April 2007, www.pm.gov.uk

³⁵ Q 35

³⁶ Q 5

³⁷ Q 101

³⁸ "Britain takes case Against Iran to UN", *Associated Press*, 29 March 2007

The statement issued by the Security Council failed to include any of these three points. The text in full read:

Members of the Security Council expressed grave concern at the capture by the Revolutionary Guard, and the continuing detention by the Government of Iran, of 15 United Kingdom naval personnel, and appealed to the Government of Iran to allow consular access, in terms of the relevant international laws.

Members of the Security Council support calls, including by the Secretary-General in his 29 March meeting with the Iranian Foreign Minister, for an early resolution of this problem, including the release of the 15 United Kingdom personnel.³⁹

19. Sir Richard Dalton told us that Russia was not prepared to side with Iran or the UK on where the capture took place.⁴⁰ Media reports stated that the Government failed to get its way after four hours of negotiations and had to accept the ‘watered down’ statement above.⁴¹ Lord Triesman told us that Russia was “really difficult” at the Security Council.⁴²

20. When asked why the Security Council refused to adopt the Government’s line on the position of the sailors, Lord Triesman stated that technical questions surrounding where the sailors were at the point of their seizure “never emerged as an issue” during the Council’s debate.⁴³ This remark is somewhat surprising given the fact that Lord Triesman had earlier told the Committee that the Government had gone to the Security Council in an attempt to “explode the myth” that “our sailors and marines were in Iranian waters.”

21. An indication of what the Government may have been attempting to secure at the Security Council can be gleaned from the EU statement, which is much stronger and more specific on the issue:

The European Union deplores the continued arrest of 15 British citizens by Iran on 23rd of March and underlines the European Union’s unconditional support for the government of the United Kingdom. All evidence clearly indicates that at the time of the seizure, the British Naval personnel were on a routine patrolling mission in Iraqi waters in accordance with United Nations Security Council Resolution 1723. The seizure by Iranian Forces therefore constitutes a clear breach of international law.⁴⁴

22. In our private session with the then Minister, Lord Triesman told us that the Government “knew that Iran would dislike the fact that we had used that as a lever. It is very averse to being criticised in the UN and by UN resolutions.”⁴⁵ The fact that the Government appears not to have been able to achieve its main objectives at the UN brings into question the wisdom of its tactical approach.

39 Security Council Press Statement on Iran, 29 March 2007, www.un.org/News/Press

40 Q 47

41 “EU backs Britain with stern warning to Iran”, *Daily Telegraph*, 31 March 2007

42 Q 132

43 Q 112

44 Declaration of the EU Foreign Ministers at the meeting in Bremen on 30th March, www.eu2007.de/en/News/Press_Releases

45 Q 132

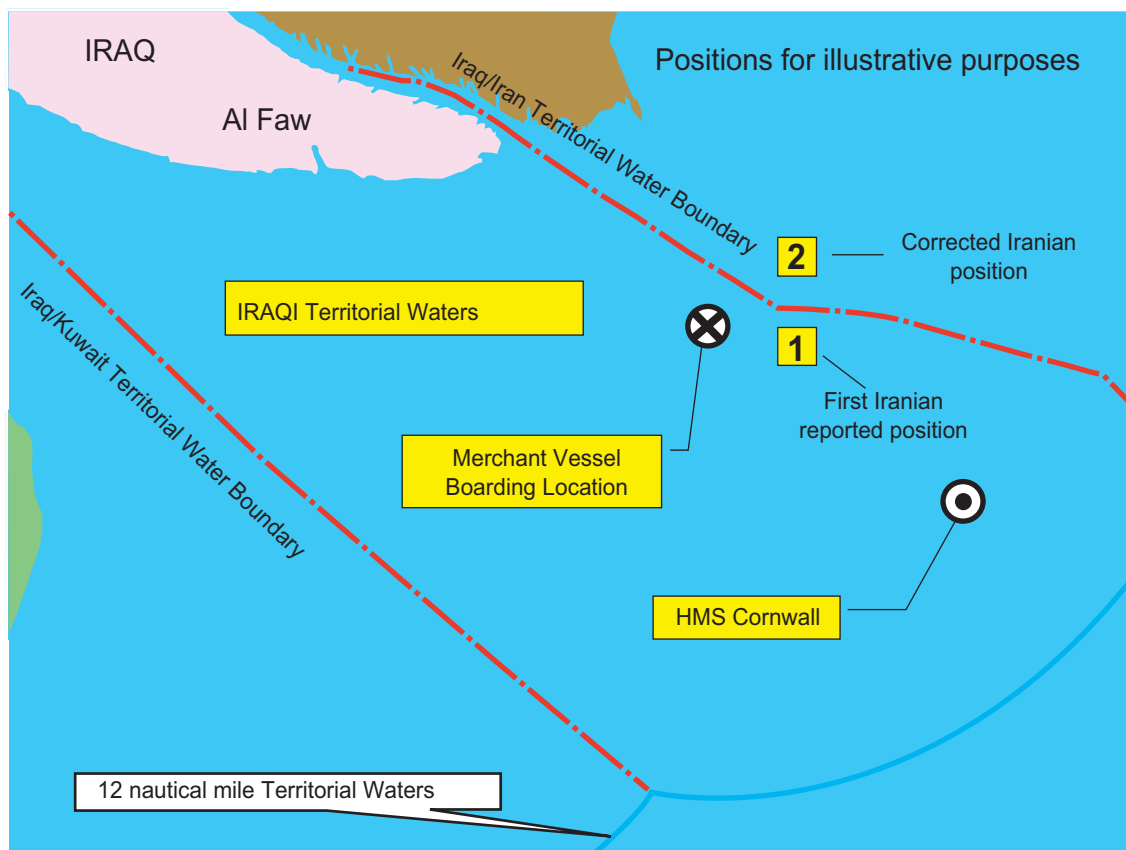
23. We conclude that the Government's decision to adopt a 'dual track' diplomatic approach against Iran during the captured personnel crisis was broadly the correct one. However, we further conclude that the attempt to use the UN Security Council to increase the pressure on Iran was much less successful than it had hoped.

Statements Regarding the Location of the Personnel

24. The Government has insisted, and continues to insist, that the British personnel were captured whilst patrolling in Iraqi waters. On 25 March, the then Prime Minister said:

There is no doubt at all that these people were taken from a boat in Iraqi waters. It is simply not true that they went into Iranian territorial waters, and I hope the Iranian government understands how fundamental an issue this is for us.⁴⁶

25. On 28 March, the Ministry of Defence led a media briefing on the position of the sailors.⁴⁷ Along with this briefing, it supplied the chart below.



© Crown Copyright/MOD

26. The Ministry of Defence gave what it was certain was the position of the merchant vessel that the British personnel had boarded:

⁴⁶ HC Deb, 28 March 2007, col 1500

⁴⁷ Ev 12, para 5

The merchant vessel was 7.5 nautical miles south east of the Al Faw Peninsula and clearly in Iraqi territorial waters. Her master has confirmed that his vessel was anchored within Iraqi waters at the time of the arrest. The position was 29 degrees 50.36 minutes North 048 degrees 43.08 minutes East. This places her 1.7 nautical miles inside Iraqi territorial waters. This fact has been confirmed by the Iraqi Foreign Ministry.

The briefing went on to state that:

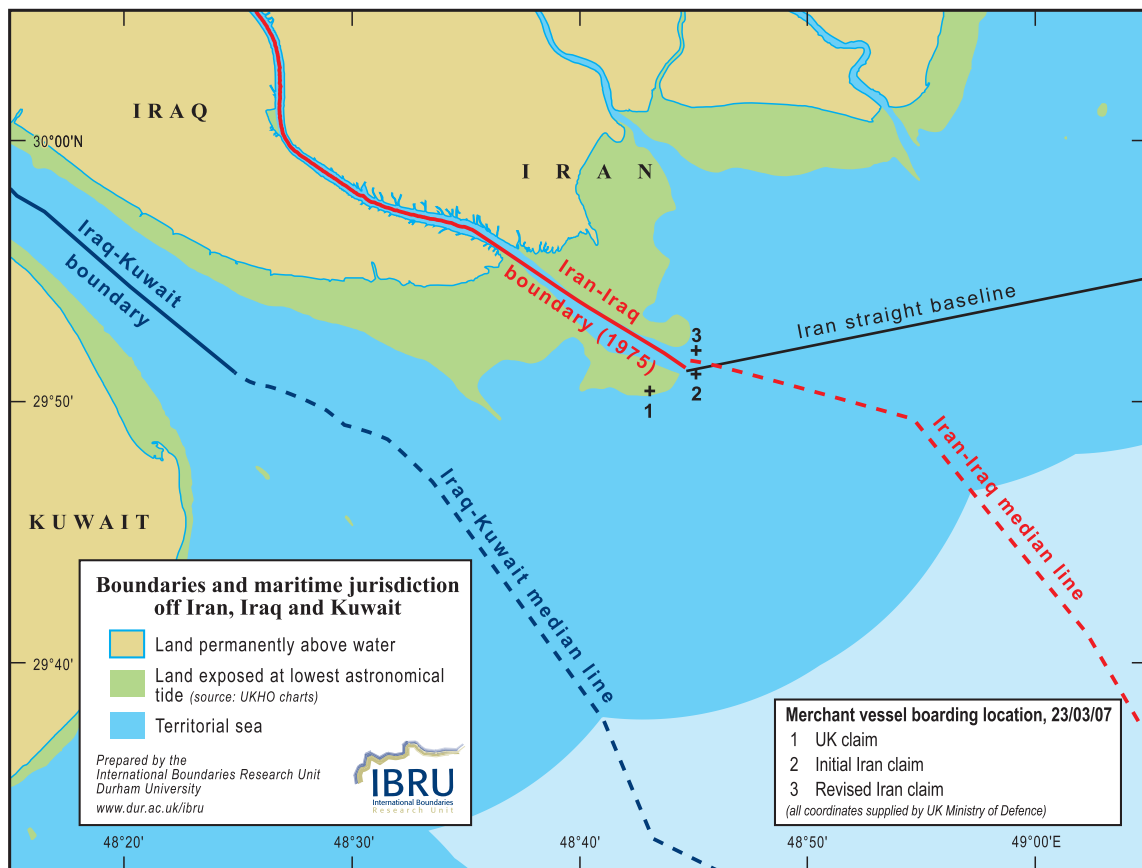
The Iranian government has provided us with two different positions for the incident. The first we received on Saturday and the second on Monday. As this map shows, the first of these points still lies within Iraqi territorial waters. We pointed this out to them on Sunday in diplomatic contacts.

After we did this, they then provided a second set of coordinates that places the incident in Iranian waters over two nautical miles from the position given by HMS CORNWALL and confirmed by the merchant vessel. The two Iranian positions are just under a nautical mile apart—1800 yards or so. It is hard to understand a reason for this change of coordinates. We unambiguously contest both the positions provided by the Iranians.⁴⁸

27. There has been some dispute over the map that was produced by the Ministry of Defence. We asked Martin Pratt, Director of Research at the International Boundaries Research Unit at Durham University, for his analysis. He argued that the Government's map was "certainly an oversimplification" and that "it could reasonably be argued that it was deliberately misleading."⁴⁹ His particular concern was that the Government chose to downgrade a land boundary signed between Iran and Iraq in 1975 (known as the "Algiers Agreement") to a "territorial water boundary" on its map. Mr Pratt sent us his own map based on his understanding of the Iran–Iraq boundary:

48 MOD briefing shows Royal Navy personnel were in Iraqi waters, *Defence News*, 28 March 2007, available at www.mod.uk

49 Ev 24



28. Mr Pratt noted that “no maritime boundary has ever been agreed between Iran and Iraq.” He claimed that the “southern terminal point” of the 1975 Algiers Agreement “lies just under 1.7 nautical miles northeast of the position” given by the Government. He said that the Government’s map actually combined two lines: the section of the land boundary that follows the Shatt al-Arab waterway between the high and low water lines; and the median line between the two low water lines running through the territorial sea. He stated that the Government’s coordinates actually placed the personnel in what is technically land territory rather than in the territorial sea.⁵⁰

29. Mr Pratt argued that there were a number of reasons “for exercising caution before making categorical assertions about whether the incident took place in Iraqi or Iranian waters.” These include the unstable coastline, the fact that Iran is not a party to the law of the sea conventions, and issues relating to the Algiers Agreement. On this final point, he noted that Article 2 of the protocol “made provision for the boundary to continue to follow the thalweg” of the Shatt al-Arab “if the thalweg shifts as a result of natural causes” (the thalweg is the line of greatest depth down the channel). Thus, “there may be a question as to whether the boundary still follows the line defined in 1975 or whether it actually follows the course of the thalweg of the river today.” In conclusion, Mr Pratt argued:

If the incident occurred where the MoD suggested, it is difficult to see how Iran could legitimately claim sovereignty over the waters in which the arrest took place. Nevertheless, there are sufficient uncertainties over boundary definition in the area to make it inadvisable to state categorically that the vessel was in Iraqi waters. If the

incident occurred seaward of the terminus of the boundary in the Shatt al Arab agreed in 1975 (as Iran claimed) the uncertainties increase significantly.⁵¹

30. At the time we questioned Lord Triesman we did not have the benefit of Mr Pratt's evidence. Nevertheless we did raise this issue with Lord Triesman. He told us:

I know that some of the physical features move around not on a day-to-day basis but between seasons. For those reasons, there is a process—the Algiers process—that enables all the parties in the upper Persian Gulf to raise questions about where the international boundary should be thought to be at any one time. There is a formal mechanism for doing that, and it has been used: it is not a kind of antique that nobody has ever touched. The process is available, but on this occasion, there was no question of that kind raised. The Iranians, in all their discussions with me, and as far as I know with [British Ambassador] Geoffrey [Adams] in Tehran, were not raising that issue at all. They came along with their maps—and we all had maps in front of us—with that international boundary on them, and that was the basis on which they were operating as well. The only question they had was which side of that line it was.⁵²

However, as we have seen, the Algiers process relates to the land boundary between Iran and Iraq, not the “territorial water boundary” that the Government's map referred to, suggesting an inconsistency between Lord Triesman's answer and the Ministry of Defence's cartography.

31. Lord Triesman went on to state that the notion that there is no international boundary was “de facto” a false one, although “de jure, maybe nobody has yet agreed about where it will be permanently.”⁵³ Neil Crompton, Head of the Iran Desk at the FCO, expanded on this:

There are very established channels of navigation that shipping in that area uses, so there is a clear de facto line.⁵⁴

This corresponded with Sir Richard Dalton's analysis, borne out of his experience as Ambassador in Tehran. He said he did not believe the waters were “disputed” in practical terms:

An enormous amount of shipping goes up and down those waters, and there have not been any similar incidents—at least, they have not been publicised. That is because it is very much in the Iranian interest to respect the international acquis, even if it is informal, as to where the border is.

When we had difficulties with the Iranians in 2003 over movements by their forces toward and beyond the Iraqi border, I took the issue on instructions to the Ministry of Foreign Affairs. It stoutly maintained that Iran's policy was to respect the

51 Ev 25

52 Q 135

53 Q 136

54 Q 136

commonly accepted borders in order that there could be a proper negotiation in due course with an independent Iraqi state, at which the borders would be fixed once and for all at what, for Iran, would be a relatively favourable situation—that with which it was left after the Iran-Iraq war in 1988.

The reason why the Iranians did not contest where the UK said the line was in the northern waters of the Persian gulf was that it did not wish to set up an irritation in its relationship with Iraq that would make the maritime border harder to deal with.⁵⁵

32. We conclude that there is evidence to suggest that the map of the Shatt al-Arab waterway provided by the Government was less clear than it ought to have been. The Government was fortunate that it was not in Iran's interests to contest the accuracy of the map. We recommend that, in its response to this Report, the Government state why it chose to mark the boundary as a purely 'territorial water boundary' rather than including aspects of the 'land boundary' agreed to in 1975.

Access to Iranian Officials

33. In its written submission, the FCO stated that:

Efforts to engage the Iranians directly were hindered by the fact that the Iranian New Year holiday covered the period from 21 March–3 April, and many key officials were apparently simply not available in the early days of the crisis. As is usual, the Iranian Ministry of Foreign Affairs also required all contact to take place through them.

The note informs us that the then Foreign Secretary spoke to the Iranian Foreign Minister Mottaki twice, on 25 and 27 March. The British Ambassador in Tehran, and initially the Chargé d'Affaires, went to the Ministry of Foreign Affairs nearly every day during the crisis. The then Prime Minister's foreign policy adviser, Sir Nigel Sheinwald, only spoke to Dr Ali Larijani on 3 April, the day before the Government was informed that the personnel would be released.⁵⁶

34. We asked Lord Triesman about the quality of access that the Government had to Iranian officials. In particular, given the evidence noted above that suggests Dr Larijani was the key interlocutor on the Iranian side, we inquired as to whether Lord Triesman himself had made any efforts to contact him. He replied:

I saw the ambassador on eight occasions and spoke with him in two very long phone calls as well. My understanding was that he was able to speak to Mr Larijani, but that Mr Larijani was unlikely to speak to me. We made an application—which I think I am right in saying was first made at the beginning of that period, or close to it, on 30 March as I recall—to have a discussion with Dr Larijani. We got no response at all to that.⁵⁷

55 Q 10

56 Ev 13, para 9

57 Q 95

The Government, he said, was only able to speak to Dr Larijani after he appeared on Channel 4 News and gave a signal that “he was willing to take part in a discussion.”⁵⁸ We asked Lord Triesman why it took Channel 4 News to open up a channel of communication with Dr Larijani. He denied that this was the case:

Actually, he opened up the channel, because he refused to deal with us through any channel, until he decided to make the announcement that he was available.⁵⁹

He later went on to state that it was Dr Larijani who contacted Channel 4 News.⁶⁰ Dr Rosemary Hollis argued to the Committee that Sir Nigel was only able to speak to Dr Larijani “after he was given the terms of the conversation on British television.”⁶¹

35. The Government left it until 30 March to contact Dr Larijani. The sailors were detained on 23 March—a full week before this approach was made. 30 March itself was a Friday, the day of rest in Iran. 31 March and 1 April fell on the British weekend. Dr Larijani appeared on Channel 4 News on the Monday, and spoke to Sir Nigel Sheinwald on the Tuesday. The personnel were told they would be released on the Wednesday. There was not a significant amount of time between the Government’s application to speak to Dr Larijani and the success of this application.

