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OD(SA)(82) 26th Meeting

Copy No. **16**

CABINET
DEFENCE AND OVERSEA POLICY COMMITTEE
SUB-COMMITTEE ON THE SOUTH ATLANTIC AND
THE FALKLAND ISLANDS

MINUTES of a Meeting held at
10 Downing Street on
WEDNESDAY 5 MAY 1982 at 9.00 am

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 Fym
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

The Rt Hon Sir Michael Havers QC MP
Attorney General

Admiral Sir Henry Leach
Chief of Naval Staff and
First Sea Lord (Item 1)

Sir Antony Acland
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 (Item 1)

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TOP SECRET

1. MILITARY ISSUES

THE CHIEF OF NAVAL STAFF informed the Sub-Committee of the latest military situation. HMS Sheffield, which had been presumed sunk after being abandoned the previous evening when burning uncontrollably, was now reported to be still afloat. The Argentine aircraft carrier, which the Defence and Overseas Policy Committee had agreed might be attacked provided she was more than 12 nautical miles from the nearest point of Argentine land (and outside the limits of latitude and longitude laid down by the Sub-Committee at their 22nd meeting, on 30 April), was reported to be inside the 12 mile limit and moving away to the north.

THE ATTORNEY GENERAL said that, even outside the 12 mile limit, an attack on the Argentine aircraft carrier might be difficult to justify legally if as a result of moving northwards she was much too far away to pose an immediate threat to British forces.

THE PRIME MINISTER, summing up the discussion, said that no immediate changes were needed in the Rules of Engagement for British forces. Consideration could be given at a later meeting to the possibility of extending the geographical area within which the Argentine aircraft carrier should not be attacked; and to the possibility of extending the range of targets in the Falkland Islands which British Special Forces were authorised to attack. The Special Forces should not specifically mount operations for the purpose of taking prisoners in order to provide a source of intelligence. But there would of course be no objection to their taking prisoners where this would be militarily appropriate in order to protect the mission in hand.

The Sub-Committee -

Invited the Defence Secretary to provide the Force Commander with guidance on the taking of prisoners by British Special Forces, on the basis indicated by the Prime Minister in her summing up.

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2. DIPLOMATIC ISSUES

The Sub-Committee had before them Washington telegrams nos. 1597-1600 containing a message from the United States Secretary of State, Mr Haig, with proposals for a revised interim agreement and timetable arrangements, and comments from Her Majesty's Ambassador; and a message to the Prime Minister from President Reagan (since circulated as OD(SA)(82) 42)

THE FOREIGN AND COMMONWEALTH SECRETARY said that he wished to commend to his colleagues the draft agreement now proposed by Mr Haig. This was not in every respect satisfactory from Britain's point of view. But Mr Haig was wholly unwilling to proceed on the basis of the alternative approved by the Sub-Committee the previous evening. His new proposal was a marked improvement on anything he had previously put forward. The view of the Foreign and Commonwealth Office's legal advisers was that the terms of the draft excluded South Georgia. It would be highly damaging to reject Mr Haig's proposal, given the level of fighting which had now developed in the South Atlantic and the shifting attitudes of Britain's European partners.

THE ATTORNEY GENERAL said that he agreed with the view that under the terms of Mr Haig's draft South Georgia would not be covered by the agreement.

THE PRIME MINISTER, summing up the discussion, said that she would arrange a meeting of the Cabinet later that morning to consider Mr Haig's proposal. The main areas of concern were likely to be the position in relation to South Georgia; the ambiguous provision about the local administration of the Falklands; and the lack of any reference to the wishes of the inhabitants or to self-determination.

The Sub-Committee -
Took note.

Cabinet Office

5 May 1982

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