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Foreign &  
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Dear Matthew

Iraq: Ultimatum

Further to your letter of 24 July we have been working on how to get the Security Council to issue some sort of ultimatum ahead of any military action.

We have thought about the form an ultimatum might take. To carry conviction it would have to be couched as a Chapter VII Security Council resolution deciding that Iraq is in "flagrant violation of SCR 687 and other relevant resolutions", and calling on Iraq to allow "immediate, unconditional and unrestricted access to any and all areas" (SCR 1284) by [date]. I enclose a note of the sort of elements we might work into such an SCR.

There are likely to be formidable obstacles to overcome, unless there was convincing evidence of a greatly increased threat from the Iraqis. On present policies, other members of the P5 are likely to reject the approach for different reasons.

The US vigorously assert the right of individual Member States to determine whether Iraq has breached the ceasefire set out in UNSCR687, irrespective of whether the Council has made such an assessment; and would argue against establishing an ultimatum which they would see as interfering with that right. They would also argue that faced with a credible ultimatum Iraq would make a show of cooperation to secure a delay, muddy the waters and split the Council; but having allowed in the UNMOVIC and IAEA inspectors would then restrict their access to facilities.

If the US were to accept the idea of an ultimatum, Russia and China would, as their policies stand at present, reject it. They would see it as a precursor to military action. The US might be able to win over the Russians; an unavoidable first step would be to reconcile Putin to military action. The Chinese might then follow. But that would still leave the French to be brought on board. They too would be highly suspicious if they thought the purpose of an ultimatum was to legitimise military action rather than get the Inspectors in.

We have also considered whether, if the Americans refused outright to countenance such an SCR or we then failed to persuade the Russians, Chinese and French, there might be merit in the alternative of a bilateral US/UK ultimatum on the model used before the start of hostilities in Afghanistan. This might be a useful

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manifesto of our aims for use with sceptical governments and public opinion. But it would have no legal force.

Nor is this option risk-free. Such an ultimatum might provoke opponents (perhaps Russia) to seek a resolution condemning it and any subsequent action. They might well argue that since we are not claiming to be acting in self-defence under article 51 of the UN Charter (as we were in Afghanistan), a US/UK ultimatum would amount to a threat of the use of force, breaching article 2(4), which prohibits this. At that point, we would need to lobby hard and fast to dissuade non-permanents from supporting such a resolution; and might find ourselves having to veto, leaving us worse off than if we had not tried this route at all.

In either event, an essential first step will be to sound out the Americans, on which we are now putting action in hand.

We are also reconsidering additional UN routes to put pressure on Iraq to comply with its SCR obligations and/or close sanctions loopholes. For example, we could revisit the idea of a travel ban for senior Iraqi officials or propose new measures to screen Iraqi borders. Such proposals, though likely to fail, would at least help us demonstrate that we have tried to use the UN route. And if they succeeded, we would benefit from increased pressure on the Iraqi regime. We would also buy time.

We are, finally, giving further thought to what more we might be able to do to convince Security Council, EU and other governments that Saddam represents a clear and present danger. The Cabinet Office paper, when the right time comes for its release, will clearly be an important element of this. But we shall also consider what, if anything, we may be able to pass privately to selected governments even ahead of that.

I am copying this letter to Peter Watkins (MOD) and to Ian Fletcher and John Scarlett (Cabinet Office).

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Principal Private Secretary

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**Elements which might be incorporated in an SCR embodying an ultimatum to Iraq**

- recalling all previous relevant resolutions on Iraq, notably 678 (1991), 687 (1991), 1205 (1998) and 1284 (1999);
- gravely concerned that Iraq has yet to agree to the unconditional redeployment of the UNMOVIC and IAEA inspectors;
- noting with alarm the persistent non-co-operation by the Government of Iraq in its meetings with UNMOVIC and the Secretary General, leading to the failure to reach agreement in Vienna on 4/5 July for UNMOVIC deployment to Iraq;
- determined to ensure full and immediate compliance by Iraq without conditions or restrictions with its obligations under resolution 687 and 1284;
- recalling that the effective operation of UNMOVIC and the IAEA is essential for the implementation of resolution 687 and 1284;
- acting under chapter VII of the charter of the United Nations;
- 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;
- demands that Iraq reverse this non-co-operation with UNMOVIC and 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 should allow UNMOVIC and 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 the mandate of UNMOVIC and IAEA, as well as to all officials and other persons under the authority of the Iraqi Government whom UNMOVIC and IAEA wishes to interview so that UNMOVIC and IAEA may fully discharge their mandates;
- declares that unless Iraq complies with this demand by [date], it will be clear that Iraq has no intention of complying with its obligations.

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