

Message 002

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INFO IMMEDIATE RIYADH

WASHINGTON AND RIYADH PERSONAL FOR AMBASSADORS

YOUR TELNO 911; IRAQ/KUWAIT; RECOURSE TO THE UNITED NATIONS.

SUMMARY

1. COLLECTIVE DISCUSSION IN NEW YORK OF A SECURITY COUNCIL RESOLUTION ON MILITARY ACTION COULD NOT REMAIN SECRET FOR LONG. BUT THIS NEED NOT BE A FUNDAMENTAL FLAW. THERE MAY BE A NEED TO CONCEDE A LIMITED PERIOD FOR EFFORTS TO BRING SADDAM HUSSEIN BACK FROM THE BRINK. VIEWS OF THE US PERMANENT REPRESENTATIVE.

DETAIL

2. WHERE THE SECRECY OF ACTION IN THE FIVE AND THE SECURITY COUNCIL TO PREPARE FOR THE MILITARY OPTION IS CONCERNED, I THINK THE KEY LIES IN YOUR STATEMENT IN PARA 2(D) OF TUR THAT THE SECURITY COUNCIL RESOLUTION ITSELF WOULD NOT NEED TO PROVIDE ANY PRECISE CLUES ON THE TIMING OF MILITARY ACTION.

3. IN PRACTICE I DO NOT THINK THAT ANY PROCESS OF COLLECTIVE DISCUSSION IN NEW YORK COULD REMAIN SECRET FOR LONG. IT MIGHT BE POSSIBLE TO KEEP INITIAL CONTACTS IN CAPITALS OF THE FIVE (OR AT LEAST THEIR PURPOSE) SECRET DESPITE THE INTENSE PRESS INTEREST IN ALL HIGH-LEVEL COMINGS AND GOINGS. THE SAME MIGHT BE TRUE OF THE INITIAL PHASE OF CONSULTATION WITH THE AMERICANS IN NEW YORK, AND PERHAPS ALSO WITH THE FRENCH. BUT PAST EXPERIENCE IN THE DRAFTING OF IRAQ/KUWAIT RESOLUTIONS SUGGESTS THAT THE PROCESS WOULD BECOME RATHER POROUS WHEN OTHER MEMBERS OF THE FIVE WERE BROUGHT IN, LET ALONE THEREAFTER.

4. OUR PAST PRACTICE - AND ONE WHICH HAS WORKED WELL OVER PREVIOUS RESOLUTIONS - HAS BEEN FOR MEMBERS OF THE FIVE TO BRIEF OTHER COUNCIL MEMBERS INFORMALLY ON THE BASIS OF A TEXT, BEFORE THERE IS COLLECTIVE DISCUSSION IN THE COUNCIL PROPER. THEREAFTER THE KEY PHASE OF CONSIDERATION AMONG ALL 15 MEMBERS WOULD BE IN INFORMAL CONSULTATIONS, WHICH, ALTHOUGH THEY TAKE PLACE BEHIND CLOSED DOORS, ARE KNOWN IN DETAIL TO THE MEDIA AND TO NON-MEMBERS OF THE COUNCIL. WE WOULD SEE LITTLE ADVANTAGE IN THEREAFTER EMPLOYING THE PROCEDURE OF A CLOSED MEETING OF THE SECURITY COUNCIL ITSELF. BY THE TIME AGREEMENT HAD BEEN REACHED IN INFORMAL CONSULTATIONS TO GO AHEAD TO A VOTE THE WHOLE MATTER WOULD IN PRACTICE ALREADY BE IN THE PUBLIC DOMAIN. WE WOULD PRESUMABLY WANT THE ADOPTION OF THE RESOLUTION TO BE A PUBLIC ACT, AND STATEMENTS MADE ON THAT OCCASION WOULD BE FOR PUBLIC CONSUMPTION.

