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09 APRIL 2002

PRIME MINISTERYour Commons' Statement

1. I am glad you have decided to make this statement. I am sure it is the right move. Five points for it:

A. Substantive Motion On Any Military Action

2. In an earlier minute, I argued that we should agree that any military action in Iraq would be decided in the Commons on a substantive motion, not on the adjournment. This is now quite a point of principle with many in the PLP. I suggest you concede it on Wednesday, either at the PLP meeting, or in the House, or both.

3. There is no good argument the other way:

- there was a substantive motion on the Gulf in 1991.
- If we have substantive motions on everything else - as we do - (including killing foxes), on what basis do we refuse a substantive motion on this?
- A substantive motion will lead to a lower vote against the government: more will vote against if the vote is on the adjournment - not least out of pique.

B. International Law

4. The shift of focus on to the re-admission of weapons inspectors is very welcome and will greatly help in making the argument for military action if (as I suspect) Iraq fails properly to comply. But this also draws us, and the US, inexorably into questions of cover in international law for any such military action. The Attorney General has recently written expressing serious doubt that any existing UNSCR will provide

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sufficient cover (as was the case with Desert Fox in 1998). My strong advice is not to get pinned down on the question, either way, of whether a new UNSC mandate would be needed for military action. At the same time, you should readily acknowledge that the UK has always operated within the framework of international law.

C. Security Council Texts and Sanctions

5. A new, so-called "smart" sanctions resolution (though I advise against that word - better to use "more focused") will be up before the Security Council at the end of May. It should bring into operation the principle of the Goods Review List we finally agreed with the Russians in December. I have asked for work on whether we would be able to strengthen this resolution (and still gain the agreement of the Russians) in respect of weapons inspectors.

D. Document on Iraq

6. Given what has been in the press about the aborted preparation of this document, you should be ready tomorrow to say we shall produce one "shortly" (weeks not days). We can certainly get something out pretty quickly.

E. The now famous EDM signed by 150+ members of PLP

... 7. It is worth reading the terms of the EDM - attached. It gained this support because it spoke of no military action "at this time"; and called for UN weapons inspectors to go back.

(JACK STRAW)

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