



MINISTRY OF DEFENCE

MAIN BUILDING WHITEHALL LONDON SW1A 2HB

Telephone 071- 21 82111/3

MO 6/17/15S

20k August 1990

Prime Minister
 088 20/8

Dear Charles

ARMILLA PATROL: ENFORCEMENT ACTION *copy attached*

Caroline Slocock wrote to Simon Gass earlier today about a number of matters arising from the Prime Minister's meeting this morning. I am writing with the requested clarification on the circumstances in which and extent to which ARMILLA ships might use force to stop sanction breaking ships.

The circumstances in which it might be necessary to resort to force can be divided into two broad categories:

- (a) where there is clear evidence of a breach of sanctions - for example when a laden tanker is intercepted outbound from Iraq - and the master refuses to obey instructions from the intercepting ship;
- (b) where the evidence is inconclusive but a ship identified as outbound from Iraq or Kuwait (and thus prima facie in breach of sanctions) refuses to accept a boarding party to establish whether or not it is carrying cargo from those countries. In this event force may be used to secure acceptance of a boarding party. If there is considerable doubt about the evidence, however, commanders have discretion to allow the ship to proceed while further enquiries are made, and after alerting other units to ensure that a further interception can be achieved if necessary.

In the case of inbound ships where the evidence is inconclusive (including cases where the master refuses to co-operate), force is not to be used without specific authorisation from London - although both the suspicion of sanctions breaking and the refusal to co-operate would be reported to the UN. This recognises the legal and international presentational difficulties if Iraq could plausibly claim that force had been used against an "innocent" vessel.

Charles Powell Esq
 No 10 Downing Street



The sequence of enforcement measures available within the current ROE is as follows:

- (a) initial interrogation by radio etc;
- (b) if further investigation is necessary (to inspect cargo/papers) request agreement to accept boarding party.

If the master refuses to co-operate with investigation or, where appropriate, to accept diversion instructions the following steps may be used:

- (c) harassment which does not result in damage;

and, after exploring all other avenues of communication and manoeuvring, and after giving the vessel every opportunity to comply with instructions:

- (d) warning shots may be fired or charges dropped (after due warning), initially no closer than 300 yards from the target, reducing to 100 yards;
- (e) aimed fire at the funnel by small calibre weapons (again after due warning);
- (f) in the last resort (and after specific warning) aimed fire at the funnel by the main armament (but not missiles) of the ship.

If a vessel refuses to comply with instructions even after the full range of these steps has been followed, it is to be shadowed as far as practicable while urgent instructions are sought from London. Although it would be a very determined master who would be prepared to run the risks involved, we are nevertheless considering as a matter of urgency what further steps might be taken to stop a vessel in such circumstances. My Secretary of State will report on the results of this at the Wednesday Ministerial meeting.

I am copying this letter to Simon Gass (FCO), Elisabeth Wilmshurst (Law Officers' Department), Sir Percy Cradock, and to Sonia Phippard and Len Appleyard (Cabinet Office).

Yours sincerely,

Janet Binstead

(MISS J R BINSTEAD)
Private Secretary

Is this really possible?