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5

From: Alan Goulty  
Date: 20 February 2002

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① Iraq.

To: Graham Fry

### MILITARY ACTION AGAINST IRAQ: ISSUES

1. You asked for a note on contingency planning in the event of military action against Iraq.
2. Planning for any military action against Iraq will need to take into account the need to prepare the ground for, and minimise the adverse humanitarian, diplomatic and PR consequences of, what will be a widely unpopular move. Much will depend on the duration of the action (presumably a factor of scale) and whether or not it succeeds in removing Saddam. The worst possible scenario from our point of view would be a prolonged campaign which left Saddam in power and allowed him to make maximum propaganda gains from Iraqi civilian casualties, whether or not actually caused by the coalition. In the current Middle East climate, we would probably be faced with the collapse of sanctions and the effective end of our containment policy.

#### Legal position/the UN route

3. Whether we participated or not, we would wish to see a convincing legal justification for military action. The use of force in international relations is unlawful (Article 2, paragraph 4 of the UN Charter) except in certain restricted circumstances, i.e. individual or collective self-defence, when authorised by the Security Council under Chapter VII, or

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exceptionally in cases of grave humanitarian crisis. The mere desire to change a regime, however unlovely, is not a basis for the use of force unless it comes within one of these established exceptions. The attached minutes from Legal Advisers set out the legal background in more detail and also conclude that the legal and political justification for taking military action against Iraq either on the grounds of self-defence (against terrorism or WMD) or of existing Chapter VII resolutions would be extremely weak.

4. What are the chances of obtaining fresh UN authority? It seems highly unlikely that, in the absence of or a new attack on Kuwait or the Kurds or of clear and publicly useable evidence that Iraq has reconstituted its WMD, the Security Council would agree a further resolution that could justify military action. This would include a new Security Council resolution specifically demanding access for the weapons inspectors, although we should still push for one. We should in any case not give up on our current efforts in the UN. We should continue to put pressure on Iraq to readmit the inspectors - this makes sense whether or not military action is contemplated. If the Iraqi regime continues to refuse (and signs are that, latest "charm offensive" notwithstanding, it has no intention of doing otherwise) we would at least be in a stronger position to defend military action. In the unlikely event that the inspectors are admitted, history would suggest that it would not be long before they were blocked, which again would strengthen the arguments for military action. We should also continue pushing for tougher action (especially by the US) against those states who are breaking sanctions (especially Syria). Again, this makes sense whether or not military action is contemplated: it would put real pressure on Saddam either to submit to meaningful inspections or to lash out.

5. Our message to those who oppose military action should be to get serious about the UN route: encouraging Iraq to believe that it can escape sanctions without complying with SCRs, seeking to water down those SCR obligations, and blocking initiatives in the UN to crack down on smuggling serve only to make military action more likely.

#### Key Allies

6. Military action will require regional support. In the current climate, and in the absence of progress on the MEPP - highly unlikely in this timescale - Arab States would have the greatest difficulties in supporting an operation which is bound to be seen as serving Israeli interests. Nevertheless, the signs are that the US could rely on Kuwait and Turkey, the minimum military/base support that would be necessary. Bahrain and Qatar also host allied forces. The US clearly believe (rightly or wrongly) that they can count on Bahraini support, even to the extent of allowing Bahrain to be used for offensive operations; they do not as yet appear to have made much progress with Qatar, current Chair of the OIC. The hardest to square would be Saudi Arabia. Derck Plumbly advises that the Saudis are opposed to US military action.

We presume that we will have a better picture of regional attitudes after Vice President Cheney's March tour.

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7. In the case of other key allies, we would be seeking supportive or at worst non-hostile reaction. We would expect the Iranians, hitherto (privately) in favour of action to remove Saddam Hussein, to be much less helpful in the light of President Bush's "axis of evil" speech. France and Germany, the key NATO/EU partners, could probably be kept on side. The French position is not greatly different from our own. Their policy remains to keep up pressure on Baghdad over inspectors and maintain P5 unity. But they accept that US military action to remove Saddam is now very much on the cards. In this event, they would want the US to fully think through the consequences and take adequate steps to build legitimacy in the UN. Recent German statements reveal a preoccupation with maintaining the rule of law, concern over the unilateralist trend in US policy, but a reluctance to criticise the US overtly (which would be unpopular with the German public). We could expect other EU members to be more overtly critical in the absence of Security Council endorsement of military action.

## Humanitarian

8. UN and NGO staff in Iraq would expect to be forewarned. The requirement not to compromise military plans would probably mean that warnings could only be general in nature. If we judged that the scale of action planned would be likely to force UN/NGO staff to withdraw then we would need to develop a plan to address the humanitarian consequences, i.e. how to keep the oil-for-food programme going. We would also need to forewarn States with representation in Baghdad. The same requirements for military secrecy would apply.

## Information campaign

9. The public and media reaction to any military action would be mixed, with hostility from the British liberal media and Arab and Muslim worlds. In the UK, the tabloids (with the probable exception of The Mirror and possible exception of The Mail), The Times and The Telegraph would probably be in favour of action. The Guardian and The Independent would be critical. The broadcast media would be largely neutral, although many programmes (e.g. BBC news programmes) would have a hostile undercurrent. All broadcast interviews would be very difficult. Parliamentary criticism would feed the media critics. Depending on the support of European countries, opinion may also be split along pro-US/pro-Europe lines. If we failed to carry a significant proportion of European opinion, this would become a major theme of the coverage.

10. The Arab and Muslim media and "street" would be deeply hostile, putting pressure on governments and organisations such as the Arab League, GCC and OIC to issue condemnatory statements.

11. In the build-up to any action, we would need to mount an aggressive PR campaign, emphasising Iraq's record of non-compliance with UNSCRs and evidence of WMD reconstitution and other crimes (making maximum use of intelligence). Our basic message, around which further, more detailed messages could be built, might be: "Iraq

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poses a unique threat to the security and stability of the region as well as the rest of the world."

12. Ideally targets selected would be purely military and steps taken to avoid non-combatant civilian casualties. We would need to [highlight our commitment to helping the Iraqi people before, during and after any action] We could apply diplomatic pressure to head off criticism from Arab and Muslim governments, recognising that in the circumstances we would have little chance of success. We could seek supportive statements from the Kurds and Iraqi oppositionists, although these groups have few friends in the region. News Dept would co-ordinate such a campaign closely with the Islamic Media Unit and (subject to decisions about its role) the Coalition Information Centre. It would be necessary to draft in additional staff with an understanding of Iraq and the Middle East to support this effort as well as the volunteers who provide back-up to News Dept at weekends.

13. While such a campaign would make some impact in the UK, it may make little difference in the region, where there would be considerable scepticism. Ultimately, the success of any campaign would depend on the success and swiftness of the military action (and removal of Saddam Hussein) and limitation of the number of civilian casualties.

### Protecting our interests

14. An attack on Iraq which inflamed public opinion would make attacks on our interests in the region, including perhaps on British Embassies, more likely. The dangers would increase if Iraq attacked Israel and the latter this time retaliated - we know that the Iraqi regime plans to do just this if it feels itself threatened. We would need to have taken steps to identify and protect our interests, well in advance of any action. However, all Posts in the region have up-to-date consular contingency plans, although the one for Iraq itself is awaiting the addition of an annex on the north.

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