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c.c. Mr Wright
Mr Gillmore

PS

ODSA : 12 MAY : RATIONALISATION OF RULES OF ENGAGEMENT

(.59)

1. You have asked whether we should agree to clearance out of Committee by ODSA of the attached paper. This paper also appeared at the last moment at this afternoon's ODSA(O) meeting, but too late for briefing purposes.

2. Frankly, the paper is a mess and this subject has almost reached the point where plain language designed to ensure clear understanding is being deliberately suppressed. There are more than a few minor instances of this in the paper. But there are at least three points which I do not believe should be allowed to pass without an opportunity for Ministerial discussion. I therefore submit a short brief for this purpose.

P J Weston

P J Weston
Defence Department

11 May, 1982

10 MAY 1982		
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INDEX	PA	ACTION TAKEN

BRIEF FOR ODSA

RATIONALISATION OF RULES OF ENGAGEMENTPoints to Make

1. Paper not a model of clarity, but accept that effort to rationalise existing multitude of Rules of Engagement is commendable. At least three points on which we need to think carefully before authorising the paper.

First Point

Rules now authorise attack anywhere within TEZ, without warning, on 'any merchant ship or fishing vessel which appears to be engaged in resupply activities'. (VICTOR Page B - 3). But another Rule states that there should be an 'attempt to warn off' merchant ships within TEZ (Rule 202, Page B - 4). Do we want to sink merchant vessels, if a warning off is enough to turn them back? How does an SSN tell whether a merchant vessel is apparently 'engaged in resupply' if it is more than 150 miles from the Falklands? Is there a risk, e.g. of sinking without warning an Argentine ship declared as a hospital ship? Judging from the incident on 11 May, a ship may be sunk without any clear identification of what it is (HMS ALACRITY's action in the sound between East and West Falklands).

Second Point

The Rules of Engagement on the high seas extend the zone within which British forces may attack any non-nuclear submarine encountered to an area only 500 miles from the coast of Guinea, North of Ascension (pages C - 1, C - 3, C - 5). There is firm intelligence that a Soviet SSK is based at Conakry. What is the risk of inadvertent encounter with a

Soviet submarine off the West African coast? Should a further warning be delivered in Moscow before the relevant Rules are implemented?

Third Point

The extended zone for operations on the high seas up to 12 nautical miles from the coast of Uruguay and Brazil (save only for an exception in respect of action against submarines in the 200 nautical mile claimed territorial seas of Brazil and Uruguay) has led to requests for clarification from Uruguay in respect of the estuary of the River Plate. There has been a similar formal approach from Chile in respect of the Magellan Straits and the waters around Tierra del Fuego. These countries require formal assurances about their concerns over sensitive waters adjoining the Argentine coast. We have no interest in prejudicing their goodwill or neutrality. I must ask colleagues to agree to my giving them the necessary reassurances. This will probably require some modification in the area limits defined for the Rules of Engagement outside the Total Exclusion Zone. Officials should work quickly to devise this. (See also background papers attached).

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BACKGROUND NOTE (BY MR DARWIN)

1. Uruguay and Chile have enquired ^{as} to what area, at the north and south ends are affected by our latest warning (which says that we will attack Argentine warships outside the 12 mile belt).
2. The Uruguayans have an agreement with Argentina as to the boundary at the estuary of the River Plate between their adjacent maritime zones and the Chileans have to take account of their own controversial claims against Argentina in the Cape Horn area. Both countries claim territorial waters of 200 miles. Both countries will be sensitive to any military action in their 200 mile zones. While we do not recognise their 200 mile zones, it is most undesirable to risk arousing their opposition in respect of their own waters. Almost all South American countries strongly support the 200 mile zone.
3. At present the ROE, including their revised version, do not exclude military action in waters of Chile and Uruguay.
4. In discussions MOD officials stated that there were military difficulties in accepting fully the requests of Uruguay and Chile. Revised ROEs to exclude waters which are of interest to Uruguay and Chile without entailing military disadvantages would require further consideration.
5. At a meeting between MOD and FCO officials it was agreed that we would:
 - (i) send a holding reply to the two countries concerned which would limit itself to explaining that this was not an exclusion zone affecting non-Argentine vessels, and
 - (ii) ask the operation side of MOD to request CINC FLEET to give us as much warning as possible, at least 24 hours, before they were likely to wish to take military action in waters within 200 miles of Uruguay or Chile.
6. Meanwhile, as it is likely that the two countries will come back on their enquiry, we can consider what further reply we would make going into the geographical aspects and whether that reply

