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10 DOWNING STREET  
LONDON SW1A 2AA

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*From the Private Secretary*

22 August 1990

IRAQ/KUWAIT: UN SECURITY COUNCIL

The Prime Minister was most disturbed to see from UKMIS New York tel. no. 1058 what she interprets as a most unfortunate weakening in the American position on a Security Council Resolution on enforcement of the embargo against Iraq. In particular she thinks it quite wrong to accept the Soviet notion of a graduated response and is amazed that the Americans in New York seem ready to agree to this. It seems to her that this would involve our giving up the powers we have under Article 51 and the request from the Amir of Kuwait, with only a vague prospect of getting them back under one or more Security Council Resolutions. She thinks our bottom line must remain:

- no diminution of the powers we already have under Article 51, even if this delays adoption of a resolution in New York:
- and only a single resolution to provide all necessary authority for the use of force to interdict shipping.

She would like instructions sent in this sense to Sir Crispin Tickell and to the Embassy in Washington, and has asked me to speak to General Scowcroft.

Incidentally the text of the Security Council Resolution in UKMIS New York tel. no. 1048 appears to relate only to interdiction at sea. The Prime Minister has asked whether we would need another resolution to justify interdiction of attempts to evade the embargo by land or in the air.

I should be grateful for advice.

I am copying this letter to Simon Webb (Ministry of Defence), Elisabeth Wilmshurst (Law Officers Department) and to Len Appleyard (Cabinet Office).

(C. D. POWELL)

Simon Gass, Esq.,  
Foreign and Commonwealth Office.

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22 August 1990

IRAQ/KUWAIT: U.N. SECURITY COUNCIL

Further to my letter of earlier today, I should record that General Scowcroft subsequently telephoned me back to say there seemed to be some degree of mutual incomprehension between our two Missions in New York. He was not pretending that the U.S. Permanent Representative was a tower of strength. But all the information reaching the White House suggested that our Permanent Representative was on a very different wavelength to the Prime Minister. He seemed to see his main role as that of intermediary between the United States and the Soviet Union: and was constantly watering down U.S. drafts. I said that I do not think this sort of exchange was going to get us very far. Both our Permanent Representatives had done extraordinarily well to get four excellent resolutions agreed. The Prime Minister's only concern was that we should not lean over so far to attract Soviet support that we ended up with a resolution on enforcement which was less effective than the powers that we already had. General Scowcroft said that he entirely agreed with that. The fact was that the sanctions were being openly breached: several tankers were en route from Iraq to Yemen. The present U.S. intention was to intercept them anyway, if there was not an agreed Security Council resolution by 6.00 p.m. New York time today. I said that, in the light of the Prime Minister's last conversation with the President, she would sympathise with that. Meanwhile we would go on doing everything possible to secure a satisfactory resolution as soon as possible.

I do not think it would be appropriate to copy this letter more widely. But I have informed Roger Tomkys of my conversation with Scowcroft.

Charles Powell

Simon Gass, Esq.,  
Foreign and Commonwealth Office.

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Dear Simon,

IRAQ/KUWAIT

I wrote to you earlier today with the Prime Minister's views on the discussions in the U.N. Security Council on a new resolution on enforcement of the embargo against Iraq, and on the future of Embassies in Kuwait. I subsequently spoke on both points to Robert Gates in the White House (since General Scowcroft was otherwise engaged).

On the question of Embassies in Kuwait, Gates said that American policy was exactly the same as ours. They intended to try to maintain their Embassy after 24 August, although they would be somewhat reducing numbers.

On the Security Council resolution, he was surprised by my suggestion that the Americans appeared to be leaning too much towards Soviet views. This did not tally with his own account. He agreed that our bottom line should remain as set out in my letter earlier today. He would pursue the point with General Scowcroft and with the U.S. Mission in New York.

