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MINISTRY OF DEFENCE
MAIN BUILDING WHITEHALL LONDON SW1A 2HB
Telephone 071-21 82111/3

MO 6/17/15S

13th August 1990

CO 14/8

Dear Charles

IRAQ/KUWAIT: US DEMARCHE

I enclose a copy of a US Demarche on the setting up of a Multinational Naval Force to give full effect to the sanctions under SCR 661, received here today by Minister(DP).

We are currently examining this text urgently, in concert with the FCO. Some aspects of it are not entirely satisfactory. I will advise you further shortly.

I am copying this letter to Richard Gozney (Foreign and Commonwealth Office), Simon Whitely (Transport), Elisabeth Wilms~~h~~hurst (Law Officers' Department), and to Sonia Phippard (Cabinet Office).

Yours sincerely

(MISS J R BINSTead)
Private Secretary

Charles Powell Esq
10 Downing Street

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DEMARCHE ON MULTINATIONAL NAVAL FORCE

-- THE UNITED STATES HAS BEEN ASKED BY THE GOVERNMENT OF KUWAIT TO ACT WITH KUWAIT IN EXERCISING THE INHERENT RIGHT OF INDIVIDUAL AND COLLECTIVE SELF-DEFENSE RECOGNIZED IN ARTICLE 51 OF THE UN CHARTER AND AFFIRMED IN UNSC RESOLUTION 661, TO TAKE SUCH MILITARY OR OTHER STEPS AS ARE NECESSARY TO ENSURE THAT ECONOMIC MEASURES DESIGNED TO RESTORE KUWAIT'S SOVEREIGN RIGHTS ARE EFFECTIVELY IMPLEMENTED.

-- IN SO DOING, THE GOVERNMENT OF KUWAIT HAS ALSO ASKED THE UNITED STATES TO ORGANIZE AND COORDINATE THE ESTABLISHMENT OF A MULTINATIONAL FORCE FOR THIS PURPOSE.

-- WE UNDERSTAND FROM THE GOVERNMENT OF KUWAIT THAT IT HAS SENT A LETTER TO YOUR GOVERNMENT INVITING YOU TO PARTICIPATE IN THIS MULTINATIONAL EFFORT.

-- WE HAVE INFORMED THE GOVERNMENT OF KUWAIT THAT WE ARE READY TO ORGANIZE AND COORDINATE THIS EFFORT.

-- THE MULTINATIONAL FORCE WE ENVISION WOULD BE COMPOSED OF NAVAL FORCES PARTICIPATING UNDER THEIR OWN NATIONAL COMMAND BUT COORDINATED BY THE UNITED STATES, ACTING ON BEHALF OF THE GOVERNMENT OF KUWAIT.

-- ITS PURPOSE WOULD BE TO GIVE FULL EFFECT TO THE SANCTIONS SPECIFIED IN UNSC RESOLUTION 661 BY INTERDICTING, AS NECESSARY, MARITIME TRAFFIC SEEKING TO VIOLATE THE SANCTIONS BY CARRYING PROHIBITED TRADE.

-- WE BELIEVE THAT IF THE SANCTIONS ARE EFFECTIVE THERE WILL NOT BE A NEED FOR EXTENSIVE, OR PERHAPS ANY, INTERDICTION ACTIVITIES, AND WE INTEND TO PURSUE A VIGOROUS DIPLOMATIC EFFORT TO ASSURE THE SANCTIONS EFFECTIVENESS.

-- THIS EFFORT WILL BE STRONGLY REINFORCED BY OUR READINESS TO ACT TOGETHER IN A MULTINATIONAL FORCE.

