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OF 132230Z AUGUST 90  
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YOUR TELNO 438 : IRAQ/KUWAIT : SECURITY COUNCIL CONSULTATIONS

## SUMMARY

1. CONSIDERABLE FEELING IN THE SECURITY COUNCIL THAT UNILATERAL MILITARY MEASURES TO ENFORCE SCR 661 WOULD GO BEYOND WHAT THE COUNCIL HAS AUTHORIZED, AND THAT MILITARY ACTION SHOULD ONLY BE TAKEN IF SANCTIONS WERE SHOWN NOT TO WORK. I TAKE THE LINE IN TUR.

## DETAIL

2. MEMBERS OF THE SECURITY COUNCIL MET IN INFORMAL CONSULTATIONS ON 13 AUGUST. ALARCON (CUBA) SAID HE BELIEVED IT WAS NECESSARY FOR THE COUNCIL TO CALL FOR RESTRAINT. THE SECURITY COUNCIL WAS ALREADY PUTTING INTO EFFECT UNPRECEDENTED SANCTIONS AGAINST A STATE WHICH HAD REFUSED TO COMPLY WITH ITS RESOLUTIONS. CERTAIN POWERS WERE AT THE SAME TIME TAKING MILITARY ACTION AT THE REQUEST OF A MEMBER STATE UNDER ARTICLE 51 OF THE CHARTER. THIS WAS QUITE LEGITIMATE. BUT SOME OF THOSE POWERS APPEARED TO BE ARROGATING TO THEMSELVES THE RIGHT TO PUT INTO PRACTICE DECISIONS OF THE COUNCIL WITHOUT THE COUNCIL BEING CONSULTED. IN FACT THOSE POWERS WERE APPLYING ARTICLE 42 OF THE CHARTER ALTHOUGH THE SECURITY COUNCIL HAD TAKEN NO DECISION TO DO SO. THIS SET A DANGEROUS PRECEDENT: THE LOGIC WOULD BE THAT ANY STATE COULD HENCEFORTH TAKE UNILATERAL MILITARY ACTION TO ENFORCE A SECURITY COUNCIL DECISION. THE UNITED NATIONS HAD NEVER ACTED ON THAT BASIS IN THE PAST. IF THE SECURITY COUNCIL DECIDED THAT SANCTIONS WERE INADEQUATE, IT COULD DECIDE TO APPLY ADDITIONAL MEASURES. BUT INDIVIDUAL MEMBERS COULD NOT ASSUME THIS RIGHT FOR THEMSELVES. SENDING SHIPS TO MONITOR SANCTIONS WAS QUITE DIFFERENT FROM TRYING TO ENFORCE THE COUNCIL'S DECISIONS WITHOUT ITS AUTHORITY.

3. I SAID WE WERE PLEASED THE SANCTIONS COMMITTEE HAD BEEN ESTABLISHED QUICKLY: IT WAS IMPORTANT IT SHOULD BE VISIBLY IN

ACTION. RESOLUTIONS 660, 661 AND 662 HAD BEEN PASSED TO BRING THINGS BACK TO WHERE THEY WERE. BUT THREATS TO OTHER STATES IN THE REGION HAD INDEPENDENTLY EMERGED: A BRITISH CITIZEN HAD BEEN KILLED YESTERDAY. I THEN READ OUT THE FIRST THREE POINTS IN TUR.

4. AL-ASHTAL (YEMEN) SAID THE CRISIS WAS ESCALATING. YEMEN WANTED THE COUNCIL TO MAKE EVERY EFFORT TO CONTAIN IT. THE COUNCIL SHOULD CALL FOR RESTRAINT, AS IT NORMALLY DID IN SUCH A SITUATION.

5. WATSON (UNITED STATES) SAID THAT AMERICAN ACTION WAS IN LINE WITH SCR 661, AND REQUESTS FROM STATES IN THE REGION IN ACCORDANCE WITH ARTICLE 51 OF THE CHARTER. THE MOST RECENT OF THESE HAD BEEN THE LETTER FROM THE AMIR OF KUWAIT TO PRESIDENT BUSH. SANCTIONS HAD TO BE EFFECTIVELY IMPLEMENTED. THEY HAD BEEN PRETTY SUCCESSFUL SO FAR BUT SOME SHIPMENTS WERE STILL REACHING IRAQ AND KUWAIT. THE UNITED STATES WOULD ONLY INTERDICT SHIPPING IF THIS WAS NECESSARY. IT WOULD ACT IN COORDINATION WITH OTHER COUNTRIES WITH WHOM KUWAIT HAD MADE A SIMILAR REQUEST.

