The British Ambassador called at his own request on an urgent basis to discuss certain matters concerning the Iranian oil crisis which the Foreign Minister proposed to set before the Cabinet the following day in anticipation of an announcement to be made in the House of Commons. The British Ambassador presented an Aide Memoire, copy of which he did not leave, but which covered the following points: (a) that the British propose to commence a phased withdrawal of technicians from Iran beginning with the oil fields and ending with the Abadan refinery. This withdrawal would be reversed if at any time the Iranians showed willingness to be more cooperative; (b) the British Government assumed that Mr. Mossadegh’s letter to President Truman confirmed Iranian rejection of the IGO’s recommendation; and (c) that the IGO proposed to take to the Security Council the question of Iran’s refusal to comply with the Court’s findings and requested American support in advance for this position.

The question was raised with the Ambassador as to the basis upon which the question of non-compliance by Iran to the IGO’s decision would be taken to the Security Council. The Ambassador replied that he did not know, but that he assumed that the legal advisers for the Foreign Office felt that they had an adequate basis. In response to a query, Mr. Hickerson advised that the only possible basis he knew was in Article 94 of the United Nations Charter which reads as follows:

"Mr. Koch"
1. Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.

2. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.

Mr. Richardson added, however, that he questioned whether "recommendations" concerning a case in which the Court questioned its own jurisdiction would in fact constitute a "judgment" as stipulated in the Article in question. The Iranians could in all probability make a good defense of their position of non-recognition of the jurisdiction of the Court in light of the fact that a private company was involved and would in all probability also raise that provision of the Charter which precludes Security Council action in the case of purely internal affairs. The Iranians would probably succeed at least in creating doubt as to the legal basis.

I stated to the British Ambassador that we did not wish to be in a position of telling the British Government what to do in this circumstance; however, since they had asked for our advice I would recommend the following:

(1) That although the British could unquestionably make some sort of legal case against the Iranians arising out of rejection of the Court's decision, it would appear at best to be a questionable one. Even if the British proposal were approved by the Security Council, the Iranians would in all likelihood reject the recommendations of the Council and nothing concrete would be achieved other than to put the Iranians once more in default of the findings of an International body.

(2) It would appear that action by the Security Council, which is the highest UN body, could more effectively be held as a threat against the Iranians in the event they continue to be intransigent than invoked at this time, particularly in the light of the short time which has elapsed since the Court's finding.

(3) That over and above these arguments it would appear unwise to take this matter to the Court at a time when a new element had been injected into the Iranian situation through the President's decision to send Mr. Harriss to Iran as a result of the acceptance by Mr. Mosadeq of the suggestion previously made by the President. Mr. Harriss should be given an opportunity to make a contribution to the improvement of this situation without the handicap of parallel Court action. In light of the short time which would elapse until Mr. Harriss would arrive in Iran and talk with the Iranian Prime Minister, little time would be lost.
The British Ambassador replied that he appreciated the force of the arguments which the Secretary had presented and that he would convey those to his government immediately. He assumed that the British Government felt itself under considerable pressure to take whatever course of action was open to it which might at least give the appearance of doing something to solve the oil question. He appeared somewhat surprised that a decision had been made to send Mr. Harrison despite the Iranian rejection of the International Court of Justice but raised no issue with respect to Mr. Harrison’s going.