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Yours sincerely,

Charles Powell

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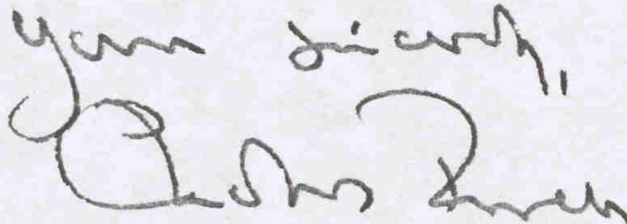
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Dear Simon,

IRAQ/KUWAIT: FUTURE OF EMBASSIES

The Prime Minister has seen Kuwait telno. 457 about continued diplomatic representation in Kuwait after 24 August. She disagrees strongly with the view expressed in it that the Iraqi hint that Embassies would be allowed to leave a member of their home-based staff in Kuwait after 24 August to act as Consul is a step forward. We have publicly committed ourselves to keeping an Embassy after that date. We must stick to that and should continue to regard our Ambassador as Ambassador, whatever the Iraqis may call him. She attaches great importance to our preserving that position and to maintaining solidarity on it among the Twelve and with the United States. Anything else would imply acceptance of Iraq's annexation of Kuwait.

The Prime Minister realises that the situation is evolving very rapidly and may have changed by this morning. She also knows that the Iraqis may take matters into their own hands after 24 August by removing our Ambassador. But it is very important that they should be placed in that position, rather than that we (and the United States and the Twelve) should concede in advance. She asked the Foreign Secretary this morning to do everything possible to stiffen our partners among the Twelve - recognising that this is likely to be difficult given that several of them have received permission for all their citizens to leave Kuwait and Iraq - and to ensure that the Americans remain firm. I will also speak to General Scowcroft.

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Yours sincerely,  
  
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Foreign and Commonwealth Office.

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(NON-PAPER)

A. file  
(Iraq/Kuwait)

U.S. GOVERNMENT NOTICE TO MARINERS AND VESSEL INTERCEPTION PLAN

GENERAL INFORMATION

- A. BASIS OF OPERATIONS. THE GOVERNMENT OF KUWAIT HAS, IN THE EXERCISE OF ITS INHERENT RIGHT OF INDIVIDUAL AND COLLECTIVE SELF-DEFENSE, REQUESTED A NUMBER OF GOVERNMENTS TO TAKE SUCH MILITARY OR OTHER STEPS AS ARE NECESSARY TO ENSURE THAT ECONOMIC MEASURES DESIGNED TO RESTORE KUWAITI RIGHTS ARE EFFECTIVELY IMPLEMENTED. (RESOLUTION 661 OF THE UN SECURITY COUNCIL SPECIFICALLY AFFIRMS THE INHERENT RIGHT OF INDIVIDUAL OR COLLECTIVE SELF-DEFENSE, IN RESPONSE TO THE ARMED ATTACK BY IRAQ AGAINST KUWAIT, IN ACCORDANCE WITH ARTICLE 51 OF THE UN CHARTER.) IN PARTICULAR, THE GOVERNMENT OF KUWAIT HAS REQUESTED THE UNITED STATES TO COORDINATE AND COMMENCE MULTINATIONAL NAVAL OPERATIONS TO INTERCEPT MARITIME TRADE WITH IRAQ AND KUWAIT THAT IS PROHIBITED BY RESOLUTION 661. THE UNITED STATES HAS AGREED TO THESE REQUESTS.

- THE ENFORCEMENT OF THE SANCTIONS PROVIDED IN RESOLUTION 661 DEPENDS PRIMARILY ON THE ACTIONS OF NATIONAL AUTHORITIES TO PREVENT PROHIBITED SHIPMENTS FROM ENTERING OR LEAVING THEIR TERRITORIES. INTERCEPTION OPERATIONS WILL REINFORCE THESE NATIONAL ACTIONS AND VIGOROUS DIPLOMATIC EFFORTS TO MAKE THESE SANCTIONS EFFECTIVE. ALL SUCH INTERCEPTION OPERATIONS WILL BE CARRIED OUT IN ACCORDANCE WITH ACCEPTED PRINCIPLES OF INTERNATIONAL LAW.

