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cc. Sir D Manning
No 10
Private Secretary
only at this stage
For discussion at my meeting
at 12 noon.



From Sir Jeremy Greenstock

3 September 2002

Sir Michael Jay KCMG
PUSS
FCO

Dear Michael

mtg. 4/1x

✓ PM
I don't
know it

FROM THE PERMANENT REPRESENTATIVE

✓ why not?
I - sounds right to me
except possibly it may
be possible to get
a middle ground
resolution.

IRAQ: HANDLING IN THE SECURITY COUNCIL

1. You asked for my considered advice on the handling of a Security Council Resolution on Iraq in preparation for the Prime Minister's visit to Camp David at the end of the week.
2. Shortly before you rang, UNID had sent over for comment a draft letter to No 10 on the options for Security Council Resolutions aimed at putting pressure on Iraq and preparing the ground for enforcement action. It raised three possibilities: an SCR specifically authorising the use of force; a softer text determining a flagrant violation or material breach by Iraq of previous SCRs; and a middle-ground resolution aimed at provoking an indisputable example of Iraqi intransigence by calling for the re-admission of Inspectors with a tight timetable and more intrusive powers.
3. In my view, none of these options is yet achievable, and only the second is likely to stand much chance of success after further work. We start from a point where the other 13 members of the Council will, at best, have serious doubts about the use of force. Despite the attractions from our and the US perspective of a clear and 'in your face' justification for the use of force, there is bound to be strong resistance to this in the Council. Nor would we have the necessary nine votes for an explicit pre-authorisation of military action in the event of continued Iraqi non-compliance. There will even be considerable opposition to throwing down the gauntlet to Saddam by challenging him to accept UN Inspectors under tight conditions.

The majority of Council members will see any attempt to ratchet up the requirements on Iraq as a device to create a pretext for military action rather than an effort to get verification and inspection under way. And trying and failing to obtain this sort of language

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would be worse than not trying at all because it would create a presumption of further Council discussion and decision before military action could start.

4. These are the reasons for focussing our presentation as much as possible on WMD elimination rather than regime change, and for choosing our Security Council tactics with circumspection. On the assumption that our first requirement is to secure legal cover for military intervention if the UN route fails, our priority should be to reactivate SCRs 678 and 687. The Attorney-General will need to give a view on the best way to make this legally watertight, but to be politically effective we would need to secure more than the minimum nine votes necessary. (You will remember that SCR 1284 (December 1999) was considered less authoritative for its having met with four abstentions.)

6. Stewart Eldon's letter of 14 August to Edward Chaplin offered some suggestions on the text of an ultimatum Resolution. Ideally this should include 'material breach' (rather than 'flagrant violation') language and be under Chapter VII of the Charter. But, subject to the Attorney-General's views, I do not think that either Chapter VII or an explicit ultimatum is necessary to secure the legal cover we need.

We will need to make a careful judgement of how much negotiating fat to retain in the Council, but in my view should be very cautious about spelling out an ultimatum, which could easily be used by others to argue for a further Council decision before military action is launched. Our real objective in a resolution should be to achieve the minimum language necessary to justify the use of force (without a further SCR), without striving for extra bells and feathers.

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8. We may need to discuss later how to handle Iraqi reactions to a successful Resolution. Actually getting Inspectors back in would change the picture.
9. I am copying this letter to Christopher Meyer. May I leave it to you to give it further distribution in London.

Yours ever,

Jeremy

Jeremy Greenstock

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