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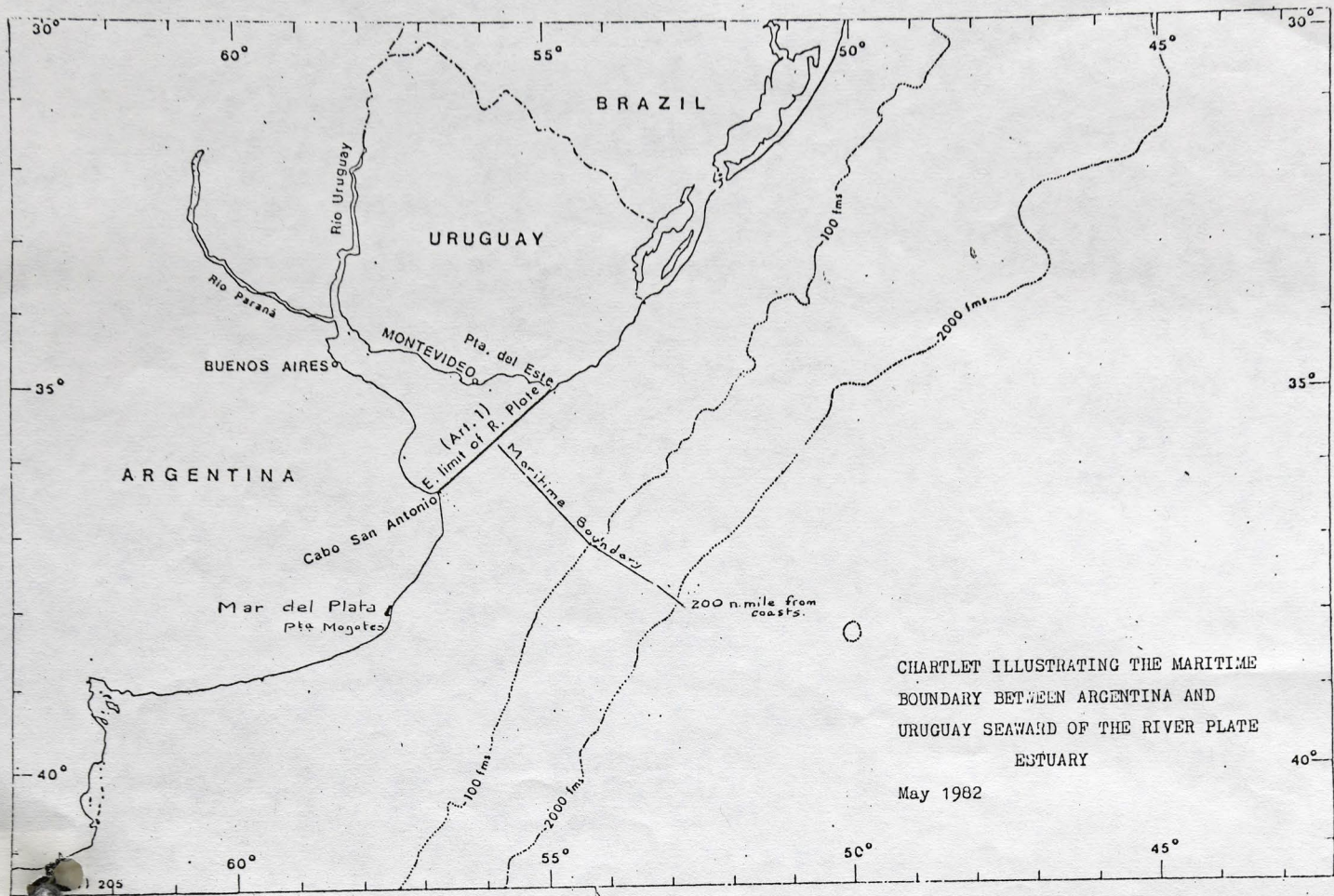
could give any indications of intentions which it would be appropriate to reflect in a modest adjustment to the ROE, particularly in the Cape Horn area, well to the South West of the tip of Tierra del Fuego.

