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ABR19 – SCSA NOTA – MILITARY DECISIONS: 20 APRIL (cab 148/211)

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OD(SA)(82) 15

COPY NO **15**

19 April 1982

CABINET

DEFENCE AND OVERSEA POLICY COMMITTEE

SUB-COMMITTEE ON THE SOUTH ATLANTIC AND
FALKLAND ISLANDS

MILITARY DECISIONS: 20 APRIL

Note by the Secretaries

1. The Sub-Committee needs to take decisions tomorrow on the South Georgia operation; and on Rules of Engagement for our forces on the high seas.
2. South Georgia. The Sub-Committee agreed this morning that our forces should enter the 200 mile Argentine Defence Zone (which they are expected to do tomorrow) and operate within it under ^{the} Rules of Engagement at Annex B to OD(SA)(82) 13. No decision has yet been sought or taken on whether the actual operation to repossess South George is to go ahead. If the Sub-Committee wish it to do so without delay, they need to authorise it in principle tomorrow morning, subject to final authorisation not later than midnight (20/21 April). If it is not put on "hold" by midnight it will probably be irreversible thereafter, because of the need to give operational discretion to the local commander. If final authorisation is given by midnight on 21/21 April, actual repossession will probably occur on 22, 23 or 24 April (Thursday-Saturday); the need for reconnaissance makes it impossible to predict the timing more precisely. The Sub-Committee will also need to decide whether, if the operation is authorised, Mr Haig should be informed; and if so when (ie before or after it becomes irreversible) and in what terms (ie tell him or ask him).
3. Rules of Engagement: high seas. The Sub-Committee agreed this morning that all our forces on the high seas south of latitude 35° South should operate under the Rules of Engagement at Annex A to OD(SA)(82) 13. It was

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noted that these Rules might need early revision. Such a revision is now suggested in the note by the Ministry of Defence attached at Annex A. This summarises the new Rules of Engagement proposed

- (i) for our forces south of latitude 35° South;
- (ii) for our forces north of 35° South (but south of latitude 10° South).

It also proposes

- (iii) a warning announcement (as foreshadowed in paragraph 3(b) of the Defence Secretary's minute to the Prime Minister of 17 April, MO 5/21); text at Annex B.

Signed ROBERT ARMSTRONG
R L WADE-GERY
D H COLVIN

Cabinet Office
19 April 1982

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ANNEX A

RULES OF ENGAGEMENT FOR SEA TRANSIT OF THE
UNITED KINGDOM FORCES ON THE HIGH SEAS
EN ROUTE TO THE FALKLAND ISLANDS

1. As the carrier battle group passes latitude 35° South, the latitude of Buenos Aires, it will become increasingly vulnerable to attack or harrassment by the Argentine fleet. The advance group led by HMS Brilliant will reach this position today - 19 April. OD(SA) have already agreed that, once they have reached 35° South, these forces should have the same Rules of Engagement as those for the forces involved in Operation Paraquet, whilst they remain on the high seas.
2. Since the Argentine fleet is now at sea in strength, the Chiefs of Staff believe that some enhancement of the Rules of Engagement is necessary to provide our forces with sufficient discretion to counter the threat. Argentine naval vessels are widely fitted with the EXOCET surface-to-surface missile, whose range is 25 miles, and which can be targeted with ordinary surveillance or navigational radar giving no warning of the imminence of attack. By the same token, there would be no evidence that an Argentinian submarine had fired its torpedoes until the target was hit.
3. It is therefore proposed that the Rules applicable to naval forces once they pass 35° South should be changed to Rules which may be summarised as follows.

Aim to take sufficient action to ensure transit towards United Kingdom MEZ around Falklands.

To achieve transit you may attack any positively identified Argentine naval ship, combat aircraft or submarine which demonstrates hostile intent by coming within 25 miles of a British unit. All units of an Argentinian force may be attacked if one of them initiates an attack on a British unit. Merchant ships may not be attacked. Maritime international law is not to be broken unless necessary in order to achieve aim.

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4. The Chiefs of Staff have also reconsidered the Rules of Engagement appropriate for naval forces north of 35° South. They have concluded that the increased threat from Argentine forces justifies some enhancement of the Rules for them as well. The proposed Rules may be summarised as follows.

Aim to avoid provocation but to respond to aggression with sufficient firmness to ensure safe transit.

To achieve transit you may attack any positively identified Argentine naval ship, combat aircraft or submarine which demonstrates hostile intent by coming within 25 miles of a British unit. Minimum force is to be used. All units may assist in defence of any unit which is attacked. Merchant ships may not be attacked. Maritime international law is not to be broken unless necessary in order to achieve aim.

5. The Secretary of State for Defence has already proposed that at an appropriate moment we should make a public announcement in amplification of the notice promulgated on 7 April, which delineated the 200 mile Maritime Exclusion Zone around the Falkland Islands and declared our intentions within it. The final sentence of our earlier notice, and our inherent right of self-defence under Article 51 of the United Nations Charter, gives us sufficient legal cover for any of the action which would be authorised in the proposed ROEs. Nevertheless, it could help to put us in a better position politically to defend such action post hoc if we had issued a general statement along the lines of the draft at Annex B before any engagement takes place between our forces and Argentine forces outside the Falklands MEZ. Subject to that, there is in practice some scope for flexibility in the timing and the announcement could perhaps be postponed for a day or two.

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ANNEX B

DRAFT ANNOUNCEMENT

In announcing the establishment of a Maritime Exclusion Zone around the Falkland Islands, Her Majesty's Government made it clear that this measure was without prejudice to the right of the United Kingdom to take whatever additional measures may be needed in the exercise of its right of self-defence under Article 51 of the United Nations Charter. In this connection, Her Majesty's Government now wishes to make clear that any approach on the part of the Argentine warships, including submarines, naval auxiliaries or military aircraft which could amount to a threat to interfere with the mission of British Forces in the South Atlantic will encounter the appropriate response.

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