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To: MENAD - All Staff  
From: MENAD  
Subject: FW: LEAD: OO NYMIS/FCOLN 427: IRAQ: CALL ON THE  
SECRETARY-GENERAL, 12 MARCH  
Sent: 13 March 2003 05:55:49 GMT

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From: Swift Incoming Telegrams (Machine 1)  
Sent: Thursday, March 13, 2003 5:55:48 AM  
To: MENAD  
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SUBJECT: IRAQ: CALL ON THE SECRETARY-GENERAL, 12 MARCH

## SUMMARY

1. I called on the Secretary-General on 12 March, at his request, to discuss the state of play in Council discussions on Iraq. I outlined our sideletters concept, and our position on the legal basis for the use of force in the absence of a second resolution. Annan promised to be more careful in his public pronouncements on the legal aspects.

## DETAIL

2. Earlier in the day, I called on the Secretary General on 12 March (at his request) to discuss Iraq. He said he had an idea, from his phone calls with the Prime Minister, of our ongoing efforts to unite the Council round a compromise text. How would Russia and France react? I outlined the concept we had in mind on tests and our plans for handling the next day or so. If Saddam was serious about disarming, he could meet these tests within the tight deadline we would offer (ideally ten days). If Council members were serious about disarming Iraq, they too should be able to agree the concept we were offering as a way out of the current impasse. I stressed that the UK's objective was the disarmament of

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Iraq, by peaceful means if possible.

3. Annan said people would ask what the point of the revised resolution was and whether it authorised the use of force. I said the aim was to keep a united Security Council at the centre of attempts to disarm Iraq, which we still wanted to achieve by peaceful means. But colleagues on the Council had to show some sense of realism: calls for 45 day (or longer) grace periods for Iraq were out of the question. We would not amend our 7 March proposal until it was clear that our new concept had a chance of succeeding. If the Council was interested, we might be able to move forward in the next day or so; if not, we would be back on the 7 March text and my present instructions were to take it to a vote soon.

4. I chided Annan gently about comments attributed to him in the press on 11 March (to the effect that military action without a Council authorisation would violate the UN Charter). He said he had been misquoted: he had not been attempting an interpretation of 1441 but merely offering, in answer to a specific question, obvious thoughts about the basic structure of the Charter. Nevertheless the Council was seized of the Iraq problem and working actively on it. It had not yet reached a decision to authorise force; how, he wondered, could it be right for some Member States to take the right to use force into their own hands? I remonstrated that the Council was in paralysis: at least one permanent member had threatened to veto "in any circumstances". The Council was not shouldering its responsibilities.

5. Annan agreed, ruefully; but asked what we would do if we failed to get even nine votes for our proposal. I said we would have to consider the next steps; but we believed we had a basis for the use of force in existing resolutions (based on the revival of the 678 authorisation by the material breach finding in OP1 of 1441, coupled with Iraq's manifest failure to take the final opportunity afforded to it in that resolution). I noted too that OP12 of 1441 did not in terms require another decision. This was not an accidental oversight: it had been the basis of the compromise that led to adoption of the resolution. I urged Annan to be cautious about allowing his name to be associated too closely with one legal view of a complicated and difficult issue. He took this in good part, and promised not to repeat the view expressed on 11 March. (At Annan's suggestion, we subsequently left with the Office of Legal Affairs the Greenwood memorandum to the FAC last autumn and a copy of your evidence to the FAC on 4 March).

6. In the course of the conversation, Annan several times said that he understood what you and the Prime Minister were trying to do, and expressed sympathy for the tough situation you found yourselves in. Aznar was in a similar predicament; the US did not always realise how comments intended by US politicians for US domestic audiences seriously damaged the position of their friends in other countries. Mbeki, on the other hand, was trying to be as helpful and constructive as possible (I said that was our impression too). Finally, Annan said he had talked with Chirac on 12 March and found him "tough but not closed" to possible compromises.

Contact Iain MacLeod Tel: +

or confidential Firecrest

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MAIN 13

IRAQ/KUWAIT 13

MENAD 0

RESIDENT CLERK 0

CONSULAR D 0

PROTOCOL D//PALACE 0

ADDITIONAL 1

.IRAQ/KUWAIT 0

.(IRA) 0

ATT GEN//C ADAMS 1

BANKE 0

BTI1 0

BTI2 0

CAOFF1 0

CAOFF2 0

DFID1 0

DFID2 0

ECGD 0

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