6. FORTIER (CANADA) EXPRESSED DISAPPOINTMENT THAT THE ARABS HAD NOT YET FOUND A SOLUTION TO THE PROBLEM. CHAPTER VII OF THE CHARTER SET OUT SPECIFIC STEPS: THE COUNCIL HAD MOVED METHODICALLY FROM SCR 660 TO SCRS 661 AND 662. NONE OF THOSE DECISIONS PROVIDED FOR THE MILITARY MEASURES NOW BEING SUGGESTED BY THE UNITED STATES. A BLOCKADE WOULD REQUIRE ACTION UNDER ARTICLE 42 OF THE CHARTER, AND WENT BEYOND THE MEASURES IN SCR 661. BEFORE THE COUNCIL MOVED TO ACTION UNDER ARTICLE 42, THE SANCTIONS COMMITTEE MUST BE GIVEN TIME TO ASSESS WHETHER SANCTIONS WERE WORKING. CANADA WAS SENDING 3 SHIPS TO THE GULF, AS A PRECAUTIONARY MEASURE TO PREVENT AGGRESSION. CANADA WOULD NOT BECOME INVOLVED IN THE USE OF FORCE.

7. RAZALI (MALAYSIA) SAID THE STEPS TAKEN BY THE SECURITY COUNCIL HAD STOPPED IRAQ MOVING BEYOND KUWAIT. THE CRITICAL POINT HAD NOW BEEN PASSED. THE COUNCIL SHOULD TAKE TIME TO SEE WHETHER SANCTIONS WERE EFFECTIVE. THIS MEANT WAITING FOR THE SANCTIONS COMMITTEE'S MEETING ON 17 AUGUST AND THE SECRETARY-GENERAL'S REPORT ON THE IMPLEMENTATION OF SCR 661. THE COUNCIL COULD THEN ASSESS WHETHER FURTHER STEPS WERE NECESSARY.

8. BLANC (FRANCE) SAID HE WAS PLEASED THE SANCTIONS COMMITTEE HAD BEEN SET UP QUICKLY: ON 10 AUGUST FRANCE HAD SENT IT DETAILS OF THE MEASURES TAKEN BY THE FRENCH GOVERNMENT. FRENCH SHIPS HAD BEEN SENT TO THE REGION BECAUSE OF THE PRESENCE OF FRENCH NATIONALS THERE AND

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SCRS 660, 661 AND 662. IF IT APPEARED THAT THE EMBARGO WERE NOT BEING RESPECTED, FRANCE WOULD DO WHAT WAS NECESSARY TO ENSURE COMPLETE IMPLEMENTATION.

9. LI (CHINA) EXPRESSED ALARM AT THE GROWING TENSION IN THE REGION. SCRS 660, 661 AND 662 MUST BE IMPLEMENTED. BUT THE SANCTIONS COMMITTEE HAD JUST STARTED ITS WORK. CHINA OPPOSED MILITARY INTERVENTION IN THE REGION BY MAJOR POWERS AND CALLED FOR RESTRAINT. THE SECURITY COUNCIL SHOULD ENCOURAGE THE EFFORTS OF THE ARAB LEAGUE AND GULF CO-OPERATION COUNCIL TO FIND A SOLUTION.

10. LOZINSKIY (SOVIET UNION) AGREED WITH EARLIER CALLS FOR RESTRAINT. THE SANCTIONS COMMITTEE HAD BEGUN ITS WORK; COLLECTIVE CONSIDERATION WAS NOW ESSENTIAL TO PREVENT EVENTS MOVING IN THE WRONG DIRECTION.

11. THE (ROMANIAN) PRESIDENT OF THE COUNCIL SAID IT WAS NECESSARY TO SEE HOW THE SYSTEM OF PEACE AND SECURITY WORKED WHEN SMALL STATES WERE UNDER THREAT. CLEARLY, MORE INFORMAL CONSULTATIONS WOULD BE NEEDED ON THIS ISSUE.

#### COMMENT

12. THERE WAS CONSIDERABLE FEELING IN THE COUNCIL THAT ECONOMIC SANCTIONS MUST BE GIVEN A CHANCE TO WORK, AND THAT ANY MILITARY ACTION TO ENFORCE THEM WAS PREMATURE. APART FROM WATSON (UNITED STATES) AND ME, NO-ONE THOUGHT THAT SCR 661 AND ARTICLE 51 OF THE CHARTER PROVIDED LEGAL COVER FOR ACTION BEYOND MONITORING. THIS IS ALSO THE VIEW OF THE UN LEGAL ADVISERS.

13. MOST DEVOUTLY HOPE THAT NO-ONE WILL TRY TO BREAK SANCTIONS AND THEREBY CAUSE A MILITARY INCIDENT. IF THERE WERE TO BE SUCH AN INCIDENT, IT WOULD BE VITAL TO DEMONSTRATE THAT THE SANCTION-BUSTER WAS TO BLAME. IN SUCH CIRCUMSTANCES THE COUNCIL COULD WELL BE PERSUADED TO MOVE TO A NEW RESOLUTION AGAINST IRAQ UNDER ARTICLE 42. OTHERWISE, AND IF THE INCIDENT WERE MESSY, THERE WOULD BE A REAL RISK OF THE BLAME BEING LAID ON THOSE ENFORCING THE SANCTIONS, AND THE PRESENT BROAD CONSENSUS AMONG THE FIVE AND IN THE COUNCIL FALLING APART.

14. A DOG WHICH DID NOT BARK WAS THE IRAQI PROPOSALS SET OUT IN BAGHDAD TELNO 754. NO-ONE EVEN MENTIONED THEM.

TICKELL