5. BUT, AS I INDICATE ABOVE, I WOULD QUESTION WHETHER THE INCREASING TRANSPARENCY OF THE PROCESS WAS A FUNDAMENTAL FLAW. ANY DECISION TO HAVE RECOURSE TO THE UNITED NATIONS IN ADVANCE OF MILITARY ACTION WOULD NECESSARILY MEAN THAT THE ELEMENT OF STRATEGIC SURPRISE HAD BEEN LOST. BUT, PROVIDED THAT THE RESOLUTION, AS I IMAGINE WE WOULD WISH, GAVE A GENERAL AND NON-SPECIFIC AUTHORISATION WHICH DID NOT TIE THE HANDS OF THE STATES WHICH WOULD INITIATE THE USE OF FORCE, THEN GOVERNMENTS AND MILITARY COMMANDERS WOULD STILL HAVE FREEDOM TO CHOOSE THE MOMENT AT WHICH TO ACT.

6. I THINK IT VERY PROBABLE, GIVEN THE STRENGTH OF FEELING HERE THAT 'PEACE MUST BE GIVEN A LAST CHANCE', THAT THERE WOULD BE PRESSURE FOR THE SETTING OF A FURTHER LIMITED PERIOD BEFORE MILITARY ACTION WOULD BE AUTHORISED TO PERMIT INTENSIVE EFFORTS AIMED AT BRINGING SADDAM HUSSEIN BACK FROM THE BRINK. FOR REASONS OF UN TACTICS WE MIGHT HAVE TO BE PREPARED TO PERMIT SOMETHING ON THESE LINES, ALWAYS ON THE CLEAR UNDERSTANDING THAT THE ACTION SHOULD NOT DETRACT IN ANY WAY FROM THE CLEAR MESSAGE THAT IRAQI WITHDRAWAL MUST BE UNCONDITIONAL. THE SAFEST COURSE COULD BE TO AUTHORISE THE SECRETARY-GENERAL TO MAKE ONE LAST ATTEMPT, ON THE BASIS OF ALL THE RELEVANT SECURITY COUNCIL RESOLUTIONS, TO PERSUADE SADDAM HUSSEIN TO BACK DOWN.

7. WHEN CONSIDERING THE FEASIBILITY OF A SECURITY COUNCIL APPROACH, THE SOVIET AND CHINESE POSITIONS WOULD BE CRUCIAL, NOT JUST TO THE QUESTION OF THE NEED TO AVOID VETOES BUT ALSO TO THE TASK OF GETTING NINE POSITIVE VOTES. ON THE ASSUMPTION OF FIVE POSITIVE VOTES FROM THE PERMANENT MEMBERS TO WHICH THE THREE NON-NON-ALIGNED AND THE THREE AFRICANS COULD PROBABLY BE ADDED WE WOULD BE HOME AND DRY. OF THE FOUR THAT WOULD REMAIN, I WOULD NOT DESPAIR OF BRINGING MALAYSIA AND COLOMBIA TO VOTE FOR A RESOLUTION IN THESE CIRCUMSTANCES, GIVEN THE RELATIVELY ROBUST STATEMENTS MALAYSIAN MINISTERS HAVE MADE ABOUT MILITARY ACTION AS A LAST RESORT AND THE PRESSURE THE AMERICANS CAN BRING TO BEAR ON COLOMBIA. YEMEN AND CUBA WOULD PROBABLY REMAIN A LOST CAUSE. BUT THE MATHEMATICS WOULD BE CONSIDERABLY MORE SHAKY IF EITHER THE RUSSIANS OR THE CHINESE COULD NOT BE BROUGHT FULLY ON BOARD, I.E. ABSTAINED. IF BOTH DID SO, THE POSSIBILITY OF NINE POSITIVE VOTES WOULD REMAIN THEORETICALLY ON THE CARDS BUT I WOULD NOT COUNT ON IT.

