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FOREIGN AND COMMONWEALTH SECRETARY

Per Minutes:
 To note. You will recall that the majority report of the Foreign Affairs Committee was favorable to the Government's case. You need therefore not read the attached

FAC REPORT ON THE EVENTS SURROUNDING THE WEEKEND OF
1ST/2ND MAY 1982

22/10

Our officials have been in touch over the drafting of the response to the third report from the Foreign Affairs Committee in the 1984/85 session on the events surrounding the weekend of 1st/2nd May 1982. I understand that you have been consulted over the draft and I am myself content with it subject to a small number of changes which I have incorporated in the attached revised text.

2. As you know, the main report of the Committee is a comprehensive and carefully argued piece of work which effectively refutes all of the main criticisms which have been directed at the Government over the sinking of the Belgrano. The Committee has some criticisms of its own but these are couched in fairly mild terms. The main charge is that the Government displayed excessive caution in its handling of information. Given the generally constructive nature of the main report, I believe that we should respond in a positive way and that our refutation of the Committee's criticisms should be in mild terms.



3. The minority report is a very different matter in terms of the quality of the analysis as well as of the conclusions drawn. While we need to touch upon it, I do not believe we should treat it too seriously by engaging in a point-by-point refutation: most of the points it makes are in any case refuted in the majority report.

4. I should be grateful, if you are content, if your officials could now arrange for the attachment to be issued in the normal way.

5. I am copying this minute and the attachment to the Prime Minister, the Attorney General, the Lord Privy Seal and the Secretary of the Cabinet.

A handwritten signature in dark ink, appearing to be "W. A.", written in a cursive style.

Ministry of Defence

21st October 1985

EVENTS SURROUNDING THE WEEKEND OF 1-2 MAY 1982

1. This paper contains the Government's observations on the Committee's Report (HC 11 of 24 July 1985). The Government acknowledges the careful work on this subject undertaken by the select committee and welcomes the conclusions in the Report that the attack on the Argentine cruiser the "General Belgrano" was authorised for legitimate military reasons and not out of political design (para 9.31); and that the desire of the Government not to reveal all the information in its possession was and is a proper one (para 9.30).

2. The Government notes the Committee's comment that, in this instance, the House remained for too long in ignorance of information which members were entitled to request, but it does not accept that Ministers displayed excessive caution. The Government continues to believe that caution must be exercised in areas where national security could be placed at risk. This has been and will remain a crucial consideration for this Government.

The Military Situation

3. The Government has consistently stated that, by 2 May, there were clear and unequivocal indications that the Task Force was under threat from a strong and co-ordinated pincer movement by the major units of the Argentine Navy, including the cruiser "General Belgrano" and the aircraft carrier "25 de Mayo". This was confirmed on 16 April 1984 by Rear Admiral Juan Jose Lombardo during an interview on the BBC Panorama programme. The Government welcomes the Committee's conclusion at para 4.11, on the basis of formal

evidence and other information which was available, that there is no factual evidence to cast doubt on official British claims that the Argentine fleet had orders to mount a co-ordinated attack on the Task Force and that it would have been unreasonable to have reached any conclusion other than that the "Belgrano" formed part of that co-ordinated attack.

4. It has been claimed that, at the time of the sinking, the Belgrano was returning to port and that the Government was aware of this. The Government welcomes the Committee's careful and thorough analysis of each element of this argument in Chapter 4 of their report. Being bound by the long standing practice of successive Governments not to comment on intelligence matters, the Government particularly welcomes the Committee's statement that it is satisfied that the public explanations given to the Committee on the nature of the threat, which the Belgrano and her escorts were perceived to have posed, accurately conform with the assessments then available (para 4.28); and that there is no evidence now that a withdrawal would have been intended to achieve anything other than a short-term tactical advantage (para 4.29(iii)).

5. The Government wholeheartedly concurs with the Committee's remarks at 4.29(iv) that the paramount obligation of the War Cabinet was to protect the Task Force and that, in the light of the information available, it would have been a dereliction of duty for it to have taken any course of action other than to authorise a change in the Rules of Engagement to permit an attack on the Belgrano. The need to do everything possible to protect the many thousands of British personnel in the Task Force was the reason for the attack on the Belgrano.