36. In her statement to the House on 28 March, the then Foreign Secretary said:

I regret to say that the Iranian authorities have so far failed to meet any of our demands or to respond to our desire to resolve this issue quickly and quietly through behind-the-scenes diplomacy.⁶²

Yet it seems to have taken two days for the Government to make an application to speak to the man described by Dr Hollis as “very much in charge” in Tehran.⁶³ Sir Richard Dalton told the Committee that “access to Mr Larijani has not been a problem in the past”, so it appears odd that an application was not made earlier in the process.⁶⁴

37. We conclude that although the Government was making every effort to resolve the situation quietly through bilateral diplomacy in the first few days of the crisis, its application to speak to Dr Ali Larijani could and should have been made much earlier than 30 March. We recommend that, in its response to this Report, the Government state whether any internal review is being carried out into the lessons learnt from the failure to engage at a sufficiently early stage with the right interlocutors within the Iranian regime.

58 Q 95

59 Q 96

60 Q 97

61 Q 26

62 HC Deb, 28 March 2007, col 1500

63 Q 10

64 Q 53

The Question of a Deal

38. In the chronology above, we noted that five Iranians were detained by Iraqi and American forces at the Iranian consulate in Irbil on 11 January. On 4 February, Jalal Sharafi, Second Secretary at Iran's Embassy in Baghdad was kidnapped by men wearing Iraqi uniforms. We noted that Sir Richard Dalton believed the detention of the British personnel may have been a direct retaliation for these events.⁶⁵ Returning to the chronology, Jalal Sharafi was returned to Tehran on 3 April, and Iran was told that it could have consular access to the five Irbil detainees on 4 April. On the same day, President Ahmedinejad announced the release of the British personnel.

39. The Government has been adamant that there was no deal struck for the return of the British personnel. The then Prime Minister told a press conference:

We have managed to secure the release of our personnel I think more quickly than many people anticipated, and have done so incidentally, and I want to make this very, very clear, without any deal, without any negotiation, without any side agreement of any nature whatever. We made it clear at the outset we weren't going to do that and we held firm to that position throughout.⁶⁶

40. We raised the question of a possible deal with Sir Richard Dalton and Dr Rosemary Hollis. Sir Richard supported the Government's stated approach to this issue:

I would have thought that it was very important for Britain not to be seen to be paying a price to get its own captives back. That was a fundamentally important objective of Her Majesty's Government, and I support it. Somebody who acts illegally to take captives in such a way will only be encouraged to do so again, if they gain something tangible from it.⁶⁷

Sir Richard also commented on the possible relationship between the Iranian detainees and the release of the British personnel:

I think what is happening here is that there was a very helpful coincidence, but how it arose I do not know. My hunch is that it arose out of UK-US diplomacy rather than US-Iran diplomacy or UK-Iran diplomacy.⁶⁸

Sir Richard told the Committee that he agreed that whilst there might not have been negotiations for the release of the personnel, there may have been unilateral confidence-building measures taken to ease the situation.⁶⁹

41. Lord Triesman insisted to us that there were no discussions between the Government and the United States over the detainees at Irbil.⁷⁰ He also said he was "not aware" of any discussions between the US and Iran on this point. He went on to state that,

65 Q 3

66 Freed Navy Crew Returns to UK, 5 April 2007, www.number-10.gov.uk

67 Q 24

68 Q 16

69 Q 19

the Iranians said from the beginning that they wished to make no connections whatever with any other bilateral problem or multilateral problem with which we were all concerned. I confirmed immediately that that would be my understanding of all the subsequent discussions [...] the concept of any exchange of consular access or exchange of personnel was ruled out on the first day and was never pursued.⁷¹

Asked to comment on Sir Richard Dalton's belief that the release of the detainees in Irbil was a "very helpful coincidence", Lord Triesman replied:

They were certainly a coincidence. If they improved the atmosphere, they improved the atmosphere. But I can assure the Committee in absolute seriousness that there was no such trading whatever.⁷²

42. The Daily Telegraph made an important point on the subject of whether there was a deal or not. Referring to the speech of Iran's President in which he announced the release of the captives, it said, "Mr Ahmadinejad, not noted for his reticence, made no mention of British concessions."⁷³

43. We conclude that there is no evidence made available to the Committee that any deal was reached between the Government and Iran over the release of the detainees. We believe that it was very important for the Government not to make such a deal.

Co-ordination of Government Strategy

44. The nature of the crisis required a coordinated approach from the Government, given the involvement of the FCO, the Ministry of Defence, the Cabinet Office and Number 10. The Government immediately decided to convene Cobra, the inter-departmental co-ordination facility that is used at times of crisis.⁷⁴ The Guardian newspaper reported concern amongst officials at the Foreign Office over the strategy of increasing international pressure on Iran, most notably after the then Prime Minister's call for a "different phase" on 27 March.⁷⁵ Lord Triesman rejected these claims:

I can assure the Committee that that is not what happened. I cannot recall a dissenting view in the Cobra discussions between anyone there, on any of the issues I described, and certainly not from the FCO. I mentioned the FCO, but the same goes for everyone.⁷⁶

45. We conclude that there does not appear to be any obvious cause for concern regarding inter-departmental co-ordination during the period of the detention of the personnel. We recommend that, in its response to this Report, the Government inform

70 Q 118

71 Q 119

72 Q 120

73 "The invisible men who defused the crisis", *Daily Telegraph*, 5 April 2007

74 HC Deb, 28 March 2007, col 1499

75 "Britain stumbles in diplomatic dance with Iran", *The Guardian*, 30 March 2007

76 Q 102

the Committee whether it has carried out any review of co-ordination, and if so, that it provide the findings of this review to the Committee.

4 Role of Third Parties

46. The note submitted by the FCO states that the Government embarked on a “world-wide diplomatic lobbying campaign” in a bid to isolate Iran.⁷⁷ We have already considered the results of its efforts at the Security Council and European Union. This short section considers the role of regional states and the United States.

Regional States

47. The FCO note says that many countries supported the Government’s diplomatic lobbying efforts against Iran. Arab countries, led by the Iraqis, “were particularly active.” In the assessment of the FCO, “the impact in the Gulf States was of real significance.”⁷⁸ Lord Triesman told us that,

a significant number of Arab and Islamic states, or the secular Islamic states—I make that distinction because Turkey played a significant role in this—were very willing and very vigorous. At one stage, we were told that Mr Mottaki [Iran’s Foreign Minister] was complaining that one of the reasons he could not speak to us more often was that he was on the phone all the time to all of those people who were phoning him.⁷⁹

Sir Richard Dalton agreed. He told us alongside the EU statement referred to earlier,

the key influences on the Iranians were, I think, the regional ones. ... A major Iranian objective was to show power in the region, yet they had a stream of phone calls from all their regional neighbours, saying, ‘Please bring this to an end.’⁸⁰

48. Members of the Committee raised the issue of the detained personnel with Syria’s President, Bashar Assad, whilst on a visit to Damascus at the time of the crisis. We asked Sir Richard for his assessment of Syria’s role. He replied:

There have been articles suggesting on the basis of Syrian briefings that the Syrians were pleased to help. That would fit with the Syrian wish to make it plain to the west that it is not a country to be put into the doghouse and isolated, in the way that might be associated with US policy, but rather is a reasonable country, that can be dealt with. Putting a good word in would have been a logical course as part of the Syrian campaign to rehabilitate its image.⁸¹

The United States

49. There were press reports that the United States had offered to conduct aggressive military patrols over Revolutionary Guard bases to underline the seriousness of the

77 Ev 12, para 6

78 Ev 12, para 6

79 Q 126

80 Q 5

81 Q 6

situation, but that the Government asked the Americans not to embark on this course.⁸² We raised this with Lord Triesman. He replied:

The United States had two carrier battle groups—I believe they were the Eisenhower and Nimitz groups. Each contains quite a large number of ships, and the two would obviously have sizeable air power based on them. Their plans and manoeuvres, as I understand it, had been formulated a long time in advance. In general, such manoeuvres involved them staying on the Iraqi side of the waterway and inland. In the past, they have certainly involved them flying over oil installations on that side of the border, both at sea and inland. We simply expressed the view—at this stage I would rather go no further—that low flights, even over the oil platforms, would not be helpful in trying to conduct the discussions that were going on.⁸³

50. We conclude that the Government appears to have made good use of third parties in applying pressure on Iran. In particular, we believe that representations made to the United States not to conduct their intended military plans and manoeuvres were particularly important in helping to prevent an escalation of the situation.

⁸² "Americans offered 'aggressive patrols' in Iranian airspace", *The Guardian*, 7 April 2007

⁸³ Q 121

5 Media

51. In its note to the Committee, the FCO set out the work of its Press Office:

They actively managed the expectations of the media, including by providing in-depth background briefing to ensure that they understood at all stages why we were saying and doing what we were. There was daily media co-ordination between FCO, MoD and No10 during the crisis.⁸⁴

52. The FCO note also referred to other aspects of media handling:

We made effective use of Arabic media, rebutting Iranian claims and its use of its Arabic Al Alam channel. This helped ensure that regional reporting was as balanced as possible. FCO Arabic Media Spokesmen gave around twenty-five interviews to the Arabic media over the first week alone and the Foreign Secretary was interviewed by Al Arabiya and other Arabic news channels. The Foreign Secretary also briefed diplomatic correspondents in London on the background to manage expectations. Press Officers in regional posts actively briefed local media. After the return of the personnel, the Foreign Secretary's Op-Ed in the Daily Telegraph on 14 April, which rebutted arguments in the press that the Iranians had emerged the winners, was distributed to and reported by a few media outlets in the region.⁸⁵

53. While we welcome this activity, we note that the FCO description focuses on the Arabic language. The language spoken in Iran is Farsi (Persian), and the country shares major borders with Afghanistan and Pakistan, neither of which are Arabic speaking countries. **We recommend that, in its response to this Report, the FCO set out specifically what media work was carried out that focused on outlets in Afghanistan, Pakistan and Iran itself.**

The Sale of Stories

54. On 19 June 2007, the Ministry of Defence published the Hall Report which reviewed media access to the detained personnel.⁸⁶ Tony Hall, a former head of BBC News, had been asked to conduct this review following the controversy surrounding this issue. We learn from the Hall Report that the FCO Press Office led on the Government's relations with the media whilst the crisis continued. A representative was regularly present at Cobra meetings. These Cobra meetings ended on 4 April. In practice, the Navy then took the lead on issues relating to the media handling of the return of the detainees.⁸⁷ The Hall Report argued that the Cobra process ended "in retrospect too early".⁸⁸

55. Two of the released captives sold their tales to the media. Leading Seaman Faye Turney received a reported six-figure sum for her story, which she sold to the Sun newspaper and

⁸⁴ Ev 13, para 13

⁸⁵ Ev 13, para 15

⁸⁶ Report by Tony Hall on Review of Media Access to Personnel, 19 June 2007, available at www.mod.uk

⁸⁷ Ibid, p 6

⁸⁸ Ibid, p 5

to ITV. Arthur Batchelor, the youngest of the captives, also received payment for his story, in his case from the Mirror.⁸⁹ Mr Batchelor told the Daily Mirror that the Revolutionary Guards stole his iPod music device, and that he “cried and cried like a baby.”⁹⁰ The Hall Report outlines how the Navy broadly took the lead on the decision to allow the personnel to sell their stories. The Defence Secretary was asked to “note” the decision. Although the Defence Secretary would later accept full responsibility, Tony Hall was not “able clearly to identify a single person who in practice took the decision to authorise payment, or a clear moment when that authority was given.”⁹¹

56. We find it wholly unsatisfactory that Tony Hall was not able to identify which single individual took the decision to authorise payment for the stories of the personnel. We recommend that, in its response to this Report, the FCO set out who specifically took the decision to authorise the naval personnel to sell their stories to the media.

57. The decision to allow the personnel to sell their stories was met with fierce criticism. The Sunday Telegraph argued that the Government, in particular the Navy and MoD, had been “roundly pilloried from all sides and invited international derision”. The incident, it claimed, was a “Whitehall farce”.⁹² Global media coverage of the detainees’ return and of the stories they sold to the British press was to provide the rest of the world with its lasting impressions of the incident. The potential for this coverage to affect the United Kingdom’s standing abroad, particularly but not only in the Middle East, should have been obvious.

58. We asked Lord Triesman about this incident. He said that the decision to allow the personnel to sell their stories was “a significant mistake.”⁹³ He added:

I am expressing the view that I take, which I suspect is probably well shared around the FCO, which is that it is undesirable. I would make exactly the same point about serving diplomats or Ministers in the FCO or other Departments. We work in a very sensitive world. Whether we use the word ‘negotiation’ or not, these are very intricate, difficult discussions that can easily go wrong, and future discussions can be hopelessly prejudiced by unhelpful conduct from the past.⁹⁴

We believe Lord Triesman’s view is fundamentally correct. However, his analysis relates to how such incidents might impact on future discussions. We believe that the importance of the impact that such incidents can have on framing the narrative of the event they have just followed should not be ignored.

59. The Hall Report attempted to explain why such a situation had arisen:

The relief at the release of the detainees—the strategic objective of the intensive political and diplomatic efforts over the preceding days—together with the fact that it was about to be the Easter break, meant that too many of those concerned failed

89 “UK captive ‘felt like a traitor’”, *BBC News Online*, 9 April 2007, <http://news.bbc.co.uk>

90 “Faye feared they’d rape and kill her”, *Daily Mirror*, 9 April 2007

91 Report by Tony Hall on Review of Media Access to Personnel, pp 9–10

92 “Whitehall farce that’s beyond a joke”, *Sunday Telegraph*, 16 April 2007

93 Q 127

94 Q 128

really to think through the media handling of the return of the detainees, and stay adequately involved and in communication, particularly in a fast-moving 24/7 media environment. The return of the detainees remained the principal national story and was still an important element of UK/Iran relations, but it was not adequately treated as such.⁹⁵

60. The criticism that “too many” did not “stay adequately involved” may have an applicability beyond the MoD. It is significant that the note provided to us by the FCO does not even mention issues relating to the sale of the stories. We asked Lord Triesman whether the FCO had been consulted by the MoD, or if it had given it any advice as to how to handle this situation. He told us:

The Foreign and Commonwealth Office was not consulted on this decision, although we made known our view that we thought it would be a significant mistake to allow the personnel to sell their stories to the media.⁹⁶

Tony Hall concluded that the MoD, not the Navy, should “unequivocally” lead on media handling in cases of returning detainees.⁹⁷ However, he does not provide analysis of the need for inter-Departmental co-ordination in such incidents. The FCO did get involved in earlier discussions with the MoD with regards to plans for when the detainees returned.⁹⁸ Yet as Lord Triesman’s reply indicates, whilst the FCO made its view known, stakeholder consultation was not present once the detainees returned.

61. We conclude that the decision by the MoD to allow the returning detainees to sell their stories to the media displayed a disturbing failure of judgement as to how the issue would play internationally. We are particularly concerned that, after having taken the lead on media relations until 4 April, the FCO does not appear to have been closely involved after the return of the personnel, despite the clear implications of continuing press coverage for Britain’s international standing and reputation. We recommend that, in its response to this Report, the FCO indicate when, in Lord Triesman’s words, it “made known” the view that “we thought it would be a significant mistake to allow the personnel to sell their stories to the media.”

95 Report by Tony Hall on Review of Media Access to Personnel, p 10

96 Ev 23

97 Report by Tony Hall on Review of Media Access to Personnel, p 14

98 Ibid, p 5

6 Looking Ahead

62. The diplomatic crisis sparked by this incident is likely to have some implications on the future relationship between the UK and Iran. Lord Triesman told us some of the outline of Sir Nigel Sheinwald's crucial discussion with Dr Ali Larijani. He said that they had talked about the "possibilities for future substantive discussion that would benefit both sides by making a better relationship."⁹⁹ During our private hearing, he made a related point:

One way or another, Larijani, Sheinwald, us, the ambassador here and Foreign Secretary Mottaki now have some channels that are more active and more likely to be the conduits for serious business than we have had for some time.¹⁰⁰

63. Lord Triesman also took the opportunity to discuss Iranian security fears in the Shatt al-Arab waterway. He said "we needed better security arrangements in the region", and that "it was hard [...] not to understand the degree of sensitivity that they were expressing about what they saw as their security problems." He suggested that proper mechanisms could help to avoid such incidents in the future.¹⁰¹

64. The Government has announced that it will be undergoing a review into its relationship with Iran following the incident.¹⁰² Sir Richard Dalton warned of why such a diplomatic response may be difficult:

We do not have that many bilateral levers to use against Iran. There should be some attempt to find an area of our co-operation with Iran which is valuable to Iran and which we can withdraw for a period in order to underline our rejection of what they did and how they did it.¹⁰³

However, he argued that "it is possible in such circumstances to find something to retaliate with which is actually cutting off your nose to spite your face."¹⁰⁴

65. We conclude that Iran deserves strong censure for its illegal and provocative seizure of a group of lightly armed British personnel who posed no threat to its interests or security. We further conclude that it is a matter of urgency that systems are established to ensure that a repeat situation cannot occur. We recommend that, in its response to this Report, the Government set out what steps have been taken in this regard.

99 Q 99

100 Q 132

101 Q 132

102 "Diplomacy is not weak: it works", *Daily Telegraph*, 14 April 2007

103 Q 37

104 Q 38

7 The Value of Diplomacy

66. The former US Ambassador to the UN, John Bolton, made an aggressive critique of the UK Government's diplomatic approach during the crisis in an article in the *Financial Times* on 9 April 2007. He argued that "against all odds, Iran emerged with a win-win from the crisis: winning by its provocation in seizing the hostages in the first place and winning again by its unilateral decision to release them." He said the Government exhibited a "passive, hesitant, almost acquiescent approach" because of the FCO's "barely concealed [...] real objective" of ensuring the diplomatic track on the nuclear issue did not collapse. Iran had "probed" and "found weakness".¹⁰⁵

67. The then Foreign Secretary wrote a comment piece in the *Daily Telegraph* on 14 April arguing that "diplomacy is not weak: it works." She said the episode was a "victory for patient and determined diplomacy." In particular, "we got our people out, unharmed, and we got them out relatively quickly. That has to be the measure of success." She said that "some commentators have turned to arguing that we have handed a victory in world opinion to the Iranian regime" but that this was wrong:

No one was fooled for long by the circus performance laid on by the Iranians, from the staged and scripted confessions to President Ahmadinejad's shameless exploitation of our personnel [...] by illegally seizing our Servicemen and then by denying any consular access, Iran has simply laid bare its contempt for international norms.¹⁰⁶

68. **We conclude from the evidence that we have received, that the Government had a thorough approach to its diplomatic strategy during the crisis. Although there may have been some tactical mistakes, it is difficult to fault the FCO's overall approach. We conclude that this episode does show the positive way in which diplomacy can be used to resolve a crisis peacefully and we reject the argument that the FCO's approach has made the British Government look weak. Our conclusion should not, however, be taken to mean a lack of concern as to how British service personnel came to be detained in the first place.**

¹⁰⁵ "How Iran probed, found weakness and won a triumph", *Financial Times*, 9 April 2007

¹⁰⁶ "Diplomacy is not weak: it works", *Daily Telegraph*, 14 April 2007

Formal minutes

Tuesday 17 July 2006

Members present:

Mike Gapes, in the Chair

Mr Fabian Hamilton

Sandra Osborne

Mr John Horam

Mr Greg Pope

Mr Eric Illsley

Mr Ken Purchase

Andrew Mackinlay

Draft Report [*Foreign Policy Aspects of the Detention of Naval Personnel by the Islamic Republic of Iran*], proposed by the Chairman, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraph 1 read, amended and agreed to.

