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OD(82) 7th Meeting

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CABINET

DEFENCE AND OVERSEA POLICY COMMITTEE

MINUTES of a Meeting held in the
Prime Minister's Room, House of Commons
on TUESDAY 4 MAY 1982 at 8.15 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 Lord Hailsham
Lord Chancellor

The Rt Hon Sir Geoffrey Howe QC MP
Chancellor of the Exchequer

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 John Biffen MP
Lord President of the Council

The Rt Hon Baroness Young
Lord Privy Seal

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

The Rt Hon Lord Cockfield
Secretary of State for Trade

THE FOLLOWING WERE ALSO PRESENT

The Rt Hon Sir Michael Havers QC MP
Attorney General

Admiral Sir Henry Leach
Chief of the Naval Staff

Sir Michael Palliser
Cabinet Office

SECRETARIAT

Sir Robert Armstrong
Mr R L Wade-Gery
Mr R L L Facer

SUBJECT

FALKLAND ISLANDS

FALKLAND ISLANDS

Previous Reference OD(82) 6th Meeting, Item 2

THE PRIME MINISTER informed the Committee of the damage to HMS Sheffield and the loss of a Sea Harrier aircraft in an attack that day on the airstrip at Goose Green.

THE DEFENCE SECRETARY briefed the Committee on other aspects of the military situation.

THE FOREIGN AND COMMONWEALTH SECRETARY said that the sinking of the Argentine cruiser Generale Belgrano had led to some loss of support for the British position from other members of the European Community, including France. There was a considerable risk that any widening of the conflict and further casualties would lead to widespread loss of international, including American support.

The Committee -

Took note.

Cabinet Office

6 May 1982

CABINET

DEFENCE AND OVERSEA POLICY COMMITTEE

MOST CONFIDENTIAL RECORD

TO

OD(82) 7th MEETING MINUTES
TUESDAY 4 MAY 1982 at 8.15 pm

FALKLAND ISLANDS

The Committee considered the question of an attack on the Argentine aircraft carrier "25th of May", which was believed to be located in a bay which Argentina claimed lay within the baseline for calculating territorial waters.

THE ATTORNEY GENERAL said that only in 1966 had Argentina registered a claim that the bay in which the "25th of May" was believed to be was a bay of historic importance and part of her territorial sea. This claim had never been accepted, and was not valid in international law. The bay was 168 miles across, whereas the generally accepted limit to bay lines in international law was 24 miles. Thus any attack on the ship at a distance of more than 12 miles from the Argentine shore or from a generally accepted bay line could be held to be an attack on the high seas and not one in territorial waters.

THE CHIEF OF NAVAL STAFF said that the Argentine aircraft carrier represented a threat to British forces. Its aircraft had a radius of action of between 400 and 500 nautical miles. From its present position these aircraft could, with air to air refuelling, attack British naval forces; and if the ship moved towards British forces for about 2 hours, its aircraft could reach them without air to air refuelling.

THE FOREIGN AND COMMONWEALTH SECRETARY said that an attack on the aircraft carrier, following the sinking of the cruiser Generale Belgrano, would lead to a dramatic shift in world opinion against the United Kingdom and might put an end to current attempts to reach a diplomatic settlement of the dispute. He recognised, however, these these factors must be weighed against the risk which the aircraft carrier presented to the safety of British forces. He had that day dispatched fresh proposals for a settlement to the United States Secretary of State, Mr Haig.

SECRET

THE PRIME MINISTER, summing up the discussion, said that the Committee agreed that the Argentine aircraft carrier should be attacked, unless it was either within internationally recognised territorial waters of 12 nautical miles or both north of latitude 35° South and west of longitude 48° West, in accordance with the existing approved Rules of Engagement for the British Task Force. No further warning should be given to Argentina, since to do so might put British forces at risk.

The Committee -

Invited the Defence Secretary to authorise British forces to attack the Argentine aircraft carrier "25th of May" on the basis indicated by the Prime Minister in her summing up.

Cabinet Office

5 May 1982

SECRET