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IRAQ: OPTIONS PAPER

SUMMARY

Since 1991, our objective has been to re-integrate a law-abiding Iraq which does not possess WMD or threaten its neighbours, into the international community. Implicitly, this cannot occur with Saddam Hussein in power. As at least worst option, we have supported a policy of containment which has been partially successful. However:

- * Despite sanctions, Iraq continues to develop WMD, although our intelligence is poor. Saddam has used WMD in the past and could do so again if his regime were threatened, though there is no greater threat now than in recent years that Saddam will use WMD; and
- * Saddam's brutal regime remains in power¹ and destabilises the Arab and wider Islamic world.

We have two options. We could toughen the existing containment policy. This would increase the pressure on Saddam. It would not reintegrate Iraq into the international community.

The US administration has lost faith in containment and is now considering regime change. The end states could either be a Sunni strongman or a representative government.

Three options for achieving regime change are:

- * covert support to opposition groups to mount an uprising/coup;
- * air support for opposition groups to mount an uprising/coup; and
- * a full-scale ground campaign.

These are not mutually exclusive. Options 1 and/or 2 would be natural precursors to Option 3. The greater investment of Western forces, the greater our control over Iraq's future, but the greater the cost and the longer we would need to stay. The only certain means to remove Saddam and his elite is to invade and impose a new government¹ but this could involve nation building over many years. Even a representative government could seek to acquire WMD and build-up its conventional forces, so long as Iran and Israel retain their WMD and conventional armories and there was no acceptable solution to Palestinian grievances.

A legal justification for invasion would be needed. Subject to Law Officers advice, none currently exists. This makes moving quickly to invade legally very difficult. We should therefore consider a staged approach, establishing international support,¹ building up pressure on Saddam, and developing military plans. There is a lead time of about 6 months to a ground offensive.

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CURRENT OBJECTIVES OF UK POLICY

1 Within our objectives of preserving peace and stability in the Gulf and ensuring energy security, our current objectives towards Iraq are:
* the reintegration of a law-abiding Iraq¹ which does not possess WMD or threaten its neighbours, into the international community. Implicitly, this cannot occur with Saddam in power; and
* hence, as the least worst option, we have supported containment of Iraq, by constraining Saddam's ability to re^uarm or build up WMD and to threaten his neighbours.

2 Subsidiary objectives are:

- * Preserving the territorial integrity of Iraq;
- * improving the humanitarian situation of the Iraqi people;
- * protecting the Kurds in Northern Iraq;
- * sustaining UK/US co-operation, including, if necessary, by moderating US policy; and
- * maintaining the credibility and authority of the Security Council.

HAS CONTAINMENT WORKED?

3 Since 1991, the policy of containment has been partially successful:
* Sanctions have effectively frozen Iraq's nuclear programme;
* Iraq has been prevented from rebuilding its conventional arsenal to pre^uGulf War levels;
* ballistic missile programmes have been severely restricted;
* Biological weapons (BW) and Chemical Weapons (CW) programmes have been hindered;
* No Fly Zones established over northern and southern Iraq have given some protection to the Kurds and the Shia. Although subject to continuing political pressure, the Kurds remain autonomous; and
* Saddam has not succeeded in seriously threatening his neighbours.

4 However:

- * Iraq continues to develop weapons of mass destruction, although our intelligence is poor. Iraq has up to 20 650km-range missiles¹ left over from the Gulf War. These are capable of hitting Israel and the Gulf states. Design work for other ballistic missiles over the UN limit of 150km continues. Iraq continues with its BW and CW programmes and, if it has not already done so¹ could produce significant quantities of BW agents within days and CW agent within weeks of a decision to do so. We believe it could deliver CBW by a variety of means, including in ballistic missile warheads. There are also some indications of a continuing nuclear programme. Saddam has used WMD in the past and could do so again if his regime were threatened.

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- * Saddam leads a brutal regime, which impoverishes his people. While in power Saddam is a rallying point for anti-Western sentiment in the Arab and wider Islamic world, and as such a cause of instability; and
- * despite UN controls over Iraq's oil revenue under Oil for Food, there is considerable oil and other smuggling.

