

RESTRICTED  
IRAQ: INFORMAL CONSULTATIONS TO CONSIDER BLIX AND  
From: UKMIS NEW YORK

TO IMMEDIATE FCO  
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OF 280610Z JANUARY 03  
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MIPT  
PART 1 OF 3  
EL-BARADEI REPORTS

#### SUMMARY

1. Informal consultations on Blix and El-Baradei reports reflect general scepticism that Iraq has co-operated adequately but also general desire for more time. USUN go in very hard with a pre-prepared statement. Spain and the UK deliver (more nuanced but) healthy doses of scepticism. I say this is about (Iraqi) attitude, not time.

2. Later, responding to Council questions Blix spells out again that a denial of access would be very serious as well as saying that a long pattern of refusals to attend private interviews would be hard to interpret as anything other than intimidation. El-Baradei makes a weaker intervention, finding it hard to justify IAEA policy on private interviews (on which Arias and I push hard, to Lavrov's chagrin). El-Baradei also say that papers seized in a private residence look like a personal collection of papers over 30 years.

#### DETAIL

3. The Security Council met in informal consultations on 27 January to give initial reactions to the 60 day report on inspections delivered by Blix and El-Baradei (see MIPT). All Council members made clear that they would give more definitive views on 29 January.

4. Negroponte (USUN) said that there was nothing in either presentation to give hope Iraq ever intended to comply with 1441. There was no evidence Saddam was voluntarily disarming, intended to account for Iraq's WMD, or was willing actively to co-operate. For 12 years the international community had demanded Iraq's disarmament but settled for less. We were living with the results of this failed strategy. It was never the task of the inspectors to look under every rock for hidden weapons. It must not be the purpose of the Council to condone Iraq's defiance. 1441 provided at least two tests. The first was the Declaration. This was neither "currently accurate", "full", nor "complete". The Iraqis had not used the Baghdad meetings to provide missing information. And they had even failed to address questions UNSCOM raised in 1999. The second test was co-operation. We had seen none of the co-operation called for in 1441. Instead, we had seen five minders for each inspector; a laughable claim that no Iraqi was willing to be interviewed in private; helicopter missions cancelled due to Iraqi interference; refusal of U-2 overflights and an incomplete list of personnel. 1441 had afforded Iraq a "final opportunity". The time was fast approaching when we would have to demonstrate we meant what we said. In the days ahead the Council and its member governments would have to answer the following questions: what signal would Council indecision send to Iraq and other proliferators; were Security Council obligations to

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be enforced or cast aside without consequence; would the UN serve its purpose or chose to make itself irrelevant.

5. Lavrov (Russia) said inspections in Iraq were showing much potential in terms of technical and personnel capability. And, he noted, a number of questions had been clarified - Blix himself had said that the declaration contained a good deal of new material in the field of missiles and biotechnology (comment: a selective quote if ever there was one). The discoveries made on the ground showed inspections were working, while Iraq had begun to show a greater readiness to co-operate actively, e.g. through setting up a special enquiry. UNMOVIC and IAEA had no evidence that Iraq had resumed WMD activities, just as they had no evidence to conclude the opposite. To get to the truth, inspections needed to continue. On the question of U-2s, Russia was willing to renew an offer of two aircraft it had originally made to UNSCOM. These were good aircraft and could even see at night.

6. Arias (Spain) said that his government remained extremely disappointed at the lack of Iraqi co-operation. This was not just a question of opening doors - that would be a comedy - but of active co-operation as required by 1441. Blix and El-Baradei had raised a litany of cases. The recent Spanish discovery of a terrorist cell with dangerous chemicals had made them more alive to the threat.

7. Wehbe (Syria) referred to the joint statement agreed in Istanbul on 23 January. The common denominator was the call for a peaceful solution and shunning war. Syria and the others in Istanbul were ready to make further efforts for a peaceful solution. He asked whether Blix and El-Baradei had discussed pending disarmament issues with Iraq and whether the inspectors had been accompanied by minders when they had visited a mosque in Iraq.

