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Foreign &
Commonwealth
Office

London SW1A 2AH

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See David

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Iraq

As requested, I enclose advice covering:

- a wider range of possible UNSCRs and a game-plan for securing them. You should also have received a copy of Sir Jeremy Greenstock's letter of 3 September to Sir Michael Jay;
- a script on why the problem of Iraqi WMD was being treated differently from other WMD programmes;
- a note setting out the broader problem of WMD proliferation and the action we are taking to tackle it.

The Foreign Secretary will see these documents this evening on his return to the UK.

Yours sincerely,
Mark

(Mark Sedwill)
Private Secretary

Sir David Manning
10 Downing Street

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Iraq: UNSC Action

1. We have been giving further thought to the options for UNSC resolutions aimed at putting pressure on Iraq and preparing the ground for enforcement action. There are 3 possible approaches listed below:

a) UNSCR specifically authorising the use of force

2. The key elements of such a resolution would be:

- Affirmation that Iraq had ignored UNSC demands and failed to comply with relevant UNSCRs (in particular ~~678~~ and 1284).
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 - Confirmation that Iraq's behaviour, in particular, its possession of WMD contrary to relevant UNSCRs constituted a threat to international peace and security.
 - Authorising, under Chapter VII of the UN Charter: a coalition of the willing to take "all necessary measures" to ensure Iraqi compliance with the UNSC's demands. This would be standard language authorising the use of force. Ideally, the resolution would take note of a letter from the US expressing its willingness to lead such a coalition. But this would not be essential.
3. Such a resolution would provide an unambiguous justification for the use of force. But it would be immensely difficult to negotiate. Prospects would improve only if there were a recent and flagrant example of Iraqi non compliance.

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b) UNSCR determining a flagrant violation or material breach by Iraq of previous UNSC resolutions

4. The key elements of such a resolution would be:

- Re-affirmation of UNSC support for UNMOVIC/IAEA and for disarming Iraq of WMD.
- A determination that Iraq's failure to co-operate with UNMOVIC etc constituted a material breach or flagrant violation of relevant resolutions, particularly ~~678~~.
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- A call on Iraq to co-operate fully with UNMOVIC/IAEA.
- Possibly, an ultimatum giving Iraq a specific time to demonstrate its willingness to co-operate, though the warning to Iraq could be implicit without it.

5. Assuming that Iraq did not co-operate, such a Resolution could be argued to provide sufficient grounds for the use of force by UN member states, on the basis that it revived the authorisation to use force given in SCR 678 (for Desert Storm). Inclusion of "material breach" would be better legally than "flagrant violation". In 1998 we argued that a similar resolution, including a reference to flagrant violation, was a sufficient legal basis for Desert Fox, although there was some criticism of our action.

6. Such a resolution would undoubtedly be easier for UNSC members to support than one which explicitly authorised all necessary measures, although many would recognise it for what it is, and take up positions accordingly.

c) UNSCR calling for re-admission of inspectors with tight timetable, more intrusive powers etc

7. The key elements would be:

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- Re-affirmation of UNSC support for UNMOVIC/IAEA and for disarming Iraq of WMD.
 - A demand for Iraq to allow immediate and unconditional access to all facilities, equipment and records etc.
 - Affirmation that UNMOVIC/IAEA would have more intrusive powers than before, ie no special arrangements for presidential sites, no prior notification of inspections, new protection arrangements for Iraqi defectors.
 - Possibly, provision of armed support for UNMOVIC, although this would be very difficult, if not impossible, to negotiate.
 - Tight timetable for Iraqi compliance and for UNMOVIC reports. These might focus on:
 - i) confirmation that Iraq was providing full access
 - ii) confirmation of the key disarmament tasks
 - iii) establishment of on-going monitoring and verification of Iraq's capability
 - UNSC commitment to take action if UNMOVIC report that Iraq is not co-operating. (It would obviously be preferable to have automatic authorisation of the use of force for this eventuality, but the Russians and others would be likely to insist on a separate decision when that point is reached - see below).
8. Such a resolution would demonstrate the UNSC's willingness to give Iraq one last chance. But there would be pressure from some members of the Council to keep to the timetable outlined in UNSCR1284, which gave UNMOVIC months rather than weeks to report full Iraqi compliance. The UNSC would have to accept tight criteria for determining whether Iraq was co-operating so as to ensure that there would be no return to Iraq playing cat and mouse with UNMOVIC. Some on the

