

LOOSE MINUTE

D/DS11/10/6/7

PS/Secretary of State

Mv Hulse
cc Mv Whiggall
Mv Gillmore
Mv Weston

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OD(SA) MEETING - 0900 ON 28 APRIL: BRIEFING ON ANNOUNCEMENT OF A TOTAL EXCLUSION ZONE (TEZ)

1. I attach briefing material for tomorrow morning's OD(SA) meeting planned for 0900 in the form of:

ANNEX A

Points which the Secretary of State might make;

ANNEX B

The text of the announcement which it is proposed should be made. On the Attorney General's advice, the Secretary of State is recommended to propose two further amplifications to the terms of the announcement in order to avoid legal pitfalls. These amplifications are underlined in the text at Annex B, which in other respects is as agreed by OD(SA) on Monday, 26 April. Extra copies of this amended text are provided for circulation at the meeting.

ANNEX C

A Question and Answer brief which can serve for use in Parliament, with the press, and for dissemination to posts overseas
to follow?

ANNEX D

A Background Note.

2. Arrangements have been set in hand to ensure immediate release of the Notices to Mariners and to Airmen as soon as this is authorised. These Notices will also need to provide detailed notification of the means by which ships and aircraft should seek authority from the MOD to enter the Zone. The details are being

formulated now and will be provided in time for inclusion in S of S's briefing pack for the OD(SA) meeting.

3. I have discussed the broad outline of this briefing material with the Navy and Air Force Departments and with FCO officials. There has not, however, been sufficient time to clear the text with them.

27 April 1982

Encls

C.B.T.
for R T JACKLING
Head of DS11
MB 9326 3287 MB

OD(SA) MEETING ON WEDNESDAY 28 APRIL
ANNOUNCEMENT OF A TOTAL EXCLUSION ZONE

Points to Make

General

1. The Total Exclusion Zone will provide a key framework within which other military operations can take place.
2. Our basic aim is to deter Argentinian vessels from entering the area. But clearly its credibility will depend upon our success in enforcing the Zone.
3. We will not be able immediately to exclude all ships and aircraft if the Argentines make a widespread effort to breach the Zone. In the face of such a breach, the Task Force's aim will first be to establish control of the area in its immediate vicinity, and then gradually to extend the area under its control. By these tactics, we should be able to achieve a convincing enforcement of the Zone within a matter of days.

Specific

4. It is clearly important that we get the terms of the announcement right. At the suggestion of the Attorney General, I would therefore propose two amplifications to the fifth sentence, which would therefore read as follows [new words underlined]:

"Any ship and any aircraft whether military or civil which is found within this Zone without due authority from the Ministry of Defence in London will be regarded as operating in support of the illegal occupation and will therefore be regarded as hostile and will be liable to be attacked by British Forces." (1)

5. On timing, we should allow 24 hours between the time of the announcement and the time when it will come into effect to enable ships and aircraft to receive the message to avoid the area and to act upon it. at 1100 British Summer Time.

(1) Copies of full text enclosed for circulation to OD(SA) colleagues. Amendments are underlined.

6. The Notices to Mariners and to Airmen will set out the detailed arrangements for ships or aircraft to obtain authority from the Ministry of Defence to enter the Zone. My department will issue the requisite Notices to Mariners and to Airmen immediately the announcement is made.
7. We have also prepared a question and answer brief for use in the House and with the press which has been passed to officials of your departments.
8. I understand that the Foreign Office have made arrangements to notify all posts of the terms of the announcement and to provide them with briefing material (with particular priority to informing the governments of Switzerland and Brazil).

