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10 DOWNING STREET

*From the Private Secretary*

7 February, 1985.

Sinking of the Belgrano: Disclosure of Information to the  
Foreign Affairs Committee

The Prime Minister discussed this matter, on the basis of the Defence Secretary's minute of 4 February, with colleagues this morning. The Lord President, the Foreign Secretary, the Defence Secretary, the Home Secretary, the Lord Privy Seal, the Chief Whip, the Attorney General and Sir Robert Armstrong were present.

Attention was drawn to the answer given by the Lord Privy Seal to a question in the House on 12 May 1983 (annexed to your Secretary of State's minute). It was agreed that the Government should rest so far as possible on this. It was agreed that the Defence Secretary would speak informally to the Chairman of the Committee and two senior Privy Councillors on it to explain the reasons why the Government thought it inappropriate to release the documents to them, in the light of the established guidelines.

I am sending copies of this letter to the Private Secretaries of those attending the meeting.

C.D. Powell

Richard Mottram, Esq.,  
Ministry of Defence.

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PRIME MINISTER

Sinking of the Belgrano: Disclosure of Information  
to the Foreign Affairs Committee

There is to be a meeting after Cabinet to discuss the Foreign Affairs Committee's request to see the 'Crown Jewels'.

The Defence Secretary and the Foreign Secretary are opposed. The Lord Privy Seal is inclined to try to find an arrangement to satisfy the Committee. The Chief Whip may be concerned with the implied reflection on the integrity of members of the House in refusing to show them documents which have been seen by jurors and Court officials.

You will recall the problem which arose over the Trade and Industry Committee's request to see British Shipbuilders' Corporate Plan (they were suspected of being the source of an earlier leak of British Steel's Corporate Plan).

As the Defence Secretary's minute (attached) points out, there are strong grounds of precedent for refusing the request, in particular the Leader of the House's reply to a Question in 1983 (also attached). There are undoubtedly security considerations involved.

Against this, it might be argued that a compromise should be sought whereby the Chairman of the Committee is allowed to see the documents on the Committee's behalf. But once locked into a negotiation with the Committee, there will be the risk of getting carried further down the road. Paragraph 4 of the Defence Secretary's minute spells out what he regards as the essential safeguards in any such arrangement.

C.D.P.

C. D. POWELL

6 February, 1985

MO 5/21

PRIME MINISTERSINKING OF THE BELGRANO: DISCLOSURE OF INFORMATION TO THE FOREIGN AFFAIRS COMMITTEE

You recently agreed that, following a request from the Defence Counsel, the detailed and highly classified chronology of the key events leading up to the sinking of the Belgrano and supporting documents which has collectively become known as the "Crown Jewels" should be made available to the Court in the current hearing of Regina v Ponting. The Foreign Affairs Committee have now requested the Ministry of Defence to provide them with these documents "on the same basis" as they were provided to the Court. The Clerk to the Committee has asked for the documents to be in his hands by noon on 5th February.

2. There would not appear to be any possible intermediate courses of action; we have a straight choice between meeting the Committee's wishes or refusing to provide the documents. I need hardly rehearse the advantage of the latter course: concern to protect the extremely sensitive information derived from intelligence sources contained in some of the documents has been the overriding consideration which has dictated our policy on the amount of information we have been prepared to disclose. However a refusal will undoubtedly promote a strong reaction from the Committee on the grounds that we are denying the House information which has been made available to a considerable number of members of the public (the jury and court officials) in the Ponting case. Moreover, while it is not normal practice to make information classified above "Secret" available to Select Committees, the "Osmotherly Rules" which give guidance on the provision of information to such committees make it clear that "Top Secret" information can be



disclosed on the personal authority of a Minister. (Although those guidelines have not been published openly, they have been made available to the Liaison Committee and to the individual Select Committees).

3. Nevertheless, in their report in 1978 the Select Committee on Procedure recognised (para 7.13) that Ministers may wish to resist requests for information on grounds of national security, although it should be ultimately the responsibility of the Minister concerned to justify such a decision. In his reply to a question from the Chairman of the Liaison Committee on 12th May 1983 (copy attached) the Leader of the House said that "there is a long-standing convention under which the Government do not provide information or answer questions in Parliament on matters of security and intelligence, and the Government would regard itself as bound by that convention in relation to Departmental select committees no less than in relation to Parliament itself". If we are to refuse to provide the documents, I believe that this long-established policy provides the strongest grounds for so doing.

4. On the other hand, if we do decide to release the papers, we should have to make clear to the Committee that we regard this case as wholly exceptional and are meeting their request solely because the document has already been made available to a court. We would also need to consider carefully the security arrangements which would apply. The Committee have asked for the papers on the "same basis" as they were provided to the Court, but in this case both jurors and the court officials were subject to security vetting, a process which I do not believe it would be acceptable to ask members of the House to undergo. Moreover, the documents have been made available only while the Court has been in session and the jury have not been allowed to keep notes on them; they will be returned to the Ministry of Defence after the trial. If we met the Committee's request the documents would under normal procedure become the property of the House: while there is an understanding that classified material should be available to members only during Committee meetings or on request in the Committee Office,



once papers are released to the House, the Government has no further control over them. In this case I think that we would have to make it a condition of release that the documents were not copied, were safeguarded under arrangements acceptable to my Department, and were returned to the Ministry of Defence at the end of the Committee's enquiries. If the Committee refused to agree to these conditions, then we should not give them the documents.

5. Finally, if the papers are to be released, I believe that we should submit them under a covering memorandum which would explain the context in which they were commissioned and some of the technical jargon used and would correct some inaccuracies which have been identified since the documents were prepared.

6. This is clearly a difficult and finely-balanced decision, and I would welcome an early opportunity to discuss it with you and other colleagues concerned. My own preference is to withhold the papers but I feel that we shall need to be very sure of our ground before we embark on this course.

7. I am copying this minute to the Lord President, the Foreign and Commonwealth Secretary, the Home Secretary, the Lord Privy Seal, the Attorney General, the Chief Whip and the Secretary to the Cabinet.

*Handwritten signature*

Ministry of Defence  
4th February 1985