

OSL

copy



MINISTRY OF DEFENCE
MAIN BUILDING WHITEHALL LONDON SW1A 2HB
Telephone 071-21 82111/3

MO 6/17/15S

14th August 1990

Prime Minister

Have they been

Agree Rules of Engagement?

approved by the
A-6 or S-6?

DM

15/8

Dear Charles Provided either agrees

you I approve subject
to the confirmation at X or Y below etc.

I wrote to you yesterday evening with (inter alia) our proposal for a revised concept of operations for the ARMILLA patrol to include the tasks of monitoring and, if necessary, enforcement of UN sanctions in addition to its existing tasks in support of British shipping and friendly Gulf states. In my letter I said that a complete ROE profile for this concept would be submitted today. The attached profile has been agreed by the COS and by my Secretary of State. The Defence Secretary would be grateful to know that the Prime Minister and other colleagues are content so that appropriate instructions can be issued to the Patrol.

There are three points to which I would draw particular attention. First, the profile permits ARMILLA ships and MPS to conduct surveillance operations (but not interceptions) within the Iranian Advisory Zone (outside Iranian territorial waters). Although the ARMILLA ships already penetrate the IAZ on an occasional basis, it would not be prudent to extend this or to include Nimrod aircraft without the tacit agreement of the Iranians and arrangements have been made to obtain this via their Mission to the UN in New York. Although the initial reaction in New York was relaxed, we will need confirmation before this particular provision can be implemented.

Second, it will not be possible to conduct enforcement operations within the territorial waters of the friendly Gulf states unless their specific agreement has been obtained.

Finally, as foreshadowed in my previous letter, the proposed ROE would extend the ARMILLA operating area slightly further north to 27° 30' N (just north of Bahrain) to allow the Patrol to provide support to shipping as far as the Saudi ports of Al Jubayl and Ra's Tammarah.

Charles Powell Esq
No 10 Downing Street

SECRET UK EYES A



I am sending copies of this letter and attachment to Dominic Asquith (FCO) and Elisabeth Wilmshurst (Law Officers' Department), and to Sonia Phippard (Cabinet Office).

Yours sincerely,

Jane R Binstead

(MISS J R BINSTEAD)
Private Secretary

SECRET UK EYES A

14(a-k) a



MINISTRY OF DEFENCE
 MAIN BUILDING WHITEHALL LONDON SW1A 2HB
 Telephone 071-21 82111/3

MO 6/17/15S

Prime Minister

14th August 1990

Agree Rules of Engagement?

DM
— 15/8

Dear Charles

~~attached~~

I wrote to you yesterday evening with (inter alia) our proposal for a revised concept of operations for the ARMILLA patrol to include the tasks of monitoring and, if necessary, enforcement of UN sanctions in addition to its existing tasks in support of British shipping and friendly Gulf states. In my letter I said that a complete ROE profile for this concept would be submitted today. The attached profile has been agreed by the COS and by my Secretary of State. The Defence Secretary would be grateful to know that the Prime Minister and other colleagues are content so that appropriate instructions can be issued to the Patrol.

There are three points to which I would draw particular attention. First, the profile permits ARMILLA ships and MPS to conduct surveillance operations (but not interceptions) within the Iranian Advisory Zone (outside Iranian territorial waters). Although the ARMILLA ships already penetrate the IAZ on an occasional basis, it would not be prudent to extend this or to include Nimrod aircraft without the tacit agreement of the Iranians and arrangements have been made to obtain this via their Mission to the UN in New York. Although the initial reaction in New York was relaxed, we will need confirmation before this particular provision can be implemented.

Second, it will not be possible to conduct enforcement operations within the territorial waters of the friendly Gulf States unless their specific agreement has been obtained.

Finally, as foreshadowed in my previous letter, the proposed ROE would extend the ARMILLA operating area slightly further north to 27° 30'N (just north of Bahrain) to allow the Patrol to provide support to shipping as far as the Saudi ports of Al Jubayl and Ra's Tannurah.