UNTIL RELEASE AUTHORISED

THE TOTAL EXCLUSION ZONE: TEXT OF PUBLIC ANNOUNCEMENT

"From 1100 British Summer Time on [7 1982, a Total/ Exclusion

Zone will be established around the Falkland Islands. The outer limit of this Zone is the same as for the Maritime Exclusion Zone established on Monday 12 April 1982, namely a circle of 200 nautical miles radius from latitude 51 degrees 40 minutes South, 59 degrees 30 minutes West. From the time indicated, the Exclusion Zone will apply not only to Argentine warships and Argentine naval auxiliaries but also to any other ship, whether naval or merchant vessel, which is operating in support of the illegal occupation of the Falkland Islands by Argentine forces. The Exclusion Zone will also apply to any aircraft, whether military or civil, which is operating in support of the illegal occupation. Any ship and any aircraft whether military or civil which is found within this Zone without due authority from the MOD in London will be regarded as operating in support of the illegal occupation and will therefore be regarded as hostile and will be liable to be attacked by British Forces.

Also from the time indicated, Port Stanley airport will be closed; and any aircraft on the ground in the Falkland Islands will be regarded as present in support of the illegal occupation and accordingly is liable to attack.

These measures are without prejudice to the right of the UK to take whatever additional measures may be needed in exercise of its right of self-defence, under Article 51 of the UN Charter."

~~SECRET~~ UK EYES EANNEX DBACKGROUNDTIMING AND FORM OF THE ANNOUNCEMENT

1. The period of time which should be allowed between the announcement of the TEZ and its entry into force depends, in practice, upon the time it will take for news of the announcement to reach ships and aircraft in the area and for them to act upon it. An interval of 24 hours is considered appropriate to allow this to take place. The Argentines could not then justifiably allege that insufficient warning had been given.
2. ODO(SA) have recommended that the announcement should be made at 1100 British Summer Time. Arrangements have been made to ensure that the Notices to Mariners and to Airmen which will provide formal notification to the respective international controlling bodies can be issued immediately this is authorised. PS/S of S is being provided with the precise mechanics of this.
3. ODO(SA)'s recommendation on timing would preclude the announcement being made in Parliament. The 'Points To Make' therefore leaves the precise means of making the announcement open.

CONTENT OF NOTICES TO MARINERS AND TO AIRMEN

4. These Notices will transmit the terms of the announcement to the respective maritime and aerospace international bodies, and will indicate the steps which any ship or aircraft wishing to enter the Zone should take to seek authority from the Ministry of Defence in London. The precise arrangements are being formulated in parallel with this brief, and will be notified to S of S prior to the OD(SA) meeting. They will spell out the fact that any ship or

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aircraft wishing to enter the TEZ must obtain prior authority from the MOD in London. A point of contact for obtaining such authority will be provided. It will be made clear that the MOD will only authorise and guarantee safe passage through the Zone if the ship or aircraft follows a precise route and journey time specified in advance by the MOD. MOD will not grant an authorisation until all the necessary units of the Task Force have been provided with the requisite instructions.

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(48)

CC PS

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D/211/10/6/7

PS/Secretary of State

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OD(SA) MEETING - 0800 ON 28 APRIL: BRIEFING ON ANNOUNCEMENT OF A TOTAL EXCLUSION ZONE (TEZ); ARRANGEMENTS FOR SHIPS AND AIRCRAFT TO SEEK AUTHORITY TO ENTER A TEZ AROUND THE FALKLAND ISLANDS

1. Further to Head of DS11's minute earlier this evening, I attach Annex C providing proposed Question and Answer material to supplement any TEZ announcement. The material could serve for use in Parliament, with the press and for dissemination to posts overseas.
2. The proposed answers are as straightforward as possible, especially since it has not been possible to obtain other than broad comments from other Divisions or the FCO.
3. I also attach further material on:
 - (a) The means of initiating the issue of the Notices to Mariners and to Airmen (see ANNEX A).
 - (b) The text of the statements to be included in the Notices to Mariners and to Airmen explaining how authority to enter the Zone should be sought (see ANNEX B).
4. The procedure for handling any request for authority to enter the zone needs to be considered further. DS5 and DS8 will submit proposals on this as soon as possible.