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Council might worry that UNMOVIC's judgement would be too subjective,

9. A specific authorisation to take further measures will be difficult to negotiate at any point. We would be unlikely to secure language which provided clear justification for future military action without further recourse to the UNSC. We will come under pressure, in particular from the Russians, unless squared, to settle for weaker language, affirming the UNSCs determination to give further serious consideration to follow up action. A failed attempt in this area would be damaging. For this reason, it would be wise not to go for the hardest option.

Prospects and Pitfalls

10. It will be difficult to negotiate any resolution which implicitly or explicitly authorises the use of force without clear Iraqi provocation. Nevertheless, the prospects are better now than they were a year ago, owing partly to the greater expectation of US military action and partly to the shift in the French position who now seem willing to support the use of force provided there is some UNSC authorisation.
11. It is the Russian attitude which will be pivotal. Many doubting members of the UNSC will shelter behind them. We are unlikely to be able to convince the Russian MFA. The Russians might be open to the argument that the US intend to take action with or without UNSC approval and that the only way for Russia to exercise any influence, or to have any place in a new Iraq, would be to support an authorising UNSCR.
12. The Chinese and some other UNSC members will be nervous about setting a precedent for what may look like regime change. They will want to be assured that Iraq is a special case, given the long history of its refusal to accept UNSC demands. But if Russia and France raise no objections, we would expect the Chinese to abstain.

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13. If the P5 are willing to support a text, most of the non-permanents will probably fall into line. But their support should not be taken for granted. Any resolution will need 9 positive votes. At the right time we will need to be able to share our arguments and information with them – particularly with the European members, Ireland and Norway.
14. Even if the Russians etc can be persuaded to support, they may demand a price. They may want to give Iraq a good opportunity to demonstrate compliance and they may want the UNSC to hold out a realistic promise of early sanctions lift. This line is likely to appeal to some UNSC members and will need careful handling. If we chose to argue against giving Iraq this opportunity we would need to point out that there was nothing in Iraq's recent behaviour to suggest that UNMOVIC would have any more success than UNSCOM.

Triggers

15. In 1998 Desert Fox was preceded by Iraq's decision to suspend co-operation with UNSCOM and a series of resolutions underlining the deterioration in Iraq/UNSC relations. The prospects of any resolution which sought to authorise use of force would be greatly improved if there was a similar trigger. The best trigger would be if Iraq were to be caught out taking action in clear violation of UNSC demands. For example, if we were to get new evidence of an egregious attempt by Iraq to re-build its WMD programme, eg by seeking to import specific items in violation of sanctions. But it is unlikely that Iraq will play into our hands in this way.
16. The next best trigger would be to adopt a resolution demanding more intrusive inspections (option c above) in the expectation that Iraq would not co-operate. In this case, Iraq's refusal to let UNMOVIC in or a subsequent report from UNMOVIC of Iraq's failure to co-operate would suffice.
17. Even without a specific trigger for a resolution, we might argue that the UNSC's patience had run out, nearly 12 years after the creation of UNSCOM. Since then, there have been repeated attempts to persuade Iraq to co-operate. An important effort was made in SCR 1382 to devise a more streamlined sanctions regime: the

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first anniversary of the adoption of this resolution (on 29 November) might be a useful opportunity to focus minds.

An Ultimatum

18. Various types of ultimatum in a resolution are possible. They would need to be linked to demands for the re-admission of inspectors, and Iraqi co-operation with them. Some options would include deadlines for UNSCOMs re-admission, or for it to report on Iraqi co-operation, or for it to report that WMD programmes had been destroyed. But a demand on Iraq to comply with SCRs 687 and others, would not necessarily require an explicit deadline in the absence of an Iraqi move to comply within a reasonable (but short) period, they would be in clear violation.