Minimum Use of Force

6. It has been argued that the decision to change the Rules of Engagement to permit the sinking of the "Belgrano" followed earlier War Cabinet decisions to pursue a military solution and abandon the avowed policy of the minimum use of force in the conflict.

Furthermore, it has been alleged that the sinking of the "Belgrano" represented a watershed in the progress of the conflict; and that if the "Belgrano" had not been sunk there would have been no Task Force losses.

7. The Government utterly refutes these suggestions. On 1 May, the Task Force came under attack for the first time from the Argentine Airforce operating from the mainland. Had our Sea Harriers failed to repulse these attacks, there is little doubt that our ships could have been seriously damaged or even sunk. On the same day, our forces located and attacked what was believed to be an Argentine submarine in a position to torpedo our ships. Since the conflict, publicity has also been given to a planned Argentine attack by Exocet-armed Super Etendard aircraft on 2 May, before the attack on the "Belgrano" took place. These Argentine actions thoroughly disprove the allegation that, if there had been "no 'Belgrano'", there would probably have been "no 'Sheffield'" or other Task Force losses. The Government was and is convinced that the prolonged air attacks on our ships, the suspected presence of an Argentine submarine, and all the information available to the Government about the movements of the surface fleet, left no doubt of the dangers to the Task Force from hostile action.

8. The Government therefore welcomes the Committee's acknowledgment at para 7.8 that inevitably, as the British Task Force sailed towards the Falklands, the emphasis in British policy was bound to

shift from diplomatic to military action, particularly since, once committed to the area, the need to protect the Task Force against Argentine attack become progressively greater; and at paras 7.16(ii) that the shift in emphasis towards overt military action by both Argentine and British Forces at the beginning of May 1982 was an inevitable consequence of the arrival of the Task Force in the Falklands area.

9. Nevertheless, as the Report concludes, the Government, wanting to avoid a purely military solution, continued the effort to find a negotiated solution. As the Prime Minister said in the House of Commons on 29 April 1982, it was the British Government's hope that a ceasefire and the withdrawal of Argentine forces could be achieved by negotiated settlement. And in his statement of 7 May 1982, the Foreign and Commonwealth Secretary underlined the Government's commitment to continue to work for a peaceful solution. Intense diplomatic activity continued, with the help of the UN Secretary-General, until 17 May, but failed in the face of Argentine intransigence.

The Peruvian Peace Proposals

10. The Government note with satisfaction the Committee's conclusion at 5.40 (iv) that:

"The British War Cabinet was not aware of the peace proposals initiated by the Peruvian Government when the order was given that the "Belgrano" could be attacked, and therefore could not have been motivated by a desire to frustrate such proposals".

and the further conclusions at 5.40 (i), (ii) and (iii) that the balance of opinion appears not to support the proposition that the Peruvian peace proposals stood a real chance of acceptance on 2 May by

the Government of Argentina, that they were not in a form acceptable to HMG on that day either and that the course of subsequent negotiations strongly suggests that at no stage did the Peruvian peace proposals represent a formula for a ceasefire agreement acceptable in identical terms to both sides.

11. The Government believes that an objective examination of the facts could not have led the Committee to any other conclusions. Nevertheless, these conclusions are especially valuable in view of the assertions in the contrary sense that have been made. At the time these assertions were made, the Government provided extensive information to Parliament, and in separate correspondence with Members of the House. Ministers and officials also gave evidence to the Committee. A key element in the information provided was the timing of telegrams to the Foreign and Commonwealth Office from our Embassies at Washington and Lima reporting on the Peruvian peace proposals. These timings are recorded in the Committee's report (5.21 and 5.27) and in the FCO's Memorandum of April 1985 (Appendix 16 to the Minutes of Evidence taken by the Committee) and with other evidence support the conclusion at 5.40(iv) quoted above.

