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From: LEGALADV - Only
Sent: 18 March 2003 03:29
To:

Subject: FW: INFO: OO NYMIS/FCOLN 464: IRAQ: RESOLUTION: PART ONE

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DTGM: 180256Z MAR
Message To: FCOLN
MessageFrom: NYMIS

From: LEGADV
Sent: Tuesday, March 18, 2003 3:28:37 AM
To: LEGALADV - Only
Subject: FW: INFO: OO NYMIS/FCOLN 464: IRAQ: RESOLUTION: PART ONE
Auto forwarded by a Rule

From: Swift Incoming Telegrams (Machine 1)
Sent: Tuesday, March 18, 2003 3:28:37 AM
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MDDPAN 0226 ZILNAN 4709
RESTRICTED
OO FCOLN
FM NYMIS TO FCOLN
180256Z MAR
GRS 1605

RESTRICTED
FM UKMIS NEW YORK
TO IMMEDIATE FCO
TELNO 464
OF 180256Z MARCH 03
INFO IMMEDIATE ANKARA, CABINET OFFICE, CANBERRA
INFO IMMEDIATE EU ENLARGEMENT POSTS, EU POSTS, GULF POSTS
INFO IMMEDIATE KUALA LUMPUR, MIDDLE EAST POSTS, MODUK, NEW DELHI
INFO IMMEDIATE OTTAWA, PRETORIA CAPETOWN, SECURITY COUNCIL POSTS
INFO IMMEDIATE SEOUL, TOKYO, UKDEL NATO BRUSSELS, UKMIS VIENNA
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PART ONE OF TWO

SUBJECT: IRAQ: RESOLUTION: PART ONE

SUMMARY

1. On behalf of the co-sponsors, I make clear that we will not be pursuing a vote on our Iraq resolution, pinning the blame on the French determination to veto "no matter what the circumstances".

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Subsequent Council consultations are muted and sombre. France, Germany and Russia continue to push for an open Council meeting to consider and approve the 1284 work programme which their Ministers could attend - this is agreed for 19 March. Annan announces the withdrawal of inspectors and other UN staff from Iraq.

DETAILS

2. 17 March saw events coming to something of a sombre climax in the Security Council, given more atmosphere by the holding of informals in the main chamber (because of repair work in the smaller room).

3. After a brief meeting in USUN, Negroponte (USUN), Arias (Spain) and I walked together to the 10am informal Council meeting. With the co-sponsors by my side I delivered to the large press contingent the statement in MIFT, making clear that we would not be taking the draft resolution to a vote. I highlighted the particular role played by France - without naming her - in making agreement impossible. I reserved the right of the co-sponsors to take their own steps to secure the disarmament of Iraq. There were some pale faces in the French delegation in response to my announcement. Sabliere (France) taking the microphone shortly afterwards said that the French position reflected the majority view in the Council. He flung this at me personally when we passed each other in the Chamber.

4. The subsequent Council meeting was a downbeat and rather surreal affair. Traore (Guinea, President) said we should discuss two issues (a) the French/German/Russian suggestion for a Ministerial level meeting; (b) the US suggestion that inspectors should withdraw from Iraq. On the former, all delegations, bar France, Germany, and Russia, could not confirm whether their Foreign Ministers would attend. On the latter, all delegations supported the Secretary General (SG) in any decision he chose to take on evacuation, though Lavrov was only willing to "take note" of such a decision.

5. Lavrov (Russia) said that the 15 March statement by the Ministers of France, Russia and Germany spoke for itself. Inspections were actively underway and yielding results. He noted recent steps by Iraq on substance about which he wanted to hear more from Blix. He also wanted an update on the work programme which the Council should consider at Ministerial level and approve. That meeting should take place either on the afternoon of 18 March or morning of 19 March. He understood that he was talking against a backdrop developing beyond the range of the Security Council - Russia took a different approach based on the concrete facts that disarmament was working.

6. I confirmed in summary what I had said just before the Council meeting. I regretted that it was not possible to find a way forward on an ultimatum that would both put pressure on Iraq to take the strategic decision to disarm and maintain inspections as the tool. I noted that we reserved the right to take steps that would deliver disarmament. While the prospects for peace were very slim, it was still possible even at this late hour for Saddam to take a strategic decision and the actions that would prove such a decision. In the circumstances, our national advice to UNMOVIC/IAEA and UN staff was that it would be prudent to suspend inspections and for staff to withdraw immediately. I looked forward to the day when UNMOVIC/IAEA could again play a role in Iraq with a genuinely co-operating Iraqi administration. I said that, we remained interested in the 1284 work programme against the background of the slim possibility of a strategic decision by Iraq. You would not be available for a Ministerial meeting, should you chose to attend, before 19 March, and then with difficulty.

7. Negroponte (USUN) agreed with my statement. Given the threat of a veto there had been no purpose pursuing the resolution any further. He said the US had undertaken to give UNMOVIC/IAEA advance warning of when it would be necessary to evacuate their personnel. They had given that warning the previous evening and recommended expeditious action. War was not imminent but it would not be possible to give further notice.

