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Foreign &  
Commonwealth  
Office

3 December 2001

London SW1A 2AH

NP0081/006/01

RECEIVED REGISTRY

11 DEC 2001

BY: [ ] OFF: [ ]

*Dear David*

**Iraq: Options**

In advance of David Manning's trip to Washington on Wednesday the Prime Minister has asked for a note on the options for dealing with Iraq.

There are no anti-terrorist grounds for Stage 2 military action against Iraq. The JIC concluded on 28 November that since the Gulf War Iraq had been cautious about pressing terrorist attacks abroad; it has no responsibility for the 11 September attacks and no significant links to UBL/ Al Qaida.

There is real reason for concern about Iraq's WMD programmes, principally CBW and long-range missiles. There is evidence of continuing Iraqi attempts to procure nuclear-related materiel. Saddam's history of aggression and use of CW sets Iraq apart from other WMD-armed states. It might be possible to construct a (threadbare) legal case for military action to deal with the threat. But a new SCR would almost certainly be needed. And though bombing can degrade missile and even nuclear capability, it is ineffective against CBW. I enclose a note (Annex A) on Iraq's obligations in respect of WMD and what it is actually doing.

A strategy to deal with the WMD threat will require ratcheting up our present policy of containment. We should press Iraq to comply with its disarmament obligations under the SCRs, accept an intrusive and continuing UN inspection regime and accept Kuwaiti sovereignty unequivocally. This could

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involve making previously declared red-lines for military action more specific; by defining what we meant by reconstitution of WMD and threats to neighbours. We could also make more explicit guarantees for Kurdish autonomy now and in any future Iraq. We should encourage and support the Iraqi opposition. We could mount a higher profile campaign on the issue of war crimes and consider the options for an international tribunal to try Saddam and his principal lieutenants. We could set out a vision of post-Saddam Iraq by deploying a 'Contract with the Iraqi People' on the lines of the attached draft (Annex B).

Such an approach should be reinforced by intensive efforts to enforce WMD-controls on Iraq and to control Saddam's sources of revenue.

Regime change may look an attractive alternative. Removal of Saddam, if achieved swiftly, would be applauded by his neighbours, the GCC and the wider Arab/Islamic world. But previous uprisings in 1991 failed for want of outside support and military intervention for this purpose would be illegal. The US are nevertheless considering their options again. David Manning's visit to Washington this week offers the opportunity to find out what they have in mind, and to test the viability of any plans.

*Yours etc*

*Simon*

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Annex A

## IRAQ'S OBLIGATIONS

### **Comply with UN Security Council Resolutions on its Weapons of Mass Destruction and ballistic missiles:**

(a) unconditionally accept the destruction, removal or rendering harmless under international supervision of all its **chemical and biological weapons**, all stocks of agents, all related subsystems and components, and all related research, development, support and manufacturing facilities (UNSCR687);

(b) unconditionally accept the destruction, removal or rendering harmless of all its **ballistic missiles** with a range greater than 150km, and related major parts, repair and production facilities (UNSCR687);

(c) unconditionally undertake not to use, develop, construct or acquire such chemical and biological weapons or ballistic missiles in the future (UNSCR687);

(d) unconditionally accept the destruction, removal or rendering harmless of its **nuclear-weapons** usable material, any nuclear weapons sub-systems and components, and any nuclear weapons research, development, support or manufacturing facilities (UNSCR687);

(e) undertake unconditionally not to develop nuclear weapons or any other nuclear explosive device (UNSCR687);

(f) allow **UNMOVIC** teams immediate, unconditional and unrestricted access to any and all areas, facilities, equipment, records and means of transport which they wish to inspect in accordance with their mandate, as well as to all officials and other persons under Iraqi Government authority whom they wish to interview (UNSCR1284);

(g) co-operate fully with the **IAEA** to enable the Agency to discharge its responsibilities (UNSCR715);

## WHAT IS IRAQ DOING?

(a) **concealing information about large quantities of chemical and biological munitions, agents and precursors.** UNSCOM inspectors were unable to account for 31,000 chemical munitions; 4,000 tonnes of precursor chemicals for chemical weapons; 610 tonnes of precursor chemicals for the nerve agent VX; and very large quantities of growth media acquired, on Iraq's own admission, for the production of biological weapons;

(b) **concealing up to 20 long-range Al-Hussein missiles;**

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(c) **actively pursuing chemical and biological weapons and ballistic missiles.** The missile-related facilities damaged by Operation Desert Fox in 1998 have been repaired, research continues and new facilities are being constructed. Other former chemical and biological weapons facilities have been restored: some CW and BW-relevant activity is under way;

(d) **seeking to rebuild a nuclear weapons programme.** Recent intercepted Iraqi procurement efforts have involved materials relevant to production of fissile material;

(e) most importantly, **barring entry to UNMOVIC and IAEA Action Team inspectors.** Iraqi officials have made clear as recently as last week that they do not intend to cease this obstruction until sanctions are lifted: in defiance of UNSCRs which repeatedly call for Iraqi compliance to be *unconditional*.

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Annex B

## CONTRACT WITH THE IRAQI PEOPLE

We want to work with the International Community to enhance stability and security in the Gulf region. We are committed to the maintenance of Iraq's sovereignty and territorial integrity within its current borders.

We want to work with an Iraq which respects the rights of its people, lives at peace with its neighbours and which observes international law. We want to see Iraq's full re-integration into the International Community.

The Iraqi people have the right to live in a society based on the rule of law, free from repression, murder, torture and arbitrary arrest; to enjoy respect for human rights, economic freedom and prosperity.

For all this to happen the Iraqi regime must abide by its obligations under international law, including compliance with relevant UN resolutions: including reaffirmation of recognition of Kuwait and acknowledgement of the inviolability of the border with Kuwait.

The record of the current regime in Iraq; systematic use of mass executions, torture and arbitrary arrest as tools of repression; history of aggression; continued refusal to meet international obligations suggests that its priorities remain elsewhere. The regime must end its mistreatment of the Iraqi people and be held to account for its war crimes. We must ensure, that the Iraqi people have access to information not controlled by the regime. Those who wish to promote change in Iraq deserve our support.

Until such time as Iraq is able to rejoin the international community we will continue to ensure that it is not in a position to threaten its neighbours and that there are tight controls on its ability to build up its military and WMD capability. We will also endeavour to minimise the impact of these controls on the Iraqi people. But we look forward to the day when Iraq rejoins the international community. We will then wish to pursue the following objectives;

- to support an international reconstruction programme for Iraq
- to re-build our political relations
- to facilitate Iraq's access to financial markets by encouraging generous debt rescheduling through the Paris Club
- to encourage Iraq to adopt, with IMF and World Bank support growth orientated economic policies
- to support Iraq's integration into the region through cooperation with neighbouring countries and encourage an Iraqi application to join the WTO
- to promote investment in Iraq's oil industry
- to encourage the establishment of a comprehensive retraining programme for Iraqi professionals including the development of academic exchanges and provide scholarships for Iraqis to study overseas
- to promote within the EU an aid/trade package for Iraq