The Way Ahead

19. The first step must be to share our thinking with the US. Thereafter the Americans will need to take action with the Russians and Chinese. This would be better in capitals rather than in New York where such consultations might leak. We could undertake to talk to the French. (UKMIS New York advise that realistically only the second approach outlined above offers any chance of success).

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Why is the problem of Iraq's WMD being treated differently?

There are WMD programmes in a number of countries which cause us concern (see separate note). But there are particular concerns about Iraq's WMD programmes. Since Iraq's persistent obstruction forced the UN Inspectors to leave in 1998, Iraq has maintained its chemical and biological weapons programmes, and is developing ballistic missiles capable of delivering them to targets beyond the 150km limit imposed by the UN for defensive missile systems.

The key differences between Iraq and countries such as Iran or North Korea are that:

- Saddam has used WMD, against Iran and against his own people; UNSCOM uncovered the scale of his WMD programmes;
- Iraq has been shown to have broken every commitment it has ever made under the NPT and BWC (it is not a member of the CWC). That is not true of the others;
- Iraq, unlike the others, is subject to 14 UN Security Council obligations specifically relating to its WMD and missile programmes. It is in flagrant violation of all of them (and also of nine of the remaining 13 obligations on other aspects).

But our approaches to Iraq and to other governments with WMD programmes of concern are fundamentally identical. We engage the governments concerned, politically and diplomatically, bilaterally and through the UN and relevant international bodies such as the IAEA, to persuade them to comply with their international non-proliferation obligations. We also exert pressure on them through efforts – nationally and with partners in the various export control regimes – to block their access to sensitive materials and technology relevant to WMD and missiles.

That is precisely what we have also tried to do with Iraq for almost 12 years. The difference is that in the case of Iraq the diplomatic route has been constantly obstructed by Saddam's intransigence and duplicity, and has been blocked altogether since Inspectors left in 1998 – leaving us no alternative but to consider other options.

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PROLIFERATION OF WMD: THE WIDER CONTEXT

INTRODUCTION

1. Iraq's efforts to develop Weapons of Mass Destruction are only a part of the wider problem of the proliferation of WMD and long-range missiles. We assess that at least a dozen countries are pursuing active WMD programmes – almost all of which are also seeking missiles which would breach the parameters of the Missile Technology Control Regime (MTCR). But not all are of equal security concern to the UK. We have identified priorities for counter-action as:

- **Iraq, Iran, North Korea, Libya and Syria** (as the most likely to pose a threat to the UK, our allies or deployed UK forces);

An additional increased concern since 11 September 2001 has been the risk that **international terrorists** will obtain WMD.

2. We have identified the main elements of the counter-proliferation toolbox as international treaty regimes (particularly when underpinned by effective verification measures); multilateral and national export controls; economic measures; interception of WMD-related shipments; technical and other disruption operations against specific programmes; co-operative threat reduction projects (of the sort promoted at the G8 Summit); incentives (such as deployed by the US with North Korea); and - as the last resort when legal political and military conditions are right - direct military action.

3. Not all these tools are relevant to every proliferator: we need to deploy them in a targeted way. The objective in each case is to affect the cost/benefit calculation which each proliferator must make – however crudely - before deciding to pursue WMD. To that extent other policies, while not directly part of the toolbox, can also play a part in deterring proliferation. Thus, widespread deployment of an effective missile defence could affect the status of ballistic missiles as the WMD delivery system of choice for rogue states. Successful progress in resolving regional disputes may also remove incentives to pursue WMD (though this should not be exaggerated).

Iran

4. Our main concern is the nuclear programme. We assessed in 2001 that the key vulnerabilities were technical (reliance on external supplies and

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expertise, notably from Russia) and to direct attack. Since then, the dependence on Russian expertise has reduced – it is unlikely that a withdrawal of Russian cooperation from Busheyr would now significantly delay the Iranian weapons programme (though the political impact would be considerable).

