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PRIME MINISTER

By fax to Prime Minister at Chequers 14/09/02

y Chris B Jonathan
Atkinson
Stephen
Matthew
me

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Jack's views on
content and handling
of the Resolution
(with a few marginal
comments from me)Iraq: Pursuing the UN Route

Sand 14/9

1. In advance of our discussion on 17 September, which Sir Jeremy Greenstock will also be attending, I thought it would be useful to set out a proposed strategy for achieving our objectives through the UN.
2. In summary, we should:
 - deliver a more intrusive inspection régime which, if Saddam complies, achieves our WMD objectives;
 - demand Iraqi actions not words, within tight deadlines;
 - get all we need into a first Resolution, without either committing ourselves or ruling out a second;
 - persuade President Bush to commit to the heavy lifting necessary to secure Russian acquiescence, while we take the lead with the French;
 - be prepared to run the Resolution ourselves if the US agree, since we are better placed to deliver in the Security Council.
3. It has been clear from my discussions in New York that President Bush's speech has transformed the politics of the issue, at least in the short term. It gives us a huge opportunity. But it will be a highly complex process requiring difficult political judgments. We will need your intervention at crucial moments

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Substance

6. Our own emerging thinking and that of the US is converging. We both believe that we should aim for a Resolution covering the following main elements:

a determination that Iraq has been and is now in material breach of a whole series of obligations to the Security Council - designed to provide the necessary legal cover;

a demand for unfettered access for inspectors, with clear deadlines as a first test of Iraqi compliance, and with a more intrusive mandate than previous Resolutions;

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some provision on what happens if Iraq fails to comply with the specific requirements, falling short of authorising "all necessary measures", which Jeremy Greenstock judges is simply a non-starter with the other three.

*Chavez
won't accept
all necessary
measures
at this stage*

D

7. I enclose an illustrative draft of what such a Resolution might look like (we have not shared this with the US, but it reflects some initial discussion with them). Within that broad framework, a number of issues will require political judgements:

whether to challenge Iraq to produce very quickly a full declaration of its WMD holdings. Some on the US side are attracted to this because they see it as setting a very early test of Iraqi willingness to comply which Iraq could fail. I think it is a bad idea. It would give Saddam Hussein a perfect opportunity to produce a long text full of obfuscation, which would generate endless argument in the Council. We want action not words from Iraq. There are better ways of setting early deadlines (in particular a demand that Saddam begin within a few days arrangements to get inspectors back into Iraq).

*But does
a Saddam
Declaration
have to precede
getting on with
inspections?
Can't we run
both in parallel?*

A

how much tougher an inspection regime should we require beyond existing UNSCRs? The Americans are thinking of a provision which would allow Blix to decide what further access he needed to achieve his mandate. The enclosed draft suggests ways in which this could be done it would mean jettisoning previously-agreed special arrangements (like exemption of palaces etc). This would be difficult to negotiate in the Council. Nor do we want the Iraqis to reject the Resolution because it can be said to move the goalposts. But I favour trying this approach;

*But surely
we can't accept
special arrangements.
Our dossier is
designed to show
how unsatisfactory
absorbing palaces for
inspection has proved.*

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how clear should we be in the provision on consequences of non-compliance? This will be the hardest-fought point in the Council. As mentioned, "all necessary measures" looks unnegotiable. Equally, the Americans will adamantly oppose a requirement for a further Security Council Resolution (which would leave the Russians a veto over any military action). The current US preference is to stipulate that any failure to comply with the provisions of the Resolution would constitute a further material breach and that Iraq would be responsible for the serious consequences of that. We should clearly start tough, with some formula on those lines. The final result will almost certainly be less explicit.

*The above
is
A.*

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TO

P. 07

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Jack Straw

(JACK STRAW)

Foreign and Commonwealth Office

14 September 2002

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SECRET - PERSONAL

Draft Resolution

[PP1] Recalling all its previous relevant resolutions on the situation in Iraq, notably resolutions 678 (1990) of 29 November 1990, 687 (1991) of 8 April 1991, 1205 (1998) of 5 November 1998, and 1284 (1999) of 17 December 1999,

[PP2] Recognising the threat that the proliferation of weapons of mass destruction and long-range missiles pose to international peace and security and the need to work towards the establishment in the Middle East of a zone free of such weapons,

