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MINISTRY OF DEFENCE
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Telephone 071- 21 82111/3

MO 6/17/15S

14th August 1990

Prime Minister

Dear Charles,

You will want to see
this advice. There should be
a clear recommendation
tomorrow. CAP. 14/8

You asked for advice on the demarche from Prince Bandar,
reported in Washington's telegram 1915, in which he asked for our
air defence Rules of Engagement (ROE) to be brought in line with US
and Saudi Rules.

Following the deployment of Tornado F3 aircraft to Dharam, we
have been attempting to clarify the concept of operations with the
US and Saudi Arabia and, in particular, to establish whether the
ROE agreed for OP GRANBY (attached to Simon Webb's minute of 9
August) were compatible with US and Saudi instructions.

A UK team visited Washington on 10/11 August and, as a result
of its discussions, we were reassured that the UK and US ROE were
broadly similar. In essence, we believed both forces had
instructions to fire on Iraqi combat aircraft only after they had
committed a hostile act or were unmistakably preparing to commit
one. Collateral for this interpretation was given by our liaison
officer with Cinc CENTCOM.

On Sunday evening (12 August) the Air Commander British Forces Arabian Peninsula, (ACBFAB) advised that the concept of operations already in place utilised AEW patrols by Saudi and USAF E3(AWACS) aircraft to identify Iraqi aircraft and control interceptions; and that this information was then passed to a Saudi Sector Operations Commander (SOC), who has the authority (if time permits in consultation with the superior formation in Riyadh) to order or deny an engagement. AVM Wilson was tasked by the Joint Commander to advise on both the reliability of E3 identifications and the criteria for deciding whether an Iraqi aircraft was hostile, in order to ascertain whether this concept of operations was acceptable and compatible with the ROE currently in force. He has now advised that, while the identification arrangements appear satisfactory, the Saudis would regard any Iraqi aircraft (military or civilian) which penetrated Saudi airspace by more than 10nm as hostile, regardless of whether it had committed any hostile act. This is not consistent with our ROE nor with what we had understood had been approved in Washington, though we are informed

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that the US are now operating to these Saudi ROE.

If this is so it poses an acute dilemma for us. We are participating in a joint operation at the invitation of the Saudi Government and it is manifestly essential that our ROE are consistent with the US and Saudi forces; and that we operate within the overall arrangement for the co-ordination of the air defence of Saudi Arabia. If the Saudis are indeed operating the system outlined above, there are potential difficulties which need to be resolved in regard to both the position in international law and their prudence. On the former, it is essential that any action can be justified as a necessary and proportionate response to the perceived threat. On the latter, it is vital to avoid any accident or incident which could result in the escalation of tension in the area or provide an excuse for further acts of Iraqi aggression. It is clear, however, that, if we cannot agree to Saudi co-ordination, we could well find ourselves marginalised and not accepted as part of a joint operation: indeed we are at present not being used on combat air patrols.

We sought, as a matter of the greatest urgency, clarification, from both Washington and Riyadh, on the precise nature of the criteria the Saudi SOC will use to order aircraft to engage Iraqi aircraft. It is implicit in the reply from Jedda (Tel No 101) that Iraqi aircraft which intrude into Saudi airspace by more than 10nm will be engaged, but this is being checked.

Meanwhile our further enquiries in Washington have confirmed that the directive issued to the military by the Joint Chiefs of Staff allows the E3 AWACS only to designate an aircraft as potentially hostile and that the fighter pilot must confirm for himself that it has committed or is about to commit a hostile act before he may open fire (the criteria for "hostile act" being similar to our own).

There therefore appears to be a divergence between the directive from the Joint Chiefs of Staff and the rules being applied in theatre. The US authorities have undertaken to clarify the situation and inform us of the outcome. Once this has been done we will be in a position to submit advice about UK Rules of Engagement and recommend the terms of a response from the Prime Minister to Prince Bandar.

C



I am copying this letter to Richard Gozney (FCO) and Elisabeth Wilmshurst (Law Officers Department) who may wish to comment, and also to Sonia Phippard (Cabinet Office).

Yours sincerely,

Janet Binstead

(MISS J R BINSTEAD)
Private Secretary

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SECRET
FM WASHINGTON
TO DESKBY 132330Z FCO
TELNO 1915
OF 132225Z AUGUST 90
AND TO DESKBY 132330Z MODUK
AND TO IMMEDIATE RIYADH, ACTOR

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MODUK FOR DUS(P)

IRAQ/KUWAIT: RULES OF ENGAGEMENT

1. THE SAUDI AMBASSADOR IN WASHINGTON, PRINCE BANDAR, ASKED ME TODAY (13 AUGUST) TO PASS THE FOLLOWING MESSAGE TO THE PRIME MINISTER.

2. BANDAR SAID THAT A PROBLEM HAD ARISEN REGARDING THE RULES OF ENGAGEMENT (ROES) FOR THE BRITISH TORNADOES IN SAUDI ARABIA. THE AMERICAN AND SAUDI AIR FORCES WERE OPERATING UNDER COMMON ROES WHICH ALLOWED ENGAGEMENT WHEN RADAR CONTACT HAD BEEN ESTABLISHED WITH A HOSTILE AIRCRAFT. BRITISH RULES ALLOWED ENGAGEMENT ONLY WHEN VISUAL CONTACT HAD BEEN ESTABLISHED. THE SAUDIS CONSIDERED THAT THIS LACK OF STANDARDISATION IN THE ROES COULD GIVE RISE TO OPERATIONAL DIFFICULTIES AND POSE A THREAT TO THE SAFETY OF THE BRITISH AIRCRAFT. THEY HAD BEEN TOLD BY THE SENIOR BRITISH AIR FORCE OFFICER IN SAUDI ARABIA THAT THE RULES COULD BE CHANGED, IF AT ALL, ONLY BY REFERENCE TO THE BRITISH CABINET. PRINCE BANDAR THEREFORE REQUESTED THAT THE PRIME MINISTER SHOULD BE INFORMED OF THE SAUDI RECOMMENDATION THAT THE BRITISH ROES SHOULD BE CHANGED TO STANDARDISE THEM WITH THE AMERICAN AND SAUDI RULES.

COMMENT

3. WE HAVE ALSO SEEN PARA 7 OF RIYADH TELNO 634 WHICH PUTS A RATHER DIFFERENT SLANT ON SAUDI ATTITUDES TO ROES. BUT BANDAR IS USUALLY WELL INFORMED AND UNLIKELY TO BE BEHIND THE GAME. IT MAY BE THAT AMERICAN PRESSURE HAS OVERCOME SAUDI RELUCTANCE. BUT IF PRINCE BANDAR IS RIGHT, IT WILL BE DIFFICULT FOR US TO ARGUE HERE THAT UK VIEWS SHOULD TAKE PRECEDENCE OVER THE LEADING PROVIDER OF AIR DEFENCE AND THE REQUEST (HOWEVER RELUCTANTLY ARRIVED AT) OF THE HOST NATION.

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