

221757Z

COMMENT:

CONFIDENTIAL
FM FCO
TO FLASH UKMIS NEW YORK
TELNO 473
OF 221515Z AUG 90
AND TO FLASH WASHINGTON
AND TO DESKBY 221800Z PARIS
INFO IMMEDIATE PEKING, MOSCOW, UKDEL NATO

Prime Minister
Here are the
information which
FCO sent to
New York. Good mb
CAN
22/8

YOUR TELNO 1058: IRAQ/KUWAIT: NEXT STEPS IN THE UN SUMMARY

1. THE AMERICANS MUST NOT WEAKEN. IN ORDER TO REINFORCE JUSTIFICATION FOR A GOOD ENFORCEMENT RESOLUTION, INSTRUCTIONS TO USE AD HOC MSC CONSULTATIONS AS CONDUIT FOR PASSING INFORMATION ON SANCTIONS BREACHES. HMG'S BOTTOM LINE.

DETAIL

2. MINISTERS ARE CONCERNED BY YOUR ACCOUNT OF THE APPARENT SOFTENING IN THE US POSITION AND HOPE YOU CAN STIFFEN PICKERING. THEY BELIEVE THE KEY POINTS FOR US MUST BE:

- NO DIMINUTION OF THE POWERS WE ALREADY HAVE UNDER ARTICLE 51 EVEN IF THIS DELAYS ADOPTION OF A RESOLUTION. THIS IS ESSENTIAL.

- A SINGLE RESOLUTION TO PROVIDE ALL NECESSARY AUTHORITY FOR THE USE OF FORCE TO INTERDICT SHIPPING.

3. RATHER THAN TRAVEL DOWN THE ROAD OF DRAFTING AMENDMENTS WHICH COULD WEAKEN THE TEXT IN A MANNER WHICH WOULD BE UNACCEPTABLE TO MINISTERS, YOU RIGHTLY DREW ATTENTION TO THE MECHANISMS IN PARA 4 AS OFFERING A POSSIBLE WAY FORWARD.

4. YOU SHOULD TELL YOUR COLLEAGUES THAT WE ARE INCREASINGLY CONCERNED ABOUT THE RISING TIDE OF ACTUAL OR POTENTIAL BREACHES OF SANCTIONS. IF PERMANENT MEMBERS AND THE INTERNATIONAL COMMUNITY DO NOT ACT PROMPTLY AND EFFECTIVELY TO IDENTIFY AND STOP LOOPHOLES, SADDAM HUSSEIN WILL BE FLOUTING THE AUTHORITY OF THE SECURITY COUNCIL YET AGAIN AND HOLDING IT UP TO RIDICULE. THUS WE WOULD SUGGEST THAT THE FIVE USE THE AD HOC MECHANISM OF THE MILITARY STAFF COMMITTEE TO EXCHANGE INFORMATION NOT ONLY ABOUT DEPLOYMENT OF NAVAL VESSELS BUT ALSO IN A SERIOUS ATTEMPT TO IDENTIFY LOOPHOLES IN ENFORCEMENT. WHAT ARE THE TRADE ROUTES? WHAT HAS SLIPPED THROUGH? HOW DID THE IRAQI TANKERS SLIP THROUGH THE NET? AND SO FORTH. A CONSTRUCTIVE SHARING OF INFORMATION IN THIS HIGHLY RESTRICTIVE FORUM SEEMS TO US TO PROVIDE THE MEANS WHEREBY THE RUSSIANS AND THE CHINESE ARE KEPT ENGAGED AND PROVIDED WITH THE EVIDENCE THEY NEED THAT ADDITIONAL ENFORCEMENT IS NECESSARY.

5. INDIVIDUAL MEMBERS OF THE FIVE AND/OR THE PRESIDENT COULD THEN FEED BACK APPROPRIATE MATERIAL TO THE SANCTIONS COMMITTEE FOR THE NECESSARY POLITICAL FOLLOW UP IN EMERGENCY SESSION IF NECESSARY. WE HOPE TO LET YOU HAVE BY THE START OF YOUR FIRST MEETING INFORMATION TO FEED IN TO THE FIVE TO HELP BACK THESE ARGUMENT. BOLTON'S REMARKS (WASHINGTON TELNO 1998) REINFORCE THE CASE WE HAVE BEEN MAKING IN WHITEHALL.

6. THE ABOVE IS, OF COURSE, QUITE DISTINCT FROM ANY MEASURES WHICH WE MAY JUDGE NECESSARY IN ORDER TO ENFORCE SANCTIONS IN INDIVIDUAL CASES UNDER ARTICLE 51. THERE CAN BE NO QUESTION OF SEEKING PRIOR AUTHORISATION OR APPROVAL FOR SUCH ACTIONS. REPORTING WHICH MIGHT IN ANY CASE BE NECESSARY UNDER ARTICLE 51, WOULD BE EX-POST FACTO UNLESS THE ASSISTANCE OF ANOTHER STATE WAS BEING SOUGHT.

7. WE ARE PURSUING URGENTLY THE QUESTION OF THE IRAQI TANKER,

WHICH IS LIABLE TO CONTINUE TO HAVE AN EFFECT ON THE US
POSITION. FURTHER INSTRUCTIONS WILL FOLLOW.
8. PLEASE BRIEF THE AMERICANS.

HURD

YYYY
MAIN 229
IRAQ/KUWAIT 210
LIMITED 6
MED 13
[..ADD GEOGRAPHICAL/]
[..FUNCTIONAL AS NECESSARY]
ADDITIONAL 43
IRAQ/KUWAIT 43
(PASSED TO EMERGENCY UNIT)
[....MAFF TO BE ADDED IF]
[...DEALING WITH SANCTIONS]
[MC MURRIE]