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NOSEC: IRAQ: UK CIRCULATES SIDE-STATEMENT: PART 1
From: UKMIS NEW YORK

TO DESKBY 130845Z FCO

TELNO 428

OF 130559Z MARCH 03

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ANKARA, CABINET OFFICE, CANBERRA

INFO IMMEDIATE EU ENLARGEMENT POSTS, EU POSTS, GULF POSTS

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PART 1 OF 2

SUMMARY

1. We circulate our side statement to Council members (MIFT). While U-6 members appreciate our efforts to find consensus, there is no breakthrough. France, Russia and Germany all maintain that our draft resolution, even without OP3, would still amount to an authorisation of force.

DETAIL

2. On 12 March we circulated the UK's side statement setting out key tests for Iraq (MIFT). I kept in touch with Negroponte throughout the day and also made a particular point of briefing the undecided six (U-6) before the Council meeting (this was much appreciated).

3. I requested Council consultations to introduce the paper. I said that following 7 March, the U-6 had approached me looking for a way forward. The UK non-paper responded to that plea, setting out 6 tasks on the basis of a 10 day timeline. I had consulted Blix and Perricos but the list was the responsibility of the UK. As well as giving Iraq an opportunity to demonstrate a decision to co-operate immediately, unconditionally, and actively, the text addressed the need to find a way forward without damaging the UN. We were anxious to preserve the possibility of a peaceful solution and had been distressed by the failure of the Security Council to find a formula around which the Council could group without vetoes. I was asking all Council members without exception if this was an opportunity we could take. If there was traction we would be willing to consider dropping OP3 of our draft resolution. But if the Council did not see this as a way through, the co-sponsors would stick with the current draft and the package was null and void. There was a placeholder in the non-paper for a date -17 March remained and I had no other date to offer. But clearly 17 March was approaching fast and was not consistent with a 10 day timeline for the tests if the idea was taken up. The discussion of dates would have to be set against the realities - there was no great scope for moving to the right. I suggested a further session the following day to get more considered reactions.

4. Lavrov (Russia) wanted to clarify that, contrary to press reports, Russia had not changed its position: they could not accept automaticity or ultimata. He felt that the 10 day deadline was too short. He questioned how the UK's tasks would correspond to the 1284 key remaining disarmament tasks and the work programme. Were we against the key tasks being issued the following week?

5. Negroponte (USUN) said it was clear the UK was going the extra mile to find a basis for an agreed approach. The proposal should

be seriously considered especially if it strengthened the prospects for Council unity. This was a non-paper and a way of seeing if we could forge unity, but the 7 March text was what remained on the table.

6. Pleuger (Germany) pleaded for time to discuss the proposal in detail. He questioned whether we would now vote on Friday and on what. He asked about the status of the paper - if we were only talking about a UK decision others could reserve their rights. He asked what the purpose would be of the current resolution without OP3. Even if the operative paragraphs, in effect, said nothing the resolution could still authorise force (i.e. because of the preamble). Where the other co-sponsors on board? And did it make sense to set some tasks now when the 1284 key remaining tasks would be issued soon and would subsume them?

7. Zinser (Mexico) gave effusive thanks for the initiative. We would have to devote time to studying the proposal. He questioned the relationship with the 1284 key tasks; the timeframe we proposed; the role of UNMOVIC and IAEA in verifying compliance; whether the tests would be collectively assessed; the connection with the resolution; and whether the use of force would be conditioned. His government had asked him to set out its reservations. They still did not see a way out of the difficulties in the Council nor elements allowing consensus and understanding. They still did not have a final position on the draft resolution.

8. Traore (Guinea, President) was very happy we had made this attempt to reach consensus. Wehbe (Syria) said the non-paper made matters even worse as it included warnings over and above those in 1441 as well as multiple ultimata. Tafrov (Bulgaria) felt this was a genuine effort at consensus that would need some time to digest. Belinga-Eboutou (Cameroon) thought this might open a path to bringing forward the different viewpoints. Akram (Pakistan) asked a host of questions. He had always envisaged the need for a "credibility test" that would show peaceful disarmament was possible. But they had seen this as a first instalment and as deriving from the 1284 key tasks. Gaspar Martins (Angola) said he saw value in the paper and liked the idea of disarmament based on instalments.

9. Valdes (Chile) welcomed this effort addressing the concerns many had recently expressed. His government had clear views which he would divulge the following day. He asked whether the date in the paper marked the end of inspections.

10. Wang (China) said he still felt confused. Would our approach wipe the slate - and material breach - clean for Iraq? It was something new for a member of the Council, rather than the inspectors, to be setting benchmarks. He doubted the timeline was feasible.

11. Sabliere (France) said France had always been interested in an approach related to benchmarks - but this had to be in the context of the work programme and key remaining tasks which were precise and provided for in 1284. Benchmarks also had to be completely separate from any ultimatum. Even without OP3, the draft resolution would be a text authorising force given the preamble. Therefore we had to ensure the draft resolution and preamble "did not exist". While he thought we could have disarmament in a limited time without inspections, the UK approach did not allow us to preserve Council unity.

