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Foreign &  
Commonwealth  
Office

6 September 2002

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London SW1A 2AH

Dear David,

*Lump 1/19/9*

*DN*  
*C: JB*  
*AW*  
*MR*

Iraq

... Following our meeting on 4 September, I enclose elements for a possible UNSCR authorising a tougher mandate and enforcement powers for UNMOVIC inspectors in Iraq.

The draft makes clear that Iraq would be obliged to grant inspectors immediate access to any sites, records or officials as requested. On enforcement, it includes provision of armed guards to accompany UNMOVIC, as well as authorising the establishment of a standby force to assist UNMOVIC obtain Iraqi compliance if necessary. In both cases we have assumed that military operations would not be run by the UN, but by a coalition of the willing led by the US.

There will be strong pressure from members of the UNSC to be consulted again before any military action commences. The draft aims high in including various formulae designed to obtain prior UNSC authority or at least approval in principle, for any enforcement action.

The draft outlines a timetable for the readmission of UNMOVIC and the key stages of its work. This is modelled on the arrangements envisaged in UNSCR 1284, which are likely to be considered too leisurely in the current political climate. In practice, any timetable will need to take account of Blix's views of UNMOVIC's operational requirements.

We have included an implicit reference to regime change (the market will bear no more).

We have also included requirements for Iraq to allow access to humanitarian agencies, and for other UN members to co-operate by providing assistance to the coalition and information on sanctions busting.

As you know, the Foreign Secretary recognises the importance of engaging the White House in discussion of the UN options and of a tough draft UNSCR designed to get the inspectors back in. But he believes that we should point out to

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the White House that this is unlikely to be achievable and that the concerns raised by Sir Jeremy Greenstock (his letter of 3<sup>rd</sup> September to Sir Michael Jay) must be taken seriously. You will recall that the Foreign Secretary mentioned this to the Prime Minister at yesterday's meeting.

7 Sir Jeremy Greenstock believes there will be considerable opposition in the UNSC to throwing down the gauntlet to Saddam by challenging him to accept UN inspectors under tight conditions. In his view, introducing force protection for UNMOVIC is unachievable even if UNMOVIC decided to ask for it. The majority of Council members will see any attempt to ratchet up the requirements on Iraq as a device to create a pretext for military action rather than an effort to get verification and inspection underway. And trying and failing to obtain explicit authorisation for the use of force would be worse than not trying at all because it would create a presumption of further Council discussion and decision before military action could start.

... I am also, therefore, enclosing a draft resolution which takes a different approach, namely determining that Iraq's failure to co-operate constitutes a material breach/gross violation of its obligations and sets an ultimatum for it to admit inspectors on the basis of the current arrangements. (This is identical to the text sent with my letter to you of 27<sup>th</sup> August.) Even this approach will be difficult. We start from a point where the other 13 members of the Council will, at best, have serious doubts about the use of force.

On timing, Sir Jeremy Greenstock believes that no action in the Security Council should be taken until the Russians have been squared. A text as complex as the revised UNMOVIC mandate would require even more pre-cooking if it were to succeed. He does not believe that we should let ourselves be too distracted by reports, which have been doing the rounds in New York for a few days, that the Russians may be revamping their earlier resolution. It would be far less difficult to see that off than to salvage a negotiation of our own that was launched before the ground had been properly prepared.

Your ever,

Patrick

(Patrick Davies)  
Private Secretary

Sir David Manning KCMG  
10 Downing Street

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## Draft Elements for a UNSCR on UNMOVIC

### Preambular

- Recalling relevant existing resolutions, notably 687, certain provisions of 1284 etc and relevant sanctions resolutions.
- Deploing the fact that the current Iraqi regime has continued to ignore UNSC demands and regretting the consequent prolonging of the crisis in the region and the sufferings of the Iraqi people.

*A reference towards regime change will probably be a red line to the Chinese and others.*

- Recalling that the effective operation of the Special Commission and its successor organisation UNMOVIC and the IAEA, is essential for the implementation of SCR687 etc.

*Para PP5 of SCR 1205*

- Determined to ensure immediate and full compliance by Iraq without conditions or restrictions of its obligations under SCR687 and other relevant resolutions.

*Para PP4 of SCR 1205*

- Recognising the threat that the proliferation of WMD and long-range missiles pose to peace and security and the need to work towards the establishment in the Middle East of a zone free of such weapons.

