

Conservative Research Department Brief

THE SINKING OF THE GENERAL BELGRANO

Prepared For:

The debate in the House of Commons
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N.B. Also attached are:

- 1) Photocopies of the Prime Minister's letters with annex to George Foulkes MP, which give the Government's most detailed account of the circumstances surrounding the sinking of the General Belgrano.
- 2) An addendum on the Official Secrets Act

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THE SINKING OF THE GENERAL BELGRANO

1. Introduction

The Argentine Cruiser 'General Belgrano' was sunk by HMS Conqueror on 2nd May 1982 solely because she was a threat to the Task Force. As the Prime Minister has said:

"The need to do everything we could to protect the lives of some 10,000 British personnel - Service and Civilian then in the Task Force and at risk from the Argentine Navy - was the sole reason for the attack on the Belgrano. No other consideration entered the calculations of the Ministers concerned..." (Hansard 29th October 1984, Written Answers, Col. 790).

2. Prior British warnings to Argentina

On 7th April 1982, the then Defence Secretary, Sir John Nott, announced the establishment from 12th April of a 200 mile Maritime Exclusion Zone around the Falkland Islands. But it was made clear that this was 'without prejudice to the right of the United Kingdom to take whatever additional measures may be needed in exercise of its right of self-defence under Article 51 of the United Nations Charter'. On 23rd April, the Government sent a message to the Argentine Government stating specifically that:

"any approach on the part of Argentine warships, including submarines, naval auxiliaries or military aircraft which could amount to a threat to interfere with the mission of British Force in the South Atlantic will encounter the appropriate response."

This warning clearly applied to ships outside the Exclusion Zone (as the General Belgrano was when it was sunk) as well as those within it.

3. Argentine aggressive intentions

The Argentine Commander in the South Atlantic at the time, Admiral Lombardo, confirmed on Panorama on 16th April 1984 that the Argentine Navy was attempting to engage in a pincer movement against the Task Force of which the General Belgrano and its escorts were the southern prong. Admiral Lombardo also stated on that occasion that he would have sunk 'a British Belgrano' if the situation had been reversed and that it was 'sound tactics' to do so.

It should be recalled that there had been substantial conflict the day before the General Belgrano was sunk. As Admiral Lord Lewin, Chief of the Defence Staff during the conflict, told the Select Committee on Foreign Affairs on 5th December 1984:

'We attacked the airfield with the one Vulcan, there was a raid by Harriers on the airfield and on airfield installations, followed

in the afternoon by a bombardment by a group of ships on airfield installations. The ships were then bombed. The Glamorgan was near-missed with a 1,000 lb bomb either side of its quarterdeck. The Arrow was strafed with cannon fire and had superficial damage, one seaman wounded. In the air battle one Mirage and one Canberra were shot down by Harriers and one Mirage was shot down by Argentine ground fire. We detected an Argentine submarine in close proximity to our ships in a position to torpedo them. It was confirmed as a submarine and hunted for something like 20 hours. So we knew there was a submarine near our ships. That is all we knew at the time. We now know, of course, that the carrier had tried to launch her aircraft and failed, the Super Etendards had launched to attack and had failed and the submarine had in fact, fired a torpedo which failed to hit. We did not know that at the time. We know that now".

4. The course of the General Belgrano

Much has been made of the fact that during the 2nd May the General Belgrano altered course away from the Task Force. But as the Prime Minister has said:

"She could have altered course again and closed on the elements of the Task Force, acting in concert with the carrier to the north. In the light of the continued threat posed by Argentine naval forces against the Task Force, the precise position and course of the Belgrano at that time was irrelevant" (Hansard, 29th October 1984, Written Answers, Col 790).

Information about her change of course was received by Naval Headquarters in Northwood at 3.40 pm on 2nd May (four and a quarter hours before she was attacked) but ministers were not made aware of the change of course at the time. In this context it should be recalled that limitations in communications with submarines in the South Atlantic meant that HMS Conqueror's operations could not be monitored and controlled hour by hour.

