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To: NYMIX - eTelegrams
From: COMCEN Gateway 2
Subject: OUTTELS:DD:CONF:PERSONAL IRAQ: SIDE STATEMENT AND END
GAME OPTIONS: PART 1:NYMIS/FCOLN-12052200
Sent: 12 March 2003 05:16:44 GMT

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CABINET OFFICE PLS PASS TO MANNING AND RYCROFT (NO 10)

IRAQ LIMITED

PART 1 OF 2

SUBJECT: PERSONAL IRAQ: SIDE STATEMENT AND END GAME OPTIONS: PART 1

SUMMARY

1. Refinements to our side-statement discussed with UNMOVIC, with some changes of detail and some further US reactions (part 1). I offer options and recommendations for the end-game (part 2). We will need to make a move in the Council, if we can clear an approach with the US in time, by 121600Z.

DETAIL

2. This records developments on Iraq on 11 March. The latest draft side statement is in MIFT.

3. We discussed the draft statement with both Perricos and Blix during the day. The key points/changes include:

- Saddam Hussein's Statement: Perricos was nervous about specifying that orders received contrary to Saddam Hussein's

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statement should be reported to UNMOVIC and IAEA. He thought this could be as much a route for disinformation as for genuine information. Blix was concerned about the statement that Iraq should "immediately" yield for destruction proscribed items. He thought "without delay" was more realistic. He also wondered whether it was right to refer to a failure to co-operate with UNMOVIC/IAEA, and in particular to take part in interviews, as a "very serious" crime;

- Interviews: Perricos said UNMOVIC would undertake the interviews in Larnaca. It was clearly UNMOVIC's responsibility to ensure a "secure environment" - would we provide a metal detector or some other device to help look for recording devices? He was not keen on London's suggestion of asking for the list of all personnel currently and formerly associated with Iraq's WMD programmes. He said that Iraq had provided names and had said they were willing to provide more in particular areas on request. We said that, as Blix himself had noted, Iraq had produced many fewer names than it could have. Perricos remained unreceptive. He also mentioned that while it would be possible to get the interviewees out of Iraq in the timescale we envisaged, it would be difficult to interview them as well. We asked whether there might at least be some initial interviews. Perricos said this was possible. Blix said that he was nervous about the concept of requiring interviewees and their families to leave Iraq, but equally recognised the dangers - in terms of undue pressure - of letting families remain in Iraq. He seemed to realise there was little way around this, and said he would say in the Council only that this was a dilemma;

- Anthrax: Perricos thought that "storage facilities" were already covered in the drafting. He said it would take 6 months to assess amounts of anthrax poured in the ground. We said that surely we needed to judge Iraqi compliance on the basis of whether they produced credible figures on production as well as looking at the destruction of anthrax. Perricos agreed but said we should not expect anything new to arise from this test. Blix made clear we should be looking for "associated" growth media;

- Mobile labs: Perricos was nervous that this made the whole package a bit too heavy for the envisaged 7-10 day timetable. He also thought little would come of it - i.e. Iraq would present legitimate facilities. We reserved the right to go back to Blix on this, not least if we needed negotiating fat. Perricos underlined that if we did keep this text it should also refer to chemical facilities and to the sites that could support such mobile facilities;

- Missiles: Perricos preferred us to stick with language in the 21 February Blix letter to Al-Saadi on missile destruction. He thought that this would cover all Volga engines. He agreed our inclusion of the destruction of equipment designed for the production and testing of the Al-Samoud 2.

4. Overall, Perricos again wondered whether these benchmarks would lead to a strategic shift in Iraq's behaviour though they would certainly "burn" Iraq. He underlined that while Iraqi action in the time period we proposed was possible, there would need to be some time afterwards to assess the action taken. He also asked a number of pertinent questions. Who would judge compliance? Did

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we want to specify whether the information should go to UNMOVIC and/or the Council? What would we do if Iraq gave straight denials?

5. We also passed the text (a slightly earlier draft than the one in MIFT) to Arias and Negroponte. Arias was grateful, and made few comments to me during the day to push specific Spanish ideas; and so I assume he is generally content to follow our lead. Negroponte was very concerned that the statement should not be part of the resolution. I confirmed this would not be the case. Without prejudice to the final US reaction, he also thought the statement had to include mobile facilities and something on the chemical side if it was to be at all credible. Duffy (USUN) said this could include the 6500 unaccounted chemical bombs, 550 mustard bombs, and 85,000 chemical munitions. He said Washington were intensively discussing the benchmarks ideas but he had heard no one in State or NSC who favoured them. He also felt that it would be relatively easy for the Iraqis to satisfy the tests and would not lead to the US feeling any safer.

