

DECLASSIFIED

CABINET OFFICE

70 Whitehall London SW1A 2AS Telephone

Tom McKane

Defence and Overseas Secretariat

340

TO6480

8 February 2001

David Brummell
Legal Secretary
The Legal Secretariat to the Law Officers
Attorney General's Chambers
9 Buckingham Gate SW1

Dear David,

IRAQ

In your letter to William Patey of 2 February, you recorded the Attorney's request for "a clear and definitive view, endorsed at the highest level", of the humanitarian consequences that would ensue in the event that operations in the Southern No Fly Zone were to cease. This letter by way of reply has been endorsed by the Foreign and Defence Secretaries.

2. Given the demonstrated unpredictability of Saddam Hussein's regime, it is impossible to make definitive judgements capable of being ascribed absolute certainty when considering what might occur in any given hypothetical situation. The recent JIC paper reflects this uncertainty. But we can, based on past experience and informed assessment of the nature of that regime, arrive at assessments to which we attach a high degree of confidence.

3. The JIC agreed that, should the Southern No Fly Zone be withdrawn, Iraqi air power would be used against Shia communities to enhance operations now conducted by ground forces. Although the JIC commented that Saddam Hussein "does not need to kill or injure more Shia to achieve his current objectives" it also assessed that, "if the Southern No Fly Zone were withdrawn Saddam Hussein would be able to persecute the Shia even more effectively".

4. In the event that UK and US operations in the Southern No Fly Zone were to cease, no one can predict with absolute certainty how Saddam Hussein would act or what the consequences would be for the Shia population. Air power would give Saddam more military options. He used air power, including helicopter gunships, against the Shia population in 1991 and 1992. If the Southern No Fly Zone were lifted, he would do so again. More

SECRET - UK EYES ONLY
DECLASSIFIED

DECLASSIFIED

effective persecution of the Shia would add to their misery, and would risk provoking another cycle of uprising and brutal repression. A grave humanitarian crisis would result. Without imposing grave risks to Coalition aircrew, it would take two weeks for US and UK aircraft to regain sufficient control of the air space above the Southern No Fly Zone to halt Iraq's use of airpower.

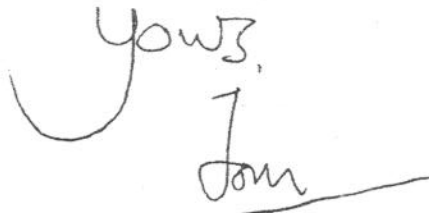
5. In addition, any judgement on the utility of the Southern No Fly Zone in preventing a humanitarian disaster must take into account the likely impact on our ability to prevent one in the north. We believe that, if UK and US operations in the Southern No Fly Zone were to cease, it would be more difficult to sustain the necessary political support for the Northern No Fly Zone.

6. The JIC has assessed that the abolition of the Northern No Fly Zone would be likely to lead to a refugee crisis at least comparable to 1996. In the event that Saddam faced widespread opposition to an assault to recover the North, a humanitarian refugee crisis comparable to 1991 would follow.

7. Our overall judgement remains that there is an unacceptably high risk that, in the event that we cease patrolling the Southern No Fly Zone, extreme humanitarian distress would result on a scale comparable to that which led to grave humanitarian crisis and the establishment of the zones in 1991 and 1992.

8. This assessment will be kept under review. The judgement it contains could change if alternative arrangements for preventing further humanitarian catastrophe in Iraq emerge from the review of policy towards that country on which we and the US Government are now embarked.

9. I am copying this to John Sawers (No 10), Sherard Cowper-Coles (FCO), Julian Miller (MOD), Sir John Kerr, Alan Goulty, William Patey, Michael Wood and Iain MacLeod (FCO), Simon Webb and Martin Hemming (MOD) and to Richard Abel, Robert Cooper, Peter Ricketts and Jon Day (Cabinet Office).

A handwritten signature in black ink, appearing to read 'Yours, Tom', with a long horizontal stroke extending from the end.

TOM McKANE

DECLASSIFIED
SECRET - UK EYES ONLY
2