Sir John Nott stated in a statement to Parliament on 4th May 1982 that the General Belgrano was 'closing' on the Task Force, when she was attacked. This was not correct, but as the Prime Minister has said:

"It should be borne in mind that this statement had to be prepared in fast-moving and sometimes confused circumstances while Ministers were preoccupied with continuing threats to the Task Force" (Hansard Ibid).

5. The detection of the General Belgrano

Sir John Nott's statement on 4th May also stated incorrectly that the General Belgrano was first detected on 2nd May. In fact she had been sighted by HMS Conqueror on 1st May. This was first revealed by the Prime Minister in a letter to Mr Denzil Davies M.P. on 5th April 1984. The date was not changed in the official despatch of the Commander in Chief Fleet, Admiral Sir John Fieldhouse, later in 1982 "in order to protect sensitive operational and intelligence information", as the Prime Minister stated on 12th February 1985 (Hansard, Col. 164).

6. The threat posed by the General Belgrano

It has been suggested that the General Belgrano was never a real threat because of her age and inadequate armament. However, as Admiral Lord Lewin told the Foreign Affairs Select Committee on 5th December 1984 the Ministry of Defence had assumed that she could still do 30 knots. Furthermore she had 15 guns with a range of about 12 to 15 miles. Unlike her escorts, she was not in fact armed with Exocet missiles but she could have been, because, as Lord Lewin said, it was known that the Argentines had spare Exocet Launchers and missiles and these could have been bolted on in two or three weeks. Thus it would have been imprudent for the Ministry of Defence not to have assumed that she was so armed.

Therefore if the General Belgrano had been lost by HMS Conqueror, she could have, within a fairly short time, posed an immediate threat either to the Task Force or, as Lord Lewin pointed out, to the recently liberated South Georgia, where there was only an elderly frigate and one company of Royal Marines.

7. The Peruvian peace proposals

It has been alleged that the Government ordered the sinking of the Argentine Cruiser in order to undermine a peace initiative by the President of Peru. However, Ministers in London had no knowledge of this initiative, until three hours after the General Belgrano was torpedoed. It should be recalled that Mr Clive Ponting, who said that he was 100% behind the Government's policy in the South Atlantic, has described this allegation as 'incredible' (Daily Telegraph, 5th February 1985). The Defence Secretary, Mr Michael Heseltine, told the Foreign Affairs Select Committee on 7th November 1984 that:

"She (the Prime Minister) did not know at the time, of the Peruvian peace initiative. She did not know, until after the Belgrano had been sunk, of the Peruvian peace initiative. She could not have known of the Peruvian peace initiative because information about it was not available in London at any of the relevant times."

He described any linkage of the two matters as a "monstrous distortion." It is often stated that the sinking of the General Belgrano ended all hope of a negotiated settlement. But in fact intensive negotiations continued for over two weeks after the 2nd May.

8. Conclusion

The responsibility for the heavy loss of life resulting from the sinking of the General Belgrano lies entirely with the Galtieri junta in ordering an unprovoked invasion of British sovereign territory. The sinking of the Cruiser indeed probably prevented further loss of life, because, after 2nd May 1982, the Argentine fleet took no further part in the campaign.

Mr Heseltine summed up the whole controversy in his speech to the Conservative Party Conference at Brighton on 12th October 1984:

"On 1st May the Argentine air force attacked our fleet. That night the Belgrano sailed towards our fleet. The commander of the British Task force in the South Atlantic believed that she was a threat. He asked permission to sink her. The Prime Minister was advised that British lives were at risk. The evidence was overwhelming, the advice categorical, the counter-arguments non-existent. The War Cabinet's agreement was immediate and any other decision would have been unforgivable.

I say to all those pursuing this detailed questioning for incidental information that they should address the central responsibility. The Prime Minister had to protect the lives of our Servicemen. Let them tell us where they stand on that issue. The Prime Minister took the right decision. She took it at the right time and she deserves the credit for what she did."

9. Postscript - The Government's Evidence to the Foreign Affairs Select Committee

The facts about the controversy surrounding the Government's evidence to the Foreign Affairs Select Committee in July are fully explained in Mr Heseltine's evidence to the Select Committee on 7th November 1984, which has been published as House of Commons Paper 11-i.