12. The role played by Mr Wallace, then British Ambassador at Lima, in transmitting the peace proposals to London, has also been the subject of widespread comment. The Committee's Report notes that there is "no evidence to support the hypothesis that Mr Wallace was advised of the detailed Peruvian proposals until his meeting with Dr Arias Stella on the evening of 2 May, some time after the Belgrano had been attacked". Further, the Committee's Report notes that in discussing these events with Dr Arias himself (during their visit to New York in May 1984), it was clear that he did not

believe that he had communicated anything other than a general Peruvian wish to bring the parties together, when he had been in touch with Mr Wallace on Saturday 1 May 1982. This evidence and the evidence of FCO representatives all square with the direct testimony given to the Committee by Mr Wallace, the man on the spot. In the light of this, the Government hopes that any implied criticism of Mr Wallace in paragraph 5.23 will be disregarded as it is based on a second-hand account of a conversation with Dr Arias Stella. The Government confirms once more that Mr Wallace first learned of the Peruvian peace proposals when he heard on his car radio the live broadcast of President Belaunde Terry's press conference while travelling to keep an appointment at 23.30 GMT on 2 May with the Foreign Minister, the purpose of which was, as it turned out, to inform him of these proposals. His reporting telegram to London was dated 01.03 GMT on 3 May. He was not involved in the formulation of the proposals nor was he told at his meeting with Dr Arias Stella on 1 May of any new peace initiative.

The Warnings to Argentina

13. With the benefit of hindsight, the Government accepts that there was and is misunderstanding about the purpose of the exclusion zones which were created around the Falkland Islands in 1982. However, the warnings were explicit on the point that irrespective of the creation of the Maritime Exclusion Zone (MEZ), later the Total Exclusion Zone (TEZ), HMG reserved fully its position in respect of the exercise of its right of self-defence under Article 51 of the Charter. There has also been confusion about the relationship between the exclusion zones, public warnings issued by HMG during the conflict and Rules of Engagement (ROE).

14. The MEZ, which came into force on 12 April, was intended to assist in bringing to an end the illegal Argentine occupation of the Falklands by denying Argentine forces reinforcement and resupply from the mainland. It was also intended to establish local sea control prior to any possible landing. The radius of 200nm was, necessarily, arbitrary but provided a zone which our submarines could enforce with a reasonable degree of assurance. The TEZ came into force on 30 April, when the Task Force arrived in the area and thus provided capability to enforce the exclusion of aircraft as well. It followed naturally from the MEZ. Argentina was notified of the establishment of the zones through the Swiss Protecting Power. In addition, the UN Security Council was notified and the creation of the zones announced publicly to serve as a warning to third parties to avoid the area.

15. The warnings which HMG issued during the Falklands conflict were designed to make the UK's intentions clear to both Argentina and the rest of the world. The announcement of the establishment of the MEZ and TEZ were two of these warnings but they did not in any way preclude action in self-defence outside the zone. Each of the warnings issued on the occasion of the establishment of these zones contained an explicit sentence, stating that, to quote the one issued for the TEZ, "these measures (ie the establishment of the TEZ, the closing of Port Stanley Airport and the declared intention to attack aircraft on the ground in the Falkland Islands) are without prejudice to the right of the United Kingdom to take whatever measures may be needed in exercise of its right self-defence, under Article 51 of the United Nations Charter". The warning of 23 April, which was also issued as a press notice by the Ministry of Defence, contained no geographical

limitation but made it clear that there would be appropriate response to any approach by warships or military aircraft which could amount to a threat to interfere with the mission of the British Forces in the South Atlantic. In each case it was clear that these elements of the warnings envisaged "additional measures".

16. Rules of Engagement, which are classified guidelines issued to operational commanders, were at all times during the Falklands Campaign consistent with the warnings which HMG had issued.

17. During the Campaign, very careful consideration was given, at a very high level, to the content of the warnings of HMG's intentions which were issued. The Government was satisfied that it was complying with its obligations under the UN charter and that the warning of 23 April covered the changes to ROE to allow the "25 de Mayo", the "Belgrano" and other units of the Argentine Navy to be attacked outside the TEZ. The Government welcomes the Committee's confirmation of this view at 6.21(i). The Government notes the Committee's conclusion at 6.21(ii) that the establishment of exclusion zones did not contribute to Argentine understanding of British action outside them: but this has to be seen in the context that the zones were created for a legitimate military purpose which was properly explained at the time.

Provision of Information by HMG

18. Attention has been focused on inaccuracies in the statements made by the then Secretary of State for Defence, Sir John Nott, in the House of Commons on 4 and 5 May 1982; and in the White Paper "The Falklands Campaign: The Lessons" (Cmnd 8758) and in Admiral Fieldhouse's Despatch. The Government has also been criticised for not correcting the inaccuracies sooner, for instance at the time of Cmnd 8758.