*Para PP 17, amended, of SCR 687. This would be helpful reiteration of the importance of the WMD threat, but, to stand any chance of acceptance would need to be balanced by the reference to a Middle East WMD free zone.*

- Acting under Chapter VII,  
*ie imposing mandatory obligations on Iraq and all other UN members*

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i) **Obligations on Iraq**

- Re-affirms that Iraq shall unconditionally accept the destruction, removal or rendering harmless, under International Supervision of all chemical and biological weapons etc and all ballistic missiles with a range greater than 150k and related equipment.

*Para 8 of SCR 687*

- Re-affirms that Iraq shall unconditionally agree not to acquire or develop nuclear weapons etc.

*Para 12 of SCR 687*

- Re-affirms mandates for UNMOVIC/IAEA including that UNMOVIC will establish a reinforced system of ongoing monitoring and verification wherever necessary.

*Para 2 of SCR 1284*

- Reiterates demands Iraq's unconditional co-operation with UNMOVIC and the IAEA.

ii) **Access**

- Demands that Iraq allow UNMOVIC/IAEA teams immediate, unconditional and unrestricted access to any and all areas, facilities, 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.

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*Para 4 of SCR 1284, amended*

iii) **Timetable**

- Demands that Iraq allow UNMOVIC to enter within [one week]  
*The timetable would need careful consideration. In the current climate, we would want a shorter timetable than envisaged in UNSCR 1284. But we would need to take account of Blix's views of how much time he really needed to get UNMOVIC in and running. What follows is indicative stages drawn from UNSCR 1284 and Blix's recent comments in Brussels. A very short deadline (above) for UNMOVIC to enter Iraq, will be seen by many Council members as an ultimatum, and as confirmation that the resolution is a pre-text for military action.*
- [60 days] after entry, UNMOVIC to report on the status of co-operation with the Iraqi government and whether UNMOVIC are in a position to start to draw up a full work programme including the key remaining disarmament tasks to be completed by Iraq.  
*Para 7 of SCR 1284, taking account of Blix's views that it could take two months for UNMOVIC to be in a position to start to identify the key disarmament tasks and to draw up work programmes.*
- [A further 60 days] for UNMOVIC/IAEA to draw up their work programmes and report to the UNSC on their findings, Iraqi co-operation and key disarmament tasks etc.  
*Para 7 of SCR 1284.*
- Requests UMOVIC/IAEA to report to the UNSC monthly on progress on the work plan towards implementation of key disarmament tasks

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and establishment of the system of ongoing monitoring and verification.

- Requests UNMOVIC to include in the fourth monthly report a review of Iraqi compliance and prospects for the suspension of sanctions.

*This keeps the 120 day timetable in Para 33 of SCR 1284.*

iv) **Iraqi Non Compliance**

- Requests UNMOVIC/IAEA to report immediately to the Council any instance of Iraqi failure to fulfil its obligations, including any attempts to prevent immediate access to any facilities, information or persons in accordance with the above provisions.

- Affirms that any such reported failure would constitute a material breach/flagrant violation by Iraq of its obligations under resolution 687 etc.

*This would provide a possible justification for any enforcement action following a reported violation, without seeking further UNSC authority. "Material breach" would be a stronger basis than "flagrant violation". Most members of the UNSC would, however, probably argue that the UNSC should be given the opportunity to take a further decision before any enforcement action. An alternative approach would be as follows:*

- Expresses its intention upon receipt of such reports to take immediate action to support proposals designed to secure Iraqi acceptance in accordance with the following provisions (in the section on enforcement).

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*An attempt to commit the UNSC to support enforcement action in principle, while keeping open the possibility of further UNSC action. There is a risk in proposing it that those in favour of further Council decision before further military action, would use it to argue that we had accepted the principle, and accuse us of bad faith if we did not return to the Council.*

v) **Enforcement**

- Authorises a coalition of the willing to make preparations to assist UNMOVIC/IAEA in fulfilling their mandates including any measures necessary to ensure UNMOVIC/IAEA obtain immediate access and full co-operation as authorised above.

*This may be a non-starter. But the alternative, a UN run operation with an enforcement mandate, is likely to be even less acceptable.*

- Authorises the coalition to provide an armed guard for UNMOVIC/IAEA to assist the inspectors to fulfil their mandate in Iraq and to ensure protection of inspectors, their records and equipment etc.

*This is probably unachievable. The fallback would be to rely on having the coalition outside Iraq, ready to take action where necessary.*

- Takes note of the willingness of the United States to lead such a coalition and welcomes the United States' undertaking to report regularly to the UNSC on any action taken.