RT/JR
13.02.85

Following are the texts:

Dear Mr. Foulkes,

Thank you for your further letter of 27 September about events at the end of April and the beginning of May 1982.

The tone of your further letter suggests a remarkable absence of understanding or sympathy for the overriding concern of Ministers and their senior advisers at that time to protect the lives of those serving with the Task Force. Nor do you seem to appreciate that timely decisions had to be taken, in constantly changing circumstances and on the basis of sometimes limited and imperfect information. If, as you seem to imply, you believe that Ministers did not act in good faith and reasonably, I would prefer you to say so openly. I am myself entirely content to accept the verdict of the British people on whether the Government were right to respond to Argentine aggression and to take those actions which we and our senior professional advisers believed necessary to protect British lives.

As I explained in my letter to you of 19 September and in my letter of today's date to Dr. David Owen (copy attached) John Nott's statement of 4 May must be seen in the context of the preoccupations of Ministers and Parliament at that time. It is also simply not true to suggest that the Government has not sought to rectify "the errors and misleading impressions", as you put it, in that statement. My letter of 4 April 1984 to Mr. Denzil Davies dealt with the question of when the General Belgrano was first sighted by HMS CONQUEROR. The Annex to my letter to you of 19 September gave a great deal of further detail about events at that time including the question of the Belgrano's course and position. My letter to Dr. Owen deals with the question of the alleged attack by CONQUEROR on one of the Belgrano's escorting destroyers. I have to say that the provision of this further information seems merely to prompt further questions of an increasingly detailed kind. Some, at least of these questions seem to be of doubtful relevance. None of this further detail has altered the Government's explanation of why it was necessary to alter the Rules of Engagement on 2 May and to attack the General Belgrano. Nor does it cast doubt in any way on our rejection, since questioning began on this issue, of alternative hypotheses put forward by Mr. Dalyell and others. I have explained previously that it is now possible to give some of this further information which we were reluctant to reveal in 1982, as it has lost some of its operational significance.

You ask a number of questions about the reasoning behind the creation of the MEZ and the TEZ and the changes which were made in the Rules of Engagement. These are matters which the Foreign Affairs Committee can no doubt address, if they wish, when the Defence Secretary appears before them. I cannot say with certainty what influence the MEZ and the TEZ exerted on Argentine operations. At all times the Task Force had Rules of Engagement which enabled it to respond to the threat presented by Argentine forces, but the precise circumstances in which Argentine ships and aircraft could be engaged varied as the situation—and in particular the position of the Task Force and the threat which Argentine military forces could pose against it—developed. The warning which was issued to the Argentine Government on 23 April was reported to the United Nations on 24 April and met our obligations with regard to the attack on the Belgrano. The changes that were made in the Rules of Engagement took full account of diplomatic, military and legal considerations and of our best assessment of the threat. The Chief of the Defence Staff and the Service Chiefs of Staff were responsible for giving professional military advice, taking account of the views of the operational commanders.

You ask a number of questions about the activities of the "War Cabinet". As was explained in the White Paper on the Falklands Campaign, the group of Ministers who conducted the higher management of the crisis met almost daily. The Foreign Secretary raised in writing on 1 May whether there was a need for a further warning to the Argentine Government. The Attorney General was present when Ministers met on 2 May. My letter to Dr. Owen deals with the question of when Ministers knew of the precise course of the Belgrano on 2 May. I have already explained to you that this was irrelevant to the decision to permit the ship to be attacked.

It would not be right for me to comment on questions 8 and 14 in your letter. Nor will I place the log of CONQUEROR's movements in the Library of the House of Commons: the submarine's log is classified.

Finally, you ask whether any material has been made available to Ministers since May 1982 which would have led us

to take different actions then. I dealt with this point directly in my letter to you of 19 September, but I repeat that no evidence has at any time become available to the Government which would make Ministers change the judgment they reached on 2 May that the Belgrano posed a threat to the Task Force. The ship was sunk solely for that reason.

Yours sincerely,
Margaret Thatcher.

George Foulkes, Esq., M.P.