19. As events unfolded in early May 1982, the Task Force came under increasing threat, and it was clearly impracticable for Ministers to devote their time to establishing the detailed circumstances surrounding individual operations which had already been overtaken by events demanding their immediate attention: their principal concerns had to be to deal with the issues at the time and to look ahead. That Sir John Nott's statements were made in good faith is accepted by the Committee. The inaccuracies in his statements came to light gradually when, as a result of the attention focussed on the sinking from late 1982 onwards, details were clarified and information made available to Ministers. The precise course of the "Belgrano" at the time of the sinking was irrelevant to the threat she posed. Ministers were not aware of the precise course until November 1982, when the information was required in order to answer a Parliamentary Question from Mr Dalyell. Similarly, it was not until March 1984, when Ministers considered the matter in detail in order to answer a letter from Mr Denzil Davies, that they were informed of the change in course of the "Belgrano" at 9am (London time).

20. So far as the date of detection of the "Belgrano" is concerned, the Government has been criticised because both the Falklands White Paper and Admiral Fieldhouse's Despatch stated that she had been detected on 2 May 1982. Admiral Fieldhouse himself queried this date during the preparation of the draft but agreed that it should be left as 2 May in order to protect operational and intelligence information. This was the date in the Despatch which he submitted to the Ministry of Defence. The Falklands White Paper was designed primarily to address the vital lessons from the campaign and the information on "Belgrano" reflected the original passage in Admiral

Fieldhouse's Despatch. The question of what the White Paper should say about events surrounding the sinking of the Belgrano was not addressed by Ministers at the time. Subsequently, Ministers maintained a cautious approach to what might be said because of the need to protect operational and intelligence information which was still regarded as sensitive. It was not until April 1984 that the Prime Minister felt able to write to Mr Denzil Davies explaining that more information could be given because "with the passage of time, those events have lost some of that original operational significance."

21. The Government welcomes the Committee's conclusion at 9.15 that it was reasonable to draw a line at some point on the provision of information which could lead to requests for further information which would be difficult to deal with on national security grounds. The Government also welcomes the Committee's conclusion at 9.31 that they do not find that the inaccuracies in information given to Parliament were either deliberate or in effect misleading as to the true state of affairs on 1st and 2nd May 1982. They note the Committee's view that Ministers and their advisers displayed excessive caution over the release of information. This must be a matter of judgement. The Government continues to believe that proper caution was exercised in areas where national security could have been placed at risk. Moreover, they believe that, in difficult cases of the kind which arose over the circumstances surrounding the sinking of the Belgrano, it is right for a responsible government to err, if at all, on the side of caution.

The Minority Report

22. Given that every facility was extended to the whole Committee

including allowing access to the document now known as the "Crown Jewels", the Government is disappointed by the reluctance of some members of the Committee to recognise that it was military necessity which led to the authorisation of changes in the Rules of Engagement on 2 May 1982 and which in turn permitted "HMS Conqueror" to attack the "Belgrano". Some of the points made in the Minority Report were addressed by the Franks Committee whose report was debated and accepted by the House of Commons in January 1983. Others are addressed in the main Report which, on the basis of the same information, draws quite different conclusions.

23. For instance, it is alleged that the reasons given by Lord Lewin for the warning of 23 April 1982 were unconvincing and that the debate in the House on 29 April 1982 was distorted because the terms of the warning had not been made explicit. The Committee's Report, however, states quite clearly that the warning served adequate notice on the Argentine junta. An earlier section of this reply has explained fully the steps taken to publicise the warning. Similarly, it is regrettable that some Members of the Committee refuse to accept the sincerity of Mr Pym's visit to the USA and the Government's search for a diplomatic solution. Negotiations with a view to a peaceful settlement of the dispute continued until, on 17 May 1982, the Argentine Government rejected the draft agreement proposed by the British Government. The main Report recognises the sincerity of the Government's approach to these negotiations. In addition, whereas the Minority Report maintains that the possibility of a link between the Peruvian Peace initiative and the sinking of the Belgrano is still an open question, the main Report concludes there is no such linkage.

24. Many of the points in the Minority Report touch on intelligence matters. Public discussion of these would still risk unacceptable damage to national security. Indeed, the prominence which has been given to intelligence matters - and the speculation this has caused - during the controversy over the sinking of the "Belgrano" is in itself a cause for concern.

