

PS/PUS

Armstrong

Defence Dept

The PUS should bear in mind that Ministers may also be asked to consider a warning about the Argentine Corvica. But with the caveat

Mr Wright

at x, and Subject to Legal Advice, I think we could support this.

PS/PUS
Mr Gillmore
Mr Darwin, Legal Advisers

Armstrong 27/4

ARGENTINE FISHING VESSELS : WARNING AND RULES OF ENGAGEMENT

You asked me to take action following discussion in the Chiefs of Staff Committee this morning, since this issue may come up at Sir Robert Armstrong's meeting this afternoon.

2. CNS is exercised about the activities of five Argentine fishing vessels which we know to be under Argentine naval control for surveillance and intelligence gathering purposes. There is apparently a legal difficulty about adding them to the list of naval auxiliaries in the sense that they cannot be "seen" to be acting in support of the Argentine Navy. Nevertheless they are likely increasingly to become a total "thorn in the flesh" of our Task Force. CNS also mentioned as a subsidiary point the Argentine merchant vessel in the vicinity of Ascension Island which has been trailing SS CANBERRA despite warning off from British frigates.

3. It was agreed at the Chiefs of Staff Committee that we should look urgently into the possibility of issuing a warning through the Swiss that intelligence and surveillance activities by such Argentine merchant or fishing vessels would encounter an appropriate response. You made the point that before issuing a warning it would be as well to have a clear idea of what action we were prepared to take against such vessels if they did not heed the general warning. CNS said it would suffice to treat them under the Rules of Engagement applicable to merchant ships inside the MEZ, that is warning off under Rule 202, but in the last resort action necessary to achieve a military task under Rule 104. CDS raised the possibility that an example might be made of one such fishing vessel by stopping, boarding and destroying relevant equipment as an exercise in minimum force. It was agreed that this should be discussed further at Sir Robert Armstrong's meeting,

4. I attach a form of words which might be used if we decide to issue a further warning to the Argentines. The view of CNS was that no more than 24 hours be allowed to elapse after delivery of a warning before it came into effect. We need Legal Advisers' views on this.

Now approved by Sir Sinclair as amended TJA 3 27/iv.

ALQ 050/6
- 4 MAY 1982

P. J. Weston
P J Weston
Defence Department

27 April, 1982

TJA 3 28/iv



In announcing the establishment of an MEZ around the Falklands HMG made it clear that this measure was without prejudice to the right of the UK to take whatever additional measures may be needed in exercise of its right to self defence under Article 51 of the UN Charter. In this connection HMG now wishes to make clear that all Argentine ^{vessels including} merchant ^{apparently} vessels or fishing vessels ^{engaging} in surveillance of, or intelligence gathering activities ^{against} British forces in the South Atlantic will be regarded as hostile and are liable to be dealt with accordingly.

A form of words which might be used if it is decided to issue a further warning to the Argentines on fishing vessels:

In announcing the establishment of an MEZ around the Falklands HMG made it clear that this measure was without prejudice to the right of the UK to take whatever additional measures may be needed in exercise of its right to self defence under Article 51 of the UN Charter. In this connection HMG now wishes to make clear that all Argentine vessels including merchant vessels or fishing vessels *apparently* engaging in surveillance of, or intelligence gathering activities against, British forces in the South Atlantic will be regarded as hostile and are liable to be dealt with accordingly.

(FCO Legal Advisers are content)

For possible discussion at Sir Robert Armstrong's 3.30 meeting this afternoon.

Foreign and Commonwealth Office
27 April 1982