6. I briefed Negroponte in general terms on our fallback options, making it clear that Ministers still had to take decisions. Negroponte said his own view was that the side statement would not go anywhere. Mexico and Chile were asking for asking for a lot more than we had in mind, including on time. He subsequently told me that Lagos had told Bush he wanted 45 days and probably a second Council decision. He said that the Mexicans were avoiding the US, which he did not take as a good sign (Zinser later told me that Fox had been called into hospital for a disc operation and would be unavailable on 12 March).

7. I later spoke to Valdes (Chile) about Lagos's failure to get anywhere near Bush on timing. Valdes complained about our harder benchmarks text (did we send the full dress version?), but maintained that time was negotiable. I asked him to get on to Santiago or the last chance for the Council would be lost.

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To: NYMIX - eTelegrams
From: COMCEN Gateway 2
Subject: OUTTELS:DD:CONF:PERSONAL IRAQ: SIDE STATEMENT AND END
GAME OPTIONS: PART 2:NYMIS/FCOLN-12051552
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PART 2 OF 2

SUBJECT: PERSONAL IRAQ: SIDE STATEMENT AND END GAME OPTIONS: PART 2

COMMENT

8. Our 7 March text has no chance, as I see it, of adoption. We now face a choice between a number of hard options:

(i) we go for a light text (i.e. omitting OP3) with no benchmarks because we cannot agree such benchmarks with the US and others, and allow each Council member to interpret the text as they see fit. This has considerable legal risks (see para 8 below), as well as appearing too obviously as cover for US military action;

(ii) we go for a light text accompanied with the Blix-cleared benchmarks. We could say that we were going the last mile for peace. Blix and Perricos (his deputy), while approving our side-statement menu, do not think the benchmarks would necessarily be strong enough to amount to a "strategic change" by Iraq. We would face the difficult choice of what to do if the benchmarks were met, at least to the inspectors' satisfaction: especially if

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we believed - e.g. from intelligence - that Iraq was still not serious about complete disarmament. But we would have some disarmament progress and could proceed to the next stage. We must make sure, however, that the Americans do not produce a different list which would undermine the credibility of our approach;

(iii) we go for a light text accompanied with stronger benchmarks. This might bring a sceptical US along, for our sakes, though they might well not sign up explicitly. We would be more confident that Saddam could not weasel his way around the benchmarks. But Blix might fail to support our list as unreasonable for completion in the sort of timescale that we envisage. In terms of winning support for our benchmarks text, which could have political value, I am inclined to go with the Blix-approved version if (if) we can bring the US along;

(iv) we could go for no resolution. In this case, we could either go for a national benchmarks statement or no benchmarks statement at all. Which of these to choose, as seen from here, would depend on the UK political situation and legal considerations. As in options (ii) and (iii) we would need to have a clear idea of our position if the benchmarks were fulfilled.

9. You will wish to consider the legal implications of each of these options. If we won an adopted resolution under options (ii) and (iii), we would have to live with the (improbable?) consequences of Saddam meeting the requirements, even if the US was not in the same position. If we don't look like winning adoption, it might be easier to make our legal case if no resolution is put to the vote than if a resolution is put to the vote and defeated (or adopted amidst a barrage of unhelpful EOVs). If no resolution is put to the vote we could presumably still argue that 1441 had found Iraq to be in material breach and offered it a final opportunity; that it was now objectively clear, on the basis of the Blix reports and other emerging evidence, that Iraq had failed to take the final opportunity; and that therefore the authorisation in 678 was revived. To the objection that we should have tested the Council we would reply (a) that a Council decision was not needed under 1441 (as you said to the FAC on 4 March) and (b) that putting the text to the vote would have been futile in the circumstances, in particular because of publicly stated French intransigence. If a resolution was put to the vote and defeated, or adopted with a majority of antagonistic EOVs, it would seem harder (than it already is) to assert plausibly that our intended action carried, in any sense, the implicit authorisation of the UN on the basis of the revival doctrine.

10. So far most Council Members have been preparing their responses to our 7 March text. It is difficult to gauge, with all the fluid dynamic of current telephone calls, where anyone might be on a new proposal. The middle ground are constantly cross-checking with each other. My best judgement at this point is that it is worth trying option (ii) or (iii) above during informals (approximately 1600Z on 12 March) to see what reactions are. A major criterion for most of them, even including the French and Russians, is not to provide the US with a new basis for the use of force; and I would need to make clear that these options did not. If, nevertheless, up to 24 hours of exchanges revealed opposition which could not be overcome, we would have the option of moving to (iv) above, leaving our benchmarks out there

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if this has better political resonance.

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