Paragraph 2 read and agreed to.

Paragraph 3 read, as follows

There have been two Government reviews into this incident. The first, led by Lt Gen Sir Rob Fulton, the Governor of Gibraltar, considered the circumstances in which the British personnel were seized. This review has been kept confidential. The Defence Secretary Rt Hon Des Browne MP told us that he would pass to the Committee any information that he felt was relevant to our inquiry. When we followed up, he told us that in his view, there was nothing in the report that would inform the Committee's inquiry beyond what was made public in his statement to the House on 19 June. The second review, led by Tony Hall, a former head of BBC News, focused on the Government's media handling following the return of the personnel to the UK. The Hall Report was published on 19 June.

Amendment proposed, in line 3, after the word "confidential." to insert the words "This is not satisfactory. We are mindful of the delicate nature of security and operational aspects of this incident and its 'fallout' but at the very least a summary or redacted version of General Fulton's findings should have been published and presented to Parliament."—
(*Andrew Mackinlay*.)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 1

Noes, 3

Andrew Mackinlay

Mr Fabian Hamilton

Mr Greg Pope

Mr Ken Purchase

Paragraph agreed to.

Paragraphs 4 and 5 read and agreed to.

Paragraph 6 read, amended and agreed to.

Paragraphs 7 to 11 read and agreed to.

Paragraph 12 read, amended and agreed to.

Paragraphs 13 to 20 read and agreed to.

A paragraph—(*Andrew Mackinlay*)—brought up, and read, as follows:

It would appear that Russia may have been cognisant of the shifting topography of these waters, the history of the boundary and the issue detailed for us by Martin Pratt of Durham University [see paras 24 to 32, below]. If so, it helps to put into perspective Russia's position when the draft Security Council statement was being considered.

Question put, That the paragraph be read a second time.

The Committee divided.

Ayes, 1

Noes, 3

Andrew Mackinlay

Mr Fabian Hamilton

Mr Greg Pope

Mr Ken Purchase

Paragraphs 21 and 22 read and agreed to.

Paragraph 23 read, as follows:

We conclude that the Government's decision to adopt a 'dual track' diplomatic approach against Iran during the captured personnel crisis was broadly the correct one. However, we further conclude that the attempt to use the UN Security Council to increase the pressure on Iran was much less successful than it had hoped.

Amendment proposed, at the end, to add the words **"We agree with Sir Richard Dalton's assessment. We conclude that the approach to the Security Council was badly timed and, it would appear, ill prepared."**—(*Andrew Mackinlay*.)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 3

Noes, 3

Mr Fabian Hamilton
Mr John Horam
Andrew Mackinlay

Sandra Osborne
Mr Greg Pope
Mr Ken Purchase

Whereupon the Chairman declared himself with the Noes.

Paragraph agreed to.

Paragraphs 24 to 28 read and agreed to.

Paragraph 29 read, amended and agreed to.

Paragraph 30 read, as follows:

We raised this issue with Lord Triesman. He told us:

I know that some of the physical features move around not on a day-to-day basis but between seasons. For those reasons, there is a process—the Algiers process—that enables all the parties in the upper Persian Gulf to raise questions about where the international boundary should be thought to be at any one time. There is a formal mechanism for doing that, and it has been used: it is not a kind of antique that nobody has ever touched. The process is available, but on this occasion, there was no question of that kind raised. The Iranians, in all their discussions with me, and as far as I know with [British Ambassador] Geoffrey [Adams] in Tehran, were not raising that issue at all. They came along with their maps—and we all had maps in front of us—with that international boundary on them, and that was the basis on which they were operating as well. The only question they had was which side of that line it was.

However, as we have seen, the Algiers process relates to the land boundary between Iran and Iraq, not the “territorial water boundary” that the Government’s map referred to, suggesting an inconsistency between Lord Treisman’s answer and the Ministry of Defence’s cartography.

Amendments made.

Another Amendment proposed, at the end, to add the words “The Government have either been less than frank about this matter or there has been a degree of carelessness in their map reading, cartography and history of these waters. This does nothing for our confidence in the stewardship of these matters or that there was adequate examination of all the facts. We do not know if General Fulton was able to consider these matters and we therefore reiterate our recommendation that as much as possible of his report be published.”—(*Andrew Mackinlay*.)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 2

Mr John Horam
Andrew Mackinlay

Noes, 4

Mr Fabian Hamilton
Sandra Osborne
Mr Greg Pope
Mr Ken Purchase

Paragraph as amended agreed to.

Paragraphs 31 to 53 read and agreed to.

Paragraph 54 read, amended and agreed to.

Paragraph 55 read and agreed to.

Paragraph 56 read, amended and agreed to.

Paragraphs 57 to 59 read and agreed to.

Paragraphs 60 and 61 read, amended and agreed to.

Paragraphs 62 to 67 read and agreed to.

Paragraph 68 read, as follows:

We conclude from the evidence that we have received, that the Government had a thorough approach to its diplomatic strategy during the crisis. Although there may have been some tactical mistakes, it is difficult to fault the FCO's overall approach. We conclude that this episode does show the positive way in which diplomacy can be used to resolve a crisis peacefully and we reject the argument that the FCO's approach has made the British Government look weak. Our conclusion should not, however, be taken to mean a lack of concern as to how British service personnel came to be taken hostage so easily in the first place, an issue which is under consideration by the Defence Select Committee.

Amendment proposed, to leave out from the beginning to "We" in line 4.—(*Andrew Mackinlay.*)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 3

Mr Fabian Hamilton
Mr John Horam
Andrew Mackinlay

Noes, 4

Mr Eric Illsley
Sandra Osborne
Mr Greg Pope
Mr Ken Purchase

Another Amendment proposed, to leave out from “**peacefully**” in line 5 to “**Our**” in line 6.—(*Andrew Mackinlay*.)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 2

Noes, 5

Mr John Horam
Andrew Mackinlay

Mr Fabian Hamilton
Mr Eric Illsley
Sandra Osborne
Mr Greg Pope
Mr Ken Purchase

An Amendment made.

Paragraph, as amended, agreed to.

Resolved, That the Report as amended be the Sixth Report of the Committee to the House.

Ordered, That the Chairman do make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No.134.

Several Papers were ordered to be appended to the Minutes of Evidence.

Ordered, That the Appendices to the Minutes of Evidence taken before the Committee be reported to the House. —(*The Chairman*)

[Adjourned till Wednesday 18 July at 2.00 pm]

Witnesses

Wednesday 2 May 2007

Page

Sir Richard Dalton KCMG, Ambassador to Iran 2002–06, and **Dr Rosemary Hollis**, Director of Research, Chatham House

Ev 1

Wednesday 23 May 2007

Lord Triesman of Tottenham, Parliamentary Under-Secretary of State, and **Neil Crompton**, Iran Co-ordinator, Foreign and Commonwealth Office

Ev 14

List of written evidence

Foreign and Commonwealth Office

| | |
|---|-------|
| Written evidence | Ev 12 |
| Letter from the Parliamentary Under Secretary of State to the Chairman of the Committee | Ev 23 |

Ministry of Defence

| | |
|---|--------------|
| Letter to the Secretary of State for Defence from the Chairman of the Committee | Ev 23; Ev 24 |
| Letter to the Chairman of the Committee from the Secretary of State for Defence | Ev 23; Ev 24 |
| Martin Pratt, International Boundaries Research Unit, Durham University | Ev 24 |

Oral evidence

Taken before the Foreign Affairs Committee

on Wednesday 2 May 2007

Members present:

Mike Gapes (Chairman)

Rt hon. Mr. David Heathcoat-Amory
Mr. John Horam
Andrew Mackinlay

Mr. Ken Purchase
Rt hon. Sir John Stanley

Witnesses: **Sir Richard Dalton** KCMG, Ambassador to Iran 2002–06, and **Dr. Rosemary Hollis**, Director of Research, Chatham House, gave evidence.

Q1 Chairman: We have before us two people whom we know very well, Sir Richard Dalton and Dr. Rosemary Hollis, and we are just beginning an inquiry that will look at Iran. We thought that it would be helpful if we focused initially on the recent captives crisis and the events surrounding it. I am conscious that, because of the election timetable, some of my colleagues are not here today. Nevertheless, we have a quorum, and I am sure that we will be able to cover all the territory.

Would you both set out how you saw the objectives of the Iranians in capturing and detaining our marines and sailors? Why did they do it? What were they trying to achieve? What was their purpose and did they meet their objectives in doing this?

Sir Richard Dalton: We do not know. We do not know what their objectives were because we do not know who took the decision. There are three options. The first is that the system decided that it wanted to make an example of the British and this was the way to do it using its constitutionally decreed arrangements, ratified if necessary by the supreme command of the armed forces, Ayatollah Khamenei. At the other end of the spectrum, it might be that local commanders decided that this would be a good thing to do; they believed that they had mounted a successful operation against the British in 2004 and it was a good time to do it again. In between those two options, it could be that the commanders thought that it was a good idea and checked it with their military superiors, who had a quiet word with somebody on the political side who said, “Well, go ahead and do not worry; the system will back you up after you have done it.” We have no evidence that I am aware of publicly to choose between those three options.

Speculating about their motives, I think that they wanted to show that they were tough and ready to repel anybody who wanted to aggress against their territory, so they had a general objective of showing military determination. Secondly, they wanted to taunt the British, who are regarded as enemies, particularly in the Revolutionary Guard and in the higher clerical circles. The target was one that they would have spotted because they keep an extremely close watch on what goes on, and they would have

concluded that for low military cost they might well be able to make a significant political demonstration against the United Kingdom, their habitual enemy. There might have been feelings to assuage because they—particularly in the Revolutionary Guard—had been on the receiving end of some setbacks, such as the arrests in Irbil by the Americans, with five of the Revolutionary Guards’ associates kept by the Americans. There had also been a high level probable defector, Mr. Asgari, which was a blow to their pride. The Revolutionary Guard commanders may have thought that it was a good time to show that they could not be taken for granted and were ready to defend their position. Speculation about who took the decision and what their motives were is beside the point. The system took up the action as soon as the news came through to Tehran that the captives had been taken and ran with it. Within a matter of minutes or hours, it became a system-wide exercise.

Q2 Chairman: We will go into other aspects of that in a moment, but have you got anything to add, Dr. Hollis?

Dr. Hollis: I go along with everything that Sir Richard has said about the options over how it originated. I concur totally that once it had started, the system was going to play it for all it was worth. I would add that the Iranians seem to have a propensity to play on a very large battlefield and to try to have as many options in the air as possible. While it is not actual warfare, it is a sort of asymmetrical warfare. That fits in with Iran’s own rhetoric in which it said that, “If the Americans attacked us, they would be mistaken if they assumed that we would retaliate with missile attacks on US assets in the region. We have many other ways of making their life difficult.” That episode fits nicely with Iran’s sense of its place in the region. It has multi-faceted relationships in the region and multiple opportunities to make its presence and position felt.

Q3 Sir John Stanley: Sir Richard, will you explain why you appear to rule out a fourth option, namely that it was retaliatory action for the taking into

2 May 2007 Sir Richard Dalton and Dr. Rosemary Hollis

custody of certain Iranian personnel and, if the media reports are to be regarded as authentic, for the news that more would be taken into custody in Iraq by Iraqi security forces and the US?

Sir Richard Dalton: I certainly do not rule that out. I said that they wanted to assuage their feelings that had been sorely hurt by that action. It could have been a direct retaliatory action on the grounds that the UK would be a softer touch than getting directly at the United States.

Q4 Chairman: In your answer earlier, Sir Richard, you referred to the regime taking on the issue and using it. In an article that you wrote a few weeks ago, you said that the Iranians appear to have been improvising rather than working on an overall diplomatic plan. Could you summarise how the Iranian diplomacy worked once they had taken it on in the way that you described?

Sir Richard Dalton: I do not know any of the inside story. You would have to ask the Foreign and Commonwealth Office to give you a good answer to that question. It was clear, as in the case of the capture in 2004, that the Ministry of Foreign Affairs in Tehran had to play catch up to find out which units were holding those people and why, what the line of communication was and what the view of the political leadership was of the action taken to capture them. How matters evolved in that interplay of the different actors in Tehran is, in my experience, always shrouded in mystery. They keep their counsel very close. The Ministry of Foreign Affairs is a faithful expounder of an agreed line, but does not take a foreign embassy into its confidence about what line is being taken by which players in the preparation of that agreed line.

Q5 Chairman: A question for both of you: do you feel that the Iranians now regard the way in which they handled our personnel as sensible? I refer to their use of confession, televising, and the threats that were made to the personnel. In retrospect, might they think that perhaps they should not have done that?

Dr. Hollis: If I may say so, I think that the Iranians deemed it a pretty successful manoeuvre from start to finish. It ended happily, and at the right time. They had sent messages, they had tested to see how far they could go and they regrouped when they came up against the limits of that. I dispute the argument that they made at the time of the release of the personnel to the effect that, had Tony Blair not taken the issue to the Security Council and to other members of the European Union, it could all have been resolved sooner. The fact that they said that was indicative of the careful manoeuvres in which they were engaged, and it justified their position. However, by taking the issue to the UN Security Council and to fellow EU members, the British in effect raised the stakes, but also established—for all to see—the extent of support that they were likely to receive. They demonstrated to the Iranians that they were not a pushover.

Sir Richard Dalton: I broadly agree with that. I would add that it was a very high risk strategy for the British to go to the Security Council at the time that they did. Making a large public fuss is rather different from making private representations to allies and regional neighbours of Iran. The more one uses publicity and the international pulpit, as it were, the higher the value of captives to some of the extremists in the Government whom one is trying to influence. The fact that the release of Faye Turner was aborted as a consequence of going to the Security Council shows the degree to which a risk existed.

In addition to the EU partners, who I suspect would have been prepared to go into reverse in some of their dealings with Iran had the issue remained unresolved after a period of time, the key influences on the Iranians were, I think, the regional ones. As Dr. Hollis said, a major Iranian objective was to show power in the region, yet they had a stream of phone calls from all their regional neighbours, saying, "Please bring this to an end."

Q6 Mr. Horam: Why did the Syrians take the line that they took? They made it plain that they were against the Iranian position. Why would they do that?

Sir Richard Dalton: I do not think that they made it plain publicly. There have been articles suggesting on the basis of Syrian briefings that the Syrians were pleased to help. That would fit with the Syrian wish to make it plain to the west that it is not a country to be put into the doghouse and isolated, in the way that might be associated with US policy, but rather is a reasonable country, that can be dealt with. Putting a good word in would have been a logical course as part of the Syrian campaign to rehabilitate its image.

Q7 Mr. Horam: That is part of its wider game plan.

Sir Richard Dalton: Yes.

Q8 Mr. Horam: Do you agree, Dr. Hollis?

Dr. Hollis: I do. The Syrians saw it as an opportunity to demonstrate that they could be useful. I think that they capitalised to the extent that the US official Nicholas Burns, talking this morning about US-Iran relations, mentioned the Syrian Foreign Minister Mr. Muallem by name as one of the players who will be present with neighbours of Iraq and other interested parties in the next two days of diplomacy on reconstructing Iraq. Given during Mr. Burns' presentation this morning on diplomacy with Iran, I remark that as an indication that the Syrians have quite successfully reinserted themselves in the regional game.

Q9 Chairman: May I take you back to the issue of how the release was arranged? Was it as a consequence of the internal power struggle within the regime? Sir Richard, you said originally that we do not know why they were taken. Why were they released when they were and why do you think that

2 May 2007 Sir Richard Dalton and Dr. Rosemary Hollis

Ali Larijani decided to go on Channel 4 News? Was that part of the power struggle or was it for other reasons?

Sir Richard Dalton: There is a power struggle for influence in foreign affairs between Dr. Larijani and President Ahmadinejad. It could be that Dr. Larijani spotted an opening to insert himself, not only to solve a problem for Iran but also to show that he can deliver, which could be relevant to his standing in Iran. We need to step back a little and ask ourselves why the Iranians decided not to put them on trial, which was touted, as you know. There are precedents for taking people who have transgressed the sea borders of Iran—it did not happen in this case, but it has happened in other cases—putting them on trial and sentencing them for quite long periods. It was always a distinct possibility, but, speculating again, it would appear that the Iranians concluded that to put them on trial would prolong the issue to Iran's disfavour and, as Dr. Hollis said, it had got all it was going to get out of the issue after a couple of weeks. At that point, there was scope for a pragmatic international actor, as Dr. Larijani is, to a degree, to step in.

Dr. Hollis: I agree that there is a power struggle. I was taking soundings as much as I could from Iranian contacts, including those in Iran as the situation unfolded, and my sense is that President Ahmadinejad was persuaded to stay out of this until he was given the opportunity to do the theatre at the end. In the internal power struggle there was a division of labour and Dr. Larijani felt to me to be very much in charge at the Iran end of the overall direction that it was going to take. As one Iranian described it to me, the President's reward for not trying to hijack the issue was the drama at the end.

Q10 Andrew Mackinlay: My questions are for both of you. You gave us possible reasons, or options, but one that you did not mention—it comes later in my brief, but I will touch upon it now—is the dispute about whether the Royal Navy was in internationally agreed Iraqi waters, in that area that is blurred or in dispute, or in Iranian waters, and I want to link this to the Security Council. As I understand it, we went to the Security Council seeking condemnation of the taking of our people, and so on, but other members of the Security Council, particularly the Russians, were not prepared to say that these were Iraqi waters. It strikes me that they had an unexpected bonus because the Security Council did not do what the United Kingdom wanted it to do with regard to the location. That was a point to Iran, and it could pump the air. I am concerned that we did not do our preparation before we went to the Security Council in order to know what other Security Council players would sign up to. It seemed to me that there was a diplomatic failure or error by us and the Security Council. If the Chairman will allow it we may also come later to the matter of whether internationally other people agree about the status of these particular waters and the location of our RIB craft. I want to bounce that off you both, because it seems it was a bit clumsy in New York.

Dr. Hollis: Sir Richard called it a high-risk strategy. I admit that I felt at the time that it went as far as it could with the Security Council because not only did the Iranians learn that the British would have support, but the British learned the limits of that support. The silver lining was that not endorsing the British claim about where exactly the British vessel was presented the opening for the resolution of the crisis. Both sides could agree that it is a sensitive area, in which one has to be doubly careful, and there is some value in closer engagement to ensure that misunderstandings do not happen in the future.