12. Arias (Spain) said this was a positive way of achieving consensus. He supported the concept and content.

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13. Blix said that UNMOVIC would that evening be sending a draft of the 1284 key tasks to the College of Commissioners for comment by 14 March. They would then be ready the following week. It was for the Council to decide whether it agreed with the tasks selected.

14. Blix said there had been recent discussion of how to continue exerting pressure, of which military pressure was the most important element. There was the concept of a "strategic decision" by Iraq. He had been attracted to the parallel with banking and instalments. He understood the UK as asking for a commitment from Iraq along with a down-payment. While they might not be formulated identically, all the questions raised by the UK figured in the key remaining disarmament tasks (which would be over twice as long). In addition, the statement by Saddam Hussein was none of UNMOVIC's business while interviews outside Iraq was an element of the work programme. Progress on missiles could be speeded up. How far Iraq would be able to do the rest, he did not know. UNMOVIC's judgement was that these tasks were doable. This was not possible in 2 days. As for 10 days, he did not think he could guarantee Iraq would do it but UNMOVIC would report on what had been done in the time set by the Council, but not offering a judgement. As we reached the end of the period there might be another batch of tests so to continue and renew the pressure on Iraq to deliver the fastest disarmament possible.

15. I said we had to be clear that the ship of the Security Council was heading for an iceberg. It was no use saying the hole was on the other side of the boat and just steaming on merrily. Our proposal was a repair job. Ignore it and the Council would find itself in cold water. The whole point was to avoid military action. We could not go on blindly on with 1284 without the crucial missing ingredient - Iraq's full and willing co-operation. Answering specific questions I said:

- I liked the analogy with a down-payment. The UK would take yes for answer if the tests were completed in their totality. The tests were not impossible and would make it blindingly obvious if Iraq had taken a strategic decision to disarm. We were keen to know about the key remaining tasks sooner rather than later in case Iraqi co-operation allowed the process to continue;

- we might not have to vote as early as 14 March if there was traction on the package. If there was no traction we would likely vote on 14 March on the current text;

- this was a "UK paper" because, given the pressing time, we had felt it was more important to get the ideas out rather than win more co-authors. The co-sponsors probably needed further consultations but had agreed on the package and wanted to see the Council's response;

- the more people who joined us the more the judgement of compliance would be a collective one. We valued the judgement of the inspectors, but it was for the members who signed up to the statement or all of us together if all signed up to assess whether the tests had been satisfied. 1441 did not specify who would make the judgement on compliance - that was one of its ambiguities - but if the tests were collective, the UK had no problem about the judgement being collective;

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PART 2 OF 2

- without OP3 our resolution would not be an ultimatum. It would simply mean that the Council had rallied around the terms of 1441 and on pressure on Iraq to take the necessary decisions. The "necessary decisions" for the UK started with those set out in the tests. Traction would deepen our commitment to dropping OP3;

- if there was traction on this idea, the UK would be committed to getting maximum time. But it was not possible at this stage to give a firm date and the flexibility for extra time was very limited. The date in the tests would not be the end of the process because Iraqi compliance would allow the process to continue;

- if everyone agreed with the tests we could of course take a collective decision - a Presidential Statement would require all 15 to agree. But at the very least we could set out the tests in a letter to the President of the Council and mention them in our Explanations of Vote. The tests would of course only be binding on those who subscribed to them;

16. Sabliere, Pleuger and Lavrov came back for another round, all saying that without OP3 the text would still authorise force. De Sabliere said this amounted to an ultimatum. Pleuger said that we would be rallying around war - if we wanted to signal Iraq should comply, perhaps we should think about a Presidential Statement. Zinser said that it was respectable to suggest the threat of force would lead to Iraqi co-operation, but that did not change what we were discussing and we should not present it as something else. I said that, without OP3, the resolution would be a restatement of 1441 which we could not get away from. There was no way out of the dilemma we all faced unless we delivered Iraqi co-operation. We were trying to offer a means of doing that. We had to rally, not camp on national positions.

COMMENT

17. What we gained today was:

- genuine expressions of warmth from the U-6 for taking them seriously;

- recognition that the UK has made a real effort to find a way through for the Council;

- discomfiture of the negative forces, who sounded plaintive and inflexible in their questioning;

- reasonable support from Blix, who did more than not disown us (though he could have been more helpful on the timeline);

- finally, a bit of time. I can keep this going at least until

the weekend.

18. On the minus side:

- we did not achieve any kind of breakthrough. The French, Germans and Russian will undoubtedly home in on the preambular section of the draft resolution and on the whiff of ultimatum in the side-statement;

- there were serious questions about the available time, which the US will not help us to satisfy.

19. The Americans, while polite and positive, were visibly a few paces back from Spain and ourselves. But in terms of selling our approach that may be no bad thing.

20. One of the real difficulties for the French is becoming more evident. In questioning why on earth we need a new resolution, when (in their stated view) it looks like an authorisation of the use of force in repeating 1441, they imply that the absence of a new resolution leaves us with 1441's authorisation of the use of force. Impaling them firmly on this spike will need some care; but so, for them, will avoiding it.

21. We resume informal consultations at 2000Z on 13 March. I do not think I need detailed instructions if we continue down this tract for a further day or two, but grateful for comments and telling arguments on where we have reached so far.

Desk Officer for Iraq: (+) and on
Firecrest

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