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MO 3/9/4/2

Prime Minister <sup>①</sup>

Content with the approach at  
X in para 4, subject to  
OD(EM) colleagues?

FOREIGN AND COMMONWEALTH SECRETARYIRAN/IRAQ WAR: GUIDELINES FOR LOAN SERVICE PERSONNEL

DMB  
 27/4  
 - see pt 3 attached

You will recall that at the meeting of OD(EM) on 26th January we agreed that the rules governing the employment of our loan service personnel (LSP) serving in the Gulf should be reviewed. Our concern was to avoid the possibility of weakening the defence capabilities of the Gulf States in a situation where our LSP in critical posts were unable to act (other than in self-defence) in the event of a sudden external attack.

2. The present situation is that our defence co-operation arrangements with the various Gulf States (mostly in the form of Memoranda of Understanding) prohibit the use of our LSP in hostilities without the prior consent of HMG. The main exception is Oman (where British LSP serve in command posts); in her letter to the Sultan in July 1982 the Prime Minister said that in the event of a direct threat to Oman which did not allow time for consultation we would be content "that British personnel should play their full part in Oman's defence". We could of course extend this sort of undertaking to the other Gulf States, either by amending the various Memoranda of Understanding (which would, however, involve serious practical problems) or by means of a similar letter to the other local Rulers. But our relations with Oman are a good deal closer than with the other States, and I do not think we would be justified in entering into an open-ended commitment to use our LSP in defence of the latter, irrespective of the circumstances.

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3. In view of these difficulties I have considered the possibility of delegating authority to the Senior British Loan Service Officers (SBLSOs) to commit LSP to operations in defence against external attack on the host country when there was insufficient time to seek HMG's consent. This would have the advantage of ensuring that those of our personnel who have vital defensive roles would be able to play a timely part in the defence of their host nations. Unfortunately, there are over-riding legal objections to delegating authority in this way. Under the terms of the various MOUs our LSP can only be used in defence of the Gulf States after consultation between the host Governments and HMG. If the LSP were to go into action without the clear political authority of the host Government, and the approval of HMG, they could be held to have exceeded their authority and to have intervened in the affairs of the host state. The FCO Legal Advisers have therefore advised us that it would not be satisfactory for the SBLSO to have delegated authority to give HMG's approval to the use of his own men.

X 4. I therefore believe that the only acceptable solution would be to give delegated authority to the British Ambassador (or Charge d'Affaires in his absence) to approve the involvement of our LSP on behalf of HMG in response to a clear invitation from the host Government in the event of an external attack when there was no time to consult London. This is not an ideal solution since it adds a potential delay to the approval process. Nonetheless, it would ensure that our men were acting legally at all times. Moreover, in most circumstances in which the threat is so immediate that the delay would be critical, the threat to our LSP would almost certainly allow them the right to act with their host forces in self-defence (the MOUs do not constrain the right of self-defence). In order to speed up the process of consultation our Ambassadors could be given discretion to approach the host Governments in an emergency and explain that they have delegated authority to approve LSP involvement in response to an invitation when time precludes consulting London. Naturally, if host Governments feel they might need swifter assistance in the event of





external attack, it is open to them to propose modification of the terms of the MOUs.

5. I therefore attach draft guidelines which might be sent to our Ambassadors in the Gulf to give them this delegated authority. The guidelines would not be applicable to Oman, since they do not go as far as our existing undertaking to the Omanis, but a copy would be sent to HMA Muscat for information. They cannot, of course, be regarded as comprehensive instructions identifying all the circumstances which might arise, but Ambassadors would be able to seek more specific guidance if they felt that there were particular situations for which the guidelines did not fully cater. For instance, the constraint on operations outside the territorial limits of the host country could prove unsatisfactorily restrictive if there were any British pilots of fast jet aircraft serving in the countries concerned, as defensive action in this environment would be very difficult to confine within territorial limits. At present, however, there are no such LSP in Bahrain, Kuwait, Qatar or the UAE. I should be grateful to know whether you, and our OD(EM) colleagues to whom I am copying this minute, are content for us to proceed accordingly.

*[Handwritten signature]*

Ministry of Defence  
25th April 1984

*I am surprised at the legal position. When the Iran/Iraq war started - and we heard that Oman could be used by Iraq planes for landing purposes - I enquired about the position of LSP and was told that they could be used for defence purposes. Is there not some reference to that in the Telegrams/ correspondence 1980 - after that time? To remember that the weekend was very active diplomatically to prevent the escalation of what was done in the Gulf.*



DRAFT GUIDELINES FOR APPROVAL OF THE INVOLVEMENT OF UK LSP IN AN EXTERNAL ATTACK ON THE GULF STATE IN WHICH THEY ARE SERVING (TO BE ISSUED TO HM AMBASSADORS IN BAHRAIN, KUWAIT, QATAR AND THE UAE)

Ministers have agreed that confidential guidelines should be issued to you concerning the basis on which British Loan Service Personnel normally employed in critical defensive posts may operate in the event of a sudden external attack. You should ensure that these guidelines are read and initialled by the Senior British Loan Service Officers (SBLSO), who may acquaint their junior officers with the contents. You may delegate the authority contained in these guidelines to the Charge d'Affaires in your absence, but no further délegation is allowed. These guidelines complement, but in no way supersede, the relevant Memoranda of Understanding and, where applicable, Chiefs of Staff Directives.

2. In the event of an approach by your host government asking for HMG's approval for LSP employed routinely in vital defence functions to participate in defensive operations, in the event of an external attack, if you judge that the urgency of the situation precludes consultation with London you may give approval on HMG's behalf, provided you are satisfied that the circumstances warrant it. In exercising this delegated authority you should consult first with the SBLSO, and ensure that he is aware of the need to act in concert with indigenous forces, and to take all appropriate steps to minimise the risks to British personnel commensurate with supporting the indigenous defence effort. You should



report any authorisation given under these guidelines immediately to the FCO and MOD.

3. This delegated authority does not apply to any operations concerned with internal security even if externally inspired, nor to the enforcement of law and order, in which British personnel should not become involved. Nor does it permit British participation in operations outside the territorial limits of the host country.

4. Nothing in these guidelines shall be construed to inhibit the inherent right of all British loan service personnel to self-defence in response to an immediate threat to their safety, nor to conflict with their obligations to act in accordance with UK Service Regulations and International Military Law.

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