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Assistant Chief of Naval Staff (Operations)

*Mr Wright*  
*to Sec.*  
*12/5*

0.39/2(d)

LOOSE MINUTE

*Ph*

*Mr Weston*  
*Agreed to*  
*his yesterday*  
*with Darnall*  
*Brown*  
*Burke*  
*11/5*

ACDS(Ops)

Copy to:

- Sec/CNS
- DMO
- ACAS(Ops)
- AUS (D Staff)
- D of D Ops (ROW)
- DNW
- Head of DS5
- Head of DS11
- FCO -/Mr Darwin
- Mr Weston

ALQ 050/6		
RECEIVED IN REGISTRY		
18 MAY 1982		
DESK OFFICER		REGISTRY
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REVISION OF ROE - SURVEILLANCE AND INTELLIGENCE GATHERING VESSELS

1. This morning, the Chiefs of Staff agreed that it was necessary to amend ROE urgently to allow the Task Force to take action against the two vessels which evidence from the FV NARWAL had shown were involved in intelligence gathering activities under naval direction.
2. I attach a draft submission for CDS to send to Secretary of State which has been cleared with the Foreign and Commonwealth Office. In view of the Chiefs' discussion, I do not think it necessary on this occasion to lengthen the decision process by seeking formal clearance of the proposal at 2 Star level.

10 May 1982

*A Whetstone*

A WHETSTONE  
Rear Admiral  
ACNS(O)

DRAFT SUBMISSION TO S OF S SURVEILLANCE AND INTELLIGENCE  
GATHERING VESSELS

As you are aware, evidence now obtained from the FV NARVAL has provided conclusive proof of the involvement of two vessels - CONSTANZA and MARIA ALEJANORA - in intelligence gathering activities under naval direction. In the light of this, CINCFLEET has requested, on behalf of the Task Group Commander, Rules of Engagement (ROE) to allow him to take action against these vessels without warning. The ROE you agreed on Saturday 8 May allowed this action to be taken only against merchant ships and fishing vessels within 150 nautical miles of the centre of the TEZ which appeared to be engaged in resupplying the Falkland Islands.

The possibility of including these two vessels on the list of Argentine Naval Auxiliaries, thus allowing action to be taken against them without warning within the TEZ, has been considered. However, advice from the Foreign Office legal adviser on the FV NARVAL was that it and similar vessels could not be classified as Naval Auxiliaries. Existing ROE for dealing with surveillance and intelligence gathering vessels allow action to be taken only after the vessels have refused to comply with a warning to leave the area. This carries with it the disadvantage that the surveillance unit can comply with the warning and leave the area only to return at a later date. FV NARVAL had done this and was captured after her re-appearance.

Bearing in mind the vulnerability of the lines of communication to the Task Force and the Amphibious Group it is important to allow action to be taken against these vessels both inside and outside the TEZ. It is proposed, therefore, that the existing instructions to all UK Forces engaged in Operation Corporate for dealing with Argentine surveillance and intelligence gathering vessels should be amended so far as the CONSTANZA and MARIA ALEJANORA are concerned as follows:

"When positively identified inside or outside the TEZ they are to be prevented from continuing that task by the use of minimum force". Depending on the circumstances this may result in the sinking of the vessel.

If other vessels are subsequently identified as falling into the same category as the CONSTANZA and the MARIA ALEJANARO the instructions would be amended to include them. I should be grateful for your approval to issue the revised instruction to the Task Force.