8. Pleuger (Germany), with gratuitous reference to solidarity with France, said that Fischer had made clear he was under no illusions about the brutal nature of Saddam's regime or how it had defied its obligations for a decade. Fischer had made clear 1441 was a final opportunity with which Iraq must comply in full. Blix and El-Baradei had confirmed Iraqi compliance on procedure. But this was not enough. A peaceful solution was primarily in Iraq's hands. With their mandate reinforced by 1441, there was clear evidence inspections were taking us forward - at this juncture we should give Blix and El-Baradei a realistic opportunity to carry out peaceful disarmament, not throw away the opportunity with drastic effects on the region and the fight against terrorism. Inspections were also a deterrent. Inspections, Iraqi co-operation, and continued monitoring could lead to a situation where Iraq was not a threat to the region.

9. I said we regarded inspections as a process. There was not endless time, but we welcomed the intention of Blix and El-Baradei to give a further briefing on 14 February. We had, that morning, heard a catalogue of unresolved questions. We needed as a Council to take a careful view of what it meant in the current context to have so many issues unresolved. We, as the Council, had asked Iraq to divest itself of WMD 12 years ago. The patience of the Council had been immense. There was always a reason why Iraq should not be confronted this month, but it was now 600 months since 687. It was time for some decisions. 1441 had confirmed that Iraq had to make a huge effort to pull itself back from its existing material breach while not committing others. We were close to concluding Iraq had not taken that chance. The question was not about Iraq being guilty against all unresolved questions,

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but deciding to what Iraqi co-operation amounted. The onus was on Iraq to prove the zero it had declared. We wanted substantial evidence way beyond passive partial co-operation. It was clear to us that Iraqi co-operation had been limited and grudging even on process (I listed the examples in TUR). These did not look like low level obstruction, but a carefully considered policy of withholding information and obstruction. It was now time for UNMOVIC and IAEA to turn up the intrusiveness of inspections and to carry out more productive interviews to unravel the facts.

10. I said I understood the argument about inspections being a comforting deterrent. But this was not something asked for in the Resolutions. The inspectors fully understood that in a country as large as Iraq, and with the opportunities Iraq had created to disperse WMD, it was not possible for inspections to find or stop everything. Regional security and our national interest dictated that there had to be 100 percent disarmament through active co-operation. It was not a question of time but a question of attitude. Co-operation had to be forthcoming or disarmament would not take place through inspections. I then asked a list of questions based on TUR (by e-mail to Smith, NPD and Tanfield, MED). These focussed on Iraqi performance on private interviews (and the differences in IAEA/UNMOVIC handling of them); worrying missile developments; Iraq's refusal to provide documents and evidence; the discovery of papers in a private residence; and inspector intimidation.

11. Wang (China) said that, overall, inspections had proceeded smoothly and with Iraqi co-operation. The 10 point statement showed Iraqi readiness to facilitate inspections. He noted that Blix and El-Baradei had raised "several" questions. He urged Iraq to be more co-operative and provide clarifications. Recent finds showed inspections were effective - they should continue and we should not rush to conclusions.

12. Tafrov (Bulgaria) said 1441 had given the Council a central role. He hoped it would fulfil it while remaining united. Bulgaria was unhappy with the declaration; concerned about recent findings; and unconvinced of Iraqi co-operation. Active co-operation was essential. Iraq should provide evidence.

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13. Traore (Guinea) asked whether time was needed for the inspectors to solve outstanding questions. What did the 10 point statement say about Iraqi co-operation? Belinga-Eboutou (Cameroon) said that the discovery of important documents in a private home was a source of concern; the Iraqi declaration was incomplete; and by not "encouraging" private interviews Iraq was undoubtedly violating 1441. We should reiterate our support for the inspectors and, in an informal meeting, explore all options and share all evidence. We must let time do its work. Gaspar Martins (Angola) said he hoped the Council would not choose war given the implications for the region and planet. Iraqi co-operation needed further to improve. More time was needed for inspections. The burden lay with Iraq.