5 In this context, and against the background of our desire to re-integrate a law-abiding Iraq into the international community, we examine the two following policy options:

- * a toughening of the existing containment policy, facilitated by 11 September; and
- * regime change by military means: a new departure which would require the construction of a coalition and a legal justification.

TOUGHENING CONTAINMENT

6 This would consist of the following elements:

- * full implementation of all relevant UNSCRs, particularly 687 (1991) and 1284 (1999). We should ensure that the Goods Review List (GRL) is introduced in May and that Russia holds to its promise not to block. The signs are positive but continuing pressure is needed. (The GRL focuses sanctions exclusively on preventing shipments of WMD-related and other arms, while allowing other business without scrutiny. As such, it will greatly facilitate legitimate Iraqi commerce under Oil for Food.);
- * encourage the US not to block discussions to clarify the modalities of Resolution 1284 once Russian agreement to the GRL has been secured. We should take a hard-line on each area for clarification - the purpose of clarification is not to lower the bar on Iraqi compliance; but
- * P5 and Security Council unity would facilitate a specific demand that Iraq re-admit the UN inspectors. Our aim would be to tell Saddam to admit inspectors or face the risk of military action.
- * push for tougher action (especially by the US) against states breaking sanctions. This should not discriminate between allies (Turkey), friends (UAE) and others (especially Syria). It would put real pressure on Saddam either to submit to meaningful inspections or to lash out;
- * maintain our present military posture, including in the NFZs, and be prepared to respond robustly to any Iraqi adventurism; and
- * continue to make clear (without overtly espousing regime change) our view that Iraq would be better off without Saddam. We could trail the rosy future for Iraq without him in a 'Contract with the Iraqi People', although to be at all credible, this would need some detailed work.

7 What could it achieve:

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* There will be greater pressure on Saddam. The GRL will make sanctions more attractive to at least some of their detractors. Improving implementation of sanctions would reduce the regime's illicit revenues; and
* the return of UN weapons inspectors would allow greater scrutiny of Iraqi WMD programmes and of Iraqi forces in general. If they found significant evidence of WMD, were expelled or, in face of an ultimatum, not re-admitted in the first place¹¹ then this could provide legal justification for large-scale military action (see below).

8 But:

* Some of the difficulties with the existing policy still apply;
* those states in breach of sanctions will want compensation if they are to change tack;
* Saddam is only likely to permit the return of inspectors if he believes the threat of large scale US military action is imminent and that such concessions would prevent the US from acting decisively. Playing for time¹¹ he would then embark on a renewed policy of non co¹¹operation; and
* although containment has held for the past decade, Iraq has progressively increased its international engagement. Even if the GRL makes sanctions more sustainable¹¹ the sanctions regime could collapse in the long-term.

9 Tougher containment would not re¹¹integrate Iraq into the international community as it offers little prospect of removing Saddam. He will continue with his WMD programmes, destabilising the Arab and Islamic world¹¹ and impoverishing his people. But there is no greater threat now that he will use WMD than there has been in recent years, so continuing containment is an option.

US VIEWS

10 The US has lost confidence in containment. Some in government want Saddam removed. The success of Operation Enduring Freedom, distrust of UN sanctions and inspection regimes, and unfinished business from 1991 are all factors. Washington believes the legal basis for an attack on Iraq already exists. Nor will it necessarily be governed by wider political factors. The US may be willing to work with a much smaller coalition than we think desirable.

REGIME CHANGE

11 In considering the options for regime change below¹¹, we need to first consider what sort of Iraq we want? There are two possibilities:
* A Sunni military strongman. He would be likely to maintain Iraqi territorial integrity. Assistance with reconstruction and political rehabilitation could be traded for assurances on abandoning WMD

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programmes and respecting human rights, particularly of ethnic minorities. The US and other militaries could withdraw quickly. However, there would then be a strong risk of the Iraqi system reverting to type. Military coup could succeed until an autocratic, Sunni dictator emerged who protected Sunni interests. With time he could acquire WMD; or * a representative¹¹ broadly democratic government. This would be Sunni-led but¹¹ within a federal structure¹¹ the Kurds would be guaranteed autonomy and the Shia fair access to government. Such a regime would be less likely to develop WMD and threaten its neighbours. However, to survive¹¹ it would require the US and others to commit to nation building for many years. This would entail a substantial international security force and help with reconstruction.