Dear Mr. Foulkes,

You wrote to me on 23 August and 14 September about decisions taken by the Government at the time of the Falklands conflict.

Your questions reflect a number of fundamental misconceptions about the situation in the South Atlantic in April and May 1982. I am enclosing, as an Annex to this letter, a statement of the position which should clear up these misconceptions, and remove any doubts in your mind about the reasons for our actions.

To put the matter briefly, in April 1982 Argentina had attacked and invaded British territory; despite intense and continuing diplomatic efforts, Argentina refused to comply with a mandatory resolution of the United Nations Security Council to withdraw its forces; with all-party support, and in exercise of our inherent right of self-defence under Article 51 of the UN Charter, the British Government despatched the Task Force to the South Atlantic; by the end of April as it approached the Falkland Islands the Task Force was increasingly vulnerable to Argentine attack; by 2 May it had already been attacked by Argentine aircraft and there were clear and unequivocal indications that it was under further 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'. The then Argentine Operations Commander, South Atlantic, has since confirmed publicly that his warships had indeed been ordered to attack. No Government with a proper sense of responsibility could have refrained from taking appropriate measures to counter the threats to the Task Force, and to ensure its safety to the maximum extent possible. Risks could not be taken, especially when hostilities had been so clearly embarked upon by the Argentines.

Your questions about the Argentine aircraft carrier and the events on 2 May are answered in the Annex.

You also asked whether a Polaris submarine was deployed as described in the New Statesman article on 23 August. There was no change in the standard deployment pattern of our Polaris submarines during the conflict. Moreover, the Government gave a categorical assurance at the time that nuclear weapons would not be used in the Falklands conflict (see the statement made by Viscount Trenchard in the House of Lords on 27 April 1982—Hansard Vol. 429, Col. 778).

I have given you in the Annex as full an account of these matters as, I am advised, is consistent with national security. I must make it clear that it would be, and will remain, quite wrong for me to disclose all the material that was available to Ministers at the time. To do so would still risk irreparable damage to national security and could put lives at risk in the future.

Those who seek to criticise the Government's actions (including people outside this country who have every reason to discredit the Government of the United Kingdom) are not subject to the same constraints and have felt free to make a large number of assertions. I have already explained why I cannot make public everything which would make it possible to discuss whether those assertions are true or false. In these circumstances, I must emphasise the central point. On the basis of all the material that was available to Ministers at the time, my colleagues and I were satisfied that we took the right decisions in order to protect the lives of our forces. Nothing that has since been put forward—and I can assure you that it has all been examined with the utmost care—has led me or any of my colleagues to have any doubts that we were right.

Yours sincerely,
Margaret Thatcher.

George Foulkes, Esq., MP.

The Prime Minister: Yes.

Annex to Prime Minister's letter to George Foulkes, Esq. MP dated 19.9.84.

1. The threats which faced the Task Force at the end of April and the beginning of May 1982 can only be appreciated in the light of the situation in the South Atlantic at that time.

2. On 2nd April 1982, the process of diplomatic negotiations over the Falkland Islands was abruptly interrupted by Argentina's unprovoked armed invasion of the Islands. Having obtained control of the Islands, the Argentines then refused to comply with mandatory Resolution 502 of the United Nations Security Council, which demanded an immediate withdrawal of their forces.

3. In exercise of the inherent right of self-defence under Article 51 of the United Nations Charter, and in parallel with intense but ultimately unproductive diplomatic activity, the British Task Force was despatched at the beginning of April, with all-party support, following Argentina's action, which was wholly inconsistent with international law and the UN Charter. 28,000 British Servicemen and civilians eventually sailed in the Task Force; it was the foremost and continuing duty of the Government to take such decisions as were necessary to protect them as the events of the moment demanded.

4. On 7th April, the Defence Secretary had announced the establishment, as from 12th April, of a 200 nautical mile Maritime Exclusion Zone around the Falkland Islands; but it was made clear in the announcement that this was 'without prejudice to the right of the United Kingdom to take whatever additional measures may be needed in exercise of its right of self-defence, under Article 51 of the United Nations Charter.' Mr. Nott told the House of Commons that if it became necessary, the British Government would use force to achieve the objective of securing Argentine withdrawal. He added: 'We hope that it will not come to that. We hope that diplomacy will succeed. Nevertheless, the Argentines were the first to use force of arms in order to establish their present control of the Falklands . . .'