Charles Powell Esq
 No 10 Downing Street



I am sending copies of this letter and attachment to Dominic Asquith (FCO) and Elisabeth Wilmshurst (Law Officers' Department), and to Sonia Phippard (Cabinet Office).

Yours sincerely,

Jane R Binstead

(MISS J R BINSTEAD)
Private Secretary



10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

15 August 1990

Thank you for your letter of 14 August to Charles Powell with a complete ROE profile for the ARMILLA patrol. The Prime Minister has agreed this subject to three provisos:

- first, that the Attorney General (or Solicitor General) has agreed it;
- second, that the Iranians confirm their agreement to surveillance operations within the IAZ by ARMILLA ships and MPS before any such operations take place within the IAZ;
- third, that the specific agreement of friendly Gulf States should be obtained before enforcement operations are conducted within their territorial waters.

I am sending copies of this letter to Dominic Asquith (Foreign and Commonwealth Office), Julie Wheldon (Law Officers' Department), and Sonia Phippard (Cabinet Office).

DOMINIC MORRIS

Miss Jane Binstead,
Ministry of Defence.

16
File
c/8/Binstead
b.c.
pc



10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

15 August 1990

Thank you for your letter of 14 August to Charles Powell with a complete ROE profile for the ARMILLA patrol. The Prime Minister has agreed this subject to three provisos:

- first, that the Attorney General (or Solicitor General) has agreed it;
- second, that the Iranians confirm their agreement to surveillance operations within the IAZ by ARMILLA ships and MPS before any such operations take place within the IAZ;
- third, that the specific agreement of friendly Gulf States should be obtained before enforcement operations are conducted within their territorial waters.

I am sending copies of this letter to Dominic Asquith (Foreign and Commonwealth Office), Julie Wheldon (Law Officers' Department), and Sonia Phippard (Cabinet Office).

DOMINIC MORRIS

Miss Jane Binstead,
Ministry of Defence.

16
File
c/8/Binstead
b.c.
pc

17 ccpc



THE LEGAL SECRETARIAT TO THE LAW OFFICERS
ATTORNEY GENERAL'S CHAMBERS
9 BUCKINGHAM GATE
LONDON SW1E 6JP

General enquiries 071-828 7155
Direct line 071-828-1386

SECRET UK EYES A

Miss J R Binstead
P.S.
Ministry of Defence
Main Building
Whitehall
London SW1

28/8/90

15 August 1990

Dear Ms Binstead

IRAQ/KUWAIT: OIL EMBARGO.

— Ask with DM

I refer to your letter of 14 August to Charles Powell, which contains the RoE profile for naval enforcement of the trade embargo in the Gulf.

The Attorney General is content with the RoE.

I am copying this letter to Charles Powell, Dominic Asquith and Sonia Phippard.

[Handwritten signature]

E S WILMSHURST

SECRET UK EYES A



SECRET UK EYES A

Foreign and Commonwealth Office

London SW1A 2AH

18A

Handwritten initials

Handwritten mark

15 August 1990

Dear Jane,

IRAQ/KUWAIT: OIL EMBARGO *file*

Your letter of 11 August to Elizabeth Wilmshurst regrettably failed to reach us until well after the Attorney-General's advice conveyed in Elizabeth Wilmshurst's reply of 13 August.

Mr Waldegrave spoke to the Attorney General about these matters on the telephone today. He has asked me to say that he hopes that no options will be ruled out at this stage, provided that they are consistent with our basic legal justification for the RN enforcement of the embargo. The aim must be to achieve the most effective enforcement while maintaining the broadest international support for what we shall be doing. There may well be circumstances in which both of these aims would be furthered by our having Flag State consent, though we would not of course want a situation where we had to seek it in every case. I gather that these aspects are already under consideration amongst the lawyers in the context of the draft RoE. *file with DM*

I am copying this letter to Charles Powell, Elizabeth Wilmshurst and Sonia Phippard.

Yours sincerely

Dominic Asquith

Dominic Asquith
PS/Mr Waldegrave

Miss J R Binstead
PS/Secretary of State for Defence
Ministry of Defence
Main Building
Whitehall
LONDON SW1

SECRET UK EYES A