OTHER FACTORS TO CONSIDER: INTERNAL

12 Saddam has a strong grip on power¹¹ maintained through fear and patronage. The security and intelligence apparatus, including the Republican and Special Republican Guard, who protect the regime so effectively are predominantly drawn from the Arab Sunni minority (20-25 per cent of the population); many from Tikrit like Saddam. They fear non-Sunni rule¹¹ which would bring retribution and the end of their privileges. The regime's success in defeating the 1991 uprising stemmed from senior Sunni officers looking into the abyss of Shia rule and preserving their interests by backing Saddam. In the current circumstances, a military revolt or coup is a remote possibility.

13 Unaided, the Iraqi opposition is incapable of overthrowing the regime. The external opposition is weak, divided and lacks domestic credibility. The predominant group is the Iraqi National Congress (INC), an umbrella organisation led by Ahmad Chalabi, a Shia and convicted fraudster, popular on Capitol Hill. The other major group, the Iraqi National Accord (INA)¹¹, espouses moderate Arab socialism and is led by another Shia, Ayad Allawi. Neither group has a military capability and both are badly penetrated by Iraqi intelligence. In 1996, a CIA attempt to stir opposition groups ended in wholesale executions. Most Iraqis see the INC/INA as Western stooges.

14 The internal opposition is small and fractured on ethnic and sectarian grounds. There is no effective Sunni Arab opposition. There are 3-4m Kurds in northern Iraq. Most live in the Kurdish Autonomous Zone¹¹ established in 1991. The Kurds deploy at least 40,000 lightly armed militia but are divided between two main parties, the Patriotic Union of Kurdistan (PUK) and the Kurdistan Democratic Party (KDP). These groups have an interest in preserving the status quo¹¹ and are more interested in seeking advantage over the other than allying against Saddam. Divide and rule is easy; in 1996 the KDP

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assisted the Iraqi Army's expulsion of the PUK and Iraqi opposition groups from Irbil.

15 The Kurds do not co-operate with the Shia Arabs who form 60 per cent of the population: The main Shia opposition group is the Supreme Council for the Islamic Revolution in Iraq (SCIRI), with 3-5,000 fighters, but it is tainted by Iranian support. Most Shia would like to have a greater say in Iraqi government, but not necessarily control: they do not want secession, Islamic autonomy or Iranian influence.

REGIONAL

16 Iraq's neighbours have a direct interest in the country's affairs. Iran and Turkey, in particular, are wary of US influence and oppose some opposition groups. Turkey,¹ conscious of its own restive Kurdish minority, will do anything to prevent the establishment of an independent Kurdish state in northern Iraq, including intervention. Iran, also with a Kurdish minority,¹ would also oppose a Kurdish state and is keen to protect the rights of its co-religionists in the south. (see FCO paper on P5, European and regional views of possible military action against Iraq,¹ attached.)

17 We have looked at three options for achieving regime change (we dismissed assassination of Saddam Hussein as an option because it would be illegal):

OPTION 1: COVERT SUPPORT TO OPPOSITION GROUPS

18 The aim would be to bring down the regime by internal revolt, aided by the defection or at least acquiescence of large sections of the Army. A group of Sunni generals probably from within the Republican Guard, might depose Saddam if they decided the alternative was defeat. This option could be pursued by providing covert intelligence, large¹ scale financial and Special Forces support to opposition groups. The Kurds would be persuaded to unite and attack into northern Iraq, tying down some Iraqi forces. Simultaneously, in a greater threat to the regime,¹ the Shia would rise up in the southern cities, and in Baghdad.