Sir Richard Dalton: I shall add to that by saying that I do not believe that the we are talking, for practical purposes, about disputed waters. An enormous amount of shipping goes up and down those waters, and there have not been any similar incidents—at least, they have not been publicised. That is because it is very much in the Iranian interest to respect the international acquis, even if it is informal, as to where the border is.

When we had difficulties with the Iranians in 2003 over movements by their forces toward and beyond the Iraqi border, I took the issue on instructions to the Ministry of Foreign Affairs. It stoutly maintained that Iran's policy was to respect the commonly accepted borders in order that there could be a proper negotiation in due course with an independent Iraqi state, at which the borders would be fixed once and for all at what, for Iran, would be a relatively favourable situation—that with which it was left after the Iran-Iraq war in 1988.

The reason why the Iranians did not contest where the UK said the line was in the northern waters of the Persian gulf was that it did not wish to set up an irritation in its relationship with Iraq that would make the maritime border harder to deal with.

Q11 Andrew Mackinlay: This is a very important point. The British Government's position was that the waters were indisputably Iraqi. You said that there was a *modus vivendi* by which merchant shipping was let go, as happens in an awful lot of waterways around the world that are subject to opposing claims. I think that you have concurred with my feeling that, in fact, the waters were disputed, and that the Government would have known that. There might well have been a custom and practice that craft of all nations could go into the waters and that that would not be an issue. It became an issue the moment that somebody wants to say, "You are in our waters—in our bailiwick".

Sir Richard Dalton: I would not agree with that. Only if two parties to a border dispute it can we say that a border is disputed. Neither Iraq or Iran is disputing the line that exists on the Admiralty charts that are used by 90%.—[*Interruption.*]

Q12 Andrew Mackinlay: Whose Admiralty?

Sir Richard Dalton: Our Admiralty. The charts used by the British Navy are the charts used by 90%. of the world's shipping, I am told. At the time of the incident, neither Iraq or Iran was disputing the line. There is a lack of clarity in international law because there is no treaty between the sovereign Government

of Iraq and Iran to define the line. Royal Navy policy was to leave a 1 km buffer zone between an operation and the commonly accepted and undisputed line in the Persian gulf because of the possibility of mistakes. They were outside that self-imposed buffer area by 0.2 km.

Q13 Mr. Purchase: Could I just remind you that on 2 April Ali Larijani said there was no need to proceed with the trial, on 3 April Jalal Sharafi was freed in return to Tehran and on 4 April Iran was told it could have access to the five detainees from Irbil? The Secretary of State for Defence, Des Browne, said there was no deal. You suggested, Sir Richard, that there was a firm refusal, both in public and private, to pay a price. Not that I want to spoil the Prime Minister's tea party on his 10th anniversary, but he also said there was no deal and that it happened without any negotiation or any side agreement of any nature. Does it not seem a bit of a spin to suggest that there was no negotiation and no side agreement—yet on 5 April the lads were out?

Dr. Hollis: I do not know whether spin is at work here. I think the word “negotiation” could be interpreted in different ways. I think what was meant was that there was no negotiation in the sense that there was no concession made and no demand and therefore no responding concession. I think there was a great deal of diplomatic activity—some might call that negotiation—around the issue. It could well be that there is nothing to hide here. It is a success.

Q14 Mr. Purchase: They are free, sure. It is a success. But credibility is stretched a little—isn't it?—when we have these closely related events of what appears to be recanting on two positions, then the next thing the lads are out but there was no deal.

Dr. Hollis: Wait a minute. You are talking about the service personnel recanting.

Q15 Mr. Purchase: No, I am talking about the five detainees from Irbil. We gave the Iranian authorities access to them.

Dr. Hollis: I am sorry. I was connecting it back to the business of where they were in the territorial waters.

Q16 Mr. Purchase: I am sorry if I misled you. Perhaps I did not provide a full enough description of the events. On 4 April, Iran was told it could have access to the five detainees from Irbil.

Sir Richard Dalton: I think what is happening here is that there was a very helpful coincidence, but how it arose I do not know. My hunch is that it arose out of UK-US diplomacy rather than US-Iran diplomacy or UK-Iran diplomacy. It is an obvious thing to do to ease the path of an Iranian climbdown for consular access to be given to these US detainees in Irbil. It is a small step towards normal international practice by the United States Government and is actually very welcome on its own merits.

The return of Mr. Sharafi is even more of a mystery. He is the second secretary from the Iranian embassy in Iraq who had been kidnapped. There is no evidence linking the United States authorities with

that. But he was returned to Iran in the course of the exchanges between the UK and Iran about the Royal Navy captives. It seems to me to have oiled the wheels.

Q17 Mr. Purchase: In the middle of all this, on 3 April Nigel Sheinwald had a telephone conversation with Mr. Larijani. The whole thing seems to me to fit together for a negotiation—with people saying, “We'll do this if you'll do that.”

Dr. Hollis: Wait a minute. If you look at the Jon Snow interview with Mr. Larijani—

Q18 Mr. Purchase: On Channel 4?

Dr. Hollis: Yes. Larijani gave lots of information without demands. It seems to me that a lot of information was being passed among all the players who got involved, some publicly and some behind the scenes. Deductions were made as to what would smooth the path of diplomacy. I am not trying to defend anybody's position, but I recollect that watching it unfold was like watching a carefully choreographed dance.

Mr. Purchase: I am happy with the outcome. It seems faintly ridiculous that we should deny, or that it should be denied, that anything was done to enable the happy release of our sailors to take place.

Q19 Chairman: Can I rephrase the question? Is it not really that we had sequenced, unilateral steps such as confidence-building measures rather than a negotiation?

Sir Richard Dalton: It could be. It is not the same thing.

Chairman: It is not. Therefore, you could say that there was no negotiation, but you could also take unilateral steps, or get your allies to do so, to help build confidence in order to secure the release.

Q20 Andrew Mackinlay: May I ask Dr. Hollis and Sir Richard a question? Admittedly, you are not in the Foreign Office, but I want to put to you my impression. Des Browne, in his statement in the House of Commons, implied that other people, presumably coalition partners, were fulfilling rigorously and with vigour the search and board, but he has never been able to show that that was so. Last week, there was an announcement that we have returned to that. Surely the truth is that this day, the Royal Navy is not doing search and board in the same location, to the same extent and with the same frequency, and that therefore the Iranians have clearly gained their central objective.

Dr. Hollis: Wait a minute. If we are talking about the exchanging of signals, it was 24 hours before the personnel were captured that one member of the British service personnel in the Basra area said that although he could not prove it, he was being informed that Iranians were behind the channel of money going to Iraqis, averaging \$500 a head, to pay them to attack British soldiers. That is quite an accusation. He said that he could not prove it, but that he was hearing it.

2 May 2007 Sir Richard Dalton and Dr. Rosemary Hollis

I see one explanation for the Iranian action within a couple of days of that. It demonstrated that we have a very complex relationship. The background is that the Iranians have been accusing the British of interfering in Khuzestan, a south-west province on the Iranian side of the border that is populated by a majority of Arabs. It is therefore confusing for a British soldier in Iraq when dealing with an Iranian national who happens to be from Arabestan and is speaking Arabic to some friends or relatives in Basra. When are they doing transactions and friendly engagement, and when are they causing a problem for the British? And exactly who is on whose side anyway?

In those circumstances, one could give an explanation for the British who might be conducting operations in a somewhat different mode since the episode. It might just be cautionary tactics, as opposed to backing down specifically to Iranian pressure. Both players in that difficult area have accepted that there is far too much room for a small misunderstanding to spin out of control, escalate and cause blows.

Q21 Andrew Mackinlay: I welcome your explaining that to us, but it gives credence to my feeling that things are not being done in the same fashion, to the same extent, in the same location and with the same frequency as they did before the seizure of Royal Navy personnel. That is your view?

Dr. Hollis: Yes, but that need not be backing down under pressure.

Sir Richard Dalton: Do we have any information to that effect—that things have been done differently by the Royal Navy? I do not.

Q22 Chairman: But it is a fact that we do not have the boats back. The Iranians still hold them.

Sir Richard Dalton: Yes.

Q23 Chairman: Therefore there is unresolved business for our presence and the effectiveness of what we can do.

Dr. Hollis: May I add another thing here? The British were inspecting vessels, and still are, to look for smugglers. How, if not through illicit trade, are some of the militiamen who are fighting for control of the local governorship in Basra to get their income? How, if not through that kind of trafficking, linking their mates on one side of the border with their mates on the other side? The British are literally interfering with local politics in Iraq, and local politics and the Iranians are in bed together.

Q24 Mr. Purchase: May I try to press you a bit further? I am not quite sure how important this all is, but to reinforce what I was trying to get across earlier, we know that Margaret Beckett spoke to her Iranian counterpart Mottaki on several occasions—whether it was useful or not, she did that. We know that there was the phone call from Nigel Sheinwald to Ali Larijani, which was probably key to the whole affair.

The Prime Minister has said that there was a dual-track strategy. One track was bilateral dialogue with the Iranian regime, and the FCO in London and the British ambassador in Iran made attempts to engage with the Iranians. All that strikes me as probably quite a successful effort to resolve the difficulties. I do not understand why it is necessary to say that there were no negotiations and there was no side deal. It seems blindingly obvious to me that here were people struggling to find a way forward and finding one, but then for some reason not wanting to say that they had found one. Let me specific: how important do you think Sheinwald's discussion on the telephone was to the whole process?

Sir Richard Dalton: I would have thought that it was very important for Britain not to be seen to be paying a price to get its own captives back. That was a fundamentally important objective of Her Majesty's Government, and I support it. Somebody who acts illegally to take captives in such a way will only be encouraged to do so again, if they gain something tangible from it.

I do not think that Iran was the winner in the episode, and I do not agree with Bolton—we may come on to him later—that it was a “double victory” for Iran. They managed to pull their chestnuts out of the fire by conceding when they did, because the situation was getting worse for them. I stand by my thought that that happy coincidence could well have been arranged, but I can quite see why the British Government would want to deny that it specifically paid a price to the Iranians. I do not know what Sir Nigel Sheinwald and Mr. Larijani talked about, so I cannot really comment on that.

Q25 Mr. Purchase: I will not press this any further. I merely say that if you put the whole thing together it lacks a certain credibility, and I think that we may not have controlled it.

Dr. Hollis: I wonder, though; surely successful diplomacy is about resolving a source of dispute with face saved on both sides. I noticed the way in which the press were asking questions towards the end of the episode. They did not seem to be operating with a concept of win-win. They wanted to discover who had won. A more direct answer to your question would have enabled them to say, “Aha, the British caved in. We had to concede something to get this resolved.” Then the British press would have been assisting the Iranians, and the British politicians who had given the straighter answer for which you are looking could potentially have given the Iranians an additional propaganda benefit. Personally, I was puzzled that there seemed to be only a Bolton-like understanding that there must be a winner and there must be a loser.

Q26 Mr. Purchase: I like the idea that we arrived at a sensible conclusion. There was a whole series of events and the outcome was satisfactory, yet very senior people suggested that nothing had happened, that they just gave in.

2 May 2007 Sir Richard Dalton and Dr. Rosemary Hollis

Dr. Hollis: Could it also be that Jon Snow provoked a new twist in the saga? Am I not right in thinking that Sheinwald spoke to Larijani after he was given the terms of the conversation on British television?

Chairman: Could we move on, please? We have other areas to cover.

Q27 Mr. Heathcoat-Amory: I think that you are being fantastically innocent if you really think that those parallel moves were not part of an overall negotiation. It is only diplomats who can dress these things up in that way. Let us leave it as a happy coincidence.

I am interested in what lessons there are for future relations with Iran. We have heard that we do not know on whose authority the hostages were taken, nor who was behind the decision-making process that led to their release. It is all opaque; there are many centres of authority in Iran. How, then, will we make agreements over issues such as Iran's interference in Iraq, where they are destabilising the country and killing a lot of people, or the nuclear issue? It is a large rogue state and we do not know who is in charge. How and with whom will we negotiate with the prospect of making agreements that stick?

Sir Richard Dalton: We do know who is in charge: it is the Supreme Leader, who is called upon to referee disputes, if they exist, between his military and civilian leaderships. It is exactly the same as the power structure in any other Government; there is a top dog who is called upon to arbitrate. Sometimes he is called a President, sometimes he is called a Prime Minister, but we should not be bamboozled into thinking that nobody is in charge in Iran because he is called the supreme leader and because many of the concepts are rather unfamiliar. The system works quite efficiently. The main politico-security decisions are debated in the Supreme National Security Council, which Mr. Larijani heads. There is a representative of the Supreme Leader in that body, who along with Mr. Larijani has direct access to the Supreme Leader, who then endorses or differs from the decision that has come from the tier below. There is an iterative process as decisions are prepared, in which the leader's circle of advisers are brought in and consulted. Again, there are parallels in other government systems, including our own. By the time the issue comes up for decision, the path to something that will stick is smoothed.

It is extremely difficult to make that system work for the benefit of foreigners, not so much because the system is opaque, but because the issues are highly difficult and the differences on the actual substance are immense. As European negotiators, we felt that if it had been possible in the course of European negotiations on a Political Dialogue agreement to reach agreement on human rights, weapons of mass destruction, terrorism or the Middle East peace process, and the Supreme Leader and the rest of the system had endorsed the agreements that had been negotiated at a lower level, they would have stuck. Since we, as the UK, have tried to re-establish diplomatic relations with Iran at the proper level,

our experience was that the agreements that we reached were broadly fulfilled satisfactorily by the Iranian side.

Q28 Mr. Heathcoat-Amory: I am still unclear. There is an unelected Supreme Leader and an elected President, who we all thought had a lot of authority. Finally, he paraded the captives and said how lucky they were to go home. There is also a Foreign Minister. We had difficulty reaching anyone in the first week of the crisis. That does not seem to impart a lot of confidence in how and with whom we will reach agreements. Should we always make a telephone call to the Supreme Leader? How do we negotiate with people like that?

Sir Richard Dalton: In exactly the way that you negotiate with other people.

Q29 Mr. Heathcoat-Amory: We usually negotiate with President Bush by going to see him, and he is accountable.

Sir Richard Dalton: There are nominated representatives. We do not actually get access to the Supreme Leader but we knew, for example, when for a year and a half the Iranians honoured the agreement to suspend their enrichment activities, that that was an agreement endorsed by him. In the intermediate stage, the key figures to whom we could convey messages were the intelligence establishment, the foreign ministry and the President. We did not have direct access to the military, but of the four main power centres that were dealing with whether Iran should suspend, we could get messages through to three. We reached an agreement at Foreign Minister level in Tehran in November 2003, and it was then cleared with the Supreme Leader by the senior Iranian negotiator.

The system might not be 100% the same as ours, but the principles behind it are similar, and it sticks. The problem is whether the Iranians are willing to change their views on the substantive issue. Hitherto, they have not been willing to do that in relation to most of the issues on which we have been dealing with them.

Dr. Hollis: If I might add, one does not just negotiate with President Bush, or whoever is the incumbent of the White House. There are four or five different key figures in Washington who need to be on board in any given situation in order for diplomacy with the Americans to be effective.

Q30 Mr. Heathcoat-Amory: We heard earlier that you could not tell us on whose authority the hostages were taken, so the Supreme Leader does not seem to be in charge of his own military forces. I do not think that that is an exact parallel with the United States, where I understand there to be a pretty clear chain of command. My worry relates, for instance, to a potential agreement over the future of Iraq. If there are still rogue elements who are unknown and unidentified, I am not sure that a lot can be said for any agreement that is made with this mysterious Supreme Leader—someone who is above the elected President.

2 May 2007 Sir Richard Dalton and Dr. Rosemary Hollis

Dr. Hollis: Larijani will have sorted out with the Supreme Leader the line that he will take both on this episode and on the nuclear negotiations. He speaks with authority on the nuclear issue, whereas the President does not. However, he complicates the picture with his dramatic rhetoric, his populism, and his strutting on the stage. There is a need to unpick the messages that come out of Iran, which is frustrating, but I do not necessarily concur with the idea that that makes them unreliable.

Q31 Sir John Stanley: On a wider question, could you tell us your view of the Iranian Government's objectives in Iraq, and what political outcome they want to see there?

Sir Richard Dalton: I believe that they want to see a Shi'a-dominated Government in a peaceful country which is a good neighbour with Iran. They want there to be no American bases in Iraq in the long run, and ideally they would like America to fail—to be perceived as having extended its power into the middle east in 2003 and to have made a Horlicks of it and gone away with its tail between its legs. The manner of the American withdrawal is very important to Iran's view that it is in an ideological and potentially military struggle with the world's only superpower. They would see an American departure as a triumph for justified resistance by Muslim peoples in the region. One of their main objectives in increasing the pain for the United States is to increase the pressure for American withdrawal.

I believe that previously the Iranians were trying to achieve that pressure without precipitating Iraq into a state of chaos, but I think that there is now a state of chaos in Iraq, although that is not primarily the work of Iran. When Mr. Negroponte said in his last National Intelligence Assessment, in January this year, that Iran's behaviour was a factor in externally generated instability in Iraq but not by any means the main one, he was right. In calibrating its uses of support for violence in Iraq, Iran is hoping to achieve the political aims that I described.

Another political aim is to show the political actors in Iraq that they must keep on good terms with Iran, so that there will sometimes be support for enemies of people whom Iran ultimately wants to be friends. For example, there is instability associated with Iranian support in parts of the country, such as the north, in which Iran is trying to have a good and trusting relationship with the regional government. They want to discourage that regional government from ever thinking of supporting the Kurds inside Iran. They have a many-layered approach to their policies; some they operate at a national level in Iraq and some at a rather local level.

Q32 Sir John Stanley: I will come to you in a moment if I may, Dr. Hollis, to put the same question to you. I wish to ask you further, Sir Richard, when you say that you think their objective is to have a Shi'a-dominated Iraq, can you tell us what brand of Shi'a domination you think they are going for? Are they comfortable with the type of Shi'a Government that is in place now, who have

signed up for the basics of western-style human rights, rights for women and so on, or do you think that the Iranians want a much more radical, militant brand of Shi'a domination, represented by the militants?

Sir Richard Dalton: I think they want a Government that works. Their interest in stability is much greater than their interest in the particular ideological complexion of the Government. You could argue that, in an ideal world, they would love to have a theocracy that mirrored their own, but they have never been able to work for theocracy in the whole of Iraq and they have not done so, because they know that it would be fundamentally contrary to the views of the major theological authority in Iraqi Shi'adom, namely Ayatollah Sistani. As it is not a feasible objective, I believe that they have been wise enough not to try it. They would like a Government with the chance to operate on behalf of the majority community, but ultimately success for an Iranian policy in Iraq requires that Government to be on reasonable terms with Kurds and Sunnis.

