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Simon

Peter Ricketts

Iraq: Foreign Secretary's Conversation with the Attorney-General,
18 October

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The Attorney-General telephoned the Foreign Secretary on 18 October. He explained that the latest draft SCR, in current circumstances, did not provide legal authorisation for the use of force. He and the Foreign Secretary discussed the political tactics necessary to persuade the US to take the UN route and to build a consensus in the Council for a tough resolution. The Attorney said he was comfortable with what had been said publicly so far. He noted the Prime Minister's assurance to Bush that we would participate in military action should the Security Council route fail, but took the Foreign Secretary's point that to maintain influence over the American approach, we had to demonstrate to them that we stood shoulder-to-shoulder. The Foreign Secretary reassured the Attorney that both he and the Prime Minister had explained our legal position to Powell and Bush who understood the constraints.

The Attorney was particularly concerned that discussions within Government should take full account of the legal issues. The Foreign Secretary agreed. He had made the same point.

The Foreign Secretary explained that, unless circumstances changed, he accepted that we would need a second resolution to authorise the use of force, but reiterated that, tactically, we should not commit ourselves to this externally yet. He also pointed out to the Attorney that he could envisage circumstances in which it might be possible to take action without specific Security Council authority. Obviously the Government would need the Attorney's advice should that situation arise.

The Attorney said he planned to see the Prime Minister next week. He and the Foreign Secretary agreed to keep in touch.

Mark Sedwill

18 October 2002

(Mark Sedwill)

cc: see overleaf

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