

CCP



MINISTRY OF DEFENCE  
MAIN BUILDING WHITEHALL LONDON SW1A 2HB  
Telephone 071-21 82111/3

32 (A-B)

MO 6/17/15J

Prime Minister

23rd August 1990

This completes

the exchanges on  
naval ROE context?

Dear Charles

CDP  
23/8

Yes -  
A-h is  
context  
not

UN EMBARGO: ENFORCEMENT ACTION

In your letter of 23 August to Simon Gass you recorded that the Defence Secretary and Attorney General were to consider further the options outlined in the final paragraph of the Annex to Defence Secretary's minute describing enforcement action in support of the UN embargo, especially in relation to the issue of proportionality.

Both measures described in that paragraph (assault boarding parties and disabling fire) are at the extreme end of the scale of force available and, as noted, would involve serious risks to life as well as risk of damage and pollution. This could indeed give rise to accusations of disproportionality and problems of justification in both legal and political terms.

They were included principally in order to give a complete picture of the options available for stopping ships but, as the Defence Secretary made clear in paragraph 8 of his minute, we believe that the actions available in the sequence (a) to (h), ending with the firing of live (HE) ammunition at the bridge should be sufficient to halt the most determined Master. If the crew did not themselves halt the vessel (not least because of the risks to themselves of continuing with a disabled bridge), it is most unlikely that they would be willing or able to resist a boarding party.

The Defence Secretary shares the Prime Minister's caution about the possible use of assault boarding parties against armed opposition. Quite apart from the legal aspects - particularly in relation to appropriate ROE - our further study has underlined the extent of the practical problems that would be involved and the risk of casualties to our own forces. It should, however, remain an option for an RN Commander to use an ordinary boarding party to secure a ship of any stage in the sequence measures if he judges

Charles Powell Esq  
10 Downing Street



13

that this is practical and that it will not be met by armed resistance (although it would of course be armed in case a need for self-defence were to arise).

For all these reasons, the Defence Secretary believes that these options should only be considered further in the very unlikely event that the sequence of measures identified in paragraphs (a) to (h) of the Annex to his minute prove inadequate.

I am sending copies of this letter which has been cleared with the Attorney General's office to Simon Gass (FCO), John Neilson (Department of Energy) and Juliet Wheldon (Law Officers' Department), and to Len Appleyard (Cabinet Office).

*Yours sincerely*

A handwritten signature in dark ink, appearing to read 'Miss J R Binstead'.

(MISS J R BINSTead)  
Private Secretary