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*file to*

*SUBJECT CC MASTER*

10 DOWNING STREET

LONDON SW1A 2AA

*From the Private Secretary*

21 August 1990

*See Simon,*

IRAQ/KUWAIT: SECURITY COUNCIL

The Prime Minister discussed the draft UN Security Council Resolution on enforcement of UN sanctions against Iraq, the text of which is in UKMIS New York tel. no. 1043, with the Attorney General and the Ministers of State (FCO and MOD) this morning. It was vital to get the text right, since once agreed the resolution would constrain our independent right under Article 51 to use force. In that respect, the alternative formulations in operative paragraph 2 ("and" and "in order to") were of crucial importance. We could not in any circumstances agree "in order to", since that would be too constraining in the context of the rest of the paragraph. We must have "and" or (as a fall-back) "and otherwise in order to". Without one or other of these, we could not agree the resolution.

It was also essential to include the words "as appropriate" in operative paragraph 4. We could not have a blanket obligation to submit all our actions to the Military Staff Committee.

The Prime Minister wishes these points to be conveyed immediately to the Foreign Secretary and to Sir Crispin Tickell in New York. I will convey our strong view on these two points to the White House.

I am copying this letter to Roger Tomkys (Foreign and Commonwealth Office), to Jane Binstead (Ministry of Defence), to Elizabeth Wilmshurst (Attorney-General's Office), and Len Appleyard (Cabinet Office).

*Yours sincerely,*

C.D. POWELL

Simon Gass, Esq.,  
Foreign and Commonwealth Office.

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