5. In late April 1982 the Task Force was strung out between Ascension Island and the Falklands and vulnerable to attack. On 23rd April 1982, the Government accordingly sent the following message to the Argentine Government, making it clear that the terms of the communication came into effect immediately:

"In announcing the establishment of a Maritime Exclusion Zone around the Falkland Islands, Her Majesty's Government made it clear that this measure was without prejudice to the right of the UK to take whatever additional measures may be needed in the exercise of its right of self-defence under Article 51 of the United Nations Charter. In this connection, HMG

now wishes to make clear that any approach on the part of Argentine warships, including submarines, naval auxiliaries, or military aircraft which could amount to a threat to interfere with the mission of British Forces in the South Atlantic will encounter the appropriate response. All Argentine aircraft including civil aircraft engaging in surveillance of these British Forces will be regarded as hostile and are liable to be dealt with accordingly."

It is clear from the above text that the warning applied outside the Exclusion Zone as well as within it. This message was notified to the United Nations Security Council and circulated accordingly on 24th April. It was also released publicly.

6. On 28th April 1982 the Government announced the establishment of a 200 nautical mile Total Exclusion Zone around the Falkland Islands, effective as from 30th April, which would apply to all Argentine ships and aircraft. The announcement again stressed that 'these measures are without prejudice to the right of the United Kingdom to take whatever additional measures may be needed in exercise of its right of self-defence, under Article 51 of the UN Charter'.

7. On 30th April, Ministers met to consider the implications of the capability of the aircraft carried by the Argentine aircraft carrier, the '25 de Mayo', to threaten our forces from the air at substantial distances from the Argentine mainland. After the most careful consideration of the legal, military and political issues, Ministers decided that our forces should be permitted to attack the '25 de Mayo' on the high seas (that is both within and outside the Total Exclusion Zone), in circumstances in which it posed a military threat to the Task Force. As set out in paragraph 5 above, a warning that Argentine warships threatening the Task Force would meet with an appropriate response had already been delivered to the Argentine Government on 23rd April; and Ministers concluded that no further warning was needed. There is no truth in the suggestion that the Foreign Secretary and the Attorney General opposed or dissented from the decision of 30th April. But on 1st May, the day he left for Washington, the Foreign Secretary raised the need for a further warning to the Argentine Government. The matter had been taken no further, however, when the general situation changed completely: first, with the attacks which the Argentine Air Force launched for the first time on the Task Force on 1st May and second, with the clear and unequivocal indications which became available that weekend that the Argentine Navy was committed to hostile action against the Task Force.

8. On 1st May 1982 the Task Force came under attack for the first time from the Argentine airforce, operating from the mainland. As the Defence Secretary said in the House of Commons on 4th May: 'On 1st May the Argentines launched attacks on our ships, during most of the daylight hours. The attacks by Argentine Mirage and Canberra aircraft operating from the mainland were repulsed by British Sea Harriers. Had our Sea Harriers failed to repulse the attacks on the Task Force, our ships could have been severely damaged or sunk. In fact, one Argentine Canberra and one Mirage were shot down and others were damaged. We believe that another Mirage was brought down by Argentine anti-aircraft fire. One of our frigates suffered splinter damage as a result of the air attacks and there was one British casualty whose condition is now satisfactory. All our aircraft returned safely. On the same day, our forces located and attacked what was believed to be an Argentine submarine which was clearly in a position to torpedo our ships. It is not known whether the submarine was hit. The prolonged air attack on our ships, the presence of an Argentine submarine close by, and all other information available to us, left us in no doubt of the dangers to our Task Force from hostile action'. All British units were on maximum alert to deal with any naval or air attacks.