19 This option also has a very low prospect of success on its own. The external opposition is not strong enough to overthrow Saddam and would be rejected by most Iraqis as a replacement government. The Kurds could only mount a very limited offensive in the north. Mass uprisings in the south would be unlikely. The US failure to support the 1991 uprising remains vivid. The Republican Guard would move against any opposition and any wavering regular Army units. There would also be a high risk of US/coalition forces being captured. The remaining elements of opposition could be eliminated, buttressing

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Saddam and his reputation as Arab folk hero. On the other hand, this option has never been pursued in a concerted, single-minded way before and should not be dismissed, at least as a possible precursor to Options 2 and 3.

OPTION 2: AN AIR CAMPAIGN PROVIDING OVERT SUPPORT TO OPPOSITION GROUPS LEADING TO A COUP OR UPRISING

20 The aim would be to assist an internal revolt by providing strategic and tactical air support for opposition groups to move against the regime. Such support would disable Saddam's military and security apparatus. Suspected WMD facilities would also be targeted. Substantial numbers of aircraft and munitions would need to be built up in theatre over a period of months. Any campaign would take several weeks at least¹¹ probably several months. Pressure on the regime could be increased by massing ground and naval forces and threatening a land invasion.

21 This option has no guarantee of success. The build up of pressure might persuade other Sunnis to overthrow Saddam and his family, but there is no guarantee that another Sunni autocrat would be better. Comparisons with Afghanistan are misleading. Saddam's military and security apparatus is considerably more potent and cohesive. We are not aware of any Karzai figure able to command respect inside and outside Iraq. Arab states would only back the plan if they were sure Saddam would be deposed. At least the cooperation of Kuwait would be needed for the necessary military build-up. The Arab street would oppose an air attack against Iraq, but visibility of a popular uprising could calm Arab public opinion.

OPTION 3: A GROUND CAMPAIGN

22 The aim would be to launch a full-scale ground offensive to destroy Saddam's military machine and remove him from power. A pro-Western regime would be installed which would destroy Iraq's WMD capability; make peace with Iraq's neighbours and give rights to all Iraqis, including ethnic minorities. As in the Gulf War¹¹ this would need to be preceded by a major air-offensive to soften up defences.

23 US contingency planning prior to 11 September indicated that such a ground campaign would require 200-400,000 troops. The numbers would be roughly half those of 1991 because Iraqi forces are now considerably weaker. Any invasion force would need to pose a credible threat to Baghdad in order to persuade members of the Sunni military elite that their survival was better served by deserting to the coalition than staying loyal to Saddam. Sufficient air assets would need three months and ground forces at least four-five months to assemble¹¹ so on logistical grounds a ground campaign is not feasible until autumn 2002. The optimal times to start action are early spring

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24 From a purely military perspective, it would be very difficult to launch an invasion from Kuwait alone. Carrier-based aircraft would not be enough because of the need for land-based air-to-air refuelling. To be confident of success, bases either in Jordan or in Saudi Arabia would be required. However, a wider and durable international coalition would be advantageous for both military and political reasons. Securing moderate Arab support would be greatly assisted by the promise of a quick and decisive campaign, and credible action by the US to address the MEPP.

25 The risks include US and others military casualties. Any coalition would need much tending over the difficult months of preparation for an actual invasion. Iran, fearing further US encirclement and that it will be invaded next, will be prickly but is likely to remain neutral. With his regime in danger, Saddam could use WMD, either before or during an invasion. Saddam could also target Israel as he did during the Gulf War. Restraining Israel will be difficult. It could try to pre-empt a WMD attack and has certainly made clear that it would retaliate. Direct Israeli military involvement in Iraq would greatly complicate coalition management and risk spreading conflict more widely.

26 None of the above options is mutually exclusive. Options 1 and/or 2 would be natural precursors to Option 3. All options have lead times. If an invasion is contemplated this autumn, then a decision will need to be taken in principle six months in advance. The greater investment of Western forces, the greater our control over Iraq's future, but the greater the cost and the longer we would need to stay. Option 3 comes closest to guaranteeing regime change. At this stage we need to wait to see which option or combination of options may be favoured by the US government.