8. I TOOK ADVANTAGE OF YOUR INSTRUCTIONS (PARA 3 OF TUR) TO SPEAK TO PICKERING ON A PERSONAL BASIS. I STRESSED THAT OUR OWN PREFERENCE FOR RELYING ON ARTICLE 51 WAS UNCHANGED AND I WAS SEEKING NOT THE VIEW OF THE U S ADMINISTRATION, BUT PICKERING'S OWN VIEW AS U S PERMANENT REPRESENTATIVE TO THE UNITED NATIONS.

9. PICKERING SAID THAT IN ORDER TO SELL A RESOLUTION ON THE USE OF FORCE TO OTHER SECURITY COUNCIL MEMBERS WE WERE LIKELY TO HAVE TO ACCEPT SOME LIMITATIONS ON OUR FREEDOM OF ACTION. THERE WOULD BE PRESSURES FOR MEASURES LIKE A LIMITED EG SIX MONTH PERIOD WHEN ACTION WAS AUTHORISED, A NON-AMERICAN COMMANDER FOR THE MULTINATIONAL FORCE AND NO OPERATIONS NORTH OF KUWAIT. BUT THE NEED NOT TO ACCEPT SUCH LIMITATIONS DID NOT MEAN THAT HE WOULD RECOMMEND AGAINST THE UN ROUTE (HE HAD JUST HEARD THAT SHEVARDNADZE HAD SAID THAT ANY MOVE TO THE USE OF FORCE MUST TAKE THE UN ROUTE). IN HIS VIEW A SINE QUA NON WOULD BE THE SUPPORT OF THE FIVE PERMANENT MEMBERS WITHOUT THE SORT OF LIMITING CONDITIONS MENTIONED ABOVE. IT WAS VITAL TO HAVE A POSITIVE RUSSIAN VOTE. THIS MIGHT MEAN WE WOULD HAVE TO GIVE A SOMEWHAT GREATER ROLE TO THE MILITARY STAFF COMMITTEE (MSC), WITHOUT HOWEVER LETTING IT GET INTO THE COMMAND AND CONTROL AREA WHICH WOULD GIVE US THE GREATEST DIFFICULTIES. IN OTHER WORDS THE MSC'S ROLE SHOULD BE ONE OF ADVICE NOT CONTROL. IF THE RUSSIANS WERE NOT PREPARED TO VOTE IN FAVOUR HE DID NOT SEE HOW WE COULD WIN A VOTE. WE MIGHT JUST GET AWAY WITH IT IF THE CHINESE INDICATED WILLINGNESS NOT TO BLOCK A RESOLUTION ON THE USE OF FORCE AND THEN ABSTAINED AT THE LAST MINUTE.

At last!
10. PICKERING SAID THAT IF WE TOOK THE UN ROUTE BUT FAILED TO GET A RESOLUTION THROUGH, THIS WOULD RISK PREJUDICING OUR POSITION UNDER ARTICLE 51. SENATOR MOYNIHAN HAD MADE THIS POINT TO HIM A FEW HOURS BEFORE. IT WAS THEREFORE IMPORTANT NOT TO RUSH INTO THINGS. PICKERING AGREED WITH ME THAT IF WE WENT DOWN THE UN ROUTE WE WOULD NEED TO MAKE IT CLEAR AT EACH STAGE THAT THIS WAS A POLITICALLY DESIRABLE MOVE IN ORDER TO MAXIMISE SUPPORT FOR MILITARY ACTION; IT WAS NOT A LEGAL NECESSITY. IT MIGHT JUST BE POSSIBLE TO INCLUDE A PREAMBULAR REFERENCE TO ARTICLE 51 IN ANY ARTICLE 42 DRAFT RESOLUTION OR TO REFER TO FURTHER STEPS, THEREBY INDICATING THAT THE RESOLUTION WAS NOT ITSELF THE ONLY ROAD.