- B. TRADE TO BE INTERCEPTED. AMONG OTHER THINGS, UNSC RESOLUTION 661 ESTABLISHES MANDATORY SANCTIONS AGAINST: (1) THE EXPORT OF ALL COMMODITIES AND PRODUCTS ORIGINATING IN IRAQ OR KUWAIT AFTER THE DATE OF THE RESOLUTION (AUGUST 6); AND (2) THE EXPORT TO IRAQ OR KUWAIT OF ANY COMMODITIES OR PRODUCTS, WHATEVER THEIR STATE OF ORIGIN, EXCEPT FOR "SUPPLIES INTENDED STRICTLY FOR MEDICAL PURPOSES, AND, IN HUMANITARIAN CIRCUMSTANCES, FOODSTUFFS . . . ." THESE SANCTIONS APPLY NOTWITHSTANDING ANY CONTRACT ENTERED INTO OR LICENSE GRANTED BEFORE THE DATE OF THE RESOLUTION. ACCORDINGLY, THE FOLLOWING TRADE WILL BE INTERCEPTED:

I. SHIPMENTS FROM IRAQ OR KUWAIT. THE INTERCEPTION OPERATIONS WILL PREVENT THE MARITIME SHIPMENT OF ALL COMMODITIES OR PRODUCTS ORIGINATING IN IRAQ OR KUWAIT, REGARDLESS OF PORT OF EMBARKATION OR TRANSSHIPMENT POINT. THIS WILL INCLUDE ALL PRODUCTS PRODUCED IN IRAQ OR KUWAIT FROM MATERIALS PRODUCED ELSEWHERE.

- II. SHIPMENTS <sup>TO</sup> ~~FROM~~ IRAQ OR KUWAIT. THE INTERCEPTION OPERATIONS WILL PREVENT THE MARITIME SHIPMENT OF ALL COMMODITIES OR PRODUCTS TO IRAQ OR KUWAIT (WHATEVER THEIR DECLARED FINAL DESTINATION), OR TO OTHER PORTS IN THE REGION FOR TRANSSHIPMENT TO IRAQ OR KUWAIT, EXCEPT FOR SUPPLIES

INTENDED STRICTLY FOR MEDICAL PURPOSES. THE BURDEN WILL BE ON THE SHIPPER TO ESTABLISH THE BONA FIDE CHARACTER OF SUCH SHIPMENTS. MEDICAL SUPPLIES WILL ONLY BE PERMITTED TO PASS IF AN APPROPRIATE REQUEST HAS BEEN RECEIVED FROM THE AUTHORITIES OF THE COUNTRY OF EXPORT OR AN APPROPRIATE INTERNATIONAL HUMANITARIAN ORGANIZATION, CERTIFYING THE PRECISE QUANTITY AND TYPE OF SUPPLIES INVOLVED AND THE MEDICAL PURPOSES FOR WHICH THEY ARE INTENDED. THE SHIPMENT OF FOODSTUFFS WILL NOT BE PERMITTED AT THIS TIME.

- C. METHOD OF INTERCEPTION. INTERCEPTION WILL BE ACCOMPLISHED BY NAVAL FORCES STATIONED IN THE VICINITY OF THE STRAIT OF HORMUZ, AND OTHER CHOKE POINTS, PORTS AND PIPELINE TERMINALS AS NEEDED. THE NAVAL UNITS OF EACH PARTICIPATING COUNTRY WILL ACT UNDER NATIONAL COMMAND, UNDER OVERALL COORDINATION BY THE UNITED STATES IN ACCORDANCE WITH THE REQUEST OF THE GOVERNMENT OF KUWAIT.

- NOTICE OF INTERCEPTION OPERATIONS WILL BE PUBLISHED AS SOON AS POSSIBLE IN INTERNATIONAL NOTICE TO MARINERS AND PROMULGATED IN OTHER APPROPRIATE CHANNELS, INCLUDING LOCAL MARINE BROADCASTS. SPECIAL LIAISON WILL BE ESTABLISHED WITH STATES IN THE AREA, STATES WHOSE FLAG VESSELS CONDUCT SUBSTANTIAL OPERATIONS IN THE AREA, AND OTHER APPROPRIATE AUTHORITIES, WITH THE OBJECTIVE OF OBTAINING INFORMATION AND COOPERATION FROM THESE GOVERNMENTS AND MINIMIZING DISRUPTION TO LEGITIMATE MARITIME COMMERCE.

- COMMERCIAL SOURCES, INTELLIGENCE SOURCES, MILITARY AND NAVAL ASSETS, AND OTHER MEANS WILL BE USED TO IDENTIFY SHIPS THOUGHT TO BE CARRYING CARGO TO OR

FOR IRAQ OR KUWAIT. SHIPS ENTERING OR LEAVING THE INTERCEPTION AREAS WILL, AS APPROPRIATE, BE ASKED TO PROVIDE APPROPRIATE IDENTIFICATION AND INFORMATION AS TO THEIR ORIGIN OR DESTINATION AND THEIR CARGO. THIS INFORMATION WILL BE NORMALLY OBTAINED BY RADIO COMMUNICATION BETWEEN THE INTERCEPTION VESSEL AND THE SHIP SEEKING TO ENTER OR LEAVE THE AREA.