Q33 Sir John Stanley: Dr. Hollis, what is your view of Iranian political objectives in Iraq? What sort of Government structure and complexion do you think the Iranian Government would like to see in Iraq?

Dr. Hollis: They would not like to see Kurdistan becoming a separate state and they therefore want a unitary state. Democracy suits them very well because it gives power to the Shi'a majority, or that majority is able to dominate the Government as it does at the moment.

My sense is that they are possibly unaware of how much hostility is building among non-Shi'a Iraqis and Sunni Arabs generally over the increase in Iranian influence in Iraq. I find that there is a tendency among Sunni and secular Jordanians and Saudis and Sunni Iraqis essentially to equate Shi'a Arabs with Iranians even though they are, of course, ethnically different and have different national aspirations.

There is a larger conflict playing out here: the Iranian preferences for Iraq seem to me to overlook the kind of opposition that is building to the sort of Iraq that they are getting and the sort of Iraq that they want.

Q34 Mr. Horam: You said, Sir Richard, that one aspect of Iranian policy towards Iraq, following the question from Sir John, was that it would be very happy if there were a world perception that the US had failed to come into that area and gone out with its tail between its legs. How could the US avoid that perception? What US policy now could you see as avoiding that?

Sir Richard Dalton: I support the surge. Again, it is high risk. Everybody knows that it is going to take time to yield results and it is not clear whether the United States domestic political timetable will coincide with the timetable that General Petraeus is asking for. But I am impressed by analysts who say that we will not know whether the new set of policies is working satisfactorily until the first quarter of next year. Whether there are enough troops in the surge

to make a real difference is another big question but I do think it right for the United States to make a further effort to withdraw with honour because withdrawing with honour requires stability of a kind in Iraq and forward movement once again.

Q35 Mr. Horam: Could I come back to something that you said at the time of the capture of the sailors? You said that you thought that the Government had let their anger at the way the sailors were being treated get the better of them and that they might have gone to the Security Council too early. I think that Dr. Hollis commented on that, but you were a bit nervous about the earliness. How do you see that now? Do you still stand by that in the light of what has happened?

Sir Richard Dalton: Yes, I do. I think that building international pressure was the right thing to do, but the pressure that really counted was the pressure in the region, rather than what actually happened in the Security Council. The Iranians reacted badly to our going to “our club” for the endorsement that we were almost certain to get and to seek to open up a front of that nature against Iran to add to the other areas in which Iran was being, in its own view I hasten to add, driven into a corner. I thought at the time that there was still mileage in finding understandings based on ensuring that things like this should not happen in the future and that exploring that fully, before having recourse to the Security Council, was likely to be more productive.

Q36 Mr. Horam: And you still maintain that, even in the light of what has happened? It seems to have worked?

Sir Richard Dalton: Yes, because we have not yet established whether it [the access to the Irbil Five and the release of Sharafi] was an arranged coincidence, or whether there were aspects of the British Government’s presentation to Iran that have not yet been announced, like ways of ensuring that incidents like this do not happen in the future and that there are better communications respecting certain lines. These are not questions that I am competent to answer. That is what worked. It is impossible to say that X% of the formula which enabled it to work was the Security Council.

Q37 Mr. Horam: Now all this has happened and is water under the bridge, how do you think UK policy towards Iran should change, if it should change? We understand, for example, that a review is taking place of UK policy towards Iran. What would you say to the people who are undertaking that review? Would you advocate any significant changes, or should we carry on as before?

Sir Richard Dalton: It is a very difficult one this, because we do not have that many bilateral levers to use against Iran. There should be some attempt to find an area of our co-operation with Iran which is valuable to Iran and which we can withdraw for a period in order to underline our rejection of what they did and how they did it. So, yes, I think that it is right—

Q38 Mr. Horam: To have a sort of cooling period?

Sir Richard Dalton: Exactly. But if you ask what we are doing in Iran and what we are doing with Iran, an awful lot of it is to the benefit of UK citizens. It is possible in such circumstances to find something to retaliate with which is actually cutting off your nose to spite your face. I imagine that we wish to maintain good services for British citizens and, for access control to the UK, an effective visa presence. We wish to maintain our programmes of co-operation against drugs. There are Afghan issues to handle and Iraqi issues to handle.

Q39 Mr. Horam: There is not much that we can do?

Sir Richard Dalton: I do not know. I would find it hard to find something to do.

Q40 Mr. Horam: Would you agree, Dr. Hollis?

Dr. Hollis: Yes. I would also say that we had one or two indications that there was not a well worked out negotiation that was direct, back and forth, because the Foreign Secretary was, convincingly, advising everybody to expect the release to take a lot longer. I got the impression that the release came sooner than Ministers were expecting. As I said earlier, Jon Snow intervened in a way that smoothed the path for the conversation between Sheinwald and Larijani. All of these things indicate to me that the British did not overreact, but that there were moments of extreme nervousness when they might have done. They were being baited; they were being invited to get much angrier and embarrass themselves; and they managed to avoid doing that. The multiple lines of communication that were set in motion produced the result.

What do we deduce from that? For the future, we deduce that there is a chance of another complex situation emerging, especially given the British position in southern Iraq and Iranian feelings about the British and Iranian connections into southern Iraq. The chances of something spinning out of control in the future are great. Therefore, for those reasons, I would say that Britain needs to move forward with the greatest caution.

Q41 Andrew Mackinlay: What has troubled me over the past couple of years is that we seem to have been sending mixed messages of variable degrees of indignation to Tehran. I would buttress that comment by saying that the Prime Minister, frequently at Prime Minister’s Question Time, has linked the ordnance armaments and deaths of British soldiers—you know, suggesting that the smoking gun goes back to Iran. He has consistently done that, and Defence Secretary Reid did that, too. However, if one looks at Foreign Secretaries Straw and Beckett, they have been much more fudging of this, as have their junior Ministers—Kim Howells, for instance, has said different things at different times. Is not part of the problem that we are not singing with one voice in Whitehall at ministerial level? As I say, we are sending mixed messages. Is that comment fair, or have you identified that problem?

2 May 2007 Sir Richard Dalton and Dr. Rosemary Hollis

Sir Richard Dalton: I have not been following what Kim Howells has been saying, or what Margaret Beckett has been saying, as closely as you have. I apologise for saying this, but it was certainly not the case up until March, when I left Tehran, that there were mixed messages going out. What the Prime Minister was saying was reflected in the more detailed work of officials such as myself. As for what has happened since then, what do you think, Rosemary? Have mixed messages been sent?

Dr. Hollis: I think that in the diplomacy triangle between the United States, Iran and the UK, what the British Prime Minister has said is important—it was much stronger on keeping the option of force on the table. There would be no invasion—he said that repeatedly—but he did not rule out the use of force. That was a big contrast to Jack Straw and, as you know, there were some theories that that was one of the reasons for moving Jack Straw. Now, one could rationalise it as good cop, bad cop, but the fact that the Prime Minister has taken the stand that he has is the key issue, from my point of view.

Q42 Andrew Mackinlay: I would like to ask a final question on this subject. In recent weeks, it seems to me that, overall, the Iranian Government regime is now emboldened by events. The dust has settled, as it were, so what say you to that?

Dr. Hollis: Some members of the regime may be emboldened. I have said before that I think that they are over-confident about their regional situation and how events such as this play to their advantage. However, I am aware of a lot of Iranians who are embarrassed, especially by the behaviour of their President in the episode. I am also aware of Iranians who think that they sent out a signal, although I do not believe that it has been received. They think that the signal that they sent was, “This is how to deal with the nuclear issue: use complex lines of communication; not step-by-step ‘I give you this, you give me that’ negotiation but putting a number of items on the table, moving them around, discussing, and then arriving at a joint conclusion.” They think that they sent that message in the way in which they handled the business with the British, and that that message is therefore there to be taken up in terms of a new gesture from the EU3, the British and the United States on the nuclear issue.

Sir Richard Dalton: I think that is too convoluted. I do not think that there is a direct link between this issue and nuclear diplomacy. The naval matter is inherently a rather small issue. It certainly did not humiliate the UK, and I do not think that the Iranian system, at supreme leader level, would regard it as a major act of state that the messages could be applied across the board for Iranian diplomacy, other than the very general ones, “We can kick back too,” which we knew anyway, and “We will defend our borders,” which we knew anyway, too.

I do not think that that is going to embolden the Iranians. All the lines of policy action that they are pursuing now in matters that are highly disobliging to the rest of us—in Lebanon over the middle east peace process, or on terrorism, the nuclear issue or

Iraq—were set long ago. It was under President Khatami in his last days that the negotiating approach pursued by the P5 and Germany on the nuclear issue was firmly rejected.

Andrew Mackinlay: Another thing, Sir Richard—

Chairman: This will be your final question, Mr. Mackinlay.

Q43 Andrew Mackinlay: I apologise. I am on a roll. Are you satisfied as to the robustness of EU sanctions—just the robustness, not necessarily the prudence—in relation to materials going to Iran? Things often have a dual use. For example, during your time in Iran, some zirconium silicate was held up in Bulgaria on behalf of the EU. That can be used for various parts of the nuclear process. Sanctions have been increased, but are the EU and the UK really serious about them, and are there any flaws or deficiencies in the process?

Sir Richard Dalton: It is not being done resolutely enough. To achieve success in nuclear diplomacy, should the Iranians decide to negotiate once more, we need four things, and at present we have only about one and a half. The first of those four things is a proper vision leading to some form of process for a regional security arrangement. The second is a set of firmly articulated incentives to Iran—that is the “one” that I said we already have, and there is a lot of that in the May 2006 proposal, but it could be improved in negotiation. The third is a set of real disincentives, and this is the answer to your question.

The permanent five and Germany are placing huge emphasis on international unity in approaching Iran, in order to give Iran no excuse to try to divide the powers and international institutions with which they are dealing. That has worked, and there is a very firm consensus. However, the cost of that international unity has been weak measures, only slowly applied. So far, those who argue in Iran that, with just the tightening of a belt or two Iran can see this one out, have a lot to point to. The fourth requirement, which we do not yet have, although the Americans are moving gradually in the right direction, is the prospect of serious negotiation between the United States and Iran on a bilateral basis.

Q44 Mr. Heathcoat-Amory: Can we turn to the performance of the British sailors and marines and how they were used in Iran? Clearly, the Iranians were fortunate to have a group of people who turned out to be very compliant and did more or less what they were asked by the Iranians and, indeed, thanked their captors on their release. Whether that was due to poor training, morale or a more fundamental problem of discipline in the Navy, we want to find out from the inquiry when it reports. How do you think that it has come across in the middle east? Is it a symptom of a lack of western resolve or a loss of military determination? The pictures that were flashed all around the world cannot have done our reputation much good. What are the diplomatic and military implications?

2 May 2007 Sir Richard Dalton and Dr. Rosemary Hollis

Sir Richard Dalton: Can I pass that question to Dr. Hollis?

Dr. Hollis: Some Iranians have tried to exploit an aspect of this in terms of, “The British are not as strong or as frightening as they used to be,” but they have not succeeded totally in making that story stick, in part because those in the region at least know how complicated and muddled the situation is. I have described it twice, so I shall not do it again. The very complex context within which the personnel were taken means that it is not a clear-cut case that they should have behaved in a certain way, come what may. That said, the overall effect was not of professionalism.

Q45 Mr. Heathcoat-Amory: I find that response quite extraordinary. In my limited contacts with people overseas who saw the photographs, they thought, “Well, what has happened to Britain’s senior service; what has happened to Nelson’s Navy and to British military personnel, who used to hold their heads up high and walk out with their uniforms on?” We would not have thanked our captors in times past. Are you saying that the general collapse in British morale was already played out in those areas, and that this came as no surprise? I am genuinely asking you, because that conflicts with my anecdotal experience when talking to people from overseas who did not quite understand how it had happened to the Royal Navy.

Dr. Hollis: I do not think that I am disagreeing with you as much as I appear to have done. In terms of professional conduct, stiff upper lip, withstanding pressure and, in particular, having one woman among them, the events did not do the British reputation any good at all—quite the contrary. However, it is long since that the British are seen as weak and as merely helping the Americans. The general perception in the region is that the Iranians would not have dared take the Americans, because they would have been clobbered if they had. We then point out that, if we had clobbered the Iranians, what good would that have done in terms of getting the service personnel back safely? We enter a discussion in which I say there is some level of understanding that the British may have handled this in such a way as to extract their personnel. Did Britain have a very high reputation for strength and for being a power that you don’t mess with before that? No, it did not have a very high reputation.

Q46 Chairman: May I take you to a different international reaction, which was touched on earlier—the remarks by John Bolton? He strongly criticised the British approach, and said that we were pusillanimous, weak, and various less polite adjectives. He said that the Iranians had won a great victory. How much do you think Bolton’s view is the view of the US Administration, and how much is it John Bolton being John Bolton? Given that the Americans were so quiet early on in the crisis, was it

because we told them to be quiet and they listened or because they did not regard it as being of great significance?

Dr. Hollis: I think it was John Bolton being John Bolton. I heard, with conviction, from American service personnel, that they wanted the British to hang tough, not to get agitated and not to overreact, and that this could all be resolved peacefully. That was from the US military directly engaged in Iraq.

Sir Richard Dalton: I think John Bolton was trying to keep alive the dying neo-con agenda for dealing with Iran. He was not approaching this from the point of view of a diplomatic problem that had to be solved, or, rather, a problem that had to be kept diplomatic if at all possible rather than spilling out into anything much worse. He was looking at it purely from the point of view of his idea of geopolitics and the handling of Iran. He and his ilk never established any link between how they would like to have seen Iran dealt with and getting the sailors back.

Q47 Chairman: I also want to take you to the Security Council. The British Government did not get quite what it wanted in terms of the Security Council resolution. Was that because the Russians watered it down? If so, does that mean that Russia can continue to play that role, in effect softening international pressure on Iran on the nuclear and other issues for the future? Is that likely?

Sir Richard Dalton: Russia looks at each issue on its merits and decides what its own national interest is in relation to that issue. On this issue, it was not prepared to side either with Iran or the UK on exactly where the capture took place.

Q48 Chairman: Why would Russia prefer to be perceived to be assisting the Iranians rather than supporting the UK? Is it because Russia-UK relations are so difficult or for other reasons?

Sir Richard Dalton: It does not surprise me; I do not know the exact reasons in this instance. Nobody gets a blank cheque from Russia nowadays.

Q49 Chairman: Dr. Hollis, do you have a view on that?

Dr. Hollis: I am not sure what the Russians’ motive was.

Sir Richard Dalton: On where the Russians are on the nuclear issue generally, I think they are in the right place. They are maintaining their willingness to consider an offshore enrichment facility in which Iran would have a serious interest, and international agreements would guarantee Iran access to the product of that facility for power reactors in Iran, as and when they are built. Secondly, they are aware that Russia bilaterally has leverage with Iran and they are willing to use it, for example in connection with bringing the Bushehr reactor on stream. Thirdly, on general sanctions, they are going to have an eye to their own trade interests, but it should be

2 May 2007 Sir Richard Dalton and Dr. Rosemary Hollis

possible to get them to agree a third round of sanctions, provided that it does not impact too much on Russian traders.

Q50 Mr. Horam: Sir Richard, you said in your article in *The Daily Telegraph* that Britain's reputation for fairness and for understanding the middle east must be restored. How could we go about that? You might disagree that it has such a reputation anyway, Dr. Hollis—from what you said, it appeared that you thought it was rather weak these days.

Sir Richard Dalton: The first thing to do is to recognise that there is a problem and to adjust our performance on middle east issues so that it is more in line with our pretensions. We should not talk about making a major effort to help resolve the middle east peace impasse unless we actually have something to do and something to say that will really contribute. Secondly, on the detail, we need to recognise that the boycott of the Palestinian Government has not been a success. Thirdly, we need to promote a move as soon as we possibly can to dealing with the fundamental issues around the final status of an independent Palestinian state, living in security with Israel. Those are the three main points to which I would draw attention.

Q51 Mr. Horam: And as regards Iran? Has anything positive emerged that could be helpful to UK-Iran relationships?

Sir Richard Dalton: I do not understand the question.

Q52 Mr. Horam: Has anything positive emerged? We have had talks, for example, between Sheinwald and Larijani. Has anything positive emerged out of all of that that we could build on to have a better effect on Iranian politics?

Sir Richard Dalton: No, I do not think it has. The evidence for that is Margaret Beckett saying that there has to be a review to see whether our relationship, as currently constituted, ought to be continued or modified. If the Foreign Office and No. 10 felt that something positively positive had emerged, there would be a different sort of language.

Q53 Mr. Horam: The Prime Minister has said that he thinks that something positive has emerged, because of the contacts that have been made at an individual level between UK and Iranian personnel. Presumably, he is thinking about the talks between Sheinwald and Larijani, for example. You would not agree with that, then.

Sir Richard Dalton: Access to Mr. Larijani has not been a problem in the past. Face-to-face access has always been possible, as with his predecessor, Mr. Rowhani, and, as Sir Nigel Sheinwald is going to Washington, I am not sure whether we have gained much.

Chairman: I think that we must call an end here. We will be taking evidence later this month on the Iranian nuclear issue, and, to touch on your final points, Sir Richard, we will also be pursuing wider middle east questions.

Thank you very much, Dr. Hollis and Sir Richard Dalton. The meeting is concluded.

Wednesday 23 May 2007

Members present:

Rt. hon. Sir John Stanley (in the Chair)

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| Mr. Fabian Hamilton | Mr. Malcolm Moss |
| Rt. Hon. Mr. David Heathcoat-Amory | Sandra Osborne |
| Mr. John Horam | Mr. Greg Pope |
| Mr. Eric Illsley | Mr. Ken Purchase |
| Mr. Paul Keetch | Ms Gisela Stuart |
| Andrew Mackinlay | |

Written evidence submitted by the Foreign and Commonwealth Office

Detention of Royal Navy personnel in Iran: Foreign and Commonwealth Office response

STRATEGY AND ACTIONS

1. From the start of the crisis the Foreign and Commonwealth Office (FCO) drew on its experience from the similar incident in 2004.

2. As the Foreign Secretary said in her statement of 28 May, we initially pursued a policy of quiet but robust diplomacy, delivering strong messages privately to the Iranians based on the facts of the incident. The Permanent Under Secretary summoned the Iranian Ambassador on 23 March and subsequently, from 24 March, Lord Triesman met, or spoke to, the Iranian Ambassador on an almost daily basis (and sometimes more than once a day) for substantial meetings until the crisis was resolved. Our Ambassador (and initially the Chargé d’Affaires) in Tehran went to the Iranian Ministry of Foreign Affairs nearly every day during the crisis. The Foreign Secretary spoke to Iranian Foreign Minister Mottaki twice, on 25 and 27 March.

