

SECRET  
FM WASHINGTON  
TO DESKBY 140800Z FCO  
TELNO 2234  
OF 140053Z SEPTEMBER 90  
AND TO DESKBY 140500Z RIYADH  
INFO IMMEDIATE JEDDA

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MY TELNO 2228: IRAQ/KUWAIT: LEGAL BASIS FOR FURTHER  
MILITARY OPERATIONS.

## SUMMARY

1. KIMMITT VERY CONCERNED THAT WE SHOULD HAVE PUT DRAFT  
TO KUWAITIS WITHOUT FURTHER CONSULTATION. STATE ARE  
NOT OPPOSED TO THE PRINCIPLE, NOR NECESSARILY TO THE  
WORDING. BUT THEY NEED A SHORT TIME TO THINK. THEY HAVE  
A POINT.

## DETAIL

2. KIMMITT (STATE DEPARTMENT) HAS JUST SPOKEN TO ME  
STRONGLY AND WITH CONSIDERABLE CONCERN HAVING BEEN  
BRIEFED ABOUT OUR APPROACHES RECORDED IN TUR.
3. HE SAID THAT SINCE AUGUST 2 THERE HAD BEEN UK/US  
CONSULTATION OVER EVERY MAJOR STEP. HE AND HIS COLLEAGUES  
WERE VERY DISMAYED THAT WE HAD GONE AHEAD WITH THE  
KUWAITIS ON OUR OWN. THE AMERICANS WOULD HAVE WISHED TO  
CONSIDER THE POSSIBILITY OF A JOINT APPROACH IN ADDITION  
TO THE TIMING AND CONTENT. HE WAS NOT SAYING THAT HE WAS  
OPPOSED EITHER TO THE PURPOSE OF THE DEMARCHE OR NECESSARILY  
TO THE WORDING, BUT THE AMERICANS NEEDED A LITTLE TIME TO  
THINK THE MATTER THROUGH.
4. I EXPLAINED THAT THIS WAS A PIECE OF CONTINGENCY  
PLANNING WITH THE OBJECT OF ENSURING THAT WHEN WE GOT A  
REQUEST FROM THE KUWAITIS (IF THIS WERE TO HAPPEN) IT WOULD  
BE IN THE RIGHT FORM TO JUSTIFY OUR ACTION UNDER  
INTERNATIONAL LAW. IT DID NOT FOLLOW THAT THE KUWAITIS  
WOULD WRITE THE LETTER IMMEDIATELY AND THE DOCUMENT WAS A  
DRAFT FOR DISCUSSION.
5. KIMMITT EXPECTED THE KUWAITIS TO BE VERY PASSIVE IN ALL  
THIS AND FEARED THAT THEY MIGHT JUST SIGN THE LETTER AS

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PROPOSED. FURTHERMORE ANY PUBLICITY OR LEAK WOULD CREATE THE WRONG IMPRESSION AT THIS STAGE. HE WOULD GET ANY US COMMENTS TO US VERY QUICKLY. MEANWHILE HE GREATLY HOPED THAT THERE WOULD BE NO FURTHER ACTION.

COMMENT

6. KIMMITT HAS A POINT I THINK, AND FURTHER CONSULTATION WOULD HAVE BEEN PREFERABLE, GIVEN THEIR STRONG EARLIER RESERVATIONS (MY TELNO 2152). IT WOULD BE VERY HELPFUL IF HMA RIYADH COULD ENSURE THAT WHILE THE IDEAS ARE REGISTERED WITH THE KUWAITIS TO GET THEM THINKING ON THE RIGHT LINES, THEY DO NOT GO FURTHER AT THIS STAGE. PRESUMABLY ANY MAJOR AND VALID AMENDMENTS COULD BE FED IN TO THEM SUBSEQUENTLY.

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