

AIDE MÉMOIRE

His Majesty's Government in the United Kingdom have considered in conjunction with the French Government the policy which should be adopted in respect of air bombardment at the outset of the war and have decided that the Allies should not initiate air action against any but "military" objectives in the narrowest sense, i.e. Naval, Army and Air Force establishments, and as far as possible should confine it to objectives on which attack would not involve loss of civilian life.

In order to give effect to this conclusion His Majesty's Government in the United Kingdom have issued instructions which are to be communicated to all Commanders-in-Chief, General Officers and Air Officers Commanding overseas commands. These instructions will govern the conduct of all forms of bombardment until the restrictions therein contained are modified. These restrictions in the meantime are not to be relaxed on any account pending further instructions, even in retaliation for indiscriminate bombing by the enemy. The object of these instructions is not to define legitimate military objectives but to lay down a course of action in accordance with an agreed policy which it may be expedient to adopt at the outset of the war. It will be observed that the effect will be to restrict bombardment more severely than is required by a reasonable interpretation of existing international law. The instructions are as follows:-

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"Only the following purely military objectives in narrowest sense of word may be bombarded from the sea or air. Army commanders will conform generally to the spirit of these instructions:

(a) Naval Forces, i.e., warships, auxiliaries, actually attendant on a fleet, naval dockyards, barracks and other establishments manned by naval personnel.

(b) Army units, fortifications, coast defence works, barracks, camps, billets, depôts, dumps and other establishments manned by military personnel.

(c) Air units, military depôts, storage units, bomb stores and other establishments manned by air personnel.

(d) Troop transports (whether at sea or in harbour); roads, canals, railways used for military communications, military roads and inland water transport. Trains, roads and inland water transport are not to be attacked unless they can be reasonably presumed to be of a military character.

(e) Accumulations of Naval, Army or Air Force stores (this does not authorise attacks on factories).

(f) Naval, Army and Air Force fuel installations or dumps in fields or situated within the confines of Naval Army and Air Force establishments mentioned in sub-paragraphs (a) to (e) above.

(Subject to note: bulk stocks of fuel not covered by the above definition are not to be bombarded under

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"these instructions).

Action against objectives in preceding paragraph will be subject to following general principles:

(A) Any bombardment of civilian populations is illegal.

(B) It must be possible to distinguish and identify the objectives in question.

(C) Bombardment must be carried out in such a way that there is a reasonable expectation that damage will be confined to objectives and that civilian populations in the neighbourhood are not bombarded through negligence. Thus it is clearly illegal to bombard a populated area in the hope of hitting a legitimate target which is known to be in an area but which cannot precisely be located and identified.

Subject to the general policy set out above, Commanders must exercise their discretion and orders for bombardment should be framed according to the spirit of that policy and not necessarily to the letter. In particular it must be borne in mind that the fact of an objective being unquestionably military does not necessarily or invariably justify bombardment of it. Thus anti-aircraft or coast-defence guns situated in the centre of a populated area could not be bombarded with reasonable expectation that damage would be confined to them. A small detachment of troops in billets in or a convoy of transport passing through a town or a troop-transport
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"lying alongside a commercial wharf are unquestionably military objectives, but the bombardment of such objectives in a town might involve risks to the civilian population out of all proportion to the military importance of the target at the time and it may thus be unjustified. Justification for bombardment of unquestionable military objectives must therefore depend on circumstances and must be decided by commanders acting in the spirit of these instructions."

BRITISH EMBASSY,
WASHINGTON, D.C.,
September 12th, 1939.