3. We informed international partners of the details of the situation—particularly Iran’s neighbours, Europeans and other key partners, a number of whom chose to lobby the Iranians. The Foreign Secretary was in Turkey at the time and spoke to the Turkish government accordingly, who helpfully lobbied the Iranian government privately.

4. During the initial period we deliberately kept our public statements low key to give the Iranians room for manoeuvre and give force to our argument that the whole incident was a misunderstanding which could be resolved by immediately releasing the personnel, while aiming to build the diplomatic pressure incrementally.

5. When it became apparent that this strategy was not having the necessary effect on the Iranians, we decided to ratchet up the pressure by going public with the facts, and increasing diplomatic activity through third parties and international institutions. This was done through an MOD-led media brief by Vice Admiral Styles (DCDS) on the morning of 28 March on the facts surrounding the incident, highlighting our evidence that the incident took place in Iraqi waters, that the Iranians had initially provided co-ordinates also placing the incident in Iraqi waters, and that once this was pointed out to them they changed their account of where the incident took place. The Foreign Secretary set out the facts surrounding the seizure in her statement to Parliament that afternoon, during which she announced a “freeze on all other official bilateral business with Iran until this situation is resolved”, which focussed minds in Tehran.

6. This action in London was complemented by a world-wide diplomatic lobbying campaign, including a number of calls from the Foreign Secretary to her key counterparts, in which we explained the situation to other countries and sought their support in approaching the Iranians, many of whom did. Arab countries, led by the Iraqis, were particularly active in lobbying Iranian Foreign Minister Mottaki at the Arab League Summit in Riyadh from 27 to 29 March. Others also engaged the Iranians. The UN Security Council agreed a Press Statement on 29 March and EU Foreign Ministers released a strong statement at the Gymnich in Bremen on 30 March. Throughout this period our network of Embassies was in daily contact with key capitals, keeping hosts updated and seeking feedback from those involved in lobbying. This incident demonstrated the value of our worldwide network. The impact in the Gulf States was of real significance.

7. Efforts to engage the Iranians directly were hindered by the fact that the Iranian New Year holiday covered the period from 21 March—3 April, and many key officials were apparently simply not available in the early days of the crisis. As is usual, the Iranian Ministry of Foreign Affairs also required all contact to take place through them. It is our assessment that during this phase the Iranian system had not formulated a position, but diplomatic pressure helped focus the system on the need to resolve the issue (and on the possible basis for doing so).

8. In the first indication that the Iranian system had agreed a position the Iranians eventually handed over a note verbale on Thursday 29 March setting out their position. It stated that this was not the first incident of its kind, protested against the UK's "illegal action" in violating Iran's territorial waters, and highlighted the British Government's responsibility for the consequences of this "violation" and demanded "that necessary guarantees should be given that such kinds of action will not be repeated." We responded to this note on 30 March: recalling our explanation of events; reiterating that the personnel involved were operating as part of the Multi-National Force (Iraq) at the request of the Iraqi government under UN mandate and bore no hostile intent; and proposing discussions with the relevant Iranian authorities for a full resolution of this matter, which would include arrangements for the immediate release of the British personnel, and mechanisms to avoid further repetition. Our note did not contain any admission that the personnel had been in Iranian waters, as the Iranian media subsequently claimed, nor did it include any apology. We then took a decision to moderate our public statements to maximise the prospects for an early diplomatic solution.

9. On Tuesday 3 April the Ministry of Foreign Affairs in Tehran informed our Ambassador in Tehran and the Iranian Ambassador informed Lord Triesman that President Ahmadinejad would be giving a press conference the following day, which had previously been postponed. They told us that we should say nothing before then, not overreact to what he said and that we would subsequently be granted consular access. After further testing contacts between Lord Triesman and the Iranian Ambassador, Sir Nigel Sheinwald spoke to Supreme National Security Council Secretary Dr Ali Larijani to reiterate our position and to seek swift resolution.

10. President Ahmadinejad held a press conference as expected on 4 April. He promised that the personnel would be released without charge after the conference, as "a gift from the Iranian nation to the British people." They were taken to meet Ahmadinejad at the end of the conference. The Ministry of Foreign Affairs at this stage told the Embassy that it would be given consular access later in the day and informed the Embassy that the personnel would be treated as guests of the Ministry and would be put up in a government guest house overnight. The Ambassador was finally granted consular access late that evening.

11. The detainees were released from Iranian custody on the morning of 5 April at Tehran's Mehrabad Airport, from where they took a BA/BMed flight to Heathrow, accompanied by members of the Embassy, who had arranged the flight with BMed well in advance of the release. On arrival they were taken by air to Chivenor to be debriefed and reunited with their families.

12. Bilateral meetings in London and Tehran throughout the crisis were vital to gauge where the Iranians stood, and to pass our key messages directly into the Iranian system. These were reinforced both by our public messages and through lobbying third parties, which we assess had great impact on the Iranians. At each meeting before President Ahmadinejad announced the release of the detainees on 4 April, the UK side demanded: information on where the personnel were being detained; immediate consular access for British Embassy officials; and the immediate release of the personnel and their equipment. At every meeting the Iranians emphasised that they were making no direct linkage to other specific issues, bilateral, regional or international. We took the same position. As the Prime Minister said afterwards, the release was secured through the dual track of bilateral dialogue and international pressure "without any deals, without any negotiation."

MEDIA HANDLING

13. FCO Press Office drew on their extensive experience of handling the media when Britons are taken against their will, whilst also taking into account the specific circumstances of the incident. They actively managed the expectations of the media, including by providing in-depth background briefing to ensure that they understood at all stages why we were saying and doing what we were. There was daily media co-ordination between FCO, MoD and No10 during the crisis.

14. Our media handling kept in pace with changes in our strategy. Vice Admiral Styles' briefing was a key element of this. Such a public statement left the international community in no doubt about the facts of the incident; and so was crucial to generating international support for our position. The Number 10 statement on 3 April re-affirmed our commitment to a diplomatic resolution.

15. We made effective use of Arabic media, rebutting Iranian claims and its use of its Arabic Al Alam channel. This helped ensure that regional reporting was as balanced as possible. FCO Arabic Media Spokesmen gave around twenty-five interviews to the Arabic media over the first week alone and the Foreign Secretary was interviewed by Al Arabiya and other Arabic news channels. The Foreign Secretary also briefed diplomatic correspondents in London on the background to manage expectations. Press Officers in regional posts actively briefed local media. After the return of the personnel, the Foreign Secretary's Op-Ed in the Daily Telegraph on 14 April, which rebutted arguments in the press that the Iranians had emerged the winners, was distributed to and reported by a few media outlets in the region.

STAFFING

16. On notification of the incident on 23 March, the Permanent Under Secretary appointed the Director General for Defence and Intelligence as Crisis Co-ordinator, drawing on advice from Iran Co-ordination Group, Iraq Policy Unit, and Counter-Terrorism Policy Department. Additional staff were brought in to assist, and, as the team grew, it moved into the FCO's Emergency Unity on Thursday 29 March. Most additional staff brought in had previously, and recently, worked on Iran or had operational experience of managing crises, which proved invaluable.

17. FCO considered whether our Embassy in Tehran needed extra staff. The Ambassador was in the UK when the crisis broke and returned to Tehran the same evening. It was decided not to send more staff to Tehran, as existing resources could be redeployed to cover the crisis. Iranian visas often take several months to be issued.

18. Once the personnel had returned to the UK the Emergency Unit was closed.

[Please note: Questions 54 to 93 will be published with the Foreign Affairs Committee report on Global Security: Iran later in the year]

Witnesses: **Lord Triesman of Tottenham**, Parliamentary Under-Secretary of State, and **Neil Crompton**, Iran Co-ordinator, Foreign and Commonwealth Office, gave evidence.

Chairman: Lord Triesman and Mr. Crompton, thank you very much for joining us this afternoon. As you know, we are going to hold 45 minutes or thereabouts of this sitting in public, after which we will move into a private session for matters that you wish to discuss with the Committee entirely privately.

Q94 Mr. Hamilton: Lord Triesman, you know, as we all do, that on March 23 our British naval personnel were captured and held by the Iranians in the Shatt al-Arab waterway. The Iranians claim that the personnel were in their territorial waters. We obviously disputed that. The Foreign and Commonwealth Office has said in a submission to us that many key officials were unavailable to speak to, because it was the Iranian new year holiday. However, the Foreign Secretary spoke to Foreign Minister Mottaki during that period. Why did very little happen during the holiday period? Was it because Mr. Mottaki was not senior enough to effect the release of the sailors?

Lord Triesman: I think that the Ministry of Foreign Affairs does not have the same prominence when crises break out in Iran as you would expect a foreign affairs ministry to have and, on occasion, it probably does not have the same authority. However, the ministry is the channel through which you have to go to conduct any kind of dialogue. On two occasions—on 25 and 27 March—the Foreign Secretary was able to speak to Foreign Minister Mottaki and set out the issues.

In dealing with the Iranians in London, I took the view that I did not mind whether it was the new year or not. There were meetings that had to be had, there were things that needed to be said and there were things that needed to be clarified. For those reasons, although people put it to me that it was a traditional holiday in Iran, I insisted on having meetings, de[acute]marching the ambassador and conducting the discussions that were necessary.

Q95 Mr. Hamilton: We know that you spoke with Ambassador Movahedian, the Iranian ambassador in London, on a number of occasions—one assumes almost daily. Did you, at any time in that period, speak to Mr. Larijani in Tehran?

Lord Triesman: No, I did not. I saw the ambassador on eight occasions and spoke with him in two very long phone calls as well. My understanding was that he was able to speak to Mr. Larijani, but that Mr. Larijani was unlikely to speak to me. We made an application—which I think I am right in saying was first made at the beginning of that period, or close to it, on 30 March as I recall—to have a discussion with Dr. Larijani. We got no response at all to that. It was only when he appeared on Channel 4 and indicated that he was willing to take part in a discussion that we got the first positive sign from him that he would be willing to have such a discussion.

Q96 Mr. Hamilton: So why did it take “Channel 4 News” to open up the channels of communication with Dr. Larijani?

Lord Triesman: Actually, he opened up the channel, because he refused to deal with us through any channel, until he decided to make the announcement that he was available.

Q97 Mr. Hamilton: So what you are saying is that it was nothing to do with “Channel 4 News” contacting him, but the fact that he made himself to “Channel 4 News”?

Lord Triesman: He contacted them.

Q98 Mr. Hamilton: And then after that, on 3 April, Sir Nigel Sheinwald spoke to him directly, we understand.

Lord Triesman: That is right.

Q99 Mr. Hamilton: What was said? Have you any idea? Can you let us know?

Lord Triesman: I can let you know in outline what was said, although it may be useful to talk a little further later. The burden of the points that were

23 May 2007 Lord Triesman of Tottenham and Neil Crompton

made to Dr. Larijani were the issues that had come up all through the week and that had been refined down in their details. Those points were, first, that we wanted—and want—good bilateral relationships with Iran, and we want them to be substantive and capable of doing a job into the future. Secondly, we wanted our people released, and we wanted them released immediately and unconditionally. Thirdly, in the process of release, we wanted consular access just to assure ourselves and their families that they were physically all right. Fourthly, we wanted our boats and equipment released.

Finally, throughout the week a number of things had been gradually discussed—perhaps rather more in London than elsewhere—in which there were possibilities for future substantive discussion that would benefit both sides by making a better relationship. That was the core of the discussion, and the other critical thing to say about it is that because it was a discussion involving the Prime Minister's senior foreign policy adviser, it was understood to be at a level that should be taken completely seriously not just by Dr. Larijani but by the supreme leader in Tehran.

Chairman: Thank you. We now want to come to some questions about the strategy that Her Majesty's Government were trying to follow to terminate the hostage crisis.

Q100 Ms Stuart: Can we begin by looking at the way Her Majesty's Government conducted themselves with the Security Council? Traditionally, we are conciliatory, we negotiate and we play a long game, but on this occasion, it appeared that the Prime Minister called on 27 March for a "different phase". Subsequently, there were reports in the press that suggested that Foreign Office officials felt that they were being "bumped into" an aggressive stance and that we ended up going to the Security Council far too early, particularly given that the resolution that we secured in the end was fairly mild mannered and therefore a tactical mistake with hindsight. The question is twofold. Was the Foreign Office uneasy at, or driven by, a push from No. 10 which was not in keeping with its initial instinct? And, with hindsight, should we probably not have gone to the Security Council at that stage?

Lord Triesman: If I can put it in a tiny bit of context, it will be easier to answer your question precisely. We started off by trying to persuade the Iranians that we had precise and accurate co-ordinates that were achieved by good scientific method, which placed the sailors 1.7 nautical miles in Iraqi waters. As you will know, they responded by coming in with a completely different set of co-ordinates, but which also, when we plotted them, put the sailors in Iraqi waters. They were clearly very surprised when I told them that, and they later came back with a further set of co-ordinates that placed the sailors in Iranian waters.

The reason why I mention that is because, during the first phase, we tried on a bilateral basis to say, "These kinds of mistakes can happen. Everybody can climb back down the ladder on the basis that there is a misunderstanding." I am utterly confident

about our co-ordinates, but there is no doubt that the military inquiry will confirm those points. However, we thought that at that first stage, there was a real prospect that we could deal with the issues in a way that allowed everybody to save face, and without having an unnecessarily protracted international dispute. By the time they came back with their second set of co-ordinates, we concluded that they were not willing to do that.

Through a process that went on the entire time at Cobra, with a meeting every day to work and refine what we thought we should do next, we all came to the conclusion—I emphasise that we all came to the conclusion—that it was imperative to exert international pressure, because we were not getting anywhere on a straightforward bilateral track. I think it was a very significant and correct step to take, because from then on, there was consistent international pressure, which produced much more flexibility in the dialogue. I do not think it was a mistake to do it; it would have been extremely hard to have a good sound negotiation at that stage if we had not done it.

Q101 Ms Stuart: My colleagues will come back to the issue of co-ordinates. Are you still firm that you did not simply move from the bilateral to the international? Was it right to go straight to the Security Council once that that bilateral basis ceased?

Lord Triesman: We concluded that we needed significant support from the states in the Gulf, the Arab League and from people who have not traditionally been as close to us as we might desire. We needed to do that through international forums as well as bilateral discussions. The Foreign Secretary had many such discussions with her opposite numbers in the states to which I referred. We needed to explode the myth that our sailors and marines were in Iranian waters for as long as that contention was being made in public in world forums. That meant going to the UN and the EU. In reaching that conclusion, we took a flexible position. Our position was sufficiently flexible so that when we got back to the point at which it was possible to have a serious bilateral discussion, we were able to do so. It was not that we embarked on a different course that we could then never get off. The position was constructed to give us the optimum amount of space for discussion at any stage.

Q102 Mr. Illsley: To expand on what you said, Lord Triesman, would you refute the *Guardian* report that said that the FCO was "bumped into an early escalation by a gung-ho prime minister"?

Lord Triesman: I can assure the Committee that that is not what happened. I cannot recall a dissenting view in the Cobra discussions between anyone there, on any of the issues I described, and certainly not from the FCO. I mentioned the FCO, but the same goes for everyone.

Q103 Mr. Illsley: So there was co-ordination across the whole of the Government on what you were doing even prior to the Prime Minister's statement?

23 May 2007 Lord Triesman of Tottenham and Neil Crompton

Lord Triesman: Yes. That is absolutely right.

Q104 Mr. Illsley: Is there no need to review anything that happened in that period in terms of Government co-ordination in the event of any such future incidents?

Lord Triesman: As colleagues here will appreciate, I have only limited experience of the operation of Cobra, but that episode was an example of Cobra at work, and I can say that it was extremely focused, unified and clear about the tactical approach. It dealt with the alternatives—after all, there is always more than one possible tactic. It evaluated the alternatives and everybody lived with the conclusions, which was, I think, very helpful.

Q105 Mr. Heathcoat-Amory: Our hostages started to co-operate with the Iranians very quickly, whether owing to a lack of training or to other factors about which we do not yet know. Obviously, that was a big factor for you to consider. What contact did you have with the Ministry of Defence on the matter in order to anticipate the behaviour of our personnel?

Lord Triesman: The Ministry of Defence was represented in all of the Cobra meetings. It is in a position to make the assessment about the training and preparedness for such events, which I have no doubt it will put before Sir Rob Fulton. I am no specialist on commenting on the training of military personnel.

It was my expectation and that of those who advised me that the Iranians would probably put our people on television, probably having put them under duress, because of what had happened on a past occasion. If anything was to be read or learned from the past, it was that such actions were certainly a strong possibility. From my earliest discussions with the Iranian ambassador, I made it clear that we would find such a step intolerable; that the parading of our people would be intolerable. I recall that, in 2004, the Iranians paraded people blindfolded in the most demeaning circumstances.

The Iranians' explanation this time was that they wanted the families to see their daughter and sons, to feel confident that they looked in good health and that they were being well looked after. I can tell the Committee that I responded in turn. I regarded it as an outrageous step and an outrageous pressure on the families, not as a reassurance.

Q106 Mr. Heathcoat-Amory: So you anticipated the behaviour of the hostages and the fact that they, including two officers, ended up virtually apologising to the Iranians? You factored that into your calculations? It has obviously handed an enormous propaganda coup to the Iranians, who now portray the whole of our armed services as completely pathetic. Did you anticipate that and do anything to counter it?

Lord Triesman: There was nothing that I could do in my discussions with the Iranian ambassador or the discussions that Geoffrey Adams, the ambassador, had in Tehran with the foreign ministry there. It is very difficult to know what people will do, other than

that they will be put under significant pressure. Their own account of it, as you will know, is that they tried to use very ambiguous turns of phrase and so on. I suppose that people will judge whether that was successful in giving their account of what happened. From a personal point of view, I was not in much doubt that they would be put under significant pressure. I think that it is very hard to know how people will deal with that kind of pressure if you are not in their circumstances.

Q107 Mr. Heathcoat-Amory: Have you put reforms in train or urged your Ministry of Defence colleagues to try to prevent that from happening again, so that people are properly trained for a similar event if it should recur? We are still in action in that part of the world. Future hostage-taking is not only possible but, in my view, quite probable.

Lord Triesman: Sir Rob Fulton is looking at the whole of that—I do not answer in that way to avoid your question. It is not within my area of knowledge what training had been provided, whether it was adequate and what needs to be done in future, but I will be as attentive to the findings of that part of the investigative process that this country must go through as anybody else. If there is something that the FCO can add to it, I will certainly wish to do so.

Chairman: We now come to some issues relating to the Shatt al-Arab waterway.

Q108 Andrew Mackinlay: Minister, there are two sets of co-ordinates, which I shall put aside for a moment—the United Kingdom's co-ordinates and the Iranian Government's. As I understand those days, the United Kingdom Government were resolute on one thing—namely, that our service personnel were in indisputably and internationally recognised Iraqi waters. I put it to you that that is not true—that they were in waters recognised by us but not indisputably internationally recognised as Iraqi. The Russian Federation and some others close to the Security Council took a different view, saying that it was a grey area.