- IF THE INTERCEPTION VESSEL IS UNABLE TO OBTAIN ADEQUATE INFORMATION IN THIS MANNER, IT WILL BOARD THE SHIP AND CONDUCT SUCH INSPECTION OF RECORDS OR CARGO AS MAY BE NECESSARY OR (IF NECESSARY FOR OPERATIONAL REASONS) ESCORT THE SHIP TO A NEARBY PORT FOR SUCH INSPECTION. WHERE NECESSARY, THE INTERCEPTION VESSEL WILL CONTACT THE LIAISON AUTHORITIES OF THE INTERCEPTION FORCE OR APPROPRIATE NATIONAL AUTHORITIES TO CONFIRM INFORMATION PROVIDED BY THE SHIP. WARSHIPS, AUXILIARIES, AND OTHER SHIPS THAT ARE STATE-OWNED OR OPERATED AND USED ONLY ON GOVERNMENT NONCOMMERCIAL SERVICE ENJOY SOVEREIGN IMMUNITY AND ARE NOT SUBJECT TO BOARDING AND INSPECTION. THEY MAY, HOWEVER, BE INTERCEPTED AND DIVERTED.

- ONCE THESE INQUIRIES OR SEARCH IS COMPLETED, THE SHIP IN QUESTION WILL NOT BE PERMITTED TO PROCEED UNLESS THE COMMANDER OF THE INTERCEPTION VESSEL IS SATISFIED THAT THE INTERCEPTED VESSEL IS NOT IN VIOLATION OF THE SANCTIONS REGIME.



- RATHER THAN BE SUBJECT TO A SEARCH, INTERCEPTED SHIPS WILL BE PERMITTED TO TURN AWAY FROM THE INTERCEPTION AREA, IN WHICH CASE THE INTERCEPTION FORCE WILL NOT INSIST ON THE ABOVE PROCEDURES OR TAKE FURTHER ACTION AGAINST THE SHIP.

- D. ENFORCEMENT OF INTERCEPTION. TO THE MAXIMUM POSSIBLE EXTENT, INTERCEPTION WILL BE ENFORCED WITHOUT THE USE OF FORCE. OTHER METHODS WILL BE USED TO INDUCE A SHIP TO PROVIDE NECESSARY INFORMATION, TO SUBMIT TO NECESSARY INSPECTION OR TO REFRAIN FROM PROCEEDING ON ITS INTENDED COURSE, INCLUDING RADIO AND VISUAL COMMUNICATIONS, MANEUVERS BY THE INTERCEPTION VESSEL, AND WARNING SHOTS. WHERE NECESSARY THE MINIMUM PROPORTIONATE FORCE NEEDED TO COMPEL COMPLIANCE WILL BE USED, INCLUDING BOARDING OPERATIONS OR DISABLING THE SHIP. ANY HOSTILE ACTION BY THE SHIP WILL BE COUNTERED BY NECESSARY AND PROPORTIONATE FORCE.

- E. COORDINATION. THE UNITED STATES, IN RESPONSE TO THE REQUEST IT HAS RECEIVED FROM THE GOVERNMENT OF KUWAIT, IS COMMUNICATING WITH ALL OTHER STATES WHO HAVE BEEN ASKED BY THE GOK TO PARTICIPATE IN THIS MULTINATIONAL EFFORT, FOR PURPOSE OF COORDINATING THE VARIOUS NATIONAL FORCES. WE WILL BE WORKING WITH THESE OTHER NATIONS TO ESTABLISH APPROPRIATE MECHANISMS FOR COORDINATION, INCLUDING THE ESTABLISHMENT OF CHANNELS FOR COORDINATION OF INFORMATION ON MARITIME TRAFFIC AND APPROACHES TO GOVERNMENTAL AUTHORITIES, FOR OPERATIONAL COORDINATION, AND FOR LOGISTICAL ARRANGEMENTS.