[PP3] Deploing the fact that the government of Iraq has continued to ignore the demands in its previous resolutions, particularly in resolutions 687 (1991) and 1284 (1999), and regretting the consequent prolonging of the crisis in the region and the suffering of the Iraqi people,

[PP4] Deploing the fact that the government of Iraq has never provided an accurate full, final and complete disclosure, as required by resolution 687 (1991), of all aspects of its programmes to develop weapons of mass destruction and ballistic missiles with a range greater than 150 km, and of all holdings of such weapons, their component and production facilities and locations, as well as all other nuclear programmes, including any which it claims are for purposes not related to nuclear-weapons-usable material;

[PP5] Determined to ensure full and immediate compliance by Iraq without conditions or restrictions with its obligations under resolution 687 (1991) and other relevant resolutions,

[PP6] Recalling that the effective operation of the United Nations Monitoring, Verification, and Inspection Commission (UNMOVIC), established by resolution 1284 (1999) as the successor organisation to the Special Commission, and the International Atomic Energy Agency (IAEA), is essential for the implementation of resolution 687 (1991) and other relevant resolutions,

[PP7] Acting under Chapter VII of the Charter of the United Nations,

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1. Affirms that Iraq's failure to co-operate with UN inspectors and the IAEA, in accordance with its obligations under relevant resolutions, represents a material breach by Iraq of its obligations under resolution 687 (1991);
2. Demands that Iraq immediately comply with its obligations; and in this connection demands that within X days the government of Iraq attend a meeting, at a location chosen by UNMOVIC, at which UNMOVIC will inform Iraq of the practical measures, as defined by UNMOVIC in accordance with Security Council resolutions, related to the resumption of inspections;
3. Underlines that these practical measures will be binding on Iraq;
4. Demands that Iraq, within 5 days of the meeting referred to in paragraph 2, allow UNMOVIC and the IAEA whatever access they require in Iraq, including to make whatever preparations are necessary to fulfil their mandates; and further demands that, by that date, Iraq should have submitted to UNMOVIC all outstanding biannual declarations.

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5. Accordingly further demands that Iraq, [irrespective of the memorandum of understanding endorsed by resolution 1154 (1998) and of any modalities unilaterally adopted by UNSCOM,] allow UNMOVIC and IAEA teams unconditional and unrestricted access to any and all areas, facilities, buildings, equipment, records and means of transport which they wish to inspect, as well as to all officials and other persons whom they wish to interview;

6. Reaffirms the Council's commitment to a reinforced system of ongoing monitoring and verification as set out in paragraph 2 of 1284 (1999) and recommended by the panel on disarmament and current and future ongoing monitoring and verification issues; and urges UNMOVIC and the IAEA to put in place such a reinforced system, including whatever improvements each deems necessary given the prolonged period in which inspectors have not been present in Iraq; and including the improvement of mobility and access through the establishment of regional centres and the use of fixed and rotary winged aircraft and drones;

Requests Member States to give full co-operation to UNMOVIC and the IAEA in the discharge of their mandates, as required in paragraph 10 of 1284, including by providing any information on Iraqi attempts, including since 1998, to acquire controlled items;

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8. Reiterates the obligation of the government of Iraq, in furtherance of its commitment to facilitate the repatriation of all Kuwait and third country nationals, to extend all necessary co-operation to the International Committee of the Red Cross, and calls again on Iraq to resume co-operation with the Tripartite Commission and the Technical Subcommittee established to facilitate work on this issue;

9. Requires the government of Iraq to take all steps to facilitate the distribution of all humanitarian goods and services including by allowing United Nations agencies and other humanitarian organisations access to all areas and sections of the population;

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Requests the Executive Director of UNMOVIC and the Director General of the IAEA to report to the Council 60 days after adoption of this resolution, in particular on whether Iraq is co-operating in all respects with UNMOVIC and IAEA;

11. Requests in addition that the Executive Director of UNMOVIC and Director General of the IAEA report immediately to the Council any failure of Iraq to co-operate in all respects, including any refusal to accept the practical arrangements for unconditional inspections or attempts to prevent immediate access to any facilities, information or persons in accordance with the above provisions;

12. Underlines that any failure by Iraq to co-operate in all respects with UNMOVIC and IAEA, as set out in this and previous relevant resolutions, would exacerbate the material breach referred to in paragraph 1; [and further underlines that Iraq would be fully responsible for the serious consequences that would follow]

13. Decides to remain seized of the matter.

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