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Prime Minister

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Iraq/Kuwait : Sustaining National Unity

- attached

1. I minuted on 18 December about putting across the Government's case on the Gulf to the British public. I enclosed a set of briefing notes covering the main aspects of Government policy.

attached

2. When you and I discussed this on 27 December we agreed that, as the 15 January deadline approaches, it is increasingly important for colleagues to take opportunities e.g. radio and television interviews, to explain Government policy to as many sections of the public as possible. I enclose an up-dated set of briefing notes, which cover the broad principles at stake as well as topical aspects of the crisis, including the question of whether sanctions should be given longer to work. Naturally colleagues should be cautious about possible EC initiatives and support the Americans' recent offer of a Baker/Tariq Aziz meeting in Switzerland between 7 and 9 January: they will also want to avoid taking the lead in talking about compensation/reparations or war crimes - these issues are not of the highest priority. In addition we should avoid being drawn on possible arrangements for constraining Iraqi NBC capacity, and stick to the general line provided on

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a longer-term security structure for the region. I very much hope that colleagues will be able to use the notes extensively.

3. I am copying this minute to members of OPD(G), the Lord Privy Seal, the Home Secretary, the Chancellor of the Duchy of Lancaster and to Sir Robin Butler.

DH.

(DOUGLAS HURD)

Foreign and Commonwealth Office
4 January 1991

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THE GULF CRISIS : BRIEFING NOTES

1. KEY POINTS

- Iraqi invasion of Kuwait was a clear attempt by a powerful country to impose its will on a weaker neighbour by military force. Aggression against a sovereign, independent State flouted the UN Charter and basic tenets of international law. If Iraq is allowed to get away with it, no small State could feel safe again. First test of new international order, emerging with the end of the Cold War.
- International response strong, rapid and virtually unanimous. Reflects recognition that important principles are at stake. Multinational coalition holding together well.
- Iraq's illegal occupation of Kuwait has been the subject of 11 mandatory UN Security Council Resolutions, which set out the conditions for a settlement of the crisis. The two main conditions are:
 - Full and unconditional Iraqi withdrawal from Kuwait
 - The restoration of the legitimate Kuwaiti Government
- These are not British or US requirements, but those of the international community, as embodied in Security Council Resolutions.
- SCR 678 authorises the use of "all necessary means", including force, if Iraq does not withdraw from Kuwait by 15 January. Iraq still has time in which to act.
- We want a peaceful solution, not a military one. But the choice lies in Saddam Hussain's hands. He can choose peace today. If Iraq complies fully with UN Resolutions by 15 January, it need have no fear of attack. But there can be no compromise which falls short of the requirements of the United Nations. Partial withdrawal would not be enough.

- The Iraqi response to the US offer of talks casts doubt on Iraqi seriousness. We hope they will take up President Bush's offer of a Baker/Tariq Aziz meeting in Switzerland between 7-9 January. Latest hardline Iraqi statements underline need to ensure that Saddam Hussain understands what is required of him, viz full compliance with Security Council Resolutions. This is not negotiation, but a restatement of the international commitment to the Security Council Resolutions.
- We welcome the release of all hostages. But they should never have been held against their will. Their release does not justify any concession to Iraq.

2. FURTHER BACKGROUND POINTS

- Iraq's invasion of Kuwait was in flagrant breach of its international obligations under the UN Charter and the Arab League Charter, both of which it has signed. The cause of the crisis is Iraq's naked and unprovoked aggression.
- There is no substance to Iraq's territorial claims. Kuwait has been independent longer than Iraq. Its formal association with the Ottoman Empire was brief and involved Ottoman acceptance of its autonomy. When the Ottoman Empire was dissolved after the First World War, the disposition of its dependent territories was decided by international treaties. Kuwait's sovereignty, independence and international frontiers have since been recognised not only by the international community but also by successive Iraqi Governments.
- By its actions Iraq has been isolated internationally. The United Nations, the Gulf Cooperation Council, the Arab League and the Islamic Conference Organisation have all condemned Iraq's invasion of Kuwait and called for Iraqi withdrawal.
- The multinational forces in the Gulf are there at the express request of Kuwait, Saudi Arabia and the other Gulf states in pursuance of the aims of the international community as expressed in the Security Council Resolutions. There is no wish to keep the

international forces there longer than is necessary to do the job for which they have been deployed. Over 25 nations have sent contingents.

- Following the implementation of the Security Council Resolutions on Kuwait there will have to be consideration of a security structure to guarantee the long term stability of the region. The nature of such a system must be primarily for the countries of the region to agree, but the wider international community, including Britain, stand prepared to play its part.
- In the longer term, it will be necessary to resolve the other problems of the region. We have long supported the idea of an international conference on the Arab/Israel problem. The invasion of Kuwait set back the search for peace and a settlement between the Arabs and Israel. But once the Iraqi aggression against Kuwait has been reversed we can and shall again focus our efforts in the search for a peaceful solution to this dispute.

