25(a-b cc/cc.

Sir Charles Powell, KCMG
10 Downing Street
London
SW1A 2AA

Await MOD response.
CP

7 January 1991

Dear Charles.

US REQUEST FOR AN AIRCRAFT CARRIER FOR THE RED SEA

The Attorney General has seen your letter of 4 January, in which you record the Prime Minister's request for the view of the Law Officers on the legal difficulties which appear to surround implementation of the embargo in the Red Sea (paragraph 6 of Mr Hamilton's minute of 3 January).

The Attorney considers that Security Council Resolution 665 provides a sufficient legal basis for maritime forces to conduct embargo operations in the Red Sea. But, in view of the greater difficulties in the Red Sea of identifying shipping containing cargoes bound for, or originating from, Iraq, the rules of engagement and the surveillance instructions for UK forces would need to be drafted with particular care. Resolution 665 authorises maritime forces " ... to use such measures commensurate to the specific circumstances as may be necessary... to halt all inward and outward maritime shipping...". We would thus need to ensure that the measures taken in the Red Sea were commensurate to the circumstances prevailing there, taking account also of the efforts to enforce the embargo within Jordan itself. The Attorney understands that complaints have already been lodged in respect of certain actions by US forces in the Red Sea and he therefore considers it would be useful if colleagues would consider the extent to which such operations might be co-ordinated with Jordan to minimise the risk of complaints against UK forces acting in the same area.

I am copying this letter to the Private Secretaries to Members
of OPD(G), the Private Secretary to the Minister of State for the
Armed Forces, the Private Secretary to the Chief Secretary, and
Sir Robin Butler.

Yours sincerely

Jeremy Hill

P J O HILL

MIDDLE EAST. Sit Pt 36