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DFID Department for
International
Development

1 Palace Street, London SW1E 5HE

Suma Chakrabarti
Permanent Secretary

Phone
numbers
redacted

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Sir Andrew Turnbull KCB CVO
Cabinet Office
70 Whitehall
London

IRAQ

We agreed yesterday I would write to you explaining in more detail Clare Short's position on Iraq and summarising what happened before her BBC "Westminster Hour" interview on Sunday.

Clare fully supports the government's objectives on Iraq, shown by her voting with the government two weeks ago. She has consistently said – in public and in private – that a UN-endorsed process is essential and that the UK must be willing to take military action to enforce the authority of the United Nations.

Having spoken to her at length during the course of yesterday and today, I would set out Clare's concerns as follows:-

- i) The process of trying to obtain a further ("second") UN SCR prior to military action should be fair and transparent. This would include no undue pressure on the smaller SC members; allowing enough time (perhaps until the end of March) after voting on a new resolution for the process of any ultimatum to run its course; an objective judgment about whether Iraq had complied with any ultimatum (which the proposed tests would help with); and a clear legal opinion about the circumstances under which military action without a further resolution could meet the UK Government's commitment to respect international law. I know DFID is not alone in wanting to see written advice from the Attorney General and/or Ministerial discussion about the legality of military action without the second UN SCR. It would be strongly desirable for the legal opinion, to cover the range of possible voting outcomes, to be put to Ministers before the end of this week. If that legal opinion gave backing to US/UK military intervention in the absence of a second resolution, Clare believes the Government would still need a discussion on the political merits of taking that course of action.
- ii) Early and public agreement with the USA on a UN SC mandate for the civil administration and reconstruction of Iraq. This will almost certainly require the Prime Minister's personal intervention with the President. We understand it would be illegal for us, the UN and many other donors to get involved in the reform of Iraqi institutions and reconstruction of the country (beyond what is

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needed for the delivery of immediate humanitarian assistance under our Hague and Geneva Convention obligations) without a further (possibly "fourth") UN SC mandate. The absence of agreement with the US on this is holding up international planning and the prospects of burden sharing. It would be highly desirable for the Prime Minister to talk to and meet Kofi Annan soon and more often: this would send a clearer signal of the centrality we attach to the UN role.

- iii) The Quartet roadmap for peace in Israel/Palestine should be published before any military action. We know that, now the Israeli government is formed and the Palestinian Prime Minister announced, that President Bush is getting advice to this effect from some in the Administration. We also know that a range of US stakeholders, including groups of Christian churches, support early publication of the roadmap. Clare feels strongly that now is the time for the Prime Minister to get the President to sign up to publishing the road map. Progress on the Middle East Peace Process will reduce the hostility to the West and tensions in the Arab world which our actions in Iraq risk provoking.

I would make two further suggestions. First, we might think again about our communication strategy on Iraq to make clearer our concern for the Iraqi people and the centrality of the UN in resolving the crisis, including through a strong role for the UN after any conflict.

Second, more frequent and systematic discussion of these issues between senior ministers would be helpful. I understand the Prime Minister may ask senior ministers to meet more regularly if conflict starts. I see value in moving towards these arrangements sooner than that, given the scale and significance of the decisions being taken.

In addition, Clare Short and the Prime Minister need to talk more often, probably on a daily basis until negotiations on the second Resolution are concluded. Most of her concerns are agreed government policy, but she needs to be reassured that they will be taken fully into account.

For the record, Clare Short did the BBC "Westminster Hour" interview on her own initiative, and did not ask for any advice or briefing from officials. She informed me and Alastair Campbell of what she had said immediately after the interview was pre-recorded.

Suma Chakrabarti