5. Since early 2001 we have been discussing with the US in detail ways to ensure that IAEA safeguards pose the maximum possible obstacle to Iranian exploitation of their *declared* nuclear sites for weapons purposes. We had also begun to discuss the option of triggering an IAEA special inspection of an *undeclared* Iranian site, when the time was right. But our hand may have been forced early by specific allegations last month from an Iranian opposition group about covert nuclear sites in Iran. We are now working closely with the US to ensure that the IAEA follow-up to these claims produces the maximum embarrassment to Iran.

6.

Libya

7. Our main concern is the nuclear programme. So long as we have not identified any key sites in Libya, the crucial vulnerability remains technical: we doubt that the Libyans could make progress if their source of external expertise and material was eliminated. While Qadhafi is seeking to rejoin the international community (including through dialogue with HMG) and would be anxious to avoid renewed sanctions, we have yet to see any signs that this has affected his pursuit of WMD, despite some pointed warnings from the UK.

8. We had significant successes in 2001 in intercepting supplies for the Libyan missile programme, in cooperation with the US and two EU partners. We have also had detailed discussions with the US on diplomatic on ways to undermine the Libyan nuclear programme
US policy remains undecided.

North Korea

9. Our main concerns are the nuclear and long-range missile export programmes. We have examined DPRK vulnerability to interruption of external supplies, and to interception of export shipments. In both cases

10. We assessed in 2001 that the DPRK might respond to political, diplomatic and economic incentives. This was the rationale behind the Clinton Administration's policy of constructive engagement. While not wholly abandoning that policy, the Bush Administration has also not pursued it with any enthusiasm – US/DPRK dialogue is marking time. We have made clear that if we can help, we stand ready to do so. We have taken some small steps to promote contacts between the North Koreans and the IAEA. And we are actively looking at ways to exploit our own developing diplomatic channels to

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Pyongyang in order to draw the North Koreans back towards compliance with the NPT obligations.

Syria

11. Missile and CW programmes are of most concern, although it is questionable whether they pose a real threat to the UK – they are intended as a deterrent against Israeli conventional and nuclear capabilities. We have identified very few vulnerabilities, other than to interruption of some external supplies.

South Asia

12. A different problem. Nuclear and missile proliferation has already happened in India and Pakistan: the prime need is to ensure that the weapons are not used; then to ensure that they do not fall into the hands of terrorists and that there is no onward proliferation of materials and expertise. We have had a close dialogue with the US on these issues since mid-2001.

13. The problem of onward proliferation from Pakistan is particularly serious. The Prime Minister raised it with Musharraf in guarded terms in October 2001; the Foreign Secretary would have repeated this warning if he had seen Musharraf in July. We aim to take the next opportunity – perhaps at the UN in September – to try again.

Russia and China

14. The US have far more leverage with both Russia and China on these issues than we do, and are firmly in the lead. In the case of **Russia** we have consistently supported US expressions of concern, particularly over assistance to Iran.

15. In the case of **China** the US have taken a generally confrontational approach, deploying the stick of economic sanctions against Chinese companies.

; the Americans respond that this is short-term, and only by forcing the Chinese government into a fundamental change of attitude will the problem be solved on a lasting basis.

EXPANDING THE COALITION

16. We are keen to raise awareness of the WMD and missile threat beyond the US/UK partnership, to draw others into closer cooperation in countering the threat. But we have directed our main efforts over the past year at key EU partners – particularly the **French** and **Germans**.

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CONCLUSIONS

17. We have achieved our initial objective when we engaged the Bush Administration last year – the Americans look to the UK as the partner of choice in countering WMD and missile proliferation. We are doing useful work with them on Iran and Libya, on promoting nuclear stability in South Asia, and increasingly on the other problems emerging from Pakistan. We have had some specific operational successes. But at the strategic level this activity still lacks a cutting edge. And, while telling us that they accept the “toolbox” concept and agree that all its elements have value, the US Administration is clearly more interested in deploying tools at the robust end of the spectrum – “naming and shaming”, economic sanctions, interception and other forms of direct action – than in diplomatic processes to strengthen the treaty regimes or build wider multilateral consensus against proliferation.

NPD, FCO
27 August 2002

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