8. Sabliere (France) said he had thought that the morning's meeting would be discussing the possibilities for peaceful disarmament only to find the resolution publicly withdrawn before it had even started. The co-sponsors has said that one delegation in particular - he believed his own - had been unwilling to agree. At a time when inspections were making progress and peaceful disarmament in a limited time seem possible his delegation had indeed made clear it would oppose a resolution authorising force. But it was not a veto when the co-sponsors did not have a majority - it was a straight no. The situation was serious but we should continue to work for even the slightest likelihood of a peaceful outcome. Against that background the Council should consider and approve the work programme and key tasks at its upcoming ministerial meeting. This meeting would allow for a final discussion. It was up to the inspectors to set the timetable for carrying out that work programme - if they said a month was necessary, France could live with that. In accordance with 1441 the Council would then evaluate the situation. Automaticity was difficult for the French as for the majority as it allowed for the use of force without a Council decision. We should continue to work for peaceful disarmament - the basis supported by the majority of delegations and of the world.

9. Pleuger (Germany) said that my disappointment was shared by Council Members who wanted peaceful disarmament. What most in the Council had wanted was a solution on the basis of 1441 and 1284 - it was not justified to say the Council was going outside 1441. They wanted to see the work programme discussed by Ministers and approved. As there was not much difference between the UK proposal and the key tasks, it could, even at this late hour, lead to consensus.

10. Arias (Spain) concurred with what I had said. He noted that without UK/US military pressure the inspectors would not have gone back in the first place and without an ultimatum mere language would not deliver disarmament. While Sabliere had said that the co-sponsors did not have the votes, this was an interpretation not a certainty. The certainty was that one delegation - the French - had said that whatever the circumstances it would veto.

11. Wehbe (Syria) said we have reached a state of complete deterioration. There was another course that could have led to peaceful disarmament. Iraq had been co-operating. He agreed with Lavrov that the Council should consider the key tasks and make every last effort for peace.

12. Wang (China) said that if our withdrawing the resolution signalled a push to war, this was very regrettable. Avoiding war was in the interests of all sides. China would fully respect the decision of the SG on the withdrawal of staff.

13. Valdes (Chile) said he shared the profound frustration on this sad day. He continued to believe that inspections and the persistent threat of force could have achieved peaceful disarmament. Chile had made a proposal along the lines in the UK compromise and designed to bridge the gap between the different parties. That proposal was rejected within half an hour (comment: a reference to the US sitting on it). The Council should not recriminate but shoulder its great responsibilities in the coming

hour. Zinser (Mexico) gave a rambling intervention expressing pessimism and sorrow. Mexico's constitution underlined the need for the peaceful settlement of disputes. There was no justification or implicit authorisation for the use of force. The Council could not relinquish its responsibilities and should take a decision by unanimity or a majority.

14. Tafrov (Bulgaria) said it was a sad day for the UN. He was not optimistic, but remained open to any initiative that might restore unity. Gaspar Martins (Angola) said his delegation had always believed that all alternatives should be exhausted before war. Unfortunately, this now appeared to be the case. He paid tribute to my efforts to find a compromise. If the ministerial was just one more meeting we should let things calm down first. If it could help find a way forward, even at this late hour, that was another matter. Belinga-Eboutou (Cameroon) appealed for dialogue, saying the failure to agree was a disservice to multilateralism and the Council. The draft "undecided six" (U-6) presidential statement had been rejected even before it had been submitted to U-6 Ambassadors. It would have been a platform for compromise and, to their minds, remained on the table. We should not rule out miracles. Traore (Guinea, President) speaking in his national capacity said he also hoped for a miracle and would continue contacts. Akram (Pakistan) said it was clear and unfortunate the Council was at an impasse. We should continue to explore all possible approaches for a unified Council. The Council should accept the work programme and continue to appeal for a positive response from Iraq, even at this late stage.

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IRAQ/KUWAIT		13
MENAD	0	
RESIDENT CLERK		0
CONSULAR D	0	
EMERGENCY UNIT		0
PROTOCOL D//PALACE		0

ADDITIONAL 1

.IRAQ/KUWAIT		0
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ATT GEN//C ADAMS		1
BANKE	0	
BTI1	0	
BTI2	0	
CAOFF1	0	
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From: LEGALADV - Only
Sent: 18 March 2003 03:33
To:

Subject: FW: INFO: OO NYMIS/FCOLN 464: IRAQ: RESOLUTION: PART TWO

Classification: RESTRICTED
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Message To: FCOLN
MessageFrom: NYMIS

From: LEGADV
Sent: Tuesday, March 18, 2003 3:33:20 AM
To: LEGALADV - Only
Subject: FW: INFO: OO NYMIS/FCOLN 464: IRAQ: RESOLUTION: PART TWO
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MDDPAN 0227 ZILNAN 4710
RESTRICTED
OO FCOLN
FM NYMIS TO FCOLN
180259Z MAR
GRS 854

