

RECORD OF CHIEFS OF STAFF MEETING: 15 APRIL 1982

1. The main item for discussion at the Chiefs of Staff meeting this evening was the set of rules of engagement for Operation Paraquet (the recapture of South Georgia).

2. The Operation is designed in three phases:

- (a) transit towards South Georgia on the High Seas outside the declared zone;
- (b) transit within the declared Argentine "defence zone" around South Georgia;
- (c) execution of Operation Paraquet within the Argentine "defence zone".

3. The rules of engagement for the first phase do not give rise to any particular problems. HM ships will use minimum force and then only in response to a clear intent by Argentine vessels to engage or in self defence. The rules of engagement for phases (b) and (c) give rise to significant and potentially dangerous problems:

- (a) in the view of the CNS it was vital for the success of the operation that in phase (b) all vessels (including merchant ships) positively identified as Argentine should be attacked. In phase (c) the instruction to attack would be widened to include all aircraft (including civil aircraft) positively identified as Argentine. As regards RN submarines any vessel (including merchant ships) or any submarine detected could be attacked, the latter on the assumption that submarines in the area would be presumed to be Argentine. Sir F Cooper and I pointed out that discretion to attack merchant shipping without warning (and in the case of RN submarines there was no way in which warning could be given) might be construed as a war crime. Both Sir F Cooper and I made it clear that our view was subject to more detailed scrutiny of the point by the legal adviser. [I had not at the time seen Mr. Freeland's minute of 15 April.];

- (b) in the case of both phases the CNS's recommendation was that all submarines detected which were assessed to be conventional could be presumed to be Argentine and therefore sunk. I pointed out that these rules appeared to be based on two assumptions: first, that both RN surface ships and RN submarines were capable of making an assessment as to whether a submarine was conventional or nuclear powered; secondly, that all conventional submarines in the area could be presumed to be Argentine. Under cross-examination the CNS said that as far as RN surface ships were concerned, they could only make this

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assessment on the basis of the observed modus operandi of hostile submarines. I pointed out that in the South Atlantic a Soviet submarine was unlikely to manoeuvre at high speeds (risk of icebergs) and might therefore have an operating pattern similar to that of conventional submarines. In this case there was a risk that a false assessment could be made and that through inadvertence a Royal Navy vessel could attack a Soviet submarine.

4. There was a lengthy discussion on these points. I think it was generally accepted that both should be drawn clearly to the attention of ministers. Sir F Cooper said that he would be reluctant to see issuing from the MOD a rule of engagement which could be held to constitute a war crime. I insisted on the risks of an inadvertent attack on Soviet nuclear submarines shadowing the Task Force. The CNS stuck to his guns, maintaining that if the rules of engagement were changed substantially from the draft he had submitted, the Operation could be significantly prejudiced.

5. It was agreed that the MOD would draft two short papers. The first would set out in summary form the rules of engagement proposed for the three phases. The second would highlight the two difficulties described on paragraph 3 above. The latter would be designed to draw specifically to ministers' attention the serious risks involved.

D H Gillmore

15 April 1982