14. Aguilar-Zinser (Mexico) said that, to bear fruit, inspections required co-operation. He then asked when inspections would be "fully operational"; whether the Council could have a list of pending questions and about the level of co-operation received from other states. Valdis (Chile) said Iraq should not, at the same time as opening doors, offer only insufficient passive co-operation. The possibility of progress identifying outstanding questions meant we should intensify inspections and see if Iraq complied.

15. Akram (Pakistan) asked about Iraqi conditions for U-2 flights; whether any harassment of inspectors was systematic or sporadic; whether there had been any inspections of Mosques; and whether Blix would pursue outstanding issues systematically with Iraq. Inspections should continue and obviously become more robust. Council unity was important as was equal access to information. The concerns in the Istanbul declaration were shared by Pakistan and its people.

16. La Sabliere (France, President), speaking nationally, and with gratuitous reference to solidarity with Germany, said that the objective of 1441 had been giving Iraq "every opportunity" for peaceful disarmament (comment: not borne out by the Resolution). To achieve this we need intrusive inspections. These had only been underway two months. Recent discoveries showed their effectiveness. Co-operation from Iraq was still showing "mixed-results". Iraq must co-operate more actively, in particular responding to questions and facilitating interviews. Iraqi commitments to this end were a step in the right direction and should be translated into action. With resolute support inspections would yield more results.

17. Returning to his capacity as President, La Sabliere then made a shameless attempt to delay any responses to our questions till 29 January which Anas and I saw off. The Council reconvened later in the day to hear Blix and El-Baradei's responses to our questions.

18. Responding to the questions, Blix said that:

- UNMOVIC had resisted discussion of open disarmament issues. Iraq had often tried to get UNMOVIC into such a discussion of issues open in 1998 but the key question was issues open now. In considering unaccounted old stocks of WMD, precursors, etc one should not forget the potentially more serious question of Iraqi capacity to produce ones;

- the visit to a mosque had been a private one. The inspectors were even invited back. Afterwards another Amin had made an outburst. One had to wonder at Iraqi intentions?

- the background to the Iraqi letters of 24 January had been a claim by Al-Saadi that UNMOVIC did not sufficiently appreciate parts of the declaration. UNMOVIC experts had looked at the passages highlighted in the letters but found no new answers. It was a friendly gesture but unlikely to be helpful in substance;

- UNMOVIC would revert on 29 January on Iraqi reasons for not providing documents, and on our questions about missile plants and test stands;

- Iraq had not refused U-2 flights but specified conditions beyond those under UNSCOM. These included installation of equipment in Mosul/Basra and the need to suspend the NFZs while in operation. He hoped to come back to the issue;

- there were invariably more minders than inspectors - sometimes 5 to 1, bordering on harassment. This had led Blix to complain about the issue in Baghdad.

- UNMOVIC did not believe that interviews with minders were useless but simply wanted to insist on the right to set the modalities and location of interviews itself;

- the worrying aspect of the find of documents in a private residence was that it had long been rumoured that documents were farmed out to private individuals to shield them from inspections. Minders had said it was between UNMOVIC and the owner of the house to agree entry and only women inspectors had entered and found the documents. Blix was concerned that the Iraqis would try the same objection in future - hence one of the 10 points on "encouraging" access to private residences. He hoped there would not be a stand-off as he would certainly report a denial of access wherever it occurred;

- UNMOVIC's impression was that the chemical warheads were pre-1990 but in excellent condition. Al-Saadi maintained that changes had been made to them rendering them useless. The mysterious 12th warhead was still being analysed;

- on harassment, there had been demonstrations, e.g. during the inspection of a private residence, but UNMOVIC had not been intimidated by it. Some other protests had taken place but were not serious. The events of 25-26 January (one attempted intrusion and one Iraqi entering an UNMOVIC vehicle) had not resulted in injury but had been in front of the media - were they by design or spontaneous?