Is it not a fact that we overstated our case there and, as often happens with waterways around the world, that ownership of those waters was a grey area even long before the existing regime? There is a fudge. Often it does not matter, because the waterways are not disputed, but is it not the case that the waters in which our service personnel were found were disputed, even using United Kingdom co-ordinates? What say you?

Lord Triesman: I do not think that they were disputed, in two senses. First, I have made the point that I am very confident about the co-ordinates with which we were provided and the basis for obtaining those co-ordinates. As I have said, rather than two, there were three sets of co-ordinates at play, because the—

Q109 Andrew Mackinlay: Take any one of three, or all three; my question still stands.

Lord Triesman: The Iranians did not dispute, for the time being and at the time, what the international barrier at sea was between Iraqi and Iranian waters

23 May 2007 Lord Triesman of Tottenham and Neil Crompton

in the upper Persian Gulf. There is a process by which that is agreed, because it is true that sand banks and other physical entities move in those waters. When it is thought that those movements have been significant, there is an international mechanism by which people can address that question and ask whether the international boundary needs to change to reflect it. I can tell you that Iran did not at any stage raise any question about where the border was. It was absolutely confident, as we were, that we knew at that point where the border was.

Q110 Andrew Mackinlay: Why did the Russian Federation and other people on the Security Council baulk at, or hesitate to support, the United Kingdom's very definite view that these were indisputably internationally recognised waters?

Lord Triesman: I want to choose these words very carefully, but the propensity of the Russian Federation to disagree with a number of things that I would regard as self-evidently right seems to me to increase in the Security Council by the day.

Q111 Andrew Mackinlay: The French?

Lord Triesman: I do not believe the French satellite readings were any different from ours, nor do I believe they had a fundamental difference of any kind about where the border was.

Q112 Andrew Mackinlay: But the Security Council did not support us in our definitive statement that these were indisputably internationally recognised Iraqi waters, did they? There was doubt in the international community.

Lord Triesman: I do not think there was a great deal of discussion about that particular proposition. I do not know whether Neil has anything to add to that, but the bulk of the discussion was about the extent to which the international community should intervene to help us to secure the release of the sailors. There was not a great deal of technical exchange on that question. Some may have had it in their minds but it never emerged as an issue and, most significantly for me, was the fact that the Iranians themselves had no question at all about where the border was at that time.

Q113 Mr. Keetch: Lord Triesman, this is not the first time that a Royal Navy boat has been captured in that stretch of waterway by Iranian Revolutionary Guards. To lose one set of sailors might be unfortunate; to lose two might be regarded as careless. Why is it that the rules of engagement, which are drawn up by the Ministry of Defence in conjunction with the Foreign Office, did not assume that there might be an attempt to repeat what had happened a few years earlier? Undoubtedly it has provided for the Iranians, some would suggest, something of a propaganda coup. Why did we allow this to happen a second time?

Lord Triesman: Without trying to trespass on what Sir Robert will investigate and say in his report, which I think it will go into that kind of issue in some detail, I can tell the Committee that when we talked

with senior military personnel at each stage during the Cobra exercise they repeated their confidence in the rules of engagement that they had. Obviously one must feel satisfied that one is dealing with these things properly, but something that it is quite hard not to accept is the serious advice of the senior military personnel about the quality of the rules of engagement and how they interpret them.

It is obviously possible that Sir Robert will reach whatever conclusion he reaches on those things. It must be a matter of disappointment that this event happened twice, but there is no doubt in my mind that it represented an incursion into Iraqi waters by Iranians from the Revolutionary Guards part of their naval force, undertaken at speed. Plainly our response was not rapid enough to ensure that those sailors and marines were kept on our side of affairs, if I can put it that way.

Q114 Mr. Keetch: We do not have Sir Robert Fulton in front of us. Indeed, he is looking at the military aspects, and I want to concentrate on the diplomatic aspects. Is it true that there was a warning or a threat issued some weeks before this incident by Revolutionary Guards in the south of Iran that they wanted to capture blond British sailors? Was that recognised at the time?

Neil Crompton: The threat I am aware of was not made particularly in that context; it was made by someone affiliated to a Revolutionary Guards organisation, and it was made as a response to the American operations against Revolutionary Guards personnel in January this year. Certainly I do not recall any specific reference to Britain.

Q115 Mr. Keetch: So there was no specific threat to capture blond British sailors; there was a threat to try to capture somebody in that area by the Iranians?

Neil Crompton: I do not think the threat to which you refer was made by an Iranian Government representative. It appeared on one of the many websites that one sees in Iran that are affiliated to different factions, some of which have connections with the Government, while some do not.

Q116 Mr. Keetch: I am not saying that it was made by the Iranian Government or the President of Iran, but we all know that the Iranian Revolutionary Guard does not always act under instructions. Indeed, in the previous incident when the sailors were taken originally, there was some dispute at the time about whether that action had been sanctioned by the Iranian Government. I want to be quite clear. There was a threat around the time that somebody associated with the Iranian Revolutionary Guard wanted to capture—if not “blond British sailors”—somebody.

Lord Triesman: I paused because I wanted to be certain in my mind about the nature of the threats that were around and not to make any misleading comment about it. It was my understanding that it was one of the things that had appeared on one of the multiple websites. If we look at all of the websites that are available, I suspect that we would find all sorts of things and threats. I do not draw the

23 May 2007 Lord Triesman of Tottenham and Neil Crompton

conclusion from that that the threats are not serious. On the contrary, I take all such threats very seriously. It means that there must be real caution when operating in the upper Persian Gulf.

Q117 Mr. Keetch: Given what happened in the first incident, presumably the advice of the Foreign Office about the rules of engagement would have been to the Ministry of Defence that the threat of British sailors being captured again was a real threat and that its operations should take into account that threat.

Lord Triesman: I agree with you. My understanding of the rules of engagement was that they were designed to deal with such threats and that it was believed that they would be adequate for those purposes, not least because the thalweg—the navigable channel—and how it moves makes it important to be accurate on facts and accurate on response. One of the significant things that came out of the process of discussion with the Iranians was that wherever anybody felt anyone was, there was no mechanism in place for people to alert each other to what they might regard as a serious problem—something that you would do if you were trying to take the heat out of a difficult international environment. That is a very important fact.

Chairman: We want to come to another important issue, which is whether the hostage release was or was not part of a wider deal.

Q118 Mr. Moss: Were there any discussions between the Government and the United States regarding consular access to those Iranian detainees at Irbil in Iraq?

Lord Triesman: No, there was none.

Q119 Mr. Moss: Do you know of any discussions that took place between the United States and Iran over that issue?

Lord Triesman: I am not aware of any. I can say with absolute confidence from the first meeting that I had in my sequence of meetings—the same points were repeated to Geoffrey Adams in Tehran—that the Iranians said from the beginning that they wished to make no connections whatever with any other bilateral problem or multilateral problem with which we were all concerned. I confirmed immediately that that would be my understanding of all the subsequent discussions. There were technical questions about where the sailors and marines had been. I made some comments about how we tried to deal with that, but the concept of any exchange of consular access or exchange of personnel was ruled out on the first day and was never pursued.

Q120 Mr. Moss: Do you therefore agree with Sir Richard Dalton that the provision of that consular access to the detainees at Irbil and the release of Jalal Sharafi were a “very helpful coincidence”?

Lord Triesman: They were certainly a coincidence. If they improved the atmosphere, they improved the atmosphere. But I can assure the Committee in absolute seriousness that there was no such trading whatever.

Chairman: That brings us to the US dimension.

Q121 Mr. Pope: I am interested in the reaction of our closest allies, the Americans. They had a US navy fleet on manoeuvres in the Gulf at the time, and it was reported in the press that the Pentagon offered to adopt an aggressive military pose towards Iran, perhaps including low flying by American planes over Revolutionary Guard bases, and that that offer was made to the British Government. Can you confirm that the offer was made and that we declined it, preferring to pursue a more diplomatic route?

Lord Triesman: The United States had two carrier battle groups—I believe they were the Eisenhower and Nimitz groups. Each contains quite a large number of ships, and the two would obviously have sizeable air power based on them. Their plans and manoeuvres, as I understand it, had been formulated a long time in advance. In general, such manoeuvres involved them staying on the Iraqi side of the waterway and inland. In the past, they have certainly involved them flying over oil installations on that side of the border, both at sea and inland. We simply expressed the view—at this stage I would rather go no further—that low flights, even over the oil platforms, would not be helpful in trying to conduct the discussions that were going on.

Q122 Mr. Pope: It looks with hindsight like that was the right call to make. I wonder whether the difference of opinion between allies has done us some damage in Washington. A number of articles have been written—I shall get into trouble if I keep quoting John Bolton, because I quoted him earlier, but he said that the British response was characterised by a “passive, hesitant, almost acquiescent approach”, and that the Iranians had “probed and found weakness” in the allies. Writing in *The Sunday Times*, Andrew Sullivan said that many of President Bush’s allies “harrumphed” at the pusillanimous nature of America’s closest ally. Can you tell us, from your own dealings with the American political establishment, whether those views are widely held by people in the Bush Administration? If so, is our standing damaged?

Lord Triesman: I have not dealt extensively with the Bush Administration on this question, although I am obviously aware of the general track of discussion. There is no doubt in my mind that we were not in tremendously different places over what was needed during those days.

I understand that John Bolton takes an entirely different view about how and when we should deal with Iran. It is not my view or that of this Government. I profoundly hope that it is not the view of any major party in Westminster. What we wanted to try to achieve—it is different from John Bolton’s view of what it is necessary to achieve, as he expresses it—was the most rapid and effective diplomatic extrication of our people from a bad place, and that is what we set about doing. I tried to describe earlier the variety and choices that we made tactically as we went through it and their flexibility. My feeling, if I reflect on it, is that were we to have chosen other tactics with a group such as the

23 May 2007 Lord Triesman of Tottenham and Neil Crompton

Revolutionary Guards in control of our people, we would probably be having this hearing about how we were going to extract them rather than whether we had extracted them.

Mr. Pope: Not for the first time, I am grateful that we are not represented by John Bolton. Thank you.

Chairman: Minister, the important issue, then, is who was relatively helpful to us at that crucial moment.

Q123 Mr. Purchase: From the FCO's written evidence, we learn that a number of key capitals responded to our calls and assisted as they could and when they could. It would be interesting to find out which states did not respond to our calls for help. Could you help us with that?

Lord Triesman: I will not go through the list of those who did, but there is a useful guideline to what happened. While we were trying to generate support and pressure, Iran was trying to generate support and pressure, too. We were all calling people throughout the region and the international community to generate that support. I think that they were profoundly unsuccessful, and we were successful. If I was asked about those who were not particularly helpful—

Q124 Mr. Purchase: Call out the names.

Ms Stuart: Alphabetically.

Lord Triesman: That is not so hard because it is not a long list, and I can do alphabets. Thinking of a permanent member of the Security Council, I do not think that we had as much help from Russia as I would have wished. I did not expect us to get a huge amount of support from Venezuela, and we did not. If you look at it in Security Council terms, it was interesting that the Foreign Secretary's discussion with Foreign Minister Li of China produced very rapid help and a good response. In terms of response and pressure, that bilateral effort had been incredibly successful. It was even the case that some states in the Middle East which we had not expected to make vociferous offers of help did so.

Q125 Mr. Purchase: You certainly got the alphabet right between Russia and Venezuela, but we did not get much further than that. Perhaps we could go the other way around. Which countries would you say gave the most help in persuading the Iranians to be a little more co-operative?

Chairman: It would be helpful if you followed up this exchange with a written letter to the Committee because it would be good to know those who were helpful and those who were less helpful. Would you do that for us?

Lord Triesman: Yes, I will certainly do that.

Q126 Mr. Purchase: I was not demanding it to be in alphabetical order.

Lord Triesman: I will certainly do it by letter. It is important in this context to say that a significant number of Arab and Islamic states, or the secular Islamic states—I make that distinction because Turkey played a significant role in this—were very willing and very vigorous. At one stage, we were told

that Mr. Mottaki was complaining that one of the reasons he could not speak to us more often was that he was on the phone all the time to all of those people who were phoning him.

Chairman: Thank you very much. Now for the last area, but by no means the least, the media dimension.

Q127 Sandra Osborne: May I take you to the time after the sailors were released and brought back to the UK? Can we look at how the media here were handled given the level of public concern at the time? There was a press conference and Lieutenant Felix Carman read out a prepared statement in which he said that those involved had been told by the Iranians that if they admitted that they had strayed into Iranian waters they would be released and sent back in a plane very soon. If they did not admit that, they could face up to seven years in jail, which may have had something to do with the sailors' reaction while they were in Iran. More controversially, the MOD allowed the sailors to sell their stories to the newspapers, which was met with quite a lot of public comment. Newspapers—presumably those which had not received the story—were critical of the MOD in that respect. What was the FCO view of that and was it consulted in any way about it?

Lord Triesman: I believe that it was a significant mistake.

Q128 Chairman: On that, there was a wider issue of Foreign Office policy. Would you like to express any general Foreign Office view as a matter of policy as to the desirability or otherwise of serving armed forces personnel selling their stories while still in Her Majesty's service?

Lord Triesman: I am not sure that we have a formal policy on what the armed forces and the MOD should do about it, so I am expressing the view that I take, which I suspect is probably well shared around the FCO, which is that it is undesirable. I would make exactly the same point about serving diplomats or Ministers in the FCO or other Departments. We work in a very sensitive world. Whether we use the word "negotiation" or not, these are very intricate, difficult discussions that can easily go wrong, and future discussions can be hopelessly prejudiced by unhelpful conduct from the past. For those reasons, I come to the conclusion that I have expressed to the Committee.

Q129 Sandra Osborne: May I follow up briefly? You said that it was a significant mistake. Did the MOD seek the FCO's advice? Is that the advice it was given?

Lord Triesman: I think that Tony Hall, in his inquiry into the press handling, will probably be able to set out all that detail, and I hope it will be to your satisfaction. My understanding—I really do rely on the full facts being explored in that inquiry—was that the advice would have reflected exactly what I have said.

23 May 2007 Lord Triesman of Tottenham and Neil Crompton

Q130 Chairman: On that point, there is an important issue for the Committee. I wonder, Minister, whether you could kindly follow up Sandra Osborne's question and let the Committee have a note as to what consultation took place between the MOD and the FCO, and on what dates, on whether service personnel should be allowed to sell their stories.

Lord Triesman: I shall certainly do that.

Q131 Andrew Mackinlay: On 25 April, Mr. McCartney, your fellow Minister, told Westminster Hall that the Hall inquiry would be available in May. Is that still on target?

Lord Triesman: To the best of my understanding, it is.

Chairman: Thank you. We are now going to end the public session.

Wednesday 23 May 2007

Members present:

Rt. hon. Sir John Stanley (in the Chair)

Mr. Fabian Hamilton
Rt. Hon. Mr. David Heathcoat-
Amory
Mr. John Horam
Mr. Eric Illsley
Mr. Paul Keetch
Andrew Mackinlay

Mr. Malcolm Moss
Sandra Osborne
Mr. Greg Pope
Mr. Ken Purchase
Ms Gisela Stuart

*[The following evidence was taken in private. Material not published at the request of the witness is indicated by the notation ***]*

Witnesses: **Lord Triesman of Tottenham**, Parliamentary Under-Secretary of State, and **Neil Crompton**, Iran Co-ordinator, Foreign and Commonwealth Office, gave evidence.

Q132 Chairman: Thank you, Minister, for giving us further time with you in this private session with the Committee, which your officials indicated that you would like to have. We would be grateful if you started by telling us what you want to tell us on a confidential basis. I know that my colleagues will then have some questions that they would like to put to you.

Lord Triesman: May I just touch on three things, Sir John? The first is to do with the process at the United Nations. We were reasonably confident, when we got into the process, of two things. The first was that only Russia would be really difficult, and it was. Nobody else was. *** Secondly, we knew that Iran would dislike the fact that we had used that as a lever. It is very averse to being criticised in the UN and by UN resolutions. ***.

The second thing is on the military point and the rules of engagement. I just want to clarify this. What we do in the FCO is provide a risk assessment—a solid, serious risk assessment—and we update it, because of course the nature and the level of risks changes as time goes by. It is for those in theatre to design the rules of engagement around it, ***. I just wanted to be clear about that.

My third point is about the sequence of the discussions. What I found from the very first discussions—I hope that the Committee will not mind my saying that I come to this as a former trade union general secretary who is used to the life of negotiation—was that ***.

In a nutshell, what happened over the first period, against the background of international pressure building, which was helpful for this purpose, was not that we were able to identify some sort of deal about consular issues, exchanges of people or anything of that kind—that simply did not happen. Speaking for myself, however, I think that I was able to detect that, because the Iran-Iraq war had started in the upper Persian Gulf, the security sensitivities for the Iranians were very acute in that area. They did not express it in terms of particular demands or conclusions that they had drawn, but it was hard, after many hours of hearing this—these were long

meetings—not to understand the degree of sensitivity that they were expressing about what they saw as their security problems. So *** it was understandable that we needed better security arrangements in the region, so that we did not have either seizures of people or accidents, which could be even worse than seizures of people, and that we needed to get to some proper mechanisms between us.

I can tell the Committee that ***. That was something that the ambassador and I discussed in detail: ***.

Part of the conclusion that I draw from all of that, if I may for the Committee, is that, however difficult the circumstances, we learned that when we focus on some real things, we can begin to do some real work. I do not promise that that work will come to fruition in other areas, but what I do know is that, one way or another, Larjani, Sheinwald, us, the ambassador here and Foreign Secretary Mottaki now have some channels that are more active and more likely to be the conduits for serious business than we have had for some time.

Q133 Chairman: Thank you. Perhaps I can start.

Given the fact that the Foreign and Commonwealth Office has access to the most secret sources of intelligence within the Government and is astride the diplomatic environment, and that there was clearly a major issue developing in the United Nations with regard to Iranian sanctions, was any assessment formed inside the FCO that British service personnel in the Gulf might be at a heightened risk of kidnapping, and if so, was any warning given to the Ministry of Defence?

Lord Triesman: Our view was that the rules that they operated under, with the buffer zone between the two sides in those waterways, should have kept them out of harm's way, with helicopter cover and the other arrangements in place and operating. Everybody understood that with the two United States battle groups in the area and other pressures

23 May 2007 Lord Triesman of Tottenham and Neil Crompton

in the background, it was going to be very important that the whole of the operational package held together properly.

Chairman: If that was the view, it was a very serious misjudgment in relation to the people on the ground, but that is for a later date.

