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JUN25 – SCSA NOTE – RULES OF ENGAGEMENT (cab 148/212)

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25 June 1982

CABINET

DEFENCE AND OVERSEA POLICY COMMITTEE

SUB-COMMITTEE ON THE SOUTH ATLANTIC AND
THE FALKLAND ISLANDS

RULES OF ENGAGEMENT

Note by the Secretaries

The attached note by officials is circulated for consideration by the Sub-Committee. In the absence of any comments to the Secretaries by 10.00 am on Monday, 28 June 1982, the agreement of the Sub-Committee will be assumed, Rules of Engagement modified in accordance with paragraph 4 of the note will be introduced and the Ministry of Defence will make a public announcement on 28 June in the terms of the Annex, unless a clear response from the Argentine Government has been received by then to indicate acceptance of a total cessation of hostilities.

Signed ROBERT ARMSTRONG
A D S GOODALL
R L L FACER

Cabinet Office

25 June 1982

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Page 1 of 4 pages

RULES OF ENGAGEMENTNote by Officials

1. There continues to be de facto cessation of hostilities in the South Atlantic, despite Argentina's failure to confirm its status. This note examines whether it would now be appropriate to make any further modifications to the current Rules of Engagement (ROE) for the Task Force, and what the Government's public position might be.
2. As regards surface ships and aircraft, the current ROE are the same as those in force prior to the Argentine surrender on the Falkland Islands with one exception. This is the temporary suspension of authority to attack Argentine surveillance aircraft in view of the need to permit surveillance of British ships transporting prisoners to the Argentine mainland. As regards submarines, the ROE have been modified since repossession of the Falkland Islands in the following way:
 - a. Outside the Total Exclusion Zone (TEZ), submarines may now only attack other submarines which, if they are not classified nuclear, may be presumed to be Argentine;
 - b. Inside the TEZ, submarines may also attack positively identified Argentine warships, but may no longer attack naval auxiliaries or merchant ships.
3. Now that the objective of repossessing the Falkland Islands and its dependencies has been attained, the role of British Forces in the South Atlantic is to protect those islands and Ascension Island against further attack and to ensure that the supply lines remain open. In the absence of a total cessation of hostilities, and so long as British forces are engaged in establishing their position on the Falkland Islands, it is important to control the movement of aircraft and shipping in the vicinity of the Islands so as to minimise

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the risk of a surprise attack. The 200 mile TEZ is an effective and established method of imposing such control and would meet this important military requirement. It should therefore be maintained. Whilst there is no equivalent military need to enforce the restriction imposed earlier which has successfully led to Argentinian warships remaining within 12 miles of the Argentine coast, it would be to our advantage to leave the Argentinians in some doubt about the status of that restriction. Such a move may continue to inhibit the deployment of Argentinian warships and submarines and would reduce the risk of conflict on the high seas. It would also help to maintain pressure on the Argentines to accept a definitive cessation of hostilities if both their own and other countries merchant shipping had to proceed on the assumption that the restriction remains in force.

4. The key principle on which changes to the ROE now in force should be based is that they should provide adequate protection and authority to British Forces in carrying out their new roles in the South Atlantic, while at the same time reducing the chance of a renewed outbreak of hostilities. The ROE must continue to be based on our right of self-defence under Article 51 of the United Nations Charter, and action should therefore only be authorised against those forces which pose a clear threat to the protection of the islands and their supply lines. This suggests that the ROE for surface ships and aircraft should now be modified so that:

- a. Outside the TEZ, attacks should only be authorised against Argentine surface ships, submarines and aircraft which demonstrate a clear threat to British forces;
- b. Inside the TEZ, attacks should continue to be authorised against Argentine warships, submarines and combat (or unidentified) aircraft, but attacks on Argentine naval auxiliaries should be

allowed only if they are escorted by warships. Intelligence gathering or merchant vessels should be warned off, but not fired upon. The Commander-in-Chief Fleet is currently being authorised to put these modifications into effect.

5. It is necessary to maintain the ROE currently in force for the air defence of Ascension Island in order to provide adequate protection against the risk of Argentine attack. These ROE authorise warning shots against Argentine non-Combat aircraft which fail to comply with interception instructions, and their subsequent destruction if they fail to heed these instructions and venture within 25 miles of the Island. They also authorise the destruction of any visually identified Argentine combat aircraft operating within 100 miles of Ascension Island.

6. If the TEZ is to be maintained, there would be considerable advantage in announcing this publicly. The announcement would have a double purpose: firstly, to forstall any misunderstanding about the TEZ's continued existence, to deter vessels or aircraft from entering the area, and to reinforce our legal position if any incidents do take place; and secondly, to bring the publicly declared purpose of the TEZ

into line with the new situation: ie, to make it clear that any measures taken under it would henceforward be based on the need to protect the Falkland Islands from further attack and not (as in the last public announcement of 7 May) to end that illegal Argentine occupation. It would also serve as a positive reminder to the international community that the onus lies on Argentina to confirm the total cessation of hostilities in the South Atlantic. A draft statement is attached at Annex. Its final paragraph is designed to retain ambiguity on the status of the 12 mile restriction and to cover any measures which needed to be taken in defence of the supply lines or Ascension Island.

Recommendation

7. OD(SA) is recommended:
 - a. To **note** that the ROE are being modified as outlined in para 4 above;
 - b. To invite the Secretary of State for Defence to arrange for a statement to be issued on the lines of that at Annex.

ANNEXMOD STATEMENT ON MAINTENANCE OF TOTAL EXCLUSION ZONE

1. In seeking confirmation from the Argentine Government that all hostilities between British and Argentine forces in the South Atlantic have now ceased, HMG has made it clear that, in addition to other measures, the Total Exclusion Zone around the Falkland Islands will remain in being until such confirmation has been received. This is necessary to protect British Forces in and around the Falkland Islands, and the Islands themselves, against the threat of further Argentine attack, in accordance with the right of self-defence recognised in Article 51 of the United Nations Charter.
2. The Argentine Government has not yet responded to our message and their position remains unclear. The international bodies concerned with maritime and air navigation are therefore being reminded today that the Total Exclusion Zone of 200 NM around the Falkland Islands which was established on 30 April remains in force until further notice. Any ship or any aircraft wishing to enter this zone must therefore continue to obtain prior authority from the Ministry of Defence in London.
3. British forces have authority to take all necessary measures to protect themselves against all forms of attack anywhere in the South Atlantic. Any Argentine Forces which are deemed to demonstrate hostile intent will therefore remain liable to be dealt with accordingly.

A-2 of A-2

IF ASKED WHETHER THE 12 MILE RESTRICTION REMAINS IN FORCE

4. Pending Argentine acceptance that hostilities are definitively at an end, the restrictions we have imposed cannot be lifted. As the statement says, our position is that any Argentine Forces deemed to demonstrate hostile intent remain liable to be dealt with accordingly.