3. SOME FURTHER QUESTIONS

Q: Why not wait longer?

- Waiting is a not a cost-free solution. The real cost is to the lives of people in Kuwait under Iraqi occupation and to the fabric of their society, which is being systematically and continually destroyed. As the Amnesty International report and numerous other accounts have shown, the methods of the Iraqi forces are ruthless and brutal. The Amnesty International report provides clear and exhaustive evidence of human rights abuses in Kuwait by Iraq's occupying forces: the murder of innocent men, women and children, including 300 premature babies removed from their incubators.
- The decision to release hostages does not reflect a change of heart but was a calculation that it was no longer in Iraq's interests to hold them because this reinforced the determination of the international community to oppose Iraq. But he still holds tens of thousands of hostages - every Kuwaiti man, woman and child. The Kuwaiti people cannot afford to wait.

Q: But what about sanctions?

- Many countries have united in a creditable effort to make sanctions work. Iraq has been unable to sell its oil, earn foreign exchange or import vital industrial goods. But, after 5 months, Saddam Hussain still holds out. The test of the effectiveness of sanctions is if they persuade Iraq to withdraw from Kuwait. Sadly the evidence is that sanctions alone will not be enough to reverse Iraqi policy. A combination of 3 elements will be necessary: international isolation; sanctions; and the certainty that if he does not go, he will be forced to leave.
- The existence of the military option is an essential component of the peaceful pressures on Iraq. To remove that pressure is not to go the extra mile for peace, but to abdicate responsibility for ensuring that aggression is not allowed to pay.

Q: Why doesn't Kuwait begin negotiations with Iraq now, as stipulated in SCR 660?

- SCR 660 was adopted on 2 August, the day of the Iraqi invasion. (It demanded that Iraq withdraw its troops completely and unconditionally and called on Iraq and Kuwait to begin immediately intensive negotiations to settle their differences.)

- Events have moved on since then. Iraq has not withdrawn from Kuwait. Saddam Hussein has deliberately flouted international law and refused to fulfil obligations placed on him by the Security Council. It is ridiculous to expect the Kuwaiti Government to negotiate when it has been driven out of its own country and when the Iraqis continue to perpetrate atrocities on the civil population of Kuwait. Such a negotiation would be grossly imbalanced and would only allow the aggressor to gain from his aggression.

Q: Consequences of war?

- In any military operation casualties must be expected. But the aim is to minimise these by deploying, with our allies, sufficient forces to achieve our objectives as swiftly as possible. No-one wants hostilities: if force does become necessary to get Saddam Hussein out of Kuwait we shall try to minimize the human consequences.

- It is impossible to make a full and reliable assessment of the effects of war on global warming. A small increase in global CO₂ emissions is possible through the burning of oil. But the impact on global warming is negligible compared to the long-term effects of worldwide consumption of fossil fuels. King Hussein's speech contained predictions apparently based on over-estimated figures for the amount of oil likely to burn, and the amount of CO₂ likely to be emitted. Any environmental damage is undesirable but the issue at stake is overriding.

- It is not likely that hostilities would lead to any significant further loss of oil production in the Gulf.

Q: Will compensation be payable?

- The Security Council has reaffirmed that Iraq is liable under international law for any loss, damage or injury arising as a result of its invasion and occupation of Kuwait.
- There will be claims against Iraq from many countries. When the situation in the Gulf is clearer we will consider how the claims of British nationals and companies should best be pursued. At present it is too early to decide precisely how this should be done.
- The Foreign Office has asked British nationals and companies to let them have information about any loss, damage or injury they may have suffered as a result of Iraq's invasion and occupation of Kuwait.
- We have informed the Government of Iraq that we reserve our rights and those of British nationals and companies in respect of compensation for any loss, damage or injury arising as a result of its invasion and occupation of Kuwait.

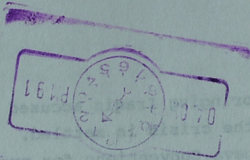
Q: Will Iraqis be tried for war crimes?

- The Fourth Geneva Convention, about the treatment of civilian populations in occupied territories, applies to Kuwait. The Security Council has reaffirmed this and has underlined Iraq's responsibility for atrocities committed during the Iraqi occupation of Kuwait. This also applies to reprisals that may be taken against Kuwaitis who have so bravely given shelter and succour to foreigners who remained in hiding during the occupation. It is too early to say what form any final settlement might take. But, as we have made clear, Saddam Hussain and the Iraqi people must be in no doubt that they are liable under international law for any offences they may commit.

[If necessary]

The mechanisms for bringing Iraqis accused of crimes to trial will depend on how the crisis is settled. Machinery already exists under the Geneva Conventions for prosecuting "grave breaches" of them.

MIDDLE EAST: *Arthur P 35*



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