RESTRICTED
FM UKMIS NEW YORK
TO IMMEDIATE FCO
TELNO 464
OF 180259Z MARCH 03
INFO IMMEDIATE ANKARA, CABINET OFFICE, CANBERRA
INFO IMMEDIATE EU ENLARGEMENT POSTS, EU POSTS, GULF POSTS
INFO IMMEDIATE KUALA LUMPUR, MIDDLE EAST POSTS, MODUK, NEW DELHI
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INFO IMMEDIATE

PART TWO OF TWO

SUBJECT: IRAQ: RESOLUTION: PART TWO

15. Given the misunderstanding in the Council, I clarified that we were not withdrawing the resolution but, instead, not putting it to a vote. The key to any chance for diplomacy lay in our being convinced that Iraq would co-operate within the terms of 1441. The Council had failed to find that key and unlock the possibility

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of further inspections. On the authorisation for force, I said I would be circulating the view our Attorney General had given earlier that day.

16. Blix said the work programme would be made available that afternoon (sent by e-mail to Dowse, Pattison and Tanfield). It identified 12 key tasks. With a proactive Iraqi attitude all disarmament issues would take months to complete. Importantly, the UK paper had set out a smaller group of tasks and UNMOVIC would accept a time set down by the Council and then report for it to judge compliance. Some issues would take little time with Iraqi co-operation (e.g. interviews, missile destruction, and UAVs). But others - anthrax and mobile labs - were more difficult: it would not take long to present materials if they existed, but it could take longer to prove their non-existence. He said that while there had been proactive Iraqi co-operation in recent days (including further efforts to convince UNMOVIC that anthrax/VX had been destroyed and footage of mobile sites), he could not offer conclusions until he had a view from his experts. It was also not clear whether this proactive Iraqi co-operation covered all areas.

17. Annan said that, following the US call to evacuate personnel, he had met with colleagues that morning and decided to:

- withdraw all UN humanitarian personnel from Iraq including COTECNA inspectors and SAYBOLT contractors - 195 personnel. This would lead to a suspension of the OFF programme as, without these personnel, it would be inoperable;

- withdraw UNMOVIC and IAEA inspectors - 135 in total;

- withdraw troops and civilian personnel under UNIKOM. Guehenno (Under Secretary for Peacekeeping Operations) explained that, as of that day, all UNIKOM's monitoring efforts would effectively be suspended with a small presence left on the Kuwaiti side of the border. All staff would be moved to Kuwait city.

18. Annan said he would soon be writing to the President of the Council on what would be needed to continue humanitarian efforts.

19. After some more toing and froing Traore concluded that there would be an open meeting (i.e. with media and non-members present) on 19 March, and Council Members could decide who would represent them (i.e. leaving Ministerial attendance open).

20. Later at EU HOMs I gave a neutral account of the morning to which Pleuger (Germany) and Sabliere (France) did not add. Pleuger made a lengthy intervention about the difficulties of continuing the OFF programme if there was no Council authorisation for military action; Sabliere repeated his thesis that the French had not really threatened a veto. At the subsequent Article 19 meeting von Unnen-Sternberg (Germany) said his Government had no firm position on the use of force without a second resolution (although he drew attention to the tough line the Secretariat was taking on this issue). And he said that he did not think that a resolution condemning military action would be useful: the time had come to start healing the wounds.

21. I also phoned Annan to go over the day's events. He was still pretty sombre and anxious to reduce tensions. He thought there could be some block-back from the wider international community. He mentioned a call with President Lula of Brazil who had felt it essential that the international community put down a marker so that the world's superpower did not feel it could easily go round the UN system. Al-Banai (Kuwait) told us the Malaysians were thinking of a meeting of the NAM co-ordinating bureau to consider possible action.

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COMMENT

22. The Iraqi invitation for Blix and El-Baradei to go to Baghdad was the dog that did not bark. Delegations will now be waiting to see the 17 March Bush speech, but there remains the danger of blow-back in the Security Council and General Assembly. This is perhaps most likely at the point military action gets underway.

23. We will continue to monitor likely Ministerial attendance on 19 March. The character of the meeting may well change after the Bush speech and, as always, there may be a bandwagon effect, leaving those not at Ministerial level in the minority. Either way, it would be helpful to be able to neutralise work programme arguments - e.g. by pointing to a post-conflict UNMOVIC/IAEA disarmament role and the importance of the work programme/key tasks from that perspective.

Desk Officer for Iraq:
Firecrest

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IRAQ/KUWAIT		13
MENAD	0	
RESIDENT CLERK		0
CONSULAR D	0	
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PROTOCOL D//PALACE		0

ADDITIONAL 1

.IRAQ/KUWAIT		0
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ATT GEN//C ADAMS		1
BANKE	0	
BTI1	0	
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CAOFF1	0	
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DFID1	0	
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