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PRIME MINISTERIraq: What if We Cannot Win the Second Resolution?Summary

1. If we cannot gain nine votes and be sure of no veto, we should not push our second resolution to a vote. The political and diplomatic consequences for the UK would be significantly worse to have our second resolution defeated (even just by a French veto alone) than if we camp on 1441. Kofi Annan's comments last evening have strengthened my already strong view on this. Getting Parliamentary approval for UK military action will be difficult if there is no second resolution: but in my view marginally easier by the strategy I propose.

2. We also need to start working up a Plan B for our armed forces if we cannot be sure of the Commons' approval for their inclusion in the initial invasion of Iraq.

Detail

3. In all our public comments on the possible outcomes of the current round of negotiations on a second resolution, we have kept our options open on what we should do in the event that the resolution does not carry within the terms of the charter. This has been the correct thing to do.

4. In private we have speculated on what to do if we are likely to get nine votes, but be vetoed by one, two or three of the P5.

5. In earlier discussions I had warmed to the idea that if we had nine votes and faced a French veto only then it might be

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worth pushing the issue to a vote. However, the more I have thought about this, the worse an idea it becomes.

6. The advice in the note is predicated on only France vetoing. I think that in practice this is less likely than two or even three vetoes.

Upsides

7. The upsides of defeating the veto have been well aired. They are that , and show that at least we had a "moral majority" with us.

from the vote unless it was clear that France would veto, and we could announce who would have been with us had it gone to a vote.

Now for the downsides

8 (i) The intensive UN focussed debate on Iraq over the past five months shows how much faith people have in the United Nations as an institution. In my judgement, far from having a "moral majority" with us (on nine votes but veto) we will lose the moral high ground if we are seen to defy the very rules and charter of the UN on which we have lectured others (eg Saddam) and from which the UK has disproportionately benefited. How would we answer the charge of hypocrisy that in holding Saddam to his own obligations we were breaking ours? The best, least risky way to gain a moral majority is by the "Kosovo route" - essentially what I am recommending. The key to our moral legitimacy then was the matter never went to a vote - but everyone knew the reason for this was that Russia would have vetoed. (Then, we had no resolution to fall back on, just customary international law on humanitarianism; here we can fall back on 1441.)

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(ii) Article 27 - on voting in the Security Council with its provision for what, (in EU jargon) amounts to a special qualified majority, was put into the Charter with our full agreement, as one of the leading nations in the foundation of the UN and in the drafting of the Charter itself. The veto is there for a purpose - to achieve a consensus. In truth, I do not think we can sustain an argument (politically, leave aside legally) that a distinction can be made between a "reasonable" and "unreasonable" veto. This is a completely subjective matter. The point is that each member of the P5 has a right to a veto - why, in this case, should say France's exercise of its veto be any less reasonable than ours on some other issues. Overall the UK has used the veto 32 times, France only 18 times. The last time the UK used its veto was in 1989, defending the US against hostile resolutions on Panama, and the shooting down of Libyan aircraft. The last time the UK used its veto alone was in 1972 (over Southern Rhodesia).

(iii) At present, the formal position in the Security Council is 1441, adopted by unanimity, which provides that the Council will "convene immediately ... in order to consider the situation and the need for full compliance with all of the relevant Council resolutions in order to secure international peace and security". The three recent meetings of the Council at Ministerial level more than fulfil the requirement for immediate consideration of reports of non-compliance. So we can say convincingly that the process set out in 1441 is complete. If we push a second resolution to a veto, then the last word on the Security Council record is a formal rejection of a proposal that Iraq has failed to take its final opportunity.

9. In my judgment, it will be more compelling in Parliament and with public opinion to take our stand on the basis of 1441, and the overwhelming evidence that Iraq has not used the

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four months since then to cooperate "immediately, unconditionally and actively". The latest UNMOVIC document is a material help in making that case.

10. All this also fits in with Kofi Annan's important statement yesterday. (See attachment A). I read this essentially as a gypsies' warning not to try and then fail with a second resolution. If the last current act of the Security Council on Iraq is 1441, we can genuinely claim that we have met Kofi's call for unity and for acting within (our interpretation of) the authority of the Security Council.

Plan B

11. We will not be able finally to decide on what we can get through the PLP and the Commons until Security Council deliberations have concluded with or without a vote, tomorrow or Thursday. If we get a second resolution (unlikely) fine. If not, then we will first have to assess whether we can get a majority in the PLP/House. I sensed yesterday that sentiment might be shifting our way; but we would need to be very clear of the result before putting down a resolution approving military action. We could not possibly countenance the risk of a defeat - leaving the UK troops in the Gulf without any mandate, the British government without a Prime Minister (and a completely unnecessary political crisis on our hands

). But it need not be disaster for you, the government, and even more important for our troops, if we cannot take an active part in the initial invasion. provided we get on the front foot with our strategy.

12. I am aware of all the difficulties of the UK standing aside from the invasion operations, not least given the level of integration of our forces with those of the US. But I understand that the US could if necessary adjust their plan rapidly to cope without us. In these circumstances, we could nevertheless offer them a major UK contribution to the overall

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campaign. In addition to staunch political support, this would include:

- intelligence cooperation;
- use of Diego Garcia, Fairford and Cyprus, subject to the usual consultation on targeting;
- as soon as combat operations are over, full UK participation in the military and civilian tasks, including taking responsibility for a sector and for humanitarian and reconstruction work. We could also take the lead in the UN on securing the Security Council resolution to authorise the reconstruction effort and the UN role in it which the US now agree is necessary. "

13. We will obviously need to discuss all this, but I thought it best to put it in your mind as event could move fast. And what I propose is a great deal better than the alternatives. When Bush graciously accepted your offer to be with him all the way, he wanted you alive, not dead!

JACK STRAW

Foreign and Commonwealth Office
11 March 2003

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