Q134 Mr. Keetch: I asked you about the rules of engagement earlier for that very reason, David. You have done exactly what you should have done, but what was happening on the ground is a bit more concerning. I do not know whether you want to, or can, answer this, but do you believe that HMS Cornwall was doing something else at the time as well, because there has been a suggestion that she was equipped for carrying two helos, but she was only carrying one? She was ferrying a BBC television crew around at the time, and those sailors were out there doing something while her helicopter was ferrying the media around, or possibly doing something else. That is the suggestion that has been put out there. I do not know whether you want to, or can, answer that.

Lord Triesman: I honestly do not know the operational details. I have seen many of the same stories that you have referred to, but I do not know the operational detail, and I have no doubt that the military authorities will have to answer all those questions and we will know the facts—hopefully, sooner rather than later.

Q135 Mr. Hamilton: David, how would you react to the information that I have been told, that there is no internationally recognised border, or divide, if you like, in the Shatt-al-Arab waterway, which means that we cannot have said that we were 1.7 nautical miles inside Iraqi waters, because no one recognises that there are Iraqi or Iranian waters, and that in any case military shipping has a different status to commercial shipping in such waterways?

Lord Triesman: I know that the headwaters of the Shatt-al-Arab have been the subject of controversy, and indeed, as I said a few moments ago, were the focal point for the start of a massive war. I know that some of the physical features move around not on a day-to-day basis but between seasons. For those reasons, there is a process—the Algiers process—that enables all the parties in the upper Persian Gulf to raise questions about where the international boundary should be thought to be at any one time. There is a formal mechanism for doing that, and it has been used: it is not a kind of antique that nobody has ever touched. The process is available, but on this occasion, there was no question of that kind raised. The Iranians, in all their discussions with me, and as far as I know with Geoffrey in Tehran, were not raising that issue at all. They came along with their maps—and we all had maps in front of us—with that international boundary on them, and that was the basis on which they were operating as well. The only question they had was which side of that line it was.

Q136 Mr. Hamilton: So let me be clear: the notion that there is no internationally recognised boundary is a false one.

Lord Triesman: I think that de facto it is a false one. De jure, maybe nobody has yet agreed about where it will be permanently, but given the movement of sandbanks and so on, it may be that it never will be de jure.

Neil Crompton: If I may, one of the points is that there are very established channels of navigation that shipping in that area uses, so there is a clear de facto line, and the Cornwall and our boats were well inside it.

Q137 Mr. Hamilton: What about the issue of military versus commercial shipping—or civilian shipping?

Lord Triesman: I think pretty much everybody who has charts will have the line, as it is, on them. Certainly, the military, which includes the Australians as well as the United States and us, have used that and stick to it scrupulously, and stick to a buffer zone and do not get closer than, I think, half a kilometre from the line in any circumstances.

Commercially, I think that that is a really difficult question to answer. I have asked it myself, and what I am told is that there is a huge amount of movement, of small craft particularly, backwards and forwards and everywhere in the upper Persian Gulf. Small trading craft going backwards and forwards, hard to police, show up as a snowstorm of dots on a radar screen at any one time, which means that who everybody is is itself not instantly recognisable. I am sure that the military will look at such questions and say, “Are we able to discern better?” It is a trading area and a smuggling area, and there is a huge amount of maritime movement by small craft that have no military capacity.

Q138 Ms Stuart: I know that officially, the Government, whenever they are asked about a potential military action against Iran, say “We have taken nothing off the table, but of course we are not contemplating it.” One of our earlier witnesses put forward a theory that it took us a little bit of time to really understand. He said that at the moment it would take Iran between five and 10 years to produce military nuclear facilities. However, if there were to be any kind of action, the Iranians would simply concertina whatever they are doing at the moment and ditch the civil activity, and could probably produce military nuclear weapons within a year or 18 months. Would that be an analysis that would carry some weight with you?

Lord Triesman: Well, let me try to answer that, but Neil may have a more analytical answer from the desk, because in normal circumstances I would not be handling this part of the Iran portfolio. ***. I have heard different estimates from all sorts of sources about how fast that could be brought to the production of nuclear weapon grade uranium, some of them quite short timescale ones, and all I can say

23 May 2007 Lord Triesman of Tottenham and Neil Crompton

is that growth in capacity, whether it is distributed or in one place, is growth in capacity, and that in itself is one of the worrying things.

Chairman: Thank you, Minister, very much indeed, we are very grateful for your time. Thank you, Mr. Crompton, as well. That concludes the session.

Letter from the Parliamentary Under Secretary of State, Foreign and Commonwealth Office, to the Chairman of the Committee

When I gave evidence to the Committee on 23 May I undertook to write to you to clarify two points further.

The first was in response to questions 124–127 from Mr Purchase regarding those countries who were more or less supportive during the detention of the fifteen Royal Navy personnel. As this information is sensitive, due to the fact that not all countries who gave us their support would want the information to be widely known, I attach a confidential list at Annex A.¹ I would like to be clear that those who are not on the list were not necessarily unsupportive, as we did not hear from all international partners. Nevertheless, the annex represents the most comprehensive list I am able to provide.

The Chairman also asked for a note as to what consultation took place between the Ministry of Defence and the Foreign and Commonwealth Office on whether the service personnel should have been allowed to sell their stories. The Foreign and Commonwealth Office was not consulted on this decision, although we made known our view that we thought it would be a significant mistake to allow the personnel to sell their stories to the media, a view I repeated to the Committee.

Lord Triesman of Tottenham
Parliamentary Under Secretary of State
Foreign and Commonwealth Office
26 June 2007

Letter to the Secretary of State for Defence from the Chairman of the Committee

I am writing with regard to your announcement on 16 April of an inquiry into the operational circumstances and factors leading to the capture of the 15 Navy personnel. In your statement you told the House that the conclusions of the inquiry would be presented to the Defence Committee in full.

The Foreign Affairs Committee would like to request that the report's findings are shared with our Committee too. We believe the conclusions are relevant to our remit. Before the crisis occurred, we had already announced an inquiry into Global Security: Iran. As part of this inquiry, we now plan to hold evidence sessions to consider the Foreign and Commonwealth Office's handling of the hostage situation, for which we consider it vital for us to understand the background to the capture.

I look forward to receiving your response.

Mike Gapes MP
Chairman of the Committee
23 April 2007

cc. Margaret Beckett, Secretary of State, Foreign and Commonwealth Office
Rt Hon James Arbuthnot, Chairman, Defence Committee
Richard Cooke, Head, PRDT

Letter from the Secretary of State for Defence to the Chairman of the Committee

Thank you for your letter of 23 April 2007 requesting a copy of the report into the circumstances surrounding the detention of the 15 UK personnel in the Gulf.

I am happy to share with the Foreign Affairs Committee any element of the report which would help inform your inquiry. However, as I said in my statement on 16 April, its main focus will be on the details of our military posture on operations and which must, therefore, be seen only by those with a strict need to know. That is why I have agreed to expose the full report only to the Defence Select Committee.

I am copying this to James Arbuthnot.

Rt Hon Des Browne MP
Secretary of State for Defence
10 May 2007

¹ Not printed.

Letter to the Secretary of State for Defence from the Chairman of the Committee

Thank you for your letter on 10 May on the subject of the Fulton Report into the circumstances surrounding the detention of the 15 UK personnel in the Gulf.

In your letter, you indicated that you would be happy to share with the Foreign Affairs Committee any element of the report that would help inform our inquiry. I am writing to ask if there is anything that you would now like to wish to draw to the attention of the Committee.

I am copying this to James Arbuthnot.

Mike Gapes MP
Chairman of the Committee

20 June 2007

Letter to the Chairman of the Committee from the Secretary of State for Defence

Thank you for your letter of 20 June concerning the Fulton Report into the circumstances surrounding the detention by Iran of 15 UK Naval personnel earlier this year.

I have considered the contents of the Fulton Report carefully and I am satisfied that it is concerned entirely with the operational arrangements relating to the incident and the lessons that the MOD and the Armed Forces need to know in order to ensure that it does not happen again. I do not believe that there is anything in the report that would inform your Committee's enquiry beyond that which I made public in my statement to the House on 19 June.

I am copying this to James Arbuthnot.

Rt Hon Des Browne MP
Secretary of State for Defence

27 June 2007

Written evidence submitted by Martin Pratt, International Boundaries Research Unit, Durham University

IRAN-IRAQ MARITIME BOUNDARY

Thank you for your invitation to submit evidence to the Foreign Affairs Committee concerning the maritime boundary between Iran and Iraq.

I am Director of Research at the International Boundaries Research Unit (IBRU) at Durham University, which works to enhance the resources available for the peaceful resolution of problems associated with international boundaries on land and at sea. IBRU is the world's only academic research centre specialising in boundary-making and dispute resolution, and I think it is fair to say that the Unit has an international reputation as a leading source of information and expertise on boundary and territorial issues around the world.

I have been a member of the IBRU team since 1994 and have advised governments, NGOs, law firms, oil and gas companies and publishers on more than fifty international boundary disputes. I have undertaken research on maritime boundaries in the Persian Gulf for a number of clients, and I followed the dispute over the arrest of the team of British sailors and marines by Iranian forces near the mouth of the Shatt al Arab river in March very closely. During the crisis IBRU was approached for comment by numerous media agencies, and I think that the most useful contribution I could make to the committee's inquiry would be to submit the briefing notes and illustrative map that I prepared to explain the boundary situation to journalists covering the story. I tried to make the notes as objective as possible and I believe that they will help the members of the committee to evaluate the accuracy of the claims made by the British and Iranian governments. I have attached a copy of the notes to this letter; they are also available on IBRU's website.²

The former head of the Foreign Office's Maritime Section, Craig Murray, has stated on several occasions that the map published by the Ministry of Defence following the arrest of the British forces was a "fake". I believe that the map was certainly an oversimplification of reality, and I think it could reasonably be argued that it was deliberately misleading. However, in my opinion Mr Murray's claim is not really justified. It is true that no maritime boundary has ever been agreed between Iran and Iraq, but the land boundary between the two countries—which was agreed in 1975—extends some distance beyond what the MoD map inaccurately shows as the mouth of the Shatt al Arab river, out to a point located a short distance to the northeast of where the MoD stated that the arrest took place.

² <http://www.dur.ac.uk/ibru/resources/iran-iraq>

I don't really understand why the MoD chose to "downgrade" the land boundary to a "territorial water boundary" on its map. Even though the absence of an agreed maritime boundary beyond the land boundary terminus somewhat muddies the jurisdictional waters, I would have thought that the British case would have been significantly stronger in legal terms if the government had described the situation as it really is, emphasising the extent of the agreed land boundary.

You asked if I had any comments on the following statement by Lord Triesman:

"The Iranians did not dispute, for the time being and at the time, what the international barrier at sea was between Iraqi and Iranian waters in the upper Persian Gulf. There is a process by which that is agreed, because it is true that sand banks and other physical entities move in those waters. When it is thought that those movements have been significant, there is an international mechanism by which people can address that question and ask whether the international boundary needs to change to reflect it. I can tell you that Iran did not at any stage raise any question about where the border was. It was absolutely confident, as we were, that we knew at that point where the border was."

I am tempted to say that it is the statement of someone who doesn't really understand the issues that he is talking about! I assume that the "international mechanism" he mentioned was the provision in the 1975 agreement to resurvey the Shatt al Arab every 10 years (see *Issues relating the 1975 boundary agreement* in my notes). However, even if that is what he was referring to—and it is far from clear that it is—I don't see how it supports the contention that there was no doubt whose waters the sailors were in when they were arrested.

My conclusion is that if the incident occurred where the MoD suggested, it is difficult to see how Iran could legitimately claim sovereignty over the waters in which the arrest took place. Nevertheless, there are sufficient uncertainties over boundary definition in the area to make it inadvisable to state categorically that the vessel was in Iraqi waters. If the incident occurred seaward of the terminus of the boundary in the Shatt al Arab agreed in 1975 (as Iran claimed) the uncertainties increase significantly.

I hope the attached information will be of some use to the Foreign Affairs Committee in its deliberations on this issue. If IBRU can be of any further assistance in this or any other boundary-related topic, please feel free to contact me.

Martin Pratt
Director of Research
International Boundaries Research Unit
Durham University

15 June 2007

Annex 1

NOTES ON THE IRAN-IRAQ MARITIME BOUNDARY

Since the detention of 15 British military personnel by Iranian forces in the northern Gulf on 23 March 2007 there has been much debate about whether the incident occurred in Iranian or Iraqi waters. The International Boundaries Research Unit has prepared the following notes and an illustrative map on boundary issues in the area, which we hope will help to inform the ongoing discussion.

[The map is reprinted in this report and can also be found at: www.dur.ac.uk/ibru/resources/iran-iraq/]

IS THERE AN AGREED BOUNDARY?

No maritime boundary has ever been agreed between Iran and Iraq. However, the boundary in the Shatt al Arab river agreed in 1975 (1) extends to the mouth of the river at the astronomical lowest low-water line, which is located nearly 10 nautical miles seaward of the high-water line that most maps show as the coastline. The southern terminal point of the agreed boundary lies just under 1.7 nautical miles northeast of the position at which the British Ministry of Defence claimed that incident on 23 March took place.

DEFINING THE TERRITORIAL SEA

The low-water line is also the normal baseline from which the territorial sea is measured. Under the 1982 *United Nations Convention on the Law of the Sea* (UNCLOS) a coastal state may claim a territorial sea up to 12 nautical miles in breadth. The territorial sea is part of the sovereign territory of the state, although ships of all states have the right of innocent passage through the territorial seas of other states. Warships which do not comply with the laws and regulations of the coastal state concerning passage through the territorial sea can be ordered to leave the territorial sea immediately.

TERRITORIAL SEA BOUNDARIES

All states with adjacent coastlines need to define territorial sea boundaries with their neighbours. In the absence of a boundary agreement, UNCLOS requires states not to extend their territorial sea beyond the median line with neighbouring states, unless historic title or other special circumstances exist which justify a departure from the median line. The median line is the line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of the neighbouring states measured. If no maritime boundary exists and neither state has published details of the limits of its territorial sea (and neither Iran nor Iraq has done so) it is not unreasonable for third states to treat the median line as a *de facto* boundary.

CARTOGRAPHIC DEPICTIONS OF THE BOUNDARY SITUATION

The line shown on the Ministry of Defence maps published on 28 March is described as the “Iraq/Iran Territorial Water Boundary”. This is somewhat misleading. The line shown actually comprises (i) the section of the Iran-Iraq land boundary that follows the Shatt al Arab between the high- and low-water lines, and (ii) the median line between the two low-water lines running through the territorial sea. The map above, prepared by IBRU, shows the agreed boundary in the Shatt al Arab and the median line constructed between the low-water lines depicted on United Kingdom Hydrographic Office charts (Nos 1235, 2884 and 3842). The low-water lines in the vicinity of the mouth of the Shatt al Arab depicted on the charts were derived from satellite imagery acquired in 2002.

THE LOCATION OF THE ARREST

Based on the coastal geography depicted on UKHO charts, the following points can be noted:

- If the merchant vessel was located where the British Ministry of Defence claims (29° 50.36'N, 48° 43.08'E), the incident appears to have taken place on what is technically land territory rather than in the territorial sea. More importantly, the point is clearly south of both the 1975 boundary and the median line between the two low-water lines.
- Both of the positions that the Ministry of Defence stated were supplied by the Iranian government lie just seaward of the land boundary terminus. The position that was initially reported (29° 51'N, 48° 45.11'E) is 0.5 nautical miles south of the median line; the revised position (29° 51.9'N, 48° 45.11'E) is 0.3 nautical miles north of it. (2).

COMPLICATING FACTORS

Whatever the true location of the incident, there are a number of reasons for exercising caution before making categorical assertions about whether the incident took place in Iraqi or Iranian waters:

The unstable coastline

The coastline in the northern Gulf is far from stable, and it is quite possible that there is a legitimate dispute over the alignment of the median line. Iranian charts may show a different low-water line from British charts, and Iran is perfectly entitled to define its baseline using Iranian charts. While it seems unlikely that the mouth of the Shatt al Arab would have shifted sufficiently for the point given by the Ministry of Defence to be located on the Iranian side of the median line, if the incident took place further east (as the Iranian government is claiming) then it is quite possible that Iran has legitimate grounds for its claim that the British boat was operating on the wrong side of what is a *de facto* if not a *de jure* boundary. It is also arguable that the unstable coastline represents a special circumstance that justifies delimiting a territorial sea boundary that departs from the median line.

Iran is not a party to the law of the sea conventions

Iran is not a party to UNCLOS, nor to its predecessor, the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone. Iran might therefore argue that it is not bound by the (identical) provisions of those conventions regarding baselines and territorial sea delimitation. However, if these provisions have become customary international law (and that is widely considered to be the case) they would be binding on Iran.

Iran's straight baselines

Iran measures its territorial sea from a system of straight baselines. Even though the legitimacy of these baselines is questionable (straight baselines should only be drawn around coastlines which are deeply indented or fringed with islands, and Iran's coastline is neither of these things) they certainly complicate the jurisdictional picture in the boundary area.

Issues relating to the 1975 boundary agreement

Article 2 of the 1975 protocol defining the land boundary made provision for the boundary to continue to follow the thalweg of the Shatt al Arab if the thalweg shifts as a result of natural causes; however, changes in the bed of the river “which would involve a change in the national character of the two states’ respective territory” would not alter the course of the boundary. In Article 6 of the protocol it was agreed that a joint survey of the Shatt al Arab would be made at least every 10 years. No such joint survey appears to have taken place, so there may be a question as to whether the boundary still follows the line defined in 1975 or whether it actually follows the course of the thalweg of the river today.

Some commentators have cast doubt on whether the 1975 boundary agreement is still valid. It is true that Iraq unilaterally abrogated the agreement in September 1980 and declared its sovereignty over the whole of the Shatt al Arab. However, in the aftermath of the eight-year war between the two countries that followed, Saddam Hussein confirmed Iraq’s recognition of the 1975 agreement in a letter to President Rafsanjani in August 1990.

One further point to note about the 1975 protocol: Article 7 provided for freedom of navigation for Iranian and Iraqi vessels “regardless of the delimitation of each country’s territorial sea”.

NOTES

(1) The boundary was defined in the *Treaty Relating to the State Boundary and Good Neighbourliness between Iran and Iraq* signed in Baghdad in June 1975. The boundary agreement is often referred to as the “Algiers Agreement” because the two governments agreed on the principles for defining the boundary at a meeting in Algiers in March 1975.

(2) The coordinates for the two Iranian positional claims were supplied by the UK Ministry of Defence press office; they were not provided in the press briefing on 28 March 2007.

(3) The notes and map on this page were updated on 2 April 2007 following the acquisition of the coordinates of the two positions that the UK Ministry of Defence reported were supplied by the government of Iran. If anyone can supply coordinates from an authoritative Iranian source for either Iran’s claimed boundary or the location of the vessel at the time of the arrest, IBRU will be pleased to add such information to this page.