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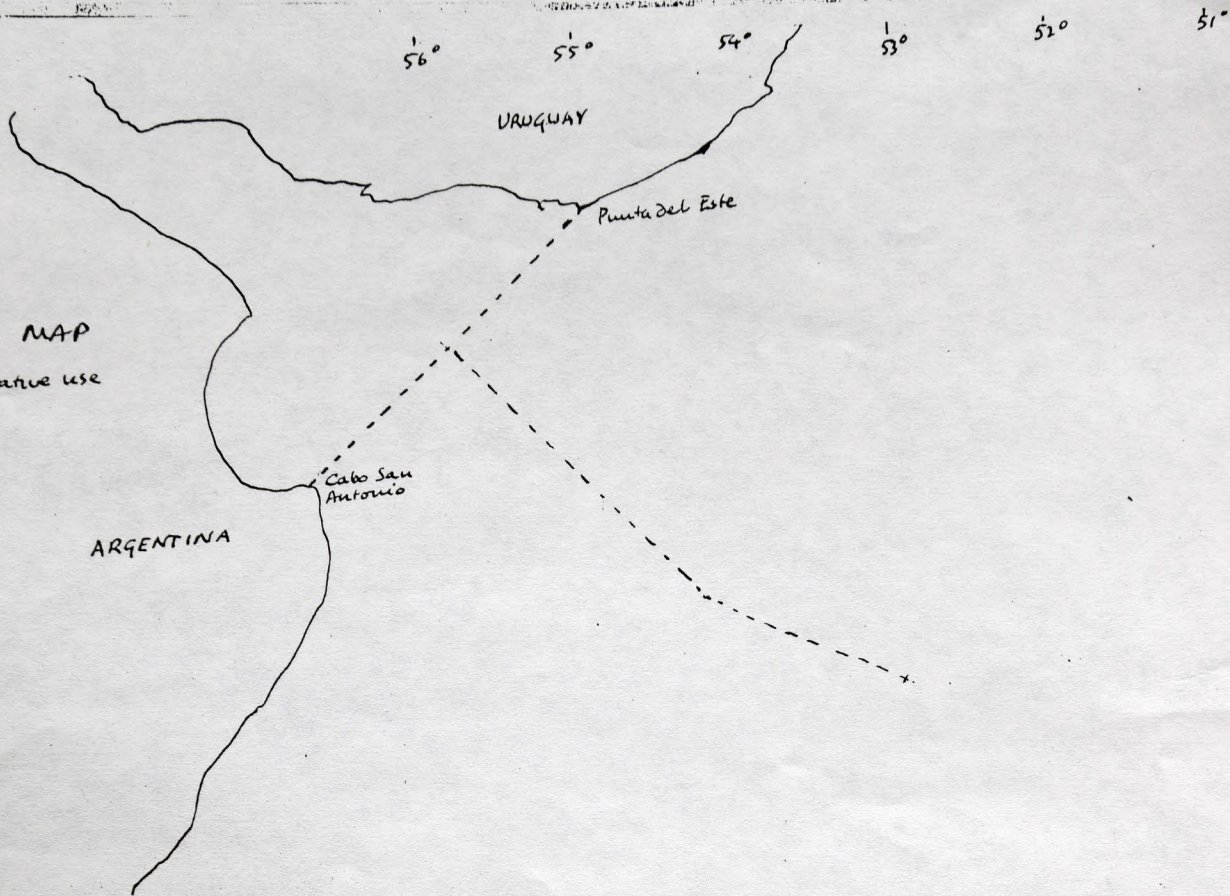
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CHARTLET ILLUSTRATING THE MARITIME
BOUNDARY BETWEEN ARGENTINA AND
URUGUAY SEAWARD OF THE RIVER PLATE
ESTUARY

May 1982

SKETCH MAP
for illustrative use
only



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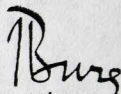
Mr Gillmore

EXCLUSION ZONE BEYOND 12 MILES

1. The Chilean Ambassador telephoned me this afternoon to ask for clarification of the extension of our exclusion zone to within 12 miles of the Argentine coast. He had 3 specific questions:

- i. had we any map available of the zone covered?
- ii. were the southern tip of Tierra del Fuego and Cape Horn 'covered' by the zone, ie did it affect Chilean territorial waters in any way?
- iii. were the eastern approaches to the Magellan Straits affected by the zone?

2. He was particularly anxious for an early answer on these points and I said that I would ask you to try to obtain this for him.



J B Ure

11 May 1982

cc:

Mr Giffard
Mr Fearn, Emergency Unit
Mr Weston, Defence Department