

SECRET



ALQ 030/6

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DESK OFFICER		
INDEX		

89

Mr Wright

Mr. West, Emergency Unit

cc: PS/PUS )  
 Mr Weston ) Without  
 Defence Desk, ) Enclosures  
 Emergency Unit)

I agree

*[Handwritten signature]*

RULES OF ENGAGEMENT

1. The MOD told us today that they wanted to make two changes in the existing Rules of Engagement.

2. The first, details of which are in Mr Nicholls' submission of today (copy attached), is no more than a rectification of an anomaly in the existing situation. It appears that for British submarines, but not for British surface vessels, operating outside the TEZ the permitted category is specific, referring to aircraft carriers, cruisers, destroyers etc. In the case of surface vessels, attacks on all warships are covered. Subject to your views, I see no objection to the proposed change and have so informed Mr Nicholls.

76

2. The second proposed change is as set out in Mr Runacres' minute attached. Here again, I see no objection. If an Argentine naval auxiliary believed to be involved in re-supply of the Falklands was discovered under escort by Argentine warships it would, I believe, be a perfectly legitimate target, above all in present circumstances. At the time of writing I am ~~trying to get hold of Mr Jennings~~ trying to get hold of Mr Jennings but it appears he may have gone home. If, tomorrow, you are asked about this, you may, if you agree, want to signify FCO assent to this change also.

76

*[Handwritten signature]*

5 June 1982

D H Gillmore

/second

3. Since drafting of the above I have been in touch with DS 5 and have told them that subject to your views we have no objection to the change. In effect the change will give a clear (and, to my mind a perfectly acceptable) definition of hostile intent with respect to naval auxiliaries.

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AIQ 05016  
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DEPT. OFFICER		REGISTERED
INDEX	TA	ADVIS. INCL.

88  
See 89

Mr Gillmore

c.c. Mr Fearn

RULES OF ENGAGEMENT

1. Mr Jennings (DS 11) rang from the DSC to inform us of a change in the Rules of Engagement, which they hope the Secretary of State for Defence will make on his own authority tomorrow morning.
2. In the light of intelligence information about the build-up of a force, apparently constituting warships and auxiliaries, in Argentine waters, probably to sail to the Falklands, the MOD wish to allow submarines to fire on auxiliaries. In order to do so, they would introduce Rule 4 for submarines and apply, both to Rule 4 and to Rule 205, the following caveat:  

'Any Argentine naval auxiliary which is escorted by Argentine warships as part of a force believed to be involved in re-supply of the Falkland Islands is deemed to be demonstrating hostile intent.'
3. MOD have asked for our views. They will be putting up a paper this evening.

M A Runacres  
Emergency Unit

5 June 1982

CONFIDENTIAL

LOOSE MINUTE

D/DS11/10/6/7

PS/Secretary of State

Copy to:

PSO/CDS  
Sec/CNS  
MA/CGS  
PS/CAS  
PS/PUS  
ACNS (Ops)  
AUS(D Staff)  
Head of DS5  
D of D (Ops) (Row)  
DNW

ALQ 050/6

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DEPT	PA	DI
INDEX		

Minute to Mr Waples 5/6

Enter 2 ps.

JY 6.

Hidden copy: FCO Emergency Room for Mr Gilmore.

AUTHORITY TO ATTACK ARGENTINE NAVAL AUXILIARIES  
WHICH FORM PART OF A RESUPPLY FORCE

- 86
1. Head of DS5 minuted you earlier today about a minor adjustment to present ROE related to the reported build up to Argentinian Warships, Amphibious Craft and Naval Auxiliaries in the South of Argentina, and the possibility of an Argentinian reinforcement operation for the Falkland Islands. CINCFLEET has since requested an amplification of the present ROE governing attacks on Argentinian Naval Auxiliaries outside the TEZ. This minute, which has been prepared in consultation with the Naval and Central Staffs, seeks the Secretary of State's authority for such a step.
  2. The basic principle underlying the ROE currently in force is that, in order to ensure that any attack by our forces falls within the scope of self-defence, Argentine forces must pose a clear threat if they are to be attacked. Since naval auxiliaries do not, in themselves, pose a military threat to SSN's, SSN's are only at present authorised to attack them once they are approaching the Falkland Island (ie within the TEZ). Surface ships and aircraft may, on the other hand, attack Argentine naval auxiliaries outside the TEZ if they demonstrate hostile intent.
  3. Any naval auxiliary which forms part of an Argentine force en route to resupply or reinforce their forces on the Falkland Islands could clearly play a key role in such an effort. As part of such a force, it could palpably be deemed to be demonstrating hostile intent. We therefore propose that the following caveat be added to the existing ROE 205 for surface ships and aircraft outside the TEZ, and also that ROE 4 be introduced for SSN's outside the TEZ, with the same caveat applying to it:

"Any Argentine naval auxiliary which is escorted by Argentine warships as part of a force believed to be engaged in resupply of the Falkland Islands is deemed to be demonstrating hostile intent and may be attacked."

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UK EYES B

4. We would be grateful if you could seek the Secretary of State's early approval for this addition, which he may feel is sufficiently uncontroversial to be granted on his own authority. You would doubtless wish to inform OD(SA) private secretaries once such authority had been given.

5<sup>th</sup> Jun 82

*R. P. Wilkins*  
R. P. WILKINS  
DS11 duty officer

For C B JENNINGS  
DS11  
MB 9346 2250 MB

2 of 2  
UK EYES B

SECRET



with the compliments of

D/L  
**MINISTRY OF DEFENCE**

From Mr. N. H. Nicholls

to

Mr. D. H. GILMORE

Minute to Mr Gilmore on 5/6

pa.

486  
 Sec 47  
 Sec 89

D/DS5/9/9/9

LOOSE MINUTE

PS/S of S

Copy to:

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 ACNS(OP)  
 AUS(D. Staff)  
 DNW  
 Hd of DS11

ALQ 050/6

REC... 3.26

DESK	OPERATIONS	NY
INDEX	PA	taken

OPERATION CORPORATE - RULES OF ENGAGEMENT

1. I mentioned to you earlier today that CinCFleet had drawn to our attention an anomaly in the Rules of Engagement currently approved for submarines, in that they are not authorised to attack Argentine (Naval) amphibious ships outside the TEZ, whereas surface ships and aircraft may do so. Within the TEZ, the rules permit submarines to attack all categories of war ships. The Argentine Navy possesses two landing ships, both of them naval manned.
2. Rule Three, which is available to submarines operating outside the TEZ, specifies types of war ship rather than (like Rule Four\* which is available to submarines within the TEZ) referring merely to war ships tout court. The catalogue comprises aircraft carrier, cruiser, destroyer, frigate, corvette or submarine, i.e. major fighting units. There was initially some discussion as to whether or not the two landing ships should be included in the list of naval auxiliaries. When it was concluded that they were war ships, retrospective action was not taken to ensure that they were covered under the rule available to submarines outside the exclusion zone in respect of war ships.
3. Given the potential importance to the overall Argentine military capability of amphibious shipping, and bearing especially in mind fears that Argentine may be contemplating some form of further military action in West Falkland, it is felt that amphibious ships should be added now to the existing list of war ships under Rule Three. This would then put submarines on an equal footing in this respect with surface vessels and aircraft.
4. You saw no need to trouble OD(SA) with this minor piece of tidy-up. FCO officials have been informed. I should be grateful if you would confirm that S of S has no objection.

5 June 1982

*N H Nicholls*  
 N H NICHOLLS  
 Head of DS5

\* Rule Four also embraces naval auxiliaries, not at issue in this instance.