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OD(SA)(82) 22nd Meeting

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DEFENCE AND OVERSEA POLICY COMMITTEE

SUB-COMMITTEE ON THE SOUTH ATLANTIC AND
FALKLAND ISLANDS

MINUTES of a Meeting held at
10 Downing Street on
FRIDAY 30 APRIL 1982 at 2.30 pm

PRESENT

The Rt Hon Margaret Thatcher MP
Prime Minister

The Rt Hon William Whitelaw MP
Secretary of State for the
Home Department

The Rt Hon Francis Pym MP
Secretary of State for Foreign
and Commonwealth Affairs

The Rt Hon John Nott MP
Secretary of State for Defence

The Rt Hon Cecil Parkinson MP
Chancellor of the Duchy of Lancaster
and Paymaster General

THE FOLLOWING WERE ALSO PRESENT

Admiral of the Fleet
Sir Terence Lewin
Chief of the Defence Staff

Sir Antony Acland
Foreign and Commonwealth Office

Mr J R Freeland
Foreign and Commonwealth Office

Sir Michael Palliser
Cabinet Office

SECRETARIAT

Sir Robert Armstrong
Mr R L Wade-Gery
Mr R L L Facer
Brigadier J A C G Eyre

SUBJECT

SITUATION IN THE SOUTH ATLANTIC

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SITUATION IN THE SOUTH ATLANTIC

The Sub-Committee had before them a note by the Secretaries (OD(SA)(82) 36) covering a note by the Ministry of Defence on the Argentine aircraft carrier.

MR FREELAND said that while acting on the basis of the inherent right of self-defence under Article 51 of the United Nations Charter Britain was legally entitled to use force against Argentine naval units posing an actual threat to British forces or territory. The actuality of such a threat could be readily demonstrated if for example the Argentine aircraft carrier were near enough to any British unit to be able to attack it with her aircraft. But it would be difficult to construct any legal justification for the use of force where the actuality of the threat could not be demonstrated.

THE CHIEF OF THE DEFENCE STAFF said that the warning conveyed to the Argentine Government through the Swiss on 23. April had made clear that any approach on the part of Argentine warships which could amount to a threat to interfere with the mission of British forces in the South Atlantic would be regarded as hostile and was liable to be dealt with accordingly. Militarily the Argentine aircraft carrier could amount to such a threat from virtually any position on the high seas; it would not always be known where she was, she was capable of covering 500 miles in a day, she could carry aircraft with an operating radius of a further 500 miles and the supply line for British forces was vulnerably strung out between Ascension Island and the Falklands. Militarily, therefore, option (a) in the Ministry of Defence note was to be preferred.

THE PRIME MINISTER, summing up the discussion, said that after the most careful consideration of the legal, military and political issues involved the Sub-Committee were unanimously of the view that, subject to one limitation, British forces should be authorised to attack the Argentine aircraft carrier as soon as possible wherever she was on the high seas. No further warning need be given. The limitation was that she should not be attacked if she was both north of latitude 35° South and west of longitude 48 West; on the high seas was to be taken

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to mean outside internationally recognised territorial waters of 12 nautical miles breadth. There should be no difficulty about demonstrating that an attack within this limitation was justifiable in terms of Article 51 of the United Nations Charter, given the military threat which the aircraft carrier posed to British forces in the South Atlantic. The remaining ships of the Amphibious Group were authorised to sail from Ascension at the discretion of the Force Commander. If Port Stanley airfield was attacked, as already authorised, a short public statement in general terms should be made as soon as it was known that this had been done; a fuller statement could be made later when the results achieved were clearer, but this should not be specific about the precise method of attack. Further consideration would need to be given to the likelihood that a reinforcement Brigade would need to be added to the British forces in the South Atlantic; and to the possibility that the ss Queen Elizabeth II might need to be requisitioned in that context.

The Sub-Committee -

1. Endorsed the option in paragraph 5a of OD(SA)(82) 36, subject to the modifications specified by the Prime Minister in her summing up.
2. Invited the Defence Secretary to arrange for the Force Commander to be given discretion to sail the remaining ships of the Amphibious Group from Ascension.
3. Invited the Defence Secretary to be guided by the Prime Minister's summing up in authorising public statements following an attack on Port Stanley airfield.
4. Agreed to resume their discussion on the afternoon of 2 May.

Cabinet Office

30 April 1982

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