

Secretary of State

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AUG 1982

W. Weston

Chairman of

16/4

Private Secretary

## RULES OF ENGAGEMENT

1. The Ministerial discussion in which the Secretary of State took part this afternoon following a request from the Navy about submarine rules of engagement has thrown up a point of uncertainty on which the PUS asked me to do a note.
2. You will recall that there was intense discussion among senior officials and Ministers over the Easter weekend as to what rules of engagement should be sent to the SSN Commanders for use in implementing the Maritime Exclusion Zone which came into force at 0400 GMT on 12 April. The original catalogue proposed by CDS in his minute to Mr Nott of 6 April included 'Four - any submarine detected may be presumed to be Argentinian'. For the sake of clarity this was subsequently modified by the addition of words 'and may be attacked'.
3. The Department briefed the Secretary of State that this rule risked the possibility of inadvertent encounter with a submarine that might turn out to be Soviet; and should therefore be deleted from the catalogue in favour of a requirement that only vessels positively identified as Argentinian should be liable to attack. It was our understanding that the Secretary of State's view in ODSA prevailed on this point.
4. Subsequently, the Navy asked for specific rules from the list to be selected for implementation. I understand that the rules agreed were those set out in the attachment to this minute.
5. These rules in turn were overtaken by the Ministerial decision during the weekend of 10/11 April to revert to Rule Two - 'Remain covert. Carry out surveillance of area allocated. If detected evade. If unable to evade, prosecuting units may be attacked in self-defence.'. The purpose of this was to stay our hand while the Haig shuttle was in progress.
6. It is therefore somewhat surprising to learn today that the Commander of the Task Force has requested 'implementation of submarine Rule Five in Maritime Exclusion Zone (any submarine detected may be presumed to be Argentinian and should be attacked)'. According to our understanding of the Ministerial decisions referred to above, no such rule should ever have been communicated to the Task Force or the SSNs at all. The numbering of it as Rule Five does not correspond to any previous list I have seen, and suggests that it may have been added to the list of rules agreed by Ministers (as per attachment).

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\* 7. At the PUS's direction, I have not attempted to pursue this point further in MOD. In any case we should be unlikely to get far with the Naval staff on it. The latter have sometimes seemed a little cavalier in their approach to this whole subject. Sharp practice may be too strong an expression. But this incident suggests that it would be prudent to ask the Naval Staff to confirm in precise terms exactly what Rules have been sent out to the Task Force as regards submarines, and whether they differ, in points of detail, from those to which Ministers gave their agreement.

*P J Weston*

15 April 1982

P J Weston  
Defence Department

cc: PS/PUS  
Mr Wright  
Mr Gillmore

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\* Mr Gillmore has now obtained a list of the Rules of Engagement for SSNs as sent out to the Task Force on 10 April, on which you will see that Rule Five is included.



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Rules of engagement  
as agreed.

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1. Following the declaration of an Exclusion Zone surrounding the Falkland Islands, it is necessary to issue instructions to HMS SPARTAN; she will be the first SSN to enter the Zone where her arrival is expected to be late pm Sunday 11 April.
  
2. The following instructions are proposed:
  - a. Any vessel positively identified inside the Exclusion Zone as being an Argentine warship, submarine or naval auxiliary may be attacked.
  
  - b. After the first successful attack withdraw from scene of action and report. Having reported or, if unable to clear report after 12 hours, continue patrol.
  
  - c. Situation Reports are to be made at your discretion as soon as possible after <sup>any</sup> subsequent attack and on all Argentine units detected.
  
  - d. Additionally, if attacked you are authorised to retaliate as necessary for your self-defence both inside and outside the Exclusion Zone.