11. PICKERING THOUGHT THAT TO OBTAIN MAXIMUM NON-ALIGNED SUPPORT IT WOULD BE NECESSARY TO ENGAGE IN AN EXERCISE TO GIVE PEACE A LAST CHANCE. BUT A FIXED DATE ULTIMATUM WAS UNWISE. BY TAKING THE UN ROUTE WE WERE LOSING THE ELEMENT OF STRATEGIC SURPRISE AND BY ISSUING THE ULTIMATUM WE WOULD RISK ALSO LOSING THE ELEMENT OF TACTICAL SURPRISE. PICKERING WONDERED ABOUT ADAPTING THE PEACE RESOLUTION PROPOSED BY COLOMBIA, MALAYSIA, YEMEN AND CUBA AND ADDING TO IT AN AUTHORITY TO USE FORCE, PERHAPS WITHOUT A DEADLINE. THIS WOULD AMOUNT TO A STRENGTHENING OF WHAT THE SAUDIS WERE ALREADY PROPOSING. BUT THIS WOULD NOT OVERCOME ONE ARGUMENT THAT WOULD INEVITABLY BE DEPLOYED WHEN THE MOMENT FOR ACTION CAME: NAMELY THAT SANCTIONS SHOULD BE GIVEN A FEW MORE WEEKS TO WORK. WE ALSO HAD TO BE WARY OF SAYING TOO FIRMLY THAT SANCTIONS WERE WORKING BECAUSE THIS WOULD GIVE EVERYONE THE EXCUSE TO PUT OFF MILITARY ACTION.

12. PICKERING MULLED OVER WHETHER ONE WAY OF GETTING ROUND THE DEADLINE PROBLEM WOULD BE TO GET THE SECRETARY-GENERAL TO TAKE THE COUNCIL'S LAST PEACE OFFER TO SADDAM HUSSEIN. IF HE REJECTED IT, THE COUNCIL WOULD TAKE ACTION. THE TROUBLE WITH THIS WAS THAT IT MADE THE SECRETARY-GENERAL THE TRIGGER FOR WAR AND HE WOULD OBVIOUSLY RESIST BEING CAST IN THIS ROLE. ALSO SADDAM HUSSEIN COULD STRING THINGS ALONG BY GIVING THE SECRETARY-GENERAL SOME POSITIVE SIGNS AND GETTING INTO A NEGOTIATION. INDEED, THIS WOULD BE A DANGER IN ANY SCENARIO INVOLVING A FINAL PEACE OFFER. SADDAM HUSSEIN COULD SAY HE ACCEPTED SOME ELEMENTS IN SUCH AN OFFER BUT NOT OTHERS AND PLAY FOR TIME.

13. PICKERING SAID HE DID NOT ATTACH THE SAME SIGNIFICANCE AS WASHINGTON DID TO TAKING ACTION DURING THE AMERICAN SECURITY COUNCIL PRESIDENCY IN NOVEMBER. IF ACTION CAME DURING THE YEMENI PRESIDENCY IN DECEMBER, YEMEN COULD DO NO MORE THAN DELAY THINGS BY A COUPLE OF DAYS. PICKERING WAS SCEPTICAL ABOUT WHETHER THE UNITED STATES WOULD BE READY FOR MILITARY ACTION IN ANY CASE IN NOVEMBER AND PERHAPS NOT EVEN IN DECEMBER. PEOPLE IN WASHINGTON WERE SAYING THAT THE U S FORCES WOULD NOT ALL BE IN THE REGION UNTIL MID-JANUARY. HE AGREED WITH ME THAT IT WOULD BE A TACTICAL ERROR TO LEAVE A LONG GAP BETWEEN A FINAL PEACE OFFER TO SADDAM HUSSEIN AND THE POINT WHERE ACTION WAS TAKEN. THIS WOULD ONLY GIVE THE OPPORTUNITY FOR PEOPLE TO ARGUE THAT THINGS HAD CHANGED IN THE MEANTIME.

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