9. As Admiral Woodward has explained "Early on the morning of 2nd May, all the indications were that the '25 de Mayo', the Argentine Carrier, and a group of escorts had slipped past my forward SSN barrier to the north, while the cruiser General Belgrano and her escorts were attempting to complete the pincer movement from the south, still outside the Total Exclusion Zone." The Argentine Operations Commander in the South Atlantic at the time, Admiral Juan Jose Lombardo, confirmed without hesitation on the BBC Panorama programme on 16 April this year that the Argentine Navy, as we thought, were attempting to engage in a pincer movement against the Task Force, using the '25 de Mayo' and its escorts in the north and the 'General Belgrano' and its escorts attempting to complete the movement from the south.

10. As was further explained in the Prime Minister's letter to Mr. Denzil Davies, HMS Conqueror had sighted the Belgrano for the first time on 1st May. On 2nd May, in response to the threat to the Task Force, Admiral Woodward sought a change to the Rules of Engagement to enable Conqueror to attack the Belgrano outside the Exclusion Zone. On the basis of the clear and unequivocal indications available to the Government that the Argentine Navy posed a real and direct threat to the Task Force and those sailing with it and on the advice of their most senior military advisers, Ministers decided at 1 pm that the Rules of Engagement should be changed to permit attacks on all Argentine naval vessels on the high seas, as had previously been agreed for the '25 de Mayo' alone (see paragraph 7 above). The necessary order conveying this change was sent by Naval Headquarters at Northwood to HMS Conqueror at 1.30 pm (all timings in this and the following paragraphs are given in London time). Shortly after 3 pm, HMS Conqueror reported the position of the Belgrano at 9 am and 3 pm that day. HMS Conqueror had not then received the order changing the Rules of Engagement. The limitations in communications with our submarines operating in the far South Atlantic meant that submarine operations there could not be monitored and controlled hour by hour. It was not until after 5 pm that HMS Conqueror reported that she had received and understood the new order and intended to attack. The Belgrano was attacked just before 8 pm.

11. Conqueror's report on the Belgrano's position was received by Northwood at 3.40 pm and made known to senior naval officers there and at the Ministry of Defence later that afternoon. The report showed that the Belgrano had reversed course. But she could have altered course again and closed on elements of the Task Force, acting in concert with the carrier to the north. In the light of the continued threat posed by Argentine naval forces against the Task Force, the precise position and course of the Belgrano at that time was irrelevant. For this reason, the report was not made known to Ministers at the time.

12. No evidence has at any time become available to the Government which would make Ministers change the judgement they reached on 2nd May that the Belgrano posed a threat to the Task Force. In the Panorama interview which is referred to earlier, Admiral Lombardo stated that the decision to sink the Argentine cruiser had been tactically sound, and one which he too would have taken had he been in Britain's position. It is, of course, the case that after the sinking of the Belgrano major Argentine warships remained within 12 miles of the Argentine coast and took no further part in the campaign.

13. As to subsequent operations by HMS Conqueror, immediately after the attack upon the Belgrano Conqueror herself came under attack from the Argentine escorting destroyers and, to evade this, moved away from the area. As her continuing role was to protect the Task Force from the threat posed by Argentine warships, she subsequently patrolled to the north and west of the area where the Belgrano had been sunk; when on 4th May Conqueror signalled that she was returning to that area, she was ordered not to attack warships engaged in rescuing survivors from the Belgrano.

14. Attention has been focused on inaccuracies in the statement made by the then Defence Secretary, Mr. Nott, in the House of Commons on 4th May. It should be borne in mind that this statement had to be prepared in fast-moving and sometimes confused circumstances while Ministers were preoccupied with continuing threats to the Task Force. It was explained in the letter to Mr. Denzil Davies why it was then possible to correct earlier statements which were made in good faith and to give further information about the Conqueror's operation. It would have been inappropriate to have given details at the time about the circumstances in which Conqueror detected and tracked the Belgrano and other aspects of the engagement since these could well have provided information valuable to the Argentine Navy.