*The concept of a lead nation organising a coalition of the willing and reporting regularly to the UNSC is modelled on the arrangements for ISAF in Afghanistan*

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- Requests UNMOVIC/IAEA maintain close contact, as necessary, with the members of the coalition to ensure rapid coordination of their activities.
- Requires neighbouring states and other member states to provide to the coalition such necessary assistance as may be requested, including the provision of over-flight clearances and transit.

*Para 7 of SCR 1386 (ISAF), strengthened*

vi) **Humanitarian Measures**

- Reiterates the obligations of Iraq to facilitate the repatriation of Kuwaitis and to co-operate in this regard with the International Committee of the Red Cross, including by allowing them free access to individuals, records etc.

*Para 13 of SCR 1284, amended*

- Reaffirms the obligation on the government of Iraq to take all steps to facilitate the distribution of all humanitarian goods and services including by allowing UN agencies and other humanitarian organisation access to all areas and sections of the population.

*Para 27 of SCR 1284, amended*

- Decides that these humanitarian provisions will remain in effect after the suspension of sanctions, and decides that the UNSC will remain seized of the matter.

*This and the above humanitarian provisions are designed to ensure greater international transparency about conditions in Iraq and the behaviour of the Iraqi regime.*

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vii) **Other Provisions**

- Requires all states to provide any information to UNMOVIC/IAEA relating to Iraqi attempts since 1998 to acquire controlled items.

*An attempt to get more information about sanctions busting.*

- Requires member states to co-operate in offering any assistance to members of the Iraqi regime and others who may have information which would help UNMOVIC/IAEA fulfil their mandates.

*An attempt to encourage defectors by holding out the hope of safe havens*

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**Draft Elements for an UNSCR determining a material breach/flagrant violation of  
Iraq's obligations, plus ultimatum**

Preambular

- Recalling all its previous relevant resolutions on the situation in Iraq, notably resolutions 678 (1990) of 29 November 1991, 687 (1991) of 8 April 1991, 1205 (1998) of 5 November 1998, and 1284 (1999) of 17 December 1999.
- Gravely concerned that Iraq has not yet implemented numerous resolutions of the Council and in particular has failed to agree to the unconditional redeployment of inspectors from the United Nations Monitoring Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA).
- Noting with concern that recent contacts between the Government of Iraq, UNMOVIC and the Secretary-General have failed to yield an agreement on modalities for the unconditional deployment of UNMOVIC and IAEA inspectors to Iraq.
- Determined to ensure full and immediate compliance by Iraq without conditions or restrictions with its obligations under resolutions 687 (1991) and 1284 (1999) and other relevant resolutions.
- Recalling that the effective operation of UNMOVIC and the IAEA is essential for the implementation of resolutions 687 (1991) and 1284 (1999).

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- Acting under Chapter VII of the Charter of the United Nations

Operative

- [Affirms that the failure by Iraq to co-operate with UNMOVIC, in accordance with its obligations under the relevant resolutions, to allow unconditional and unrestricted access to UNMOVIC and the IAEA to any and all areas, facilities, equipment, records and means of transport which they wish to inspect in accordance with their mandates, as well as to all officials and other persons under the authority of the Iraqi Government whom they wish to interview, is a **material breach** by Iraq of its obligations under resolution 687 (1991) and other relevant resolutions;]

or

- [Condemns as a **flagrant violation** of resolution 687 and other relevant resolutions the failure by Iraq to co-operate with UNMOVIC, in accordance with its obligations under relevant resolutions, to allow unconditional and unrestricted access to UNMOVIC and IAEA to any and all areas, facilities, equipment, records and means of transport which they wish to inspect in accordance with the mandate of UNMOVIC; as well as to all officials and other persons under the authority of the Iraqi Government whom UNMOVIC wishes to interview so that UNMOVIC and IAEA may fully discharge their mandates;]

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*"Material breach" would be better than "flagrant violation".*

- Demands that Iraq immediately reverse this non-co-operation with UNMOVIC and the IAEA
- Reaffirms its full support for UNMOVIC and the IAEA in their efforts to ensure the implementation of their mandates under the relevant resolutions of the Council.
- Demands that Iraq allow UNMOVIC and the IAEA teams immediate, unconditional and unrestricted access to any and all areas, facilities, equipment, records and means of transport which they wish to inspect in accordance with their mandates, as well as to all officials and other persons under the authority of the Iraqi Government whom they wish to interview, so that they may discharge their mandates.

*Para 4 of UNSCR 1284*

- Declares that unless Iraq complies with this demand by [date], it will be clear that Iraq has no intention of complying with its obligations.

*An ultimatum could be used by others to argue for a further Council decision before military action is launched.*

- Decides to remain seized of the matter.

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