27 But it should be noted that even a representative government could seek to acquire WMD and build-up its conventional forces, so long as Iran and Israel retain their WMD and conventional armouries.

LEGAL CONSIDERATIONS

28 A full opinion should be sought from the Law Officers if the above options are developed further. But in summary, CONTAINMENT generally involves the implementation of existing UNSCRs and has a firm legal foundation. Of itself, REGIME CHANGE has no basis in international law. A separate note by FCO Legal Advisors setting out the general legal background and the obligations in the relevant UN Resolutions is attached.

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29 In the judgement of the JIC there is no recent evidence of Iraq complicity with international terrorism. There is therefore no justification for action against Iraq based on action in self-defence (Article 51) to combat imminent threats of terrorism as in Afghanistan. However, Article 51 would come into play if Iraq were about to attack a neighbour.

30 Currently, offensive military action against Iraq can only be justified if Iraq is held to be in breach of the Gulf War ceasefire resolution, 687. 687 imposed obligations on Iraq with regard to the elimination of WMD and monitoring these obligations. But 687 never terminated the authority to use force mandated in UNSCR 678 (1990). Thus a violation of 687 can revive the authorisation to use force in 678.

31 As the ceasefire was proclaimed by the Security Council in 687, it is for the Council to decide whether a breach of obligations has occurred. There is a precedent. UNSCR 1205 (1998), passed after the expulsion of the UN inspectors, stated that in doing so Iraq had acted in flagrant violation of its obligations under 687. In our view, this revived the authority for the use of force under 678 and underpinned Operation Desert Fox. In contrast to general legal opinion, the US asserts the right of individual Member States to determine whether Iraq has breached 687, regardless of whether the Council has reached this assessment.

32 For the P5 and the majority of the Council to take the view that Iraq was in breach of 687:

- * they would need to be convinced that Iraq was in breach of its obligations regarding WMD, and ballistic missiles. Such proof would need to be incontrovertible and of large-scale activity. Current intelligence is insufficiently robust to meet this criterion. Even with overriding proof China, France and Russia, in particular, would need considerable lobbying to approve or acquiesce in a new resolution authorising military action against Iraq. Concessions in other policy areas might be needed. However, many Western states, at least, would not wish to oppose the US on such a major issue; or
- * if P5 unity could be obtained, Iraq refused to readmit UN inspectors after a clear ultimatum by the UN Security Council; or
- * the UN inspectors were re-admitted to Iraq and found sufficient evidence of WMD activity or were again expelled trying to do so.

CONCLUSION

33 In sum, despite the considerable difficulties, the use of overriding force in a ground campaign is the only option that we can be confident will remove Saddam and bring Iraq back into the international community.

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34 To launch such a campaign would require a staged approach:

- * winding up the pressure: increasing the pressure on Saddam through tougher containment. Stricter implementation of sanctions and a military build-up will frighten his regime. A refusal to admit UN inspectors, or their admission and subsequent likely frustration, which resulted in an appropriate finding by the Security Council" could provide the justification for military action. Saddam would try to prevent this, although he has miscalculated before;
- * careful planning: detailed military planning on the various invasion and basing options, and when appropriate force deployment;
- * coalition building: diplomatic work to establish an international coalition to provide the broadest political and military support to a ground campaign. This will need to focus on China, France and particularly Russia who have the ability to block action in the UN Security Council and on the other Europeans. Special attention will need to be paid to moderate Arab states and to Iran;
- * incentives: as an incentive guarantees will need to be made with regard to Iraqi territorial integrity. Plans should be worked up in advance of the great benefits the international community could provide for a post-Saddam Iraq and its people. These should be published.
- * tackling other regional issues: an effort to engage the US in a serious effort to re-energise the MEPP would greatly assist coalition building; and
- * sensitising the public: a media campaign to warn of the dangers that Saddam poses and to prepare public opinion both in the UK and abroad.

35 The US should be encouraged to consult widely on its plans.

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CABINET OFFICE
8 MARCH ")))"