15. The need to do everything we could to protect the lives of some 10,000 British personnel—Service and civilian then in the Task Force and at risk from the Argentine Navy—was the sole reason for the attack on the Belgrano. No other consideration entered the calculations of the Ministers concerned, and in particular there was no question of taking the action in order to undermine peace proposals put forward by the President of Peru, about which Ministers in London had no knowledge at the time. As has been frequently made clear the first indications of these proposals did not reach London from

Washington until 11.15 pm London time on 2nd May—over three hours after the attack on the *Belgrano*—and from Lima until 2 am London time on 3rd May.

16. Diplomatic action was, however, also pursued vigorously. Every effort was made to secure by diplomatic means the objective of the withdrawal of the Argentine forces. As the Prime Minister said in the House of Commons on 29th April 1982, it was the British Government's earnest hope that this objective could be achieved by a negotiated settlement. But by 29th April, the initiative of the US Secretary of State, Mr. Haig, had foundered on Argentine obduracy. On 30th April, he announced that the United States Government had had reason to hope that the United Kingdom would consider a settlement on the lines of the second set of proposals formulated by the US Government; but the Argentine Government had informed the Americans on 29th April that they could not accept it. As General Galtieri later explicitly admitted in an interview with an Argentine newspaper, Argentine domestic political opinion made it impossible for the Junta to agree to a solution that would entail the withdrawal of Argentine forces. The British authorities by contrast, continued the search for a negotiated settlement until 17th May.

17. The measures taken in late April and early May 1982 were designed clearly and exclusively to safeguard the lives of those serving with our forces, by responding to the threat posed to our ships in order to ensure, in particular, the safety of our two aircraft carriers on which the protection of the Task Force ultimately depended. There was no question of any attempt to destroy the prospects for a negotiated settlement.

ADDENDUM

Reform of Section 2 of the Official Secrets Act

The Franks' Committee, which was appointed in April 1971 to review the operation of section 2 and which reported in September 1972, recommended its repeal and its replacement by a new Official Information Act, which would protect a more limited range of information. This was followed in July 1978 by the publication by the then Labour Government of a White Paper setting out their proposals for legislation based broadly on the Franks' Committee's recommendations.

In 1979, the Government introduced its own Protection of Official Information Bill which was broadly based on the Franks' Committee report. It would have replaced section 2 of the Official Secrets Act 1911 with new provisions to protect certain information and articles from unauthorised disclosure. Official information and official articles would have been protected only if they concerned the following matters: defence or international relations, but only if its unauthorised disclosure would be likely to cause serious injury to the interests of the nation or endanger the safety of a citizen of the United Kingdom and Colonies; security or intelligence; the enforcement of the criminal law and the safe keeping of persons in custody; the authorised interception of telecommunications or postal communications; and confidential matter obtained from foreign governments or international governmental organisations or obtained from or relating to individuals or certain bodies (including commercial firms and also bodies carrying on nationalised industries).

It would have been an offence (among other things) for a crown servant to have disclosed any protected information or article "contrary to his official duty". No definition of "official duty" was contained in the Bill. A prosecution for the disclosure of material in the defence or international relations category could have been undertaken only if a Minister had certified that its disclosure would have been likely to cause serious injury to the interests of the nation or endanger the safety of a citizen of the United Kingdom or colonies or both. Such a certificate could not be challenged.

The Bill obtained a Second Reading in the House of Lords but was the subject of much Parliamentary and Press criticism, in particular because of the blanket protection given to any disclosure of information relating to security and intelligence and interception. Introduction of this Bill also coincided with the revelations about the spying activities of Antony Blunt. It was suggested that these would not have emerged if the new Bill had been law. It was decided to withdraw the Bill because there was insufficient support for it for the Government to be able to proceed.

Ponting Case

The main criticism of section 2 of the Official Secrets Act has been that it is a catch-all offence which covers all official information, whatever its nature. The Ponting case, however, raises a totally different issue. The jury's decision to acquit Mr Ponting suggests that they declined to accept the judge's direction as to whether or not it was Mr Ponting's duty, "in the interests of the state" to communicate the documents in question to Mr Dalyell.

It is easy to say that section 2 should be repealed. It is another matter to devise a broadly acceptable measure which defines the information which genuinely needs protection from disclosure, and also makes clear who has the right to apply the definition to specific material.

~~Montana~~ ~~hunts~~ ~~positions~~