- on more time, Blix had always said that co-operation in all respects, i.e. including on substance, would mean disarmament problems could be solved very rapidly. Given Iraq's record there needed to be a high degree of assurance and therefore its attitude was very important. Blix felt a determination existed at a high



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level to co-operate on process. But on substance Iraq simply said the outstanding questions were nonsensical. Without this changing, he was not optimistic of solutions;

- Blix thought the idea of extending Iraq's commission of inquiry was a useful one. Maybe it would find some anthrax or other WMD. It could be a face-saving way for Iraq to disarm, which was more important than humiliation;

- relatively few states were providing intelligence and UNMOVIC had written to several to ask them to provide material;

- some, but not all, samples had been analysed in Baghdad. So far none had uncovered traces of WMD.

19. El-Baradei then gave his own set of answers, much less coherently than Blix. The Iraqis had not been sure how extensive the list of personnel should be - the process was still ongoing but making progress. The finding of documents at a private home looked like a scientist's personal collection of papers over 30 years. They had not added to IAEA knowledge and it was impossible to judge whether this was an example of hidden documents. In three cases IAEA had asked for private interviews and these had been declined. IAEA had taken the decision to go on with the interviews and get as much information as possible. At the same time they had reported to the Security Council. Iraq took the position with regard to private interviews and inspection of private property that it had no authority to force the person concerned - all they could do was encourage. IAEA was unlikely to be "fully operational" for a couple of months - until surveillance/satellites were in place. IAEA needed continued unanimous support from the Security Council - history showed that the minute it was divided Iraq began to drag its feet. The results of environmental sampling so far had returned only negative readings. El-Baradei then got into a muddle over the need for inspectors to prove a negative from which he spent 20 minutes extracting himself.

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20. Both Arias and I then took to the charge on interviews. Arias asked what good reason scientists had for refusing to be interviewed alone - were inspectors so rude or ugly? And what benefit was there to inspectors in conceding to interviews with minders? I said I did not understand how scientists refusing private interviews could be reconciled with a mentality of free co-operation. I said UNMOVIC and IAEA should have the same policy on interviews. While, of course, one got some information by conceding to an interview with a minder, it was not the information one wanted. I found the Iraqi argument that they needed a search warrant to enter private premises strange - did the inspectors really buy this? Lavrov, slightly desperately, intervened at this point saying that some of the questions sounded more like conclusions. The inspectors should be hesitant about answering such questions if they prejudged the conclusions that the Council would reach on 29 January.

21. Blix said that it was clear they had a right to private access and this was not qualified. How Iraq delivered on its obligations were its business, but he would have thought "encouragement" in a country like Iraq would be effective. Denial of access at a private house would be a very serious matter. UNMOVIC had not been willing to go on with interviews where the individual had refused to attend privately as that would be a concession of its right to determine the modalities. It did not mean interviews with minders were without value. If there were a long pattern of refusals it would be hard to interpret it as anything else but intimidation. Iraq had said that if someone was seized internationally they had the right to a consul to ensure they were not put under undue pressure or to avoid misunderstandings. El-Baradei repeated IAEA's policy. Frankly he did not know why scientists were not agreeing to private interviews. Maybe they feared being misunderstood; interrogated; or chastised. Nor did we know if Iraq really was encouraging interviews, though they had tried to encourage a scientist privately to attend an interview for 30 minutes in front of the IAEA. There was a legal question over whether a chapter VII resolution could override due legal process.

## COMMENT

22. An important day in itself, and a good foundation for a harder debate in informals on 29 January. Blix played at the top end of his range. El-Baradei was less helpful, but the IAEA has (and needed to be represented as having) less of a trump role. Even he, at the end, was ad-libbing his way into damning territory.

23. If we play this carefully, and can win a bit more time, we might be able to construct a bit more of an edifice.

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