-- IF YOU ARE READY TO JOIN US IN THIS EFFORT, WE ASK THAT YOU INSTRUCT YOUR APPROPRIATE NAVAL AUTHORITIES TO CONTACT THE COMMANDER OF U.S. NAVAL FORCES, U.S. CENTRAL COMMAND, PEARL HARBOR, HAWAII, TO INITIATE THE NECESSARY COORDINATION EFFORTS. VESSELS ALREADY IN THE PERSIAN GULF REGION MAY BE INSTRUCTED TO COMMUNICATE DIRECTLY WITH THE U.S. COMMANDER OF THE JOINT TASK FORCE MIDDLE EAST, LOCATED IN BAHRAIN (WE ALSO REQUEST THAT YOU NOTIFY US THROUGH DIPLOMATIC CHANNELS).

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WE WANT TO BE PREPARED FOR A NAVAL INTERDICTION EFFORT AIMED AT GIVING FULL EFFECT TO THE UN SANCTIONS AND THAT NECESSARY ARRANGEMENTS TO COORDINATE THIS INTERDICTION EFFORT SHOULD GO FORWARD IN MILITARY CHANNELS.

-- THE GENERAL GUIDELINES WHICH WE BELIEVE SHOULD BE APPLIED TO THE INTERDICTION EFFORT ARE AS FOLLOWS:

-- ALL COMMODITIES AND PRODUCTS BOUND OUT OF IRAQ OR KUWAIT, AND ALL COMMODITIES AND PRODUCTS BOUND INTO IRAQ OR KUWAIT EXCEPT FOR SUPPLIES INTENDED STRICTLY FOR MEDICAL PURPOSES, SHOULD BE INTERDICTIONED. (BECAUSE WE ESTIMATE THAT IRAQ HAS A 3-6 MONTH SUPPLY OF FOOD STUFFS, WE DO BELIEVE FOOD SHOULD BE INTERDICTIONED.)

-- OUR INTENTION WILL BE TO TURN AWAY ANY VESSELS NOT ACTING IN COMPLIANCE WITH UNSC RESOLUTION 661. IF A VESSEL REFUSES TO TURN AWAY OR SUBMIT TO NECESSARY INSPECTIONS, MEASURES SHORT OF FORCE WILL FIRST BE USED. IF NEEDED, NECESSARY AND PROPORTIONATE FORCE WILL BE USED.

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LEGAL BASIS

-- A COORDINATED MULTINATIONAL NAVAL OPERATION TO INTERDICT COMMODITIES AND PRODUCTS BEING TRANSPORTED TO AND FROM IRAQ AND KUWAIT BY SEA IS CONSISTENT WITH--INDEED IT IS DESIGNED TO GIVE EFFECT TO--UNSC RESOLUTION 661 WHICH IMPOSES SANCTIONS ON TRADE WITH IRAQ AND KUWAIT.

--A MULTINATIONAL NAVAL INTERDICTION EFFORT IS IN ACCORDANCE WITH THE INHERENT RIGHT OF INDIVIDUAL AND COLLECTIVE SELF-DEFENSE RECOGNIZED IN ARTICLE 51 OF THE UN CHARTER, AND SPECIFICALLY REAFFIRMED IN UNSCR 661.

--WE ARE MOVING AHEAD WITH THE MULTINATIONAL EFFORT KUWAIT HAS REQUESTED. THERE IS AMPLE AUTHORITY FOR THE CURRENT EFFORT IN ARTICLE 51 OF THE UN CHARTER, AND ITS APPLICATION TO THE IRAQI ATTACK ON KUWAIT, AFFIRMED BY THE COUNCIL IN UNSCR 661.

--AS WE EXAMINE, IN ADDITION, WHETHER AND HOW THE UN CAN PLAY A CONSTRUCTIVE ROLE, WE NEED TO BE MINDFUL THAT ESTABLISHING SUCH A FORCE UNDER THE SECURITY COUNCIL WOULD BE UNPRECEDENTED, AND THERE ARE A NUMBER OF DIFFICULT QUESTIONS WHICH WOULD NEED TO BE WORKED OUT. WE INTEND TO EXPLORE THE MATTER FULLY WITH MEMBERS OF THE UNSC.

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