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From: Lieutenant Colonel J.R Durance  
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*This seems*

*Content*

MINISTER OF STATE FOR  
THE ARMED FORCES

*reasonable. Agree,*

*if for P. Mayhew etc*

D/MIN(AF)/AH/5/3/30A

*Subject to the*

January 1991

*views of the Attorney-General? / 2/*

*Dear Sir Charles*

*CAF 3/1*

*Asap PT31.*

Your letter of 14 October recorded Mrs Thatcher's agreement to "dormant" Rules of Engagement (ROE) for British forces in the Gulf in the event of limited Iraqi aggression. (Copy of the current version attached at Annex A.) It was also agreed that the British Force Commander Middle East and/or the UK's Joint Commander had authority "in extremis" to implement essential elements, provided retrospective Ministerial authority was sought as soon as possible afterwards.

It was recognised, however, that, while there might be circumstances in which attacks by UK aircraft on airfields and missile sites in Iraq and Kuwait might be justified, they would be potentially escalatory and were not likely to be planned and undertaken in so short a timescale as to rule out prior consultation with London. Cross border operations (with the exception of the limited pursuit of Iraqi combat units which has attacked our own or friendly forces) were, therefore, always to be explicitly approved by Ministers.

We now understand that, in the event of a considerable and obvious attack by aircraft and missiles intended to deliver weapons on or close to Allied military facilities or urban areas in allied states, General Schwarzkopf has delegated authority from Washington to initiate an immediate response which would be mounted in about 2 hours. US planning assumes UK (and Saudi) participation; specifically two groups of 4 and 2 Tornado GR1s, with USAF and RSAF aircraft, targeted against airfields south and west of the Euphrates. It is anticipated that these would be among the launch airfields for offensive Iraqi operations.

The US response plan is, we understand, intended to deter further hostile acts and reduce Iraq's capability to launch follow-on attacks, by attacking other airfields and missile launch sites which give Iraq an immediate capability to attack the multinational forces from the air, as well as to attack the specific sites from which an Iraqi attack was launched. We understand they plan to use a similar proportion of their forces to those we are asked to provide (about 56 US and 8 Saudi aircraft). We do not, however, have specific information on the number or type of target.

If a pre-emptive Iraqi attack was launched against UK or other allied forces or on the host nations in which they were deployed, swift action against targets in Iraq in either our own national self-defence or the collective self-defence of the overall multinational force could well be justified by the circumstances of the attack. If we are to be able to take action within the timeframe envisaged, delegated authority to activate relevant ROE may well need to be exercised: this would also bring us more closely into line with the US position. We would not, however, regard attacks simply to deter further Iraqi aggression to be justifiable as self-defence. Revised sections of the Rules of Engagement (attached at Annex B) have, therefore, been prepared to permit this. These revised sections were cleared with officials in the FCO and Law Officer's Department this morning.

In drawing up the amended ROE we have had to define the circumstances in which attacks on targets in Iraq or Kuwait would be appropriate and justifiable as self-defence. If Iraq has launched a pre-emptive attack above a certain level by missiles or aircraft, it would be justifiable to attack all missile launch sites posing a threat to our own or multinational forces. In these circumstances it would be reasonable, because of our limited capability to detect further launches in advance and the limited coverage of Patriot, to take such action to ensure the survival of our own forces. If Iraq mounted an aircraft attack, it would also be justifiable to attack the launch airfield: beyond that, the Joint Commander would have to assess, in the light of all the information available to him at the time, if attacks against other airfields capable of launching offensive operations would be appropriate and justifiable as a measure of self-defence if he judged there was a likelihood of imminent attack from them.

The ROE do not permit UK commanders to respond to Iraq pre-emptive attacks on Israel or Jordan or to respond to attacks launched from anywhere other than Iraq or Kuwait. This would be a matter for consideration in London.

The UK/Saudi MOU provided that:

"The initiation of combat operations outside the territory of the Kingdom of Saudi Arabia by United Kingdom forces deployed under this MOU will be the subject of joint decision."

It will, therefore, be necessary to obtain Saudi approval to any response to an Iraqi pre-emptive attack by British forces in Saudi Arabia. HMA Riyadh has been asked to explore whether this might be obtained on a contingency basis in advance. In the event of attacks on countries other than Saudi Arabia, which did not affect UK forces, it would also be necessary to seek their agreement to any action in response in Iraq or Kuwait, unless it is based solely on self-defence of British forces. We are pursuing the acquisition of the necessary approvals with the countries concerned and the US. We understand that the US' current position is that a limited response to an Iraqi attack is defensive not offensive and, therefore, not covered by the US/Saudi agreement about a joint decision.

In the absence of the Defence Secretary, Mr Hamilton would be grateful to know as soon as possible that the Prime Minister and other members of OPD(G) (whose Private Offices will receive copies of this letter) are content with the revised ROE proposed.

*Yours Sincerely*  
*John Dewart*

Sir Charles Powell  
Private Secretary/Prime Minister