

SUBJECT MATTER

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LONDON SW1A 2AA

From the Private Secretary

5 September 1990

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GULF CRISIS: MEETING OF MINSITERS

The Prime Minister held a meeting this morning with the Defence Secretary, Energy Secretary, Attorney-General and Minister of State FCO (Mr. Waldegrave) to discuss the latest developments in the Gulf. Sir Robin Butler, CDS and Sir Percy Cradock were also present.

The following were the main matters discussed.

Bush/Gorbachev Meeting

The main message for Gorbachev should be the need to stick absolutely to the objectives in the UN resolutions, and to implement them even if sanctions did not work. The Prime Minister will telephone President Bush after the debate in the House of Commons on 6/7 September and before his departure for Helsinki.

Legal basis for use of military force

The Attorney-General circulated a note (copy enclosed). If we accepted the position advanced by the Leader of the Liberal Party, we would be abjuring a right which is specifically confirmed in SCR 661, would be unjust to the people of Kuwait who are unable to use effective force to themselves, and would give unwarranted comfort to Saddam Hussein. The use of force would have to meet the normal requirements of international law with regard to the use of force in self-defence. The test of 'proportionality' should not in practice prove a constraint to the use of necessary force.

The Prime Minister's reply to Mr. Ashdown would make clear that we would not foreclose any option which may be necessary to enable the objectives of SCR 660 to be implemented and would not commit ourselves to go back to the United Nations (nor were we required by international law to do so).

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It was noted that we would need to go back urgently to the Amir of Kuwait for a further request to use force to recover his country (since the existing request dealt only with enforcement of economic measures). This would be an essential part of the legal cover for the use of force: without it, we would not have the necessary authority. This should be discussed immediately with the Americans and a further request obtained from the Amir at the earliest possible opportunity.

The Attorney will let the Prime Minister have by 1600 today a form of words to use in the debate on 6 September.

Secretary Baker's Testimony to Congress

This was generally in line with the Prime Minister's remarks in the David Frost interview (save for an injudicious remark about not being averse to seeing Saddam Hussein go).

British Women and Children

The convoy from Kuwait had arrived safely in Baghdad. We aimed to bring them back to the United Kingdom by Friday morning. They should be met by the Parliamentary Under-Secretary FCO (Mr. Lennox-Boyd).

Embassies in Kuwait

It now seemed that our Embassy was more vulnerable than others and might have to close sooner than them. We should investigate the possibility of getting supplies in.

Sanctions against Foodstuffs

We should continue to take a very firm view on this, making clear that any blame for food shortages attached to Saddam Hussein. Any exceptions should be only for humanitarian purposes and distributed by the ICRC.

Additional British Forces

It was noted that we had now received several requests for ground forces from the US Administration and the Saudis. The Defence Secretary would come forward with recommendations shortly. There were practical difficulties which ruled out sending armour. We should think in terms of up to an additional 5,000 men.

The CDS reported on his meeting with the Chairman of the JCS. The main issue was command and control arrangements for contingents of the multinational force. These had to be sorted out, while leaving us command of our own forces. It was noted that the Americans did not expect their forces to be up to full strength until November: and were conscious of the risk of substantial casualties in a conflict.

Interception of Shipping

The Zenobia had been refused entry to Muscat. The Americans

appeared to be intending to divert it to Aden. We should try urgently to discourage this.

The three Iraqi tankers were still moored in the northern Gulf.

Military Equipment for Bahrain

The Prime Minister referred to the report from our Embassy in Bahrain about our failure to respond to Bahrain's request for CBW equipment and spares.

I am copying this letter to Simon Webb (Ministry of Defence), John Neilson (Department of Energy), Elisabeth Wilmshurst (Law Officers Department) and Sonia Phippard (Cabinet Office).

(CHARLES POWELL)

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Foreign and Commonwealth Office.

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