JW
 Pr. C B JENNINGS
 DS11

27 April 1982

Annexes:

- A. Issue of Notices to Mariners and to Airmen.
- B. Arrangements for Ships and Aircraft to seek authority to enter TEZ around F
- C. Announcement of a Total Exclusion Zone.

ISSUE OF NOTICES TO MARINERS AND TO AIRMEN

1. The OD(SA) secretaries have been asked to notify the following officers as soon as any decision is taken on the timing of a TEZ announcement:
 - a. For the Notice to Mariners, the DS5 Duty Officer in the DSC on Extn 7484 MB;
 - b. For the Notice to Airmen, the DSS Duty Officer in the DSC on Extn 6299 MB.
2. These Duty Officers will arrange for issue of the respective Notices at the same time as an announcement is made.

ARRANGEMENTS FOR SHIPS AND AIRCRAFT TO SEEK AUTHORITY TO ENTER A
TOTAL EXCLUSION ZONE AROUND THE FALKLAND ISLANDS

1. The Notices to Mariners and to Airmen will include the following statement (deleting ships or aircraft as appropriate):

"Any ship/aircraft which wishes to seek authority to enter the Total Exclusion Zone should contact the Ministry of Defence in London at the following address:

For Ships: The Head of Defence Secretariat 5
Ministry of Defence
Main Building
Whitehall
London SW1A 2HB

(Telephone 01-218-6401)
(or 01-218-3058)

For Aircraft: The Head of Defence Secretariat 8
Ministry of Defence
Main Building
Whitehall
London SW1A 2HB

(Telephone 01-218-6299)

Any ship/aircraft granted such authority will be required to adhere strictly to such instructions as the Ministry of Defence may issue. It is emphasised that any ship/aircraft found within the Zone without such authority will be liable to be attacked by British Forces."

[UNTIL RELEASE AUTHORISED]

ANNOUNCEMENT OF A TOTAL EXCLUSION ZONE

- Q1. WHY HAVE YOU IMPOSED THIS ZONE?
- A1. To extend the Maritime Exclusion Zone (MEZ) imposed on 12 April to exclude all ships and aircraft from the area. The new Zone has the same aim as the MEZ, namely to bring about the withdrawal of Argentine forces from the Falkland Islands as soon as possible.
- Q2. DOES THIS MEAN YOU ARE NOW AT WAR WITH ARGENTINA?
- A2. No. As the announcement makes clear, this Zone is being enforced under our right of self-defence under Article 51 of the UN Charter.
- Q3. HOW WILL THE ISLANDERS GET FOOD?
- A3. The Islanders interests remain, of course, our primary consideration. Any impact which the Zone will have on them is most regrettable, and we will keep this under careful review. The indigenous supplies of food are, however, sufficient for some time.
- Q4. WHAT DOES THE CLOSURE OF PORT STANLEY AIRFIELD INVOLVE?
- A4. No aircraft may use Port Stanley airfield without authority from the MOD in London.
- Q5. ARE YOU PLANNING ON FURTHER ACTION TO INHIBIT THE USE OF PORT STANLEY AIRFIELD?
- A5. As the final sentence of the announcement makes clear, the TEZ is without prejudice to any further action we may take under Article 51.
- Q6. WILL YOU ATTACK MERCHANT SHIPS OR CIVIL AIRCRAFT?
- A6. As the announcement makes clear, ALL ships and aircraft are liable to be attacked if they enter the Zone without due authority from the Ministry of Defence in London. The arrangements for obtaining such authority have been conveyed to the appropriate maritime and aviation bodies for transmission to all ships and aircraft.
- Q7. ARE ANY ARRANGEMENTS BEING MADE TO EVACUATE THE ISLANDERS?
- A7. We trust that those islanders who wish to leave will continue to be allowed to do so. Transit arrangements through the Zone can be made by obtaining prior approval for such journeys from the Ministry of Defence.
- Q8. WHAT IS THE LEGAL BASIS FOR THIS ACTION?
- A8. Article 51 of the UN Charter.

[UNTIL RELEASE AUTHORISED]